**Thursday, June 7, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the ACTING PRESIDENT, Senator ANDERSON.

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

The writer of Ecclesiastes tells us that:

“What has been will be again, what has been done will be done again; there is nothing new under the sun.” (Ecclesiastes 1:9)

Bow in prayer with me, please:

O Lord, once again we find the writer of Ecclesiastes weaving some rather melancholy if not depressing phrases into his text. It is true that some of what is debated and discussed and acted upon in this Chamber echoes of past work, of matters that are not necessarily new. Yet all the more do we praise You, God, for the labors of these servants, for their determination to bring the very best results possible for South Carolina and for every woman, man, and child whom these Senators are called to represent. May all that has been determined throughout this year be of benefit and to Your ultimate glory, Lord. In Your loving name we pray.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Statewide Appointment**

Initial Appointment, State Inspector General, with term coterminous with Governor

Patrick James Maley, 1225 Braemer Court, Birmingham, AL 35242

Referred to the Committee on Judiciary.

**Local Appointments**

Reappointment, Dillon County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Melissa Thompson, 801 East Roosevelt Street, Dillon, SC 29536

Reappointment, Horry County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Joseph C. Hetzer, 305 Ocean View Road, Myrtle Beach, SC 29572

Reappointment, Horry County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Maurice D. Jones, 4525 Canal Street, Loris, SC 29569

**REPORT RECEIVED**  
Joint Transportation Review Committee  
Post Office Box 142  
Columbia, SC 29202-0142  
June 7, 2012

The Honorable Jeffrey S. Gossett

Clerk of the Senate

South Carolina Senate

Columbia, South Carolina

The Honorable Charles F. Reid

Clerk of the House

South Carolina House of Representatives

Columbia, South Carolina

**Re: Notice of Initial Findings of Qualifications for the First District SCDOT Commission**

Dear Mr. Gossett and Mr. Reid:

The Joint Transportation Review Committee reconvened on June 7, 2012 to consider the qualifications of applicants for the South Carolina Department of Transportation Commission.  The Committee found the following individuals qualified to serve on the Commission.

First District:

Mr. Dana Beach of Charleston

Mr. James H. “Jim” Rozier of Moncks Corner

Mr. Kenneth R. Willingham of Mount Pleasant

Mr. James M. Wooten of Murrells Inlet

Unless otherwise notified, the JTRC will release a final report of qualifications at 12:00 p.m. on Sunday, June 10, 2012.  Candidates may not solicit votes until after 12:00 p.m. on Sunday, June 10, 2012.  Members of the General Assembly may not pledge their vote until after 12:00 p.m. on Sunday, June 10, 2012.

Thank you for your attention to this matter.  Please do not hesitate to contact us if you have any questions.

Sincerely,

/s/ Lawrence K. Grooms, Chairman

/s/ James H. Lucas, Vice-Chairman

**PRESIDENT PRESIDES**

At 10:17 A.M., the PRESIDENT assumed the Chair.

**Doctor of the Day**

Senators JACKSON and SCOTT introduced Dr. Beverly Simons of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 10:15 P.M., Senator PINCKNEY requested a leave of absence from 11:15 A.M. - 1:00 P.M.

**NONCONCURENCE**

**H. 4813--GENERAL APPROPRIATIONS BILL**

The House returned the Bill with amendments.

Senator LEATHERMAN moved to nonconcur in the House amendments.

The question then was the motion to concur in the House amendments.

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

**Ayes 1; Nays 34**

**AYES**

Bright

**Total--1**

**NAYS**

Alexander Anderson Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms Hayes

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--34**

The motion to concur failed.

The Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

**H. 4813--GENERAL APPROPRIATIONS BILL**

asks for a Committee of Conference, and has appointed Reps. White, G.M. Smith and Ott to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**H. 4813--CONFERENCE COMMITTEE APPOINTED**

**H. 4813--GENERAL APPROPRIATIONS BILL**

Whereupon, Senators LEATHERMAN, LAND and VERDIN were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**NONCONCURRENCE**

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.

The House returned the Joint Resolution with amendments.

Senator LEATHERMAN moved to nonconcur in the House amendments.

The question then was the motion to concur in the House amendments.

A roll call vote was ordered.

**Objection**

Senator BRIGHT asked unanimous consent to make a motion to carry over the Joint Resolution.

Senator SETZLER objected.

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

**Ayes 0; Nays 31; Present 3**

**AYES**

**Total--0**

**NAYS**

Alexander Anderson Bryant

Campbell Cleary Courson

Cromer Davis Fair

Grooms Hayes Hutto

Knotts Leatherman Leventis

Malloy *Martin, Larry* Matthews

McGill Nicholson O'Dell

Peeler Pinckney Reese

Rose Scott Sheheen

Shoopman Thomas Verdin

Williams

**Total--31**

**PRESENT**

Bright Campsen *Martin, Shane*

**Total--3**

The motion to concur failed.

The Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Statement by Senator SHANE MARTIN**

I voted “Present” because no one could tell me what the House amendments were.  How can I be asked to cast a vote of “Yes” or “No” when there isn’t any paperwork to show me what amendments the House made?  Other members tried to carry over the Joint Resolution in order to receive the proper paperwork, but were denied.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

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.

asks for a Committee of Conference, and has appointed Reps. White, G.M. Smith and Ott to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**H. 4814--CONFERENCE COMMITTEE APPOINTED**

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.

Whereupon, Senators LEATHERMAN, LAND and VERDIN were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Privilege of the Floor**

On motion of Senator KNOTTS and the Lexington County Senatorial Delegation, with unanimous consent, the Privilege of the Floor, to that area behind the rail, was extended to Mr. Elza Sanford “Sandy” Spradley, Jr. and his wife to honor him for his outstanding community and public service to Lexington County and the State of South Carolina.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1588 -- Senator Elliott: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF SOUTH CAROLINA HIGHWAYS 9 AND 31 IN HORRY COUNTY “CONGRESSMAN JOHN W. JENRETTE, JR. INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “CONGRESSMAN JOHN W. JENRETTE, JR. INTERSECTION”.

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

**Recalled and Adopted**

S. 1588 -- Senator Elliott: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF SOUTH CAROLINA HIGHWAYS 9 AND 31 IN HORRY COUNTY “CONGRESSMAN JOHN W. JENRETTE, JR. INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “CONGRESSMAN JOHN W. JENRETTE, JR. INTERSECTION”.

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

The Concurrent Resolution was recalled from the Committee on Transportation.

On motion of Senator ELLIOTT, the Concurrent Resolution was adopted, ordered sent to the House.

**Recorded Vote**

Senators VERDIN, RYBERG and GROOMS desired to be recorded as voting against the adoption of the Concurrent Resolution.

S. 1589 -- Senators Shoopman, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Thomas, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE MASTER AUGUST WADE SHOOPMAN, SON OF SENATOR AND MRS. PHILLIP SHOOPMAN, UPON THE OCCASION OF HIS GRADUATION FROM KINDERGARTEN AT BLUE RIDGE CHRISTIAN ACADEMY, TO COMMEND HIM FOR COMPLETING KINDERGARTEN WITH OUTSTANDING ACHIEVEMENTS, AND TO WISH HIM A VERY BRIGHT AND HAPPY FUTURE.

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The Senate Resolution was adopted.

S. 1590 -- Senators Shoopman, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Thomas, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE MISS CLARA MICHELLE SHOOPMAN, DAUGHTER OF SENATOR AND MRS. PHILLIP SHOOPMAN, UPON THE OCCASION OF HER ELECTION AS PRESIDENT OF THE BLUE RIDGE CHRISTIAN ACADEMY’S ELEMENTARY SCHOOL, TO COMMEND HER FOR COMPLETING THE SECOND GRADE WITH OUTSTANDING ACHIEVEMENTS, AND TO WISH HER A VERY BRIGHT AND HAPPY FUTURE.

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The Senate Resolution was adopted.

S. 1591 -- Senators Courson, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Cromer, Davis, Fair, Ford, Grooms, Gregory, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO COMMEND THE HONORABLE DICK ELLIOTT FOR THIRTY YEARS OF DISTINGUISHED SERVICE IN THE GENERAL ASSEMBLY, UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA SENATE, AND TO EXPRESS DEEP APPRECIATION FOR HIS CONTRIBUTIONS TO OUR STATE, TO THE GENERAL ASSEMBLY, AND TO HIS CONSTITUENTS.

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Whereas, the Honorable Dick Elliott has served the citizens of Dillon, Horry, Marion, and Marlboro Counties in the Senate for nineteen years with enthusiasm, devotion, and integrity; and

Whereas, he began his service in the House of Representatives for ten years from 1982 to 1992 before his election to the South Carolina Senate; and

Whereas, he was born September 26, 1935, the son of Marvin and Ara Elliott. As a young “lad” he attended Wingate Junior College from 1956 to 1958 and Clemson University in 1960; and

Whereas, Senator Elliott presently lends his expertise to six Senate committees: Agriculture and Natural Resources; Finance; Fish, Game and Forestry; Invitations; Rules; and Transportation; and

Whereas, he founded Elliott Realty in 1959 and today his son Rick ably runs the daily operations of the company; and

Whereas, he is the primary developer and owner of Eagle Nest Golf Club and Eagle Nest Estates, and he is an original founding shareholder of Beachwood Golf Club; and

Whereas, he has also served his community in many other capacities, a few of which include service as a Mason, Shriner, member of the North Myrtle Beach and Myrtle Beach Chambers of Commerce; Board of Visitors, Presbyterian College; United Way of Horry County Board; North Myrtle Beach Tourism Committee; District Governor, Lions Club; Horry County Airport Commission; South Carolina Association of Counties, 6th Congressional District Tourism Commission; Grand Strand Water and Sewer Authority; Horry-Georgetown-Williamsburg Planning Services Administration; North Myrtle Beach School Board of Trustees and Ocean Drive Planning and Development Board; and the North Myrtle Beach Jaycees; and

Whereas, he and his wife Anne Anderson Elliott are members of Ocean Drive Presbyterian Church where he has served as a deacon. They are the proud parents of three grown children, Richard, David, and Angela, and are the proud grandparents of three granddaughters, Madison, Caroline, and Blair; and

Whereas, Senator Elliott always strived for a “level playing field” for all citizens and was frequently known to say “let’s pull up a chair and talk” when compromise was needed; and

Whereas, the members of the South Carolina Senate will greatly miss the faithful service that Senator Elliott has brought to the State House and hope that he experiences many more days of health and happiness in his retirement. Now, therefore,

Be it resolved by the Senate:

That the members of the South Carolina Senate, by this resolution, commend the Honorable Dick Elliott for thirty years of distinguished service in the General Assembly, upon the occasion of his retirement from the South Carolina Senate, and to express deep appreciation for his contributions to our State, to the General Assembly, and to his constituents.

Be it further resolved that a copy of this resolution be forwarded to the Honorable Dick Elliott.

The Senate Resolution was adopted.

**Privilege of the Chamber and Floor**

On motion of Senator COURSON, with unanimous consent, the Privilege of the Chamber and Floor was extended to the Honorable Nikki Haley, Governor of the State of South Carolina, for the purpose of presenting the Order of the Palmetto to Senator ELLIOTT.

Her Excellency, Governor Nikki Haley, was escorted to the podium by Senators COURSON, PRESIDENT *Pro Tempore*, PEELER and LAND.

Governor Haley was recognized for brief remarks.

Governor Haley presented the Order of the Palmetto to Senator ELLIOTT.

**Presentation of Service Pin**

In commemoration of continuous service with the State of South Carolina, Senator COURSON, PRESIDENT *Pro Tempore* of the Senate presented a certificate and service pin to Senator ELLIOTT for his years of service:

30 Year Pin

Senator DICK ELLIOTT

**Expression of Personal Interest**

Senator ELLIOTT rose for an Expression of Personal Interest.

**Remarks by Senator ELLIOTT**

I have had a little voice, but I want to thank the Governor for the presentation of the Order of the Palmetto. It is a very rewarding to me.

Also, I wanted to introduce the North Myrtle Beach mafia to you. Some are from Camden, some from Rock Hill and some from all over the State, but they are my family. They are my friends. They are my golfing buddies and I look forward to being with them on the golf course, hopefully in a week or so. And earn my weekend spending money again.

But this is a real honor and pleasure to have served in such a distinguished body with such a wonderful group of people in the State Senate. Y’all are my friends from the left to the very right. I love you very much and I thank you all for the service you have rendered to your State and to have had the opportunity to serve with you.

God bless you all. I leave you and with an affectionate farewell in my service to the Senate.

Thank you.

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

**Remarks by Senator COURSON**

Mr. PRESIDENT, I don’t have an Order of the Palmetto or anything framed. Our finances are not as strong as we would like for it to be. Senator ELLIOTT, I do have a Certificate that is in honor and in appreciation of your 30 years of service in state government. You have served with honor and dignity and that’s all one can ask. I also have a 30 year pin that I would like to present to you.

**Expression of Personal Interest**

Senator RANKIN rose for an Expression of Personal Interest.

**Remarks by Senator RANKIN**

Thank you, Mr. PRESIDENT, and friends and family.

I want to personally congratulate DICK ELLIOTT for fighting the good fight and winning. You have been an inspiration to the Horry Delegation.

When we were elected in 1992, there wasn’t one that had a gray hair on their head, let alone had any sense of what we were doing in Columbia. DICK ELLIOTT had both and a lot of gray hair, save the time when he tried to change that hair color for just a minute. It didn’t last long. He came back to his senses. But like the gray hairs in his head, the experiences he has had, the service he has blessed Horry County with, have been a blessing to me and to every member of our delegation.

He is joined here with the high highest complement of wealth and that is family and friends. He’s been here, but he’s always been on the phone or speeding back to Horry or to Camden or to Cassatt or to every stretch of this State, pushing for Horry County. He pushed for the aged, pushed for tourism and pushed for everything that we have that we can be so proud of in Horry County.

You are a testament to what public service is all about. And as our Chaplain said last week, and I wanted to use this -- I didn’t know that this would be the occasion, but I think it is appropriate today. That the Psalmist in Psalm 90:17 says:

“May the favor of the Lord our God rest on us;

Establish the work of our hands for us --

Yes, establish the work of our hands.”

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**Remarks by Senator LOURIE**

Mr. PRESIDENT, members of Senate and distinguished guests.

I have had the pleasure of rooming with the Senator from Horry for the last six years, and Michelle, where is Michelle? Where did she run off to? Michelle, come out so everybody can see you. Michelle Neal has been such a loyal partner to both Senator ELLIOTT and me. When we were moving around rooms, Senator ELLIOTT called me and said, “Hey, buddy, do you want a roommate?” I said, “I would love one.” He said, “You know I get the big office; I have been here longer.” I said, “Senator that would be fine. It would be my honor.”

We have enjoyed a very special friendship. We were close prior to that time. We were close when we served on the House but I can tell you he’s everything all of us want to be. He’s a great family man. He’s a great father, a great husband, a great grandfather and businessman. The Senate without a doubt is losing one of the best business minds not only for this particular body but in the history of what he has seen. He has a keen, keen mind for numbers and for business.

And I’m going to miss him. He’s just been a joy to be around. If he’s ever been in a bad mood, I can tell you, I haven’t seen it, because he’s always been there to give you a Sprite or a pack of crackers. This man could live off a pack of crackers.

But when you look back at what I think defines his public service, in addition to, Senator from Horry, all he has done for Horry County -- if you had to ask in sales what we call “the elevator speech -- if you could tell somebody in 30 seconds riding up an elevator what you have done  -- I would say it is what he has done for senior citizens. There are senior centers around this State that were built and operating from the work he did many, many years ago in creating a permanent source of revenue to build senior centers for our citizens across this State. So the citizens across the State and particularly those 65 and older owe him a tremendous debt of gratitude.

The last few weeks have not been the easiest for the Senator or his family members. He was in and out of the hospital a bit, you know, about three weeks ago. He said, “Yeah, I was riding to Columbia on Tuesday morning and I saw this car around Florence and I looked at the car and I said, it says ‘State Senate.’ Then I realized it had the same tag number as I had.” I said, “That must be a mistake.” When I got close to him and I said that's just my wife, Anne, going to Columbia, too.” Well, they are a wonderful family and, DICK, from the bottom of my heart now and I speak for Michelle and the rest of us, we love you and will miss you.

We hope you will not be a stranger. Rick, you are getting your junior business partner back. Our loss is your gain and may you have a wonderful life for many, many years to come.

Thank you.

**Expression of Personal Interest**

Senator LARRY MARTIN rose for an Expression of Personal Interest.

**Remarks by Senator LARRY MARTIN**

While the Senator from Horry is standing there, on behalf of all of us that served in the House with you, there are several of us that I was thinking -- and I’m not going to name them all -- but three of us sitting here were over there with you in the House. There are several Senators scattered around the Chamber. Of course, I was privileged to come in that same class with you and the Senator from Horry, the other Senator from Horry in ’92.

What a pleasure it has been serving with you Senator ELLIOTT. You know, I think about the impact of Senators like yourself from that region of the State that you come from. Of course, both of you together have been quite a duo for the Grand Strand Region. I don’t think there is any Senator who has represented an area more ably -- and all of us hail from different regions -- through his service and commitment for that area of the State than you have in representing the Grand Strand. The business acumen that you brought to the Senate through your service and business career is appreciated. We salute you and wish you the very best. Godspeed in all of your endeavors.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**Remarks by Senator KNOTTS**

I wanted to get up to speak, and I promised my grandchildren that I would get up when they heard that Senator ELLIOTT was going to be retiring. My grandchildren wanted to make sure I reminded him of a Mr. DICK story.

We were down at the beach whenever my youngest grandson was a little over two years old, and we had him up on the pier trying to teach him how to fish. My granddaughter was up there, too. She was a little bit older and my other grandson, John Robert, was up there. They didn’t like fishing off that pier because, to start with, you didn’t know when you had a fish and when you got the fish. It was a long way to reel it up and, most of the time, the reel would get tangled, and that made them not want to fish. So I called up Senator ELLIOTT about something else, and I was telling him about my grandchildren and good-hearted as he is, he told me, “Jake, bring them down to my place. I’ve got a fishing hole called a honey hole.” He said, “They’ll catch a few fish.” Well, we had already planned a fish fry for that night, but we didn’t have any fish, so we ran down to DICK’s golf course. We stopped by and found some worms and stuff like that. We spent a whole bunch of money on bait. We got down there and my grandchildren had fishing poles then. We got some fishing poles, and we were all back there, and Senator ELLIOTT said, “It ain’t time to fish yet. Wait about five or ten minutes.” So, after ten minutes or so, we went back to his little honey hole, and my grandchildren wanted to fish. They wanted to fish. He said, “Okay, it’s time to fish. Throw it right there.” My smallest grandson, little Jake, caught his first fish. I’m talking about excited. Every time we go to the beach now, he wants to go see Mr. DICK. He said, “We’re not going to the pier to fish. We’re going to see Mr. DICK because he’s got fish. Papa, you ain’t got no fish.” I will tell you, you could tell those children really saw a quality in Senator ELLIOTT then that everybody in this State has seen over the years.

I have known him since he first came to Columbia, before I was ever in the House. I remember the old Capitol Restaurant days -- the times that they had the little get-togethers over there. He’s always been a man of character, a man of family and someone that didn’t take -- it wasn’t hard to get to know him. He was very friendly and outgoing. But you also knew whenever he was serious and you knew what he was serious on.

My grandson, little Jake, and Caitlin are in Germany as we speak. They went on vacation to Germany and during the last couple of weeks when Jake was out doing a few things with me, I told him that Mr. ELLIOTT was in the hospital -- he was concerned about you. And for someone that’s now almost 14 years old, for something to be remembered by him since the time he was two and to remember the qualities that he remembered in you -- and my other grandson and granddaughter did, too, that’s commendable, Senator.

And he made me promise -- I told him you’re retiring -- and he made me promise before he went to Germany that I would get up and remind you of the good times that you let those three children have and the wonderful fish fry that we had that night. Of course, you also taught him something else -- when you catch ‘em, you’ve got to scale ‘em and clean ‘em. And that part, he didn’t like. But he’s learned to like it because, now, he fishes every chance he gets to fish. I mean he loves it.

With that, I will say “Thank you” and thank you for all you’ve done for this State. I want to say thank you for it, and I know the people of this State -- not just your district -- appreciate you, and I hope that you’re on that golf course soon and I hope you’ve got a fishing pole in your hand the next time that we come down so that those kids can go fishing again.

Thank you.

S. 1592 -- Senator Fair: A SENATE RESOLUTION TO RECOGNIZE ADAM BRICKNER OF GREENVILLE FOR HIS DEDICATED SERVICE TO THE CITIZENS OF SOUTH CAROLINA AS PRESIDENT OF THE BOARD OF DIRECTORS OF BEHAVIORAL HEALTH SERVICES ASSOCIATION OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1593 -- Senator Jackson: A SENATE RESOLUTION TO COMMEND THE HONORABLE JULIUS MURRAY OF RICHLAND COUNTY FOR HIS SERVICE TO THE COMMUNITY AND THE STATE AND TO RECOGNIZE HIM ON THE OCCASION OF THE UNVEILING OF THE SIGN DEDICATING THE INTERSECTION LOCATED AT THE JUNCTURE OF ATLAS ROAD AND VETERANS ROAD IN RICHLAND COUNTY IN HIS HONOR.

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The Senate Resolution was adopted.

H. 5380 -- Reps. McLeod and Tribble: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSTATE HIGHWAY 26 AND SOUTH CAROLINA HIGHWAY S-36-32 (JALAPA ROAD) INTERCHANGE IN NEWBERRY COUNTY AS THE “SENATOR BOB LAKE INTERCHANGE” IN RECOGNITION OF THE DISTINGUISHED PUBLIC SERVICE OF THE HONORABLE ROBERT C. LAKE, JR., AND TO REQUEST THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE SIGNS OR MARKERS REFLECTING THIS DESIGNATION.

Senator CROMER spoke on the Resolution.

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

H. 5381 -- Reps. McLeod and Tribble: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE WILSON ROAD BRIDGE OVER THE CSX RAILROAD IN NEWBERRY COUNTY AS THE “HIGHWAY COMMISSIONER EARL BERGEN BRIDGE” IN RECOGNITION OF HIS VISION AND SIGNIFICANT ACCOMPLISHMENTS IN CREATING THE PRESENT ROADWAY SYSTEM FOR THE CITY AND COUNTY OF NEWBERRY, AND TO REQUEST THE DEPARTMENT OF TRANSPORTATION TO ERECT APPROPRIATE SIGNS OR MARKERS REFLECTING THIS DESIGNATION.

Senator CROMER spoke on the Resolution.

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

**HOUSE CONCURRENCE**

S. 1566 -- Senator L. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON HIGHWAY 137, BETWEEN NORRIS AND LIBERTY, THAT CROSSES THE TWELVE MILE RIVER, IN HONOR OF DR. VIRGIL MITCHELL, AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS “DR. VIRGIL MITCHELL BRIDGE”.

Returned with concurrence.

Received as information.

**Message from the House**

Columbia, S.C., June 6, 2012

Mr. President and Senators:

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

H. 3676 -- Reps. J.E. Smith, Clemmons, Dillard, Herbkersman, Limehouse, Mitchell and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 23 TO TITLE 31 SO AS TO ENACT THE “SOUTH CAROLINA COMMUNITY LAND TRUST ACT OF 2011”, TO DEFINE TERMS, MAKE FINDINGS, TO PROVIDE THAT THE PURPOSE OF A COMMUNITY LAND TRUST IS TO HOLD LEGAL AND EQUITABLE TITLE TO LAND TO THEN LEASE THE LAND TO PROMOTE AFFORDABILITY, TO PROVIDE THE MANNER IN WHICH COMMUNITY LAND TRUSTS ARE FUNDED, AND TO PROVIDE THE PROCESS BY WHICH COMMUNITY LAND TRUSTS OPERATE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 6, 2012

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

H. 4766 -- Reps. Stringer, Weeks and Funderburk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 33 SO AS TO ENACT THE “SOUTH CAROLINA BENEFIT CORPORATION ACT” WHICH PERMITS A CORPORATION TO ELECT AS A CORPORATE PURPOSE THE PROVIDING OF CERTAIN PUBLIC BENEFITS WITHOUT SUBJECTING THE CORPORATION OR ITS DIRECTORS TO LIABILITY OR DERIVATIVE SUIT EXCEPT FOR SPECIFIED REASONS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

H. 4788 -- Rep. Sellers: A BILL TO AMEND SECTION 50‑9‑730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES’ ABILITY TO DESIGNATE “FREE FISHING DAYS” AND SANCTION FISHING EVENTS EXEMPT FROM FISHING LICENSE REQUIREMENTS, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT TO DESIGNATE “FREE FISHING DAYS”, TO DESIGNATE JULY FOURTH AND MEMORIAL DAY AS DAYS WHEN A RESIDENT IS NOT REQUIRED TO POSSESS A LICENSE OR PERMIT FOR FRESHWATER RECREATIONAL FISHING, TO LIMIT DEPARTMENT‑SANCTIONED EVENTS THAT ARE EXEMPT FROM FISHING LICENSE REQUIREMENTS TO FRESHWATER EVENTS, AND TO EXEMPT CERTAIN COMMERCIAL FISHERMEN FROM THE PROVISIONS CONTAINED IN THIS SECTION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

H. 3986 -- Reps. Hayes and Bingham: A JOINT RESOLUTION TO ALLOW A SCHOOL DISTRICT THAT HAS RECEIVED FUNDS PURSUANT TO SECTION 59‑21‑430 THAT ARE SET TO LAPSE ON OR BEFORE JUNE 30, 2011, TO RETAIN THOSE FUNDS AND USE THEM FOR THE SAME PURPOSES UNTIL JUNE 30, 2012.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

H. 4738 -- Reps. Govan and Hearn: A BILL TO AMEND SECTION 20‑3‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY IN DIVORCE AND SEPARATE MAINTENANCE AND SUPPORT ACTIONS, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON “COHABITATION”, RATHER THAN ON “CONTINUED COHABITATION” OF THE SUPPORTED SPOUSE; TO DEFINE “COHABITATION” AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; TO AMEND SECTION 20‑3‑150, AS AMENDED, RELATING TO ALLOCATING ALIMONY TO THE SUPPORTED SPOUSE AND CHILD SUPPORT TO THE CHILDREN SUCH THAT ONLY ALIMONY IS TERMINATED UPON REMARRIAGE OR CONTINUED COHABITATION OF THE SUPPORTED SPOUSE, SO AS TO PROVIDE THAT ALIMONY IS TERMINABLE ON “COHABITATION”, RATHER THAN ON “CONTINUED COHABITATION” OF THE SUPPORTED SPOUSE; TO DEFINE “COHABITATION” AS A COMMITTED, EXCLUSIVE RELATIONSHIP FOR AN AGGREGATE OF NINETY DAYS; AND TO PROVIDE FACTORS THAT THE COURT MAY CONSIDER IN DETERMINING WHETHER COHABITATION EXISTS; AND TO AMEND SECTION 20‑3‑170, RELATING TO THE MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY, SO AS TO PROVIDE THAT UPON THE MOTION OF A PARTY TO A JUDGMENT OF DIVORCE, THE COURT SHALL CONDUCT A HEARING TO DETERMINE IF THE RETIREMENT OF THE SUPPORTING SPOUSE CONSTITUTES A CHANGE OF CIRCUMSTANCES FOR THE PURPOSE OF ALIMONY PAYMENTS AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER IN MAKING THIS DETERMINATION.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

S. 947 -- Senators Malloy and Williams: A BILL TO PROVIDE FOR AN ADVISORY REFERENDUM TO BE HELD AT THE SAME TIME AS THE 2012 GENERAL ELECTION TO DETERMINE WHETHER OR NOT THE QUALIFIED ELECTORS OF MARLBORO COUNTY FAVOR CREATING A STATE AUTHORITY TO MANAGE AND OPERATE LAKE PAUL A. WALLACE TO BE FUNDED BY THE SALE OF WATER FROM THE LAKE TO THE CITY OF BENNETTSVILLE OR OTHER USERS AND BY LOCAL PROPERTY TAX REVENUE, FEES CHARGED FOR THE USE OF THE LAKE AND OTHER FUNDING SOURCES TO OPERATE THE FACILITY FOR THE PUBLIC PURPOSE FOR WHICH IT WAS CREATED, WITH THE STATE OF SOUTH CAROLINA RETAINING OWNERSHIP OF THE LAKE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

H. 4888 -- Reps. Thayer, Owens, Daning, Brannon, Erickson, Whitmire, Atwater, R.L. Brown, Gambrell, J.M. Neal, Putnam and Willis: A BILL TO AMEND SECTION 38‑73‑470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISPOSITION OF THE UNINSURED MOTORIST FUND, SO AS TO PROVIDE THAT THE PORTION THAT WAS FORMERLY PAID TO THE DEPARTMENT OF PUBLIC SAFETY MUST BE PAID TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56‑1‑286, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER’S LICENSE OR PERMIT TO CERTAIN PERSONS WHO DRIVE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE PORTION OF THE FEE TO OBTAIN A TEMPORARY ALCOHOL LICENSE THAT WAS FORMERLY RETAINED BY THE DEPARTMENT OF PUBLIC SAFETY MUST BE DISTRIBUTED TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56‑3‑3910, RELATING TO THE ISSUANCE OF “SHAG” SPECIAL LICENSE PLATES, SO AS TO REVISE THE BIENNIAL PERIOD IN WHICH THE LICENSE PLATE MUST BE ISSUED OR REVALIDATED; TO AMEND SECTION 56‑3‑5200, RELATING TO “SOUTH CAROLINA: FIRST IN GOLF” SPECIAL LICENSE PLATES, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56‑5‑2951, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER’S LICENSE WHEN A DRIVER REFUSES TO SUBMIT TO TESTS TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56‑10‑552, RELATING TO THE UNINSURED ENFORCEMENT FUND, SO AS TO PROVIDE THAT THIS FUND WHICH WAS FORMERLY DIRECTED TO THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY MUST NOW BE DIRECTED TO THE DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES AND USED BY THE DEPARTMENT OF MOTOR VEHICLES AND THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 56‑15‑420, RELATING TO THE PROMULGATION OF CERTAIN REGULATIONS BY THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO PROVIDE THAT THESE REGULATIONS NOW WILL BE PROMULGATED BY THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56‑19‑420, AS AMENDED, RELATING TO CERTAIN FEES FOR SERVICES OFFERED BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REVISE THE DISTRIBUTION OF THESE FEES; AND TO REPEAL ARTICLE 60, CHAPTER 3, TITLE 56 RELATING TO THE ISSUANCE OF “SHRINERS” SPECIAL LICENSE PLATES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

**HOUSE BILL RETURNED**

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

H. 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.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 3918 -- Rep. White: A BILL TO AMEND CHAPTER 1, TITLE 55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE DIVISION OF AERONAUTICS WITHIN THE DEPARTMENT OF COMMERCE, SO AS TO MOVE THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF THE DIVISION OF AERONAUTICS TO THE DEPARTMENT OF TRANSPORTATION, TO REVISE CERTAIN PROVISIONS RELATING TO THE OPERATION OF INTRASTATE SCHEDULED AIRLINE SERVICE, COUNTY AVIATION COMMISSIONS, THE USE OF STATE‑OWNED AIRCRAFT, AND THE USE OF ALCOHOLIC BEVERAGES BY FLIGHT CREW MEMBERS, TO MAKE TECHNICAL CHANGES, AND TO REVISE CERTAIN PENALTIES; TO AMEND CHAPTER 3, TITLE 55, RELATING TO THE UNIFORM STATE LAWS FOR AERONAUTICS, SO AS TO MAKE TECHNICAL CHANGES, REVISE CERTAIN PROVISIONS RELATING TO THE DEFINITION OF VARIOUS FORMS OF AIRCRAFT, THE OWNERSHIP OF AIRSPACE, THE LANDING OF AN AIRCRAFT ON LANDS OR WATERS, TO PROVIDE THAT IT IS ILLEGAL TO POINT, AIM, OR DISCHARGE A LASER DEVICE AT CERTAIN AIRCRAFT, AND PROVIDE PENALTIES; TO AMEND CHAPTER 5, TITLE 55, RELATING TO THE UNIFORM STATE AERONAUTICAL REGULATORY LAW, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT CONTAINS VARIOUS TERMS AND THEIR DEFINITIONS, TO DELETE THE PROVISION THAT REQUIRES THE STATE BUDGET AND CONTROL BOARD TO PROVIDE OFFICES FOR THE DIVISION OF AERONAUTICS, TO REVISE THE DIVISION’S RESPONSIBILITIES RELATING TO ITS REGULATION OF CERTAIN AIR NAVIGATION AND AIRPORT FACILITIES, THE CONSTRUCTION OF AIRPORTS, THE REPORTS IT FILES WITH THE FEDERAL AVIATION ADMINISTRATION, AND THE OPERATION OF THE DIVISION, TO PROVIDE PENALTIES FOR VIOLATIONS OF PROVISIONS OF THIS CHAPTER, AND TO REVISE PROVISIONS RELATING TO THE USE OF MONIES CONTAINED IN THE STATE AVIATION FUND; TO AMEND CHAPTER 9, TITLE 55, RELATING TO THE UNIFORM SOUTH CAROLINA AIRPORTS ACT, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THIS CHAPTER ALSO APPLIES TO COUNTIES, AIRPORT COMMISSIONS, AND SPECIAL PURPOSE DISTRICTS, TO DELETE OBSOLETE TERMS, TO REVISE THE PROJECTS THAT MAY BE FUNDED FROM MONIES CONTAINED IN AIRPORT FACILITIES ACCOUNTS, AND TO PROVIDE FOR THE TERM “AIRPORT HAZARD” AND TO PROVIDE ITS DEFINITION AND THE REGULATION OF AN AIRPORT HAZARD; TO AMEND CHAPTER 11, TITLE 55, RELATING TO THE CREATION AND OPERATION OF CERTAIN AIRPORTS WITHIN THE STATE, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE CERTAIN OBSOLETE TERMS, TO REVISE THE PROCESS FOR THE MAKING OF CERTAIN CONTRACTS FOR THE CONSTRUCTION, ERECTION, MAINTENANCE, AND REPAIR OF CERTAIN AIRPORT FACILITIES TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES AT CERTAIN AIRPORT FACILITIES, TO REVISE CERTAIN PENALTIES, TO REVISE THE DEFINITION OF A QUORUM FOR A CERTAIN AIRPORT COMMISSION, TO EXPAND THE AUTHORITY OF CERTAIN AIRPORT COMMISSIONS TO ADOPT RULES AND PROMULGATE REGULATIONS, TO PROVIDE THAT IT IS UNLAWFUL TO ENGAGE IN CERTAIN ACTIVITIES UPON CERTAIN AIRPORT PROPERTY, TO DELETE THE TERM “SECRETARY” AND ITS DEFINITION, AND REPLACE IT WITH THE TERM “EXECUTIVE DIRECTOR” AND ITS DEFINITION AND TO MAKE TECHNICAL CHANGES; TO AMEND CHAPTER 13, TITLE 55, RELATING TO THE PROTECTION OF AIRPORTS AND AIRPORT PROPERTY, SO AS TO PROVIDE THAT THE DIVISION OF AERONAUTICS SHALL CREATE MAPS OF THE STATE’S PUBLIC USE AIRPORTS AND DISTRIBUTE THEM TO VARIOUS LOCAL GOVERNMENTAL AGENCIES FOR VARIOUS PURPOSES, AND TO DEFINE THE TERM “AIRPORT SAFETY ZONES”, TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY ASSIST WITH THE PROTECTION OF AREAS THAT POSE HAZARDS TO AIR TRAFFIC, AND TO REVISE THE PENALTIES FOR VIOLATIONS OF THIS CHAPTER; TO AMEND CHAPTER 15, TITLE 55, RELATING TO RELOCATION ASSISTANCE, SO AS TO DELETE THE TERM “DEPARTMENT OF COMMERCE” AND REPLACE IT WITH THE TERM “DEPARTMENT OF TRANSPORTATION”, AND TO MAKE TECHNICAL CHANGES; TO AMEND CHAPTER 17, TITLE 55, RELATING TO REGIONAL AIRPORT DISTRICTS, SO AS TO REVISE THE PROVISION THAT REVISES THE TYPE OF AIR CARRIERS REGULATED BY THIS CHAPTER, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 13‑1‑20, RELATING TO CERTAIN RESPONSIBILITIES OF THE DEPARTMENT OF COMMERCE, SO AS TO DELETE ITS RESPONSIBILITY TO DEVELOP STATE PUBLIC AIRPORTS AND AN AIR TRANSPORTATION SYSTEM; TO AMEND SECTION 13‑1‑30, AS AMENDED, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF COMMERCE, SO AS TO REVISE THE PROVISIONS RELATING TO THE DIVISION OF AERONAUTICS; TO AMEND SECTION 13‑1‑1000, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM “DEPARTMENT”; TO AMEND SECTION 13‑1‑1010, RELATING TO THE AERONAUTICS COMMISSION, SO AS TO PROVIDE THAT IT IS NO LONGER A DIVISION OF THE DEPARTMENT OF COMMERCE, BUT A DIVISION OF THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTIONS 57‑1‑20, 57‑1‑30, AND 57‑1‑450, ALL AS AMENDED, RELATING TO THE DUTIES, FUNCTIONS, AND RESPONSIBILITIES OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT IT SHALL HAVE A DIVISION OF AERONAUTICS, OVERSEE THE SAFETY AND DEVELOPMENT OF THE STATE’S PUBLIC USE AIRPORTS, PROVIDE SAFE RELIABLE AIR TRANSPORTATION FOR STATE GOVERNMENT AND BUSINESS PROSPECTS, AND PROVIDE THAT ITS DIRECTOR MUST BE APPOINTED BY THE GOVERNOR; AND TO REPEAL CHAPTER 8, TITLE 55, RELATING TO THE UNIFORM AIRCRAFT FINANCIAL RESPONSIBILITY ACT.

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

**Motion Under Rule 26B**

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

There was no objection.

Senators MASSEY and LEATHERMAN proposed the following amendment (3918R006.ASM), which was adopted:

Amend the bill, as and if amended, by striking SECTION 13 in its entirety and inserting:

/ SECTION 13. Section 13-1-1010 of the 1976 Code is amended to read:

“Section 13-1-1010. Notwithstanding any other provision of law, the Aeronautics Commission is hereby created within the ~~Department of Commerce~~ Budget and Control Board. The Budget and Control Board shall provide administrative support functions to the division. The commission shall oversee the operation of the division as the division’s governing body. ~~to assist the Secretary of Commerce in the operation of and to oversee the Division of Aeronautics and there~~ The Joint Bond Review Committee must review, prior to approval by the Aeronautics Commission, purchases or sales of ~~may be no purchase or sale of~~ any aeronautics assets, the value of which exceeds fifty thousand dollars. There may be no purchase or sale of any aeronautics assets without the approval of the commission ~~and the Secretary of Commerce~~.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY 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 37; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright

**Total--1**

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

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

H. 3918 -- Rep. White: A BILL TO AMEND CHAPTER 1, TITLE 55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE DIVISION OF AERONAUTICS WITHIN THE DEPARTMENT OF COMMERCE, SO AS TO MOVE THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF THE DIVISION OF AERONAUTICS TO THE DEPARTMENT OF TRANSPORTATION, TO REVISE CERTAIN PROVISIONS RELATING TO THE OPERATION OF INTRASTATE SCHEDULED AIRLINE SERVICE, COUNTY AVIATION COMMISSIONS, THE USE OF STATE‑OWNED AIRCRAFT, AND THE USE OF ALCOHOLIC BEVERAGES BY FLIGHT CREW MEMBERS, TO MAKE TECHNICAL CHANGES, AND TO REVISE CERTAIN PENALTIES; TO AMEND CHAPTER 3, TITLE 55, RELATING TO THE UNIFORM STATE LAWS FOR AERONAUTICS, SO AS TO MAKE TECHNICAL CHANGES, REVISE CERTAIN PROVISIONS RELATING TO THE DEFINITION OF VARIOUS FORMS OF AIRCRAFT, THE OWNERSHIP OF AIRSPACE, THE LANDING OF AN AIRCRAFT ON LANDS OR WATERS, TO PROVIDE THAT IT IS ILLEGAL TO POINT, AIM, OR DISCHARGE A LASER DEVICE AT CERTAIN AIRCRAFT, AND PROVIDE PENALTIES; TO AMEND CHAPTER 5, TITLE 55, RELATING TO THE UNIFORM STATE AERONAUTICAL REGULATORY LAW, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT CONTAINS VARIOUS TERMS AND THEIR DEFINITIONS, TO DELETE THE PROVISION THAT REQUIRES THE STATE BUDGET AND CONTROL BOARD TO PROVIDE OFFICES FOR THE DIVISION OF AERONAUTICS, TO REVISE THE DIVISION’S RESPONSIBILITIES RELATING TO ITS REGULATION OF CERTAIN AIR NAVIGATION AND AIRPORT FACILITIES, THE CONSTRUCTION OF AIRPORTS, THE REPORTS IT FILES WITH THE FEDERAL AVIATION ADMINISTRATION, AND THE OPERATION OF THE DIVISION, TO PROVIDE PENALTIES FOR VIOLATIONS OF PROVISIONS OF THIS CHAPTER, AND TO REVISE PROVISIONS RELATING TO THE USE OF MONIES CONTAINED IN THE STATE AVIATION FUND; TO AMEND CHAPTER 9, TITLE 55, RELATING TO THE UNIFORM SOUTH CAROLINA AIRPORTS ACT, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THIS CHAPTER ALSO APPLIES TO COUNTIES, AIRPORT COMMISSIONS, AND SPECIAL PURPOSE DISTRICTS, TO DELETE OBSOLETE TERMS, TO REVISE THE PROJECTS THAT MAY BE FUNDED FROM MONIES CONTAINED IN AIRPORT FACILITIES ACCOUNTS, AND TO PROVIDE FOR THE TERM “AIRPORT HAZARD” AND TO PROVIDE ITS DEFINITION AND THE REGULATION OF AN AIRPORT HAZARD; TO AMEND CHAPTER 11, TITLE 55, RELATING TO THE CREATION AND OPERATION OF CERTAIN AIRPORTS WITHIN THE STATE, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE CERTAIN OBSOLETE TERMS, TO REVISE THE PROCESS FOR THE MAKING OF CERTAIN CONTRACTS FOR THE CONSTRUCTION, ERECTION, MAINTENANCE, AND REPAIR OF CERTAIN AIRPORT FACILITIES TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES AT CERTAIN AIRPORT FACILITIES, TO REVISE CERTAIN PENALTIES, TO REVISE THE DEFINITION OF A QUORUM FOR A CERTAIN AIRPORT COMMISSION, TO EXPAND THE AUTHORITY OF CERTAIN AIRPORT COMMISSIONS TO ADOPT RULES AND PROMULGATE REGULATIONS, TO PROVIDE THAT IT IS UNLAWFUL TO ENGAGE IN CERTAIN ACTIVITIES UPON CERTAIN AIRPORT PROPERTY, TO DELETE THE TERM “SECRETARY” AND ITS DEFINITION, AND REPLACE IT WITH THE TERM “EXECUTIVE DIRECTOR” AND ITS DEFINITION AND TO MAKE TECHNICAL CHANGES; TO AMEND CHAPTER 13, TITLE 55, RELATING TO THE PROTECTION OF AIRPORTS AND AIRPORT PROPERTY, SO AS TO PROVIDE THAT THE DIVISION OF AERONAUTICS SHALL CREATE MAPS OF THE STATE’S PUBLIC USE AIRPORTS AND DISTRIBUTE THEM TO VARIOUS LOCAL GOVERNMENTAL AGENCIES FOR VARIOUS PURPOSES, AND TO DEFINE THE TERM “AIRPORT SAFETY ZONES”, TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY ASSIST WITH THE PROTECTION OF AREAS THAT POSE HAZARDS TO AIR TRAFFIC, AND TO REVISE THE PENALTIES FOR VIOLATIONS OF THIS CHAPTER; TO AMEND CHAPTER 15, TITLE 55, RELATING TO RELOCATION ASSISTANCE, SO AS TO DELETE THE TERM “DEPARTMENT OF COMMERCE” AND REPLACE IT WITH THE TERM “DEPARTMENT OF TRANSPORTATION”, AND TO MAKE TECHNICAL CHANGES; TO AMEND CHAPTER 17, TITLE 55, RELATING TO REGIONAL AIRPORT DISTRICTS, SO AS TO REVISE THE PROVISION THAT REVISES THE TYPE OF AIR CARRIERS REGULATED BY THIS CHAPTER, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 13‑1‑20, RELATING TO CERTAIN RESPONSIBILITIES OF THE DEPARTMENT OF COMMERCE, SO AS TO DELETE ITS RESPONSIBILITY TO DEVELOP STATE PUBLIC AIRPORTS AND AN AIR TRANSPORTATION SYSTEM; TO AMEND SECTION 13‑1‑30, AS AMENDED, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF COMMERCE, SO AS TO REVISE THE PROVISIONS RELATING TO THE DIVISION OF AERONAUTICS; TO AMEND SECTION 13‑1‑1000, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM “DEPARTMENT”; TO AMEND SECTION 13‑1‑1010, RELATING TO THE AERONAUTICS COMMISSION, SO AS TO PROVIDE THAT IT IS NO LONGER A DIVISION OF THE DEPARTMENT OF COMMERCE, BUT A DIVISION OF THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTIONS 57‑1‑20, 57‑1‑30, AND 57‑1‑450, ALL AS AMENDED, RELATING TO THE DUTIES, FUNCTIONS, AND RESPONSIBILITIES OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT IT SHALL HAVE A DIVISION OF AERONAUTICS, OVERSEE THE SAFETY AND DEVELOPMENT OF THE STATE’S PUBLIC USE AIRPORTS, PROVIDE SAFE RELIABLE AIR TRANSPORTATION FOR STATE GOVERNMENT AND BUSINESS PROSPECTS, AND PROVIDE THAT ITS DIRECTOR MUST BE APPOINTED BY THE GOVERNOR; AND TO REPEAL CHAPTER 8, TITLE 55, RELATING TO THE UNIFORM AIRCRAFT FINANCIAL RESPONSIBILITY ACT.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**READ THE THIRD TIME, SENT TO THE HOUSE**

S. 224 -- Senators Knotts and Ford: A BILL TO AMEND SECTION 59‑111‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FREE TUITION FOR CERTAIN VETERANS’ CHILDREN, SO AS TO ALSO PROVIDE FREE TUITION TO CHILDREN OF CERTAIN ACTIVE DUTY SERVICE MEMBERS WITH HONORABLE WARTIME SERVICE.

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

Senator KNOTTS explained the Bill.

Senator KNOTTS: Mr. PRESIDENT, this is simply a Bill that would give free tuition for children of certain active duty service members with honorable war time services. Veterans who have served in the Afghan War or Vietnam War or Iraq and it would give them that benefit.

PRESIDENT: The Senator from Sumter.

**Remarks by Senator LEVENTIS**

I really have to explain. I may be one of the few that would be eligible for this, and so I may be one of the few that can really question the notion of just how much we can do in this regard. I would love to do it, but I would love to do it for the firemen, too. I would love to do it for the teachers who dedicate their entire lives on the front line of our school boards, etc. and so I would like to carry this over until we at least see if we can get a fiscal impact statement and then we can discuss it more broadly.

Senator LARRY MARTIN: Mr. PRESIDENT, the only comment I would make is in response to what’s been said is that the Bill is well‑intended but it is a Senate Bill. It can’t pass. I think it is more of a statement at this point than anything.

Senator LEVENTIS: Mr. PRESIDENT, I understand that, and with that in mind, I would just ask for two things to happen -- one, that we proceed with the Bill, and, two, that you put my remarks in the Journal and I would withdraw my motion to carry this Bill over.

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

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

**Ayes 35; Nays 0; Abstain 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Cromer Davis

Fair Gregory Grooms

Hayes Jackson Knotts

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

**ABSTAIN**

Leventis

**Total--1**

The Bill was read the third time and ordered sent the House of Representatives.

**AMENDED, READ THE THIRD TIME**

S. 1583 -- 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.

Senator PINCKNEY proposed the following amendment (GGS\22441ZW12), 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 seven 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‑53‑00‑12A 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 3,559 19 0.54% 1,188 33.38% 2,202 61.87% 2,675

2 3,517 -23 -0.65% 1,824 51.86% 1,109 31.53% 2,625

3 3,569 29 0.82% 922 25.83% 2,108 59.06% 2,882

4 3,470 -70 -1.98% 2,048 59.02% 896 25.82% 2,710

5 3,453 -87 -2.46% 1,195 34.61% 2,011 58.24% 2,554

6 3,662 122 3.45% 1,059 28.92% 1,243 33.94% 2,627

7 3,547 7 0.20% 1,027 28.95% 1,832 51.65% 2,563

District %VAP NHWVAP %NHWVAP NHBVAP %NHBVAP AllOth AllOthVAP

1 75.16% 905 33.83% 1,663 62.17% 169 107

2 74.64% 1,461 55.66% 780 29.71% 584 384

3 80.75% 821 28.49% 1.724 59.82% 539 337

4 78.10% 1,689 62.32% 657 24.24% 526 364

5 73.96% 964 37.74% 1,429 55.95% 247 161

6 71.74% 865 32.93% 875 33.31% 1,360 887

7 72.26% 816 31.84% 1,313 51.23% 688 434

District 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, beginning with the 2012 General Election, in order to qualify as a candidate for an even numbered election district seat on the Jasper County Board of Education, a person shall file a statement of candidacy with the county election commission no earlier than August first, or if August first falls on Sunday, no earlier than the following Monday, and no later than twelve o’clock noon on August fifteenth, or if August fifteenth falls on Sunday, no later than twelve o’clock noon on the following Monday. In 2014 the odd numbered election district seats on the Jasper County Board of Education shall offer for election by filing a statement of candidacy with the county election commission. The statement of candidacy must be a sworn statement and must include the candidate’s name, age, voting precinct, and any other information the county election commission requires. A candidate for a single‑member election district seat also shall indicate for which seat number he is filing. When more than one person is seeking election to a single seat on the Jasper County Board of Education, the candidate who receives the highest number of votes is declared the winner of the seat. The county registration and election commission shall conduct and supervise the elections for board members in the manner governed by the election laws of this State, mutatis mutandis.

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.

The question then was third reading of the Bill.

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**

**RETURNED TO THE HOUSE**

H. 3790 -- Rep. Sellers: A BILL TO CREATE THE BAMBERG COUNTY WATER AND SEWER AUTHORITY; TO PROVIDE FOR ITS DUTIES, RESPONSIBILITIES, AND POWERS; AND TO PROVIDE FOR THE APPOINTMENT AND TERMS OF THE AUTHORITY’S MEMBERS.

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

Senator HUTTO proposed the following amendment (3790MW1), which was adopted:

Amend the bill, as and if amended, SECTION 2, page 1, line 34, by striking /five/ and inserting /seven /.

Further amend the bill, as and if amended, SECTION 2, page 1, by striking lines 39-40 and inserting the following:

/ two years, two for terms of four years, two for a term of six years, and one for a term of eight years. Upon the termination of the terms of the original members, /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

**PROPOSED AMENDMENT WITHDRAWN**

**AMENDMENT PROPOSED, CARRIED OVER**

H. 3266 -- Reps. Owens, Hiott, Whipper and R.L. Brown: A BILL TO AMEND SECTION 57‑5‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL COMPOSITION OF THE STATE HIGHWAY SYSTEM, SO AS TO PROVIDE THAT ALL HIGHWAYS IN THE STATE HIGHWAY SYSTEM MUST BE BUILT ACCORDING TO STATE STANDARDS AND TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY USE CERTAIN FUNDS TO MAINTAIN THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57‑5‑70, RELATING TO ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ADD COUNTY AND MUNICIPAL ROADS TO THE STATE HIGHWAY SYSTEM WHEN NECESSARY FOR THE INTERCONNECTIVITY OF THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57‑5‑80, RELATING TO THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO REVISE THE PROCEDURE FOR THE REMOVAL OF ROADS FROM THE STATE HIGHWAY SYSTEM WHEN A GOVERNMENTAL AGENCY AGREES TO ACCEPT THE ROAD INTO ITS OWN HIGHWAY SYSTEM; AND TO REPEAL SECTION 57‑5‑90 RELATING TO BELT LINES AN SPURS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. 3 (3266R003.LKG) proposed by Senator GROOMS and previously printed in the Journal of Thursday, January 10, 2012.

On motion of Senator GROOMS, with unanimous consent, Amendment No. 3 was withdrawn.

**Amendment No. 4**

Senator KNOTTS proposed the following amendment (3266R004.JMK):

Amend the bill, as and if amended, by striking SECTION 3 and inserting:

/ SECTION 3. Section 57‑5‑80 of the 1976 Code is amended to read:

“Section 57‑5‑80. ~~The department may delete and remove from the state highway secondary system: of roads in any county any roads which are of low traffic importance and substitute therefor an equal, or less, mileage of other roads of higher traffic importance as determined by traffic surveys and estimates. Maintenance responsibility for roads deleted and removed from the state highway secondary system pursuant to the provisions of this section shall transfer from the jurisdiction of the department to the jurisdiction of the county, or municipality in which such roads are situated, effective upon notice from the department of official action deleting and removing the roads from the state highway system.~~

(A) The department may transfer from the state highway secondary system any road under its jurisdiction, determined by the department to be of low traffic importance, to one of the parties indicated in this section if mutual consent is reached between the department and the party that the road is being transferred to:

(1) a county or municipality;

(2) a school;

(3) a governmental agency;

(4) a nongovernmental entity; or

(5) a person.

(B) In all cases, the county or municipality shall have right of first refusal to accept roads into their maintenance responsibility when roads are considered for transfer from the state highway system to a non‑governmental entity or person. Maintenance responsibility for roads transferred from the state highway system pursuant to the provisions of this section shall transfer from the jurisdiction of the department to the jurisdiction of the county or municipality, school, governmental agency, nongovernmental entity, or person, effective upon notice from the department of official action removing the road from the state highway system. Notification of the transfer must be given to the county’s legislative delegation at least ninety days prior to the transfer being considered by the commission.

(C) Any transfer pursuant to this section must be approved by a majority of the commissioners including the commissioner representing the congressional district in which the road is located.

(D) Roads transferred from the state highway secondary system pursuant to this section may not be converted to a toll road.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDMENT PROPOSED**

H. 4678 -- Reps. Nanney, Brantley, Clemmons, Toole, Parker, Long, Allison, Limehouse, J.R. Smith, Bedingfield, Bowen, Corbin, Hamilton, Henderson, Hixon, Stringer and Willis: A BILL TO AMEND SECTION 29‑3‑330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORDS, SO AS TO PROVIDE THAT The mortgagee of record, the owner or holder of the debt instrument secured by the mortgage, the trustee or beneficiary of a deed of trust, or the legal representative or attorney‑in‑fact of any of those parties may execute a mortgage satisfaction or deed of trust release, AND TO PROVIDE A PROCEDURE AND FORM FOR USE IN THIS EXECUTION.

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

The Committee on Banking and Insurance proposed the following amendment (AGM\19549AB12), which was adopted:

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

/ SECTION 1. Section 29‑3‑330 of the 1976 Code, as last amended by Act 19 of 2011, is further amended to read:

“Section 29‑3‑330. Any mortgage, deed of trust, or other written instrument securing the payment of money and being a lien upon real property may be ~~cancelled, discharged, and~~ satisfied or released by any of the following methods:

(a) The mortgagee or other person being the owner or holder of the mortgage, as appears by the record of the instrument or any assignment of the instrument, or the legal representative, agent or officer, or attorney‑in‑fact, under a written instrument duly recorded, of the holder of the instrument, may exhibit the instrument to the officer or his deputy who has charge of the recording of the instrument and then in the presence of the officer or his deputy write across the face of the record of the instrument the words ‘The debt secured is paid in full and the lien of this instrument is satisfied’, ‘The lien of this instrument has been released’, or words of like meaning and date the notation and sign it, the signature to be witnessed by the officer or his deputy~~;~~.

(b) The satisfaction or release of the mortgage, deed of trust, or other instrument securing the payment of money and being a lien upon real property may be written upon or attached to the original instrument and executed by any person above named in the presence of one or more witnesses, in which event the satisfaction or release must be recorded across the face of the record of the original instrument~~; or~~.

(c) The mortgagee of record, the owner or holder of the debt instrument secured by the mortgage, the trustee or beneficiary of a deed of trust, or the legal representative, agent or officer, or attorney‑in‑fact, under a written instrument duly recorded, of any of these parties may execute a satisfaction or release of a mortgage or deed of trust. This satisfaction or release must be signed in the presence of two witnesses, acknowledged, and must be in substantially the same form as follows:

‘STATE OF SOUTH CAROLINA MORTGAGE/DEED OF TRUST SATISFACTION PURSUANT TO SECTION 29‑3‑330(c) OF THE SOUTH CAROLINA CODE OF LAWS, 1976

The undersigned being the mortgagee of record, the owner or holder of the debt instrument secured by the mortgage, the trustee or beneficiary of a deed of trust, or the legal representative, agent or officer, or attorney‑in‑fact, under a written agreement duly recorded, of any of the these parties, certifies:

The debt secured by the mortgage/deed of trust recorded in the office of the Register of Deeds of \_\_\_\_\_\_\_\_\_\_\_\_ County in book \_\_\_\_\_\_ at page \_\_\_\_\_\_ is paid in full or the lien or the foregoing instrument has been released. The Register of Deeds may enter this cancellation into record.

WITNESS my/our hand this \_\_\_ day of \_\_\_\_, 20 \_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness Signature)

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_

This instrument was acknowledged before me this (date) by (name of officer/authorized signer, title of officer/authorized signer), of (name of corporation/entity acknowledging), a (state or place of incorporation/formation), on behalf of the corporation/entity.

Signature of Notary \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name of Notary \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’

This notary acknowledgment form does not preclude the use of any other form of acknowledgment permitted by South Carolina law. The filing of this satisfaction shall satisfy or release the lien of the mortgage or deed of trust. Upon presentation to the Office of the Register of Deeds, the register shall record this release pursuant to Section 29‑3‑330(c) and mark the mortgage or deed of trust satisfied of record.

(~~c~~d)(i) In case the original mortgage, deed of trust, or other instrument securing the payment of money and being a lien upon real property has been lost or destroyed it may be satisfied or released, either by the owner and holder of the instrument in person or his personal representative, legal representative, agent or officer, or duly authorized attorney‑in‑fact, by an instrument in writing duly executed in the presence of two witnesses and acknowledged pursuant to the Uniform Recognition of Acknowledgments Act in Chapter 3, Title 26, and in addition the person executing the satisfaction or release shall make an affidavit that he or the person he represents is at the time of the satisfaction or release a bona fide owner and holder of the mortgage, deed of trust, or other instrument securing the payment of money and being a lien upon real property and that has not been assigned, hypothecated, or otherwise disposed of. The affidavit must be recorded along with the satisfaction or release. The maker of any affidavit which is false is guilty of perjury and punished as by law provided for the punishment of perjury.

(ii) The signature of the owner or holder of the instrument which has been lost or destroyed to which this section applies may be proved in the manner provided above or in the alternative may also be acknowledged by the owner or holder of the instrument, his legal representative, agent or officer, or duly authorized attorney‑in‑fact, in the presence of two witnesses, taken before an officer competent to administer an oath. The form of the acknowledgement must be as provided in Section 30‑5‑30(C) and if the acknowledgement is taken outside this State, it may be taken in the manner provided in Section 30‑5‑30(B).

(~~d~~e) If the mortgage, deed of trust, or other written instrument was recorded in counterparts, the original of the instrument need not be presented and the satisfaction or release of it may be evidenced by an instrument of satisfaction~~,~~ or release, ~~or discharge,~~ which may be executed in counterparts, executed by the mortgagee, the holder of the mortgage, the legal representative, agent or officer, or the attorney‑in‑fact under a written instrument duly recorded. Upon presentation of the instrument of satisfaction~~,~~ or release, ~~or discharge,~~ or a counterpart of it, the officer or his deputy having charge of the recording of instruments shall record the same.

(~~e~~f) Any licensed attorney admitted to practice in the State of South Carolina who can provide proof of payment of funds by evidence of payment made payable to the mortgagee, holder of record, servicer, or other party entitled to receive payment may record, or cause to be recorded, an affidavit, in writing, duly executed in the presence of two witnesses and acknowledged pursuant to the Uniform Recognition of Acknowledgments Act in Chapter 3, Title 26, which states that full payment of the balance or payoff amount of the mortgage or other instrument securing the payment of money and being a lien upon real property has been made and that evidence of payment from the mortgagee, assignee, or servicer exists. This affidavit, duly recorded in the appropriate county, shall serve as notice of satisfaction of the mortgage and release of the lien upon the real property. The filing of the affidavit ~~shall~~ must be sufficient to satisfy~~,~~ or release~~, or discharge~~ the lien. Upon presentation of the instrument of satisfaction~~,~~ or release, ~~or discharge,~~ the officer or his deputy having charge of the recording of instruments shall record the same. This section may not be construed to require an attorney to record an affidavit pursuant to this item or to create liability for failure to file such affidavit. The licensed attorney signing any such instrument which is false is guilty of perjury and subject to Section 16‑9‑10 and shall be liable for damages that any person may sustain as a result of the false affidavit, including reasonable attorney’s fees incurred in connection with the recovery of such damages. The affidavit referred to in this item shall be as follows:

‘STATE OF SOUTH CAROLINA MORTGAGE LIEN

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_ SATISFACTION AFFIDAVIT

PURSUANT TO ~~Section~~ SECTION 29‑3‑330

OF SC CODE OF LAWS

FOR BOOK \_\_\_\_ PAGE \_\_\_\_\_

The undersigned on oath, being first duly sworn, hereby certifies as follows:

1. The undersigned is a licensed attorney admitted to practice in the State of South Carolina.

2. That with respect to the mortgage given by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_ and recorded in the offices of the Register of Deeds in book \_\_\_\_\_\_\_\_\_ at page \_\_\_\_\_\_\_\_:

a. [ ] That the undersigned was given written payoff information and made such payoff and is in possession of a canceled check or other evidence of payment to the mortgagee, holder of record, or representative servicer;

b. [ ] That the undersigned was given written payoff information and made such payoff by wire transfer or other electronic means to the mortgagee, holder of record, or representative servicer and has confirmation from the undersigned’s bank of the transfer to the account provided by the mortgagee, holder of record, or representative servicer.

Under penalties of perjury, I declare that I have examined this affidavit this \_\_\_ day of \_\_\_\_ and, to the best of my knowledge and belief, it is true, correct, and complete.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness) (Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness) (Name‑‑Please Print)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Attorney’s S.C. Bar number)

STATE OF SOUTH CAROLINA ACKNOWLEDGEMENT

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’

Upon presentation to the office of the Register of Deeds, the register is directed to record pursuant to Section 29‑3‑330(e) and mark the mortgage or deed of trust satisfied or released of record.”

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

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the committee amendment.

The committee amendment was adopted.

Senator SHEHEEN proposed the following amendment (AGM\  
19686AB12):

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

/ SECTION 1. Section 29‑3‑330 of the 1976 Code, as last amended by Act 19 of 2011, is further amended to read:

“Section 29‑3‑330. Any mortgage, deed of trust, or other written instrument securing the payment of money and being a lien upon real property may be ~~cancelled, discharged, and~~ satisfied or released by any of the following methods:

(a) ~~The mortgagee or other person being the owner or holder of the mortgage, as appears by the record of the instrument or any assignment of the instrument,~~ The mortgage of record, the owner or holder of the debt instrument secured by the mortgage, the trustee of a deed of trust, or the legal representative, agent or officer, or attorney‑in‑fact, under a written instrument duly recorded~~, of the holder of the instrument,~~ of any of these parties may exhibit the instrument to the ~~officer or his deputy~~ Clerk of Court or the Register of Deeds who has charge of the recording of the instrument and then in the presence of the ~~officer or his deputy~~ Clerk of Court or Register of Deeds write across the face of the record of the instrument the words ‘The debt secured is paid in full and the lien of this instrument is satisfied’, or ‘The lien of this instrument has been released’, or words of like meaning and date the notation and sign it, the signature to be witnessed by the ~~officer or his deputy;~~ Clerk of Court or Register of Deeds.

(b) The satisfaction or release of the mortgage, deed of trust, or other instrument securing the payment of money and being a lien upon real property may be written upon or attached to the original instrument and executed by any person above named in the presence of one or more witnesses, in which event the satisfaction or release must be recorded across the face of the record of the original instrument~~; or~~.

(c) The mortgagee of record, the owner or holder of the debt instrument secured by the mortgage, the trustee or beneficiary of a deed of trust, or the legal representative, agent or officer, or attorney‑in‑fact, under a written instrument duly recorded, of any of these parties may execute a satisfaction or release of a mortgage or deed of trust. This satisfaction or release must be signed in the presence of two witnesses, acknowledged, and must be in substantially the same form as follows:

‘STATE OF SOUTH CAROLINA MORTGAGE/DEED OF TRUST SATISFACTION OR RELEASE

PURSUANT TO SECTION 29‑3‑330(c) OF THE SOUTH CAROLINA CODE OF LAWS, 1976

The undersigned being the mortgagee of record, the owner or holder of the debt instrument secured by the mortgage, the trustee or beneficiary of a deed of trust, or the legal representative, agent or officer, or attorney‑in‑fact, under a written agreement duly recorded, of any of the these parties, certifies:

The debt secured by the mortgage/deed of trust recorded in the office of the Clerk of Court or Register of Deeds of \_\_\_\_\_\_\_\_\_\_\_\_ County in book \_\_\_\_\_\_ at page \_\_\_\_\_\_ is paid in full or the lien of the foregoing instrument has been released. The Clerk of Court or Register of Deeds may enter this satisfaction or release into record.

WITNESS my/our hand this \_\_\_ day of \_\_\_\_, 20 \_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness Signature)

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_

This instrument was acknowledged before me this (date) by (name of officer/authorized signer, title of officer/authorized signer), of (name of corporation/entity acknowledging), a (state or place of incorporation/formation), on behalf of the corporation/entity.

Signature of Notary \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name of Notary \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’

This notary acknowledgment form does not preclude the use of any other form of acknowledgment permitted by South Carolina law. Upon presentation, the clerk or register shall record this satisfaction or release pursuant to Section 29‑3‑330(c) and mark the mortgage or deed of trust satisfied or released of record.

This form, satisfying or releasing the lien of the mortgage or deed of trust, may be filed electronically in compliance with the Uniform Electronic Recording of Real Property Act in Chapter 6, Title 30.

(~~c~~d)(i) ~~In case~~ If the original mortgage, deed of trust, or other instrument securing the payment of money and being a lien upon real property has been lost or destroyed it may be satisfied or released, either by the owner and holder of the instrument in person or his personal representative, legal representative, agent or officer, or duly authorized attorney‑in‑fact, under a written instrument duly recorded of any of these parties, by an instrument in writing duly executed in the presence of two witnesses and acknowledged pursuant to the Uniform Recognition of Acknowledgments Act in Chapter 3, Title 26, and in addition the person executing the satisfaction or release shall make an affidavit that he or the person he represents is at the time of the satisfaction or release a bona fide owner and holder of the mortgage, deed of trust, or other instrument securing the payment of money and being a lien upon real property and that has not been assigned, hypothecated, or otherwise disposed of. The affidavit must be recorded along with the satisfaction or release. The maker of any affidavit which is false is guilty of perjury and punished as by law provided for the punishment of perjury.

(ii) The signature of the owner or holder of the instrument which has been lost or destroyed to which this section applies may be proved in the manner provided above or in the alternative may also be acknowledged by the owner or holder of the instrument, his legal representative, agent or officer, or duly authorized attorney‑in‑fact, under a written instrument duly recorded of any of these parties, in the presence of two witnesses, taken before an officer ~~competent~~ authorized to administer an oath. The form of the acknowledgement must be as provided in Section 30‑5‑30(C) and if the acknowledgement is taken outside this State, it may be taken in the manner provided in Section 30‑5‑30(B).

(~~d~~e) If the mortgage, deed of trust, or other written instrument was recorded in counterparts, the original of the instrument need not be presented and the satisfaction ~~of it~~ or release may be evidenced by an instrument of satisfaction~~,~~ or release, ~~or discharge,~~ which may be executed in counterparts, executed by the mortgagee, the holder of the mortgage, the legal representative, agent or officer, or the attorney‑in‑fact under a written instrument duly recorded of any of these parties. Upon presentation of the instrument of satisfaction~~,~~ or release, ~~or discharge,~~ or a counterpart of it, the officer or his deputy having charge of the recording of instruments shall record the same.

(~~e~~f) ~~Any~~ With respect to a mortgage or deed of trust, any licensed attorney admitted to practice in the State of South Carolina who can provide proof of payment of funds by evidence of payment made payable to the mortgagee, holder of record, servicer, or other party entitled to receive payment may record, or cause to be recorded, an affidavit, in writing, duly executed in the presence of two witnesses and acknowledged pursuant to the Uniform Recognition of Acknowledgments Act in Chapter 3, Title 26, which states that full payment of the balance or payoff amount of the mortgage or other instrument securing the payment of money and being a lien upon real property has been made and that evidence of payment from the mortgagee, assignee, or servicer exists. This affidavit, duly recorded in the appropriate county, shall serve as notice of satisfaction of the mortgage and release of the lien upon the real property. The filing of the affidavit ~~shall~~ must be sufficient to satisfy~~,~~ or release~~, or discharge~~ the lien. Upon presentation of the instrument of satisfaction~~,~~ or release, ~~or discharge,~~ the ~~officer or his deputy~~ Clerk of Court or Register of Deeds having charge of the recording of instruments shall record the same. This section may not be construed to require an attorney to record an affidavit pursuant to this item or to create liability for failure to file such affidavit. The licensed attorney signing any such instrument which is false is guilty of perjury and subject to Section 16‑9‑10 and ~~shall~~ must be liable for damages that any person may sustain as a result of the false affidavit, including reasonable attorney’s fees incurred in connection with the recovery of such damages. The affidavit referred to in this ~~item shall~~ subsection must be as follows:

‘STATE OF SOUTH CAROLINA MORTGAGE OR DEED OF TRUST LIEN

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_ SATISFACTION OR RELEASE AFFIDAVIT

PURSUANT TO ~~Section~~ SECTION 29‑3‑330

OF SC CODE OF LAWS

FOR BOOK \_\_\_\_ PAGE \_\_\_\_\_

The undersigned on oath, being first duly sworn, hereby certifies as follows:

1. The undersigned is a licensed attorney admitted to practice in the State of South Carolina.

2. ~~That with~~ With respect to the mortgage or deed of trust given by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_ and recorded in the ~~offices~~ office of the Clerk of Court or Register of Deeds in book \_\_\_\_\_\_\_\_\_ at page \_\_\_\_\_\_\_\_:

a. [ ] ~~That the~~ The undersigned was given written payoff information and made such payoff and is in possession of a canceled check or other evidence of payment to the mortgagee, holder of record, or representative servicer;

b. [ ] ~~That the~~ The undersigned was given written payoff information and made such payoff by wire transfer or other electronic means to the mortgagee, holder of record, or representative servicer and has confirmation from the undersigned’s bank of the transfer to the account provided by the mortgagee, holder of record, or representative servicer.

Under penalties of perjury, I declare that I have examined this affidavit this \_\_\_ day of \_\_\_\_ and, to the best of my knowledge and belief, it is true, correct, and complete.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness) (Signature)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness) (Name‑‑Please Print)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Attorney’s S.C. Bar number)

STATE OF SOUTH CAROLINA ACKNOWLEDGEMENT

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public for South Carolina

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’

Upon presentation ~~to the office of the Register of Deeds~~, the clerk or register is directed to record pursuant to Section 29‑3‑330(e) and mark the mortgage or deed of trust satisfied or released of record.”

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

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The Bill was carried over.

**CARRIED OVER**

S. 1221 -- Senators O’Dell and Ford: A BILL TO AMEND SECTION 29‑5‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISSOLUTION OF A MECHANIC’S LIEN UPON THE FAILURE OF A CERTAIN EVENT TO OCCUR WITHIN A SPECIFIC TIME PERIOD, SO AS TO ADD A BASIS FOR BEGINNING THE RUNNING OF THIS TIME PERIOD, AND TO CORRECT ARCHAIC LANGUAGE.

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

H. 3897 -- Reps. Stringer and Ballentine: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ENVIRONMENTAL PROTECTION FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4132, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

**OBJECTION**

S. 5 -- Senators Leatherman, Rose, McConnell, Campsen, Fair, Rankin, Cromer, Alexander and Elliott: A BILL TO AMEND CHAPTER 38, TITLE 1 OF THE 1976 CODE TO ENACT THE “HEALTHCARE FREEDOM ACT”, BY ADDING SECTION 38-1-40 TO PROVIDE THAT A CITIZEN OF THIS STATE HAS THE RIGHT TO PURCHASE HEALTH INSURANCE OR REFUSE TO PURCHASE HEALTH INSURANCE, TO PROVIDE THAT THE GOVERNMENT MAY NOT ENACT A LAW THAT WOULD INTERFERE, RESTRICT, OR PUNISH A CITIZEN FOR EXERCISING THESE RIGHTS, AND TO PROVIDE THAT ANY LAW TO THE CONTRARY SHALL BE VOID AB INITIO.

Senator GROOMS objected to further consideration.

**OBJECTION**

S. 457 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑116‑45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59‑116‑10, 59‑116‑20, AND 59‑116‑30, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS “CAMPUS” AND “CAMPUS POLICE OFFICER”, AND TO DEFINE THE TERM “CAMPUS SECURITY OFFICER”, TO PROVIDE THAT THESE PROVISIONS APPLY TO PRIVATE INSTITUTIONS, TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CAMPUS SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER’S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; TO AMEND SECTION 59‑116‑50, RELATING TO THE RANKS AND GRADES OF CAMPUS POLICE OFFICERS, SO AS TO DELETE THE TERM “PUBLIC SAFETY DIRECTOR” AND REPLACE IT WITH THE TERM “CHIEF LAW ENFORCEMENT EXECUTIVE”, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE INSTITUTIONS; TO AMEND SECTION 59‑116‑60, RELATING TO CAMPUS POLICE VEHICLES AND RADIO SYSTEMS, SO AS TO SUBSTITUTE THE TERM “CAMPUS POLICE DEPARTMENTS” FOR THE TERM “SAFETY AND SECURITY DEPARTMENTS”; TO AMEND SECTION 59‑116‑80, RELATING TO IMPERSONATING A CAMPUS POLICE OFFICER, SO AS TO SUBSTITUTE THE TERM “CAMPUS SECURITY DEPARTMENT” FOR THE TERM “SAFETY AND SECURITY DEPARTMENT”, TO PROVIDE THAT THIS PROVISION APPLIES TO A PRIVATE COLLEGE OR UNIVERSITY, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 59‑116‑100, RELATING TO THE PROCESSING OF A PERSON ARRESTED BY A CAMPUS POLICE OFFICER, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO THE ARREST OF A PERSON BY A CAMPUS SECURITY OFFICER; TO AMEND SECTION 59‑116‑120, RELATING TO COLLEGES AND UNIVERSITIES EMPLOYING SECURITY PERSONNEL, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE COLLEGES AND UNIVERSITIES, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTION 59‑116‑70 RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

Senator GROOMS objected to further consideration.

**OBJECTION**

H. 3209 -- Reps. Cobb‑Hunter, Long, Brady and Knight: A BILL TO AMEND SECTION 20‑4‑60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN ORDER FOR PROTECTION FROM DOMESTIC ABUSE, SO AS TO PROVIDE THAT THE COURT MAY PROHIBIT HARM OR HARASSMENT TO A PET ANIMAL OWNED, POSSESSED, KEPT, OR HELD BY THE PETITIONER AND TO PROVIDE THAT IN ORDERING TEMPORARY POSSESSION OF PERSONAL PROPERTY, THE COURT MAY ORDER THE TEMPORARY POSSESSION OF PET ANIMALS.

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

Senator SHEHEEN objected.

**OBJECTION**

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

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

The Committee on Judiciary proposed the following amendment (JUD3385.003), which was withdrawn:

Amend the bill, as and if amended, page 1, by striking lines 28-30 in their entirety and inserting the following:

/ and order ~~or public morals and decorum~~. It is unlawful for retail liquor stores to sell liquors on Christmas Day. Full authority to proclaim these periods is conferred upon the /

Amend the bill further, as and if amended, by striking SECTION 2, page 1, lines 41-42 and page 2, lines 2-9 in their entirety.

Renumber sections to conform.

Amend title to conform.

On motion of Senator CLEARY, with unanimous consent, the committee amendment was withdrawn.

There was no objection and the committee amendment was withdrawn and notation was made on the Bill.

Senators CAMPBELL and CLEARY proposed the following amendment (JUD3385.005):

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

/ SECTION 1. Section 61‑6‑4160 of the 1976 Code is amended to read:

“Section 61‑6‑4160. It is unlawful to sell alcoholic liquors on Sunday except as authorized by law, ~~on statewide election days,~~ or during periods proclaimed by the Governor in the interest of law and order ~~or public morals and decorum~~. It is unlawful for retail liquor stores to sell liquors on Christmas Day and Thanksgiving Day. Full authority to proclaim these periods is conferred upon the Governor in addition to all his other powers. A person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of two hundred dollars or imprisonment for sixty days;

(b) for a second offense, by a fine of one thousand dollars or imprisonment for one year; and

(c) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for two years.”

SECTION 2. Section 61‑6‑1500 of the 1976 Code is amended to read:

“Section 61‑6‑1500.(A) A retail dealer may not:

(1) sell, barter, exchange, give, or offer for sale, barter, or exchange, or permit the sale, barter, exchange, or gift, of alcoholic liquors without regard to the size of the container:

(a) between the hours of 7:00 p.m. and 9:00 a.m.;

(b) for consumption on the premises;

(c) to a person under twenty‑one years of age;

(d) to an intoxicated person; ~~or~~

(e) to a mentally incompetent person; or

(f) to another dealer, except as provided in Section 61‑6‑950, or between locations owned by the same retail dealer;

(2) permit the drinking of alcoholic liquors in his store or place of business;

(3) sell alcoholic liquors on credit; however, this item does not prohibit payment by electronic transfer of funds if:

(a) the transfer of funds is initiated by an irrevocable payment order on or before delivery of the alcoholic liquors; and

(b) the electronic transfer is initiated by the retailer no later than one business day after delivery; or

(4) redeem proof‑of‑purchase certificates for any promotional item.

However, during restricted hours a retail dealer is permitted to receive, stock, and inventory merchandise, provide for maintenance and repairs, and other necessary, related functions that do not involve the sale of alcoholic liquors.

(B)(1) It is unlawful for a person licensed to sell alcoholic liquors pursuant to the provisions of this section to knowingly and wilfully refill, partially refill, or reuse a bottle of lawfully purchased alcoholic liquor, or otherwise tamper with the contents of the bottle.

(2) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined five hundred dollars or imprisoned for not more than thirty days, or both;

(b) for a second or subsequent offense, must be fined one thousand dollars or imprisoned not more than six months, or both.

(3) In addition to the penalties provided in subsection (B), a violation of this section may subject the licensee or permit holder to revocation or suspension of the license or permit by the department. A third or subsequent violation of subsection (A)(1)(f) within three years of the first violation must result in a mandatory suspension of the license or permit for a period of at least thirty days.

(4) The possession of a refilled or reused bottle or other container of alcoholic liquors is prima facie evidence of a violation of this section. A person who violates this provision must, upon conviction, have his license revoked permanently.

(C) A retail dealer must keep a record of all sales of alcoholic liquors sold to establishments licensed for on‑premises consumption. The record must include the name of the purchaser and the date and quantity of the sale by brand and bottle size.

(D) It is unlawful to sell alcoholic liquors except during lawful hours of operation.”

SECTION 3. Section 61‑6‑1560 of the 1976 Code is amended to read:

“Section 61‑6‑1560. (A) Notwithstanding any other provision of law, a retail dealer, wholesaler, or producer may offer discounts on alcoholic liquors or nonalcoholic items through the use of premiums, coupons, or stamps redeemable by mail.

(B) In addition to the provisions of subsection (A), a retail dealer may offer a discount on a sale of alcoholic liquor or nonalcoholic items at the register through the use of premiums, coupons, or stamps, so long as the cost related to the discount is provided only by the retail dealer and is not prohibited by any federal law.”

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

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the proposed amendment.

Senator LEATHERMAN objected to further consideration of the Bill.

**COMMITTED TO THE LOCAL DELEGATION**

H. 4275 -- Rep. G.A. Brown: A BILL TO AMEND ACT 426 OF 2006, THE “SCHOOL DISTRICT OF LEE COUNTY SCHOOL BOND PROPERTY TAX RELIEF ACT”, RELATING TO AUTHORIZATION FOR THE IMPOSITION OF A ONE CENT SALES AND USE TAX IN LEE COUNTY, THE REVENUES OF WHICH MUST BE USED FOR SCHOOL CONSTRUCTION AND RENOVATION, SO AS TO EXTEND FROM FIVE TO EIGHT YEARS THE TIME THE TAX MAY BE IMPOSED.

Senator MALLOY asked unanimous consent to commit the Bill to the local delegation.

There was no objection.

**Message from the House**

Columbia, S.C., June 7, 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:

S. 1088 -- Senators McConnell, Ford and Knotts: A BILL TO AMEND STATUTES CREATING CERTAIN BOARDS AND COMMISSIONS WHOSE MEMBERS ARE APPOINTED OR ELECTED BY CONGRESSIONAL DISTRICT, WHICH ARE UNDER THE JURISDICTION OF THE SOUTH CAROLINA SENATE JUDICIARY COMMITTEE PURSUANT TO SOUTH CAROLINA SENATE RULE 19, RELATING TO THE STATE HUMAN AFFAIRS COMMISSION, THE STATE COMMISSION ON MINORITY AFFAIRS, THE STATE ETHICS COMMISSION, THE PUBLIC SERVICE COMMISSION, THE PUBLIC SERVICE AUTHORITY, THE DIVISION FOR THE REVIEW OF THE FOSTER CARE OF CHILDREN, THE CHILDREN’S TRUST FUND OF SOUTH CAROLINA, AND THE BOARD OF JUVENILE PAROLE, NAMELY, SECTION 1‑13‑40, SECTION 1‑31‑10, SECTION 8‑13‑310, SECTION 58‑3‑20, SECTION 58‑31‑20, SECTION 63‑11‑700, SECTION 63‑11‑920, AND SECTION 63‑19‑610 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE FOR THE ADDITIONAL CONGRESSIONAL DISTRICT ASSIGNED TO SOUTH CAROLINA PURSUANT TO THE 2010 CENSUS.

Very respectfully,

Speaker of the House

Received as information.

**S. 1088--SENATE INSISTS ON THEIR AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

S. 1088 -- Senators McConnell, Ford and Knotts: A BILL TO AMEND STATUTES CREATING CERTAIN BOARDS AND COMMISSIONS WHOSE MEMBERS ARE APPOINTED OR ELECTED BY CONGRESSIONAL DISTRICT, WHICH ARE UNDER THE JURISDICTION OF THE SOUTH CAROLINA SENATE JUDICIARY COMMITTEE PURSUANT TO SOUTH CAROLINA SENATE RULE 19, RELATING TO THE STATE HUMAN AFFAIRS COMMISSION, THE STATE COMMISSION ON MINORITY AFFAIRS, THE STATE ETHICS COMMISSION, THE PUBLIC SERVICE COMMISSION, THE PUBLIC SERVICE AUTHORITY, THE DIVISION FOR THE REVIEW OF THE FOSTER CARE OF CHILDREN, THE CHILDREN’S TRUST FUND OF SOUTH CAROLINA, AND THE BOARD OF JUVENILE PAROLE, NAMELY, SECTION 1‑13‑40, SECTION 1‑31‑10, SECTION 8‑13‑310, SECTION 58‑3‑20, SECTION 58‑31‑20, SECTION 63‑11‑700, SECTION 63‑11‑920, AND SECTION 63‑19‑610 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE FOR THE ADDITIONAL CONGRESSIONAL DISTRICT ASSIGNED TO SOUTH CAROLINA PURSUANT TO THE 2010 CENSUS.

On motion of Senator LARRY MARTIN, the Senate insisted upon its amendments to S. 1088 and asked for a Committee of Conference.

Whereupon, Senators RANKIN, HUTTO and CAMPBELL were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Harrison, Horne and James Smith to the Committee of Conference on the part of the House on:

S. 1088 -- Senators McConnell, Ford and Knotts: A BILL TO AMEND STATUTES CREATING CERTAIN BOARDS AND COMMISSIONS WHOSE MEMBERS ARE APPOINTED OR ELECTED BY CONGRESSIONAL DISTRICT, WHICH ARE UNDER THE JURISDICTION OF THE SOUTH CAROLINA SENATE JUDICIARY COMMITTEE PURSUANT TO SOUTH CAROLINA SENATE RULE 19, RELATING TO THE STATE HUMAN AFFAIRS COMMISSION, THE STATE COMMISSION ON MINORITY AFFAIRS, THE STATE ETHICS COMMISSION, THE PUBLIC SERVICE COMMISSION, THE PUBLIC SERVICE AUTHORITY, THE DIVISION FOR THE REVIEW OF THE FOSTER CARE OF CHILDREN, THE CHILDREN’S TRUST FUND OF SOUTH CAROLINA, AND THE BOARD OF JUVENILE PAROLE, NAMELY, SECTION 1‑13‑40, SECTION 1‑31‑10, SECTION 8‑13‑310, SECTION 58‑3‑20, SECTION 58‑31‑20, SECTION 63‑11‑700, SECTION 63‑11‑920, AND SECTION 63‑19‑610 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE FOR THE ADDITIONAL CONGRESSIONAL DISTRICT ASSIGNED TO SOUTH CAROLINA PURSUANT TO THE 2010 CENSUS.

Very respectfully,

Speaker of the House

Received as information.

**RECESS**

At 12:14 P.M., on motion of Senator LARRY MARTIN, the Senate receded from business until 1:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:00 P.M. and was called to order by the PRESIDENT.

**Message from the House**

Columbia, S.C., June 7, 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. 4801 -- Reps. Sandifer, Gambrell, Bowen, Whitmire, Agnew, Thayer, Putnam and White: A BILL TO AMEND SECTION 6‑13‑230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PIONEER RURAL WATER DISTRICT OF OCONEE AND ANDERSON COUNTIES, SO AS TO REVISE THE QUALIFICATIONS OF PERSONS WHO MAY BE APPOINTED TO THE GOVERNING BOARD OF THE DISTRICT AND THE MANNER OF THEIR APPOINTMENT; AND TO AMEND SECTION 6‑13‑240, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE DISTRICT ACTING THROUGH ITS GOVERNING BOARD, SO AS TO PROVIDE THAT THE DISTRICT MUST NOT CONTRACT FOR OR UNDERTAKE THE CONSTRUCTION OF ANY NEW FRESHWATER TREATMENT FACILITIES UNTIL JANUARY 1, 2016.

Very respectfully,

Speaker of the House

Received as information.

**H. 4801--CONFERENCE COMMITTEE APPOINTED**

H. 4801 -- Reps. Sandifer, Gambrell, Bowen, Whitmire, Agnew, Thayer, Putnam and White: A BILL TO AMEND SECTION 6‑13‑230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PIONEER RURAL WATER DISTRICT OF OCONEE AND ANDERSON COUNTIES, SO AS TO REVISE THE QUALIFICATIONS OF PERSONS WHO MAY BE APPOINTED TO THE GOVERNING BOARD OF THE DISTRICT AND THE MANNER OF THEIR APPOINTMENT; AND TO AMEND SECTION 6‑13‑240, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE DISTRICT ACTING THROUGH ITS GOVERNING BOARD, SO AS TO PROVIDE THAT THE DISTRICT MUST NOT CONTRACT FOR OR UNDERTAKE THE CONSTRUCTION OF ANY NEW FRESHWATER TREATMENT FACILITIES UNTIL JANUARY 1, 2016.

On motion of Senator ALEXNDER, the Senate insisted upon its amendments to H. 4801 and asked for a Committee of Conference.

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

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Sandifer, Gambrell and Hayes to the Committee of Conference on the part of the House on:

H. 4801 -- Reps. Sandifer, Gambrell, Bowen, Whitmire, Agnew, Thayer, Putnam and White: A BILL TO AMEND SECTION 6‑13‑230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PIONEER RURAL WATER DISTRICT OF OCONEE AND ANDERSON COUNTIES, SO AS TO REVISE THE QUALIFICATIONS OF PERSONS WHO MAY BE APPOINTED TO THE GOVERNING BOARD OF THE DISTRICT AND THE MANNER OF THEIR APPOINTMENT; AND TO AMEND SECTION 6‑13‑240, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE DISTRICT ACTING THROUGH ITS GOVERNING BOARD, SO AS TO PROVIDE THAT THE DISTRICT MUST NOT CONTRACT FOR OR UNDERTAKE THE CONSTRUCTION OF ANY NEW FRESHWATER TREATMENT FACILITIES UNTIL JANUARY 1, 2016.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 6, 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. 4008 -- Reps. Harrison, H.B. Brown, G.R. Smith, Knight, Atwater, Branham, Viers, Bannister, Dillard, Erickson, Hamilton, Hearn, Hosey, Limehouse, D.C. Moss, Patrick, Pinson, Sandifer, G.M. Smith, J.R. Smith, Stringer, Toole, Willis, Bingham and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑7‑390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44‑7‑392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER’S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES IS NOT CONFIDENTIAL BUT THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND TO ENJOIN THE HOSPITAL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS FROM RELEASING SUCH INFORMATION, AND IF THE COURT FINDS THAT THE PERSON ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY’S FEES AGAINST THAT PERSON; BY ADDING SECTION 44‑7‑394 SO AS TO PROVIDE THAT IF IN A JUDICIAL PROCEEDING THE COURT FINDS DOCUMENTS, OVER WHICH THE HOSPITAL ASSERTED A CLAIM OF CONFIDENTIALITY, ARE NOT SUBJECT TO CONFIDENTIALITY AND THAT THE HOSPITAL ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY’S FEES AGAINST THE HOSPITAL FOR COSTS INCURRED BY THE REQUESTING PARTY TO OBTAIN THE DOCUMENTS; AND TO AMEND SECTION 40‑71‑10, RELATING TO THE EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL COMMITTEES, SO AS TO DELETE FROM THE EXEMPTION AN APPOINTED MEMBER OF A COMMITTEE OF A MEDICAL STAFF OF A HOSPITAL IF THE STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL.

Very respectfully,

Speaker of the House

Received as information.

**H. 4008--SENATE INSISTS ON THEIR AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

H. 4008 -- Reps. Harrison, H.B. Brown, G.R. Smith, Knight, Atwater, Branham, Viers, Bannister, Dillard, Erickson, Hamilton, Hearn, Hosey, Limehouse, D.C. Moss, Patrick, Pinson, Sandifer, G.M. Smith, J.R. Smith, Stringer, Toole, Willis, Bingham and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑7‑390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44‑7‑392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER’S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES IS NOT CONFIDENTIAL BUT THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND TO ENJOIN THE HOSPITAL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS FROM RELEASING SUCH INFORMATION, AND IF THE COURT FINDS THAT THE PERSON ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY’S FEES AGAINST THAT PERSON; BY ADDING SECTION 44‑7‑394 SO AS TO PROVIDE THAT IF IN A JUDICIAL PROCEEDING THE COURT FINDS DOCUMENTS, OVER WHICH THE HOSPITAL ASSERTED A CLAIM OF CONFIDENTIALITY, ARE NOT SUBJECT TO CONFIDENTIALITY AND THAT THE HOSPITAL ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY’S FEES AGAINST THE HOSPITAL FOR COSTS INCURRED BY THE REQUESTING PARTY TO OBTAIN THE DOCUMENTS; AND TO AMEND SECTION 40‑71‑10, RELATING TO THE EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL COMMITTEES, SO AS TO DELETE FROM THE EXEMPTION AN APPOINTED MEMBER OF A COMMITTEE OF A MEDICAL STAFF OF A HOSPITAL IF THE STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL.

On motion of Senator CLEARY, the Senate insisted upon its amendments to H. 4008 and asked for a Committee of Conference.

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

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Bedingfield, Harrison and Delleney to the Committee of Conference on the part of the House on:

H. 4008 -- Reps. Harrison, H.B. Brown, G.R. Smith, Knight, Atwater, Branham, Viers, Bannister, Dillard, Erickson, Hamilton, Hearn, Hosey, Limehouse, D.C. Moss, Patrick, Pinson, Sandifer, G.M. Smith, J.R. Smith, Stringer, Toole, Willis, Bingham and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑7‑390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44‑7‑392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER’S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES IS NOT CONFIDENTIAL BUT THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND TO ENJOIN THE HOSPITAL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS FROM RELEASING SUCH INFORMATION, AND IF THE COURT FINDS THAT THE PERSON ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY’S FEES AGAINST THAT PERSON; BY ADDING SECTION 44‑7‑394 SO AS TO PROVIDE THAT IF IN A JUDICIAL PROCEEDING THE COURT FINDS DOCUMENTS, OVER WHICH THE HOSPITAL ASSERTED A CLAIM OF CONFIDENTIALITY, ARE NOT SUBJECT TO CONFIDENTIALITY AND THAT THE HOSPITAL ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY’S FEES AGAINST THE HOSPITAL FOR COSTS INCURRED BY THE REQUESTING PARTY TO OBTAIN THE DOCUMENTS; AND TO AMEND SECTION 40‑71‑10, RELATING TO THE EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL COMMITTEES, SO AS TO DELETE FROM THE EXEMPTION AN APPOINTED MEMBER OF A COMMITTEE OF A MEDICAL STAFF OF A HOSPITAL IF THE STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL.

Very respectfully,

Speaker of the House

Received as information.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

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.

Senator COURSON 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.

**Point of Quorum**

At 1:11 P.M., Senator SHEHEEN made the point that a quorum was not present. It was ascertained that a quorum was present.

**Amendment No. 12**

Senator HUTTO proposed the following amendment (JUD3508.026), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION after SECTION 9 to read:

SECTION \_\_\_\_\_. Chapter 9, Title 58 of the 1976 Code of Laws is amended by adding:

/ “Section 58-9-2689. No later than five years from the effective date of this act and every five years following the submission of the first report, the State Regulation of Public Utilities Review Committee must submit to the General Assembly a report examining the effect of this act on residential and business consumers in areas served by communication providers. The reports must assess and determine the impact of the amendments to current law in this act on the availability of communications services to rural counties of the State and report whether the amendments to current law incorporated in this act have had an adverse impact on the provision of communications services in such rural areas. The reports must include data describing the extent of capital improvement and investment by communications services providers in rural counties since the adoption of the amendments to current law included in this act and present any recommendations it may have regarding the continuation, amendment, or repeal of the amendments to current law included in the act. The reports must not disclose any proprietary or confidential information about individual communications service providers.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Amendment No. 14**

Senators RANKIN and LEVENTIS proposed the following amendment (JUD3508.027), which was adopted:

Amend the bill, as and if amended, by adding the following subsection to Section 58-9-2670 to SECTION 9, after line 12 on page 13 to read:

/ (F) The provisions of Sections 58-9-2620, 58-9- 2630, 58-9-2650, and 58-9-2660 do not apply to the provision of wireless fidelity (wi-fi) service by a county or a municipality as long as the county or municipality does not impose a charge or fee of any kind for the service. /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

The amendment was adopted.

**Amendment No. 4**

Senator MALLOY proposed the following amendment (3508MW2), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 58-9-2660(E) and inserting:

/ (E) Upon a commission designation that an area is an unserved area, the provisions of Sections 58-9-2620, 58-9-2630, and 58-9-2650 must not apply to a broadband service provided by the petitioner in that area until the later of:

(1) thirty-six months after the effective date of this act; or

(2) ten years after the commission determines pursuant to subsection (F) that the area is no longer an unserved area. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS spoke on the amendment.

Senator MALLOY explained the amendment.

With Senator MALLOY retaining the floor on H. 3508, Senator KNOTTS asked unanimous consent to take up S. 263.

There was no objection.

**CONCURRENCE**

S. 263 -- Senators Knotts and Ford: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 56‑5‑2905, SO AS TO PROVIDE THAT A PERSON WHO WHILE DRIVING A MOTOR VEHICLE DOES ANY ACT FORBIDDEN BY LAW IN THE DRIVING OF THE MOTOR VEHICLE, EXCEPT A VIOLATION OF SECTIONS 56‑5‑2930, 56‑5‑2935, OR 56‑5‑2945, WHICH PROXIMATELY CAUSES DEATH TO A PERSON, IS GUILTY OF THE MISDEMEANOR OFFENSE OF VEHICULAR HOMICIDE; AND TO AMEND SECTION 56‑5‑2946 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO EITHER ONE OR A COMBINATION OF CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS IF THE PERSON IS THE DRIVER OF A MOTOR VEHICLE INVOLVED IN A MOTOR VEHICLE INCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

The House returned the Bill with amendments.

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

There was no objection.

Senator KNOTTS explained the amendment.

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

**Ayes 38; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Jackson Knotts

Leatherman Leventis Lourie

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin

**Total--38**

**NAYS**

Malloy

**Total--1**

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

With Senator MALLOY retaining the floor on H. 3508, Senator GREGORY asked unanimous consent to take up S. 1231.

There was no objection.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 1231 -- Senator Gregory: A BILL TO AMEND SECTION 50‑1‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE VARIOUS CLASSIFICATIONS OF BIRDS, GAME ANIMALS, AND FISH, SO AS TO CLASSIFY COBIA RACHYCENTRON CANADUM AS A SALTWATER GAME FISH.

The House returned the Bill with amendments.

Senator GREGORY 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 concurrence in the House amendments.

Senator GREGORY explained the House amendments.

**Amendment No. 1**

Senator McGILL proposed the following amendment (SWB\  
5368CM12), which was adopted:

Amend the bill, as and if amended, Section 50‑5‑1506(a), as contained in SECTION 4, by deleting line 21 on page 3, and inserting:

/ (a) ~~Winyah Bay system~~ ~~including~~ Black River, ~~Sampit River,~~ /

Amend the bill, further, Section 50‑5‑1506(a)(i), as contained in SECTION 4, by deleting line 28 on page 3, and inserting:

/ ~~Creek,~~ and Black River ~~above County Road 179~~ /

Renumber sections to conform.

Amend title to conform.

Senator GREGORY explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

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--42**

**NAYS**

**Total--0**

The amendment was adopted.

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

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

S. 1231 -- Senator Gregory: A BILL TO AMEND SECTION 50‑1‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE VARIOUS CLASSIFICATIONS OF BIRDS, GAME ANIMALS, AND FISH, SO AS TO CLASSIFY COBIA RACHYCENTRON CANADUM AS A SALTWATER GAME FISH.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

With Senator MALLOY retaining the floor on H. 3508, Senator FAIR asked unanimous consent to take up S. 300.

There was no objection.

**CONCURRENCE**

S. 300 -- Senators Fair, Hutto, Jackson, Knotts, Rankin and Ford: A BILL TO AMEND SECTION 63‑19‑1440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF JUVENILES TO THE DEPARTMENT OF JUVENILE JUSTICE, SO AS TO AUTHORIZE THE DEPARTMENT OF JUVENILE JUSTICE TO ALLOW A JUVENILE WHO IS TEMPORARILY COMMITTED TO ITS CUSTODY, AFTER BEING ADJUDICATED FOR A STATUS OFFENSE, MISDEMEANOR OFFENSE, OR A PROBATION VIOLATION OR CONTEMPT, TO UNDERGO A COMMUNITY EVALUATION WITH CERTAIN SAFEGUARDS AND EXCEPTIONS.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator FAIR explained the amendments.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Hayes

Hutto Jackson Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

The 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.

With Senator MALLOY retaining the floor on H. 3508, Senator FAIR asked unanimous consent to take up S. 1099.

There was no objection.

**CONCURRENCE**

S. 1099 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑19‑650 SO AS TO PROVIDE THAT MEMBERS OF THE BOARD OF JUVENILE PAROLE SHALL RECEIVE A HEARING FEE.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

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

There was no objection.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Hayes

Hutto Jackson Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

The 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.

With Senator MALLOY retaining the floor on H. 3508, Senator CAMPSEN asked unanimous consent to take up S. 741.

**CONCURRENCE**

S. 741 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING PROHIBITIONS AND EXCEPTIONS, TO ALLOW THE USE OF LASER SIGHTING AND OTHER DEVICES WHEN HUNTING COYOTES AT NIGHT DURING MAY AND JUNE PURSUANT TO AUTHORIZATION GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES THROUGH ITS DEPREDATION PERMIT PROGRAM.

The House returned the Bill with amendments.

Senator CAMPSEN explained the amendments.

The question then was concurrence in the House amendments.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Hayes

Jackson Knotts Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Shoopman Thomas

Verdin

**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.

With Senator MALLOY retaining the floor on H. 3508, Senator CAMPSEN asked unanimous consent to take up H. 4494.

There was no objection.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

H. 4494 -- Reps. Huggins, Long, Pitts, G.R. Smith and Bedingfield: A BILL TO AMEND SECTION 23‑31‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASE OF RIFLES OR SHOTGUNS IN CONTIGUOUS STATES, SO AS TO REMOVE THE REQUIREMENT THAT THE PURCHASE BE MADE FROM A CONTIGUOUS STATE.

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

**Amendment No. 1**

Senators LARRY MARTIN and CAMPSEN proposed the following amendment (JUD4494.001), which was adopted:

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

/ SECTION \_\_. Article 3, Chapter 31, Title 23 of the 1976 Code is repealed. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

The question then was the third 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

Cleary Coleman Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Knotts Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

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

With Senator MALLOY retaining the floor, Senator CROMER asked unanimous consent to take up S. 1167.

There was no objection.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 1167 -- Senator Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 31‑6‑85 SO AS TO ALLOW A MUNICIPALITY AND ONE OR MORE TAXING DISTRICTS TO PROVIDE BY INTERGOVERNMENTAL AGREEMENT FOR PARTIAL OR MODIFIED PARTICIPATION IN A REDEVELOPMENT PROJECT; AND TO AMEND SECTION 31‑6‑80, SO AS TO CLARIFY AN AMENDMENT TO THE TAX INCREMENT FINANCING LAW.

The House returned the Bill with amendments.

Senator CROMER 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 concurrence in the House amendments.

Senators KNOTTS, CROMER and MASSEY proposed the following amendment (BBM\10728HTC12), which was adopted:

Amend the bill, as and if amended, beginning on page 5, by striking SECTIONS 4 through 7 and inserting:

/ SECTION 4. Section 4‑10‑310 of the 1976 Code, as last amended by Act 49 of 2009, is further amended to read:

“Section 4‑10‑310. Subject to the requirements of this article, the county governing body may impose a one percent sales and use tax by ordinance, subject to a referendum, within the county area for a specific purpose or purposes and for a limited amount of time. The revenues collected pursuant to this article may be used to defray debt service on bonds issued to pay for projects authorized in this article. However, at no time may any portion of the county area be subject to more than one percent sales tax levied pursuant to this article, pursuant to Chapter 37, Title 4, or pursuant to any local law enacted by the General Assembly. This limitation does not apply in a county area in which, as of July 1, 2012, a local sales and use tax WAs imposed pursuant to a local act of the General Assembly, the revenues of which are used to offset the costs of school construction, or other school purposes, or other government expenses, or for any combination of these uses.”

SECTION 5. This act takes effect upon approval by the Governor. /

Amend title to read:

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 31‑6‑85 SO AS TO ALLOW A MUNICIPALITY AND ONE OR MORE TAXING DISTRICTS TO PROVIDE BY INTERGOVERNMENTAL AGREEMENT FOR PARTIAL OR MODIFIED PARTICIPATION IN A REDEVELOPMENT PROJECT; AND TO AMEND SECTION 31‑6‑80, SO AS TO CLARIFY AN AMENDMENT TO THE TAX INCREMENT FINANCING LAW; AND TO AMEND SECTION 4‑10‑310, AS AMENDED, RELATING TO THE IMPOSITION OF THE CAPITAL PROJECTS SALES TAX ACT, SO AS TO PROVIDE THAT THE LIMITATION APPLICABLE TO THE NUMBER OF CERTAIN LOCAL SALES AND USE TAXES THAT MAY BE IMPOSED IN A COUNTY AREA DOES NOT APPLY IN A COUNTY AREA IN WHICH, AS OF JULY 1, 2012, THERE WAS IMPOSED PURSUANT TO A LOCAL ACT OF THE GENERAL ASSEMBLY A LOCAL SALES AND USE TAX, THE REVENUES OF WHICH MUST BE USED TO OFFSET THE COSTS OF SCHOOL CONSTRUCTION, OTHER SCHOOL PURPOSES, OR OTHER GOVERNMENTAL EXPENSES, OR ANY COMBINATION OF THESE USES. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 35; Nays 6**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Gregory

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Bright Bryant Davis

Fair *Martin, Shane* Rose

**Total--6**

The amendment was adopted.

**Amendment No. 2**

Senator COLEMAN proposed the following amendment (NBD\12749DG12), which was ruled out of order:

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

/ SECTION \_\_. A. Title 12 of the 1976 Code is amended by adding:

“CHAPTER 67

South Carolina Abandoned Buildings

Revitalization Act

Section 12‑67‑100. This chapter may be cited as the ‘South Carolina Abandoned Buildings Revitalization Act’.

Section 12‑67‑110. (A) The purpose of this chapter is to create an incentive for the rehabilitation, renovation, and redevelopment of abandoned buildings located in South Carolina.

(B) The abandonment of buildings has resulted in the disruption of communities and increased the cost to local governments by requiring additional police and fire services due to excessive vacancies. Many abandoned buildings pose safety concerns. A public and corporate purpose is served by restoring these buildings to productive assets for the communities in which they are located and result in increased job opportunities.

(C) There exists in many communities of this State abandoned buildings. The stable economic and physical development of these communities is endangered by the presence of these abandoned buildings as manifested by their progressive and advanced deterioration. As a result of the existence of these abandoned buildings, there is an excessive and disproportionate expenditure of public funds, inadequate public and private investment, unmarketability of property, growth in delinquencies and crime in the areas, together with an abnormal exodus of families and businesses, so that the decline of these areas impairs the value of private investments, threatens the sound growth and the tax base of taxing districts in these areas, and threatens the health, safety, morals, and welfare of the public. To remove and alleviate these adverse conditions, it is necessary to encourage private investment and restore and enhance the tax base of the taxing districts in which such buildings are located by the redevelopment of abandoned buildings.

Section 12‑67‑120. For the purposes of this chapter, unless the context requires otherwise:

(1) ‘Abandoned building’ means a building or structure, which clearly may be delineated from other buildings or structures, at least sixty‑six percent of the space in which has been closed continuously to business or otherwise nonoperational for income producing purposes for a period of at least five years immediately preceding the date on which the taxpayer files a ‘Notice of Intent to Rehabilitate’. For purposes of this item, an abandoned building is not a building or structure with an immediate preceding use as a single-family residence.

(2) ‘Building site’ means the abandoned building together with the parcel of land upon which it is located and other improvements located on the parcel. However, the area of the building site is limited to the land upon which the abandoned building is located and the land immediately surrounding such building used for parking and other similar purposes directly related to the building’s income producing use.

(3) ‘Local taxing entities’ means a county, municipality, school district, special purpose district, and other entity or district with the power to levy ad valorem property taxes against the building site.

(4) ‘Local taxing entity ratio’ means that percentage computed by dividing the millage rate of each local taxing entity by the total millage rate for the building site.

(5) ‘Placed in service’ means the date upon which the building site is completed and ready for its intended use. If the building site is completed and ready for use in phases or portions, each phase or portion is considered to be placed in service when it is completed and ready for its intended use.

(6) ‘Rehabilitation expenses’ means the expenses or capital expenditures incurred in the rehabilitation, renovation, or redevelopment of the building site, including without limitations, the renovation or redevelopment of existing buildings and environmental remediation, but excluding the cost of acquiring the building site or the cost of personal property located at the building site. For expenses associated with a building site to qualify for the tax credit, the abandoned buildings on the building site must be either renovated or redeveloped. Rehabilitation expenses associated with a building site that increases the amount of square footage on the building site in excess of the amount of square footage of the buildings that existed on the building site as of the filing of the notice of intent to rehabilitate shall not be considered a rehabilitation expense for purposes of calculating the amount of the credit. Notwithstanding any other provision of this section, expenses for demolition, new construction, and site improvements shall not be considered a rehabilitation expense for purposes of calculating the amount of the credit.

(7) ‘Notice of Intent to Rehabilitate’ means a letter submitted by the taxpayer to the department or the municipality or county as specified in this chapter, indicating the taxpayer’s intent to rehabilitate the building site, the location of the building site, the amount of acreage involved in the building site, the amount of square footage of existing buildings involved in the building site, and the estimated expenses to be incurred in connection with rehabilitation of the building site. The notice also must set forth information as to which buildings the taxpayer intends to renovate and whether new construction is to be involved.

Section 12‑67‑130. This chapter only applies to abandoned building sites or phases or portions thereof acquired and put into operation after the effective date of this act, in which a taxpayer incurs more than two hundred fifty thousand dollars in rehabilitation expenses. Further, this chapter only applies to abandoned building sites or phases or portions thereof acquired and put into operation after the effective date of this act, for income producing purposes and that meet the purpose of this chapter set forth in Section 12-67-110. The construction of a single-family residence is not an income producing purpose and does not meet the purpose of this chapter.

Section 12‑67‑140. (A) Subject to the terms and conditions of this chapter, a taxpayer who rehabilitates an abandoned building is eligible for either:

(1) a credit against income taxes imposed pursuant to Chapter 6 and Chapter 11 of this title or corporate license fees pursuant to Chapter 20 of this title, or both; or

(2) a credit against real property taxes levied by local taxing entities.

(B) If the taxpayer elects to receive the credit pursuant to subsection (A)(1), the following provisions apply:

(1) The taxpayer shall file with the department a Notice of Intent to Rehabilitate before incurring its first rehabilitation expenses at the building site. Failure to provide the Notice of Intent to Rehabilitate results in qualification of only those rehabilitation expenses incurred after the notice is provided.

(2) The amount of the credit is equal to twenty‑five percent of the actual rehabilitation expenses incurred at the building site if the actual rehabilitation expenses incurred in rehabilitating the building site are between eighty percent and one hundred twenty‑five percent of the estimated rehabilitation expenses set forth in the Notice of Intent to Rehabilitate. If the actual rehabilitation expenses exceed one hundred twenty‑five percent of the estimated expenses set forth in the Notice of Intent to Rehabilitate, the taxpayer qualifies for the credit based on one hundred twenty‑five percent of the estimated expenses as opposed to the actual expenses it incurred in rehabilitating the building site. If the actual rehabilitation expenses are below eighty percent of the estimated rehabilitation expenses, the credit is not allowed.

(3)(a) The entire credit is earned in the taxable year in which the applicable phase or portion of the building site is placed in service but must be taken in equal installments over a five‑year period beginning with the tax year in which the applicable phase or portion of the building site is placed in service. Unused credit may be carried forward for the succeeding five years.

(b) The entire credit earned pursuant to this item may not exceed four hundred thousand dollars for any taxpayer in a tax year for each abandoned building.

(4) If the taxpayer qualifies for both the credit allowed by this section and the credit allowed pursuant to the Textiles Communities Revitalization Act or the Retail Facilities Revitalization Act, the taxpayer only may claim one of the credits. However, the taxpayer is not disqualified from claiming any other tax credit in conjunction with the credit allowed by this section.

(5) The credit allowed by this subsection is limited in use to fifty percent of either:

(a) the taxpayer’s income tax liability for the taxable year if taxpayer claims the credit allowed by this section as a credit against income tax imposed pursuant to Chapter 6 or Chapter 11 of this title; or

(b) the taxpayer’s corporate license fees for the taxable year if the taxpayer claims the credit allowed by this section as a credit against license fees imposed pursuant to Chapter 20.

(6)(a) If the taxpayer leases the building site, or part of the building site, the taxpayer may transfer any applicable remaining credit associated with the rehabilitation expenses incurred with respect to that part of the site to the lessee of the site. If a taxpayer sells the building site, or any phase or portion of the building site, the taxpayer may transfer all or part of the remaining credit, associated with the rehabilitation expenses incurred with respect to that phase or portion of the site, to the purchaser of the applicable portion of the building site.

(b) To the extent that the taxpayer transfers the credit, the taxpayer shall notify the department of the transfer in the manner the department prescribes.

(7) To the extent that the taxpayer is a partnership or a limited liability company taxed as a partnership, the credit may be passed through to the partners or members and may be allocated among any of its partners or members including, without limitation, an allocation of the entire credit to one partner or member, without regard to any provision of the Internal Revenue Code or regulations promulgated pursuant thereto, that may be interpreted as contrary to the allocation, including, without limitation, the treatment of the allocation as a disguised sale.

(C) If the taxpayer elects to receive the credit pursuant to subsection (A)(2), the following provisions apply:

(1) The taxpayer shall file a Notice of Intent to Rehabilitate with the municipality, or the county if the building site is located in an unincorporated area, in which the building site is located before incurring its first rehabilitation expenses at the building site. Failure to provide the Notice of Intent to Rehabilitate results in qualification of only those rehabilitation expenses incurred after notice is provided.

(2) Once the Notice of Intent to Rehabilitate has been provided to the county or municipality, the municipality or the county first shall determine, by resolution, the eligibility of the building site and the proposed rehabilitation expenses for the credit. A proposed rehabilitation of a building site must be approved by a positive majority vote of the local governing body. For purposes of this subsection, ‘positive majority vote’ is as defined in Section 6‑1‑300(5). If the county or municipality determines that the building site and the proposed rehabilitation expenses are eligible for the credit, there must be a public hearing and the municipality or county shall approve the building site for the credit by ordinance. Before approving a building site for the credit, the municipality or county shall make a finding that the credit does not violate a covenant, representation, or warranty in any of its tax increment financing transactions or an outstanding general obligation bond issued by the county or municipality.

(3)(a) The amount of the credit is equal to twenty‑five percent of the actual rehabilitation expenses incurred at the building site times the local taxing entity ratio of each local taxing entity that has consented to the credit pursuant to item (4), if the actual rehabilitation expenses incurred in rehabilitating the building site are between eighty percent and one hundred twenty‑five percent of the estimated rehabilitation expenses set forth in the Notice of Intent to Rehabilitate. If the actual rehabilitation expenses exceed one hundred twenty‑five percent of the estimated expenses set forth in the Notice of Intent to Rehabilitate, the taxpayer qualifies for the credit based on one hundred twenty‑five percent of the estimated expenses as opposed to the actual expenses it incurred in rehabilitating the building site. If the actual rehabilitation expenses are below eighty percent of the estimated rehabilitation expenses, the credit is not allowed. The ordinance must provide for the credit to be taken as a credit against up to seventy‑five percent of the real property taxes due on the building site each year for up to eight years.

(b) The local taxing entity ratio is set as of the time the Notice of Intent to Rehabilitate is filed and remains set for the entire period that the credit may be claimed by the taxpayer.

(4) Not fewer than forty‑five days before holding the public hearing required by subsection (C)(2), the governing body of the municipality or county shall give notice to all affected local taxing entities in which the building site is located of its intention to grant a credit against real property taxes for the building site and the amount of estimated credit proposed to be granted based on the estimated rehabilitation expenses. If a local taxing entity does not file an objection to the tax credit with the municipality or county on or before the date of the public hearing, the local taxing entity is considered to have consented to the tax credit.

(5) The credit against real property taxes for each applicable phase or portion of the building site may be claimed beginning for the property tax year in which the applicable phase or portion of the building site is first placed in service.

(D) A taxpayer is not eligible for the credit if the taxpayer owned the otherwise eligible building site when the site was operational and immediately prior to its abandonment.

Section 12‑67‑150. The provisions of Chapter 31, Title 6 also apply to this chapter, except that the requirements of Section 6‑31‑40 do not apply.

Section 12-67-160. The credit allowed by this section only applies to rehabilitated abandoned buildings for which the notice of intent to rehabilitate is filed prior to July 1, 2017.”

B. This act takes effect upon approval by the Governor and applies only to rehabilitated abandoned buildings for which the notice of intent to rehabilitate is filed prior to July 1, 2017. /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator SHANE MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator COLEMAN spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

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

With Senator MALLOY retaining the floor on H. 3508, Senator CAMPBELL asked unanimous consent to take up H. 3342.

There was no objection.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 3342 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 56-1-286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OR DENIAL OF ISSUANCE OF A DRIVER’S LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE TO CERTAIN PERSONS WHO DRIVE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM “ADMINISTRATIVE HEARING” AND REPLACE IT WITH THE TERM “CONTESTED CASE HEARING”, TO PROVIDE THAT A CONTESTED CASE HEARING MUST BE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS PURSUANT TO ITS RULES OF PROCEDURE, AND TO DELETE THE TERM “DIVISION OF MOTOR VEHICLE HEARINGS” AND REPLACE IT WITH THE TERM “OFFICE OF MOTOR VEHICLE HEARINGS”; TO AMEND SECTION 56‑5‑2942, AS AMENDED, RELATING TO VEHICLE IMMOBILIZATION AFTER A CONVICTION FOR DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER ILLEGAL SUBSTANCE, SO AS TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT OF MOTOR VEHICLES MAY RELEASE AN IMMOBILIZED VEHICLE REGISTERED TO A PERSON WHO HAS NOT BEEN CONVICTED OF DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER UNLAWFUL SUBSTANCE; TO AMEND SECTION 56‑5‑2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON’S DRIVER’S LICENSE OR PERMIT FOR HIS REFUSAL TO SUBMIT TO A TEST TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM “ADMINISTRATIVE HEARING” AND REPLACE IT WITH THE TERM “CONTESTED CASE HEARING”, TO PROVIDE THAT ADMINISTRATIVE HEARINGS ARE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS AND NOT THE DEPARTMENT OF MOTOR VEHICLES, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES IS RESPONSIBLE FOR SENDING A HEARING OFFICER’S DECISION TO A PERSON WHO IS ELIGIBLE TO RECEIVE A RESTRICTED LICENSE PURSUANT TO THIS SECTION; AND TO AMEND SECTION 56‑5‑2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS, SO AS TO INCREASE THE FEE, TO DELETE THE TERM “ADMINISTRATIVE LAW COURT” AND REPLACE IT WITH THE TERM “OFFICE OF MOTOR VEHICLE HEARINGS”, AND REVISE THE PROCEDURE FOR DISTRIBUTING FUNDS GENERATED FROM THE COLLECTION OF THESE FEES.

**Amendment No. 1**

Senators LOURIE and FAIR proposed the following amendment (JUD3342.003), which was adopted:

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

/ SECTION 1. Section 56‑1‑286 of the 1976 Code is amended to read:

“Section 56-1-286. (A) The Department of Motor Vehicles ~~must~~ shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to a person under the age of twenty‑one who drives a motor vehicle and has an alcohol concentration of two one‑hundredths of one percent or more. In cases in which a law enforcement officer initiates suspension proceedings for a violation of this section, the officer has elected to pursue a violation of this section and is subsequently prohibited from prosecuting the person for a violation of Section 63‑19‑2440, 63‑19‑2450, 56‑5‑2930, or 56‑5‑2933, arising from the same incident.

(B) A person under the age of twenty‑one who drives a motor vehicle in this State is considered to have given consent to chemical tests of ~~his~~ the person’s breath or blood for the purpose of determining the presence of alcohol.

(C) A law enforcement officer who has arrested a person under the age of twenty‑one for a violation of Chapter 5 of this title (Uniform Act Regulating Traffic on Highways), or any other traffic offense established by a political subdivision of this State, and has reasonable suspicion that the person under the age of twenty‑one has consumed alcoholic beverages and driven a motor vehicle may order the testing of the person arrested to determine the person's alcohol concentration.

A law enforcement officer may detain and order the testing of a person to determine the person's alcohol concentration if the officer has reasonable suspicion that a motor vehicle is being driven by a person under the age of twenty‑one who has consumed alcoholic beverages.

(D) A test must be administered at the direction of the primary investigating law enforcement officer. At the direction of the officer, the person first ~~must~~ shall be offered a breath test to determine the person's alcohol concentration. If the person physically is unable to provide an acceptable breath sample because ~~he~~ the person has an injured mouth or is unconscious or dead, or for any other reason considered acceptable by licensed medical personnel, a blood sample may be taken. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to SLED policies. The primary investigating officer may administer the test. Blood samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, or other medical personnel trained to obtain these samples in a licensed medical facility. Blood samples must be obtained and handled in accordance with procedures approved by the division. The division shall administer the provisions of this subsection and shall promulgate regulations necessary to carry out its provisions. The costs of the tests administered at the direction of the officer must be paid from the general fund of the State. However, if the person is subsequently convicted of violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, then, upon conviction, the person ~~must~~ shall pay twenty‑five dollars for the costs of the tests. The twenty‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

The person tested or giving samples for testing may have a qualified person of ~~his~~ the person’s choice conduct additional tests at the person's expense and must be notified in writing of that right. A person's request or failure to request additional blood tests is not admissible against the person in any proceeding. The failure or inability of the person tested to obtain additional tests does not preclude the admission of evidence relating to the tests or samples taken at the direction of the officer. The officer ~~must~~ shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance ~~shall~~ must, at a minimum, include providing transportation for the person to the nearest medical facility which provides blood tests to determine a person's alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood to determine the person's alcohol concentration, SLED ~~must~~ shall test the blood and provide the result to the person and to the officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in ~~any~~ a judicial or administrative proceeding.

(E) A qualified person and ~~his~~ the qualified person’s employer who obtain samples or administer the tests or assist in obtaining samples or administering of tests at the direction of the primary investigating officer are immune from civil and criminal liability unless the obtaining of samples or the administering of tests is performed in a negligent, reckless, or fraudulent manner. A person may not be required by the officer ordering the tests to obtain or take any sample of blood or urine.

(F) ~~If~~ Except as provided in subsection (H), if a person refuses upon the ~~request of the~~ primary investigating ~~officer~~ officer’s request to submit to chemical tests as provided in subsection (C), the department ~~must~~ shall suspend ~~his~~ the person’s license, permit, or ~~any~~ nonresident operating privilege, or deny the issuance of a license or permit to ~~him~~ the person for:

(1) six months; or

(2) one year, if the person, within the five years preceding the violation of this section, has been previously convicted of violating Section 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs, or the person has had a previous suspension imposed pursuant to Section 56‑1‑286, ~~56‑5‑2950, or~~ 56‑5‑2951, or 56-5-2990.

(G) ~~If~~ Except as provided in subsection (H), if a person submits to a chemical test and the test result indicates an alcohol concentration of two one‑hundredths of one percent or more, the department ~~must~~ shall suspend ~~his~~ the person’s license, permit, or ~~any~~ nonresident operating privilege, or deny the issuance of a license or permit to ~~him~~ the person for:

(1) three months; or

(2) six months, if the person, within the five years preceding the violation of this section, has been previously convicted of violating Section 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs, or the person has had a previous suspension imposed pursuant to Section 56‑1‑286, ~~56‑5‑2950, or~~ 56‑5‑2951, or 56-5-2990.

(H) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time the person would originally have been subject to suspension or denial of the issuance of a license or permit. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

~~(H)~~(I) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension or ignition interlock restricted license under subsection (F) or (G) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program in which ~~he~~ the person is enrolled. After the person's driving privilege is restored, ~~he must~~ the person shall continue to participate in the Alcohol and Drug Safety Action Program ~~in which he is enrolled~~. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until ~~he completes~~ the completion of the Alcohol and Drug Safety Action Program. A person ~~must~~ shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 before ~~his~~ the person’s driving privilege can be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

~~(I)~~(J) A test may not be administered or samples taken unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

(1) ~~he~~ the person does not have to take the test or give the samples but that ~~his~~ the person’s privilege to drive must be suspended or denied for at least six months, or, as an alternative, the person may enroll in the Ignition Interlock Device Program for at least six months, if ~~he~~ the person refuses to submit to the tests, and that ~~his~~ the person’s refusal may be used against ~~him~~ the person in court;

(2) ~~his~~ the person’s privilege to drive must be suspended for at least three months, or, as an alternative, the person may enroll in the Ignition Interlock Program for at least three months, if ~~he~~ the person takes the test or gives the samples and has an alcohol concentration of two one‑hundredths of one percent or more;

(3) ~~he~~ the person has the right to have a qualified person of ~~his~~ the person’s own choosing conduct additional independent tests at ~~his~~ the person’s expense;

(4) ~~he~~ the person has the right to request ~~an administrative~~ a contested case hearing within thirty days of the issuance of the notice of suspension; and

(5) ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program within thirty days of the issuance of the notice of suspension if ~~he~~ the person does not request ~~an administrative~~ a contested case hearing or within thirty days of the issuance of notice that the suspension has been upheld at the ~~administrative~~ contested case hearing.

The primary investigating officer ~~must notify~~ shall promptly notify the department of the person’s refusal ~~of a person~~ to submit to a test requested pursuant to this section as well as the test result of ~~any~~ a person who submits to a test pursuant to this section and registers an alcohol concentration of two one‑hundredths of one percent or more. The notification ~~must~~ shall be in a manner prescribed by the department.

~~(J)~~(K) If the test registers an alcohol concentration of two one‑hundredths of one percent or more or if the person refuses to be tested, the primary investigating officer ~~must~~ shall issue a notice of suspension, and the suspension is effective beginning on the date of the alleged violation of this section. The person, within thirty days of the issuance of the notice of suspension, ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 if ~~he~~ the person does not request ~~an administrative~~ a contested case hearing. If the person does not request ~~an administrative~~ a contested case hearing and does not enroll in an Alcohol and Drug Safety Action Program within thirty days, the suspension remains in effect, and a temporary alcohol license must not be issued. If the person drives a motor vehicle during the period of suspension without a temporary alcohol license, the person must be penalized for driving while ~~his~~ the person’s license is suspended pursuant to Section 56‑1‑460.

~~(K)~~(L) Within thirty days of the issuance of the notice of suspension the person may:

(1) obtain a temporary alcohol license by filing with the department a form for this purpose. A one‑hundred‑dollar fee must be assessed for obtaining a temporary alcohol license. Twenty‑five dollars of the fee must be retained by the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~it’s~~ the Department of Motor Vehicle’s expenses. The temporary alcohol license allows the person to drive a motor vehicle without any restrictive conditions pending the outcome of the ~~administrative~~ contested case hearing provided for in this section or the final decision or disposition of the matter; and

(2) request ~~an administrative~~ a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure.

At the ~~administrative~~ contested case hearing if:

(a) the suspension is upheld, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program and ~~his~~ the person’s driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension periods provided for in subsections (F) and (G); or

(b) the suspension is overturned, the person must have ~~his~~ the person’s driver's license, permit, or nonresident operating privilege reinstated.

~~(L)~~(M) The periods of suspension provided for in subsections (F) and (G) begin on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continue until the person applies for a temporary alcohol license and requests ~~an administrative~~ a contested case hearing.

~~(M)~~(N) If a person does not request ~~an administrative~~ a contested case hearing, ~~he shall have~~ the person waived ~~his~~ the person’s right to the hearing and ~~his~~ the person’s suspension must not be stayed but ~~shall~~ must continue for the periods provided for in subsections (F) and (G).

~~(N)~~(O) The notice of suspension must advise the person of the requirement to enroll in an Alcohol and Drug Safety Action Program and of ~~his~~ the person’s right to obtain a temporary alcohol license and to request ~~an administrative~~ a contested case hearing. The notice of suspension also must advise the person that, if ~~he~~ the person does not request ~~an administrative~~ a contested case hearing within thirty days of the issuance of the notice of suspension, ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program, and ~~he~~ the person waives ~~his~~ the person’s right to the ~~administrative~~ contested case hearing, and the suspension continues for the periods provided for in subsections (F) and (G).

~~(O)~~(P) ~~An administrative~~ A contested case hearing must be held after the request for the hearing is received by the ~~Division~~ Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

(1) was lawfully arrested or detained;

(2) was given a written copy of and verbally informed of the rights enumerated in subsection ~~(I)~~(J);

(3) refused to submit to a test pursuant to this section; or

(4) consented to taking a test pursuant to this section, and the:

(a) reported alcohol concentration at the time of testing was two one‑hundredths of one percent or more;

(b) individual who administered the test or took samples was qualified pursuant to this section;

(c) test administered and samples taken were conducted pursuant to this section; and

(d) the machine was operating properly.

Nothing in this section prohibits the introduction of evidence at the ~~administrative~~ contested case hearing on the issue of the accuracy of the breath test result.

The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person’s license, permit, or nonresident’s operating privilege regardless of whether the person requesting the contested case hearing or the person’s attorney appears at the contested case hearing.

A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days ~~his~~ the person’s license was suspended before ~~he~~ the person received a temporary alcohol license and requested the ~~administrative~~ contested case hearing.

~~(P)~~(Q) ~~An administrative~~ A contested case hearing is a contested proceeding under the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal shall stay the suspension until a final decision is issued.

~~(Q)~~(R) A person who is unconscious or otherwise in a condition rendering ~~him~~ the person incapable of refusal is considered to be informed and not to have withdrawn the consent provided for in subsection (B) of this section.

~~(R)~~(S) When a nonresident's privilege to drive a motor vehicle in this State has been suspended under the procedures of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which ~~he~~ the person has a license or permit.

~~(S)~~(T) A person required to submit to a test must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any proceeding in which the results of the tests are used as evidence. A person who obtains additional tests shall furnish a copy of the time, method, and results of any additional tests to the officer before ~~any~~ a trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

~~(T)~~(U) A person whose driver's license or permit is suspended under this section is not required to file proof of financial responsibility.

~~(U)~~(V) The department shall administer the provisions of this section, not including subsection (D), and shall promulgate regulations necessary to carry out ~~its~~ this section’s provisions.

~~(V)~~(W) Notwithstanding any other provision of law, no suspension imposed pursuant to this section is counted as a demerit or result in ~~any~~ an insurance penalty for automobile insurance purposes if at the time ~~he~~ the person was stopped, the person whose license is suspended had an alcohol concentration that was less than eight one‑hundredths of one percent.”

SECTION 2. Section 56‑1‑400 of the 1976 Code is amended to read:

“Section 56-1-400. (A) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that ~~such~~ the license ~~shall~~ be surrendered to the ~~Department of Motor Vehicles~~ department. At the end of the suspension period ~~of suspension~~, other than a suspension for reckless driving, driving under the influence of intoxicants, or pursuant to the point system ~~such license so surrendered shall be returned to the licensee, or in the discretion of the Department of Motor Vehicles~~, the department shall issue a new license ~~issued~~ to ~~him~~ the person. The ~~Department of Motor Vehicles~~ department shall not ~~return nor~~ restore a license which has been suspended for reckless driving, driving under the influence of intoxicants, or for violations under the point system until the person has filed an application for a new license, submitted to an examination as upon an original application, and has satisfied the ~~Department of Motor Vehicles~~ department, after an investigation of the person’s character, habits, and driving ability ~~of the person~~, that it would be safe to grant ~~him~~ the person the privilege of driving a motor vehicle on the public highways. ~~Provided, the Department of Motor Vehicles, in its discretion the department~~ The department, where the suspension is for a violation under the point system, may waive ~~such~~ the examination, application, and investigation. A record of the suspension ~~shall~~ must be endorsed on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person, showing the grounds of ~~such~~ the suspension. ~~In the case of a license suspended for driving under the influence of intoxicants~~ If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56-5-2941, the restriction on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person, must conspicuously identify the ~~licensee~~ person as a person who may only drive a motor vehicle with an ignition interlock device installed and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to Section ~~56‑5‑2941~~ 56-1-286, 56-5-2945, 56-5-2951, or 56-5-2990. For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. Unless the person establishes that ~~he~~ the person is entitled to the exemption set forth in subsection (B), no ignition interlock restricted license ~~containing an ignition interlock device restriction shall~~ may be issued by the ~~Department of Motor Vehicles~~ department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order. If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended ~~for three years from the date the suspension for driving under the influence of intoxicants ends~~ indefinitely. If ~~during this three‑year period~~ the person subsequently decides to have the ignition interlock device installed, the device must be installed for the ~~full suspension period or until the end of the three‑year period, whichever comes first~~ length of time set forth in Section 56‑1‑286, 56‑5‑2945, 56‑5‑2951, or 56‑5‑2990, and the person cannot choose to subsequently serve the suspension. This provision ~~shall~~ does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23 of Chapter 5 of this title.

(B)(1) A person who does not own a vehicle, as shown in the Department of Motor Vehicles' records, and who certifies that ~~he~~ the person:

(a) cannot obtain a vehicle owner’s permission to have an ignition interlock device installed on a vehicle;

(b) will not be driving ~~any~~ a vehicle other than the one owned by ~~his~~ the person’s employer; and

(c) ~~that he~~ will not own a vehicle during the interlock period, may petition the ~~Department of Motor Vehicles~~ department, on a form provided by ~~it~~ the department, for issuance of ~~a~~ an ignition interlock restricted license ~~containing an ignition interlock device restriction,~~ that permits the person to operate a vehicle specified by the employee according to the employer’s needs as contained in the employer’s statement during the days and hours specified in the employer’s statement without having to show that an ignition interlock device has been installed. The form must contain:

(i) identifying information about the employer’s noncommercial vehicles the person will be operating;

(ii) a statement that explains the circumstances in which the person will be operating the employer’s vehicles; and

(iii) the notarized signature of the person’s employer.

(2) This subsection does not apply to a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person’s household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle’s ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section. This subsection also does not apply within a year of the beginning of the suspension of a person who is convicted for a second or subsequent conviction of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, is required to have an ignition interlock installed pursuant to Section 56-5-2945 or 56-5-2990.

(3) Whenever the person operates the employer’s vehicle pursuant to this subsection, the person shall have with the person a copy of the form specified by this subsection.

(4) The determination of eligibility for ~~this~~ the waiver is subject to periodic review at the discretion of the ~~Department of Motor Vehicles~~ ~~department~~. The ~~Department of Motor Vehicles must~~ department shall revoke a ~~license~~ waiver issued pursuant to this exemption if ~~it~~ the department determines that the person has been driving a vehicle other than the one owned by ~~his~~ the person’s employer or has been operating the person’s employer’s vehicle outside the locations, days, or hours specified by the employer in the department’s records. The person may seek relief from the ~~Department of Motor Vehicle's~~ department’s determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings. However, the filing of a request for a contested case hearing will not stay the revocation of the waiver pending the hearing.

(C) Any person whose license has been suspended or revoked for an offense within the jurisdiction of the court of general sessions shall provide the Department of Motor Vehicles with proof that the fine owed by the person has been paid before the ~~Department of Motor Vehicles~~ department may ~~return or~~ issue the person a license. Proof that the fine has been paid may be a receipt from the clerk of court of the county in which the conviction occurred stating that the fine has been paid in full.”

SECTION 3. Section 56‑1‑748 of the 1976 Code is amended to read:

“Section 56-1-748. No person issued a restricted driver's license under the provisions of Section 56‑1‑170(B), ~~Section~~ 56‑1‑320(A), ~~Section~~ 56‑1‑740(B), 56-1-745(C), ~~Section~~ 56‑1‑746 (D), ~~Section~~ 56‑5‑750(G), ~~Section~~ 56‑9‑430(B), ~~Section~~ 56‑10‑260(B), ~~Section~~ 56‑10‑270(C), ~~or Section~~ 56‑5‑2951~~(H)~~, or 56-5-2990 shall subsequently be eligible for issuance of a restricted driver's license under these provisions.”

SECTION 4. Section 56‑1‑1320(A) of the 1976 Code is amended to read:

“(A) A person with a South Carolina driver's license, a person who had a South Carolina driver's license at the time of the offense referenced below, or a person exempted from the licensing requirements by Section 56‑1‑30, who is or has been convicted of a first offense violation of ~~an ordinance of a municipality, or~~ a law of this State~~,~~ that prohibits a person from operating a vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including Section 56‑5‑2930 and ~~Section~~ 56‑5‑2933, and whose license is not presently suspended for any other reason, may apply to the Department of Motor Vehicles to obtain a provisional driver's license of a design to be determined by the department to operate a motor vehicle. The person shall enter an Alcohol and Drug Safety Action Program as provided for in Section 56‑1‑1330, shall furnish proof of responsibility as provided for in Section 56‑1‑1350, and shall pay to the department a fee of one hundred dollars for the provisional driver's license. The provisional driver's license is not valid for more than six months from the date of issue shown on the license. ~~The determination of whether or not a provisional driver's license may be issued pursuant to the provisions of this article as well as reviews of cancellations or suspensions under Sections 56‑1‑370 and 56‑1‑820 must be made by the director of the department or his designee.~~”

SECTION 5. Section 56‑5‑2941 of the 1976 Code is amended to read:

“Section 56-5-2941. (A) ~~Except as otherwise provided in this section, in addition to the penalties required and authorized to be imposed against a person violating the provisions of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or violating the provisions of another law of any other state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs~~ Pursuant to Section 56-5-2945 and 56-5-2990, the Department of Motor Vehicles ~~must~~ shall require ~~the~~ a person~~, if he is a subsequent offender and a resident of this State,~~ who has violated the provisions of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs to have installed on any motor vehicle the person drives an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. The ~~Department of Motor Vehicles~~ department may waive the requirements of this section if ~~it~~ the department ~~finds~~ determines that the ~~offender~~ person has a medical condition that makes ~~him~~ the person incapable of properly operating the installed ignition interlock device. However, the department may not waive the requirements of this section for a period of one year from the beginning of a subsequent suspension pursuant to Section 56‑5‑2930, Section 56‑5‑2933, Section 56‑5‑2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs. If the department grants a waiver, the department shall suspend the person’s driver’s license for the length of time that the person would have been required to hold an ignition interlock restricted license pursuant to Section 56‑5‑2945 and 56‑5‑2990. The department shall also require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver’s license suspension or denial of the issuance of a driver’s license or permit pursuant to Section 56-1-286, 56-5-2945, 56-5-2951, 56-5-2990 to have an ignition interlock device installed on any motor vehicle the person drives. The length of time that an ignition interlock device is required to be affixed to a motor vehicle is set forth in Section 56-1-286, 56-5-2945, 56-5-2951, and 56-5-2990 ~~following the completion of a period of license suspension imposed on the offender is two years for a second offense, three years for a third offense, and the remainder of the offender's life for a fourth or subsequent offense~~.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that an ignition interlock device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle's records for offenses pursuant to ~~Section~~ Sections 56-1-286, ~~Section~~ 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, 56-5-2950, or 56-5-2951.

~~(B)~~(C) If a ~~person who is a subsequent offender and a~~ resident of this State is convicted of violating ~~the provisions of~~ a law of ~~any other~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, and, as a result of the conviction, the person is subject to an ignition interlock device requirement in the other state, the person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

~~(C)~~(D) If a person from another state becomes a resident of South Carolina while subject to an ignition interlock device requirement in another state, the person may only obtain a South Carolina driver's license if the person enrolls in the South Carolina ~~ignition interlock device program~~ Ignition Interlock Device Program pursuant to this section. The person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

~~(D)~~(E) The ~~offender~~ person shall be subject to an Ignition Interlock Device Point System managed by the Department of Probation, Parole and Pardon Services.

(1) ~~An offender~~ A person receiving a total of:

(a) two points will have ~~their~~ the length of time that the ignition interlock device is required extended by two months~~.~~;

(b) ~~An offender receiving a total of~~ three points will have ~~their~~ the length of time that the ignition interlock device is required extended by four months, ~~and must~~ shall submit to a substance abuse assessment pursuant to Section 56‑5‑2990, and successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the ~~individual~~ person not complete the recommended plan, or not make progress toward completing the plan, the Department of Motor Vehicles ~~must~~ shall suspend the ~~individual's driver's~~ person’s ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan~~.~~;

(c) ~~An offender receiving a total of~~ four points ~~shall~~ will have ~~their~~ the person’s ignition interlock restricted license suspended for a period of ~~one year~~ three months, ~~and~~ shall submit to a substance abuse assessment pursuant to Section 56‑5‑2990, and successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. ~~Completion of the plan is mandatory as a condition of reinstatement of the person's driving privileges.~~ Should the person not complete the recommended plan, or not make progress toward completing the plan, the Department of Motor Vehicles shall leave the person’s ignition interlock restricted license in suspended status, or, if the license has already been reinstated following the three month suspension, shall re-suspend the person’s ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan. The Department of Alcohol and Other Drug Abuse Services is responsible for notifying the Department of Motor Vehicles of ~~an individual's~~ a person’s completion and compliance with education and treatment programs. Upon reinstatement of driving privileges following the three month suspension, the Department of Probation, Parole and Pardon Services shall reset the person’s point total to zero points.

~~(E)~~(F) The cost of the ignition interlock device must be borne by the ~~offender~~ person. However, if the ~~offender~~ person believes ~~he~~ the person is indigent and cannot afford the cost of the ignition interlock device, the ~~offender~~ person may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the ignition interlock device. The affidavit of indigency form must be made publicly accessible on the Department of Probation, Parole and Pardon Services' Internet web site. If the Department of Probation, Parole and Pardon Services determines that the ~~offender~~ person is indigent as it pertains to the ignition interlock device, ~~it~~ the Department of Probation, Parole and Pardon Services may authorize an ignition interlock device to be affixed to the motor vehicle and the cost of the initial installation and standard use of the ignition interlock device to be paid for by the Ignition Interlock Device Fund managed by the Department of Probation, Parole and Pardon Services. Funds remitted to the Department of Probation, Parole and Pardon Services for the Ignition Interlock Device Fund may also be used by the Department of Probation, Parole and Pardon Services to support the Ignition Interlock Device Program. For purposes of this section, a person is indigent if the person is financially unable to afford the cost of the ignition interlock device. In making a determination whether a person is indigent, all factors concerning the person's financial conditions should be considered including, but not limited to, income, debts, assets, number of ~~dependants~~ dependents claimed for tax purposes, living expenses, and family situation. A presumption that the person is indigent is created if the person's net family income is less than or equal to the poverty guidelines established and revised annually by the United States Department of Health and Human Services published in the Federal Register. ‘Net income’ means gross income minus deductions required by law. The determination of indigency is subject to periodic review at the discretion of the Department of Probation, Parole and Pardon Services.

~~(F)~~(G) The ignition interlock service provider ~~must~~ shall collect and remit monthly to the Ignition Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed ~~three hundred sixty~~ thirty dollars per ~~year~~ month for each ~~year~~ month the person is required to drive a vehicle with an ignition interlock device. Any ignition interlock service provider failing to properly remit funds to the Ignition Interlock Device Fund may be decertified as an ignition interlock service provider by the Department of Probation, Parole and Pardon Services. If a service provider is decertified for failing to remit funds to the Ignition Interlock Device Fund, the cost for removal and replacement of an ignition interlock device must be borne by the service provider.

~~(G)~~(H) The ~~offender must~~ person shall have the ignition interlock device inspected every sixty days to verify that the ignition interlock device is affixed to the motor vehicle and properly operating, and to allow for the preparation of an ignition interlock device inspection report by the service provider indicating the ~~offender's~~ person’s alcohol content at each attempt to start and running ~~re‑test~~ retest during each sixty‑day period. Only a service provider authorized by the Department of Probation, Parole and Pardon Services to perform inspections on ignition interlock devices may conduct inspections. The service provider immediately ~~must~~ shall report any devices that fail inspection to the Department of Probation, Parole and Pardon Services. The report must contain the name of the ~~offender~~ person, identify the vehicle upon which the failed device is installed and the reason for the failed inspection, and indicate the ~~offender's~~ person’s alcohol content at each attempt to start and running ~~re‑test~~ retest during each sixty‑day period. Failure of the ~~offender~~ person to have the ignition interlock device inspected every sixty days will result in one ignition interlock device point. ~~Upon review of the interlock device inspection report, if the report reflects that the offender attempted to start the motor vehicle with an alcohol concentration of two one‑hundredths of one percent or more, the offender is assessed one‑half interlock device point.~~ Upon review of the ignition interlock device inspection report, if the report reflects that the ~~offender~~ person violated a running ~~re‑test~~ retest by having an alcohol concentration between two one‑hundredths of one percent and less than four one‑hundredths of one percent, the ~~offender~~ person is assessed one‑half ignition interlock device point. Upon review of the ignition interlock device inspection report, if the report reflects that the ~~offender~~ person violated a running ~~re‑test~~ retest by having an alcohol concentration between four one‑hundredths of one percent and less than fifteen one‑hundredths of one percent, the ~~offender~~ person is assessed one ignition interlock device point. Upon review of the ignition interlock device inspection report, if the report reflects that the ~~offender~~ person violated a running ~~re‑test~~ retest by having an alcohol concentration above fifteen one‑hundredths of one percent, the ~~offender~~ person is assessed two ignition interlock device points. Upon review of the ignition interlock device inspection report, if the report reflects that the person has failed to complete a running retest, the person must be assessed one ignition interlock device point. ~~An individual~~ A person may appeal any ignition interlock device points received to an administrative hearing officer with the Department of Probation, Parole and Pardon Services through a process established by the Department of Probation, Parole and Pardon Services. The administrative hearing officer's decision on appeal ~~shall be~~ is final and no appeal from such decision ~~shall be~~ is allowed.

~~(H)~~(I) ~~Ten~~ Five years from the date of the person's ~~last conviction~~ reinstatement and every five years thereafter a fourth or subsequent offender whose license has been reinstated pursuant to Section 56‑1‑385 may apply to the Department of Probation, Parole and Pardon Services for removal of the ignition interlock device and the removal of the restriction from ~~his~~ the person’s driver's license. The Department of Probation, Parole and Pardon Services may, for good cause shown, ~~remove the device and remove the restriction~~ notify the Department of Motor Vehicles that the person is eligible to have the restriction removed from the ~~offender's~~ person’s license.

~~(I)~~(J) Except as otherwise provided in this section, it is unlawful for a person issued ~~a driver's license with~~ an ignition interlock ~~restriction~~ restricted license to drive a motor vehicle that is not equipped with a properly operating, certified ignition interlock device. A person who violates this ~~section must be punished in the manner provided by law~~ subsection is in violation of Section 56-1-460(A)(1).

~~(J)~~(K)(1) ~~An offender that~~ A person who is required in the course and scope of ~~his~~ the person’s employment to drive a motor vehicle owned by the ~~offender's~~ person’s employer may drive ~~his~~ the employer's motor vehicle without installation of an ignition interlock device, provided that the ~~offender's~~ person’s use of the employer's motor vehicle is solely for the employer's business purposes. This subsection does not apply to ~~an offender~~ a person who is self‑employed or to ~~an offender~~ a person who is employed by a business owned in whole or in part by the ~~offender~~ person or a member of the ~~offender's~~ person’s household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section. This subsection also does not apply within a year of the beginning of the suspension of a person who is convicted for a second or subsequent conviction of Section 56‑5‑2930, 56‑5‑2933, 56‑5‑2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, is required to have an ignition interlock installed pursuant to Section 56‑5‑2945 or 56‑5‑2990.

(2) Whenever the person operates the employer’s vehicle pursuant to this subsection, the person shall have with the person a copy of the Department of Motor Vehicle’s form specified by Section 56-1-400(B).

(3) This subsection shall not be construed in parallel with all the requirements of Section 56-1-400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in Section 56-1-400(B).

~~(K)~~(L) It is unlawful for a person to tamper with or disable, or attempt to tamper with or disable, an ignition interlock device installed on a motor vehicle pursuant to this section. Obstructing or obscuring the camera lens of an ignition interlock device constitutes tampering. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(L)~~(M) It is unlawful for a person to knowingly rent, lease, or otherwise provide ~~an offender~~ a person who is subject to the provisions of this section with a motor vehicle without a properly operating, certified ignition interlock device. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(M)~~(N) It is unlawful for ~~an offender~~ a person who is subject to the provisions of this section to solicit or request another person, or for a person to solicit or request another person on behalf of ~~an offender~~ a person who is subject to the provisions of this section, to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(N)~~(O) It is unlawful for another person to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(O)~~(P) Only ignition interlock devices certified by the Department of Probation, Parole and Pardon Services may be used to fulfill the requirements of this section.

(1) The Department of Probation, Parole and Pardon Services ~~must~~ shall certify whether a device meets the accuracy requirements and specifications provided in guidelines or regulations adopted by the National Highway Traffic Safety Administration, as amended from time to time. All devices certified to be used in South Carolina must be set to prohibit the starting of a motor vehicle when an alcohol concentration of two one‑hundredths of one percent or more is measured and all running ~~re‑tests~~ retests must record violations of an alcohol concentration of two one‑hundredths of one percent or more and must capture a photographic image of the driver as the driver is operating the ignition interlock device. The photographic images recorded by the ignition interlock device may be used by the Department of Probation, Parole and Pardon Services to aid in the Department of Probation, Parole and Pardon Services’ management of the Ignition Interlock Device Program; however, neither the Department of Probation, Parole and Pardon Services, the Department of Probation, Parole and Pardon Services’ employees, nor any other political subdivision of this State may be held liable for any injury caused by a driver or other person who operates a motor vehicle after the use or attempt to use an ignition interlock device.

(2) The Department of Probation, Parole and Pardon Services shall maintain a current list of certified ignition interlock devices and ~~their~~ manufacturers. The list must be updated at least quarterly. If a particular certified ignition interlock device fails to continue to meet federal requirements, the ignition interlock device must be decertified, may not be used until it is compliant with federal requirements, and must be replaced with ~~a~~ an ignition interlock device that meets federal requirements. The cost for removal and replacement must be borne by the manufacturer of the noncertified ignition interlock device.

(3) Only ignition interlock installers certified by the Department of Probation, Parole and Pardon Services may install and service ignition interlock devices required pursuant to this section. The Department of Probation, Parole and Pardon Services shall maintain a current list of vendors that are certified to install the ignition interlock devices.

~~(P)~~(Q) In addition to availability under the Freedom of Information Act, any Department of Probation, Parole and Pardon Services policy concerning ignition interlock devices must be made publicly accessible on the Department of Probation, Parole and Pardon ~~Service's~~ Services’ Internet web site.

~~(Q)~~(R) The Department of Probation, Parole and Pardon Services shall develop policies including, but not limited to, the certification, use, maintenance, and operation of ignition interlock devices and the Ignition Interlock Device Fund.”

SECTION 6. Section 56‑5‑2942(D) of the 1976 Code is amended to read:

“(D) Upon notification by a court in this State or ~~by any other~~ another state of a conviction for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, the department ~~must~~ shall require the ~~person~~ convicted person, unless the convicted person is a holder of a valid ignition interlock restricted license, to surrender all license plates and vehicle registrations subject to immobilization pursuant to this section. The immobilization is for a period of thirty days to take place during the driver's license suspension pursuant to a conviction for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945. The department ~~must~~ shall maintain a record of all vehicles immobilized pursuant to this section.”

SECTION 7. Section 56‑5‑2945(B) of the 1976 Code is amended to read:

“(B)(1) As used in this section, ‘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) The Department of Motor Vehicles ~~must~~ shall suspend the driver's license of a person who is convicted ~~or who receives a sentence upon a plea of guilty or nolo contendere~~ pursuant to this section for a period to include a period of incarceration plus:

(a) for a first offense, forty-five days. Following the suspension, the Department of Motor Vehicles shall require the person to have an ignition interlock device installed on any motor vehicle the person drives for three years ~~for a conviction of Section 56‑5‑2945~~ when ~~‘~~great bodily injury~~’~~ occurs and five years when a death occurs~~. This period of incarceration shall not include any portion of a suspended sentence such as probation, parole, supervised furlough, or community supervision. For suspension purposes of this section, convictions arising out of a single incident shall run concurrently.~~ ; and

(b) for a second or subsequent offense, one year. Following the suspension, the Department of Motor Vehicles shall require the person to have an ignition interlock device installed on any motor vehicle the person drives for three years when great bodily injury occurs and five years when a death occurs.

(3) The ignition interlock device must be administered pursuant to the provisions of Section 56-5-2941.

(4) The Department of Motor Vehicles may waive the ignition interlock device requirement if the department determines that the person has a medical condition that makes the person incapable of properly operating the installed ignition interlock device. In such case, the department shall suspend the person’s driver’s license for a period of incarceration plus three years when great bodily injury occurs and a period of incarceration plus five years when a death occurs.

(5) The person is not required to have an ignition interlock device affixed to the motor vehicle during a period of incarceration.

(6) The period of incarceration does not include any portion of a suspended sentence such as probation, parole, supervised furlough, or community supervision. For suspension purposes of this section, convictions arising out of a single incident must run concurrently.”

SECTION 8. Section 56‑5‑2950(B) of the 1976 Code is amended to read:

“(B) No tests may be administered or samples obtained unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

(1) ~~he~~ the person does not have to take the test or give the samples, but that ~~his~~ the person’s privilege to drive must be suspended or denied for at least six months or, as an alternative, the person may enroll in the Ignition Interlock Device Program for at least six months, if ~~he~~ the person refuses to submit to the test, and that ~~his~~ the person’s refusal may be used against ~~him~~ the person in court;

(2) ~~his~~ the person’s privilege to drive must be suspended for at least one month or, as an alternative for a second or subsequent offense, the person may enroll in the Ignition Interlock Device Program for at least two months, if ~~he~~ the person takes the test or gives the samples and has an alcohol concentration of fifteen one‑hundredths of one percent or more;

(3) ~~he~~ the person has the right to have a qualified person of ~~his~~ the person’s own choosing conduct additional independent tests at ~~his~~ the person’s expense;

(4) ~~he~~ the person has the right to request ~~an administrative~~ a contested case hearing within thirty days of the issuance of the notice of suspension; and

(5) if ~~he~~ the person does not request ~~an administrative~~ a contested case hearing or if ~~his~~ the person’s suspension is upheld at the ~~administrative~~ contested case hearing, ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program.”

SECTION 9. Section 56‑5‑2951(H) of the 1976 Code is amended to read:

“(H)(1) ~~If~~ For offenses that occurred prior to October1, 2013, if the person did not request a contested case hearing or the suspension is upheld at the ~~administrative~~ contested case hearing, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 and may apply for a restricted license if ~~he~~ ~~the person~~ is employed or enrolled in a college or university. The restricted license permits ~~him~~ the person to drive only to and from work and ~~his~~ the person’s place of education and in the course of ~~his~~ the person’s employment or education during the period of suspension. The restricted license also permits ~~him~~ the person to drive to and from the Alcohol Drug Safety Action Program classes or to a court‑ordered drug program. The department may issue the restricted license only upon showing by the ~~individual~~ person that ~~he~~ the person is employed or enrolled in a college or university, that ~~he~~ the person lives further than one mile from ~~his~~ the person’s place of employment, place of education, or location of ~~his~~ the person’s Alcohol and Drug Safety Action Program classes, or the location of ~~his~~ the person’s court‑ordered drug program, and that there is no adequate public transportation between ~~his~~ the person’s residence and ~~his~~ the person’s place of employment, ~~his~~ the person’s place of education, the location of ~~his~~ the person’s Alcohol and Drug Safety Action Program classes, or the location of ~~his~~ the person’s court‑ordered drug program.

(2) If the department issues a restricted license pursuant to this subsection, ~~it must~~ the department shall designate reasonable restrictions on the times during which and routes on which the ~~individual~~ person may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of attendance of ~~his~~ the person’s court‑ordered drug program, or residence must be reported immediately to the department by the ~~licensee~~ person.

(3) The fee for a restricted license is one hundred dollars, but no additional fee may be charged because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the state general fund, and eighty dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray the department’s expenses ~~of the Department of Motor Vehicles~~.

(4) Driving a motor vehicle outside the time limits and route imposed by a restricted license ~~by the person issued that license~~ is a violation of Section 56‑1‑460.”

SECTION 10. Section 56‑5‑2951(I) of the 1976 Code is amended to read:

“(I)(1) ~~The~~ Except as provided in subitem (I)(3), the period of a driver’s license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, an arrested person who has no previous convictions for violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs within the ten years preceding a violation of this section, and who has had no previous suspension imposed pursuant to Section ~~56-5-2950~~ 56-1-286, ~~or~~ 56‑5‑2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) six months for a person who refuses to submit to a test pursuant to Section 56‑5‑2950; or

(b) one month for a person who takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more.

(2) The period of a driver’s license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, an arrested person who has been convicted previously for violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or any other law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or another drug within the ten years preceding a violation of this section, or who has had a previous suspension imposed pursuant to Section ~~56‑5‑2950~~ 56‑1‑286, ~~or~~ 56‑5‑2951, or 56‑5‑2990, within the ten years preceding a violation of this section is:

(a) for a second offense, nine months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950 or two months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more;

(b) for a third offense, twelve months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950 or three months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more; and

(c) for a fourth or subsequent offense, fifteen months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950 or four months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more.

(3) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, except a suspension or denial pursuant to subitem (I)(1)(b), a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time the person would originally have been subject to suspension or denial of the issuance of a license or permit. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.”

SECTION 11. Section 56‑5‑2951(J) of the 1976 Code is amended to read:

“(J) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension or ignition interlock restricted license requirement under subsection (I) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program ~~in which he is enrolled~~. After the person's driving privilege is restored, ~~he must~~ the person shall continue the services of the Alcohol and Drug Safety Action Program ~~in which he is enrolled~~. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until the completion of the Alcohol and Drug Safety Action Program. A person ~~must~~ shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 before ~~his~~ the person’s driving privilege can be restored at the conclusion of the suspension period.”

SECTION 12. Section 56‑5‑2951(O) of the 1976 Code is amended to read:

“(O) The department ~~must~~ shall administer the provisions of this section ~~and must promulgate regulations necessary to carry out its provisions~~.”

SECTION 13. Section 56‑5‑2951(P) of the 1976 Code is amended to read:

“~~(P)~~ ~~If a person does not request an administrative hearing within the thirty‑day period as authorized pursuant to this section, the person may file with the department a form after enrolling in a certified Alcohol and Drug Safety Action Program to apply for a restricted license. The restricted license permits him to drive only to and from work and his place of education and in the course of his employment or education during the period of suspension. The restricted license also permits him to drive to and from Alcohol and Drug Safety Action Program classes or a court‑ordered drug program. The department may issue the restricted license at any time following the suspension upon a showing by the individual that he is employed or enrolled in a college or university, that he lives further than one mile from his place of employment, place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court‑ordered drug program, and that there is no adequate public transportation between his residence and his place of employment, his place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court‑ordered drug program. The department must designate reasonable restrictions on the times during which and routes on which the individual may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of his court‑ordered drug program, or residence must be reported immediately to the department by the licensee. The route restrictions, requirements, and fees imposed by the department for the issuance of the restricted license issued pursuant to this item are the same as those provided in this section had the person requested an administrative hearing. A restricted license is valid until the person successfully completes a certified Alcohol and Drug Safety Action Program, unless the person fails to complete or make satisfactory progress to complete the program.~~”

SECTION 14. Section 56‑5‑2990(A) of the 1976 Code is amended to read:

“(A)(1) The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted~~, receives sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted~~ for a violation of Section 56‑5‑2930, Section 56‑5‑2933, or ~~for the violation of another law or ordinance of this State or of a municipality of this State~~ a law of another state that prohibits a person from driving a motor vehicle while under the influence of ~~intoxicating liquor, drugs, or narcotics~~ alcohol or other drugs for:

(a)(i) six months for ~~the~~ a first conviction~~, plea of guilty or of nolo contendere, or forfeiture of bail~~ for a person whose blood alcohol concentration is fourteen one-hundredths of one percent or less. The person is eligible to obtain a provisional driver’s license pursuant to Section 56-5-2990;

(ii) six months for a first conviction for a person whose blood alcohol concentration is fifteen one-hundredths of one percent or more. The person is not eligible to obtain a provisional driver’s license pursuant to Section 56-5-2990. The person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941 and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for six months;

(b) one year for ~~the~~ a second conviction~~, plea of guilty or of nolo contendere, or forfeiture of bail~~. At any time after the person has served at least forty-five days of the suspension the person may obtain a route-restricted ignition interlock license pursuant to Section 56-5-2991. The license is valid until the end of the one-year suspension. Following the suspension, the department shall require the person to have an ignition interlock device installed for one year on any motor vehicle the person drives. The ignition interlock device must be administered pursuant to the provisions of Section 56-5-2941. After the person has served the one-year suspension, the department may waive the requirement pursuant to Section 56-5-2941, if the department determines that the person has a medical condition that makes the person incapable of properly operating the installed ignition interlock device. In such case, the department shall suspend the person’s driver’s license for an additional year;

(c)(i) ~~two years~~ one year for ~~the~~ a third conviction~~, plea of guilty or of nolo contendere, or forfeiture of bail~~. At any time after the person has served at least forty-five days of the suspension the person may obtain a route-restricted ignition interlock license pursuant to Section 56-5-2991. The license is valid until the end of the one-year suspension. Following the suspension, the department shall require the person to have an ignition interlock device installed for two years on any motor vehicle the person drives. The ignition interlock device must be administered pursuant to the provisions of Section 56-5-2941. After the person has served the one-year suspension, the department may waive the requirement pursuant to Section 56-5-2941, if the department determines that the person has a medical condition that makes the person incapable of properly operating the installed ignition interlock device. In such case, the department shall suspend the person’s driver’s license for an additional two years; ~~and~~

(ii) one year, if the third conviction occurs within five years from the date of the first offense. At any time after the person has served at least forty-five days of the suspension the person may obtain a route-restricted ignition interlock license pursuant to Section 56-5-2991. The license is valid until the end of the one-year suspension. Following the suspension, the department shall require the person to have an ignition interlock device installed for three years on any motor vehicle the person drives. The ignition interlock device must be administered pursuant to the provisions of Section 56-5-2941. After the person has served the one-year suspension, the department may waive the requirement pursuant to Section 56-5-2941, if the department determines that the person has a medical condition that makes the person incapable of properly operating the installed ignition interlock device. In such case, the department shall suspend the person’s driver’s license for an additional three years; and

(d) a permanent revocation of the driver's license for ~~the~~ a fourth or subsequent conviction~~, plea of guilty or of nolo contendere, or forfeiture of bail~~. If the driver’s license is ever reinstated, the department shall require the person to have an ignition interlock device installed for life on any motor vehicle the person drives. The ignition interlock device must be administered pursuant to the provisions of Section 56‑5‑2941. The department cannot waive the requirement for a person who has a medical condition that makes the person incapable of properly operating the installed ignition interlock device.

(2) Only those violations which occurred within ten years including and immediately preceding the date of the last violation shall constitute prior violations within the meaning of this section. ~~However, if the third conviction occurs within five years from the date of the first offense, then the department shall suspend the driver's license for four years.~~

(3) A person whose license is revoked following conviction for a fourth offense as provided in this section is forever barred from being issued any license by the Department of Motor Vehicles to operate a motor vehicle except as provided in Section 56‑1‑385.”

SECTION 15. Section 56‑5‑2990(B) of the 1976 Code is amended to read:

“(B) A person whose license is suspended under the provisions of this section, Section 56‑1‑286, Section 56-5-2945, or Section 56‑5‑2951 must be notified by the department of the suspension and of the requirement to enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services. ~~A person who must complete an Alcohol and Drug Safety Action Program as a condition of reinstatement of his driving privileges or a court‑ordered drug program may use the route restricted or special restricted driver's license to attend the Alcohol and Drug Safety Action Program classes or court‑ordered drug program in addition to the other permitted uses of a route restricted driver's license or a special restricted driver's license.~~ An assessment of the extent and nature of the alcohol and drug abuse problem, if any, of the applicant must be prepared and a plan of education or treatment, or both, must be developed for the applicant. Entry into and successful completion of the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the applicant is a mandatory requirement of the issuance of an ignition interlock restricted license and of the restoration of driving privileges to the applicant whose license is suspended pursuant to this section. For a first offense suspension pursuant to this section or Section 56-5-2945, entry into the program is required for issuance of an ignition interlock restricted license and completion of the program is required for the restoration of driving privileges. The Alcohol and Drug Safety Action Program shall determine if the applicant has successfully completed the services. Alcohol and Drug Safety Action Programs shall meet at least once a month. The person whose license is suspended ~~must~~ shall attend the first Alcohol and Drug Safety Action Program available after the date of enrollment.”

SECTION 16. Section 56‑5‑2990(F) of the 1976 Code is amended to read:

“~~(F)~~ ~~Except as provided for in Section 56‑1‑365(D) and (E), the driver's license suspension periods under this section begin on the date the person is convicted, receives sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted for the violation of Section 56‑5‑2930, 56‑5‑2933, or for the violation of any other law of this State or ordinance of a county or municipality of this State that prohibits a person from operating a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics; however, a person is not prohibited from filing a notice of appeal and receiving a certificate which entitles him to operate a motor vehicle for a period of sixty days after the conviction, plea of guilty or nolo contendere, or bail forfeiture pursuant to Section 56‑1‑365(F).~~”

SECTION 17. 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 18. This act takes effect on October 1, 2013. /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator CAMPSEN raised a Point of Order that the Bill was out of order inasmuch as it was violative of Section 2-7-125(c) as a Bill must receive a roll call vote on second reading.

Senators SHEHEEN and SCOTT spoke on the Point of Order.

**Point of Order**

Senator SCOTT raised a Point of Order that the Point of Order comes too late and should have been raised at the time the motion for second reading was adopted.

The PRESIDENT sustained the Point of Order.

Senator LOURIE explained the amendment.

The amendment was adopted.

The question then was the third 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

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

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

The Senate resumed consideration of H. 3508.

**Amendment No. 13**

Senator MATTHEWS proposed the following amendment (3508MW12), which was withdrawn:

Amend the bill, as and if amended, page 13, line 7, by adding an appropriately lettered subsection to read:

/ ( ) The provisions of the act do not apply to a county that has been identified by the U.S. Department of Agriculture as being a persistent poverty county. /

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

On motion of Senator MATTHEWS, with unanimous consent, Amendment No. 13 was withdrawn.

**Amendment No. 15**

Senator MATTHEWS proposed the following amendment (3508MW15), which was withdrawn:

Amend the bill, as and if amended, Section 58-9-2660, as contained in SECTION 2, by adding an appropriately lettered subsection at the end to read:

/ ( ) The provisions of this section do not apply to a county with a population of less than twenty-five thousand. /

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

**Objection**

Senator MATTHEWS asked unanimous consent to make a motion to withdraw his amendment.

Senator BRIGHT objected.

On motion of Senator MATTHEWS, with unanimous consent, Amendment No. 15 was withdrawn.

With Senator MALLOY retaining the floor on H. 3508, Senator SETZLER asked unanimous consent to take up the items returned from the House.

There was no objection.

**CONCURRENCE**

S. 580 -- Senator Setzler: A BILL TO AMEND SECTION 40‑18‑140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 18 OF TITLE 40 PROVIDING FOR THE LICENSURE AND REGULATION OF PRIVATE SECURITY AND INVESTIGATION AGENCIES, SO AS TO PROVIDE THAT THE CHAPTER MUST NOT APPLY TO A PERSON BASED SOLELY ON HIS BEING ENGAGED IN COMPUTER OR DIGITAL FORENSIC SERVICES, THE ACQUISITION, REVIEW, OR ANALYSIS OF DIGITAL OR COMPUTER‑BASED INFORMATION, OR SYSTEM VULNERABILITY TESTING.

The House returned the Bill with amendments.

Senator SETZLER 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 SETZLER explained the amendments.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

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

**Message from the House**

Columbia, S.C., June 7, 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. 3790 -- Rep. Sellers: A BILL TO CREATE THE BAMBERG COUNTY WATER AND SEWER AUTHORITY; TO PROVIDE FOR ITS DUTIES, RESPONSIBILITIES, AND POWERS; AND TO PROVIDE FOR THE APPOINTMENT AND TERMS OF THE AUTHORITY’S MEMBERS.

Very respectfully,

Speaker of the House

Received as information.

**H. 3790--SENATE INSISTS ON THEIR AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

H. 3790 -- Rep. Sellers: A BILL TO CREATE THE BAMBERG COUNTY WATER AND SEWER AUTHORITY; TO PROVIDE FOR ITS DUTIES, RESPONSIBILITIES, AND POWERS; AND TO PROVIDE FOR THE APPOINTMENT AND TERMS OF THE AUTHORITY’S MEMBERS.

On motion of Senator HUTTO, the Senate insisted upon its amendments to H. 3790 and asked for a Committee of Conference.

Whereupon, Senators HUTTO, MATTHEWS and SHOOPMAN were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Sellers, Hosey and Merrill to the Committee of Conference on the part of the House on:

H. 3790 -- Rep. Sellers: A BILL TO CREATE THE BAMBERG COUNTY WATER AND SEWER AUTHORITY; TO PROVIDE FOR ITS DUTIES, RESPONSIBILITIES, AND POWERS; AND TO PROVIDE FOR THE APPOINTMENT AND TERMS OF THE AUTHORITY’S MEMBERS.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 1137 -- Senator Shoopman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 40‑3‑325 AND 40‑22‑295 SO AS TO ENACT THE “ARCHITECTS’ AND ENGINEERS’ VOLUNTEER ACT” WHICH PROVIDES IMMUNITY FOR A REGISTERED ARCHITECT OR ENGINEER WHO PROVIDES CERTAIN ARCHITECTURAL OR ENGINEERING SERVICES AT THE SCENE OF A DECLARED EMERGENCY.

asks for a Committee of Conference, and has appointed Reps. Sandifer, Anderson and Binghamto the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**S. 1137--CONFERENCE COMMITTEE APPOINTED**

S. 1137 -- Senator Shoopman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 40‑3‑325 AND 40‑22‑295 SO AS TO ENACT THE “ARCHITECTS’ AND ENGINEERS’ VOLUNTEER ACT” WHICH PROVIDES IMMUNITY FOR A REGISTERED ARCHITECT OR ENGINEER WHO PROVIDES CERTAIN ARCHITECTURAL OR ENGINEERING SERVICES AT THE SCENE OF A DECLARED EMERGENCY.

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

**NONCONCURRENCE**

S. 45 -- Senators McConnell, Campsen and Ford: A BILL TO AMEND CHAPTER 15, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 17‑15‑55, SO AS TO PROVIDE THAT THE CIRCUIT COURT SHALL CONSIDER MOTIONS REGARDING RECONSIDERATION OF BOND FOR GENERAL SESSIONS OFFENSES SET BY A SUMMARY COURT JUDGE; TO PROVIDE THAT FURTHER DEFENSE MOTIONS TO RECONSIDER BOND MAY BE HEARD BY THE CIRCUIT COURT ONLY UPON THE DEFENDANT’S PRIMA FACIE SHOWING OF A MATERIAL CHANGE IN CIRCUMSTANCE; TO PROVIDE THAT MOTIONS BY THE STATE TO REVOKE OR MODIFY A DEFENDANT’S BOND MUST BE MADE IN WRITING, STATE WITH PARTICULARITY THE GROUNDS FOR REVOCATION OR MODIFICATION, AND SET FORTH THE RELIEF OR ORDER SOUGHT; AND TO PROVIDE THAT, IF THE STATE’S MOTION TO REVOKE OR MODIFY BOND INCLUDES A PRIMA FACIE SHOWING OF IMMINENT DANGER TO THE COMMUNITY, OR IMMINENT DANGER TO THE DEFENDANT, OR FLIGHT BY THE DEFENDANT, THE CHIEF JUDGE OR PRESIDING JUDGE SHALL CONDUCT OR ORDER AN EMERGENCY HEARING WITHIN FORTY‑EIGHT HOURS.

The House returned the Bill with amendments.

Senator LARRY MARTIN 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 LARRY MARTIN explained the amendments.

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

**Ayes 0; Nays 38**

**AYES**

**Total--0**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leventis Malloy *Martin, Larry*

*Martin, Shane* McGill Nicholson

O'Dell Peeler Pinckney

Rankin Rose Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

The motion to concur failed.

On motion of Senator SETZLER, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 45 -- Senators McConnell, Campsen and Ford: A BILL TO AMEND CHAPTER 15, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 17‑15‑55, SO AS TO PROVIDE THAT THE CIRCUIT COURT SHALL CONSIDER MOTIONS REGARDING RECONSIDERATION OF BOND FOR GENERAL SESSIONS OFFENSES SET BY A SUMMARY COURT JUDGE; TO PROVIDE THAT FURTHER DEFENSE MOTIONS TO RECONSIDER BOND MAY BE HEARD BY THE CIRCUIT COURT ONLY UPON THE DEFENDANT’S PRIMA FACIE SHOWING OF A MATERIAL CHANGE IN CIRCUMSTANCE; TO PROVIDE THAT MOTIONS BY THE STATE TO REVOKE OR MODIFY A DEFENDANT’S BOND MUST BE MADE IN WRITING, STATE WITH PARTICULARITY THE GROUNDS FOR REVOCATION OR MODIFICATION, AND SET FORTH THE RELIEF OR ORDER SOUGHT; AND TO PROVIDE THAT, IF THE STATE’S MOTION TO REVOKE OR MODIFY BOND INCLUDES A PRIMA FACIE SHOWING OF IMMINENT DANGER TO THE COMMUNITY, OR IMMINENT DANGER TO THE DEFENDANT, OR FLIGHT BY THE DEFENDANT, THE CHIEF JUDGE OR PRESIDING JUDGE SHALL CONDUCT OR ORDER AN EMERGENCY HEARING WITHIN FORTY‑EIGHT HOURS.

asks for a Committee of Conference, and has appointed Reps. Bannister, McCoy and Stavrinakis to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**S. 45--CONFERENCE COMMITTEE APPOINTED**

S. 45 -- Senators McConnell, Campsen and Ford: A BILL TO AMEND CHAPTER 15, TITLE 17 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 17‑15‑55, SO AS TO PROVIDE THAT THE CIRCUIT COURT SHALL CONSIDER MOTIONS REGARDING RECONSIDERATION OF BOND FOR GENERAL SESSIONS OFFENSES SET BY A SUMMARY COURT JUDGE; TO PROVIDE THAT FURTHER DEFENSE MOTIONS TO RECONSIDER BOND MAY BE HEARD BY THE CIRCUIT COURT ONLY UPON THE DEFENDANT’S PRIMA FACIE SHOWING OF A MATERIAL CHANGE IN CIRCUMSTANCE; TO PROVIDE THAT MOTIONS BY THE STATE TO REVOKE OR MODIFY A DEFENDANT’S BOND MUST BE MADE IN WRITING, STATE WITH PARTICULARITY THE GROUNDS FOR REVOCATION OR MODIFICATION, AND SET FORTH THE RELIEF OR ORDER SOUGHT; AND TO PROVIDE THAT, IF THE STATE’S MOTION TO REVOKE OR MODIFY BOND INCLUDES A PRIMA FACIE SHOWING OF IMMINENT DANGER TO THE COMMUNITY, OR IMMINENT DANGER TO THE DEFENDANT, OR FLIGHT BY THE DEFENDANT, THE CHIEF JUDGE OR PRESIDING JUDGE SHALL CONDUCT OR ORDER AN EMERGENCY HEARING WITHIN FORTY‑EIGHT HOURS.

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

**NONCONCURRENCE**

S. 1321 -- Senators Malloy, McConnell, Knotts, Ford and Campsen: A BILL TO AMEND THE “OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010”, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16‑11‑110, RELATING TO ARSON, SO AS TO RESTRUCTURE THE DEGREES OF ARSON; BY AMENDING SECTION 16‑23‑500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT CRIME CLASSIFIED AS A FELONY, SO AS TO PROVIDE THAT IT IS A VIOLATION OF PROBATION, PAROLE, COMMUNITY SUPERVISION, OR ANY OTHER SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR AN OFFENDER TO PURCHASE OR POSSESS A FIREARM, AMMUNITION, OR ANY OTHER DANGEROUS WEAPON; BY AMENDING SECTION 22‑3‑560, RELATING TO THE ABILITY OF MAGISTRATES TO PUNISH BREACHES OF THE PEACE, SO AS TO PROVIDE THAT MAGISTRATES MAY PUNISH BREACHES OF THE PEACE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THIRTY DAYS, OR BOTH; BY AMENDING SECTION 22‑5‑920, RELATING TO THE EXPUNGEMENT OF YOUTHFUL OFFENDERS’ RECORDS, SO AS TO PROVIDE THAT EXPUNGEMENT DOES NOT APPLY TO OFFENSES IN WHICH REGISTRATION ON THE SEXUAL OFFENDER REGISTRY IS REQUIRED, EXCEPT IN CASES IN WHICH A DETERMINATION IS MADE BY THE SENTENCING COURT THAT THE SEXUAL CONDUCT WITH A VICTIM OF AT LEAST FOURTEEN YEARS OF AGE WAS CONSENSUAL; BY AMENDING SECTION 24‑19‑10, RELATING TO THE DEFINITION OF A “YOUTHFUL OFFENDER”, SO AS TO PROVIDE THAT IF THE OFFENDER COMMITTED BURGLARY IN THE SECOND DEGREE PURSUANT TO SECTION 16‑11‑312(B), THE OFFENDER MUST RECEIVE AND SERVE A MINIMUM SENTENCE OF AT LEAST THREE YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON IS NOT ELIGIBLE FOR CONDITIONAL RELEASE UNTIL THE PERSON HAS SERVED THE THREE‑YEAR MINIMUM SENTENCE; BY AMENDING SECTION 24‑21‑5 AND SECTION 24‑21‑100, RELATING TO ADMINISTRATIVE MONITORING BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THE PROCEDURES THE DEPARTMENT SHALL FOLLOW WHEN NOTIFYING PERSONS UNDER ADMINISTRATIVE MONITORING; BY AMENDING SECTION 24‑21‑280, RELATING TO COMPLIANCE CREDITS OF PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY EARN UP TO TWENTY DAYS OF COMPLIANCE CREDITS FOR EACH THIRTY‑DAY PERIOD IN WHICH THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL HAS SUBSTANTIALLY FULFILLED ALL OF THE CONDITIONS OF SUPERVISION; BY AMENDING SECTION 44‑53‑370 AND SECTION 44‑53‑375, RELATING TO CONTROLLED SUBSTANCE OFFENSES, SO AS TO REMOVE CERTAIN PROVISIONS PERTAINING TO PRIOR AND SUBSEQUENT CONTROLLED SUBSTANCE CONVICTIONS; BY AMENDING SECTION 44‑53‑470, RELATING TO WHEN A CONTROLLED SUBSTANCE OFFENSE IS CONSIDERED A SECOND OR SUBSEQUENT OFFENSE, SO AS TO PROVIDE THAT A CONVICTION FOR TRAFFICKING IN CONTROLLED SUBSTANCES MUST BE CONSIDERED A PRIOR OFFENSE FOR PURPOSES OF ANY CONTROLLED SUBSTANCE PROSECUTION; BY AMENDING SECTION 56‑1‑396, RELATING TO THE DRIVERS LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO PROVIDE THAT QUALIFYING SUSPENSIONS DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945, AND DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑1‑460, IF THE PERSON DRIVES A MOTOR VEHICLE WHEN THE PERSON’S LICENSE HAS BEEN SUSPENDED OR REVOKED PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945; AND BY AMENDING SECTION 56‑1‑460, RELATING TO THE OFFENSE OF DRIVING UNDER SUSPENSION, SO AS TO PROVIDE THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON MUST BE FINED ONE THOUSAND DOLLARS, AND IMPRISONED FOR UP TO NINETY DAYS OR CONFINED TO THE PERSON’S PLACE OF RESIDENCE PURSUANT TO THE HOME DETENTION ACT FOR UP TO NINETY DAYS.

The House returned the Bill with amendments.

Senator LARRY MARTIN 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 LARRY MARTIN explained the amendments.

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

**Ayes 0; Nays 39**

**AYES**

**Total--0**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leventis Malloy *Martin, Larry*

*Martin, Shane* McGill Nicholson

O'Dell Peeler Pinckney

Rankin Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

The motion to concur failed.

On motion of Senator LARRY MARTIN, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 1321 -- Senators Malloy, McConnell, Knotts, Ford and Campsen: A BILL TO AMEND THE “OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010”, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16‑11‑110, RELATING TO ARSON, SO AS TO RESTRUCTURE THE DEGREES OF ARSON; BY AMENDING SECTION 16‑23‑500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT CRIME CLASSIFIED AS A FELONY, SO AS TO PROVIDE THAT IT IS A VIOLATION OF PROBATION, PAROLE, COMMUNITY SUPERVISION, OR ANY OTHER SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR AN OFFENDER TO PURCHASE OR POSSESS A FIREARM, AMMUNITION, OR ANY OTHER DANGEROUS WEAPON; BY AMENDING SECTION 22‑3‑560, RELATING TO THE ABILITY OF MAGISTRATES TO PUNISH BREACHES OF THE PEACE, SO AS TO PROVIDE THAT MAGISTRATES MAY PUNISH BREACHES OF THE PEACE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THIRTY DAYS, OR BOTH; BY AMENDING SECTION 22‑5‑920, RELATING TO THE EXPUNGEMENT OF YOUTHFUL OFFENDERS’ RECORDS, SO AS TO PROVIDE THAT EXPUNGEMENT DOES NOT APPLY TO OFFENSES IN WHICH REGISTRATION ON THE SEXUAL OFFENDER REGISTRY IS REQUIRED, EXCEPT IN CASES IN WHICH A DETERMINATION IS MADE BY THE SENTENCING COURT THAT THE SEXUAL CONDUCT WITH A VICTIM OF AT LEAST FOURTEEN YEARS OF AGE WAS CONSENSUAL; BY AMENDING SECTION 24‑19‑10, RELATING TO THE DEFINITION OF A “YOUTHFUL OFFENDER”, SO AS TO PROVIDE THAT IF THE OFFENDER COMMITTED BURGLARY IN THE SECOND DEGREE PURSUANT TO SECTION 16‑11‑312(B), THE OFFENDER MUST RECEIVE AND SERVE A MINIMUM SENTENCE OF AT LEAST THREE YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON IS NOT ELIGIBLE FOR CONDITIONAL RELEASE UNTIL THE PERSON HAS SERVED THE THREE‑YEAR MINIMUM SENTENCE; BY AMENDING SECTION 24‑21‑5 AND SECTION 24‑21‑100, RELATING TO ADMINISTRATIVE MONITORING BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THE PROCEDURES THE DEPARTMENT SHALL FOLLOW WHEN NOTIFYING PERSONS UNDER ADMINISTRATIVE MONITORING; BY AMENDING SECTION 24‑21‑280, RELATING TO COMPLIANCE CREDITS OF PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY EARN UP TO TWENTY DAYS OF COMPLIANCE CREDITS FOR EACH THIRTY‑DAY PERIOD IN WHICH THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL HAS SUBSTANTIALLY FULFILLED ALL OF THE CONDITIONS OF SUPERVISION; BY AMENDING SECTION 44‑53‑370 AND SECTION 44‑53‑375, RELATING TO CONTROLLED SUBSTANCE OFFENSES, SO AS TO REMOVE CERTAIN PROVISIONS PERTAINING TO PRIOR AND SUBSEQUENT CONTROLLED SUBSTANCE CONVICTIONS; BY AMENDING SECTION 44‑53‑470, RELATING TO WHEN A CONTROLLED SUBSTANCE OFFENSE IS CONSIDERED A SECOND OR SUBSEQUENT OFFENSE, SO AS TO PROVIDE THAT A CONVICTION FOR TRAFFICKING IN CONTROLLED SUBSTANCES MUST BE CONSIDERED A PRIOR OFFENSE FOR PURPOSES OF ANY CONTROLLED SUBSTANCE PROSECUTION; BY AMENDING SECTION 56‑1‑396, RELATING TO THE DRIVER’S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO PROVIDE THAT QUALIFYING SUSPENSIONS DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945, AND DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑1‑460, IF THE PERSON DRIVES A MOTOR VEHICLE WHEN THE PERSON’S LICENSE HAS BEEN SUSPENDED OR REVOKED PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945; AND BY AMENDING SECTION 56‑1‑460, RELATING TO THE OFFENSE OF DRIVING UNDER SUSPENSION, SO AS TO PROVIDE THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON MUST BE FINED ONE THOUSAND DOLLARS, AND IMPRISONED FOR UP TO NINETY DAYS OR CONFINED TO THE PERSON’S PLACE OF RESIDENCE PURSUANT TO THE HOME DETENTION ACT FOR UP TO NINETY DAYS.

asks for a Committee of Conference, and has appointed Reps. Bannister, Tallon and Rutherford to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**S. 1321--CONFERENCE COMMITTEE APPOINTED**

S. 1321 -- Senators Malloy, McConnell, Knotts, Ford and Campsen: A BILL TO AMEND THE “OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010”, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16‑11‑110, RELATING TO ARSON, SO AS TO RESTRUCTURE THE DEGREES OF ARSON; BY AMENDING SECTION 16‑23‑500, RELATING TO THE UNLAWFUL POSSESSION OF A FIREARM OR AMMUNITION BY A PERSON CONVICTED OF A VIOLENT CRIME CLASSIFIED AS A FELONY, SO AS TO PROVIDE THAT IT IS A VIOLATION OF PROBATION, PAROLE, COMMUNITY SUPERVISION, OR ANY OTHER SUPERVISION PROGRAM OPERATED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR AN OFFENDER TO PURCHASE OR POSSESS A FIREARM, AMMUNITION, OR ANY OTHER DANGEROUS WEAPON; BY AMENDING SECTION 22‑3‑560, RELATING TO THE ABILITY OF MAGISTRATES TO PUNISH BREACHES OF THE PEACE, SO AS TO PROVIDE THAT MAGISTRATES MAY PUNISH BREACHES OF THE PEACE BY A FINE NOT EXCEEDING FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR A TERM NOT EXCEEDING THIRTY DAYS, OR BOTH; BY AMENDING SECTION 22‑5‑920, RELATING TO THE EXPUNGEMENT OF YOUTHFUL OFFENDERS’ RECORDS, SO AS TO PROVIDE THAT EXPUNGEMENT DOES NOT APPLY TO OFFENSES IN WHICH REGISTRATION ON THE SEXUAL OFFENDER REGISTRY IS REQUIRED, EXCEPT IN CASES IN WHICH A DETERMINATION IS MADE BY THE SENTENCING COURT THAT THE SEXUAL CONDUCT WITH A VICTIM OF AT LEAST FOURTEEN YEARS OF AGE WAS CONSENSUAL; BY AMENDING SECTION 24‑19‑10, RELATING TO THE DEFINITION OF A “YOUTHFUL OFFENDER”, SO AS TO PROVIDE THAT IF THE OFFENDER COMMITTED BURGLARY IN THE SECOND DEGREE PURSUANT TO SECTION 16‑11‑312(B), THE OFFENDER MUST RECEIVE AND SERVE A MINIMUM SENTENCE OF AT LEAST THREE YEARS, NO PART OF WHICH MAY BE SUSPENDED, AND THE PERSON IS NOT ELIGIBLE FOR CONDITIONAL RELEASE UNTIL THE PERSON HAS SERVED THE THREE‑YEAR MINIMUM SENTENCE; BY AMENDING SECTION 24‑21‑5 AND SECTION 24‑21‑100, RELATING TO ADMINISTRATIVE MONITORING BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THE PROCEDURES THE DEPARTMENT SHALL FOLLOW WHEN NOTIFYING PERSONS UNDER ADMINISTRATIVE MONITORING; BY AMENDING SECTION 24‑21‑280, RELATING TO COMPLIANCE CREDITS OF PERSONS UNDER THE SUPERVISION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO PROVIDE THAT AN INDIVIDUAL MAY EARN UP TO TWENTY DAYS OF COMPLIANCE CREDITS FOR EACH THIRTY‑DAY PERIOD IN WHICH THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL HAS SUBSTANTIALLY FULFILLED ALL OF THE CONDITIONS OF SUPERVISION; BY AMENDING SECTION 44‑53‑370 AND SECTION 44‑53‑375, RELATING TO CONTROLLED SUBSTANCE OFFENSES, SO AS TO REMOVE CERTAIN PROVISIONS PERTAINING TO PRIOR AND SUBSEQUENT CONTROLLED SUBSTANCE CONVICTIONS; BY AMENDING SECTION 44‑53‑470, RELATING TO WHEN A CONTROLLED SUBSTANCE OFFENSE IS CONSIDERED A SECOND OR SUBSEQUENT OFFENSE, SO AS TO PROVIDE THAT A CONVICTION FOR TRAFFICKING IN CONTROLLED SUBSTANCES MUST BE CONSIDERED A PRIOR OFFENSE FOR PURPOSES OF ANY CONTROLLED SUBSTANCE PROSECUTION; BY AMENDING SECTION 56‑1‑396, RELATING TO THE DRIVER’S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO PROVIDE THAT QUALIFYING SUSPENSIONS DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945, AND DO NOT INCLUDE SUSPENSIONS PURSUANT TO SECTION 56‑1‑460, IF THE PERSON DRIVES A MOTOR VEHICLE WHEN THE PERSON’S LICENSE HAS BEEN SUSPENDED OR REVOKED PURSUANT TO SECTION 56‑5‑2990 OR SECTION 56‑5‑2945; AND BY AMENDING SECTION 56‑1‑460, RELATING TO THE OFFENSE OF DRIVING UNDER SUSPENSION, SO AS TO PROVIDE THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON MUST BE FINED ONE THOUSAND DOLLARS, AND IMPRISONED FOR UP TO NINETY DAYS OR CONFINED TO THE PERSON’S PLACE OF RESIDENCE PURSUANT TO THE HOME DETENTION ACT FOR UP TO NINETY DAYS.

Whereupon, Senators CAMPSEN, MALLOY and ROSE were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**H. 3506--FREE CONFERENCE POWERS GRANTED**

**FREE CONFERENCE COMMITTEE APPOINTED**

**FREE CONFERENCE REPORT ADOPTED**

H. 3506 -- Reps. Loftis, Allison, J.R. Smith, White, Bowen, Ott, Cobb‑Hunter, Pitts and Henderson: A BILL TO AMEND SECTION 12‑6‑3360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO REVISE THE DEFINITION OF A “TECHNOLOGY INTENSIVE FACILITY”; TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO THE TAX CREDIT FOR INFRASTRUCTURE IMPROVEMENTS FOR WATER, WASTEWATER, HYDROGEN FUEL, SEWER, GAS, STEAM, ELECTRIC ENERGY, AND COMMUNICATION SERVICES, SO AS TO INCLUDE CERTAIN SITE PREPARATION COSTS WITHIN THE DEFINITION OF INFRASTRUCTURE IMPROVEMENTS WHICH GIVE RISE TO THE CREDIT; AND TO AMEND SECTION 12‑44‑30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO REVISE THE DEFINITION OF “TERMINATION DATE”.

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

There was no objection.

Senator LEVENTIS moved to grant Free Conference Powers to the Committee of Conference on H. 3506.

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

**Ayes 34; Nays 9**

**AYES**

Alexander Anderson Campbell

Coleman Courson Cromer

Ford Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

MasseyMatthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Ryberg Scott Setzler

Sheheen Thomas Verdin

Williams

**Total--34**

**NAYS**

Bright Bryant Campsen

Cleary Davis Fair

GroomsRose Shoopman

**Total--9**

Whereupon, Senators LEVENTIS, O’DELL and SHOOPMAN were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

On motion of Senator LEVENTIS the Report of the Committee of Free Conference was taken up for immediate consideration.

Senator LEVENTIS spoke on the Free Conference Report.

Senator DAVIS spoke on the Free Conference Report.

The question then was adoption of the Free Conference Report.

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

**Ayes 34; Nays 9**

**AYES**

Alexander Anderson Campbell

Coleman Courson Cromer

Ford Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Ryberg Scott Setzler

Sheheen Thomas Verdin

Williams

**Total--34**

**NAYS**

Bright Bryant Campsen

Cleary Davis Fair

Grooms Rose Shoopman

**Total--9**

On motion of Senator LEVENTIS, the Report of the Committee of Free Conference to H. 3506 was adopted as follows:

**H. 3506--Free Conference Report**

The General Assembly, Columbia, S.C., June 7, 2012

The Committee of Conference, to whom was referred:

H. 3506 ‑‑ Reps. Loftis, Allison, J.R. Smith, White, Bowen, Ott, Cobb‑Hunter, Pitts and Henderson: A BILL TO AMEND SECTION 12‑6‑3360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO REVISE THE DEFINITION OF A “TECHNOLOGY INTENSIVE FACILITY”; TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO THE TAX CREDIT FOR INFRASTRUCTURE IMPROVEMENTS FOR WATER, WASTEWATER, HYDROGEN FUEL, SEWER, GAS, STEAM, ELECTRIC ENERGY, AND COMMUNICATION SERVICES, SO AS TO INCLUDE CERTAIN SITE PREPARATION COSTS WITHIN THE DEFINITION OF INFRASTRUCTURE IMPROVEMENTS WHICH GIVE RISE TO THE CREDIT; AND TO AMEND SECTION 12‑44‑30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO REVISE THE DEFINITION OF “TERMINATION DATE”.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 12‑14‑80 of the 1976 Code, as last amended by Act 354 of 2008, is further amended to read:

“Section 12‑14‑80. (A) There is allowed an investment tax credit for any taxable year in which ~~the taxpayer places in service~~ qualified manufacturing and productive equipment ~~and which~~ acquired or leased by the taxpayer is placed in service if the taxpayer:

(1)(a) is engaged in this State ~~in at least one economic impact zone, as defined in Section 12‑14‑30(1),~~ in an activity or activities listed under the North American Industry Classification System Manual (NAICS) Section 326;

~~(2)~~(b) is employing five thousand or more full‑time workers in this State and having a total capital investment in this State of not less than two billion dollars; and

~~(3)~~(c) commits to invest five hundred million dollars in capital investment in this State between January 1, 2006, and July 1, 2011~~.~~ ; or

(2)(a) is engaged in this State in an activity or activities listed under the North American Industry Classification System Manual (NAICS) Section 326;

(b) commits to employing one thousand two hundred full‑time employees in this State by January 1, 2022; and

(c) commits to invest four hundred million dollars in capital investment in this State between September 1, 2011, and January 1, 2022.

(B) For purposes of this section~~,~~:

(1) ‘Qualified manufacturing and productive equipment property’ means property that satisfies the requirements of Section 12‑14‑60(B)(1)(a), (b), and (c)~~.~~;

(2) ‘Taxpayer’ includes the taxpayer and any person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the taxpayer. For purposes of this item, a person controls another person if that person hold fifty percent ownership interest in the other person.

(3) ‘Capital investment in this State’ includes property that is:

(a) capitalized by the taxpayer;

(b) subject to a capital lease with the taxpayer; or

(c) subject to an operating lease with the taxpayer.

Qualified manufacturing and productive equipment property that is leased to the taxpayer shall be treated as placed in service by the taxpayer on the date the lease begins.

(C)(1) The amount of the credit allowed by this section is equal to the aggregate amount computed based on Section 12‑14‑60(A)(2).

(2) Notwithstanding item (1), in the event that the taxpayer is the lessee of the property for which the credit is allowable and is not treated as the income tax owner of such property, the basis of the property for purposes of calculating the amount of the credit for the taxpayer and the capital investment made by the taxpayer with respect the property shall be the then determined tax basis, as of the date the lease begins, for purposes of calculating income tax in this State in such property of the income tax owner of such property. In this instance, the taxpayer must include a certification that:

(a) the lessor has provided a written statement to the lessee as to the lessor’s then depreciated income tax basis;

(b) the property has not been subject to a prior investment tax credit under this section; and

(c) the taxpayer will include in taxable income the amounts required under subsection (H). Notwithstanding Section 12‑54‑240, the department may share between and among the taxpayer or the lessor information related to the items certified pursuant to subitems (a) and (b) or to the class life of equipment with respect to which a credit under this section has been claimed.

(D) A taxpayer that qualifies for the tax credit allowed by this section may claim the credit allowed by this section in addition to the credit allowed by Section 12‑6‑3360 as a credit against withholding taxes imposed by Chapter 8 of this title. The taxpayer must first apply the credit allowed by this section and Section 12‑6‑3360 against income tax liability. To the extent that the taxpayer has unused credit pursuant to this section, including the credit allowed by Section 12‑6‑3360, for the taxable year after the application of the credits allowed by this section and Section 12‑6‑3360 against income tax liability, the taxpayer may claim the excess credit as a credit against withholding taxes on its four quarterly withholding tax returns for the taxpayer’s taxable year; except that the credit claimed against withholding tax may not exceed fifty percent of the withholding tax shown as due on the return before the application of other credits including other credits pursuant to Section 12‑10‑80 or 12‑10‑81. For the period July 1, 2007, to June 30, 2008, a taxpayer using this section may not reduce its state withholding tax to less than the withholding tax remitted for the period June 30, 2006, to July 1, 2007.

(E) Unused credits allowed pursuant to this section may be carried forward for use in a subsequent tax year. During the first ten years of each tax credit carryforward, the credit may not reduce a taxpayer’s state income tax liability by more than fifty percent, and for a subsequent year the credit carryforward may not reduce a taxpayer’s state income tax liability by more than twenty‑five percent. Investment tax credit carryforwards pursuant to this section and credit carryforwards pursuant to Section 12‑6‑3360 must first be used as a credit against income taxes for that year. Any excess may be used pursuant to subsection (D) as a credit against withholding taxes; except that the limitations of subsection (D) apply each year and the ~~economic impact zone tax~~ credit carryforwards that existed on the effective date of Act 83 of 2007 for taxpayers qualifying under subsection (A)(1) and on the effective date of the qualification for taxpayers qualifying under subsection (A)(2), may not be used to reduce withholding tax liabilities pursuant to this section.

(F) The amount of credit used against withholding taxes must reduce the amount of credit that may be used against income tax liability. ~~The amount of credit used against withholding taxes must reduce the amount of credit that may be used against income taxes.~~

(G) If the taxpayer disposes of or removes qualified manufacturing and productive equipment property from the State during any taxable year and before the end of applicable recovery period for such property as determined under Section 168(e) of the Internal Revenue Code, then the income tax due pursuant to this chapter for the current taxable year must be increased by an amount of any credit claimed in prior years with respect to that property, determined by assuming the credit is earned ratably over the useful life of the property and recapturing pro rata the unearned portion of the credit. This recapture applies to credit previously claimed as a credit against income taxes pursuant to this chapter or withholding tax pursuant to Chapter 8. For purposes of this subsection, the following rules apply for determining whether a taxpayer that is a lessee of qualified manufacturing and productive equipment property has disposed of the property:

(1) a transfer of the property by the lessee to the lessor in a sale‑leaseback transaction shall be ignored;

(2) a disposition by the lessor of the property shall not be treated as a disposition provided that the lease is not terminated and the taxpayer remains lessee thereunder;

(3) if the taxpayer lessee actually purchases the property in any taxable year, the purchase shall not be treated as a disposition; and

(4) if the lease is terminated and the property is transferred by the lessee to the lessor or to any other person, other than the taxpayer, the transfer is considered to be a disposition by the taxpayer lessee.

(H)(1) For South Carolina income tax purposes, except as otherwise provided in item (2), the basis of the qualified manufacturing and productive equipment property must be reduced by the amount of any credit claimed with respect to the property, whether claimed as a credit against income taxes or withholding. If a taxpayer is required to recapture the credit in accordance with subsection (G), the taxpayer may increase the basis of the property by the amount of basis reduction attributable to claiming the credit in prior years. The basis must be increased in the year in which the credit is recaptured.

(2) Notwithstanding item (1), if the taxpayer is the lessee of the qualified manufacturing and productive equipment property for which credit has been taken by the taxpayer, in lieu of any adjustment to the basis of such property, the taxpayer shall include in its taxable income for South Carolina income tax purposes, an amount equal to the amount of the credit that is earned during such taxable year in accordance with subsection (G).

(I)(1) For taxpayers qualifying under subsection (A)(1), a credit must not be taken pursuant to this section for capital investments placed in service ~~outside of an economic impact zone~~ until the taxpayer has invested two hundred million dollars of the five hundred million‑dollar investment requirement described in subsection (A)~~(3),~~ (1)(c) and the taxpayer files a statement with the department stating that it: (i) commits to invest a total of five hundred million dollars in this State between January 1, 2006, and July 1, 2011; and (ii) shall refund any credit received with interest at the rate provided for underpayments of tax if it fails to meet the requirement of subsection (A)~~(3)~~(1)(c).

(2) For taxpayers qualifying under subsection (A)(2), a credit must not be taken pursuant to this section for capital investments in this State until the taxpayer has invested two hundred million dollars of the four hundred million-dollar investment requirement described in subsection (A)(2)(c) and the taxpayer files a statement with the department stating that it:

(i) commits to invest a total of four hundred million dollars in this State between September 1, 2011, and January 1, 2022;

(ii) commits to employ a total of one thousand two hundred full‑time employees in this State by January 1, 2022; and

(iii) shall refund any credit received with interest at the rate provided for underpayments of tax if it fails to meet the requirements of subsection (A)(2)(b) or (c).

~~This~~ The statement and proof of qualification must be filed with the notice required in subsection (J). Credit is not allowed pursuant to this section for property placed in service before June 30, 2007, for taxpayers qualifying under subsection (A)(1) or for property placed in service before September 1, 2011 for taxpayers qualifying under subsection (A)(2). For credit claimed before the investment of the full five hundred million dollars pursuant to subsection (A)(1)(c) or four hundred million dollars pursuant to subsection (A)(2)(c), the company claiming the credit must execute a waiver of the statute of limitations pursuant to Section 12‑54‑85, allowing the department to assess the tax for a period commencing with the date that the return on which the credit is claimed is filed and ending three years after the company notifies the department that the ~~full five hundred million dollar~~ applicable capital investment commitment has been made. A waiver of the statute of limitations must accompany the return on which the credit is claimed.

(J) The taxpayer shall notify the department as provided in subsection (I) before taking any credits pursuant to this section. ~~The taxpayer shall state it has met the requirements of subsection (A).~~ Additionally, in a taxable year after the year of qualification for credit pursuant to this section, the taxpayer shall include with its tax return for that year: (i) a statement that the taxpayer has continued to meet the requirements of subsections (A)(1)(a) and (b) or subsections (A)(2)(a) and (b); (ii) the reconciliation required in subsection (D); and (iii) any statement and support for subsection (I).”

SECTION 2. Chapter 54, Title 12 of the 1976 Code is amended by adding:

“Section 12‑54‑87. Notwithstanding any other provision of law, for purposes of discounts allowed for timely filing of returns, if the department waives all penalties for late filing due to reasonable cause, the discount must be allowed despite the late filing.”

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

Amend title to conform.

/ TO AMEND SECTION 12‑14‑80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INVESTMENT TAX CREDIT FOR MANUFACTURING AND PRODUCTIVE EQUIPMENT, SO AS TO EXPAND THE CREDIT TO CERTAIN ACTIVITIES WHERE THE TAXPAYER COMMITS TO EMPLOYING ONE THOUSAND TWO HUNDRED FULL‑TIME EMPLOYEES IN THIS STATE AND COMMITS TO INVEST FOUR HUNDRED MILLION DOLLARS IN CAPITAL INVESTMENT IN THIS STATE, TO DEFINE TERMS, AND TO SET FORTH THE PROCESS BY WHICH A TAXPAYER QUALIFIES FOR THE CREDIT AND THE PROCESS BY WHICH THE AMOUNT OF THE CREDIT IS DETERMINED; AND BY ADDING SECTION 12‑54‑87 SO AS TO PROVIDE THAT FOR PURPOSES OF DISCOUNTS ALLOWED FOR TIMELY FILING OF RETURNS, IF THE DEPARTMENT OF REVENUE WAIVES ALL PENALTIES FOR LATE FILING DUE TO REASONABLE CAUSE, THE DISCOUNT MUST BE ALLOWED. /

/s/Sen. William H. O’Dell /s/Rep. James A. Battle

/s/Sen. Phillip W. Shoopman /s/Rep. W. Brian White

/s/Sen. Phil P. Leventis /s/Rep. Dwight A. Loftis

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Harrison, White and Lucas to the Committee of Free Conference on the part of the House on:

H. 3506 -- Reps. Loftis, Allison, J.R. Smith, White, Bowen, Ott, Cobb‑Hunter, Pitts and Henderson: A BILL TO AMEND SECTION 12‑14‑80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INVESTMENT TAX CREDIT FOR MANUFACTURING AND PRODUCTIVE EQUIPMENT, SO AS TO EXPAND THE CREDIT TO CERTAIN ACTIVITIES WHERE THE TAXPAYER COMMITS TO EMPLOYING ONE THOUSAND TWO HUNDRED FULL‑TIME EMPLOYEES IN THIS STATE AND COMMITS TO INVEST FOUR HUNDRED MILLION DOLLARS IN CAPITAL INVESTMENT IN THIS STATE, TO DEFINE TERMS, AND TO SET FORTH THE PROCESS BY WHICH A TAXPAYER QUALIFIES FOR THE CREDIT AND THE PROCESS BY WHICH THE AMOUNT OF THE CREDIT IS DETERMINED; AND BY ADDING SECTION 12‑54‑87 SO AS TO PROVIDE THAT FOR PURPOSES OF DISCOUNTS ALLOWED FOR TIMELY FILING OF RETURNS, IF THE DEPARTMENT OF REVENUE WAIVES ALL PENALTIES FOR LATE FILING DUE TO REASONABLE CAUSE, THE DISCOUNT MUST BE ALLOWED.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

H. 3506 -- Reps. Loftis, Allison, J.R. Smith, White, Bowen, Ott, Cobb‑Hunter, Pitts and Henderson: A BILL TO AMEND SECTION 12‑14‑80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INVESTMENT TAX CREDIT FOR MANUFACTURING AND PRODUCTIVE EQUIPMENT, SO AS TO EXPAND THE CREDIT TO CERTAIN ACTIVITIES WHERE THE TAXPAYER COMMITS TO EMPLOYING ONE THOUSAND TWO HUNDRED FULL‑TIME EMPLOYEES IN THIS STATE AND COMMITS TO INVEST FOUR HUNDRED MILLION DOLLARS IN CAPITAL INVESTMENT IN THIS STATE, TO DEFINE TERMS, AND TO SET FORTH THE PROCESS BY WHICH A TAXPAYER QUALIFIES FOR THE CREDIT AND THE PROCESS BY WHICH THE AMOUNT OF THE CREDIT IS DETERMINED; AND BY ADDING SECTION 12‑54‑87 SO AS TO PROVIDE THAT FOR PURPOSES OF DISCOUNTS ALLOWED FOR TIMELY FILING OF RETURNS, IF THE DEPARTMENT OF REVENUE WAIVES ALL PENALTIES FOR LATE FILING DUE TO REASONABLE CAUSE, THE DISCOUNT MUST BE ALLOWED.

Very respectfully,

Speaker of the House

Received as information.

With Senator MALLOY retaining the floor on H. 3508, Senator SHEHEEN asked unanimous consent to make a motion to take up H. 4473.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED  
READ THE THIRD TIME, RETURNED TO THE HOUSE**

H. 4473 -- Reps. Limehouse, Brady and Neilson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑15‑45 SO AS TO PROHIBIT A COURT FROM GRANTING LEGAL CUSTODY TO A PARENT, GUARDIAN, OR ANOTHER PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THE SEX OFFENDER REGISTRY; AND TO AMEND SECTION 63‑7‑2350, RELATING TO RESTRICTIONS ON FOSTER CARE PLACEMENTS, SO AS TO RESTRICT THE PLACEMENT OF A CHILD IN FOSTER CARE WITH A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THE SEX OFFENDER REGISTRY.

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

**Amendment No. P1**

Senator SHEHEEN proposed the following amendment (JUD4473.002), which was adopted:

Amend the committee amendment, as and if amended, by striking the amendment in its entirety and inserting:

/ A BILL

TO AMEND SECTION 63-7-2340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FINGERPRINT REVIEWS, SO AS TO PROVIDE THAT A PERSON WHO IS APPLYING FOR APPROVAL FOR ADOPTION PLACEMENT MUST ALSO UNDERGO A FINGERPRINT REVIEW; TO AMEND SECTION 63-7-2345, RELATING TO PAYMENT OF COSTS TO THE FEDERAL BUREAU OF INVESTIGATIONS FOR FINGERPRINT REVIEWS, SO AS TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES MAY USE FUNDS APPROPRIATED FOR FOSTER CARE TO PAY FOR FINGERPRINT REVIEWS CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATIONS FOR FOSTER CARE FAMILIES RECRUITED AND SELECTED AS POTENTIAL FOSTER CARE AND ADOPTIVE FAMILIES FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; TO AMEND SECTION 63‑7‑2350, RELATING TO RESTRICTIONS ON FOSTER CARE PLACEMENTS, SO AS TO RESTRICT THE PLACEMENT OF A CHILD IN FOSTER CARE WITH A PERSON WHO HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN OFFENSES OR IF A PERSON RESIDING IN THE HOME WHO IS EIGHTEEN YEARS OF AGE OR OLDER HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN OFFENSES.

SECTION 1. Section 63-7-2340, as last amended by Act 361 of 2008, is further amended to read:

“Section 63-7-2340. (A) A person applying for licensure as a foster parent or for approval for adoption placement and a person eighteen years of age or older, residing in a home in which a person has applied to be licensed as a foster parent or an approved adoption placement, must undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprinting review to be conducted by the Federal Bureau of Investigation to determine any other criminal history.

(B) Any fee charged by the Federal Bureau of Investigation for the fingerprint review must be paid by the individual.”

SECTION 2. Section 63-7-2345, as last amended by Act 353 of 2008, is further amended to read:

“Section 63-7-2345. Notwithstanding the provisions of Section 63‑7‑2350, the department is authorized to pay from funds appropriated for foster care the costs of Federal Bureau of Investigation fingerprint reviews for foster care families recruited~~,~~ and selected~~, and licensed by~~ as potential adoption and foster care providers for children in the custody of the department.”

SECTION 3. Section 63-7-2350, as last amended by Act 361 of 2008, is further amended to read:

“Section 63-7-2350. (A) No child in the custody of the Department of Social Services may be placed in foster care or for adoption with a person if the person or anyone eighteen years of age or older residing in the home:

(1) ~~with~~ has a substantiated history of child abuse or neglect; or

(2) ~~who~~ has pled guilty or nolo contendere to or ~~who~~ has been convicted of:

(a) an ‘Offense Against the Person’ as provided for in Chapter 3, Title 16;

(b) an ‘Offense Against Morality or Decency’ as provided for in Chapter 15, Title 16;

(c) contributing to the delinquency of a minor as provided for in Section 16‑17‑490;

(d) the common law offense of assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger;

(e) criminal domestic violence, as defined in Section 16‑25‑20;

(f) criminal domestic violence of a high and aggravated nature, as defined in Section 16‑25‑65;

(g) a felony drug‑related offense under the laws of this State~~.~~;

(h) unlawful conduct toward a child as provided for in Section 63-5-70;

(i) cruelty to children as provided for in Section 63-5-80;

(j) child endangerment as provided for in Section 56-5-2947; or

(k) criminal sexual conduct with a minor in the first degree as provided for in Section 16-3-655 (A).

(B) A person who has been convicted of a criminal offense similar in nature to a crime enumerated in subsection (A) when the crime was committed in another jurisdiction or under federal law is subject to the restrictions set out in this section.

(C) This section does not prevent foster care placement or adoption placement when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in subsection (A) has been pardoned. However, notwithstanding the entry of a pardon, the department or other entity making placement or licensing decisions may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the applicant is unfit or otherwise unsuited to provide foster care services.”

SECTION 4. 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 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD4473.001), which was adopted:

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

/ A BILL

TO AMEND CHAPTER 15, TITLE 63 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑15‑45, SO AS TO PROHIBIT A COURT FROM GRANTING LEGAL CUSTODY TO A PARENT, GUARDIAN, OR ANOTHER PERSON WHO HAS BEEN FOUND GUILTY OF CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE; TO AMEND SECTION 63-7-2340, RELATING TO FINGERPRINT REVIEWS, SO AS TO PROVIDE THAT A PERSON WHO IS APPLYING FOR APPROVAL FOR ADOPTION PLACEMENT MUST ALSO UNDERGO A FINGERPRINT REVIEW; TO AMEND SECTION 63-7-2345, RELATING TO PAYMENT OF COSTS TO THE FEDERAL BUREAU OF INVESTIGATIONS FOR FINGERPRINT REVIEWS, SO AS TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES MAY USE FUNDS APPROPRIATED FOR FOSTER CARE TO PAY FOR FINGERPRINT REVIEWS CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATIONS FOR FOSTER CARE FAMILIES RECRUITED AND SELECTED AS POTENTIAL FOSTER CARE AND ADOPTIVE FAMILIES FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; TO AMEND SECTION 63‑7‑2350, RELATING TO RESTRICTIONS ON FOSTER CARE PLACEMENTS, SO AS TO RESTRICT THE PLACEMENT OF A CHILD IN FOSTER CARE WITH A PERSON WHO HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN OFFENSES OR IF A PERSON RESIDING IN THE HOME WHO IS EIGHTEEN YEARS OF AGE OR OLDER HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN OFFENSES; AND TO AMEND THE CODE OF LAWS, 1976, BY ADDING SECTION 63-9-65, SO AS TO PROVIDE THAT THE COURT MAY NOT GRANT AN ADOPTING PETITION OF A PERSON WHO HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO THE OFFENSE OF CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE.

SECTION 1. Article 1, Chapter 15, Title 63 of the 1976 Code is amended by adding:

“Section 63‑15‑45. In making a decision regarding custody of a minor child, in addition to other existing factors specified by law, the court must consider and may not grant custody of a minor child to a parent, guardian, or another person who has been convicted of or who has pled guilty or nolo contendere to the offense of criminal sexual conduct with a minor in the first degree.”

SECTION 2. Section 63-7-2340, as last amended by Act 361 of 2008, is further amended to read:

“Section 63-7-2340. (A) A person applying for licensure as a foster parent or for approval for adoption placement and a person eighteen years of age or older, residing in a home in which a person has applied to be licensed as a foster parent or an approved adoption placement, must undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprinting review to be conducted by the Federal Bureau of Investigation to determine any other criminal history.

(B) Any fee charged by the Federal Bureau of Investigation for the fingerprint review must be paid by the individual.”

SECTION 3. Section 63-7-2345, as last amended by Act 353 of 2008, is further amended to read:

“Section 63-7-2345. Notwithstanding the provisions of Section 63‑7‑2350, the department is authorized to pay from funds appropriated for foster care the costs of Federal Bureau of Investigation fingerprint reviews for foster care families recruited~~,~~ and selected~~, and licensed by~~ as potential adoption and foster care providers for children in the custody of the department.”

SECTION 4. Section 63-7-2350, as last amended by Act 361 of 2008, is further amended to read:

“Section 63-7-2350. (A) No child in the custody of the Department of Social Services may be placed in foster care or for adoption with a person if the person or anyone eighteen years of age or older residing in the home:

(1) ~~with~~ has a substantiated history of child abuse or neglect; or

(2) ~~who~~ has pled guilty or nolo contendere to or ~~who~~ has been convicted of:

(a) an ‘Offense Against the Person’ as provided for in Chapter 3, Title 16;

(b) an ‘Offense Against Morality or Decency’ as provided for in Chapter 15, Title 16;

(c) contributing to the delinquency of a minor as provided for in Section 16‑17‑490;

(d) the common law offense of assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger;

(e) criminal domestic violence, as defined in Section 16‑25‑20;

(f) criminal domestic violence of a high and aggravated nature, as defined in Section 16‑25‑65;

(g) a felony drug‑related offense under the laws of this State~~.~~;

(h) unlawful conduct toward a child as provided for in Section 63-5-70;

(i) cruelty to children as provided for in Section 63-5-80;

(j) child endangerment as provided for in Section 56-5-2947; or

(k) criminal sexual conduct with a minor in the first degree as provided for in Section 16-3-655 (A).

(B) A person who has been convicted of a criminal offense similar in nature to a crime enumerated in subsection (A) when the crime was committed in another jurisdiction or under federal law is subject to the restrictions set out in this section.

(C) This section does not prevent foster care placement or adoption placement when a conviction or plea of guilty or nolo contendere for one of the crimes enumerated in subsection (A) has been pardoned. However, notwithstanding the entry of a pardon, the department or other entity making placement or licensing decisions may consider all information available, including the person's pardoned convictions or pleas and the circumstances surrounding them, to determine whether the applicant is unfit or otherwise unsuited to provide foster care services.”

SECTION 5. Subarticle 1, Article 1, Chapter 9, Title 63 of the 1976 Code is amended by adding:

“Section 63-9-65. In making a decision regarding adoption of a minor child, in addition to other existing factors specified by law, the court must consider and may not grant an adoption petition of a person who has been convicted of or who has pled guilty or nolo contendere to the offense of criminal sexual conduct with a minor in the first degree.”

SECTION 6. 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 7. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

The question then was the third reading of the Bill.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Bright Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leventis Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

**Total--0**

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

With Senator MALLOY retaining the floor on H. 3508, Senator CLEARY asked unanimous consent to make a motion to take up S. 1269.

**CONCURRENCE**

S. 1269 -- Senators Peeler and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE THE RIGHTS OF A PHARMACY WHEN UNDERGOING AN AUDIT CONDUCTED BY A MANAGED CARE COMPANY, INSURANCE COMPANY, THIRD‑PARTY PAYER, OR AN ENTITY RESPONSIBLE FOR PAYMENT OF CLAIMS FOR HEALTH CARE SERVICES; TO REQUIRE THE AUDITING ENTITY TO ESTABLISH AN APPEALS PROCESS; AND TO PROVIDE FOR THE RECOUPMENT OF FUNDS UNDER CERTAIN CIRCUMSTANCES.

The House returned the Bill with amendments.

Senator CLEARY 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 CLEARY explained the amendments.

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

**Ayes 36; Nays 0; Abstain 2**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Land Leventis

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Scott Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

**ABSTAIN**

Bryant Cromer

**Total--2**

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

With Senator MALLOY retaining the floor on H. 3508, Senator HAYES asked unanimous consent to make a motion to take up H. 4093.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4093 -- Reps. Pope, Sottile, Simrill, Hosey, Williams, Atwater, Quinn, Toole, Huggins, Brannon, Knight, Gambrell, Clyburn, McCoy, Gilliard, Owens, Merrill, Norman, Crawford, Bowers, Murphy, Bedingfield, Bowen, Branham, Chumley, Clemmons, Delleney, Hamilton, Hodges, Loftis, Lowe, D.C. Moss, V.S. Moss, Nanney, J.M. Neal, Ott, Ryan, G.M. Smith, G.R. Smith, J.R. Smith, Spires, Tallon, Taylor, Whitmire, Willis, Neilson and Harrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑715 SO AS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS THE OFFICIAL STATE EMBLEM OF THE SERVICE AND SACRIFICE BY THOSE IN THE UNITED STATES ARMED FORCES WHO HAVE GIVEN THEIR LIVES IN THE LINE OF DUTY.

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

There was no objection.

**Objection**

Senator BRYANT asked unanimous consent to take up H. 4894 for immediate consideration.

Senator HUTTO objected.

The Senate resumed consideration of H. 3508.

Senator MALLOY asked unanimous consent to take Amendment No. 21 up for immediate consideration.

There was no objection.

**Amendment No. 21**

Senator MALLOY proposed the following amendment (AGM\  
19687AB12), which was withdrawn:

Amend the bill, as and if amended, Section 58‑9‑2610(D), as contained in SECTION 5, page 6, line 9, by deleting / basic broadband tier 1 service / and inserting / broadband service of four megabits download and one megabit upload /.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

With Senator MALLOY retaining the floor, Amendment No. 32 was taken up for immediate consideration.

**Amendment No. 32**

Senator BRYANT proposed the following amendment (3508R002.KLB), which was ruled out of order:

Amend the bill, as and if amended, page 13, after line 12, by adding appropriately numbered new SECTIONS:

/ SECTION \_\_. Section 58‑3‑30 of the 1976 Code is amended to read:

“Section 58‑3‑30. Except as provided in Article 23, Chapter 9 of Title 58, nothing contained in Articles 1, 3, and 5 of this chapter shall give the commission or the regulatory staff any power to regulate or interfere with public utilities owned or operated by or on behalf of any municipality or regional transportation authority as defined in Chapter 25 of this title or their agencies. However, public water or sewer utilities owned or operated by or on behalf of a municipality shall be subject to the regulation of the Public Service Authority.”

SECTION \_\_. Article 1, Chapter 3, Title 58 of the 1976 Code is amended by adding:

“Section 58‑3‑33. A municipality must not require a potential customer whose residence is outside of its jurisdiction to sign an annexation agreement as a precondition to the providing of water or sewer service.” /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

**Point of Order**

Senator RANKIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

The question then was the third reading of the Bill.

Senator BRIGHT was recognized to speak on the Bill.

**Motion Under Rule 15A Failed**

At 4:34 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H. 3508.

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

**Ayes 9; Nays 32**

**AYES**

Coleman Elliott Land

Leatherman *Martin, Larry* McGill

Nicholson O'Dell Pinckney

**Total--9**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Fair Gregory

Grooms Hayes Jackson

Knotts Leventis Lourie

Malloy *Martin, Shane* Massey

Peeler Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--32**

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Senator BRIGHT resumed speaking on the Bill.

With Senator BRIGHT retaining the floor, Senator SHEHEEN asked unanimous consent to take up S. 1125 for immediate consideration.

There was no objection.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 1125 -- Senators Bright, Bryant, S. Martin, Thomas, Gregory, Knotts, Campbell, Rose, Cromer, Fair, Campsen, Grooms, Peeler and Shoopman: A BILL TO AMEND SECTION 41‑35‑120 OF THE 1976 CODE, RELATING TO DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT A PERSON DISCHARGED FROM EMPLOYMENT FOR CAUSE IS INELIGIBLE FOR BENEFITS FOR TWENTY WEEKS BEGINNING WITH THE DATE THE PERSON FILED A BENEFITS REQUEST.

The House returned the Bill with amendments.

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

There was no objection.

Senators SHEHEEN, SCOTT and BRYANT proposed the following amendment (NBD\12715DG12), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 2, by striking lines 14 - 31 and inserting:

/ (b) If the department finds that he has been discharge for cause, other than misconduct as defined in item (2)(a), connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, then the department must find him partially ineligible. The ineligibility must begin with the effective date of the request, and continuing not less than five nor more than the next nineteen weeks, in addition to the waiting period. A corresponding and mandatory reduction of the insured worker's benefits, to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification, must be made. The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge. Discharge resulting from substandard performance due to inefficiency, inability, or incapacity shall not serve as a basis for disqualification under either subitem (a) or (b) of this item.” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 41; Nays 1**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis 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**

Ford

**Total--1**

The amendment was adopted.

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

The Senate resumed consideration of H. 3508.

The question then was the third reading of H. 3508.

Senator GROOMS spoke on the Bill.

With Senator GROOMS retaining the floor on H. 3508, Senator HAYES asked unanimous consent to make a motion to take up S. 1229.

**NONCONCURRENCE**

S. 1229 -- Senators O’Dell and Ford: A BILL TO AMEND SECTION 38‑47‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSES REQUIRED FOR ADJUSTERS, SO AS TO ADD EXEMPTIONS FROM LICENSURE; AND TO AMEND SECTION 38‑47‑20, RELATING TO RECIPROCAL AGREEMENTS FOR LICENSING NONRESIDENT ADJUSTERS, SO AS TO PROVIDE WHERE A NONRECIPROCAL AGREEMENT EXISTS BETWEEN THIS STATE AND ANOTHER STATE, AN APPLICANT FOR A NONRESIDENT ADJUSTER’S LICENSE WHO HOLDS A LICENSE IN ANOTHER STATE MAY RESIDE IN THE UNITED STATES OR CANADA WITHOUT LOSING THE BENEFITS OF THE RECIPROCAL AGREEMENT IF HE COMPLIES WITH OTHER APPLICABLE LICENSURE REQUIREMENTS.

The House returned the Bill with amendments.

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

There was no objection.

Senator HAYES explained the amendments.

The question then was concurrence with the House amendments.

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

**Ayes 1; Nays 41**

**AYES**

Grooms

**Total--1**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

The motion to concur failed.

On motion of Senator HAYES, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

S. 1229 -- Senators O’Dell and Ford: A BILL TO AMEND SECTION 38‑47‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSES REQUIRED FOR ADJUSTERS, SO AS TO ADD EXEMPTIONS FROM LICENSURE; AND TO AMEND SECTION 38‑47‑20, RELATING TO RECIPROCAL AGREEMENTS FOR LICENSING NONRESIDENT ADJUSTERS, SO AS TO PROVIDE WHERE A NONRECIPROCAL AGREEMENT EXISTS BETWEEN THIS STATE AND ANOTHER STATE, AN APPLICANT FOR A NONRESIDENT ADJUSTER’S LICENSE WHO HOLDS A LICENSE IN ANOTHER STATE MAY RESIDE IN THE UNITED STATES OR CANADA WITHOUT LOSING THE BENEFITS OF THE RECIPROCAL AGREEMENT IF HE COMPLIES WITH OTHER APPLICABLE LICENSURE REQUIREMENTS.

asks for a Committee of Conference, and has appointed Reps. Sandifer, Brady and Bales to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**S. 1229--CONFERENCE COMMITTEE APPOINTED**

S. 1229 -- Senators O’Dell and Ford: A BILL TO AMEND SECTION 38‑47‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSES REQUIRED FOR ADJUSTERS, SO AS TO ADD EXEMPTIONS FROM LICENSURE; AND TO AMEND SECTION 38‑47‑20, RELATING TO RECIPROCAL AGREEMENTS FOR LICENSING NONRESIDENT ADJUSTERS, SO AS TO PROVIDE WHERE A NONRECIPROCAL AGREEMENT EXISTS BETWEEN THIS STATE AND ANOTHER STATE, AN APPLICANT FOR A NONRESIDENT ADJUSTER’S LICENSE WHO HOLDS A LICENSE IN ANOTHER STATE MAY RESIDE IN THE UNITED STATES OR CANADA WITHOUT LOSING THE BENEFITS OF THE RECIPROCAL AGREEMENT IF HE COMPLIES WITH OTHER APPLICABLE LICENSURE REQUIREMENTS.

Whereupon, Senators SETZLER, O’DELL and HAYES were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

With Senator GROOMS retaining the floor on H. 3508, Senator SCOTT asked unanimous consent to make a motion to take up H. 4550.

**SECOND READING BILL**

The following Bill having been read the second time, was ordered placed on the Third Reading Calendar:

H. 4550 -- Reps. Rutherford, Bales, Ballentine, Brady, Butler Garrick, Harrison, Hart, Howard, McEachern, J.H. Neal and J.E. Smith: A BILL TO ABOLISH THE RICHLAND COUNTY BOARD OF ASSESSMENT CONTROL AND DEVOLVE ALL OF ITS DUTIES, POWERS, AND FUNCTIONS UPON THE RICHLAND COUNTY COUNCIL AND TO REPEAL SECTION 1 OF ACT 952 OF 1958.

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

There was no objection.

**H. 4550--Ordered to a Third Reading**

On motion of Senator SCOTT, with unanimous consent, H. 4550 was ordered to receive a third reading on Tuesday, June 19, 2012.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

H. 3127 -- Reps. Rutherford, G.R. Smith, Clyburn, Weeks, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑21‑925 SO AS TO PROVIDE THAT A LIMITED PARDON MAY BE GRANTED TO A PERSON WHO HAS BEEN CONVICTED OF A NONVIOLENT FELONY OFFENSE THAT WOULD ALLOW HIM TO CARRY A FIREARM USED FOR HUNTING TO AND FROM HIS HUNTING DESTINATION AND USE IT WHILE HUNTING.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

S. 1125 -- Senators Bright, Bryant, S. Martin, Thomas, Gregory, Knotts, Campbell, Rose, Cromer, Fair, Campsen, Grooms, Peeler and Shoopman: A BILL TO AMEND SECTION 41‑35‑120 OF THE 1976 CODE, RELATING TO DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT A PERSON DISCHARGED FROM EMPLOYMENT FOR CAUSE IS INELIGIBLE FOR BENEFITS FOR TWENTY WEEKS BEGINNING WITH THE DATE THE PERSON FILED A BENEFITS REQUEST.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

H. 4473 -- Reps. Limehouse, Brady and Neilson: A BILL TO AMEND SECTION 63-7-2340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FINGERPRINT REVIEWS, SO AS TO PROVIDE THAT A PERSON WHO IS APPLYING FOR APPROVAL FOR ADOPTION PLACEMENT MUST ALSO UNDERGO A FINGERPRINT REVIEW; TO AMEND SECTION 63-7-2345, RELATING TO PAYMENT OF COSTS TO THE FEDERAL BUREAU OF INVESTIGATIONS FOR FINGERPRINT REVIEWS, SO AS TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES MAY USE FUNDS APPROPRIATED FOR FOSTER CARE TO PAY FOR FINGERPRINT REVIEWS CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATIONS FOR FOSTER CARE FAMILIES RECRUITED AND SELECTED AS POTENTIAL FOSTER CARE AND ADOPTIVE FAMILIES FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; TO AMEND SECTION 63‑7‑2350, RELATING TO RESTRICTIONS ON FOSTER CARE PLACEMENTS, SO AS TO RESTRICT THE PLACEMENT OF A CHILD IN FOSTER CARE WITH A PERSON WHO HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN OFFENSES OR IF A PERSON RESIDING IN THE HOME WHO IS EIGHTEEN YEARS OF AGE OR OLDER HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN OFFENSES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

S. 1167 -- Senator Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 31‑6‑85 SO AS TO ALLOW A MUNICIPALITY AND ONE OR MORE TAXING DISTRICTS TO PROVIDE BY INTERGOVERNMENTAL AGREEMENT FOR PARTIAL OR MODIFIED PARTICIPATION IN A REDEVELOPMENT PROJECT; AND TO AMEND SECTION 31‑6‑80, SO AS TO CLARIFY AN AMENDMENT TO THE TAX INCREMENT FINANCING LAW; AND TO AMEND SECTION 4‑10‑310, AS AMENDED, RELATING TO THE IMPOSITION OF THE CAPITAL PROJECTS SALES TAX ACT, SO AS TO PROVIDE THAT THE LIMITATION APPLICABLE TO THE NUMBER OF CERTAIN LOCAL SALES AND USE TAXES THAT MAY BE IMPOSED IN A COUNTY AREA DOES NOT APPLY IN A COUNTY AREA IN WHICH, AS OF JULY 1, 2012, THERE WAS IMPOSED PURSUANT TO A LOCAL ACT OF THE GENERAL ASSEMBLY A LOCAL SALES AND USE TAX, THE REVENUES OF WHICH MUST BE USED TO OFFSET THE COSTS OF SCHOOL CONSTRUCTION, OTHER SCHOOL PURPOSES, OR OTHER GOVERNMENTAL EXPENSES, OR ANY COMBINATION OF THESE USES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

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

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

H. 4798 -- Reps. McLeod and Bowers: A BILL TO AMEND SECTION 5‑7‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRIAL OF A PERSON IN A MUNICIPAL COURT, SO AS TO REVISE THE PERIOD OF TIME A PERSON MUST BE TRIED AFTER THE DATE OF HIS ARREST.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 6, 2012

Mr. President and Senators:

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

H. 4945 -- Reps. Funderburk, Harrison, Brantley, McLeod, Butler Garrick, Munnerlyn, Taylor, J.H. Neal, Dillard, Bannister, G.R. Smith, Bowers, Cobb‑Hunter, Delleney, Hixon, Long, Pope and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑5‑185 SO AS TO AUTHORIZE A PERSON TO REGISTER TO VOTE ELECTRONICALLY ON THE INTERNET WEBSITE OF THE STATE ELECTION COMMISSION, TO PROVIDE A PROCEDURE FOR THIS TYPE OF REGISTRATION AND AUTHORIZE THE STATE ELECTION COMMISSION TO PROMULGATE REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS ACT.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 7, 2012

Mr. President and Senators:

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

H. 4473 -- Reps. Limehouse, Brady and Neilson: A BILL TO AMEND SECTION 63-7-2340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FINGERPRINT REVIEWS, SO AS TO PROVIDE THAT A PERSON WHO IS APPLYING FOR APPROVAL FOR ADOPTION PLACEMENT MUST ALSO UNDERGO A FINGERPRINT REVIEW; TO AMEND SECTION 63-7-2345, RELATING TO PAYMENT OF COSTS TO THE FEDERAL BUREAU OF INVESTIGATIONS FOR FINGERPRINT REVIEWS, SO AS TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES MAY USE FUNDS APPROPRIATED FOR FOSTER CARE TO PAY FOR FINGERPRINT REVIEWS CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATIONS FOR FOSTER CARE FAMILIES RECRUITED AND SELECTED AS POTENTIAL FOSTER CARE AND ADOPTIVE FAMILIES FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES; TO AMEND SECTION 63‑7‑2350, RELATING TO RESTRICTIONS ON FOSTER CARE PLACEMENTS, SO AS TO RESTRICT THE PLACEMENT OF A CHILD IN FOSTER CARE WITH A PERSON WHO HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN OFFENSES OR IF A PERSON RESIDING IN THE HOME WHO IS EIGHTEEN YEARS OF AGE OR OLDER HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO CERTAIN OFFENSES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

The Senate resumed consideration of H. 3508.

The question then was the third reading of H. 3508.

Senator BRYANT spoke on the Bill.

The question then was the third reading of H. 3508.

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

**Ayes 43; Nays 2**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

Leventis Malloy

**Total--2**

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

**Point of Order**

Senator LEVENTIS raised a Point of Order that 5:00 had arrived and it was too late to complete the roll call vote on H. 3508.

The PRESIDENT stated that the roll call vote on H. 3508 was timely.

**Statement by Senators BRYANT, GROOMS, BRIGHT**

**DAVIS, ROSE, SHOOPMAN and VERDIN**

**School Choice Journal Statement**

     We were unable today, on the last day of Session, to compel a vote on providing tax credits to parents who wish to choose the appropriate educational setting for their children. We have watched this year, and for many years, this General Assembly pass out tax credits for everything from solar panels to restricting development on your own property.

The General Assembly never misses a chance to give out taxpayer money to a group with a catchy idea or good lobbyist. The General Assembly routinely and adamantly refuses, however, to allow parents to keep their own money to help their own children.

The insult that the General Assembly adds to the injury, however, comes in the shim sham that we see every time we try even to get a vote on the issue. Opponents of parents who want a different educational choice for their children apparently do not even deserve the respect that we give proponents of a new license plate or advocates of a new state symbol. These tax credits will benefit families trapped in poverty and families with handicapped children. And too many politicians want to claim their support of the issue but don’t ever have to vote on it.

We are proud to vote for school choice. We are not ashamed to support the issue. We will continue to fight for parents and their children who simply want a better education. Next year, we will have a vote.

**LOCAL APPOINTMENTS**

**Confirmations**

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

Reappointment, Horry County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Joseph C. Hetzer, 305 Ocean View Road, Myrtle Beach, SC 29572

Reappointment, Dillon County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Melissa Thompson, 801 East Roosevelt Street, Dillon, SC 29536

Reappointment, Horry County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Maurice D. Jones, 4525 Canal Street, Loris, SC 29569

**Committee to Inform the House**

The PRESIDENT appointed Senators LAND, LEVENTIS and ANDERSON to a committee to inform the House of Representatives that the Senate had completed its business and was ready to adjourn pursuant to the provisions of H. 5377, the *Sine Die* Resolution.

**Committee to Inform the Governor**

The PRESIDENT appointed Senators RYBERG, SHOOPMAN and ELLIOTT to a committee to inform the Governor that the Senate had completed its business and was ready to adjourn pursuant to the provisions of H. 5377, the *Sine Die* Resolution.

**Committee from the House**

Representatives Battle, T. Young, and Johnson appeared in the Chamber to inform the Senate that the House of Representatives had completed its business and was ready to adjourn pursuant to the provisions of H. 5377, the *Sine Die* Resolution.

**MOTION ADOPTED**

On motion of Senator SHANE MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Everett “Cotton” Owens of Spartanburg, S.C. Known as NASCAR’s “the King of the Modifieds,” Mr. Owens’ career on the Grand National began in 1950 when he ran 3 NASCAR races. His first win came on February 17, 1957, at the Daytona Beach Road Course. In 1961, he had numerous wins over the course of his career and he also had a win in his hometown of Spartanburg, S.C. at the Piedmont Interstate Fairgrounds. “Cotton” was fortunate to have some of the biggest names in the sport drive his cars over the years -- David Pearson, Buddy Baker, Pete Hamilton, Marty Robins, Ralph Earnhardt, Bobby Isaac, Junior Johnson, Benny Parsons, Fireball Roberts, Mario Andretti, Charlie Glotzbach and Al Unser. A total of 25 drivers climbed behind the wheel of Owens’ cars in 291 races, earning 32 victories and 29 pole positions. As a car owner and as a driver, Owens’ career statistics include 41 wins and 38 poles in 487 races. Mr. Owens was inducted into the 2013 Hall of Fame Class and, with this honor, he joins two other prior Spartanburg Hall of Fame recipients, Bud Moore and David Pearson.

and

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Harry McKenzie of the Sandy Bay Community, Kingstree, S.C., a fine and wonderful man.

**ADJOURNMENT**

At 5:00 P.M., on motion of Senator COURSON, the Senate adjourned to meet at Noon on Tuesday, June 19, 2012, pursuant to the provisions of H. 5377, the *Sine Die* Resolution.

\* \* \*