**Thursday, January 27, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

The prophet, Zechariah, tells us:

“Then I looked up—and there before me was a man with a measuring line in his hand.” (Zechariah 2:1)

Friends, let us pray:

Once again, O God, we find ourselves wondering: how indeed will this legislature ultimately “measure up”? Will they find the will to work together and to focus on solutions to overwhelming problems? Will they move this State forward for the betterment of all? Will they do that which is pleasing in Your eyes? By Your Spirit’s grace, O God, grant to each Senator in this Chamber the wisdom and the courage to do those things that are required. In Your loving name we pray, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Initial Appointment, Director of Department of Alcohol and Other Drug Abuse Services, with term coterminous with Governor

Robert Creighton Toomey, 33 Lockwood Dr., Charleston, SC 29401 *VICE* Lee Catoe

Referred to the Committee on Medical Affairs.

Initial Appointment, Director of Department of Social Services, with term coterminous with Governor

Lillian B. Koller, 95-270 Waikalani Drive M304, Mililani, HI 96789  *VICE* Kathleen Hayes, Ph.D.

Referred to the General Committee.

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

Robert Joseph St. Onge, Jr., 161 Windjammer Dr., Leesville, SC 29070 *VICE* H. Buck Limehouse, Jr.

Referred to the Committee on Transportation.

**Doctor of the Day**

Senators CLEARY and CAMPSEN introduced Dr. Andrew Pate of Mount Pleasant, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator BRYANT, at 11:05 A.M., Senator RYBERG was granted a leave of absence for today.

**Leave of Absence**

At 11:10 A.M., Senator CAMPBELL requested a leave of absence beginning at 1:00 P.M. for the balance of the day.

**Leave of Absence**

At 11:15 A.M., Senator FAIR requested a leave of absence beginning at 12:00 Noon today and lasting until next Tuesday at Noon.

**Leave of Absence**

At 12:55 P.M., Senator KNOTTS requested a leave of absence beginning at 2:00 P.M. for the balance of the day.

**Leave of Absence**

At 1:40 P.M., Senator GROOMS requested a leave of absence until 7:00 P.M.

**Leave of Absence**

At 1:50 P.M., Senator SHEHEEN requested a leave of absence for the balance of the day.

**Leave of Absence**

At 1:50 P.M., Senator SHOOPMAN requested a leave of absence beginning at 2:00 P.M. for the balance of the day.

**Leave of Absence**

At 1:55 P.M., Senator ROSE requested a leave of absence beginning at 2:30 P.M. for the balance of the day.

**CO-SPONSORS ADDED**

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

S. 245 Sens. Reese, Bryant

S. 345 Sen. Peeler

S. 421 Sen. Reese

S. 431 Sens. Shane Martin, Fair, Cromer, Bryant

S. 447 Sen. Elliott

**CO-SPONSORS REMOVED**

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

S. 407 Sens. Cleary, McGill, O’Dell

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on January 27, 2011, at 11:10 A.M. and the following Acts and Joint Resolution were ratified:

(R1, H. 3278) -- Rep. Harrison: A JOINT RESOLUTION TO PROVIDE THAT UNTIL JUNE 30, 2011, THERE ARE NO RESTRICTIONS ON THE TYPES OF APPLICANTS OR ORGANIZATIONS THAT MAY APPLY FOR A SPECIAL FIFTEEN‑DAY BEER AND WINE PERMIT AUTHORIZED BY SECTION 61‑4‑550 OF THE 1976 CODE IF THE APPLICANT MEETS ALL OTHER REQUIREMENTS OF THE SECTION AND ALL OTHER REQUIREMENTS OF LAW AS DETERMINED BY THE DEPARTMENT OF REVENUE.

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(R2, H. 3290) -- Rep. Branham: AN ACT TO AMEND ACT 806 OF 1952, AS AMENDED, RELATING TO ANNUAL MEETINGS OF THE SCHOOL DISTRICTS OF FLORENCE COUNTY, SO AS TO REQUIRE FLORENCE COUNTY SCHOOL DISTRICT TWO TO CALL A SEPARATE CITIZENS’ MEETING ON THE PROPOSED DISTRICT BUDGET BEFORE JUNE THIRTIETH OF EACH YEAR, TO PROVIDE FOR THE LOCATION, TIME, AND ADVERTISEMENT OF THE MEETINGS, AND TO REQUIRE THE CHAIRMAN TO KEEP A RECORD OF THE PROCEEDINGS AND TO FILE THEM WITH THE DISTRICT BOARD OF TRUSTEES.

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(R3, H. 3321) -- Rep. J.R. Smith: AN ACT TO AMEND ACT 1006 OF 1958, RELATING TO THE BATH WATER AND SEWER DISTRICT, THE CLEARWATER WATER AND SEWER DISTRICT, AND THE LANGLEY WATER AND SEWER DISTRICT IN AIKEN COUNTY AND THE ELECTION OF COMMISSIONERS FOR THESE DISTRICTS, SO AS TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER OF THESE DISTRICTS AND ALSO SERVE AS AN OFFICER OR EMPLOYEE OF THE SAME DISTRICT, AND TO REQUIRE PRESENT COMMISSIONERS IN VIOLATION OF THIS PROVISION TO MAKE A WRITTEN ELECTION AS TO WHICH POSITION WILL BE RETAINED AND WHICH POSITION BY THAT ELECTION IS BEING RESIGNED.

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**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 453 -- Senator Alexander: A SENATE RESOLUTION TO HONOR AND CONGRATULATE MR. JORGE LOPEZ-YAÑEZ FOR AN OUTSTANDING PERFORMANCE AT THE INAUGURATION OF GOVERNOR NIKKI HALEY AND TO COMMEND HIM AND EXPRESS DEEP APPRECIATION TO HIM FOR HIS DEDICATION TO EXCELLENCE IN MUSICIANSHIP AND HIS SUPPORT OF THE PERFORMING ARTS.

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The Senate Resolution was adopted.

S. 454 -- Senator Leatherman: A SENATE RESOLUTION TO HONOR AND RECOGNIZE MR. FRANK W. FUSCO OF THE SOUTH CAROLINA BUDGET AND CONTROL BOARD UPON HIS RETIREMENT AND TO WISH HIM THE BEST IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 455 -- Senator Leatherman: A SENATE RESOLUTION TO HONOR MR. WILLIAM E. GUNN FOR HIS MANY YEARS OF EXEMPLARY PUBLIC SERVICE UPON HIS RETIREMENT AND TO WISH HIM THE BEST IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 456 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71-297 SO AS TO ENACT THE “CANCER TREATMENT FAIRNESS ACT OF 2011”, TO REQUIRE INDIVIDUAL AND GROUP HEALTH PLANS AND HEALTH INSURERS TO PROVIDE COVERAGE FOR PRESCRIBED, ORALLY ADMINISTERED CHEMOTHERAPY ON A BASIS NO LESS FAVORABLE THAN COVERAGE OFFERED FOR INTRAVENOUSLY ADMINISTERED OR INJECTED CHEMOTHERAPY.

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

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.

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

S. 458 -- Senators Scott, Jackson, Anderson and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-1355 SO AS TO PROVIDE THAT AN ENTITY THAT SEEKS TO PROVIDE ALTERNATIVE EDUCATION PROGRAMS IN CONJUNCTION WITH SCHOOL DISTRICTS OF THIS STATE SHALL SUBMIT REQUESTS TO THE DEPARTMENT OF EDUCATION, TO PROVIDE FOR THE ENROLLMENT OF STUDENTS IN THESE PROGRAMS, TO PROVIDE FOR PROGRAM FUNDING, TO PROVIDE FOR INCLUSION OF THESE STUDENTS IN DISTRICT AVERAGE DAILY MEMBERSHIP, AND TO PROVIDE REPORT CARD REQUIREMENTS; AND TO AMEND SECTIONS 59-63-1300, 59‑63-1310, 59-63-1320, 59-63-1350, AND 59-63-1360, ALL RELATING TO ALTERNATIVE SCHOOL PROGRAMS, SO AS TO PROVIDE FOR THE ESTABLISHMENT OF ALTERNATIVE SCHOOL PROGRAMS BY OTHER ENTITIES.

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

S. 459 -- Senator Fair: A BILL TO AMEND SECTION 59-39-100, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ISSUANCE OF UNIFORM DIPLOMAS, SO AS TO REQUIRE THE ADVICE AND CONSENT OF THE EDUCATION OVERSIGHT COMMITTEE WITH REGARD TO THE NUMBER OF UNITS REQUIRED FOR A DIPLOMA; TO AMEND THE UNITS REQUIRED IN MATHEMATICS, SCIENCE, FOREIGN LANGUAGE, AND CAREER TECHNOLOGY EDUCATION; TO ELIMINATE THE TWENTY-FOUR UNIT DIPLOMA; TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT RULES AND REGULATIONS NECESSARY TO EFFECTUATE A MODIFIED DIPLOMA FOR CERTAIN STUDENTS; TO PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THAT MODIFIED DIPLOMA; TO PROVIDE WHAT UNITS A STUDENT MUST COMPLETE TO EARN A MODIFIED DIPLOMA; TO PROVIDE THAT STUDENTS PURSUING A MODIFIED DIPLOMA MAY REMAIN IN SCHOOL UNTIL THEY ARE TWENTY-ONE; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ADOPT NECESSARY CURRICULA AND ASSESSMENTS; AND TO REQUIRE THE EDUCATION OVERSIGHT COMMITTEE TO CONDUCT A TRIENNIAL REVIEW OF THE MODIFIED DIPLOMA PROGRAM.

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

S. 460 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE “SOUTH CAROLINA ANGEL INVESTMENT ACT OF 2011” BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS ALLOCATED BY THE DEPARTMENT OF COMMERCE FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT, OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, AND TO MAKE THE CREDIT TRANSFERABLE.

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

S. 461 -- Senators Cleary and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-2-85, SO AS TO PROVIDE THAT A HOLDER OF A PERMIT THAT ALLOWS ON-PREMISES CONSUMPTION OF BEER, WINE, OR ALCOHOLIC LIQUORS SHALL RECYCLE EACH RECYCLABLE BEVERAGE CONTAINER SOLD ON THE PREMISES IN ACCORDANCE WITH A MODEL RECYCLING PROGRAM DEVELOPED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO AMEND SECTION 61‑2‑90, RELATING TO REQUIRING AN APPROVED RECYCLING PLAN TO BE INCLUDED IN A PERMIT APPLICATION FOR ON-PREMISES CONSUMPTION; AND TO AMEND SECTION 6-4-20, RELATING TO THE USE OF ACCOMMODATIONS TAXES, SO AS TO PROVIDE FOR FUNDING FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE MODEL RECYCLING PROGRAM.

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

S. 462 -- Senator Alexander: A BILL TO AMEND ARTICLE 7, CHAPTER 13, TITLE 7 OF THE 1976 CODE, RELATING TO THE CONDUCT OF ELECTIONS, BY ADDING SECTION 7-13-870 TO PROVIDE INTERNATIONAL ELECTION OBSERVERS ACCESS TO ALL STAGES OF THE ELECTION PROCESS.

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

S. 463 -- Senator Hayes: A BILL TO AMEND SECTION 56-7-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF UNIFORM TRAFFIC TICKETS, SO AS TO PROVIDE THAT A UNIFORM TRAFFIC TICKET MUST BE USED IN AN ARREST FOR A MISDEMEANOR OFFENSE WITHIN THE JURISDICTION OF MAGISTRATES COURT THAT IS COMMITTED IN THE PRESENCE OF A LAW ENFORCEMENT OFFICER.

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

S. 464 -- Senators Alexander and Leventis: A BILL TO AMEND SECTION 7-13-1640, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VOTING MACHINE REQUIREMENTS, SO AS TO PROVIDE THAT BEGINNING WITH THE 2012 GENERAL ELECTION, ALL ELECTRONIC VOTING MACHINES MUST PRINT OUT A RECEIPT SHOWING HOW THE VOTER CAST HIS VOTE THAT MUST BE DEPOSITED IN A RECEPTACLE BY THE VOTER TO VERIFY THE VOTE TALLEY IF THERE IS A RECOUNT.

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

S. 465 -- Senator Alexander: A SENATE RESOLUTION TO HONOR AND RECOGNIZE MR. NEAL WORKMAN AND MR. MARK EGGL FOR THEIR CREATION OF THE FOOTHILLS GALA ORGANIZATION.

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The Senate Resolution was adopted.

S. 466 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR CAROLYN HOUSE STEWART, THE TWENTY-EIGHTH PRESIDENT OF ALPHA KAPPA ALPHA SORORITY, INC., FOR HER SIGNIFICANT CONTRIBUTIONS TO THE LEGAL PROFESSION, AND TO WELCOME HER TO THE PALMETTO STATE AS SHE ADDRESSES THE GAMMA NU OMEGA CHAPTER ON FOUNDERS DAY.

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

S. 467 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. JOHN ZUBIZARRETA FOR HIS OUTSTANDING CAREER AT COLUMBIA COLLEGE, AND CONGRATULATE HIM FOR BEING NAMED U. S. PROFESSOR OF THE YEAR FOR UNDERGRADUATE BACCALAUREATE COLLEGES BY THE CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING AND THE COUNCIL FOR ADVANCEMENT AND SUPPORT OF EDUCATION.

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The Senate Resolution was adopted.

S. 468 -- Senators Knotts, Bright, Bryant, Peeler, O'Dell, Leatherman, Campbell, McConnell, S. Martin, Hutto, Campsen, Massey, Cromer, L. Martin, Hayes, Davis, Shoopman, Grooms, Courson, Verdin, Cleary, Anderson, Reese, Nicholson, Setzler, Leventis, Coleman and Lourie: A SENATE RESOLUTION TO HONOR AND RECOGNIZE EUGENE HARLON CAMPBELL, UPON THE OCCASION OF HIS RETIREMENT AFTER MORE THAN EIGHTEEN YEARS OF FAITHFUL SERVICE TO THE SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION, AND WISH HIM MUCH SUCCESS AND SATISFACTION IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 469 -- Senator Cleary: A SENATE RESOLUTION TO THANK MR. SAL HEMINGWAY FOR HIS LEADERSHIP AND DEDICATION TO PROMOTING THE GROWTH OF BOATING IN THIS STATE AND TO RECOGNIZE THE ECONOMIC REWARDS THAT HIS EFFORTS WILL BRING TO SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 470 -- Senator Lourie: A CONCURRENT RESOLUTION TO EXPRESS THE SINCERE REGRET AND DEEP CONCERN OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY OVER THE TORRENTIAL RAINS AND SEVERE FLOODING THAT HAVE DEVASTATED MUCH OF THE STATE OF QUEENSLAND, AUSTRALIA, AND TO OFFER PRAYERS AND ENCOURAGEMENT TO THE RESOLUTE AND INDOMITABLE PEOPLE OF QUEENSLAND.

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

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

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

S. 472 -- Senator O'Dell: A BILL TO AMEND SECTION 38-71-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COVERAGE THAT MAY BE WRITTEN BY A LICENSED ACCIDENT AND HEALTH INSURER, SO AS TO PROHIBIT THE INSURER FROM DIRECTLY PAYING MONEY TO AN INSURED FOR A HEALTH CARE SERVICE PROVIDED TO THE INSURED, AND TO PROVIDE EXCEPTIONS.

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

S. 473 -- Senators Lourie and Setzler: A BILL TO AMEND CHAPTER 102, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATHLETE AGENTS AND STUDENT AGENTS, SO AS TO REVISE DEFINITIONS, TO INCLUDE DEFINITIONS FOR “ADMINISTRATOR”, “DEPARTMENT”, AND “FINANCIAL SERVICES CONTRACT”, TO REVISE THE POWERS OF THE DEPARTMENT OF CONSUMER AFFAIRS WITH RESPECT TO ATHLETE AGENTS AND STUDENT ATHLETES, TO PROVIDE FOR INSPECTION OF OUT-OF-STATE RECORDS, TO REQUIRE AN APPLICANT TO UNDERGO A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK AND TO PROVIDE FINGERPRINTS, TO PROVIDE FOR REPORTING AND MAINTENANCE OF CRIMINAL HISTORY RECORDS CHECK RESULTS, TO REVISE CONSIDERATIONS THE DEPARTMENT MAY MAKE WHEN ISSUING A CERTIFICATE OF REGISTRATION, TO REVISE THE TIME IN WHICH A CERTIFICATE OF REGISTRATION IS VALID AND TO PROVIDE THAT THE CERTIFICATE IS NONTRANSFERABLE AND NONASSIGNABLE, TO PROVIDE THAT IF A PERSON AGGRIEVED BY DEPARTMENT ACTION FAILS TO REQUEST A CONTESTED CASE THE ADMINISTRATIVE ACTION IS FINAL, TO PROVIDE THAT FUNDS COLLECTED BY THE DEPARTMENT MUST BE USED TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER, TO REQUIRE THAT THE ADDRESS OF THE ATHLETE AGENT BE INCLUDED IN AN AGENCY CONTRACT, TO REVISE WHAT THE CONTRACT MUST CONTAIN, TO PROVIDE ADDITIONAL PROHIBITED ACTS OF ATHLETE AGENTS, TO ALLOW THE DEPARTMENT TO ISSUE A CEASE AND DESIST ORDER AND IMPOSE A PENALTY UPON FINDING OF MISCONDUCT, TO PROVIDE REPORTING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS, AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS CHAPTER.

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

S. 474 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑6-3586 SO AS TO ALLOW A STATE TAX CREDIT FOR THE INSTALLATION OF SOLAR ENERGY EQUIPMENT IN AN AMOUNT EQUAL TO THIRTY-FIVE PERCENT OF THE AMOUNTS FOR SPECIFIC INSTALLATIONS AND FOR SPECIFIC PURPOSES, TO DEFINE SOLAR ENERGY EQUIPMENT, TO PROVIDE FOR THE TIMING OF CREDITS AND THE CARRY FORWARD OF UNUSED CREDITS, TO PROVIDE THOSE TAXES AGAINST WHICH THIS CREDIT IS ALLOWED, AND TO PROHIBIT DOUBLE CREDITS.

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

S. 475 -- Senator Rankin: A BILL TO AMEND SECTION 12‑36‑2110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAXIMUM TAX ON CERTAIN SALES AND LEASES, SO AS TO ELIMINATE THE MAXIMUM TAX ON MOTOR VEHICLES ON JUNE 30, 2014; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT FIFTY PERCENT OF THE GROSS PROCEEDS OF SALES OF THE SALE OR LEASE OF A MOTOR VEHICLE; BY ADDING SECTION 4‑1‑185 SO AS TO PROVIDE THAT ANY LOCAL SALES AND USE TAX LEVIED SHALL NOT BE IMPOSED ON THE GROSS PROCEEDS OF THE SALES OR LEASE OF A MOTOR VEHICLE; BY ADDING SECTION 11-11-240 SO AS TO CREATE THE ROAD CONSTRUCTION FUND AND PROVIDE THE MANNER IN WHICH MONIES IN THE FUND MAY BE EXPENDED; AND BY ADDING SECTION 12-36-960 SO AS TO PROVIDE THAT THE REVENUE COLLECTION FROM THE SALE OR LEASE OF A MOTOR VEHICLE IN EXCESS OF COLLECTIONS FOR THE SALE OR LEASE OF A MOTOR VEHICLE IN FISCAL YEAR 2010-2011 MUST BE CREDITED TO THE ROAD CONSTRUCTION FUND.

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

S. 476 -- Senator Coleman: A BILL TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXTEND THE EXEMPTION FOR A PRIVATE PASSENGER MOTOR VEHICLE OWNED BY OR LEASED TO AN ELIGIBLE DISABLED VETERAN TO SUCH A VEHICLE OWNED OR LEASED BY THE SURVIVING SPOUSE OF THE VETERAN.

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

S. 477 -- Senators Coleman, Hutto and Knotts: A BILL TO AMEND ARTICLE 7, CHAPTER 7, TITLE 1, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROSECUTION COORDINATION COMMISSION, SO AS TO TRANSFER THE COMMISSION TO THE OFFICE OF THE ATTORNEY GENERAL, TO CREATE THE PROSECUTION COORDINATION DIVISION IN THAT OFFICE, AND TO REMOVE THE FORMER COMMISSION MEMBERSHIP; AND TO AMEND SECTION 1-5-40, AS AMENDED, RELATING TO THE DUTY OF THE SECRETARY OF STATE TO MONITOR STATE BOARDS AND COMMISSIONS, SECTION 8-11-260, AS AMENDED, RELATING TO PERSONNEL ADMINISTRATION EXEMPTIONS FOR CERTAIN EMPLOYEES OF THE STATE, SECTION 8-13-770, AS AMENDED, RELATING TO EXEMPTIONS FOR MEMBERS OF THE GENERAL ASSEMBLY TO SERVE ON STATE BOARDS AND COMMISSIONS, SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM EMPLOYEE GRIEVANCE PROCEDURES FOR CERTAIN EMPLOYEES OF THE STATE, SECTION 8-21-320, AS AMENDED, RELATING TO MOTION FEES IN THE COURT OF COMMON PLEAS AND FAMILY COURT, SECTION 14-1-204, AS AMENDED, RELATING TO DISTRIBUTION OF COURT FILING FEES, SECTION 14-1-212, RELATING TO GENERAL SESSIONS, MAGISTRATES, AND MUNICIPAL COURT SURCHARGES ON FINES, SECTION 14‑1‑213, AS AMENDED, RELATING TO SURCHARGES ON FINES FOR DRUG OFFENSES, SECTION 16-1-130, AS AMENDED, RELATING TO PERSONS NOT ELIGIBLE FOR A DIVERSION PROGRAM, SECTION 16-3-1410, AS AMENDED, RELATING TO VICTIM ASSISTANCE SERVICES AND MEMBERSHIP OF THE VICTIM SERVICES COORDINATING COUNCIL, SECTION 16-3-1525, AS AMENDED, RELATING TO VICTIM NOTIFICATION UNDER CERTAIN CIRCUMSTANCES, SECTION 17-3-510, RELATING TO CIRCUIT PUBLIC DEFENDER SELECTION PANELS, SECTION 17-22-30, RELATING TO PRETRIAL INTERVENTION PROGRAMS, SECTION 17-22-40, RELATING TO THE PRETRIAL INTERVENTION COORDINATOR, SECTION 17-22-310, RELATING TO THE ESTABLISHMENT OF TRAFFIC EDUCATION PROGRAMS, SECTION 17-22-360, RELATING TO TRAFFIC EDUCATION PROGRAM ANNUAL REPORTS, SECTION 17-22-370, RELATING TO THE CREATION AND MAINTENANCE OF A LIST OF PARTICIPANTS OF A TRAFFIC EDUCATION PROGRAM, SECTION 17-22-510, RELATING TO THE ESTABLISHMENT OF ALCOHOL EDUCATION PROGRAMS, SECTION 17-22-530, RELATING TO DISPOSITION OF AN ALCOHOL-RELATED OFFENSE UPON COMPLETION OF AN ALCOHOL EDUCATION PROGRAM, SECTION 17-22-560, RELATING TO THE CREATION AND MAINTENANCE OF A LIST OF PARTICIPANTS OF AN ALCOHOL EDUCATION PROGRAM, SECTION 22-3-546, RELATING TO THE ESTABLISHMENT OF A PROGRAM FOR PROSECUTION OF FIRST OFFENSE MISDEMEANOR CRIMINAL DOMESTIC VIOLENCE OFFENSES, AND SECTION 43-35-310, RELATING TO THE MEMBERSHIP OF THE ADULT PROTECTION COORDINATING COUNCIL, ALL SO AS TO MAKE CONFORMING CHANGES TO REFLECT THE CHANGE OF THE PREVIOUS COMMISSION TO THE PROSECUTION COORDINATION DIVISION WITHIN THE OFFICE OF THE ATTORNEY GENERAL.

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

S. 478 -- Senator Ryberg: A BILL TO AMEND SECTION 41-31-5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE RATE OF CONTRIBUTIONS TO THE UNEMPLOYMENT TRUST FUND, SO AS TO MODIFY THE METHOD OF COMPUTATION; TO AMEND SECTION 41‑31‑20, AS AMENDED, RELATING TO EMPLOYER'S ACCOUNTS, SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL MAINTAIN A SEPARATE ACCOUNT FOR EACH EMPLOYER AND SHALL ACCURATELY RECORD THE DATA USED TO DETERMINE AN EMPLOYER'S EXPERIENCE FOR THE PURPOSE OF RATE ASSIGNMENT; TO AMEND SECTION 41-31-40, AS AMENDED, RELATING TO BASE RATE COMPUTATION PERIODS, SO AS TO LOWER THE NEW EMPLOYER TAX CLASS FROM THIRTEEN TO TWELVE; TO AMEND SECTION 41-31-50, AS AMENDED, RELATING TO BASE RATE DETERMINATIONS, SO AS TO CLARIFY EXCLUSIONS TO TAXABLE WAGES, AND TO PROVIDE FOR CALENDAR YEAR 2011 AND SUBSEQUENT CALENDAR YEARS, VOLUNTARY PAYMENTS ARE NOT PERMITTED FOR THE PURPOSE OF OBTAINING A LOWER RATE OF REQUIRED CONTRIBUTIONS; TO AMEND SECTION 41-31-60, AS AMENDED, RELATING TO BASE RATES WHERE A DELINQUENT REPORT IS RECEIVED, SO AS TO CHANGE REFERENCES TO TAX RATES; TO AMEND SECTION 41-31-70, AS AMENDED, RELATING TO A PROHIBITION ON THE TERMINATION OF THE ACCOUNT OF AN EMPLOYER, SO AS TO DELETE A BENEFIT RATIO CALCULATION; TO AMEND SECTION 41-31-125, AS AMENDED, RELATING TO THE ASSIGNMENT OF AN EMPLOYMENT BENEFIT RECORD UPON ACQUISITION OR REORGANIZATION OF AN EXISTING EMPLOYMENT UNIT, SO AS TO PROVIDE IF THE EXPERIENCE RATING ACCOUNT OF A PREDECESSOR IS EQUAL TO OR EXCEEDS TAX CLASS THIRTEEN, THIS EXPERIENCE RATING ACCOUNT MUST BE TRANSFERRED TO THE SUCCESSOR EMPLOYER; TO AMEND SECTION 41-31-140, AS AMENDED, RELATING TO LIMITS ON THE TRANSFER OF AN EXPERIENCE RATING ACCOUNT IN CERTAIN CIRCUMSTANCES TO CLARIFY TIME LIMITS OF APPLICABILITY, AND TO PROVIDE FOR FUTURE LIMITS ON TRANSFERS FOR AN EXPERIENCE RATING ACCOUNT; TO AMEND SECTION 41-31-670, AS AMENDED, RELATING TO SPECIAL PROVISIONS FOR ORGANIZATIONS THAT MADE CONTRIBUTIONS PRIOR TO 1969, SO AS TO UPDATE REFERENCES TO APPLICABLE TAX FORMULAS, AND TO PROVIDE FOR THE MANAGEMENT OF AN ACCOUNT IF THE ORGANIZATION TERMINATES THE ELECTION AVAILABLE UNDER THIS SECTION; TO AMEND SECTION 41-35-110, AS AMENDED, RELATING TO ELIGIBILITY FOR BENEFITS, SO AS TO DELETE A REQUIREMENT THAT A CLIENT MAINTAIN WEEKLY CONTACT WITH A TEMPORARY AGENCY AFTER COMPLETION OF A TEMPORARY ASSIGNMENT; TO AMEND SECTION 41-35-120, AS AMENDED, RELATING TO DISQUALIFICATIONS FOR BENEFITS, SO AS TO INCREASE THE PENALTY FOR FAILING A DRUG TEST OR BEING TERMINATED FOR GROSS MISCONDUCT, AND TO PROVIDE AN ADDITIONAL SOURCE FOR CERTIFYING A LAB THAT MAY PERFORM A DRUG TEST; TO AMEND SECTION 41‑35‑125, AS AMENDED, RELATING TO BENEFITS FOR INDIVIDUALS UNEMPLOYED AS A RESULT OF DOMESTIC ABUSE, SO AS TO REDEFINE THE TERM “DISABILITY”; TO AMEND SECTION 41-35-130, AS AMENDED, RELATING TO PAYMENTS NOT CHARGEABLE TO A FORMER EMPLOYER, SO AS TO MAKE THE SECTION APPLICABLE TO BENEFITS PAID AS A RESULT OF A NATURAL DISASTER DECLARED BY THE PRESIDENT OF THE UNITED STATES; TO AMEND SECTION 41-35-690, AS AMENDED, RELATING TO APPEALS, SO AS TO PROVIDE AN APPEAL MUST BE MADE TO THE COURT OF COMMON PLEAS; TO AMEND SECTION 41-39-30, AS AMENDED, RELATING TO LIMITS ON FEES, SO AS TO ELIMINATE THE REQUIREMENT THAT A PERSON APPEARING AT A HEARING UNDER THIS SECTION MUST BE REPRESENTED BY AN ATTORNEY; AND TO AMEND SECTION 41-41-40, AS AMENDED, RELATING TO THE RECOVERY OF BENEFITS PAID TO A PERSON NOT ENTITLED TO BENEFITS, SO AS TO PROVIDE AN ADDITIONAL MEANS FOR ATTEMPTING A COLLECTION UNDER THIS SECTION.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 479 -- Senators Peeler, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO EXTEND THE WARMEST CONGRATULATIONS OF THE SENATE TO OUR FRIEND AND COLLEAGUE, THE HONORABLE MICK MULVANEY OF LANCASTER, FOR HIS DISTINGUISHED SERVICE IN THE SENATE AND IN THE GENERAL ASSEMBLY, UPON HIS ELECTION TO THE UNITED STATES HOUSE OF REPRESENTATIVES AND TO WISH HIM THE VERY BEST AS HE UNDERTAKES HIS NEW ROLE SERVING OUR NATION.

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The Senate Resolution was adopted.

H. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V. S. Moss, Norman, Parker, G. M. Smith, G. R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J. R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D. C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-3-70 SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO CREATE A LIST CONTAINING ALL REGISTERED VOTERS WHO ARE QUALIFIED TO VOTE, BUT DO NOT HAVE A SOUTH CAROLINA DRIVER’S LICENSE OR OTHER FORM OF IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES AS OF JANUARY 1, 2013, AND TO REQUIRE THE DEPARTMENT TO FURNISH A LIST OF PERSONS WITH A SOUTH CAROLINA DRIVER’S LICENSE OR OTHER FORM OF IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED BY THE DEPARTMENT AT NO CHARGE TO THE COMMISSION; BY ADDING SECTION 7-5-675 SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO IMPLEMENT A SYSTEM IN ORDER TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE ELECTOR; TO REQUIRE THE STATE ELECTION COMMISSION TO ESTABLISH AN AGGRESSIVE VOTER EDUCATION PROGRAM CONCERNING THE PROVISIONS OF THIS ACT; TO AMEND SECTION 7-1-25, RELATING TO THE DEFINITION OF “DOMICILE”, SO AS TO PROVIDE FACTORS TO CONSIDER IN DETERMINING A PERSON’S INTENTION REGARDING HIS DOMICILE; TO AMEND SECTION 7-3-20, AS AMENDED, RELATING TO THE RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR TO MAINTAIN IN A MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTING IN A GENERAL ELECTION; TO AMEND SECTION 7‑5‑125, RELATING TO THE ISSUANCE OF A WRITTEN NOTIFICATION OF REGISTRATION TO VOTE, SO AS TO PROVIDE FOR THE ISSUANCE OF A DUPLICATE NOTIFICATION IF THE ELECTOR TO WHOM IT WAS ORIGINALLY ISSUED LOSES OR DEFACES IT; TO AMEND SECTION 7-5-230, AS AMENDED, RELATING TO THE BOARDS OF REGISTRATION BEING THE JUDGES OF THE LEGAL QUALIFICATIONS OF ALL APPLICANTS FOR REGISTRATION, SO AS TO ADD A REFERENCE TO SECTION 7-1-25 AND DELETE CERTAIN CRITERIA USED WHEN CONSIDERING A CHALLENGE REGARDING THE RESIDENCE OF AN ELECTOR; TO AMEND SECTION 7-13-710, AS AMENDED, RELATING TO THE PRESENTATION OF A PERSON’S PROOF OF HIS RIGHT TO VOTE, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PROVIDING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE FOR CERTAIN EXCEPTIONS, TO REQUIRE A POLL MANAGER TO COMPARE THE PHOTOGRAPH ON THE REQUIRED IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE; TO AMEND SECTION 7‑15‑330, AS AMENDED, RELATING TO THE TIME OF APPLICATION FOR AN ABSENTEE BALLOT, SO AS TO DELETE REFERENCES TO AN AUTHORIZED REPRESENTATIVE REQUESTING AN APPLICATION FOR A QUALIFIED ELECTOR; TO AMEND SECTION 7-15-385, AS AMENDED, RELATING TO THE MARKING AND RETURNING OF THE ABSENTEE BALLOT, SO AS TO REQUIRE THE BOARD OF REGISTRATION TO RECORD, INSTEAD OF NOTE, CERTAIN PROCEDURES REGARDING THE RETURN OF THE ABSENTEE BALLOT; TO AMEND SECTION 56-1-3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST UNDER CERTAIN CIRCUMSTANCES; AND TO REPEAL SECTION 7-15-470 RELATING TO THE PROHIBITION OF VOTING ON A VOTING MACHINE FOR IN-PERSON ABSENTEE VOTING.

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

H. 3117 -- Rep. King: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME A PORTION OF CONSTITUTION BOULEVARD IN THE CITY OF ROCK HILL “DR. MARTIN LUTHER KING, JR. MEMORIAL BOULEVARD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “DR. MARTIN LUTHER KING, JR. MEMORIAL BOULEVARD”.

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

H. 3243 -- Reps. Pinson, Pitts and Parks: A BILL TO AMEND ACT 595 OF 1994, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF GREENWOOD SCHOOL DISTRICT 50 IN GREENWOOD COUNTY, SO AS TO PROVIDE THAT IF THE NUMBER OF CANDIDATES FOR THE BOARD OF TRUSTEES IS EQUAL TO OR LESS THAN THE NUMBER OF POSITIONS TO BE FILLED, THE COUNTY ELECTION COMMISSION SHALL DECLARE THOSE CANDIDATES ELECTED.

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

H. 3253 -- Rep. Cobb-Hunter: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 301 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH INTERSTATE HIGHWAY 26 TO ITS INTERSECTION WITH HOMESTEAD ROAD “DR. THOMAS L. MOSS MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “DR. THOMAS L. MOSS MEMORIAL HIGHWAY”.

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

H. 3256 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE LANDING AT BUCKINGHAM OFF FOUNDING ISLAND ROAD IN BEAUFORT COUNTY “WILLIAM F. MARSCHER II MEMORIAL LANDING” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LANDING THAT CONTAIN THE WORDS “WILLIAM F. MARSCHER II MEMORIAL LANDING”.

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

H. 3302 -- Reps. J. E. Smith, Vick, Pinson, Agnew, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Young, Patrick, Umphlett and Alexander: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THAT PORTION OF NATIONAL GUARD ROAD IN RICHLAND COUNTY, SOUTH CAROLINA, BEGINNING AT ITS INTERSECTION WITH BLUFF ROAD AND EXTENDING PAST THE SOUTH CAROLINA NATIONAL GUARD HEADQUARTERS BUILDING (THE TAG BUILDING) TO ITS CONCLUSION AS “STAN SPEARS DRIVE” IN HONOR OF MAJOR GENERAL STANHOPE SIFFORD “STAN” SPEARS, RETIRING ADJUTANT GENERAL OF SOUTH CAROLINA AND A TRULY DISTINGUISHED MILITARY LEADER AND PUBLIC SERVANT OF THIS STATE FOR OVER THIRTY YEARS, AND ERECT APPROPRIATE MARKERS AND SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS “STAN SPEARS DRIVE”.

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

H. 3311 -- Reps. Gilliard and Mack: A CONCURRENT RESOLUTION TO URGE OUR FEDERAL, STATE, AND LOCAL GOVERNMENTS, ALONG WITH CHURCHES AND NEIGHBORHOOD ASSOCIATIONS, TO STEP UP THEIR EFFORTS TO ASSIST THE HOMELESS IN LIGHT OF THE NATION'S ECONOMIC DOWNTURN, ADVERSE WEATHER CONDITIONS, AND AN INCREASE IN THE HOMELESS POPULATION.

The Concurrent Resolution was introduced and referred to the General Committee.

H. 3370 -- Rep. Barfield: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE JIMMIE FOSTER, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, MARCH 1, 2011.

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

H. 3415 -- Reps. Henderson, Allen, Bannister, Bedingfield, Bikas, Corbin, Hamilton, Loftis, G. R. Smith, Stringer and Willis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 12 AND 13, 2011, BY THE STUDENTS OF GREENVILLE COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 3416 -- Reps. D. C. Moss, King and Pope: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF YORK COUNTY SCHOOL DISTRICT ONE WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 3434 -- Reps. Lucas, Neilson and Williams: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF DARLINGTON COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 3436 -- Reps. D. C. Moss and V. S. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING ACT 606 OF 1973, RELATING TO THE CREATION AND DUTIES OF THE CHEROKEE COUNTY HISTORICAL COMMISSION.

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

H. 3444 -- Reps. Funderburk, Lucas and Butler Garrick: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 12, 13, AND 14, 2011, BY THE STUDENTS OF KERSHAW COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

**REPORTS OF STANDING COMMITTEES**

Senator COURSON from the Committee on Education submitted a favorable report on:

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

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

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

Ordered for consideration tomorrow.

**HOUSE CONCURRENCE**

S. 343 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE JIMMIE FOSTER, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, MARCH 1, 2011.

Returned with concurrence.

Received as information.

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

**OBJECTION**

S. 213 -- Senators McConnell and Campsen: A BILL TO DIRECT THE SOUTH CAROLINA CODE COMMISSIONER TO INCLUDE BEGINNING WITH THE 2011 CUMULATIVE SUPPLEMENT TO THE CODE OF LAWS OF SOUTH CAROLINA, 1976, CERTAIN REPORTER’S COMMENTS IN REGARD TO VARIOUS PROVISIONS OF THE SOUTH CAROLINA PROBATE CODE IN TITLE 62, AMENDED BY ACT 244 OF 2010.

Senator LARRY MARTIN explained the Bill.

Senator LEVENTIS objected to further consideration of the Bill.

**POINT OF ORDER**

S. 254 -- Senators Cleary, McConnell, Hutto, Ford and Ryberg: A BILL TO AMEND CHAPTER 19, TITLE 16 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO GAMBLING AND LOTTERIES, SO AS TO ADD DEFINITIONS FOR THE REGULATION OF GAMBLING; TO MAKE UNIFORM PENALTIES FOR UNLAWFUL LOTTERIES AND GAMBLING; TO ALLOW EXCEPTIONS FOR GAMES OF CARDS OR DICE IN A PRIVATE RESIDENCE OR HOME; AND TO PROVIDE THAT MONIES PAID FOR GAMBLING ARE RECOVERABLE BY A DEBTOR.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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

**MOTION ADOPTED**

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

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

**AMENDED, DEBATE INTERRUPTED**

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

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

Senator CLEARY was recognized to speak on the Bill.

Senator THOMAS was recognized to argue contra to the Bill.

On motion of Senator HAYES, with unanimous consent, Amendment No. 143 was taken up for immediate consideration.

**Amendment No. 143**

Senator HAYES proposed the following amendment (SWB\  
6003SD11), which was carried over:

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

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

“CHAPTER 57

Charitable Raffles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) Charitable organizations registering with the secretary pursuant to the provisions of this chapter shall be subject to investigation and other actions by the Office of the Secretary of State and subject to all penalties contained in Chapters 56 and 57 of Title 33. The secretary shall refer violations, when applicable, to law enforcement for criminal prosecution pursuant to the provisions of this chapter.

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

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

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

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

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

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

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

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

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

(F) A raffle shall be conducted only by a qualified and authorized charitable organization through its bona fide officers and members who volunteer their time and receive no compensation for their services, with the exception of full time staff of the charitable organization. Food and beverages served to and consumed by volunteers or staff of the sponsoring organization during a raffle are not compensation.

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

(H) Non‑cash prizes shall not be redeemable for money from the charitable organization.

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

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

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

Section 33‑57‑150. Expenses that are reasonable and necessary to raffles as authorized by this chapter, are allowable and include only expenses incurred for:

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

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

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

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

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

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

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

(8) door prizes or prizes;

(9) stated premises’ rental or insurance expenses;

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

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

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

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

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

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

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

(1) the amount of the gross proceeds;

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

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

(4) the amount of the net proceeds;

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

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

(7) the number of tickets sold.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

On motion of Senator HAYES, Amendment No. 143 was carried over.

On motion of Senator HAYES, with unanimous consent, Amendment No. 146 was taken up for immediate consideration.

**Amendment No. 146**

Senator HAYES proposed the following amendment (DKA\  
3305SD11), which was carried over:

Amend the bill, as and if amended, in Section 33‑57‑120(A), Chapter 57, Title 33, as contained in SECTION 1, by striking subsection (A) in its entirety and inserting:

/ (A) A charitable organization is qualified to conduct raffles or casino night charity games in accordance with the provisions of this chapter if the charitable organization:

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

(2) has been in continuous existence and operation in the State for a period of not less than two years prior to the date of the first raffle or casino night charity game; and

(3) is registered with the secretary pursuant to the requirements of Chapter 56, Title 33. /

Amend the bill further, as and if amended, in Section 33-57-120(E) of Chapter 57, Title 33, as contained in SECTION 1 by adding at the end of the subsection on line 43, page 4:

/ The South Carolina Law Enforcement Division shall provide a criminal background check of any person if requested by the Secretary in those instances deemed necessary by the Secretary in regard to a raffle or casino night event. The cost of the criminal background check shall be paid by the charitable organization sponsoring the raffle or casino night event. /

Amend the bill further, as and if amended, in SECTION 1 by adding new subsections to Section 33-57-140 to be appropriately lettered after line 33, on page 6 to read:

/ ( ) An individual prize awarded to each winner in a casino night charity game shall not exceed a cash value of five hundred dollars. For each casino night charity game event, the total cash value of prizes awarded shall not exceed two thousand five hundred dollars;

( ) Prizes for a raffle shall not be redeemable for cash from the charitable organization, and the maximum fair market value of a single prize shall be forty thousand dollars. No real property may be offered as a prize in a raffle. The total fair market value of all prizes offered by any charitable organization may not exceed fifty thousand dollars for any raffle event.

( ) The purchase price for a raffle ticket may not exceed one hundred dollars. The admission price for a casino night charity game may not exceed one hundred dollars. /

Amend the bill further, as and if amended, in Section 33-57-150(1) as contained in SECTION 1 by adding after / certificates; / on line 38, page 6:

/ provided, however that expenses for advertising addressed to the general public for casino night charity games to be conducted under this chapter shall not exceed one thousand dollars per event; /

Amend the bill further, as and if amended, by striking 33-57-160(C)(6) on line 19, page 8 and inserting:

/ (6) A list of prizes offered and given, with an estimate of their respective values and the name and address of all persons who are winners of prizes of six hundred dollars or more in value with each participant being required to sign for any receipt of prizes. /

Amend the bill further, as and if amended, by adding Section 33-57-175 immediately after Section 33-57-170 on page 9 to read:

/ Section 33-57-175. Each charitable organization conducting a raffle or a casino night charity game shall post signs with a statement regarding obtaining assistance with gambling problems including informing patrons of a toll‑free telephone number available. The text of the signage shall be determined by the South Carolina Lottery Commission and shall be posted at all entrances and exits on the premises at which raffles or casino night charity games are conducted by the charitable organization. Each charitable organization conducting casino night charity games shall print a statement regarding obtaining assistance with gambling problems on all paper stock that it provides to the public. The text shall be determined by the South Carolina Lottery Commission. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

On motion of Senator HAYES, Amendment No. 146 was carried over.

On motion of Senator LARRY MARTIN, with unanimous consent, Amendment No. 148 was taken up for immediate consideration.

**Amendment No. 148**

Senators LARRY MARTIN and LOURIE proposed the following amendment (255R003.LAM), which was adopted:

Amend the bill, as and if amended, page 12, by striking SECTION 4 and inserting:

/ SECTION 4. The provisions of this act become effective thirty days after ratification of an amendment to Section 7, Article XVII of the Constitution of this State allowing its terms as proposed to the qualified electors of this State at the 2012 General Election, and the provisions of this act are repealed five years from the effective date unless further authorized by the General Assembly. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

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

**Ayes 32; Nays 2**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Courson Cromer Davis

Ford Hayes Jackson

Knotts Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson Peeler Rankin

Reese Rose Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--32**

**NAYS**

Hutto Leventis

**Total--2**

The amendment was adopted.

**Statement by Senator FAIR**

I was not present to vote on S. 255 nor any of its amendments because of having to meet a scheduled flight to attend an education function in St. Louis. I am not traveling at state expense.

I am opposed to casino nights. I am opposed to legalizing gambling whether it be video poker or casinos, etc. I am not opposed to a reasonable Bill to correct antiquated language in statutory law. “Non‑ profit raffles” is an example of something that is now illegal that could be made legal with appropriate language as a legitimate fundraiser.

**RECESS**

At 1:56 P.M., with Senator THOMAS retaining the floor, on motion of Senator LARRY MARTIN, with unanimous consent, the Senate receded from business subject to the Call of the President.

At 2:10 P.M., the Senate resumed.

**Amendment No. 1**

Senator THOMAS proposed the following amendment (DKA\  
3200SD11), which was carried over:

Amend the bill, as and if amended, Section 33-57-120(A)(2), SECTION 1, page 3, line 32, by striking /two/ and inserting /three/.

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

On motion of Senator THOMAS, Amendment No. 1 was carried over.

On motion of Senator CAMPSEN, with unanimous consent, Amendment No. 149 was taken up for immediate consideration.

**Amendment No. 149**

Senators CAMPSEN, KNOTTS and LARRY MARTIN proposed the following amendment (255R005.GEC), which was adopted:

Amend the bill, as and if amended, page 6, by striking subsection (H) on lines 22 through 23 and inserting:

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

On motion of Senator CAMPSEN, with unanimous consent, Amendment No. 151 was taken up for immediate consideration.

**Amendment No. 151**

Senator CAMPSEN proposed the following amendment (255R006.GEC), which was carried over:

Amend the bill, as and if amended, page 5, by striking lines 21 through 25 and inserting:

/ Section 33‑57‑140. (A) Except for fifty‑fifty raffles, no less than the greater of ninety percent of the net receipts, or eighty percent of the gross receipts received for participation, from a raffle or a casino night charity game authorized pursuant to this chapter, must be used for the charitable, religious, educational, philanthropic, or eleemosynary purposes of the charitable organization. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

On motion of Senator CAMPSEN, Amendment No. 151 was carried over.

On motion of Senator CAMPSEN, with unanimous consent, Amendment No. 152 was taken up for immediate consideration.

**Amendment No. 152**

Senators CAMPSEN, KNOTTS and LARRY MARTIN proposed the following amendment (255R007.GEC), which was adopted:

Amend the bill, as and if amended, page 3, by striking subsection (3) beginning on line 34 and inserting:

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

On motion of Senator MASSEY, with unanimous consent, Amendment No. 150 was taken up for immediate consideration.

**Amendment No. 150**

Senator MASSEY proposed the following amendment (255R001.ASM), which was adopted:

Amend the bill, as and if amended, by striking Section 33‑57‑100 on page 1, lines 33‑41, and on page 2, lines 1‑5, and inserting:

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

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

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

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

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

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

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

Amend the bill further, as and if amended, page 2, by striking lines 9‑22 and inserting:

/ (2) ‘Casino night charity game’ means a charity fundraising event commonly known and operated as a ‘casino night’, ‘Las Vegas night’, or ‘Monte Carlo night’ involving live individuals playing roulette, blackjack, poker, baccarat, or other card games, or dice games subject to the following requirements and limitations:

(a) no consideration or value is paid for receipt of the chips or imitation money or other scrip that will be used to play the games, other than the cost of an admission ticket;

(b) the chips or imitation money or other scrip won during a casino night must not be exchanged for any consideration of any kind except for raffle tickets to participate in a raffle for a prize other than money or a negotiable instrument. A raffle for a prize other than money or a negotiable instrument is the sole means to award a prize for participating in the casino night charity game and the raffle must be conducted within one hour of the conclusion of the cessation of play of the games offered at the casino night charity game; and

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

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

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

**MOTION ADOPTED**

On motion of Senators LEVENTIS and LAND, with unanimous consent, the Senate stood adjourned out of respect to the memory of Cpl. Charles Nesbitt, Jr., a 10-year veteran of the Sumter Police Department. Cpl. Nesbitt, who was described by his colleagues as being a “big man with a big heart,” will be deeply missed by his family, friends and the Sumter community. Cpl. Nesbitt was well known in law enforcement circles for his sensitivity for the children he encountered and he always kept their interests foremost in his conduct.

**ADJOURNMENT**

At 2:32 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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