**Wednesday, February 2, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

 The Senate assembled at 11:45 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 Jeremiah explains:

 “ ‘... so I bought the field at Anatoth from my cousin Hanamel and weighed out for him seventeen shekels of silver.’ ”

(Jeremiah 32:8b-9)

 Please bow in prayer with me:

 O God, we recall how Jeremiah’s symbolic act of purchasing a field during hard times offered a measure of hope to his people. Symbolic acts do carry weight on occasion; we know that. Yet at this point in time, God, South Carolina needs to experience more than mere symbolism. Therefore, Lord, we pray that You will be with each Senator and every staff member as You guide them through the challenges which face our State. May they work together in ways that illustrate ultimate confidence in the future, for the benefit of all South Carolinians. Lord, in Your wondrous name we pray.

Amen.

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

**RECESS**

 At 11:55 A.M., on motion of Senator LARRY MARTIN, the Senate receded from business for the purpose of attending the Joint Assembly.

**ELECTIONS**

 At 12:00 P.M., the Senate appeared in the Hall of the House.

 The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

**Election to the Position of Judge, Court of Appeals, Seat #1**

 The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Court of Appeals, Seat #1.

 Senator McCONNELL, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Paul E. Short, Jr. had been screened and found qualified to serve.

 Senator McCONNELL placed the name of the Honorable Paul E. Short, Jr. in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

 Whereupon, the PRESIDENT announced that the Honorable Paul E. Short, Jr. was elected to the position of Judge, Court of Appeals, Seat #1 for the term prescribed by law.

**Election to the Position of Judge, Court of Appeals, Seat #2**

 The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Court of Appeals, Seat #2.

 Senator McCONNELL, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable H. Bruce Williams had been screened and found qualified to serve.

 Senator McCONNELL placed the name of the Honorable H. Bruce Williams in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

 Whereupon, the PRESIDENT announced that the Honorable H. Bruce Williams was elected to the position of Judge, Court of Appeals, Seat #2 for the term prescribed by law.

**Election to the Position of Circuit Court**

**5th Judicial Circuit, Seat #1**

 The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 5th Judicial Circuit, Seat #1.

 Senator McCONNELL, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable DeAndrea Gist Benjamin, Robert E. Hood and John P. Meadors had been screened and found qualified to serve.

 On motion of Senator McCONNELL, the names of Mr. Robert E. Hood and Mr. John P. Meadors were withdrawn from consideration.

 Senator McCONNELL placed the name of the Honorable DeAndrea Gist Benjamin in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

 Whereupon, the PRESIDENT announced that the Honorable DeAndrea Gist Benjamin was elected to the position of Judge, Circuit Court, 5th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Circuit Court**

**13th Judicial Circuit, Seat #2**

 The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 13th Judicial Circuit, Seat #2.

 Senator McCONNELL, Chairman of the Judicial Merit Selection Commission, indicated that Mr. Eric K. Englebardt, Mr. Andrew R. Mackenzie and the Honorable Letitia H. Verdin had been screened and found qualified to serve.

 On motion of Senator McCONNELL, the names of Mr. Andrew R. Mackenzie and Mr. Eric K. Englebardt were withdrawn from consideration.

 Senator McCONNELL placed the name of the Honorable Letitia H. Verdin in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

 Whereupon, the PRESIDENT announced that the Honorable Letitia H. Verdin was elected to the position of Judge, Circuit Court, 13th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Judge, Circuit Court**

**At-Large, Seat #9**

 The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, At-Large, Seat #9.

 Senator McCONNELL indicated that the Honorable Kellum W. Allen, Mr. Daniel Dewitt Hall and Ms. Stephanie Pendarvis McDonald had been screened and found qualified to serve.

 On motion of Senator McCONNELL, the names of the Honorable Kellum W. Allen and Mr. Daniel Dewitt Hall were withdrawn from consideration.

 Senator McCONNELL placed the name of Ms. Stephanie Pendarvis McDonald in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

 Whereupon, the PRESIDENT announced that the Honorable Stephanie Pendarvis McDonald was elected to the to the position of Judge, Circuit Court, At-Large, Seat #9 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**9th Judicial Circuit, Seat #1**

 The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 9th Judicial Circuit, Seat #1.

 Senator McCONNELL indicated that Mr. Ben F. Mack, Mr. Daniel E. Martin, Jr. and the Honorable James A. Turner had been screened and found qualified to serve.

 On motion of Senator McCONNELL, the names of Mr. Ben F. Mack and Mr. James A. Turner were withdrawn from consideration.

 Senator McCONNELL placed the name of Mr. Daniel E. Martin, Jr. in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

 Whereupon, the PRESIDENT announced that the Honorable Daniel E. Martin, Jr. was elected to the position of Judge, Family Court, 9th Judicial Circuit, Seat #1 for the term prescribed by law.

 The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

**RECESS**

 At 12:12 P.M., on motion of Senator McCONNELL, the Senate receded from business until 2:00 P.M.

**AFTERNOON SESSION**

 The Senate reassembled at 2:00 P.M. and was called to order by the PRESIDENT.

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointment**

Initial Appointment, Director of Department of Parks, Recreation & Tourism, with term coterminous with Governor

 Duane Niles Parrish, 1528 Clark Sound Circle, Charleston, SC 29412 *VICE* Chad Prosser

Referred to the Committee on Fish, Game and Forestry.

**REGULATIONS RECEIVED**

 The following were received and referred to the appropriate committees for consideration:

Document No. 4168

Agency: South Carolina Perpetual Care Cemetery Board

Chapter: 21

Statutory Authority: 1976 Code Sections 40-8-10 et seq.

SUBJECT: Perpetual Care Cemetery Board

Received by Lieutenant Governor February 1, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 1, 2011

Document No. 4169

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Section 41-29-130

SUBJECT: Unemployment Insurance Reform (Updates to Article 1)

Received by Lieutenant Governor February 1, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 1, 2011

Document No. 4170

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Sections 41-29-130 and 41-31-310

SUBJECT: Unemployment Insurance Reform (Updates to Article 2)

Received by Lieutenant Governor February 1, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 1, 2011

Document No. 4171

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Sections 41-27-510, 41-29-130, 41-29-270, and 41-31-310

SUBJECT: Unemployment Insurance Reform (Updates to Article 3)

Received by Lieutenant Governor February 1, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 1, 2011

**Doctor of the Day**

 Senator LEVENTIS introduced Dr. Gary Culbertson of Sumter, S.C., Doctor of the Day.

**Leave of Absence**

 At 2:05 P.M., Senator MATTHEWS requested a leave of absence beginning at 3:30 P.M.

**Leave of Absence**

 At 2:05 P.M., Senator MATTHEWS requested a leave of absence for Thursday, February 3, beginning at 1:30 P.M.

**Leave of Absence**

 At 5:30 P.M., Senator LAND requested a leave of absence for Thursday, February 3, 2011, beginning at 12:30 P.M. for the balance of the day.

**Leave of Absence**

 At 5:30 P.M., Senator RYBERG requested a leave of absence from 8:00 P.M. - 12:00 midnight.

**Leave of Absence**

 At 5:45 P.M., Senator McGILL requested a leave of absence beginning at 9:30 P.M. this evening and and lasting until 5:00 P.M. tomorrow.

**Leave of Absence**

 At 5:45 P.M., Senator O’DELL requested a leave of absence beginning at 8:00 P.M. this evening and lasting until 10:00 A.M. in the morning.

**Leave of Absence**

 At 5:45 P.M., Senator BRYANT requested a leave of absence from 9:30 - 10:00 A.M. tomorrow.

**Leave of Absence**

 At 5:45 P.M., Senator SETZLER requested a leave of absence from 6:00 - 9:00 P.M. tomorrow.

**Leave of Absence**

 At 5:45 P.M., Senator COLEMAN requested a leave of absence beginning at 10:00 P.M. this evening and lasting until 4:00 P.M. Thursday.

**Leave of Absence**

 At 5:45 P.M., Senator CLEARY requested a leave of absence beginning at 12:00 midnight on Thursday and lasting until Saturday.

**Leave of Absence**

 At 9:30 P.M., Senator COURSON requested a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

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

S. 1 Sen. Rankin S. 2 Sen. Rankin

S. 3 Sen. Rankin S. 5 Sen. Rankin

S. 6 Sen. Rankin S. 7 Sen. Rankin

S. 8 Sen. Rankin S. 9 Sen. Rankin

S. 12 Sen. Rankin S. 17 Sen. Rankin

S. 18 Sen. Rankin S. 20 Sen. Rankin

S. 28 Sen. Rankin S. 31 Sen. Rankin

S. 32 Sen. Rankin S. 35 Sen. Rankin

S. 40 Sen. Rankin S. 41 Sen. Rankin

S. 44 Sen. Rankin S. 50 Sen. Rankin

S. 90 Sen. Cleary S. 91 Sen. Knotts

S. 95 Sen. Rankin S. 99 Sen. Rankin

S. 103 Sen. Rankin S. 138 Sen. Rankin

S. 172 Sens. Campsen, Knotts, O’Dell S. 210 Sen. Rankin

S. 213 Sen. Knotts S. 238 Sen. Rankin

S. 255 Sen. Knotts S. 256 Sen. Knotts

S. 258 Sen. Rankin S. 259 Sen. Knotts

S. 261 Sen. Rankin S. 274 Sen. Cleary

S. 277 Sens. Knotts, O’Dell S. 292 Sen. Rankin

S. 293 Sen. Rankin S. 294 Sen. Rankin

S. 295 Sen. Rankin S. 296 Sen. Rankin

S. 297 Sen. Rankin S. 298 Sen. Rankin

S. 299 Sen.Rankin S. 300 Sen. Rankin

S. 302 Sen. Rankin S. 303 Sen. Rankin

S. 310 Sen. Rankin S. 315 Sen. Rankin

S. 322 Sen. Rankin S. 323 Sen. Rankin

S. 431 Sen. O’Dell S. 444 Sen. O’Dell

S. 472 Sen. Cleary S. 483 Sens. Courson, Land, Rankin, Verdin

**Motion Adopted**

 On motion of Senator O’DELL, Senators REESE, FAIR, ROSE, ELLIOTT and O’DELL were granted leave to attend a subcommittee meeting.

**RECALLED**

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

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

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

l:\council\bills\gm\24641bh11.docx

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

 S. 490 -- Senators Sheheen, Lourie, Scott and Hutto: A BILL TO AMEND SECTION 11-9-820, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF ECONOMIC ADVISORS, SO AS TO PROVIDE THAT THE CHAIRMAN OF THE BOARD OF ECONOMIC ADVISORS MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE.

l:\council\bills\dka\3317sd11.docx

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

 S. 491 -- Senators Hutto, Sheheen, McGill and Land: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-10-86 SO AS TO AUTHORIZE THE DEPARTMENT OF REVENUE TO DEPOSIT REVENUES FROM THE RURAL INFRASTRUCTURE FUND EXCEEDING TWELVE MILLION BUT NOT EXCEEDING SEVENTEEN MILLION DOLLARS TO THE SOUTH CAROLINA RURAL INFRASTRUCTURE FUND UNDER THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY; AND TO REQUIRE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER ALL THE FUNDS IN THE SOUTH CAROLINA RURAL INFRASTRUCTURE BANK TRUST FUND TO THE SOUTH CAROLINA RURAL INFRASTRUCTURE FUND.

l:\council\bills\nbd\11188dg11.docx

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

 S. 492 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑53-45 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO FILE ELECTRONICALLY ALL DOCUMENTS RELATING TO THE ENFORCED COLLECTION OF TAXES DUE THIS STATE WITH COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS IN THOSE COUNTIES WHICH ACCEPT ELECTRONIC FILINGS.

l:\council\bills\bbm\9970htc11.docx

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

 S. 493 -- Senator McConnell: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUMES 4A AND 14 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2011.

l:\council\bills\ms\7194ahb11.docx

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

 S. 494 -- Senators Cleary, Bryant and Cromer: A BILL TO AMEND SECTION 40-15-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 15 OF TITLE 40 REGULATING DENTISTS AND DENTAL HYGIENISTS, SO AS TO FURTHER SPECIFY THE SCOPE OF ACTIVITIES OF INTERNS AND RESIDENTS WHO ARE EXEMPT FROM LICENSURE; AND TO AMEND SECTION 40-15-360, RELATING TO THE AUTHORIZATION OF PHARMACISTS TO FILL PRESCRIPTIONS FOR DENTISTS, SO AS TO EXTEND THIS AUTHORIZATION TO INTERNS AND RESIDENTS UNDER CERTAIN CONDITIONS.

l:\council\bills\nbd\11189ac11.docx

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

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

l:\council\bills\rm\1058cm11.docx

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

 S. 496 -- Senators Matthews and Hutto: A SENATE RESOLUTION TO EXTEND THE CONGRATULATIONS OF THE SOUTH CAROLINA SENATE TO LEROY RAVENELL ON THE OCCASION OF HIS BEING ELECTED SHERIFF OF ORANGEBURG COUNTY, AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT AS HE TAKES UP HIS NEW DUTIES.

l:\s-res\jwm\001rave.kmm.jwm.docx

 The Senate Resolution was adopted.

 H. 3112 -- Reps. Allison, G. R. Smith and Weeks: A BILL TO AMEND SECTION 56-3-1960, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND USE OF TEMPORARY AND PERMANENT PARKING PLACARDS BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL ISSUE A SLEEVE WITH A PLACARD TO ALLOW THE HOLDER TO COVER THE PHOTOGRAPH ON THE PLACARD FROM PUBLIC VIEW, AND TO PROVIDE THAT THE PHOTOGRAPH MUST BE SHOWN WHEN IT IS REQUESTED BY A LAW ENFORCEMENT AGENCY OR ITS AGENTS.

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

 H. 3122 -- Rep. J. M. Neal: A BILL TO AMEND SECTION 56-3-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF SPECIAL PERMITS TO MOVE VEHICLES DURING AN EMERGENCY, SO AS TO DELETE THE TERM “MOVE” AND REPLACE IT WITH THE TERM “OPERATE”, TO DELETE THE PROVISION THAT RESTRICTS THE ISSUANCE OF THE PERMITS TO EMERGENCY SITUATIONS, TO REMOVE THE RESTRICTION PLACED ON THE NUMBER OF PERMITS THAT MAY BE ISSUED FOR A VEHICLE, AND TO REVISE THE INFORMATION THAT MUST BE SPECIFIED ON THE PERMIT.

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

 H. 3185 -- Reps. Harrell, Cooper, Owens, Harrison, Hardwick, Sandifer, Bingham, Atwater, Bowen, Daning, Hamilton, Hiott, Parker, Bannister, J. R. Smith, Tallon, Limehouse, Brady, Willis, Taylor, Young, Spires, Thayer, Long, Pitts, D. C. Moss, Patrick, Edge, Hixon, Norman, Chumley, Huggins, Frye, Pope, Brannon, Umphlett, Delleney, Allison, Bedingfield, Loftis, Crosby, McCoy, Horne, Clemmons, Skelton, Quinn, White, G. R. Smith, Toole, Ballentine, G. M. Smith, Barfield, Sottile, Erickson, Hearn, Murphy, Pinson, Ryan, Stringer, Lucas, Bikas, Gambrell, Corbin, Simrill, Forrester, Henderson, Viers, Weeks, Whitmire, Vick, McLeod, McEachern and Knight: A BILL TO ENACT THE “SOUTH CAROLINA HIGHER EDUCATION TRANSPARENCY ACT OF 2011” INCLUDING THE PROVISIONS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-101-355 SO AS 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, TO PROVIDE EXCEPTIONS AND OTHER REQUIREMENTS FOR IMPLEMENTATION, 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 ITS OFFICERS AND EMPLOYEES FOR OFFICIAL USE, AND TO PROVIDE THAT IF THE COMPTROLLER GENERAL’S OFFICE POSTS THE SAME CREDIT CARD INFORMATION ON ITS WEBSITE, THE INSTITUTION MAY PROVIDE INFORMATION ON HOW TO ACCESS ITS CREDIT CARD INFORMATION ON THE COMPTROLLER GENERAL’S WEBSITE IN LIEU OF COMPLYING WITH THE ABOVE REQUIREMENTS.

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

 H. 3295 -- Rep. Herbkersman: A BILL TO AMEND SECTION 61‑6-1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNER’S ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

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

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

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

 H. 3471 -- Reps. Pope and D. C. Moss: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 11, 12, AND 13, 2011, BY THE STUDENTS OF YORK COUNTY SCHOOL DISTRICT TWO 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. 3475 -- Reps. Pinson, Parks and Pitts: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, AND 12, 2011, BY THE STUDENTS OF GREENWOOD COUNTY SCHOOL DISTRICTS FIFTY AND FIFTY-TWO 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. 3476 -- Reps. Pinson, Parks and Pitts: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF GREENWOOD COUNTY SCHOOL DISTRICT FIFTY-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. 3494 -- Reps. Willis, Pitts and Tribble: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF LAURENS COUNTY SCHOOL DISTRICT FIFTY-FIVE 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. 3514 -- Rep. Harrison: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, MARCH 2, 2011.

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

 H. 3557 -- Reps. G. M. Smith and Weeks: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE THESPIANS OF SUMTER LITTLE THEATRE ON WINNING MULTIPLE TOP HONORS AT THE 2010 SOUTH CAROLINA THEATRE ASSOCIATION CONVENTION.

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

**REPORTS OF STANDING COMMITTEES**

 Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

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

 Ordered for consideration tomorrow.

 Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

 S. 122 -- Senators Campsen, McConnell and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑108 SO AS TO PROVIDE THAT A PERSON MAY USE A FIREARM TO KILL OR ATTEMPT TO KILL ANY ANIMAL DURING ANY SEASON IN SELF‑DEFENSE, DEFENSE OF ANOTHER, OR DEFENSE OF DOMESTIC ANIMALS, AND TO PROVIDE THAT A PERSON WHO USES DEADLY FORCE AGAINST A BIG GAME ANIMAL OR ALLIGATOR MUST REPORT THE INCIDENT TO THE DEPARTMENT OF NATURAL RESOURCES, TO PROVIDE THAT CERTAIN ANIMAL CARCASSES TAKEN PURSUANT TO THIS SECTION MAY NOT BE RETAINED, AND TO PROVIDE A PENALTY FOR FAILURE TO REPORT THE INCIDENT OR SURRENDER THE CARCASS.

 Ordered for consideration tomorrow.

 Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable report on:

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

 Ordered for consideration tomorrow.

 Senator CAMPSEN from the Committee on Judiciary submitted a majority favorable with amendment and Senator HUTTO a minority unfavorable report on:

 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.

 Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

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

 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.

 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.

 S. 482 -- Senator Anderson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR FRANK “RABBIT” JOHNSON, UPON THE OCCASION OF HIS INDUCTION INTO THE PIEDMONT ATHLETIC ASSOCIATION’S HALL OF FAME.

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

**THIRD READING BILL**

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

 S. 213 -- Senators McConnell, Campsen and Knotts: 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.

**READ THE SECOND TIME**

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

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

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright

**Total--1**

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

**CARRIED OVER**

 S. 172 -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts and O’Dell: 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.

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

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

**MOTION ADOPTED**

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

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

**AMENDED, DEBATE INTERRUPTED**

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

 The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. 2 (DKA/3201SD11) proposed by Senator THOMAS and previously printed in the Journal of Tuesday, February 1, 2011.

 Senator THOMAS was recognized.

 With Senator THOMAS retaining the floor, Senator HAYES asked unanimous consent to take up Amendment No. 160A for immediate consideration.

 There was no objection.

**Amendment No. 160A**

 Senator HAYES proposed the following amendment (255R008.RWH), which was adopted:

 Amend the bill, as and if amended, page 7, by adding new lettered subsections to Section 33-57-140 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.

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

 ( ) 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. /

 Renumber sections to conform.

 Amend title to conform.

 Senator HAYES explained the amendment.

 Senator McCONNELL argued contra to the adoption of the amendment.

 Senator HAYES spoke on the amendment.

 Senator McCONNELL moved to lay the amendment on the table.

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

**Ayes 13; Nays 31**

**AYES**

Campbell Cleary Coleman

Elliott Ford Hutto

Land Lourie *Martin, Shane*

Matthews McConnell Nicholson

Rankin

**Total--13**

**NAYS**

Alexander Anderson Bright

Bryant Campsen Courson

Cromer Davis Fair

Grooms Hayes Jackson

Knotts Leatherman Leventis

Malloy *Martin, Larry* Massey

McGill O’Dell Peeler

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--31**

**Statement by Senator SHANE MARTIN**

 I voted to table this amendment because I do not want to vote for gambling or get into the business of setting limits on anything associated with gambling.  By setting limits, it could make one feel that I promoted gambling even if it was only a small amount.  I will continue to vote against this bill and any amendments that deal with the word “casino”, etc.

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

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

**Ayes 32; Nays 13**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Courson Cromer Davis

Elliott Fair Grooms

Hayes Jackson Leventis

*Martin, Larry* Massey McGill

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--32**

**NAYS**

Cleary Coleman Ford

Hutto Knotts Land

Leatherman Lourie Malloy

*Martin, Shane* Matthews McConnell

Nicholson

**Total--13**

 The amendment was adopted.

**Statement by Senator SHANE MARTIN**

 I voted “no” on the adoption of this amendment because I don’t want to vote for gambling.  By setting a limit of any kind, it could be perceived that I supported gambling on a limited basis.  I am against this Bill and will continue to be.

**Statement by Senators McCONNELL, CLEARY, KNOTTS**

**and CAMPBELL**

 We voted against Amendment No. 160A because we believe that this amendment seeks to treat non-profits and charities as second-class citizens.  Currently, the State of South Carolina can sell raffle tickets under South Carolina law for any amount of prize under the SC lottery.  This amendment applies to charities and nonprofits to limit the amount of the prize that they can award in their raffles.

 First, the amendment restricts the price of a raffle ticket to $100.  Second, the amendment also restricts the total cash value of prizes a charity can award even though 90% of what they take in must go to the charitable purposes of the charity.

 We opposed this amendment because nonprofits should not be treated as second class citizens.  We believe that we can trust charities like the Lions Club, etc.  They have and will continue to do the right thing.  To insinuate that raffles will turn charities into gambling kingpins is absurd.

 We also need to give people the freedom to make their own choices.  We must trust that people are able to make their own decisions about their lives and their money.  We believe that if a person makes the money in his or her wallet, then he or she should be able to use it as he or she sees fit.

 The proponents of this amendment seem to want to micromanage peoples’ lives.  We could not support an amendment that makes government bigger and more intrusive.  We believe in smaller government and personal freedoms.  Our police have more important things to do than to stake out charities and make it harder to do good for needy causes.

 Beside treating nonprofits unfairly and extending the nanny state to governance over the private sector, this amendment treads on the people in their individual choices and makes us one of the most restrictive states in the nation.  Suppressing freedoms to impose one’s moral views on our people or to protect people from their own choices to buy a raffle ticket of their choosing in our opinion is not compatible with a smaller, less intrusive government.  The adoption of this amendment was a loss for reform and a defeat for freedom.

 The Senate resumed consideration of Amendment No. 2.

 Senator THOMAS explained Amendment No. 2.

**Motion Under Rule 15A Failed**

 At 3:44 P.M., Senator PEELER moved under the provisions of Rule 15A to vote on the entire matter of S. 255 at 3:50 P.M.

**Parliamentary Inquiry**

 Senator BRIGHT made a Parliamentary Inquiry as to whether or not Senator THOMAS would retain the floor after the vote on Rule 15A.

 The PRESIDENT stated that if the motion failed, Senator THOMAS would retain the floor.

 At 3:47 P.M., the “ayes” and “nays” were demanded and taken, resulting as follows:

**Ayes 12; Nays 29**

**AYES**

Campbell Cleary Cromer

Ford Knotts Leatherman

*Martin, Larry* Massey McConnell

Peeler Rose Ryberg

**Total--12**

**NAYS**

Alexander Bright Bryant

Coleman Courson Davis

Elliott Fair Grooms

Hayes Hutto Jackson

Land Leventis Lourie

Malloy *Martin, Shane* McGill

Nicholson O’Dell Rankin

Reese Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--29**

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

 Senator THOMAS resumed explaining Amendment No. 2.

**Point of Order**

 Senator LARRY MARTIN raised a Point of Order that the Senator was tedious and superfluous in explaining the amendment.

 Senators GROOMS and THOMAS spoke on the Point of Order.

 The PRESIDENT took the Point of Order under advisement.

 Senator THOMAS resumed speaking on the amendment.

**RECESS**

 At 4:21 P.M., with Senator THOMAS retaining the floor, on motion of Senator PEELER, with unanimous consent, the Senate receded from business not to exceed three minutes.

 At 4:28 P.M., the Senate resumed.

 Senator THOMAS resumed speaking on the amendment.

**Objection**

 Senator ROSE asked unanimous consent to make a motion to take up S. 172 for immediate consideration.

 Senator MALLOY objected.

 Senator THOMAS resumed speaking on the amendment.

**Motion Under Rule 15A Failed**

 At 4:50 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of S. 255.

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

**Ayes 13; Nays 26**

**AYES**

Campbell Campsen Cleary

Cromer Ford Knotts

Leatherman *Martin, Larry* Massey

McConnell Peeler Rose

Ryberg

**Total--13**

**NAYS**

Alexander Bright Bryant

Coleman Courson Davis

Elliott Fair Grooms

Hayes Jackson Lourie

Malloy *Martin, Shane* McGill

Nicholson O’Dell Rankin

Reese Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--26**

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

 Senator THOMAS resumed speaking on the amendment.

**RECESS**

 At 5:29 P.M., with Senator THOMAS retaining the floor, on motion of Senator PEELER, with unanimous consent, the Senate receded from business not to exceed five minutes.

 At 5:35 P.M., the Senate resumed.

 Senator THOMAS resumed speaking on the amendment.

 On motion of Senator McCONNELL, debate was interrupted by recess with Senator THOMAS retaining the floor.

**RECESS**

 At 5:42 P.M., with Senator THOMAS retaining the floor, on motion of Senator McCONNELL, with unanimous consent, the Senate receded from business until 8:00 P.M.

**NIGHT SESSION**

 The Senate reassembled at 8:35 P.M. and was called to order by the PRESIDENT.

**AMENDMENT PROPOSED, INTERRUPTED DEBATE**

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

 The Senate resumed consideration of the Bill, the question being the adoption of Amendment No. 2 (DKA/3201SD11) proposed by Senator THOMAS and previously printed in the Journal of Tuesday, February 2, 2011.

 Senator THOMAS resumed speaking on the amendment.

 On motion of Senator THOMAS, with unanimous consent, Amendment No. 165A was taken up for immediate consideration.

**Amendment No. 165A**

 Senator THOMAS proposed the following amendment (DKA\3328SD11), which was not adopted:

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

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

“CHAPTER 57

Charitable Raffles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 (F) The South Carolina Law Enforcement Divisions (SLED) shall provide a criminal background check of any person if requested by the department in those instances deemed necessary by the department in regard to a raffle. The cost of the criminal background check must be paid by the charitable organization sponsoring the raffle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 (8) door prizes or prizes;

 (9) stated premises’ rental or insurance expenses;

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

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

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

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

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

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

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

 (1) the amount of the gross proceeds;

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

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

 (4) the amount of the net proceeds;

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

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

 (7) the number of tickets sold.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

 SECTION 3. This act shall apply prospectively. The repeal or amendment by the provisions of this act or any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

 SECTION 4. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective, unless the provision prohibiting the altering or amending of the terms of “The Catawba Indian Claims Settlement Act” is held invalid or unconstitutional, so as to allow casino games in South Carolina by an Indian Tribe or any other group of individuals. The invalidity of that provision shall affect all other provisions or applications of this act, and to that end, the provisions of this act are non-severable from that provision.

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

 Renumber sections to conform.

 Amend title to conform.

 Senator THOMAS explained the amendment.

 Senator HAYES explained the amendment.

 Senator HAYES moved that the amendment be adopted.

 Senator McCONNELL argued contra to the adoption of the amendment.

 Senator CLEARY spoke on the amendment.

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

**Ayes 14; Nays 18**

**AYES**

Alexander Bright Bryant

Fair Grooms Hayes

Leventis Lourie *Martin, Larry*

McGill Reese Shoopman

Thomas Verdin

**Total--14**

**NAYS**

Campbell Campsen Cleary

Cromer Davis Ford

Knotts Leatherman Malloy

*Martin, Shane* Massey McConnell

Peeler Rankin Rose

Scott Setzler Williams

**Total--18**

 The amendment was not adopted.

**Statement by Senator SHANE MARTIN**

 I voted to against Amendment No. 165A due to the fees included in the Bill.  I continue to be against gambling and will continue my stance.

**Statement by Senators McCONNELL, CLEARY, CAMPBELL**

**and MASSEY**

 We voted against Amendment No. 165A to S. 255 because instead of fixing the problem that faces the nonprofits and charities in our State it creates a bigger and more intrusive government that makes our personal liberties smaller.

 The amendment would add the Department of Revenue to the Bill to enforce the provisions of the law in addition to the requirements of the Secretary of State despite the fact that the Department of Revenue does not enforce criminal provisions but instead refers them to law enforcement.  The amendment would also give the DOR the ability to perform unlimited criminal background checks on members of a charity, and then require the members of the charity to pay for them.

The amendment would then tell private property owners who can use their buildings and for what purposes by stating that no raffle can be held more than four times in a year in any building.  Many buildings are rented by different charitable groups and there is no way for a property owner to know who has had a raffle or how many in the course of a year.

 The amendment would also limit the amount of prizes that can be awarded and how much a charity can charge for a raffle.  These provisions would make South Carolina the most restrictive State in the nation with regard to charitable raffles.

 We cannot support an amendment that grows government involvement in peoples’ lives and restricts their right to do what they want with their money.  We trust the people of South Carolina to make wise decisions with their money, and we trust our charities like the Shriners, Lions Clubs, Kiwanis and others to do what they have in the past and use raffles responsibly to raise money for worthy causes.

 When the choice in voting for an amendment is growing government and intruding unnecessarily in citizen’s private lives or trusting people to make their own decisions about their money and their lives, we believe the choice is clear.  It was in this case.  This amendment was to increase government and have government protect us from ourselves; we voted to increase personal liberty and trust in personal responsibility.

 For those reasons, we voted “no”.

 The Senate resumed consideration of Amendment No. 2.

 Senator THOMAS resumed explaining Amendment No. 2.

**Objection**

 With Senator THOMAS retaining the floor, Senator PEELER asked unanimous consent to make a motion that the Senate stand adjourned.

 Senator KNOTTS objected.

 Senator THOMAS resumed explaining Amendment No. 2.

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

**LOCAL APPOINTMENT**

**Confirmation**

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

Initial Appointment, Myrtle Beach Air Force Base Redevelopment Authority, with the term to commence July 1, 2008, and to expire June 30, 2012

City of Myrtle Beach:

 Walt Whittier, 305 Sunset Trail, Myrtle Beach, SC 29577 *VICE* Philip Stalvey

**MOTION ADOPTED**

 On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Eleanor Winn Foxworth, 90, of Kingstree, S.C.

and

**MOTION ADOPTED**

 On motion of Senator GROOMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Edward Calvin Woods, Sr. of Goose Creek, S.C. Mr. Woods served in the U. S. Air Force and was the recipient of the National Defense Service Medal and the Good Conduct Medal. He was a member of the Goose Creek City Council and very active in civic affairs. He was the beloved husband of Nell, who predeceased him, devoted father and doting grandfather and great-grandfather.

**ADJOURNMENT**

 At 10:43 P.M., on motion of Senator THOMAS, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*