**Tuesday, February 21, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

A messenger from God proclaims to Daniel:

“Those who are wise will shine like the brightness of the heavens, and those who lead many to righteousness, like the stars forever and ever.” (Daniel 12:3)

Let us pray:

Gracious and loving Lord, we give You thanks for Your servants who understand, value, and strive to practice the gifts of wisdom and leadership. As You reminded Daniel that those who do so will “shine like the brightness of the heavens,” may it be that in this Senate Chamber each Senator himself will become a shining star, working for and caring about the well-being of all South Carolinians--to Your ultimate glory. This we pray in Your holy name, O Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointment**

Reappointment, Union County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Jimmy Dean Crocker, 210 West Main Street, Union, SC 29379

**Motion to Ratify Adopted**

At 12:15 P.M., Senator McCONNELL asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time prior to adjournment.

There was no objection and a message was sent to the House accordingly.

**Doctor of the Day**

Senator FAIR introduced Dr. Ted Watson of Greenville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator BRYANT, at 12:05 P.M., Senator VERDIN was granted a leave of absence until 1:30 P.M.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator FAIR rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 41 Sen. Ford

S. 43 Sens. Ford, Knotts

S. 126 Sen. Ford

S. 148 Sen. Alexander

S. 265 Sen. Ford

S. 911 Sen. Ford

S. 1004 Sen. Ford

S. 1054 Sen. Ford

S. 1055 Sen. Ford

S. 1179 Sen. Rose

S. 1088 Sen. Ford

S. 1205 Sen. Rose

**RECALLED**

S. 1223 -- Senator Alexander: A BILL TO AMEND SECTION 7‑7‑430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN OCONEE COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1239 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 61, TITLE 15 SO AS TO ENACT THE “UNIFORM PARTITION OF HEIRS PROPERTY ACT”; TO PROVIDE RELATED DEFINITIONS, TO PROVIDE FOR THE APPLICABILITY OF THE ARTICLE, THE OBLIGATION OF A COURT TO DETERMINE WHETHER SUBJECT PROPERTY IS HEIRS PROPERTY, AND TO PROVIDE INCONSISTENCIES IN CHAPTER 61, TITLE 15 BE RESOLVED IN FAVOR OF PROVISIONS IN ARTICLE 3; TO PROVIDE FOR NOTICE BY PUBLICATION AND THE EFFECT OF THE ARTICLE ON RELATED LIMITATIONS; TO IMPOSE CERTAIN REQUIREMENTS FOR COMMISSIONERS APPOINTED BY THE COURT; TO PROVIDE PROCEDURES FOR THE COURT TO FOLLOW IN DETERMINING THE VALUE OF HEIRS PROPERTY; TO PROVIDE A PROCEDURE FOR A COVENANT BUYOUT; TO PROVIDE PETITION ALTERNATIVES; TO PROVIDE CONSIDERATIONS APPLICABLE TO A PARTITION IN KIND; TO PROVIDE PROCEDURES FOR OPEN-MARKET SALES, SEALED BIDS, OR AUCTIONS; TO IMPOSE A REPORTING REQUIREMENT ON A BROKER APPOINTED TO OFFER HEIRS PROPERTY FOR OPEN-MARKET SALE; TO REQUIRE CERTAIN CONSIDERATIONS BE MADE TO PROMOTE UNIFORMITY OF THE APPLICATION AND CONSTRUCTION OF THIS ACT; TO SPECIFY HOW THE ACT MODIFIES CERTAIN FEDERAL ACTS PERTAINING TO ELECTRONIC SIGNATURES; AND TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 61 AS ARTICLE 1.

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

S. 1240 -- Senators Campbell, Bryant and Grooms: A BILL TO AMEND SECTION 41-35-20 OF THE 1976 CODE, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS BASED ON CERTAIN SERVICES IN SCHOOLS OR INSTITUTIONS OF HIGHER EDUCATION, TO INCLUDE SERVICES PROVIDED BY SUBSTITUTE TEACHERS UNDER CERTAIN CIRCUMSTANCES.

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Senator CAMPBELL spoke on the Bill.

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

S. 1241 -- Senator Bryant: A SENATE RESOLUTION TO HONOR AND COMMEND MR. BRYAN MOON FOR HIS DISTINGUISHED SERVICE AS A SOUTH CAROLINA STATE CONSTABLE FOR THIRTY-ONE YEARS.

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The Senate Resolution was adopted.

S. 1242 -- Senators Jackson and Matthews: A SENATE RESOLUTION TO HONOR THE TUSKEGEE AIRMEN UPON THE RELEASE OF THE MOTION PICTURE RED TAILS, WHICH FOCUSES ON THE COURAGEOUS EXPLOITS OF THESE WORLD WAR II AFRICAN AMERICAN AVIATORS, AND TO ENCOURAGE THE PEOPLE OF THE PALMETTO STATE TO ATTEND THIS FINE PRODUCTION.

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The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 859 -- Senators Rose and Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 44‑7‑272, 44‑7‑274, 44‑7‑276, and 44‑7‑278 SO AS TO ESTABLISH PROVISIONS FOR RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN AND ADOLESCENTS TO PROHIBIT LICENSURE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OF A FACILITY UNLESS IT IS AT LEAST ONE THOUSAND FEET FROM A SCHOOL, CHILDCARE FACILITY, PARK, PUBLIC SWIMMING POOL, AND MASS TRANSPORTATION STOPS; THAT REQUIRES A FACILTY TO NOTIFY LAW ENFORCEMENT OF THE ADMISSION OF A CHILD WHO HAS CHARGES FOR A VIOLENT CRIME PENDING OR WHO HAS BEEN CONVICTED OF A VIOLENT CRIME WITHIN THE PREVIOUS FIVE YEARS, TO PROVIDE SANCTIONS FOR FACILITIES IN VIOLATION OF THIS REQUIREMENT, AND TO REQUIRE A CHILD TO REGISTER AS A SEX OFFENDER IF THE PROVISIONS OF REGISTRATION APPLY TO THAT CHILD’S OFFENSE; THAT REQUIRE THE DEPARTMENT TO DEVELOP LEVELS OF FACILITY LICENSURE, AND LEVELS OF LICENSURE FOR PROGRAMS WITHIN A FACILITY, BASED UPON CLIENT DISORDERS AND BEHAVIOR AND SUPERVISION, SAFETY, AND SECURITY FACTORS WITHIN EACH FACILITY OR PROGRAM LEVEL; AND THAT REQUIRE THESE FACILITIES TO NOTIFY LAW ENFORCEMENT UPON A CLIENT LEAVING THE FACILITY WITHOUT PERMISSION AND TO MAINTAIN RECORDS OF THESE MATTERS, WHICH ARE SUBJECT TO INSPECTION BY THE DEPARTMENT.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 1127 -- Senator Peeler: A BILL TO AMEND SECTION 1‑30‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, AMONG OTHER THINGS, TO THE CREATION OF THE DEPARTMENTS OF STATE GOVERNMENT AND THEIR GOVERNING AUTHORITY, SO AS TO ELIMINATE THE SPECIFIC NUMBER OF BOARD MEMBERS THAT MUST BE APPOINTED TO GOVERN A DEPARTMENT; TO AMEND SECTIONS 40‑9‑30 AND 40‑9‑37, BOTH RELATING TO MEMBERSHIP ON THE BOARD OF CHIROPRACTIC EXAMINERS, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40‑15‑20, RELATING TO MEMBERSHIP ON THE STATE BOARD OF DENTISTRY, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND BY ADDING AN ADDITIONAL LAY MEMBER; TO AMEND SECTION 40‑33‑10, RELATING TO MEMBERSHIP ON AND DUTIES OF THE STATE BOARD OF NURSING, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO DELETE THE PROVISION AUTHORIZING THE BOARD TO ESTABLISH A FEE SCHEDULE IN REGULATIONS; TO AMEND SECTION 40‑43‑40, RELATING TO MEMBERSHIP ON THE STATE BOARD OF PHARMACY, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40‑45‑10, RELATING TO MEMBERSHIP ON THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND BY ADDING AN ADDITIONAL MEMBER FROM THE GENERAL PUBLIC; TO AMEND SECTION 40‑47‑10, RELATING TO MEMBERSHIP ON AND DUTIES OF THE STATE BOARD OF MEDICAL EXAMINERS, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO DELETE THE PROVISION AUTHORIZING THE BOARD TO ESTABLISH AN INITIAL FEE SCHEDULE IN REGULATIONS; TO AMEND SECTION 40‑47‑11, RELATING TO MEMBERSHIP ON THE MEDICAL DISCIPLINARY COMMISSION, SO AS TO DECREASE COMMISSION PHYSICIAN MEMBERSHIP FROM THIRTY‑SIX TO THIRTY‑FIVE BY CONTINUING TO APPOINT FIVE PHYSICIAN COMMISSIONERS FROM EACH CONGRESSIONAL DISTRICT, BY ELIMINATING THE SIX AT‑LARGE PHYSICIAN COMMISSIONERS, AND BY DECREASING LAY COMMISSION MEMBERSHIP FROM TWELVE TO SEVEN BY APPOINTING ONE, RATHER THAN TWO, LAY COMMISSIONERS FROM EACH CONGRESSIONAL DISTRICT; TO AMEND SECTION 40‑75‑10, RELATING TO MEMBERSHIP ON THE BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO‑EDUCATIONAL SPECIALIST, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 44‑1‑20, RELATING TO MEMBERSHIP ON THE BOARD OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO INCREASE BOARD MEMBERSHIP BY ADDING A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 44‑9‑30 AND SECTIONS 44‑20‑210 AND 44‑20‑225, BOTH AS AMENDED, RELATING, RESPECTIVELY, TO MEMBERSHIP ON THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, MEMBERSHIP ON THE SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS, AND MEMBERSHIP ON CONSUMER ADVISORY BOARDS TO THE COMMISSION ON DISABILITIES AND SPECIAL NEEDS, SO AS TO MAINTAIN THE SEVEN MEMBER MENTAL HEALTH COMMISSION, THE SEVEN MEMBER COMMISSION ON DISABILITIES AND SPECIAL NEEDS, AND THE SEVEN MEMBER CONSUMER ADVISORY BOARDS BY PROVIDING THAT ONE MEMBER MUST BE APPOINTED FROM EACH CONGRESSIONAL DISTRICT AND BY ELIMINATING THE ONE STATE AT LARGE MEMBER FROM EACH COMMISSION AND FROM EACH BOARD; BY ADDING SECTION 1‑1‑1320 SO AS TO PROVIDE FOR THE CONTINUATION OF THE TERM OF A PERSON WHO REPRESENTS A CONGRESSIONAL DISTRICT ON A BOARD, COMMISSION, OR COMMITTEE WHOSE RESIDENCY IS TRANSFERRED TO ANOTHER CONGRESSIONAL DISTRICT BY A CHANGE IN THE COMPOSITION OF THE DISTRICT; TO PROVIDE FOR THE APPOINTMENT OF AN ADDITIONAL MEMBER TO REPRESENT THE CONGRESSIONAL DISTRICT FOR WHICH THE TRANSFERRED MEMBER WOULD HAVE SERVED IF THAT DISTRICT IS UNSERVED BY A RESIDENT MEMBER; AND TO PROVIDE FOR THE EXPIRATION OF TERMS AND VACANCIES OCCURRING IN THE AFFECTED DISTRICTS; AND TO DELETE OBSOLETE LANGUAGE AND MAKE CHANGES NECESSARY TO CONFORM TO THE PROVISIONS OF THIS ACT.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

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

Ordered for consideration tomorrow.

**Committee to Escort**

The PRESIDENT appointed Senators ALEXANDER, CAMPBELL, McGILL, O’DELL and PEELER to escort the Honorable Fang Wong, National Commander of the American Legion, and his party to the rostrum of the House of Representatives for the Joint Assembly.

**RECESS**

At 12:25 P.M., the Senate receded from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Address by the National Commander of the American Legion**

At 12:30 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 the following Concurrent Resolution adopted by both Houses:

S. 1114 -- Senators Knotts, Grooms, Leventis, Ford, Bryant, Verdin, Setzler, Rose, Fair, McGill, Cleary, Land, Hayes, Matthews, Pinckney, Reese, Coleman, Malloy, Cromer, Sheheen, McConnell, Bright and Alexander: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE FANG WONG, 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, FEBRUARY 21, 2012.

The Honorable Fang Wong, National Commander of the American Legion, and members of his party were escorted to the rostrum by Senators ALEXANDER, CAMPBELL, McGILL, O’DELL and PEELER and Representatives Long, Johnson and Pope.

The PRESIDENT of the Senate introduced the Honorable Fang Wong, National Commander of the American Legion.

Commander Wong addressed the Joint Assembly as follows:

Lt. Governor Ard, I thank you for that kind introduction. It’s truly an honor to speak to such a distinguished body in this historic State House. Before I begin, please allow me to take a moment to introduce members of the American Legion family who are with me today:

First, it’s a real pleasure for me to introduce the Commander of the South Carolina American Legion, Mickey Taylor of Murrells Inlet Post #178 and Myrtle Beach, South Carolina. The National Executive Committeeman for the Department of South Carolina, John Palmer of Seneca Post #120 and Mountain Rest, South Carolina, and Department Adjutant Jimmy Hawk of Richland Post #6 and Irmo, South Carolina. My aide and fellow New Yorker, Doug Malim. Auxiliary Department of South Carolina President and Department Secretary, Louise Winesett from Columbia, South Carolina. Auxiliary NECWoman Betty McMorrow of Little River, South Carolina. Alternate NECWoman Brenda Collins of Greenville, South Carolina. The Commander of the South Carolina Detachment of the Sons of the American Legion, Jim Moore from Squadron #186 Little River, South Carolina.

We also have with us the Director of the American Legion Riders of South Carolina, Walt Richardson from Chapter #193 Chapin, South Carolina.

On behalf of the 2.4 million Legionnaires around the world and the nearly 200 Legion posts throughout the State of South Carolina, I want to thank each of you for what you do for our men and women who serve in our military and our veterans from past wars.

I would also like to acknowledge the fine work of the two men designated by the Department of South Carolina as the Outstanding Members of the Legislature for 2012. State Senator JAKE KNOTTS and Representative THOMAS E. POPE -- we appreciate all that you do on behalf of veterans.

Ladies and gentlemen, South Carolina can truly be proud of its military tradition. While 9.3 percent of Americans can claim the title of “veteran,” 11.6 percent of the residents of South Carolina have earned this status.

Among those is Marine Lance Corporal Kyle Carpenter of Gilbert. This legislature recently passed a resolution in honor of Lance Corporal Carpenter, after he was severely wounded while shielding a fellow Marine from a grenade attack on a rooftop in Marjah, Afghanistan.

Investigators are trying to determine whether Kyle’s action merit a Congressional Medal of Honor. Lance Corporal Jared Riley, who served with Kyle, said, “Kyle committed his body to making the ultimate sacrifice. It just wasn’t his time. He didn’t try to throw the grenade away and lose a hand, he didn’t try to cover it with a kevlar, he covered that grenade just as he approached everything in life, with everything he had.”

The Marine Corps Times reported that Lance Corporal Carpenter’s injuries left him clinging to life and badly scarred, but he has battled back after at least 30 surgeries to serve as an inspiration for fellow Marines, who admire his can-do spirit as he pushes through additional treatment at Walter Reed National Military Medical Center in Bethesda, Maryland.

These young men and women who serve today are role models that continue to inspire us all. As a Vietnam War veteran who made a career of the U.S. Army, I have had the privilege of spending substantial time with veterans who have served in all the war eras since the last half of the century.

Regardless of when the veteran served, the sense of honor, duty and country permeates throughout the ranks. When California Governor Ronald Reagan introduced returning POW John McCain at a speaking engagement in 1974,the future president asked, “Where do we find such men?” He was speaking of many veterans, when he answered, “We find them in our streets, in the offices, the shops and the working places of our country and on the farms.”

Ladies and gentlemen -- we also find a great many of them right here in South Carolina. Men and women working in factories, attending universities or running the registers at the local grocery stores. Most are unassuming. You wouldn’t know at all that they are military veterans unless you happen to see them at a parade or run across an old photograph of them in uniform.

But even those who are not very vocal about their military service deserve to be thanked or acknowledged. That is why the American Legion welcomes the proposal that you are considering to allow the Department of Motor Vehicles to denote one’s status as a military veteran on their South Carolina driver’s licenses. As my predecessor, Jimmie Foster, said last year -- Symbols Matter.

But the American Legion also recognizes that it is important to support the families of veterans. We believe that America must never forget her fallen heroes, which is why we try to honor them by caring for their most precious legacy -- their children. The American Legion Legacy Scholarship provides educational opportunities for children of military members who died while serving their country since 9/11.

It is my pleasure to announce that the American Legion Riders of South Carolina will conduct a 600-mile state run to benefit the Legacy Scholarship fund on April 14-15. From here in Columbia to Greenville to Little River, veterans and their friends will traverse this great State on motorcycles to raise awareness and money for those who have already paid a tremendous price for all of us -- the loss of a parent.

I would also like to acknowledge another great loss from right here in the Palmetto State -- John F. Baker, Jr. of Northeast Richland. As an Army Private First Class, John Baker saved the lives of eight of his fellow soldiers, killed 10 enemy combatants and knocked out six machine gun bunkers after his unit was ambushed in Vietnam on November 5, 1966.

For his actions, John Baker earned a well deserved Medal of Honor and the gratitude of a grateful nation. John retired as a master sergeant but continued to be active in promoting veterans causes until he passed away on January 20.

Major General Gene Rogers of Columbia said, “We lost a brave and courageous American hero. The country is a better place because he lived in it.” General Rogers, I couldn’t agree more.

And America is a better country, because of the service of thousands of other sons and daughters of South Carolina. Again, the American Legion thanks you for all that you do for God and country.

God Bless you and God Bless America.

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.

At 12:49 P.M., the Senate reconvened.

**Motion Adopted**

At 12:51 P.M., on motion of Senator PEELER, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

**Message from the House**

Columbia, S.C., February 7, 2012

Mr. President and Senators:

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

H. 3124 -- Reps. Pitts and G.R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, AND 124 TO CHAPTER 3, TITLE 56, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “DISTINGUISHED SERVICE MEDAL” SPECIAL LICENSE PLATES, “SECOND AMENDMENT” SPECIAL LICENSE PLATES, “DISTINGUISHED SERVICE CROSS” SPECIAL LICENSE PLATES, “DEPARTMENT OF NAVY” SPECIAL LICENSE PLATES, “PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS” SPECIAL LICENSE PLATES, “STATE FLAG” SPECIAL LICENSE PLATES, “SOUTH CAROLINA HIGHWAY PATROL‑RETIRED” LICENSE PLATES, “I SUPPORT LIBRARIES” SPECIAL LICENSE PLATES, “SOUTH CAROLINA EDUCATOR” SPECIAL LICENSE PLATES, “COON HUNTERS” LICENSE PLATES, “BEACH MUSIC” SPECIAL LICENSE PLATES, “CITADEL ALUMNI ASSOCIATION ‘BIG RED’” SPECIAL LICENSE PLATES, “LARGE MOUTH BASS” SPECIAL LICENSE PLATES, “HIGH SCHOOL” SPECIAL LICENSE PLATES, “SOUTH CAROLINA WILDLIFE FEDERATION” SPECIAL LICENSE PLATES AND “HISTORIC” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑7330, RELATING TO THE ISSUANCE OF “BOY SCOUTS OF AMERICA” SPECIAL LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE FOR THE ISSUANCE OF “EAGLE SCOUTS OF AMERICA” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER ELECTED OFFICIALS AND JUDICIAL OFFICERS, SO AS TO INCREASE THE NUMBER OF SPECIAL LICENSE PLATES THAT A CORONER MAY BE ISSUED FROM ONE TO TWO; TO AMEND SECTION 56‑3‑1240, AS AMENDED, RELATING TO THE DISPLAY OF A LICENSE PLATE, SO AS TO PROVIDE THAT A FRAME MAY BE PLACED ON A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑3‑10410, RELATING TO THE ISSUANCE OF “VETERAN” SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE PLACEMENT OF THE WHEELCHAIR SYMBOL ON CERTAIN “VETERAN” LICENSE PLATES; TO AMEND SECTION 56‑3‑3310, AS AMENDED, RELATING TO THE ISSUANCE OF “PURPLE HEART” SPECIAL LICENSE PLATES, SO AS TO INCREASE THE NUMBER OF LICENSE PLATES THAT MAY BE ISSUED TO A PERSON FROM ONE TO THREE AND TO PROVIDE A FEE FOR THE THIRD LICENSE PLATE; TO AMEND SECTION 56‑3‑8000, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES THAT CONTAIN THE EMBLEM OF A TAX EXEMPT ORGANIZATION, SO AS TO SPECIFY THEIR SIZE, GENERAL DESIGN, PERIOD OF VALIDITY, TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALE, TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED, AND TO PROVIDE THAT THE ORGANIZATION MUST GIVE ITS LEGAL AUTHORITY TO THE DEPARTMENT FOR THE DEPARTMENT’S USE OF THE ORGANIZATION’S LOGO, TRADE MARK, OR DESIGN; AND TO AMEND SECTION 56‑3‑8100, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY SO AS TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED AND TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALES.

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

Very respectfully,

Speaker of the House

Received as information.

**H. 3124--CONFERENCE COMMITTEE APPOINTED**

H. 3124 -- Reps. Pitts and G.R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, AND 124 TO CHAPTER 3, TITLE 56, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “DISTINGUISHED SERVICE MEDAL” SPECIAL LICENSE PLATES, “SECOND AMENDMENT” SPECIAL LICENSE PLATES, “DISTINGUISHED SERVICE CROSS” SPECIAL LICENSE PLATES, “DEPARTMENT OF NAVY” SPECIAL LICENSE PLATES, “PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS” SPECIAL LICENSE PLATES, “STATE FLAG” SPECIAL LICENSE PLATES, “SOUTH CAROLINA HIGHWAY PATROL‑RETIRED” LICENSE PLATES, “I SUPPORT LIBRARIES” SPECIAL LICENSE PLATES, “SOUTH CAROLINA EDUCATOR” SPECIAL LICENSE PLATES, “COON HUNTERS” LICENSE PLATES, “BEACH MUSIC” SPECIAL LICENSE PLATES, “CITADEL ALUMNI ASSOCIATION ‘BIG RED’” SPECIAL LICENSE PLATES, “LARGE MOUTH BASS” SPECIAL LICENSE PLATES, “HIGH SCHOOL” SPECIAL LICENSE PLATES, “SOUTH CAROLINA WILDLIFE FEDERATION” SPECIAL LICENSE PLATES AND “HISTORIC” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑7330, RELATING TO THE ISSUANCE OF “BOY SCOUTS OF AMERICA” SPECIAL LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE FOR THE ISSUANCE OF “EAGLE SCOUTS OF AMERICA” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER ELECTED OFFICIALS AND JUDICIAL OFFICERS, SO AS TO INCREASE THE NUMBER OF SPECIAL LICENSE PLATES THAT A CORONER MAY BE ISSUED FROM ONE TO TWO; TO AMEND SECTION 56‑3‑1240, AS AMENDED, RELATING TO THE DISPLAY OF A LICENSE PLATE, SO AS TO PROVIDE THAT A FRAME MAY BE PLACED ON A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑3‑10410, RELATING TO THE ISSUANCE OF “VETERAN” SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE PLACEMENT OF THE WHEELCHAIR SYMBOL ON CERTAIN “VETERAN” LICENSE PLATES; TO AMEND SECTION 56‑3‑3310, AS AMENDED, RELATING TO THE ISSUANCE OF “PURPLE HEART” SPECIAL LICENSE PLATES, SO AS TO INCREASE THE NUMBER OF LICENSE PLATES THAT MAY BE ISSUED TO A PERSON FROM ONE TO THREE AND TO PROVIDE A FEE FOR THE THIRD LICENSE PLATE; TO AMEND SECTION 56‑3‑8000, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES THAT CONTAIN THE EMBLEM OF A TAX EXEMPT ORGANIZATION, SO AS TO SPECIFY THEIR SIZE, GENERAL DESIGN, PERIOD OF VALIDITY, TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALE, TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED, AND TO PROVIDE THAT THE ORGANIZATION MUST GIVE ITS LEGAL AUTHORITY TO THE DEPARTMENT FOR THE DEPARTMENT’S USE OF THE ORGANIZATION’S LOGO, TRADE MARK, OR DESIGN; AND TO AMEND SECTION 56‑3‑8100, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY SO AS TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED AND TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALES.

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

**HOUSE CONCURRENCES**

The following were returned with concurrence and received as information:

S. 1166 -- Senator Verdin: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA’S FFA MEMBERS (FUTURE FARMERS OF AMERICA) AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 18‑25, 2012.

S. 1191 -- Senator Peeler: A CONCURRENT RESOLUTION TO DECLARE FEBRUARY 17, 2012, AS AN ANNUAL DAY OF COMMEMORATION IN THE STATE OF SOUTH CAROLINA TO REMEMBER THE BURNING OF COLUMBIA BY UNION GENERAL WILLIAM T. SHERMAN.

S. 1207 -- Senators Hutto, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 15, 2012, AS “CITIES MEAN BUSINESS DAY” IN ORDER TO RECOGNIZE AND HONOR THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA CITIES AND TOWNS MAKE TO THE ECONOMIC PROSPERITY OF SOUTH CAROLINA THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES.

S. 1216 -- Senators Scott, Williams, Anderson, Alexander, Ford, Matthews, McConnell, Jackson, Nicholson, Massey, Coleman, Knotts, Hutto, Cleary, Rose and Gregory: A CONCURRENT RESOLUTION TO AFFIRM SOUTH CAROLINA’S DEDICATION TO THE FUTURE SUCCESS OF ITS YOUNG PEOPLE AND TO THE PREVENTION OF TEEN PREGNANCY AND TO DECLARE MAY 2012 AS TEEN PREGNANCY PREVENTION MONTH IN THE PALMETTO STATE.

S. 1219 -- Senator Scott: A CONCURRENT RESOLUTION TO CONGRATULATE BRANDI CUMMINGS, FORMER WIS‑TV REPORTER, ANCHOR, AND HOST, ON HER NEW POST AS AN ANCHOR FOR WTOC‑TV IN SAVANNAH, GEORGIA, TO THANK HER FOR HER YEARS OF FINE SERVICE TO THE PEOPLE OF SOUTH CAROLINA, AND TO WISH HER THE BEST IN ALL HER FUTURE ENDEAVORS.

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

**THIRD READING BILLS**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 710 -- Senators Knotts, O’Dell, Ford, Alexander, Bryant and Setzler: A BILL TO AMEND SECTION 56‑1‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND CONTENTS OF A SOUTH CAROLINA DRIVER’S LICENSE, SO AS TO, UPON THE LICENSEE’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE DRIVER’S LICENSE; AND TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, SO AS TO, UPON THE CARD HOLDER’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE SPECIAL IDENTIFICATION CARD.

S. 1020 -- Senator Cromer: A BILL TO AMEND SECTION 50‑11‑355, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL DEER HUNTING NEAR A RESIDENCE, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT DEER WITH FIREARMS NEAR A RESIDENCE WITHOUT THE PERMISSION OF THE OWNER AND OCCUPANT.

Senator CROMER explained the Bill.

S. 1217 -- Senator Hutto: A BILL TO AMEND SECTION 7‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN ALLENDALE COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

**AMENDED, READ THE THIRD TIME**

**SENT TO THE HOUSE**

S. 1206 -- Senators Fair, Thomas, Shoopman, Anderson, Verdin and S. Martin: A BILL TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE SCHOOL DISTRICT OF GREENVILLE COUNTY MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator FAIR proposed the following amendment (DKA\  
3967SD12), which was adopted:

Amend the bill, as and if amended, by striking subsection (B) of SECTION 1, beginning on line 32 and page 1, and inserting:

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

Dist Pop Dev. % Dev. NH-Wht %NH-Wht NH-Blk %NH-Blk

17 (formerly Dist. 1) 39,499 651 1.68% 35,587 90.10% 1,609 4.07%

18 (formerly Dist. 2) 38,709 -139 -0.36% 27,904 72.09% 5,068 13.09%

19 (formerly Dist. 3) 38,621 -227 -0.58% 30,954 80.15% 3,939 10.20%

20 (formerly Dist. 4) 39,372 524 1.35% 29,370 74.60% 5,011 12.73%

21 (formerly Dist. 5) 38,955 107 0.28% 29,505 75.74% 4,029 10.34%

22 (formerly Dist. 6) 38,650 -198 -0.51% 30,145 77.99% 3,805 9.84%

23 (formerly Dist. 7) 37,517 -1,331 -3.43% 13,544 36.10% 19,005 50.66%

24 (formerly Dist. 8) 40,193 1,345 3.46% 30,523 75.94% 6,313 15.71%

25 (formerly Dist. 9) 36,956 -1,892 -4.87% 11,702 31.66% 21,337 57.74%

26 (formerly Dist. 10) 38,958 110 0.28% 26,705 68.55% 5,423 13.92%

27 (formerly Dist. 11) 38,744 -104 -0.27% 30,413 78.50% 5,199 13.42%

28 (formerly Dist. 12) 40,004 1,156 2.98% 29,841 74.60% 6,259 15.65%

All All

Dist VAP NHWVAP %NHWVAP NHBVAP %NHBVAP Oth OthVAP

17 (formerly Dist. 1) 30,510 27,845 91.27% 1,131 3.71% 2303 1,534

18 (formerly Dist. 2) 28,089 20,944 74.56% 3,445 12.26% 5737 3,700

19 (formerly Dist. 3) 30,011 24,904 82.98% 2,612 8.70% 3728 2,495

20 (formerly Dist. 4) 29,677 22,954 77.35% 3,375 11.37% 4991 3,348

21 (formerly Dist. 5) 29,548 22,954 77.68% 2,848 9.64% 5421 3,746

22 (formerly Dist. 6) 31,962 25,586 80.05% 2,878 9% 4700 3,498

23 (formerly Dist. 7) 29,216 11,705 40.06% 14,146 48.42% 4968 3,365

24 (formerly Dist. 8) 30,566 23,897 78.18% 4,428 14.49% 3357 2,241

25 (formerly Dist. 9) 27,140 9,431 34.75% 15,221 56.08% 3917 2,488

26 (formerly Dist. 10) 29,525 21,488 72.78% 3,659 12.39% 6830 4,378

27 (formerly Dist. 11) 27,445 21,906 79.82% 3,600 13.12% 3132 1,939

28 (formerly Dist. 12) 29,120 22,436 77.05% 4,144 14.23% 3904 2,540 /

Amend further by adding at the end an appropriately lettered subsection to read:

/ (D) For purposes of all Greenville school trustee elections beginning in 2012, Districts 1 through 12, as contained in Act 521 of 1992, are hereby redesignated as Districts 17 through 28. /

Renumber sections to conform.

Amend title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

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

**READ THE SECOND TIME**

H. 3254 -- Rep. Daning: A BILL TO AMEND SECTION 57‑23‑815, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ROADSIDE VEGETATION MANAGEMENT AT EXIT 199 ALONG INTERSTATE HIGHWAY 26 IN BERKELEY COUNTY, SO AS TO PROVIDE THAT BOTH THE DEPARTMENT OF TRANSPORTATION AND THE TOWN OF SUMMERVILLE MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 26 AT THIS LOCATION.

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 34; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Fair Ford Gregory

Grooms Hayes Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* McConnell McGill

Nicholson O’Dell Peeler

Reese Rose Ryberg

Setzler Shoopman Thomas

Williams

**Total--34**

**NAYS**

**Total--0**

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

**Statement by Senator RANKIN**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of the second reading of H. 3254.

**READ THE SECOND TIME**

H. 4704 -- Rep. Agnew: A JOINT RESOLUTION TO POSTPONE UNTIL PROPERTY TAX YEAR 2012 THE IMPLEMENTATION OF THE REVISED VALUES DETERMINED IN THE MOST RECENT COUNTYWIDE APPRAISAL AND EQUALIZATION PROGRAM CONDUCTED IN ABBEVILLE COUNTY.

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

**H. 4704--Ordered to a Third Reading**

On motion of Senators O’DELL and NICHOLSON, H. 4704 was ordered to receive a third reading on Wednesday, February 22, 2012.

**READ THE SECOND TIME**

H. 4722 -- Rep. Agnew: A BILL TO REAPPORTION THE SPECIFIC AREAS OR ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE ABBEVILLE COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

**H. 4722--Ordered to a Third Reading**

On motion of Senators O’DELL and NICHOLSON, H. 4722 was ordered to receive a third reading on Wednesday, February 22, 2012.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1007 -- Senator Rose: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, BY ADDING SECTION 57‑3‑755 TO PROVIDE THAT THE DEPARTMENT MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE.

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

The Committee on Transportation proposed the following amendment (1007R001.LKG), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 30 and inserting:

/ provide guidance.

(E) The Department of Transportation may fulfill the requirements of this section by providing, on its internet website, a link to the internet website of another state agency, to the extent that the link provides the information required by this section.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O’Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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

**Statement by Senator RANKIN**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of the second reading of S. 1007.

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN AMENDED, CARRIED OVER AS AMENDED**

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

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment (JUD1031.002) and printed in the Journal of February 7, 2012.

Senator LARRY MARTIN asked unanimous consent to withdraw the previously proposed amendment.

There was no objection and the amendment was withdrawn.

The question then was second reading of the Bill.

Senators LARRY MARTIN and LOURIE proposed the following amendment (JUD1031.004), which was adopted:

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

/ SECTION 1. Section 40-27-10 of the 1976 Code is amended to read:

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

SECTION 2. Section 40-27-20 of the 1976 Code is amended to read:

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

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

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

SECTION 4. Section 56-5-5640 of the 1976 Code is amended to read:

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

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

SECTION 6. Section 56-5-5670 of the 1976 Code is amended to read:

“Section 56-5-5670. (A)(1) Except as provided by subsections (B), (C), and (D), a person or entity may not dispose of a vehicle to a demolisher or secondary metals recycler without a valid title certificate for the vehicle in the person or entity’s name. The person or entity shall provide the vehicle’s title certificate to the demolisher or secondary metals recycler.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) the vehicle:

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

(ii) is twelve model years old or older;

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

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

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

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

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

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

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

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

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

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

(b) the name of the demolisher or secondary metals recycler’s employee entering the information; (c) the name and address of the person or entity from whom the vehicle or vehicle parts, as applicable, were purchased or received~~,~~;

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

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

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

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

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

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

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

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

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

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

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

SECTION 7. Section 56-5-5945 of the 1976 Code is amended to read:

“Section 56-5-5945. (A)(1) Except as provided by subsections (B), (C), and (D), a person or entity may not dispose of a vehicle to a demolisher or secondary metals recycler without a valid title certificate for the vehicle in the person or entity’s name. The person or entity shall provide the vehicle’s title certificate to the demolisher or secondary metals recycler.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) the vehicle:

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

(ii) is twelve model years old or older;

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

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

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

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

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

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

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

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

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

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

(b) the name of the demolisher or secondary metals recycler’s employee entering the information; (c) the name and address of the person or entity from whom the vehicle or vehicle parts, as applicable, were purchased or received~~,~~;

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. Section 56-19-480(A) of the 1976 Code is amended to read:

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

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

SECTION 10. Subsection (H) of Section 56-5-5670 of the 1976 Code as contained in SECTION 6 and subsection (H) of Section 56-5-5945 of the 1976 Code as contained in SECTION 7 take effect upon approval by the Governor. All other provisions of this act take effect one hundred eighty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

On motion of Senator MALLOY, the Bill was carried over, as amended.

**CARRIED OVER**

S. 1226 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4191, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

**CARRIED OVER**

H. 3163 -- Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND SECTION 56‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERM “MOTOR VEHICLE” SO AS TO INCLUDE “MOPEDS” IN THE TERM’S DEFINITION.

Senator CAMPBELL explained the Bill.

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

**CARRIED OVER**

S. 922 -- Senators Campbell, Grooms and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑222 SO AS TO ALLOW CERTAIN PERSONS WHO WEAR BIOPTIC TELESCOPIC LENSES FOR VISION ASSISTANCE TO OBTAIN A DRIVER’S LICENSE.

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

**OBJECTION**

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

Senator LARRY MARTIN explained the Bill.

Senator RYBERG objected to further consideration of the Bill.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on February 21, 2012, at 1:10 P.M. and the following Acts and Joint Resolutions were ratified:

(R128, H. 3470) -- Reps. Pitts, Knight, Loftis and Toole: AN ACT TO AMEND SECTION 44‑53‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST USING, SELLING, OR MANUFACTURING CLEANING AGENTS CONTAINING PHOSPHATES, SO AS TO INCLUDE HOUSEHOLD AND COMMERCIAL LAUNDRY DETERGENTS AND HOUSEHOLD AND COMMERCIAL DISHWASHING DETERGENTS IN THIS PROHIBITION; TO FURTHER SPECIFY CRITERIA FOR AND TYPES OF CLEANING AGENTS EXEMPT FROM THIS PROHIBITION; TO AUTHORIZE THE SALE OF PROHIBITED CLEANING AGENTS THAT ARE IN A RETAILER’S INVENTORY ON JULY 1, 2012; AND TO STAGGER THE IMPLEMENTATION OF THE PROHIBITION OF THESE CLEANING AGENTS.

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(R129, H. 3630) -- Reps. Bedingfield, Loftis, Hardwick and McLeod: AN ACT TO AMEND SECTION 61‑4‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OF WINE BY A LICENSED WINERY LOCATED IN SOUTH CAROLINA, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE; AND TO AMEND SECTION 61‑4‑730, RELATING TO THE SALE OF WINE BY PERMITTED WINERIES, SO AS TO ALLOW A PERMITTED WINERY THAT PRODUCES AND SELLS WINE PRODUCED ON ITS PREMISES TO SELL THE WINE, UNDER CERTAIN CIRCUMSTANCES, AT RETAIL, WHOLESALE, OR BOTH, TO CLARIFY THE CIRCUMSTANCES UNDER WHICH A PERMITTED WINERY IS NOT DEEMED A WHOLESALER OF WINE AND MUST USE A LICENSED SOUTH CAROLINA WHOLESALER TO DELIVER OR SHIP WINE TO LICENSED RETAILERS, AND TO PROVIDE PENALTIES.

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(R130, H. 4108) -- Rep. Allen: AN ACT TO AMEND SECTIONS 5‑31‑2510, 6‑11‑2510, 33‑49‑1410, 58‑5‑1110, 58‑27‑2510, AND 58‑31‑510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN PROCEDURES GOVERNING THE TERMINATION OF ELECTRIC AND NATURAL GAS SERVICE UNDER CERTAIN CIRCUMSTANCES FURNISHED BY A MUNICIPALITY, SPECIAL PURPOSE DISTRICT OR PUBLIC SERVICE DISTRICT, ELECTRIC COOPERATIVE, PUBLIC UTILITY, PUBLIC SERVICE AUTHORITY, OR ELECTRIC UTILITY, SO AS TO CHANGE THE DEFINITION OF “SPECIAL NEEDS ACCOUNT CUSTOMER” TO INCLUDE CUSTOMERS WHO SUFFER FROM ALZHEIMER’S DISEASE OR DEMENTIA.

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(R131, H. 4125) -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO MINIMUM STANDARDS FOR LICENSING CHIROPRACTIC FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4180, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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(R132, H. 4434) -- Reps. White, Gambrell and Thayer: AN ACT TO AMEND ACT 794 OF 1966, AS AMENDED, RELATING TO THE PENDLETON DISTRICT HISTORICAL AND RECREATIONAL COMMISSION OF ANDERSON, OCONEE, AND PICKENS COUNTIES, SO AS TO PROVIDE THAT EFFECTIVE MARCH 1, 2012, THE NAME OF THE PENDLETON DISTRICT AGRICULTURAL MUSEUM MUST BE THE “BART GARRISON AGRICULTURAL MUSEUM OF SOUTH CAROLINA”.

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(R133, H. 4627) -- Reps. Merrill, Stavrinakis, Harrison, King, Knight, Williams, Jefferson, Johnson, Sabb, Munnerlyn, Anderson, G.A. Brown, Allison, Horne, Agnew, Gambrell, McCoy, Ryan, Mack, Gilliard, Sottile, Hardwick, Hearn, Weeks, Simrill, Pope, Delleney, Dillard, Sandifer, Erickson, Herbkersman, Brantley, Crosby, Daning, Brady, Quinn, Spires, Frye, Pitts, Southard, Butler Garrick, Pinson, Tallon, Long, Parker, Hodges, Whitmire, Anthony, Bannister, Putnam, Edge, Allen, Thayer, Funderburk, Lucas, Cobb‑Hunter, Howard, Harrell, Bowers, Patrick, Whipper, Bowen, White, Murphy and R.L. Brown: A JOINT RESOLUTION TO SUSPEND THE AUTHORITY OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR ALL DECISIONS SUBSEQUENT TO 2007 PERTAINING TO THE NAVIGABILITY, DEPTH, DREDGING, WASTEWATER AND SLUDGE DISPOSAL, AND RELATED COLLATERAL ISSUES IN REGARD TO THE USE OF THE SAVANNAH RIVER AS A WATERWAY FOR OCEAN‑GOING CONTAINER OR COMMERCE VESSELS, IN PARTICULAR THE APPROVAL BY THE DEPARTMENT OF THE APPLICATION FOR THE CONSTRUCTION IN NAVIGABLE WATERS PERMIT FOR DREDGING OF THE SOUTH CAROLINA PORTION OF THE SAVANNAH RIVER, BECAUSE THE AUTHORITY TO ISSUE SUCH A PERMIT HAD BEEN GRANTED TO THE SAVANNAH RIVER MARITIME COMMISSION BY ACT 56 OF 2007 AND THE ACTIVITIES AUTHORIZED BY THIS PERMIT COULD PRESENT IMMINENT AND IRREVERSIBLE PUBLIC HEALTH AND ENVIRONMENTAL CONCERNS; AND TO PROVIDE THAT THE DEPARTMENT RETAINS AUTHORITY OVER OTHER MATTERS PERTAINING TO THE SAVANNAH RIVER.

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(R134, H. 4636) -- Reps. Tallon, J.R. Smith, Hixon, Pope, Delleney, Corbin, Bedingfield, G.R. Smith, Lucas, Hamilton, Stringer, Ryan, Owens, Horne, Pinson, Thayer, Putnam, Murphy, Pitts, Spires, Brannon, Chumley, Lowe, Allison, Anthony, Quinn, Bingham, Ballentine, Bannister, Hearn, D.C. Moss, Hardwick, Parker, Cole, Forrester, Limehouse, Gilliard, Sottile, McEachern and Frye: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 16 TO CHAPTER 3, TITLE 23 SO AS TO ESTABLISH THE BLUE ALERT PROGRAM THAT IS DESIGNED TO APPREHEND A SUSPECT THAT ALLEGEDLY KILLS, SERIOUSLY INJURES, OR ABDUCTS A LAW ENFORCEMENT OFFICER BY RAPIDLY DISSEMINATING INFORMATION REGARDING THE SUSPECT.

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(R135, H. 4723) -- Reps. Loftis, Corbin, Allen, Dillard, Hamilton, Henderson, Nanney, G.R. Smith, Stringer, Willis and Bannister: AN ACT TO AMEND ACT 848 OF 1954, RELATING TO THE CREATION OF THE BEREA WATER AND SEWER DISTRICT IN GREENVILLE COUNTY, SO AS TO ADD TWO ADDITIONAL MEMBERS TO THE GOVERNING COMMISSION AND PROVIDE FOR STAGGERING THEIR TERMS.

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

**MADE SPECIAL ORDER**

H. 3241 -- Reps. Owens, Stringer, G.R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D.C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59‑40‑175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; TO AMEND SECTION 59‑40‑20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59‑40‑40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59‑40‑50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO ALLOW FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL, REVISE PRIORITY ENROLLMENT LIMITS, PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, PROVIDE FOR BOARD MEETING NOTICE REQUIREMENTS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION; TO AMEND SECTION 59‑40‑100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS PROVIDING FOR PAPER BALLOTS, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, AND TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59‑40‑190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59‑40‑230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP; AND TO AMEND SECTION 59‑40‑130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

Senator LARRY MARTIN moved that the Bill be made a Special Order.

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

**Ayes 41; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

Leventis

**Total--1**

The Bill was made a Special Order.

**Statement by Senator RANKIN**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of setting H. 3241 for Special Order.

**MADE SPECIAL ORDER**

H. 3631 -- Reps. Harrison, Clemmons, Funderburk, Pitts, Anderson, R.L. Brown, Govan, Hodges, Allen, White, Edge, Whipper, Hiott, Limehouse, Horne, Vick, Herbkersman, Agnew, Viers, Hardwick, Harrell, Sellers, Skelton, Gambrell, Young and Taylor: A BILL TO AMEND SECTION 48‑34‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO FURTHER SPECIFY SUPERVISION REQUIREMENTS FOR A PRESCRIBED FIRE MANAGER AND TO REFERENCE SPECIFIC REGULATORY AND STATUTORY PROVISIONS APPLICABLE TO CONDUCTING A PRESCRIBED FIRE; AND TO AMEND SECTION 48‑34‑50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT A PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE IS NOT LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN.

Senator LARRY MARTIN moved that the Bill be made a Special Order.

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

**Ayes 42; Nays 2**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--42**

**NAYS**

Bright Thomas

**Total--2**

The Bill was made a Special Order.

**Statement by Senator RANKIN**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of setting H. 3631 for Special Order.

**MADE SPECIAL ORDER**

S. 102 -- Senators Grooms, Fair and Verdin: A BILL TO AMEND ARTICLE 1, CHAPTER 71, TITLE 38 OF THE 1976 CODE, RELATING TO ACCIDENT AND HEALTH INSURANCE, BY ADDING SECTION 38‑71‑238 TO PROHIBIT QUALIFIED HEALTH PLANS OFFERED THROUGH A HEALTH CARE EXCHANGE REQUIRED BY THE FEDERAL “PATIENT PROTECTION AND AFFORDABLE CARE ACT” FROM OFFERING ABORTION COVERAGE, AND TO PROVIDE FOR CERTAIN EXCEPTIONS.

Senator LARRY MARTIN moved that the Bill be made a Special Order.

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

**Ayes 32; Nays 9**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hayes Jackson

Knotts Leatherman *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill O'Dell Peeler

Reese Rose Ryberg

Setzler Shoopman Thomas

Verdin Williams

**Total--32**

**NAYS**

Ford Hutto Land

Leventis Lourie Malloy

Nicholson Pinckney Scott

**Total--9**

The Bill was made a Special Order.

**Statement by Senator RANKIN**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of setting S. 102 for Special Order.

**MOTION ADOPTED**

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

**LOCAL APPOINTMENT**

**Confirmation**

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

Reappointment, Union County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Jimmy Dean Crocker, 210 West Main Street, Union, SC 29379

**EXECUTIVE SESSION**

On motion of Senator McCONNELL, the seal of secrecy was removed and the Senate reconvened.

**MOTION ADOPTED**

On motion of Senator HAYES, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Frank S. Barnes, Jr. of Rock Hill, S.C.

and

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Margie E. Herron. Ms. Herron worked with the State Library and worked in public libraries for over 40 years! She was an outstanding South Carolinian and will be missed.

**ADJOURNMENT**

At 3:17 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 2:00 P.M.

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