**Wednesday, April 9, 2014**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:15 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

We doubtless know the classic verse from Isaiah:

“They will beat their swords into plowshares, and their spears into pruning hooks.” (Isaiah 2:4b)

Let us pray:

O God, tomorrow a particular tournament begins in a city not too far away, and it will garner much attention; it will generate great interest. Some will consider beating swords “into nine irons,” and spears “into three woods.” We wish all those who focus upon green jackets the very best, dear Lord. But our key interest remains upon the lady and the gentlemen in this Chamber who keep *their* focus upon South Carolina. May these Senators strive to become “masters” of what must be done to bring about continuing good for our people, Lord. In Your loving name we ask this. Amen.

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

**RECESS**

At 11:20 A.M., the Senate receded from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY  
Chief Justice of the South Carolina Supreme Court**

At 11:30 A.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 H. 4926, a Concurrent Resolution adopted by both Houses.

The Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court, and members of her party, were escorted to the rostrum by Senators PEELER, SETZLER, COURSON, LARRY MARTIN and MALLOY and Representatives Robinson-Simpson, Pitts, Hayes, Clemmons and Horne.

The PRESIDENT introduced the Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court.

Chief Justice Toal addressed the Joint Assembly as follows:

**State of the Judiciary  
Address by the Honorable Jean Hoefer Toal  
Chief Justice of South Carolina**

Thank you very much, thank you very much. Mr. PRESIDENT, Mr. Speaker, Mr. PRESIDENT *PRO TEMPORE*, Mr. Speaker *Pro Tempore*, members of the Joint Assembly, it is my great honor once more as your Chief Justice to present the State of the Judiciary Address this morning.

Before I begin, let me introduce members of the Supreme Court and the Court of Appeals who are in attendance today. Will you stand please, colleagues, as I recognize you? Justice Costa Pleicones, Justice Don Beatty, Justice John Kittredge, Justice Kaye Hearn, Chief Judge John Few, Judge Paul Short, Judge Bruce Williams, Judge Aphrodite Konduros, Judge John Geathers, and Judge James Lockemy.

**A Statue to Honor A Civil Rights Hero: Judge J. Waties Waring**

I begin this morning with a tribute to Federal Judge J. Waties Waring. As background, on May the 17th, we will observe the 60th anniversary of Brown v. The Board of Education, the 1954 United States Supreme Court decision which ruled unconstitutional state laws which enforced racial segregation in public education. South Carolina's Briggs v. Elliott was the most important of the four cases known as Brown. It provided the factual basis and legal theory for one of the most important decisions in American history.

It’s past time to celebrate the life of South Carolina’s most unlikely Civil Rights hero, Federal Judge J. Waties Waring. An eight‑generation Charlestonian, with a prestigious Meeting Street address, impeccable social credentials and appropriate ties to segregationist South Carolina politics, Waring served as a U.S. attorney during the Wilson “administration” and as Charleston Corporation counsel in the ‘30s and ‘40s before finally obtaining the coveted federal judgeship. His judicial tenure, however, proved to be anything but predictable.

He was 62 when he took the bench. In the 10 years he served as a federal judge, he ended racial designations on jury lists and segregated seating in his own court. He ruled in favor of equal pay for black and white public school teachers and, in one of his most controversial rulings, he struck down the rules of the South Carolina Democratic Party, which at that time limited membership and participation in the party’s primary, really the deciding election at that time, to white voters only. He also encouraged Thurgood Marshall to make a direct assault on the “separate but equal” doctrine in public schools. And when his two fellow jurists on the three-judge court that tried Briggs v. Elliott in Charleston upheld South Carolina’s segregated school system, Waring vigorously dissented, and became the first judge in America to rule from the bench that, “Segregation is per se inequality.”

For those rulings, he was ostracized by Charleston. The KKK burned a cross in his yard, vandals threw bricks through his windows and fired shots in front of his residence. He left Charleston, never to return. But on this Thursday, in Charleston, this bronze statue will be unveiled at the Federal Courthouse where Judge J. Waties Waring’s rulings changed the course of opportunity for our State and for the nation. Thank you.

**Moving Forward in a New Court System in South Carolina**

We’re moving forward with a new court system in South Carolina. And your investment in the creation and election of new judges has really made a difference in the more efficient management of our court dockets and our resources. Judges serve important roles as problem solvers as we move forward with this new court system. Our trial and appellate courts have made great progress in increasing diversity on the bench as we continue our commitment to making the judiciary the face of South Carolina.

**Progress on Case Disposition**

But progress on case disposition is a pretty simple equation in my view: new judges, increased use of technology, increased collaboration of judges, clerks of court and attorneys results in big improvement in case disposition.

**Common Pleas Benchmarks**

Let’s talk about how we measure improvement and success in our trial courts in South Carolina. Our civil trial court for Circuit Court is called Common Pleas, an old-fashioned term. We established aspirational goals for how cases should be disposed of, we call them benchmarks. The benchmark for civil court, Common Pleas Court, in South Carolina is to dispose of 80 percent of the cases filed within a year of filing. We’re not hitting those benchmarks yet. But nine circuits are now over 60 percent, and that represents a big step forward. Additional judges in the future may close that gap.

**Circuit Court Judges’ Caseload**

The average caseload per judge in South Carolina is still the highest in the nation with almost 4,500 filings per judge per year.

But judges do a lot more than simply preside over trials. Yes, we have the highest caseload in the country, but we also have motion hearings, drafting and reviewing orders, pre-trial status conferences, and another particular issue that I want to spend a moment with you on this morning, and that is bond hearings in Circuit Court.

I’d like to emphasize my deep concern with what judges have to work with as they make decisions about bond reductions in Circuit Court. We often in these hearings do not have the information we need to make a wise decision about the defendant who appears in front of us. Many times a judge does not know that the defendant who stands before the judge is a repeat offender, or has other convictions, even in other states. Trial delays and a backlog cause a lot of defendants to make repetitive motions for bond reductions as they sit in local jail facilities without being tried. But the lack of information our judges have about criminal backgrounds necessitates that we finally complete the interface with SLED so that our judges can have up-to-date criminal background information as they conduct these bond hearings. Otherwise they make decisions that would have been quite different had they had the real information about the defendant.

**Judges as Problem Solvers: Business Courts**

Judges are problem solvers, and the Business Court is a very good example of that. We’ve now expanded this pilot program to include three regions, so it’s not just Greenville, Richland and Charleston anymore. The judges who preside now hear cases from any county in the region to which they are assigned Business Court responsibilities. Business Court is a way of managing very complex business matters, generally business to business disputes, and it’s a good thing for the resolution of these complex cases.

But it has another implication that’s just as important, these big complex cases sometimes suck the air out of a docket in a small or medium-sized county where they have limited terms of court and limited times for ordinary cases to be processed. To move these big Business Court disputes into a special docket frees up time for the many cases where ordinary citizens are having their cases delayed for resolution. Our three presiding Judges, Ned Miller, Cliff Newman and Roger Young are doing a great job. And I’ve asked the Circuit Judges to volunteer for more assignments. And we hope to appoint some additional Business Court judges and begin their training this year.

**General Sessions Benchmarks**

Let’s look for a moment then at the criminal courts in South Carolina. We call that the Circuit Court’s General Sessions Court. And the measure of success or the benchmark in this court has recently changed. It used to be a very unrealistic - “we can resolve 80 percent of the cases in 180 days.” That’s really not a realistic standard. The solicitors asked that this benchmark be changed, and we moved it to 365 days, which is more realistic.

And that combined with some very recent, new attention on how to manage dockets in South Carolina, a lot of it occasioned by the debate over Langford, has resulted in some astounding improvements in many circuits in South Carolina. There are 10 circuits that are within shouting distance of 80 percent. A good example is the Greenville/Pickens circuit where differentiated case management has been in existence in that circuit since Billy Wilkins instituted it so many years ago. And Judges Traxler and others, Bob Ariail, and now Judge Wilkins’ son Walt Wilkins manage a very sophisticated docket in that county. They’ve got a lot of money in Greenville and Pickens to make improvements in how the docket is managed. We want to help all circuits achieve what that circuit has achieved.

But the king of the roost is York/Union. Eighty nine percent of their cases are disposed within one year. You can’t really expect to do much better than that. It’s a great tribute to not only Solicitor Kevin Brackett and Public Defender Harry Dest, but the clerk of court and all the others who work in that system.

**General Sessions Docket**

Why is management of the General Sessions docket so important? Well, it’s certainly true that unnecessary delay of these criminal cases is a denial of due process for the defendants, but it’s also a denial of justice for the victims and results in some extremely excessive costs for the county. A lot of defendants are held in pre-trial detention instead of moving the cases through the system. The average cost per day is almost $60.00 to detain someone in a county facility. And some counties have reported that they have spent over $100,000 on just one defendant because the case was delayed so many years from being tried. That money would be a lot better spent with solicitors and public defenders and clerks of court to help move the dockets.

**Judges as Problem Solvers: General Sessions Docket**

The General Sessions docket has received a lot of focus. And in January of this year we turned our attention not just to the cases that are a year old, but to the cases that really are old. And we set our sights on anything that was more than a year and a half old and passed an order that required the solicitors to survey their book of business and reconcile their records with the clerk’s records and with the public defender’s records and come up with a real honest list of everything that’s over a year and a half old by case name, by the lawyers involved, by the charges made, so that we could really get a handle on these old cases. We will spend the next few months concentrating very heavily on trying to move out these older cases on South Carolina’s criminal dockets.

**Collaboration Essential to Efficient Docket Management**

But in the end, collaboration is an essential element of docket management. I know you’ve heard a lot of discussion in the past year about who should control the criminal docket. But the truth of the matter is that control of the criminal docket is really a collaborative effort between the judges, the solicitors, the circuit public defenders, and the clerks of court.

And there are some good success stories that have happened very recently when that kind of collaboration takes place. The 9th Circuit, Berkeley/Charleston, is a good example. Judge Roger Young became the Chief Administrative Judge for General Sessions in January. And he took a very proactive approach to examining everything that was more than a year and a half old. And with the collaboration of Solicitor Scarlett Wilson, Public Defender Ashley Pennington, and Clerk of Court Julie Armstrong, they have reduced the backlog in Charleston/Berkeley by 27 percent. That shows what working together can do.

The 6th Circuit is probably our most endangered circuit in South Carolina, and it’s primarily lack of local resources. Only 29 percent of their cases are resolved in a year in Chester, Fairfield and Lancaster. But at the beginning of this year, Judge Brian Gibbons and Solicitor Doug Barfield sat down together and said, “What can we do to change this picture?” And working with the public defender and the clerk of court in Lancaster, they experimented with a system that was part judge controlled, part solicitor controlled. They expect to move 1,000 cases in Lancaster within the next several months. That’s a real miracle.

The 2nd Circuit is yet another example. Jack Early, the Resident Judge there, with Solicitor Thurmond and Public Defender De Grant Gibbons and their three clerks of court have set the next four months as a period of intense concentration on those old cases. So a lot can be done simply by moving together and working together. And we hope that the results of the study that’s being made now that involves all the stakeholders will underscore this and come up with some model ways of running the dockets in South Carolina.

**Family Court Benchmarks**

Let’s look for a moment then at Family Court and how it has progressed. This is a huge success story, and it’s primarily the result of the implementation of the task force recommendations for Family Court which Kaye Hearn chaired and Judge Konduros guided for the Family Court part of the study. Six circuits in Family Court have 80 percent or better resolution within one year of their Family Court cases. That is an enormous change from the figures I would have shown you last year about Family Court in South Carolina.

**Judges as Problem Solvers: Family Court Docket**

But here are some good practical examples of what happens when folks work together. In York County, the disposition rate last year was 70 percent within 365 days of filing. That’s not the 80 percent benchmark, but it’s getting close. But in less than one year of Judge Tony Jones, one of your new Family Court Judges, putting into implementation the management techniques suggested by the task force, York County now tries 90 percent of its Family Court cases within one year.

And in Anderson County where only 41 percent of the Family Court cases were tried in 365 days, Tommy Edwards, the Resident Family Court Judge, working closely with his Clerk, Court Administration and IT to implement these suggested changes -- Anderson County now tries 85 percent of its Family Court cases in one year. This is a model. It’s getting the right people together to solve a problem.

**Judges as Problem Solvers: Alternative Courts**

Judges are also problem solvers in an alternative approach to dealing with minor offenders whose main difficulty is substance abuse, mental health or other behavioral issues. We have Alternative Courts on a pilot basis in many counties in South Carolina created with administrative orders from myself. These include Mental Health Courts, Drug Courts, Truancy Courts, and some Veterans Courts. You invested strongly in this idea by making these alternatives to incarceration a part of your Sentencing Reform Bill that passed several years ago. And it’s resulted in some reductions in both local jailing and in the Department of Corrections figures.

But these programs need to be institutionalized with legislative action. It’s something that is a success story just as a pilot. It gets together treatment professionals with judges to put defendants through a program to deal with their real issues, which are not generally legal issues, but rather addiction or other kinds of health issues. And if the defendants complete the program of treatment successfully, they can either reduce their sentence, be on probation, or avoid a legal penalty completely with an expungement. We need to institutionalize these programs in South Carolina.

**Technology Roadmap**

Let me turn now to the technology roadmap. This, of course, has been the signature program of my administration. And as we approach 14 years with E-Filing, enhanced security is now our main concern. I look back to the year 2000 and think how improbable it was that a government agency, particularly a court system, would use an Internet-based system to manage its court records. That was unheard of back then. We went into it as really trailblazers because it was such a less expensive way than dealing with big mainframe computers and the huge licensing costs that would be entailed. Now we’re looked at by courts all over the country and acknowledged as national leaders in this approach to court record management.

**Four Court Statewide Software Systems**

We now have four statewide court software systems. The basic Court Case Management System -- it standardized record-keeping and business process in Circuit Court and in Magistrate Courts for all 46 counties. Forty two of those counties depend on the Judicial Department and our servers here in Columbia to host their records. Four counties, large ones, maintain them on servers at their home base. But all the counties operate on one standardized system, and it’s just a really powerful thing in terms of more effectively moving cases.

The Appellate Court Case Management System now manages all the Supreme Court and Court of Appeals records. It circulates opinions. But just as importantly, there’s much more public access now to the records and briefs that are filed in the Appellate Courts.

We also developed an Attorney Information System. This is the central repository of up-to-date contact information for 15,000 licensed lawyers in South Carolina. And the public can now access this contact information by going on the Judicial Department website. How did we get them all to get up-to-date information, and how did we get them all to put down an email address so we could easily contact these lawyers? It was the carrot and the stick. The carrot was easy access to the system and the stick was they couldn’t pay their Bar dues until they updated their information. It’s worked.

Electronic Filing is the crown jewel. And that application is currently under development with an implementation in 2015.

South Carolina owns all four of these software systems. We do not pay an outside vendor. And we have the security that comes with having a system we control, maintain, and do not let anyone breach the firewalls into its security. And I’ll talk in a few minutes more about security because it’s the biggest issue facing anyone who maintains a data system -- corporate, private or public, but particularly for members of the public.

**E-Filing Update**

Update on E-Filing. We’ve now revised our Rules of Civil Procedure which have passed muster here. We’ve revised the business process of clerks of court and integrated these four applications so as to prepare for E-Filing. We’ll be training on these programs for all users beginning in 2015.

**Security of Personal Data in Court Records**

Security of personal data in court records is an enormous responsibility and an enormous concern for all kinds of people who intersect with or use the court system. Your House and Senate Judiciary Committees have approved our new redaction rule, and it will go into effect on April the 15th. Examples of the items that are redacted, that is, shielded from public view by this system, are Social Security numbers – we’re one of the only states in the country that shields it all, not just the last four digits. People have very quickly figured out how to figure out more than just those last four digits. We shield it entirely. Financial account numbers, passport numbers, names of minors, date of birth, home addresses of non-parties, minors, and sexual assault victims are just some of the items that we are protecting from public view because of privacy concerns.

**Court Data Security**

Court data security is also a huge concern. And all of South Carolina government has focused in the last two years on data security for the information maintained within their responsibility. Our information security team has worked closely with the new division of technology regarding their statewide information security project. My IT director attends those meetings every month. And I’m proud to tell you that we are acknowledged as a leader in South Carolina government in the security and the employee awareness and training programs that we maintain in the court system. Our employees have security awareness training constantly. All employees are required to go on their computer and take the training. That includes contract employees, non-judicial employees, and all judges. And we have 100 percent participation, and I monitor it like a laser to be sure that continues. The South Carolina Judicial Department is also very focused on data protection, methods of authentication before you enter the system, and data dissemination. And that will continue.

**The Importance of Funding Disaster Recovery**

But we have a very important issue that involves backing up our system. All these court applications are accessed and supported 24/7 for all the courts by the South Carolina Judicial Department. So what happens if the system goes down? Any disruption in the service provided by these applications would potentially cripple the courts’ ability to effectively administer justice for the citizens of South Carolina. We have asked for funding this year for our disaster recovery system to ensure that all 46 counties are able to continue essential functions in any hazardous environment, whether that is a natural disaster, a health pandemic, an accident, or terrorism. We partnered with Clemson University to develop our disaster recovery or backup center outside of Columbia. And we’re very hopeful that we’ll be able to begin that project this year.

**The Importance of the Internet and Court Technology**

I don’t think I have to convince anybody of the importance of the Internet in the modern age. In closing, I think we can all agree that the Internet represents innovation, access to information, and a more transparent court system for the citizens of South Carolina. We lead the way in the nation based on the decision we made 14 years ago to use an Internet platform for court records. But the Internet now represents economic growth and more opportunity than the world has ever known. Think about what all you access every day in your personal life from bank account records, to online shopping, to information you need to do your job, to personal contact with the people you want to stay in contact with using the Internet. And technology has certainly been a game changer for South Carolina courts, as well as the citizens of South Carolina. It’s a different way of doing business.

**What We Are All Working For**

We work very hard as public servants to make this State as public servants a place of opportunity and values for those who come behind us, our children and our grandchildren. So you know how I always close. Here’s my beloved Patrick, up in the gallery watching his Big Mama be re-elected. He’s recently chopped off all that hair because he’s playing summer sports. But I figure a boy that makes good grades, serves on the altar every Sunday and plays goalie on the hockey team can wear it anyway he wants to. And there’s my little Ruthie, she’s just seven months old and will be coming to South Carolina for her first Easter.

It is the honor of my life to once more be allowed to lead your court system as we create together a better life for the future of all South Carolinians. God bless.

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 12:00 P.M., the Senate resumed.

At 12:05 P.M., by prior motion of Senator COURSON, the Senate receded until 2:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 2:05 P.M. and was called to order by the PRESIDENT.

**Leave of Absence**

On motion of Senator JOHNSON, at 2:05 P.M., Senator McELVEEN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator CAMPBELL, at 2:05 P.M., Senator VERDIN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator SHANE MARTIN, at 2:05 P.M., Senator BRYANT was granted a leave of absence for the balance of the week.

**Leave of Absence**

On motion of Senator CAMPBELL, at 2:05 P.M., Senator CLEARY was granted a leave of absence for the balance of the week.

**CO-SPONSORS ADDED**

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

S. 1040 Sen. Allen

S. 459 Sens. Lourie and Alexander

S. 516 Sens. Malloy, Leatherman, Lourie, Larry Martin, Johnson,

Jackson, Allen, Rankin, Scott, Setzler, Pinckney

**Motion Adopted**

On motion of Senator COURSON, the Senate agreed that when the Senate stands adjourned on Wednesday, April 16, that it will adjourn to meet Thursday, April 17, Tuesday, April 22, Wednesday, April 23, and Thursday, April 24, subject to the times and limitations set forth in Rule 1B, and Friday, April 25 under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up. The Senate will meet again in regular statewide session Tuesday, April 29, at 12:00 Noon.

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

**Ayes 29; Nays 6; Present 1**

**AYES**

Alexander Allen Bennett

Campbell Coleman Courson

Cromer Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McGill Nicholson O'Dell

Peeler Scott Setzler

Williams Young

**Total--29**

**NAYS**

Bright Corbin Davis

Hembree Shealy Turner

**Total--6**

**PRESENT**

Thurmond

**Total--1**

The motion was adopted.

**RECALLED AND ADOPTED**

S. 1179 -- Senator Cromer: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF ALL OF SOUTH CAROLINA’S CHILDREN AND TO DECLARE MAY 14, 2014, “CHILDHOOD APRAXIA OF SPEECH DAY” IN THE STATE OF SOUTH CAROLINA.

Senator CROMER asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

Senator CROMER asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection and the Resolution was adopted.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1212 -- Senator Young: A CONCURRENT RESOLUTION TO DESIGNATE THE THIRD FULL WEEK IN APRIL 2014 AS "SHAKEN BABY SYNDROME AWARENESS WEEK" TO RAISE AWARENESS REGARDING SHAKEN BABY SYNDROME AND TO COMMEND THE HOSPITALS, CHILD CARE COUNCILS, SCHOOLS, AND OTHER ORGANIZATIONS THAT EDUCATE PARENTS AND CAREGIVERS ON HOW TO PROTECT CHILDREN FROM ABUSE.

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

S. 1213 -- Senators Hayes, Peeler, Gregory and Coleman: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE WINTHROP UNIVERSITY WOMEN'S BASKETBALL TEAM FOR CAPTURING THE 2014 VISITMYRTLEBEACH.COM BIG SOUTH WOMEN'S CHAMPIONSHIP TITLE AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

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

S. 1214 -- Senators S. Martin, Peeler, Reese, Bright and Corbin: A BILL TO AMEND SECTION 7-7-490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO CHANGE THE NAMES OF FOUR PRECINCTS.

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

S. 1215 -- Senators Corbin, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT INDIVIDUAL SIGNS AT TWO MILE INTERVALS ALONG INTERSTATE HIGHWAY 385 FROM MILE MARKER 22 TO MILE MARKER 34 THAT CONTAIN THE WORDS "WORLD WAR I 1917-1918", "WORLD WAR II 1941-1945", "THE KOREAN WAR 1950-1953", "THE VIETNAM WAR 1956-1975", "SECOND PERSIAN GULF WAR 'OPERATION DESERT STORM' 1991", "AFGHANISTAN WAR OCTOBER 7, 2001 TO PRESENT", AND "THIRD PERSIAN GULF WAR MARCH 19, 2003 TO PRESENT".

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

H. 3959 -- Reps. Kennedy, Quinn, Spires, Huggins, Atwater, Bingham, Delleney, Felder, Finlay, D. C. Moss, Norman, Pope, Sellers, Simrill, Tallon, Weeks, Wood and Whipper: A BILL TO AMEND SECTION 16-15-395, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE; TO AMEND SECTION 16-15-405, AS AMENDED, RELATING TO SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE AND INCREASE THE MAXIMUM PENALTY FROM TEN TO FIFTEEN YEARS; AND TO AMEND SECTION 16-15-410, AS AMENDED, RELATING TO THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCLUDE THE APPEARANCE OF A MINOR IN A STATE OF SEXUALLY EXPLICIT NUDITY IN THE PURVIEW OF THE OFFENSE.

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

H. 4383 -- Reps. Clemmons, Harrell, Sellers and Bernstein: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 136 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "AMERICANS STAND WITH ISRAEL" SPECIAL LICENSE PLATES.

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

H. 5082 -- Reps. Owens, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. JAMES C. "JIMMIE" WILLIAMSON ON THE OCCASION OF HIS SELECTION BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION AS TWELFTH PRESIDENT AND EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA TECHNICAL COLLEGE SYSTEM AND TO WISH HIM MUCH SUCCESS IN HIS NEW POSITION.

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

**REPORTS OF STANDING COMMITTEES**

Senator GROOMS from the Committee on Transportation polled out S. 139 favorable with amendment:

S. 139 -- Senators Grooms, L. Martin and Campbell: A BILL TO AMEND SECTION 56‑5‑1535 OF THE 1976 CODE, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, TO DELETE THIS PROVISION AND PROVIDE A DEFINITION FOR THE TERMS “HIGHWAY WORK ZONE” AND “HIGHWAY WORKER”, TO CREATE THE OFFENSES OF “ENDANGERMENT OF A HIGHWAY WORKER” AND “AGGRAVATED ENDANGERMENT OF A HIGHWAY WORKER”, AND TO PROVIDE PENALTIES FOR BOTH OFFENSES; TO AMEND SECTION 56‑1‑720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, TO PROVIDE THAT “ENDANGERMENT OF A HIGHWAY WORKER” AND “AGGRAVATED ENDANGERMENT OF A HIGHWAY WORKER” ARE TWO POINT VIOLATIONS; AND TO REPEAL SECTION 56‑5‑1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

**Poll of the Transportation Committee**

**Polled 17; Ayes 15; Nays 1; Not Voting 1**

**AYES**

Grooms Leatherman McGill

Rankin Verdin Campsen

Cleary Peeler Campbell

Lourie Coleman Allen

Bennett Hembree McElveen

**Total--15**

**NAYS**

Scott

**Total--1**

**NOT VOTING**

Malloy

**Total--1**

Ordered for consideration tomorrow.

Senator HAYES from the Committee on Finance submitted a favorable with amendment report on:

S. 569 -- Senators Davis, Turner, Campsen, Young, O’Dell and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “COMPETITIVE INSURANCE ACT” BY AMENDING SECTION 38-3-110, RELATING TO DUTIES OF THE CHIEF INSURANCE COMMISSIONER, TO PROVIDE THAT THE DIRECTOR MUST ENGAGE IN EFFORTS TO PROVIDE MARKET ASSISTANCE AND PROMOTE CONSUMER EDUCATION TO COASTAL RESIDENTIAL PROPERTY INSURANCE CONSUMERS, AND THE DIRECTOR MUST SUBMIT A REPORT TO THE PRESIDENT PRO TEMPORE OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE CHAIRMAN OF THE SENATE BANKING AND INSURANCE COMMITTEE, AND THE CHAIRMAN OF THE HOUSE LABOR, COMMERCE AND INDUSTRY COMMITTEE BY NO LATER THAN JANUARY THIRTY-FIRST OF EACH YEAR REGARDING THE STATUS OF THE COASTAL PROPERTY INSURANCE MARKET; TO AMEND SECTION 38-7-200, RELATING TO CREDITS AGAINST PREMIUM TAX, TO DEFINE ESSENTIAL TERMS, AND TO PROVIDE THAT INSURERS MAY BE ELIGIBLE TO RECEIVE A PREMIUM TAX CREDIT AGAINST THE PREMIUM TAX IMPOSED BY SECTION 38-7-20 ON FULL COVERAGE POLICIES WRITTEN OUTSIDE OF THE COASTAL AREA TO REDUCE THE INSURANCE PREMIUM TAX LEVIED TO ONE PERCENT OF THE TOTAL PREMIUMS WRITTEN ON FULL COVERAGE POLICIES OUTSIDE OF THE COASTAL AREA, AND THE DIRECTOR OR HIS DESIGNEE SHALL DEVELOP PROCEDURES TO BE USED IN IMPLEMENTING THIS TAX CREDIT; TO AMEND SECTION 38-75-485, RELATING TO THE IMPLEMENTATION OF THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM BY THE DEPARTMENT, TO PROVIDE THAT ONE PERCENT OF THE PREMIUM TAXES DUE TO THIS STATE BY BROKERS PLACING PROPERTY INSURANCE WITHIN THE ELIGIBLE SURPLUS LINES MARKET AND TWO PERCENT OF THE PREMIUM TAXES COLLECTED ANNUALLY AND REMITTED TO THE DEPARTMENT BY INSURERS LICENSED TO DO BUSINESS IN THIS STATE; AND TO AMEND SECTION 38-75-755, RELATING TO NOTIFICATION OF APPLICANTS OR RENEWING POLICYHOLDERS OF AVAILABLE CREDITS, DISCOUNTS, AND DEDUCTIONS, TO PROVIDE THAT ALL INSURERS, AT THE ISSUANCE OF A NEW POLICY AND AT EACH RENEWAL SHALL NOTIFY THE APPLICANT OR POLICYHOLDER OF A PERSONAL LINES RESIDENTIAL PROPERTY INSURANCE POLICY OF CERTAIN DISCLOSURES, AND THE DIRECTOR OR HIS DESIGNEE SHALL PRESCRIBE THE FORM AND MANNER FOR INSURER NOTICES OR DISCLOSURES, AND ANY DISCLOSURE SHALL BE FOR INFORMATIONAL PURPOSES ONLY AND SHALL NOT AMEND, EXTEND, OR ALTER COVERAGE PROVIDED IN A POLICY.

Ordered for consideration tomorrow.

Senator HUTTO from the Committee on Judiciary submitted a favorable with amendment report on:

S. 700 -- Senator Thurmond: A BILL TO AMEND SECTION 17‑1‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESTRUCTION OF RECORDS WHERE CHARGES HAVE BEEN DISMISSED, SO AS TO PROVIDE THAT A PERSON OR ENTITY WHO PUBLISHES ON THE PERSONS OR ENTITY’S PUBLICLY AVAILABLE WEBSITE A MUG SHOT OF A PERSON WHOSE CHARGES HAVE BEEN DISCHARGED, DISMISSED, OR THE PERSON HAS BEEN FOUND NOT GUILTY, SHALL, WITHOUT FEE OR COMPENSATION, REMOVE THE MUG SHOT FROM THE PERSONS OR ENTITY’S WEBSITE WITHIN THIRTY DAYS OF THE PERSON SENDING A WRITTEN REQUEST TO THE PERSON OR ENTITY, AND TO PROVIDE THE PENALTIES FOR A PERSON OR ENTITY WHO FAILS TO REMOVE SUCH MUG SHOTS.

Ordered for consideration tomorrow.

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

S. 723 -- Senator Thurmond: A BILL TO AMEND SECTION 5‑3‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCEDURE FOR ANNEXATION OF SPECIAL PURPOSE DISTRICTS, SO AS TO PROVIDE FOR AN ADDITIONAL METHOD OF ANNEXATION BY RESOLUTION OF A SPECIAL PURPOSE DISTRICT WHEN A PREEXISTING MUNICIPALITY ANNEXES A MAJORITY OF THE POPULATION OF THE DISTRICT OR WHEN A MUNICIPALITY INCORPORATES A MAJORITY OF THE POPULATION OF A DISTRICT.

Ordered for consideration tomorrow.

Senator MASSEY from the Committee on Judiciary submitted a favorable report on:

S. 755 -- Senator Thurmond: A BILL TO AMEND SECTION 30‑2‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OBTAINING OR USING PERSONAL INFORMATION OBTAINED FROM A STATE AGENCY FOR COMMERCIAL SOLICITATION, SO AS TO PROVIDE THAT THE SECTION APPLIES TO STATE AND LOCAL AGENCIES.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 897 -- Senator Coleman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑11‑723 SO AS TO PROVIDE THAT A PERSON WHO RETIRES FROM A SOLICITOR’S OFFICE MAY PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS REGARDLESS OF WHETHER THE COUNTY IN WHICH HE IS EMPLOYED AT THE TIME OF HIS RETIREMENT PARTICIPATES IN THESE PLANS, AMONG OTHER THINGS, AND TO MAKE THESE PROVISIONS RETROACTIVE TO JANUARY 1, 2012.

Ordered for consideration tomorrow.

Senator MASSEY from the Committee on Judiciary submitted a favorable with amendment report on:

S. 971 -- Senator Campbell: A BILL TO AMEND SECTION 33‑1‑103, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESIGNATION OF REPRESENTATION BY A CORPORATION OR PARTNERSHIP IN MAGISTRATES COURT, SO AS TO EXPAND THE LIST OF NONLAWYERS ASSOCIATED WITH A CORPORATION OR BUSINESS WHO MAY REPRESENT THE ENTITY IN MAGISTRATES COURT.

Ordered for consideration tomorrow.

Senator HUTTO from the Committee on Judiciary submitted a favorable report on:

S. 1076 -- Senators Shealy and Hembree: A BILL TO AMEND ARTICLE 8, CHAPTER 31, TITLE 23 OF THE 1976 CODE, RELATING TO IDENTIFICATION CARDS ISSUED TO AND FIREARM QUALIFICATION PROVIDED FOR RETIRED LAW ENFORCEMENT PERSONNEL, BY AMENDING SECTION 23‑31‑600(A)(2) TO PROVIDE THAT THE DEFINED TERM IS CONSISTENT WITH FEDERAL LAW, TO AMEND SECTION 23‑31‑600(E) TO REMOVE THE FEE REQUIREMENT FOR ISSUANCE OF AN IDENTIFICATION CARD PURSUANT TO THIS ARTICLE; AND TO MAKE CONFORMING AMENDMENTS.

Ordered for consideration tomorrow.

Senator YOUNG from the Committee on Judiciary submitted a favorable with amendment report on:

S. 1086 -- Senators Hayes and L. Martin: A BILL TO AMEND SECTION 1‑11‑490, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROVIDING NOTICE OF A BREACH OF SECURITY OF STATE AGENCY DATA, SO AS TO REQUIRE THAT THE NOTICE DESCRIBE THE BREACH AND PROVIDE CONTACT INFORMATION WHERE ASSISTANCE MAY BE OBTAINED, INCLUDING THE DEPARTMENT OF CONSUMER AFFAIRS, AND TO DELETE A PROVISION ALLOWING AN AGENCY TO ADHERE TO ITS OWN POLICY; AND TO AMEND SECTION 39‑1‑90, RELATING TO PROVIDING NOTICE OF A BREACH OF SECURITY OF BUSINESS DATA, SO AS TO PROVIDE THE SAME NOTICE REQUIREMENTS AND TO DELETE THE SAME PROVISION.

Ordered for consideration tomorrow.

Senator COLEMAN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 1163 -- Senators Young, Lourie, Shealy and L. Martin: A BILL TO AMEND SECTION 63‑7‑940 OF THE 1976 CODE, RELATING TO THE USE OF UNFOUNDED ABUSE AND NEGLECT CASE INFORMATION AND SECTION 63‑7‑1990, RELATING TO THE CONFIDENTIALITY AND RELEASE OF RECORDS AND INFORMATION CONCERNING THE CENTRAL CHILD ABUSE AND NEGLECT REGISTRY, TO PROVIDE THAT INFORMATION WHCH MUST OTHERWISE REMAIN CONFIDENTIAL MAY BE RELEASED BY THE DIRECTOR OR DESIGNEE TO CONFIRM, CLARIFY, OR CORRECT INFORMATION CONCERNING A CASE THAT HAS BEEN MADE PUBLIC BY SOURCES OTHER THAN THE DEPARTMENT, TO RESPOND TO AN INQUIRY FROM A COMMITTEE OR SUBCOMMITTEE OF THE SENATE OR THE HOUSE OF REPRESENTATIVES OR A JOINT COMMITTEE OF THE GENERAL ASSEMBLY, OR TO COMPLY WITH REQUIREMENTS OF THE FEDERAL CHILD ABUSE PREVENTION AND TREATMENT ACT AND TO LIMIT CIVIL LIABILITY RESULTING FROM THE DISCLOSURE.

Ordered for consideration tomorrow.

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

S. 1172 -- Senators Nicholson, Hayes, Turner, Sheheen, L. Martin, McGill, Alexander, O’Dell, Johnson, Scott and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 60‑15‑75 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF CRITERIA AND GUIDELINES FOR STATE‑DESIGNATED CULTURAL DISTRICTS BY THE SOUTH CAROLINA ARTS COMMISSION, TO STATE THE INTENDED PURPOSE OF THE CULTURAL DISTRICTS, AND TO PROVIDE RELATED POWERS AND DUTIES OF THE COMMISSION WITH RESPECT TO THE CULTURAL DISTRICTS.

Ordered for consideration tomorrow.

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

S. 1194 -- Senator Hayes: A JOINT RESOLUTION TO ALLOW CERTAIN SCHOOL DISTRICTS TO USE SUMMER READING PROGRAM FUNDS TO PARTNER WITH THE STATE DEPARTMENT OF EDUCATION’S SUMMER READING LOSS PREVENTION PROJECT TO PROVIDE BOOKS TO CERTAIN STUDENTS OVER THE SUMMER, AND TO ALLOW PARTNERING SCHOOL DISTRICTS TO CARRY FORWARD UNEXPENDED FUNDS FOR SUMMER READING CAMP PROGRAMS.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3125 -- Reps. Hodges, M.S. McLeod, Mitchell, Whipper, R.L. Brown, Hiott, Toole, Hardee, Cobb‑Hunter, Dillard and Robinson‑Simpson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “MICROENTERPRISE DEVELOPMENT ACT” BY ADDING CHAPTER 55 TO TITLE 11 SO AS TO PROVIDE THAT THE DEPARTMENT OF COMMERCE SHALL ESTABLISH THE MICROENTERPRISE PARTNERSHIP PROGRAM TO PROMOTE AND FACILITATE THE DEVELOPMENT OF MICROENTERPRISES IN THIS STATE AND TO DEFINE “MICROENTERPRISE” AS A BUSINESS, WHETHER NEW OR EXISTING, INCLUDING STARTUP, HOME‑BASED, AND SELF EMPLOYMENT, WITH FIVE OR FEWER EMPLOYEES; TO PROVIDE THAT THE DEPARTMENT SHALL AWARD GRANTS TO COMMUNITY ORGANIZATIONS TO MAKE LOANS AND DEVELOP LOAN SOURCES; TO ESTABLISH CRITERIA TO BE CONSIDERED IN AWARDING GRANTS; TO PROVIDE THAT APPROPRIATED FUNDS MAY BE AWARDED AS A GRANT TO MICROLOAN DELIVERY ORGANIZATIONS AND THAT SUCH GRANTS MUST BE MATCHED BY NONSTATE FUNDS; TO PROVIDE THE PURPOSE FOR WHICH GRANT FUNDS MAY BE EXPENDED; TO PROVIDE CERTAIN PROVISIONS THAT MUST BE IN A CONTRACT BETWEEN THE DEPARTMENT AND A STATEWIDE MICROLENDING SUPPORT ORGANIZATION; AND TO REQUIRE THE STATE TO SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 3512 -- Reps. Quinn and J.E. Smith: A BILL TO AMEND SECTION 61‑6‑1560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISCOUNTS ON ALCOHOLIC LIQUORS OR NONALCOHOLIC ITEMS, SO AS TO ALLOW A RETAIL DEALER TO OFFER DISCOUNTS AT THE REGISTER THROUGH THE USE OF PREMIUMS, COUPONS, OR STAMPS, SO LONG AS THE COST RELATED TO THE DISCOUNT IS PROVIDED ONLY BY THE RETAIL DEALER AND IS NOT PROHIBITED BY FEDERAL LAW; AND TO AMEND SECTION 61‑6‑1500, RELATING TO RESTRICTIONS ON RETAIL DEALERS OF CERTAIN ALCOHOLIC PRODUCTS, SO AS TO PROHIBIT CERTAIN TRANSACTIONS TO ANOTHER RETAIL DEALER IN CERTAIN SITUATIONS, TO PROHIBIT CERTAIN TRANSACTIONS BETWEEN LOCATIONS OWNED BY THE SAME RETAIL DEALER, AND TO PROVIDE ADDITIONAL PENALTIES.

Ordered for consideration tomorrow.

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

H. 4921 -- Reps. Bingham, Allison, Anthony and Hayes: A JOINT RESOLUTION TO PROVIDE THAT NOTWITHSTANDING ANOTHER PROVISION OF LAW, SCHOOL DISTRICTS UNIFORMLY MAY NEGOTIATE SALARIES BELOW THE SCHOOL DISTRICT SALARY SCHEDULE FOR THE 2014‑2015 SCHOOL YEAR FOR RETIRED TEACHERS WHO ARE NOT PARTICIPANTS IN THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM.

Ordered for consideration tomorrow.

**Appointments Reported**

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable report on:

**Statewide Appointments**

Reappointment, South Carolina Workers’ Compensation Commission, with the term to commence June 30, 2014, and to expire June 30, 2020

At-Large:

Aisha K. Taylor, 156 Seaton Ridge Dr., Blythewood, SC 29016

Received as information.

Reappointment, South Carolina Workers’ Compensation Commission, with the term to commence June 30, 2014, and to expire June 30, 2020

At-Large:

Avery Bland Wilkerson, Jr., 329 Tamwood Circle, Cayce, SC 29033

Received as information.

Initial Appointment, South Carolina Workers’ Compensation Commission, with the term to commence June 30, 2014, and to expire June 30, 2016

Chairman:

T. Scott Beck, 1022 Indian Fork Rd., Chapin, SC 29036

Received as information.

Reappointment, South Carolina Workers’ Compensation Commission, with the term to commence June 30, 2014, and to expire June 30, 2020

At-Large:

T. Scott Beck, 1022 Indian Fork Rd., Chapin, SC 29036

Received as information.

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2013, and to expire June 30, 2017

2nd Congressional District:

Margaret Jo B. Hecker, 409 Longtown Rd. West, Blythewood, SC 29016

Received as information.

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

**Statewide Appointments**

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2011, and to expire July 1, 2014

South Carolina Association of Public School Administrators:

Betty T. Bagley, 104 McPhail Farms Circle, Anderson, SC 29621 *VICE* Thomas Siler

Received as information.

Reappointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2014, and to expire July 1, 2017

South Carolina Association of Public School Administrators:

Betty T. Bagley, 104 McPhail Farms Circle, Anderson, SC 29621

Received as information.

**HOUSE CONCURRENCES**

The following Concurrent Resolutions were returned from the House with concurrence and received as information:

S. 1205 -- Senators Matthews and Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE COURAGE AND SACRIFICE OF THE ELLOREE 21 IN ORANGEBURG COUNTY, A GROUP OF TEACHERS IN ELLOREE WHO CHANGED THE COURSE OF HISTORY OF THE CIVIL RIGHTS MOVEMENT IN SOUTH CAROLINA, AND TO COMMEND THEIR ROLE IN SECURING EQUALITY FOR AFRICAN‑AMERICAN CITIZENS OF OUR STATE.

S. 1209 -- Senators Courson, Peeler, Setzler and Jackson: A CONCURRENT RESOLUTION TO HONOR DR. DONALD L. FOWLER FOR HIS DISTINGUISHED CAREER IN PUBLIC SERVICE AND TO CONGRATULATE HIM ON A HALF CENTURY OF TEACHING AT THE UNIVERSITY OF SOUTH CAROLINA.

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

**CARRIED OVER**

H. 3459 -- Reps. Sandifer, Bales, J.E. Smith and Erickson: A BILL TO AMEND SECTION 40‑2‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA BOARD OF ACCOUNTANCY, SO AS TO PROVIDE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION SHALL DESIGNATE CERTAIN PERSONNEL FOR THE EXCLUSIVE USE OF THE BOARD, TO PROHIBIT THE DEPARTMENT FROM ASSIGNING OTHER WORK TO THESE PERSONNEL WITHOUT APPROVAL OF THE BOARD, AND TO PROVIDE THESE PERSONNEL MAY BE TERMINATED BY THE DIRECTOR OF A MAJORITY OF THE BOARD; TO AMEND SECTION 40‑2‑30, RELATING TO THE PRACTICE OF ACCOUNTANCY, SO AS TO PROVIDE A CERTIFIED PUBLIC ACCOUNTANT LICENSED BY THE BOARD IS EXEMPT FROM LICENSURE REQUIREMENTS OF PRIVATE SECURITY AND INVESTIGATION AGENCIES; AND TO AMEND SECTION 40‑2‑70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD MAY CONDUCT PERIODIC INSPECTIONS OF LICENSEES OR FIRMS; AND TO AMEND SECTION 40‑2‑80, RELATING TO INVESTIGATIONS OF ALLEGED VIOLATIONS, SO AS TO PROVIDE THE DEPARTMENT SHALL DIRECT THE INVESTIGATOR ASSIGNED TO THE BOARD TO INVESTIGATE AN ALLEGED VIOLATION TO DETERMINE THE EXISTENCE OF PROBABLE CAUSE MERITING FURTHER PROCEEDINGS.

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

H. 3797 -- Reps. Sandifer and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑90‑165 SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF INSURANCE MAY DECLARE A CAPTIVE INSURANCE COMPANY INACTIVE IN CERTAIN CIRCUMSTANCES AND THAT THE DIRECTOR MAY MODIFY THE MINIMUM TAX PREMIUM APPLICABLE TO THE COMPANY DURING INACTIVITY; BY ADDING SECTION 38‑90‑215 SO AS TO PROVIDE A PROTECTED CELL MAY BE EITHER INCORPORATED OR UNINCORPORATED, AND TO PROVIDE REQUIREMENTS FOR EACH; BY ADDING SECTION 38‑90‑250 SO AS TO PROVIDE THE DEPARTMENT MUST CONSIDER A LICENSED CAPTIVE INSURANCE COMPANY THAT MEETS THE REQUIREMENTS OF AN INSURER FOR ISSUANCE OF A CERTIFICATE OF AUTHORITY TO ACT AS AN INSURER; TO AMEND SECTION 38‑90‑10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE ADDITIONAL TERMS AND REVISE DEFINITIONS OF CERTAIN EXISTING TERMS; TO AMEND SECTION 38‑90‑20, AS AMENDED, RELATING TO THE DOCUMENTATION REQUIRED FOR LICENSING CAPTIVE INSURANCE COMPANIES, SO AS TO REMOVE THE REQUIREMENT OF A CERTIFICATE OF GENERAL GOOD ISSUED BY THE DIRECTOR; TO AMEND SECTION 38‑90‑35, RELATING TO THE CONFIDENTIALITY OF INFORMATION CONCERNING CAPTIVE INSURANCE COMPANIES SUBMITTED TO THE DEPARTMENT OF INSURANCE, SO AS TO REVISE REQUIREMENTS FOR MAKING THE INFORMATION SUBJECT TO DISCOVERY IN A CIVIL ACTION; TO AMEND SECTION 38‑90‑40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS, SECURITY REQUIREMENTS, AND RESTRICTIONS ON DIVIDEND PAYMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE FORM OF CAPITAL REQUIRED FOR A CAPTIVE INSURANCE COMPANY THAT IS NOT A SPONSORED CAPTIVE INSURANCE COMPANY THAT ASSUMES RISK, AND TO REVISE REQUIREMENTS FOR CONTRIBUTIONS TO A CAPTIVE INSURANCE COMPANY INCORPORATED AS A NONPROFIT, AMONG OTHER THINGS; TO AMEND SECTION 38‑90‑50, AS AMENDED, RELATING TO FREE SURPLUS REQUIREMENTS OF A CAPTIVE INSURANCE COMPANY, SO AS TO REVISE THE FORM OF CAPITAL REQUIRED FOR A CAPTIVE INSURANCE COMPANY THAT IS NOT A SPONSORED CAPTIVE INSURANCE COMPANY THAT ASSUMES RISK; TO AMEND SECTION 38‑90‑55, AS AMENDED, RELATING TO THE INCORPORATION OF CAPTIVE INSURANCE COMPANIES, SO AS TO DELETE PROVISIONS CONCERNING THE MINIMUM NUMBER AND STATUS OF INCORPORATORS, PREREQUISITES TO TRANSMITTING ARTICLES OF INCORPORATION TO THE SECRETARY OF STATE, AND THE ISSUANCE OF CAPITAL STOCK AT PAR VALUE; TO AMEND SECTION 38‑90‑60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE AVAILABLE OPTIONS; TO AMEND SECTION 38‑90‑80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF CAPTIVE INSURANCE COMPANIES BY THE DEPARTMENT, SO AS TO DELETE REFERENCES TO PURE CAPTIVE INSURANCE COMPANIES AND SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38‑90‑90, AS AMENDED, RELATING TO THE SUSPENSION OR REVOCATION OF A CAPTIVE INSURANCE LICENSE, SO AS TO MAKE A GRAMMATICAL CHANGE; TO AMEND SECTION 38‑90‑100, AS AMENDED, RELATING TO THE LOANS BY CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE A SPONSORED CAPTIVE INSURANCE COMPANY MAY MAKE LOANS TO ITS PARENT COMPANY IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38‑90‑130, AS AMENDED, RELATING THE PROHIBITION AGAINST PARTICIPATION IN PLAN, POOL, ASSOCIATION, GUARANTY, OR INSOLVENCY FUNDS BY CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE CAPTIVE INSURANCE COMPANIES, INCLUDING PURE CAPTIVE INSURANCE COMPANIES, MAY PARTICIPATE IN A POOL FOR THE PURPOSE OF COMMERCIAL RISK SHARING, AMONG OTHER THINGS; TO AMEND SECTION 38‑90‑180, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS RELATING TO INSURANCE, SO AS TO PROVIDE REQUIREMENTS FOR THE NAME OF NEW CAPTIVE INSURANCE COMPANIES, TO PROVIDE CIRCUMSTANCES IN WHICH A SPONSORED CAPTIVE INSURANCE COMPANY MAY ESTABLISH PROTECTED CELLS, INCLUDING REQUIREMENTS FOR A PLAN OF OPERATION, THE ATTRIBUTIONS OF ASSETS AND LIABILITIES BETWEEN A PROTECTED CELL AND THE GENERAL ACCOUNT OF THE SPONSORED CAPTIVE INSURANCE COMPANY, AND ADMINISTRATIVE AND ACCOUNTING PROCEDURES; TO AMEND SECTION 38‑90‑210, RELATING TO THE SEPARATE ACCOUNTING OF PROTECTED CELLS WHEN ESTABLISHED, SO AS TO REQUIRE THIS ACCOUNTING MUST REFLECT THE PARTICIPANTS OF THE PROTECTED CELL IN ADDITION TO EXISTING REQUIREMENTS; TO AMEND SECTION 38‑90‑220, AS AMENDED, RELATING TO CERTAIN REQUIREMENTS APPLICABLE TO SPONSORS OF CAPTIVE INSURANCE COMPANIES, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 38‑90‑230, AS AMENDED, RELATING TO PARTICIPANTS IN SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT PROTECTED CELLS ASSETS ARE ONLY AVAILABLE TO CREDITORS OF THE SPONSORED CAPTIVE INSURANCE COMPANY AND RELATED REQUIREMENTS, AND TO PROVIDE REQUIREMENTS CONCERNING OBLIGATIONS OF SPONSORED CAPTIVE INSURANCE COMPANIES WITH RESPECT TO PROTECTED CELLS AND ITS GENERAL ACCOUNT; TO AMEND SECTION 38‑90‑240, RELATING TO THE ELIGIBILITY OF A LICENSED CAPTIVE INSURANCE COMPANY FOR CERTIFICATE OF AUTHORITY TO ACT AS INSURER, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE FOR WHO MAY PARTICIPATE IN A SPONSORED CAPTIVE INSURANCE COMPANY AND OBLIGATIONS OF THESE PARTICIPANTS, AND TO PROVIDE SPONSORED CAPTIVE INSURANCE COMPANIES MAY NOT BE USED TO FACILITATE INSURANCE SECURITIZATION TRANSACTIONS; TO AMEND SECTION 38‑90‑450, AS AMENDED, RELATING TO ORGANIZATION REQUIREMENTS FOR SPECIAL PURPOSE FINANCIAL CAPTIVES, SO AS TO DELETE PROVISIONS CONCERNING THE MINIMUM NUMBER AND STATUS OF INCORPORATORS, AND PREREQUISITES TO TRANSMITTING ARTICLES OF INCORPORATION TO THE SECRETARY OF STATE; AND TO REPEAL SECTION 38‑90‑235 RELATING TO TERMS AND CONDITIONS FOR PROTECTED CELL INSURANCE COMPANIES TO APPLY TO SPONSORED CAPTIVE INSURANCE COMPANIES.

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

S. 375 -- Senators Hutto, L. Martin, Johnson and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 6 SO AS TO ENACT THE “DILAPIDATED BUILDINGS ACT”, TO PROVIDE DEFINITIONS, TO PROVIDE THAT A MUNICIPALITY MAY BRING A CAUSE OF ACTION AGAINST THE OWNER OF PROPERTY NOT IN SUBSTANTIAL COMPLIANCE WITH CERTAIN MUNICIPAL ORDINANCES, TO IDENTIFY WHO MAY SERVE AS A COURT‑APPOINTED RECEIVER FOR PROPERTY SUBJECT TO THIS CAUSE OF ACTION, TO DESIGNATE THE POWERS OF A COURT‑APPOINTED RECEIVER, TO ESTABLISH REPORTING REQUIREMENTS OF THE MUNICIPALITY CONCERNING A VIOLATION AGAINST WHICH THE MUNICIPALITY MAY BRING A CAUSE OF ACTION UNDER THIS ACT, AND TO PROVIDE CERTAIN REMEDIES AND PROCEDURES.

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

H. 3124 -- Reps. Bingham, Taylor, Long and M.S. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑7‑315 SO AS TO PROHIBIT AN EMPLOYER FROM DISMISSING, DEMOTING, SUSPENDING, OR DISCIPLINING AN EMPLOYEE WHO REPORTS CHILD ABUSE OR NEGLECT, WHETHER REQUIRED OR PERMITTED TO REPORT; AND TO CREATE A CAUSE OF ACTION FOR REINSTATEMENT AND BACK PAY WHICH AN EMPLOYEE MAY BRING AGAINST AN EMPLOYER WHO VIOLATES THIS PROHIBITION.

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

H. 3191 -- Reps. Cole and Tallon: A BILL TO AMEND SECTIONS 56‑5‑130 AND 56‑5‑140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERMS “MOTOR VEHICLE” AND “MOTORCYCLE”, SO AS TO PROVIDE THAT MOPEDS ARE MOTOR VEHICLES AND NOT MOTORCYCLES.

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

H. 4259 -- Reps. Goldfinch and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑17‑760 SO AS TO ENACT THE “SOUTH CAROLINA MILITARY SERVICE INTEGRITY AND PRESERVATION ACT”, TO PROVIDE THAT A PERSON WHO, WITH THE INTENT OF SECURING A TANGIBLE BENEFIT, KNOWINGLY AND FALSELY REPRESENTS HIMSELF TO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES OR TO HAVE BEEN AWARDED A DECORATION, MEDAL, RIBBON, OR OTHER DEVICE AUTHORIZED BY CONGRESS OR PURSUANT TO FEDERAL LAW FOR THE ARMED FORCES OF THE UNITED STATES, IS GUILTY OF A MISDEMEANOR.

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

S. 894 -- Senators Massey and Alexander: A BILL TO AMEND CHAPTER 1, TITLE 14 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS APPLICABLE TO COURTS, BY ADDING SECTION 14‑1‑240, TO PROVIDE THAT A FIVE DOLLAR SURCHARGE TO FUND TRAINING AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL BE LEVIED ON ALL FINES, FORFEITURES, ESCHEATMENTS, OR OTHER MONETARY PENALTIES IMPOSED IN THE GENERAL SESSIONS COURT OR IN MAGISTRATES OR MUNICIPAL COURT FOR MISDEMEANOR TRAFFIC OFFENSES OR FOR NONTRAFFIC VIOLATIONS.

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

S. 1187 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE MANUFACTURED HOUSING BOARD, RELATING TO FINANCIAL RESPONSIBILITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4438, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1188 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CONTRACTORS LICENSING BOARD, RELATING TO REGULATIONS ADMINISTERING FIRE PROTECTION SPRINKLER SYSTEMS ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4418, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1207 -- Medical Affairs Committee: A BILL TO AMEND SECTION 24‑21‑440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERIODS OF PROBATION, SO AS TO TOLL THE PERIOD DURING PERIODS OF CIVIL COMMITMENT; TO AMEND SECTION 24‑21‑560, AS AMENDED, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO TOLL THE COMMUNITY SUPERVISION PERIOD DURING PERIODS OF CIVIL COMMITMENT; AND TO AMEND SECTION 24‑21‑670, RELATING TO PERIODS OF PAROLE, SO AS TO TOLL THE PAROLE PERIOD DURING PERIODS OF CIVIL COMMITMENT.

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

H. 4873 -- Rep. Cobb‑Hunter: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA’S YOUNG PEOPLE AND TO THE PREVENTION OF CHILD ABUSE AND NEGLECT AND TO DECLARE THE MONTH OF APRIL AS “CHILD ABUSE PREVENTION MONTH” IN THE STATE OF SOUTH CAROLINA.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 919 -- Senator L. Martin: A BILL TO AMEND SECTION 43‑7‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FALSE CLAIMS, STATEMENTS, AND REPRESENTATIONS FOR PURPOSES OF QUALIFYING FOR AND RECEIVING PAYMENT FOR AND REIMBURSEMENT OF MEDICAID CLAIMS AND BENEFITS, SO AS TO PROHIBIT ANY PERSON FROM ENGAGING IN THE PROHIBITED CONDUCT AND TO EXPAND OFFENSES AND PENALTIES FOR VIOLATING THE PROVISIONS OF THE ARTICLE; AND TO AMEND SECTION 43‑7‑90, RELATING TO ENFORCEMENT OF THE ARTICLE, SO AS TO PROVIDE THE ATTORNEY GENERAL, OR A DESIGNEE, ADDITIONAL POWERS.

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

The Committee on Medical Affairs proposed the following amendment (S-919), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 31-36 and inserting:

/ (1) 'provider' ~~includes~~ means:

(a) an individual, firm, corporation, association, institution, or other legal entity which is provided, or is approved to provide, medical assistance to a recipient pursuant to the State Medical Assistance Plan and consistent with Title XIX of the Social Security Act-Medical Assistance, also known as Medicaid; and ~~a person who provides goods, services, or assistance and who is entitled or claims to be entitled to receive reimbursement, payment, or benefits under the state's Medicaid program. "Provider" also includes a person acting as an employee, representative, or agent of the provider.~~

(b) a person who acts as an employee, representative, or agent of the provider. /

Amend the bill further, page 4, by striking lines 16-19 and inserting:

/ SECTION 3. This act takes effect upon approval by the Governor, except that any provider with an offense committed between July 14, 1994, and the effective date of this act who is found in violation after the effective date of this act is considered for penalty purposes an offense pursuant to Section 43-7-60(D)(2), as added by this act. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**ENROLLED FOR RATIFICATION**

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

H. 4604 -- Reps. Sandifer, Mack and Toole: A BILL TO AMEND SECTION 40‑22‑280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE LICENSURE REQUIREMENT TO PRACTICE ENGINEERING, SO AS TO PROVIDE AN EXEMPTION FOR CERTAIN ACTIVITIES PERFORMED BY FULL‑TIME EMPLOYEES OR OTHER PERSONNEL OF A MANUFACTURING COMPANY, AND TO DEFINE NECESSARY TERMS.

**HOUSE BILL RETURNED**

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

H. 4644 -- Rep. Sandifer: A BILL TO AMEND SECTION 40‑60‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, AND SECTIONS 40‑60‑31, 40‑60‑33, 40‑60‑34, 40‑60‑35, AS AMENDED, 40‑60‑36, 40‑60‑37, 40‑60‑38, 40‑60‑80, AND 40‑60‑220, ALL RELATING TO THE SOUTH CAROLINA REAL ESTATE APPRAISERS LICENSE AND CERTIFICATION ACT, SO AS TO CONFORM THE PROVISIONS TO CERTAIN REVISED NATIONAL UNIFORM STANDARDS FOR LICENSING, CERTIFYING, AND RECERTIFYING REAL ESTATE APPRAISERS.

**THIRD READING BILLS**

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

S. 356 -- Senators Alexander and Reese: A BILL TO AMEND CHAPTER 1, TITLE 26, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTARIES PUBLIC, SO AS TO DEFINE TERMS, TO MAKE GRAMMATICAL CORRECTIONS, TO PROVIDE THAT TO BE QUALIFIED FOR A NOTARIAL COMMISSION, A PERSON MUST BE REGISTERED TO VOTE AND READ AND WRITE IN THE ENGLISH LANGUAGE, TO AUTHORIZE AND PROHIBIT CERTAIN ACTS OF A NOTARY PUBLIC, TO PROVIDE MAXIMUM FEE A NOTARY MAY CHARGE, TO PROVIDE THE PROCESS FOR GIVING A NOTARIAL CERTIFICATE, TO SPECIFY CHANGES FOR WHICH A NOTARY MUST NOTIFY THE SECRETARY OF STATE, TO PROVIDE THE ELEMENTS AND PENALTIES OF CERTAIN CRIMES RELATING TO NOTARIAL ACTS, AND TO PROVIDE THE FORM FOR A NOTARIZED DOCUMENT SENT TO ANOTHER STATE, AMONG OTHER THINGS.

S. 779 -- Senator Davis: A BILL TO AMEND CHAPTER 19, TITLE 16 OF THE 1976 CODE, RELATING TO GAMBLING AND LOTTERIES, BY ADDING SECTION 16-19-60, TO PROVIDE THAT CERTAIN SOCIAL CARD AND DICE GAMES ARE NOT UNLAWFUL.

S. 813 -- Senators Hayes, Peeler, O’Dell, Alexander, McElveen, McGill, Pinckney, Johnson, Williams and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑11‑625 SO AS TO PROVIDE A PERSON WHO, WITHOUT LEGAL CAUSE OR GOOD EXCUSE, ENTERS A PUBLIC LIBRARY AFTER HAVING BEEN WARNED BY AN EMPLOYEE, AGENT, OR REPRESENTATIVE OF THE LIBRARY NOT TO DO SO OR WITHOUT HAVING BEEN WARNED FAILS AND REFUSES, WITHOUT GOOD CAUSE OR GOOD EXCUSE, TO LEAVE IMMEDIATELY UPON BEING ORDERED OR REQUESTED TO DO SO IS GUILTY OF A MISDEMEANOR TRIABLE IN A MUNICIPAL OR MAGISTRATES COURT, AND TO PROVIDE THE PROVISIONS OF THIS SECTION MUST BE CONSTRUED AS IN ADDITION TO, AND NOT AS SUPERSEDING, ANOTHER STATUTE RELATING TO TRESPASS OR UNLAWFUL ENTRY ON LANDS OF ANOTHER.

S. 1084 -- Senators Nicholson, Scott, Williams, Hutto, Cromer, Campbell, O’Dell, Reese, Lourie, Coleman, Kimpson and Sheheen: A BILL TO AMEND SECTIONS 44‑29‑150 AND 44‑29‑160, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO PERSONS APPLYING FOR EMPLOYMENT IN SCHOOLS, KINDERGARTENS, NURSERY, OR DAYCARE CENTERS TO BE TESTED FOR AND FREE FROM ACTIVE TUBERCULOSIS AND PROVIDING THAT RETESTING OF CONSECUTIVELY RETURNING EMPLOYEES IS NOT REQUIRED, SO AS TO REQUIRE INDIVIDUALS RETURNING TO EMPLOYMENT IN CONSECUTIVE YEARS IN THESE SETTINGS TO BE TESTED AND FREE FROM TUBERCULOSIS IN AN ACTIVE STAGE.

S. 1096 -- Senators Campsen and Cromer: A BILL TO AMEND SECTION 50‑5‑1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS IMPOSED ON THE TAKING OF CERTAIN FISH, TO IMPOSE CATCH LIMITS FOR TAKING OR POSSESSING IN ANY ONE DAY A COMBINATION OF SPOT, WHITING, AND ATLANTIC CROAKER.

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

S. 459 -- Senators Sheheen, Rankin, Alexander and Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑55, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON WHO HOLDS A BEGINNER’S PERMIT OR A RESTRICTED DRIVER’S LICENSE TO DRIVE A MOTOR VEHICLE WHILE USING A CELLULAR TELEPHONE OR TEXT MESSAGING DEVICE; AND TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO DRIVE A MOTOR VEHICLE THROUGH A SCHOOL ZONE WHILE USING A CELLULAR TELEPHONE OR TEXT MESSAGING DEVICE WHEN THE SCHOOL ZONE’S WARNING LIGHTS HAVE BEEN ACTIVATED.

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

Senator MALLOY spoke on the Bill.

Senator SHEHEEN spoke on the Bill.

The question then was third reading of the Bill.

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

**Ayes 38; Nays 2**

**AYES**

Alexander Allen Bennett

Campbell Campsen Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Turner

Williams Young

**Total--38**

**NAYS**

Bright Thurmond

**Total--2**

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

**S. 459--Recorded Vote**

Senator O’DELL desired to be recorded as voting in favor of the third reading of the Bill.

**S. 459--Statement by Senator THURMOND**

While I appreciate the desire to restrict those with a beginner’s permit or restricted license from texting and driving, I don’t believe we should preempt the local municipalities from restricting texting while driving for those with normal driving privileges. I tried to limit that preemption to only beginner permits and restricted licenses through amending the Bill, but those attempts were voted down. I can’t support a Bill that would eliminate (preempt) the hard work of the municipalities in my jurisdiction, without addressing the issue that they were able to resolve.

**AMENDED, READ THE THIRD TIME**

**SENT TO THE HOUSE**

S. 862 -- Senators Shealy and Turner: A BILL TO AMEND SECTION 40‑59‑260 OF THE 1976 CODE, RELATING TO THE EXCEPTION FOR PROJECTS BY A PROPERTY OWNER FOR PERSONAL USE, TO PROVIDE THAT AN OWNER OF RESIDENTIAL PROPERTY WHO IMPROVES THE PROPERTY OR WHO BUILDS OR IMPROVES THE STRUCTURES OR APPURTENANCES ON THE PROPERTY AT A COST OF MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS SHALL NOT WITHIN TWO YEARS AFTER COMPLETION OR ISSUANCE OF A CERTIFICATE OFFER THE STRUCTURE FOR SALE OR RENT, AND CONSTRUCTION OR IMPROVEMENTS TO THE STRUCTURE, GROUP OF STRUCTURES, OR APPURTENANCES THAT COST THE OWNER‑BUILDER LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS ARE NOT EVIDENCE OF “SALE” OR “RENT” FOR THE PURPOSES OF THIS SECTION.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator GROOMS proposed the following amendment (862R012.LKG), which was adopted:

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

/ SECTION 1. Section 40‑59‑260 of the 1976 Code is amended to read:

“Section 40‑59‑260. (A) This chapter does not apply to an owner of residential property who improves the property or builds structures or appurtenances on the property if:

(1) the owner does the work himself, with his own employees, or with licensed contractors or registered entities or individuals;

(2)(a) the structure, group of structures, or appurtenances, including the improvements, are intended for the owner’s sole occupancy or occupancy by the owner’s family and are not intended for sale or rent; ~~and~~ or

(b) the owner improves existing structures or appurtenances on the property at a cost not to exceed five thousand dollars; and

(3) the general public does not have access to this structure.

(B) In an action brought under this chapter, proof of the sale or rent or the offering for sale or rent of the structure by the owner‑builder within two years after completion or issuance of a certificate or occupancy is prima facie evidence that the project was undertaken for the purpose of sale or rent, unless otherwise approved by the commission, and is subject to the penalties provided in this chapter. As used in this section, ‘sale’ or ‘rent’ includes an arrangement by which an owner receives compensation in money, provisions, chattel, or labor from the occupancy, or the transfer of the property or the structures on the property. This section does not exempt a person who is employed by the owner and who acts in the capacity of a builder or a specialty contractor of any kind.

(C) To qualify for exemption under this section, an owner must personally appear and sign the building permit application. The local permitting agency shall provide the person with a disclosure statement, provided by the department, in substantially the following form:

‘Disclosure Statement

State law requires residential construction to be done by licensed residential builders and specialty contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own builder even though you do not have a license. You must supervise the construction yourself. You may build or improve a one‑family or two‑family residence or improve an existing structure or appurtenance. ~~The building~~ Except as provided below related to improvements, if you build or improve a one-family or two-family residence, it must be for your own use and occupancy. It may not be built for sale or rent. If you sell or rent a building you have built yourself within two years after the construction is complete, the law will presume that you built it for sale or rent, which is a violation of this exemption. If you only improve the property and do not intend to live in the property for two years you may not spend more than five thousand dollars on the improvements to qualify for the exemption. You may not hire an unlicensed person as your residential builder or specialty contractor. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances. Your construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.’

(D) At the time an owner personally appears and signs the building permit application as required by subsection (C) of this section, the local permitting agency shall provide the owner with all forms necessary to comply with subsection (E) of this section.

(E) If a residential building or structure has been constructed or improved by an owner under the exemption provided for in this section, the owner of the residential building or structure must promptly file as a matter of public record a notice with the register of deeds, indexed under the owner’s name in the grantor’s index, stating that the residential building or structure was constructed or improved by the owner as an unlicensed builder. Failure to do so revokes the statutory exemption.

(F) Nothing in this chapter may be construed to authorize an owner of a residential building or structure to hire a person or entity that is not licensed or registered in accordance with this chapter.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS spoke on the amendment.

The question then was third reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--41**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

S. 1178 -- Senators Hembree and Campsen: A BILL TO AMEND ARTICLE 10, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO WILDLIFE MANAGEMENT AREAS, TO PROVIDE THAT A HUNTER’S PRIVILEGE TO PARTICIPATE IN LOTTERY HUNTS MAY BE REVOKED IF A DEPARTMENT OF NATURAL RESOURCES ENFORCEMENT OFFICER WITNESSES, OR HAS PROBABLE CAUSE TO BELIEVE THAT, A VIOLATION OF THE ARTICLE HAS OCCURRED; AND TO PROVIDE FOR REMEDIES IF THE HUNTER IS NOT CONVICTED OF VIOLATIONS OF THIS ARTICLE ARISING FROM THE LOTTERY HUNT.

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

Senator HEMBREE proposed the following amendment (1178R002.GH), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 33 and inserting:

/ revoked for the remainder of the hunt if an enforcement officer witnesses, or has probable cause /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Allen Bennett

Campbell Campsen Coleman

Corbin Courson Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Setzler

Shealy Sheheen Thurmond

Turner Williams Young

**Total--39**

**NAYS**

Bright

**Total--1**

There being no further amendments, the Bill was read the second time and ordered placed on the Third Reading Calendar.

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

**MOTION ADOPTED**

At 3:42 P.M., on motion of Senator PEELER, the Senate agreed to dispense with the balance of the Motion Period.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**Message from the House**

Columbia, S.C., April 9, 2014

Mr. President and Senators:

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

H. 4467 -- Reps. Daning, Rivers, Crosby, Southard, Jefferson and Merrill: A BILL TO AMEND SECTION 7‑7‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE VARIOUS EXISTING PRECINCTS, TO ADD TEN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Very respectfully,

Speaker of the House

Received as information.

**REPORT OF THE COMMITTEE OF FREE CONFERENCE ADOPTED**

H. 4467 -- Reps. Daning, Rivers, Crosby, Southard, Jefferson and Merrill: A BILL TO AMEND SECTION 7‑7‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE VARIOUS EXISTING PRECINCTS, TO ADD TEN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

On motion of Senator GROOMS, with unanimous consent, the Report of the Committee of Free Conference was taken up for immediate consideration.

Senator GROOMS spoke on the report.

The question then was adoption of the Report of the Committee of Free Conference.

On motion of Senator GROOMS, the Report of the Committee of Free Conference to H. 4467 was adopted as follows:

**H. 4467--Free Conference Report**

The General Assembly, Columbia, S.C., April 1, 2014

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 4467 -- Reps. Daning, Rivers, Crosby, Southard, Jefferson and Merrill: A BILL TO AMEND SECTION 7‑7‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE VARIOUS EXISTING PRECINCTS, TO ADD TEN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

That the same do pass with the following amendments:

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

/ **A BILL**

TO AMEND SECTION 7‑7‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE VARIOUS EXISTING PRECINCTS, TO ADD TEN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Amend Title To Conform

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

SECTION 1. Section 7‑7‑120 of the 1976 Code, as last amended by Act 91 of 2013, is further amended to read:

“Section 7‑7‑120. (A) In Berkeley County there are the following voting precincts:

Alvin

Bethera

Beverly Hills

Bonneau

Bonneau Beach

Central

Cainhoy

Cane Bay

Carnes Cross Road ~~No.~~ 1

Carnes Cross Road ~~No.~~ 2

Cordesville

Cross

Daniel Island ~~No.~~ 1

Daniel Island ~~No.~~ 2

Daniel Island ~~No.~~ 3

Daniel Island ~~No.~~ 4

Devon Forest ~~No.~~ 1

Devon Forest ~~No.~~ 2

Discovery

Eadytown

Foster Creek

Foxbank

Goose Creek ~~No.~~ 1

Goose Creek ~~No.~~ 2

Hanahan ~~No.~~ 1

Hanahan ~~No.~~ 2

Hanahan ~~No.~~ 3

Hanahan ~~No.~~ 4

Hanahan 5

Hilton Cross Roads

Howe Hall ~~No.~~ 1

Howe Hall ~~No.~~ 2

Huger

Jamestown

Lebanon

Liberty Hall

Macedonia

McBeth

Medway

Moncks Corner ~~No.~~ 1

Moncks Corner ~~No.~~ 2

Moncks Corner ~~No.~~ 3

Moncks Corner ~~No.~~ 4

Moultrie

Old 52

Pimlico

Pinopolis

Royle

Russellville

Sangaree ~~No.~~ 1

Sangaree ~~No.~~ 2

Sangaree ~~No.~~ 3

Seventy Eight

Shulerville

Stone Lake

St. Stephen ~~No.~~ 1

St. Stephen ~~No.~~ 2

Stratford ~~No.~~ 1

Stratford ~~No.~~ 2

Stratford ~~No.~~ 3

Stratford ~~No.~~ 4

Stratford 5

The Village

Wassamassaw ~~No.~~ 1

Wassamassaw ~~No.~~ 2

Westview ~~No.~~ 1

Westview ~~No.~~ 2

Westview ~~No.~~ 3

Westview 4

Whitesville ~~No.~~ 1

Whitesville ~~No.~~ 2

Yellow House

(B) The precinct lines defining the precincts provided in subsection (A) are as shown on the official map prepared by and on file with the Office of Research and Statistics of the State Budget and Control Board designated as document ~~P‑15‑13~~ P‑15‑14 and as shown on copies provided to the Board of Elections and Voter Registration of Berkeley County.

(C) The polling places for the precincts provided in this section must be established by the Board of Elections and Voter Registration of Berkeley County subject to the approval of a majority of the Senators and a majority of the House members of the Berkeley County Delegation.”

SECTION 2. This act takes effect July 1, 2014. /

Amend title to conform.

/s/Sen. Lawrence K. Grooms /s/Rep. Joseph S. Daning

/s/Sen. Paul G. Campbell, Jr. /s/Rep. James H. Merrill

/s/Sen. J. Yancey McGill /s/Rep. Joseph H. Jefferson

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

, and a message was sent to the House accordingly.

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

**CONCURRENCE**

S. 137 -- Senators Lourie, L. Martin, Hayes, Fair, Davis, Ford, Cromer, Grooms and Alexander: A BILL TO AMEND SECTION 56‑1‑286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A DRIVER’S LICENSE OF A PERSON UNDER THE AGE OF TWENTY‑ONE FOR HAVING AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO REVISE THE PENALTIES TO INCLUDE REQUIRING AN OFFENDER WHO OPERATES A VEHICLE TO HAVE AN IGNITION INTERLOCK DEVICE INSTALLED ON THE VEHICLE; TO AMEND SECTION 56‑1‑400, AS AMENDED, RELATING TO THE SUSPENSION OF A LICENSE, A LICENSE RENEWAL OR ITS RETURN, AND ISSUANCE OF A LICENSE THAT RESTRICTS THE DRIVER TO ONLY OPERATING A VEHICLE WITH AN IGNITION INTERLOCK DEVICE INSTALLED.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment as follows.

**Amendment No. RFH-1**

Senator MALLOY proposed the following amendment (JUD0137.025), which was tabled:

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

/ SECTION 1. This act may be cited as “Emma’s Law”.

SECTION 2. Section 56-1-286 of the 1976 Code is amended to read:

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

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

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

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

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

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

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

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

(1) six months; or

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

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

(1) three months; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At the contested case hearing if:

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

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

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

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

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

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

(1) was lawfully arrested or detained;

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

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

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

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

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

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

(d) the machine was operating properly.

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

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

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

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

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

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

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

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

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

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

SECTION 3. Section 56-1-400 of the 1976 Code is amended to read:

“Section 56-1-400. (A) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that ~~such~~ the license ~~shall~~ be surrendered to the ~~Department of Motor Vehicles~~ department. At the end of the suspension period ~~of suspension~~, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or pursuant to the point system ~~such license so surrendered shall be returned to the licensee, or in the discretion of the Department of Motor Vehicles~~, the department shall issue a new license ~~issued~~ to ~~him~~ the person. ~~The Department of Motor Vehicles~~ If the person has not held a license within the previous nine months, the department shall not ~~return nor~~ issue or restore a permanent or temporary license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and ~~has~~ satisfied the ~~Department of Motor Vehicles~~ department, after an investigation of the person's ~~character, habits, and~~ driving ability ~~of the person~~, that it would be safe to grant ~~him~~ the person the privilege of driving a motor vehicle on the public highways. ~~Provided, the Department of Motor Vehicles~~ The department, in ~~its~~ the department's discretion, where the suspension is for a violation under the point system, may waive ~~such~~ the examination, application, and investigation. A record of the suspension ~~shall~~ must be endorsed on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person, showing the grounds of ~~such~~ the suspension. ~~In the case of a license suspended for driving under the influence of intoxicants~~ If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56-5-2941, the restriction on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person~~,~~ must conspicuously identify the ~~licensee~~ person as a person who may only drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to Section ~~56-5-2941~~ 56-1-286, 56-5-2945, 56-5-2947, 56-5-2951, or 56-5-2990. For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall be placed into a special restricted account by the Comptroller General to be used by the Department of Motor Vehicles to defray the department's expenses. Unless the person establishes that ~~he~~ the person is entitled to the exemption set forth in subsection (B), no ignition interlock restricted license ~~containing an ignition interlock device restriction shall~~ may be issued by the ~~Department of Motor Vehicles~~ department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order. If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended ~~for three years from the date the suspension for driving under the influence of intoxicants ends~~ indefinitely. If ~~during this three-year period~~ the person subsequently decides to have the ignition interlock device installed, the device must be installed for the ~~full suspension period or until the end of the three-year period, whichever comes first~~ length of time set forth in Section 56-1-286, 56-5-2945, 56-5-2947, 56-5-2951, or 56-5-2990. This provision ~~shall~~ does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23 of Chapter 5 of this title.

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

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

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

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

(2) The form must contain:

(a) identifying information about the employer's noncommercial vehicles that the person will be operating;

(b) a statement that explains the circumstances in which the person will be operating the employer's vehicles; and (c) the notarized signature of the person's employer.

(3) This subsection does not apply to a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.

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

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

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

SECTION 4. Section 56-1-460 of the 1976 Code is amended to read:

“Section 56-1-460. (A)(1) Except as provided in item (2), a person who drives a motor vehicle on ~~any~~ a public highway of this State when ~~his~~ the person’s license to drive is canceled, suspended, or revoked must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for up to thirty days, or both;

(b) for a second offense, fined six hundred dollars or imprisoned for up to sixty consecutive days, or both; and

(c) for a third ~~and~~ or subsequent offense, fined one thousand dollars, and imprisoned for up to ninety days or confined to a person's place of residence pursuant to the Home Detention Act for ~~not less than~~ up to ninety days ~~nor more than six months~~. No portion of a term of imprisonment or confinement under home detention may be suspended by the trial judge except when the court is suspending a term of imprisonment upon successful completion of the terms and conditions of confinement under home detention. For purposes of this item, a person sentenced to confinement pursuant to the Home Detention Act is required to pay for the cost of such confinement.

(d) Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, an offense punishable under this item may be tried in magistrates or municipal court.

(e)(i) A person convicted of a first or second offense of this item, as determined by the records of the department, and who is employed or enrolled in a college or university at any time while ~~his~~ the person’s driver's license is suspended pursuant to this item, may apply for a route restricted driver's license permitting ~~him~~ the person to drive only to and from work or ~~his~~ the person’s place of education and in the course of ~~his~~ the person’s employment or education during the period of suspension. The department may issue the route restricted driver's license only upon a showing by the person that ~~he~~ the person is employed or enrolled in a college or university and that ~~he~~ the person lives further than one mile from ~~his~~ the person’s place of employment or place of education.

(ii) When the department issues a route restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A person holding a route restricted driver's license pursuant to this item ~~must~~ shall report to the department immediately any change in ~~his~~ the person’s employment hours, place of employment, status as a student, or residence.

(iii) The fee for a route restricted driver's license issued pursuant to this item is one hundred dollars, but no additional fee is due when changes occur in the place and hours of employment, education, or residence. Of this fee, eighty dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses. The remainder of the fees collected pursuant to this item must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund.

(iv) The operation of a motor vehicle outside the time limits and route imposed by a route restricted license ~~by the person issued that license~~ is a violation of subsection (A)(1).

(2) A person who drives a motor vehicle on ~~any~~ a public highway of this State when ~~his~~ the person’s license has been suspended or revoked pursuant to the provisions of Section 56‑5‑2990 or 56-5-2945 must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for not less than ten nor more than thirty days;

(b) for a second offense, fined six hundred dollars or imprisoned for not less than sixty days nor more than six months;

(c) for a third ~~and~~ or subsequent offense, fined one thousand dollars and imprisoned for not less than six months nor more than three years;

~~(d)~~ ~~no~~No portion of the minimum sentence imposed ~~under~~ pursuant to this item may be suspended.

(B) The Department of Motor Vehicles, upon receiving a record of ~~the conviction of any person under~~ a person’s conviction pursuant to this section upon a charge of driving a vehicle while ~~his~~ the person’s license was suspended for a definite period of time, shall extend the suspension period ~~of the suspension~~ for an additional like period. If the original period of suspension has expired or terminated before trial and conviction, the department shall again suspend the person’s license ~~of the person~~ for an additional like period of time. If the suspension is not for a definite period of time, the suspension must be for an additional three months. If the license of a person cited for a violation of this section is suspended solely pursuant to the provisions of Section 56‑25‑20, the additional period of suspension pursuant to this section is thirty days, and the person does not have to offer proof of financial responsibility as required ~~under~~ pursuant to Section 56‑9‑500 prior to ~~his~~ the person’s license being reinstated. If the conviction was for a charge of driving while a license was revoked, the department shall not issue a new license for an additional period of one year from the date the person could otherwise have applied for a new license. Only those violations which occurred within a period of five years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.

(C) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.”

SECTION 5. Section 56-1-748 of the 1976 Code is amended to read:

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

(B) A person who obtains a route restricted driver’s license and who is required to attend an Alcohol and Drug Safety Action Program or a court ordered drug program as a condition of reinstatement of the person’s driving privileges may use the route restricted driver’s license to attend the Alcohol and Drug Safety Action Program classes or court ordered drug program in addition to the other permitted uses of the route restricted driver’s license.”

SECTION 6. Section 56-1-1310 of the 1976 Code is repealed.

SECTION 7. Section 56-1-1320 of the 1976 Code is amended to read:

“Section 56-1-1320. (A) A person with a South Carolina driver's license, a person who had a South Carolina driver's license at the time of the offense referenced below, or a person exempted from the licensing requirements by Section 56‑1‑30, who is or has been convicted of a first offense violation of ~~an ordinance of~~ a ~~municipality, or~~ a law of this State~~,~~ that prohibits a person from operating a vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including ~~Section~~ Sections 56‑5‑2930 and ~~Section~~ 56‑5‑2933, and whose license is not presently suspended for any other reason, may apply to the Department of Motor Vehicles to obtain a provisional driver's license of a design to be determined by the department to operate a motor vehicle. This section does not apply to a person who refused to submit to a breath test pursuant to Section 56-5-2950 or submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of twelve one hundredths of one percent or more. The person shall enter an Alcohol and Drug Safety Action Program ~~as provided for in~~ pursuant to Section 56‑1‑1330, ~~shall furnish proof of responsibility as provided for in Section 56‑1‑1350~~, and shall pay to the department a fee of one hundred dollars for the provisional driver's license. The provisional driver's license is not valid for more than six months from the date of issue shown on the license. ~~The determination of whether or not a provisional driver's license may be issued pursuant to the provisions of this article as well as reviews of cancellations or suspensions under Sections 56‑1‑370 and 56‑1‑820 must be made by the director of the department or his designee.~~

(B) Ninety‑five dollars of the collected fee must be credited to the State’s General Fund ~~of the State~~ for use of the Department of Public Safety in the hiring, training, and equipping of members of the South Carolina Highway Patrol and Transportation Police and in the operations of the South Carolina Highway Patrol and Transportation Police.”

SECTION 8. Section 56-1-1350 of the 1976 Code is repealed.

SECTION 9. Section 56-5-2941 of the 1976 Code is amended to read:

“Section 56-5-2941. (A) ~~Except as otherwise provided in this section, in addition to the penalties required and authorized to be imposed against a person violating the provisions of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or violating the provisions of another law of any other another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs the~~ The Department of Motor Vehicles ~~must~~ shall require ~~the~~ a person~~, if he is a subsequent offender and~~ who is a resident of this State~~,~~ and who has violated the provisions of Section 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, to have installed on any motor vehicle the person drives an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This section does not apply to a person convicted of a first offense violation of Section 56-5-2930 or 56-5-2933, unless the person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of twelve one hundredths of one percent or more. The ~~Department of Motor Vehicles~~ department may waive the requirements of this section if ~~it finds~~ the department determines that the ~~offender~~ person has a medical condition that makes ~~him~~ the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person’s driver’s license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person’s medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver’s license suspension or denial of the issuance of a driver’s license or permit to have an ignition interlock device installed on any motor vehicle the person drives.

The length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle ~~following the completion of a period of license suspension imposed on the offender person is two years for a second offense, three years for a third offense, and the remainder of the offender's person’s life for a fourth or subsequent offense~~ is set forth in Sections 56-1-286, 56-5-2945, 56-5-2947, 56-5-2951, and 56-5-2990.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle's records for offenses pursuant to Section 56-1-286, 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, 56-5-2947, 56-5-2950, or 56-5-2951.

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

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

~~(D)~~(E) The ~~offender shall~~ person must be subject to an Ignition Interlock Device Point System managed by the Department of Probation, Parole and Pardon Services. ~~An offender receiving~~ A person accumulating a total of:

(1) two points or more, but less than three points, ~~will~~ must have ~~their~~ the length of time that the ~~interlock~~ device is required extended by two months~~.~~;

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

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

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

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

~~(G)~~(H)(1) The ~~offender must~~ person shall have the ~~interlock~~ device inspected every sixty days to verify that the device is affixed to the motor vehicle and properly operating, and to allow for the preparation of an ignition interlock device inspection report by the service provider indicating the ~~offender's~~ person’s alcohol content at each attempt to start and running ~~re-test~~ retest during each sixty‑day period. Failure of the person to have the interlock device inspected every sixty days must result in one ignition interlock device point.

(2) Only a service provider authorized by the Department of Probation, Parole and Pardon Services to perform inspections on ignition interlock devices may conduct inspections. The service provider immediately ~~must~~ shall report ~~any~~ devices that fail inspection to the Department of Probation, Parole and Pardon Services. The report must contain the person’s name ~~of the offender~~, identify the vehicle upon which the failed device is installed, and the reason for the failed inspection~~, and~~.

(3) If the inspection report reflects that the person has failed to complete a running retest, the person must be assessed one ignition interlock device point.

(4) The inspection report must indicate the ~~offender's~~ person’s alcohol content at each attempt to start and running ~~re‑test~~ retest during each sixty‑day period. ~~Failure of the offender to have the interlock device inspected every sixty days will result in one ignition interlock device point. Upon review of the ignition interlock device inspection report, if the report reflects that the offender attempted to start the motor vehicle with an alcohol concentration of two one‑hundredths of one percent or more, the offender is assessed one‑half interlock device point. Upon review of the interlock device inspection report, if~~ If the report reflects that the ~~offender~~ person violated a running ~~re‑test~~ retest by having an alcohol concentration of:

(a) ~~between~~ two one‑hundredths of one percent or more ~~and~~ but less than four one‑hundredths of one percent, the ~~offender is~~ person must be assessed one‑half ignition interlock device point~~.~~;

(b) ~~Upon review of the interlock device inspection report, if the report reflects that the offender person violated a running re‑test retest by having an alcohol concentration between~~ four one‑hundredths of one percent or more ~~and~~ but less than fifteen one‑hundredths of one percent, the ~~offender is~~ person must be assessed one ignition interlock device point~~.~~; or

(c) ~~Upon review of the interlock device inspection report, if the report reflects that the offender person violated a running re‑test retest by having an alcohol concentration above~~ fifteen one‑hundredths of one percent or more, the ~~offender is~~ person must be assessed two ignition interlock device points.

(5) ~~An individual~~ A person may appeal ~~any~~ interlock device points received to an administrative hearing officer with the Department of Probation, Parole and Pardon Services through a process established by the Department of Probation, Parole and Pardon Services. The administrative hearing officer's decision on appeal ~~shall be~~ is final and no appeal ~~from such decision shall be~~ is allowed.

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

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

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year. The person must have the length of time that the ignition interlock device is required extended by six months;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five thousand dollars or imprisoned not more than three years. The person must have the length of time that the ignition interlock device is required extended by one year; and

(c) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than ten thousand dollars or imprisoned not more than ten years. The person must have the length of time that the ignition interlock device is required extended by three years.

(2) No portion of the minimum sentence imposed pursuant to this subsection may be suspended.

(3) Notwithstanding any other provision of law, a first or second offense punishable pursuant to this subsection may be tried in summary court.

~~(J)~~(K)(1) ~~An offender that~~ A person who is required in the course and scope of ~~his~~ the person’s employment to drive a motor vehicle owned by the ~~offender's~~ person’s employer may drive ~~his~~ the employer's motor vehicle without installation of an ignition interlock device, provided that the ~~offender's~~ person’s use of the employer's motor vehicle is solely for the employer's business purposes. This subsection does not apply to ~~an offender~~ a person who is self‑employed or to ~~an offender~~ a person who is employed by a business owned in whole or in part by the ~~offender~~ person or a member of the ~~offender's~~ person’s household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.

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

(3) This subsection will be construed in parallel with the requirements of subsection 56-1-400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in subsection 56-1-400(B).

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

~~(L)~~(M) It is unlawful for a person to knowingly rent, lease, or otherwise provide ~~an offender~~ a person who is subject to this section with a motor vehicle without a properly operating, certified ignition interlock device. This subsection does not apply if the person began the lease contract period for the motor vehicle prior to the person’s arrest for a first offense violation of Section 56-5-2930 or Section 56-5-2933. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

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

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

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

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

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

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

~~(P)~~(Q) In addition to availability under the Freedom of Information Act, any Department of Probation, Parole and Pardon Services policy concerning ignition interlock devices must be made publicly accessible on the Department of Probation, Parole and Pardon ~~Service's~~ Services’ Internet web site. Information obtained by the Department of Probation, Parole and Pardon Services and ignition interlock service providers regarding a person’s participation in the Ignition Interlock Device Program is to be used for internal purposes only and is not subject to the Freedom of Information Act. A person participating in the Ignition Interlock Device Program or the person’s family member may request that the Department of Probation, Parole and Pardon Services provide the person or family member with information obtained by the department and ignition interlock service providers. The Department of Probation, Parole and Pardon Services may release the information to the person or family member at the department’s discretion. The Department of Probation, Parole and Pardon Services and ignition interlock service providers may retain information regarding a person’s participation in the Ignition Interlock Device Program for a period not to exceed eighteen months from the date of the person’s completion of the Ignition Interlock Device Program.

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

SECTION 10. Section 56-5-2942 of the 1976 Code is amended to read:

“Section 56-5-2942. (A) A person who is convicted of or pleads guilty or nolo contendere to a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 must have all motor vehicles owned by or registered to ~~him~~ the person immobilized if the person is a resident of this State, unless the vehicle has been confiscated pursuant to Section 56‑5‑6240 or the person is a holder of a valid ignition interlock restricted license.

(B) For purposes of this section, ‘immobilized’ and ‘immobilization’ mean suspension and surrender of the registration and motor vehicle license plate.

(C) Upon receipt of a conviction by the department from the court for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, the department ~~must~~ shall determine all vehicles registered to the ~~convicted~~ person, both solely and jointly, and suspend all vehicles registered to the person, unless the person is a holder of a valid ignition interlock restricted license.

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

(E) An immobilized motor vehicle must be released to the holder of a bona fide lien on the motor vehicle when possession of the motor vehicle is requested, as provided by law, by the lienholder for the purpose of foreclosing on and satisfying the lien.

(F) An immobilized motor vehicle may be released by the department without legal or physical restraints to a person who has not been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, if that person is a registered owner of the motor vehicle or a member of the household of a registered owner. The vehicle must be released if an affidavit is submitted by that person to the department stating that:

(1) ~~he~~ the person regularly drives the motor vehicle subject to immobilization;

(2) the immobilized motor vehicle is necessary to ~~his~~ the person’s employment, transportation to an educational facility, or for the performance of essential household duties;

(3) no other motor vehicle is available for the person's use;

(4) the person will not authorize the use of the motor vehicle by any other person known by ~~him~~ the person to have been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945; or

(5) the person will report immediately to a local law enforcement agency any unauthorized use of the motor vehicle by a person known by ~~him~~ the person to have been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(G) The department may issue a determination permitting or denying the release of the vehicle based on the affidavit submitted pursuant to subsection (F). A person may seek relief from a department determination immobilizing a motor vehicle or denying the release of the motor vehicle by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

(H) A person who drives an immobilized motor vehicle except as provided in subsections (E) and (F) is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(I) A person who fails to surrender registrations and license plates pursuant to this section is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(J) A fee of fifty dollars must be paid to the department for each motor vehicle that was suspended before any of the suspended registrations and license plates may be registered or before the motor vehicle may be released pursuant to subsection (F). This fee must be placed by the Comptroller General into a special restricted interest bearing account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses.

(K) For purposes of this article, a conviction of or plea of nolo contendere to Section 56‑5‑2933 is considered a prior offense of Section 56‑5‑2930.”

SECTION 11. Section 56-5-2945 of the 1976 Code is amended to read:

“Section 56-5-2945. (A) A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a motor vehicle and when driving a motor vehicle does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes great bodily injury or death to ~~a~~ another person ~~other than himself~~, is guilty of the offense of felony driving under the influence, and, upon conviction, must be punished:

(1) by a mandatory fine of not less than five thousand one hundred dollars nor more than ten thousand one hundred dollars and mandatory imprisonment for not less than thirty days nor more than fifteen years when great bodily injury results;

(2) by a mandatory fine of not less than ten thousand one hundred dollars nor more than twenty‑five thousand one hundred dollars and mandatory imprisonment for not less than one year nor more than twenty‑five years when death results.

A part of the mandatory sentences required to be imposed by this section must not be suspended, and probation must not be granted for any portion.

(B) As used in this section, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(C)(1) The Department of Motor Vehicles ~~must~~ shall suspend the driver's license of a person who is convicted ~~or who receives sentence upon a plea of guilty or nolo contendere~~ pursuant to this section ~~for a period to include a period of incarceration plus three years for a conviction of Section 56‑5‑2945 when ‘great bodily injury’ occurs and five years when a death occurs. This period of incarceration shall must not include any portion of a suspended sentence such as probation, parole, supervised furlough, or community supervision.~~ For suspension purposes of this section, convictions arising out of a single incident shall must run concurrently.

(2) After the person is released from prison, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three years when ‘great bodily injury’ results and five years when a death occurs.

~~(C)~~(D) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.”

SECTION 12. Section 56-5-2947 of the 1976 Code is amended to read:

“Section 56-5-2947. (A) A person eighteen years of age or ~~over~~ older is guilty of child endangerment when:

(1) the person ~~is in violation of~~ violates:

(a) Section 56‑5‑750;

(b) Section 56‑5‑2930;

(c) Section 56‑5‑2933; or

(d) Section 56‑5‑2945; and

(2) the person has one or more passengers ~~under~~ younger than sixteen years of age in the motor vehicle when the violation occurs.

If more than one passenger ~~under~~ younger than sixteen years of age is in the vehicle when a violation ~~of subsection (A)(1)~~ occurs, the person may be charged with only one violation of this section.

(B) Upon conviction, the person must be ~~punished by~~:

(1) ~~a fine of~~ fined not more than one‑half of the maximum fine allowed for committing the violation ~~enumerated~~ in subsection (A)(1), when the person is fined for that offense;

(2) ~~a term of imprisonment of~~ imprisoned not more than one‑half of the maximum term of imprisonment allowed for committing the violation ~~enumerated~~ listed in subsection (A)(1), when the person is imprisoned for the offense; or

(3) ~~both a fine and imprisonment~~ fined and imprisoned as prescribed in items (1) and (2) when the person is fined and imprisoned for the offense.

(C) No portion of the penalty assessed ~~under~~ pursuant to subsection (B) may be suspended or revoked and probation may not be awarded.

(D)(1) In addition to imposing the penalties for offenses ~~enumerated~~ listed in subsection (A)(1) and the penalties contained in subsection (B), the Department of Motor Vehicles ~~must~~ shall suspend the person's driver's license ~~for sixty days~~.

(2) The person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three months.

(3) Sections 56‑1‑1320 and 56‑5‑2990 as they relate to enrollment in an alcohol and drug safety action program and to the issuance of a provisional driver's license will not be effective until the ~~sixty‑day suspension~~ ignition interlock restricted license period is completed.

(E) A person may be convicted ~~under~~ pursuant to this section for child endangerment in addition to being convicted for an offense ~~enumerated~~ listed in subsection (A)(1).

(F) The court that has jurisdiction over an offense ~~enumerated~~ listed in subsection (A)(1) has jurisdiction over the offense of child endangerment.

(G) A first offense charge for a violation of this section may not be used as the only evidence for taking a child into protective custody pursuant to Sections 63‑7‑620(A) and 63‑7‑660.”

SECTION 13. Section 56-5-2950 of the 1976 Code is amended to read:

“Section 56-5-2950. (A) A person who drives a motor vehicle in this State is considered to have given consent to chemical tests of ~~his~~ the person’s breath, blood, or urine for the purpose of determining the presence of alcohol, ~~or~~ drugs, or the combination of alcohol and drugs, if arrested for an offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs. A breath test must be administered at the direction of a law enforcement officer who has arrested a person for driving a motor vehicle in this State while under the influence of alcohol, drugs, or a combination of alcohol and drugs. At the direction of the arresting officer, the person first must be offered a breath test to determine the person's alcohol concentration. If the person is physically unable to provide an acceptable breath sample because ~~he~~ the person has an injured mouth, is unconscious or dead, or for any other reason considered acceptable by the licensed medical personnel, the arresting officer may request a blood sample to be taken. If the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol, or is under the influence of a combination of alcohol and drugs, the officer may order that a urine sample be taken for testing. A breath sample taken for testing must be collected within two hours of the arrest. Any additional tests to collect other samples must be collected within three hours of the arrest. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to SLED policies. Before the breath test is administered, an eight one‑hundredths of one percent simulator test must be performed and the result must reflect a reading between 0.076 percent and 0.084 percent. Blood and urine samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, and other medical personnel trained to obtain the samples in a licensed medical facility. Blood and urine samples must be obtained and handled in accordance with procedures approved by SLED.

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

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

(2) ~~his~~ the person’s privilege to drive must be suspended for at least one month with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if ~~he~~ the person takes the test or gives the samples and has an alcohol concentration of fifteen one‑hundredths of one percent or more;

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

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

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

(C) A hospital, physician, qualified technician, chemist, or registered nurse who obtains the samples or conducts the test or participates in the process of obtaining the samples or conducting the test in accordance with this section is not subject to a cause of action for assault, battery, or another cause alleging that the drawing of blood or taking samples at the request of the arrested person or a law enforcement officer was wrongful. This release from liability does not reduce the standard of medical care required of the person obtaining the samples or conducting the test. This qualified release also applies to the employer of the person who conducts the test or obtains the samples.

(D) The person tested or giving samples for testing may have a qualified person of ~~his~~ the person’s own choosing conduct additional tests at ~~his~~ the person’s expense and must be notified in writing of that right. A person's request or failure to request additional blood or urine tests is not admissible against the person in the criminal trial. The failure or inability of the person tested to obtain additional tests does not preclude the admission of evidence relating to the tests or samples obtained at the direction of the law enforcement officer.

(E) The arresting officer ~~must~~ shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance, at a minimum, includes providing transportation for the person to the nearest medical facility which performs blood tests to determine a person's alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood sample to determine the person's alcohol concentration, SLED ~~must~~ shall test the blood sample and provide the result to the person and to the arresting officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in ~~any~~ a judicial or administrative proceeding.

SLED ~~must~~ shall administer the provisions of this subsection and ~~must~~ shall make regulations necessary to carry out ~~its~~ this subsection’s provisions. The costs of the tests administered at the direction of the law enforcement officer must be paid from the State’s general fund ~~of the state~~. However, if the person is subsequently convicted of violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, then, upon conviction, the person ~~must~~ shall pay twenty‑five dollars for the costs of the tests. The twenty‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

(F) A qualified person who obtains samples or administers the tests or assists in obtaining samples or the administration of tests at the direction of a law enforcement officer is released from civil and criminal liability unless the obtaining of samples or tests is performed in a negligent, reckless, or fraudulent manner. No person may be required by the arresting officer, or by another law enforcement officer, to obtain or take any sample of blood or urine.

(G) In the criminal prosecution for a violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 the alcohol concentration at the time of the test, as shown by chemical analysis of the person's breath or other body fluids, gives rise to the following:

(1) if the alcohol concentration was at that time five one‑hundredths of one percent or less, it is conclusively presumed that the person was not under the influence of alcohol;

(2) if the alcohol concentration was at that time in excess of five one‑hundredths of one percent but less than eight one‑hundredths of one percent, this fact does not give rise to any inference that the person was or was not under the influence of alcohol, but this fact may be considered with other evidence in determining the guilt or innocence of the person; or

(3) if the alcohol concentration was at that time eight one‑hundredths of one percent or more, it may be inferred that the person was under the influence of alcohol.

The provisions of this section must not be construed as limiting the introduction of any other evidence bearing upon the question of whether or not the person was under the influence of alcohol, drugs, or a combination of ~~them~~ alcohol and drugs.

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

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

(J) Policies, procedures, and regulations promulgated by SLED may be reviewed by the trial judge or hearing officer on motion of either party. The failure to follow ~~any of these~~ policies, procedures, and regulations, or the provisions of this section, shall result in the exclusion from evidence of any test results, if the trial judge or hearing officer finds that this failure materially affected the accuracy or reliability of the test results or the fairness of the testing procedure and the court trial judge or hearing officer rules specifically as to the manner in which the failure materially affected the accuracy or reliability of the test results or the fairness of the procedure.

(K) If a state employee charged with the maintenance of breath testing devices in this State and the administration of breath testing policy is required to testify at ~~an administrative~~ a contested case hearing or court proceeding, the entity employing the witness may charge a reasonable fee to the defendant for ~~these~~ such services.”

SECTION 14. Section 56-5-2951 of the 1976 Code is amended to read:

“Section 56-5-2951. (A) The Department of Motor Vehicles ~~must~~ shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to, a person who drives a motor vehicle and refuses to submit to a test provided for in Section 56‑5‑2950 or has an alcohol concentration of fifteen one‑hundredths of one percent or more. The arresting officer ~~must~~ shall issue a notice of suspension which is effective beginning on the date of the alleged violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(B) Within thirty days of the issuance of the notice of suspension, the person may:

(1) obtain a temporary alcohol license ~~by filing with~~ from the Department of Motor Vehicles ~~a form for this purpose~~. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty‑five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F) or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer's decision and the Department of Motor Vehicles sends notice to the person that ~~he~~ the person is eligible to receive a restricted license pursuant to subsection (H); and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with ~~its~~ the Office of Motor Vehicle Hearings’ rules of procedure.

At the contested case hearing if:

(a) the suspension is upheld, the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990;

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

The provisions of this subsection do not affect the trial for a violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(C) The period of suspension provided for in subsection (I) begins on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continues until the person applies for a temporary alcohol license and requests a contested case hearing.

(D) If a person does not request a contested case hearing, ~~he~~ the person waives ~~his~~ the person’s right to the hearing, and ~~his~~ the person’s suspension must not be stayed but continues for the period provided for in subsection (I).

(E) The notice of suspension must advise the person:

(1) of ~~his~~ the person’s right to obtain a temporary alcohol driver's license and to request a contested case hearing before the Office of Motor Vehicle Hearings~~.~~;

(2) ~~The notice of suspension also must advise the person~~ that, if ~~he~~ the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, ~~he~~ the person waives ~~his~~ the person’s right to the ~~administrative~~ contested case hearing, and the suspension continues for the period provided for in subsection (I)~~.~~; and

(3) ~~The notice of suspension also must advise the person~~ that if the suspension is upheld at the contested case hearing or ~~if he~~ the person does not request a contested case hearing, ~~he~~ the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program.

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

(1) was lawfully arrested or detained;

(2) was given a written copy of and verbally informed of the rights enumerated in Section 56‑5‑2950;

(3) refused to submit to a test pursuant to Section 56‑5‑2950; or

(4) consented to taking a test pursuant to Section 56‑5‑2950, and the:

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

(b) individual who administered the test or took samples was qualified pursuant to Section 56‑5‑2950;

(c) tests administered and samples obtained were conducted pursuant to Section 56‑5‑2950; and

(d) machine was working properly.

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

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

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

(G) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with ~~its~~ the Administrative Law Court’s appellate rules. The filing of an appeal stays the suspension until a final decision is issued on appeal.

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

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

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

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

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

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

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

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

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

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

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

(3) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

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

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

(L) The department ~~must~~ shall not suspend the privilege to drive of a person under the age of twenty‑one pursuant to Section 56‑1‑286, if the person's privilege to drive has been suspended ~~under~~ pursuant to this section arising from the same incident.

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

(N) An insurer ~~may~~ shall not increase premiums on, add surcharges to, or cancel the automobile insurance of a person charged with a violation of Section 56‑1‑286, 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~another~~ a law of ~~this State~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs based solely on the violation unless ~~he~~ the person is convicted of the violation.

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

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

SECTION 15. Section 56-5-2990 of the 1976 Code is amended to read:

“Section 56-5-2990. (A)(1) The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted~~, receives sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted~~ for a violation of Section 56‑5‑2930, 56‑5‑2933, or ~~for the violation of another law or ordinance of this State or of a municipality of this State~~ a law of another state that prohibits a person from driving a motor vehicle while under the influence of ~~intoxicating liquor, drugs, or narcotics for six months for the first conviction, plea of guilty or nolo contendre, or forfeiture of bail; one year for the a second conviction, plea of guilty or of nolo contendere, or forfeiture of bail; two years for the a third conviction, plea of guilty or of nolo contendere, or forfeiture of bail; and a permanent revocation of the driver's license for the a fourth or subsequent conviction, plea of guilty or of nolo contendere, or forfeiture of bail. Only those violations which occurred within ten years including and immediately preceding the date of the last violation shall constitute prior violations within the meaning of this section. However, if the third conviction occurs within five years from the date of the first offense, then the department shall suspend the driver's license for four years. A person whose license is revoked following conviction for a fourth offense as provided in this section is forever barred from being issued any license by the Department of Motor Vehicles to operate a motor vehicle except as provided in Section 56‑1‑385~~ alcohol or other drugs.

(2) For a first offense:

(a) If a person refused to submit to a breath test pursuant to Section 56-5-2950, the person’s driver’s license must be suspended six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(b) If a person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of less than twelve one hundredths of one percent, the person’s driver’s license must be suspended six months. The person is eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(c) If a person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of twelve one hundredths of one percent or more, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56.

(3) For a second offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for two years.

(4) For a third offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for three years. If the third offense occurs within five years from the date of the first offense, the ignition interlock device is required to be affixed to the motor vehicle for four years.

(5) For a fourth or subsequent offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for life.

(6) Except as provided in subsection (A)(4), only those offenses which occurred within ten years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this section.

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

(C) The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each ~~applicant~~ person shall bear the cost of services recommended in the ~~applicant’s~~ person's plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. No ~~applicant~~ person may be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the ~~applicant~~ person has successfully completed services. ~~An applicant~~ A person who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the ~~applicant~~ person has successfully completed services. The Department of Alcohol and Other Drug Abuse Services ~~will~~ shall report annually to the House Ways and Means Committee and Senate Finance Committee on the number of first and multiple offenders completing the Alcohol and Drug Safety Action Program, the amount of fees collected and expenses incurred by each Alcohol and Drug Safety Action Program, and the number of community service hours performed in lieu of payment.

(D) If the ~~applicant~~ person has not successfully completed the services as directed by the Alcohol and Drug Safety Action Program within one year of enrollment, a hearing must be provided by the Alcohol and Drug Safety Action Program whose decision is appealable to the Department of Alcohol and Other Drug Abuse Services. If the ~~applicant~~ person is unsuccessful in the Alcohol and Drug Safety Action Program, the Department of Motor Vehicles may ~~restore the privilege to drive a motor vehicle~~ waive the successful completion of the program as a mandatory requirement of the issuance of an ignition interlock restricted license upon the recommendation of the Medical Advisory Board as utilized by the ~~department~~ Department of Motor Vehicles, if ~~it~~ the Medical Advisory Board determines public safety and welfare of the ~~petitioner~~ person may not be endangered.

(E) The Department of Motor Vehicles and the Department of Alcohol and Other Drug Abuse Services shall develop procedures necessary for the communication of information pertaining to relicensing, or otherwise. These procedures must be consistent with the confidentiality laws of the State and the United States. If ~~the drivers~~ a person’s driver’s license ~~of any a person~~ is suspended ~~by authority of~~ pursuant to this section, ~~no~~ an insurance company ~~may~~ shall not refuse to issue insurance to cover the remaining members of ~~his~~ the person’s family, but the insurance company is not liable for any actions of the person whose license has been suspended or who has voluntarily turned ~~his~~ the person’s license in to the Department of Motor Vehicles.

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

SECTION 16. 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 17. This act takes effect on October 1, 2014. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

**Ayes 36; Nays 5**

**AYES**

Alexander Bennett Campbell

Campsen Coleman Corbin

Courson Cromer Davis

Fair Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Williams Young

**Total--36**

**NAYS**

Allen Bright Kimpson

Malloy Pinckney

**Total--5**

The amendment was laid on the table.

**Amendment No. RFH-2**

Senator MALLOY proposed the following amendment (JUD0137.026), which was tabled:

Amend the bill, as and if amended, page 30, by striking lines 4-10, and inserting:

/ (2) After the person is released from prison, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three years when ‘great bodily injury’ results and for life when a death occurs. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

**Ayes 33; Nays 6**

**AYES**

Alexander Bennett Campbell

Coleman Courson Cromer

Davis Fair Grooms

Hayes Hembree Jackson

Johnson Kimpson Leatherman

Lourie *Martin, Larry* Massey

Matthews McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Williams Young

**Total--33**

**NAYS**

Allen Bright Corbin

Malloy *Martin, Shane* Pinckney

**Total--6**

The amendment was laid on the table.

**Amendment No. RFH-5**

Senator MALLOY proposed the following amendment (JUD0137.031), which was tabled:

Amend the bill, as and if amended, page 10, by striking lines 24-29, and inserting:

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

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

/ SECTION \_\_. Section 56-5-2930(I) of the 1976 Code is amended to read:

“(I) A person charged for a violation of this section may be prosecuted pursuant to Section 56‑5‑2933 if the original testing of the person's breath or collection of other bodily fluids was performed within two hours of the time of arrest and reasonable suspicion existed to justify the traffic stop. A person may not be prosecuted for both a violation of this section and a violation of Section 56‑5‑2933 for the same incident. A person who violates the provisions of this section is entitled to a jury trial and is afforded the right to challenge certain factors including the following:

(1) whether or not the person was lawfully arrested or detained;

(2) the period of time between arrest and testing;

(3) whether or not the person was given a written copy of and verbally informed of the rights enumerated in Section 56‑5‑2950;

(4) whether the person consented to taking a test pursuant to Section 56‑5‑2950, and whether the:

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

(b) individual who administered the test or took samples was qualified pursuant to Section 56‑5‑2950;

(c) tests administered and samples obtained were conducted pursuant to Section 56‑5‑2950 and regulations adopted pursuant to Section 56‑5‑2951(O) and Section 56‑5‑2953(F); and

(d) machine was working properly.” /

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

/ SECTION \_\_. Section 56-5-2930(L) of the 1976 Code is amended to read:

“(L) In cases in which enhanced penalties for higher levels of alcohol concentration may be applicable, upon the determination of guilt, the finder of fact shall determine the alcohol concentration and the judge shall apply the appropriate penalty. In cases involving jury trials, upon the return of a guilty verdict by the jury, the judge shall instruct the jury to make a finding of fact as to the following: "We the jury find the alcohol concentration of the defendant to be (1) at least ~~eight~~ five one‑hundredths of one percent but less than ten one‑hundredths of one percent; (2) at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent; or (3) sixteen one hundredths of one percent or more." Based on the jury's finding of fact, the judge shall apply the appropriate penalty. If the jury cannot reach a unanimous verdict as to the finding of fact, then the judge shall sentence the defendant based on the nonenhanced penalties.” /

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

/ SECTION 4. Section 56-5-2933(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to drive a motor vehicle within this State while his alcohol concentration is ~~eight~~ five one‑hundredths of one percent or more. A person who violates the provisions of this section is guilty of the offense of driving with an unlawful alcohol concentration and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows:

(1) for a first offense, by a fine of four hundred dollars or imprisonment for not less than forty‑eight hours nor more than thirty days. However, in lieu of the forty‑eight hour minimum imprisonment, the court may provide for forty‑eight hours of public service employment. The minimum forty‑eight hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum forty‑eight hour sentence. If the person's alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy‑two hours nor more than thirty days. However, in lieu of the seventy‑two hour minimum imprisonment, the court may provide for seventy‑two hours of public service employment. The minimum seventy‑two hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum sentence. If the person's alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of one thousand dollars or imprisonment for not less than thirty days nor more than ninety days. However, in lieu of the thirty‑day minimum imprisonment, the court may provide for thirty days of public service employment. The minimum thirty days imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the thirty‑day minimum sentence. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, and 22‑3‑550, a first offense charged for this item may be tried in magistrates court;

(2) for a second offense, by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not less than five days nor more than one year. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not less than thirty days nor more than two years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of not less than three thousand five hundred dollars nor more than six thousand five hundred dollars and imprisonment for not less than ninety days nor more than three years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars;

(3) for a third offense, by a fine of not less than three thousand eight hundred dollars nor more than six thousand three hundred dollars, and imprisonment for not less than sixty days nor more than three years. If the person's alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of not less than five thousand dollars nor more than seven thousand five hundred dollars and imprisonment for not less than ninety days nor more than four years. If the person's alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of not less than seven thousand five hundred dollars nor more than ten thousand dollars and imprisonment for not less than six months nor more than five years; or

(4) for a fourth or subsequent offense, by imprisonment for not less than one year nor more than five years. If the person's alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by imprisonment for not less than two years nor more than six years. If the person's alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by imprisonment for not less than three years nor more than seven years.” /

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

/ SECTION \_\_. Section 56-5-2933(I) of the 1976 Code is amended to read:

“(I) A person charged for a violation of Section 56‑5‑2930 may be prosecuted pursuant to this section if the original testing of the person's breath or collection of other bodily fluids was performed within two hours of the time of arrest and reasonable suspicion existed to justify the traffic stop. A person may not be prosecuted for both a violation of Section 56‑5‑2930 and a violation of this section for the same incident. A person who violates the provisions of this section is entitled to a jury trial and is afforded the right to challenge certain factors including the following:

(1) whether or not the person was lawfully arrested or detained;

(2) the period of time between arrest and testing;

(3) whether or not the person was given a written copy of and verbally informed of the rights enumerated in Section 56‑5‑2950;

(4) whether the person consented to taking a test pursuant to Section 56‑5‑2950, and whether the:

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

(b) individual who administered the test or took samples was qualified pursuant to Section 56‑5‑2950;

(c) tests administered and samples obtained were conducted pursuant to Section 56‑5‑2950 and regulations adopted pursuant to Section 56‑5‑2951(O) and Section 56‑5‑2953(F); and

(d) machine was working properly.” /

Amend the bill further, as and if amended, page 32, by striking lines 19-21, and inserting:

/ ~~an eight~~ a five one-hundredths of one percent simulator test must be performed and the result must reflect a reading between ~~0.076~~ 0.046 percent and ~~0.084~~ 0.054 percent. Blood and urine samples must be /

Amend the bill further, as and if amended, page 34, by striking lines 21-40, and inserting:

/ (G) In the criminal prosecution for a violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 the alcohol concentration at the time of the test, as shown by chemical analysis of the person’s breath or other body fluids, gives rise to the following:

(1) if the alcohol concentration was at that time ~~five~~ two one‑hundredths of one percent or less, it is conclusively presumed that the person was not under the influence of alcohol;

(2) if the alcohol concentration was at that time in excess of ~~five~~ two one‑hundredths of one percent but less than ~~eight~~ five one‑hundredths of one percent, this fact does not give rise to any inference that the person was or was not under the influence of alcohol, but this fact may be considered with other evidence in determining the guilt or innocence of the person; or

(3) if the alcohol concentration was at that time ~~eight~~ five one‑hundredths of one percent or more, it may be inferred that the person was under the influence of alcohol.

The provisions of this section must not be construed as limiting the introduction of any other evidence bearing upon the question of whether or not the person was under the influence of alcohol, drugs, or a combination of ~~them~~ alcohol and drugs. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator LARY MARTIN moved to lay the amendment on the table.

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

**Ayes 35; Nays 6**

**AYES**

Alexander Allen Bennett

Campbell Campsen Coleman

Corbin Courson Cromer

Davis Grooms Hembree

Hutto Jackson Johnson

Kimpson Leatherman Lourie

*Martin, Larry* Massey Matthews

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--35**

**NAYS**

Bright Fair Hayes

Malloy *Martin, Shane* Pinckney

**Total--6**

The amendment was laid on the table.

**Amendment No. RFH-3**

Senator MALLOY proposed the following amendment (JUD0137.030), which was withdrawn:

Amend the bill, as and if amended, page 10, by striking lines 34-43, page 11, by striking lines 1-43, page 12, by striking lines 1-12, and inserting:

/ “Section 56‑1‑400. (A) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that ~~such~~ the license ~~shall~~ be surrendered to the ~~Department of Motor Vehicles~~ department. At the end of the suspension period ~~of suspension~~, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or pursuant to the point system ~~such license so surrendered shall be returned to the licensee, or in the discretion of the Department of Motor Vehicles~~, the department shall issue a new license ~~issued~~ to ~~him~~ the person. ~~The Department of Motor Vehicles~~ If the person has not held a license within the previous nine months, the department shall not ~~return nor~~ issue or restore a license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and ~~has~~ satisfied the ~~Department of Motor Vehicles~~ department, after an investigation of the person’s ~~character, habits, and~~ driving ability ~~of the person~~, that it would be safe to grant ~~him~~ the person the privilege of driving a motor vehicle on the public highways. ~~Provided, the Department of Motor Vehicles~~ The department, in ~~its~~ the department’s discretion, where the suspension is for a violation under the point system, may waive ~~such~~ the examination, application, and investigation. A record of the suspension ~~shall~~ must be endorsed on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person, showing the grounds of ~~such~~ the suspension. ~~In the case of a license suspended for driving under the influence of intoxicants~~ If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56‑5‑2941, the restriction on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person~~,~~ must conspicuously identify the ~~licensee~~ person as a person who ~~may only~~ only may drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to Section ~~56‑5‑2941~~ 56‑1‑286, 56‑5‑2945, 56‑5‑2947, 56‑5‑2951, or 56‑5‑2990. For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall be placed into a special restricted account by the Comptroller General to be used by the Department of Motor Vehicles to defray the department’s expenses. Unless the person establishes that ~~he~~ the person is entitled to the exemption set forth in subsection (B), no ignition interlock restricted license ~~containing an ignition interlock device restriction shall~~ may be issued by the ~~Department of Motor Vehicles~~ department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order. If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended ~~for three years from the date the suspension for driving under the influence of intoxicants ends~~ indefinitely. If ~~during this three‑year period~~ the person subsequently decides to have the ignition interlock device installed, the device must be installed for the ~~full suspension period or until the end of the three‑year period, whichever comes first~~ length of time set forth in Section 56‑1‑286, 56‑5‑2945, 56‑5‑2947, 56‑5‑2951, or 56‑5‑2990. This provision ~~shall~~ does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23 ~~of~~, Chapter 5 of this title. /

Amend the bill further, as and if amended, page 17, by striking lines 15-43, page 18, by striking lines 1-21, and inserting:

/ “Section 56‑5‑2941. (A) ~~Except as otherwise provided in this section, in addition to the penalties required and authorized to be imposed against a person violating the provisions of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or violating the provisions of another law of any other another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, the~~ The Department of Motor Vehicles ~~must~~ shall require ~~the~~ a person~~, if he is a subsequent offender and~~ who is a resident of this State~~,~~ and who is convicted of violating the provisions of Section 56‑5‑2930, 56‑5‑2933, 56‑5‑2945, 56‑5‑2947, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, to have installed on any motor vehicle the person drives an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This section does not apply to a person convicted of a first offense violation of Section 56‑5‑2930 or 56‑5‑2933, unless the person submitted to a breath test pursuant to Section 56‑5‑2950 and had an alcohol concentration of fifteen one hundredths of one percent or more. The ~~Department of Motor Vehicles~~ department may waive the requirements of this section if ~~it finds~~ the department determines that the ~~offender~~ person has a medical condition that makes ~~him~~ the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person’s driver’s license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person’s medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver’s license suspension or denial of the issuance of a driver’s license or permit to have an ignition interlock device installed on any motor vehicle the person drives.

The length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle ~~following the completion of a period of license suspension imposed on the offender person is two years for a second offense, three years for a third offense, and the remainder of the offender’s person’s life for a fourth or subsequent offense~~ as set forth in Sections 56‑1‑286, 56‑5‑2945, 56‑5‑2947, 56‑5‑2951, and 56‑5‑2990.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle’s records for offenses pursuant to Section 56‑1‑286, 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, 56‑5‑2947, 56‑5‑2950, or 56‑5‑2951. /

Amend the bill further, as and if amended, page 31, by striking lines 4-16, and inserting:

/ (D)(1) In addition to imposing the penalties for offenses ~~enumerated~~ listed in subsection (A)(1) and the penalties contained in subsection (B), the Department of Motor Vehicles ~~must~~ shall suspend the person’s driver’s license ~~for sixty days~~.

(2) Upon conviction, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for three months. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

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

There being no further amendments, the question then was concurrence in the House amendments.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Coleman Corbin Courson

Cromer Davis Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--41**

**NAYS**

**Total--0**

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

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

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

**AMENDED, READ THE SECOND TIME**

S. 516 -- Senators Peeler, Fair, Hayes, Courson, Young and Setzler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA READ TO SUCCEED ACT”; BY ADDING CHAPTER 155 TO TITLE 59 SO AS TO CREATE THE SOUTH CAROLINA READ TO SUCCEED OFFICE AND A READING PROFICIENCY PANEL WITHIN THE OFFICE, AND TO PROVIDE RELATED REQUIREMENTS OF THE DEPARTMENT OF EDUCATION, STATE SUPERINTENDENT OF EDUCATION, SCHOOL DISTRICTS, COLLEGES, AND UNIVERSITIES THAT OFFER CERTAIN RELATED GRADUATE EDUCATION, AND EDUCATORS AND ADMINISTRATORS, AMONG OTHER THINGS.

The Senate resumed consideration of the Bill, the question being the adoption of Amendment No. P1A, which was printed in the Journal of Tuesday, April 1, 2014.

Senator SHANE MARTIN spoke on the amendment.

Senator PEELER asked unanimous consent to take up Amendment No. P1-8.

**Amendment No. P18**

Senators PEELER, MALLOY, HAYES and SETZLER proposed the following amendment (BH\516C033.BH.DG14), which was ruled out of order:

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

// Amend the bill, as and if amended, by striking all after the title and inserting:

/ Whereas, the South Carolina General Assembly finds that national research has documented that students unable to comprehend grade‑level text struggle in all their courses; and

Whereas, the South Carolina General Assembly finds that while reading typically has been assessed through standardized tests beginning in third grade, research has found that many struggling readers reach preschool or kindergarten with low oral language skills and limited print awareness. Once in school, they and other students fail to develop proficiency with decoding or comprehension; and

Whereas, researchers have linked improved oral language competencies and print awareness in children, especially children in poverty, who had access to high‑quality, center‑based four‑year‑old education programs; and

Whereas, extensive evidence has indicated that high‑quality, center‑based, four‑year‑old education programs increase the likelihood of young children’s school readiness and future educational success, particularly for preschoolers who live in poverty; and

Whereas, the South Carolina General Assembly finds that research has also shown that students who have difficulty comprehending texts struggle academically in their content area courses but seldom receive effective instructional intervention during middle and high school to improve their reading comprehension. These are the students least likely to graduate; and

Whereas, the South Carolina General Assembly finds that one recent longitudinal study found that students reading below grade level at the end of third grade were six times more likely to leave school without a high school diploma; and

Whereas, the South Carolina General Assembly finds that reading proficiency is a fundamental life skill vital for the educational and economic success of our citizens and State. In accordance with the ruling of the South Carolina Supreme Court that all students must be given “an opportunity to acquire the ability to read, write, and speak the English language”, the South Carolina General Assembly finds that all students must be given high quality instruction in order to learn to read, comprehend, write, speak, listen, and use language effectively across all content areas; and

Whereas, to guarantee that all students exhibit these abilities and behaviors, the State of South Carolina must implement a comprehensive and strategic approach to reading proficiency for students in prekindergarten through twelfth grade that begins when each student enters the public school system and continues until he or she graduates. Now, therefore,

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

SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 155

South Carolina Read to Succeed Act

Section 59‑155‑110. There is established the South Carolina Read to Succeed Office to offer a comprehensive, systemic approach to reading which will ensure that:

(1) classroom teachers use evidence‑based reading instruction in prekindergarten through grade 12, to include oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension; administer and interpret valid and reliable assessments; analyze data to inform reading instruction; and provide evidence based interventions as needed so that all students develop proficiency with literacy skills and comprehension;

(2) classroom teachers periodically reassess their curriculum and instruction to determine if they are helping each student progress as a proficient reader and make modifications as appropriate;

(3) each student who cannot yet comprehend grade‑level text is identified as early as possible and at all stages of his or her educational process;

(4) each student receives targeted, effective comprehension support from the classroom teacher and, if needed, supplemental support from a reading interventionist so that ultimately all students can comprehend grade‑level texts;

(5) each student and his parent or guardian is continuously informed in writing of:

(a) the student’s reading proficiency needs, progress, and ability to comprehend grade‑level texts;

(b) specific actions the classroom teacher and other reading professionals have taken and will take to help the student comprehend grade‑level texts; and

(c) specific actions that the parent or guardian can take to help the student comprehend grade‑level texts by providing access to books, assuring time for the student to read independently, reading to students, and talking with student about books;

(6) classroom teachers receive preservice and in‑service coursework which prepares them to help all students comprehend grade‑level texts;

(7) all students develop reading and writing proficiency to prepare them to graduate and to succeed in their career and postsecondary education; and

(8) each school district publishes annually a comprehensive research‑based reading plan that includes intervention options available to students and funding for these services.

Section 59‑155‑120. As used in this chapter:

(1) ‘Board’ means the State Board of Education.

(2) ‘Department’ means the State Department of Education.

(3) ‘Discipline specific literacy’ means the ability to read, write, listen, and speak across various disciplines and content areas including, but not limited to, English language arts, science, mathematics, social studies, physical education, health, the arts, and career and technology education.

(4) ‘Readiness assessment’ means an evaluation used to analyze students’ literacy, mathematical, physical, social, and emotional‑behavioral competencies in prekindergarten or kindergarten. For purposes of the physical assessment, the evaluation must include a vision and hearing test.

(5) ‘Reading interventions’ means individual or group assistance in the classroom and supplemental support based on curricular and instructional decisions made by classroom teachers who have proven effectiveness in teaching reading and an add‑on literacy endorsement or reading/literacy coaches who meet the minimum qualifications established in guidelines published by the Department of Education.

(6) ‘Reading portfolio’ means an organized collection of evidence and assessments documenting that the student does not substantially fail to demonstrate third‑grade reading proficiency.

(7) ‘Reading proficiency’ means the ability of students to meet state reading standards in kindergarten through grade twelve, demonstrated by readiness, formative, or summative assessments.

(8) ‘Reading proficiency skills’ means the ability to understand how written language works at the word, sentence, paragraph, and text level and mastery of the skills, strategies, and oral and written language needed to comprehend grade‑level texts.

(9) ‘Research‑based formative assessment’ means assessments used within the school year to analyze strengths and weaknesses in reading comprehension of students individually to adapt instruction to meet student needs, make decisions about appropriate intervention services, and inform placement and instructional planning for the next grade level.

(10) ‘Substantially fails to demonstrate third‑grade reading proficiency’ means reading at levels that are equal to or comparable to the level or Not Met 1 on the Palmetto Assessment of State Standards (PASS).

(11) ‘Summative assessment’ means state‑approved assessments administered in grades three through eight and any statewide assessment used in grades nine through twelve to determine student mastery of grade‑level or content standards.

(12) ‘Summer reading camp’ means an educational program offered in the summer for students who are unable to comprehend grade‑level texts.

(13) ‘Third‑grade reading proficiency’ means the ability to read grade‑level texts by the end of a student’s third grade year as demonstrated by the results of state‑approved assessments administered to third grade students, or through other assessments as noted in this chapter and adopted by the board.

(14) ‘Writing proficiency skills’ means the ability to communicate information, analysis, and persuasive points of view effectively in writing.

Section 59‑155‑130. The Read to Succeed Office must guide and support districts and collaborate with university teacher training programs to increase reading proficiency through the following functions, including, but not limited to:

(1) providing professional development to teachers, school principals, and other administrative staff on reading instruction and reading assessment that informs instruction;

(2) providing professional development to teachers, school principals, and other administrative staff on reading in content areas;

(3) working collaboratively with institutions of higher learning offering courses in reading and writing and those institutions of education offering accredited master’s degrees in reading‑literacy to design coursework leading to a literacy teacher add‑on endorsement by the State;

(4) providing professional development in reading and coaching for already certified reading/literacy coaches and literacy teachers;

(5) developing information and resources that school districts can use to provide workshops for parents about how they can support their children as readers;

(6) assisting school districts in the development and implementation of their district reading proficiency plans for researched‑based reading instruction programs and assisting each of their schools to develop its own implementation plan aligned with the district and state plans; and

(7) annually designing content and questions for and review and approve the reading proficiency plan of each district.

Section 59‑155‑140. (A)(1) The department, with approval by the State Board of Education, shall develop, implement, evaluate, and continuously refine a comprehensive state plan to improve reading achievement in public schools. The State Reading Proficiency Plan must be approved by the board by January 1, 2015, and must include, but not be limited to, sections addressing the following components:

(a) reading process;

(b) professional development to increase teacher reading expertise;

(c) professional development to increase reading expertise and literacy leadership of principals and assistant principals;

(d) reading instruction;

(e) reading assessment;

(f) volume of reading;

(g) discipline specific literacy;

(h) writing;

(i) support for struggling readers;

(j) early childhood interventions;

(k) family support of literacy development;

(l) district guidance and support for reading proficiency;

(m) state guidance and support for reading proficiency;

(n) accountability; and

(o) urgency to improve reading proficiency.

(2) The state plan must be based on reading research and proven‑effective practices, applied to the conditions prevailing in reading‑literacy education in this State, with special emphasis on addressing instructional and institutional deficiencies that can be remedied through faithful implementation of research‑based practices. The plan must provide standards, format, and guidance for districts to use to develop and annually update their plans, as well as to present and explain the research‑based rationale for state‑level actions to be taken. The plan must be updated annually and must incorporate a state reading proficiency progress report.

(3) The state plan must include and document all existing state, local, and federal funds that support reading.

(B)(1) Beginning in Fiscal Year 2015‑2016, each district must prepare a comprehensive annual reading proficiency plan for prekindergarten through twelfth grade consistent with the plan by responding to questions and presenting specific information and data in a format specified by the Read to Succeed Office. Each district’s PK‑12 reading proficiency plan must present the rationale and details of its blueprint for action and support at the district, school, and classroom levels. Each district shall develop a comprehensive plan for supporting the progress of students as readers and writers, monitoring the impact of its plan, and using data to make improvements and to inform its plan for the subsequent years. The district plan piloted in school districts in Fiscal Year 2013‑2014 and revised based on the input of districts shall be used as the initial district reading plan framework used in Fiscal Year 2014‑2015 to provide interventions for struggling readers and fully implemented in Fiscal Year 2015‑2016 to align with the state plan.

(2) Each district PK‑12 reading proficiency plan shall:

(a) document the reading and writing assessment and instruction planned for all PK‑12 students and the interventions in prekindergarten through twelfth grade to be provided to all struggling readers who are not able to comprehend grade‑appropriate texts. Supplemental instruction shall be provided by teachers who have a literacy teacher add‑on endorsement and offered during the school day and, as appropriate, before or after school in book clubs, through a summer reading camp, or both;

(b) include a system for helping parents understand how they can support the student as a reader at home;

(c) provide for the monitoring of reading achievement and growth at the classroom, school, and district levels with decisions about intervention based on all available data;

(d) ensure that students are provided with wide selections of texts over a wide range of genres and written on a wide range of reading levels to match the reading levels of students;

(e) provide teacher training in reading and writing instruction; and

(f) include strategically planned and developed partnerships with county libraries, state and local arts organizations, volunteers, social service organizations, and school media specialists to promote reading.

(3)(a) The Read to Succeed Office shall develop the format for the plan and the deadline for districts to submit their plans to the office for its approval. A school district that does not submit a plan or whose plan is not approved shall not receive any state funds for reading until it submits a plan that is approved. All district reading plans must be reviewed and approved by the Read to Succeed Office. The office shall provide written comments to each district on its plan and to all districts on common issues raised in prior or newly submitted district reading plans.

(b) The Read to Succeed Office shall monitor the district and school plans and use their findings to inform the training and support the office provides to districts and schools.

(c) The department may direct a district that is persistently unable to prepare an acceptable PK‑12 reading proficiency plan or to help all students comprehend grade‑level texts to enter into a multidistrict or contractual arrangement to develop an effective intervention plan.

(C) Each school must prepare an implementation plan aligned with the district reading proficiency plan to enable the district to monitor and support implementation at the school level. A school implementation plan shall be sufficiently detailed to provide practical guidance for classroom teachers. Proposed strategies for assessment, instruction, and other activities specified in the school plan must be sufficient to provide to classroom teachers and other instructional staff helpful guidance that can be related to the critical reading and writing needs of students in the school. In consultation with the School Improvement Council, each school must include in its implementation plan the training and support that will be provided to parents as needed to maximize their promotion of reading and writing by students at home and in the community.

Section 59‑155‑150. (A) With the enactment of this chapter, the State Superintendent of Education shall ensure that every student entering publically funded prekindergarten and kindergarten beginning in Fiscal Year 2014‑2015 will be administered a readiness assessment by the forty‑fifth day of the school year. Initially the assessment shall focus on early language and literacy development. Beginning in Fiscal Year 2016‑2017, the assessment must assess each child’s early language and literacy development, mathematical thinking, physical well‑being, and social‑emotional development. The assessment may include multiple assessments, all of which must be approved by the board. The approved assessments of academic readiness must be aligned with first and second grade standards for English language arts and mathematics. The purpose of the assessment is to provide teachers and parents or guardians with information to address the readiness needs of each student, especially by identifying language, cognitive, social, emotional, health problems, and concerning appropriate instruction for each child. The results of the assessment and the developmental intervention strategies recommended to address the child’s identified needs must be provided, in writing, to the parent or guardian. Reading instructional strategies and developmental activities for children whose oral language skills are assessed to be below the norm of their peers in the State must be aligned with the district’s reading proficiency plan for addressing the readiness needs of each student. The results of each assessment also must be reported to the Read to Succeed Office through an electronic information system.

(B) Any student enrolled in prekindergarten, kindergarten, first grade, second grade, or third grade who is substantially not demonstrating proficiency in reading, based upon formal diagnostic assessments or through teacher observations, must be provided intensive in‑class and supplemental reading intervention immediately upon determination. The intensive interventions must be provided as individualized and small group assistance based on the analysis of assessment data. All sustained interventions must be aligned with the district’s reading proficiency plan. These interventions must be at least thirty minutes in duration and be in addition to ninety minutes of daily reading and reading instruction provided to all students in kindergarten through grade three. The district must continue to provide intensive in‑class intervention and at least thirty minutes of supplemental intervention until the student can comprehend and write text at grade‑level independently. In addition, the parent or guardian of the student must be notified, in writing, of the child’s inability to read grade‑level texts, the interventions to be provided, and the child’s reading abilities at the end of the planned interventions. The results of the initial assessments and progress monitoring also must be provided to the Read to Succeed Office through an electronic student reading progress monitoring data.

(C) Programs that focus on early childhood literacy development in the State are required to promote:

(1) parent training and support for parent involvement in developing children’s literacy; and

(2) development of oral language, print awareness, and emergent writing; and are encouraged to promote community literacy including, but not limited to, primary health care providers, faith‑based organizations, county libraries, and service organizations.

Section 59‑155‑160. (A) Beginning with Fiscal Year 2017‑2018 school year, a student must be retained in the third grade if the student fails substantially to demonstrate third‑grade reading proficiency at the end of the third grade. A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:

(1) with limited English proficiency and less than two years of instruction in English as a Second Language program;

(2) with disabilities whose individual education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose individual education plan or Section 504 plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency;

(3) who demonstrate third‑grade reading proficiency on an alternative assessment approved by the board and which teachers may administer following the administration of the state assessment of reading or after a student’s participating in a summer reading camp;

(4) who have received reading intervention and were previously retained; and

(5) who through a reading portfolio document, the student’s mastery of the state standards in reading equal to at least a level above the lowest level on the state reading assessment. Such evidence must be an organized collection of the student’s mastery of the state English language arts standards that are assessed by the Grade 3 state reading assessment. The Read to Succeed Office shall develop guidelines for the student portfolio; however the student portfolio must meet the following minimum criteria:

(a) be selected by the student’s English language arts teacher or summer reading camp instructor;

(b) be an accurate picture of the student’s ability and only include student work that has been independently produced in the classroom;

(c) include evidence that the benchmarks assessed by the Grade 3 state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district or school’s adopted core reading curriculum that are aligned with the state English language arts standards or teacher‑prepared assessments;

(d) be an organized collection of evidence of the student’s mastery of the English language arts state standards that are assessed by the Grade 3 state reading assessment. For each benchmark there must be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and

(e) be signed by the teacher and the principal as an accurate assessment of the required reading skills.

(B) The superintendent of the local school district must determine whether a student in the district may be exempt from the mandatory retention by taking all of the following steps:

(1) The teacher of a student eligible for exemption must submit to the principal documentation on the proposed exemption and evidence that promotion of the student is appropriate based on the student’s academic record. This evidence must be limited to the student’s individual reading proficiency plan, individual education program, alternative assessments, or student reading portfolio. The Read to Succeed Office must provide districts with a standardized form to use in the process.

(2) The principal must review the documentation and determine whether the student should be promoted. If the principal determines the student should be promoted, the principal must submit a written recommendation for promotion to the district superintendent for final determination.

(3) The district superintendent’s acceptance or rejection of the recommendation must be in writing and a copy must be provided to the parent or guardian of the child.

(C)(1) Students substantially not demonstrating third‑grade reading proficiency may enroll in a summer reading camp prior to being retained the following school year. Summer reading camps must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of instruction in the summer. School transportation shall be provided. The camps must be taught by compensated teachers who have at least an add‑on literacy endorsement or who have documented and demonstrated substantial success in helping students comprehend grade level texts. The Read to Succeed Office shall assist districts that cannot find qualified teachers to work in the summer camps. Districts may also choose to contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith‑based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student’s participation in the summer reading camp. Students who demonstrate third‑grade reading proficiency through an alternative assessment or student reading portfolio after completing the summer reading camp must be promoted to the fourth grade.

(2) A district may include in the summer reading camps students who are not exhibiting reading proficiency at any grade and may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59‑19‑90, except where a child is found to be reading below grade level in the first, second, or third grade.

(D) Retained students must be provided intensive instructional services and support, including a minimum of ninety minutes of daily reading and reading instruction, supplemental text‑based instruction, and other strategies prescribed by the school district. These strategies may include, but are not limited to, instruction directly focused on improving the student’s individual reading proficiency skills through small group instruction, reduced teacher‑student ratios, more frequent student progress monitoring, tutoring or mentoring, transition classes containing students in multiple grade spans, and extended school day, week, or year reading support. The school must report through the student reading progress monitoring data system to the Read to Succeed Office on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

(E) If the student is not demonstrating third‑grade reading proficiency by the end of third grade, his parent or guardian timely must be notified, in writing, that the student will be retained unless exempted from mandatory retention for good cause. The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The written notification must include a description of the proposed reading interventions that will be provided to help the student comprehend grade‑level texts. The parent, guardian, or other education advocate of a retained student must receive written reports at least monthly on the student’s progress toward being able to read grade‑level texts based upon the student’s classroom work, observations, tests, assessment, and other information. The parent, guardian, or other education advocate also must be provided with a plan for promoting reading at home, including participation in shared or guided reading workshops for the parent, guardian, or other family members. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced‑based services outside the instructional day.

(F) For students in grades four and above who are substantially not demonstrating reading proficiency, interventions shall be provided by reading interventionists in the classroom and, as appropriate, before or after school as documented in the district reading plan.

Section 59‑155‑170. (A) To help students develop and apply their reading and writing skills across the school day in all the academic disciplines, including, but not limited to, English language arts, mathematics, science, social studies, the arts, career and technology education, and physical and health education, teachers of these content areas at all grade levels must focus on helping students comprehend print and non‑print texts authentic to the content area. The Read to Succeed Program is intended to institutionalize in the public schools a comprehensive system to promote high achievement in the content areas described in this chapter through extensive reading and writing. Research‑based practices must be employed to promote comprehension skills through, but not limited to:

(1) vocabulary;

(2) connotation of words;

(3) connotations of words in context with adjoining or prior text;

(4) concepts from prior text;

(5) personal background knowledge;

(6) ability to interpret meaning through sentence structure features;

(7) questioning;

(8) visualization; and

(9) discussion of text with peers.

(B) These practices must be mastered by teachers through high quality training and addressed through well‑designed and effectively executed assessment and instruction implemented with fidelity to research‑based instructional practices presented in the state, district, and school reading plans. All teachers, administrators, and support staff must be trained adequately in reading comprehension in order to perform effectively their roles enabling each student to become proficient in content area reading and writing.

(C) During Fiscal Year 2014‑2015, the Read to Succeed Office shall establish a set of essential competencies that describe what certified teachers at the early childhood, elementary, middle or secondary levels must know and be able to do so that all students can comprehend grade‑level texts. These competencies, developed collaboratively with the faculty of higher education institutions and based on research and national standards, must then be incorporated into the coursework required by Section 59‑155‑180. The Read to Succeed Office, in collaboration with South Carolina Educational Television, shall provide professional development courses at no cost to the educator to ensure that educators have access to multiple avenues of receiving endorsements.

Section 59‑155‑180. (A) As a student progresses through school, reading comprehension in content areas such as science, mathematics, social studies, English language arts, career and technology education, and the arts is critical to the student’s academic success. Therefore, to improve the academic success of all students in pre‑kindergarten through grade 12, the State shall strengthen its preservice and in‑service teacher education programs.

(B)(1) Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 school year, all pre‑service teacher education programs including MAT degree programs must require all candidates seeking licensure at the early childhood or elementary level to complete a 12‑semester credit sequence in literacy that includes a school‑based practicum and ensures that candidates grasp the theory, research, and practices that support and guide the teaching of reading. The six components of the reading process that are comprehension, oral language, phonological awareness, phonics, fluency, and vocabulary will provide the focus for this sequence to ensure that all teacher candidates are skilled in diagnosing a child’s reading problems and are capable of providing an effective intervention.

(2) Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 school year, all pre‑service teacher education programs, including MAT degree programs, must require all candidates seeking licensure at the middle or secondary level to complete a 6‑semester credit sequence in literacy that includes a course in the foundations of literacy and a course in content‑area reading.

(3) By this subsection, the General Assembly is not mandating an increase in the number of semester hours required for teacher candidates but rather is requiring that pre‑service teacher education programs prioritize their mission and resources so all early and elementary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

(C)(1) To ensure that practicing professionals possess the knowledge and skills necessary to assist all children and adolescents in becoming proficient readers, multiple pathways are needed for developing this capacity.

(2) A reading/literacy coach shall be employed in each elementary school. Reading coaches shall serve as job‑embedded, stable resources for professional development throughout schools in order to generate improvement in reading and literacy instruction and student achievement. Reading coaches shall support and provide initial and ongoing professional development to teachers based on an analysis of student assessment and the provision of differentiated instruction and intensive intervention. The reading coach shall:

(a) model effective instructional strategies for teachers by working weekly with students in whole, and small groups, or individually;

(b) facilitate study groups;

(c) train teachers in data analysis and using data to differentiated instruction;

(d) coaching and mentoring colleagues;

(e) work with teachers to ensure that research‑based reading programs are implemented with fidelity; and

(f) work with all teachers (including content area and elective areas) at the school they serve, and help prioritize time for those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in the classrooms;

(g) help lead and support reading leadership teams.

(3) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. No later than August 1, 2014, the department must publish guidelines that define the minimum qualifications for a reading coach. Beginning in Fiscal Year 2014‑2015, reading/literacy coaches are required to earn the add‑on certification within six years, except as exempted in items (4) and (5), by completing the necessary courses or professional development as required by the department for the add‑on. During the six‑year period, to increase the number of qualified reading coaches, the Read to Succeed Office shall identify and secure courses and professional development opportunities to assist educators in becoming reading coaches and in earning the literacy add‑on endorsement. In addition, the Read to Succeed Office will establish a process through which a district may be permitted to use state appropriations for reading coaches to obtain in‑school services from department‑approved consultants or vendors, or only in the event that the school is not successful in identifying and directly employing a qualified candidate. Districts must provide to the Read to Succeed Office information on the name and qualifications of reading coaches funded by the state appropriations.

(4) Beginning in Fiscal Year 2015‑2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills, are required to earn the literacy teacher add‑on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, consistent with existing recertification requirements. The courses leading to the endorsement must be approved by the State Board of Education and must include classes in foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand‑along practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, psychologists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add‑on Reading Teacher licensure can take a content area reading course to obtain their Literacy Teacher add‑on endorsement. Teachers who have earned a master’s or doctorate in reading, who have earned a literacy teacher add‑on endorsement, or who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, and South Carolina Reading Intervention, or another program approved by the State Board of Education in regulation, are exempt from this requirement.

(5) Beginning in Fiscal Year 2015‑2016, middle and secondary licensed classroom teachers are required to take at least two courses or six credit hours to improve reading instruction within five years of their most recent certification. The courses must be approved by the State Board of Education and include courses leading to the literacy teacher add‑on endorsement. Coursework in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Only certified teachers who have earned a master’s or doctorate in reading, who have earned a literacy teacher add‑on endorsement, or who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, and South Carolina Reading Intervention, or another program as approved by the State Board of Education in regulation, are exempt from this requirement.

(6) Beginning in Fiscal Year 2015‑2016, principals and administrators who are responsible for reading instruction or intervention in a school district or school are required to take at least one course or three credit hours within five years of their most recent certification. The course or professional development shall include information about reading process, instruction, assessment, or content area literacy and shall be approved by the Read to Succeed Office.

Section 59‑155‑190. Local school districts are encouraged to create family‑school‑community partnerships that focus on increasing the volume of reading, in school and at home, during the year and at home and in the community over the summer. Schools and districts should partner with county libraries, local arts organizations, faith‑based institutions, pediatric and family practice medical personnel, businesses, and other groups to provide volunteers, mentors, or tutors to assist with the provision of instructional supports, services, and books that enhance reading development and proficiency. A district shall include specific actions taken to accomplish the requirements of this section in its reading proficiency plan.

Section 59‑155‑200. The Read to Succeed Office and each school district must plan for and act decisively to engage the families of students as full participating partners in promoting the reading and writing habits and skills development of their children. With support from the Read to Succeed Office, districts and individual schools shall provide families with information about how children progress as readers and writers and how they can support this progress. This family support must include providing time for their child to read, as well as reading to the child. To ensure that all families have access to a considerable number and diverse range of books, schools should develop plans for enhancing home libraries and for accessing books from county libraries and school libraries and to inform families about their child’s ability to comprehend grade‑level texts and how to interpret information about reading that is sent home. The districts and schools shall help families learn about reading and writing through open houses, South Carolina Educational Television, video and audio tapes, websites, and school‑family events and collaborations that help link the home and school of the student. The information should enable family members to understand the reading and writing skills required for graduation and essential for success in a career. Each institution of higher learning may operate a year-round program similar to a summer reading camp to assist students not reading at grade level.

Section 59‑155‑210. The board and department shall translate the statutory requirements for reading and writing specified in this chapter into standards, practices, and procedures for school districts, boards, and their employees and for other organizations as appropriate. In this effort, they shall solicit the advice of education stakeholders who have a deep understanding of reading, as well as school boards, administrators, and others who play key roles in facilitating support for and implementation of effective reading instruction.”

SECTION 2. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 156

Child Early Reading Development and Education Program

Section 59‑156‑10. There is created the South Carolina Child Early Reading Development and Education Program which is a full day, four‑year old kindergarten program for at‑risk children which must be made available to qualified children in all public school districts within the State. The program shall focus on:

(1) a comprehensive, systemic approach to reading that follows the State Reading Proficiency Plan and the district’s comprehensive annual reading proficiency plan, both adopted pursuant to Chapter 155, Title 59;

(2) successfully completing the readiness assessment administered pursuant to Section 59‑155‑150;

(3) the developmental and learning support that children must have in order to be ready for school;

(4) incorporating parenting education, including educating the parents as to methods that may assist the child pursuant to Section 59‑155‑110, 59‑155‑130, and 59‑155‑140; and

(5) identifying community and civic organizations that can support early literacy efforts.

Section 59‑156‑20. (A)(1) The South Carolina Child Early Reading Development and Education Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3.

(2) With any funds remaining after funding the eight trial districts, the program must be expanded to the remaining plaintiff school districts in Abbeville County School District et al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of ninety percent or greater. Priority must be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006‑2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at‑risk four‑year‑old children.

(3) With any funds remaining after funding the school districts delineated in items (1) and (2), the program must be expanded statewide. The General Assembly, in the annual general appropriations bill, shall set forth the priority schedule, the funding, and the manner in which the program is expanded.

(B) Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers, especially reading barriers, may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

Section 59‑156‑30. (A) Each child residing in the program’s districts, who has attained the age of four years on or before September first of the school year and meets the at‑risk criteria, is eligible for enrollment in the South Carolina Child Early Reading Development and Education Program for one year.

(B) The parent of each eligible child may enroll the child in one of the following programs:

(1) a school‑year four‑year‑old kindergarten program delivered by an approved public provider; or

(2) a school‑year four‑year‑old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child’s birth certificate, immunization documentation, and documentation of the student’s eligibility as evidenced by family income documentation showing an annual family income of one hundred eighty‑five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of six and one‑half hours of instructional time daily and operates for a period of not less than one hundred eighty days a year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

(C)(1) No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this chapter. Nothing in this chapter prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

(2) If by October first of the school year at least seventy‑five percent of the total number of children eligible for the Child Early Reading Development and Education Program in a district or county are projected to be enrolled in that program, Head Start, or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, Child Early Reading Development and Education Program providers may then enroll pay‑lunch children who score at or below the twenty‑fifth national percentile on two of the three DIAL‑3 subscales and may receive reimbursement for these children if funds are available.

Section 59‑156‑40. (A) Public school providers participating in the South Carolina Child Early Reading Development and Education Program must submit an application to the Department of Education. Private providers participating in the South Carolina Child Early Reading Development and Education Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this section, and will comply with all reporting and assessment requirements.

(B) Providers shall:

(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;

(2) comply with all state and local health and safety laws and codes;

(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;

(4) be accountable for meeting the educational needs of the child and report at least quarterly to the parent or guardian on his progress;

(5) comply with all program, reporting, and assessment criteria required of providers;

(6) maintain individual student records for each child enrolled in the program, including, but not limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;

(7) designate whether extended day services will be offered to the parents and guardians of children participating in the program;

(8) be approved, registered, or licensed by the Department of Social Services; and

(9) comply with all state and federal laws and requirements specific to program providers.

(C) Providers may limit student enrollment based upon space available. However, if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre‑kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

Section 59‑156‑50. The Department of Education, the Read to Succeed Office, and the Office of First Steps to School Readiness shall:

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research‑based preschool curricula for use in the program based upon the South Carolina Content Standards, and provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved pre‑kindergarten readiness assessments to be used in conjunction with the program, and provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

(8) develop a list of data collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

Section 59‑156‑60. (A) Providers of the South Carolina Child Early Reading Development and Education Program shall offer a complete educational program in accordance with age‑appropriate instructional practice and a research‑based preschool curriculum aligned with school success. The program must focus on:

(1) a comprehensive, systemic approach to reading that follows the State Reading Proficiency Plan and the district’s comprehensive annual reading proficiency plan, both adopted pursuant to Chapter 155, Title 59;

(2) successfully completing the readiness assessment administered pursuant to Section 59‑155‑150;

(3) the developmental and learning support that children must have in order to be ready for school;

(4) incorporating parenting education, including educating the parents as to methods that may assist the child pursuant to Section 59‑155‑110, 59‑155‑130, and 59‑55‑140, including strengthening parent involvement in the learning process with an emphasis on interactive literacy; and

(5) identifying community and civic organizations that can support early literacy efforts.

(B) Providers shall offer high‑quality, center‑based programs, including, but not limited to, the following:

(1) employ a lead teacher with a two‑year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education for public schools or from the Office of First Steps to School Readiness for private centers;

(2) employ an education assistant with preservice or in‑service training in early childhood education;

(3) maintain classrooms with at least ten four‑year‑old children, but no more than twenty four‑year‑old children, with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case‑by‑case basis;

(4) offer a full day, center‑based program with six and one‑half hours of instruction daily for one hundred eighty school days;

(5) provide an approved research‑based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social and emotional development;

(6) engage parents’ participation in their child’s educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this chapter.

Section 59‑156‑70. (A) Every classroom providing services to four‑year‑old children established pursuant to this chapter must have a qualified lead teacher and an education assistant as needed to maintain an adult to child ratio of 1:10.

(B)(1) In classrooms in private centers, the lead teacher must have at least a two‑year degree in early childhood education or a related field and who is enrolled and is demonstrating progress toward the completion of a teacher educational program within four years.

(2) In classrooms in public schools, the lead teacher must meet state requirements pertaining to certification.

(C) All education assistants in private centers and public schools must have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The assistant must have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to First Steps or the Department of Education, as applicable, and provide appropriate documentation as to the qualifications of the teaching assistant.

Section 59‑156‑80. The General Assembly recognizes there is a strong relationship between the skills and preparation of pre‑kindergarten instructors and the educational outcomes of students. To improve these educational outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Early Reading Development and Education Program to participate annually in a minimum of fifteen hours of professional development, including, teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age‑appropriate progress of pre‑kindergarten students in developing emergent literacy skills, including, but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. The Reading Proficiency Expert Panel shall make recommendations regarding the professional development.

Section 59‑156‑90. Both public and private providers are eligible for transportation funds for the transportation of children to and from school. Nothing within this section prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56‑5‑195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four‑year‑old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than one hundred eighty‑five dollars per student may be retained by the Department of Education for the purposes of transporting four‑year‑old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the State Budget and Control Board for the Education Finance Act.

Section 59‑156‑100. For all private providers approved to offer services pursuant to this chapter, the Office of First Steps to School Readiness shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four‑year‑old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four‑year‑old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the program.

Section 59‑156‑110. For all public school providers approved to offer services pursuant to this chapter, the Department of Education shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four‑year‑old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four‑year‑old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the program.

Section 59‑156‑120. (A) Eligible students enrolling with private providers during the school year shall be funded on a pro‑rata basis determined by the length of their enrollment.

(B) Private providers transporting eligible children to and from school shall be eligible for a reimbursement of up to five hundred fifty dollars per eligible child transported, funded on a pro‑rata basis determined by the length of the child’s enrollment. Providers who are reimbursed are required to retain records as required by their fiscal agent.

(C) Providers enrolling between one and six eligible children shall be eligible to receive up to one thousand dollars per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed ten thousand dollars.

(D) Providers receiving equipment grants are expected to participate in the program and provide high‑quality, center‑based programs for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

Section 59‑156‑130. The Department of Social Services shall:

(1) maintain a list of all approved public and private providers; and

(2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this chapter.

Section 59‑156‑140. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state‑funded programs provided through private providers.”

SECTION 3. This act takes effect upon approval by the Governor and is subject to the availability of state funding. / //

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

**Point of Order**

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

Senator BRIGHT spoke on the Point of Order.

Senator SETZLER spoke on the Point of Order.

Senator HAYES explained the Point of Order.

The PRESIDENT sustained the Point of Order.

Senator PEELER asked unanimous consent to take up Amendment No. 4.

**Amendment No. 4**

Senators PEELER, MALLOY, HAYES, SETZLER, LEATHERMAN, LOURIE, LARRY MARTIN, JOHNSON, JACKSON, ALLEN, RANKIN, PINCKNEY and SCOTT proposed the following amendment (BH\516C036.BH.DG14), which was adopted:

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

/ Whereas, the South Carolina General Assembly finds that national research has documented that students unable to comprehend grade‑level text struggle in all their courses; and

Whereas, the South Carolina General Assembly finds that while reading typically has been assessed through standardized tests beginning in third grade, research has found that many struggling readers reach preschool or kindergarten with low oral language skills and limited print awareness. Once in school, they and other students fail to develop proficiency with decoding or comprehension; and

Whereas, researchers have linked improved oral language competencies and print awareness in children, especially children in poverty, who had access to high‑quality, center‑based four‑year‑old education programs; and

Whereas, extensive evidence has indicated that high‑quality, center‑based, four‑year‑old education programs increase the likelihood of young children’s school readiness and future educational success, particularly for preschoolers who live in poverty; and

Whereas, the South Carolina General Assembly finds that research has also shown that students who have difficulty comprehending texts struggle academically in their content area courses but seldom receive effective instructional intervention during middle and high school to improve their reading comprehension. These are the students least likely to graduate; and

Whereas, the South Carolina General Assembly finds that one recent longitudinal study found that students reading below grade level at the end of third grade were six times more likely to leave school without a high school diploma; and

Whereas, the South Carolina General Assembly finds that reading proficiency is a fundamental life skill vital for the educational and economic success of our citizens and State. In accordance with the ruling of the South Carolina Supreme Court that all students must be given “an opportunity to acquire the ability to read, write, and speak the English language”, the South Carolina General Assembly finds that all students must be given high quality instruction in order to learn to read, comprehend, write, speak, listen, and use language effectively across all content areas; and

Whereas, to guarantee that all students exhibit these abilities and behaviors, the State of South Carolina must implement a comprehensive and strategic approach to reading proficiency for students in prekindergarten through twelfth grade that begins when each student enters the public school system and continues until he or she graduates. Now, therefore,

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

SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 155

South Carolina Read to Succeed Act

Section 59‑155‑110. There is established the South Carolina Read to Succeed Office to offer a comprehensive, systemic approach to reading which will ensure that:

(1) classroom teachers use evidence‑based reading instruction in prekindergarten through grade 12, to include oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension; administer and interpret valid and reliable assessments; analyze data to inform reading instruction; and provide evidence based interventions as needed so that all students develop proficiency with literacy skills and comprehension;

(2) classroom teachers periodically reassess their curriculum and instruction to determine if they are helping each student progress as a proficient reader and make modifications as appropriate;

(3) each student who cannot yet comprehend grade‑level text is identified as early as possible and at all stages of his or her educational process;

(4) each student receives targeted, effective comprehension support from the classroom teacher and, if needed, supplemental support from a reading interventionist so that ultimately all students can comprehend grade‑level texts;

(5) each student and his parent or guardian is continuously informed in writing of:

(a) the student’s reading proficiency needs, progress, and ability to comprehend grade‑level texts;

(b) specific actions the classroom teacher and other reading professionals have taken and will take to help the student comprehend grade‑level texts; and

(c) specific actions that the parent or guardian can take to help the student comprehend grade‑level texts by providing access to books, assuring time for the student to read independently, reading to students, and talking with student about books;

(6) classroom teachers receive preservice and in‑service coursework which prepares them to help all students comprehend grade‑level texts;

(7) all students develop reading and writing proficiency to prepare them to graduate and to succeed in their career and postsecondary education; and

(8) each school district publishes annually a comprehensive research‑based reading plan that includes intervention options available to students and funding for these services.

Section 59‑155‑120. As used in this chapter:

(1) ‘Board’ means the State Board of Education.

(2) ‘Department’ means the State Department of Education.

(3) ‘Discipline specific literacy’ means the ability to read, write, listen, and speak across various disciplines and content areas including, but not limited to, English language arts, science, mathematics, social studies, physical education, health, the arts, and career and technology education.

(4) ‘Readiness assessment’ means an evaluation used to analyze students’ literacy, mathematical, physical, social, and emotional‑behavioral competencies in prekindergarten or kindergarten. For purposes of the physical assessment, the evaluation must include a vision and hearing test.

(5) ‘Reading interventions’ means individual or group assistance in the classroom and supplemental support based on curricular and instructional decisions made by classroom teachers who have proven effectiveness in teaching reading and an add‑on literacy endorsement or reading/literacy coaches who meet the minimum qualifications established in guidelines published by the Department of Education.

(6) ‘Reading portfolio’ means an organized collection of evidence and assessments documenting that the student does not substantially fail to demonstrate third‑grade reading proficiency.

(7) ‘Reading proficiency’ means the ability of students to meet state reading standards in kindergarten through grade twelve, demonstrated by readiness, formative, or summative assessments.

(8) ‘Reading proficiency skills’ means the ability to understand how written language works at the word, sentence, paragraph, and text level and mastery of the skills, strategies, and oral and written language needed to comprehend grade‑level texts.

(9) ‘Research‑based formative assessment’ means assessments used within the school year to analyze strengths and weaknesses in reading comprehension of students individually to adapt instruction to meet student needs, make decisions about appropriate intervention services, and inform placement and instructional planning for the next grade level.

(10) ‘Substantially fails to demonstrate third‑grade reading proficiency’ means reading at levels that are equal to or comparable to the level or Not Met 1 on the Palmetto Assessment of State Standards (PASS).

(11) ‘Summative assessment’ means state‑approved assessments administered in grades three through eight and any statewide assessment used in grades nine through twelve to determine student mastery of grade‑level or content standards.

(12) ‘Summer reading camp’ means an educational program offered in the summer for students who are unable to comprehend grade‑level texts.

(13) ‘Third‑grade reading proficiency’ means the ability to read grade‑level texts by the end of a student’s third grade year as demonstrated by the results of state‑approved assessments administered to third grade students, or through other assessments as noted in this chapter and adopted by the board.

(14) ‘Writing proficiency skills’ means the ability to communicate information, analysis, and persuasive points of view effectively in writing.

Section 59‑155‑130. The Read to Succeed Office must guide and support districts and collaborate with university teacher training programs to increase reading proficiency through the following functions, including, but not limited to:

(1) providing professional development to teachers, school principals, and other administrative staff on reading instruction and reading assessment that informs instruction;

(2) providing professional development to teachers, school principals, and other administrative staff on reading in content areas;

(3) working collaboratively with institutions of higher learning offering courses in reading and writing and those institutions of education offering accredited master’s degrees in reading‑literacy to design coursework leading to a literacy teacher add‑on endorsement by the State;

(4) providing professional development in reading and coaching for already certified reading/literacy coaches and literacy teachers;

(5) developing information and resources that school districts can use to provide workshops for parents about how they can support their children as readers;

(6) assisting school districts in the development and implementation of their district reading proficiency plans for researched‑based reading instruction programs and assisting each of their schools to develop its own implementation plan aligned with the district and state plans; and

(7) annually designing content and questions for and review and approve the reading proficiency plan of each district.

Section 59‑155‑140. (A)(1) The department, with approval by the State Board of Education, shall develop, implement, evaluate, and continuously refine a comprehensive state plan to improve reading achievement in public schools. The State Reading Proficiency Plan must be approved by the board by January 1, 2015, and must include, but not be limited to, sections addressing the following components:

(a) reading process;

(b) professional development to increase teacher reading expertise;

(c) professional development to increase reading expertise and literacy leadership of principals and assistant principals;

(d) reading instruction;

(e) reading assessment;

(f) volume of reading;

(g) discipline specific literacy;

(h) writing;

(i) support for struggling readers;

(j) early childhood interventions;

(k) family support of literacy development;

(l) district guidance and support for reading proficiency;

(m) state guidance and support for reading proficiency;

(n) accountability; and

(o) urgency to improve reading proficiency.

(2) The state plan must be based on reading research and proven‑effective practices, applied to the conditions prevailing in reading‑literacy education in this State, with special emphasis on addressing instructional and institutional deficiencies that can be remedied through faithful implementation of research‑based practices. The plan must provide standards, format, and guidance for districts to use to develop and annually update their plans, as well as to present and explain the research‑based rationale for state‑level actions to be taken. The plan must be updated annually and must incorporate a state reading proficiency progress report.

(3) The state plan must include and document all existing state, local, and federal funds that support reading.

(B)(1) Beginning in Fiscal Year 2015‑2016, each district must prepare a comprehensive annual reading proficiency plan for prekindergarten through twelfth grade consistent with the plan by responding to questions and presenting specific information and data in a format specified by the Read to Succeed Office. Each district’s PK‑12 reading proficiency plan must present the rationale and details of its blueprint for action and support at the district, school, and classroom levels. Each district shall develop a comprehensive plan for supporting the progress of students as readers and writers, monitoring the impact of its plan, and using data to make improvements and to inform its plan for the subsequent years. The district plan piloted in school districts in Fiscal Year 2013‑2014 and revised based on the input of districts shall be used as the initial district reading plan framework used in Fiscal Year 2014‑2015 to provide interventions for struggling readers and fully implemented in Fiscal Year 2015‑2016 to align with the state plan.

(2) Each district PK‑12 reading proficiency plan shall:

(a) document the reading and writing assessment and instruction planned for all PK‑12 students and the interventions in prekindergarten through twelfth grade to be provided to all struggling readers who are not able to comprehend grade‑appropriate texts. Supplemental instruction shall be provided by teachers who have a literacy teacher add‑on endorsement and offered during the school day and, as appropriate, before or after school in book clubs, through a summer reading camp, or both;

(b) include a system for helping parents understand how they can support the student as a reader at home;

(c) provide for the monitoring of reading achievement and growth at the classroom, school, and district levels with decisions about intervention based on all available data;

(d) ensure that students are provided with wide selections of texts over a wide range of genres and written on a wide range of reading levels to match the reading levels of students;

(e) provide teacher training in reading and writing instruction; and

(f) include strategically planned and developed partnerships with county libraries, state and local arts organizations, volunteers, social service organizations, and school media specialists to promote reading.

(3)(a) The Read to Succeed Office shall develop the format for the plan and the deadline for districts to submit their plans to the office for its approval. A school district that does not submit a plan or whose plan is not approved shall not receive any state funds for reading until it submits a plan that is approved. All district reading plans must be reviewed and approved by the Read to Succeed Office. The office shall provide written comments to each district on its plan and to all districts on common issues raised in prior or newly submitted district reading plans.

(b) The Read to Succeed Office shall monitor the district and school plans and use their findings to inform the training and support the office provides to districts and schools.

(c) The department may direct a district that is persistently unable to prepare an acceptable PK‑12 reading proficiency plan or to help all students comprehend grade‑level texts to enter into a multidistrict or contractual arrangement to develop an effective intervention plan.

(C) Each school must prepare an implementation plan aligned with the district reading proficiency plan to enable the district to monitor and support implementation at the school level. A school implementation plan shall be sufficiently detailed to provide practical guidance for classroom teachers. Proposed strategies for assessment, instruction, and other activities specified in the school plan must be sufficient to provide to classroom teachers and other instructional staff helpful guidance that can be related to the critical reading and writing needs of students in the school. In consultation with the School Improvement Council, each school must include in its implementation plan the training and support that will be provided to parents as needed to maximize their promotion of reading and writing by students at home and in the community.

Section 59‑155‑150. (A) With the enactment of this chapter, the State Superintendent of Education shall ensure that every student entering publically funded prekindergarten and kindergarten beginning in Fiscal Year 2014‑2015 will be administered a readiness assessment by the forty‑fifth day of the school year. Initially the assessment shall focus on early language and literacy development. Beginning in Fiscal Year 2016‑2017, the assessment must assess each child’s early language and literacy development, mathematical thinking, physical well‑being, and social‑emotional development. The assessment may include multiple assessments, all of which must be approved by the board. The approved assessments of academic readiness must be aligned with first and second grade standards for English language arts and mathematics. The purpose of the assessment is to provide teachers and parents or guardians with information to address the readiness needs of each student, especially by identifying language, cognitive, social, emotional, health problems, and concerning appropriate instruction for each child. The results of the assessment and the developmental intervention strategies recommended to address the child’s identified needs must be provided, in writing, to the parent or guardian. Reading instructional strategies and developmental activities for children whose oral language skills are assessed to be below the norm of their peers in the State must be aligned with the district’s reading proficiency plan for addressing the readiness needs of each student. The results of each assessment also must be reported to the Read to Succeed Office through an electronic information system.

(B) Any student enrolled in prekindergarten, kindergarten, first grade, second grade, or third grade who is substantially not demonstrating proficiency in reading, based upon formal diagnostic assessments or through teacher observations, must be provided intensive in‑class and supplemental reading intervention immediately upon determination. The intensive interventions must be provided as individualized and small group assistance based on the analysis of assessment data. All sustained interventions must be aligned with the district’s reading proficiency plan. These interventions must be at least thirty minutes in duration and be in addition to ninety minutes of daily reading and reading instruction provided to all students in kindergarten through grade three. The district must continue to provide intensive in‑class intervention and at least thirty minutes of supplemental intervention until the student can comprehend and write text at grade‑level independently. In addition, the parent or guardian of the student must be notified, in writing, of the child’s inability to read grade‑level texts, the interventions to be provided, and the child’s reading abilities at the end of the planned interventions. The results of the initial assessments and progress monitoring also must be provided to the Read to Succeed Office through an electronic student reading progress monitoring data.

(C) Programs that focus on early childhood literacy development in the State are required to promote:

(1) parent training and support for parent involvement in developing children’s literacy; and

(2) development of oral language, print awareness, and emergent writing; and are encouraged to promote community literacy including, but not limited to, primary health care providers, faith‑based organizations, county libraries, and service organizations.

Section 59‑155‑160. (A) Beginning with Fiscal Year 2017‑2018 school year, a student must be retained in the third grade if the student fails substantially to demonstrate third‑grade reading proficiency at the end of the third grade. A student may be exempt for good cause from the mandatory retention but shall continue to receive instructional support and services and reading intervention appropriate for their age and reading level. Good cause exemptions include students:

(1) with limited English proficiency and less than two years of instruction in English as a Second Language program;

(2) with disabilities whose individual education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose individual education plan or Section 504 plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency;

(3) who demonstrate third‑grade reading proficiency on an alternative assessment approved by the board and which teachers may administer following the administration of the state assessment of reading or after a student’s participating in a summer reading camp;

(4) who have received reading intervention and were previously retained; and

(5) who through a reading portfolio document, the student’s mastery of the state standards in reading equal to at least a level above the lowest level on the state reading assessment. Such evidence must be an organized collection of the student’s mastery of the state English language arts standards that are assessed by the Grade 3 state reading assessment. The Read to Succeed Office shall develop guidelines for the student portfolio; however the student portfolio must meet the following minimum criteria:

(a) be selected by the student’s English language arts teacher or summer reading camp instructor;

(b) be an accurate picture of the student’s ability and only include student work that has been independently produced in the classroom;

(c) include evidence that the benchmarks assessed by the Grade 3 state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district or school’s adopted core reading curriculum that are aligned with the state English language arts standards or teacher‑prepared assessments;

(d) be an organized collection of evidence of the student’s mastery of the English language arts state standards that are assessed by the Grade 3 state reading assessment. For each benchmark there must be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and

(e) be signed by the teacher and the principal as an accurate assessment of the required reading skills.

(B) The superintendent of the local school district must determine whether a student in the district may be exempt from the mandatory retention by taking all of the following steps:

(1) The teacher of a student eligible for exemption must submit to the principal documentation on the proposed exemption and evidence that promotion of the student is appropriate based on the student’s academic record. This evidence must be limited to the student’s individual reading proficiency plan, individual education program, alternative assessments, or student reading portfolio. The Read to Succeed Office must provide districts with a standardized form to use in the process.

(2) The principal must review the documentation and determine whether the student should be promoted. If the principal determines the student should be promoted, the principal must submit a written recommendation for promotion to the district superintendent for final determination.

(3) The district superintendent’s acceptance or rejection of the recommendation must be in writing and a copy must be provided to the parent or guardian of the child.

(C)(1) Students substantially not demonstrating third‑grade reading proficiency may enroll in a summer reading camp prior to being retained the following school year. Summer reading camps must be at least six weeks in duration with a minimum of four days of instruction per week and four hours of instruction per day, or the equivalent minimum hours of instruction in the summer. School transportation shall be provided. The camps must be taught by compensated teachers who have at least an add‑on literacy endorsement or who have documented and demonstrated substantial success in helping students comprehend grade level texts. The Read to Succeed Office shall assist districts that cannot find qualified teachers to work in the summer camps. Districts may also choose to contract for the services of qualified instructors or collaborate with one or more districts to provide a summer reading camp. Schools and school districts are encouraged to partner with county or school libraries, institutions of higher learning, community organizations, faith‑based institutions, businesses, pediatric and family practice medical personnel, and other groups to provide volunteers, mentors, tutors, space, or other support to assist with the provision of the summer reading camps. A parent or guardian of a student who does not substantially demonstrate proficiency in comprehending texts appropriate for his grade level must make the final decision regarding the student’s participation in the summer reading camp. Students who demonstrate third‑grade reading proficiency through an alternative assessment or student reading portfolio after completing the summer reading camp must be promoted to the fourth grade.

(2) A district may include in the summer reading camps students who are not exhibiting reading proficiency at any grade and may charge fees for these students to attend the summer reading camps based on a sliding scale pursuant to Section 59‑19‑90, except where a child is found to be reading below grade level in the first, second, or third grade.

(D) Retained students must be provided intensive instructional services and support, including a minimum of ninety minutes of daily reading and reading instruction, supplemental text‑based instruction, and other strategies prescribed by the school district. These strategies may include, but are not limited to, instruction directly focused on improving the student’s individual reading proficiency skills through small group instruction, reduced teacher‑student ratios, more frequent student progress monitoring, tutoring or mentoring, transition classes containing students in multiple grade spans, and extended school day, week, or year reading support. The school must report through the student reading progress monitoring data system to the Read to Succeed Office on the progress of students in the class at the end of the school year and at other times as required by the office based on the reading progression monitoring requirements of these students.

(E) If the student is not demonstrating third‑grade reading proficiency by the end of third grade, his parent or guardian timely must be notified, in writing, that the student will be retained unless exempted from mandatory retention for good cause. The parent or guardian may designate another person as an education advocate also to act on their behalf to receive notification and to assume the responsibility of promoting the reading success of the child. The written notification must include a description of the proposed reading interventions that will be provided to help the student comprehend grade‑level texts. The parent, guardian, or other education advocate of a retained student must receive written reports at least monthly on the student’s progress toward being able to read grade‑level texts based upon the student’s classroom work, observations, tests, assessment, and other information. The parent, guardian, or other education advocate also must be provided with a plan for promoting reading at home, including participation in shared or guided reading workshops for the parent, guardian, or other family members. The parent or guardian of a retained student must be offered supplemental tutoring for the retained student in evidenced‑based services outside the instructional day.

(F) For students in grades four and above who are substantially not demonstrating reading proficiency, interventions shall be provided by reading interventionists in the classroom and, as appropriate, before or after school as documented in the district reading plan.

Section 59‑155‑170. (A) To help students develop and apply their reading and writing skills across the school day in all the academic disciplines, including, but not limited to, English language arts, mathematics, science, social studies, the arts, career and technology education, and physical and health education, teachers of these content areas at all grade levels must focus on helping students comprehend print and non‑print texts authentic to the content area. The Read to Succeed Program is intended to institutionalize in the public schools a comprehensive system to promote high achievement in the content areas described in this chapter through extensive reading and writing. Research‑based practices must be employed to promote comprehension skills through, but not limited to:

(1) vocabulary;

(2) connotation of words;

(3) connotations of words in context with adjoining or prior text;

(4) concepts from prior text;

(5) personal background knowledge;

(6) ability to interpret meaning through sentence structure features;

(7) questioning;

(8) visualization; and

(9) discussion of text with peers.

(B) These practices must be mastered by teachers through high quality training and addressed through well‑designed and effectively executed assessment and instruction implemented with fidelity to research‑based instructional practices presented in the state, district, and school reading plans. All teachers, administrators, and support staff must be trained adequately in reading comprehension in order to perform effectively their roles enabling each student to become proficient in content area reading and writing.

(C) During Fiscal Year 2014‑2015, the Read to Succeed Office shall establish a set of essential competencies that describe what certified teachers at the early childhood, elementary, middle or secondary levels must know and be able to do so that all students can comprehend grade‑level texts. These competencies, developed collaboratively with the faculty of higher education institutions and based on research and national standards, must then be incorporated into the coursework required by Section 59‑155‑180. The Read to Succeed Office, in collaboration with South Carolina Educational Television, shall provide professional development courses at no cost to the educator to ensure that educators have access to multiple avenues of receiving endorsements.

Section 59‑155‑180. (A) As a student progresses through school, reading comprehension in content areas such as science, mathematics, social studies, English language arts, career and technology education, and the arts is critical to the student’s academic success. Therefore, to improve the academic success of all students in pre‑kindergarten through grade 12, the State shall strengthen its preservice and in‑service teacher education programs.

(B)(1) Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 school year, all pre‑service teacher education programs including MAT degree programs must require all candidates seeking licensure at the early childhood or elementary level to complete a 12‑semester credit sequence in literacy that includes a school‑based practicum and ensures that candidates grasp the theory, research, and practices that support and guide the teaching of reading. The six components of the reading process that are comprehension, oral language, phonological awareness, phonics, fluency, and vocabulary will provide the focus for this sequence to ensure that all teacher candidates are skilled in diagnosing a child’s reading problems and are capable of providing an effective intervention.

(2) Beginning with students entering a teacher education program in the fall semester of the 2016‑2017 school year, all pre‑service teacher education programs, including MAT degree programs, must require all candidates seeking licensure at the middle or secondary level to complete a 6‑semester credit sequence in literacy that includes a course in the foundations of literacy and a course in content‑area reading.

(3) By this subsection, the General Assembly is not mandating an increase in the number of semester hours required for teacher candidates but rather is requiring that pre‑service teacher education programs prioritize their mission and resources so all early and elementary education teachers have the knowledge and skills to provide effective instruction in reading and numeracy to all students.

(C)(1) To ensure that practicing professionals possess the knowledge and skills necessary to assist all children and adolescents in becoming proficient readers, multiple pathways are needed for developing this capacity.

(2) A reading/literacy coach shall be employed in each elementary school. Reading coaches shall serve as job‑embedded, stable resources for professional development throughout schools in order to generate improvement in reading and literacy instruction and student achievement. Reading coaches shall support and provide initial and ongoing professional development to teachers based on an analysis of student assessment and the provision of differentiated instruction and intensive intervention. The reading coach shall:

(a) model effective instructional strategies for teachers by working weekly with students in whole, and small groups, or individually;

(b) facilitate study groups;

(c) train teachers in data analysis and using data to differentiated instruction;

(d) coaching and mentoring colleagues;

(e) work with teachers to ensure that research‑based reading programs are implemented with fidelity; and

(f) work with all teachers (including content area and elective areas) at the school they serve, and help prioritize time for those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in the classrooms;

(g) help lead and support reading leadership teams.

(3) The reading coach must not be assigned a regular classroom teaching assignment, must not perform administrative functions that deter from the flow of improving reading instruction and reading performance of students and must not devote a significant portion of his or her time to administering or coordinating assessments. No later than August 1, 2014, the department must publish guidelines that define the minimum qualifications for a reading coach. Beginning in Fiscal Year 2014‑2015, reading/literacy coaches are required to earn the add‑on certification within six years, except as exempted in items (4) and (5), by completing the necessary courses or professional development as required by the department for the add‑on. During the six‑year period, to increase the number of qualified reading coaches, the Read to Succeed Office shall identify and secure courses and professional development opportunities to assist educators in becoming reading coaches and in earning the literacy add‑on endorsement. In addition, the Read to Succeed Office will establish a process through which a district may be permitted to use state appropriations for reading coaches to obtain in‑school services from department‑approved consultants or vendors, or only in the event that the school is not successful in identifying and directly employing a qualified candidate. Districts must provide to the Read to Succeed Office information on the name and qualifications of reading coaches funded by the state appropriations.

(4) Beginning in Fiscal Year 2015‑2016, early childhood and elementary education certified classroom teachers, reading interventionists, and those special education teachers who provide learning disability and speech services to students who need to substantially improve their low reading and writing proficiency skills, are required to earn the literacy teacher add‑on endorsement within ten years of their most recent certification by taking at least two courses or six credit hours every five years, consistent with existing recertification requirements. The courses leading to the endorsement must be approved by the State Board of Education and must include classes in foundations, assessment, content area reading and writing, instructional strategies, and an embedded or stand‑along practicum. Whenever possible these courses shall be offered at a professional development rate which is lower than the certified teacher rate. Early childhood and elementary education certified classroom teachers, reading specialists, psychologists, and special education teachers who provide learning disability and speech services to students who need to improve substantially their reading and writing proficiency and who already possess their add‑on Reading Teacher licensure can take a content area reading course to obtain their Literacy Teacher add‑on endorsement. Teachers who have earned a master’s or doctorate in reading, who have learned a literacy teacher add‑on endorsement, or who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, and South Carolina Reading Intervention, or another program approved by the State Board of Education in regulation, are exempt from this requirement.

(5) Beginning in Fiscal Year 2015‑2016, middle and secondary licensed classroom teachers are required to take at least two courses or six credit hours to improve reading instruction within five years of their most recent certification. The courses must be approved by the State Board of Education and include courses leading to the literacy teacher add‑on endorsement. Coursework in reading must include a course in reading in the content areas. Whenever possible these courses will be offered at a professional development rate which is lower than the certified teacher rate. Only certified teachers who have earned a master’s or doctorate in reading, who have earned a literacy teacher add‑on endorsement, or who have completed an intensive, prolonged professional development program like Reading Recovery, Project Read, and South Carolina Reading Intervention, or another program as approved by the State Board of Education in regulation, are exempt from this requirement.

(6) Beginning in Fiscal Year 2015‑2016, principals and administrators who are responsible for reading instruction or intervention in a school district or school are required to take at least one course or three credit hours within five years of their most recent certification. The course or professional development shall include information about reading process, instruction, assessment, or content area literacy and shall be approved by the Read to Succeed Office.

Section 59‑155‑190. Local school districts are encouraged to create family‑school‑community partnerships that focus on increasing the volume of reading, in school and at home, during the year and at home and in the community over the summer. Schools and districts should partner with county libraries, local arts organizations, faith‑based institutions, pediatric and family practice medical personnel, businesses, and other groups to provide volunteers, mentors, or tutors to assist with the provision of instructional supports, services, and books that enhance reading development and proficiency. A district shall include specific actions taken to accomplish the requirements of this section in its reading proficiency plan.

Section 59‑155‑200. The Read to Succeed Office and each school district must plan for and act decisively to engage the families of students as full participating partners in promoting the reading and writing habits and skills development of their children. With support from the Read to Succeed Office, districts and individual schools shall provide families with information about how children progress as readers and writers and how they can support this progress. This family support must include providing time for their child to read, as well as reading to the child. To ensure that all families have access to a considerable number and diverse range of books, schools should develop plans for enhancing home libraries and for accessing books from county libraries and school libraries and to inform families about their child’s ability to comprehend grade‑level texts and how to interpret information about reading that is sent home. The districts and schools shall help families learn about reading and writing through open houses, South Carolina Educational Television, video and audio tapes, websites, and school‑family events and collaborations that help link the home and school of the student. The information should enable family members to understand the reading and writing skills required for graduation and essential for success in a career. Each institution of higher learning may operate a year-round program similar to a summer reading camp to assist students not reading at grade level.

Section 59‑155‑210. The board and department shall translate the statutory requirements for reading and writing specified in this chapter into standards, practices, and procedures for school districts, boards, and their employees and for other organizations as appropriate. In this effort, they shall solicit the advice of education stakeholders who have a deep understanding of reading, as well as school boards, administrators, and others who play key roles in facilitating support for and implementation of effective reading instruction.”

SECTION 2. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 156

Child Early Reading Development and Education Program

Section 59‑156‑10. There is created the South Carolina Child Early Reading Development and Education Program which is a full day, four‑year old kindergarten program for at‑risk children which must be made available to qualified children in all public school districts within the State. The program shall focus on:

(1) a comprehensive, systemic approach to reading that follows the State Reading Proficiency Plan and the district’s comprehensive annual reading proficiency plan, both adopted pursuant to Chapter 155, Title 59;

(2) successfully completing the readiness assessment administered pursuant to Section 59‑155‑150;

(3) the developmental and learning support that children must have in order to be ready for school;

(4) incorporating parenting education, including educating the parents as to methods that may assist the child pursuant to Section 59‑155‑110, 59‑155‑130, and 59‑155‑140; and

(5) identifying community and civic organizations that can support early literacy efforts.

Section 59‑156‑20. (A)(1) The South Carolina Child Early Reading Development and Education Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3.

(2) With any funds remaining after funding the eight trial districts, the program must be expanded to the remaining plaintiff school districts in Abbeville County School District et al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of ninety percent or greater. Priority must be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006‑2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at‑risk four‑year‑old children.

(3) With any funds remaining after funding the school districts delineated in items (1) and (2), the program must be expanded statewide. The General Assembly, in the annual general appropriations bill, shall set forth the priority schedule, the funding, and the manner in which the program is expanded.

(B) Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers, especially reading barriers, may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

Section 59‑156‑30. (A) Each child residing in the program’s districts, who has attained the age of four years on or before September first of the school year and meets the at‑risk criteria, is eligible for enrollment in the South Carolina Child Early Reading Development and Education Program for one year.

(B) The parent of each eligible child may enroll the child in one of the following programs:

(1) a school‑year four‑year‑old kindergarten program delivered by an approved public provider; or

(2) a school‑year four‑year‑old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child’s birth certificate, immunization documentation, and documentation of the student’s eligibility as evidenced by family income documentation showing an annual family income of one hundred eighty‑five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of six and one‑half hours of instructional time daily and operates for a period of not less than one hundred eighty days a year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

(C)(1) No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this chapter. Nothing in this chapter prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

(2) If by October first of the school year at least seventy‑five percent of the total number of children eligible for the Child Early Reading Development and Education Program in a district or county are projected to be enrolled in that program, Head Start, or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, Child Early Reading Development and Education Program providers may then enroll pay‑lunch children who score at or below the twenty‑fifth national percentile on two of the three DIAL‑3 subscales and may receive reimbursement for these children if funds are available.

Section 59‑156‑40. (A) Public school providers participating in the South Carolina Child Early Reading Development and Education Program must submit an application to the Department of Education. Private providers participating in the South Carolina Child Early Reading Development and Education Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this section, and will comply with all reporting and assessment requirements.

(B) Providers shall:

(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;

(2) comply with all state and local health and safety laws and codes;

(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;

(4) be accountable for meeting the educational needs of the child and report at least quarterly to the parent or guardian on his progress;

(5) comply with all program, reporting, and assessment criteria required of providers;

(6) maintain individual student records for each child enrolled in the program, including, but not limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;

(7) designate whether extended day services will be offered to the parents and guardians of children participating in the program;

(8) be approved, registered, or licensed by the Department of Social Services; and

(9) comply with all state and federal laws and requirements specific to program providers.

(C) Providers may limit student enrollment based upon space available. However, if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre‑kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

Section 59‑156‑50. The Department of Education, the Read to Succeed Office, and the Office of First Steps to School Readiness shall:

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research‑based preschool curricula for use in the program based upon the South Carolina Content Standards, and provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved pre‑kindergarten readiness assessments to be used in conjunction with the program, and provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

(8) develop a list of data collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

Section 59‑156‑60. (A) Providers of the South Carolina Child Early Reading Development and Education Program shall offer a complete educational program in accordance with age‑appropriate instructional practice and a research‑based preschool curriculum aligned with school success. The program must focus on:

(1) a comprehensive, systemic approach to reading that follows the State Reading Proficiency Plan and the district’s comprehensive annual reading proficiency plan, both adopted pursuant to Chapter 155, Title 59;

(2) successfully completing the readiness assessment administered pursuant to Section 59‑155‑150;

(3) the developmental and learning support that children must have in order to be ready for school;

(4) incorporating parenting education, including educating the parents as to methods that may assist the child pursuant to Section 59‑155‑110, 59‑155‑130, and 59‑55‑140, including strengthening parent involvement in the learning process with an emphasis on interactive literacy; and

(5) identifying community and civic organizations that can support early literacy efforts.

(B) Providers shall offer high‑quality, center‑based programs, including, but not limited to, the following:

(1) employ a lead teacher with a two‑year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education for public schools or from the Office of First Steps to School Readiness for private centers;

(2) employ an education assistant with preservice or in‑service training in early childhood education;

(3) maintain classrooms with at least ten four‑year‑old children, but no more than twenty four‑year‑old children, with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case‑by‑case basis;

(4) offer a full day, center‑based program with six and one‑half hours of instruction daily for one hundred eighty school days;

(5) provide an approved research‑based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social and emotional development;

(6) engage parents’ participation in their child’s educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this chapter.

Section 59‑156‑70. (A) Every classroom providing services to four‑year‑old children established pursuant to this chapter must have a qualified lead teacher and an education assistant as needed to maintain an adult to child ratio of 1:10.

(B)(1) In classrooms in private centers, the lead teacher must have at least a two‑year degree in early childhood education or a related field and who is enrolled and is demonstrating progress toward the completion of a teacher educational program within four years.

(2) In classrooms in public schools, the lead teacher must meet state requirements pertaining to certification.

(C) All education assistants in private centers and public schools must have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The assistant must have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to First Steps or the Department of Education, as applicable, and provide appropriate documentation as to the qualifications of the teaching assistant.

Section 59‑156‑80. The General Assembly recognizes there is a strong relationship between the skills and preparation of pre‑kindergarten instructors and the educational outcomes of students. To improve these educational outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Early Reading Development and Education Program to participate annually in a minimum of fifteen hours of professional development, including, teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age‑appropriate progress of pre‑kindergarten students in developing emergent literacy skills, including, but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. The Reading Proficiency Expert Panel shall make recommendations regarding the professional development.

Section 59‑156‑90. Both public and private providers are eligible for transportation funds for the transportation of children to and from school. Nothing within this section prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56‑5‑195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four‑year‑old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than one hundred eighty‑five dollars per student may be retained by the Department of Education for the purposes of transporting four‑year‑old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the State Budget and Control Board for the Education Finance Act.

Section 59‑156‑100. For all private providers approved to offer services pursuant to this chapter, the Office of First Steps to School Readiness shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four‑year‑old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four‑year‑old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the program.

Section 59‑156‑110. For all public school providers approved to offer services pursuant to this chapter, the Department of Education shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four‑year‑old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four‑year‑old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the program.

Section 59‑156‑120. (A) Eligible students enrolling with private providers during the school year shall be funded on a pro‑rata basis determined by the length of their enrollment.

(B) Private providers transporting eligible children to and from school shall be eligible for a reimbursement of up to five hundred fifty dollars per eligible child transported, funded on a pro‑rata basis determined by the length of the child’s enrollment. Providers who are reimbursed are required to retain records as required by their fiscal agent.

(C) Providers enrolling between one and six eligible children shall be eligible to receive up to one thousand dollars per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed ten thousand dollars.

(D) Providers receiving equipment grants are expected to participate in the program and provide high‑quality, center‑based programs for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

Section 59‑156‑130. The Department of Social Services shall:

(1) maintain a list of all approved public and private providers; and

(2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this chapter.

Section 59‑156‑140. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state‑funded programs provided through private providers.”

SECTION 3. This act takes effect upon approval by the Governor and is subject to the availability of state funding. / //

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

Senator MALLOY spoke on the amendment.

The amendment was adopted.

**Motion Adopted**

On motion of Senator PEELER, with unanimous consent, the committee amendment and Amendment No. P1A were withdrawn.

**Amendment No. 2**

Senator CORBIN proposed the following amendment (516R011.TDC), which was withdrawn:

Amend the bill, as and if amended, page 16, line 1, by inserting:

/ Section 59‑155‑220. Each school district where the district’s comprehensive annual school district report card, as required in Article 9, Chapter 18, Title 59, reflects that eighty percent of the students in the district achieved a student performance level of ‘met’, as defined in Section 59‑18‑900(B), in English/Language Arts may opt out of the provisions of this chapter for the following school year. /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

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

**Amendment No. 5**

Senator BRIGHT proposed the following amendment (BH\516C035.BH.DG14), which was tabled:

Amend the bill, as and if amended, SECTION 2, by adding a section at the end to read:

/ Section 59‑156‑140. Notwithstanding any other provision of law, if the Office of First Steps is not reauthorized or does not operate, the Department of Education shall fufill its responsibilities, including the funding of private kindergarten. /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

Senator SCOTT moved to lay the amendment on the table.

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

**Ayes 32; Nays 10**

**AYES**

Alexander Allen Campbell

Coleman Courson Cromer

Gregory Hayes Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Shealy Sheheen Turner

Williams Young

**Total--32**

**NAYS**

Bennett Bright Campsen

Corbin Davis Fair

Grooms Hembree *Martin, Shane*

Thurmond

**Total--10**

The amendment was laid on the table.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 6**

**AYES**

Alexander Allen Bennett

Campbell Coleman Courson

Cromer Davis Fair

Gregory Hayes Hembree

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Shealy Sheheen

Turner Williams Young

**Total--36**

**NAYS**

Bright Campsen Corbin

Grooms *Martin, Shane* Thurmond

**Total--6**

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

**Expression of Personal Interest**

Senator SETZLER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator PEELER rose for an Expression of Personal Interest.

**Remarks by Senator SETZLER**

Ladies and Gentlemen, I will not be long. If anyone is cognizant that it is Lexington County night, it is I. Let me say to you that I, like Senator PEELER, did not want to speak until after we took a vote on this legislation.

This is a significant day in the South Carolina Senate. This piece of legislation which ties Read to Succeed and Four Year Old Kindergarten, in my humble opinion, is the most significant piece of education legislation since 2005 when we passed the EEDA to prepare children for college and career choices. S. 516 gives us an opportunity to focus on helping students succeed. If there is anything about which we, in the South Carolina Senate, are supportive, it is about helping students succeed, particularly those students who are most vulnerable. This legislation goes a step further because it gives the adults in students' lives, the teachers, the parents, the grandparents and the guardians the tools that they need to be able to help these children succeed.

Four Year Old Kindergarten has been a labor of love on this side of the isle. We have worked hard in that arena. Read to Succeed has been a labor of love for Senator PEELER and this side of the isle. We could have done what Washington does every day. We could have gotten in a partisan fight, and no one would have benefited.

When I took the floor last week, I made the request that we have conversation relative to improving the reading portion of this legislation. We immediately did that, and Senator PEELER helped facilitate that process. Senator HAYES and Senator MATTHEWS were a part of that. The staff and Melanie Barton of the Education Oversight Committee were invaluable in helping us do that. Senator PEELER, I know you have acknowledged that we have improved that piece of legislation significantly from the language that was originally introduced, and I fully agree with you.

On the Four Year Old Kindergarten portion, Senator LEATHERMAN has worked with us tirelessly on funding, and he was a Trojan last year in that effort, as was Senator PEELER who joined us at the hip. I want to publically thank both of you for what you have done to help us there.

We are currently serving 17,000 at-risk children in 53 districts in this State. That is tremendous, and that is not even half of the students. We still have 24,000 at-risk students in this State that will be served as we go through this process.

This has been a bipartisan effort on behalf of our students. Senator SHEHEEN has fought for Four Year Old Kindergarten for years and has been an advocate. Senator MALLOY has been involved in discussions and this effort to merge two ideas together into one piece of legislation, and he had the amendment on the desk to do such. The issue of funding was critical and again support was shown, with critical support coming from Senator LEATHERMAN as he voted aye.

From my perspective, I want to say thank you to each one of you, even the people who voted no. You voted your conscience, but you allowed the debate to go forward and talk about it. This is a very proud day in the Senate. When we can tie these two things together and pass this Bill with these two linked together to give at-risk children the opportunity to go to Four Year Old Kindergarten and start assessing them early on, we will know the success of these programs. When we work together, we are doing things that are right for the people of South Carolina but more importantly we are doing something right for the future generations of South Carolina. Senator PEELER, it has been my pleasure to work with you, and I want to thank the people on both sides of the isle because we put people ahead of politics.

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

**Remarks by Senator PEELER**

Members of the Senate, I stand here embarrassed. I’ve heard my name mentioned so many times. It’s embarrassing the thank yous and the attention you’ve given me. It’s not about me. You’ve used my name too much. You’ve bragged on me too much, Senator MALLOY. Like I told you when we started the debate on the “Read to Succeed” effort, the genesis of this is when I asked my staff to come up with something that would help our high school drop-out rate in South Carolina. They brought me something from the EOC, the Education Oversight Committee. So, this was not my brain child at all. This came from my staff, the EOC staff and, Senator from Richland, your staff; the Education staff. But I’m totally committed to it. I’m committed to the idea because, like I told you before, I think it’s as Senator SETZLER said, “The most significant piece of legislation” and, I think, economic development legislation that we’ve done in recent memory. Today is one of the most important days of my life in the Senate. Very much like what Senator SETZLER just said, “It’s not for us.” We didn’t do it for us. We’re doing it for the children and the future of the State of South Carolina. For us to come together on both sides of the aisle in a bipartisan effort to help our kids is what it’s all about. I’m so proud we have debated and have given second reading to a piece of legislation that effects both sides of the political spectrum. I think, Senator LEATHERMAN, that this predicts a great future for this Senate and for the State of South Carolina. For us to work like we’ve worked in recent days and in recent hours, I want to thank Senator SETZLER. I want to thank Senator MALLOY. You are exactly right, it all started in Senator HAYE’S subcommittee. But, hopefully, this is not where it will end. It’s just a beginning for the State of South Carolina.

Members of the Senate, I’m full today and will be the first to tell you I’m high strung and emotional. You all know that. I just want to tell you that momma says she thinks I have a birth defect. My heart is too close to my eyes. I cry just thinking about crying. I told some folks the other day that the first time I heard the song “The Chair” by George Strait, I had to lay down a minute. I’m that emotional and that high strung. I am. During the debate the other day one of the Senators came up to me and said, “Don’t take this personally, but I’m going to try to kill this amendment.” One of the other Senators said, “Do you know who you’re talking to? He takes everything personally.” I do and I take this effort personally. I want to tell the thousands of people in South Carolina that “don’t read too well” -- this is for you!

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

**Motion Adopted**

On motion of Senator COURSON, the Senate stood adjourned.

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Andy Carper, Jr. of Greenville, S.C. Mr. Carper was the husband of Montee Martin Carper who is a first-cousin of Senator LARRY MARTIN. Mr. Carper was a veteran of the U.S. Army, enjoyed gardening, woodworking and blue grass gospel music. He was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. W. Jack Ragsdale of Easley, S.C. who died at the age of 95 years old. Mr. Ragsdale was a 1940 Clemson Mechanical Engineering graduate. He served with distinction in WWII in the Army Air Corp as a Lt. Colonel and earned two bronze stars. He was a former publisher of the *Easley Progress* and retired chairman of Martin Printing Company. Jack served as the first president of Easley Chamber of Commerce, a past president of the SC Press Association and the Printing Industry of the Carolinas. He was an inductee in the Easley Athletic Hall of Fame and recipient of the Duke Energy Citizenship and Service Award. Jack was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 6:15 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*