**Thursday, March 3, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

In Ezekiel we read:

“You are my sheep, the sheep of my pasture and I am your God, says the Lord God.” (Ezekiel 34:31)

Pray with me, if you will:

Gracious God, may it be that these Senators never forget that behind many issues, underneath each challenge, and touched by every problem are the women and men and children of South Carolina. Allow each of these Senators always to see the human faces that are a part of every debate and each action. And let every other leader in this State also realize that in very many regards, whatever their title, they are shepherds as well. May they care lovingly for “their sheep” in ways that bring You honor, dear Lord.

Amen.

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

**Doctor of the Day**

Senator COURSON introduced Drs. Patricia Witherspoon and Elizabeth Yardley of Columbia, S.C., as Doctors of the Day.

**Leave of Absence**

At 11:10 A.M., Senator SHANE MARTIN requested a leave of absence beginning at 2:00 P.M. for the balance of the day.

**Leave of Absence**

At 1:00 P.M., Senator CLEARY requested a leave of absence for the balance of the day.

**Leave of Absence**

At 1:00 P.M., Senator COURSON requested a leave of absence for the balance of the day.

**Motion Adopted**

On motion of Senator BRYANT, with unanimous consent, Senators MASSEY, WILLIAMS, BRIGHT, REESE and BRYANT were granted leave to attend a subcommittee meeting on unemployment and also be granted leave to vote from the balcony.

**Expression of Personal Interest**

Senator PEELER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator THOMAS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 132 Sen. Peeler

S. 385 Sen. Peeler

S. 431 Sens. McGill, Williams, Nicholson

S. 559 Sen. Alexnder

S. 616 Sen. Verdin

**RECALLED**

S. 525 -- Senator L. Martin: A SENATE RESOLUTION TO DESIGNATE FRIDAY, SEPTEMBER 2, 2011, AS “SOUTH CAROLINA FAMILY PLAY DAY” AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO JOIN HANDS IN CELEBRATING THIS DAY.

Senator ALEXANDER asked unanimous consent to make a motion to recall the Resolution from the General Committee.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 642 -- Senator Hayes: A JOINT RESOLUTION TO CLARIFY THE SCIENCE COURSE REQUIREMENT FOR RECEIVING A SOUTH CAROLINA HIGH SCHOOL DIPLOMA.

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

S. 643 -- Senators Knotts, Reese, Thomas, Ford, Matthews, Williams, Campsen, Cromer, Campbell and O'Dell: A BILL TO AMEND SECTION 50-5-2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL EXHIBIT OF A MARINE MAMMAL IN THIS STATE AND PROVIDING PENALTIES FOR VIOLATION, SO AS TO PROHIBIT THE DISPLAY OF A WILD CAUGHT OR CAPTIVE BRED DOLPHIN OR WHALE AND TO REQUIRE THE MARINE MAMMAL STRANDING NETWORK TO ATTEMPT TO REHABILITATE AND TO RELEASE ANY BEACH-STRANDED WHALE OR DOLPHIN AND TO PROVIDE PENALTIES.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 644 -- Senator Peeler: A BILL TO AMEND SECTION 40-43-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE SOUTH CAROLINA PHARMACY PRACTICE ACT, SO AS TO PLACE ALPHABETICALLY THE DEFINITIONS OF “CERTIFIED PHARMACY TECHNICIAN” AND “REVOCATION”, TO REVISE THE DEFINITION OF “PHARMACY”, AND TO DEFINE “REMOTE MEDICATION ORDER PROCESS”; AND BY ADDING SECTION 40-43-210 SO AS TO PROVIDE THE REQUIREMENTS AND PROCEDURES FOR AN ENTITY HOLDING A SOUTH CAROLINA PHARMACY PERMIT TO UTILIZE REMOTE MEDICATION PROCESSING.

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

S. 645 -- Senators Knotts, Alexander, Campbell, Cleary, Cromer, Massey, L. Martin, Elliott, Rose, Reese, Matthews, Bright and Rankin: A BILL TO AMEND SECTION 56-1-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION FOR A DEPARTMENT OF MOTOR VEHICLE DRIVER'S LICENSE OR PERMIT, SO AS TO PROVIDE THAT THE APPLICATION SHALL REQUIRE AN APPLICANT TO PROVIDE THE NAME AND ADDRESS OF AN IMMEDIATE RELATIVE THAT MAY BE DISCLOSED TO A LAW ENFORCEMENT AGENCY OR A COUNTY CORONER OR DEPUTY CORONER ONLY; AND TO AMEND SECTION 56-3-240, RELATING TO THE APPLICATION TO REGISTER A VEHICLE WITH THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THE APPLICATION SHALL REQUIRE AN APPLICANT TO PROVIDE THE NAME AND ADDRESS OF AN IMMEDIATE RELATIVE THAT MAY BE DISCLOSED TO A LAW ENFORCEMENT AGENCY OR A COUNTY CORONER OR DEPUTY CORONER ONLY.

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

S. 646 -- Senator Alexander: A BILL TO AMEND SECTION 40-19-300 OF THE 1976 CODE, RELATING TO THE AUTHORITY OF ONE WITH A FIDUCIARY RELATIONSHIP WITH DECEASED PERSONS, TO ALLOW THOSE LICENSED TO PRACTICE FUNERAL SERVICES TO OBTAIN INFORMATION REGARDING THE EXISTENCE OF LIFE INSURANCE, TO REQUIRE A TIMELY RESPONSE FROM INSURANCE COMPANIES, TO AUTHORIZE THE DEPARTMENT OF INSURANCE TO TREAT AN UNTIMELY RESPONSE AS A CONSUMER COMPLAINT, TO REQUIRE A PERSON REQUESTING INFORMATION TO LOCATE AND INFORM BENEFICIARIES WITHIN ONE HUNDRED HOURS, AND TO PROVIDE THAT A LICENSEE MAKING A FALSE REQUEST OR FAILING TO FOLLOW THE OBLIGATIONS IMPOSED IS UNFIT TO PRACTICE FUNERAL SERVICES.

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Read the first time and, on motion of Senator ALEXANDER, with unanimous consent, the Bill was referred to the Committee on Banking and Insurance.

S. 647 -- Senators Campbell, Peeler, Bryant, Elliott, Grooms, Davis, Campsen, Rose, Hayes and Coleman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-3135 SO AS TO PROVIDE THAT WHEN A PARCEL OF REAL PROPERTY AND IMPROVEMENTS THEREON PREVIOUSLY SUBJECT TO PROPERTY TAX UNDERGOES AN ASSESSABLE TRANSFER OF INTEREST AND THE VALUE OF THE PARCEL AS DETERMINED AT THE TIME OF THE ASSESSABLE TRANSFER OF INTEREST IS GREATER THAN THE VALUE OF THE PARCEL USED IN THE PROPERTY TAX ASSESSMENT ON THE PARCEL FOR THE MOST RECENTLY COMPLETED PROPERTY TAX YEAR, THERE IS ALLOWED AN EXEMPTION OF AN AMOUNT OF THE FAIR MARKET VALUE OF THE PARCEL SUFFICIENT TO ELIMINATE ANY INCREASE IN THE VALUE OF THE PARCEL; TO AMEND SECTION 12-37-3140, AS AMENDED, RELATING TO DETERMINING FAIR MARKET VALUE, SO AS TO MAKE A CONFORMING CHANGE; AND TO AMEND SECTION 12-60-30, AS AMENDED, RELATING TO DEFINITIONS IN THE REVENUE PROCEDURES ACT, SO AS TO CLARIFY THE DEFINITION OF PROPERTY TAX ASSESSMENT.

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

S. 648 -- Senator Cleary: A BILL TO AMEND SECTION 40-65-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PROVISIONS CONCERNING SOIL CLASSIFIERS, SO AS TO REVISE THE EXEMPTIONS.

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

S. 649 -- Senator Elliott: A BILL TO AMEND SECTION 57-1-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERMS OF MEMBERS OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS PERTAINING TO THE SERVICE AND TERMS OF CURRENT COMMISSIONERS UPON THE ESTABLISHMENT BY LAW OF A SEVENTH CONGRESSIONAL DISTRICT FOR THIS STATE, INCLUDING THE ADDITION OF ANOTHER SEAT ON THE COMMISSION FROM THE SEVENTH CONGRESSIONAL DISTRICT.

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Senator ELLIOTT spoke on the Bill.

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

S. 650 -- Senator Alexander: A SENATE RESOLUTION TO COMMEND THE WEST-OAK HIGH SCHOOL WRESTLING TEAM, ITS COACHES, AND STAFF ON WINNING THE 2011 STATE CLASS AAA WRESTLING CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 651 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT MICHAEL J. BECKERMAN OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 652 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY PRIVATE FIRST CLASS GEOFFREY A. WHITSITT OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 653 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY LANCE CORPORAL WILLIAM H. CROUSE IV OF THE UNITED STATES MARINE CORPS WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 654 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT VINCENT W. ASHLOCK OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 655 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY CORPORAL J. “CHAD” YOUNG OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 656 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT FIRST CLASS JOHN H. JARRELL OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 657 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT FIRST CLASS KRISTOPHER D. CHAPLEAU OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 658 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SPECIALIST DAVID W. THOMAS OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 659 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY CAPTAIN MICHAEL P. CASSIDY OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN IRAQ, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 660 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT AARON M. ARTHUR OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN IRAQ, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 661 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT JEREMIAH T. WITTMAN OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 662 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT STEVEN M. THEOBALD OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN KUWAIT, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 663 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY PRIVATE FIRST CLASS DAVID A. JEFFERSON OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 664 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT SHELDON L. TATE OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 665 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT WILLIE JAMES HARLEY, JR. OF THE SOUTH CAROLINA ARMY NATIONAL GUARD WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 666 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT LUTHER WILLARD "WILL" RABON, JR. OF THE SOUTH CAROLINA ARMY NATIONAL GUARD WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 667 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT ANDREW S. BUBACZ OF THE UNITED STATES AIR FORCE WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

H. 3066 -- Reps. G. R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G. M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D. C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT OF 2011" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, AS AMENDED, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 2-13-240, CHAPTER 9, TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, CHAPTER 9, TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, AS AMENDED, 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; AND BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

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

H. 3070 -- Reps. Young, Harrison, G. R. Smith, H. B. Brown, Taylor, Hamilton, Murphy, G. M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Simrill, Pope, Clemmons, Harrell, Bedingfield, Henderson, D. C. Moss, Erickson and Edge: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

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

H. 3152 -- Reps. Young, Daning, Harrison, Allison, G. R. Smith, Stringer, Taylor, Forrester, Hamilton, Murphy, G. M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Weeks, Pope, Simrill, Clemmons, Harrell, Bedingfield and Edge: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE FOR THE JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR.

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

H. 3621 -- Reps. Bannister, Rutherford, Herbkersman, Weeks, J. E. Smith and Viers: A BILL TO AMEND SECTION 61-6-1035, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SAMPLING OF WINES, SO AS TO PERMIT RETAILERS TO CONDUCT TASTINGS.

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

H. 3668 -- Rep. Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 56-1-745 RELATING TO THE DRIVER’S LICENSE SUSPENSION OF A PERSON CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION.

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

H. 3785 -- Reps. Huggins, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE HOUSE OF REPRESENTATIVES UPON THE DEATH OF COLUMBIA BUSINESS AND CIVIC LEADER AND FORMER RICHLAND COUNTY PLANNING COMMISSIONER THOMAS NETTLES BAGNAL ON FEBRUARY 22, 2011, AND TO CONVEY THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 109 -- Senator Verdin: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 137, TO ENACT “THE REFLEX SYMPATHETIC DYSTROPHY SYNDROME EDUCATION ACT”, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ESTABLISH AN EDUCATIONAL PROGRAM CONCERNING THE SYNDROME, TO PROVIDE FOR THE CONTENTS OF A PUBLIC AWARENESS PROGRAM, TO REQUIRE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WORK WITH HEALTH CARE PROVIDERS AND OTHER PROFESSIONALS CONCERNING THE SYNDROME, TO ALLOW FOR PRIVATE FUNDING OF THE PROGRAM, AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

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

S. 220 -- Senator Jackson: A BILL TO AMEND CHAPTER 1, TITLE 44 OF THE 1976 CODE, BY ADDING SECTION 44‑1‑149 TO PROHIBIT THE RESALE OF FOOD THAT HAS BEEN SERVED OR SOLD TO AND POSSESSED BY A CONSUMER.

Ordered for consideration tomorrow.

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

S. 232 -- Senator Cleary: A BILL TO AMEND SECTION 44‑7‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE STATE CERTIFICATION OF NEED AND HEALTH CARE FACILITY ACT, SO AS TO REVISE THE DEFINITION OF HEALTH CARE FACILITY.

Ordered for consideration tomorrow.

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

S. 445 -- Senators Hutto, Fair and Jackson: A BILL TO AMEND SECTION 44‑29‑135, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS, SO AS TO DELETE THE PROVISION REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE SCHOOL DISTRICT SUPERINTENDENT AND SCHOOL NURSE IF A MINOR IS ATTENDING A SCHOOL IN THE DISTRICT AND HAS ACQUIRED IMMUNODEFICIENCY SYNDROME OR IS INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS; AND BY ADDING SECTION 59‑10‑220 SO AS TO REQUIRE EACH SCHOOL DISTRICT TO ADOPT THE CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS ON UNIVERSAL PRECAUTIONS FOR BLOODBORNE DISEASE EXPOSURE.

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Rules polled out S. 630 favorable:

S. 630 -- Senators Knotts, Massey, Peeler, Reese, Davis, Hutto, Fair, Hayes, Verdin, Sheheen, Leventis, Malloy, Rose, McConnell, L. Martin, Rankin, Ryberg, Scott, Setzler, Cromer, Coleman, Ford, Campbell, Land, Courson, McGill, Jackson, Williams, Matthews, Lourie, O’Dell, Cleary, Nicholson, Alexander, Anderson, Leatherman, Pinckney, Thomas, Campsen and Shoopman: A SENATE RESOLUTION TO AMEND THE RULES OF THE SENATE BY ADDING RULE 54, THE “PROHIBITION ON NONCANDIDATE COMMITTEES”, SO AS TO PROHIBIT A MEMBER OF THE SENATE FROM, DIRECTLY OR INDIRECTLY, ESTABLISHING, FINANCING, MAINTAINING, OR CONTROLLING A NONCANDIDATE COMMITTEE.

**Poll of the Rules Committee**

**Polled 17; Ayes 17; Nays 0; Not Voting 0**

**AYES**

*Martin, Larry* McConnell Reese

Land Hutto Matthews

Knotts Malloy Cromer

Leatherman Elliott Massey

Davis *Martin, Shane* Nicholson

Rose Shoopman

**Total--17**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

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

S. 634 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND M. ANDREW “ANDY” JAMES, FORMER KERSHAW COUNTY EDUCATOR AND SCHOOL BOARD MEMBER, FOR HIS THIRTY‑FOUR YEARS OF OUTSTANDING PUBLIC SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

S. 635 -- Senators L. Martin and Alexander: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE DR. DAVID SPITTAL UPON HIS RETIREMENT AS PRESIDENT OF SOUTHERN WESLEYAN UNIVERSITY AND TO WISH HIM ALL THE BEST IN HIS FUTURE ENDEAVORS.

S. 639 -- Senators Lourie, Courson, Scott and Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE HEATHWOOD HALL EPISCOPAL SCHOOL BASKETBALL TEAM FOR A SUCCESSFUL SEASON, AND TO CONGRATULATE THE PLAYERS AND THEIR COACHES FOR CAPTURING THE 2011 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION STATE CHAMPIONSHIP TITLE.

S. 640 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR THE SACRIFICE MADE BY LANCE CORPORAL KYLE CARPENTER OF THE UNITED STATES MARINE CORPS, SERIOUSLY WOUNDED WHILE SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO THIS COURAGEOUS SERVICEMAN THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION.

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

**THIRD READING BILLS**

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

S. 628 -- Senators Rose and Matthews: A BILL TO AMEND SECTION 3, ACT 267 OF 1987, RELATING TO THE AUTHORITY OF THE DORCHESTER COUNTY SCHOOL DISTRICTS TO SET THE TAX MILLAGE FOR EACH RESPECTIVE DISTRICT’S ANNUAL OPERATING BUDGET, TO PROVIDE THAT EACH DISTRICT MAY NOT EXCEED THE MILLAGE CAP IMPOSED BY SECTION 6-1-320 WITHOUT THE APPROVAL OF THE DORCHESTER COUNTY COUNCIL; AND TO AMEND ACT 593 OF 1992, RELATING TO THE LIMIT ON CASH RESERVES THAT MAY BE MAINTAINED BY DORCHESTER COUNTY SCHOOL DISTRICTS 2 AND 4, TO CHANGE THE LIMIT FROM FIVE PERCENT TO FIFTEEN PERCENT.

On motion of Senator ROSE

S. 404 -- Senators Campsen, McConnell, Land, Peeler, Alexander, Bryant, Campbell, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Grooms, Hayes, Hutto, Jackson, Knotts, Leventis, Matthews, L. Martin, Massey, McGill, O’Dell, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Thomas, Verdin, Williams, Lourie, Scott, Leatherman, Shoopman, Malloy, Bright and S. Martin: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT”; TO AMEND SECTION 7‑15‑400, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS AND ISSUANCE OF WRITE‑IN ABSENTEE BALLOTS, SO AS TO ALLOW A VOTER TO MAKE A STATEMENT ON A FEDERAL WRITE‑IN ABSENTEE BALLOT THAT HE IS UNABLE TO VOTE BY REGULAR ABSENTEE BALLOT OR IN PERSON DUE TO THE REQUIREMENTS OF MILITARY SERVICE, LIVING IN AN ISOLATED AREA, OR AN EXTREMELY REMOTE AREA OF THE WORLD, AND TO ADD THAT A QUALIFIED ABSENTEE ELECTOR MAY ALTERNATIVELY SUBMIT A FEDERAL WRITE‑IN ABSENTEE BALLOT FOR ANY FEDERAL, STATE, OR LOCAL OFFICE OR BALLOT INITIATIVE; TO ADD SECTION 7‑15‑406 TO ARTICLE 5, CHAPTER 13, TITLE 7, SO AS TO REQUIRE ALL ABSENTEE BALLOTS MUST BE MAILED TO THE ELECTOR AT LEAST FORTY‑FIVE DAYS PRIOR TO ANY ELECTION; TO AMEND SECTION 7‑15‑460, RELATING TO ABSENTEE BALLOTS AS PROVIDED BY THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT, SO AS TO MAKE THE PROVISIONS APPLICABLE TO FEDERAL, STATE, AND LOCAL OFFICES, AND TO REQUIRE THAT AN ELECTRONIC FREE ACCESS BALLOT TRACKING SYSTEM IS AVAILABLE TO ELECTORS; AND TO AMEND SECTION 7‑15‑220, RELATING TO THE SIGNING AND WITNESSING OF THE OATH BY THE ABSENTEE BALLOT APPLICANT, SO AS TO PROVIDE AN EXCEPTION FOR WITNESS REQUIREMENTS FOR VOTERS QUALIFIED UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT.

**COMMITTEE AMENDMENT ADOPTED, AMENDED**

**READ THE SECOND TIME, AS AMENDED**

S. 336 -- Senator Grooms: A BILL TO AMEND SECTION 56‑7‑30 OF THE 1976 CODE, RELATING TO GENERATING UNIFORM TRAFFIC CITATIONS WITH AN ELECTRONIC DEVICE, TO REQUIRE THAT A COPY OF THE CITATION IS HANDED DIRECTLY TO THE OFFENDER BY THE LAW ENFORCEMENT OFFICER ISSUING THE TICKET; TO AMEND CHAPTER 7, TITLE 56, RELATING TO MOTOR VEHICLE TRAFFIC TICKETS, BY ADDING SECTION 56‑7‑35 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MUST STOP AN OWNER OR OPERATOR OF A VEHICLE TO ISSUE A TRAFFIC TICKET, TO PROVIDE THAT THE TRAFFIC TICKET MUST BE HANDED DIRECTLY TO THE OWNER OR OPERATOR OF THE VEHICLE, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY MAY NOT MAIL OR OTHERWISE SEND A TRAFFIC TICKET TO AN OFFENDER, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED, AND TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO TOLL COLLECTION; TO AMEND SECTION 56‑5‑710, RELATING TO THE POWER OF LOCAL AUTHORITIES CONCERNING TRAFFIC LAWS, TO PROVIDE THAT A TRAFFIC TICKET CANNOT BE ISSUED BASED IN WHOLE OR IN PART UPON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER DEVICE CAPTURING THE IMAGE WAS ATTENDED OR UNATTENDED; TO AMEND SECTION 56‑5‑70, AS AMENDED, RELATING TO CERTAIN VEHICLE REQUIREMENTS BEING SUSPENDED DURING A STATE OF EMERGENCY, TO CLARIFY THAT UNIFORM TRAFFIC CITATIONS MAY NOT BE ISSUED IN WHOLE OR IN PART ON PHOTOGRAPHIC EVIDENCE REGARDLESS OF WHETHER THE CAMERA OR OTHER ELECTRONIC DEVICE CAPTURING THE PHOTOGRAPHIC EVIDENCE WAS ATTENDED OR UNATTENDED AT THE TIME IT CAPTURED THE PHOTOGRAPHIC EVIDENCE; AND TO DISGORGE ANY FINES COLLECTED IN VIOLATION OF SECTION 56‑5‑70.

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

The Committee on Transportation proposed the following amendment (336R002.LKG), which was adopted:

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

/ SECTION 1. Chapter 7, Title 56 of the 1976 Code is amended by adding:

“Section 56‑7‑35. (A) A uniform traffic ticket may only be issued for violating a local ordinance or the traffic laws relating to speeding or disregarding a traffic control device by a law enforcement officer incident to and contemporaneous with a traffic stop for the offense.

(B) A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense.

(C) A law enforcement agency may not utilize the United States mail, a parcel delivery service, electronic means, or otherwise to send to the operator or owner of a motor vehicle or motorcycle, as defined in Section 56‑3‑20, a uniform traffic citation alleging a violation of a local ordinance or the traffic laws relating to speeding or disregarding traffic control devices. This subsection does not prohibit the law enforcement agency from sending the operator or owner an additional copy of a uniform citation that was issued to the operator or owner during the traffic stop for the offense upon request of the operator or owner.

(D) A uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to speeding or disregarding traffic control devices may not be issued based in whole or in part upon photographic evidence, whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This section does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense.

(E) The provisions of this section do not apply to toll collection.”

SECTION 2. Section 56‑5‑710 of the 1976 Code is amended to read:

“Section 56‑5‑710. (A) Subject to the limitations prescribed in Section 56‑5‑930, the provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

(1) ~~Regulating~~ regulating the standing or parking of vehicles;

(2) ~~Regulating~~ regulating traffic by means of police officers or traffic‑control signals;

(3) ~~Regulating~~ regulating or prohibiting processions or assemblages on the highways;

(4) ~~Designating~~ designating particular highways as one‑way highways and requiring that all vehicles thereon be moved in one specific direction;

(5) ~~Regulating~~ regulating the speed of vehicles in public parks;

(6) ~~Designating~~ designating any highway as a through highway and requiring that all vehicles stop before entering or crossing it or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances at such intersection;

(7) ~~Restricting~~ restricting the use of highways as authorized in Sections 56‑5‑4210 and 56‑5‑4220;

(8) ~~Regulating~~ regulating the operation of bicycles and requiring the registration and licensing of them, including the requirement of a registration fee;

(9) ~~Regulating~~ regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

(10) ~~Altering~~ altering the prima facie speed limits as authorized herein; or

(11) ~~Adopting~~ adopting such other traffic regulations as are specifically authorized by this chapter.

(B) Nothing in subsection (A) may be construed to permit a local authority to issue a uniform traffic citation for violating a local ordinance or the traffic laws relating to speeding or disregarding traffic control devices based in whole or in part upon photographic evidence whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence.”

SECTION 3. Section 56‑5‑70(E) of the 1976 Code, as last amended by Act 250 of 2010, is further amended to read:

“(E)(1) Citations for violating a local ordinance or the ~~for violating~~ traffic laws relating to speeding or disregarding traffic control devices based ~~solely~~ in whole or in part on photographic evidence, whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence, only may be issued for violations that occur while relief from regulations pursuant to 49 C.F.R. 390.23 has been granted due to an emergency. A person who receives a citation for violating traffic laws relating to speeding or disregarding traffic control devices based ~~solely~~ in whole or in part on photographic evidence must be served in person with notice of the violation within one hour of the occurrence of the violation. The provisions of this subsection do not apply to toll collection enforcement.”

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

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the committee amendment.

The committee amendment was adopted.

Senators DAVIS, CAMPBELL, KNOTTS, CAMPSEN, LARRY MARTIN, ROSE, LEVENTIS, MATTHEWS, WILLIAMS and CLEARY proposed the following amendment (336R005.TD), which was adopted:

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

/ SECTION \_\_\_. (A) There is established a commission to be known as the South Carolina Traffic Camera Enforcement Commission which must exercise the powers and fulfill the duties contained in this section. The commission is comprised of the following thirteen members:

(1) the Governor, ex officio, or her designee;

(2) the Chief Justice of the South Carolina Supreme Court, or her designee;

(3) the Speaker of the House of Representatives, ex officio, or his designee;

(4) the President Pro Tempore of the Senate, ex officio, or his designee;

(5) the Attorney General of South Carolina, ex officio, or his designee;

(6) the Director of the Department of Public Safety, ex officio, or his designee;

(7) the Director of the Department of Parks, Recreation and Tourism, ex officio, or his designee;

(8) the Chairman of the Senate Transportation Committee, ex officio, or his designee;

(9) the Chairman of the House Education and Public Works Committee, ex officio, or his designee;

(10) the President of South Carolina Law Enforcement Officers Association, or his designee;

(11) the President of the South Carolina Sheriff’s Association, or his designee;

(12) the President of the South Carolina Bar Association, or his designee; and

(13) the President of the South Carolina Association of Criminal Defense Lawyers.

(B) The Governor, or her designee, shall serve as chairman of the commission.

(C) Designees serving on the commission must have substantial academic or professional experience or specialization in one or more areas of law enforcement, public safety, or civil or criminal justice. Designees serving on the commission must have been a resident of South Carolina since January 1, 2001.

(D) The commission must meet as soon as practicable after appointment to organize itself and elect officers that it considers necessary. Thereafter, the commission must meet as necessary to exercise the powers and fulfill the duties required by this section at the call of the chairman or by a majority of the members. A quorum consists of six members.

(E) The duties of the commission shall be to:

(1) conduct a comprehensive study concerning the use of traffic enforcement camera systems to detect violations of and enforce the state’s uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;

(2) develop criteria for assessing the use of traffic enforcement camera systems to detect violations of and enforce the state’s uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;

(3) issue a report of its findings concerning utilizing traffic enforcement camera systems to detect violations of and enforce the state’s uniform traffic laws. The report must consider and address at least the following issues:

(a) the positives and negatives of a private company’s involvement in enforcing traffic laws;

(b) assuming private companies are authorized to participate in enforcing traffic laws, the appropriate distribution of authority between law enforcement and a private company;

(c) whether there is a conflict of interest when a private company is paid a commission based on the number of traffic tickets issued through the use of its traffic enforcement camera systems and, if so, how the conflict of interest may be resolved;

(d) the public policy implications, if any, of a private company reimbursing a state or local government for the use of their law enforcement personnel in connection with the operation of the company’s traffic enforcement camera system;

(e) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws*,* whether a statewide agency such as the Department of Public Safety should be solely authorized to operate the system, whether a statewide agency should operate the system in conjunction with local law enforcement authorities, or whether local law enforcement authorities be solely authorized to operate systems within their jurisdiction;

(f) the accuracy of current traffic enforcement camera systems, specifically whether vehicles violating the speed limit or failing to obey traffic control signals or stop signs, other than the vehicle photographed, trigger the photograph being taken and, if so, whether the technology can be improved to prevent that from occurring;

(g) whether it is important to have a law enforcement officer actually view the vehicle violating a speed limit in order to confirm, with his visual estimation of speed, what the radar indicates, whether an officer viewing a picture being taken of the vehicle is sufficient confirmation, or whether officer confirmation is necessary;

(h) whether traffic enforcement camera systems present a possible visual disturbance for the driver resulting from a flash when the system takes a picture;

(i) whether the use of traffic enforcement camera systems diminish the dangers to and increase the safety of law enforcement personnel;

(j) whether the use of traffic enforcement camera systems decrease the number of speed limit violations and, thereby, increase public safety;

(k) whether the use of traffic enforcement camera systems in connection with law enforcement raise any personal privacy issues;

(l) identify the criminal laws, if any, that should not be enforced by cameras;

(m) whether the information contained in photographs taken by traffic enforcement camera systems should be limited to the enforcement of traffic laws, or whether the information, including, but not limited to, license plate numbers, should also be generally available for use by law enforcement for official law enforcement purposes;

(n) whether there is a difference between using a traffic enforcement camera system to enforce traffic laws related to speed limits and traffic laws requiring obedience to traffic control signals and stop signs;

(o) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether they should be used on all public roads, only on certain roads, or only in certain areas, including, but not limited to, school zones, temporary work zones, and construction zones;

(p) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether there is a way to ensure that traffic enforcement camera systems are being used to improve road safety, and assuming that their use improves road safety, rather than maximizing government revenues resulting from violations of uniform traffic laws;

(q) the constitutionality of utilizing traffic enforcement camera systems to enforce uniform traffic laws and mailing citations to alleged violators, and, if unconstitutional, the manner in which a system may be constitutionally operated;

(r) the public policy implications, if any, raised by citations for uniform traffic law violations being mailed to the alleged violator after the event as opposed to being personally delivered contemporaneous with or within one hour of the alleged violation;

(s) whether the state’s criminal justice system currently has a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems; and

(t) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the manner in which the revenue raised should be allocated and the purposes for which it should be used;

(4) make recommendations, if any, for changes to existing law concerning the use of traffic enforcement camera systems to detect and enforce the state’s uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs. Rather than making recommendations for changes to existing law, the commission may also recommend that no changes are necessary to the existing law that prohibits the use of traffic enforcement cameras to detect traffic regulation violations. Recommendations made pursuant to this item must be contained in the report issued pursuant to item (3).

(F) On or before November 1, 2011, the commission must conclude its business and report its findings to the General Assembly, at which time the commission is dissolved. The General Assembly may extend the dates by which the commission shall submit reports required by this act.

(G) The members of the commission shall serve without compensation and are ineligible for the usual mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senators GROOMS and HUTTO proposed the following amendment (336R006.LKG), which was adopted:

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

/ SECTION 1. Chapter 7, Title 56 of the 1976 Code is amended by adding:

“Section 56‑7‑35. (A)(1) A uniform traffic ticket may only be issued for violating a local ordinance or the traffic laws relating to speeding by a law enforcement officer incident to and contemporaneous with a traffic stop for the offense.

(2) A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense.

(3) A law enforcement agency may not utilize the United States mail, a parcel delivery service, electronic means, or otherwise to send to the operator or owner of a motor vehicle or motorcycle, as defined in Section 56‑3‑20, a uniform traffic citation alleging a violation of a local ordinance or the traffic laws relating to speeding. This subsection does not prohibit the law enforcement agency from sending the operator or owner an additional copy of a uniform citation that was issued to the operator or owner during the traffic stop for the offense upon request of the operator or owner.

(4) A uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to speeding may not be issued based in whole or in part upon photographic evidence, whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This section does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense.

(B)(1) A uniform traffic ticket may only be issued for violating a local ordinance or the traffic laws relating to disregarding a traffic control device by a law enforcement officer incident to and contemporaneous with a traffic stop for the offense.

(2) A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense.

(3) A law enforcement agency may not utilize the United States mail, a parcel delivery service, electronic means, or otherwise to send to the operator or owner of a motor vehicle or motorcycle, as defined in Section 56‑3‑20, a uniform traffic citation alleging a violation of a local ordinance or the traffic laws relating to disregarding traffic control devices. This subsection does not prohibit the law enforcement agency from sending the operator or owner an additional copy of a uniform citation that was issued to the operator or owner during the traffic stop for the offense upon request of the operator or owner.

(4) A uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to disregarding traffic control devices may not be issued based in whole upon photographic evidence, whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This section does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense.

(C) The provisions of this section do not apply to toll collection.”/

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

Senator KNOTTS spoke on the Bill.

The question then was second reading of the Bill, as amended.

Senator HUTTO objected to further consideration of the Bill.

Subsequently, Senator GROOMS asked unanimous consent to take the Bill up for immediate consideration for the purpose of taking a roll call vote on second reading of the Bill, as amended.

There was no objection.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Cromer Davis

Elliott Fair Ford

Grooms Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

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

**Statement by Senator HAYES**

Had I been present in the Chamber at the time the vote was taken, I would have voted in favor of the second reading of the Bill.

**Expression of Personal Interest**

Senator PINCKNEY rose for an Expression of Personal Interest.

**OBJECTION**

Senator HUTTO objected to the Bills on the uncontested Statewide Calendar.

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

**MADE SPECIAL ORDER**

S. 431 -- Senators McConnell, Rankin, Setzler, Campbell, Shoopman, Reese, Bright, L. Martin, Alexander, S. Martin, Fair, Cromer, Bryant, Elliott, O’Dell, Campsen, Ford, Rose, Lourie, Cleary and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑61‑70 SO AS TO PROVIDE THAT A LIABILITY INSURANCE POLICY ISSUED BY AN INSURER AND COVERING A CONSTRUCTION PROFESSIONAL IN THIS STATE MUST BE BROADLY CONSTRUED IN FAVOR OF COVERAGE, AND TO PROVIDE THAT WORK OF A CONSTRUCTION PROFESSIONAL RESULTING IN PROPERTY DAMAGE IN CERTAIN CIRCUMSTANCES CONSTITUTES AN OCCURRENCE AS COMMONLY DEFINED IN LIABILITY INSURANCE AND IS NOT THE INTENDED OR EXPECTED CONSEQUENCE OF THE WORK OF THE CONSTRUCTION PROFESSIONAL.

Senator SHEHEEN moved that the Bill be made a Special Order.

Senator LARRY MARTIN spoke on the motion.

Senator SHEHEEN spoke on the motion.

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

**Ayes 33; Nays 12**

**AYES**

Anderson Bright Campbell

Campsen Cleary Coleman

Courson Davis Elliott

Ford Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

Matthews McConnell McGill

Nicholson O'Dell Pinckney

Rankin Reese Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

Alexander Bryant Cromer

Fair Grooms Hayes

*Martin, Larry Martin, Shane* Massey

Peeler Rose Ryberg

**Total--12**

The Bill was made a Special Order.

**MOTION ADOPTED**

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

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator ELLIOTT rose for an Expression of Personal Interest.

**THE SENATE PROCEEDED TO THE INTERRUPED DEBATE**

**AMENDMENT PROPOSED, DEBATE INTERRUPTED**

S. 20 -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, BY ADDING SECTION 23‑1‑250 TO PROVIDE THAT WHERE A LAW ENFORCEMENT OFFICER HAS REASONABLE SUSPICION THAT A PERSON STOPPED, DETAINED, OR ARRESTED BY LAW ENFORCEMENT IS AN ALIEN UNLAWFULLY IN THE UNITED STATES, THE OFFICER OR HIS AGENCY MUST FOLLOW CERTAIN PROCEDURES TO VERIFY HIS IMMIGRATION STATUS; AND TO AMEND ARTICLE 5, CHAPTER 9, TITLE 16, BY ADDING SECTION 16‑9‑480 TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNLAWFULLY IN THE UNITED STATES TO SOLICIT OR ATTEMPT TO SOLICIT WORK, AND TO PROVIDE PROCEDURES FOR VERIFYING IMMIGRATION STATUS.

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

**Amendment No. P2**

Senator HUTTO proposed the following amendment (20MW2), which was tabled:

Amend the committee report, as and if amended, SECTION 5, Section 17-13-170, page [20-5] by striking lines 25-42, continued to page [20-6] lines 1-19 and inserting the following:

/ (C)(1) If the person does not meet the presumption established pursuant to subsection (B), the law enforcement officer shall verify the person’s lawful presence in the United States with United States Immigration and Customs Enforcement. Any person who is arrested shall have the person’s immigration status determined before the person is released.

(2) If United States Immigration and Customs Enforcement verifies that the person is lawfully present in the United States, the officer may not further stop, detain, or investigate the person based solely on the person’s lawful presence in the United States.

(3) If United States immigration and Customs Enforcement determines that the person is unlawfully present in the United States, the officer shall determine in cooperation with United States Immigration and Customs Enforcement whether the officer shall retain custody of the person or whether United States Immigration and Customs Enforcement shall assume custody of the person. The officer may securely transport the person to a federal facility in this State or to any other point of transfer into federal custody that is outside of the officer’s jurisdiction. The officer shall obtain judicial authorization before securely transporting a person to a point of transfer that is outside of this State.

(4) If, after making a reasonable attempt, the officer is unable to contact United States Immigration and Customs Enforcement to determine if the person who is stopped, detained or investigated, is lawfully present in the United States, the officer may not further stop, detain, or investigate the person based solely on the person’s lawful presence in the United States. The officer shall stop, detain, or investigate the person only for a reasonable time as allowed by law. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. P3**

Senator KNOTTS proposed the following amendment (JUD0020.002):

Amend the committee report, as and if amended, on page [20-4], beginning on line 26, by striking SECTION 5 in its entirety and inserting:

/ SECTION 5. Chapter 13, Title 17 of the 1976 Code is amended by adding:

“Section 17‑13‑170. (A) It is unlawful for a person who has come to, entered, or remained in the United States in violation of federal law to come to, enter, or remain in this State.

(B) It is unlawful for a person who has come to, entered, or remained in the United States in violation of federal law to seek, apply for, or perform employment in this State.

(C) A person who violates this section:

(1) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be imprisoned for one year;

(2) for a second offense, is guilty of a felony, and, upon conviction, must be imprisoned for three years; and

(3) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be imprisoned for five years.

No part of the sentence may be suspended nor may probation be granted.

(D) Any law enforcement agency in this State may establish a special illegal immigration division within the agency to investigate violations of this section.

(E) Except as provided by federal law, officers and agencies of this State and political subdivisions of this State may not be prohibited or restricted from sending, receiving, or maintaining information related to the immigration status of any person or exchanging that information with other federal, state, or local government entities for the following purposes:

(1) determining eligibility for any public benefit, service, or license provided by the federal government, this State, or a political subdivision of this State;

(2) verifying any claim of residence or domicile, if determination of residence or domicile is required under the laws of this State or a judicial order issued pursuant to a civil or criminal proceeding in this State;

(3) determining whether an alien is in compliance with the federal registration laws prescribed by Chapter 7, Title II of the federal Immigration and Nationality Act; or

(4) pursuant to 8 U.S.C. Section 1373 and 8 U.S.C. Section 1644.

(F) Nothing in this section must be construed to deny a person bond or from being released from confinement when such person is otherwise eligible for release. However, pursuant to the provisions of Section 17‑15‑30, a court setting bond shall consider whether the person charged is an alien unlawfully present in the United States.”/

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

With Senator KNOTTS retaining the floor, on motion of Senator McCONNELL, with unanimous consent, debate was interrupted by adjournment.

**ADJOURNMENT**

At 2:07 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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