**Tuesday, June 14, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon pursuant to the provisions of H. 4195, the *Sine Die* Resolution, 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 read that David said to his son, Solomon:

“ ‘You have many workmen: stonecutters, masons and carpenters, as well as men skilled in every kind of work in gold and silver, bronze and iron -- craftsmen beyond number. Now begin the work, and the Lord will be with you.’ ” (I Chronicles 22:15-16)

Let us bow in prayer before the Lord:

Gracious Lord, how diverse and talented are Your servants here in the Senate of South Carolina. We give You thanks, O God, for the various strengths they bring to their task of providing leadership in this State. As they continue their work in this place today, give each of these Senators and their staff members Your richest blessings. Help them all to know how grateful we are for their many gifts and for their determination to honor and serve You, as well as the people of this State we love. In Your holy name we pray, Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., June 7, 2011

Mr. President and Senators:

I am vetoing and returning without my approval S. 211, R 57:

(R57, S211) -- Senators Matthews, Land, Leatherman, Leventis, Hutto, Williams, Ford and McGill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE “I‑95 CORRIDOR AUTHORITY ACT” AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

Respectfully submitted,

Nikki R. Haley

Governor

Received as information.

The veto was ordered placed on the Calendar for consideration tomorrow.

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., June 7, 2011

Mr. President and Senators:

I am vetoing and returning without my approval S. 877, R 72:

(R72, S877) -- Senator Pinckney: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF HAMPTON COUNTY SCHOOL DISTRICT NO. 2 OF HAMPTON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

Respectfully submitted,

Nikki R. Haley

Governor

Received as information.

The veto was ordered placed on the Calendar for consideration tomorrow.

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Nancy Devine, 121 Wilson Rd., Williamston, SC 29697

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

Wynee D. Eubanks, 107 Hillandale Rd., Pendleton, SC 29670

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

Denise Malone, 803 Concord Ave., Anderson, SC 29621

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

Jerry C. Mulliken, 2301 Six & Twenty Road, Pendleton, SC 29670

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

William D. Sharp, 2404 East North Avenue, Anderson, SC 29625

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

S. Thompson Tucker III, 230 Grace Lane, Piedmont, SC 29623

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

J. Wesley White, 606 Glenwood Avenue, Anderson, SC 29625 *VICE* Sammy Buchanan

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

Ronald W. Whitman, 2601 Saxony Drive, Anderson, SC 29621

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

Jacquetta Porter Jones, 5868 Octavia Avenue, Ravenel, SC 29470

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Tommy George Mourounas, 607 Beaverdam Drive, Florence, SC 29501 *VICE* John Floyd, Jr. (resigned)

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

Harold W. Copeland, 2961 Hurricane Church Road, Clinton, SC 29325

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

Thomas L. Copeland, 112 Edgewood Circle, Clinton, SC 29325

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

Paul D. Lyles, 3538 Hwy. 221 South, Laurens, SC 29360

**Leave of Absence**

On motion of Senator LOURIE, at 12:05 P.M., Senator SHEHEEN was granted a leave of absence for the week.

**Leave of Absence**

On motion of Senator CAMPSEN, at 12:05 P.M., Senator CAMPBELL was granted a leave of absence for today and tomorrow.

**Leave of Absence**

At 1:45 P.M., Senator DAVIS requested a leave of absence beginning at 3:00 P.M. and lasting until 10:00 A.M. in the morning.

**Leave of Absence**

On motion of Senator BRYANT, at 3:00 P.M., Senator GREGORY was granted a leave of absence for the remainder of the week.

**Leave of Absence**

At 5:30 P.M., Senator SETZLER requested a leave of absence until 10:00 A.M. in the morning.

**Leave of Absence**

At 5:30 P.M., Senator KNOTTS requested a leave of absence until 10:00 A.M. in the morning.

**Leave of Absence**

At 6:00 P.M., Senator JACKSON requested a leave of absence until 11:00 A.M. in the morning.

**Leave of Absence**

At 7:05 P.M., Senator SCOTT requested a leave of absence from 10:00 A.M. - 1:00 P.M. tomorrow.

**Expression of Personal Interest**

Senator SCOTT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator MASSEY rose for an Expression of Personal Interest.

**OBJECTION**

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.

Senator SHANE MARTIN asked unanimous consent to be granted leave to include the Bill in the matters that could be considered under H. 4195, the *Sine Die* Resolution.

Senator KNOTTS objected.

**Expression of Personal Interest**

Senator LEATHERMAN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**Remarks by Senator KNOTTS**

Gentlemen, I would like to introduce visitors in the balcony today who graduated on Sunday, June 11th with a GED from Batesburg‑Leesville High School. After dropping out of high school, they have realized, along with eighteen others, that getting an education is very important and necessary to each of them, and they have taken time to return to school in order to complete a GED. Returning to school has not been easy for them, but in order to move forward in their lives, they have taken personal time to finish their high school degrees. They will now have the option to go on to college or technical school.

I attended and spoke at their graduation at Batesburg-Leesville on Sunday afternoon, and I can tell you that the auditorium where the ceremony took place was not like a Coliseum graduation with air‑conditioning and formalities, but a simple commencement recognizing and honoring their accomplishments.

Gentlemen, I have read that in S.C., 50% of all high school graduates cannot pass the GED exam. On Sunday, twenty young people were recognized for completing their GED, and of those twenty, two students placed in the top 5% of all S.C. GED graduates.

The two graduates that were able to be here today are Shandrica Stewart and Rebecca Thomas. Ladies, please stand so you can be recognized by the body. The remaining graduates were not able to be here today due to work or previous commitments.

Also with them are David B. Stout, the director of Adult Education and S.C. GED test administrator, and Gina Copeland of Lexington 3 Adult Education. She is the backbone for getting these kids motivated in completing their education by taking a personal interest and getting behind each one of them. The students love her, and I have heard some of them this past Sunday refer to her as “Mama Gina”. Ms. Copeland, they really love you, and they thank you for what you do for them. Please stand to be recognized.

Additional graduates include Crystal, Octavious, Britney, Sherry, Justin, Maurice, Marcall, Kala, Amber, Mary, Dillan, Nikki, Cody, Robert, Diana, and Ashley. I can tell you, it was a great, great event. I enjoy speaking to GED graduate students because what they have done has not been easy and I am so proud of them for their hard work, sacrifice, and perseverance. I know that these kids are not just there because they have to go to school or because their mamas and daddies are making them go school. They are there because they want to go to school. They want to get an education and they want to advance in life.

Let’s just thank them for being here today and give them hardy welcome to the S.C. Senate.

Thank you.

On motion of Senator LOURIE, with unanimous consent, the remarks of Senator KNOTTS were ordered printed in the Journal.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 957 -- Senators Matthews, Grooms and Pinckney: A SENATE RESOLUTION TO RECOGNIZE AND HONOR COUNCILMAN FRED E. “TED” PARKER, FORMER MAYOR PRO TEMPORE OF WALTERBORO, UPON THE OCCASION OF HIS RETIREMENT FROM THE WALTERBORO CITY COUNCIL AND TO COMMEND HIM FOR HIS MANY YEARS OF FAITHFUL AND DEDICATED SERVICE TO THE CITIZENS OF THE CITY OF WALTERBORO.

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The Senate Resolution was adopted.

S. 958 -- Senators Matthews, Grooms and Pinckney: A SENATE RESOLUTION TO RECOGNIZE AND HONOR COUNCILMAN FRANKLIN R. SMALLS UPON THE OCCASION OF HIS RETIREMENT FROM THE WALTERBORO CITY COUNCIL AND TO COMMEND HIM FOR HIS MANY YEARS OF FAITHFUL AND DEDICATED SERVICE TO THE CITIZENS OF THE CITY OF WALTERBORO.

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The Senate Resolution was adopted.

S. 959 -- Senator L. Martin: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND PENDLETON DISTRICT COMMISSION ON THE OCCASION OF THEIR FORTY-FIFTH YEAR OF SERVICE TO THE CITIZENS OF SOUTH CAROLINA.

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

S. 960 -- Senators Jackson, Courson, Scott and Lourie: A SENATE RESOLUTION TO RECOGNIZE AND HONOR P. MICHAEL CINNAMON FOR THIRTY-SIX YEARS OF SERVICE TO THE CITIZENS OF RICHLAND COUNTY.

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The Senate Resolution was adopted.

S. 961 -- Senators Lourie, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, 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 SENATE RESOLUTION TO CONGRATULATE SOUTH CAROLINA SENATOR LUKE ALLSBROOK RANKIN AND HIS BRIDE, LINDSEY GIBSON BONDS, ON THEIR RECENT WEDDING CEREMONY OF MAY 28, 2011, AND TO EXTEND BEST WISHES TO THE COUPLE FOR A JOYFUL MARRIED LIFE TOGETHER.

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The Senate Resolution was adopted.

S. 962 -- Senators McConnell, Hayes, L. Martin, Alexander, Ryberg, Campsen, Courson, Bright, Bryant, Rose, S. Martin, Thomas, Leatherman and Peeler: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III OF THE CONSTITUTION OF THIS STATE, 1895, EACH HOUSE AGREES, BY THE VOTE REQUIRED BY THIS CONSTITUTIONAL PROVISION, TO RECEDE FROM THE OTHER HOUSE FOR LESS THAN OR MORE THAN THIRTY DAYS AS THE CASE MAY BE, THAT EACH HOUSE AGREES TO EXTEND THE 2011 REGULAR SESSION TO CONSIDER CERTAIN MATTERS DURING CERTAIN TIME PERIODS, AS PROVIDED BY THIS RESOLUTION, AND IF NOT ADJOURNED EARLIER, EACH HOUSE SHALL STAND ADJOURNED SINE DIE DECEMBER 1, 2011.

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Senator McCONNELL spoke on the Resolution.

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

S. 963 -- Senator Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE ACCOMPLISHMENTS OF JOANN LOVELESS, AND TO CONGRATULATE HER UPON HER REELECTION AS GRAND BASILEUS OF SIGMA GAMMA RHO SORORITY, INC.

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The Senate Resolution was adopted.

S. 964 -- Senator S. Martin: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SADNESS OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON LEARNING OF THE LOSS OF MR. ROBERT LANCASTER SMITH, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

**REPORT OF STANDING COMMITTEE**

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

S. 815 -- Senators McConnell, Ford, L. Martin, Hutto, Malloy, Cleary and Shoopman: A BILL TO AMEND SECTION 1‑1‑715, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADOPTION OF THE UNITED STATES CENSUS, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS THE TRUE AND CORRECT ENUMERATION OF INHABITANTS OF THIS STATE; TO ADD SECTION 2‑1‑70, SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SOUTH CAROLINA SENATE ARE ELECTED COMMENCING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 2‑1‑75 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SENATE WERE FORMERLY ELECTED; AND TO DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AS THE APPROPRIATE OFFICIAL OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE SENATE REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., June 2, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

S. 30 -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22‑5‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES’ POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

Very respectfully,

Speaker of the House

Received as information.

**S. 30--SENATE INSISTS ON ITS AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

S. 30 -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22‑5‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES’ POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

On motion of Senator McCONNELL, the Senate insisted upon its amendments to S. 30 and asked for a Committee of Conference.

Whereupon, Senators HUTTO, MASSEY and SHOOPMAN were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 14, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Bannister, Tallon and Rutherford to the Committee of Conference on the part of the House on:

S. 30 -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22‑5‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES’ POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 2, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

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

Very respectfully,

Speaker of the House

Received as information.

**S. 172--SENATE INSISTS ON ITS AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

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

On motion of Senator COURSON, the Senate insisted upon its amendments to S. 172 and asked for a Committee of Conference.

Whereupon, Senators COURSON, JACKSON and ROSE were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 14, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Owens, Brannon and Quinn to the Committee of Conference on the part of the House on:

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

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 2, 2011

Mr. President and Senators:

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

H. 3700 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

asks for a Committee of Conference, and has appointed Reps. Cooper, White and Battle to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**H. 3700--CONFERENCE COMMITTEE APPOINTED**

H. 3700 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

**Message from the House**

Columbia, S.C., June 2, 2011

Mr. President and Senators:

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

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010‑2011.

asks for a Committee of Conference, and has appointed Reps. Cooper, White and Battle to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**H. 3701--CONFERENCE COMMITTEE APPOINTED**

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010‑2011.

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

**Message from the House**

Columbia, S.C., June 2, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has continued the Bill:

S. 391 -- Senators Campsen, Scott and Rose: A BILL TO AMEND SECTION 7‑13‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7‑13‑40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES’ QUALIFICATIONS, AND THE FILING FEE, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7‑13‑190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7‑13‑350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

Very respectfully,

Speaker of the House

Received as information.

Senator SCOTT spoke on the message.

**Message from the House**

Columbia, S.C., June 2, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

S. 594 -- Senators Grooms and Verdin: A BILL TO AMEND SECTION 56‑5‑1536, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DRIVING IN A TEMPORARY WORK ZONE, SO AS TO CLARIFY THAT A TEMPORARY WORK ZONE AREA CAN BE ON OR ADJACENT TO A ROADWAY.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 2, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3249 -- Reps. G.M. Smith, Taylor and G.R. Smith: A BILL TO AMEND SECTION 61‑6‑4020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSPORTATION OF ALCOHOLIC LIQUORS IN A MOTOR VEHICLE, SO AS TO CLARIFY THAT THE LUGGAGE COMPARTMENT OR CARGO AREA IN WHICH ONE MAY LAWFULLY TRANSPORT A CONTAINER OF ALCOHOLIC LIQUOR WITH A BROKEN OR OPENED SEAL OR CAP IS NOT LIMITED TO A CLOSED TRUNK THAT IS ACCESSIBLE ONLY FROM THE EXTERIOR OF THE VEHICLE SO LONG AS THE LUGGAGE COMPARTMENT OR CARGO AREA IS SEPARATE AND DISTINCT FROM THE DRIVER’S AND PASSENGERS’ COMPARTMENTS; AND TO PROVIDE THAT A PERSON’S DRIVER’S LICENSE MAY NOT BE SUSPENDED FOR A VIOLATION OF THIS SECTION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 2, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3584 -- Reps. Sandifer and Gambrell: A BILL TO AMEND SECTION 58‑37‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FINANCING AGREEMENTS FOR THE INSTALLATION OF CERTAIN ENERGY‑EFFICIENCY AND CONSERVATION IMPROVEMENTS, SO AS TO CORRECT AN ERRONEOUS CROSS‑REFERENCE, AND TO PROVIDE WHERE AN ELECTRICITY OR NATURAL GAS PROVIDER CONTRACTS WITH A THIRD PARTY TO PERFORM CERTAIN FUNCTIONS, THE LIABILITY OF THE THIRD PARTY IS LIMITED IN A SPECIFIC MANNER.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 2, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3713 -- Reps. Merrill, J.R. Smith, Ryan, Hamilton, G.R. Smith, Bedingfield, Barfield, Sandifer, McCoy, Horne, Stavrinakis, Clemmons, Loftis, Lucas, Herbkersman, Patrick, Erickson, G.M. Smith, Hixon, Pinson, Viers and Henderson: 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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 2, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3375 -- Reps. Harrell, Lucas, Cooper, Hardwick, Harrison, Owens, Sandifer, White, Bingham, Atwater, Parker, Crawford, Loftis, Bowen, G.R. Smith, Bedingfield, Toole, Sottile, V.S. Moss, Forrester, Bikas, Huggins, Brady, Allison, Pinson, Frye, Whitmire, Skelton, Nanney, Henderson, Limehouse, Corbin, Barfield, Battle, Clemmons, Cole, Crosby, Daning, Gambrell, Hamilton, Hiott, Hixon, Horne, Lowe, D.C. Moss, Murphy, Norman, Patrick, Simrill, G.M. Smith, J.R. Smith, Spires, Taylor, Willis, Young, Herbkersman, Ballentine, Thayer, Bannister, McCoy, Tallon, Stringer, Long, Hayes, Ott, J.M. Neal, Vick, G.A. Brown, Branham, Anthony, Bowers, Sellers, Quinn, Hearn, Edge, Anderson, Erickson, Knight, Chumley, Butler Garrick and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011” BY AMENDING ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, SO AS TO PROVIDE LIMITS ON THE AWARD OF PUNITIVE DAMAGES AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTIONS 1‑7‑750 AND 1-7-760 SO AS TO ENACT THE “PRIVATE ATTORNEY RETENTION SUNSHINE ACT” TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES, AND TO PROVIDE FOR THE SUSPENSION OF THE LIMITATIONS UNDER CERTAIN EXCEPTIONAL CIRCUMSTANCES; TO AMEND SECTION 15‑3‑670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS BUT MAY BE ADMISSIBLE AS EVIDENCE; TO AMEND SECTION 18‑9‑130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; AND TO AMEND SECTION 56‑5‑6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO DELETE THE PROVISION THAT PROVIDED THAT A VIOLATION FOR FAILURE TO WEAR A SEATBELT IS NOT NEGLIGENCE PER SE OR COMPARATIVE NEGLIGENCE AND IS NOT ADMISSIBLE IN A CIVIL ACTION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 14, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sent the following veto to the Senate:

(R79, H4149) -- Reps. Hodges and R.L. Brown: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

Respectfully submitted,

Speaker of the House

Received as information.

The veto was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., June 14, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3660 -- Reps. Ott, Bales, McLeod, Brantley, Battle, Whipper, G.A. Brown, Parker, Anderson, J.M. Neal, Hodges, Bowers, Hosey, Alexander, Branham, Funderburk, Harrison, King, Dillard, Butler Garrick and Jefferson: A BILL TO AMEND SECTION 16‑11‑523, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OBTAINING NONFERROUS METALS UNLAWFULLY, SO AS TO REVISE THE PENALTIES FOR VIOLATIONS OF THIS PROVISION; TO AMEND SECTION 16‑17‑680, AS AMENDED, RELATING TO THE PURCHASE OF NONFERROUS METALS, PROCEDURES AND REQUIREMENTS FOR PURCHASE OF NONFERROUS METALS, AND EXCEPTIONS, SO AS TO PROVIDE ADDITIONAL RESTRICTIONS RELATED TO THE SALE OF COPPER; TO AMEND SECTION 16‑17‑685, RELATING TO THE UNLAWFUL TRANSPORTATION OF NONFERROUS METALS, SO AS TO INCREASE THE PENALTIES FOR CERTAIN VIOLATIONS OF THIS PROVISION; AND BY ADDING CHAPTER 40 TO TITLE 40 SO AS TO REQUIRE SECONDARY METALS RECYCLERS TO REGISTER WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, AND TO PROVIDE REGISTRATION AND RENEWAL REQUIREMENTS.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., June 14, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3178 -- Reps. Pitts, Limehouse, Hixon and Long: A BILL TO AMEND SECTION 61‑4‑550, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE, SO AS TO REMOVE SPECIFIC REFERENCES TO NONPROFIT ORGANIZATIONS.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**RATIFICATION OF ACTS**

Pursuant to the provisions of H. 4195, the *Sine Die* Resolution, and an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 8, 2011, at 3:45 P.M. and the following Acts and Joint Resolution were ratified:

(R80, S. 241) -- Senators Rose and Leventis: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA DYSLEXIA TASK FORCE, TO PROVIDE FOR THE COMPOSITION OF THE TASK FORCE, AND TO PROVIDE THAT THE TASK FORCE SHALL REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY.

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(R81, S. 588) -- Senators Jackson, Hayes, O’Dell, Rose, Ford and Knotts: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “STROKE PREVENTION ACT OF 2011” BY ADDING ARTICLE 6 TO CHAPTER 61, TITLE 44 SO AS TO ESTABLISH A STATEWIDE SYSTEM OF STROKE CARE; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO RECOGNIZE HOSPITALS THAT ARE CERTIFIED TO BE PRIMARY STROKE CENTERS AND TO AUTHORIZE RECOGNITION OF ACUTE STROKE CAPABLE CENTERS; TO ESTABLISH A STROKE SYSTEM OF CARE ADVISORY COUNCIL AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES; TO REQUIRE THE DEPARTMENT TO DISTRIBUTE TO EMERGENCY MEDICAL SERVICES PROVIDERS A LIST OF PRIMARY STROKE CENTERS, STROKE ENABLED CENTERS THROUGH TELEMEDICINE, AND OTHER CERTIFIED PROGRAMS, AS THEY COME AVAILABLE, AND TO POST THIS LIST ON THE DEPARTMENT’S WEBSITE; TO REQUIRE THE DEPARTMENT TO ADOPT AND DISTRIBUTE A NATIONALLY STANDARDIZED STROKE‑TRIAGE ASSESSMENT TOOL TO EMERGENCY MEDICAL SERVICES PROVIDERS AND TO POST THIS LIST ON THE DEPARTMENT’S WEBSITE; TO REQUIRE THE DEPARTMENT TO FACILITATE DATA COLLECTION AND ANALYSIS FOR THE IMPROVEMENT OF STROKE CARE IN THIS STATE, INCLUDING ESTABLISHING A STROKE REGISTRY TASK FORCE AS A SUBCOMMITTEE OF THE ADVISORY COUNCIL; TO PROVIDE THAT THIS ARTICLE MAY NOT BE USED TO RESTRICT A HOSPITAL’S AUTHORITY TO PROVIDE SERVICES; AND TO PROVIDE THAT THE DEPARTMENT’S RESPONSIBILITIES PURSUANT TO THIS ARTICLE ARE CONTINGENT UPON ADEQUATE FUNDING.

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(R82, S. 594) -- Senators Grooms and Verdin: AN ACT TO AMEND SECTION 56‑5‑1536, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DRIVING IN A TEMPORARY WORK ZONE, SO AS TO CLARIFY THAT A TEMPORARY WORK ZONE AREA CAN BE ON OR ADJACENT TO A ROADWAY.

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(R83, S. 694) -- Senator Bryant: AN ACT TO AMEND SECTION 41‑15‑520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976 RELATING TO REMEDIES FOR EMPLOYEES CHARGING DISCRIMINATION, SO AS TO PROVIDE FOR REFERRAL TO THE UNITED STATES DEPARTMENT OF LABOR ALLEGATIONS MADE BY A PRIVATE SECTOR EMPLOYEE OF A VIOLATION OF SECTION 41‑15‑510 AND TO PROVIDE FOR CIVIL REMEDIES.

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(R84, S. 785) -- Senator Land: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF FLORENCE COUNTY SCHOOL DISTRICT FOUR TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

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(R85, H. 3249) -- Reps. G.M. Smith, Taylor and G.R. Smith: AN ACT TO AMEND SECTION 61‑6‑4020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSPORTATION OF ALCOHOLIC LIQUORS IN A MOTOR VEHICLE, SO AS TO CLARIFY THAT THE LUGGAGE COMPARTMENT OR CARGO AREA IN WHICH ONE MAY LAWFULLY TRANSPORT A CONTAINER OF ALCOHOLIC LIQUOR WITH A BROKEN OR OPENED SEAL OR CAP IS NOT LIMITED TO A CLOSED TRUNK THAT IS ACCESSIBLE ONLY FROM THE EXTERIOR OF THE VEHICLE SO LONG AS THE LUGGAGE COMPARTMENT OR CARGO AREA IS SEPARATE AND DISTINCT FROM THE DRIVER’S AND PASSENGERS’ COMPARTMENTS; AND TO PROVIDE THAT SECTIONS 61‑6‑4290 AND 61‑6‑4300 DO NOT APPLY TO VIOLATIONS OF THIS SECTION.

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(R86, H. 3375) -- Reps. Harrell, Lucas, Cooper, Hardwick, Harrison, Owens, Sandifer, White, Bingham, Atwater, Parker, Crawford, Loftis, Bowen, G.R. Smith, Bedingfield, Toole, Sottile, V.S. Moss, Forrester, Bikas, Huggins, Brady, Allison, Pinson, Frye, Whitmire, Skelton, Nanney, Henderson, Limehouse, Corbin, Barfield, Battle, Clemmons, Cole, Crosby, Daning, Gambrell, Hamilton, Hiott, Hixon, Horne, Lowe, D.C. Moss, Murphy, Norman, Patrick, Simrill, G.M. Smith, J.R. Smith, Spires, Taylor, Willis, Young, Herbkersman, Ballentine, Thayer, Bannister, McCoy, Tallon, Stringer, Long, Hayes, Ott, J.M. Neal, Vick, G.A. Brown, Branham, Anthony, Bowers, Sellers, Quinn, Hearn, Edge, Anderson, Erickson, Knight, Chumley, Butler Garrick and Bales: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011” BY ADDING ARTICLE 5, CHAPTER 32 TO TITLE 15 SO AS TO PROVIDE LIMITS ON THE AWARD OF PUNITIVE DAMAGES AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTION 1‑7‑750 SO AS TO AUTHORIZE CIRCUIT SOLICITORS TO EMPLOY OUTSIDE COUNSEL UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38‑77‑250 SO AS TO REQUIRE EVERY INSURER PROVIDING AUTOMOBILE INSURANCE COVERAGE IN THE STATE TO PROVIDE CERTAIN INSURANCE COVERAGE INFORMATION WHEN A WRITTEN REQUEST IS MADE BY A CLAIMANT’S ATTORNEY AND TO AUTHORIZE SANCTIONS BY THE COURT FOR NONCOMPLIANCE; TO AMEND SECTION 15‑3‑670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS BUT MAY BE ADMISSIBLE AS EVIDENCE; AND TO AMEND SECTION 18‑9‑130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS.

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(R87, H. 3378) -- Reps. Crawford and McLeod: AN ACT TO AMEND ARTICLE 3, CHAPTER 31, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF TUBERCULOSIS PATIENTS, SO AS TO PROVIDE FOR AN EMERGENCY ORDER ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR AN ORDER ISSUED BY THE PROBATE COURT FOR THE DETENTION, EXAMINATION, ISOLATION, AND TREATMENT OF A PERSON WITH TUBERCULOSIS WHO POSES A RISK TO THE PUBLIC; TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH AN EMERGENCY ORDER MAY BE ISSUED AND THE SCOPE OF AN EMERGENCY ORDER; TO PROVIDE REVIEW AND APPEAL PROCEDURES FOR AN EMERGENCY ORDER; TO AUTHORIZE THE COURT TO WAIVE NOTICE REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES; TO PROHIBIT STAYING A COMMITMENT ORDER PENDING APPEAL; TO PROVIDE THAT INVOLUNTARY EXAMINATION OF A PERSON WITH SUSPECTED TUBERCULOSIS IS NOT COMPULSORY TREATMENT; AND TO DELETE PROVISIONS PERTAINING TO THE ESTABLISHMENT OF TUBERCULOSIS FACILITIES AT THE STATE PARK HEALTH CENTER AND THAT THE ENFORCEMENT OF THIS ARTICLE IS CONTINGENT UPON THE AVAILABILITY OF FACILITIES FOR HOSPITALIZATION.

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(R88, H. 3431) -- Rep. G.M. Smith: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “JOHN’S LAW” BY ADDING SECTION 57‑1‑80 SO AS TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PUBLISH ON ITS WEBSITE THE LIST OF ALL PUBLIC RAILROAD CROSSINGS AND THE LIST OF RAILROAD CROSSINGS PROGRAMMED FOR UPGRADE, AND TO DIRECT THE DEPARTMENT TO INCREASE THE NUMBER OF INSTALLATIONS OF RAILROAD SIGNALS OR CROSSING ARMS, OR BOTH AT DANGEROUS RAILROAD CROSSINGS CONTINGENT UPON THE RECEIPT OF ADDITIONAL FUNDS FOR THE INSTALLATION OF PUBLIC RAILROAD SIGNALS AND GATES.

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(R89, H. 3582) -- Reps. Harrison and Weeks: AN ACT TO AMEND SECTION 17‑22‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR A TRAFFIC EDUCATION PROGRAM, SO AS TO PROVIDE THAT A PERSON MAY BE CONSIDERED FOR THE PROGRAM IF HE HAS NO SIGNIFICANT HISTORY OF TRAFFIC VIOLATIONS.

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(R90, H. 3584) -- Reps. Sandifer and Gambrell: AN ACT TO AMEND SECTION 58‑37‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FINANCING AGREEMENTS FOR THE INSTALLATION OF CERTAIN ENERGY EFFICIENCY AND CONSERVATION IMPROVEMENTS, SO AS TO CORRECT AN ERRONEOUS CROSS‑REFERENCE, TO MAKE A TECHNICAL CHANGE, TO PROVIDE WHERE AN ELECTRICITY OR NATURAL GAS PROVIDER CONTRACTS WITH A THIRD PARTY TO PERFORM CERTAIN FUNCTIONS, THE LIABILITY OF THE THIRD PARTY IS LIMITED IN A SPECIFIC MANNER, AND TO PROVIDE AN EXCEPTION TO THE LIMITATIONS OF THE APPLICABILITY OF THIS SECTION.

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(R91, H. 3713) -- Reps. Merrill, J.R. Smith, Ryan, Hamilton, G.R. Smith, Bedingfield, Barfield, Sandifer, McCoy, Horne, Stavrinakis, Clemmons, Loftis, Lucas, Herbkersman, Patrick, Erickson, G.M. Smith, Hixon, Pinson, Viers and Henderson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑37‑3135 SO AS TO ALLOW A PROPERTY TAX EXEMPTION EQUAL TO TWENTY‑FIVE PERCENT OF THE FAIR MARKET VALUE OF A PARCEL OF REAL PROPERTY AND IMPROVEMENTS THEREON UNDERGOING AN ASSESSABLE TRANSFER OF INTEREST AFTER 2010, WHICH IS CURRENTLY SUBJECT TO PROPERTY TAX, AND SUBJECT TO THE SIX PERCENT ASSESSMENT RATIO, TO PROVIDE THAT THIS EXEMPTION MAY NOT REDUCE THE VALUE OF THE PARCEL BELOW ITS CURRENT FAIR MARKET VALUE AS REFLECTED ON THE BOOKS OF THE PROPERTY TAX ASSESSOR, TO PROVIDE THAT THE FIFTEEN PERCENT CAP ON INCREASES IN VALUE ATTRIBUTABLE TO A COUNTYWIDE REASSESSMENT PROGRAM IS CALCULATED ON THE VALUE OF THE PARCEL AS REDUCED BY THIS EXEMPTION, TO REQUIRE NOTICE TO THE ASSESSOR TO CLAIM THIS EXEMPTION WHICH SERVES FOR SO LONG AS THE PROPERTY REMAINS SUBJECT TO THE SIX PERCENT ASSESSMENT RATIO, AND TO PROVIDE DEFINITIONS APPLICABLE FOR THE ADMINISTRATION OF THIS EXEMPTION; TO AMEND SECTION 6‑1‑320, AS AMENDED, RELATING TO THE LIMIT ON ANNUAL INCREASES ON PROPERTY TAX MILLAGE IMPOSED FOR OPERATING PURPOSES, SO AS TO ALLOW A POLITICAL SUBDIVISION, INCLUDING A SCHOOL DISTRICT, TO IMPOSE MILLAGE INCREASES ALLOWED BUT NOT IMPOSED FOR THE THREE PRECEDING PROPERTY TAX YEARS AND TO EXEMPT FROM THE CAP MILLAGE IMPOSED FOR OPERATING PURPOSES BY A SPECIAL TAX DISTRICT; AND TO AMEND SECTION 12‑37‑251, AS AMENDED, RELATING TO THE CALCULATION OF ROLLBACK MILLAGE, SO AS TO REVISE THE METHOD OF CALCULATING ROLLBACK MILLAGE AND PROVIDE FOR THE CALCULATION OF AN EQUIVALENT MILLAGE RATE IN A MUNICIPALITY LOCATED IN MORE THAN ONE COUNTY WHEN THOSE COUNTIES HAVE DIFFERENT SCHEDULES FOR IMPLEMENTING A COUNTYWIDE REASSESSMENT PROGRAM.

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(R92, H. 3748) -- Reps. Owens, Bowen, Erickson, Daning, Whitmire, Spires, McCoy, Loftis, Gambrell, Lucas, Skelton, Bingham, Thayer, Hardwick, Harrell, Crosby, Battle, Sottile, Patrick, Clemmons, Cole, Forrester, Hamilton, Henderson, Hixon, Huggins, Murphy, J.M. Neal, Pinson, Pope, G.R. Smith, Stringer, Tallon, White, Willis and Taylor: AN ACT TO AMEND SECTION 59‑59‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPLEMENTATION OF THE EDUCATION AND ECONOMIC DEVELOPMENT ACT, SO AS TO EXTEND THE DATE BY WHICH THE ACT MUST BE IMPLEMENTED FULLY.

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(R93, H. 3762) -- Reps. Cooper, White, Bowen, Gambrell, Thayer, Sandifer, D.C. Moss, McLeod, Viers and Clemmons: AN ACT TO AMEND SECTION 41‑31‑5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE RATE OF CONTRIBUTIONS TO THE UNEMPLOYMENT TRUST FUND, SO AS TO MODIFY THE METHOD OF COMPUTATION; TO AMEND SECTION 41‑31‑20, AS AMENDED, RELATING TO EMPLOYERS’ ACCOUNTS, SO AS TO PROVIDE THAT THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL MAINTAIN A SEPARATE ACCOUNT FOR EACH EMPLOYER AND SHALL ACCURATELY RECORD THE DATA USED TO DETERMINE AN EMPLOYER’S EXPERIENCE FOR THE PURPOSE OF RATE ASSIGNMENT; TO AMEND SECTION 41‑31‑40, AS AMENDED, RELATING TO BASE RATE COMPUTATION PERIODS, SO AS TO LOWER THE NEW EMPLOYER TAX CLASS FROM THIRTEEN TO TWELVE; TO AMEND SECTION 41‑31‑50, AS AMENDED, RELATING TO BASE RATE DETERMINATIONS, SO AS TO CLARIFY EXCLUSIONS TO TAXABLE WAGES AND TO PROVIDE THAT FOR CALENDAR YEAR 2011 AND SUBSEQUENT CALENDAR YEARS, VOLUNTARY PAYMENTS ARE NOT PERMITTED FOR THE PURPOSE OF OBTAINING A LOWER RATE OF REQUIRED CONTRIBUTIONS; TO AMEND SECTION 41‑31‑60, AS AMENDED, RELATING TO BASE RATES WHERE A DELINQUENT REPORT IS RECEIVED, SO AS TO CHANGE REFERENCES TO TAX RATES; TO AMEND SECTION 41‑31‑70, AS AMENDED, RELATING TO A PROHIBITION ON THE TERMINATION OF THE ACCOUNT OF AN EMPLOYER, SO AS TO DELETE A BENEFIT RATIO CALCULATION; TO AMEND SECTION 41‑31‑125, AS AMENDED, RELATING TO THE ASSIGNMENT OF AN EMPLOYMENT BENEFIT RECORD UPON ACQUISITION OR REORGANIZATION OF AN EXISTING EMPLOYMENT UNIT, SO AS TO PROVIDE IF THE EXPERIENCE RATING ACCOUNT OF A PREDECESSOR IS EQUAL TO OR EXCEEDS TAX CLASS THIRTEEN, THIS EXPERIENCE RATING ACCOUNT MUST BE TRANSFERRED TO THE SUCCESSOR EMPLOYER; TO AMEND SECTION 41‑31‑140, AS AMENDED, RELATING TO LIMITS ON THE TRANSFER OF AN EXPERIENCE RATING ACCOUNT IN CERTAIN CIRCUMSTANCES, SO AS TO CLARIFY TIME LIMITS OF APPLICABILITY AND TO PROVIDE FOR FUTURE LIMITS ON TRANSFERS FOR AN EXPERIENCE RATING ACCOUNT; TO AMEND SECTION 41‑31‑670, AS AMENDED, RELATING TO SPECIAL PROVISIONS FOR ORGANIZATIONS THAT MADE CONTRIBUTIONS PRIOR TO 1969, SO AS TO UPDATE REFERENCES TO APPLICABLE TAX FORMULAS AND TO PROVIDE FOR THE MANAGEMENT OF AN ACCOUNT IF THE ORGANIZATION TERMINATES THE ELECTION AVAILABLE UNDER THIS SECTION; TO AMEND SECTION 41‑35‑125, AS AMENDED, RELATING TO BENEFITS FOR INDIVIDUALS UNEMPLOYED AS A RESULT OF DOMESTIC ABUSE, SO AS TO REDEFINE THE TERM “DISABILITY”; TO AMEND SECTION 41‑35‑130, AS AMENDED, RELATING TO PAYMENTS NOT CHARGEABLE TO A FORMER EMPLOYER, SO AS TO MAKE THE SECTION APPLICABLE TO BENEFITS PAID AS A RESULT OF A NATURAL DISASTER DECLARED BY THE PRESIDENT OF THE UNITED STATES; TO AMEND SECTION 41‑39‑30, AS AMENDED, RELATING TO LIMITS ON FEES, SO AS TO ELIMINATE THE REQUIREMENT THAT A PERSON APPEARING AT A HEARING PURSUANT TO THIS SECTION MUST BE REPRESENTED BY AN ATTORNEY; TO AMEND SECTION 41‑41‑40, AS AMENDED, RELATING TO THE RECOVERY OF BENEFITS PAID TO A PERSON NOT ENTITLED TO BENEFITS, SO AS TO PROVIDE AN ADDITIONAL MEANS FOR ATTEMPTING A COLLECTION PURSUANT TO THIS SECTION; TO AMEND SECTION 41‑27‑260, AS AMENDED, RELATING TO EXEMPTED EMPLOYMENT, SO AS TO PROVIDE THE CIRCUMSTANCES BY WHICH SERVICES PERFORMED BY A DIRECT SELLER ARE EXEMPT FROM CERTAIN PROVISIONS OF CHAPTERS 27 THROUGH 41, TITLE 41; TO AMEND SECTION 41‑31‑50, AS AMENDED, RELATING TO DETERMINATION OF BASE RATES, SO AS TO PLACE A LIMIT ON THE EMPLOYER BASE TAX RATE FOR TAX YEAR 2011; BY ADDING SECTION 41‑31‑52 SO AS TO PROVIDE FOR THE CIRCUMSTANCES BY WHICH A SEASONAL WORKER IS ELIGIBLE TO RECEIVE BENEFITS; TO AMEND SECTION 41‑35‑50, RELATING TO ANNUAL MAXIMUM POTENTIAL BENEFITS, SO AS TO REDUCE A POTENTIAL MAXIMUM FROM TWENTY‑SIX TIMES THE WEEKLY BENEFIT AMOUNT TO TWENTY TIMES THE WEEKLY BENEFIT AMOUNT; TO AMEND SECTION 41‑29‑300, AS AMENDED, RELATING TO THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL, SO AS TO DESIGNATE SEAT NUMBERS ON THE PANEL; TO AMEND SECTION 41‑31‑330, RELATING TO PENALTIES FOR ADDITIONAL CONTRIBUTIONS DUE, SO AS TO SET AN INTEREST RATE FOR 2011; AND TO DIRECT THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE TO RECALCULATE PREMIUM RATES AND TO APPLY CERTAIN APPROPRIATIONS TO THE UNEMPLOYMENT INSURANCE TRUST FUND.

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(R94, H. 3772) -- Reps. Hardwick, Vick and Hixon: AN ACT TO AMEND CHAPTER 26, TITLE 46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF AGRICULTURAL LIMING MATERIALS, SO AS TO PROVIDE FOR REGULATION OF LANDPLASTER, TO REVISE CERTAIN REPORTING REQUIREMENTS, AND TO REVISE THE PROVISIONS RELATING TO THE PAYMENT OF ASSESSMENTS LEVIED BY THE STATE CROP PEST COMMISSION.

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(R96, H. 4119) -- Rep. G.A. Brown: AN ACT TO AMEND SECTION 39‑5‑38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DECEPTIVE OR MISLEADING ADVERTISEMENT OF A LIVE MUSICAL PERFORMANCE, SO AS TO DEFINE A SOUND RECORDING, AND TO PROVIDE CERTAIN EXEMPTIONS, REMEDIES, AND A FINE.

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**THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

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

**Motion Adopted**

On motion of Senator McCONNELL, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 10:00 A.M. on Wednesday, June 15, 2011.

**RECESS**

At 1:51 P.M., on motion of Senator McCONNELL, the Senate receded from business until 3:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 3:10 P.M. and was called to order by the PRESIDENT.

**Point of Quorum**

At 3:10 P.M., Senator LARRY MARTIN made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator LARRY MARTIN moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Anderson Bright

Bryant Campsen Cleary

Coleman Courson Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Shoopman Thomas

Verdin Williams

A quorum being present, the Senate resumed.

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

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

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 Amendment No. P1-2B (20R015.CBH) proposed by Senator HUTTO and previously printed in the Journal of June 1, 2011.

On motion of Senator LARRY MARTIN, with unanimous consent, the Amendment No. 2B was substituted with Amendment No. 2C.

**Motion Adopted**

On motion of Senator SHANE MARTIN, with unanimous consent, Senators PEELER, REESE, BRIGHT and SHANE MARTIN were granted leave to attend a meeting and were granted leave to vote from the balcony.

**Amendment No. P1-2C**

Senator HUTTO proposed the following amendment (20R015.CBH), which was laid on the table:

Amend Amendment No. 2C, bearing document file path L:\S‑JUD\AMEND\JUD0020.018.DOCX, as and if amended, beginning on page 2, by striking Section 8-14-20(B) and inserting:

/ “(B) A public employer may not enter into a services contract with a contractor for the physical performance of services within this State unless the contractor agrees:

(1) to register and participate in the federal work authorization program to verify the employment authorization of all new employees and require agreement from its subcontractors, and through the subcontractors, the sub‑subcontractors, to register and participate in the federal verification of the employment authorization of all new employees; or

(2) to employ only workers who possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

Senator FORD spoke on the amendment.

Senator HUTTO explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

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

The amendment was laid on the table.

**Amendment No. P2-2C**

Senator HUTTO proposed the following amendment (20R016.CBH), which was tabled:

Amend Amendment No. 2C, bearing document file path L:\S‑JUD\AMEND\JUD0020.018.DOCX, as and if amended, on page 3, by striking Section 8-14-20(D) and inserting:

/ (D) Subsection (B) applies as follows:

(1) on and after January 1, 2012, with respect to contractors, subcontractors, or sub-subcontractors of five hundred or more employees;

(2) on and after July 1, 2013, with respect to contractors, subcontractors, or sub-subcontractors of one hundred or more employees but less than five hundred employees; and

(3) on and after January 1, 2014, with respect to all other contractors, subcontractors, or sub-subcontractors. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator LARRY MARTIN spoke on 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 22; Nays 18**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Fair Grooms Hayes

Knotts *Martin, Larry Martin, Shane*

Massey McConnell O'Dell

Peeler Rankin Rose

Ryberg Shoopman Thomas

Verdin

**Total--22**

**NAYS**

Anderson Coleman Elliott

Ford Hutto Jackson

Land Leventis Lourie

Malloy Matthews McGill

Nicholson Pinckney Reese

Scott Setzler Williams

**Total--18**

The amendment was laid on the table.

**Amendment No. P3-2C**

Senator HUTTO proposed the following amendment (20R017.CBH), which was adopted:

Amend Amendment No. 2C, bearing document file path L:\S‑JUD\AMEND\JUD0020.018.DOCX, as and if amended, on page 14, by inserting a new sentence at the end of Section 41-8-50(D)(1) to read:

/ An employer that is placed on probation for one year must be listed on the department’s website as having failed to comply with the provisions of this chapter. The employer must be listed on the website for six months. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

The amendment was adopted.

**Amendment No. P5-2C**

Senator HUTTO proposed the following amendment (20R019.CBH), which was laid on the table:

Amend Amendment No. 2C, bearing document file path L:\S‑JUD\AMEND\JUD0020.018.DOCX, as and if amended, beginning on page 14, by striking Section 41-8-50(D)(2) in its entirety and inserting:

/ (2) for a first occurrence involving a violation of Section 41‑8‑30, ~~a~~ the private employer’s license ~~is~~ must be suspended, and must remain suspended for at least ten days but not more than thirty days. During the period of suspension, ~~a~~ the private employer may not engage in business, open to the public, employ an employee, or otherwise operate. After the period of suspension, ~~a~~ the private employer’s license must be reinstated, permitting the private employer to engage in business and to employ an employee, if the private employer~~:~~

~~(i)~~ demonstrates that ~~he~~ the private employer has terminated the unauthorized alien; ~~and~~

~~(ii)~~ ~~pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars;~~ /

Amend title to conform.

Senator HUTTO explained the amendment.

Senator LARRY MARTIN spoke on 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 21; Nays 18**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Fair Grooms Hayes

*Martin, Larry Martin, Shane* Massey

McConnell O'Dell Peeler

Rankin Rose Ryberg

Shoopman Thomas Verdin

**Total--21**

**NAYS**

Anderson Coleman Elliott

Ford Hutto Jackson

Knotts Land Leventis

Lourie Malloy Matthews

McGill Nicholson Reese

Scott Setzler Williams

**Total--18**

The amendment was laid on the table.

**Amendment No. P6-2C**

Senator HUTTO proposed the following amendment (20R021.CBH), which was tabled:

Amend Amendment No. 2C, bearing document file path L:\S‑JUD\AMEND\JUD0020.018.DOCX, as and if amended, by striking Section 41-8-10(E)(1) and inserting:

/ (E) ‘Private employer’ means any:

(1) individual or type of organization that transacts business in this State, is required to have a license issued by an agency in this State, and employs twenty five or more employees in this State, as defined in Section 12-8-10; /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator CAMPSEN spoke on the amendment.

Senator CAMPSEN moved to lay the amendment on the table.

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

**Ayes 21; Nays 19**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Fair Grooms Hayes

Knotts *Martin, Larry Martin, Shane*

Massey McConnell O'Dell

Peeler Rose Ryberg

Shoopman Thomas Verdin

**Total--21**

**NAYS**

Anderson Coleman Elliott

Ford Hutto Jackson

Land Leventis Lourie

Malloy Matthews McGill

Nicholson Pinckney Rankin

Reese Scott Setzler

Williams

**Total--19**

The amendment was laid on the table.

**Amendment No. P7-2C**

Senator HUTTO proposed the following amendment (20R020.CBH), which was tabled:

Amend Amendment No. 2C, bearing document file path L:\S‑JUD\AMEND\JUD0020.018.DOCX, as and if amended, by striking Section 41-8-10(E)(1) and inserting:

/ (E) ‘Private employer’ means any:

(1) individual or type of organization that transacts business in this State, is required to have a license issued by an agency in this State, and employs ten or more employees in this State, as defined in Section 12-8-10; /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

**Objection**

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

Senator LARRY MARTIN objected.

Senator LARRY MARTIN spoke on 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 19; Nays 20**

**AYES**

Alexander Bright Bryant

Campsen Courson Fair

Grooms Hayes *Martin, Larry*

*Martin, Shane* Massey McConnell

O'Dell Peeler Rose

Ryberg Shoopman Thomas

Verdin

**Total--19**

**NAYS**

Anderson Cleary Coleman

Elliott Ford Hutto

Jackson Knotts Land

Leventis Lourie Malloy

Matthews McGill Nicholson

Pinckney Rankin Reese

Setzler Williams

**Total--20**

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

Senator LARRY MARTIN spoke on 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 21; Nays 15**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Fair Grooms Hayes

*Martin, Larry Martin, Shane* Massey

McConnell O'Dell Peeler

Rankin Rose Ryberg

Shoopman Thomas Verdin

**Total--21**

**NAYS**

Coleman Elliott Ford

Hutto Jackson Land

Leventis Lourie Malloy

Matthews McGill Nicholson

Reese Scott Williams

**Total--15**

The amendment was laid on the table.

**Amendment No. P8-2C**

Senator CAMPSEN proposed the following amendment (20R022.GEC), which was adopted:

Amend Amendment No. 2C, bearing file path L:\S‑JUD\AMEND\JUD0020.018.DOCX, as and if amended, page 18, SECTION 12, by adding an appropriately lettered new subsection at the end of Section 41-8-50 to read:

/ ( ) A license suspension or revocation pursuant to this section:

(1) does not constitute a dissolution, liquidation, or a winding down process; or a transfer, or other taxable event for tax purposes, including, but not limited to, taxes imposed or authorized by Title 12; and

(2) does not affect protections against personal liability provided in Title 33.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

**Amendment No. P9-2C**

Senator HUTTO proposed the following amendment (20R023.CBH), which was laid on the table:

Amend Amendment No. 2B, bearing document file path L:\S‑JUD\AMEND\JUD0020.018.DOCX, as and if amended, beginning on page 3, by striking Section 8-14-20(B) and inserting:

/ “(B) A public employer may not enter into a services contract with a contractor for the physical performance of services within this State unless the contractor agrees:

(1) to register and participate in the federal work authorization program to verify the employment authorization of all new employees and require agreement from its subcontractors, and through the subcontractors, the sub‑subcontractors, to register and participate in the federal verification of the employment authorization of all new employees;

(2) to employ only workers who possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles; or

(3) possesses a valid driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO 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 19; Nays 16**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Fair Grooms Hayes

*Martin, Larry Martin, Shane* Massey

McConnell O'Dell Peeler

Rose Ryberg Shoopman

Thomas

**Total--19**

**NAYS**

Coleman Elliott Ford

Hutto Jackson Land

Leventis Lourie Malloy

McGill Nicholson Pinckney

Rankin Reese Scott

Williams

**Total--16**

The amendment was laid on the table.

**Amendment No. P11A-2C**

Senator MALLOY proposed the following amendment (20R027.GM), which was laid on the table:

Amend Amendment No. 2C, bearing document file path L:\S‑JUD\AMEND\JUD0020.018.DOCX, as and if amended, by striking Section 41-8-10(E)(1) and inserting:

/ (E) ‘Private employer’ means any:

(1) person or entity that transacts business in this State, is required to have a license issued by an agency, department, board, commission, or political subdivision of this State that issues licenses for the purposes of operating a business in this State, and who has regularly employed in service more than four employees in the same business within the State or who had a total annual payroll during the previous calendar year of more than three thousand dollars regardless of the number of persons employed during that period; /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator LARRY MARTIN spoke on 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 18; Nays 19**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Fair Grooms Hayes

*Martin, Larry Martin, Shane* McConnell

Peeler Rose Ryberg

Shoopman Thomas Verdin

**Total--18**

**NAYS**

Anderson Coleman Elliott

Ford Hutto Jackson

Land Leventis Lourie

Malloy Matthews McGill

Nicholson O'Dell Pinckney

Rankin Reese Scott

Williams

**Total--19**

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

Senator THOMAS spoke on the amendment.

Senator THOMAS moved to lay the amendment on the table.

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

**Ayes 21; Nays 14**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Fair Grooms Hayes

*Martin, Larry Martin, Shane* Massey

McConnell O'Dell Peeler

Rankin Rose Ryberg

Shoopman Thomas Verdin

**Total--21**

**NAYS**

Coleman Elliott Hutto

Land Leventis Lourie

Malloy Matthews McGill

Nicholson Pinckney Reese

Scott Williams

**Total--14**

The amendment was laid on the table.

**Amendment No. P12-2C**

Senators KNOTTS and VERDIN proposed the following amendment (20R026.JKL), which was tabled:

Amend Amendment No. 2C, bearing document file path L:\S‑JUD\AMEND\JUD0020.018.DOCX, as and if amended, by adding to the end of Section 41-8-10(E)(1) two sentences to read:

/ Private employer does not mean a person who employs only members of his immediate family. For the purposes of this item ‘immediate family’ means spouse, parent, brother, sister, child, mother‑in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild. /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS spoke on 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 21; Nays 13**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Fair Grooms Hayes

*Martin, Larry Martin, Shane* Massey

McConnell O'Dell Peeler

Rankin Rose Ryberg

Shoopman Thomas Verdin

**Total--21**

**NAYS**

Coleman Elliott Hutto

Land Leventis Lourie

Malloy McGill Nicholson

Pinckney Reese Scott

Williams

**Total--13**

The amendment was laid on the table.

**Amendment No. P14-2C**

Senator REESE proposed the following amendment (MS\7578AHB11), which was tabled:

Amend the bill, as and if amended, SECTION 3, by deleting Section 8-14-20(A) in its entirety and inserting:

/ (A) ~~On or after January 1, 2009,~~ Every public employer shall ~~register and participate in the federal work authorization program to~~ verify the employment authorization of all new employees through the use of a mandatory nonkeyable barcode required to be embedded in the forehead of every potential employee. /

Renumber sections to conform.

Amend title to conform.

Senator REESE explained the amendment.

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

The amendment was laid on the table.

The question then was the adoption of Amendment No. 2C.

**Amendment No. 2C**

Senators LARRY MARTIN and CAMPSEN proposed the following amendment (JUD0020.018), which was adopted:

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

/ SECTION 1. Section 6-1-170 of the 1976 Code is amended by adding subsection (E) to read:

“(E)(1) Notwithstanding any other provision of law, a resident of a political subdivision in this State may bring a civil action in the circuit court in which the resident and political subdivision are located to enjoin:

(a) an enactment by the political subdivision of any ordinance or policy that intentionally limits or prohibits a law enforcement officer, local official, or local government employee from seeking to enforce a state law with regard to immigration;

(b) an enactment by the political subdivision of any ordinance or policy that intentionally limits or prohibits a law enforcement officer, local official, or local government employee from communicating to appropriate federal or state officials regarding the immigration status of a person within this State; or

(c) an enactment by the political subdivision of any ordinance, policy, regulation, or other legislation pertaining to the employment, licensing, permitting, or otherwise doing business with a person based upon that person’s authorization to work in the United States, which intentionally exceeds or conflicts with federal law or that intentionally conflicts with state law.

(2) A person who is not a resident of the political subdivision may not bring an action against the political subdivision pursuant to this subsection. The action must be brought against the political subdivision and not against an employee of the political subdivision acting in the employee’s individual capacity.

(3) If the court finds that the political subdivision has intentionally violated this section, the court shall enjoin the enactment, action, policy, or practice, and may enter a judgment against the political subdivision of not less than one thousand dollars nor more than five thousand dollars for each day that the enactment, action, policy, or practice remains or remained in effect. The proceeds from any such judgment must be used to reimburse the resident’s reasonable attorney’s fees. Any remaining proceeds must be used to cover the administrative costs of implementing, investigating, and enforcing the provisions of Chapter 8, Title 41 of the South Carolina Code of Laws.”

SECTION 2. Section 8-14-10(9) of the 1976 Code is amended to read:

“(9) ‘Private employer’ means any:

(a) person or entity that transacts business in this State, is required to have a license issued by an agency, department, board, commission, or political subdivision of this State that issues licenses for the purposes of operating a business in this State, and employs one or more employees in this State, as defined in Section 12-8-10;

(b) person or entity carrying on any employment and the legal representative of a deceased person or the receiver or trustee of any person~~, and~~; or

(c) ~~any~~ person or entity for whom an individual performs a service or sells a good, of whatever nature, as an employee, as defined in Section 12-8-10.”

SECTION 3. Section 8-14-20 of the 1976 Code is amended to read:

“Section 8-14-20. (A) ~~On or after January 1, 2009, every~~ Every public employer shall register and participate in the federal work authorization program to verify the employment authorization of all new employees.

(B) A public employer may not enter into a services contract with a contractor for the physical performance of services within this State unless the contractor agrees~~:~~

~~(1)~~ to register and participate in the federal work authorization program to verify the employment authorization of all new employees and require agreement from its subcontractors, and through the subcontractors, the sub‑subcontractors, to register and participate in the federal ~~verification of~~ work authorization program to verify the employment authorization of all new employees~~; or~~

~~(2)~~ ~~to employ only workers who:~~

~~(a)~~ ~~possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles;~~

~~(b)~~ ~~are eligible to obtain a South Carolina driver’s license or identification card in that they meet the requirements set forth in Sections 56‑1‑40 through 56‑1‑90; or~~

~~(c)~~ ~~possess a valid driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina, as determined by the Executive Director of the South Carolina Department of Motor Vehicles, or his designee. The Executive Director of the South Carolina Department of Motor Vehicles, or his designee, shall publish on its website a list of states where the license requirements are at least as strict as those in South Carolina~~.

(C) ~~A public employer and contractor must not divide work or duties that would otherwise constitute a single service contract into separate contracts for the purpose of avoiding the requirements of this chapter.~~

~~(D)~~ ~~Subsection (B) applies as follows:~~

~~(1)~~ ~~on and after January 1, 2009, with respect to contractors, subcontractors, or sub‑subcontractors of five hundred or more employees;~~

~~(2)~~ ~~on and after July 1, 2009, with respect to contractors, subcontractors, or sub‑subcontractors of one hundred or more employees but less than five hundred employees; and~~

~~(3)~~ ~~on and after January 1, 2010, with respect to all other contractors, subcontractors, or sub‑subcontractors.~~

~~(E)~~ Private employers shall comply with the provisions of Chapter 8, Title 41.”

SECTION 4. Section 16-9-460 of the 1976 Code is amended to read:

“Section 16-9-460. (A) It is a felony for a person who has come to, entered, or remained in the United States in violation of law to allow themselves to be transported, moved, or attempted to be transported within the State or to solicit or conspire to be transported or moved within the State with intent to further the person’s unlawful entry into the United States or avoiding apprehension or detection of the person’s unlawful immigration status by state or federal authorities.

~~(A)~~(B) It is a felony for a person knowingly or in reckless disregard of the fact that another person has come to, entered, or remained in the United States in violation of law to transport, move, or attempt to transport that person within the State or to solicit or conspire to transport or move that person within the State with intent to further that person’s unlawful entry into the United States or avoiding apprehension or detection of that person’s unlawful immigration status by state or federal authorities.

(C) It is a felony for a person who has come to, entered, or remained in the United States in violation of law to conceal, harbor, or shelter themselves from detection or to solicit or conspire to conceal, harbor, or shelter themselves from detection in any place, including a building or means of transportation, with intent to further that person’s unlawful entry into the United States or avoiding apprehension or detection of the person’s unlawful immigration status by state or federal authorities.

~~(B)~~(D) It is a felony for a person knowingly or in reckless disregard of the fact that another person has come to, entered, or remained in the United States in violation of law to conceal, harbor, or shelter from detection or to solicit or conspire to conceal, harbor, or shelter from detection that person in any place, including a building or means of transportation, with intent to further that person’s unlawful entry into the United States or avoiding apprehension or detection of that person’s unlawful immigration status by state or federal authorities.

~~(C)~~(E) A person who violates the provisions of ~~subsection (A) or (B) of~~ this section is guilty of a felony and, upon conviction, must be punished by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed five years, or both.

~~(D)~~(F) A person who is convicted of, pleads guilty to, or enters into a plea of nolo contendere to a violation of this section must not be permitted to seek or obtain any professional license offered by the State or any agency or political subdivision of the State.

~~(E)~~(G) ~~Subsections (A) and (B) do~~ This section does not apply to programs, services, or assistance including soup kitchens, crisis counseling and intervention; churches or other religious institutions that are recognized as a 501(c)(3) organizations by the Internal Revenue Service; and short‑term shelters specified by the United States Attorney General, in the United States Attorney General’s sole discretion after consultation with appropriate federal agencies and departments, which:

(i) deliver in‑kind services at the community level, including through public or private nonprofit agencies;

(ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient’s income or resources; and

(iii) are necessary for the protection of life or safety.

Shelter provided for strictly humanitarian purposes or provided under the Violence Against Women Act is not a violation of this section, so long as the shelter is not provided in furtherance of or in an attempt to conceal a person’s illegal presence in the United States.

~~(F)~~(H) Providing health care treatment or services to a natural person who is in the United States unlawfully is not a violation of this section.”

SECTION 5. Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16-17-750. (A) It is unlawful for a person eighteen years of age or older to fail to carry in the person’s personal possession any certificate of alien registration or alien registration receipt card issued to the person pursuant to 8 U.S.C. Section 1304 while the person is in this State.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both.”

SECTION 6. Chapter 13, Title 17 of the 1976 Code is amended by adding:

“Section 17‑13‑170. (A) If a law enforcement officer of this State or a political subdivision of this State lawfully stops, detains, investigates, or arrests a person for a criminal offense, and during the commission of the stop, detention, investigation, or arrest the officer has reasonable suspicion to believe that the person is unlawfully present in the United States, the officer shall make a reasonable effort, when practicable, to determine whether the person is lawfully present in the United States, unless the determination would hinder or obstruct an investigation.

(B)(1) If the person provides the officer with a valid form of any of the following picture identifications, the person is presumed to be lawfully present in the United States:

(a) a driver’s license or picture identification issued by the South Carolina Department of Motor Vehicles;

(b) a driver’s license or picture identification issued by another state;

(c) a picture identification issued by the United States, including a passport or military identification; or

(d) a tribal picture identification.

(2) It is unlawful for a person to display, cause or permit to be displayed, or have in the person’s possession a false, fictitious, fraudulent, or counterfeit picture identification for the purpose of offering proof of the person’s lawful presence in the United States. A person who violates the provisions of this item:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days; and

(b) for a second offense or subsequent offenses, is guilty of a felony, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than five years.

(3) If the person cannot provide the law enforcement officer with any of the forms of picture identification listed in this subsection, the person may still be presumed to be lawfully present in the United States, if the officer is able to otherwise verify that the person has been issued any of those forms of picture identification.

(4) If the person is operating a motor vehicle on a public highway of this State without a driver’s license in violation of Section 56-1-20, the person may be arrested pursuant to Section 56-1-440.

(5) If the person meets the presumption established pursuant to this subsection, the officer may not further stop, detain, investigate, or arrest the person based solely on the person’s lawful presence in the United States.

(6) This section does not apply to a law enforcement officer who is acting as a school resource officer for any elementary or secondary school.

(C)(1) If the person does not meet the presumption established pursuant to subsection (B), the officer shall make a reasonable effort, when practicable, to verify the person’s lawful presence in the United States by at least one of the following methods:

(a) contacting the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety;

(b) submitting an Immigration Alien Query through the International Justice and Public Safety Network;

(c) contacting the United States Immigration and Customs Enforcement’s Law Enforcement Support Center; or

(d) contacting the United States Immigration and Customs Enforcement’s local field office.

(2) The officer shall stop, detain, or investigate the person only for a reasonable amount of time as allowed by law. If, after making a reasonable effort, the officer is unable to verify the person’s lawful presence in the United States by one of the methods described in subitem (C)(1), the officer may not further stop, detain, investigate, or arrest the person based solely on the person’s lawful presence in the United States.

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

(4) If the officer determines that the person is unlawfully present in the United States, the officer shall determine in cooperation with the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety or the United States Immigration and Customs Enforcement, as applicable, whether the officer shall retain custody of the person for the underlying criminal offense for which the person was stopped, detained, investigated, or arrested, or whether the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety or the United States Immigration and Customs Enforcement,as applicable, shall assume custody of the person. The officer is not required by this section to retain custody of the person based solely on the person’s lawful presence in the United States. 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.

(D) Nothing in this section must be construed to require a law enforcement officer to stop, detain, investigate, arrest, or confine a person based solely on the person’s lawful presence in the United States. A law enforcement officer may not attempt to make an independent judgment of a person’s lawful presence in the United States. A law enforcement officer may not consider race, color, or national origin in implementing this section, except to the extent permitted by the United States or South Carolina Constitution. This section must be implemented in a manner that is consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens.

(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.

(G) No official, agency, or political subdivision of this State may limit or restrict the enforcement of this section or federal immigration laws.

(H) This section does not implement, authorize, or establish, and shall not be construed to implement, authorize, or establish the federal Real ID Act of 2005.

(I) Any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, and the officer contacts the Illegal Immigration Enforcement Unit within the Department of Public Safety pursuant to this section, the officer who initiated the stop must complete a data collection form designed by the Department of Public Safety, which must include information regarding the age, gender, and race or ethnicity of the driver of the vehicle. This information may be gathered and transmitted electronically under the supervision of the Department of Public Safety, which shall develop and maintain a database storing the information collected. The Department of Public Safety must promulgate regulations with regard to the collection and submission of the information gathered. In addition, the Department of Public Safety shall prepare a report to be posted on the Department of Public Safety’s website regarding motor vehicle stops using the collected information. The General Assembly shall have the authority to withhold any state funds or federal pass‑through funds from any state or local law enforcement agency that fails to comply with the requirements of this subsection.”

SECTION 7. Section 23-3-1100 of the 1976 Code is amended to read:

“Section 23-3-1100. (A) If a person is charged with a criminal offense and is confined for any period in a jail of the State, county, or municipality, or a jail operated by a regional jail authority, a reasonable effort shall be made to determine whether the confined person is an alien unlawfully present in the United States.

(B) If the prisoner is an alien, the keeper of the jail or other officer must make a reasonable effort to verify whether the prisoner has been lawfully admitted to the United States or if the prisoner is unlawfully present in the United States. Verification must be made within seventy‑two hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security or other office or agency designated for that purpose by the United States Department of Homeland Security. If the prisoner is determined to be an alien unlawfully present in the United States, the keeper of the jail or other officer shall notify the United States Department of Homeland Security.

(C) Upon notification to the United States Department of Homeland Security pursuant to subsection (B), the keeper of the jail must account for daily expenses incurred for the housing, maintenance, transportation, and care of the prisoner who is an alien unlawfully present in the United States and must forward an invoice to the Department of Homeland Security for these expenses.

(D) The keeper of the jail or other officer may securely transport the prisoner who is an alien unlawfully present in the United States to a federal facility in this State or to any other point of transfer into federal custody that is outside of the keeper of the jail or other officer’s jurisdiction. The keeper of the jail or other officer shall obtain judicial authorization before securely transporting a prisoner who is unlawfully present in the United States to a point of transfer that is outside of this State.

(E) If a prisoner who is an alien unlawfully present in the United States completes the prisoner’s sentence of incarceration, the keeper of the jail or other officer shall notify the United States Department of Homeland Security and shall securely transport the prisoner to a federal facility in this State or to any other point of transfer into federal custody that is outside of the keeper of the jail or other officer’s jurisdiction. The keeper of the jail or other officer shall obtain judicial authorization before securely transporting a prisoner who is unlawfully present in the United States to a point of transfer that is outside of this State.

~~(D)~~(F) Nothing in this section shall 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.

~~(E)~~(G) The State Law Enforcement Division shall promulgate regulations to comply with the provisions of this section in accordance with the provisions of Chapter 23 of Title 1 of the South Carolina Code of Laws.

~~(F)~~(H) In enforcing the terms of this section, no state officer shall attempt to make an independent judgment of an alien’s immigration status. State officials must verify an alien’s status with the federal government in accordance with 8 U.S.C. Section 1373(c).”

SECTION 8 Section 41-8-10 of the 1976 Code is amended to read:

“Section 41-8-10. As used in this chapter:

(A) ‘Agency’ means any agency, department, board, ~~or~~ commission, or political subdivision of this State ~~or any political subdivision of this State~~ that issues ~~a license~~ licenses for the purposes of operating a business in this State.

(B) ‘Director’ means the Director of the Department of Labor, Licensing and Regulation or ~~his~~ the director’s designee.

(C) ‘License’ means an agency permit, certificate, approval, registration, charter, or similar form of authorization that is required by law and that is issued by ~~the State,~~ any agency or political subdivision of this State for the purpose of operating a business ~~engaging in a profession~~ in this State, ~~to include a South Carolina employment license~~ excluding professional licenses, but including employment licenses, articles of organization, articles of incorporation, a certificate of partnership, a partnership registration, a certificate to transact business, or similar forms of authorization issued by the South Carolina Secretary of State, and any transaction privilege tax license*.*

(D) ‘Political subdivision’ includes counties, cities, towns, villages, townships, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.

(E) ‘Private employer’ means any:

(1) person or entity that transacts business in this State, is required to have a license issued by an agency, department, board, commission, or political subdivision of this State that issues licenses for the purposes of operating a business in this State, and employs one or more employees in this State, as defined in Section 12-8-10;

(2) person or entity carrying on any employment and the legal representative of a deceased person or the receiver or trustee of any person~~, and~~; or

(3) ~~any~~ person or entity for whom an individual performs a service or sells a good, of whatever nature, as an employee, as defined in Section 12-8-10.

(F) ‘Unauthorized alien’ means an unauthorized alien as defined by 8 U.S.C. Section 1324a(h)(3).”

SECTION 9. Section 41-8-20 of the 1976 Code is amended to read:

“Section 41-8-20. (A) All private employers in South Carolina ~~on or after July 1, 2009,~~ shall be imputed a South Carolina employment license, which permits a private employer to employ a person in this State. ~~On and after July 1, 2009, a~~ A private employer may not employ a person unless ~~his~~ the private employer’s South Carolina employment license ~~is~~ and any other applicable licenses as defined in Section 41-8-10 are in effect and ~~is~~ are not suspended or revoked. A private employer’s employment license shall remain in effect provided the private employer complies with the provisions of this chapter.

(B) ~~On and after July 1, 2009, all~~ All private employers ~~of one hundred or more employees~~ who are required by federal law to complete and maintain federal employment eligibility verification forms or documents must~~:~~

~~(1)~~ register and participate in the E‑Verify federal work authorization program, or its successor, to verify ~~information of all new employees, and verify~~ the work authorization of every new employee within ~~five~~ three business days after employing a new employee~~; or~~

~~(2)~~ ~~employ only workers who, at the time of employment:~~

~~(a)~~ ~~possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles;~~

~~(b)~~ ~~are eligible to obtain a South Carolina driver’s license or identification card in that they meet the requirements set forth in Sections 56‑1‑40 through 56‑1‑90; or~~

~~(c)~~ ~~possess a valid driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina, as determined by the director. The Executive Director of the Department of Motor Vehicles, or his designee, shall determine which states have driver’s license requirements that are at least as strict as those in South Carolina, and shall develop and periodically update a list of the states. The Department of Motor Vehicles shall provide the director with a copy of the list and all updates to the list. The director shall publish the list on the Department of Labor, Licensing and Regulation’s website~~. A private employer who does not comply with the requirements of this subsection violates the private employer’s licenses.

~~(C)~~ ~~The provisions of subsection (B) apply to all private employers who employ less than one hundred employees and who are required by federal law to complete and maintain federal employment eligibility verification forms or documents on and after July 1, 2010.~~

~~(D)~~(C) The South Carolina Department of Employment and Workforce ~~must~~ shall provide private employers with technical advice and electronic access to the E‑Verify federal work authorization program’s website for the sole purpose of registering and participating in the program.

~~(E)~~(D) Private employers ~~who elect to verify a new employee’s work authorization in accordance with Section 41‑8‑20(B)(1)~~ shall provisionally employ a new employee until ~~his~~ the new employee’s work authorization has been verified pursuant to this section. A private employer ~~who elects to verify a new employee’s work authorization in accordance with Section 41‑8‑20(B)(1) must~~ shall submit a new employee’s name and information for verification even if the new employee’s employment is terminated less than ~~five~~ three business days after becoming employed. If a new employee’s work authorization is not verified by the federal work authorization program, a private employer must not employ, continue to employ, or re‑employ the new employee.

~~(F)~~(E) To assist private employers in understanding the requirements of this chapter, the director shall send written notice of the requirements of this section~~, to include a list of states with driver’s license requirements at least as strict as those in South Carolina,~~ to all South Carolina employers ~~no later than January 1, 2009~~, and shall publish the information contained in the notice on its website. Nothing in this section shall create a legal requirement that any private employer receive actual notice of the requirements of this chapter through written notice from the director, nor create any legal defense for failure to receive notice.

(F) If a private employer is a contractor, the private employer shall maintain the contact phone numbers of all subcontractors and sub-subcontractors performing services for the private employer. The private employer shall provide the contact phone numbers or a contact phone number, as applicable, to the director pursuant to an audit or investigation within seventy-two hours of the director’s request.”

SECTION 10. Section 41-8-30 of the 1976 Code is amended to read:

“Section 41-8-30. A private employer ~~shall not~~ who knowingly or intentionally ~~employ~~ employs an unauthorized alien violates the private employer’s licenses.”

SECTION 11. Section 41-8-40 of the 1976 Code is amended to read:

“Section 41-8-40. For purposes of this chapter, a private employer who in good faith verifies the immigration status of a new employee pursuant to ~~subsection (B)(1) of~~ Section 41‑8‑20 ~~shall~~  must be presumed to have complied with the provisions of Section 41‑8‑20 and Section 41‑8‑30.”

SECTION 12. Section 41-8-50 of the 1976 Code is amended to read:

“Section 41-8-50. (A) Upon receipt of a written and signed complaint against a private employer, or upon an investigation initiated by the director for good cause, if the director finds reasonable grounds exist that a private employer ~~allegedly~~ violated the provisions of Section 41‑8‑20 or Section 41‑8‑30, the director ~~must~~ shall institute an investigation of the alleged violation. The director shall verify the work authorization status of the alleged unauthorized alien with the federal government pursuant to 8 U.S.C. Section 1373(c). A state, county, or local official must not attempt to independently determine if an alien is authorized to work in the United States.

(B) If, after completing the investigation, and after reviewing any information or evidence submitted by the private employer demonstrating compliance with the provisions of this chapter, the director determines that substantial evidence exists to support a finding that the private employer has committed a violation of Section 41‑8‑20 or Section 41‑8‑30, the director shall:

(1) notify the United States Immigration and Customs Enforcement of suspected unauthorized aliens employed by the private employer;

(2) notify state and local law enforcement agencies responsible for enforcing state immigration laws of the employment of suspected unauthorized aliens by the employer; and

(3) ~~assess a penalty~~ take appropriate action in accordance with subsection (D) of this section.

(C) ~~The director must not bring an action for an occurrence involving a violation of Section 41‑8‑20 or Section 41‑8‑30 against a private employer of one hundred or more employees prior to July 1, 2009, or against a private employer of less than one hundred employees prior to July 1, 2010.~~ The director must not bring an action against a private employer for any employee who has been employed for ~~five~~ three business days or less at the time of the director’s inspection or random audit. A second occurrence involving a violation of this section must be based only on an employee who is employed by the private employer after a first action has been brought for a violation of Section 41‑8‑20 or Section 41‑8‑30.

(D) Upon a finding of an occurrence involving a violation after an investigation pursuant to subsection (A), or after a random audit pursuant to Section 41‑8‑120(B), where the director considered all information or evidence gathered by the director and any information or evidence submitted by the private employer demonstrating compliance with the provisions of this chapter:

(1)(a) prior to July 1, 2012, for ~~an~~ a first occurrence involving a violation of Section 41‑8‑20, the private employer ~~must be assessed a civil penalty of not less than one hundred dollars and not more than one thousand dollars for each violation. However, for a first occurrence involving a violation of Section 41‑8‑20, if~~ shall, upon notification by the director of a violation of Section 41‑8‑20, ~~the private employer complies~~ swear or affirm in writing that the private employer has complied with the provisions of 8 U.S.C. Section 1324a from the effective date of this section to the time the private employer received notification from the director, and shall comply with the provisions of Section 41‑8‑20~~(B)~~ within ~~seventy‑two hours, he must not be assessed a penalty~~ three business days. Failure to swear or affirm compliance in writing or failure to comply with Section 41-8-20 within three business days requires that the private employer be placed on probation for a period of one year, during which time the private employer shall submit quarterly reports to the director demonstrating compliance with the provisions of Section 41‑8‑20. The director shall provide appropriate assistance to the private employer to aide the private employer in complying with Section 41-8-20 within the three business day period. The director may extend the three business day period, as necessary, if the director determines that more time is required for compliance. Any subsequent occurrence involving a violation of Section 41‑8‑20 by the private employer ~~shall~~ must result in the ~~assessment of a civil penalty~~ suspension of the private employer’s licenses for at least ten days, but not more than thirty days, by the director, except, if a private employer has not committed a violation of Section 41‑8‑20 within the previous ~~five~~ three years, a subsequent occurrence must be treated as a first occurrence. If a private employer has ever committed a violation of Section 41‑8‑30, ~~he~~ the private employer’s ~~South Carolina employment license~~ licenses must be ~~assessed a civil penalty~~ suspended for at least ten days but not more than thirty days for any violation or subsequent occurrence involving a violation of Section 41‑8‑20. The director ~~must~~ shall verify the work authorization status of the employees with the federal government pursuant to 8 U.S.C. Section 1373(c) and notify the private employer of the results. The private employer ~~must~~ shall immediately terminate an employee whose work authorization was not verified upon being notified by the director. The director shall notify federal, state, and local law enforcement officials of any suspected ~~unlawful~~ unauthorized aliens employed by the private employer~~, pursuant to subsections (A) and (B) of this section~~.

(b) on or after July 1, 2012, for a first occurrence involving a violation of Section 41‑8‑20, the private employer shall, upon notification by the director of a violation of Section 41‑8‑20, immediately comply with the provisions of Section 41‑8‑20, and the private employer must be placed on probation for a period of one year, during which time the private employer shall submit quarterly reports to the director demonstrating compliance with the provisions of Section 41‑8‑20. Any subsequent occurrence involving a violation of Section 41‑8‑20 by the private employer must result in the suspension of the private employer’s licenses for at least ten days but not more than thirty days by the director, except, if a private employer has not committed a violation of Section 41‑8‑20 within the previous three years, a subsequent occurrence must be treated as a first occurrence. If a private employer has ever committed a violation of Section 41‑8‑30, the private employer’s licenses must be suspended for at least ten days but not more than thirty days for any violation or subsequent occurrence involving a violation of Section 41‑8‑20. The director shall verify the work authorization status of the employees with the federal government pursuant to 8 U.S.C. Section 1373(c) and notify the private employer of the results. The private employer shall immediately terminate an employee whose work authorization was not verified upon being notified by the director. The director shall notify federal, state, and local law enforcement officials of any suspected unauthorized aliens employed by the private employer.

(2) for a first occurrence involving a violation of Section 41‑8‑30, ~~a~~ the private employer’s ~~license is~~ licenses must be suspended, and must remain suspended for at least ten days but not more than thirty days. During the period of suspension, ~~a~~ the private employer may not engage in business, open to the public, employ an employee, or otherwise operate. After the period of suspension, ~~a~~ the private employer’s ~~license~~ licenses must be reinstated, permitting the private employer to engage in business and to employ an employee, if the private employer:

(i) demonstrates that ~~he~~ the private employer has terminated the unauthorized alien; and

(ii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars;

(3) for a second occurrence involving a violation of Section 41‑8‑30, ~~a~~ the private employer’s ~~license is~~ licenses must be suspended, and must remain suspended for at least thirty days but not more than sixty days. During the period of suspension, ~~a~~ the private employer may not engage in business, open to the public, employ an employee, or otherwise operate. After the period of suspension, ~~a~~ the private employer’s ~~license~~ licenses must be reinstated, permitting the private employer to engage in business ~~and to~~, open to the public, employ an employee, and otherwise operate, if the private employer:

(i) demonstrates that ~~he~~ the private employer has terminated the unauthorized alien; and

(ii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars;

(4) for a third ~~and~~ or subsequent ~~occurrences~~ occurrence involving a violation of Section 41‑8‑30, ~~a~~ the private employer’s ~~license is~~ licenses must be revoked, and the private employer may not engage in business, open to the public, employ an employee, or otherwise operate. For a third occurrence only, after ninety days, a private employer may petition the director for a provisional license. A provisional license permits a private employer to engage in business, open to the public, employ an employee, and otherwise operate. The director may grant the private employer permission to apply for a provisional license if the private employer:

(i) agrees to be on probation for a period of three years, during which time the private employer ~~must~~ shall submit quarterly reports to the director demonstrating compliance with the provisions of Sections 41‑8‑20 and 41‑8‑30;

(ii) demonstrates that ~~he~~ the private employer has terminated the unauthorized alien; and

(iii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars.

For all other occurrences where a private employer’s ~~license is~~ licenses are revoked, the private employer may not seek reinstatement of ~~his license~~ the private employer’s licenses for a period of five years. After five years, the director may grant reinstatement of a private employer’s licenses if the private employer:

(i) agrees to be on probation for a period of three years, during which time the private employer ~~must~~ shall submit quarterly reports to the director demonstrating compliance with the provisions of Sections 41‑8‑20 and 41‑8‑30;

(ii) demonstrates that ~~he~~ the private employer has terminated the unauthorized alien; and

(iii) pays a reinstatement fee equal to the cost of investigating and adjudicating the matter, provided that the reinstatement fee must not exceed one thousand dollars.

(5) If a private employer engages in business or employs a new employee during the period that ~~his license is~~ the private employer’s licenses are suspended, the private employer’s ~~license shall~~ licenses must be revoked, and ~~shall~~ must not be reinstated for a period of five years, and only upon a determination by the director that the private employer has complied with the provisions of item (4) of this section.

(E) For purposes of this chapter, it shall be a separate violation each time the private employer fails to verify the immigration status of a new employee as required by Section 41‑8‑20.

(F) In ~~assessing a civil penalty or~~ taking any ~~other~~ disciplinary action for a violation of Section 41‑8‑20 or Section 41‑8‑30, the director shall base ~~his~~ the director’s determination on any evidence or information collected during the investigation or submitted for consideration by the employer, and shall consider the following factors, if relevant:

(1) the number of employees for whom the private employer has failed to verify their immigration status;

(2) the prior violations of this chapter by the private employer;

(3) the size of the private employer’s workforce;

(4) any actions taken by the private employer to comply with federal immigration laws or with the provisions of this chapter;

(5) any actions taken by the private employer subsequent to the inspection or random audit to comply with the provisions of this chapter; ~~and~~

(6) the duration of the violation;

(7) the degree of the violation; and

(8) the good faith of the private employer.

(G) Reinstatement fees assessed in accordance with this section ~~shall~~ must be used to cover the administrative costs of implementing, investigating, and enforcing the provisions of this chapter.

(H) The director shall maintain a list of all private employers who have ~~been assessed a civil penalty pursuant to this chapter, or who~~ had their ~~license~~ licenses disciplined~~, or revoked,~~ pursuant to this chapter and shall publish the list on the agency’s website. The director shall remove a private employer from the list who has committed only a first occurrence pursuant to Section 41-8-20 one year after the private employer’s name has been published, if the private employer has not subsequently had their licenses disciplined~~, or revoked,~~ pursuant to this chapter within the one year period.

(I) If a private employer continues to engage in business after ~~his license has~~ the private employer’s licenses have been revoked pursuant to this chapter, the director must seek an injunction from the Administrative Law Court to enjoin the private employer from continuing to operate ~~his~~ the private employer’s business for which ~~his license was~~ the private employer’s licenses were revoked or from employing new employees.

(J) The director shall notify the applicable licensing agency or political subdivision if the director determines that a private employer’s license must be suspended or revoked pursuant to this section. The applicable agency or political subdivision shall immediately suspend or revoke the private employer’s license.”

SECTION 13. Section 41-8-60 of the 1976 Code is amended to read:

“Section 41-8-60. ~~(A) In each case where a civil penalty assessed by the director pursuant to Section 41‑8‑50(D)(1) is not paid within sixty days, the director shall bring an action against the assessed employer for collection of the penalty. An action commenced by the director shall be brought in accordance with the provisions of Chapter 23 of Title 1 of the South Carolina Code of Laws.~~

~~(B)~~ A private employer may seek review of the director’s ~~assessment of a civil penalty or~~ disciplinary action pursuant to Section 41‑8‑50 with the Administrative Law Court, and the action ~~shall~~ must be brought in accordance with the provisions of Chapter 23 of Title 1 of the South Carolina Code of Laws.”

SECTION 14. Section 41-8-120(A) of the 1976 Code is amended to read:

“(A) The director shall promulgate regulations in accordance with the provisions of Chapter 23 of Title 1 of the South Carolina Code of Laws to establish a procedure for administrative review of any ~~revocation, civil penalty, or other~~ disciplinary action ~~assessed~~ against a private employer ~~or his South Carolina employment license~~ pursuant to this chapter.”

SECTION 15. Article 1, Chapter 13, Title 16 of the 1976 Code is amended by adding:

“Section 16-13-480. Unless otherwise provided by law, it is unlawful for a person to make, issue, or sell, or offer to make, issue, or sell, a false, fictitious, fraudulent, or counterfeit picture identification that is for use by an alien who is unlawfully present in the United States. A person who violates this section is guilty of a felony, and, upon conviction, must be fined twenty-five thousand dollars or imprisoned for not more than five years, or both.”

SECTION 16. Section 23-3-80 of the 1976 Code is repealed. SECTION 17. Title 23, Chapter 6, Article 1 of the 1976 Code is amended by adding:

“Section 23-6-60. (A) There is created an Illegal Immigration Enforcement Unit within the Department of Public Safety. The purpose of the Illegal Immigration Enforcement Unit is to enforce immigration laws as authorized pursuant to federal laws and the laws of this State.

(B) The Illegal Immigration Enforcement Unit is under the administrative direction of the department’s director. The department’s director shall maintain and provide administrative support for the Illegal Immigration Enforcement Unit. The department’s director may appoint appropriate personnel within the department to administer and oversee the operations of the Illegal Immigration Enforcement Unit.

(C)(1) The Illegal Immigration Enforcement Unit shall have such officers, agents, and employees as the department’s director may deem necessary and proper for the enforcement of immigration laws as authorized pursuant to federal laws and the laws of this State.

(2)(a) The enforcement of immigration laws as authorized pursuant to federal laws and the laws of this State must be the only responsibility of the officers of the Illegal Immigration Enforcement Unit.

(b) The officers shall be commissioned by the Governor upon the recommendation of the department’s director.

(c) The officers shall have the same power to serve criminal prossesses against offenders as sheriffs of the various counties and also the same power as those sheriffs to arrest without warrants and to detain persons found violating or attempting to violate immigration laws. The officers also shall have the same power and authority held by deputy sheriffs for the enforcement of the criminal laws of the State.

(d) The department must provide the officers with distinctive uniforms and suitable arms and equipment for use in the performance of their duties. The officers shall at all times, when in the performance of their duties, wear complete uniforms with badges conspicuously displayed on the outside of their uniforms, except officers performing undercover duties. The department director shall prescribe a unique and distinctive official uniform with appropriate insignia to be worn by all officers when on duty and at other times as the department’s director shall order, and a distinctive color or colors and appropriate emblems for all motor vehicles used by the Illegal Immigration Enforcement Unit except those designated by the director. No other law enforcement agency, private security agency, or any person shall wear a similar uniform and insignia that could be confused with the uniform and insignia of the Illegal Immigration Enforcement Unit. An emblem may not be used on a nondepartment motor vehicle, nor may the vehicle be painted in a color or in any manner that would cause the vehicle to be similar to an Illegal Immigration Enforcement Unit vehicle or readily confused with it. The department’s director shall file with the Legislative Council for publication in the State Register a description and illustration of the official Illegal Immigration Enforcement Unit uniform with insignia and the emblems of the official Illegal Immigration Enforcement Unit and motor vehicles including a description of the color of the uniforms and vehicles.

(D) Notwithstanding any other provision of law, the Illegal Immigration Enforcement Unit must be funded annually by a specific appropriation to the Illegal Immigration Enforcement Unit in the state general appropriations act, separate and distinct from the department’s other appropriations.

(E) The department’s director shall negotiate the terms of a memorandum of agreement with the United States Immigration and Customs Enforcement pursuant to Section 287(g) of the federal Immigration and Nationality Act as soon as possible after the effective date of this act.

(F) Nothing in this section may be construed to prevent other law enforcement agencies of the State and political subdivisions of the State, including local law enforcement agencies, from enforcing immigration laws as authorized pursuant to federal laws and the laws of this State.

(G) The department shall develop an illegal immigration enforcement training program which the department shall offer to all local law enforcement agencies to assist any local law enforcement agency wishing to utilize the training program in the proper implementation, management, and enforcement of applicable immigration laws.”

SECTION 18. 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 19. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 20. SECTION 17 of this act takes effect upon funding of the Illegal Immigration Enforcement Unit by the General Assembly pursuant to Section 23-6-60(D) and upon granting of Section 287(g) of the federal Immigration and Nationality Act authority to the Department of Public Safety pursuant to Section 23-6-60(E). The remaining provisions of this act take effect on January 1, 2012. /

Renumber sections to conform.

Amend title to conform.

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

**Ayes 22; Nays 14**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Fair Grooms Hayes

Lourie *Martin, Larry Martin, Shane*

Massey McConnell O'Dell

Peeler Rankin Rose

Ryberg Shoopman Thomas

Verdin

**Total--22**

**NAYS**

Coleman Elliott Ford

Hutto Land Leventis

Malloy Matthews McGill

Nicholson Pinckney Reese

Scott Williams

**Total--14**

Amendment No. 2C was adopted.

**Statement by Senator KNOTTS**

Having been out of the Chamber attending an Amazon welcoming event at the time the vote was taken, I would have voted in favor of Amendment No. 2C.

**Amendment No. 3**

Senator RANKIN proposed the following amendment (20R030.LAR), which was tabled:

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

/ SECTION \_\_\_. A. Article 1, Chapter 6, Title 23 of the 1976 Code is amended by adding:

“Section 23-6-65. (A) There is levied the following fees on money transmission or wire transfers of money by a money transmitter required by federal regulation to register with the United States Department of Treasury Financial Crimes Enforcement Network, from a location within this State to a location outside of the United States:

(1) a five dollar fee for wire transfers of less than five hundred dollars; and

(2) a fee equal to one percent of the amount transferred for wire transfers of more than five hundred dollars.

(B) The money transmitter shall collect the fee from the person making the money transmission or wire transfer of money. The fee must be remitted to the Department of Revenue in a manner prescribed by the department.

(C) This section does not apply to automated clearinghouse transfers.

(D) Any South Carolina income tax filer is allowed a refundable income tax credit for the total amount of the fee paid by the filer during a tax year.

(E) All monies collected pursuant to this section remaining after the credit pursuant to subsection (C) is provided must be transferred annually to the Department of Public Safety to support the activities of the Illegal Immigration Enforcement Unit created pursuant to Section 23-6-60.”

B. This section takes effect January 1, 2012. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

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

The amendment was laid on the table.

**Clerk’s Conforming Amendment**

The following amendment (20R031.CLERK.docx) incorporates and conforms all the adopted amendments:

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

/ SECTION 1. Section 6-1-170 of the 1976 Code is amended by adding subsection (E) to read:

“(E)(1) Notwithstanding any other provision of law, a resident of a political subdivision in this State may bring a civil action in the circuit court in which the resident and political subdivision are located to enjoin:

(a) an enactment by the political subdivision of any ordinance or policy that intentionally limits or prohibits a law enforcement officer, local official, or local government employee from seeking to enforce a state law with regard to immigration;

(b) an enactment by the political subdivision of any ordinance or policy that intentionally limits or prohibits a law enforcement officer, local official, or local government employee from communicating to appropriate federal or state officials regarding the immigration status of a person within this State; or

(c) an enactment by the political subdivision of any ordinance, policy, regulation, or other legislation pertaining to the employment, licensing, permitting, or otherwise doing business with a person based upon that person’s authorization to work in the United States, which intentionally exceeds or conflicts with federal law or that intentionally conflicts with state law.

(2) A person who is not a resident of the political subdivision may not bring an action against the political subdivision pursuant to this subsection. The action must be brought against the political subdivision and not against an employee of the political subdivision acting in the employee’s individual capacity.

(3) If the court finds that the political subdivision has intentionally violated this section, the court shall enjoin the enactment, action, policy, or practice, and may enter a judgment against the political subdivision of not less than one thousand dollars nor more than five thousand dollars for each day that the enactment, action, policy, or practice remains or remained in effect. The proceeds from any such judgment must be used to reimburse the resident’s reasonable attorney’s fees. Any remaining proceeds must be used to cover the administrative costs of implementing, investigating, and enforcing the provisions of Chapter 8, Title 41 of the South Carolina Code of Laws.”

SECTION 2. Section 8-14-10(9) of the 1976 Code is amended to read:

“(9) ‘Private employer’ means any:

(a) person or entity that transacts business in this State, is required to have a license issued by an agency, department, board, commission, or political subdivision of this State that issues licenses for the purposes of operating a business in this State, and employs one or more employees in this State, as defined in Section 12-8-10;

(b) person or entity carrying on any employment and the legal representative of a deceased person or the receiver or trustee of any person~~, and~~; or

(c) ~~any~~ person or entity for whom an individual performs a service or sells a good, of whatever nature, as an employee, as defined in Section 12-8-10.”

SECTION 3. Section 8-14-20 of the 1976 Code is amended to read:

“Section 8-14-20. (A) ~~On or after January 1, 2009, every~~ Every public employer shall register and participate in the federal work authorization program to verify the employment authorization of all new employees.

(B) A public employer may not enter into a services contract with a contractor for the physical performance of services within this State unless the contractor agrees~~:~~

~~(1)~~ to register and participate in the federal work authorization program to verify the employment authorization of all new employees and require agreement from its subcontractors, and through the subcontractors, the sub‑subcontractors, to register and participate in the federal ~~verification of~~ work authorization program to verify the employment authorization of all new employees~~; or~~

~~(2)~~ ~~to employ only workers who:~~

~~(a)~~ ~~possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles;~~

~~(b)~~ ~~are eligible to obtain a South Carolina driver’s license or identification card in that they meet the requirements set forth in Sections 56‑1‑40 through 56‑1‑90; or~~

~~(c)~~ ~~possess a valid driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina, as determined by the Executive Director of the South Carolina Department of Motor Vehicles, or his designee. The Executive Director of the South Carolina Department of Motor Vehicles, or his designee, shall publish on its website a list of states where the license requirements are at least as strict as those in South Carolina~~.

(C) ~~A public employer and contractor must not divide work or duties that would otherwise constitute a single service contract into separate contracts for the purpose of avoiding the requirements of this chapter.~~

~~(D)~~ ~~Subsection (B) applies as follows:~~

~~(1)~~ ~~on and after January 1, 2009, with respect to contractors, subcontractors, or sub‑subcontractors of five hundred or more employees;~~

~~(2)~~ ~~on and after July 1, 2009, with respect to contractors, subcontractors, or sub‑subcontractors of one hundred or more employees but less than five hundred employees; and~~

~~(3)~~ ~~on and after January 1, 2010, with respect to all other contractors, subcontractors, or sub‑subcontractors.~~

~~(E)~~ Private employers shall comply with the provisions of Chapter 8, Title 41.”

SECTION 4. Section 16-9-460 of the 1976 Code is amended to read:

“Section 16-9-460. (A) It is a felony for a person who has come to, entered, or remained in the United States in violation of law to allow themselves to be transported, moved, or attempted to be transported within the State or to solicit or conspire to be transported or moved within the State with intent to further the person’s unlawful entry into the United States or avoiding apprehension or detection of the person’s unlawful immigration status by state or federal authorities.

~~(A)~~(B) It is a felony for a person knowingly or in reckless disregard of the fact that another person has come to, entered, or remained in the United States in violation of law to transport, move, or attempt to transport that person within the State or to solicit or conspire to transport or move that person within the State with intent to further that person’s unlawful entry into the United States or avoiding apprehension or detection of that person’s unlawful immigration status by state or federal authorities.

(C) It is a felony for a person who has come to, entered, or remained in the United States in violation of law to conceal, harbor, or shelter themselves from detection or to solicit or conspire to conceal, harbor, or shelter themselves from detection in any place, including a building or means of transportation, with intent to further that person’s unlawful entry into the United States or avoiding apprehension or detection of the person’s unlawful immigration status by state or federal authorities.

~~(B)~~(D) It is a felony for a person knowingly or in reckless disregard of the fact that another person has come to, entered, or remained in the United States in violation of law to conceal, harbor, or shelter from detection or to solicit or conspire to conceal, harbor, or shelter from detection that person in any place, including a building or means of transportation, with intent to further that person’s unlawful entry into the United States or avoiding apprehension or detection of that person’s unlawful immigration status by state or federal authorities.

~~(C)~~(E) A person who violates the provisions of ~~subsection (A) or (B) of~~ this section is guilty of a felony and, upon conviction, must be punished by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed five years, or both.

~~(D)~~(F) A person who is convicted of, pleads guilty to, or enters into a plea of nolo contendere to a violation of this section must not be permitted to seek or obtain any professional license offered by the State or any agency or political subdivision of the State.

~~(E)~~(G) ~~Subsections (A) and (B) do~~ This section does not apply to programs, services, or assistance including soup kitchens, crisis counseling and intervention; churches or other religious institutions that are recognized as a 501(c)(3) organizations by the Internal Revenue Service; and short‑term shelters specified by the United States Attorney General, in the United States Attorney General’s sole discretion after consultation with appropriate federal agencies and departments, which:

(i) deliver in‑kind services at the community level, including through public or private nonprofit agencies;

(ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient’s income or resources; and

(iii) are necessary for the protection of life or safety.

Shelter provided for strictly humanitarian purposes or provided under the Violence Against Women Act is not a violation of this section, so long as the shelter is not provided in furtherance of or in an attempt to conceal a person’s illegal presence in the United States.

~~(F)~~(H) Providing health care treatment or services to a natural person who is in the United States unlawfully is not a violation of this section.”

SECTION 5. Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16-17-750. (A) It is unlawful for a person eighteen years of age or older to fail to carry in the person’s personal possession any certificate of alien registration or alien registration receipt card issued to the person pursuant to 8 U.S.C. Section 1304 while the person is in this State.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both.”

SECTION 6. Chapter 13, Title 17 of the 1976 Code is amended by adding:

“Section 17‑13‑170. (A) If a law enforcement officer of this State or a political subdivision of this State lawfully stops, detains, investigates, or arrests a person for a criminal offense, and during the commission of the stop, detention, investigation, or arrest the officer has reasonable suspicion to believe that the person is unlawfully present in the United States, the officer shall make a reasonable effort, when practicable, to determine whether the person is lawfully present in the United States, unless the determination would hinder or obstruct an investigation.

(B)(1) If the person provides the officer with a valid form of any of the following picture identifications, the person is presumed to be lawfully present in the United States:

(a) a driver’s license or picture identification issued by the South Carolina Department of Motor Vehicles;

(b) a driver’s license or picture identification issued by another state;

(c) a picture identification issued by the United States, including a passport or military identification; or

(d) a tribal picture identification.

(2) It is unlawful for a person to display, cause or permit to be displayed, or have in the person’s possession a false, fictitious, fraudulent, or counterfeit picture identification for the purpose of offering proof of the person’s lawful presence in the United States. A person who violates the provisions of this item:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not more than one hundred dollars or imprisoned not more than thirty days; and

(b) for a second offense or subsequent offenses, is guilty of a felony, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than five years.

(3) If the person cannot provide the law enforcement officer with any of the forms of picture identification listed in this subsection, the person may still be presumed to be lawfully present in the United States, if the officer is able to otherwise verify that the person has been issued any of those forms of picture identification.

(4) If the person is operating a motor vehicle on a public highway of this State without a driver’s license in violation of Section 56-1-20, the person may be arrested pursuant to Section 56-1-440.

(5) If the person meets the presumption established pursuant to this subsection, the officer may not further stop, detain, investigate, or arrest the person based solely on the person’s lawful presence in the United States.

(6) This section does not apply to a law enforcement officer who is acting as a school resource officer for any elementary or secondary school.

(C)(1) If the person does not meet the presumption established pursuant to subsection (B), the officer shall make a reasonable effort, when practicable, to verify the person’s lawful presence in the United States by at least one of the following methods:

(a) contacting the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety;

(b) submitting an Immigration Alien Query through the International Justice and Public Safety Network;

(c) contacting the United States Immigration and Customs Enforcement’s Law Enforcement Support Center; or

(d) contacting the United States Immigration and Customs Enforcement’s local field office.

(2) The officer shall stop, detain, or investigate the person only for a reasonable amount of time as allowed by law. If, after making a reasonable effort, the officer is unable to verify the person’s lawful presence in the United States by one of the methods described in subitem (C)(1), the officer may not further stop, detain, investigate, or arrest the person based solely on the person’s lawful presence in the United States.

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

(4) If the officer determines that the person is unlawfully present in the United States, the officer shall determine in cooperation with the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety or the United States Immigration and Customs Enforcement, as applicable, whether the officer shall retain custody of the person for the underlying criminal offense for which the person was stopped, detained, investigated, or arrested, or whether the Illegal Immigration Enforcement Unit within the South Carolina Department of Public Safety or the United States Immigration and Customs Enforcement,as applicable, shall assume custody of the person. The officer is not required by this section to retain custody of the person based solely on the person’s lawful presence in the United States. 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.

(D) Nothing in this section must be construed to require a law enforcement officer to stop, detain, investigate, arrest, or confine a person based solely on the person’s lawful presence in the United States. A law enforcement officer may not attempt to make an independent judgment of a person’s lawful presence in the United States. A law enforcement officer may not consider race, color, or national origin in implementing this section, except to the extent permitted by the United States or South Carolina Constitution. This section must be implemented in a manner that is consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens.

(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.

(G) No official, agency, or political subdivision of this State may limit or restrict the enforcement of this section or federal immigration laws.

(H) This section does not implement, authorize, or establish, and shall not be construed to implement, authorize, or establish the federal Real ID Act of 2005.

(I) Any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, and the officer contacts the Illegal Immigration Enforcement Unit within the Department of Public Safety pursuant to this section, the officer who initiated the stop must complete a data collection form designed by the Department of Public Safety, which must include information regarding the age, gender, and race or ethnicity of the driver of the vehicle. This information may be gathered and transmitted electronically under the supervision of the Department of Public Safety, which shall develop and maintain a database storing the information collected. The Department of Public Safety must promulgate regulations with regard to the collection and submission of the information gathered. In addition, the Department of Public Safety shall prepare a report to be posted on the Department of Public Safety’s website regarding motor vehicle stops using the collected information. The General Assembly shall have the authority to withhold any state funds or federal pass‑through funds from any state or local law enforcement agency that fails to comply with the requirements of this subsection.”

SECTION 7. Section 23-3-1100 of the 1976 Code is amended to read:

“Section 23-3-1100. (A) If a person is charged with a criminal offense and is confined for any period in a jail of the State, county, or municipality, or a jail operated by a regional jail authority, a reasonable effort shall be made to determine whether the confined person is an alien unlawfully present in the United States.

(B) If the prisoner is an alien, the keeper of the jail or other officer must make a reasonable effort to verify whether the prisoner has been lawfully admitted to the United States or if the prisoner is unlawfully present in the United States. Verification must be made within seventy‑two hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security or other office or agency designated for that purpose by the United States Department of Homeland Security. If the prisoner is determined to be an alien unlawfully present in the United States, the keeper of the jail or other officer shall notify the United States Department of Homeland Security.

(C) Upon notification to the United States Department of Homeland Security pursuant to subsection (B), the keeper of the jail must account for daily expenses incurred for the housing, maintenance, transportation, and care of the prisoner who is an alien unlawfully present in the United States and must forward an invoice to the Department of Homeland Security for these expenses.

(D) The keeper of the jail or other officer may securely transport the prisoner who is an alien unlawfully present in the United States to a federal facility in this State or to any other point of transfer into federal custody that is outside of the keeper of the jail or other officer’s jurisdiction. The keeper of the jail or other officer shall obtain judicial authorization before securely transporting a prisoner who is unlawfully present in the United States to a point of transfer that is outside of this State.

(E) If a prisoner who is an alien unlawfully present in the United States completes the prisoner’s sentence of incarceration, the keeper of the jail or other officer shall notify the United States Department of Homeland Security and shall securely transport the prisoner to a federal facility in this State or to any other point of transfer into federal custody that is outside of the keeper of the jail or other officer’s jurisdiction. The keeper of the jail or other officer shall obtain judicial authorization before securely transporting a prisoner who is unlawfully present in the United States to a point of transfer that is outside of this State.

~~(D)~~(F) Nothing in this section shall 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.

~~(E)~~(G) The State Law Enforcement Division shall promulgate regulations to comply with the provisions of this section in accordance with the provisions of Chapter 23 of Title 1 of the South Carolina Code of Laws.

~~(F)~~(H) In enforcing the terms of this section, no state officer shall attempt to make an independent judgment of an alien’s immigration status. State officials must verify an alien’s status with the federal government in accordance with 8 U.S.C. Section 1373(c).”

SECTION 8 Section 41-8-10 of the 1976 Code is amended to read:

“Section 41-8-10. As used in this chapter:

(A) ‘Agency’ means any agency, department, board, ~~or~~ commission, or political subdivision of this State ~~or any political subdivision of this State~~ that issues ~~a license~~ licenses for the purposes of operating a business in this State.

(B) ‘Director’ means the Director of the Department of Labor, Licensing and Regulation or ~~his~~ the director’s designee.

(C) ‘License’ means an agency permit, certificate, approval, registration, charter, or similar form of authorization that is required by law and that is issued by ~~the State,~~ any agency or political subdivision of this State for the purpose of operating a business ~~engaging in a profession~~ in this State, ~~to include a South Carolina employment license~~ excluding professional licenses, but including employment licenses, articles of organization, articles of incorporation, a certificate of partnership, a partnership registration, a certificate to transact business, or similar forms of authorization issued by the South Carolina Secretary of State, and any transaction privilege tax license*.*

(D) ‘Political subdivision’ includes counties, cities, towns, villages, townships, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.

(E) ‘Private employer’ means any:

(1) person or entity that transacts business in this State, is required to have a license issued by an agency, department, board, commission, or political subdivision of this State that issues licenses for the purposes of operating a business in this State, and employs one or more employees in this State, as defined in Section 12-8-10;

(2) person or entity carrying on any employment and the legal representative of a deceased person or the receiver or trustee of any person~~, and~~; or

(3) ~~any~~ person or entity for whom an individual performs a service or sells a good, of whatever nature, as an employee, as defined in Section 12-8-10.

(F) ‘Unauthorized alien’ means an unauthorized alien as defined by 8 U.S.C. Section 1324a(h)(3).”

SECTION 9. Section 41-8-20 of the 1976 Code is amended to read:

“Section 41-8-20. (A) All private employers in South Carolina ~~on or after July 1, 2009,~~ shall be imputed a South Carolina employment license, which permits a private employer to employ a person in this State. ~~On and after July 1, 2009, a~~ A private employer may not employ a person unless ~~his~~ the private employer’s South Carolina employment license ~~is~~ and any other applicable licenses as defined in Section 41-8-10 are in effect and ~~is~~ are not suspended or revoked. A private employer’s employment license shall remain in effect provided the private employer complies with the provisions of this chapter.

(B) ~~On and after July 1, 2009, all~~ All private employers ~~of one hundred or more employees~~ who are required by federal law to complete and maintain federal employment eligibility verification forms or documents must~~:~~

~~(1)~~ register and participate in the E‑Verify federal work authorization program, or its successor, to verify ~~information of all new employees, and verify~~ the work authorization of every new employee within ~~five~~ three business days after employing a new employee~~; or~~

~~(2)~~ ~~employ only workers who, at the time of employment:~~

~~(a)~~ ~~possess a valid South Carolina driver’s license or identification card issued by the South Carolina Department of Motor Vehicles;~~

~~(b)~~ ~~are eligible to obtain a South Carolina driver’s license or identification card in that they meet the requirements set forth in Sections 56‑1‑40 through 56‑1‑90; or~~

~~(c)~~ ~~possess a valid driver’s license or identification card from another state where the license requirements are at least as strict as those in South Carolina, as determined by the director. The Executive Director of the Department of Motor Vehicles, or his designee, shall determine which states have driver’s license requirements that are at least as strict as those in South Carolina, and shall develop and periodically update a list of the states. The Department of Motor Vehicles shall provide the director with a copy of the list and all updates to the list. The director shall publish the list on the Department of Labor, Licensing and Regulation’s website~~. A private employer who does not comply with the requirements of this subsection violates the private employer’s licenses.

~~(C)~~ ~~The provisions of subsection (B) apply to all private employers who employ less than one hundred employees and who are required by federal law to complete and maintain federal employment eligibility verification forms or documents on and after July 1, 2010.~~

~~(D)~~(C) The South Carolina Department of Employment and Workforce ~~must~~ shall provide private employers with technical advice and electronic access to the E‑Verify federal work authorization program’s website for the sole purpose of registering and participating in the program.

~~(E)~~(D) Private employers ~~who elect to verify a new employee’s work authorization in accordance with Section 41‑8‑20(B)(1)~~ shall provisionally employ a new employee until ~~his~~ the new employee’s work authorization has been verified pursuant to this section. A private employer ~~who elects to verify a new employee’s work authorization in accordance with Section 41‑8‑20(B)(1) must~~ shall submit a new employee’s name and information for verification even if the new employee’s employment is terminated less than ~~five~~ three business days after becoming employed. If a new employee’s work authorization is not verified by the federal work authorization program, a private employer must not employ, continue to employ, or re‑employ the new employee.

~~(F)~~(E) To assist private employers in understanding the requirements of this chapter, the director shall send written notice of the requirements of this section~~, to include a list of states with driver’s license requirements at least as strict as those in South Carolina,~~ to all South Carolina employers ~~no later than January 1, 2009~~, and shall publish the information contained in the notice on its website. Nothing in this section shall create a legal requirement that any private employer receive actual notice of the requirements of this chapter through written notice from the director, nor create any legal defense for failure to receive notice.

(F) If a private employer is a contractor, the private employer shall maintain the contact phone numbers of all subcontractors and sub-subcontractors performing services for the private employer. The private employer shall provide the contact phone numbers or a contact phone number, as applicable, to the director pursuant to an audit or investigation within seventy-two hours of the director’s request.”

SECTION 10. Section 41-8-30 of the 1976 Code is amended to read:

“Section 41-8-30. A private employer ~~shall not~~ who knowingly or intentionally ~~employ~~ employs an unauthorized alien violates the private employer’s licenses.”

SECTION 11. Section 41-8-40 of the 1976 Code is amended to read:

“Section 41-8-40. For purposes of this chapter, a private employer who in good faith verifies the immigration status of a new employee pursuant to ~~subsection (B)(1) of~~ Section 41‑8‑20 ~~shall~~  must be presumed to have complied with the provisions of Section 41‑8‑20 and Section 41‑8‑30.”

SECTION 12. Section 41-8-50 of the 1976 Code is amended to read:

“Section 41-8-50. (A) Upon receipt of a written and signed complaint against a private employer, or upon an investigation initiated by the director for good cause, if the director finds reasonable grounds exist that a private employer ~~allegedly~~ violated the provisions of Section 41‑8‑20 or Section 41‑8‑30, the director ~~must~~ shall institute an investigation of the alleged violation. The director shall verify the work authorization status of the alleged unauthorized alien with the federal government pursuant to 8 U.S.C. Section 1373(c). A state, county, or local official must not attempt to independently determine if an alien is authorized to work in the United States.

(B) If, after completing the investigation, and after reviewing any information or evidence submitted by the private employer demonstrating compliance with the provisions of this chapter, the director determines that substantial evidence exists to support a finding that the private employer has committed a violation of Section 41‑8‑20 or Section 41‑8‑30, the director shall:

(1) notify the United States Immigration and Customs Enforcement of suspected unauthorized aliens employed by the private employer;

(2) notify state and local law enforcement agencies responsible for enforcing state immigration laws of the employment of suspected unauthorized aliens by the employer; and

(3) ~~assess a penalty~~ take appropriate action in accordance with subsection (D) of this section.

(C) ~~The director must not bring an action for an occurrence involving a violation of Section 41‑8‑20 or Section 41‑8‑30 against a private employer of one hundred or more employees prior to July 1, 2009, or against a private employer of less than one hundred employees prior to July 1, 2010.~~ The director must not bring an action against a private employer for any employee who has been employed for ~~five~~ three business days or less at the time of the director’s inspection or random audit. A second occurrence involving a violation of this section must be based only on an employee who is employed by the private employer after a first action has been brought for a violation of Section 41‑8‑20 or Section 41‑8‑30.

(D) Upon a finding of an occurrence involving a violation after an investigation pursuant to subsection (A), or after a random audit pursuant to Section 41‑8‑120(B), where the director considered all information or evidence gathered by the director and any information or evidence submitted by the private employer demonstrating compliance with the provisions of this chapter:

(1)(a) prior to July 1, 2012, for ~~an~~ a first occurrence involving a violation of Section 41‑8‑20, the private employer ~~must be assessed a civil penalty of not less than one hundred dollars and not more than one thousand dollars for each violation. However, for a first occurrence involving a violation of Section 41‑8‑20, if~~ shall, upon notification by the director of a violation of Section 41‑8‑20, ~~the private employer complies~~ swear or affirm in writing that the private employer has complied with the provisions of 8 U.S.C. Section 1324a from the effective date of this section to the time the private employer received notification from the director, and shall comply with the provisions of Section 41‑8‑20~~(B)~~ within ~~seventy‑two hours, he must not be assessed a penalty~~ three business days. Failure to swear or affirm compliance in writing or failure to comply with Section 41-8-20 within three business days requires that the private employer be placed on probation for a period of one year, during which time the private employer shall submit quarterly reports to the director demonstrating compliance with the provisions of Section 41‑8‑20. The director shall provide appropriate assistance to the private employer to aide the private employer in complying with Section 41-8-20 within the three business day period. The director may extend the three business day period, as necessary, if the director determines that more time is required for compliance. Any subsequent occurrence involving a violation of Section 41‑8‑20 by the private employer ~~shall~~ must result in the ~~assessment of a civil penalty~~ suspension of the private employer’s licenses for at least ten days, but not more than thirty days, by the director, except, if a private employer has not committed a violation of Section 41‑8‑20 within the previous ~~five~~ three years, a subsequent occurrence must be treated as a first occurrence. If a private employer has ever committed a violation of Section 41‑8‑30, ~~he~~ the private employer’s ~~South Carolina employment license~~ licenses must be ~~assessed a civil penalty~~ suspended for at least ten days but not more than thirty days for any violation or subsequent occurrence involving a violation of Section 41‑8‑20. The director ~~must~~ shall verify the work authorization status of the employees with the federal government pursuant to 8 U.S.C. Section 1373(c) and notify the private employer of the results. The private employer ~~must~~ shall immediately terminate an employee whose work authorization was not verified upon being notified by the director. The director shall notify federal, state, and local law enforcement officials of any suspected ~~unlawful~~ unauthorized aliens employed by the private employer~~, pursuant to subsections (A) and (B) of this section~~.

(b) on or after July 1, 2012, for a first occurrence involving a violation of Section 41‑8‑20, the private employer shall, upon notification by the director of a violation of Section 41‑8‑20, immediately comply with the provisions of Section 41‑8‑20, and the private employer must be placed on probation for a period of one year, during which time the private employer shall submit quarterly reports to the director demonstrating compliance with the provisions of Section 41‑8‑20. Any subsequent occurrence involving a violation of Section 41‑8‑20 by the private employer must result in the suspension of the private employer’s licenses for at least ten days but not more than thirty days by the director, except, if a private employer has not committed a violation of Section 41‑8‑20 within the previous three years, a subsequent occurrence must be treated as a first occurrence. If a private employer has ever committed a violation of Section 41‑8‑30, the private employer’s licenses must be suspended for at least ten days but not more than thirty days for any violation or subsequent occurrence involving a violation of Section 41‑8‑20. The director shall verify the work authorization status of the employees with the federal government pursuant to 8 U.S.C. Section 1373(c) and notify the private employer of the results. The private employer shall immediately terminate an employee whose work authorization was not verified upon being notified by the director. The director shall notify federal, state, and local law enforcement officials of any suspected unauthorized aliens employed by the private employer.

(2) for a first occurrence involving a violation of Section 41‑8‑30, ~~a~~ the private employer’s ~~license is~~ licenses must be suspended, and must remain suspended for at least ten days but not more than thirty days. During the period of suspension, ~~a~~ the private employer may not engage in business, open to the public, employ an employee, or otherwise operate. After the period of suspension, ~~a~~ the private employer’s ~~license~~ licenses must be reinstated, permitting the private employer to engage in business and to employ an employee, if the private employer:

(i) demonstrates that ~~he~~ the private employer has terminated the unauthorized alien; and

(ii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars;

(3) for a second occurrence involving a violation of Section 41‑8‑30, ~~a~~ the private employer’s ~~license is~~ licenses must be suspended, and must remain suspended for at least thirty days but not more than sixty days. During the period of suspension, ~~a~~ the private employer may not engage in business, open to the public, employ an employee, or otherwise operate. After the period of suspension, ~~a~~ the private employer’s ~~license~~ licenses must be reinstated, permitting the private employer to engage in business ~~and to~~, open to the public, employ an employee, and otherwise operate, if the private employer:

(i) demonstrates that ~~he~~ the private employer has terminated the unauthorized alien; and

(ii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars;

(4) for a third ~~and~~ or subsequent ~~occurrences~~ occurrence involving a violation of Section 41‑8‑30, ~~a~~ the private employer’s ~~license is~~ licenses must be revoked, and the private employer may not engage in business, open to the public, employ an employee, or otherwise operate. For a third occurrence only, after ninety days, a private employer may petition the director for a provisional license. A provisional license permits a private employer to engage in business, open to the public, employ an employee, and otherwise operate. The director may grant the private employer permission to apply for a provisional license if the private employer:

(i) agrees to be on probation for a period of three years, during which time the private employer ~~must~~ shall submit quarterly reports to the director demonstrating compliance with the provisions of Sections 41‑8‑20 and 41‑8‑30;

(ii) demonstrates that ~~he~~ the private employer has terminated the unauthorized alien; and

(iii) pays a reinstatement fee equal to the cost of investigating and enforcing the matter, provided that the reinstatement fee must not exceed one thousand dollars.

For all other occurrences where a private employer’s ~~license is~~ licenses are revoked, the private employer may not seek reinstatement of ~~his license~~ the private employer’s licenses for a period of five years. After five years, the director may grant reinstatement of a private employer’s licenses if the private employer:

(i) agrees to be on probation for a period of three years, during which time the private employer ~~must~~ shall submit quarterly reports to the director demonstrating compliance with the provisions of Sections 41‑8‑20 and 41‑8‑30;

(ii) demonstrates that ~~he~~ the private employer has terminated the unauthorized alien; and

(iii) pays a reinstatement fee equal to the cost of investigating and adjudicating the matter, provided that the reinstatement fee must not exceed one thousand dollars.

(5) If a private employer engages in business or employs a new employee during the period that ~~his license is~~ the private employer’s licenses are suspended, the private employer’s ~~license shall~~ licenses must be revoked, and ~~shall~~ must not be reinstated for a period of five years, and only upon a determination by the director that the private employer has complied with the provisions of item (4) of this section.

(E) For purposes of this chapter, it shall be a separate violation each time the private employer fails to verify the immigration status of a new employee as required by Section 41‑8‑20.

(F) In ~~assessing a civil penalty or~~ taking any ~~other~~ disciplinary action for a violation of Section 41‑8‑20 or Section 41‑8‑30, the director shall base ~~his~~ the director’s determination on any evidence or information collected during the investigation or submitted for consideration by the employer, and shall consider the following factors, if relevant:

(1) the number of employees for whom the private employer has failed to verify their immigration status;

(2) the prior violations of this chapter by the private employer;

(3) the size of the private employer’s workforce;

(4) any actions taken by the private employer to comply with federal immigration laws or with the provisions of this chapter;

(5) any actions taken by the private employer subsequent to the inspection or random audit to comply with the provisions of this chapter; ~~and~~

(6) the duration of the violation;

(7) the degree of the violation; and

(8) the good faith of the private employer.

(G) Reinstatement fees assessed in accordance with this section ~~shall~~ must be used to cover the administrative costs of implementing, investigating, and enforcing the provisions of this chapter.

(H) The director shall maintain a list of all private employers who have ~~been assessed a civil penalty pursuant to this chapter, or who~~ had their ~~license~~ licenses disciplined~~, or revoked,~~ pursuant to this chapter and shall publish the list on the agency’s website. The director shall remove a private employer from the list who has committed only a first occurrence pursuant to Section 41-8-20 six months after the private employer’s name has been published, if the private employer has not subsequently had their licenses disciplined~~, or revoked,~~ pursuant to this chapter within the one year probation period.

(I) If a private employer continues to engage in business after ~~his license has~~ the private employer’s licenses have been revoked pursuant to this chapter, the director must seek an injunction from the Administrative Law Court to enjoin the private employer from continuing to operate ~~his~~ the private employer’s business for which ~~his license was~~ the private employer’s licenses were revoked or from employing new employees.

(J) The director shall notify the applicable licensing agency or political subdivision if the director determines that a private employer’s license must be suspended or revoked pursuant to this section. The applicable agency or political subdivision shall immediately suspend or revoke the private employer’s license.

(K) A license suspension or revocation pursuant to this section:

(1) does not constitute a dissolution, liquidation, or a winding down process; or a transfer, or other taxable event for tax purposes, including, but not limited to, taxes imposed or authorized by Title 12; and

(2) does not affect protections against personal liability provided in Title 33.”

SECTION 13. Section 41-8-60 of the 1976 Code is amended to read:

“Section 41-8-60. ~~(A) In each case where a civil penalty assessed by the director pursuant to Section 41‑8‑50(D)(1) is not paid within sixty days, the director shall bring an action against the assessed employer for collection of the penalty. An action commenced by the director shall be brought in accordance with the provisions of Chapter 23 of Title 1 of the South Carolina Code of Laws.~~

~~(B)~~ A private employer may seek review of the director’s ~~assessment of a civil penalty or~~ disciplinary action pursuant to Section 41‑8‑50 with the Administrative Law Court, and the action ~~shall~~ must be brought in accordance with the provisions of Chapter 23 of Title 1 of the South Carolina Code of Laws.”

SECTION 14. Section 41-8-120(A) of the 1976 Code is amended to read:

“(A) The director shall promulgate regulations in accordance with the provisions of Chapter 23 of Title 1 of the South Carolina Code of Laws to establish a procedure for administrative review of any ~~revocation, civil penalty, or other~~ disciplinary action ~~assessed~~ against a private employer ~~or his South Carolina employment license~~ pursuant to this chapter.”

SECTION 15. Article 1, Chapter 13, Title 16 of the 1976 Code is amended by adding:

“Section 16-13-480. Unless otherwise provided by law, it is unlawful for a person to make, issue, or sell, or offer to make, issue, or sell, a false, fictitious, fraudulent, or counterfeit picture identification that is for use by an alien who is unlawfully present in the United States. A person who violates this section is guilty of a felony, and, upon conviction, must be fined twenty-five thousand dollars or imprisoned for not more than five years, or both.”

SECTION 16. Section 23-3-80 of the 1976 Code is repealed.

SECTION 17. Title 23, Chapter 6, Article 1 of the 1976 Code is amended by adding:

“Section 23-6-60. (A) There is created an Illegal Immigration Enforcement Unit within the Department of Public Safety. The purpose of the Illegal Immigration Enforcement Unit is to enforce immigration laws as authorized pursuant to federal laws and the laws of this State.

(B) The Illegal Immigration Enforcement Unit is under the administrative direction of the department’s director. The department’s director shall maintain and provide administrative support for the Illegal Immigration Enforcement Unit. The department’s director may appoint appropriate personnel within the department to administer and oversee the operations of the Illegal Immigration Enforcement Unit.

(C)(1) The Illegal Immigration Enforcement Unit shall have such officers, agents, and employees as the department’s director may deem necessary and proper for the enforcement of immigration laws as authorized pursuant to federal laws and the laws of this State.

(2)(a) The enforcement of immigration laws as authorized pursuant to federal laws and the laws of this State must be the only responsibility of the officers of the Illegal Immigration Enforcement Unit.

(b) The officers shall be commissioned by the Governor upon the recommendation of the department’s director.

(c) The officers shall have the same power to serve criminal prossesses against offenders as sheriffs of the various counties and also the same power as those sheriffs to arrest without warrants and to detain persons found violating or attempting to violate immigration laws. The officers also shall have the same power and authority held by deputy sheriffs for the enforcement of the criminal laws of the State.

(d) The department must provide the officers with distinctive uniforms and suitable arms and equipment for use in the performance of their duties. The officers shall at all times, when in the performance of their duties, wear complete uniforms with badges conspicuously displayed on the outside of their uniforms, except officers performing undercover duties. The department director shall prescribe a unique and distinctive official uniform with appropriate insignia to be worn by all officers when on duty and at other times as the department’s director shall order, and a distinctive color or colors and appropriate emblems for all motor vehicles used by the Illegal Immigration Enforcement Unit except those designated by the director. No other law enforcement agency, private security agency, or any person shall wear a similar uniform and insignia that could be confused with the uniform and insignia of the Illegal Immigration Enforcement Unit. An emblem may not be used on a nondepartment motor vehicle, nor may the vehicle be painted in a color or in any manner that would cause the vehicle to be similar to an Illegal Immigration Enforcement Unit vehicle or readily confused with it. The department’s director shall file with the Legislative Council for publication in the State Register a description and illustration of the official Illegal Immigration Enforcement Unit uniform with insignia and the emblems of the official Illegal Immigration Enforcement Unit and motor vehicles including a description of the color of the uniforms and vehicles.

(D) Notwithstanding any other provision of law, the Illegal Immigration Enforcement Unit must be funded annually by a specific appropriation to the Illegal Immigration Enforcement Unit in the state general appropriations act, separate and distinct from the department’s other appropriations.

(E) The department’s director shall negotiate the terms of a memorandum of agreement with the United States Immigration and Customs Enforcement pursuant to Section 287(g) of the federal Immigration and Nationality Act as soon as possible after the effective date of this act.

(F) Nothing in this section may be construed to prevent other law enforcement agencies of the State and political subdivisions of the State, including local law enforcement agencies, from enforcing immigration laws as authorized pursuant to federal laws and the laws of this State.

(G) The department shall develop an illegal immigration enforcement training program which the department shall offer to all local law enforcement agencies to assist any local law enforcement agency wishing to utilize the training program in the proper implementation, management, and enforcement of applicable immigration laws.”

SECTION 18. 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 19. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 20. SECTION 17 of this act takes effect upon funding of the Illegal Immigration Enforcement Unit by the General Assembly pursuant to Section 23-6-60(D) and upon granting of Section 287(g) of the federal Immigration and Nationality Act authority to the Department of Public Safety pursuant to Section 23-6-60(E). The remaining provisions of this act take effect on January 1, 2012. /

Renumber sections to conform.

Amend title to conform.

The Clerk’s conforming amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**AMENDMENT TABLED**

**CONCURRENCE IN HOUSE AMENDMENTS**

**ORDERED ENROLLED FOR RATIFICATION**

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 House returned the Bill with amendments.

The question then was concurrence in the House amendments.

Senator SHEHEEN proposed the following amendment (336R007.VAS), which was tabled:

Amend the bill, as and if amended, page 3, by striking line 35 and inserting:

/ substances or driving with an unlawful alcohol concentration.

(E) The provisions contained in this section do not apply when a law enforcement officer is unable to effect a traffic stop due to exigent circumstances or due to circumstances beyond the officer’s control that make the traffic stop unreasonably dangerous. Under those circumstances, the law enforcement agency may 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.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS moved to lay the amendment on the table.

The amendment was laid on the table.

The question then was concurrence in the House amendments.

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

**Ayes 32; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Fair Grooms Hayes

Hutto Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Thomas

Verdin Williams

**Total--32**

**NAYS**

**Total--0**

On motion of Senator GROOMS, 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.

**Motion Adopted**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

**EXECUTIVE SESSION**

On motion of Senator McCONNELL, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

**STATEWIDE APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Judiciary Committee, the following appointments were confirmed in open session:

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2009, and to expire May 19, 2016

Horry County:

David F. Singleton, 3997 Larkhill Drive, Myrtle Beach, SC 29577 *VICE* Dr. John Molnar

On motion of Senator McCONNELL, the question was confirmation of Mr. Singleton.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Singleton was confirmed.

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2006, and to expire May 19, 2013

6th Congressional District:

John Calhoun Land IV, P.O. Box 138, Manning, SC 29102

On motion of Senator McCONNELL, the question was confirmation of Mr. Land.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Land was confirmed.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2009, and to expire May 19, 2016

5th Congressional District:

James R. Sanders, Jr., 227 Hidden Acres Drive, Gaffney, SC 29341 *VICE* Rev. James Sanders (deceased)

On motion of Senator McCONNELL, the question was confirmation of Mr. Sanders.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Sanders was confirmed.

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2005, and to expire May 19, 2012

3rd Congressional District:

Kristofer Clark, 2310 Earls Bridge Road, Easley, SC 29640 *VICE* G. Dial DuBose

On motion of Senator McCONNELL, the question was confirmation of Mr. Clark.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Clark was confirmed.

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointments were confirmed in open session:

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2010, and to expire June 30, 2014

Anthony Quinn Eubanks, 107 Hillandale Road, Pendleton, SC 29670 *VICE* Mr. Paul Kennemore

On motion of Senator RYBERG, the question was confirmation of Mr. Eubanks.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Eubanks was confirmed.

Initial Appointment, Director of Employment and Workforce, with term coterminous with Governor

Abraham J. Turner, 1985 Culpepper Lane, Fayetteville, NC 28304 *VICE* John L. Finan

On motion of Senator RYBERG, the question was confirmation of Mr. Turner.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Turner was confirmed.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2010, and to expire June 30, 2014

1st Congressional District:

William Edward Lawson, 1220 Pinewood Circle, Conway, SC 29526 *VICE* George Cox, Jr.

On motion of Senator RYBERG, the question was confirmation of Mr. Lawson.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Lawson was confirmed.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2008, and to expire June 30, 2012

2nd Congressional District:

William O. Boyte III, 156 Royal Creek Drive, Lexington, SC 29072 *VICE* Mr. Robert Williams

On motion of Senator RYBERG, the question was confirmation of Mr. Boyte.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Boyte was confirmed.

Having received a favorable report from the Medical Affairs Committee, the following appointments were confirmed in open session:

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2010, and to expire June 30, 2014

5th Congressional District:

Freddie L. Lynn, 409 Hawthorne Drive, Hartsville, SC 29550 *VICE* Dr. Otis Speight

On motion of Senator PEELER, the question was confirmation of Mr. Lynn.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Lynn was confirmed.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2009, and to expire June 30, 2013

3rd Congressional District:

Christine Sharp, 2404 E. North Avenue, Anderson, SC 29625 *VICE* Susan Lait (resigned)

On motion of Senator PEELER, the question was confirmation of Mrs. Sharp.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mrs. Sharp was confirmed.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2011, and to expire June 30, 2017

1st Congressional District:

Carole S. Russell, 339 Muirfield Parkway, Charleston, SC 29414 *VICE* Mr. James R. Bradham

On motion of Senator PEELER, the question was confirmation of Mrs. Russell.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mrs. Russell was confirmed.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2010, and to expire June 30, 2014

6th Congressional District:

Harvey Shiver, 1482 Poultry Lane, Eastover, SC 29044 *VICE* William R. Harrell

On motion of Senator PEELER, the question was confirmation of Mr. Shiver.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Shiver was confirmed.

Having received a favorable report from the Transportation Committee, the following appointments were confirmed in open session:

Initial Appointment, South Carolina State Ports Authority, with the term to commence June 4, 2008, and to expire June 4, 2013

At-Large:

Henry D. McMaster, 1731 Senate Street, Columbia, SC 29201 *VICE* Mr. Harry Butler, Jr.

On motion of Senator GROOMS, the question was confirmation of Mr. McMaster.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. McMaster was confirmed.

Initial Appointment, South Carolina State Ports Authority, with the term to commence February 13, 2011, and to expire February 13, 2016

At-Large:

Patrick W. McKinney, 37 Legare Street, Charleston, SC 29401 *VICE* Colden Batty

On motion of Senator GROOMS, the question was confirmation of Mr. McKinney.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. McKinney was confirmed.

Initial Appointment, South Carolina State Ports Authority, with the term to commence February 13, 2010, and to expire February 13, 2015

At-Large:

Willie Edison Jeffries, 85 Nance Drive, Elloree, SC 29047 *VICE* Douglas Robertson

On motion of Senator GROOMS, the question was confirmation of Mr. Jefferies.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mr. Jefferies was confirmed.

Initial Appointment, South Carolina State Ports Authority, with the term to commence February 13, 2010, and to expire February 13, 2015

At-Large:

Pamela P. Lackey, 1672 Tanglewood Road, Columbia, SC 29204 *VICE* Mr. S. Richard Hagins

On motion of Senator GROOMS, the question was confirmation of Mrs. Lackey.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Elliott Ford Grooms

Hayes Hutto Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Scott Shoopman Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

The appointment of Mrs. Lackey was confirmed.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

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

Nancy Devine, 121 Wilson Rd., Williamston, SC 29697

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

Wynee D. Eubanks, 107 Hillandale Rd., Pendleton, SC 29670

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

Denise Malone, 803 Concord Ave., Anderson, SC 29621

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

Jerry C. Mulliken, 2301 Six & Twenty Road, Pendleton, SC 29670

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

William D. Sharp, 2404 East North Avenue, Anderson, SC 29625

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

S. Thompson Tucker III, 230 Grace Lane, Piedmont, SC 29623

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

Thomas L. Copeland, 112 Edgewood Circle, Clinton, SC 29325

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

Ronald W. Whitman, 2601 Saxony Drive, Anderson, SC 29621

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

Jacquetta Porter Jones, 5868 Octavia Avenue, Ravenel, SC 29470

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Tommy George Mourounas, 607 Beaverdam Drive, Florence, SC 29501 *VICE* John Floyd, Jr. (resigned)

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

Harold W. Copeland, 2961 Hurricane Church Road, Clinton, SC 29325

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

Paul D. Lyles, 3538 Hwy. 221 South, Laurens, SC 29360

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

J. Wesley White, 606 Glenwood Avenue, Anderson, SC 29625 *VICE* Sammy Buchanan

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Ernest Gibson Shealy, longtime family practice doctor in Easley, S.C. Dr. Shealy was a deacon and elder of Easley Presbyterian Church, former trustee of the School District of Pickens County, past member of Easley Rotary Club, devoted husband, father and grandfather who died on Friday, June 10, 2011.

and

**MOTION ADOPTED**

On motion of Senator SHANE MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Robert Lancaster Smith of Pauline, S.C. Mr. Smith was the husband of the late Corrinne Bagwell Smith and a devoted father to Rebecca Smith Bray, Margaret Smith Burnette and Linda Smith Powell and wonderful grandfather and great-grandfather. Mr. Smith served in the European Military Theatre in WWII from 1944-1946, with Company A, 255th Infantry, 63rd Division of the U.S. Army earning the rank of Sergeant and Squad Leader 604 and he was awarded the Bronze Star for Valor.

**ADJOURNMENT**

At 7:56 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 10:00 A.M.

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