**Tuesday, June 16, 2009**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

According to the prophet, Malachi:

"But for you who revere my name the sun of righteousness will rise with healing in its wings." (Malachi 4:2a)

Please, join me as we pray:

Gracious God, we praise You for the light and warmth You bring to every corner of our lives. Here in the Senate of South Carolina we are reminded day by day how important it is to walk closely with You, to trust in Your Spirit's care, to seek Your wisdom whenever possible, to see and to understand and to act on what is right. In this special legislative session, Lord, continue to strengthen and bless each of these Senators and their staff members as they strive to accomplish what is best for the citizens of this State. By Your grace bind us all together as one people, sheltered always by Your healing wings. In our loving Lord's name we pray: Amen.

**RATIFICATION OF ACTS**

Pursuant to the provisions of H. 4000, the Sine Die Resolution, and an invitation, the Honorable Speaker and House of Representatives appeared in the Senate Chamber on Wednesday, May 27, 2009, at 4:30 P.M., and the following Acts and Joint Resolutions were ratified:

(R55, S. 116) -- Senators Knotts and McConnell: AN ACT TO AMEND SECTION 11‑35‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR “OFFICE”; TO AMEND SECTION 11‑35‑1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11‑35‑40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11‑35‑3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11‑35‑3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

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(R56, S. 126) -- Senators Sheheen and Elliott: AN ACT TO AMEND SECTION 56‑3‑1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM “HANDICAPPED”, DELETE THE TERM “LICENSE TAG” AND REPLACE IT WITH THE TERM “LICENSE PLATE”, AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56‑3‑1950, RELATING TO THE DEFINITION OF THE TERM “HANDICAPPED”, AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON’S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM “HANDICAPPED”, TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED AND TO DEFINE THE TERM “ACCESS AISLE”; TO AMEND SECTION 56‑3‑1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, PROPER USE AND DISPLAY OF HANDICAPPED PLACARDS, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE PROVISION; TO AMEND SECTION 56‑3‑1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56‑3‑2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS; TO AMEND SECTION 56‑3‑1970, RELATING TO THE UNLAWFUL PARKING OF A VEHICLE IN A PARKING PLACE DESIGNATED FOR HANDICAPPED PERSONS, SO AS TO PROVIDE THAT IT IS ALSO UNLAWFUL FOR CERTAIN PERSONS TO EXERCISE THE PRIVILEGES GRANTED TO A HOLDER OF A LICENSE PLATE OR PLACARD DESIGNATED FOR USE BY A HANDICAPPED PERSON, AND TO INCREASE THE PENALTY FOR A VIOLATION OF THIS PROVISION; AND TO AMEND SECTION 56‑3‑1975, RELATING TO THE IDENTIFICATION AND MAINTENANCE OF HANDICAPPED PARKING PLACES, SO AS TO PROVIDE THAT A HANDICAPPED PARKING PLACE INCLUDES ALL ACCESS AISLES.

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(R57, S. 155) -- Senators Campsen, Rose, Hayes and Lourie: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 5, TITLE 63 SO AS TO ENACT THE “MILITARY PARENT EQUAL PROTECTION ACT”, TO PROVIDE THAT A MILITARY PARENT’S MILITARY SERVICE SHALL NOT BE CONSIDERED A CHANGE IN CIRCUMSTANCE FOR PURPOSES OF CHILD CUSTODY AND VISITATION, TO PROVIDE THAT THE CUSTODIAL NONMILITARY PARENT MUST REASONABLY ACCOMMODATE THE MILITARY PARENT’S LEAVE SCHEDULE, TO PROVIDE THAT THE FAMILY COURT MAY HOLD AN EXPEDITED TEMPORARY HEARING TO ENSURE THAT THE MILITARY PARENT HAS ACCESS TO A MINOR CHILD, AND TO PROVIDE THAT AN INCREASE OR DECREASE IN EARNING CAPACITY DUE TO MILITARY SERVICE IS NOT CONSIDERED A PERMANENT CHANGE; AND BY ADDING SECTION 15‑1‑340 SO AS TO PROVIDE THAT A SERVICE MEMBER ENTITLED TO A STAY PURSUANT TO THE SERVICE MEMBERS CIVIL RELIEF ACT MAY SEEK RELIEF AND PROVIDE TESTIMONY BY ELECTRONIC MEANS UNDER CERTAIN CONDITIONS.

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(R58, S. 166) -- Senator Campsen: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO DESIGN AND IMPLEMENT AN OUTDOOR ADVERTISING CONTROL PILOT PROJECT TO REDUCE THE NUMBER OF NONCONFORMING BILLBOARDS THROUGHOUT THE STATE, AND TO ALLOW THE DEPARTMENT TO CHARGE CERTAIN FEES FOR THE IMPLEMENTATION AND MAINTENANCE OF THE PROGRAM.

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(R59, S. 184) -- Senators McConnell and Ford: AN ACT TO AMEND SECTION 16‑11‑523, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CAUSING INJURY TO REAL PROPERTY FOR THE PURPOSE OF OBTAINING NONFERROUS METALS, SO AS TO REVISE THE DEFINITION OF “NONFERROUS METALS” TO INCLUDE THE TERM “COPPER CLAD STEEL WIRE” AND “CATALYTIC CONVERTERS”, TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO CAUSING INJURY TO PERSONAL PROPERTY FOR THE PURPOSE OF OBTAINING NONFERROUS METALS, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 16‑17‑680, AS AMENDED, RELATING TO THE UNLAWFUL PURCHASE OF NONFERROUS METALS, SO AS TO REVISE THE DEFINITION OF THE TERM “NONFERROUS METALS” TO INCLUDE “COPPER CLAD STEEL WIRE” AND “CATALYTIC CONVERTERS”; BY ADDING SECTION 16‑17‑685 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TRANSPORT OR HAVE IN HIS POSSESSION CERTAIN QUANTITIES OF NONFERROUS METALS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS PROVISION; TO AMEND SECTION 40‑27‑10, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO PROVIDE THAT A PERSON WHO BUYS JUNK THAT CONSISTS OF NONFERROUS METALS MUST COMPLY WITH THE PROVISIONS CONTAINED IN SECTION 16‑17‑680; TO REPEAL SECTION 40‑27‑30 RELATING TO THE PURCHASE OF JUNK OUTSIDE OF THE COUNTY IN WHICH THE PLACE OF BUSINESS OF ITS BUYER IS LOCATED; TO AMEND SECTION 40‑27‑40, RELATING TO PENALTIES ASSOCIATED WITH THE UNLAWFUL PURCHASE OF JUNK, SO AS TO INCREASE THE PENALTY AND PROVIDE THAT EACH VIOLATION OF THE PROVISIONS RELATING TO THE UNLAWFUL PURCHASE OF JUNK CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56‑5‑5670, RELATING TO THE DUTIES OF A DEMOLISHER WHO ACQUIRES A VEHICLE FOR THE PURPOSE OF WRECKING, DISMANTLING, OR DEMOLITION, SO AS TO PROVIDE THAT A DEMOLISHER WHO ACQUIRES NONFERROUS METALS IS SUBJECT TO THE PROVISIONS CONTAINED IN SECTION 16‑17‑680, TO PROVIDE THAT A DEMOLISHER MUST KEEP RECORDS OF ALL VEHICLE PARTS THAT WEIGH MORE THAN TWENTY‑FIVE POUNDS, TO REVISE THE TYPE OF INFORMATION THAT MUST BE RECORDED REGARDING THE SELLER OF VEHICLES AND VEHICLES PURCHASED BY A DEMOLISHER, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 56‑5‑5850, RELATING TO THE PLACEMENT OF A COLORED TAG ON AN UNATTENDED VEHICLE AS NOTICE THAT THE VEHICLE IS SUBJECT TO FORFEITURE TO THE STATE, SO AS TO PROVIDE THAT A VEHICLE THAT HAS AT LEAST TWO COLORED TAGS PREVIOUSLY PLACED ON IT IS AN ABANDONED VEHICLE AND MAY BE REMOVED BY A LAW ENFORCEMENT AGENCY AND SOLD; TO AMEND SECTION 56‑5‑5945, RELATING TO THE DUTIES OF A DEMOLISHER WHO ACQUIRES A VEHICLE FOR THE PURPOSE OF WRECKING, DISMANTLING, OR DEMOLITION, SO AS TO PROVIDE THAT A DEMOLISHER WHO ACQUIRES NONFERROUS METAL IS SUBJECT TO THE PROVISIONS CONTAINED IN SECTION 16‑17‑680, TO PROVIDE THAT A DEMOLISHER MUST KEEP RECORDS OF ALL VEHICLE PARTS THAT WEIGH MORE THAN TWENTY‑FIVE POUNDS, TO REVISE THE TYPE OF INFORMATION THAT MUST BE RECORDED REGARDING THE SELLER OF VEHICLES AND VEHICLE PARTS PURCHASED BY A DEMOLISHER, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 57‑27‑20, RELATING TO DEFINITION OF TERMS CONTAINED IN THE JUNKYARD CONTROL ACT, SO AS TO REVISE THE DEFINITION OF THE TERM “JUNK”; AND BY ADDING SECTION 57‑27‑57 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A JUNKYARD OWNER TO ALLOW MOTOR VEHICLES TO BE PARKED ON A HIGHWAY ADJACENT TO ITS PROPERTY.

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(R60, S. 278) -- Senator Alexander: A JOINT RESOLUTION TO ALLOW THE GOVERNING BODY OF A COUNTY BY RESOLUTION ADOPTED BY MAJORITY VOTE TO ALLOW COUNTY OFFICIALS CHARGED WITH COLLECTING TAXES ON REAL PROPERTY FOR PROPERTY TAX YEARS 2008 AND 2009 TO WAIVE OR REDUCE THE PENALTIES FOR LATE PAYMENTS, TO PROVIDE THAT THE RESOLUTION MUST PROVIDE THE TERMS AND CONDITIONS UNDER WHICH THE WAIVER OR REDUCTION APPLIES, TO REQUIRE WAIVERS OR REDUCTIONS TO BE GRANTED UNIFORMLY, TO REQUIRE THE APPROVAL OF LOCAL TAXING ENTITIES BEFORE THE RESOLUTION MAY BE PROPOSED, AND TO PROVIDE FOR REFUNDS WHERE APPLICABLE.

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(R61, S. 301) -- Senator Malloy: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 38‑9‑225 AND 38‑9‑230 SO AS TO ENACT PROVISIONS REQUIRING CERTAIN INSURERS TO FILE A STATEMENT OF ACTUARIAL OPINION AND ACTUARIAL OPINION SUMMARY ANNUALLY AND PROVIDE FOR THE CONFIDENTIALITY OF THESE DOCUMENTS; TO AMEND SECTION 38‑5‑120, RELATING TO THE REVOCATION OR SUSPENSION OF LICENSE OF AN INSURER AND ITS OFFICERS AND AGENTS FOR THE PUBLICATION OF THE NOTICE, SO AS TO PROVIDE A PROCEDURE FOR AN AGGRIEVED INSURER TO REQUEST A HEARING BEFORE THE DIRECTOR OR HIS DESIGNEE AND PROVIDE RECOURSE THROUGH JUDICIAL REVIEW; TO AMEND SECTION 38‑9‑330, RELATING TO THE DEFINITION OF “COMPANY ACTION LEVEL EVENT”, SO AS TO REDEFINE THE TERM; AND TO AMEND SECTION 38‑21‑95, RELATING TO APPROVAL FOR ACQUISITION OF A DOMESTIC INSURER BY A CONTROLLING PRODUCER IN ANOTHER STATE, SO AS TO DELETE THE APPLICABILITY TO FOREIGN PRODUCERS AND CORRECT INCORRECT REFERENCES.

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(R62, S. 323) -- Senator Thomas: AN ACT TO AMEND SECTION 38‑90‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSING OF A CAPTIVE INSURANCE COMPANY, SO AS TO PROHIBIT A CAPTIVE INSURANCE COMPANY FROM WRITING WORKERS’ COMPENSATION INSURANCE ON A DIRECT BASIS, AND TO AUTHORIZE AN ADDITIONAL PROCESSING FEE FOR AN APPLICATION TO BE CHARGED AS DETERMINED APPROPRIATE BY THE DIRECTOR OR HIS DESIGNEE GIVEN THE NATURE OF THE APPLICATION BEING INVESTIGATED; TO AMEND SECTION 38‑90‑40, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO AUTHORIZE A REDUCTION IN REQUIRED TRUST FUNDS FOR A BRANCH CAPTIVE INSURANCE COMPANY THAT POSTS SECURITY FOR LOSS RESERVES ON BRANCH BUSINESS TO A FRONT COMPANY; TO AMEND SECTION 38‑90‑55, RELATING TO INCORPORATION OF A CAPTIVE REINSURANCE COMPANY, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38‑90‑60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS OF CERTAIN TYPES OF CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR OF FACTORS IN ARRIVING AT A FINDING; TO AMEND SECTION 38‑90‑70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO AUTHORIZE THE DIRECTOR TO GRANT AN EXTENSION OR WAIVE THE REQUIREMENTS OF THIS SECTION; TO AMEND SECTION 38‑90‑75, RELATING TO DISCOUNTING OF LOSS AND LOSS ADJUSTMENT EXPENSE RESERVES, SO AS TO PROVIDE THE SECTION APPLIES TO A CAPTIVE INSURANCE COMPANY, DELETE THE MANNER IN WHICH THE RESERVES WERE DISCOUNTED, AND PROVIDE THAT THIS PROCESS MAY BE ACCOMPLISHED WITH PRIOR WRITTEN APPROVAL BY THE DIRECTOR; TO AMEND SECTION 38‑90‑80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL OF THE INSPECTIONS AND EXAMINATIONS AND AUTHORIZE THE DIRECTOR TO WAIVE THE REQUIREMENT FOR A VISIT TO CERTAIN COMPANIES; TO AMEND SECTION 38‑90‑90, RELATING TO SUSPENSION OR REVOCATION OF THE LICENSE OF A CAPTIVE INSURANCE COMPANY, SO AS TO AUTHORIZE THE DIRECTOR TO IMPOSE A FINE INSTEAD OF REVOKING OR SUSPENDING A LICENSE; TO AMEND SECTION 38‑90‑130, RELATING TO THE PROHIBITION OF A CAPTIVE INSURANCE COMPANY FROM PARTICIPATING IN A PLAN, POOL, ASSOCIATION, OR GUARANTY OR INSOLVENCY FUND, SO AS TO AUTHORIZE A COMPANY TO PARTICIPATE IN A POOL FOR THE PURPOSE OF COMMERCIAL RISK SHARING UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38‑90‑180, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS TO CAPTIVE INSURANCE COMPANIES, SO AS TO MAKE THE PROVISIONS OF CHAPTERS 26 AND 27 APPLICABLE TO CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38‑90‑440, AS AMENDED, RELATING TO LICENSING OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO PROVIDE THE BASIS FOR CALCULATING A PROCESSING FEE, AND CLARIFY THAT SIX THOUSAND DOLLARS BASED ON A MINIMUM FEE OF TWELVE THOUSAND DOLLARS IS PAYABLE UPON FILING OF THE APPLICATION; TO AMEND SECTION 38‑90‑450, AS AMENDED, RELATING TO THE ORGANIZATION REQUIREMENTS OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO CHANGE FROM MANDATORY TO PRECATORY CONSIDERATION BY THE DIRECTOR WHEN ISSUING A CERTIFICATE; AND TO AMEND SECTION 38‑90‑560, RELATING TO EXAMINATIONS BY THE DIRECTOR OF A SPECIAL PURPOSE FINANCIAL CAPTIVE INSURANCE COMPANY, SO AS TO INCREASE FROM THREE TO FIVE YEARS THE INTERVAL THAT A COMPANY MUST BE INSPECTED AND DELETE THE AUTHORITY OF THE DIRECTOR TO ENLARGE THE PERIOD OF INSPECTION UNDER CERTAIN CIRCUMSTANCES.

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(R63, S. 345) -- Senator Leatherman: AN ACT TO AMEND SECTION 8‑11‑65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LEAVES OF ABSENCE TO BE AN ORGAN DONOR, SO AS TO PROVIDE THAT THE NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS MUST BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; TO AMEND SECTION 8‑11‑120, AS AMENDED, RELATING TO THE POSTING OF STATE AGENCY JOB VACANCIES WITH THE EMPLOYMENT SECURITY COMMISSION AND THE STATE BUDGET AND CONTROL BOARD BEFORE THE VACANCY IS FILLED, SO AS TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR PROVIDING NOTICE OF THE VACANCY, INCLUDING, BUT NOT LIMITED TO, REQUIRING POSTING AT LEAST FIVE DAYS BEFORE THE JOB IS FILLED; BY ADDING SECTION 8‑11‑33 SO AS TO PROVIDE CERTAIN CIRCUMSTANCES UNDER WHICH A STATE EMPLOYEE’S PAY MAY BE WITHHELD; TO AMEND SECTION 8‑11‑196, AS AMENDED, RELATING TO HIRING EMPLOYEES TO FILL TEMPORARY GRANT POSITIONS, SO AS TO APPLY CERTAIN PROVISIONS OF THIS SECTION TO ALL STATE AGENCIES RATHER THAN ONLY TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION; AND TO AUTHORIZE THE STATE OFFICE OF HUMAN RESOURCES TO AMEND POLICIES, REGULATIONS, AND PROCESSES AS NEEDED TO IMPLEMENT AND TRANSITION TO THE SOUTH CAROLINA ENTERPRISE INFORMATIONAL SYSTEM.

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(R64, S. 351) -- Senators Grooms, McConnell and Ford: AN ACT TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; BY ADDING ARTICLE 2 TO CHAPTER 3, TITLE 54 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR’S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54‑3‑140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG‑RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54‑3‑1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY’S WEBSITE; BY ADDING SECTION 54‑3‑1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; BY ADDING ARTICLE 13 TO CHAPTER 3, TITLE 54 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54‑3‑155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54‑3‑110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54‑3‑130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54‑3‑115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54‑3‑117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54‑3‑118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13‑1‑1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY ‘APPLICABLE FEDERAL MILITARY INSTALLATION’ OR ‘APPLICABLE FEDERAL FACILITY’ AS DEFINED IN SECTION 12‑6‑3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE STATE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1‑3‑240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54‑3‑700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE PORT ROYAL REAL PROPERTY SHALL BE SOLD; BY ADDING SECTION 54‑3‑119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54‑3‑700 SHOULD BE USED TO BUILD THE BOAT LANDING.

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(R65, S. 360) -- Senator Hayes: AN ACT TO AMEND SECTION 4‑10‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF A ONE PERCENT CAPITAL PROJECT SALES AND USE TAX BY A COUNTY GOVERNING BODY, SO AS TO DELETE A REQUIREMENT THAT THE TAX IS TO COLLECT A LIMITED AMOUNT OF MONEY; TO AMEND SECTION 4‑10‑330, AS AMENDED, RELATING TO THE COUNTY ORDINANCE AND BALLOT QUESTION FOR THE REFERENDUM REQUIRED, SO AS TO FURTHER PROVIDE FOR THE CONTENTS OF THE ORDINANCE AND THE DATES AND PURPOSES OF THE REFERENDUM; TO AMEND SECTION 4‑10‑340, AS AMENDED, RELATING TO THE IMPOSITION AND TERMINATION OF THE TAX, SO AS TO FURTHER PROVIDE FOR THE TERMINATION OF A NEWLY IMPOSED AND A REIMPOSED TAX, AND TO PROVIDE FOR THE USE OF THE FUNDS REMAINING AFTER THE PROJECT IS COMPLETED IF THE TAX IS REIMPOSED AND IF THE TAX IS NOT REIMPOSED; TO AMEND SECTION 4‑10‑350, RELATING TO THE ADMINISTRATION AND COLLECTION OF THE TAX BY THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE THAT UNPREPARED FOOD ELIGIBLE FOR PURCHASE WITH USDA FOOD COUPONS IS EXEMPT FROM THE TAX, AND TO PROVIDE FOR WHEN THESE PROVISIONS TAKE EFFECT.

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(R66, S. 363) -- Senator Alexander: AN ACT TO AMEND SECTION 23‑41‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE ARSON REPORTING‑IMMUNITY ACT, SO AS TO ADD CERTAIN PUBLIC SAFETY OFFICIALS TO THE LIST OF AGENCIES AUTHORIZED TO RECEIVE INFORMATION FROM AN INSURANCE COMPANY.

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(R67, S. 364) -- Senator Alexander: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑9‑25 SO AS TO ENACT THE “VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM” (V‑SAFE) WHOSE PURPOSE, CONTINGENT UPON THE GENERAL ASSEMBLY APPROPRIATING APPROPRIATE FUNDS, IS TO OFFER GRANTS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS FOR THE PURPOSE OF PROTECTING LOCAL COMMUNITIES AND REGIONAL RESPONSE AREAS FROM INCIDENTS OF FIRE, HAZARDOUS MATERIALS, TERRORISM, TO PROVIDE FOR THE SAFETY OF VOLUNTEER FIREFIGHTERS, TO PROVIDE DEFINITIONS OF CERTAIN TERMS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE GRANTS.

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(R68, S. 388) -- Senator Leatherman: A JOINT RESOLUTION TO DIRECT THE STATE TREASURER’S OFFICE TO PROVIDE FINANCING ARRANGEMENTS THROUGH THE MASTER LEASE PROGRAM FOR ANY AGENCY THAT HAS NOT PAID IN FULL FOR ITS SOUTH CAROLINA ENTERPRISE INFORMATION SYSTEM (SCEIS) IMPLEMENTATION COSTS AND HAS NOT UTILIZED THE AGENCY’S SET‑ASIDE ACCOUNT TO MEET ITS OBLIGATIONS, TO PROVIDE THAT THE AMOUNTS AND TIMING OF LEASE PAYMENTS BY AN AGENCY SHALL BE DETERMINED BY THE STATE TREASURER’S OFFICE IN COOPERATION WITH THE SCEIS EXECUTIVE OVERSIGHT COMMITTEE, TO REQUIRE AN AGENCY TO MEET ALL OF ITS SCEIS FINANCIAL OBLIGATIONS, AND TO PROVIDE WHEN AN AGENCY MAY WITHDRAW FUNDS FROM ITS SCEIS SET‑ASIDE ACCOUNT.

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(R69, S. 390) -- Senator Hayes: AN ACT TO ENACT THE “MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2009”; TO AMEND SECTION 38‑71‑880, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL AND SURGICAL BENEFITS AND MENTAL BENEFITS COVERAGE, SO AS TO ADD PROVISIONS RELATING TO SUBSTANCE USE DISORDER COVERAGE, FINANCIAL REQUIREMENTS, AND TREATMENT LIMITATIONS AND TO PROVIDE FOR DEFINITIONS; AND TO AMEND SECTION 38-71-290, RELATING TO COVERAGE FOR A MENTAL HEALTH INSURANCE PLAN, SO AS TO CHANGE THE DEFINITION OF “HEALTH INSURANCE PLAN”, TO PROVIDE FOR THE EXCLUSION OF A HEALTH INSURANCE PLAN THAT IS INDIVIDUALLY UNDERWRITTEN OR A PLAN PROVIDED TO A SMALL EMPLOYER FROM THE PROVISIONS OF THIS SECTION, AND TO PROVIDE HOW THIS SECTION APPLIES TO THE PROVISIONS OF SECTION 38-71-880.

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(R70, S. 453) -- Senators Verdin and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑4‑160 SO AS TO PROVIDE THAT UNITS OF LOCAL GOVERNMENT MAY NOT ENACT ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT LOCAL LAWS AND ORDINANCES PERTAINING TO THE REGULATION OF AND ENFORCEMENT OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED BY STATE LAW AND STATE AGENCY REGULATIONS, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 6‑1‑330, RELATING TO LOCAL FEE IMPOSITION LIMITATIONS, SO AS TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY MAY NOT IMPOSE A FEE ON AGRICULTURAL LANDS, FORESTLANDS, OR UNDEVELOPED LANDS FOR A STORMWATER, SEDIMENT, OR EROSION CONTROL PROGRAM UNLESS CHAPTER 14 OF TITLE 48 ALLOWS FOR THE IMPOSITION OF THIS FEE ON THESE LANDS, AND TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 47‑9‑60 SO AS TO PROVIDE THAT ONLY PROPERTY OWNERS AND RESIDENTS WITHIN A TWO‑MILE RADIUS OF A PERMITTED LIVESTOCK AND POULTRY FACILITY, WITH THE EXCEPTION OF A SWINE FACILITY, MAY APPEAL A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PERTAINING TO THE FACILITY; AND BY ADDING SECTION 47‑9‑65 SO AS TO PROVIDE THE COMPOUNDING PHARMACIST WHO FILLS AN ORDER FOR PERFORMANCE ENHANCING MINERAL OR DRUG COMPOUNDS WHICH ARE NOT FDA APPROVED FOR POLO HORSES PRIOR TO A POLO MATCH MUST CERTIFY THE COMPOUND WITH HIS SIGNATURE ACCOMPANIED BY A COMPLETE LISTING OF THE COMPONENTS CONTAINED IN THE COMPOUND AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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(R71, S. 463) -- Senators Peeler and Rose: AN ACT TO AMEND SECTION 44‑36‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSE AND FUNCTIONS OF THE ALZHEIMER’S DISEASE REGISTRY, SO AS TO EXPAND THE TYPES OF DATA COLLECTED BY THE ALZHEIMER’S DISEASE REGISTRY, AND TO PROVIDE FOR THE AUTHORIZATION OF STUDIES ABOUT ALZHEIMER’S DISEASE AND THE CAREGIVERS OF PERSONS WITH ALZHEIMER’S DISEASE.

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(R72, S. 491) -- Senator Hayes: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN WESTERN YORK COUNTY AS THE WESTERN YORK COUNTY SCENIC BYWAY, AND TO MAKE IT SUBJECT TO THE REGULATIONS OF THE SOUTH CAROLINADEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE.

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(R73, S. 583) -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF EDUCATION, RELATING TO USE AND DISSEMINATION OF TEST RESULTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4049, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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(R74, S. 593) -- Senator S. Martin: AN ACT TO AMEND SECTION 16‑23‑430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION ON THE CARRYING OF WEAPONS ON SCHOOL PROPERTY, SO AS TO PROVIDE AN EXCEPTION FOR PERSONS WHO ARE AUTHORIZED TO CARRY A CONCEALED WEAPON WHEN THE WEAPON IS INSIDE A MOTOR VEHICLE AND SECURED; AND TO AMEND SECTION 16‑23‑420, AS AMENDED, RELATING TO THE PROHIBITION ON THE CARRYING OR DISPLAYING OF FIREARMS IN PUBLIC BUILDINGS AND ADJACENT AREAS, SO AS TO PROVIDE AN EXCEPTION ON SCHOOL PROPERTY FOR PERSONS WHO ARE AUTHORIZED TO CARRY A CONCEALED WEAPON WHEN THE WEAPON IS INSIDE A MOTOR VEHICLE AND SECURED.

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(R75, S. 630) -- Senators Land, Setzler, L. Martin, Ford, Nicholson, Lourie, Sheheen, Massey, Reese, Elliott, Peeler, Leatherman, Knotts, Hayes, Verdin, Leventis, Coleman, Matthews, Fair, Scott, Hutto, McGill, Williams, O’Dell, Campbell, Thomas, Rankin, Rose, Davis, Alexander, Shoopman, Anderson, S. Martin, Bright, Grooms, Jackson and Malloy: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑15‑65 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR, FACTORY REPRESENTATIVE, OR DISTRIBUTOR REPRESENTATIVE TO REQUIRE OR COERCE A MOTOR VEHICLE DEALER TO CHANGE THE LOCATION OF HIS DEALERSHIP OR MAKE SUBSTANTIAL ALTERATIONS TO THE DEALER’S PREMISES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 56‑15‑75 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A MOTOR VEHICLE MANUFACTURER, FACTORY BRANCH, DISTRIBUTOR BRANCH, FACTORY REPRESENTATIVE OR DISTRIBUTOR REPRESENTATIVE TO REQUIRE OR COERCE A MOTOR VEHICLE DEALER TO REFRAIN FROM PARTICIPATION IN THE MANAGEMENT OF, INVESTMENT IN, OR ACQUISITION OF ANOTHER MAKE OR LINE OF NEW MOTOR VEHICLES OR RELATED PRODUCTS UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 56‑15‑90, RELATING TO A MANUFACTURER’S, WHOLESALER’S, DISTRIBUTOR’S OR FRANCHISOR’S UNLAWFUL FAILURE TO RENEW, TERMINATE, OR RESTRICT THE TRANSFER OF A FRANCHISE, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THE FACTORS TO BE CONSIDERED IN CALCULATING THE FAIR AND REASONABLE COMPENSATION FOR THE VALUE OF A DEALERSHIP FRANCHISE.

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(R76, S. 668) -- Senators Courson, Knotts, Cromer, Setzler, Jackson, Scott, Lourie and Rose: AN ACT TO AMEND SECTION 53‑5‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LEGAL HOLIDAYS, SO AS TO INCLUDE THE TWENTY-FOURTH DAY OF DECEMBER AS A LEGAL HOLIDAY; AND TO REPEAL SECTION 53-5-20 RELATING TO CHRISTMAS EVE DECLARED AS A HOLIDAY FOR STATE EMPLOYEES.

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(R77, S. 673) -- Senators Thomas and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA MORTGAGE LENDING ACT”, BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD‑KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTION 34‑1‑20, AS AMENDED, RELATING TO APPOINTMENT OF MEMBERS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS, SO AS TO PROVIDE FOR A REPRESENTATIVE OF THE MORTGAGE BANKERS ASSOCIATION; TO AMEND SECTION 34‑1‑110, AS AMENDED, RELATING TO AUTHORITY OF CERTAIN FINANCIAL INSTITUTIONS TO ENGAGE IN BUSINESS, SO AS TO PROVIDE FOR MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTIONS 37‑1‑301, 37‑3‑105, 37‑3‑501, AND 37‑23‑20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH‑COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO INCLUDE CERTAIN ADJUSTABLE RATE MORTGAGES AS A HIGH-COST HOME LOAN AND TO DEFINE “ADJUSTABLE RATE MORTGAGE”; TO AMEND SECTIONS 37‑23‑40, 37‑23‑45, AND 37‑23‑75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH‑COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29‑4‑20, RELATING TO THE DEFINITION OF “REVERSE MORTGAGE”, SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

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(R78, S. 696) -- Senator Matthews: AN ACT TO AMEND SECTION 59‑18‑930, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED ADVERTISEMENT OF THE RESULTS OF A SCHOOL’S REPORT CARD IN A LOCAL NEWSPAPER, SO AS TO ALLOW THE REQUIRED ADVERTISEMENT TO BE WAIVED IF AN AUDITED NEWSPAPER OF GENERAL CIRCULATION IN A SCHOOL DISTRICT’S GEOGRAPHIC AREA HAS PREVIOUSLY PUBLISHED THE ENTIRE SCHOOL REPORT CARD RESULTS AS A NEWS ITEM.

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(R79, S. 700) -- Senator Leatherman: A JOINT RESOLUTION TO AUTHORIZE THE UNIVERSITY OF SOUTH CAROLINA TO DEVELOP AND CONSTRUCT A NEW FACILITY FOR THE MOORE SCHOOL OF BUSINESS IN THE INNOVISTA DISTRICT ON ITS COLUMBIA CAMPUS.

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(R80, S. 704) -- Senators McGill and Cleary: AN ACT TO AMEND SECTION 7‑7‑270, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GEORGETOWN COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD AND TO CORRECT ARCHAIC REFERENCES.

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(R81, S. 727) -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY STATE CROP PEST COMMISSION, RELATING TO PHYTOPHTHORA RAMORUM QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4062, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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(R82, S. 756) -- Senator Hayes: AN ACT TO AMEND SECTION 7‑7‑530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF YORK COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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(R83, S. 758) -- Senator Land: AN ACT TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALES AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW REVENUES OF THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009‑2010 AND 2010‑2011 SCHOOL YEARS.

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(R84, S. 774) -- Senator Reese: AN ACT TO AMEND SECTION 7‑7‑490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF SPARTANBURG COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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(R85, S. 793) -- Senators Pinckney and Davis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 37 TO TITLE 6 SO AS TO PROVIDE FOR THE BEAUFORT‑JASPER WATER AND SEWER AUTHORITY, TO REMOVE CERTAIN RESTRICTIONS ON THE AREAS IN WHICH THE AUTHORITY PROVIDES SERVICES, TO FURTHER PRESCRIBE THE AUTHORITY’S FUNCTIONS AND POWERS REGARDING WATER AND WASTEWATER SERVICES, TO PRESCRIBE THE CONDITIONS AND TERMS UPON WHICH MUNICIPAL CORPORATIONS AND OTHER PUBLIC BODIES OR AGENCIES OPERATING WATER DISTRIBUTION AND WASTEWATER SYSTEMS IN BEAUFORT, JASPER, HAMPTON, AND COLLETON COUNTIES MAY ACQUIRE SERVICES FROM THE AUTHORITY, AND TO CHANGE THE NAME OF THE AUTHORITY TO THE BEAUFORT‑JASPER WATER AND SEWER AUTHORITY.

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(R86, S. 795) -- Senator Fair: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON APRIL 30, 2009, AND MAY 1, 2009, BY THE STUDENTS OF MAULDIN HIGH SCHOOL WHEN THE SCHOOL WAS CLOSED DUE TO POTENTIAL FLU‑LIKE ILLNESS ARE EXEMPT FROM THE MAKE‑UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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(R87, H. 3013) -- Reps. Limehouse, Parker and Toole: AN ACT TO AMEND SECTION 16‑11‑650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES, OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS, OR UNCULTIVATED LANDS, SO AS TO REVISE THE ELEMENTS OF THE OFFENSE, INCREASE PENALTIES FOR VIOLATIONS, PROVIDE FOR THE RIGHTS OF EASEMENT HOLDERS, AND TO VEST JURISDICTION TO HEAR AND DISPOSE OF THIS OFFENSE IN MAGISTRATES COURT.

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(R88, H. 3018) -- Reps. E.H. Pitts, Huggins, Gunn, Bales, Limehouse, Barfield, Hardwick, Hearn, Edge, Gambrell, Thompson, Bowen, Harrison, Umphlett, Sandifer, Herbkersman, G.M. Smith, Lowe, Vick, H.B. Brown, R.L. Brown, Viers, Clemmons, Ballentine, Mitchell and M.A. Pitts: AN ACT TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE HOME IS SOLD OR OTHERWISE OCCUPIED, OR THE SIXTH PROPERTY TAX YEAR ENDING DECEMBER THIRTY‑FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE FOR OCCUPANCY ISSUED THEREON IF REQUIRED AND TO PROVIDE THE METHOD OF APPLYING FOR THE EXEMPTION; AND TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO CLASSIFICATIONS AND VALUATION OF PROPERTY FOR PURPOSES OF PROPERTY TAX, SO AS TO REVISE AN ELIGIBILITY REQUIREMENT TO RECEIVE THE FOUR PERCENT ASSESSMENT RATIO FOR OWNER‑OCCUPIED RESIDENTIAL PROPERTY.

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(R89, H. 3022) -- Reps. Kirsh, Wylie, G.M. Smith, Weeks and Mitchell: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS ACT” BY ADDING ARTICLE 9 TO CHAPTER 22, TITLE 17 SO AS TO PROVIDE A PROCEDURE FOR THE UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS, TO PROVIDE THAT APPLICATIONS FOR EXPUNGEMENT OF CRIMINAL RECORDS MUST BE ADMINISTERED BY THE SOLICITOR’S OFFICE IN EACH CIRCUIT, TO PROVIDE FOR THE DEVELOPMENT OF AN EXPUNGEMENT FORM, AND TO CREATE A UNIFORM FEE FOR EXPUNGMENT; TO AMEND SECTION 17‑1‑40, AS AMENDED, RELATING TO THE REQUIREMENT FOR THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND NOT GUILTY OF THE CHARGE, SO AS TO ALLOW CERTAIN DETENTION AND CORRECTIONAL FACILITIES TO RETAIN THOSE RECORDS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THE CIRCUMSTANCES UNDER WHICH THOSE RECORDS MAY BE RELEASED, AND TO PROVIDE A PENALTY FOR THE UNLAWFUL RELEASE OF THOSE RECORDS; BY ADDING SECTION 17‑1‑45 SO AS TO REQUIRE SOUTH CAROLINA COURT ADMINISTRATION TO INCLUDE NOTICE ON ALL BOND PAPERWORK AND COURTESY SUMMONS WHEN A PERSON MAY HAVE HIS RECORD EXPUNGED; TO AMEND SECTION 22‑5‑910, RELATING TO THE EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO CLARIFY THAT FIRST OFFENSE CRIMES CARRYING A PENALTY OF NOT MORE THAN THIRTY DAYS IMPRISONMENT OR A FINE OF FIVE HUNDRED DOLLARS, OR BOTH, ARE ELIGIBLE TO BE EXPUNGED; TO AMEND SECTION 22‑5‑920, RELATING TO CONVICTION AS A YOUTHFUL OFFENDER, SO AS TO CHANGE THE WAITING PERIOD BEFORE A YOUTHFUL OFFENDER MAY APPLY TO HAVE HIS CRIMINAL ARREST AND CONVICTION EXPUNGED FROM FIFTEEN YEARS OF THE CONVICTION TO FIVE YEARS FROM THE COMPLETION OF THE SENTENCE; TO AMEND SECTION 44‑53‑450, RELATING TO CONDITIONAL DISCHARGE OF A PERSON FOUND GUILTY OF CERTAIN FIRST OFFENSE CONTROLLED SUBSTANCES OFFENSES, SO AS TO DELETE THE REQUIREMENT THAT THE PERSON MAY NOT BE OVER THE AGE OF TWENTY‑FIVE TO HAVE HIS RECORD EXPUNGED PURSUANT TO THIS SECTION; AND TO DELAY THE IMPLEMENTATION OF THE TRAFFIC EDUCATION PROGRAM AS PROVIDED IN ACT 176 OF 2008.

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(R90, H. 3042) -- Reps. Merrill, Parker, Huggins, H.B. Brown, Anderson, J.E. Smith, Miller, M.A. Pitts, Toole, Hayes, Bales, Jennings, Herbkersman, Vick, Rutherford, Hart, Sellers, McLeod, D.C. Moss, Hiott, Alexander, Gambrell, Bingham, Brady, Sandifer, Bedingfield, Ott, Hutto, G.R. Smith, Millwood, Whipper and Bannister: AN ACT TO AMEND SECTIONS 40‑81‑20, 40‑81‑50, 40‑81‑70, 40‑81‑230, 40‑81‑280, 40‑81‑430, AND 40‑81‑480, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO REGULATIONS OF VARIOUS ATHLETIC AND SPORTING ACTIVITIES BY THE STATE ATHLETIC COMMISSION, SO AS TO PROVIDE FOR THE REGULATION OF MIXED MARTIAL ARTS COMPETITIONS BY THE STATE ATHLETIC COMMISSION; BY ADDING SECTION 40‑81‑445 SO AS TO MAKE THE COMBATIVE SPORT OF MIXED MARTIAL ARTS LEGAL IN SOUTH CAROLINA, AND TO PROVIDE FOR THE MANNER IN WHICH THE STATE ATHLETIC COMMISSION SHALL SUPERVISE AND REGULATE MIXED MARTIAL ARTS COMPETITIONS; AND TO REPEAL SECTION 40‑81‑530 RELATING TO ULTIMATE FIGHTING EVENTS AS BEING UNLAWFUL.

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(R91, H. 3087) -- Reps. Brady and M.A. Pitts: AN ACT TO AMEND SECTION 23‑3‑535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS, SO AS TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE THAT EXPANDS OR CONTRACTS THE BOUNDARIES OF THE AREAS IN WHICH A SEX OFFENDER MAY OR MAY NOT RESIDE THAT ARE CONTAINED IN THIS SECTION; AND TO AMEND ACT 333 OF 2008, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS AND PENALTIES FOR FAILURE TO REGISTER AS A SEX OFFENDER, SO AS TO PROVIDE AN EFFECTIVE DATE FOR VARIOUS PORTIONS OF THIS ACT.

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(R92, H. 3118) -- Reps. Kirsh, J.E. Smith, Funderburk, Weeks and Hutto: AN ACT TO AMEND SECTION 63‑11‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF GUARDIANS AD LITEM IN CHILD ABUSE AND NEGLECT CASES, SO AS TO PROVIDE THAT THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM, OR A COUNTY GUARDIAN AD LITEM PROGRAM, HAS THE RIGHT TO INTERVENE IN A PROCEEDING TO PETITION TO HAVE THE VOLUNTEER GUARDIAN AD LITEM REMOVED AND TO SPECIFY GROUNDS FOR REMOVAL; AND TO AMEND SECTION 63‑11‑550, RELATING TO CONFIDENTIALITY OF REPORTS AND INFORMATION MAINTAINED BY THE GUARDIAN AD LITEM PROGRAM, SO AS TO ALSO PROVIDE THAT REPORTS AND INFORMATION MAINTAINED BY A GUARDIAN AD LITEM IS CONFIDENTIAL.

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(R93, H. 3123) -- Reps. J.E. Smith, H.B. Brown, McLeod, Horne, Weeks, Hutto and T.R. Young: AN ACT TO AMEND SECTION 40‑5‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST ANY PERSON PRACTICING OR SOLICITING THE CAUSE OF ANOTHER PERSON IN A COURT OF THIS STATE UNLESS HE HAS BEEN ADMITTED AND SWORN AS AN ATTORNEY, SO AS TO PROVIDE THAT A PERSON MUST BE ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR PURSUANT TO APPLICABLE COURT RULES, OR OTHERWISE AUTHORIZED TO PERFORM PRESCRIBED LEGAL ACTIVITIES BY ACTION OF THE SUPREME COURT OF SOUTH CAROLINA IN ORDER TO EITHER PRACTICE LAW OR SOLICIT THE LEGAL CAUSE OF ANOTHER, AND TO PROVIDE THAT THE TYPE OF CONDUCT THAT IS THE SUBJECT OF ANY CHARGE FILED PURSUANT TO THIS SECTION MUST HAVE BEEN DEFINED AS THE UNAUTHORIZED PRACTICE OF LAW BY THE SUPREME COURT OF SOUTH CAROLINA PRIOR TO ANY CHARGE BEING FILED.

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(R94, H. 3131) -- Reps. Toole, M.A. Pitts and Umphlett: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑711 SO AS TO DESIGNATE THE “WOOD DUCK” AS THE OFFICIAL STATE DUCK; BY ADDING SECTION 1-1-712 SO AS TO DESIGNATE THE “BOTTLENOSE DOLPHIN” AS THE OFFICIAL STATE MARINE MAMMAL; BY ADDING SECTION 1-1-713 SO AS TO DESIGNATE THE “NORTHERN RIGHT WHALE” AS THE OFFICIAL STATE MIGRATORY MARINE MAMMAL; AND TO AMEND SECTION 50-11-840, RELATING TO PROTECTION OF WILD BIRD NESTS AND EGGS, SO AS TO DEFINE A WILD BIRD NEST AS A NEST WITH BIRDS OR EGGS PRESENT AND TO PROVIDE FOR THE ISSUANCE OF A PERMIT TO POSSESS SUCH NEST OR EGGS OR TO REMOVE AN ACTIVE NEST OR EGGS THAT CONSTITUTE A PUBLIC SAFETY THREAT OR WHEN CAUSING PROPERTY DAMAGE.

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(R95, H. 3134) -- Reps. Bowers and Long: AN ACT TO AMEND SECTION 56‑3‑9910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF GOLD STAR FAMILY SPECIAL LICENSE PLATES, SO AS TO REVISETHE PROVISIONS THAT RELATE TO THE ISSUANCE, PRODUCTION AND FEE FOR THIS SPECIAL LICENSE PLATE.

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(R96, H. 3148) -- Reps. Clyburn, G.M. Smith, H.B. Brown, Branham, Ott, Agnew, R.L. Brown, Hayes, Battle, Miller, Weeks, J.R. Smith, D.C. Smith, Parks, Rice, Littlejohn, Hosey, Jefferson, Cobb‑Hunter, Howard, Cooper, Gunn, McLeod, T.R. Young, Kennedy, Vick, Edge, J.E. Smith, Harrell, A.D. Young, Alexander, Neilson, Lucas, Merrill, Barfield, Bales, Allen, Hodges, Knight and Funderburk: AN ACT TO ENACT THE “FEDERAL EDUCATIONAL TAX‑CREDIT BOND IMPLEMENTATION ACT”, INCLUDING PROVISIONS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-3-100 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH ALLOCATIONS OF QUALIFIED SCHOOL CONSTRUCTION BONDS AUTHORIZED BY THE PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 SHALL BE MADE AMONG THE SCHOOL DISTRICTS OF THIS STATE, AND TO PROVIDE FOR OTHER RELATED MATTERS IN REGARD TO THESE ALLOCATIONS; TO AMEND SECTION 11‑15‑460, AS AMENDED, RELATING TO THE INTEREST RATE ON REFUNDING BOND OBLIGATIONS OF POLITICAL SUBDIVISIONS, SO AS TO EXEMPT QUALIFIED SCHOOL CONSTRUCTION BONDS FROM THIS PROVISION; AND TO AMEND SECTION 11‑27‑50, AS AMENDED, RELATING TO THE EFFECT OF THE PROVISIONS OF ARTICLE X OF THE CONSTITUTION OF THIS STATE ON BONDS OF SCHOOL DISTRICTS, SO AS TO PROVIDE THAT QUALIFIED SCHOOL CONSTRUCTION BONDS UP TO A CERTAIN AMOUNT MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE AS DETERMINED BY THE GOVERNING BODY OF THE ISSUER.

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(R97, H. 3187) -- Reps. Chalk and Willis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29‑5‑26 SO AS TO PROVIDE A PERSON WHO PROVIDES CERTAIN LANDSCAPE SERVICES MAY HAVE A MECHANICS’ LIEN ON THE REAL ESTATE WHERE THE LANDSCAPE SERVICES WERE PROVIDED, AND TO DEFINE LANDSCAPE SERVICES; BY ADDING SECTION 29‑5‑15 SO AS TO PROVIDE THE MANNER BY WHICH A CONTRACTOR MUST FILE A MECHANICS’ LIEN AND A PENALTY FOR FILING A FRIVOLOUS MECHANICS’ LIEN; TO AMEND SECTION 29‑5‑120, RELATING TO THE DISSOLUTION OF LIENS NOT TIMELY BROUGHT, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A MECHANICS’ LIEN MAY BE RELEASED BY A COURT; AND TO AMEND SECTION 40‑59‑30, AS AMENDED, RELATING TO LICENSE REQUIREMENTS, ENFORCEMENT OF CONTRACTS, AND RESTRAINING ORDERS, SO AS TO PROVIDE A PENALTY FOR FAILING TO REGISTER WITH THE COMMISSION BEFORE ENGAGING OR OFFERING TO ENGAGE IN THE BUSINESS OF RESIDENTIAL BUILDING, AMONG OTHER THINGS.

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(R98, H. 3301) -- Reps. Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J.R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Battle, Bowers, Brady, G.A. Brown, H.B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Horne, Kirsh, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E.H. Pitts, M.A. Pitts, Scott, Simrill, Skelton, D.C. Smith, G.R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire and Wylie: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34‑39‑175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL‑TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34‑39‑270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A PERSON WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34‑39‑280 SO AS TO ALLOW A DEFERRED PRESENTMENT TRANSACTION CUSTOMER WHO IS UNABLE TO REPAY A TRANSACTION WHEN DUE TO ENTER ONE EXTENDED PAYMENT PLAN DURING A TWELVE MONTH PERIOD; TO AMEND SECTION 34‑39‑130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED FIVE HUNDRED DOLLARS; TO AMEND SECTION 24‑39‑150, RELATING TO THE APPLICATION FOR LICENSURE, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEES AND TO DESIGNATE THE RECIPIENTS AND PERMITTED USES OF RENEWAL FEE COLLECTIONS; BY ADDING SECTION 34‑39‑290 SO AS TO REQUIRE THE BOARD OF FINANCIAL ADVISORS TO SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY DETAILING CERTAIN DEFERRED PRESENTMENT TRANSACTION DATA PROVIDED BY THE DATABASE VENDOR; TO AMEND SECTION 34‑39‑200, RELATING TO LIMITATIONS ON ACTIVITIES BY PERSONS REQUIRED TO BE LICENSED, SO AS TO IDENTIFY CERTAIN LIMITED EXCEPTIONS; TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT A LICENSEE SHALL NOT CHARGE A FEE IN EXCESS OF FIFTEEN PERCENT OF THE PRINCIPAL AMOUNT OF THE TRANSACTION FOR ACCEPTING A CHECK FOR DEFERRED PRESENTMENT OR DEPOSIT; AND TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO IDENTIFY A LICENSEE’S CIVIL REMEDIES IF A CHECK IS RETURNED DUE TO INSUFFICIENT FUNDS, CLOSED ACCOUNT, OR STOP PAYMENT ORDER.

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(R99, H. 3311) -- Reps. Brady, Harrison, Erickson, Umphlett, A.D. Young, Agnew, Allison, Battle, Bowen, Bowers, Clemmons, Cooper, Duncan, Gambrell, Hardwick, Hearn, Horne, Kirsh, Long, Lowe, McLeod, Parker, Simrill, Whitmire, Willis, Toole, G.M. Smith, Harvin, Hutto, Neilson, Nanney, Miller, G.R. Smith, Hamilton, Jennings, T.R. Young, Limehouse, Sottile, Viers, Williams, White, Weeks, Wylie, Forrester, Sellers, Rice, Hiott, Owens, Bannister and Bedingfield: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT AN UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR A MALE CLAIMING TO BE THE UNMARRIED BIOLOGICAL FATHER OF A CHILD, MUST FILE A CLAIM OF PATERNITY WITH THIS REGISTRY IN ORDER TO RECEIVE NOTICE OF A TERMINATION OF PARENTAL RIGHTS ACTION OR AN ADOPTION ACTION PERTAINING TO THIS CHILD; TO PROVIDE THAT FAILURE TO FILE A CLAIM CONSTITUTES AN IMPLIED IRREVOCABLE WAIVER OF THE FATHER’S RIGHT TO NOTICE OF PROCEEDINGS FOR THE TERMINATION OF HIS PARENTAL RIGHTS AND FOR THE CHILD’S ADOPTION; TO PROVIDE THAT CERTAIN CONDUCT BY AN UNMARRIED BIOLOGICAL FATHER IS DEEMED TO BE NOTICE TO THIS FATHER OF THE BIOLOGICAL MOTHER’S PREGNANCY; AND TO FURTHER ESTABLISH FILING PROCEDURES AND PROCEDURES FOR THE OPERATION OF THE REGISTRY; TO AMEND SECTION 63‑9‑730, RELATING TO PERSONS AND ENTITIES ENTITLED TO NOTICE OF ADOPTION ACTIONS, SO AS TO INCLUDE A PERSON WHO HAS REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY; TO AMEND SECTION 63‑7‑2530, RELATING TO THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE A TERMINATION OF PARENTAL RIGHTS ACTION TO BE HEARD WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE PETITION IS FILED AND TO PROVIDE CONDITIONS UNDER WHICH A CONTINUANCE MAY BE GRANTED; TO AMEND SECTION 63‑7‑2550, RELATING TO PERSONS AND ENTITIES ENTITLED TO BE SERVED WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO FURTHER SPECIFY THE AGE AS FOURTEEN FOR SERVING A CHILD, TO PROVIDE SERVICE ON THE GUARDIAN AD LITEM OF A CHILD UNDER FOURTEEN YEARS OF AGE, AND TO SPECIFY THE NOTICE PROVISIONS APPLICABLE TO AN UNMARRIED BIOLOGICAL FATHER OF A CHILD WHOSE PARENTAL RIGHTS ARE BEING TERMINATED.

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(R100, H. 3347) -- Reps. Clemmons, McLeod and Harrell: AN ACT TO AMEND SECTION 56‑1‑143, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES GIVING APPLICANTS FOR CERTAIN SERVICES THE OPTION TO MAKE A VOLUNTARY CONTRIBUTION TO DONATE LIFE OF SOUTH CAROLINA, SO AS TO INCREASE THE AMOUNT THAT MAY BE DONATED; AND TO AMEND SECTION 56‑1‑130, AS AMENDED, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES’ EXAMINATION TO OBTAIN A DRIVER’S LICENSE, SO AS TO DELETE THE PROVISIONS THAT RELATE TO THE THREE‑WHEEL VEHICLE EXAMINATION AND THE NONCOMMERCIAL ENDORSEMENT TO THE MOTORCYCLE CLASSIFICATION, AND TO PROVIDE THAT A BASIC DRIVER’S LICENSE AUTHORIZES THE LICENSEE TO OPERATE CERTAIN MOTORCYCLE THREE‑WHEEL VEHICLES.

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(R101, H. 3377) -- Reps. D.C. Moss, Vick, Simrill, Anthony, Bedingfield, H.B. Brown, Duncan, Gambrell, Gullick, Jennings and A.D. Young: AN ACT TO AMEND SECTION 23‑1‑212, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENFORCEMENT OF STATE CRIMINAL LAWS BY FEDERAL LAW ENFORCEMENT OFFICERS, SO AS TO PROVIDE THAT NATIONAL PARK SERVICE RANGERS ARE FEDERAL LAW ENFORCEMENT OFFICERS WHO ARE AUTHORIZED TO ENFORCE THE STATE’S CRIMINAL LAWS.

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(R102, H. 3413) -- Rep. Harrison: AN ACT TO AMEND SECTION 61‑4‑1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS REGARDING BEER KEGREGISTRATION REQUIREMENTS, SO AS TO REVISE THE DEFINITION OF “KEG”.

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(R103, H. 3482) -- Reps. Harrell, Cooper, Mack and Bannister: AN ACT TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX ALL PERSONAL PROPERTY, INCLUDING AIRCRAFT, OF A COMPANY ENGAGED IN AIR TRANSPORT OF SPECIALIZED CARGO.

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(R104, H. 3483) -- Reps. White, M.A. Pitts, Toole, Willis, Barfield, Clemmons, Hardwick and Hearn: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE’S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE’S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE; TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PROMOTING SOUND WILDLIFE CONSERVATION AND MANAGEMENT AS PRESCRIBED BY THE GENERAL ASSEMBLY; AND TO SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING STATE LAWS OR REGULATIONS, OR THE STATE’S SOVEREIGNTY OVER ITS NATURAL RESOURCES.

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(R105, H. 3550) -- Reps. Cato, Herbkersman, Agnew, Merrill, Stavrinakis, Funderburk, Brady, Anderson, R.L. Brown, Kelly, Limehouse, J.E. Smith, Whipper, Hutto, Allison, Parker, Sottile, Erickson and Bales: AN ACT TO AMEND CHAPTER 10, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BUILDING ENERGY EFFICIENCY STANDARD ACT, SO AS TO REVISE THE TITLE OF THE ACT TO THE “ENERGY STANDARD ACT”; TO REVISE DEFINITIONS; TO ADOPT THE 2006 EDITION INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD AND TO PROVIDE THAT ALL NEW AND RENOVATED BUILDINGS AND ADDITIONS MUST COMPLY WITH THIS STANDARD, TO PROVIDE THAT LOCAL BUILDING OFFICIALS SHALL ENFORCE THE ENERGY STANDARD AND TO PROVIDE ALTERNATIVE ENFORCERS IN AREAS WITHOUT A BUILDING OFFICIAL; TO PROVIDE THAT BUILDING OFFICIALS SHALL ISSUE AND REVOKE BUILDING PERMITS AND INSPECT CONSTRUCTION OF BUILDINGS PURSUANT TO THE PERMITS ISSUED, TO REQUIRE LOCAL JURISDICTIONS TO PROVIDE AN APPEALS BOARD AND PROCESS FOR GRANTING OF CERTAIN VARIANCES, TO PROVIDE AN EXCEPTION, AND TO ALLOW CERTAIN APPEALS TO BE HEARD BY THE SOUTH CAROLINA BUILDING CODES COUNCIL; AND TO PROVIDE THAT THE BUILDING OFFICIAL MAY OBTAIN INJUNCTIVE RELIEF; AND TO AMEND SECTION 6‑9‑50, AS AMENDED, RELATING TO THE MANDATORY ADOPTION OF CERTAIN NATIONAL BUILDING CODES, BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO CODE DOCUMENTS, AND THREE STORY HOMES, SO AS TO DELETE PROVISIONS RELATING TO WHAT CONSTITUTES COMPLIANCE WITH THE BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO DOCUMENTS CONTAINING CODES ADOPTED BY THE BUILDING CODES COUNCIL, AND BUILDING PERMITS FOR THREE STORY HOMES.

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(R106, H. 3562) -- Reps. Brady and Sandifer: AN ACT TO AMEND SECTION 38‑1‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 PERTAINING TO INSURANCE, SO AS TO ADD THE DEFINITIONS OF “GENERAL APPOINTMENT”, “LOCAL APPOINTMENT”, “SPECIAL APPOINTMENT”, “CROP INSURANCE”, AND “TRAVEL INSURANCE”, CORRECT ARCHAIC LANGUAGE, AND MAKE CONFORMING AMENDMENTS; TO AMEND SECTION 38‑39‑20, RELATING TO PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE THAT THE FEE FOR LICENSURE TO ENGAGE IN SERVICING INSURANCE PREMIUMS IN THIS STATE IS DUE ON A BIENNIAL BASIS RATHER THAN ON AN ANNUAL BASIS; TO AMEND SECTION 38‑43‑80, AS AMENDED, RELATING TO LICENSE FEES FOR INSURANCE PRODUCERS AND AGENCIES, SO AS TO PROVIDE FOR A BIENNIAL PRODUCER LICENSE RENEWAL FEE OF TWENTY‑FIVE DOLLARS, INCREASE THE INITIAL PRODUCER LICENSE RENEWAL FEE FROM TWENTY DOLLARS TO TWENTY‑FIVE DOLLARS, AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE PAYMENT OF APPOINTMENT FEES; TO AMEND SECTION 38‑43‑106, AS AMENDED, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS, SO AS TO PROVIDE THAT THE BIENNIAL COMPLIANCE PERIOD IS BASED ON THE LICENSEE’S MONTH AND YEAR OF BIRTH; TO AMEND SECTION 38‑43‑110, AS AMENDED, RELATING TO THE DURATION OF AN INSURANCE PRODUCER’S LICENSE, SO AS TO PROVIDE THAT INDIVIDUAL LICENSES MUST BE RENEWED BIENNIALLY BASED ON THE LICENSEE’S MONTH AND YEAR OF BIRTH AND PROVIDE FOR THE REQUIREMENTS RELATING TO RENEWAL; TO AMEND SECTION 38‑43‑200, AS AMENDED, RELATING TO THE PROHIBITION ON SPLITTING COMMISSIONS WITH AN UNLICENSED PERSON BY AN INSURANCE PRODUCER, SO AS TO DELETE THE EXISTING PROVISIONS AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE SPLITTING AND SHARING OF COMMISSIONS; TO AMEND SECTION 38‑45‑10, RELATING TO THE DEFINITIONS OF AN INSURANCE BROKER, SO AS TO PROVIDE FOR THE QUALIFYING DUTIES AND PROVIDE FOR EXCEPTIONS; AND TO AMEND SECTION 38‑45‑20, AS AMENDED, RELATING TO THE REQUIREMENTS FOR LICENSURE AS AN INSURANCE BROKER, SO AS TO DELETE THE REQUIREMENTS THAT A BROKER HOLD AT LEAST ONE APPOINTMENT.

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(R107, H. 3572) -- Rep. Umphlett: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 50‑5‑1707 RELATING TO SHARK CATCH LIMITS; BY ADDING SECTION 50‑13‑400 SO AS TO ESTABLISH CREEL AND SIZE LIMITS FOR CRAPPIE TAKEN IN LAKE MURRAY; AND BY ADDING SECTION 50‑5‑2017 SO AS TO ESTABLISH THE FLOUNDER POPULATION STUDY PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES, TO SET FLOUNDER CATCH LIMITS AND PROHIBIT THE USE OF ARTIFICIAL ILLUMINATION POWERED BY GENERATORS, AND TO ESTABLISH THE DURATION OF THE PROGRAM.

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(R108, H. 3615) -- Reps. Sandifer, Parks, King and Weeks: AN ACT TO AMEND CHAPTER 7 OF TITLE 32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACTS, SO AS TO TRANSFER THE POWERS AND DUTIES FOR THE REGULATION OF PRENEED FUNERAL CONTRACTS FROM THE STATE BOARD OF FINANCIAL INSTITUTIONS TO THE DEPARTMENT OF CONSUMER AFFAIRS AND TO CONFORM THE PROVISIONS OF THIS CHAPTER TO THIS TRANSFER OF AUTHORITY, TO INCREASE CRIMINAL FINES FOR VIOLATIONS, TO PROVIDE FOR ADMINISTRATIVE PENALTIES, TO PROVIDE FOR A CONTESTED CASE HEARING FROM AN ORDER OF THE DEPARTMENT, AND TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 40‑19‑290, AS AMENDED, RELATING TO LICENSED EMBALMERS AND FUNERAL DIRECTORS PLACING PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE IN A TRUST ACCOUNT, SO AS TO CHANGE “STATE BOARD OF FINANCIAL INSTITUTIONS” TO “SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS” AND TO PROVIDE THAT THESE PAYMENTS MUST BE HELD UNTIL THE MERCHANDISE IS DELIVERED FOR USE OR IN THE POSSESSION OF THE PURCHASER.

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(R109, H. 3651) -- Reps. Duncan, Umphlett, Anthony, Knight, Forrester and Hayes: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑23‑205 SO AS TO PROVIDE CERTAIN DEFINITIONS, TO LIMIT THE AUTHORITY OF COUNTIES AND MUNICIPALITIES TO RESTRICT OR REGULATE CERTAIN FORESTRY ACTIVITIES,TO PROVIDE THE TERMS AND CONDITIONS OF CERTAIN PERMITTED REGULATIONS, AND TO PROVIDE EXEMPTIONS.

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(R110, H. 3653) -- Rep. McLeod: A JOINT RESOLUTION TO DELAY IMPLEMENTATION OF THE PROVISIONS OF ACT 270 OF 2008, RELATING TO THE REQUIREMENT THAT MUNICIPAL COURT JURY LISTS INCLUDE OTHERWISE QUALIFIED RESIDENTS OF THE MUNICIPALITY WHO HOLD A VALID SOUTH CAROLINA DRIVER’S LICENSE OR IDENTIFICATION CARD, SO AS TO POSTPONE THIS EXPANSION OF THE MUNICIPAL COURT JURY LIST UNTIL DECEMBER 31, 2009.

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(R111, H. 3677) -- Rep. Cobb‑Hunter: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “VIOLENCE AGAINST WOMEN FEDERAL COMPLIANCE ACT” SO AS TO CONFORM STATE LAW TO FEDERAL REQUIREMENTS; TO AMEND SECTION 16‑3‑740, RELATING TO TESTING CERTAIN CRIMINALS FOR HEPATITIS B AND THE HUMAN IMMUNODEFICIENCY VIRUS AT THE REQUEST OF A VICTIM, SO AS TO REVISE THE DEFINITION OF “OFFENDER” TO INCLUDE ADULTS AND JUVENILES, TO REVISE PROCEDURES FOR DISCLOSING TEST RESULTS, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL ADVISE THE VICTIM OF AVAILABLE TREATMENT OPTIONS AND, UPON REQUEST OF THE VICTIM, TEST THE VICTIM AND PROVIDE POST‑TESTING COUNSELING; BY ADDING SECTION 16‑3‑750 SO AS TO PROVIDE THAT LAW ENFORCEMENT AND PROSECUTING OFFICERS MAY REQUEST A VICTIM OF AN ALLEGED CRIMINAL SEXUAL CONDUCT OFFENSE TO SUBMIT TO A POLYGRAPH EXAMINATION IF THE CREDIBILITY OF THE VICTIM IS AT ISSUE AND TO PROHIBIT LAW ENFORCEMENT OR SUCH OFFICERS FROM REQUIRING A VICTIM TO SUBMIT TO SUCH EXAMINATION AS A CONDITION OF PROCEEDING WITH THE INVESTIGATION, CHARGING, OR PROSECUTION OF THE OFFENSE; TO AMEND SECTION 16‑3‑1350, RELATING TO MEDICOLEGAL EXAMINATIONS OF VICTIMS OF CRIMINAL SEXUAL CONDUCT OR CHILD SEX ABUSE, SO AS TO DELETE THE PROVISION REQUIRING SUCH A VICTIM TO FILE AN INCIDENT REPORT WITH A LAW ENFORCEMENT AGENCY IN ORDER TO RECEIVE A MEDICOLEGAL EXAMINATION WITHOUT CHARGE; AND BY ADDING SECTION 16‑25‑30 SO AS TO PROVIDE THAT A PERSON CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE MUST BE NOTIFIED IN WRITING THAT PURSUANT TO FEDERAL LAW IT IS UNLAWFUL FOR SUCH AN OFFENDER TO SHIP, TRANSPORT, OR POSSESS A FIREARM.

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(R112, H. 3678) -- Reps. D.C. Moss, Whipper, Anthony, Herbkersman, Merrill, Nanney, G.M. Smith, Thompson and Weeks: AN ACT TO AMEND SECTION 56‑5‑4140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAXIMUM ALLOWABLE GROSS WEIGHTS OF VEHICLES THAT MAY BE OPERATED ALONG THE STATE’S HIGHWAYS, SO AS TO MAKE A TECHNICAL CHANGE.

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(R113, H. 3749) -- Reps. J.E. Smith and Williams: AN ACT TO AMEND SECTION 25‑1‑380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSISTANT ADJUTANT GENERAL FOR THE ARMY, SO AS TO PROVIDE UPON NATIONAL GUARD BUREAU AUTHORIZATION, AN ADDITIONAL ASSISTANT ADJUTANT GENERAL WITH THE RANK OF MAJOR GENERAL.

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(R114, H. 3761) -- Rep. Cooper: AN ACT TO AMEND SECTION 44‑53‑530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FORFEITURE PROCEDURES RELATED TO DRUG PROCEEDS, SO AS TO ALLOW THE USE OF FORFEITED MONIES AND PROCEEDS FROM THE SALE OF PROPERTY FOR TRAINING AND EDUCATION BY LAW ENFORCEMENT IN ADDITION TO OTHER USES PREVIOUSLY DELINEATED.

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(R115, H. 3762) -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, D.C. Moss, Parker, Stringer, Vick, Hodges and Knight: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “OUR FARMS‑OUR FUTURE” SPECIAL LICENSE PLATES; TO AMEND ARTICLE 45, CHAPTER 3, TITLE 56, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF “SPECIAL COMMEMORATIVE LICENSE PLATES”, SO AS TO CHANGE THE NAME OF THESE LICENSE PLATES TO THE “SOUTH CAROLINA WILDLIFE LICENSE PLATES”, TO PROVIDE THE PROCEDURES WHEREBY THE DEPARTMENT SHALL ISSUE THESE LICENSE PLATES, AND TO PROVIDE THAT THE “GAME PROTECTION FUND” IS RENAMED THE “FISH AND WILDLIFE PROTECTION FUND”; TO AMEND SECTION 56-3-9910, AS AMENDED, RELATING TO THE ISSUANCE OF “GOLD STAR FAMILY SPECIAL LICENSE PLATES”, SO AS TO REVISE THE PROCEDURES REGARDING THE ISSUANCE AND COST OF THESE SPECIAL LICENSE PLATES; AND BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “RECYCLING SPECIAL LICENSE PLATES”.

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(R116, H. 3794) -- Rep. Umphlett: AN ACT TO AMEND SECTION 50‑11‑2200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF WILDLIFE MANAGEMENT AREAS, SO AS TO SPECIFY ADDITIONAL PROHIBITED ACTIVITIES; TO AMEND SECTION 50‑11‑2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; TO AMEND SECTION 50‑11‑2220, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR ABUSING WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; BY ADDING SECTION 50‑11‑2225 SO AS TO CREATE A MISDEMEANOR CRIMINAL OFFENSE FOR ENTERING OR REMAINING ON A CLOSED AREA CONTRARY TO THE INSTRUCTIONS OF A LAW ENFORCEMENT OFFICER, MANAGER, OR DEPARTMENT CUSTODIAL PERSONNEL; AND BY ADDING SECTION 50‑11‑2215 SO AS TO PROVIDE THAT NOTHING CONTAINED IN SECTION 50‑11‑2200 OR 50‑11‑2210 SHALL INTERFERE WITH AGENCY DUTIES OR LANDOWNER RIGHTS.

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(R117, H. 3804) -- Reps. Bedingfield, Wylie, Cato, Allen, Bannister, Hamilton and Stringer: AN ACT TO AMEND SECTION 7‑7‑280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENVILLE COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF GREENVILLE COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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(R118, H. 3919) -- Reps. Mitchell, Alexander, Gunn, Dillard, Hamilton, Limehouse, J.R. Smith, King, Kirsh, Littlejohn, J.M. Neal, Herbkersman, Stavrinakis, Chalk, Cobb‑Hunter, Anthony, Branham, Brantley, Parker, Allison, Gilliard, J.H. Neal, Whipper, Mack, Battle, Hosey, Allen, Weeks, Jennings, Loftis, Knight, Vick, Rutherford and Hutto: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑1‑250 SO AS TO ESTABLISH THE SOUTH CAROLINA HOUSING COMMISSION TO PROVIDE RECOMMENDATIONS ON AN ANNUAL BASIS TO ENSURE AND FOSTER THE AVAILABILITY OF SAFE, SOUND, AND AFFORDABLE HOUSING AND WORKFORCE HOUSING FOR EVERY SOUTH CAROLINIAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND FOR OTHER PROCEDURAL MATTERS.

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(R119, H. 3944) -- Reps. Jennings and Neilson: AN ACT TO AMEND SECTION 56‑3‑8710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF NASCAR SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT A PORTION OF THE FEES COLLECTED FROM THE SALE OF THESE LICENSE PLATES MUST BE DISTRIBUTED TO THE SOUTH CAROLINA ASSOCIATION OF CHILDREN’S HOMES AND FAMILY SERVICES AND NO LONGER TO THE SOUTH CAROLINA CHILDREN’S EMERGENCY SHELTER FOUNDATION.

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(R120, H. 4023) -- Reps. Daning, Jefferson, Merrill and Umphlett: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57‑23‑815 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE HIGHWAY 26 AT EXIT 199 IN BERKELEY COUNTY.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Mark C. Sanford:

**Local Appointments**

Initial Appointment, Lancaster County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Fredrick Asgill Thomas, P. O. Box 3222, Lancaster, SC 29721 *VICE* Debra C. Dawkins

Initial Appointment, Lee County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Deborah A. Bright-Austin, 163 Broad Acres Road, Bishopville, SC 29010 *VICE* Carolyn H. Jackson

Initial Appointment, Marion County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Danny O. Barker, 929 Cherokee Ave., Marion, SC 29571 *VICE* Lunette R. Cox

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Eber Charles Gowan, Jr., P. O. Box 37, Reidville, SC 29375

**REPORT RECEIVED**

**Joint Transportation Review Committee**

**2009 Report of Candidate Qualifications**

Date Initial Report Issued: Tuesday, June 9, 2009

Date and Time

Report Becomes Final\*: Noon on Thursday, June 11, 2009

**Delegation members are not free to pledge their votes until Thursday, June 11, at noon.**

\*Unless members are otherwise notified, report becomes final at noon on Thursday, June 11, 2009.

**INTRODUCTION**

Act 114 of 2007 was enacted to restructure the South Carolina Department of Transportation and the Department of Transportation Commission. Reforms were written to make the department and commission more accountable to the public, more transparent in their operations, and more equitable in their delivery of services.

A key component of Act 114 was the formation of the Joint Transportation Review Committee. The JTRC’s primary responsibility is to consider the qualifications of applicants for the Department of Transportation Commission and to determine whether the applicants meet the statutory criteria for commissioners.

**This report contains the committee’s initial findings regarding the qualifications of applicants for the commission’s Third District seat.**

**Committee Composition and Responsibilities**

The JTRC is comprised of ten members, eight of whom are legislators and two of whom are appointed from the public at-large. To fulfill its mandate, the committee conducts an investigation of each applicant’s professional, personal, and financial affairs, and holds a public hearing during which each applicant may be questioned on a wide variety of issues.

The committee expects each applicant to demonstrate a level of education and/or education commensurate with the duties and responsibilities of a commissioner and to exhibit strong ethical standards. The committee’s investigation focuses on whether the applicant meets the qualifications for service on the commission as established in Section 57-1-310(C):

The qualifications that each commission member must possess, include, but are not limited to:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; or

(2) a background of at least five years in any combination of the following fields of expertise:

(a) transportation;

(b) construction;

(c) finance;

(d) law;

(e) environmental issues;

(f) management; or

(g) engineering.

The JTRC’s investigation includes (1) a State Law Enforcement Division background check, (2) a credit investigation, (3) a careful study of application materials, including a comprehensive personal data questionnaire, (4) a test of basic knowledge related to the Department of Transportation and the commission, (5) a personal interview with each candidate, and (6) further inquiry as the committee considers appropriate. The interview provides an applicant with the opportunity to discuss the specifics of his or her application and to amend application materials if needed. The interview also provides the JTRC with the opportunity to discuss routine questions related to ethical matters, the applicant’s familiarity with the operations of the commission, the relationship between state, local, and regional transportation authorities, and general transportation issues in South Carolina. The interview also allows the committee to gauge the applicant’s depth of experience and temperament.

**About the Report**

Each member of the General Assembly residing in the Third Congressional District will be provided a copy of this report for review and consideration. The committee believes that this report will help each member make a more fully informed vote.

An applicant has 48 hours after the initial release of this report to request non-substantive corrections. **This report represents the JTRC’s findings, pending any corrections. Corrections, if any, will be distributed immediately upon availability.**

The JTRC will then release the final report of all qualified candidates to resident members of the Third District. **No member of the congressional district delegation may pledge his or her vote to elect a candidate until after noon on Thursday, June 11, 2009.**

Upon release of this report, and any corrections, the JTRC’s responsibilities related to candidate screening are completed.

**Election of Commission Members**

A candidate may withdraw at any stage of the proceedings. **Resident members of the Third District may meet to elect a commissioner to represent their district at any time after noon on Thursday, June 11, 2009.**

**Pursuant to Section 57-1-325 congressional delegations must hold a duly called, public meeting to elect a Department of Transportation Commissioner. Signing a ‘pledge-sheet’ does not constitute a vote in favor of a candidate nor does it replace the statutory requirement for a meeting.**

For purposes of electing a commission member:

* Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district, at a time and place to be designated in the call.
* A majority present, either in person or by written proxy, of the delegation constitutes a quorum for purposes of electing a commissioner.
* No person may be elected commissioner who fails to receive a majority of the vote of the members of the delegation.
* When the election is completed, the chairman and secretary of the delegation shall immediately transmit the name of the elected person to the Secretary of State who will then issue a commission.

**Joint Transportation Review Committee**

|  |  |
| --- | --- |
| **Senate Appointees:** | **House Appointees:** |
| **Sen. Lawrence K. Grooms, Ch.** (2007)  Suite 203, Gressette Building  Post Office Box 142  Columbia, S.C. 29202  803-212-6400 | **Rep. Jay Lucas, Vice Ch.** (2007)  420-A Blatt Building  Columbia, S.C. 29201  803-734-2961 |
| **Sen. Hugh K. Leatherman, Jr.** (2007)  Suite 111, Gressette Building  Post Office Box 142  Columbia, S.C. 29202  803-212-6640 | **Rep. Annette Young** (2007)  308 - C Blatt Building  Columbia, S.C. 29201  803-734-2953 |
| **Sen. Glenn F. McConnell** (2007)  Suite 101, Gressette Building  Post Office Box 142  Columbia, S.C. 29202  803-212-6610 | **Rep. Phillip D. Owens** (2009)  429 Blatt Bldg., Columbia, 29201  Columbia, S.C. 29201  803-734-3053 |
| **Sen. Harvey S. Peeler, Jr.** (2009)  Suite 213, Gressette Building  Post Office Box 142  Columbia, S.C. 29202  803-212-6430 | **Mr. Robert Harrell, Sr.** (2007)  4708 Gibson Road  Meggett, S.C. 29449  843-889-3917 |
| **Sen. Gerald Malloy** (2007)  512 Gressette Building  Post Office Box 142  Columbia, S.C. 29202  803-212-6148 | **Mr. Reid Banks** (2007)  Post Office Box 71505  Charleston, S.C. 29415  843-744-8261 |

**Joint Transportation Review Committee**

**Post Office Box 142**

**1101 Pendleton St., Gressette Building – Suite 203**

**Columbia, S.C. 29202**

Chief of Staff: David J. Owens

803-212-6400

Senate Counsel: Kenneth M. Moffitt

803-212-6203

House Counsel: Rick Fulmer

803-734-4799

Executive Assistant: Lily Cogdill

803-212-6400

**OVERVIEW**

The Joint Transportation Review Committee investigated commission applicants for their suitability for service. On June 3, 2009, the committee screened applicants and found that the following individuals meet the qualifications prescribed by law:

**Third District**

**Mr. Roy E. “Eddie” Adams**

**Mr. J. Phillip Bowers**

**Mr. Charles C. Eberhart**

**Mr. C. Douglas Finney**

**Mr. Edward H. “Ed” Martin**

**MR. ROY E. “EDDIE” ADAMS**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**THIRD DISTRICT**

**COMMITTEE FINDING: QUALIFIED**

**PERSONAL INFORMATION:**

Mr. Adams is 41 and lives in Seneca. He is President of the Lowry Oil Company, which includes five retail gasoline locations. He is a member of the Board of Directors of the South Carolina Petroleum Marketers Association, and has real estate interests. Mr. Adams is also Chairman of the Oconee County Republican Party. He is married to Christina Theos Adams and has two sons.

**QUALIFICATIONS:**

**Education:** The Citadel, B.S., Business Administration, 1989.

**Areas of expertise:** Mr. Adams claims qualifying experience in the following statutory areas:

**Transportation:** Mr. Adams oversees the transport and distribution of petroleum products for his company, Lowry Oil. He has a commercial driver’s license, drives company trucks and tankers on occasion, and has a general familiarity with the trucking industry.

**Management:** Mr. Adams employs and manages 29 people as president of Lowry Oil. He is a partner in Two Lake Dogs LLP, a real estate management company, and is a partner in Each LLP, a real estate development company. He also worked in a management position with Adams Oil Company from 1990-1991.

**OTHER:**

Mr. Adams demonstrated a general knowledge of transportation issues, particularly related to trucking. He reported a solid background in accounting and claimed to have a strong work ethic.

**CHARACTER:**

Mr. Adams seems to have handled his personal financial affairs responsibly. He answered most questions fully on the personal data questionnaire and gave sufficient responses when asked to elaborate on those questions and others during staff interviews.

**PHYSICAL HEALTH:**

Mr. Adams seems to be physically capable of performing the duties of the office.

**LETTERS OF RECOMMENDATION:**

Mr. John H. Lummus - Tri-County Technical College, Pendleton

Ms. Jeanne L. Ward, R.N., Ed.D. - Oconee Medical Center, Seneca

Dr. Amon A. Martin, Jr. - Seneca

Mr. Rick Beasley - Carolina Bank & Trust Company, Darlington

The Honorable Gresham Barrett - Member of Congress, Westminster

**ADDITIONAL INFORMATION:**

Mr. Adams reported the need to identify long-term, stable sources of funding to meet SCDOT’s needs, noting poor road conditions across the State and the resulting wear and tear on trucks and equipment. He reported he has no day-to-day interaction with the SCDOT or the commission and does not expect any future interaction unless he was to build a new gas station that required permitting. Mr. Adams advised the committee that he owns a seven percent stake in a cement company that does not contract with, or sell to, the DOT. He stated he would recuse himself from voting in the event a conflict arose.

Mr. Adams testified he was aware of the statutory prohibition on members pledging votes until after the release of the committee’s final report. Mr. Adams testified he has neither sought nor received the pledge of any legislator prior to screening; has neither sought nor been offered a conditional pledge of support by any legislator; and has not asked third persons to contact legislators in request of support prior to screening.

**CONCLUSION:**

The committee finds Mr. Adams qualified and reports him to the resident members of the Third District Delegation for consideration.

**MR. JAMES PHILIP BOWERS**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**THIRD DISTRICT**

**COMMITTEE FINDING: QUALIFIED**

**PERSONAL INFORMATION:**

Mr. Bowers is 48 and lives in Pickens. A Technical Support Supervisor for Duke Energy, he holds a Master’s Degree in Human Resources. He has worked for the company since 1981 and currently is responsible for overseeing several large-scale construction projects. Mr. Bowers is married to Marsha Lynn Branham Bowers and has one son.

Mr. Bowers also represents the Thirteenth Judicial Circuit on the State Board of Education, a position he states he would resign if elected to the commission.

**QUALIFICATIONS:**

**Education:** Tri-County Technical College, A.S., Industrial Maintenance, 2004; Limestone College, B.A., Human Resources, 2006; Southern Wesleyan University, B.S., Business Administration, 2006; Clemson University, Master’s Degree, Human Resources Development, 2008.

**Areas of expertise:** Mr. Bowers claims qualifying experience in the following statutory areas:

**Transportation:** Mr. Bowers was a member of the Greenville-Pickens Area Transit Study (GPATS), representing the Pickens County Planning Commission. He noted that work done on the commission related to the approval and planning of infrastructure projects. He serves on the GPATS 2025 Committee.

**Construction:** In the 1980’s Mr. Bowers worked for Southern Construction and Engineering and was involved in the construction of Lake Keowee’s intake structure for the Greenville Water System. Currently, Mr. Bowers oversees a contract organization that does heavy construction for Duke Energy.

**Management:** Mr. Bowers assists in managing 24 direct-report contractors and 200 indirect contractors. He manages technical staff in support of three construction projects at the Oconee Nuclear Site that together total more than $200 million.

**Engineering:** Mr. Bowers has worked in and around engineering organizations for over 20 years. He reports his duties included resolution of complex technical problems associated with operating large power generating facilities.

**OTHER:**

Mr. Bowers serves on the Industrial Maintenance Advisory Board of Tri-County Technical College. He and his wife own various real estate interests. Mr. Bowers is President of the Six Mile Lions Club.

**CHARACTER:**

The committee’s investigation did not reveal anything to call Mr. Bowers’ character into question. He seems to have handled his personal financial affairs responsibly. Mr. Bowers fully answered all questions asked, both on the personal data questionnaire and during staff interviews.

**PHYSICAL HEALTH:**

Mr. Bowers appears to be physically capable of performing duties of the office.

**LETTERS OF RECOMMENDATION:**

Dr. Stephen Holler - Grace United Methodist Church, Pickens.

Lt. Col. Rick Simmons - Pickens County Veterans Affairs Office, Pickens

Chief Butch Womack - City of Easley Fire Department, Easley

Dr. DeWitt Boyd Stone, Jr. - Pickens County Planning Commission, Pickens

Mrs. Sheree L. Chapman - Pickens County Planning Commission, Pickens

**ADDITIONAL INFORMATION:**

Mr. Bowers stated that he enjoys structured work and long-term planning and suggested he would bring a measured, methodical work approach to the commission, if elected. He cited bridge safety as an issue that the State must address and stated he had a general familiarity with mass transit proposals on a local level. He suggested the SCDOT needs improved long-range planning.

Mr. Bowers testified he was aware of the statutory prohibition on members pledging votes until after the release of the committee’s final report. He further testified he has neither sought nor received the pledge of any legislator prior to screening; has neither sought nor been offered a conditional pledge of support by any legislator; and has not asked third persons to contact legislators in request of support prior to screening.

**CONCLUSION:**

The committee finds Mr. Bowers qualified and reports him to the resident members of the Third District Delegation for consideration.

**MR. CHARLES CHRISTOPHER EBERHART**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**THIRD DISTRICT**

**COMMITTEE FINDING: QUALIFIED**

**PERSONAL INFORMATION:**

Mr. Eberhart is 39 and lives in Belton. A civil engineer and registered land surveyor, he owns C.E. Property Solutions, LLC, a civil engineering and surveying firm employing five people in Belton. The company offers boundary, topographic, ALTA, GPS, wetland and natural resources surveys, construction staking, and other surveys. Engineering services include the design and permitting and construction management of private residential and mixed-use developments, as well as commercial and industrial projects.

Mr. Eberhart’s company also designs water and sewer systems and construction management services for the projects the company designs. He is also a licensed real estate agent and licensed residential builder. He is married to Sharon Beck Eberhart and has one daughter.

**QUALIFICATIONS:**

**Education:** The Citadel, 1988; Clemson University, B.S., Engineering, 1994; USC Apogee Program, 1996.

**Areas of expertise:** Mr. Eberhart claims qualifying experience in the following statutory areas:

**Transportation:** Mr. Eberhart has previously been involved in planning, designing, and constructing public and private roads. He is also familiar with transportation studies and upgrades of roads and intersections as part of the permitting process.

**Construction:** Mr. Eberhart has been involved in the construction of roads, commercial, municipal and residential projects. His engineering and surveying work includes design, permitting and construction management.

**Environmental:** As a civil engineer, he reports experience in environmental site assessments, as well as the acquisition of various types of environmental regulatory permits since 1994. Mr. Eberhart cites experience in the design of wastewater, stormwater, and drinking water infrastructure, as well as permitting and construction.

**Management:** Mr. Eberhart managed projects and design teams in the design and construction of various projects. He reports that he has responsibility for management of all aspects of C.E. Property Solutions.

**Engineering:** Mr. Eberhart reports experience with a civil engineering and surveying firm on private and municipal projects and further experience in transportation and water resources engineering, land planning and surveying.

**OTHER:**

Mr. Eberhart demonstrated a familiarity with the Council of Government’s process as it relates to SCDOT, having worked with his local Appalachian COG in planning. His continuing education includes courses in construction lien law, stormwater management, FEMA elevation certificates, GPS, copyrights and surveyors, applied low impact development, real estate investment and taxation, and others. He was President of the Northwest Chapter of the S.C. Society of Professional Land Surveyors and is a member of the American Society of Civil Engineers, the S.C. Association of Realtors, and other professional organizations.

**CHARACTER:**

The committee’s investigation did not reveal anything to call Mr. Eberhart’s character into question. He seems to have handled his personal financial affairs responsibly. Mr. Eberhart fully answered all questions asked, both on the personal data questionnaire and during staff interviews.

**PHYSICAL HEALTH:**

Mr. Eberhart appears to be physically capable of performing the duties of the office.

**LETTERS OF RECOMMENDATION:**

Mr. Jack Shaw - Shaw Resources, Greenville

Mr. Hugh Durham - Coldwell Banker Hugh Durham and Associates, Anderson

Mr. T. Walter Brashier - T. Walter Brashier & Associates, Greenville

Mr. Henry C. Harrison - American Services, Inc., Greenville

Mr. R.D. Garrett - R.D. Garrett & Associates, Anderson

**ADDITIONAL INFORMATION:**

Mr. Eberhart demonstrated a general familiarity with state transportation issues. He stated that he would recuse himself from voting on the commission should any potential conflict of interest arise related to his business.

Mr. Eberhart testified that he was aware of the statutory prohibition on members pledging votes until after the release of the committee’s final report. He further testified that he has neither sought nor received the pledge of any legislator prior to screening; has neither sought nor been offered a conditional pledge of support by any legislator; and has not asked third persons to contact legislators in request of support prior to screening.

**CONCLUSION:**

The committee finds Mr. Eberhart qualified and reports him to the resident members of the Third District Delegation for consideration.

**MR. C. DOUGLAS FINNEY**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**THIRD DISTRICT**

**COMMITTEE FINDING: QUALIFIED**

**PERSONAL INFORMATION:**

Mr. Finney is 64 and lives in Pickens. He retired in 2000 as a Supervisory Readiness Analyst, USAR Readiness Command, Fort Jackson, where he was responsible for evaluating the readiness of US Army Reserve units to mobilize and deploy, performing analysis of personnel, logistics and training systems, and recommending proposals to enhance the readiness of high priority units. He reports he supervised both civilian and military personnel.

Mr. Finney served in the U.S. Army, transferring to the U.S. Army Reserve in 1969, and retiring as a Lieutenant Colonel in 1995. He has two grown children and is married to Margaret Owen Finney. Mr. Finney is active in the American Legion, serving as Local Post Commander. He received the Legion of Merit award upon his retirement from the Reserve.

**QUALIFICATIONS:**

**Education:** Furman University, 1963-1966; Lander College, 1974-1977; University of South Carolina, B.S., Business, 1979; U.S. Army Officer School, commissioned Second Lieutenant, 1967; Command and General Staff College, 1981-1982.

**Areas of expertise:** Mr. Finney claims qualifying experience in the following statutory areas:

**Finance:** As Resource Management Officer for the 120th U.S. Army Reserve Command, he managed the overall command operating budget and Force Structure Program, which included mission and base operations funding. He provided budgeting and ensured internal control systems were developed, and supervised staff in budget analysis, accounting and pay administration.

**Management:** Supervisory duties as resource management officer included management analysis of force structure and force modernization.As supervisory readiness analyst, he assumed administrative duties related to work planning and prioritization of projects. His earlier administrative responsibilities for military also included management duties.Mr. Finney was employed by Alice Manufacturing Company from 1969 to 1973, where he oversaw various employees in the production and manufacturing of cloth.

**OTHER:**

As maintenance officer of a chemical group while in the Army, he stated he supervised operations that included construction of certain roads. Mr. Finney also is a member of the Pickens Rotary Club and the Ambler Elementary School Improvement Council in Pickens.

**CHARACTER:**

The committee’s investigation did not reveal anything to call Mr. Finney’s character into question. He seems to have handled his personal financial affairs responsibly, and he fully answered all questions asked, both on the personal data questionnaire and during staff interviews.

**PHYSICAL HEALTH:**

Mr. Finney appears to be physically capable of performing the duties of the office.

**LETTERS OF RECOMMENDATION:**

Ms. Brenda T. Brannock - Pickens

Ms. Kathy Brazinski - A.R. Lewis Elementary School, Pickens

Mr. Kenneth D. Acker - The Acker Firm, P.A., Pickens

Mr. Marion Lawson - Pickens High School, Pickens

Mr. Joseph W. Board - Pickens

**ADDITIONAL INFORMATION:**

Mr. Finney stated a desire to give back to his State and said he would invest a large portion of his time to the DOT Commission if elected. He stated his organizational skills, familiarity with personnel issues, and background in finance would be assets to the commission.

Mr. Finney owns a number of rental and investment properties. He stated he had no current business-related interaction with the SCDOT, and that he would recuse himself should a conflict arise.

Mr. Finney testified that he was aware of the statutory prohibition on members pledging votes until after the release of the committee’s final report. He further testified that he has neither sought nor received the pledge of any legislator prior to screening; has neither sought nor been offered a conditional pledge of support by any legislator; and has not asked third persons to contact legislators in request of support prior to screening.

**CONCLUSION:**

The committee finds Mr. Finney qualified and reports him to the resident members of the Third District Delegation for consideration.

**MR. EDWARD HENRY MARTIN**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**THIRD DISTRICT**

**COMMITTEE FINDING: QUALIFIED**

**PERSONAL INFORMATION:**

Mr. Martin is 46 and lives in Central. He is President of MST Concrete Products, Inc. The 70-employee company manufactures pre-cast concrete products, including manholes, catch basins, wet wells, and utility vaults. He is Chairman of the Pickens County Transportation Committee (CTC), a position he said he would resign if elected to the Commission. Mr. Martin is married to Karen Galloway Alewine and has three children.

**QUALIFICATIONS:**

**Education:** Tri-County Technical College, Associate’s Degree in Civil Engineering Technology, 1982.

**Areas of Expertise:** Mr. Martin claims qualifying experience in the following statutory areas:

**Transportation:** Mr. Martin is Chairman of the Pickens CTC and is a member of the Greenville-Pickens Area Transit Study. He holds a commercial driver’s license.

**Construction:** Mr. Martin has a general contractor’s license, and was active in construction from 1986-1996.

**Management:** As President and Managing Partner of MST Concrete, he manages employees who help run the company’s daily operations.

**Engineering:** Mr. Martin was employed by Dravo-Groves as a field engineer. He also worked as part of a field engineering crew with Duke Power Company.

**OTHER:**

Mr. Martin has taken a number of continuing education courses during the past five years relating to his business as well as service on the Pickens CTC. He serves on the Clemson Area Chamber of Commerce Board of Directors and the Southern Wesleyan University Board of Visitors. He is active in various trade organizations and other civic, religious and fraternal organizations. Mr. Martin was a candidate for Pickens County Council in 2002 and 2006.

**CHARACTER:**

The Committee’s investigation did not reveal anything to call Mr. Martin’s character into question. He seems to have handled his personal financial affairs responsibly and he fully answered all questions asked, both on the personal data questionnaire and during staff interviews.

**PHYSICAL HEALTH:**

Mr. Martin appears to be physically capable of performing the duties of the office.

**LETTERS OF RECOMMENDATION:**

Mr. Richard E. Cotton - City of Clemson

Mr. David J. Spittal, Ed.D. - Southern Wesleyan University, Central

Mr. Ronnie L. Booth, Ph.D - Tri-County Technical College, Pendleton

Mr. John W. Ducworth III - First Citizens, Clemson

Mr. Benjamin G. Glunt - Florence & Hutcheson, Inc., Greenville

**ADDITIONAL INFORMATION:**

Mr. Martin advised that his company’s typical customers are private contractors and municipalities. While his products are approved for use by departments of transportation, he stated he does not have any state contracts and does not sell to the SCDOT. He reports that his company sells to contractors who may sometimes use his products in DOT projects.

Mr. Martin said his business background and planning abilities would be an asset to the commission. He stated he would like to help foster better communication between county CTC’s and the SCDOT.

Mr. Martin testified that he was aware of the statutory prohibition on members pledging votes until after the release of the committee’s final report. He further testified that he has neither sought nor received the pledge of any legislator prior to screening; has neither sought nor been offered a conditional pledge of support by any legislator; and has not asked third persons to contact legislators in request of support prior to screening.

**CONCLUSION:**

The committee finds Mr. Martin qualified and reports him to the resident members of the Third District Delegation for consideration.

On motion of Senator GROOMS, with unanimous consent, the Report of the Joint Transportation Review Committee was ordered printed in the Journal.

**Doctor of the Day**

Senators McCONNELL, McGILL, JACKSON, SETZLER and PEELER introduced Dr. Thomas C. Rowland of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator L. MARTIN, at 1:05 P.M., Senator THOMAS was granted a leave of absence for today due to a court appearance.

**Leave of Absence**

On motion of Senator SETZLER, at 1:05 P.M., Senator HUTTO was granted a leave of absence for today.

**Leave of Absence**

At 3:00 P.M., Senator SHEHEEN requested a leave of absence beginning at 5:00.P.M. today and lasting until tomorrow morning.

**Leave of Absence**

At 5:45 P.M., Senator MULVANEY requested a leave of absence beginning at 6:00 P.M. and lasting until tomorrow morning.

**RECALLED, AMENDED AND ADOPTED**

S. 834 -- Senator McConnell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2‑1‑180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 21, 2009, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES NO LATER THAN JUNE 30, 2009, FOR A PERIOD NOT TO EXCEED THREE STATEWIDE LEGISLATIVE DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, TO PROVIDE THAT WHEN EACH HOUSE ADJOURNS AFTER THIS THREE-DAY PERIOD NOT LATER THAN 5:00 P.M. ON THE THIRD LEGISLATIVE DAY, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES UPON CERTAIN OCCURRENCES AND FOR THE CONSIDERATION OF SPECIFIED MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 12, 2010.

Senator McCONNELL asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Judiciary.

There was no objection and the Resolution was recalled from the Committee on Judiciary.

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

There was no objection.

**Amendment No. 1**

Senator McCONNELL proposed the following Amendment No. 1 (834R002.GFM), which was adopted:

Amend the concurrent resolution, as and if amended, page 3, by striking lines 1-4 and inserting:

/ (10) receipt, consideration, and actions upon S. 351, relating to the State Ports Authority;

(11) receipt, consideration, and actions upon S. 576, relating to the establishment of the Capitol Police Force, and

(12) receipt, consideration, and actions upon H. 3722. /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

The Concurrent Resolution was adopted, as amended, and ordered sent to the House of Representatives.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 882 -- Senator Courson: A SENATE RESOLUTION TO CONGRATULATE SARAH CRAIG "SALLY" ALDRIDGE OF COLUMBIA UPON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER FORTY YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 883 -- Senators Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE MANY OUTSTANDING ELECTRIC LINE WORKERS IN OUR STATE AND TO THANK THEM FOR THEIR SERVICE TO OUR STATE.

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The Senate Resolution was adopted.

S. 884 -- Senators Rose, Grooms and Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR EDWARD EUGENE SIRES OF DORCHESTER COUNTY FOR HIS EXCEPTIONAL THIRTY-SEVEN YEAR CAREER IN EDUCATION UPON HIS RETIREMENT, AND TO WISH HIM SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 885 -- Senator Campsen: A SENATE RESOLUTION CONGRATULATING ACADEMIC MAGNET HIGH SCHOOL IN NORTH CHARLESTON FOR BEING AMONG THE TOP-RANKED PUBLIC SCHOOLS IN THE COUNTRY BY NEWSWEEK MAGAZINE.

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The Senate Resolution was adopted.

S. 886 -- Senator Lourie: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. DONALD E. SAUNDERS, JR. OF RICHLAND COUNTY ON A DISTINGUISHED CAREER IN MEDICINE AND MEDICAL EDUCATION, AND FOR HIS NUMEROUS CONTRIBUTIONS TO HIS PROFESSION AND COMMUNITY.

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The Senate Resolution was adopted.

S. 887 -- Senator Matthews: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF MAYOR ZELDA JOHNSON PELZER OF BOWMAN IN ORANGEBURG COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FRIENDS AND FAMILY.

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The Senate Resolution was adopted.

S. 888 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE DONALD RICHARD JEFFCOAT AND BETTY FULMER JEFFCOAT OF PELION ON THE OCCASION OF THEIR FIFTIETH WEDDING ANNIVERSARY AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF BLESSING AND FULFILLMENT.

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The Senate Resolution was adopted.

S. 889 -- Senator Elliott: A SENATE RESOLUTION TO CONGRATULATE RICHARD BUTLER TIMMERMAN, HORRY COUNTY PARKS AND RECREATION DISTRICT SUPERVISOR, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF COMMITTED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 890 -- Senator Elliott: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR FIRST RESPONDERS FOR THE CITY OF NORTH MYRTLE BEACH WHO BRAVELY FOUGHT FIRES THAT RAVAGED PARTS OF HORRY COUNTY IN APRIL OF 2009.

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

S. 891 -- Senator Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. DAVID LONGSHORE, JR. OF ORANGEBURG COUNTY FOR HIS COUNTLESS CONTRIBUTIONS TO HIS CAREER, COMMUNITY, AND COUNTRY, AND TO WISH HIM HEALTH AND HAPPINESS UPON HIS RETIREMENT AS SUPERINTENDENT OF ORANGEBURG SCHOOL DISTRICT THREE.

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The Senate Resolution was adopted.

S. 892 -- Senator Malloy: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND LYNWOOD LEWIS OF DARLINGTON COUNTY FOR HIS MANY YEARS OF OUTSTANDING COMMUNITY SERVICE.

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The Senate Resolution was adopted.

H. 4107 -- Reps. White and Bowen: A JOINT RESOLUTION TO REQUIRE ALL ROAD IMPROVEMENTS NECESSITATED BY SCHOOL CONSTRUCTION PROJECTS IN ANDERSON COUNTY SCHOOL DISTRICT FIVE FUNDED BY THE DISTRICT'S APRIL 2007 ONE HUNDRED FORTY MILLION DOLLAR BOND ISSUE REFERENDUM TO BE PAID FOR SOLELY FROM PROCEEDS OF THAT BOND ISSUE.

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4127 -- Reps. Brantley and Howard: A CONCURRENT RESOLUTION TO RECOGNIZE DENMARK TECHNICAL COLLEGE AND PALMETTO GREEN, LLC, HOSTS OF THE FIRST PALMETTO GREENWAY JOBS SUMMIT, AND TO COMMEND THEM FOR THEIR EFFORTS IN PROMOTING GREEN JOB CREATION ALONG THE I-95 CORRIDOR.

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

**HOUSE CONCURRENCES**

S. 890 -- Senator Elliott: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR FIRST RESPONDERS FOR THE CITY OF NORTH MYRTLE BEACH WHO BRAVELY FOUGHT FIRES THAT RAVAGED PARTS OF HORRY COUNTY IN APRIL OF 2009.

Returned with concurrence.

Received as information.

S. 834 -- Senator McConnell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2‑1‑180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 21, 2009, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES NO LATER THAN JUNE 30, 2009, FOR A PERIOD NOT TO EXCEED THREE STATEWIDE LEGISLATIVE DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, TO PROVIDE THAT WHEN EACH HOUSE ADJOURNS AFTER THIS THREE-DAY PERIOD NOT LATER THAN 5:00 P.M. ON THE THIRD LEGISLATIVE DAY, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES UPON CERTAIN OCCURRENCES AND FOR THE CONSIDERATION OF SPECIFIED MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 12, 2010.

Returned with concurrence.

Received as information.

**VETO OVERRIDDEN**

(R51, H3616) -- Rep. Simrill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 27 TO CHAPTER 53, TITLE 59 SO AS TO ENACT THE “STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION ACT”; TO CREATE THE AIKEN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE ORANGEBURG‑CALHOUN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE SPARTANBURG COMMUNITY COLLEGE ENTERPRISE CAMPUS AUTHORITY, AND THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY; TO PROVIDE THAT EACH AUTHORITY MUST BE GOVERNED BY A BOARD, AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE BOARD; TO PROVIDE FOR LEASE AND LEASE PURCHASE AGREEMENT APPROVAL; TO PROVIDE THAT THE POWERS GRANTED TO AN AUTHORITY MUST COMPLY WITH THE PROCUREMENT CODE; TO PROVIDE FOR THE ISSUANCE OF BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS BY AN AUTHORITY; TO PROVIDE REPORTING REQUIREMENTS; TO PROVIDE THAT AN AUTHORITY IS NOT REQUIRED TO PAY TAXES AND ASSESSMENTS, AND THAT BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS ISSUED BY AN AUTHORITY MAY NOT BE TAXED; TO REQUIRE A COMMISSION TO DESIGNATE THE AREA THAT COMPRISES THE ENTERPRISE CAMPUS, AND TO FURTHER PROVIDE COMMISSION POWERS AND DUTIES WITH RESPECT TO ENTERPRISE CAMPUS PROPERTY.

The veto of the Governor was taken up for immediate consideration.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 37; Nays 3**

**AYES**

Alexander Anderson Campbell

Cleary Cromer Davis

Elliott Fair Grooms

Hayes Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, L. Martin, S.*

Massey Matthews McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant Campsen

**Total--3**

**Statement by Senator JACKSON**

Had I been present in the Chamber at the time the vote was taken, I would have voted in favor of overriding the veto of the Governor.

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 2, 2009

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am vetoing and returning without my approval S. 116, R. 55. This Bill is identical to S. 401, which we vetoed and the House of Representatives sustained last year.

(R55, S116) -- Senators Knotts and McConnell: AN ACT TO AMEND SECTION 11‑35‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR “OFFICE”; TO AMEND SECTION 11‑35‑1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11‑35‑40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11‑35‑3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11‑35‑3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

This Bill, which gives a vendor preference in the state procurement code, is well intentioned. There is nothing seemingly more unfair to South Carolina taxpayers than their government retaining services from an out-of-state firm while local firms are somehow disadvantaged in the reverse. Despite these good intentions, this Bill would create greater problems for both taxpayers and private firms down the road. Our thinking is as follows:

First, we do not believe it is the role of government to be in the business of picking winners and losers in the commercial marketplace. This Bill does. Rather than erecting barriers that prevent whoever has the best price and best service to win business, procurement, it would seem to us, ought to be about getting the best value in service and price for the money. There is a manifold list of well-intended economic ideas like this one that is as harmful to the economy as the price support system that has existed for years in sugar and some other agricultural products.

Second, we believe it is the private sector’s job to create jobs and government’s job is to most efficiently offer its services to its people – rather than go into the jobs creation program by way of erecting barriers. This Bill is eerily reminiscent of the procurement preferences for union labor and domestic products that the Obama administration and Congress included in this year’s federal stimulus act. Accordingly, we are using this message to remind the more than a third in the House and Senate that have opposed the stimulus act on the grounds that the private sector is better than the government at stimulating the economy, and we encourage them to stand by this principle by sustaining this veto.

Third, this will make the cost of government more expensive by requiring the state to purchase goods and services at less than competitive rates. According to the State Budget Office’s fiscal impact statement, this would mean the state could pay up to 10 percent more on some government contracts. The Budget Office estimated that existing vendor preferences in the procurement code have already cost the state $1.37 million, which is why we recommended in our Executive Budget eliminating all vendor preferences in the state procurement code.

Legislation like this, though popular in the political season, does nothing to reduce government’s cost to the average taxpayer. In that regard, some would say this legislation typifies the view that government can afford to remain inefficient and uncompetitive simply because it is the government. The present legislation is especially troubling at a time when government will be bringing in less revenue than in recent years. In the face of diminishing revenue, we should be looking for ways to cut the costs of government rather than inflate them.

Fourth, we also have doubts about the Bill’s constitutionality. The Privileges and Immunities Clause of the United States Constitution prohibits the state from arbitrarily denying rights – including the right to do business – to out-of-state residents. This legislation appears to violate this clause by discriminating against out-of-state employers and employees by making them less competitive in providing goods and services through government contracts. This legislation is similar to the local government ordinances regarding employment practices of government contractors struck down by the U.S. Supreme Court in *United Building & Construction Trades Council* v. *City of Camden*.

For these reasons, I am vetoing and returning without my signature S. 116, R. 55.

Sincerely,

Mark Sanford

**VETO OVERRIDDEN**

(R55, S116) -- Senators Knotts and McConnell: AN ACT TO AMEND SECTION 11‑35‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR “OFFICE”; TO AMEND SECTION 11‑35‑1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11‑35‑40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11‑35‑3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11‑35‑3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

The veto of the Governor was taken up for immediate consideration.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 33; Nays 10**

**AYES**

Alexander Anderson Campbell

Coleman Cromer Elliott

Fair Ford Hayes

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, L. Martin, S.*

Matthews McConnell McGill

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--33**

**NAYS**

Bright Bryant Campsen

Cleary Davis Grooms

Massey Mulvaney Rose

Ryberg

**Total--10**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.55, S. 116 by a vote of 88 to 15:

(R55, S116) -- Senators Knotts and McConnell: AN ACT TO AMEND SECTION 11‑35‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR “OFFICE”; TO AMEND SECTION 11‑35‑1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11‑35‑40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11‑35‑3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11‑35‑3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

Very respectfully,

Speaker of the House

Received as information.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 2, 2009

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am vetoing and returning without my approval S. 351, R. 64, which makes changes to the State Ports Authority’s management and operations.

(R64, S351) -- Senators Grooms, McConnell and Ford: AN ACT TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; BY ADDING ARTICLE 2 TO CHAPTER 3, TITLE 54 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR’S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54‑3‑140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG‑RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54‑3‑1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY’S WEBSITE; BY ADDING SECTION 54‑3‑1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; BY ADDING ARTICLE 13 TO CHAPTER 3, TITLE 54 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54‑3‑155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54‑3‑110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54‑3‑130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54‑3‑115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54‑3‑117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54‑3‑118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13‑1‑1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY ‘APPLICABLE FEDERAL MILITARY INSTALLATION’ OR ‘APPLICABLE FEDERAL FACILITY’ AS DEFINED IN SECTION 12‑6‑3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE STATE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1‑3‑240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54‑3‑700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE PORT ROYAL REAL PROPERTY SHALL BE SOLD; BY ADDING SECTION 54‑3‑119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54‑3‑700 SHOULD BE USED TO BUILD THE BOAT LANDING.

We are vetoing this bill because it will hinder and slow change at the SPA. It largely does this by effectively eliminating the governor’s ability to use his removal power with members of the board. This bill gives tenure to every board member at the SPA, and this level of independence from what people and neighborhoods might think of SPA decisions, I believe will prove to be disastrous over the long run. If this board structure had existed at the time of the Global Gateway proposal on Daniel Island, the political pressure that changed the Port Authority’s decision could not have been brought to bear. Some level of accountability back to the taxpayer, rather than yet another unelected board managing millions or billions of dollars, is also not good for the taxpayer – as taxpayers also speak up through elected officials.

This bill moves our state one step further toward yet an even more imbalanced political system with the General Assembly imposing its will on what has been the decision-making authority of the executive branch. This decision is equally bad for the people of Jasper County as some of the board members reluctant to harness private capital to get the Jasper County facility up and going will be strengthened as a result of this change.

There’s certainly some irony in that these measures to “reform” the SPA will have the opposite effect, and will, in fact, make it more difficult to bring change to the agency in the long term. Under this bill, SPA board members will have little motivation to implement the policies of future governors, with the risk of board members often being unresponsive to the governor’s ability to make changes at the SPA. We fail to see how the SPA can be a better, more accountable agency when its board members have no incentive to, in fact, be more accountable for their job performance.

Supporters of S. 351 in the General Assembly have argued that the SPA board members need to be exempt from the governor’s at-will removal powers because they need to be insulated from “political pressure.” At the same time, the Senate refused to even consider an amendment by Senator Mike Rose to require SPA board members to document all contact with and from legislators and other public officials. In opposing the underlying legislation, Senator Rose noted, the SPA “policies and operations have been determined in the past and likely will continue to be based in the future too much on clandestine political interference and meddling by senior legislators rather than on professional business management…” This suggests that while the legislature is concerned about limiting the governor’s role with regard to the SPA, some are perfectly content with the undue influence wielded behind the scenes from the Legislature.

At the end of the day, this bill will do little to ensure that the SPA is a well-managed agency, and will, in fact, only further entrench our state government in its antiquated structure of control by unelected, unresponsive, and unaccountable boards and commissions. At a time when our neighboring ports are adapting to a global recession and declining demand for shipping, the South Carolina General Assembly has chosen a course that will make our port less responsive and competitive by insulating its management from accountability. Accordingly, we must veto this legislation.

Sincerely,

Mark Sanford

**VETO OVERRIDDEN**

(R64, S351) -- Senators Grooms, McConnell and Ford: AN ACT TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; BY ADDING ARTICLE 2 TO CHAPTER 3, TITLE 54 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR’S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54‑3‑140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG‑RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54‑3‑1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY’S WEBSITE; BY ADDING SECTION 54‑3‑1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; BY ADDING ARTICLE 13 TO CHAPTER 3, TITLE 54 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54‑3‑155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54‑3‑110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54‑3‑130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54‑3‑115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54‑3‑117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54‑3‑118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13‑1‑1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY ‘APPLICABLE FEDERAL MILITARY INSTALLATION’ OR ‘APPLICABLE FEDERAL FACILITY’ AS DEFINED IN SECTION 12‑6‑3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE STATE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1‑3‑240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54‑3‑700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE PORT ROYAL REAL PROPERTY SHALL BE SOLD; BY ADDING SECTION 54‑3‑119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54‑3‑700 SHOULD BE USED TO BUILD THE BOAT LANDING.

The veto of the Governor was taken up for immediate consideration.

Senator CAMPSEN argued in favor of sustaining the veto of the Governor.

**PRESIDENT *PRO TEMPORE* PRESIDES**

At 2:51 P.M., Senator McCONNELL assumed the Chair.

Senator DAVIS argued in favor of sustaining the veto of the Governor.

Senator GROOMS argued in favor of overriding the veto of the Governor.

**PRESIDENT PRESIDES**

At 3:26 P.M., the PRESIDENT assumed the Chair.

Senator GROOMS argued in favor of overriding the veto of the Governor.

Senator DAVIS argued in favor of sustaining the veto of the Governor.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 35; Nays 9**

**AYES**

Alexander Anderson Campbell

Coleman Courson Cromer

Elliott Fair Ford

Grooms Hayes Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, L. Martin, S.* Matthews

McConnell McGill Nicholson

O’Dell Peeler Pinckney

Rankin Reese Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--35**

**NAYS**

Bright Bryant Campsen

Cleary Davis Massey

Mulvaney Rose Ryberg

**Total--9**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.64, S. 351 by a vote of 102 to 3:

(R64, S351) -- Senators Grooms, McConnell and Ford: AN ACT TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, SO AS TO FURTHER PROVIDE FOR ITS ESTABLISHMENT AND ORGANIZATION INCLUDING PROVISIONS TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CERTAIN REASONS, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, AND TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS; BY ADDING ARTICLE 2 TO CHAPTER 3, TITLE 54 SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST EMPLOY AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR’S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54‑3‑140, RELATING TO POWERS OF THE PORTS AUTHORITY, SO AS TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS, TO REQUIRE A LONG‑RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN, TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS, AND TO PROVIDE THAT THE AUTHORITY SHALL TAKE REASONABLE STEPS TO ESTABLISH RAIL ACCESS TO PORT FACILITIES; TO AMEND SECTION 54‑3‑1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, SO AS TO PROVIDE FOR THE FURNISHING OF THE STATEMENT TO CERTAIN OFFICIALS AND ENTITIES AND ITS POSTING ON THE AUTHORITY’S WEBSITE; BY ADDING SECTION 54‑3‑1060 SO AS TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND FOR OTHER REQUIREMENTS IN REGARD TO THE REGISTER; BY ADDING ARTICLE 13 TO CHAPTER 3, TITLE 54 SO AS TO ESTABLISH A REVIEW AND OVERSIGHT COMMISSION ON THE STATE PORTS AUTHORITY AND PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND POWERS; BY ADDING SECTION 54‑3‑155 SO AS TO PROVIDE THAT WITHOUT PRIOR APPROVAL FROM THE STATE BUDGET AND CONTROL BOARD, THE AUTHORITY MAY NOT SELL ANY REAL PROPERTY OR ANY BUILDINGS, TERMINALS, OR OTHER PERMANENT STRUCTURES, EXCLUDING EQUIPMENT, APPURTENANT TO REAL PROPERTY THAT ARE OR MAY BE USED TO CARRY OUT THE PURPOSES OF THE AUTHORITY; TO AMEND SECTION 54‑3‑110, RELATING TO STATE HARBORS AND SEAPORTS OPERATED BY THE AUTHORITY, SO AS TO DELETE A REFERENCE TO PORT ROYAL AND ADD A REFERENCE TO JASPER; TO AMEND SECTION 54‑3‑130, RELATING TO THE PURPOSES OF THE AUTHORITY, SO AS TO REVISE REFERENCES TO THE PORTS IT IS REQUIRED TO DEVELOP; BY ADDING SECTION 54‑3‑115 SO AS TO DIRECT THE AUTHORITY TO TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY DEVELOP A PORT IN JASPER COUNTY IN A SPECIFIED MANNER; BY ADDING SECTION 54‑3‑117 SO AS TO PROVIDE THAT THE AUTHORITY SHALL TAKE ALL ACTION NECESSARY TO EXPEDITIOUSLY COMPLETE CONSTRUCTION OF A CONTAINER TERMINAL IN NORTH CHARLESTON; BY ADDING SECTION 54‑3‑118 SO AS TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE STATE PORTS AUTHORITY BOARD CONSIDER PUBLIC‑PRIVATE PARTNERSHIPS WITH PRIVATE INVESTORS THAT INCREASE CAPITAL INVESTMENTS IN PORT FACILITIES AND IN THE STATE OF SOUTH CAROLINA; BY ADDING SECTION 13‑1‑1355 SO AS TO PROVIDE THAT ALL RAILROAD TRACKS, SPURS, EQUIPMENT, AND OTHER SPECIFIED PROPERTY WHICH ARE NECESSARY FOR THE OPERATION OF ANY RAILROAD LOCATED ON ANY ‘APPLICABLE FEDERAL MILITARY INSTALLATION’ OR ‘APPLICABLE FEDERAL FACILITY’ AS DEFINED IN SECTION 12‑6‑3450 MAY NOT BE TRANSFERRED WITHOUT THE PRIOR APPROVAL OF THE STATE BUDGET AND CONTROL BOARD; TO AMEND SECTION 1‑3‑240, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE STATE PORTS AUTHORITY TO THE LIST OF ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 54‑3‑700, RELATING TO CESSATION OF MARINE TERMINAL OPERATIONS AT PORT ROYAL, SO AS TO FURTHER PROVIDE FOR ITS CESSATION AND THE MANNER IN WHICH THE PORT ROYAL REAL PROPERTY SHALL BE SOLD; BY ADDING SECTION 54‑3‑119 SO AS TO PROVIDE THAT THE STATE PORTS AUTHORITY BOARD IS DIRECTED TO SELL UNDER THOSE TERMS AND CONDITIONS IT CONSIDERS MOST ADVANTAGEOUS TO THE AUTHORITY AND THE STATE OF SOUTH CAROLINA ALL REAL PROPERTY IT OWNS ON DANIEL ISLAND AND THOMAS (ST. THOMAS) ISLAND, TO PROVIDE FOR THE MANNER OF SUCH SALE AND DISPOSITION, AND TO PROVIDE EXCEPTIONS; AND TO PROVIDE THAT THE GENERAL ASSEMBLY ENCOURAGES DISCUSSIONS BETWEEN INTERESTED PARTIES AND THE TOWN OF PORT ROYAL CONCERNING THE BUILDING OF A BOAT LANDING NORTH OF THE BROAD RIVER IN BEAUFORT COUNTY, AND TO PROVIDE THAT FUNDS NEGOTIATED BETWEEN THE TOWN OF PORT ROYAL AND THE SOUTH CAROLINA STATE PORTS AUTHORITY PURSUANT TO SECTION 54‑3‑700 SHOULD BE USED TO BUILD THE BOAT LANDING.

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator RANKIN, with unanimous consent, Senators RYBERG, COLEMAN and HAYES were granted leave to vote from the balcony.

**S. 12--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

S. 12 -- Senators Leatherman, Alexander, Ford, Rankin, O’Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION’S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE’S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION’S RECOMMENDATIONS.

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

Senator SETZLER spoke on the report.

Senator SETZLER moved that the following report of the Committee of Conference be adopted:

**S. 12--Conference Report**

The General Assembly, Columbia, S.C., June 15, 2009

The Committee of Conference, to whom was referred:

S. 12 ‑‑ Senators Leatherman, Alexander, Ford, Rankin, O’Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION’S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE’S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION’S RECOMMENDATIONS.

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

That the same do pass with the following amendments:

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

/ SECTION 1. (A) There is created the South Carolina Taxation Realignment Commission to be comprised of eleven members appointed as follows:

(1) one member each appointed by the President Pro Tempore of the Senate, the Senate Finance Committee Chairman, the Senate Majority Leader, and the Senate Minority Leader;

(2) (a) two members appointed by the Speaker of the House;

(b) two members appointed by Chairman of the House Ways and Means Committee;

(3) two members appointed by the Governor; and

(4) the Director of the Department of Revenue, to serve ex officio.

Members of the General Assembly may not be appointed to the commission. Members of the commission must have substantial academic or professional experience or specialization in one or more areas of public finance, government budgeting and administration, tax administration, economics, accounting, business, or tax law. Members of the commission must have been a resident of South Carolina since January 1, 1997.

(B) The members of the commission:

(1) must meet as soon as practicable after appointment and organize itself by electing one of its members as chairman and such other officers as the commission may consider necessary. Thereafter, the commission must meet as necessary to fulfill the duties required by this joint resolution at the call of the chairman or by a majority of the members. A quorum consists of six members. The commission may engage or employ staff or consultants as may be necessary and prudent to assist the commission in the performance of its duties and responsibilities. Any staff or consultants must possess an academic background or substantial career experience in one or more fields including, but not limited to, economics, government budgeting and administration, urban and regional economic development, economic forecasting, state and local public finance, or business;

(2) shall serve without compensation, and are ineligible for the usual mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions. Staffs of the Senate Finance Committee and the House Ways and Means Committee shall be available to assist the commission in its work. Any other expenses incurred by the commission shall be paid equally from each respective house’s approved account subject to the approval of the Senate Operations and Management Committee and the Speaker of the House;

(3) unless authorized by a further or subsequent enactment, conclude the commission’s business by January 1, 2011, at which time the commission is dissolved. The General Assembly may extend the dates by which the commission shall submit reports required by this act.

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

(1) develop criteria for assessing the effectiveness of the current tax system structure, as well as the likely systemic impact of any proposed changes affecting tax revenues and report the criteria to the General Assembly within three months of the effective date of this act, provided that all such criteria must be designed with an emphasis on the systemic balance of the state’s revenue structure from the standpoint of adequacy, equity, and efficiency and with the goal of maintaining and enhancing the State as an optimum competitor in efforts to attract businesses and individuals to locate, live, work, and invest in the State; and

(2) no later than March 15, 2010, prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, including the text of an amendment that effectuates the recommendations. The commission’s report must be a detailed, comprehensive, and careful evaluation of the state’s tax system structure. The commission’s report shall consider:

(a) sales and use tax exemptions or limitations to be retained, modified, or repealed;

(b) the assessment of state and local taxes levied and other provisions affecting state and local revenue to fund the operation and responsibilities of state and local government, respectively; and

(c) any fee, fine, license, forfeiture, or Other Funds.

After reviewing the adequacy, equity, and efficiency of the state’s revenue structure, the commission’s report may recommend that no changes are necessary if it determines that such findings are warranted. Following the report and recommendation required by subsection (C)(2), the commission shall continue studying the subjects identified in subsection (C)(2). The commission may make further legislative recommendations at any time. Also, the commission must submit a report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee on August first and February first of each year detailing the commission’s progress and points of focus.

For purposes of the scope of the commission’s study, local taxes are defined as local levies related to ad valorem taxation, including, but not limited to, assessment ratios, classification and valuation of property, assessable transfers of interest, valuation limitation, local millages, and fee in lieu of taxes agreements; however, local taxes do not include the exemption of owner‑occupied residential property as provided in Section 12‑37‑220(B)(47).

The commission’s report may not recommend any action that would nullify any existing agreement entered into by a local government.

The commission must forward its recommendation to the Board of Economic Advisors that must prepare a revenue impact detailing the sources of revenue at the state and local level the commission recommends should be increased or decreased, the projected amount of increase or decrease to each source of revenue, and the net gain or loss of total revenue at both the state and local levels that would result from the recommendation. The report must be attached to any legislative recommendation made by the commission prior to it being submitted to any member of the General Assembly.

(D) The text of any amending language pursuant to subsection (C)(2) must be delivered to the chairman of the Senate Finance Committee, the chairman of the House Ways and Means Committee, and upon request, to any member of the General Assembly.

(E) Further legislative recommendations made by the commission must be delivered to the chairman of the Senate Finance Committee, the chairman of the House Ways and Means Committee, and upon request, to any member of the General Assembly.

(F) Commission members shall not receive information regarding the business of the commission from a lobbyist except through formal presentation to the commission at a meeting called in compliance with the Freedom of Information Act. Any lobbyist violating the provisions of this subsection is deemed guilty of a misdemeanor and, upon conviction, must be punished as provided in Section 2‑17‑130 of the 1976 Code.

(G) In addition to those duties of the commission provided pursuant to subsection (C) of this section, the commission shall study and make recommendations to the General Assembly of the advantages and drawbacks of a revenue neutral replacement of the state individual and corporate income tax, state imposed sales and use tax, estate tax, bank tax, savings and loan association tax, and taxes on beer, wine, and alcoholic beverages with a broadly based consumption tax modeled on the proposed federal Fair Tax as that form of tax would have to be adapted to apply on the state level. In its study, the commission shall specifically consider how such a tax swap would affect jobs creation, savings and investment, and tax compliance costs for South Carolina taxpayers. The result of the study and recommendations required pursuant to this subsection must be made on the schedule provided in subsection (C)(3) of this section.

SECTION 2. Act 388 of 2006 is amended by repealing SECTION 1 of Part V, which reads:

“SECTION 1. (A) The sales tax exemptions in Section 12‑36‑2120 of the 1976 Code shall be reviewed by the General Assembly not later than its 2010 Session and thereafter as the General Assembly deems appropriate but not later than its session every ten years after the first review.

(B)(1) There is established the Joint Sales Tax Exemptions Review Committee composed of seven members; three of whom must be members of the Senate appointed by the Chairman of the Senate Finance Committee, one of whom must be a member of the minority party; three of whom must be members of the House of Representatives appointed by the Chairman of the House Ways and Means Committee, one of whom must be a member of the minority party; and one of whom must be the Governor or the Governor’s appointee who shall serve at the Governor’s pleasure. The committee shall elect a chairman and vice chairman from among its members. All legislative members shall serve ex officio. The committee shall assist the General Assembly in performing its duties under the provisions of subsection (A) in addition to its duties required by this subsection.

(2) In carrying out its responsibilities under this act, the committee shall:

(a) make a detailed and careful study of the state’s sales tax exemptions, comparing South Carolina laws to other states;

(b) publish a comparison of the state’s sales tax exemptions to other states’ laws;

(c) recommend changes, and recommend introduction of legislation when appropriate;

(d) submit reports and recommendations annually to the Governor and the General Assembly regarding sales tax exemptions.

(3) In carrying out its responsibilities under this act, the committee may:

(a) hold public hearings;

(b) receive testimony of any employee of the State or any other witness who may assist the committee in its duties;

(c) call for assistance in the performance of its duties from any employee or agency of the State.

(4) The committee may adopt by majority vote rules not inconsistent with this act that it considers proper with respect to matters relating to the discharge of its duties under this section. Professional and clerical services for the committee must be made available from the staffs of the General Assembly, the State Budget and Control Board, and the Department of Revenue. The members of the committee may not receive mileage, per diem, subsistence, or any form of compensation for their service on the committee.”

SECTION 3. This act takes effect upon approval by the Governor./

Amend title to conform.

/s/Sen. Nikki G. Setzler /s/Rep. W. Brian White

/s/Sen. Thomas C. Alexander /s/Rep. James A. Battle

/s/Sen. Phillip W. Shoopman /s/Rep. Kenneth A. Bingham

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

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

**Ayes 41; Nays 3**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, L. Martin, S.* Massey

Matthews McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--41**

**NAYS**

Bright Bryant Ryberg

**Total--3**

The Report of the Committee of Conference was adopted and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

S. 12 -- Senators Leatherman, Alexander, Ford, Rankin, O’Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION’S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE’S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION’S RECOMMENDATIONS.

Very respectfully,

Speaker of the House

Received as information.

**S. 12--SENATE ENROLLED FOR RATIFICATION**

S. 12 -- Senators Leatherman, Alexander, Ford, Rankin, O’Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION’S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE’S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION’S RECOMMENDATIONS.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**S. 304--FREE CONFERENCE POWERS GRANTED**

**FREE CONFERENCE COMMITTEE APPOINTED**

**FREE CONFERENCE REPORT ADOPTED**

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6‑1‑760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6‑4‑10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

On motion of Senator O’DELL, Free Conference Powers were granted.

Whereupon, Senators O’DELL, McGILL and MULVANEY were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

Senator O’DELL moved that the following Report of the Committee of Free Conference be adopted:

**S. 304--Free Conference Report**

The General Assembly, Columbia, S.C., June 16, 2009

The Committee of Conference, to whom was referred:

S. 304 ‑‑ Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6‑1‑760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6‑4‑10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

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

That the same do pass with the following amendments:

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

/SECTION 1. Section 6‑1‑760 of the 1976 Code is amended to read:

Section 6‑1‑760. (A) With respect to capital projects and as used in this section, ‘tourist’ means a person who does not reside in but rather enters temporarily, for reasons of recreation or leisure, the jurisdictional boundaries of a municipality for a municipal project or the immediate area of the project for a county project.

(B) Notwithstanding any provision of this article, any ordinance enacted by county or municipality prior to March 15, 1997, imposing an accommodations fee which does not exceed the three percent maximum cumulative rate prescribed in Section 6‑1‑540, is calculated upon a base consistent with Section 6‑1‑510(1), and the revenue from which is used for the purposes enumerated in Section 6‑1‑530, remains authorized and effective after the effective date of this section. ~~and the enacting~~ Any county or municipality is authorized to issue bonds, pursuant to Article X, Section 14(10) of the Constitution of this State, utilizing the procedures of Section 4‑29‑68, Section 6‑17‑10 and related sections, or Section 6‑21‑10 and related sections, for the purposes enumerated in Section 6‑1‑530, to pledge as security for such bonds and to retire such ~~debt using~~ bonds with the proceeds of ~~such an accommodations fee ordinance~~ accommodations fees imposed under Article 5 of this chapter, hospitality fees imposed under this chapter, state accommodations fees allocated pursuant to Section 6‑4‑10(1), (2), and (4), or any combination thereof, and the pledge of such other nontax revenues as may be available for those purposes for capital projects used to attract and support tourists.”

SECTION 2. Section 6‑4‑10(3) of the 1976 Code is amended to read:

“(3) Thirty percent of the balance must be allocated to a special fund and used only for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity. To manage and direct the expenditure of these tourism promotion funds, the municipality or county shall select one or more organizations, such as a chamber of commerce, visitor and convention bureau, or regional tourism commission, which has an existing, ongoing tourist promotion program. If no organization exists, the municipality or county shall create an organization with the same membership standard in Section 6‑4‑25. To be eligible for selection the organization must be organized as a nonprofit organization and shall demonstrate to the municipality or county that it has an existing, ongoing tourism promotion program or that it can develop an effective tourism promotion program. Immediately upon an allocation to the special fund, a municipality or county shall distribute the tourism promotion funds to the organizations selected or created to receive them. Before the beginning of each fiscal year, an organization receiving funds from the accommodations tax from a municipality or county shall submit for approval a budget of planned expenditures. At the end of each fiscal year, an organization receiving funds shall render an accounting of the expenditure to the municipality or county which distributed them. Fees allocated pursuant to this subsection must not be used to pledge as security for bonds and to retire bonds. Also, fees allocated pursuant to this subsection must be allocated to a special fund and used only for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity, and not used to pledge as security for bonds and to retire bonds.”

SECTION 3. This act takes effect upon approval by the Governor./

Amend title to read:

/TO AMEND SECTION 6‑1‑760, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MUNICIPAL OR COUNTY ORDINANCES IMPOSING AN ACCOMMODATIONS FEE AND THE USE OF THE REVENUE FROM THE FEES INCLUDING THE ISSUANCE OFCERTAIN BONDS SO AS TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY FOR THE PAYMENT OF BONDS FOR CAPITAL PROJECTS USED TO ATTRACT AND SUPPORT TOURISTS; AND TO AMEND SECTION 6‑4‑10, RELATING TO STATE ACCOMMODATIONS TAXES, SO AS TO PROVIDE THAT REVENUES ALLOCATED FOR TOURISM ADVERTISING AND PROMOTION MAY NOT BE PLEDGED AS SECURITY FOR CERTAIN BONDS OR TO RETIRE SUCH BONDS. /

/s/Sen. William H. O’Dell /s/Rep. Tracy R. Edge

/s/Sen. J. Yancy McGill Rep. Gilda Cobb-Hunter

/s/Sen. J. Michael Mulvaney /s/Rep. Dwight A. Loftis

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

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

**Ayes 43; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, L.*

*Martin, S.* Massey Matthews

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Shoopman Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

The Report of the Committee of Free Conference was adopted, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 21, 2009

Mr. President and Senators:

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

H. 3722-- Representatives Kirsh and White: A BILL TO AMEND TITLE 12 OF THE 1976 CODE, TO PROVIDE FOR DETERMINATION OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; TO PROVIDE FOR CHANGES IN FILING TAX RETURNS; AND PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS.

(ABBREVIATED TITLE)

Very respectfully,

Speaker of the House

Received as information.

**H. 3722--SENATE INSISTS ON ITS AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

H. 3722-- Representatives Kirsh and White: A BILL TO AMEND TITLE 12 OF THE 1976 CODE, TO PROVIDE FOR DETERMINATION OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; TO PROVIDE FOR CHANGES IN FILING TAX RETURNS; AND PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS.

(ABBREVIATED TITLE)

On motion of Senator L. MARTIN, the Senate insisted upon its amendments to H. 3722 and asked for a Committee of Conference.

Whereupon, Senators HAYES, RYBERG and COLEMAN 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 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Kirsh, Bingham and White to the Committee of Conference on the part of the House on:

H. 3722-- Representatives Kirsh and White: A BILL TO AMEND TITLE 12 OF THE 1976 CODE, TO PROVIDE FOR DETERMINATION OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; TO PROVIDE FOR CHANGES IN FILING TAX RETURNS; AND PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS.

(ABBREVIATED TITLE)

Very respectfully,

Speaker of the House

Received as information.

**Motion Adopted**

On motion of Senator L. MARTIN, with unanimous consent, the Senators from the Third Congressional District were granted leave to attend an election for the Department of Transportation Commissioner from the Third Congressional District and were granted leave to vote from the balcony.

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

**PRESIDENT *PRO TEMPORE* PRESIDES**

At 4:11 P.M., Senator McCONNELL assumed the Chair.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 2, 2009

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 364, R. 67.

(R67, S364) -- Senator Alexander: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑9‑25 SO AS TO ENACT THE “VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM” (V‑SAFE) WHOSE PURPOSE, CONTINGENT UPON THE GENERAL ASSEMBLY APPROPRIATING APPROPRIATE FUNDS, IS TO OFFER GRANTS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS FOR THE PURPOSE OF PROTECTING LOCAL COMMUNITIES AND REGIONAL RESPONSE AREAS FROM INCIDENTS OF FIRE, HAZARDOUS MATERIALS, TERRORISM, TO PROVIDE FOR THE SAFETY OF VOLUNTEER FIREFIGHTERS, TO PROVIDE DEFINITIONS OF CERTAIN TERMS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE GRANTS.

This bill reauthorizes the Volunteer Strategic Assistance and Fire Equipment Program (V-SAFE), first created in 2007. The intent of the legislation is to provide grants to volunteer and combination fire departments through the State Fire Marshall’s office.

As in 2007, this bill is a difficult one to veto again. I greatly admire the intent of those who have worked on this legislation, as well as the firefighting community as a whole. Particularly given the recent fires in the Myrtle Beach area, I deeply respect the efforts of each of the volunteer and paid firefighters who make such a difference in peoples’ lives here in South Carolina.

I am also reluctant to veto this legislation because it reauthorizes a grant program that is truly competitive – in stark contrast to many of the grants programs that have come out of Columbia in the past few years. These grants are peer reviewed and there is a limit to how much can be awarded.

Notwithstanding the merits of the V-SAFE program, I decided to veto S. 364 because I continue to believe the General Assembly should require local governments to provide some level of matching funds whenever the state distributes these kinds of grants. Water, sewer, police, and firefighting services are fundamentally local responsibilities. As such, we expect local governments to allocate resources to provide for core government services.

I warned the General Assembly when I vetoed V-SAFE in 2007, that it had perpetuated a program that it could not sustain over the long term. This year, the General Assembly did not fund the V-SAFE program, leaving a grants program with no grants. This situation clearly illustrates a point we’ve been making for some time: responsible government requires that each level of government must live up to its obligations without looking to someone else for assistance.

V-SAFE does not currently have a requirement that local government match the state funding levels. As we have seen in the so-called Competitive Grants program, the availability of “free money” for local governments creates a demand on state funds that otherwise would be met at the local level. Since the creation of the V-SAFE program, there have been over 400 applications, requesting a total of over $7 million. While I am not opposed to general funds going to support necessary local programs, I believe there should be some local commitment of funds to avoid the “free money” phenomenon.

As I’ve said before, I applaud the fire departments for their work, and I applaud the legislators who sponsored this bill. Unfortunately, for the reasons described, I am compelled to veto this legislation.

Sincerely,

Mark Sanford

**VETO OVERRIDDEN**

(R67, S364) -- Senator Alexander: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑9‑25 SO AS TO ENACT THE “VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM” (V‑SAFE) WHOSE PURPOSE, CONTINGENT UPON THE GENERAL ASSEMBLY APPROPRIATING APPROPRIATE FUNDS, IS TO OFFER GRANTS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS FOR THE PURPOSE OF PROTECTING LOCAL COMMUNITIES AND REGIONAL RESPONSE AREAS FROM INCIDENTS OF FIRE, HAZARDOUS MATERIALS, TERRORISM, TO PROVIDE FOR THE SAFETY OF VOLUNTEER FIREFIGHTERS, TO PROVIDE DEFINITIONS OF CERTAIN TERMS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE GRANTS.

The veto of the Governor was taken up for immediate consideration.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 41; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, L. Martin, S.* Massey

Matthews McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin

**Total--41**

**NAYS**

Bright

**Total--1**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.67, S. 364 by a vote of 106 to 0:

(R67, S364) -- Senator Alexander: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑9‑25 SO AS TO ENACT THE “VOLUNTEER STRATEGIC ASSISTANCE AND FIRE EQUIPMENT PROGRAM” (V‑SAFE) WHOSE PURPOSE, CONTINGENT UPON THE GENERAL ASSEMBLY APPROPRIATING APPROPRIATE FUNDS, IS TO OFFER GRANTS TO ELIGIBLE VOLUNTEER AND COMBINATION FIRE DEPARTMENTS FOR THE PURPOSE OF PROTECTING LOCAL COMMUNITIES AND REGIONAL RESPONSE AREAS FROM INCIDENTS OF FIRE, HAZARDOUS MATERIALS, TERRORISM, TO PROVIDE FOR THE SAFETY OF VOLUNTEER FIREFIGHTERS, TO PROVIDE DEFINITIONS OF CERTAIN TERMS, AND TO PROVIDE FOR THE ADMINISTRATION OF THE GRANTS.

Very respectfully,

Speaker of the House

Received as information.

**Expression of Personal Interest**

Senator RANKIN rose for an Expression of Personal Interest.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 2, 2009

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 453, R. 70, which makes four separate changes related to livestock and poultry regulation, fee impositions for runoff control, and performance enhancing drugs for polo horses.

(R70, S453) -- Senators Verdin and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑4‑160 SO AS TO PROVIDE THAT UNITS OF LOCAL GOVERNMENT MAY NOT ENACT ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT LOCAL LAWS AND ORDINANCES PERTAINING TO THE REGULATION OF AND ENFORCEMENT OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED BY STATE LAW AND STATE AGENCY REGULATIONS, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 6‑1‑330, RELATING TO LOCAL FEE IMPOSITION LIMITATIONS, SO AS TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY MAY NOT IMPOSE A FEE ON AGRICULTURAL LANDS, FORESTLANDS, OR UNDEVELOPED LANDS FOR A STORMWATER, SEDIMENT, OR EROSION CONTROL PROGRAM UNLESS CHAPTER 14 OF TITLE 48 ALLOWS FOR THE IMPOSITION OF THIS FEE ON THESE LANDS, AND TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 47‑9‑60 SO AS TO PROVIDE THAT ONLY PROPERTY OWNERS AND RESIDENTS WITHIN A TWO‑MILE RADIUS OF A PERMITTED LIVESTOCK AND POULTRY FACILITY, WITH THE EXCEPTION OF A SWINE FACILITY, MAY APPEAL A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PERTAINING TO THE FACILITY; AND BY ADDING SECTION 47‑9‑65 SO AS TO PROVIDE THE COMPOUNDING PHARMACIST WHO FILLS AN ORDER FOR PERFORMANCE ENHANCING MINERAL OR DRUG COMPOUNDS WHICH ARE NOT FDA APPROVED FOR POLO HORSES PRIOR TO A POLO MATCH MUST CERTIFY THE COMPOUND WITH HIS SIGNATURE ACCOMPANIED BY A COMPLETE LISTING OF THE COMPONENTS CONTAINED IN THE COMPOUND AND TO PROVIDE PENALTIES FOR VIOLATIONS.

This legislation originally placed a limitation on local governments from regulating the care and handling of livestock and poultry. We understand the purpose of this section was to prevent a circumvention of the Right to Farm Act, which became law in 2006. Had the bill remained solely about this, we would have followed the same course here. Unfortunately, that is not the case.

In the process of passing this legislation, three additional sections were added to the bill. Each section addresses a very distinct issue from local fees on runoff management to performance enhancing drugs for polo horses. Section Three, which creates an unprecedented restriction on permit appeals, has brought about this veto.

Specifically, the bill would allow only property owners and residents within a two mile radius of livestock or poultry operations to have the right to appeal a permit issued by the Department of Health and Environmental Control (DHEC). Through our research, we have found no other size restriction imposed on any other DHEC permitting process. We think this legislation sets a dangerous precedent that should not be repeated.

When the Right to Farm Act was presented to us in 2006, the supporters of the legislation wanted a uniform set of standards to be imposed statewide. Those standards, they argued, were being modified in various ways, in various counties, creating problems for the industry. Typically, this administration has taken a strong “home rule” position on matters like this, but given the impact on the industry, we allowed the bill to go into law.

The issue before us is exactly who can appeal permits issued by DHEC. This is relevant because permit issuance does not necessarily affect only the operation in question, but becomes a basis for future permit considerations. For example, a permit issued in Sumter County could be contested by local residents but rejected. The appeals can then be taken through the courts and the decision would have binding power, not just on Sumter County, but on the state as a whole. This legislation would cut off every state resident outside of that area from having a voice in a decision that could very much affect the way business is done in other corners of the state. We do not believe that citizens should be shut out of such serious decisions.

We would urge the General Assembly to reject the notion that we should restrict who can weigh in on statewide permitting decisions by DHEC. This veto should be sustained and if Section One were brought back as a stand-alone bill, we would support it.

For these reasons, I am vetoing and returning S. 453, R. 70.

Sincerely,   
Mark Sanford

**VETO OVERRIDDEN**

(R70, S453) -- Senators Verdin and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑4‑160 SO AS TO PROVIDE THAT UNITS OF LOCAL GOVERNMENT MAY NOT ENACT ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT LOCAL LAWS AND ORDINANCES PERTAINING TO THE REGULATION OF AND ENFORCEMENT OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED BY STATE LAW AND STATE AGENCY REGULATIONS, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 6‑1‑330, RELATING TO LOCAL FEE IMPOSITION LIMITATIONS, SO AS TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY MAY NOT IMPOSE A FEE ON AGRICULTURAL LANDS, FORESTLANDS, OR UNDEVELOPED LANDS FOR A STORMWATER, SEDIMENT, OR EROSION CONTROL PROGRAM UNLESS CHAPTER 14 OF TITLE 48 ALLOWS FOR THE IMPOSITION OF THIS FEE ON THESE LANDS, AND TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 47‑9‑60 SO AS TO PROVIDE THAT ONLY PROPERTY OWNERS AND RESIDENTS WITHIN A TWO‑MILE RADIUS OF A PERMITTED LIVESTOCK AND POULTRY FACILITY, WITH THE EXCEPTION OF A SWINE FACILITY, MAY APPEAL A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PERTAINING TO THE FACILITY; AND BY ADDING SECTION 47‑9‑65 SO AS TO PROVIDE THE COMPOUNDING PHARMACIST WHO FILLS AN ORDER FOR PERFORMANCE ENHANCING MINERAL OR DRUG COMPOUNDS WHICH ARE NOT FDA APPROVED FOR POLO HORSES PRIOR TO A POLO MATCH MUST CERTIFY THE COMPOUND WITH HIS SIGNATURE ACCOMPANIED BY A COMPLETE LISTING OF THE COMPONENTS CONTAINED IN THE COMPOUND AND TO PROVIDE PENALTIES FOR VIOLATIONS.

The veto of the Governor was taken up for immediate consideration.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 36; Nays 8**

**AYES**

Alexander Anderson Bryant

Campbell Cleary Coleman

Courson Elliott Fair

Ford Grooms Hayes

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, L.* Massey

Matthews McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--36**

**NAYS**

Bright Campsen Cromer

Davis *Martin, S.* McConnell

Rose Ryberg

**Total--8**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.70, S. 453 by a vote of 95 to 10:

(R70, S453) -- Senators Verdin and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑4‑160 SO AS TO PROVIDE THAT UNITS OF LOCAL GOVERNMENT MAY NOT ENACT ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT LOCAL LAWS AND ORDINANCES PERTAINING TO THE REGULATION OF AND ENFORCEMENT OF THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED BY STATE LAW AND STATE AGENCY REGULATIONS, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 6‑1‑330, RELATING TO LOCAL FEE IMPOSITION LIMITATIONS, SO AS TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY MAY NOT IMPOSE A FEE ON AGRICULTURAL LANDS, FORESTLANDS, OR UNDEVELOPED LANDS FOR A STORMWATER, SEDIMENT, OR EROSION CONTROL PROGRAM UNLESS CHAPTER 14 OF TITLE 48 ALLOWS FOR THE IMPOSITION OF THIS FEE ON THESE LANDS, AND TO PROVIDE CERTAIN EXCEPTIONS; BY ADDING SECTION 47‑9‑60 SO AS TO PROVIDE THAT ONLY PROPERTY OWNERS AND RESIDENTS WITHIN A TWO‑MILE RADIUS OF A PERMITTED LIVESTOCK AND POULTRY FACILITY, WITH THE EXCEPTION OF A SWINE FACILITY, MAY APPEAL A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PERTAINING TO THE FACILITY; AND BY ADDING SECTION 47‑9‑65 SO AS TO PROVIDE THE COMPOUNDING PHARMACIST WHO FILLS AN ORDER FOR PERFORMANCE ENHANCING MINERAL OR DRUG COMPOUNDS WHICH ARE NOT FDA APPROVED FOR POLO HORSES PRIOR TO A POLO MATCH MUST CERTIFY THE COMPOUND WITH HIS SIGNATURE ACCOMPANIED BY A COMPLETE LISTING OF THE COMPONENTS CONTAINED IN THE COMPOUND AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Very respectfully,

Speaker of the House

Received as information.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

June 2, 2009

The Honorable André Bauer

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 758, R. 83, a bill that would allow school districts in Clarendon County to use revenue from the one percent sales and use tax enacted in 2004 to be used for academic and arts instruction. I am vetoing this bill for three reasons.

(R83, S758) -- Senator Land: AN ACT TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALES AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW REVENUES OF THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009‑2010 AND 2010‑2011 SCHOOL YEARS.

First, this legislation changes the use of a tax going back to the taxpayers for their approval. We signed Act 355 in 2004 enacting the Clarendon County School Districts Property Tax Relief Act. Even though we may disagree with the tax increases, we have allowed many bills to become law providing the local taxpayers have a voice in its imposition. Specifically, Act 355 provided for a special one percent sales and use tax in Clarendon County for not more than 20 years which was enacted by the Clarendon County Council, and this statute was put into effect through local ordinance after public readings and a hearing by Clarendon County Council. The purpose of that legislation was to defray general obligation debt service or the costs of capital improvements within the three Clarendon County school districts. S. 758 goes further by allowing the tax revenue to be used for the delivery of academic or arts instruction. We are vetoing this bill because it changes the intent of the original legislation without approval by the voters.

This leads us to our second point, in that the intent of the original legislation has not been met in one of the three districts, which is why we believe that now is not the time to expand the use of the tax revenue. This bill would not benefit Clarendon School District One, as this district has a higher amount of debt service than the other two districts; therefore, they would have no excess tax revenue to use for classroom expenses. This underscores again why we should work to enact legislation along the lines of H. 3340 introduced by Representative Ken Kennedy that would further consolidate the 84 school districts in our state. If such legislation was enacted, the people of Clarendon County could further reduce their overall debt load on school construction.

Third, we understand that this bill is an effort to offer yet another way to drive more dollars to the classroom in a tough budget year. Just this year, the General Assembly enacted and we signed legislation granting full funding flexibility that will benefit all three districts in Clarendon. Under the new law, school districts can transfer state funds, including Education Improvement Act and Lottery funds, to ensure the delivery of academic and arts instruction in the coming school year. Additionally, we signed S. 588 allowing school districts to delay the issuing of teacher contracts by one month, giving districts more time to work on local budget issues. Lastly, more than $300 million in federal stimulus dollars are coming to our state to support high poverty and special education programs, and we believe that the infusion of this federal money, coupled with these two pieces of legislation, should offer the Clarendon school districts much-needed support in addressing funding for academic or arts instruction.

For the reasons outlined above, I am returning without my approval S.758, R. 83.

Sincerely,

Mark Sanford

**VETO OVERRIDDEN**

(R83, S758) -- Senator Land: AN ACT TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALES AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW REVENUES OF THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009‑2010 AND 2010‑2011 SCHOOL YEARS.

The veto of the Governor was taken up for immediate consideration.

Senator LAND moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 1; Nays 0**

**AYES**

Land

**Total--1**

**NAYS**

**Total--0**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.83, S. 758 by a vote of 1 to 0:

(R83, S758) -- Senator Land: AN ACT TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALES AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW REVENUES OF THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009‑2010 AND 2010‑2011 SCHOOL YEARS.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.88, H. 3018 by a vote of 111 to 1:

(R88, H3018) -- Reps. E.H. Pitts, Huggins, Gunn, Bales, Limehouse, Barfield, Hardwick, Hearn, Edge, Gambrell, Thompson, Bowen, Harrison, Umphlett, Sandifer, Herbkersman, G.M. Smith, Lowe, Vick, H.B. Brown, R.L. Brown, Viers, Clemmons, Ballentine, Mitchell and M.A. Pitts: AN ACT TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE HOME IS SOLD OR OTHERWISE OCCUPIED, OR THE SIXTH PROPERTY TAX YEAR ENDING DECEMBER THIRTY‑FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE FOR OCCUPANCY ISSUED THEREON IF REQUIRED AND TO PROVIDE THE METHOD OF APPLYING FOR THE EXEMPTION; AND TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO CLASSIFICATIONS AND VALUATION OF PROPERTY FOR PURPOSES OF PROPERTY TAX, SO AS TO REVISE AN ELIGIBILITY REQUIREMENT TO RECEIVE THE FOUR PERCENT ASSESSMENT RATIO FOR OWNER‑OCCUPIED RESIDENTIAL PROPERTY.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R88, H3018) -- Reps. E.H. Pitts, Huggins, Gunn, Bales, Limehouse, Barfield, Hardwick, Hearn, Edge, Gambrell, Thompson, Bowen, Harrison, Umphlett, Sandifer, Herbkersman, G.M. Smith, Lowe, Vick, H.B. Brown, R.L. Brown, Viers, Clemmons, Ballentine, Mitchell and M.A. Pitts: AN ACT TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE HOME IS SOLD OR OTHERWISE OCCUPIED, OR THE SIXTH PROPERTY TAX YEAR ENDING DECEMBER THIRTY‑FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE FOR OCCUPANCY ISSUED THEREON IF REQUIRED AND TO PROVIDE THE METHOD OF APPLYING FOR THE EXEMPTION; AND TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO CLASSIFICATIONS AND VALUATION OF PROPERTY FOR PURPOSES OF PROPERTY TAX, SO AS TO REVISE AN ELIGIBILITY REQUIREMENT TO RECEIVE THE FOUR PERCENT ASSESSMENT RATIO FOR OWNER‑OCCUPIED RESIDENTIAL PROPERTY.

The veto of the Governor was taken up for immediate consideration.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 42; Nays 2**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, L. Martin, S.*

Massey Matthews McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Reese Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--42**

**NAYS**

Campsen Rose

**Total--2**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Statement by Senators CAMPSEN and ROSE**

We voted to sustain the veto of H.3018 because it will have the effect of shifting property tax burden away from developers and onto homeowners. The General Assembly passed property tax relief for homeowners a few years ago, and this is going back on that relief.

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.91, H. 3087 by a vote of 77 to 38:

(R91, H3087) -- Reps. Brady and M.A. Pitts: AN ACT TO AMEND SECTION 23‑3‑535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS, SO AS TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE THAT EXPANDS OR CONTRACTS THE BOUNDARIES OF THE AREAS IN WHICH A SEX OFFENDER MAY OR MAY NOT RESIDE THAT ARE CONTAINED IN THIS SECTION; AND TO AMEND ACT 333 OF 2008, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS AND PENALTIES FOR FAILURE TO REGISTER AS A SEX OFFENDER, SO AS TO PROVIDE AN EFFECTIVE DATE FOR VARIOUS PORTIONS OF THIS ACT.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R91, H3087) -- Reps. Brady and M.A. Pitts: AN ACT TO AMEND SECTION 23‑3‑535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS, SO AS TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE THAT EXPANDS OR CONTRACTS THE BOUNDARIES OF THE AREAS IN WHICH A SEX OFFENDER MAY OR MAY NOT RESIDE THAT ARE CONTAINED IN THIS SECTION; AND TO AMEND ACT 333 OF 2008, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE FOR SEX OFFENDERS AND PENALTIES FOR FAILURE TO REGISTER AS A SEX OFFENDER, SO AS TO PROVIDE AN EFFECTIVE DATE FOR VARIOUS PORTIONS OF THIS ACT.

The veto of the Governor was taken up for immediate consideration.

Senator L. MARTIN spoke on the veto.

Senator L. MARTIN moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 29; Nays 14**

**AYES**

Alexander Anderson Campbell

Coleman Cromer Elliott

Fair Ford Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, L.* Matthews McConnell

McGill Mulvaney Nicholson

O’Dell Pinckney Rankin

Reese Scott Setzler

Verdin Williams

**Total--29**

**NAYS**

Bright Bryant Campsen

Cleary Courson Davis

Grooms Hayes *Martin, S.*

Massey Peeler Rose

Ryberg Shoopman

**Total--14**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Statement by Senators L. MARTIN, ALEXANDER, CAMPBELL and KNOTTS**

We voted to override based on the request of the Sheriff’s Association, the solicitors, and the victims’ advocates, because this Bill will provide for the more efficient prosecution of sex offenders.

**Statement by Senator MULVANEY**

I voted to override the veto on H. 3087 because I believe that the Bill will provide for a quicker and more effective registration of sex offenders.

The Bill did not lower the penalties for sex offenders who fail to register. That was done last year as part of moving the process for registering first-time offenders to magistrates’ court from circuit court. That was done in order to expedite registration, as processing in magistrates’ court was much quicker than in circuit court.

The argument last year was that getting offenders registered as quickly as possible was the most important issue. I still believe that it is.

It was also worthy of note for me that law enforcement, including the Sherriff’s Association and the Solicitors Offices, as well as victims advocacy groups, supported this Bill. The solicitors, for example, noted that sustaining this veto might delay, by as much as a year, registration of some first-time offenders. I thought that was unacceptable.

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R. 115, H. 3762 by a vote of 91 to 15:

(R115, H3762) -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, D.C. Moss, Parker, Stringer, Vick, Hodges and Knight: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “OUR FARMS‑OUR FUTURE” SPECIAL LICENSE PLATES; TO AMEND ARTICLE 45, CHAPTER 3, TITLE 56, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF “SPECIAL COMMEMORATIVE LICENSE PLATES”, SO AS TO CHANGE THE NAME OF THESE LICENSE PLATES TO THE “SOUTH CAROLINA WILDLIFE LICENSE PLATES”, TO PROVIDE THE PROCEDURES WHEREBY THE DEPARTMENT SHALL ISSUE THESE LICENSE PLATES, AND TO PROVIDE THAT THE “GAME PROTECTION FUND” IS RENAMED THE “FISH AND WILDLIFE PROTECTION FUND”; TO AMEND SECTION 56-3-9910, AS AMENDED, RELATING TO THE ISSUANCE OF “GOLD STAR FAMILY SPECIAL LICENSE PLATES”, SO AS TO REVISE THE PROCEDURES REGARDING THE ISSUANCE AND COST OF THESE SPECIAL LICENSE PLATES; AND BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “RECYCLING SPECIAL LICENSE PLATES”.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R115, H3762) -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, D.C. Moss, Parker, Stringer, Vick, Hodges and Knight: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “OUR FARMS‑OUR FUTURE” SPECIAL LICENSE PLATES; TO AMEND ARTICLE 45, CHAPTER 3, TITLE 56, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF “SPECIAL COMMEMORATIVE LICENSE PLATES”, SO AS TO CHANGE THE NAME OF THESE LICENSE PLATES TO THE “SOUTH CAROLINA WILDLIFE LICENSE PLATES”, TO PROVIDE THE PROCEDURES WHEREBY THE DEPARTMENT SHALL ISSUE THESE LICENSE PLATES, AND TO PROVIDE THAT THE “GAME PROTECTION FUND” IS RENAMED THE “FISH AND WILDLIFE PROTECTION FUND”; TO AMEND SECTION 56-3-9910, AS AMENDED, RELATING TO THE ISSUANCE OF “GOLD STAR FAMILY SPECIAL LICENSE PLATES”, SO AS TO REVISE THE PROCEDURES REGARDING THE ISSUANCE AND COST OF THESE SPECIAL LICENSE PLATES; AND BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “RECYCLING SPECIAL LICENSE PLATES”.

The veto of the Governor was taken up for immediate consideration.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 34; Nays 8**

**AYES**

Alexander Anderson Cleary

Coleman Courson Cromer

Elliott Fair Grooms

Hayes Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, L.*

Massey Matthews McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--34**

**NAYS**

Bright Bryant Campbell

Campsen Davis *Martin, S.*

Rose Ryberg

**Total--8**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.98, H. 3301 by a vote of 105 to 4:

(R98, H3301) -- Reps. Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J.R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Battle, Bowers, Brady, G.A. Brown, H.B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Horne, Kirsh, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E.H. Pitts, M.A. Pitts, Scott, Simrill, Skelton, D.C. Smith, G.R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire and Wylie: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34‑39‑175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL‑TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34‑39‑270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A PERSON WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34‑39‑280 SO AS TO ALLOW A DEFERRED PRESENTMENT TRANSACTION CUSTOMER WHO IS UNABLE TO REPAY A TRANSACTION WHEN DUE TO ENTER ONE EXTENDED PAYMENT PLAN DURING A TWELVE MONTH PERIOD; TO AMEND SECTION 34‑39‑130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED FIVE HUNDRED DOLLARS; TO AMEND SECTION 24‑39‑150, RELATING TO THE APPLICATION FOR LICENSURE, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEES AND TO DESIGNATE THE RECIPIENTS AND PERMITTED USES OF RENEWAL FEE COLLECTIONS; BY ADDING SECTION 34‑39‑290 SO AS TO REQUIRE THE BOARD OF FINANCIAL ADVISORS TO SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY DETAILING CERTAIN DEFERRED PRESENTMENT TRANSACTION DATA PROVIDED BY THE DATABASE VENDOR; TO AMEND SECTION 34‑39‑200, RELATING TO LIMITATIONS ON ACTIVITIES BY PERSONS REQUIRED TO BE LICENSED, SO AS TO IDENTIFY CERTAIN LIMITED EXCEPTIONS; TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT A LICENSEE SHALL NOT CHARGE A FEE IN EXCESS OF FIFTEEN PERCENT OF THE PRINCIPAL AMOUNT OF THE TRANSACTION FOR ACCEPTING A CHECK FOR DEFERRED PRESENTMENT OR DEPOSIT; AND TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO IDENTIFY A LICENSEE’S CIVIL REMEDIES IF A CHECK IS RETURNED DUE TO INSUFFICIENT FUNDS, CLOSED ACCOUNT, OR STOP PAYMENT ORDER.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R98, H3301) -- Reps. Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J.R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Battle, Bowers, Brady, G.A. Brown, H.B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Horne, Kirsh, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E.H. Pitts, M.A. Pitts, Scott, Simrill, Skelton, D.C. Smith, G.R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire and Wylie: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34‑39‑175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL‑TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34‑39‑270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A PERSON WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34‑39‑280 SO AS TO ALLOW A DEFERRED PRESENTMENT TRANSACTION CUSTOMER WHO IS UNABLE TO REPAY A TRANSACTION WHEN DUE TO ENTER ONE EXTENDED PAYMENT PLAN DURING A TWELVE MONTH PERIOD; TO AMEND SECTION 34‑39‑130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED FIVE HUNDRED DOLLARS; TO AMEND SECTION 24‑39‑150, RELATING TO THE APPLICATION FOR LICENSURE, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEES AND TO DESIGNATE THE RECIPIENTS AND PERMITTED USES OF RENEWAL FEE COLLECTIONS; BY ADDING SECTION 34‑39‑290 SO AS TO REQUIRE THE BOARD OF FINANCIAL ADVISORS TO SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY DETAILING CERTAIN DEFERRED PRESENTMENT TRANSACTION DATA PROVIDED BY THE DATABASE VENDOR; TO AMEND SECTION 34‑39‑200, RELATING TO LIMITATIONS ON ACTIVITIES BY PERSONS REQUIRED TO BE LICENSED, SO AS TO IDENTIFY CERTAIN LIMITED EXCEPTIONS; TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT A LICENSEE SHALL NOT CHARGE A FEE IN EXCESS OF FIFTEEN PERCENT OF THE PRINCIPAL AMOUNT OF THE TRANSACTION FOR ACCEPTING A CHECK FOR DEFERRED PRESENTMENT OR DEPOSIT; AND TO AMEND SECTION 34‑39‑180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO IDENTIFY A LICENSEE’S CIVIL REMEDIES IF A CHECK IS RETURNED DUE TO INSUFFICIENT FUNDS, CLOSED ACCOUNT, OR STOP PAYMENT ORDER.

The veto of the Governor was taken up for immediate consideration.

Senator BRYANT argued in favor of sustaining the veto of the Governor.

Senator MALLOY spoke on the veto.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 39; Nays 3**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Grooms

Hayes Jackson Knotts

Land Leatherman Leventis

Lourie *Martin, L. Martin, S.*

Massey Matthews McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--39**

**NAYS**

Bright Bryant Mulvaney

**Total--3**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Statement by Senators MALLOY and FORD**

Payday lending is a predatory practice that targets the poorest among us. We have introduced legislation and voted to ban the industry altogether. Unfortunately, those efforts have not been successful. This session the General Assembly passed, and the Governor vetoed, H. 3301, a Bill that provides much needed additional regulations on the industry. We worked hard to make H. 3301 as strong as possible. The result was imperfect but an improvement. However, when the Governor vetoed the Bill, we realized that the payday lending industry does not want reasonable regulation. They want an unfettered ability to lock our neighbors into a cycle of debt simply to pad their bottom line. In good conscience, we could not stop the fight to impose strong, meaningful reforms or, preferably, an outright ban of the industry. We believe that overriding this veto would have that effect. The issue would be taken off the table for years to come. Therefore, we cannot vote to override this veto. We also believe that voting to sustain the veto would be an endorsement of the current practices. So, we cannot vote to sustain the veto either. We have abstained from voting to make a statement that we need to revisit this issue next year and that current industry practices are not acceptable.

**Statement by Senator COURSON**

My vote to override the Governor’s veto of the Payday Lending Bill (H. 3301) is not indicative of my belief that the industry should be banned. I introduced legislation to ban payday lending in the Palmetto State and voted accordingly.

**Motion Adopted**

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

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sustained the veto by the Governor on R.118, H. 3919 by a vote of 69 to 40:

(R118, H3919) -- Reps. Mitchell, Alexander, Gunn, Dillard, Hamilton, Limehouse, J.R. Smith, King, Kirsh, Littlejohn, J.M. Neal, Herbkersman, Stavrinakis, Chalk, Cobb‑Hunter, Anthony, Branham, Brantley, Parker, Allison, Gilliard, J.H. Neal, Whipper, Mack, Battle, Hosey, Allen, Weeks, Jennings, Loftis, Knight, Vick, Rutherford and Hutto: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑1‑250 SO AS TO ESTABLISH THE SOUTH CAROLINA HOUSING COMMISSION TO PROVIDE RECOMMENDATIONS ON AN ANNUAL BASIS TO ENSURE AND FOSTER THE AVAILABILITY OF SAFE, SOUND, AND AFFORDABLE HOUSING AND WORKFORCE HOUSING FOR EVERY SOUTH CAROLINIAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND FOR OTHER PROCEDURAL MATTERS.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 16, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has reconsidered the vote whereby the veto was sustained and has overridden the veto by the Governor on R.118, H. 3919 by a vote of 81 to 24:

(R118, H3919) -- Reps. Mitchell, Alexander, Gunn, Dillard, Hamilton, Limehouse, J.R. Smith, King, Kirsh, Littlejohn, J.M. Neal, Herbkersman, Stavrinakis, Chalk, Cobb‑Hunter, Anthony, Branham, Brantley, Parker, Allison, Gilliard, J.H. Neal, Whipper, Mack, Battle, Hosey, Allen, Weeks, Jennings, Loftis, Knight, Vick, Rutherford and Hutto: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑1‑250 SO AS TO ESTABLISH THE SOUTH CAROLINA HOUSING COMMISSION TO PROVIDE RECOMMENDATIONS ON AN ANNUAL BASIS TO ENSURE AND FOSTER THE AVAILABILITY OF SAFE, SOUND, AND AFFORDABLE HOUSING AND WORKFORCE HOUSING FOR EVERY SOUTH CAROLINIAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND FOR OTHER PROCEDURAL MATTERS.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R118, H3919) -- Reps. Mitchell, Alexander, Gunn, Dillard, Hamilton, Limehouse, J.R. Smith, King, Kirsh, Littlejohn, J.M. Neal, Herbkersman, Stavrinakis, Chalk, Cobb‑Hunter, Anthony, Branham, Brantley, Parker, Allison, Gilliard, J.H. Neal, Whipper, Mack, Battle, Hosey, Allen, Weeks, Jennings, Loftis, Knight, Vick, Rutherford and Hutto: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑1‑250 SO AS TO ESTABLISH THE SOUTH CAROLINA HOUSING COMMISSION TO PROVIDE RECOMMENDATIONS ON AN ANNUAL BASIS TO ENSURE AND FOSTER THE AVAILABILITY OF SAFE, SOUND, AND AFFORDABLE HOUSING AND WORKFORCE HOUSING FOR EVERY SOUTH CAROLINIAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND FOR OTHER PROCEDURAL MATTERS.

The veto of the Governor was taken up for immediate consideration.

Senator JACKSON spoke on the veto.

Senator JACKSON moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

**ACTING PRESIDENT PRESIDES**

At 5:55 P.M., Senator L. MARTIN assumed the Chair.

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

**Ayes 31; Nays 11**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Elliott Ford

Grooms Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, L.*

*Martin, S.* Matthews McConnell

McGill Mulvaney Nicholson

O’Dell Pinckney Rankin

Reese Scott Setzler

Williams

**Total--31**

**NAYS**

Bright Bryant Campsen

Davis Fair Hayes

Massey Peeler Rose

Ryberg Shoopman

**Total--11**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**RATIFICATION OF ACTS**

Pursuant to the provisions of S. 834, the *Sine Die* Resolution, and an invitation, the Honorable Speaker and House of Representatives appeared in the Senate Chamber on Wednesday, June 24, 2009 at 4:30 P.M., and the following Act was ratified:

(R121, S. 12) -- Senators Leatherman, Alexander, Ford, Rankin, O’Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: AN ACT TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION’S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION SHALL CONDUCT A COMPREHENSIVE STUDY OF THE STATE’S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, TO PROVIDE A SCHEDULE OF REPORTING AND REQUIRE THE COMMISSION TO CONCLUDE ITS BUSINESS BY JANUARY 1, 2011, UNLESS EXTENDED BY LAW, TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION’S RECOMMENDATIONS, TO LIMIT RECEIPT BY THE COMMISSION OF INFORMATION FROM LOBBYISTS TO FORMAL PRESENTATIONS TO THE COMMISSION IN A SCHEDULED MEETING AND PROVIDE A PENALTY FOR VIOLATIONS; AND TO AMEND ACT 388 OF 2006, RELATING TO TAXATION, SO AS TO DELETE PROVISIONS ESTABLISHING THE JOINT SALES TAX EXEMPTIONS REVIEW COMMITTEE.

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**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:

**LOCAL APPOINTMENTS**

**Confirmations**

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

Initial Appointment, Lancaster County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Fredrick Asgill Thomas, P. O. Box 3222, Lancaster, SC 29721 *VICE* Debra C. Dawkins

Initial Appointment, Marion County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Danny O. Barker, 929 Cherokee Ave., Marion, SC 29571 *VICE* Lunette R. Cox

Initial Appointment, Lee County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Deborah A. Bright-Austin, 163 Broad Acres Road, Bishopville, SC 29010 *VICE* Carolyn H. Jackson

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Eber Charles Gowan, Jr., P. O. Box 37, Reidville, SC 29375

**STATEWIDE APPOINTMENTS**

**Confirmations**

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

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2009, and to expire July 1, 2012

SC Association of Public Charter Schools:

Barbara S. Nielsen, 11 Oketee Court, Hilton Head Island, SC 29926 *VICE* David Church

Initial Appointment, South Carolina State Commission on Higher Education, with the term to commence July 1, 2008, and to expire July 1, 2010

Research - MUSC:

Charles B. Thomas, Jr., 535 West Butler Road, Suite C, Greenville, SC 29607 *VICE* Louis Lynn

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

Initial Appointment, South Carolina Board of Long Term Health Care Administrators, with the term to commence June 30, 2009, and to expire June 30, 2012

Nursing Home Consumer:

Martin A. Hyatt, 1775 Overbrook Dr., Rock Hill, SC 29732 *VICE* Brenna DeLaine

Initial Appointment, South Carolina Board of Long Term Health Care Administrators, with the term to commence June 9, 2008, and to expire June 9, 2011

Community Residential Care Administrator - For Profit:

Nikki W. Robertson, 233 Banbury Lane, Apartment 103, Little River, SC 29566 *VICE* Merry A. Gaddy

**MOTION ADOPTED**

On motion of Senators PEELER and HAYES, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Harold Mason Dickson of York, S.C.

**ADJOURNMENT**

At 6:26 P.M., on motion of Senator McCONNELL, the Senate adjourned under the provisions of S. 834, the *Sine Die* Resolution.

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