**Tuesday, January 19, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

Paul writes: “...now faith, hope, and love abide, these three; and the greatest of these is love.” (I Corinthians 13:13)

Bow in prayer with me, please:

Gracious Lord, we read in Martin Luther King, Jr.’s *A Testament of Hope* that this verse was one of that leader’s favorite scripture passages. We can clearly grasp why that was most likely so. Indeed, O God, by Your grace may it be that for each of us, as well, the very acts of caring for and loving all around us might continually be the hallmark of our lives, too. Bless these Senators and their staff members, Lord, as they consciously strive to do all they can for the betterment of every single individual here in the State of South Carolina. Ultimately, may the qualities of faith, hope, and love guide them in each and every decision they make. This we humbly pray in Your loving name, dear Lord.

Amen.

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:

**Statewide Appointments**

Reappointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2009, and to expire June 30, 2013

4th Congressional District:

Michael David Mitchell, 1330 Boiling Springs Rd., Suite 1600, Spartanburg, SC 29303

Referred to the Committee on Medical Affairs.

Reappointment, Board of the South Carolina Department of Health and Environmental Control, with the term to commence June 30, 2009, and to expire June 30, 2013

2nd Congressional District:

Henry C. Scott, Collum’s Lumber Products, LLC, P.O. Box 535, Allendale, SC 29810

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina Board of Juvenile Parole, with the term to commence June 30, 2006, and to expire June 30, 2010

At-Large:

Frank Daniel Wideman, 126 Stratford Road, Greenwood, SC 29649 *VICE* Isaac Johnson

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina Commission on Women, with the term to commence October 18, 2009, and to expire October 18, 2013

At-Large:

Cheryl A. Collier, North Greenville University, P. O. Box 1892, Tigerville, SC 29688 *VICE* Toney Parks

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina Commission on Women, with the term to commence October 18, 2010, and to expire October 18, 2014

At-Large:

Angelica L. Flewelling, Logan Law Firm, 806 Charles Street, Beaufort, SC 29902

Referred to the Committee on Judiciary.

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

South Carolina Alliance of Black Educators:

Ronald L. Epps, 6 Old South Drive, Columbia, SC 29209

Referred to the Committee on Education.

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2010, and to expire June 30, 2014

Mortgage Banker:

Rhonda B. Marcum, Mortgage Bankers Association of the Carolinas, Inc., P. O. Box 2588, Mount Pleasant, SC 29465

Referred to the Committee on Banking and Insurance.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2006, and to expire December 31, 2010

LPN - Region 1:

Dawn A. Wilson, 1018 Snowberry Drive, Longs, SC 29568 *VICE* Mattie Smalls Jenkins

Referred to the Committee on Medical Affairs.

**Leave of Absence**

At 12:05 P.M., Senator LOURIE requested a leave of absence beginning at 2:30 P.M., for the balance of the day.

**Leave of Absence**

At 3:40 P.M., Senator S. MARTIN requested a leave of absence from 11:00 A.M. until 1:30 P.M. tomorrow.

**Leave of Absence**

At 3:40 P.M., Senator WILLIAMS requested a leave of absence from 11:00 A.M. until 2:00 P.M. tomorrow.

**CO-SPONSORS ADDED**

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

S. 391 Sen. Davis

S. 728 Sen. Fair

S. 897 Sen. Campbell

S. 903 Sen. Campsen

S. 1032 Sens. Nicholson, Fair, Mulvaney, Bryant, S. Martin, Massey

**CO-SPONSOR REMOVED**

The following co-sponsor was removed from the respective Bill:

S. 1056 Sen. Knotts

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator FORD rose for an Expression of Personal Interest.

**Remarks by Senator FORD**

Mr. Chairman, I just really need one person to change it. Yesterday was Dr. Martin Luther King’s birthday holiday in South Carolina and I would like to say a few words about one of my colleagues. Even before I attached the Confederate Memorial Holiday on that Bill, Senator LEATHERMAN, Senator GLENN McCONNELL was in support of that legislation.

In my early, early years in the Senate along with Senator JACKSON and Senator MAGGIE GLOVER, Senator McCONNELL provided strong leadership in the area of civil rights helping we three Senators who were called terrorists by The State newspaper. On this past Sunday, The Post and Courier ran a whole section pertaining to civil rights in South Carolina and when I read it, even though they mentioned my name -- it showed a good looking picture of me, which I loved -- the Post and Courier forgot to mention the work of Senator GLENN McCONNELL. Now for those Senators, ladies and gentlemen, who may not understand what civil rights are all about, I think GLENN McCONNELL symbolizes this more so than anybody else in the State because he helped me with helping to designate Martin Luther King’s birthday as a state holiday, even though we did not have a Confederate Memorial holiday at the time. He helped me before and after I attached the Confederate Memorial Holiday because I thought it was the right thing to do. He helped me then, and he also helped with the African American Monument. He also helped with the biggest issue of all -- which I think is going to benefit South Carolina now and into the future -- and that was the relocation of the Confederate battle flag. And the reason I say that, my position on the flag started in 1967, but then when I met Senator McCONNELL at a debate the first night I was sworn in in Berkeley County, my position sort of changed because that night I saw a lot of people who were emotional about their ancestors’ participation in the War between the States and the Confederate flag. So my position was that of, you might say, bringing South Carolina together. It is going to benefit everybody, I assume, because what I thought then is happening now.

We lost some major businesses in South Carolina because Georgia, Mississippi, Alabama and other southern states were able to say we don’t have an issue like South Carolina fighting in the Civil War. So I wanted to clear that issue up right away to make sure that we had a chance to compete with the rest of the country in bringing major industry to South Carolina and we have been very successful. I think the only issue that might have had something to do with it losing was the Daimler Chrysler situation. When they talked about coming to South Carolina, Georgia and Alabama had a better record on civil rights according to Daimler Chrysler officials and they wound up not coming here. But on the big one, Senator McCONNELL was able to bring us together and help with the Confederate flag fight -- although he refused to co-sponsor the Bill with me and left me out there all by myself to dry, he did -- you might say -- he did a very worthy thing for South Carolina and its citizens by not fighting that legislation. He even got a lot of Confederate sympathizers in the Senate and in the House to go along with that.

I would just like to let the Post and Courier know that as far as I am concerned, one of the biggest advocates of civil rights in this State was left out of the paper in that article on Sunday and that was Senator GLENN McCONNELL. Senator LEATHERMAN does a good job with civil rights too, but it just so happens that this was a Charleston paper and it left out Senator McCONNELL! I thought that was very disrespectful because he does so much in the area of civil rights that a lot of African Americans and even white citizens don’t understand.

Thank you very much.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1057 -- Senator Alexander: A BILL TO AMEND SECTION 12-6-3622 OF THE 1976 CODE, RELATING TO TAX CREDITS FOR A FIRE SPRINKLER SYSTEM, TO CREATE A STUDY COMMITTEE TO DEVELOP AND EXPAND THE TAX CREDIT PROGRAM; TO AMEND SECTION 6-9-60, RELATING TO THE ADOPTION OF CERTAIN BUILDING CODES, TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ADOPT BY REFERENCE A BUILDING CODE FOR RESIDENCES; AND TO REPEAL SECTION 6-9-135.

l:\s-financ\drafting\tca\001spri.dag.tca.docx

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

S. 1058 -- Senator L. Martin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, TO REPEAL SECTION 8 AND AMEND SECTION 16 TO ABOLISH THE OFFICE OF LIEUTENANT GOVERNOR; BY PROPOSING AN AMENDMENT TO SECTION 11, ARTICLE IV, SO AS TO PROVIDE THAT IN THE CASE OF REMOVAL OF THE GOVERNOR FROM OFFICE BY IMPEACHMENT, DEATH, RESIGNATION, DISQUALIFICATION, DISABILITY, OR REMOVAL FROM THE STATE, THE PRESIDENT OF THE SENATE SHALL BE GOVERNOR UNTIL A SUCCESSOR IS ELECTED AT THE NEXT GENERAL ELECTION FOR REPRESENTATIVES IF THE REMOVAL OCCURS WITHIN THE FIRST EIGHTEEN CALENDAR MONTHS OF THE TERM, AND THE PRESIDENT OF THE SENATE SHALL BE GOVERNOR DURING THE UNEXPIRED TERM; PROPOSING AN AMENDMENT TO SECTION 9, ARTICLE IV, SO AS TO PROVIDE THAT THE SENATE MUST, AS SOON AS PRACTICABLE AFTER THE CONVENING OF THE GENERAL ASSEMBLY IN 2013, AND EVERY FOUR YEARS THEREAFTER, ELECT FROM ITS MEMBERS A PRESIDENT PRO TEMPORE OF THE SENATE; PROPOSING AN AMENDMENT TO SECTION 10, ARTICLE IV, SO AS TO PROVIDE THAT THE SENATE MUST, AS SOON AS PRACTICABLE AFTER THE CONVENING OF THE GENERAL ASSEMBLY IN 2013, AND EVERY FOUR YEARS THEREAFTER, ELECT FROM ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; PROPOSING AN AMENDMENT TO SECTION 6, ARTICLE IV, SO AS TO PROVIDE THAT IF THE GOVERNOR-ELECT DIES OR DECLINES TO SERVE, THE PRESIDENT OF THE SENATE SHALL BECOME GOVERNOR UNTIL THE NEXT GENERAL ELECTION FOR REPRESENTATIVES, AND TO PROVIDE THAT IF THE GOVERNOR-ELECT FAILS TO TAKE THE OATH OF OFFICE AT THE COMMENCEMENT OF HIS TERM, THE PRESIDENT OF THE SENATE MUST ACT AS GOVERNOR UNTIL THE OATH IS ADMINISTERED; PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE IV, SO AS TO PROVIDE THAT IN THE EVENT THAT THE GOVERNOR-ELECT DOES NOT QUALIFY, OR IF AFTER THE GOVERNOR TAKES THE OATH OF OFFICE AND NEITHER THE GOVERNOR NOR THE PRESIDENT OF THE SENATE IS ABLE TO SERVE FOR ANY REASON WHATSOEVER, THE OFFICE OF GOVERNOR FOR THE TIME BEING SHALL DEVOLVE UPON THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND IF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES IS UNABLE TO SERVE FOR ANY REASON WHATSOEVER, THE OFFICE OF GOVERNOR FOR THE TIME BEING SHALL DEVOLVE UPON SUCH OFFICERS AND IN SUCH ORDER OF SUCCESSION AS MAY BE PROVIDED BY LAW; AND PROPOSING AN AMENDMENT TO SECTION 12, ARTICLE IV, RELATING TO THE DISABILITY OF THE GOVERNOR, SO AS TO PROVIDE THAT WHENEVER A MAJORITY OF THE ATTORNEY GENERAL, THE SECRETARY OF STATE, THE COMPTROLLER GENERAL, AND THE STATE TREASURER, OR OF SUCH OTHER BODY AS THE GENERAL ASSEMBLY MAY PROVIDE, TRANSMITS TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES A WRITTEN DECLARATION THAT THE GOVERNOR IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE, THE PRESIDENT OF THE SENATE MUST ASSUME THE POWERS AND DUTIES OF THE OFFICE AS ACTING GOVERNOR.

l:\s-rules\drafting\lam\013ltgo.ec.lam.docx

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

S. 1059 -- Senator Leventis: A BILL TO AMEND SECTION 56-3-2320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF MOTOR VEHICLE DEALER LICENSE PLATES, SO AS TO REDUCE THE NUMBER OF MOTOR VEHICLE SALES A DEALER MUST MAKE IN ORDER TO BE ISSUED A DEALER LICENSE PLATE.

l:\council\bills\swb\6006cm10.docx

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

S. 1060 -- Senator Scott: A CONCURRENT RESOLUTION TO COMMEND WOMEN HONORING VALOR FOR THEIR WORK TO RECOGNIZE AND CELEBRATE AMERICA'S LIVING RECIPIENTS OF THE MEDAL OF HONOR.

l:\council\bills\gm\24398ac10.docx

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

S. 1061 -- Senator Nicholson: A SENATE RESOLUTION TO CONGRATULATE GREENWOOD COUNTY'S NINETY SIX HIGH SCHOOL MARCHING BAND ON WINNING THE 2009 SOUTH CAROLINA CLASS A STATE MARCHING BAND CHAMPIONSHIP TITLE.

l:\council\bills\rm\1004ahb10.docx

The Senate Resolution was adopted.

S. 1062 -- Senators Campsen, Cleary and Grooms: A CONCURRENT RESOLUTION TO CONGRATULATE LUCY BECKHAM, PRINCIPAL OF WANDO HIGH SCHOOL IN CHARLESTON, UPON RECEIVING THE 2010 METLIFE SECONDARY SCHOOL PRINCIPAL OF THE YEAR AWARD BY THE NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS.

l:\s-res\gec\052beck.mrh.gec.docx

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

S. 1063 -- Senator Jackson: A SENATE RESOLUTION TO CELEBRATE THE JOYOUS OCCASION OF THE ONE HUNDRED THIRTY-FIFTH ANNIVERSARY OF ST. JOHN BAPTIST CHURCH OF RICHLAND COUNTY, AND TO CONGRATULATE AND COMMEND PASTOR SAMMY L. WADE AND THE CONGREGATION FOR THEIR YEARS OF SERVICE TO THE HOPKINS COMMUNITY.

l:\council\bills\gm\24405ab10.docx

The Senate Resolution was adopted.

S. 1064 -- Senator Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 501 BUSINESS FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 41/ARIELS CROSSROADS TO THE 41A/UNITED STATES HIGHWAY 501 BUSINESS INTERSECTION IN MARION COUNTY "MARVIN STEVENSON, COUNTY COUNCILMAN, COMMISSIONER HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "MARVIN STEVENSON, COUNTY COUNCILMAN, COMMISSIONER HIGHWAY".

l:\council\bills\swb\6013cm10.docx

On motion of Senator WILLIAMS, with unanimous consent, the Concurrent Resolution was adopted and ordered sent to the House.

H. 3941 -- Reps. Hayes, Gambrell, Agnew, Bowen, Gullick and D. C. Moss: A BILL TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO AUTHORIZE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION, TO REQUIRE LIABILITY INSURANCE, TO REQUIRE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS HANDLING FIREWORKS.

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

H. 4242 -- Reps. Limehouse, Brady, Long, Wylie and Vick: A CONCURRENT RESOLUTION DECLARING WEDNESDAY, JANUARY 20, 2010, "SOUTH CAROLINA MEDAL OF HONOR DAY" AND CALLING UPON SOUTH CAROLINIANS TO ATTEND EVENTS SCHEDULED IN COLUMBIA THAT DAY AT WHICH THE WOMEN OF SOUTH CAROLINA WILL SIGN A DECLARATION OF GRATITUDE FOR THE SERVICE AND SACRIFICES OF THE HOLDERS OF THE MEDAL OF HONOR AND AT WHICH WILL BE HONORED AND RECOGNIZED LIVING SOUTH CAROLINA HOLDERS OF THE MEDAL OF HONOR.

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

H. 4253 -- Reps. Scott, Long and Wylie: A CONCURRENT RESOLUTION TO URGE THE DEPARTMENT OF COMMERCE TO DEVELOP AND IMPLEMENT AN INDUSTRIAL AND MANUFACTURER SUPPLIER RECRUITMENT INITIATIVE THAT EMPHASIZES SOUTH CAROLINA'S RIGHT TO WORK STATUS TO ATTRACT BUSINESSES THAT SUPPLY MANUFACTURING OPERATIONS THAT MOVE TO SOUTH CAROLINA.

The Concurrent Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

H. 4299 -- Reps. Cooper and Owens: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER CERTAIN FUNDS AMONG APPROPRIATED REVENUES, EDUCATION IMPROVEMENT ACT FUNDS, EDUCATION LOTTERY ACT FUNDS, AND FUNDS RECEIVED FROM THE CHILDREN'S EDUCATION ENDOWMENT FUND IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING FISCAL YEAR 2010-2011 AND TO PROVIDE THAT A SCHOOL DISTRICT MAY NOT TRANSFER FUNDS REQUIRED FOR DEBT SERVICE OR BONDED INDEBTEDNESS, TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEAR 2010-2011 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS AND EXPENDITURE REGULATIONS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, TO NEGOTIATE SALARIES FOR CERTAIN RETIRED TEACHERS BELOW THE SCHOOL DISTRICT SALARY SCHEDULE, AND TO FURLOUGH TEACHERS FOR UP TO FIVE NONINSTRUCTIONAL DAYS, PROVIDED THAT DISTRICT ADMINISTRATORS ARE FURLOUGHED FOR TWICE THE NUMBER OF DAYS, TO PROVIDE FURTHER MEASURES SCHOOL DISTRICTS AND EDUCATION-RELATED ENTITIES ARE ENCOURAGED TO TAKE TO MAXIMIZE RESOURCES, TO PROVIDE DISTRICT REPORTING REQUIREMENTS FOR COST-SAVING MEASURES UNDERTAKEN BY THE DISTRICT, TO REQUIRE SCHOOL DISTRICTS TO PROVIDE TO PUBLIC CHARTER SCHOOLS PUPIL ALLOCATION FOR EACH CATEGORICAL PROGRAM BEFORE IMPLEMENTING THESE FLEXIBILITY PROVISIONS, TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS, TO ALLOW SCHOOL DISTRICTS TO SUSPEND TEXTBOOK ADOPTIONS, AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR FISCAL YEAR 2010-2011, TO REQUIRE SCHOOL DISTRICTS FOR FISCAL YEAR 2010-2011 TO UTILIZE AT LEAST SIXTY-FIVE PERCENT OF THEIR PER PUPIL EXPENDITURES WITHIN PROVIDED CATEGORIES OF INSTRUCTION WITH CERTAIN CONDITIONS AND TO PROVIDE REPORTING REQUIREMENTS, TO REQUIRE SCHOOL DISTRICTS FOR FISCAL YEAR 2010-2011 TO MAINTAIN A TRANSACTION REGISTER THAT RECORDS CERTAIN EXPENDED FUNDS, TO PROVIDE WHAT THE REGISTER MUST INCLUDE, TO REQUIRE SCHOOL DISTRICTS TO PUBLISH THEIR CREDIT CARD STATEMENTS ON THEIR WEBSITES, AND TO REQUIRE THE COMPTROLLER GENERAL TO PUBLISH ON ITS WEBSITE CREDIT CARD INFORMATION OF SCHOOL DISTRICTS THAT DO NOT MAINTAIN THEIR OWN WEBSITES; AND TO SUSPEND SECTION 59-21-1030 OF THE 1976 CODE FOR THE 2010-2011 FISCAL YEAR.

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

H. 4357 -- Rep. Millwood: A CONCURRENT RESOLUTION TO CONGRATULATE MR. DEAN JONES, CHESNEE HIGH SCHOOL HEAD BASEBALL COACH, ON BEING NAMED 2008-2009 NATIONAL BASEBALL COACH OF THE YEAR BY THE NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS.

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

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill and Joint Resolution were read the third time and, having received three readings in both Houses, it was ordered that the titles be changed to that of Acts and enrolled for Ratification:

H. 3488 -- Reps. J.E. Smith, Hart, Williams, R.L. Brown, Hutto and Weeks: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY CERTAIN ISSUES AFFECTING VETERANS AND PROVIDE FOR RELATED MATTERS INCLUDING, BUT NOT LIMITED TO, COMMITTEE MEMBERSHIP AND DUTIES, THE FILLING OF VACANCIES, COMMITTEE MEETINGS, AND STAFFING.

Senator ALEXANDER explained the Joint Resolution.

H. 4055 -- Reps. Hardwick, Hearn, Barfield, Clemmons and Edge: A BILL TO AMEND SECTION 7‑7‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF HORRY 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.

**HOUSE BILL RETURNED**

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

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

**SECOND READING BILL**

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

S. 929 -- Senators L. Martin and Elliott: A BILL TO AMEND SECTION 41‑1‑10 OF THE 1976 CODE, RELATING TO POSTING NOTICES CONCERNING THE EMPLOYMENT OF ADULTS AND CHILDREN IN PLACES OF EMPLOYMENT, TO DELETE THE PROVISION REQUIRING NOTICE TO BE POSTED IN EVERY ROOM WHERE FIVE OR MORE PERSONS ARE EMPLOYED; TO AMEND SECTION 41‑3‑10, RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO THE APPOINTMENT AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, TO DELETE THE PROVISION ESTABLISHING THE DIVISION OF LABOR; TO AMEND SECTION 41‑3‑40, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO DELETE THE REFERENCE TO REGULATIONS PERTAINING TO THE DIVISION OF LABOR; TO AMEND SECTIONS 41‑3‑50, 41‑3‑60, 41‑3‑100, AND 41‑3‑120, ALL RELATING TO VARIOUS DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 41‑1‑40, 41‑1‑50, 41‑3‑80, 41‑15‑10, AND 41‑15‑50; ARTICLE 5, CHAPTER 3, TITLE 41; CHAPTER 21, TITLE 41; AND CHAPTER 23, TITLE 41, ALL RELATING TO VARIOUS OBSOLETE PROVISIONS PERTAINING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

**ADOPTED**

S. 471 -- Senators O’Dell and Bryant: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178/76 IN ANDERSON COUNTY FROM ITS INTERSECTION WITH EAST SHOCKLEY FERRY ROAD IN THE CITY OF ANDERSON TO ITS INTERSECTION WITH MAIN STREET IN THE TOWN OF BELTON “VETERANS MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “VETERANS MEMORIAL HIGHWAY”.

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

**RECOMMITTED**

H. 3814 -- Reps. Allison, Cole, Forrester, Kelly and Parker: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO DESIGN AND IMPLEMENT A HIGHWAY BEAUTIFICATION PILOT PROJECT TO REDUCE THE NUMBER OF NONCONFORMING BILLBOARDS THROUGHOUT THE STATE.

Senator GROOMS asked unanimous consent to commit the Joint Resolution to the Committee on Transportation.

There was no objection.

The Joint Resolution was recommitted to the Committee on Transportation.

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

**MOTION ADOPTED**

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

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

**CARRIED OVER**

S. 202 -- Senator Thomas: A BILL TO AMEND SECTION 38‑1‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF “ADMITTED ASSETS” TO INCLUDE THOSE ON THE INSURER’S MOST RECENT STATUTORY FINANCIAL STATEMENT FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38‑13‑80 INSTEAD OF THOSE ADMITTED UNDER THE PROVISIONS OF SECTION 38‑11‑100; TO AMEND SECTION 38‑9‑10, RELATING TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38‑10‑40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38‑33‑130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38‑55‑80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

The Bill was returned from the House with amendments.

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

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

**AMENDED AND ADOPTED**

S. 424 -- Senators Bright, S. Martin, Alexander, Campbell, Fair, Knotts, Cromer, Mulvaney, Verdin, L. Martin, Shoopman, Rose, McConnell, Thomas, Cleary, Courson, Coleman, Davis, Reese, Campsen, Grooms, Ryberg, Peeler, O’Dell, Bryant and Massey: A CONCURRENT RESOLUTION TO AFFIRM THE RIGHTS OF ALL STATES INCLUDING SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of Amendment No. 11A (424R018.MTR) proposed by Senators BRIGHT, ROSE, MULVANEY, McCONNELL, SHOOPMAN, L. MARTIN, COURSON, CAMPBELL, O’DELL, GROOMS, DAVIS, FAIR, S. MARTIN, PEELER, CROMER, ALEXANDER, MASSEY, VERDIN, BRYANT, HAYES, RYBERG, CLEARY, RANKIN, CAMPSEN, and KNOTTS and previously printed in the Journal of Tuesday, January 12, 2010.

The amendment was adopted.

**Amendment No. 12A**

Senator KNOTTS proposed the following Amendment No. 12A (424R010.JMK), which was adopted:

Amend the concurrent resolution, as and if amended, page 1, after line 39 by adding:

/ Whereas, the General Assembly of this State reaffirms that the people of this State, have collectively, through the exercise of their authority as citizens of a sovereign state determined the constitutional balance of power in this State; and

Whereas, the citizens of this State have exercised their sovereign authority both directly through the passage of this state’s constitution and the amendments thereto and representatively through their duly elected representatives in the General Assembly, and the General Assembly exercises the power of the people without limitation except as provided by the State Constitution; and

Whereas, one of the most fundamental powers of any state in the exercise of its sovereignty is through the power of appropriation and under our state’s constitutional balance of power, the power of appropriation is firmly placed within the province of the General Assembly; and

Whereas, the General Assembly rejects any attempt by the federal government, either through the actions of the Congress or the federal courts, to limit, alter, or otherwise affect in any manner whatsoever the General Assembly’s sovereign exercise of the power of appropriation; and /

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

The amendment was adopted.

**Amendment No. 18**

Senator HUTTO proposed the following Amendment No. 18 (424HUTTO1AM), which was ruled out of order:

Amend the concurrent resolution, as and if amended, by striking the concurrent resolution in its entirety and inserting:

/ A CONCURRENT RESOLUTION TO AFFIRM THE IMPORTANCE OF THE RIGHTS TO FREELY EXERCISE RELIGION AND TO BE FREE FROM RELIGION GRANTED UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.

Whereas, the First Amendment to the United States Constitution provides: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”; and

Whereas, the vast majority of Americans believe in some form of a devine being; and

Whereas, there is a minority of Americans who do not believe in a devine being; and

Whereas, in order to accommodate both groups, the protections and rights granted under the First Amendment to the United States Constitution are necessary. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of the State of South Carolina, by this resolution, affirms the importance of the protections and rights granted under the First Amendment to the United States Constitution.

Be it further resolved that this resolution serves as notice and demand to the federal government, as South Carolina’s agent, to cease and desist immediately all mandates that are beyond the scope of the federal government’s constitutionally powers.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of South Carolina’s Congressional Delegation, all at Washington, D.C., and to the Speaker of the House of Representatives and the President of the Senate of the legislatures of the other forty‑nine states. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

**PRESIDENT *Pro Tempore* PRESIDES**

At 1:00 P.M., Senator McCONNELL assumed the Chair.

Senator HUTTO explained the amendment.

**Point of Order**

Senator L. MARTIN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24.

Senator LEVENTIS spoke on the Point of Order.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Amendment No. 18 was ruled out of order.

Senator HUTTO asked unanimous consent to make a motion to take up Amendment No. 29 for immediate consideration.

There was no objection.

**Amendment No. 29**

Senator HUTTO proposed the following Amendment No. 29 (424HUTTOCENSURE), was ruled out of order:

Amend the concurrent resolution, as and if amended, by striking the concurrent resolution in its entirety and inserting:

/ A CONCURRENT RESOLUTION TO UTILIZE ONE OF THE POWERS LEFT TO THE STATES UNDER THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION TO CENSURE MARK C. SANFORD, JR., GOVERNOR OF SOUTH CAROLINA, FOR DERELICTION IN HIS DUTIES OF OFFICE AS GOVERNOR AND FOR OFFICIAL MISCONDUCT THAT HAS BROUGHT DISHONOR TO HIMSELF, THE STATE OF SOUTH CAROLINA, AND TO ITS CITIZENS.

Whereas, one of the powers left to the States under the Tenth Amendment to the United States Constitution is the power to censure public official in the States; and

Whereas, Governor Mark Sanford was absent from the State of South Carolina and from the United States from Thursday, June 18, 2009, until Wednesday, June 24, 2009, while in or in route to and from Argentina for reasons unrelated to his gubernatorial responsibilities; and

Whereas, from Thursday, June 18, 2009, until at least on or about Monday, June 22, 2009, Governor Sanford was not in official communication with any person in the chain of command within the Office of the Governor of the State of South Carolina; and

Whereas, the Governor intentionally and clandestinely evaded South Carolina Law Enforcement Division agents assigned to secure his safety in order to effect his absence from the State; and

Whereas, the Governor directed members of his staff in a manner that caused them to deceive and mislead the public officials of the State of South Carolina as well as the public of the State of South Carolina as to the Governor’s whereabouts; and

Whereas, the Governor’s conduct in being absent from the State of South Carolina under these circumstances constitutes a dereliction of his duties as Governor; and

Whereas, in addition to the above, Governor Sanford misused state aircraft for purposes unrelated to the duties of his office, traveled numerous times on commercial aircraft at fares which were not permitted by state law, and failed to report free air travel on aircraft of others on his state ethics disclosure forms in violation of state ethics laws; and

Whereas, the full details of these aircraft and travel violations will be reflected in a State Ethics Commission’s report to be completed in the near future; however, what has already been disclosed in the public domain is sufficient to conclude he did not conduct himself in these areas in the highest traditions and requirements of his office; and

Whereas, Governor Sanford’s conduct as outlined in this resolution in its totality has breached the public trust of South Carolinians and has lowered their confidence in his ability to be their chief executive; and

Whereas, the conduct of Governor Sanford as outlined in this resolution has also brought dishonor, disgrace, and shame not only upon Governor Sanford but upon this State and its citizens which rises to a level which requires a formal admonishment and censure. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the South Carolina General Assembly, by this resolution, hereby censure Mark C. Sanford, Jr., Governor of South Carolina, for dereliction in his duties of office as Governor and for official misconduct that has brought dishonor to himself, the State of South Carolina, and to its citizens.

Be it further resolved that a copy of this resolution be forwarded to Governor Sanford. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

**Point of Order**

Senator L. MARTIN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24.

Senator ROSE spoke on the Point of Order.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Amendment No. 29 was ruled out of order.

**Amendment No. 19**

Senator HUTTO proposed the following Amendment No. 19 (424HUTTO1AM2), which was ruled out of order:

Amend the concurrent resolution, as and if amended, by striking the concurrent resolution in its entirety and inserting:

/ A CONCURRENT RESOLUTION TO AFFIRM THE IMPORTANCE OF THE RIGHTS TO FREEDOM OF SPEECH GRANTED UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.

Whereas, the First Amendment to the United States Constitution provides: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”; and

Whereas, the freedom to express and receive ideas, rather of dissent or approval, is essential to the advancement of our society collectively and of our citizens individually. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of the State of South Carolina, by this resolution, affirms the importance of the protections and rights granted under the First Amendment to the United States Constitution.

Be it further resolved that this resolution serves as notice and demand to the federal government, as South Carolina’s agent, to cease and desist immediately all mandates that are beyond the scope of the federal government’s constitutionally powers.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of South Carolina’s Congressional Delegation, all at Washington, D.C., and to the Speaker of the House of Representatives and the President of the Senate of the legislatures of the other forty‑nine states. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

**Point of Order**

Senator L. MARTIN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Amendment No. 19 was ruled out of order.

**Amendment No. 20**

Senator HUTTO proposed the following Amendment No. 20 (424HUTTO1AM3), which was ruled out of order:

Amend the concurrent resolution, as and if amended, by striking the concurrent resolution in its entirety and inserting:

/ A CONCURRENT RESOLUTION TO AFFIRM THE IMPORTANCE OF THE RIGHTS TO FREEDOM OF THE PRESS GRANTED UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION.

Whereas, the First Amendment to the United States Constitution provides: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”; and

Whereas, it is essential that the citizens of South Carolina and of the United States of America know the issues that are addressed by their government and the actions taken by their government; and

Whereas, no citizen has the ability to be personally present at all places and times when governmental action is taken, an effective press is crucial to all citizens. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of the State of South Carolina, by this resolution, affirms the importance of the protections and rights granted under the First Amendment to the United States Constitution.

Be it further resolved that this resolution serves as notice and demand to the federal government, as South Carolina’s agent, to cease and desist immediately all mandates that are beyond the scope of the federal government’s constitutionally powers.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of South Carolina’s Congressional Delegation, all at Washington, D.C., and to the Speaker of the House of Representatives and the President of the Senate of the legislatures of the other forty‑nine states. /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator L. MARTIN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Amendment No. 20 was ruled out of order.

Senator HUTTO asked unanimous consent to make a motion to take up Amendment 30 for immediate consideration.

There was no objection.

**Amendment No. 30**

Senator HUTTO proposed the following Amendment No. 30 (424HUTTOARRA), which was tabled:

Amend the concurrent resolution, as and if amended, by striking the concurrent resolution in its entirety and inserting:

/ A CONCURRENT RESOLUTION TO REFUSE ANY ADDITIONAL FUNDS UNDER AMERICAN RECOVERY AND REINVESTMENT ACT.

Whereas, the federal government is considering a six month extension of the enhanced federal Medicaid match authorized in the American Recovery and Reinvestment Act; and

Whereas, under this extension South Carolina Stands to benefit in the amount of $205,000,000.00; and

Whereas, one of the most glaring examples of the violations of the Tenth Amendment to the United States Constitution is the American Recovery and Reinvestment Act. Now, therefore

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of the State of South Carolina, by this resolution, refuses any additional funds authorized pursuant to the American Recovery and Reinvestment Act due to its conflict with the Tenth Amendment to the United States Constitution.

Be it further resolved that this resolution serves as notice and demand to the federal government, as South Carolina’s agent, to cease and desist immediately all mandates that are beyond the scope of the federal government’s constitutionally delegated powers.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of South Carolina’s Congressional Delegation, all at Washington, D.C., and to the Speaker of the House of Representatives and the President of the Senate of the legislatures of the other forty‑nine states. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

**Point of Order**

Senator ROSE raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24.

The PRESIDENT *Pro Tempore* overruled the Point of Order.

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

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

**Ayes 44; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Grooms Hayes

Hutto 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 Thomas

Verdin Williams

**Total--44**

**NAYS**

**Total--0**

The amendment was laid on the table.

Senator HUTTO asked unanimous consent to make a motion to take up Amendment No. 31A for immediate consideration.

There was no objection.

**Amendment No. 31A**

Senator HUTTO proposed the following Amendment No. 31A (MW424.2), which was tabled:

Amend the concurrent resolution, as and if amended, by striking the concurrent resolution in its entirety and inserting:

/ A CONCURENT RESOLUTION TO AFFIRM THAT THE TENTH AMENDMENT TO THE CONSITUTION OF THE UNITED STATES GIVES ALL POWERS OVER THE PROVISION OF HEALTH CARE FOR RESIDENTS OF SOUTH CAROLINA TO THE STATE OF SOUTH CAROLINA.

Whereas, the Tenth Amendment defines the limited scope of federal power as being that specifically granted by the United States Constitution; and

Whereas, the limited scope of federal authority defined by the Tenth Amendment means that the states are responsible for the health care of their residents; Now therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly of the State of South Carolina, by this resolution, affirms that the Tenth Amendment to the Constitution of the United States gives all powers over the provision of health care for residents of South Carolina to the State of South Carolina.

Be it further resolved that this resolution serves as notice and demand to the federal government, as South Carolina’s agent, to cease and desist immediately all payments and reimbursements for the Medicare program. Be it resolved that the General Assembly considers the Medicare program an unnecessary intrusion into state affairs and a hindrance to the acquisition of privately obtained health care for the nearly 697,000 South Carolina residents served by the entitlement program.

Be it further resolved that the General Assembly of the State of South Carolina considers Medicare an unlawful intrusion on the state’s right to the pull the plug on grandma – and possibly grandpa – if it so desired. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

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

The amendment was laid on the table.

**Amendment No. 39**

Senator HUTTO proposed the following Amendment No. 39 (MW424.7), which was tabled:

Amend the concurrent resolution, as and if amended, by striking the concurrent resolution in its entirety and inserting:

/ A CONCURRENT RESOLUTION TO REASSERT THE INTENT OF THE AUTHORS OF THE TENTH AMENDEMENT TO THE CONSTITUTION OF THE UNITED STATES.

Whereas, the Tenth Amendment was intended to confirm the understanding of the people at the time the Constitution was adopted, that powers not granted to the United States were reserved to the states or to the people,

Whereas, the Tenth Amendment added nothing to the instrument as originally ratified,

Whereas, the amendment states but a truism that all is retained this has not been surrendered,

Whereas, there is nothing in the history of its adoption to suggest that it was more than declaratory of the relationship between the national and state governments as it had been established by the Constitution before the amendment or that its purpose was other than to allay fears that the new national government might seek to exercise powers not granted, and that the states might not be able to exercise fully their reserved powers, Now, therefore,

Be it further resolved by the Senate, the House of Representatives concurring:

That the General Assembly of the State of South Carolina, by this resolution, reasserts the intent of the authors of the Tenth Amendment to the Constitution of the United States.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of South Carolina's Congressional Delegation, all at Washington, D.C., and to the Speaker of the House of Representatives and the President of the Senate of the legislatures of the other forty-nine states. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator HUTTO moved that the amendment be adopted.

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

The amendment was laid on the table.

**Amendment No. 42**

Senator SETZLER proposed the following Amendment No. 42 (424SETCONFLICT), which was carried over:

Amend the resolution, as and if amended, page 3, after line 14, by adding:

/ Be it further resolved that the General Assembly of the State of South Carolina, by this resolution, demands Congress not enact any law that violates the Ninth or Tenth Amendment to the United States Constitution. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

Senator SETZLER asked unanimous consent to make a motion to take up Amendment 44A for immediate consideration.

There was no objection.

On motion of Senator SETZLER, with unanimous consent, Amendment No. 42 was carried over.

**Amendment No. 44A**

Senator SETZLER proposed the following Amendment No. 44A (424SETSUP), which was adopted:

Amend the resolution, as and if amended, page 3, after line 14, by adding:

/ Be it further resolved that the General Assembly of the State of South Carolina, by this resolution, affirms its support of the Ninth and Tenth Amendments to the United States Constitution. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

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

**Ayes 46; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto 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 Thomas Verdin

Williams

**Total--46**

The amendment was adopted.

On motion of Senator SETZLER, with unanimous consent, Amendment No. 42 was withdrawn.

**Amendment No. 47**

Senators HUTTO, KNOTTS, SETZLER, CROMER, ELLIOTT, RANKIN, BRYANT, BRIGHT, DAVIS, ROSE and S. MARTIN proposed the following Amendment No. 47 (424R020.CBH), which was adopted:

Amend the concurrent resolution, as and if amended, page 2, after line 25 by adding:

/ Whereas, there is concern that the federal government will also overstep its authority and violate the Tenth and the Second Amendments of the United States Constitution by enacting far-reaching restrictions or even a ban on gun purchases and ownership; and

Whereas, the Second Amendment to the United States Constitution provides: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”; and

Whereas, intervention by an armed South Carolina militia may prove to be the sole means for this State to protect the Liberties guaranteed it and all other States under the Tenth Amendment to the United States Constitution; and

Whereas, due to the potential need for intervention by an armed South Carolina militia, the protections afforded under the Second Amendment to the United States Constitution are of upmost importance to the Citizens of South Carolina and the State of South Carolina; and /

Amend the concurrent resolution further, as and if amended, page 3, after line 14 by adding:

Be it further resolved that the General Assembly of the State of South Carolina, by this resolution, claims for the Citizens of South Carolina and the State of South Carolina freedom from all laws and mandates that violate the rights granted under the Second Amendment to the United States Constitution.

Be it further resolved that this resolution serves as notice and demand to the federal government, as South Carolina’s agent, to cease and desist immediately all mandates that are beyond the scope of the federal government’s constitutionally delegated powers. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Statement by Senators MULVANEY, DAVIS, SHOOPMAN**

**and ROSE**

We voted for the amendment to S. 424 that deals with Second Amendment Rights, as we agree with the sentiment that our Second Amendment rights are paramount. However, we believe the reference to “armed intervention” to be hyperbole that was intended only to undermine the seriousness of the Resolution. While armed intervention is, in the most extreme of cases, certainly one way to assert the rights of individuals and states, we consider it unfortunate that such inflammatory and unnecessary language was used. Its inclusion should not be read to diminish the commitment to our Constitutional rights as expressed in the Resolution.

**Amendment No. 48**

Senator MALLOY proposed the following Amendment No. 48 (424R021.GM), which was tabled:

Amend the concurrent resolution, as and if amended, page 1, after line 35, by adding:

/ Whereas, the State recognizes that as an independent sovereign, that the State along with the other states of the union took part in an extensive collective bargaining process through the adoption of the Constitution and the various amendments thereto, and like any other party to any other agreement, the State is bound to uphold the terms and conditions of that agreement. Through this agreement, the States have collectively created the federal government, limiting the scope of its power and authority, as well as ensuring that certain fundamental rights are guaranteed. Also, through this process the states have collectively agreed to limit their own governmental authority by providing that the rights and protections afforded to the people as citizens of the United States are also extended to each person as a citizen of an individual state. Pursuant to that agreement, this State is bound to uphold the principles and protections afforded by all of the constitutional amendments, one of the most notable being the protections afforded by the Fourteenth Amendment which guarantees the privileges and immunities of the United States, due process of law, and equal protection under the law; /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

**Motion Adopted**

Senator O’DELL asked unanimous consent to make a motion that Senators PEELER, REESE, FAIR, ELLIOTT and O’DELL be granted leave to vote from the balcony inasmuch as they are attending a subcommittee meeting.

There was no objection.

Senator MALLOY explained the amendment.

**Point of Order**

Senator ROSE raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24 in that it did not pertain to the Tenth Amendment.

The PRESIDENT *Pro Tempore* overruled the Point of Order.

Senator VERDIN moved to lay the amendment on the table.

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

**Ayes 25; Nays 19**

**AYES**

Alexander Bright Campbell

Campsen Cleary Courson

Cromer Davis Elliott

Fair Grooms Hayes

Knotts *Martin, L. Martin, S.*

Massey McConnell O’Dell

Peeler Rankin Reese

Rose Shoopman Thomas

Verdin

**Total--25**

**NAYS**

Anderson Bryant Coleman

Ford Hutto Jackson

Land Leventis Lourie

Malloy Matthews McGill

Mulvaney Nicholson Pinckney

Ryberg Scott Sheheen

Williams

**Total--19**

The amendment was laid on the table.

The question then was the adoption of the Concurrent Resolution, as amended.

Senator LEVENTIS spoke on the Concurrent Resolution.

**Amendment No. 49**

Senator MALLOY proposed the following Amendment No. 49 (424R022.GM), which was adopted:

Amend the concurrent resolution, as and if amended, page 2, after line 25, by adding:

/ Whereas, the State recognizes that as an independent sovereign, that the State along with the other states of the union took part in an extensive bargaining process through the adoption of the Constitution and the various amendments thereto, and like any other party to any other agreement, the State is bound to uphold the terms and conditions of that agreement. Through this agreement, the states have collectively created the federal government, limiting the scope of its power and authority, as well as ensuring that certain fundamental rights are guaranteed. Also, through this process the federal judiciary has interpreted the Fourteenth Amendment to limit states’ governmental authority by providing that rights and protections afforded to the people as citizens of the United States are also extended to each person as a citizen of an individual state. Pursuant to that interpretation, this State is bound to uphold the principles and protections afforded by the Fourteenth Amendment which guarantees the privileges and immunities of the United States, due process of law, and equal protection under the law; /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators CROMER, McCONNELL, VERDIN and SHOOPMAN desired to be recorded as voting against the adoption of the amendment.

**Statement by Senators McCONNELL and CAMPBELL**

We voted against this amendment because I believe that this Resolution needs to be simple and direct -- that the Ninth and Tenth Amendments limit the power and reach of the federal government to those actions specifically enumerated in the Constitution. In other words, this is about states’ rights, not federal rights.

This amendment would dilute that message by bringing in the Fourteenth Amendment to the Resolution. That would unnecessarily confuse the issue. Each protection afforded to citizens and enforced on the states by the Fourteenth is already covered by our South Carolina Constitution. Why muddle the message that needs to be clearly heard in Washington, D.C.?

Also, we want this Resolution to be a clear statement that the proposed health care bill violates our state’s citizens’ rights under the Ninth and Tenth Amendments. Therefore, we oppose the amendment in order to send a loud and clear message to Washington. Our future and our liberty is at stake. We need plain talk -- not academic recitations.

There being no further amendments, the question then was the adoption of the Concurrent Resolution, as amended.

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

**Ayes 32; Nays 11**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Grooms

Hayes Knotts Leatherman

*Martin, L. Martin, S.* Massey

McConnell McGill Mulvaney

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Setzler Shoopman

Thomas Verdin

**Total--32**

**NAYS**

Anderson Ford Hutto

Land Leventis Malloy

Matthews Nicholson Scott

Sheheen Williams

**Total--11**

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

**Statement by Senator McCONNELL**

I voted for the Tenth Amendment Resolution because of my continued concern regarding over-reach from Washington, D. C. Over the years, Congress has failed to check those who wish to pass mandates on to the state and force the states to pass laws that they, in Washington, want. This past year, the Medical Care Reform Bill has really crystallized the problem. In my opinion, there is nowhere in the United States Constitution where the federal government is given the right to tell people that they have to buy medical insurance. Medical insurance is an individual right unless it has been given to the state governments by the Constitution. The result is that the Bill in Washington is, in my opinion, unconstitutional and violates the Tenth Amendment and the rights of the people in America. For that reason, I believe this Resolution is at least a clear statement that we believe it is a violation of the Ninth and Tenth Amendments. That message needed to be crystal clear. It did not need to be detracted from by other messages.

The previous amendment was put on this Resolution dealing with the Second Amendment right to bear arms. I did not vote for that amendment because I felt like it took away from the message that we needed to send. Additionally, the amendment, in my opinion, was crafted wrongly and perhaps sends a different view of the Second Amendment than what I have. I believe the Second Amendment guarantees to each individual citizen the right to bear arms and to own arms and to use those arms under the law to protect themselves as the law has defined. The right to bear arms is not associated solely with militias and in defense of the State. The amendment, which has been put up, was crafted inartfully and says that it can be interpreted to restrict the right to bear arms to those instances regarding the interfacing with militia and not to clearly announce that the right to bear arms is viewed by this State as encompassing the right of each individual to bear arms in their homes for their protection. Therefore, the amendment is both unnecessary and perhaps sends a clouded message. I had previously written in a statement about the other amendment, the Fourteenth Amendment language, which was embedded into this Tenth Amendment Resolution.

Lastly, I wish to address an issue I brought up in a previous Journal on Thursday, January 14, 2010, when I voted to adjourn. I did so because we did not have the votes to invoke cloture, and it was a waste of time to stay there under those circumstances, unless we could round up the votes. The previous night, leave had been granted to some of the supporters of the Tenth Amendment, and without their presence and vote, we could not invoke cloture in bringing the matter to closure. On Thursday, January 14, the opponents offered us a package that if we would adjourn, they would put up their amendments and sit down and let us vote the Resolution up or down. As you can see in that Journal, when a group of supporters of the Tenth Amendment voted with the opponents to adjourn on Thursday, it paved the way for a final vote on Tuesday, January 19. They stuck to their end of the bargain. As a result, we were able to get the Resolution up to a final vote. As I was presiding, I did not participate in the oral debate, but I wanted to make my votes a subject of record and the reasons why I voted as I did.

**Statement by Senator LEVENTIS**

I fully support the Ninth and Tenth Amendments to the United States Constitution.  S. 424, however, now goes far beyond that.  And that is why I voted against it.

First, it condemns a federal health care effort that has not even been finalized and the terms of which we do not know.  When the Resolution was introduced in 2009, it made no reference to health care at all.  Second, this legislation, if actually binding, would interfere with our citizens’ ability to receive Medicare benefits, Medicaid benefits, and Veterans benefits.  Our citizens do not deserve this type of disrespect.  While the Resolution has no force and effect of law, it will be distributed to every state’s legislative leaders with no further explanation.   Many may believe that this represents the official policy of our State which it does not.

I fear the entire effort to present and pass S. 424 is political posturing.  With that in mind, I will repeat my initial statement, I fully support the Ninth and Tenth Amendments to the United States Constitution of the United States of America, not as stated in S. 424 but as it is written and interpreted by the Supreme Court of the United States.

**Motion Adopted**

On motion of Senator LARRY MARTIN, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet tomorrow at 11:00 A.M.

**MOTION ADOPTED**

On motion of Senator LOURIE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. David “Luke” Dodenhoff of Columbia, S.C., beloved son of David and Connie Williamson and doting brother to Jenna Louise Dodenhoof. Mr. Dodenhoff, a senior attending A. C. Flora High School, enjoyed playing church basketball, waterskiing, music, trips to the beach and he will be sorely missed by many friends and co-workers as well as his family.

**ADJOURNMENT**

At 3:45 P.M., on motion of Senator L. MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the motion to adjourn.

\* \* \*