**Tuesday, March 16, 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:

The Psalmist says to God:

“Do not cast me away from your presence, and do not take your holy spirit from me.” (Psalm 51:11)

Let us pray:

Holy God, more than ever do we need your presence here in this governmental complex. In the Chambers of this State House, in our offices and meeting rooms, out in the corridors, under the Dome, and even along the sidewalks, we take comfort in the fact of Your being in the midst of all that we say and do. Lead these Senators themselves to call upon You freely and often for guidance and for Your blessing, O Lord. May nothing keep them from a close walk with You. Continue to bless all of Your servants, and may great good result for the people of South Carolina. In Your loving name we pray, 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**

Initial Appointment, Consumer Advisory Board to the Autism Division, with the term to commence June 1, 2010, and to expire June 1, 2014

3rd Congressional District:

Donna H. Winchell, 112 Robin Street, Clemson, SC 29631

Referred to the Committee on Medical Affairs.

Initial Appointment, Consumer Advisory Board to the Mental Retardation Division, with the term to commence June 1, 2010, and to expire June 1, 2014

4th Congressional District:

Loren D. Higgins, 300 Moss Wood Circle, Simpsonville, SC 29681

Referred to the Committee on Medical Affairs.

Initial Appointment, Consumer Advisory Board to the Mental Retardation Division, with the term to commence June 1, 2010, and to expire June 1, 2014

6th Congressional District:

W. C. Hoecke, 1510 Winchester Avenue, Columbia, SC 29203

Referred to the Committee on Medical Affairs.

Initial Appointment, Consumer Advisory Board to the Mental Retardation Division, with the term to commence June 1, 2010, and to expire June 1, 2014

1st Congressional District:

Stephen Mark Sloat, 608 Williamson Dr., Mount Pleasant, SC 29464

Referred to the Committee on Medical Affairs.

Initial Appointment, Consumer Advisory Board to the Spinal Cord Injury Division, with the term to commence June 1, 2010, and to expire June 1, 2014

5th Congressional District:

Philip H. Clarkson, P.O. Box 428, Cowpens, SC 29330 *VICE* Sandra Marie Redmon

Referred to the Committee on Medical Affairs.

Initial Appointment, Consumer Advisory Board to the Spinal Cord Injury Division, with the term to commence June 1, 2010, and to expire June 1, 2014

2nd Congressional District:

Charles L. McLafferty, 1787 Hillsboro Road, Orangeburg, SC 29115 *VICE* William B. Robb, Jr.

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2010, and to expire May 19, 2014

1st Congressional District:

Peter A. Smith, 411 Meeting Street, #2102, Charleston, SC 29403 *VICE* Charlene Grice

Referred to the General Committee.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2009, and to expire December 31, 2013

4th Congressional District:

Hunter R. Jones, Ph.D., RN, 14 Henry Clark Lane, Greer, SC 29651 *VICE* Suzanne K. White

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2008, and to expire April 6, 2014

4th Congressional District:

Walter C. Robinson, DVM, East North Veterinary Clinic, 550 Old Howell Road, Greenville, SC 29615 *VICE* Stephen G. Colquhoun

Referred to the Committee on Agriculture and Natural Resources.

**Doctor of the Day**

Senators COURSON, MATTHEWS and FAIR introduced Dr. Tommy Rowland of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator NICHOLSON, at 12:05 P.M., Senator ANDERSON was granted a leave of absence for today.

**Leave of Absence**

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

**Presentation**

Senator McCONNELL was recognized to present a Resolution commending and honoring the Honorable S. Philip Lenski, former staff attorney for the Committee on Judiciary, on his elevation to the position of Judge, Administrative Law Court, and to wish him well in his future endeavors.

**SPONSORS ADDED**

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

S. 452 Sen. Campsen

S. 903 Sen. Rose

S. 1057 Sen. Davis

S. 1096 Sen. Malloy

S. 1267 Sen. Reese

**REPORT RECEIVED**

**Report of the Joint Transportation Review Committee**

**INTRODUCTION**

Act 114 of 2007 was enacted to restructure the South Carolina Department of Transportation and the Department of Transportation Commission. Reforms were designed 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 part of Act 114 is the Joint Transportation Review Committee. The JTRC’s responsibility includes screening each applicant for the Department of Transportation Commission by determining whether the applicant is qualified and meets the requirements required by law to serve.

About the Report

This report contains the committee’s findings regarding the qualifications of applicants for the Commission from the 2nd, 4th, and 6th districts. Each member of the General Assembly residing in the 2nd, 4th and 6th Congressional District will be given a copy of this report for review and consideration. The Committee believes that this report will help members make an informed vote.

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 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 have a level of formal education (and/or possess education commensurate with the duties and responsibilities of a commissioner) and to exhibit strong ethical standards. First, the Committee’s investigation focuses on whether the applicant meets the qualifications for service 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.

In screening candidates and making its findings, the Committee also must give due consideration to:

(a) ability, area of expertise, dedication, compassion, common sense, and integrity of each candidate; and

(b) the impact that each candidate would have on the racial and gender composition of the commission, and each candidate's impact on other demographic factors represented on the commission, such as residence in rural or urban areas, to assure nondiscrimination to the greatest extent possible of all segments of the population of the State.

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.

**ELECTION OF COMMISSION MEMBERS**

A candidate may withdraw at any stage of the proceedings.

Resident members of the 2nd District and the 6th District may meet to elect a commissioner to represent their district at any time after noon on Tuesday, March 16, 2010.

Pursuant to Section 57-1-325 members residing within the respective 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.

Membership and Staff

Senate Appointees: House Appointees:

Sen. Lawrence K. Grooms, Ch. Rep. Jay Lucas, Vice Ch.

Sen. Hugh K. Leatherman, Jr. Rep. Annette Young

Sen. Glenn F. McConnell Rep. Phillip D. Owens

Senator Harvey S. Peeler, Jr. Mr. Patterson Smith

Senator Gerald Malloy Mr. Reid Banks

Chief of Staff: David Owens

Senate Counsel: Kenneth M. Moffitt

House Counsel: Rick Fulmer

Executive Asst.: Lily Cogdill

**MR. JOHN CRAIG FORREST**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT**

**OF TRANSPORTATION**

**2ND DISTRICT**

**BACKGROUND**

Mr. Forrest is 66 and lives in Bluffton. He has extensive experience in the field of transportation, beginning in 1962 with the Maryland State Roads Commission, where he served for 12 years. He was Manager of Transportation Planning for Baltimore County, Maryland from 1988 until 2005, where he served as the County Executive’s Regional Transportation Coordinator. He was Chairman of the Baltimore Regional Transportation Board, the area’s Metropolitan Planning Organization (MPO).

Mr. Forrest moved to Bluffton in 2005 and is retired. He is Chairman of the Lowcountry Regional Transportation Authority.

**QUALIFICATIONS**

Education: Associate of Arts, General Studies, Catonsville Community College, Catonsville, Maryland, 1974; B.S., Geography and M.A., Geography, Towson University, Towson, Maryland.

Areas of Expertise: Mr. Forrest claims qualifying experience in the following.

Transportation: Maryland Department of Transportation, 1962-1988, monitored capital programs of State Highway Administration and Maryland Transportation Authority, represented MDOT at planning meetings, and prepared data for MDOT’s annual legislative package. Baltimore County Manager of Transportation Planning, 1988-2005, served as County Executive’s Regional Transportation Coordinator.

**OTHER**

Geographical Honor Society; County Engineers Association of Maryland; Institute of Transportation Engineers; ITS Maryland; Boy Scouts of America, Order of the Arrow; Gamma Theta Epsilon; other organizations.

During his screening, Mr. Forrest indicated he knew of no conflicts of interest with either the SCDOT or the Commission, and stated that he would recuse himself from voting on matters where a conflict might arise. Nothing that arose during the staff investigation or in screening called that statement into question. He stated he was aware of the prohibition on members of the General Assembly pledging votes until after the JTRC’s final report is issued.

Mr. Forrest stated that if elected to the Commission he would resign his position as Chairman of the Lowcountry Regional Transportation Authority.

**LETTERS OF RECOMMENDATION**

Mr. Richard Lacjak -- Sun City Community, Bluffton

Mr. David J. Krauser -- GBAC of Sun City Hilton Head, Bluffton

Ms. Rochelle Ferguson -- Palmetto Breeze, Bluffton

Mr. Emery J. Hines -- Bureau of Traffic Engineering and Transportation Planning, Towson, MD

Mr. George E. Simpson -- SCHH Government & Business Affairs Committee, Bluffton

**FINDINGS**

On February 10, 2010 the Joint Transportation Review Committee met to screen Mr. Forrest. The Committee met again on March 3, 2010.

Mr. Forrest was found **QUALIFIED** on March 3, 2010.

In screening Mr. Forrest and making its findings, the Committee gave due consideration to his ability, area of expertise, dedication, compassion, common sense, and integrity and the impact that Mr. Forrest would have on the racial and gender composition of the commission, and his impact on other demographic factors represented on the commission, such as residence in rural or urban areas.

**MR. EDWARD ALTON “AL” ADAMS**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**6TH DISTRICT**

**BACKGROUND**

Mr. Adams is 48, is married, and lives in Sumter. He is President of Adams Investments, Inc., and Vice President of Adams Moving and Storage, LLC. His business provides residential and commercial moving, storage, and relocation, as well as shipping, logistics and freight forwarding services.

The company is a U.S. Department of Defense-approved carrier, serving customers in all 50 states, Puerto Rico, Guam, and nine foreign countries. Mr. Adams has a commercial driver’s license, and advises that he has worked in the transportation industry since 1981.

**QUALIFICATIONS**

Education: Accounting and Computer Science studies, Montgomery College, Rockville and Germantown, Maryland, 1979-1981; no degree. (Mr. Adams left to join his family in South Carolina and go into the trucking business.)

Areas of Expertise: Mr. Adams claims qualifying experience in the following.

Transportation: Has worked as a commercial long-haul driver, dispatcher, operations supervisor, terminal manager, and district manager. Started a relocation company in 1999, which he sold in 2004. Is President of Adams Investments and VP of Adams Moving and Storage.

Finance: Is responsible for the company’s overall financial analysis, determining debt- to-equity levels, current ratios, ROI, cash flow, capital investment, and profitability.

Management: Manages 4 direct and 22 indirect employees who handle operations, sales, administration, IT, marketing and government relations. Works daily with other transportation and shipping company representatives on administrative, legal, financial, and related matters.

**OTHER**

Past President, S.C. Movers Conference; member, S.C. Trucking Association, American Moving and Storage Association, other organizations.

During screening, Mr. Adams indicated he knew of no conflicts of interest with either the SCDOT or the Commission, and stated that he would recuse himself in matters where a conflict might arise. Nothing that arose during the staff investigation or in screening called that statement into question. He stated he was aware of the prohibition on members of the General Assembly pledging votes until after the JTRC’s final report is issued.

**LETTERS OF RECOMMENDATION**

Pastor Clay Smith -- Alice Drive Baptist Church, Sumter

Ms. Melissa L. Hallbick, CPA -- Columbia

Mr. Bill Turrentine, III, -- Smith Dray Line, Greenville

David Popowski, Esq. -- Popowski Law Firm, LLC, Charleston

Mr. Grey B. Murray -- United Brokerage Co., Inc., Augusta

H. Wesley Kirkland, Jr., Esq. -- Kirkland & Rush, Columbia

**FINDINGS**

On February 10, 2010 the Joint Transportation Review Committee met to screen Mr. Adams. The Committee met again on March 3, 2010.

Mr. Adams was found **QUALIFIED** on March 3, 2010.

In screening Mr. Adams and making its findings, the review committee gave due consideration to his ability, area of expertise, dedication, compassion, common sense, and integrity and the impact that Mr. Adams would have on the racial and gender composition of the commission, and his impact on other demographic factors represented on the commission, such as residence in rural or urban areas.

**MR. WILLIAM K. “BILLY” PADGETT**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**6TH DISTRICT**

**BACKGROUND**

Mr. Padgett is 76, is married, and lives in Walterboro. He is owner of BP Motor Sales, a full-service automobile sales, service, rentals and finance company. He is a member of the Colleton County Transportation Committee and the Carolinas Independent Automobile Dealers Association.

**QUALIFICATIONS**

Education: Associate of Arts, Mars Hill Junior College, 1958; B.S., Business Administration, University of South Carolina, 1960; United States Army, 1954 -1956, Corporal, honorable discharge. Mr. Padgett attended college on the G.I. Bill and worked his way through school.

Areas of Expertise: Mr. Padgett claims qualifying experience in the following.

Transportation: Member, Colleton Transportation Committee, 2001 to present.

Construction: Construction, including job bidding, bookkeeping, and construction labor, 1960-1963.

Finance: Owner of BP Finance Corp., 1990 to present.

Management: Owner/operator, BP Motor Sales Inc., 1970 to present. The dealership offers sales, service, rentals, and financing. Mr. Padgett reports having employed up to 16 people at one time.

**OTHER**

Member, Carolinas Independent Auto Dealers Association (Chairman of Legislative Committee, 1993-2005), other organizations; Mason, 26 years; various community and business awards.

Mr. Padgett has had an auto dealer’s license in South Carolina since 1970.

During screening, Mr. Padgett indicated he knew of no conflicts of interest with either the SCDOT or the Commission, and stated that he would recuse himself from voting on matters where a conflict might arise. Nothing that arose during the staff investigation or in screening called that statement into question. He stated he was aware of the prohibition on members of the General Assembly pledging votes until after the JTRC’s final report is issued.

**LETTERS OF RECOMMENDATION**

The Honorable William T. Young, Jr. -- Mayor, City of Walterboro

The Honorable Joseph Flowers, M.D. -- Chairman, Colleton County Council, Walterboro

The Honorable W. Gene Whetsell -- Member, Colleton County Council, Walterboro

Mr. Bernard Warshaw -- Colleton County Transportation Committee, Walterboro

Mr. Douglas Burns -- Colleton County Administrator, Walterboro

**FINDINGS**

On February 10, 2010 the Joint Transportation Review Committee met to screen Mr. Padgett. The Committee met again on March 3, 2010.

Mr. Padgett was found **QUALIFIED** on March 3, 2010.

In screening Mr. Padgett and making its findings, the review committee gave due consideration to his ability, area of expertise, dedication, compassion, common sense, and integrity and the impact that Mr. Padgett would have on the racial and gender composition of the commission, and his impact on other demographic factors represented on the commission, such as residence in rural or urban areas.

**MR. HARRISON REARDEN**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**6TH DISTRICT**

**BACKGROUND**

Mr. Rearden is 73 years old, is married, and lives in Columbia. He retired from the S.C. Department of Social Services in 2001, having served as Executive Assistant to the State Director, Chief of Staff, Ombudsman, and Deputy State Director.

Mr. Rearden was also vehicle fleet manager for the department. He is a member of the Columbia Metropolitan Airport Commission.

**QUALIFICATIONS**

Education: B.S., Biology, S.C. State University, 1958; Sergeant, United States Army Reserve, 307th Chemical Unit, 1959-1969, honorable discharge.

Areas of Expertise: Mr. Rearden claims qualifying experience in the following.

Transportation: Columbia Metro Airport Commission, 1995-present; S.C. Department of Social Services, vehicle fleet manager.

Management: Pilgrim Health and Life, list manager, 1959-1974; DSS, Chief of Staff, Deputy State Director.

**OTHER**

First Nazareth Baptist Church, Board of Deacons, 2006-present; Meadowlake Subdivision Voting Precinct, President, 1984-present; Salvation Army of Columbia, Advisory Board, 2003-present; Babcock Center, Advisory Board Member, 2009-present; Columbia Luncheon Club, Chairman, 1995; other organizations.

**NOTES**

During screening, Mr. Rearden indicated he knew of no conflicts of interest with either the SCDOT or the Commission, and stated that he would recuse himself in matters where a conflict might arise. Nothing that arose during the staff investigator or in screening called that statement into question. He stated he was aware of the prohibition on members of the General Assembly pledging votes until after the JTRC’s final report is issued.

Mr. Rearden stated that he understands that if elected to the DOT Commission that he would have to resign his seat on the Columbia Metropolitan Airport Commission.

**LETTERS OF RECOMMENDATION**

William L. Pyatt, Esq. -- Columbia

Mr. Joe Pinner -- Columbia

Mr. Jim Hamilton, Jim Hamilton--L.B. Owens Airport -- Columbia

Mr. Flynn T. Harrell -- West Columbia

Mr. R. Kennedy Holt, The LPA Group -- Columbia

**FINDINGS**

On February 10, 2010 the Joint Transportation Review Committee met to screen Mr. Rearden. The Committee met again on March 3, 2010.

Mr. Rearden was found **QUALIFIED** on March 3, 2010.

In screening Mr. Rearden and making its findings, the review committee gave due consideration to his ability, area of expertise, dedication, compassion, common sense, and integrity and the impact that Mr. Rearden would have on the racial and gender composition of the commission, and his impact on other demographic factors represented on the commission, such as residence in rural or urban areas.

**MR. RALEIGH O. WARD III**

**CANDIDATE FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**6TH DISTRICT**

**BACKGROUND**

Mr. Ward is 29, is married, and lives in Effingham. He is a planner and floodplain manager for Florence County Planning Commission.

Mr. Ward’s work for Florence County includes work on the Florence Area Transportation Study Long Range Transportation Plan. He also reviews and inspects all new private road construction that is to become part of the county road system.

Mr. Ward helps manage Ward Farms, his family’s farm partnership. He also is a private crop insurance adjuster.

**QUALIFICATIONS**

Education: Clemson University, B.S. in Agriculture and Applied Economics, 2003; MBA, Francis Marion University, 2005.

Areas of Expertise: Mr. Ward claims qualifying experience in the following.

Transportation: Reviews and inspects all new private road construction that is to become part of the county system for Florence County Planning Commission; also works on the Florence Area Transportation Study Long Range Transportation Plan.

Construction: See above.

Finance: Wachovia Bank, 2005 - 2006; managed IRA accounts, checking accounts, and secured and unsecured loans.

Environmental: Florence County; ensures that all new road projects have a minimal environmental impact; reviews and inspects all development within the Federal Emergency Management Agency’s flood plain in Florence County to ensure compliance with federal, state, and local regulations.

Management: Branch manager, Wachovia Bank, 2005 - 2006. Was in charge of day-to-bank day activities and sales goals.

**OTHER**

Alpha Gamma Rho Fraternity, former Treasurer and Scholarship chair; Clemson Block and Bridle Club; Agriculture Economics Club; Association of State Floodplain Managers; International Society of Arboriculture; American Planning Association South Carolina Chapter; Tabernacle United Methodist Church.

Mr. Ward advises that he maintains a South Carolina Property Casualty Insurance License, a South Carolina Pesticide License, an Arborist Certification, and a Floodplain Manager Certification.

During screening, Mr. Ward indicated that he knew of no conflicts of interest with either the SCDOT or the Commission, and stated that he would recuse himself from voting on matters where a conflict might arise. Nothing that arose during the staff investigator or in screening called that statement into question. He stated he was aware of the prohibition on members of the General Assembly pledging votes until after the JTRC’s final report is issued.

**LETTERS OF RECOMMENDATION**

The Honorable Hicks Harwell -- Finklea Law Firm, Florence

Mr. Gary Finklea -- Finklea Law Firm, Florence

Congressman Edward Young -- Young Brothers Properties, Inc., Florence

Dr. Johnny W. Jordan -- Clemson University

Larry Reddeck -- Nettles, Turbeville & Reddeck Law Offices, Lake City

**FINDINGS**

On February 10, 2010 the Joint Transportation Review Committee met to screen Mr. Ward. The Committee met again on March 3, 2010.

Mr. Ward was found **QUALIFIED** on March 3, 2010.

In screening Mr. Ward and making its findings, the review committee gave due consideration to his ability, area of expertise, dedication, compassion, common sense, and integrity and the impact that Mr. Ward would have on the racial and gender composition of the commission, and his impact on other demographic factors represented on the commission, such as residence in rural or urban areas.

**MR. TIMOTHY A. BRETT**

**APPLICANT FOR COMMISSIONER**

**OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**4TH DISTRICT**

**FINDINGS**

On February 10, 2010 the Joint Transportation Review Committee met to screen Mr. Brett. The review committee met again on March 3, 2010, but made no findings concerning Mr. Brett.

Mr. Brett was found **NOT QUALIFIED** on March 10, 2010.

In screening Mr. Brett and making its findings, the review committee gave due consideration to his ability, area of expertise, dedication, compassion, common sense, and integrity and the impact that Mr. Brett would have on the racial and gender composition of the commission, and his impact on other demographic factors represented on the commission, such as residence in rural or urban areas.

Mr. Brett was asked to disclose any occupation, business, or profession in which he has been engaged since completing his education. Mr. Brett’s written responses and sworn testimony were less than forthcoming.

Mr. Brett was asked to disclose financial arrangements or business relationships that he has, or has had in the past, which could constitute or result in a possible conflict of interest. Mr. Brett did not provide a written response to the question and his sworn testimony was less than forthcoming.

The review committee discovered through its investigation that despite Mr. Brett’s failure to disclose, that he has numerous past and present business relationships that the committee finds could constitute or result in a possible conflict of interest. As a result, the committee finds that this failure to disclose either calls into question Mr. Brett’s integrity or demonstrates a failure to adequately comprehend potential conflicts of interest. Thus, the review committee determined that Mr. Brett is not qualified to serve on the Department of Transportation Commission.

**4TH CONGRESSIONAL DISTRICT REPRESENTATION ON THE COMMISSION**

Commissioner Hugh Atkins continues to represent the 4th Congressional District on the Commission until a new commissioner is elected.

**NEW APPLICATIONS FOR COMMISSIONER**

The review committee is now accepting Letters of Intent from residents of the 4th Congressional District interested in applying to represent the district on the DOT Commission. To receive an application, prospective candidates living within South Carolina’s 4th Congressional District should notify the Joint Transportation Committee in writing of their intent to apply. The notice must include the person’s county of residence, home address, and daytime phone number. Notice of intent will not be accepted after 12:00 noon on Friday, April 16.

**FINDINGS OF FACT**

**Qualified:**

2nd District Mr. John Craig Forrest

6th District Mr. Edward Alton “Al” Adams

Mr. William K. “Billy” Padgett

Mr. Harrison Rearden

Mr. Raleigh O. Ward III

**Not Qualified:**

4th District Mr. Timothy A. Brett

Senator GROOMS spoke on the report.

On motion of Senator GROOMS, the report was ordered printed in the Journal.

**RECALLED**

H. 4613 -- Rep. Hodges: A CONCURRENT RESOLUTION TO PROVIDE THAT THE MEMBERS OF THE GENERAL ASSEMBLY, BY THIS RESOLUTION, HEREBY RECOGNIZE THE IMPORTANCE TO SOUTH CAROLINA OF MICROENTERPRISES, DEFINED AS SMALL BUSINESSES WITH FEWER THAN FIVE EMPLOYEES, AND DESIGNATE THE MONTH OF JUNE 2011, AND THE MONTH OF JUNE EVERY YEAR THEREAFTER UNTIL JUNE 2021, AS “MICROENTERPRISE DEVELOPMENT MONTH” IN SOUTH CAROLINA.

Senator MATTHEWS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Labor, Commerce and Industry.

The Concurrent Resolution was recalled from the Committee on Labor, Commerce and Industry and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1279 -- Senators Courson and Leventis: A SENATE RESOLUTION TO RECOGNIZE AND WELCOME U.S. SENATOR JOHN W. WARNER AND ADMIRAL JOHN B. NATHMAN AS THEY VISIT SOUTH CAROLINA ON MARCH 18, 2010.

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The Senate Resolution was adopted.

S. 1280 -- Senators McConnell, 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, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO EXTEND THE WARMEST CONGRATULATIONS OF THE SENATE TO OUR FRIEND, THE HONORABLE SEBASTIAN PHILLIP LENSKI, FOR HIS DISTINGUISHED SERVICE TO THE SENATE, UPON HIS ELECTION AS JUDGE OF THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT, AND TO WISH HIM THE VERY BEST IN HIS NEW ENDEAVOR.

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

S. 1281 -- Senators Knotts, Ford, Campbell, Elliott, Land, Leatherman and Coleman: A JOINT RESOLUTION TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, DIVISION OF EMERGENCY MEDICAL SERVICES SHALL CEASE ISSUING NEW AMBULANCE SERVICE LICENSES UNTIL THE DEPARTMENT HAS THE NECESSARY PERSONNEL TO ENFORCE EXISTING LICENSURE REQUIREMENTS AND TO FURTHER PROVIDE THAT THE DEPARTMENT MAY ISSUE A NEW EMERGENCY 911 LICENSE IF A COUNTY NEED EXISTS DUE TO NONAVAILABILITY OF 911 MEDICAL SERVICES COVERAGE.

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

S. 1282 -- Senator Cleary: A SENATE RESOLUTION TO COMMEND THE REPUBLIC OF CHINA (TAIWAN) FOR ITS RELATIONS WITH THE UNITED STATES AND FOR OTHER PURPOSES.

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The Senate Resolution was introduced and referred to the General Committee.

S. 1283 -- Senator Leventis: A BILL TO AMEND SECTIONS 12-16-20, AS AMENDED, AND 12-16-1110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS AND FILING REQUIREMENTS FOR PURPOSES OF THE SOUTH CAROLINA ESTATE TAX ACT, SO AS TO PROVIDE THAT FOR THE ESTATES OF DECEDENTS DYING AFTER JUNE 30, 2010, THE TERM "INTERNAL REVENUE CODE" MEANS THE INTERNAL REVENUE CODE OF 1986 AS THE PROVISIONS OF THAT CODE APPLIED FOR THE ESTATES OF DECEDENTS WHO DIED ON DECEMBER 31, 2001, AND TO MAKE CONFORMING AMENDMENTS WITH RESPECT TO FILING REQUIREMENTS.

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Senator LEVENTIS spoke on the Bill.

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

H. 3536 -- Reps. J. E. Smith and McLeod: A BILL TO AMEND SECTION 17-5-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS OF CORONERS, SO AS TO INCREASE THOSE QUALIFICATIONS BY REQUIRING THOSE PERSONS WITH HIGH SCHOOL DIPLOMAS TO ALSO HAVE AT LEAST SIX YEARS' EXPERIENCE IN THE FIELD, BY REQUIRING THOSE PERSONS WITH A TWO YEAR ASSOCIATE DEGREE TO ALSO HAVE FOUR YEARS OF EXPERIENCE IN THE FIELD, AND BY REQUIRING THOSE PERSONS WITH A FOUR YEAR BACCALAUREATE DEGREE TO ALSO HAVE AT LEAST TWO YEARS OF EXPERIENCE IN THE FIELD; AND TO REQUIRE THAT A CANDIDATE FOR CORONER FILE A SWORN AFFIDAVIT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PERSON'S POLITICAL PARTY UNDER SPECIFIED TIME FRAMES, TO PROVIDE FOR THE FILING OF THE AFFIDAVIT BY PETITION CANDIDATES, AND TO DELINEATE THE INFORMATION THAT THE AFFIDAVIT MUST CONTAIN.

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

H. 3913 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-5-1556 SO AS TO ESTABLISH SEASONAL CREEL AND SIZE LIMITS FOR STRIPED BASS IN THE INSHORE WATERS AND THE TERRITORIAL SEA; AND TO AMEND SECTION 50-13-221, RELATING TO STRIPED BASS IN THE LOWER SANTEE AND COOPER RIVERS, SO AS TO ESTABLISH SEASONAL CREEL AND SIZE LIMITS FOR STRIPED BASS IN CERTAIN FRESHWATER BODIES.

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

H. 3996 -- Reps. M. A. Pitts and Umphlett: A BILL TO AMEND SECTION 50-9-1130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEDUCTION OF ACCUMULATED POINTS, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO DEDUCT THREE ACCUMULATED POINTS FROM A PERSON'S RECORD UPON A SHOWING THAT THE PERSON SUCCESSFULLY COMPLETED A DEPARTMENT PROGRAM OF INSTRUCTION ESTABLISHED PURSUANT TO SECTION 50-9-310.

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

H. 4015 -- Rep. Barfield: A BILL TO AMEND SECTION 50-5-1540, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NET PLACEMENTS, SO AS TO REDUCE THE MINIMUM DISTANCE REQUIRED BETWEEN NETS ON THE LITTLE PEE DEE RIVER FROM SIX HUNDRED FEET TO SEVENTY-FIVE FEET.

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

H. 4282 -- Reps. D. C. Smith, Owens, Littlejohn, Gilliard, Daning, Clemmons, Harrison, Bales and Hosey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A TEXT MESSAGING DEVICE OR A HAND-HELD MOBILE TELEPHONE, AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION.

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

H. 4698 -- Rep. J. R. Smith: A BILL TO AMEND SECTION 7-7-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN AIKEN COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND 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.

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

H. 4728 -- Reps. Norman, Simrill and Delleney: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 OF YORK COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

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

**REPORTS OF STANDING COMMITTEE**

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 1224 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT MICHELLE’S LAW BY ADDING SECTIONS 38‑71‑355 AND 38‑71‑785 SO AS TO REQUIRE HEALTH INSURANCE ISSUERS TO PERMIT A DEPENDENT CHILD ON A MEDICALLY NECESSARY LEAVE OF ABSENCE FROM A POSTSECONDARY EDUCATIONAL INSTITUTION TO CONTINUE DEPENDENT COVERAGE AND TO PROVIDE FOR THE REQUIREMENTS RELATED TO THAT COVERAGE; TO AMEND SECTION 38‑71‑850, RELATING TO THE DEFINITION OF “CREDITABLE COVERAGE” FOR GROUP HEALTH INSURANCE COVERAGE AND SPECIAL ENROLLMENT IN GROUP HEALTH INSURANCE COVERAGE, BOTH UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN’S HEALTH INSURANCE PROGRAM AND TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE CHILDREN’S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009 TO PROVIDE FOR SPECIAL ENROLLMENT OF AN EMPLOYEE OR AN EMPLOYEE’S DEPENDENT IN THE CASE OF TERMINATION OF MEDICAID COVERAGE OR COVERAGE UNDER A STATE CHILDREN’S HEALTH INSURANCE PROGRAM OR THE INDIVIDUAL BECOMING ELIGIBLE FOR ASSISTANCE IN THE PURCHASE OF EMPLOYMENT‑BASED COVERAGE; TO AMEND SECTION 38‑74‑10, AS AMENDED, RELATING TO THE DEFINITION OF “CREDITABLE COVERAGE” FOR THE SOUTH CAROLINA HEALTH INSURANCE POOL, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN’S HEALTH INSURANCE PROGRAM; TO AMEND SECTIONS 38‑90‑40, AS AMENDED, 38‑90‑45, AND 38‑90‑50, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT THE DIRECTOR OF INSURANCE MAY CONSIDER THE NET AMOUNT OF RISK RETAINED FOR AN INDIVIDUAL RISK WHEN ARRIVING AT A FINDING RELATING TO ADDITIONAL CAPITAL OR NET ASSETS REQUIREMENTS; 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 REQUIRE AN ASSOCIATION CAPTIVE INSURANCE COMPANY AND INDUSTRIAL INSURED GROUP TO SUBMIT ITS REPORT IN THE MANNER REQUIRED BY SECTION 38‑13‑80; TO AMEND SECTION 38‑90‑80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO PERMIT THE DIRECTOR TO GRANT ACCESS TO, USE, AND MAKE PUBLIC CERTAIN INFORMATION DISCOVERED OR DEVELOPED DURING THE COURSE OF AN EXAMINATION; TO AMEND SECTION 38‑90‑160, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO CAPTIVE INSURANCE COMPANIES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO CAPTIVE INSURANCE COMPANIES AND TO PROVIDE A LISTING OF THOSE PROVISIONS OF TITLE 38 THAT APPLY TO CERTAIN CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38‑90‑430, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO SPECIAL PURPOSE FINANCIAL CAPTIVES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO SPECIAL PURPOSE FINANCIAL CAPTIVES; AND TO AMEND CHAPTER 93, TITLE 38, RELATING TO THE PRIVACY OF GENETIC INFORMATION, SO AS TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 TO PROHIBIT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION, PROVIDE FOR THE REQUIREMENTS RELATING TO THE COLLECTION OF GENETIC INFORMATION, AND TO PROVIDE FOR THE SCOPE OF THE CHAPTER.

Ordered for consideration tomorrow.

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 1128 -- Senators Peeler and Shoopman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71‑225 SO AS TO ESTABLISH CERTAIN REQUIREMENTS FOR ISSUING MEDICARE SUPPLEMENT POLICIES, INCLUDING, BUT NOT LIMITED TO, PROHIBITING SUCH POLICIES FROM DUPLICATING BENEFITS PROVIDED BY MEDICARE; PROHIBITING EXCLUSION OF OR LIMITING BENEFITS FOR LOSSES INCURRED MORE THAN SIX MONTHS FROM THE EFFECTIVE DATE OF COVERAGE BECAUSE IT INVOLVED A PREEXISTING CONDITION; TO REQUIRE THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS ESTABLISHING SPECIFIC STANDARDS FOR MEDICARE SUPPLEMENT POLICY PROVISIONS AND MINIMUM STANDARDS FOR BENEFITS, CLAIMS PAYMENT, MARKETING PRACTICES AND TO CONFORM SUCH POLICIES TO FEDERAL REQUIREMENTS; TO REQUIRE INSURERS OFFERING MEDICARE SUPPLEMENT POLICIES TO PERSONS SIXTY‑FIVE YEARS OF AGE AND OLDER TO ALSO OFFER SUCH POLICIES TO PERSONS WHO ARE ENROLLED IN MEDICARE BECAUSE OF DISABILITY OR END‑STAGE RENAL DISEASE; TO PROVIDE ENROLLMENT TIME REQUIREMENTS; TO PROVIDE THAT CERTAIN THIRD PARTY PAYMENTS MAY NOT BE PROHIBITED; AND TO SPECIFY THAT PREMIUM DIFFERENCES CHARGED PERSONS RECEIVING MEDICARE UNDER DIFFERENT ELIGIBILITY CRITERIA MUST NOT BE EXCESSIVE, INADEQUATE, OR UNFAIRLY DISCRIMINATORY.

Ordered for consideration tomorrow.

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable report on:

H. 4198 -- Reps. Erickson, Brady, Cobb‑Hunter, Horne, Allison, Hutto, Herbkersman, G.M. Smith, Bales, Harrison, Gunn, Long, T.R. Young, Toole and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑57‑115 SO AS TO PROVIDE THAT IT IS UNFAIR DISCRIMINATION FOR AN INSURER TO DENY, REFUSE TO ISSUE OR RENEW, CANCEL, RESTRICT OR EXCLUDE COVERAGE, DENY A CLAIM OR LIMIT PAYMENTS, OR ADD A PREMIUM DIFFERENTIAL TO A POLICY OR CERTIFICATE OF COVERAGE ON THE BASIS THAT AN APPLICANT OR INSURED HAS BEEN OR IS PERCEIVED TO HAVE BEEN ABUSED OR MAY BE A SUBJECT OF ABUSE AND TO PROVIDE PENALTIES, INCLUDING FINES UP TO TWO HUNDRED THOUSAND DOLLARS.

Ordered for consideration tomorrow.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 4635 -- Rep. Sellers: A BILL TO AUTHORIZE THE CITY OF BAMBERG TO ADD TWO ADDITIONAL COMMISSIONERS TO THE BOARD OF COMMISSIONERS OF PUBLIC WORKS OF THE CITY OF BAMBERG.

On motion of Senator HUTTO, with unanimous consent, the Bill was read the third time and ordered enrolled for Ratification.

**HOUSE BILL RETURNED**

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

H. 4551 -- Reps. Sandifer, Thompson, Bedingfield, Hayes, Brady, Mack, Harrell, Cato, Ott, Harrison, Duncan, J.R. Smith, White, Cooper, Hutto, Horne, Cobb‑Hunter, Anderson, Hodges, Harvin, Skelton, Gunn and Bales: A BILL TO AMEND SECTION 23‑47‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITION OF TERMS ASSOCIATED WITH THE PUBLIC SAFETY COMMUNICATIONS CENTER, SO AS TO REVISE THE DEFINITION OF SEVERAL EXISTING TERMS AND TO PROVIDE DEFINITIONS FOR SEVERAL NEW TERMS; TO AMEND SECTION 23‑47‑20, AS AMENDED, RELATING TO 911 SYSTEM SERVICE REQUIREMENTS, SO AS TO DELETE “A CAPABILITY TO HAVE CELLULAR PHONES ROUTED TO 911” AS A SYSTEM REQUIREMENT AND TO ADD “ROUTING AND CAPABILITIES TO RECEIVE AND PROCESS CMRS SERVICE AND VOIP SERVICE CAPABLE OF MAKING 911 CALLS” AS A SYSTEM REQUIREMENT; TO AMEND SECTION 23‑47‑50, RELATING TO SUBSCRIBER BILLING OR 911 SERVICE, SO AS TO PROVIDE THAT FOR THE BILLING OF 911 CHARGES FOR LOCAL EXCHANGE ACCESS FACILITIES THAT ARE CAPABLE OF SIMULTANEOUSLY CARRYING FIVE OR MORE OUTGOING 911 VOICE CALLS, TO REVISE THE 911 CHARGE THAT PREPAID WIRELESS TELECOMMUNICATIONS SERVICE IS SUBJECT TO AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23‑47‑65, RELATING TO THE CMRS EMERGENCY TELEPHONE ADVISORY COMMITTEE, SO AS TO REVISE THE NAME OF THE COMMITTEE AND ITS MEMBERSHIP, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE COMMITTEE AND THE STATE BUDGET AND CONTROL BOARD ARE AUTHORIZED TO REGULATE PREPAID WIRELESS SELLERS; BY ADDING SECTION 23‑47‑67 SO AS TO IMPOSE A VOIP 911 CHARGE ON EACH LOCAL EXCHANGE ACCESS FACILITY, AND TO PROVIDE FOR THE COLLECTION OF THE CHARGE AND ITS DISTRIBUTION; BY ADDING SECTION 23‑47‑68 SO AS TO IMPOSE A PREPAID WIRELESS 911 CHARGE, AND TO PROVIDE FOR ITS COLLECTION AND DISTRIBUTION; BY ADDING SECTION 23‑47‑69 SO AS TO LIMIT THE CHARGES THAT MAY BE IMPOSED FOR 911 SERVICE; AND TO AMEND SECTION 23‑47‑70, RELATING TO LIABILITY FOR DAMAGES THAT MAY OCCUR FROM A GOVERNMENTAL AGENCY PROVIDING 911 SERVICE, SO AS TO PROVIDE FOR LIABILITY WHEN 911 SERVICE IS PROVIDED AND WHEN IT IS NOT PROVIDED PURSUANT TO TARIFFS ON FILE WITH THE PUBLIC SERVICE COMMISSION AND TO MAKE A TECHNICAL CHANGE.

Senator LARRY MARTIN explained the Bill.

**H. 4551--Recorded Vote**

Senators BRIGHT and BRYANT desired to be recorded as voting against the third reading of the Bill.

**H. 4551--Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

**THIRD READING BILLS**

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

S. 452 -- Senators Campbell, Leatherman, Reese, Shoopman, Williams, Mulvaney, Pinckney, O’Dell, Ford, Knotts, Bryant, Land, Grooms, Hutto, Fair, Peeler, Sheheen, Ryberg, Massey, Elliott, Alexander, McGill, Bright, L. Martin, Matthews, Setzler, Rose, Hayes and Campsen: A BILL TO AMEND CHAPTER 4, TITLE 49 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA SURFACE WATER WITHDRAWAL AND REPORTING ACT, TO PROVIDE THAT SUBJECT TO CERTAIN EXCEPTIONS, SURFACE WATER WITHDRAWALS MUST BE MADE PURSUANT TO A PERMIT, TO PROVIDE FOR COMPLETE EXEMPTIONS FROM THE PERMITTING REQUIREMENT, TO PROVIDE THAT REGISTERED SURFACE WATER WITHDRAWERS MAY WITHDRAW SURFACE WATER WITHOUT A PERMIT BUT SUBJECT TO CERTAIN RESTRICTIONS, TO PROVIDE FOR NONCONSUMPTIVE SURFACE WATER WITHDRAWAL PERMITS, TO PROVIDE FOR AN APPLICATION PROCEDURE FOR SURFACE WATER WITHDRAWERS THAT OWN AND OPERATE A LICENSED IMPOUNDMENT OR NEW SURFACE WATER WITHDRAWERS THAT WITHDRAW WATER FROM A LICENSED IMPOUNDMENT, TO PROVIDE FOR REPORTS TO THE DEPARTMENT OF NATURAL RESOURCES FROM PERMITTED AND REGISTERED WATER WITHDRAWERS AND THE CONTENTS OF THOSE REPORTS, TO PROVIDE THAT REGISTERED AND EXEMPT SURFACE WATER WITHDRAWERS MAY APPLY FOR A SURFACE WATER WITHDRAWAL PERMIT, TO AUTHORIZE NONRIPARIAN USE OF SURFACE WATER, TO PROVIDE FOR A PERMITTING PROCESS FOR NEW SURFACE WATER WITHDRAWERS, TO PROVIDE FOR THE CONTENTS OF THE APPLICATION, TO PROVIDE FOR THE DEPARTMENT’S DETERMINATION CONCERNING THE PERMIT, TO PROVIDE FOR PUBLIC HEARINGS CONCERNING NEW PERMIT APPLICATIONS FOR INTERBASIN TRANSFERS, TO PROVIDE FOR THE CONTENTS OF ISSUED PERMITS AND THE RIGHTS CONFERRED BY A PERMIT, TO PROVIDE FOR CIRCUMSTANCES UNDER WHICH A PERMIT MAY BE MODIFIED, SUSPENDED, OR REVOKED, TO PROVIDE FOR NOTICE TO THE DEPARTMENT CONCERNING CERTAIN NEW WATER INTAKES, TO PROVIDE FOR TEMPORARY PERMITS, TO PROVIDE AUTHORIZED WITHDRAWAL AMOUNTS, TO PROVIDE FOR OPERATIONAL AND CONTINGENCY PLANS, TO PROVIDE FOR POWERS AND DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES CONCERNING IMPLEMENTATION OF THE CHAPTER, TO PROVIDE APPROPRIATE PENALTIES FOR VIOLATIONS, TO PROVIDE FOR PERMIT APPLICATION FEES; AND TO REPEAL CHAPTER 21, TITLE 49, RELATING TO THE INTERBASIN TRANSFER OF WATER, TO PROVIDE THAT CHAPTER 1, TITLE 49, RELATING TO GENERAL PROVISIONS CONCERNING WATER, WATER RESOURCES, AND DRAINAGE IS NOT AFFECTED BY AND SUPERCEDED BY CHAPTER 4, TITLE 49 AND TO PROVIDE APPROPRIATE DEFINITIONS.

**S. 452--Recorded Vote**

Senators BRYANT and RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

S. 1204 -- Senator Leatherman: A BILL TO AMEND SECTION 48‑5‑50 OF THE 1976 CODE, RELATING TO USES OF THE CLEAN WATER FUND, TO ALLOW ANY USE PRESCRIBED BY ANY FEDERAL LAW GOVERNING OR APPROPRIATING FUNDS FOR THE CLEAN WATER FUND; AND TO AMEND SECTION 48‑5‑55, RELATING TO USES OF THE DRINKING WATER FUND, TO ALLOW ANY USE PRESCRIBED BY ANY FEDERAL LAW GOVERNING OR APPROPRIATING FUNDS FOR THE DRINKING WATER FUND.

**S. 1204--Recorded Vote**

Senators BRYANT and RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

**MINORITY REPORT REMOVED**

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**CARRIED OVER AS AMENDED**

S. 348 -- Senators Fair, Sheheen, S. Martin, Lourie, Shoopman and Knotts: A BILL TO AMEND SECTION 16‑3‑95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLICTION OF GREAT BODILY INJURY UPON A CHILD, SO AS TO PROVIDE A MINIMUM TERM OF IMPRISONMENT OF TWO YEARS FOR A PERSON WHO IS CONVICTED OF THIS OFFENSE AND WHO IS REGISTERED WITH OR LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO CHILDCARE FACILITIES LICENSURE REQUIREMENTS; TO PROVIDE THAT NO PORTION OF THE SENTENCE MAY BE SUSPENDED; AND BY ADDING SECTION 63‑13‑825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES.

Senator HUTTO asked unanimous consent to remove his name from the minority report on the Bill.

There was no objection and the minority report was removed.

Senator HUTTO asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

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

Senators FAIR, SHOOPMAN and HUTTO proposed the following amendment (348HUTTOSHOOPFAIR), which was adopted:

Amend the committee report, as and if amended, page [348-1], by striking lines 26 through 41 and inserting:

/ SECTION 1. Section 16-3-95 of the 1976 Code is amended to read:

“Section 16-3-95. (A)(1) It is unlawful to inflict great bodily injury upon a child. A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned not more than twenty years.

(2) A person who is registered with or licensed by the Department of Social Services pursuant to Chapter 13, Title 63 or who is employed by or contracts with a person registered with or licensed by the department pursuant to Chapter 13, Title 63, who violates subsection (A)(1) is guilty of a felony and, upon conviction, must be imprisoned not more than twenty-five years.

(B) It is unlawful for a child’s parent or guardian, person with whom the child’s parent or guardian is cohabitating, or any other person responsible for a child’s welfare as defined in Section 63‑7‑20 knowingly to allow another person to inflict great bodily injury upon a child. A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned not more than five years.

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

(D) This section may not be construed to prohibit corporal punishment or physical discipline which is administered by a parent or person in loco parentis in a manner which does not cause great bodily injury upon a child.

(E) This section does not apply to injuries sustained in ~~traffic~~ accidents unless the accident was caused by the ~~driver’s~~ actor’s reckless disregard for the safety of others.” /

Amend the committee report further, as and if amended, page [348-2], after line 13, by adding an appropriately numbered SECTION to read:

/ SECTION . Section 16-3-740 (B) is amended to read:

“(B) Upon the request of a victim who has been exposed to body fluids during the commission of a criminal offense, or upon the request of the legal guardian of a victim who has been exposed to body fluids during the commission of a criminal offense, the solicitor must, ~~at any time~~ within forty-eight hours, excluding weekends and legal holidays as defined in Chapter 5 of Title 53, after the offender is charged, or ~~at any time~~ within forty-eight hours, excluding weekends and legal holidays as defined in Chapter 5 of Title 53, after a petition has been filed against an offender in family court, petition the court to have the offender tested for Hepatitis B and HIV. An offender must not be tested under this section for Hepatitis B and HIV without a court order. To obtain a court order, the solicitor must demonstrate the following:

(1) the victim or the victim’s legal guardian requested the tests;

(2) there is probable cause that the offender committed the offense;

(3) there is probable cause that during the commission of the offense there was a risk that body fluids were transmitted from one person to another; and

(4) the offender has received notice of the petition and notice of his right to have counsel represent him at a hearing.

The results of the tests must be kept confidential and disclosed only to the solicitor who obtained the court order. The solicitor shall then notify only those persons designated in subsection (C).” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0348.001), which was adopted:

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

/ SECTION 1. Section 16‑3‑95(A) of the 1976 Code is amended to read:

“(A)(1) It is unlawful to inflict great bodily injury upon a child. A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned not more than twenty years.

(2) A person who is registered with or licensed by the Department of Social Services pursuant to Chapter 13, Title 63 or who is employed by or contracts with a person registered with or licensed by the department pursuant to Chapter 13, Title 63, who violates subsection (A)(1) is guilty of a felony and, upon conviction, must be imprisoned not less than a mandatory minimum of two years and not more than twenty years. No part of the mandatory minimum sentence may be suspended nor is the person eligible for probation or parole until the person has served the mandatory minimum sentence.”

SECTION 2. Article 7, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63‑13‑825. (A) An operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home, annually shall complete and provide documentation to the Department of Social Services of a minimum of two hours of training approved by the department.

(B) The department shall indicate on its website those family childcare homes that are and those that are not in compliance with this section and may include, but are not limited to, the amount of training the operator and other persons employed by or under contract with a family childcare home have reported to the department.”

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

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted, as amended.

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

**ADOPTED**

S. 1273 -- Senator Leatherman: A CONCURRENT RESOLUTION TO RECOGNIZE THE WEEK OF MARCH 22-27, 2010, AS “CONNECT A MILLION MINDS WEEK” WHEN TIME WARNER CABLE WILL INTRODUCE A HANDS-ON INTERACTIVE CURRICULUM TO SHOWCASE THE DIGITAL WORLD OF TECHNOLOGY FOR MIDDLE SCHOOL STUDENTS.

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

**OBJECTION**

S. 642 -- Senators Alexander, Ford and Knotts: A BILL TO AMEND ARTICLE 31, CHAPTER 5, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 TO PROVIDE THAT A PERSON UNDER THE AGE OF EIGHTEEN MAY NOT OPERATE A MOTOR VEHICLE WHILE USING A CELL PHONE OR OTHER WIRELESS COMMUNICATIONS DEVICE AND TO PROVIDE FOR PENALTIES AND EXCEPTIONS.

Senator LARRY MARTIN objected to the Bill.

**CARRIED OVER**

H. 3170 -- Reps. Gunn, Wylie, Hart, Loftis, R.L. Brown, Whipper and King: A JOINT RESOLUTION TO CREATE THE JOINT ELECTRONIC HEALTH INFORMATION STUDY COMMITTEE TO EXAMINE THE FEASIBILITY OF INCREASING THE USE OF HEALTH INFORMATION TECHNOLOGY AND ELECTRONIC PERSONAL HEALTH RECORDS, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY BEFORE JANUARY 1, 2010, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

Senator FAIR explained the Joint Resolution.

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

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

**MOTION ADOPTED**

On motion of Senator LARRY 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.**

**CONCURRENCE**

S. 1096 -- Senators McConnell, Alexander, Rankin, Hutto, Matthews, Leatherman, Land, Hayes, Anderson, Scott, Coleman, O’Dell, Nicholson, Setzler, Cleary, Courson, Verdin, L. Martin, Knotts, Lourie, Sheheen, Mulvaney, Campbell, S. Martin, Massey, Grooms, Davis, Shoopman, Thomas, Ford, Elliott and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑37‑50, SO AS TO AUTHORIZE ELECTRICITY PROVIDERS AND NATURAL GAS PROVIDERS TO IMPLEMENT FINANCING AGREEMENTS FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION IMPROVEMENTS, TO PROVIDE FOR THE RECOVERY OF THE FINANCING THROUGH CHARGES PAID FOR BY THE CUSTOMERS BENEFITTING FROM THE INSTALLATION OF THE ENERGY EFFICIENCY AND CONSERVATION MEASURES; TO PROTECT THE ENTITIES FROM LIABILITY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF THE MEASURES; TO PROVIDE FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION MEASURES IN RENTAL PROPERTIES; AND TO PROVIDE A MECHANISM FOR RECOVERY OF THE COSTS OF THE MEASURES INSTALLED IN RENTAL PROPERTIES; TO AMEND SECTION 8‑21‑310, SO AS TO ALLOW CLERKS OF COURT AND REGISTERS OF DEEDS TO CHARGE A FEE FOR FILING A NOTICE OF METER CONSERVATION CHARGE; AND TO AMEND SECTION 27-50-40, SO AS TO REQUIRE THE DISCLOSURE OF A METER CONSERVATION CHARGE BY SELLERS OF REAL PROPERTY.

The House returned the Bill with amendments.

Senator HUTTO explained the House amendment.

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

**NONCONCURRENCE**

H. 3442 -- Reps. Bingham, Harrell, Duncan, Harrison, Owens, Toole, Merrill, Brady, E.H. Pitts, G.M. Smith, Daning, Haley, Huggins, Cato, Ballentine, D.C. Smith, J.R. Smith, Rice, T.R. Young, Horne, Wylie, Bedingfield, Clemmons, Bales, Lucas, Neilson, Long, J.M. Neal and M.A. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑29‑300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS’ TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41‑29‑310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1‑30‑10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41‑29‑10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41‑29‑20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41‑29‑30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8‑17‑370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41‑27‑10, 41‑27‑30, 41‑27‑150, 41‑27‑160, 41‑27‑190, 41‑27‑210, AS AMENDED, 41‑27‑230, 41‑27‑235, AS AMENDED, 41‑27‑260, AS AMENDED, 41‑27‑360, 41‑27‑370, AS AMENDED, 41‑27‑380, 41‑27‑390, 41‑27‑510, 41‑27‑550, 41‑27‑560, 41‑27‑570, 41‑27‑580, 41‑27‑600, 41‑27‑610, 41‑27‑620, 41‑27‑630, 41‑27‑670, 41‑29‑40, 41‑29‑50, 41‑29‑60, 41‑29‑70, 41‑29‑80, 41‑29‑90, 41‑29‑100, 41‑29‑110, 41‑29‑120, AS AMENDED, 41‑29‑130, 41‑29‑140, 41‑29‑150, 41‑29‑170, AS AMENDED, 41‑29‑180, 41‑29‑190, 41‑29‑200, 41‑29‑210, 41‑29‑220, 41‑29‑230, 41‑29‑240, 41‑29‑250, 41‑29‑270, 41‑29‑280, 41‑29‑290, 41‑33‑10, 41‑33‑20, 41‑33‑30, 41‑33‑40, 41‑33‑45, 41‑33‑80, AS AMENDED, 41‑33‑90, 41‑33‑100, 41‑33‑110, 41‑33‑120, 41‑33‑130, 41‑33‑170, 41‑33‑180, 41‑33‑190, 41‑33‑200, 41‑33‑210, 41‑33‑430, 41‑33‑460, 41‑33‑470, 41‑33‑610, 41‑33‑710, 41‑35‑10, 41‑35‑30, 41‑35‑100, 41‑35‑110, AS AMENDED, 41‑35‑115, AS AMENDED, 41‑35‑120, AS AMENDED, 41‑35‑125, 41‑35‑126, 41‑35‑130, AS AMENDED, 41‑35‑140, 41‑35‑330, 41‑35‑340, 41‑35‑410, 41‑35‑420, AS AMENDED, 41‑35‑450, 41‑35‑610, 41‑35‑630, 41‑35‑640, AS AMENDED, 41‑35‑670, 41‑35‑680, AS AMENDED, 41‑35‑690, 41‑35‑700, 41‑35‑710, AS AMENDED, 41‑35‑720, 41‑35‑730, 41‑35‑740, 41‑35‑750, AS AMENDED, 41‑37‑20, 41‑37‑30, 41‑39‑30, 41‑39‑40, 41‑41‑20, AS AMENDED, 41‑41‑40, AS AMENDED, 41‑41‑50, 41‑42‑10, 41‑42‑20, 41‑42‑30, AND 41‑42‑40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41‑29‑260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

The House returned the Bill with amendments.

On motion of Senator RYBERG, with unanimous consent, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**ADJOURNMENT**

At 12:56 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 2:00 P.M.

**Recorded Vote**

Senators BRIGHT and BRYANT desired to be recorded as voting against the motion to adjourn.

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