**Thursday, May 27, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 10:45 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

The Lord announced:

“ ‘Blessed are the peacemakers, for they will be called children of God.’ ” (Matthew 5:9)

Join me, please, as we bow in prayer:

Gracious and Loving Lord, with Memorial Day Weekend fast approaching, we cannot help but pause to give thanks and praise for all of our peacemakers. We salute the many who have served previously, striving to make this nation—and indeed the world—a safer place. We cherish their memory and their faithful service, just as we seek to honor those serving bravely and nobly even this very day, many in far-flung and incredibly dangerous places around the globe. May each of these Senators—may all of us—proudly join all of our peacemakers as we dedicate ourselves anew to the preservation of freedom and the achievement of hope-filled peace for all people. This we pray in Your wondrous name, O Lord.

Amen.

**JOINT ASSEMBLY**

**Elections**

At Eleven O'clock A.M. the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

S. 1455 -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX THURSDAY, MAY 27, 2010, AT 11:00 A.M. AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA FROM THE 11TH JUDICIAL CIRCUIT TO SUCCEED A MEMBER WHOSE TERM EXPIRES IN 2010 OR WHOSE POSITION OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THIS OFFICE DURING THE JOINT SESSION.

**Election to the Board of Trustees for the**

**University of South Carolina, 11th Judicial Circuit**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the University of South Carolina, 11th Judicial Circuit.

Senator KNOTTS, on behalf of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. Brad Covar, Mr. Bill Dukes, Mr. Hugh Rogers and Mr. Thad Westbrook had been screened and found qualified to serve.

On motion of Senator KNOTTS, the names of Mr. Hugh Rogers and Mr. Brad Covar were withdrawn from consideration.

Senator KNOTTS placed the names of Mr. Bill Dukes and Mr. Thad Westbrook in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Mr. Dukes:

Bryant Cleary Coleman

Courson Cromer Ford

Grooms Hayes *Martin, Larry*

Nicholson O’Dell Peeler

Reese Rose Scott

Shoopman Williams

**Total--17**

The following named Senators voted for Mr. Westbrook:

Alexander Bright Campsen

Davis Fair Jackson

Knotts Land Leatherman

Lourie Matthews McConnell

McGill Mulvaney Pinckney

Rankin Ryberg Setzler

Thomas Verdin

**Total--20**

On motion of Senator KNOTTS, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Mr. Dukes:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Anthony |
| Bales | Ballentine | Bedingfield |
| Bowers | Brady | Brantley |
| Clyburn | Cobb-Hunter | Daning |
| Duncan | Frye | Gambrell |
| Gunn | Harvin | Hiott |
| Howard | Huggins | King |
| Kirsh | Knight | Limehouse |
| Littlejohn | Loftis | Mack |
| McEachern | McLeod | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Owens | Parker | Parks |
| Pinson | M. A. Pitts | Rice |
| Rutherford | Sandifer | Skelton |
| D. C. Smith | G. R. Smith | Sottile |
| Stewart | Stringer | Whitmire |
| Wylie |  |  |

**Total--49**

The following named Representatives voted for Mr. Westbrook:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Anderson |
| Bannister | Barfield | Battle |
| Bingham | Bowen | Branham |
| G. A. Brown | H. B. Brown | Cato |
| Chalk | Clemmons | Cole |
| Cooper | Crawford | Delleney |
| Dillard | Erickson | Forrester |
| Funderburk | Govan | Haley |
| Hamilton | Hardwick | Harrell |
| Hearn | Herbkersman | Hodges |
| Horne | Hosey | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | Long | Lowe |
| Lucas | Merrill | Miller |
| Millwood | Mitchell | D. C. Moss |
| J. H. Neal | Norman | Ott |
| Sellers | Simrill | G. M. Smith |
| J. E. Smith | J. R. Smith | Spires |
| Stavrinakis | Thompson | Toole |
| Umphlett | Vick | Whipper |
| Williams | A. D. Young | T. R. Young |

**Total--63**

**RECAPITULATION**

Total number of Senators voting 37

Total number of Representatives voting 112

Grand Total 149

Necessary to a choice 75

Of which Mr. Dukes received 66

Of which Mr. Westbrook received 83

Whereupon, the PRESIDENT announced that the Honorable Thad Westbrook was elected to a position on the Board of Trustees for the University of South Carolina, 11th Judicial Circuit for the term prescribed by law.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 11:33 A.M., the PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Eugene Cooper, 205 East Williams Road, Coward, SC 29530-5079

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

Charles A. Grill, P.O. Box 207, Varnville, SC 29444 *VICE* William T. Armstrong

Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Benjamin F. Byrd, 13 Chasewood Court, Columbia, SC 29203 *VICE* Nikiya M. Hall

**Doctor of the Day**

Senator COURSON introduced Dr. John Schaberg of West Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator WILLIAMS, at 10:57 A.M., Senator MALLOY was granted a leave of absence until Noon today.

**Leave of Absence**

On motion of Senator LOURIE, at 1:30 P.M., Senator SHEHEEN was granted a leave of absence until Tuesday at Noon.

**Leave of Absence**

On motion of Senator PEELER, at 1:45 P.M., Senator THOMAS was granted a leave of absence until Tuesday at Noon.

**Leave of Absence**

On motion of Senator RANKIN, at 3:20 P.M., Senator JACKSON was granted a leave of absence until Tuesday at Noon.

**Leave of Absence**

At 3:20 P.M., Senator RANKIN requested a leave of absence until Noon on Tuesday.

**Leave of Absence**

At 3:27 P.M., Senator COLEMAN requested a leave of absence until Noon on Tuesday.

**Leave of Absence**

On motion of Senator McGILL, at 4:00 P.M., Senator WILLIAMS was granted a leave of absence until Noon on Tuesday.

**Leave of Absence**

On motion of Senator KNOTTS, at 4:25 P.M., Senator SHANE MARTIN was granted a leave of absence until Noon on Tuesday.

**Leave of Absence**

At 5:00 P.M., Senator VERDIN requested a leave of absence from Noon until 2:00 P.M. on Tuesday, June 1, 2010.

**Motion Adopted**

At 11:37 A.M., on motion of Senator LEATHERMAN, with unanimous consent, Senators FAIR, LAND and LEATHERMAN were granted leaved to attend a meeting of the Committee of Conference on H. 4657, the General Appropriations Bill, and were granted leave to vote from the balcony.

**CO-SPONSORS ADDED**

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

S. 1 Sen. Cromer

S. 1462 Sen. Alexander

**RECALLED**

H. 4747 -- Reps. Mack, Gilliard, Hutto, Whipper, Stavrinakis, R.L. Brown, Harrell, Limehouse and Sottile: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGES LOCATED AT EXITS 219 A AND 219 B IN CHARLESTON COUNTY “FLOYD BREELAND INTERCHANGES” AND ERECT APPROPRIATE MARKERS OR SIGNS AT BOTH EXITS THAT CONTAIN THE WORDS “FLOYD BREELAND INTERCHANGE”.

Senator GROOMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1481 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAY 176 AND INTERSTATE HIGHWAY 95 IN ORANGEBURG COUNTY "CORPORAL WILLIAM HOWELL, JR. INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "CORPORAL WILLIAM HOWELL, JR. INTERCHANGE".

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

S. 1482 -- Senator Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR WILLIE E. JEFFRIES, HEAD FOOTBALL COACH EMERITUS OF SOUTH CAROLINA STATE UNIVERSITY, UPON BEING ELECTED TO THE COLLEGE FOOTBALL HALL OF FAME.

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

S. 1483 -- Senator Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR PASTOR D. E. GREENE, JR. OF ORANGEBURG COUNTY AND TO COMMEND HIM FOR MANY YEARS OF DEVOTED SERVICE TO HIS CHURCH AND FOR HIS DISTINGUISHED LEADERSHIP IN THE COMMUNITY.

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

S. 1484 -- Senator Grooms: A CONCURRENT RESOLUTION TO EXPRESS THE APPRECIATION OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR THE EVERGREEN COMPANY'S COMMITMENT TO OUR STATE, AND TO COMMEND THE COMPANY FOR THIRTY-FIVE YEARS OF EXCEPTIONAL SERVICE, LEADERSHIP, AND GROWTH IN THE PORT OF CHARLESTON AND BEYOND.

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

S. 1485 -- Senator Elliott: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF CHELLIE BELLAMY OF HORRY COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1486 -- Senator McGill: A SENATE RESOLUTION TO ACKNOWLEDGE AND COMMEND THE HONORABLE KENNETH KENNEDY OF WILLIAMSBURG COUNTY FOR TWENTY YEARS OF ENERGETIC AND DEDICATED SERVICE IN THE HOUSE OF REPRESENTATIVES ON BEHALF OF THE CITIZENS OF SOUTH CAROLINA, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1487 -- Senator Land: A SENATE RESOLUTION TO RECOGNIZE AND HONOR C. KELLY JACKSON, SOLICITOR FOR THE THIRD JUDICIAL CIRCUIT, UPON THE OCCASION OF HIS RETIREMENT FROM THE OFFICE OF SOLICITOR, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1488 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE MS. CHERYL R. MARTIN ON THE OCCASION OF HER RETIREMENT AFTER FORTY-FOUR YEARS AS A DEDICATED PUBLIC SCHOOL TEACHER AND TO WISH HER A HAPPY RETIREMENT FULL OF HEALTH, HAPPINESS, AND TIME SPENT WITH FAMILY AND FRIENDS.

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The Senate Resolution was adopted.

H. 4839 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO CLARIFY THAT THE PROPERTY TAX EXEMPTION FOR RECIPIENTS OF THE MEDAL OF HONOR AND PRISONERS OF WAR IN CERTAIN CONFLICTS APPLIES TO MEDAL OF HONOR RECIPIENTS REGARDLESS OF WHEN THE MEDAL OF HONOR WAS AWARDED OR THE CONFLICT INVOLVED.

Read the first time and, on motion of Senator ALEXANDER, with unanimous consent, H. 4839 was ordered placed on the Calendar without reference.

H. 5043 -- Reps. Limehouse, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION CALLING UPON THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF NATURAL RESOURCES, IN COORDINATION WITH THE GOVERNOR, TO IMMEDIATELY BEGIN DEVELOPING A CONTINGENCY PLAN IN THE EVENT THE OIL LEAKING FROM THE DEEPWATER HORIZON IN THE GULF OF MEXICO IS SWEPT BY CURRENTS UP THE SOUTHEASTERN SEABOARD; IN DEVELOPING THIS PLAN THEY SHOULD ASSESS THE ACTIONS BEING TAKEN TO COMBAT THIS CRISIS AND DETERMINE WHAT SOLUTIONS ARE SUCCESSFUL AND WHAT ARE NOT AND IDENTIFY THE BEST PRACTICES AVAILABLE TO ADDRESS THIS PROBLEM AND THE RESOURCES NECESSARY TO CARRY OUT THIS PLAN.

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

H. 5046 -- Reps. Huggins, Ballentine, McLeod, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO HONOR MR. MICHAEL SATTERFIELD, PRINCIPAL OF CHAPIN HIGH SCHOOL, FOR HIS MANY YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO EXTEND BEST WISHES FOR MUCH CONTINUED SUCCESS AND HAPPINESS AS HE LEAVES CHAPIN TO TAKE ON NEW DUTIES.

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

**Message from the House**

Columbia, S.C., March 27, 2010

Mr. President and Senators:

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

S. 2 -- Senators McConnell, Peeler, Leatherman, Sheheen, Rose, Courson, Elliott, Massey, Hayes, Davis, Bright, L. Martin and Rankin: A BILL TO AMEND SECTION 11‑11‑410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IMPLEMENTATION OF THE LIMIT ON STATE SPENDING IMPOSED PURSUANT TO SECTION 7(C), ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, SO AS TO REVISE THIS LIMIT BY IMPOSING AN ANNUAL LIMIT ON THE APPROPRIATION OF STATE GENERAL FUND REVENUES BY ADJUSTING SUCH REVENUES BY A ROLLING TEN‑YEAR AVERAGE IN ANNUAL CHANGES IN GENERAL FUND REVENUES AND THE CREATION OF A SEPARATE BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT, THE REVENUES OF WHICH MUCH FIRST BE USED TO STABILIZE GENERAL FUND REVENUES AVAILABLE FOR APPROPRIATION, TO DEFINE EMERGENCIES AND TO PROVIDE FOR SUSPENSION OF THIS APPROPRIATIONS LIMIT IN EMERGENCIES, TO PROVIDE THAT A CASH BALANCE IN THE BUDGET STABILIZATION FUND IN EXCESS OF FIFTEEN PERCENT OF GENERAL FUND REVENUES OF THE MOST RECENT COMPLETED FISCAL YEAR MAY BE APPROPRIATED IN SEPARATE LEGISLATION FOR VARIOUS NONRECURRING PURPOSES, AND TO DEFINE SURPLUS GENERAL FUND REVENUES.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 27, 2010

Mr. President and Senators:

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

S. 107 -- Senators Ryberg, Bryant, Massey, Peeler and L. Martin: A BILL TO AMEND SECTION 16‑3‑654 OF THE 1976 CODE, RELATING TO CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE, TO INCLUDE SEXUAL BATTERY WHEN THE VICTIM IS A STUDENT SIXTEEN YEARS OF AGE OR OLDER AND THE ACTOR IS A PERSON EMPLOYED AT A PUBLIC OR PRIVATE SECONDARY SCHOOL, UNDER CERTAIN CIRCUMSTANCES.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 27, 2010

Mr. President and Senators:

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

S. 288 -- Senator L. Martin: A BILL TO AMEND CHAPTER 1, TITLE 56 OF THE 1976 CODE, BY ADDING SECTION 56‑1‑146 TO PROVIDE THAT A PERSON WHO IS CONVICTED OF A VIOLENT CRIME MUST SURRENDER HIS DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD TO THE COURT WHICH MUST TRANSMIT IT TO THE DEPARTMENT OF MOTOR VEHICLES TOGETHER WITH NOTICE OF THE CRIME AND TO PROVIDE THAT THE DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD IS CONSIDERED REVOKED AND MUST NOT BE RETURNED TO THE PERSON UNDER CERTAIN CIRCUMSTANCES; BY ADDING 56‑1‑148 TO PROVIDE THAT A PERSON CONVICTED OF A VIOLENT CRIME MUST HAVE A SPECIAL CODE AFFIXED TO THE REVERSE SIDE OF HIS DRIVER’S LICENSE OR SPECIAL IDENTIFICATION CARD THAT IDENTIFIES THE PERSON AS HAVING BEEN CONVICTED OF A VIOLENT CRIME, TO PROVIDE A FEE TO BE CHARGED FOR AFFIXING THE CODE AND FOR ITS DISTRIBUTION, AND TO PROVIDE A PROCESS FOR REMOVING THE CODE; TO AMEND SECTION 56‑1‑80, RELATING TO THE CONTENTS OF A DRIVER’S LICENSE APPLICATION, TO PROVIDE THAT THE APPLICATION MUST CONTAIN A STATEMENT TO DETERMINE WHETHER THE APPLICANT HAS BEEN CONVICTED OF A VIOLENT CRIME; AND TO AMEND SECTION 56‑1‑3350, RELATING TO THE ISSUANCE OF A SPECIAL IDENTIFICATION CARD BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT THE APPLICATION FOR A SPECIAL IDENTIFICATION CARD MUST CONTAIN A STATEMENT TO DETERMINE WHETHER THE APPLICANT HAS BEEN CONVICTED OF A VIOLENT CRIME.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 27, 2010

Mr. President and Senators:

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

S. 319 -- Senators Leventis, Rose, Malloy, Davis, Lourie and Hayes: A BILL TO AMEND TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 46 SO AS TO ENACT THE “INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN”, TO PROVIDE THAT THE GOVERNOR MAY EXECUTE THE COMPACT WITH OTHER COMPACT STATES, TO PROVIDE THAT THE STATE SUPERINTENDENT OF EDUCATION IS THE COMPACT COMMISSIONER OF THIS STATE, TO ESTABLISH A COUNCIL ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, TO PROVIDE FOR THE COUNCIL’S MEMBERSHIP, APPOINTMENTS, TERMS, QUORUM, LEADERSHIP, FILLING OF VACANCIES, AND POWERS AND DUTIES, AND TO PROVIDE THE TERMS OF THE COMPACT.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 27, 2010

Mr. President and Senators:

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

S. 717 -- Senators Coleman, Setzler, Land, Campbell and Hayes: A BILL TO AMEND SECTIONS 12‑36‑2120 AND 12‑37‑220, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS AND PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT MACHINERY, EQUIPMENT, BUILDING AND OTHER RAW MATERIALS, AND ELECTRICITY USED BY A FACILITY OWNED BY A TAX EXEMPT ORGANIZATION INVESTING AT LEAST TWENTY MILLION DOLLARS OVER THREE YEARS IN THE FACILITY WHEN THAT FACILITY IS USED PRINCIPALLY FOR RESEARCHING AND TESTING THE IMPACT OF NATURAL HAZARDS SUCH AS WIND, FIRE, EARTHQUAKE, AND HAIL ON BUILDING MATERIALS USED IN RESIDENTIAL, COMMERCIAL, AND AGRICULTURAL BUILDINGS.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 27, 2010

Mr. President and Senators:

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

S. 1051 -- Senator Davis: A BILL TO AMEND SECTION 48‑39‑290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS, EXCEPTIONS, AND SPECIAL PERMITS CONCERNING CONSTRUCTION AND RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND THE SET BACK LINE, SO AS TO REVISE THE DESCRIPTION OF A PRIVATE ISLAND WITH AN ATLANTIC SHORELINE THAT IS EXEMPT FROM THE PROVISIONS OF THIS SECTION AND THE FORTY‑YEAR RETREAT POLICY.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 27, 2010

Mr. President and Senators:

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

S. 1120 -- Senators Lourie, Pinckney, Williams, Leventis, Anderson, Land and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑1360 SO AS TO PROHIBIT HEALTH CARE PROVIDERS FROM ENGAGING IN DEBT COLLECTION ACTIVITIES RELATING TO MEDICAL TREATMENT RECEIVED IN CONNECTION WITH A CLAIM FOR COMPENSATION OF A VICTIM OF CRIME UNTIL AN AWARD IS MADE OR A CLAIM IS DENIED AND TO STAY THE STATUTE OF LIMITATIONS FOR THE COLLECTION OF THIS DEBT UNDER CERTAIN CIRCUMSTANCES.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 27, 2010

Mr. President and Senators:

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

S. 1298 -- Senator McGill: A BILL TO AMEND SECTION 56‑5‑70 OF THE 1976 CODE, RELATING TO THE REGULATION OF TRAFFIC ON HIGHWAYS, TO PROVIDE GUIDELINES FOR RELIEF FROM REGULATIONS DURING TIMES OF EMERGENCY.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 27, 2010

Mr. President and Senators:

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

S. 1338 -- Senator Fair: A BILL TO AMEND ACT 432 OF 1947, AS AMENDED, RELATING TO THE GREENVILLE HOSPITAL SYSTEM, ITS CREATION, BOARD, POWERS, AND DUTIES, SO AS TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES MAY ESTABLISH A POLICE DEPARTMENT, EMPLOY POLICE AND SECURITY OFFICERS, AND TO PROVIDE FOR THE POLICE DEPARTMENT’S DUTIES, RESPONSIBILITIES, POWERS, FUNCTIONS, AND JURISDICTION.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 27, 2010

Mr. President and Senators:

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

S. 1392 -- Transportation Committee: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, TO PROVIDE FOR CERTAIN SPECIALTY LICENSE PLATES; TO AMEND SECTION 56-3-10810, RELATING TO ‘BOY SCOUTS OF AMERICA’ SPECIAL LICENSE PLATES, TO PROVIDE FOR ‘EAGLE SCOUT’ SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, RELATING TO SPECIAL LICENSE PLATES FOR CERTAIN ELECTED OFFICIALS, TO PROVIDE THAT CORONERS MAY BE PROVIDED WITH TWO LICENSE PLATES; TO AMEND SECTION 56‑3‑1240, RELATING TO THE LOCATION ON VEHICLES WHERE LICENSE PLATES MUST BE ATTACHED, TO PROVIDE THAT A FRAME MAY BE PLACED AROUND A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 56‑3‑10410, RELATING TO A SPECIAL MOTOR VEHICLE LICENSE PLATE FOR VETERANS, TO PROVIDE FOR A DISABLED VETERAN SPECIAL LICENSE PLATE.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., May 13, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sustained the veto by the Governor on R.192, H. 3161 by a vote of 58 to 51:

(R192, H3161) -- Rep. Harrison: AN ACT TO AMEND SECTION 1‑23‑660, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFICE OF MOTOR VEHICLE HEARINGS WITHIN THE ADMINISTRATIVE LAW COURT, SO AS TO REQUIRE THE OFFICE OF MOTOR VEHICLE HEARINGS TO EMPLOY CERTAIN PROFESSIONAL AND SUPPORT STAFF; TO AMEND SECTION 56‑5‑2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST AN ADMINISTRATIVE HEARING, SO AS TO INCREASE THE FILING FEE FROM ONE HUNDRED FIFTY TO TWO HUNDRED FIFTY DOLLARS AND PROVIDE FOR THE DISTRIBUTION OF THE FILING FEE FUNDS COLLECTED; TO AMEND SECTION 8‑21‑320, AS AMENDED, RELATING TO COMMON PLEAS AND FAMILY COURT MOTION FEES, SO AS TO INCREASE THE MOTION FEE FROM TWENTY‑FIVE TO SEVENTY‑FIVE DOLLARS FOR A CERTAIN PERIOD OF TIME; TO AMEND SECTION 14‑1‑204, AS AMENDED, RELATING TO COURT FILING FEES COLLECTED BY CLERKS OF COURT, REGISTERS OF DEEDS, OR COUNTY TREASURERS, SO AS TO IMPOSE FEES FOR A CERTAIN PERIOD OF TIME IN FAMILY COURT AND OTHER FEES IN OTHER COURTS OF RECORD, PROVIDE EXCEPTIONS, AND PROVIDE FOR THE DISTRIBUTION OF THE FEES COLLECTED; AND TO AMEND SECTION 22‑3‑340, AS AMENDED, RELATING TO ASSESSMENTS ON FILINGS IN MAGISTRATES COURT, SO AS TO INCREASE THE ASSESSMENT FROM TWENTY‑FIVE TO FIFTY DOLLARS ON SUMMONS AND COMPLAINT FILINGS AND FROM TEN TO TWENTY DOLLARS ON CIVIL FILINGS IN MAGISTRATES COURT.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2010

Mr. President and Senators:

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

S. 1134 -- Senators Peeler and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 59 SO AS TO ENACT THE “SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE ACT” TO PROVIDE THAT SCHOOL DISTRICTS SHALL TAKE CERTAIN MEASURES TO HELP ENSURE THAT THE EDUCATION NEEDS OF CHILDREN IN FOSTER CARE ARE MET BY ASSISTING WITH ENROLLMENT, SCHOOL RECORDS AND CREDIT TRANSFERS, ACCESS TO RESOURCES AND ACTIVITIES, AND EXCUSED ABSENCE MAKE‑UP REQUIREMENTS; TO PROVIDE THAT SCHOOL DISTRICTS SHALL PROVIDE ACCESS TO AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF SOCIAL SERVICES FOR SCHOOL RECORDS OF CHILDREN IN FOSTER CARE; AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE AN EDUCATIONAL ADVOCATE FOR CHILDREN IN FOSTER CARE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2010

Mr. President and Senators:

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

S. 1294 -- Senator Peeler: A BILL TO AMEND SECTION 50‑11‑2540 OF THE 1976 CODE, RELATING TO THE TRAPPING SEASON OF FURBEARING ANIMALS, TO PROVIDE THAT IT IS LAWFUL TO TRAP COYOTES FROM NOVEMBER FIRST OF EACH YEAR TO MARCH FIRST OF THE SUCCEEDING YEAR.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2010

Mr. President and Senators:

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

H. 3790 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA MORTGAGE LENDING ACT”, BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD‑KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTIONS 37‑1‑301, 37-3-105, 37‑3‑501, AND 37‑23‑20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH‑COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR “ADJUSTABLE RATE MORTGAGE”; TO AMEND SECTIONS 37‑23‑40, 37‑23‑45, AND 37‑23‑75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH‑COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29‑4‑20, RELATING TO THE DEFINITION OF “REVERSE MORTGAGE”, SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2010

Mr. President and Senators:

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

H. 4572 -- Reps. J.E. Smith, Bannister, Weeks and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROVISIONS THAT AFFECT BEER, BY AMENDING SECTION 61-4-940, SO AS TO ALLOW WHOLESALERS AND RETAILERS OF BEER TO TEMPORARILY STORE EQUIPMENT USED IN DELIVERY OF BEER AND TO AUTHORIZE WHOLESALERS OF BEER TO SUPPLY RETAIL DEALERS OF BEER WITH DISPLAYS THAT ARE ALLOWED BY FEDERAL REGULATIONS; BY ADDING SECTION 61‑4‑960, SO AS TO ALLOW HOLDERS OF RETAIL PERMITS THAT AUTHORIZE THE SALE OF BEER OR WINE FOR OFF‑PREMISES CONSUMPTION TO HOLD A LIMITED NUMBER OF BEER TASTINGS AT THE RETAIL LOCATION EACH YEAR UNDER CERTAIN CIRCUMSTANCES; AND BY ADDING SECTION 61-4-1515, SO AS TO ALLOW A BREWERY TO OFFER BEER TASTINGS UNDER CERTAIN CONDITIONS AND TO PROVIDE FOR THE PAYMENT OF APPROPRIATE TAXES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2010

Mr. President and Senators:

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

H. 4945 -- Reps. M.A. Pitts, Duncan and Willis: A BILL TO AMEND ACT 779 OF 1988, AS AMENDED, RELATING TO LAURENS COUNTY SCHOOL DISTRICTS 55 AND 56, SO AS TO REVISE AND REDEFINE THE SINGLE‑MEMBER DISTRICTS FROM WHICH TRUSTEES ARE ELECTED; AND TO REDESIGNATE MAP NUMBERS ON WHICH THESE DISTRICTS ARE DELINEATED.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Expression of Personal Interest**

Senator ALEXANDER rose for an Expression of Personal Interest.

**PRESIDENT *Pro Tempore* PRESIDES**

At 12:00 Noon, Senator McCONNELL assumed the Chair.

**Privilege of the Floor**

On motion of Senator LOURIE, the Privilege of the Floor was extended to Colonel Charles P. Murray, Jr., U. S. Army (Ret.), Medal of Honor recipient and, on behalf of the Senate, bestowed the Senate’s appreciation and commendation on his exemplary military service.

Senators SCOTT, CROMER, O’DELL, HAYES, SETZLER, KNOTTS and ANDERSON escorted Colonel Murray to the floor.

Senator KNOTTS addressed the Senate.

**RECESS**

At 12:11 P.M., on motion of Senator PEELER, the Senate receded from business until 12:40 P.M.

At 12:49 P.M., the Senate resumed.

**PRESIDENT *Pro Tempore* PRESIDES**

At 12:55 P.M., Senator McCONNELL assumed the Chair.

**Point of Quorum**

At 12:55 P.M., Senator LARRY MARTIN made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Anderson Bright

Bryant Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Grooms Hayes Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Scott Setzler Shoopman

Verdin

A quorum being present, the Senate resumed.

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

**HOUSE BILL RETURNED**

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

H. 4448 -- Reps. Sandifer, Agnew, Duncan, M.A. Pitts, Neilson, Brady, Gunn, Lowe, Funderburk, Hardwick, Mitchell, Hearn, Pinson, Bales, Clemmons, Toole, D.C. Moss, Ballentine, Willis, Huggins, Long, Simrill, H.B. Brown, Kirsh, Forrester, Rice, Anderson, D.C. Smith, Nanney, Vick, Stewart, T.R. Young, Bowers, Allen, V.S. Moss, Whitmire, Littlejohn, G.R. Smith, Hayes, Cobb‑Hunter, J.R. Smith, Brantley, Gambrell, King, Viers, Bannister, Dillard, Ott, Jefferson, Herbkersman, Allison, Wylie, R.L. Brown, Whipper, Weeks, Knight and Hodges: A BILL TO AMEND SECTION 58‑5‑380 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO AUTHORIZE GAS UTILITIES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE GAS UTILITIES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; TO AMEND CHAPTER 27, TITLE 58 OF THE CODE OF LAWS, SO AS TO AUTHORIZE ELECTRIC UTILITIES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE UTILITIES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; TO AMEND CHAPTER 31, TITLE 58 OF THE CODE OF LAWS, SO AS TO AUTHORIZE THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE PUBLIC SERVICE AUTHORITY TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; TO AMEND CHAPTER 49, TITLE 33 OF THE CODE OF LAWS, SO AS TO AUTHORIZE ELECTRIC COOPERATIVES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE ELECTRIC COOPERATIVES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; AND TO AMEND CHAPTER 31, TITLE 5 OF THE CODE OF LAWS, SO AS TO AUTHORIZE MUNICIPAL ELECTRIC AND GAS SYSTEMS TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE SYSTEMS TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 3746 -- Reps. Clemmons and Viers: A BILL TO AMEND SECTION 7‑11‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOMINATION OF CANDIDATES BY A PETITION, SO AS TO PROVIDE THAT NO QUALIFIED ELECTOR WHO VOTED IN A PRIMARY ELECTION IS ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO RUN FOR AN OFFICE TO BE FILLED AT THE GENERAL ELECTION FOLLOWING THAT PRIMARY AND TO PROVIDE THAT A QUALIFIED ELECTOR OTHERWISE ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT MAY NOT SIGN MORE THAN ONE PETITION PER GENERAL ELECTION PER OFFICE; BY ADDING SECTION 7‑11‑75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST HAVE FIRST NOTIFIED THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY THE BEGINNING DATE OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, AND TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION; TO AMEND SECTION 7‑11‑80, AS AMENDED, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO REQUIRE ALL THE SIGNATURES TO BE LEGIBLE SO THAT THE NAME OF THE VOTER CAN BE IDENTIFIED BEYOND A REASONABLE DOUBT; TO AMEND SECTION 7‑11‑85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO REQUIRE THE REGISTRATION BOARD TO VERIFY THE VOTER IS A QUALIFIED ELECTOR IN THAT JURISDICTION; BY ADDING SECTION 7‑11‑95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT THE PETITION IF, AFTER A HEARING, THE ENTITY FINDS THAT BY A PREPONDERANCE OF THE EVIDENCE FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION, AND TO PROVIDE THAT THE VALIDATION OF THE SIGNATURES ON A PETITION AND THE DETERMINATION OF WHETHER OR NOT FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION MUST BE CONDUCTED IN PUBLIC AFTER NOTICE; AND BY ADDING SECTION 7‑11‑100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY TO WHICH A PETITION MUST BE FILED MAY BE APPEALED TO THE STATE ELECTION COMMISSION AND THEREAFTER TO A COURT OF COMPETENT JURISDICTION IN THE MANNER IN WHICH APPEALS FROM THE STATE ELECTION COMMISSION MAY BE TAKEN.

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

There was no objection.

The question then was adoption of the previously proposed amendment.

Senator CAMPSEN asked unanimous consent to withdraw his previously proposed amendment.

There was no objection and the amendment was withdrawn.

**Amendment No. 3A**

Senator CAMPSEN proposed the following Amendment No. 3A (JUD3746.009), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1, beginning on line 29, page 2, in its entirety.

Amend the bill further, as and if amended, by striking lines 31-35 on page 4 and inserting:

/ (2) a statement in a conspicuous location and in bold on each page, that, by signing the petition, the voter attests, under penalty of perjury, that he manually signed his own name;

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

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

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

**Ayes 33; Nays 2**

**AYES**

Alexander Anderson Bryant

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Ford Grooms

Hayes Jackson Knotts

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Shoopman Verdin

**Total--33**

**NAYS**

Bright McConnell

**Total--2**

The Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 4239 -- Reps. Miller, Wylie, J.E. Smith and Anderson: A BILL TO AMEND SECTION 8‑21‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SCHEDULE OF FEES AND COSTS COLLECTED BY COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS, SO AS TO WAIVE THE RECORDING FEE OTHERWISE REQUIRED FOR A POWER OF ATTORNEY FILED BY A MEMBER OF ARMED FORCES OF THE UNITED STATES PREPARATORY TO DEPLOYMENT TO A COMBAT ZONE UPON PRESENTATION OF COPIES OF THE DEPLOYMENT ORDER, AND TO DEFINE “COMBAT ZONE”.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Coleman Cromer Davis

Elliott Fair Grooms

Hayes Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Rankin Reese Ryberg

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

The Bill was read the third time and ordered returned to the House.

**SECOND READING BILLS**

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

H. 4966 -- Rep. Funderburk: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF KERSHAW COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

On motion of Senator LOURIE, the Bill was read the second time.

H. 4589 -- Reps. Gambrell, D.C. Moss, Frye, V.S. Moss and White: A BILL TO AMEND SECTION 46‑7‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ANIMAL FACILITY WASTE MANAGEMENT TRAINING AND CERTIFICATION PROGRAMS, SO AS TO EXEMPT CATTLE STOCKYARD OWNERS AND OPERATORS AND CATTLE PRODUCERS FROM THESE TRAINING AND CERTIFICATION REQUIREMENTS.

Senator VERDIN explained the Bill.

**COMMITTEE AMENDMENT ADOPTED, AMENDED**

**READ THE SECOND TIME**

H. 4129 -- Reps. Funderburk, Umphlett, Hodges, Clemmons, Whipper, R.L. Brown and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑11‑780 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO WILFULLY, KNOWINGLY, OR MALICIOUSLY ENTER UPON THE POSTED LANDS OF ANOTHER OR THE STATE AND INVESTIGATE, DISTURB, OR EXCAVATE A PREHISTORIC OR HISTORIC SITE FOR THE PURPOSE OF DISCOVERING, UNCOVERING, MOVING, REMOVING, OR ATTEMPTING TO REMOVE AN ARCHAEOLOGICAL RESOURCE; TO PROVIDE PENALTIES AND CIVIL REMEDIES; AND TO PROVIDE EXCEPTIONS.

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

The Committee on Judiciary proposed the following amendment (JUD4129.002), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 30-33, in Section 16-11-780(B), as contained in SECTION 1, and inserting therein:

/ (B) The court may call upon the Office of the State Archaeologist to provide evidence to assist in determining, calculating, or computing archaeological value, commercial value, or the cost of restoration and repair of an archaeological resource. /

Amend the bill further, as and if amended, page 2, by striking line 35, in Section 16‑11‑780(C), as contained in SECTION 1, and inserting therein the following:

/ maliciously enter upon the lands of another or the posted lands of the State and /

Amend the bill further, as and if amended, pages 2 and 3, by striking lines 40 and 41 on page 2 and striking lines 1-21 on page 3, as contained in Section 16‑11‑780(D), (E), (F), (G), and (H), as contained in SECTION 1, and inserting therein the following:

/ (D) For a first offense, a person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined, imprisoned, or both, pursuant to the jurisdiction of magistrates as provided in Section 22‑3‑550.

(E) For a second offense for violating this section on the same property as the first offense or on another posted property, a person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or more than three thousand dollars or imprisoned not more than three years, or both.

(F) For a third or subsequent offense for violating this section on the same property as the first offense or on another posted property, a person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(G) For the purposes of subsections (E) and (F) of this section, a second, third, or subsequent offense on the same property as the first offense or on another posted property must include no offense that occurs more than ten years after conviction for the first offense.

(H) All equipment and conveyances including, but not limited to, trailers, motor vehicles, and watergoing vessels that were used in connection with felony violations of this section are subject to forfeiture to the State in the same manner as equipment and conveyances are subject to forfeiture pursuant to Section 44‑53‑520, if the offender either owns the equipment or conveyance or is a resident of the equipment or conveyance owner’s household.

(1) All equipment and conveyances subject to confiscation and forfeiture under this section may be confiscated by any law enforcement officer as provided in this section. The confiscating officer shall deliver the confiscated property immediately to the county or municipality where the offense occurred. The county or municipality shall notify the registered owner of the confiscated property by certified mail within seventy-two hours of the confiscation. Upon notice, the registered owner has ten days to request a hearing before the court. The confiscation hearing must be held within ten days from the date of receipt of the request. The confiscated property must be returned to the registered owner if the registered owner shows by a preponderance of the evidence that he did not know the confiscated property was used in the commission of the crime, that he did not give permission for the confiscated property to be used in the commission of the crime, and that the confiscated property had not been used for a previous violation of this section on the posted land where this offense occurred or other posted land.

(2) The county or municipality in possession of the confiscated property shall provide notice by certified mail of the confiscation to all lienholders of record within ten days of the confiscation.

(3) Forfeiture of property is subordinate in priority to all valid liens and encumbrances.

(4) A person whose property is subject to forfeiture under this section is entitled to a jury trial if requested. /

Amend the bill further, as and if amended, page 3, following line 43, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Section 16‑17‑600 of the 1976 Code is amended to read:

“Section 16-17-600. (A) It is unlawful for a person wilfully and knowingly, and without proper legal authority to:

(1) destroy or damage the remains of a deceased human being;

(2) remove a portion of the remains of a deceased human being from a burial ground where human skeletal remains are buried, a grave, crypt, vault, mausoleum, Native American burial ground or burial mound, or other repository; or

(3) desecrate human remains.

A person violating the provisions of subsection (A) is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not less than one year nor more than ten years, or both.

A crematory operator is neither civilly nor criminally liable for cremating a body which (1) has been incorrectly identified by the funeral director, coroner, medical examiner, or person authorized by law to bring the deceased to the crematory; or (2) the funeral director has obtained invalid authorization to cremate. This immunity does not apply to a crematory operator who knew or should have known that the body was incorrectly identified.

(B) It is unlawful for a person wilfully and knowingly, and without proper legal authority to:

(1) obliterate, vandalize, or desecrate a burial ground where human skeletal remains are buried, a grave, graveyard, tomb, mausoleum, Native American burial ground or burial mound, or other repository of human remains;

(2) deface, vandalize, injure, or remove a gravestone or other memorial monument or marker commemorating a deceased person or group of persons, whether located within or outside of a recognized cemetery, Native American burial ground or burial mound, memorial park, or battlefield; or

(3) obliterate, vandalize, or desecrate a park, Native American burial ground or burial mound, or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons.

A person violating the provisions of subsection (B) is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not more than five thousand dollars, or both.

(C)(1) It is unlawful for a person wilfully and knowingly to steal anything of value located upon or around a repository for human remains or within a human graveyard, cemetery, Native American burial ground or burial mound, or memorial park, or for a person wilfully, knowingly, and without proper legal authority to destroy, tear down, or injure any fencing, plants, trees, shrubs, or flowers located upon or around a repository for human remains, or within a human graveyard, cemetery, Native American burial ground or burial mound, or memorial park.

(2) A person violating the provisions of item (1) is guilty of:

(a) a felony and, upon conviction, if the theft of, destruction to, injury to, or loss of property is valued at two hundred dollars or more, must be fined not more than five thousand dollars or imprisoned not more than five years, or both, and must be required to perform not more than five hundred hours of community service;

(b) a misdemeanor triable in magistrates court if the theft of, destruction to, injury to, or loss of property is valued at less than two hundred dollars. Upon conviction, a person must be fined, imprisoned, or both, pursuant to the jurisdiction of magistrates as provided in Section 22‑3‑550, and must be required to perform not more than two hundred fifty hours of community service.

(D) A person who owns or has an interest in caring for the property, in the case of private lands, or the State, in the case of state lands, may bring a civil action for a violation of this section to recover damages, and the cost of restoration and repair of the property, plus attorney’s fees and court costs.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

Senator CAMPSEN proposed the following amendment (JUD4129.003), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 14 and 15 of the title, and inserting therein the following:

/ MALICIOUSLY ENTER UPON THE LANDS OF ANOTHER OR THE POSTED LANDS OF THE STATE AND INVESTIGATE, DISTURB, /

Amend the bill further, as and if amended, page 2, by striking line 26, in Section 16‑11‑780(A)(5), as contained in SECTION 1, and inserting therein the following:

/ (5) ‘Posted lands’ means lands where the State has /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 33; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Coleman Courson Cromer

Davis Elliott Grooms

Hayes Jackson Knotts

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Reese Rose Scott

Setzler Shoopman Verdin

**Total--33**

**NAYS**

**Total--0**

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

**H. 4129--Ordered to a Third Reading**

On motion of Senator LOURIE, with unanimous consent, H. 4129 was ordered to receive a third reading on Friday, May 28, 2010.

**AMENDED, READ THE SECOND TIME**

H. 4837 -- Reps. J.E. Smith, Miller and McLeod: A BILL TO AMEND SECTION 12‑21‑3940, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BINGO LICENSE REQUIRED FOR NONPROFIT ORGANIZATIONS, SO AS TO ELIMINATE THE PROHIBITION ON ISSUING SUCH A LICENSE TO A NONPROFIT ORGANIZATION THAT IS A NONPUBLIC, LIMITED MEMBERSHIP ORGANIZATION ESTABLISHED FOR SOCIAL, BENEVOLENT, PATRIOTIC, RECREATIONAL, OR FRATERNAL PURPOSES WHICH HOLDS A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senators RYBERG and CLEARY proposed the following amendment (JUD4837.001), which was adopted:

Amend the bill, as and if amended, by adding after page 1, line 32, an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Section 12-21-3920(5) of the 1976 Code is amended to read:

“(5) ‘Nonprofit organization’ means an entity which is organized and operated exclusively for charitable, religious, or fraternal purposes and which is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19).” /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 30; Nays 3**

**AYES**

Alexander Anderson Cleary

Coleman Courson Cromer

Davis Elliott Grooms

Hayes Jackson Knotts

Lourie Malloy *Martin, Larry*

Massey McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Shoopman Verdin

**Total--30**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

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

**H. 4837--Ordered to a Third Reading**

On motion of Senator CLEARY, with unanimous consent, H. 4837 was ordered to receive a third reading on Friday, May 28, 2010.

**Motion Adopted**

At 1:30 P.M., on motion of Senator LEATHERMAN, with unanimous consent, Senators LAND, FAIR and LEATHERMAN were granted leaved to attend a meeting of the Committee of Conference on H. 4657, the General Appropriations Bill.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED  
READ THE SECOND TIME**

H. 4516 -- Rep. M.A. Pitts: A BILL TO AMEND SECTIONS 61-4-550 AND 61-6-2000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE AND FOR THE SALE OF ALCOHOLIC LIQUORS, RESPECTIVELY, BOTH SO AS TO ALLOW NONPROFIT ORGANIZATIONS TO ACQUIRE PERMITS FOR A LIMITED DURATION UNDER CERTAIN CIRCUMSTANCES AND LIMITATIONS; AND TO REPEAL SECTION 61-6-510 RELATING TO TEMPORARY PERMITS FOR THE SALE OF ALCOHOLIC LIQUORS FOR NONPROFIT ORGANIZATIONS.

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

Senator LOURIE proposed the following amendment (JUD4516.003), which was adopted:

Amend the committee report, as and if amended, page [4516-2], by striking line 5 in its entirety and inserting the following:

/ deny the application.

(D) Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 1, Chapter 4, Title 61.” /

Amend the committee report further, as and if amended, page [4516-3], by striking lines 14-15 in their entirety and inserting the following:

/ affiliate of a political party duly certified by the Secretary of State.

(F) Organizations granted permits pursuant to this section are subject to penalties imposed pursuant to violations of Article 13, Chapter 6, Title 61.” /

Renumber sections to conform.

Amend title to conform.

Senator LOURIE explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD4516.002), which was adopted:

Amend the bill, as and if amended, by striking on page 1, lines 30‑40 in their entirety and inserting the following:

/ “Section 61‑4‑550. (A) The department may issue permits to nonprofit organizations running for a period not exceeding fifteen days for a fee of ten dollars per day. For purposes of this section, a ‘nonprofit organization’ is an entity which is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purposes, and which is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19). It also includes political parties and their affiliates duly certified by the Secretary of State. ~~Such~~ These special permits ~~shall~~ may be issued only for locations at fairs and special functions. /

Amend the bill, as and if amended, by striking page 2, lines 12-19 in their entirety and inserting the following:

/ (C) The department shall require the applicant to notify in writing a minimum of fifteen days prior to the first day of a fair or special function the sheriff, or sheriff’s designee, of the county in which the fair or special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy-two hours of the receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.” /

Amend the bill further, as and if amended, by adding on page 2, after line 19 an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Section 61-4-240 of the 1976 Code is amended to read:

“Section 61-4-240. Temporary permits for the possession, consumption, and sale of beer or wine may be issued pursuant to Sections 61‑4‑550, 61‑6‑500, ~~61‑6‑510,~~ 61‑6‑2000, or 61‑6‑2010, as appropriate, and in accordance with these statutes.” /

Amend the bill further, as and if amended, by striking page 2, lines 41-43 and page 3, lines 1-14 in their entirety and inserting the following:

/ Notwithstanding another provision of this article, the department may issue to a nonprofit organization a temporary license to sell alcoholic liquor by the drink at a special function for a period not to exceed twenty-four hours. A qualifying nonprofit organization may sell tickets at the door. The application for this temporary license must include a statement by the applicant as to the nature and date of the special function at which alcoholic liquor by the drink is to be sold, as well as other information required by the department. The department shall charge a nonrefundable filing fee of thirty-five dollars for processing each event on the application. The department may deny the application if the completed application and filing fee are not submitted at least fifteen days before the date of the special function, but upon request by the applicant, the department may waive this requirement. The department in its discretion may specify the terms and conditions of the license, pursuant to existing statutes and regulations governing these applications. /

Amend the bill further, as and if amended, by striking page 3, lines 30-42 and page 4, lines 1-10 in their entirety and inserting the following:

/ (C) The department shall require the applicant to notify in writing within fifteen days the sheriff, or the sheriff’s designee, of the county in which the special function is to be located. Upon request of the applicant, the sheriff may waive the fifteen day notification requirement. A timely objection within seventy-two hours of receipt of the notice by the sheriff, or his official designee, submitted in writing to the department is sufficient grounds to deny the application.

(D) The department may issue up to twenty-five temporary licenses on one application for special functions in a twelve‑month period to the same nonprofit organization. This does not prohibit the nonprofit organization from applying for additional temporary licenses within the same twelve-month period.

(E) For purposes of this section, ‘nonprofit organization’ is an entity that is organized and operated exclusively for social, benevolent, patriotic, recreational, or fraternal purpose, and is exempt from federal income taxes pursuant to Internal Revenue Code Section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19). It also includes a political party or affiliate of a political party duly certified by the Secretary of State.” /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4256 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 17‑30‑125, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCIDENCES WHEN THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ORDER CERTAIN PERSONS TO CUT, REROUTE, OR DIVERT TELEPHONE LINES FOR CERTAIN PURPOSES, SO AS TO PROVIDE THAT THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ISSUE ADMINISTRATIVE SUBPOENA TO A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY WHEN IT RECEIVES INFORMATION THAT INDICATES THAT A PERSON’S LIFE IS THREATENED, A PRISONER MAY ESCAPE, A PERSON IS BEING HELD AS A HOSTAGE, A PERSON MAY RESIST ARREST WHILE USING A WEAPON, OR AN ARMED PERSON MAY COMMIT SUICIDE, AND TO PROVIDE THAT THE GOOD FAITH RELIANCE BY A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY TO PROVIDE INFORMATION SPECIFIED IN AN ADMINISTRATIVE SUBPOENA IS A COMPLETE DEFENSE TO A CIVIL, CRIMINAL, OR ADMINISTRATIVE ACTION ARISING OUT OF THE ORDER OR ADMINISTRATIVE SUBPOENA.

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

The Committee on Judiciary proposed the following amendment (JUD4256.001), which was adopted:

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

/ SECTION 1. Section 17‑30‑125 of the 1976 Code, as added by Act 339 of 2002, is amended to read:

“Section 17‑30‑125. (A) The supervising agent of the South Carolina Law Enforcement Division or the supervising law enforcement officer of a political subdivision of this State at the scene of an incident where there is reasonable cause to believe that:

(1) the incident involves immediate danger of death or serious ~~physical~~ bodily injury to ~~any~~ a person or the danger ~~of escape~~ of a ~~prisoner~~ prisoner’s escape;

(2) ~~that~~ a person is holding one or more hostages;

(3) ~~that there is~~ the probability exists that a subject about to be arrested will resist with the use of weapons; ~~or~~

(4) ~~that~~ a person has barricaded himself, ~~and~~ is armed, and is threatening to commit suicide; or

(5) a threat has been made against a critical infrastructure in South Carolina as defined by federal law pursuant to 42 U.S.C. 5195c(e); may order law enforcement or telephone company personnel to cut, reroute, or divert telephone lines solely for the purpose of preventing telephone communications between the suspect and any person other than a law enforcement officer or the law enforcement officer’s designee, if the cutting, rerouting, or diverting of telephone lines is technically feasible and can be performed without endangering the lives of telephone company or other utility personnel.

(B)(1) An officer of the court who is employed by the South Carolina Law Enforcement Division, or the officer’s designee, may issue an administrative subpoena to a telephone company, an Internet service provider, or another communications entity to obtain information necessary to resolve an emergency situation, if the South Carolina Law Enforcement Division is in receipt of information indicating that the emergency situation involves one or more of the following:

(a) a threat of death or serious bodily injury to a person;

(b) the danger of a prisoner’s escape;

(c) a person who is holding one or more hostages;

(d) the probability exists that a person about to be arrested will resist arrest with the use of weapons;

(e) a person who has barricaded himself, is armed, and is threatening to commit suicide; or

(f) a threat against a critical infrastructure in South Carolina as defined by federal law pursuant to 42 U.S.C. Section 5195c(e);

(2) An administrative subpoena issued pursuant to this subsection must comply with the provisions of 18 U.S.C. Section 2703(c)(2).

(C)(1) The South Carolina Law Enforcement Division is authorized to promulgate permanent regulations pursuant to the Administrative Procedures Act in Chapter 23, Title 1, to define the procedures and guidelines needed to issue an administrative subpoena as provided in this section.

(2) Pursuant to Section 1-23-130, the South Carolina Law Enforcement Division is authorized to promulgate emergency regulations to define the procedures and guidelines needed to issue an administrative subpoena as provided in this section until such time as permanent regulations are promulgated. The provisions of Section 1-23-130(A), (B), (D), and (E) are applicable to emergency regulations promulgated pursuant to this subitem. The provisions of Section 1-23-130(C) are not applicable to emergency regulations promulgated pursuant to this subitem. An emergency regulation promulgated pursuant to this subitem becomes effective upon issuance and continues for one year unless terminated sooner by the South Carolina Law Enforcement Division or concurrent resolution of the General Assembly. (D) The good faith reliance by a telephone company on an oral or written order to cut, reroute, divert, or intercept telephone lines given by a supervising law enforcement officer ~~under~~ pursuant to subsection (A), or the good faith reliance by a telephone company, Internet service provider, or another communications entity to provide information specified in an administrative subpoena pursuant to subsection (B), constitutes a complete defense to any civil, criminal, or administrative action arising out of the order or administrative subpoena.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**Motion Under Rule 26B Adopted**

Senator SHANE MARTIN asked unanimous consent to make a motion to be granted leave for either Senator MASSEY or Senator RYBERG to take up a further amendment on third reading pursuant to the provisions of Rule 26B.

There was no objection.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3779 -- Reps. Hearn, Weeks, Bannister, Erickson, Clemmons and Viers: A BILL TO AMEND SECTION 63‑7‑1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEGAL REPRESENTATION OF CHILDREN AND THE APPOINTMENT OF GUARDIANS AD LITEM, SO AS TO CLARIFY WHEN AN ATTORNEY MAY BE APPOINTED TO REPRESENT A GUARDIAN AD LITEM IN A CHILD ABUSE OR NEGLECT PROCEEDING AND TO CLARIFY WHO THE COURT MAY APPOINT TO REPRESENT A CHILD IN SUCH A PROCEEDING.

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

The Committee on Judiciary proposed the following amendment (JUD3779.002), which was adopted:

Amend the bill, as and if amended, page 1, SECTION 1, Section 63-7-1620, by striking line 30 and inserting the following:

/ litem by the family court. A guardian ad litem serving on behalf of the South Carolina Guardian ad Litem Program or Richland County CASA must be represented by legal counsel in any judicial proceeding pursuant to Section 63‑11‑530(C). ~~In the event the individual appointed as~~  /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**SECOND READING FAILED**

S. 1378 -- Senators Pinckney, Malloy, Land, Leventis, Lourie, Nicholson, Williams and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71‑295 SO AS TO REQUIRE INDIVIDUAL AND GROUP HEALTH INSURANCE CONTRACTS, PLANS, OR POLICIES WHICH PROVIDE MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN’S OFFICE AND MAJOR MEDICAL COMPREHENSIVE‑TYPE COVERAGE TO INCLUDE COVERAGE FOR SMOKING CESSATION TREATMENT AND TO REQUIRE CERTAIN COVERAGE FOR FDA APPROVED SMOKING CESSATION MEDICATIONS, AND TO PROVIDE CERTAIN EXCLUSIONS.

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

The Committee on Banking and Insurance proposed the following amendment (DKA\4044DW10), which was adopted:

Amend the bill, as and if amended, Section 38‑71‑295, SECTION 1, page 1, beginning on line 38, by striking:

/ and one‑half hours/ and inserting / one‑half hour /.

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

**Amendment No. 1**

Senators MULVANEY, BRIGHT and ROSE proposed the following Amendment No. 1 (1378R001.MM), which was ruled out of order:

Amend the bill, as and if amended, page 2, by striking line 35 and inserting:

/ SECTION 2. Chapter 1, Title 38 of the 1976 Code is amended by adding:

“Section 38‑1‑40. (A) For purposes of this section:

(1) ‘Health care provider’ means a physician, surgeon, osteopath, nurse, oral surgeon, dentist, pharmacist, chiropractor, optometrist, podiatrist, or similar category of licensed health care provider, including a health care practice, association, partnership, or other legal entity.

(2) ‘Health care system’ means any public or private entity whose function or purpose is the provision, management, processing, enrollment of individuals for payment of, in full or in part, health care services, data, or information for its participants.

(3) ‘Lawful medical services’ means any medical‑related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services.

(4) ‘Pay directly’ means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.

(5) ‘Penalties or fines’ means any civil or criminal penalty or fine, tax, salary or wage withholding, surcharge, or any named fee with a similar effect established by federal law or rule that is utilized to punish or discourage the exercise of rights protected under this section.

(B) The citizens of this State have the right to enter into private contracts with licensed health care providers for authorized health care services and to purchase private health care coverage from a licensed insurer. No law may interfere with the right of a person to be treated by or receive services from a licensed health care provider of that person’s choice. No law may restrict a person’s freedom of choice of private health care systems or private health care plans of any type. No law may interfere with a person’s or an entity’s right to pay directly for lawful medical services. No law may require any person to participate in any health care system or plan, or impose a penalty, tax, or fine, of any type, for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan. This section shall not apply to individuals voluntarily applying for coverage under a state‑administered program pursuant to Title XIX or Title XXI of the Social Security Act. This section shall not apply to students being required by an institution of higher education to obtain and maintain health insurance as a condition of enrollment. Nothing herein shall impair the rights of persons to privately contract for health insurance for family members or former family members.”

SECTION 3. The Attorney General is directed to challenge the constitutionality of any provision enacted by the United States Congress that would violate any of the requirements of Section 38‑1‑40 and join with other states that are like‑minded to make a similar challenge. No state agency, agent, department, instrumentality, or subdivision shall cooperate or participate in any way with any mandate passed by Congress upon notification by the Attorney General that the mandate must be challenged pursuant to this section, unless and until otherwise ordered to so by a court of competent jurisdiction.

SECTION 4. If any section, subsection, paragraph, item, subitem, subparagraph, sentence, clause, phrase, or word of Chapter 1, Title 38 of the 1976 Code as added by this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the chapter, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

**Point of Order**

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

Senator MULVANEY spoke on the Point of Order.

Senator CAMPSEN spoke on the Point of Order.

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

The amendment was ruled out of order.

The question then was the second reading of the Bill.

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

**Ayes 17; Nays 18**

**AYES**

Alexander Anderson Cleary

Coleman Elliott Ford

Hayes Jackson Lourie

Malloy *Martin, Larry* McGill

Nicholson Pinckney Reese

Scott Setzler

**Total--17**

**NAYS**

Bright Bryant Campsen

Courson Cromer Davis

Grooms Knotts *Martin, Shane*

Massey McConnell Mulvaney

O’Dell Peeler Rankin

Rose Shoopman Verdin

**Total--18**

Having failed to receive the necessary vote, second reading failed.

**CARRIED OVER**

H. 3814 -- Reps. Allison, Cole, Forrester, Kelly and Parker: A BILL TO AMEND SECTION 57-1-740(D)(1) AND (2)(A) OF THE 1976 CODE, RELATING TO VACANCIES ON THE DEPARTMENT OF TRANSPORTATION COMMISSION, TO PROVIDE THAT THE JOINT TRANSPORTATION REVIEW COMMITTEE MUST REOPEN THE NOTICE OF INTENTION FILING PERIOD IF ONLY ONE PERSON FILES A NOTICE OF INTENTION DURING THE INITIAL FILING PERIOD AND THAT THE REVIEW COMMITTEE MUST REOPEN THE SCREENING PROCESS IF THE COMMITTEE’S TENTATIVE FINDINGS RESULT IN THE DETERMINATION THAT ONLY ONE CANDIDATE OR NONE OF THE CANDIDATES ARE QUALIFIED AND MEET THE REQUIREMENTS PROVIDED BY LAW TO SERVE ON THE COMMISSION; AND TO AMEND 57-1-740(D)(2)(C), RELATED TO CANDIDATE SCREENING, TO PROVIDE THAT NO CANDIDATE MAY DIRECTLY OR INDIRECTLY SEEK THE PLEDGE OF A VOTE FROM A MEMBER OF THE CANDIDATE’S CONGRESSIONAL DELEGATION OR, DIRECTLY OR INDIRECTLY, CONTACT A STATEWIDE CONSTITUTIONAL OFFICER, A MEMBER OF THE GENERAL ASSEMBLY, OR THE JOINT TRANSPORTATION REVIEW COMMITTEE REGARDING SCREENING FOR THE COMMISSION UNTIL THE REVIEW COMMITTEE HAS FORMALLY RELEASED ITS REPORT AS TO THE QUALIFICATIONS OF ALL CANDIDATES IN A PARTICULAR CONGRESSIONAL DISTRICT.

Senator GROOMS explained the Bill.

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

**CARRIED OVER**

H. 4202 -- Reps. Mitchell, Long, Dillard, Cobb‑Hunter and Sellers: A BILL TO AMEND SECTION 16‑3‑930, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES, SO AS TO PROVIDE A MANDATORY MINIMUM PENALTY OF FIVE YEARS FOR A PERSON WHO COMMITS THE OFFENSE AND INCREASE THE MAXIMUM PENALTY TO THIRTY YEARS.

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

**CARRIED OVER**

H. 3835 -- Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Brady, Branham, Brantley, H.B. Brown, R.L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb‑Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D.C. Moss, Nanney, J.H. Neal, J.M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E.H. Pitts, M.A. Pitts, Rice, Scott, Sellers, Simrill, Skelton, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Spires, Stavrinakis, Stewart, Thompson, Toole, Umphlett, Vick, Viers, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 9, TITLE 23 TO ENACT THE “SOUTH CAROLINA HYDROGEN PERMITTING ACT” SO AS TO CREATE THE STATE HYDROGEN PERMITTING PROGRAM AND TO STATE THE PURPOSE OF THE PROGRAM; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THAT ONLY THE STATE FIRE MARSHAL MAY PERMIT A HYDROGEN FACILITY IN THIS STATE, BUT MAY DELEGATE THIS AUTHORITY TO A COUNTY OR MUNICIPAL OFFICIAL IN SPECIFIC CIRCUMSTANCES; TO PROVIDE THE DUTIES AND OBLIGATIONS OF THE STATE FIRE MARSHAL UNDER THE ACT; TO PROVIDE REQUIREMENTS FOR A PARTY SEEKING TO RENOVATE OR CONSTRUCT A HYDROGEN FACILITY; TO PROVIDE THE STATE FIRE MARSHAL MAY IMPOSE CERTAIN FEES RELATED TO PERMITTING, LICENSING, AND INSPECTING UNDER THE ACT; TO PROVIDE PENALTIES FOR A PERSON WHO CONVEYS OR ATTEMPTS TO CONVEY HYDROGEN IN VIOLATION OF THE ACT; AND TO AMEND SECTION 23‑9‑20, RELATING TO DUTIES OF THE STATE FIRE MARSHAL, SO AS TO PROVIDE THE STATE FIRE MARSHAL SHALL SUPERVISE ENFORCEMENT OF THE SOUTH CAROLINA HYDROGEN PERMITTING PROGRAM.

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

**CARRIED OVER**

H. 4341 -- Reps. Hutto, Stavrinakis, J.E. Smith, Harvin, Miller, Govan, Allen, Battle, Anderson, Simrill, Norman, T.R. Young and Wylie: A JOINT RESOLUTION TO CREATE THE AUTISM SPECTRUM DISORDER STUDY COMMITTEE ON EARLY INTERVENTION AND TO PROVIDE FOR ITS PURPOSE, MEMBERS, AND DUTIES AND TO PROVIDE THAT THE STUDY COMMITTEE MUST SUBMIT ITS FINDINGS AND RECOMMENDATIONS NO LATER THAN DECEMBER 1, 2011 AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

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

**OBJECTION**

H. 3369 -- Reps. T.R. Young, Huggins, E.H. Pitts, Ballentine, Bingham, Haley, Cato, Clyburn, Hearn, G.M. Smith, G.R. Smith, J.R. Smith, Spires, Stewart, Viers, Wylie and Weeks: A BILL TO AMEND SECTION 16‑15‑342, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF CRIMINAL SOLICITATION OF A MINOR, SO AS TO INCREASE THE PENALTY FOR THE OFFENSE.

Senator MALLOY objected to further consideration.

**POINT OF ORDER**

S. 1250 -- Senator Knotts: A BILL TO AMEND SECTION 17‑22‑710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF A WORTHLESS CHECK UNIT, FEE SCHEDULES, ADMINISTRATIVE COSTS, AND DISBURSEMENT OF FUNDS COLLECTED, SO AS TO AUTHORIZE THE CIRCUIT SOLICITOR TO ESTABLISH THE WORTHLESS CHECK UNIT, REVISE THE FEE SCHEDULES, AND PROVIDE THAT PARTIAL FUNDS COLLECTED DO NOT PROHIBIT PROSECUTION FOR THE FULL AMOUNT OF A FRAUDULENT CHECK.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

**Point of Order**

Senator MASSEY raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

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

**POINT OF ORDER**

S. 1257 -- Senator Rose: A BILL TO AMEND CHAPTER 5, TITLE 43 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE DIRECTORY OF NEW HIRES AND NEW HIRE REPORTING PROGRAM, SO AS TO REPEAL SECTION 43‑5‑598; TO AMEND SECTION 63‑17‑1210, RELATING TO THE STATE DIRECTORY OF NEW HIRES AND THE NEW HIRE REPORTING PROGRAM, SO AS TO DEFINE CERTAIN TERMS, TO REQUIRE THAT BY JULY 1, 2010, THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE DEPARTMENT OF SOCIAL SERVICES CREATE AN EMPLOYER NEW HIRE REPORTING PROGRAM AND A STATE DIRECTORY OF NEW HIRES, TO REQUIRE EMPLOYERS TO REPORT THE EMPLOYMENT OF ALL NEW HIRES WHO RESIDE OR WORK IN SOUTH CAROLINA TO THE STATE DIRECTORY WITHIN TWENTY CALENDAR DAYS OF HIRING, TO REQUIRE THAT THE REPORT MUST CONTAIN THE EMPLOYER’S NAME, ADDRESS, AND FEDERAL IDENTIFICATION NUMBER, AND THE NEW HIRES NAME, ADDRESS, AND SOCIAL SECURITY NUMBER, TO EXEMPT EMPLOYERS FROM HAVING TO FILE REPORTS ON EMPLOYEES OF FEDERAL OR STATE AGENCIES WHO PERFORM INTELLIGENCE OR COUNTERINTELLIGENCE FUNCTIONS, TO PERMIT AN EMPLOYER WITH EMPLOYEES IN MORE THAN ONE STATE TO SELECT A SINGLE STATE FROM WHICH TO TRANSMIT NEW HIRE REPORTS, TO REQUIRE THAT NEW HIRE REPORTS BE MADE ON W‑4 FORMS OR AN EQUIVALENT FORM, TO REQUIRE THAT EMPLOYERS WHO FAIL TO FILE REPORTS ARE SUBJECT TO A TWENTY‑FIVE DOLLAR FINE FOR THE SECOND AND SUBSEQUENT OFFENSE, AND A FIVE HUNDRED DOLLAR FINE FOR EVERY OFFENSE WHERE THE EMPLOYER CONSPIRED WITH THE NEW HIRE NOT TO REPORT THE HIRING OF THE NEW EMPLOYEE, TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES ENTER THE NEW HIRE REPORTS FILED BY EMPLOYERS INTO STATE DIRECTORY OF NEW HIRES WITHIN FIVE BUSINESS DAYS OF RECEIPT FROM THE EMPLOYER, TO REQUIRE THAT BY OCTOBER 1, 2010, THE DEPARTMENT OF SOCIAL SERVICES MUST CONDUCT AUTOMATED COMPARISONS OF SOCIAL SECURITY NUMBERS REPORTED BY EMPLOYERS WITH SOCIAL SECURITY NUMBERS IN THE RECORDS OF THE STATE CASE REGISTRY, TO REQUIRE THAT WHEN THE COMPARISON REVEALS A MATCH, THE DEPARTMENT OF SOCIAL SERVICES MUST, WITHIN TWO DAYS, NOTIFY THE EMPLOYER OF THE MATCH AND DIRECT THE EMPLOYER TO WITHHOLD FROM THE INCOME OF THE NEW HIRE AN AMOUNT EQUAL TO THE MONTHLY, OR OTHER PERIODIC CHILD SUPPORT OBLIGATION, INCLUDING PAST DUE CHILD SUPPORT OBLIGATIONS, TO PROVIDE THAT WITHIN THREE DAYS OF THE DATA BEING ENTERED INTO THE STATE DIRECTORY OF NEW HIRES THAT THE STATE DIRECTORY MUST FORWARD THE INFORMATION TO THE NATIONAL DIRECTORY OF NEW HIRES, TO PROVIDE THAT THE STATE DIRECTORY OF NEW HIRES MUST INCLUDE REPORTS RECEIVED FROM THE EMPLOYMENT SECURITY COMMISSION AND OTHER DEPARTMENTS, TO PROVIDE THAT THE INFORMATION MAINTAINED IN THE DIRECTORY OF NEW HIRES SHALL BE USED BY THE DEPARTMENT OF SOCIAL SERVICES TO LOCATE INDIVIDUALS FOR PURPOSES OF ESTABLISHING PATERNITY AND ESTABLISHING CHILD SUPPORT OBLIGATIONS AND IT MAY BE DISCLOSED TO A PUBLIC OR PRIVATE AGENCY THAT IS UNDER CONTRACT WITH THE DEPARTMENT OF SOCIAL SERVICES, TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES SHALL HAVE ACCESS TO THE INFORMATION FOR THE PURPOSE OF VERIFYING ELIGIBILITY FOR CERTAIN STATE ADMINISTERED PROGRAMS, TO PROVIDE THAT THE EMPLOYMENT SECURITY COMMISSION SHALL HAVE ACCESS TO THE INFORMATION REPORTED BY EMPLOYERS FOR PURPOSES OF ADMINISTERING THE EMPLOYMENT SECURITY PROGRAM, TO PROVIDE THAT THE WORKERS’ COMPENSATION COMMISSION SHALL HAVE ACCESS TO THE INFORMATION FOR THE PURPOSE OF ADMINISTERING THE WORKERS’ COMPENSATION PROGRAM, TO PROVIDE THAT AN EMPLOYER WHO DISCLOSES THIS INFORMATION TO THE STATE DIRECTORY OF NEW HIRES IN GOOD FAITH SHALL BE EXEMPT FROM CIVIL OR CRIMINAL LIABILITY, TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROMULGATE REGULATIONS, AND TO PROVIDE THAT THIS PROVISION SHALL REMAIN IN EFFECT UNTIL THE FEDERAL PROGRAM MANDATING REPORTING NEW HIRES IS REPEALED; TO AMEND SECTION 63‑3‑530(A)(43), RELATING TO THE DEPARTMENT OF SOCIAL SERVICES’ COLLECTION OF FINES, SO AS TO INCLUDE SECTION 63‑17‑1210 IN THE LIST OF FINES TO BE ENFORCED.

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

Senator ROSE explained the Bill.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

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

**POINT OF ORDER**

H. 4350 -- Reps. Limehouse, Sottile, Gilliard and Mack: A BILL TO AMEND SECTION 40‑29‑340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRITERIA REQUIRED FOR A MANUFACTURED HOME, SO AS TO PROVIDE THAT FOR A SALE OF A PREVIOUSLY OWNED MANUFACTURED HOME, THE BUYER MUST CERTIFY HE HAS DETERMINED AT LEAST TWO FUNCTIONING SMOKE DETECTORS ARE IN THE HOME.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Labor, Commerce and Industry.

**Point of Order**

Senator BRYANT raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

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

**ADOPTED**

H. 3574 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES HEYWARD COVE ALONG BRIDGE STREET IN THE TOWN OF BLUFFTON THE “THOMAS G. HEYWARD MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “THOMAS G. HEYWARD MEMORIAL BRIDGE”.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the Resolution.

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

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

**ACTING PRESIDENT PRESIDES**

At 2:22 P.M., Senator LARRY MARTIN assumed the Chair.

**RECALLED**

H. 3047 -- Reps. Haley, Ballentine, Wylie, Stringer, R.L. Brown, Kirsh, E.H. Pitts, Miller, G.R. Smith, Whipper, Huggins, Frye, Knight, Daning, J.E. Smith, Rice, Anderson, G.M. Smith, Phillips, Clyburn, Hart, Bowen, T.R. Young, Simrill, Duncan, Gunn, Agnew, Viers, Cobb‑Hunter, King, Allison, Nanney, Bingham, Hamilton, Toole, Hiott, Millwood, Stavrinakis, Funderburk, Battle, Neilson, Erickson, Cole, Hutto, Pinson, Jefferson, Stewart, Bedingfield, D.C. Moss, Herbkersman, V.S. Moss, Horne and McLeod: A BILL TO ENACT THE “SPENDING ACCOUNTABILITY ACT OF 2009”; AND TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑7‑125 SO AS TO REQUIRE CERTAIN BILLS AND JOINT RESOLUTIONS TO RECEIVE A RECORDED ROLL CALL VOTE AT VARIOUS STAGES OF THEIR PASSAGE BY THE HOUSE OF REPRESENTATIVES AND THE SENATE.

Senator SHANE MARTIN moved to recall the Bill from the Committee on Judiciary.

Senator McCONNELL argued contra to the motion to recall.

Senator SHANE MARTIN argued in favor of the motion to recall.

Senator MALLOY spoke on the motion to recall.

**PRESIDENT PRESIDES**

At 2:35 P.M., the PRESIDENT assumed the Chair.

Senator LARRY MARTIN argued contra to the motion to recall.

Senator DAVIS argued in favor of the motion to recall.

**Remarks by Senator DAVIS**

Gentlemen of the Senate, I rise to speak in favor of the motion to recall H. 3047. Let me get into the reasons why I do not view this as a political ploy, as alleged by those in opposition. I view this as very serious and substantive. Representative democracy can’t work if the people don’t know how their representatives are voting and there are legitimate reasons to question whether the current Rules provide the necessary information.

The percentage of votes on the record are not adequate in my judgment; others may differ. To remedy that, I am not talking about ceding power of the Senate to the Governor; I am not talking about ceding power of the Senate to the House, Senator from Cherokee, Senator PEELER; or about ceding power to the Supreme Court. What I am talking about is ceding power to the voters. I’m talking about ceding power to the voters and if it takes taking independence away from this Senate in regard to making its Rules in order to more fully inform the electorate, then I am going to cede that power because that power belongs to the people.

The Senate is not a club. We are the voice of the people. I hear repeated over and over again, “This Bill is unconstitutional.” This reminds me of the old adage that if you keep repeating something often enough, you will start to believe it. But, it is not unconstitutional. Let’s look at Section 12, Article 3 of the Constitution that says, “Each house shall determine its own officers, determine its Rules of procedures.” Rules of Procedures -- when we take up Bills, uncontested Bills, contested Bills, Special Order -- deciding how these things are taken up in setting the Rules -- that’s determining procedure.

But when you move to something as substantive as how we are voting on something, about picking and choosing how and when the people can check on how we’re acting on their behalf, when you talk about the ability of the governed to keep track of how their Governors are acting, that isn’t a mere procedural thing, Senator from Cherokee, that’s not mere process, Senator from Spartanburg, that’s substance.

And that goes to the heart of the democratic process, ensuring the electorate knows how their representatives are voting. That is not process. That is not procedure. That is substance and that is the essence of a legal opinion given by a professor at the Charleston School of Law. And I have heard, Senator from Lexington, that professor being disparaged -- that he is an Obamanite, that he believes in an expansionist, living interpretation of this Constitution, much along the lines of the Warren Court -- that it means anything people want it to mean. I submit that this is an unfair characterization of this professor, who by the way, has an undergraduate degree from Harvard, a law degree from Duke and teaches at one of our state’s law schools. He gave a reasoned, solid opinion that the ability of the electorate to know how their elected officials are voting is something of substance, not process. And then he goes further and cites the State Supreme Court case of *Coleman vs. Lewis*: “The Constitution empowers each house to determine its Rules and proceedings, but neither house may, by its Rules, ignore constitutional restraints or violate fundamental rights.” Our State Supreme Court has declared the Senate may not, by its Rules, violate fundamental rights and I submit that the right of the people to know how their elected officials are voting is the most fundamental of rights.

This is not mere process. This is not procedure. Rules protect the Senate; statutes protect the people. Again, I am not talking about ceding power to the House, to the Governor or to the courts. It’s about ceding power to the people, because they deserve to know how we are voting. They deserve to know.

Now, other arguments are made against H. 3047. I have great respect for the Senator from Pickens and tremendous respect for the President *Pro Tempore*. They say H. 3047 is a flawed Bill. The President *Pro Tempore* points out that it doesn’t require amendments be on the record; they should be. It doesn’t require votes on concurrence to be on the record; they should be. It doesn’t require votes on Special Order to be on the record; they should be and he’s right, but let’s amend this Bill so that they are required to be on the record. That is what the Senate does -- it takes a piece of “ragged legislation” and makes it better. It does not criticize the ragged nature of that Bill as a reason for it not ever being considered.

Let’s make this Bill better. And let’s talk also about incorporating the technology that is available to us today, Senator from Georgetown, that wasn’t available back in 1895 when the Constitution was passed. If we were in business and we had to give consumers what they wanted, then we’d be out of business. We would have taken care of this by now, we would have technology in place to where you would have search fields -- type in TOM DAVIS, type in a subject matter, press send and then see every single Bill that I ever voted on in regard to that subject -- summarize what the Bills were and all the amendments and how I voted on each matter. Any business would use technology to provide that to the customer. But the Senate doesn’t seem to be interested in providing that service to our customers, the voters. We are more interested in preserving the independence of this Senate -- preserving the customs of this Senate -- the way it has always been done. And our customers are not happy. If you have not been out there on the stump, you don’t know that there is a great deal of unhappiness out there about not being able to know how we are voting and not being able to hold us accountable. This issue is not going away until we wake up and embrace with energy -- with positive energy and vigor -- how do we make this better, how do we get our votes on the record, how do we make that data easily retrievable to the public and how can we make them feel more confidence in us? We do not currently have that attitude.

Let’s be clear on what is now before us, a motion to have a House Bill put on the Calendar so we can debate it. It is not a motion to pass the Bill. You are not violating your Constitutional oath by saying we are going to put this Bill on the Calendar, so we can debate it back and forth. That is not violating the Constitution. You all know that.

Another reason that has been put up against this motion to recall is because of how the House has behaved in the past three or four weeks by not putting its votes on the record. Behavior of the House does not excuse inactivity on our part. We take care of our own business as we see fit, not depending on what the House does. So I don’t care what the House has done. Another flawed argument is that members of the Senate can play games if more votes are required to be recorded. Remember that roll call game we had a few days ago? We sure showed the people, didn’t we? We showed them that if we use our Rules that we don’t have to show them anything, because we will tie things up in an endless loop and you’ll never see anything. To say that we cannot put transparency and things on the record because Senators will abuse it and make things go in an endless loop and nothing gets done, that is not a valid argument. To say that the House who sent this over to us isn’t following their own Rules, that isn’t an argument for not taking care of our own business. When you get right down to it, this is about power. Does the power belong to the Senate with its Rules or does the power belong with the people? I think the power belongs with the people.

I think every vote needs to be on the record statutorily where it cannot be waived by unanimous consent -- so it can’t be manipulated by Rules. Rules protect the House and Senate; statutes protect the public. I am going to vote to recall this Bill so we can debate it and I urge you to join me.

Thank you.

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

Senator CAMPSEN argued contra to the motion to recall.

**Remarks by Senator CAMPSEN**

Mr. PRESIDENT and members of the Senate, I appreciate the opportunity to address this issue, and really, this issue is broken down into two parts. One part is how transparent are you going to be? How many roll calls are you going to take? The other part is how you get there if you want to change the degrees to which we do roll call voting. Now the first one -- how transparent are we -- I am not going to really address that one. If anyone who accuses me of not supporting more roll call voting, I have authored the amendment to our Rules that require roll calls on every third reading. The same substance that was contained in the Rules Committee Chairman’s Sense of the Senate motion we had and would mean there would be a roll call vote on every single thing that passes this body in addition to all the provisions in Rule 16, where we have a roll call vote when there is a fiscal impact, when we concur in a House Amendment, etc. etc. And so, that Rule change would dramatically increase and make everything that passes this body have a roll call vote. But I am not going to address how much roll call voting we should have. What I am going to address is how you change how much roll call voting we have. And it is very clear to me that that must be done by Rule. And the reason why is Article 3, Section 12 of the Constitution which requires this change be done by Rule and is probably more important than the fact it is in there to begin with.

Have you ever heard of the Constitutional Doctrines of the Separation and Balance of Powers? The Separation of Powers Doctrine says you create three co-equal branches of government. And you vest each branch with power sufficient to blunt the power of the other two. The Balance of Powers Doctrine, a similar doctrine, provides that each branch has certain powers. We create laws, the Executive Branch executes them, and the Judicial Branch interprets the laws. Those are devices the Founding Fathers put in to the Constitution to limit government. I would dare say they are perhaps **the** most important principles that our federal, and our State, and every state’s Constitution in this country contain. It sets us apart from parliamentary governments like Great Britain, where powers are fused into Parliament. We have three branches that are co-equal.

I have been a big proponent of government restructuring because I think that we have deprived the chief executive of powers the chief executive should have. In order to keep the Balance of Powers Doctrine in place -- and anyone could look at my record on the restructuring Bills I have authored. When I was in the Governor’s office, I authored the first version of many of these restructuring Bills -- the Department Administration, many of these Bills. I support them. I supported them for the same reason I am opposed to this statute. And that is that those government restructuring Bills that give the Governor the power the Governor should have are important to advance and to defend the Balance of Powers Doctrine.

I believe it is important that we do not change our procedure by statute for the same reason -- to support and defend the Balance of Powers Doctrine. The whole principle behind the Balance of Powers Doctrine is that you have three co-equal branches. And each one will blunt the power of the other. I am going to read from Federalist Paper No. 51. James Madison authored this Federalist Paper --perhaps my favorite Federalist Paper. Madison said this, “It may be a reflection on human nature, that such devices…” (I want you to remember that word -- such devices, because I am going to go into what Madison had in mind when he talked about these devices.) “It maybe a reflection upon human nature that such devices should be necessary to control the abuses of government,” but what is government itself, but the greatest of all reflections upon human nature? If men were angels, no government would be necessary. If angels were to govern men neither external nor internal controls on government would be necessary. In framing the government which is to be administered by men, over men, the great difficulty lies in this: you must first enable the government to control the governed, and the next place you must compel it to control itself.” What Madison is saying is that because men are not angels, you have to have government restrain the evil that men are capable of doing. But he also says because men are not angels we have to limit government power, because government can abuse peoples’ liberties as well. So, we have to have a delicate balance between government that has the power to restrain the governed from doing things like committing crimes, and we must put devices in the Constitution so the government restrains itself.

What are the devices that James Madison talks about? I am going to read earlier in Federalist 51. Madison says this, “In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own.” You members of this body -- some of the folks who defend liberty, who are for limited government, who support the Balance and Separation of Powers Doctrines the most -- are the ones that will undermine it if we do this by statute. This is not me speaking; this is James Madison speaking, the author of our Federal Constitution. It is evident that each department should have a will of its own -- each of the three branches. This is not about Senate power. This is not about Senate history or prodigal or tradition. This is about blunting Senate power, blunting executive power, blunting power of the legislative branch, blunting power of execute branch, blunting the power of the judicial branch precisely as James Madison and the Founding Fathers intended to happen. That is what this is about. Each department should have a will of its own, and if you deprive a department of a will of its own, you are putting out of balance that Balance of Powers Doctrine.

How does that statute do this? A statute does this because a governor can veto a statute and a court can interrupt a statue. And so you have the other two branches meddling in legislative affairs. You have the Senate meddling in the House affairs and the House meddling in the Senate affairs. You are disrupting the balance of powers. This is only the most important Constitutional principle in the history of American Constitutional Law, gentleman. That is all it is.

I am going to quote James Madison further. These are the devices Madison talked about as necessary to preserve liberty. James Madison -- not some interest group, not some political pundit, not some political campaign -- I am quoting James Madison: “The members of each department should be as little dependent as possible on those of the others. Each department needs to be as little dependent ….” Now, do I think the balance is upset? Yes, I do. I think the Governor does not have enough power. That is why I have authored and I have sponsored Department of Administration Bills. I have authored Bills to do away with the Budget and Control Board. I authored Bills to have the Governor and Lt. Governor run on the same ticket. I authored and advocated those as a member of this body and also as the Governor’s Senior Policy advisor on many of these things. Why? Because I believe in the Balance of Powers Doctrine and I think the Governor does not have the executive power he should have. But likewise, when I see another Bill come through this General Assembly that likewise disrupts the Balance and Separation of Powers Doctrine, I will oppose that Bill as well. And I say that I stand on the shoulders of men no less than James Madison in doing so. “The members of each department should be as little dependent as possible on those of the others.” That’s the Balance of Powers Doctrine. I am going to read further. This is why James Madison said these are the devices we have to put in our Constitution to preserve liberty and to limit government abuse. “The great security against a gradual concentration,” -- listen to this -- “the great security against a gradual concentration of the several powers in the same department consists of giving to those who administer each department the necessary Constitutional means and personal motives to resist encroachment from the others.” You have to give each department the power to control its own internal affairs and to resist the encroachment of the others.

It is incredible that we are considering undermining that principle that James Madison articulates. This is why there is a provision in the Federal Constitution that the House and the Senate establish their procedures by Rule. Why is that? Because they followed James Madison and the Founding Founders to create co-equal branches of government. This is not about Senate power. We need to have enough power to blunt the Judiciary and to blunt the Executive. The Executive needs to have enough power to blunt us and the Judiciary. The Judiciary needs enough power to blunt us and the Chief Executive. That is the Balance of Powers Doctrine. That is the cornerstone of limited government and personal liberty, and that is what is really at stake here. It is not how much we vote on the record; we can do that by Rule -- all you have to do is support my amendment up there. It amends not a Code of Laws, but the Rules of the Senate that require a third reading on each Bill.

The case *Coleman vs. Lewis* was sighted. That case actually held that the only thing that is superior to the Rules in each Chamber are Constitutional rights or fundamental rights. That case actually upheld the fact that the Constitution gives to each Chamber its ability to control its own proceedings internally by Rule. When the West Commission in 1969 reviewed our 1885 Constitution, they looked at this section. They called this provision -- that each Chamber determined their own procedure -- a “time-honored provision,” a time-honored provision that is in the Federal Constitution. I have not looked at all the other 49 states, but I dare say it is in every other state, or certainly most of them, because it is a time-honored and a foundational principle.

The Balance of Powers Doctrine and the Separation of Powers Doctrine are not archaic antiques that we never deal with. We deal with them every day, and I am going to give you an example. Just like the Constitution provides that we provide for our internal procedures, the Constitution also provides a unified judicial system which has control over its internal procedures. I am going to give you an example of how that works. We just had a case or order that was handed down by the Supreme Court in -- I think it was 2008. We passed a law that put certain requirements on expert testimony, expert medical testimony. If you are going to be a medical expert and testify in the courts of South Carolina, you have to be under the jurisdiction of the medical board is what that act said. You know what the court did when they got that act? The court struck it down as a violation of Separation of Powers Doctrine. The court said, “We are going to block application of this statute, because the Constitution in Article 5, Section 4 gives to the courts the ability to determine its own internal rules.” That is an application of the Separation of Powers Doctrine.

Yesterday, as recently as yesterday in the Judiciary Committee, we passed a Bill, dealing with guardians ad litem to conform to a Rule that the Supreme Court issued dealing with guardians ad litem. The court amended Rule 608, and we amended the law in response to that order. The court changed what is currently on the books of South Carolina in the Code of Laws about guardians ad litem who represent minors in family court proceedings. Again, that is the Separation of Powers and the Balance of Powers Doctrine in play. That is what this is really about -- whether we are going to stand in support of these very important principles that our federal and state Constitution are built upon. That is the issue.

Now, we can have roll call voting on every single thing that happens, and what will happen if we do that? We will be in Session until July or August, something like that. And anyone that actually lives and works in the real world will not be able to serve here if you have a business. I think you would have worse law because of it. Because once you have a full time political class, we start looking like Washington, DC. The big problem with Washington is you have people who have to make a career path decision. The federal law prohibits you from earning really any meaningful income if you serve in DC, so that means you have to make a decision: Am I going to be a full time politician in Congress or am I going to stay in the private sector? You cannot do both. It is a blessing that we can do both here, because when you have people who live and work under the laws we pass, you get better laws. If you have to deal with employment law -- if you are an employer -- you get a better view of employment law proposals that come through this legislative body. If you have your name on a note at the bank -- a commercial loan -- you get better laws when it comes to the business environment. When you have people who have to make a payroll every week you get a lot better laws because we are people who live and work under the laws we pass.

So to me, this is really the only other consideration when you figure how many roll calls we are going to take. If it means we are going to be here until August or September, I dare say that anyone who is not independently wealthy in this body, and there are almost none -- maybe a handful, or retired. If you are not independently wealthy or retired, you are not going to be working here. People who are willing to work for $22,000 a year are who will be representing you.

But that issue is a separate issue from what I am talking about. I have supported an amendment that makes us take a roll call vote on every third reading. Every single thing that comes through here would have a vote. If we are going to do it, I just think that is the best way to do it, because by the time you get to third reading more and more Bills get objected to on the Contested Calendar and you would have fewer and fewer votes to take and you could limit and focus the roll call voting on the Bills that are going to actually pass or be about to pass this body.

The main point is the **method** in which we do this. If we are going to honor not just our State Constitution, but the time honored and fundamental provision that underlies it -- the Balance and Separation of Powers Doctrines -- we must do this by Rule and not by statue. Otherwise, we will be violating the Balance of Powers that James Madison espoused. I will stand by the Constitution and I will stand by James Madison long before I will stand behind any particular interest group, or any particular campaign, or any particular political movement of the day. I will stand next to James Madison and the Constitution before I stand by those others any day.

Thank you.

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

**Point of Order**

Senator CLEARY raised a Point of Order under Rule 33 that the thirty-minute time limitation for the length of the Motion Period had expired.

The PRESIDENT sustained the Point of Order.

In accordance with the provisions of Rule 33, Senator VERDIN moved to extend the Motion Period for thirty additional minutes.

The motion was adopted.

**PRESIDENT *Pro Tempore* PRESIDES**

At 2:45 P.M., Senator McCONNELL assumed the Chair.

Senator ROSE spoke on the motion to recall.

**Remarks by Senator ROSE**

Members of the Senate, I support the motion of the Senator from Spartanburg, Senator SHANE MARTIN, to place H 3047 on the Senate Calendar. I agree with everything the Senator from Beaufort, Senator DAVIS, has said….ditto, ditto, ditto -- and I incorporate it all by reference.

Let me tell you a problem I have with this constitutional argument that the Senate cannot limit itself by statute. If we believe literally that our body can set and must set whatever rules it wants without any limit, then that means we can conduct everything in secret. We can do everything in Executive Session. We can just make rules that there are no cameras observing the Senate, there is not going to be any roll call voting in the Senate and there’s not going to be anything else we decide upon without limit. We could decide people won’t ever be able to be present while the Senate is in Session -- that the Senate can conduct its business outside of the public view. Why? Because, the argument goes, it’s written in the Constitution that the Senate can make up our own Rules no matter what they are and without any outside constraint. What’s being left out of this equation, in my opinion, is that while we have three separate branches of government; we’ve also got the people. That’s the fourth group. And our government is of the people, by the people and for the people. We can’t get any more fundamental than that we’re representing the people.

We all know that in the Senate we have obfuscation, manipulation, avoidance, game playing, etc. -- we see it. The best way to stop that is through transparency. The best disinfectant is sunshine. My mother used to say, “Where there’s a will, there’s a way.” If we want to constrain ourselves to do roll call voting, we can do so.

I want to say one more thing before I answer any questions. I’m really distressed when I hear peoples’ motives being questioned here. That should not be done. There is plenty of room to question peoples’ motives on both sides of this argument -- whether or not you have some self-serving reason. But let’s assume, unless you’ve got evidence to the contrary, that everybody is making a conscientious, good-faith decision on this constitutional matter. But remember, when you assert your position on the Constitution or something, it’s not inherently correct. It is only your opinion. There used to be arguments about the constitutionality of slavery. There used to be arguments on whether Black people were property or whether they were not property -- and, by the way, our Supreme Court used to say they were property. And then the Supreme Court changed its view. So, it’s not like your view -- just because you have it and you can quote somebody that you think backs it up -- is really any better than anybody else’s. That’s just your opinion.

I’ll say this last point before I answer any questions. I do not accept the argument -- and it’s just an argument -- that the Senate cannot constitutionally agree to a statutory constraint on itself -- that we can’t agree in this Senate to adopt a statute restraining ourselves. We already have passed a statute about adjournment. That’s a procedure. So, we have that precedent of adopting a statute affecting Senate procedure. We can do that again, if we wish.

Thank you.

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

Senator GROOMS spoke on the motion to recall.

**Remarks by Senator GROOMS**

Members of the Senate, I rise to urge you to vote “no” on the pending motion to bring this Bill out on to the floor to put it on the Calendar.  Let’s call this what it is -- this is a political ploy to help a particular candidate who is running for Governor that has no other issues, but is trying to say we are trying to hide everything in here.

We are now toying with the very fabric of freedom that holds this State together; the very principal of a separation of powers; the Constitution does mean something and we cannot just discard it because it would help someone get into the Governor’s Mansion.  This Bill was born out of a lie and the lie is the issue of transparency.  I want to be transparent, but I won’t put up an issue out of a lie.  That is wrong.  Senators, it is time to stand on the Constitution; it is time to stand for what is right.

Would Madison want to shut off the cameras and have everything thrown out of here and we decide among ourselves in secret? No, he would not. But there would be a remedy for that…we would have to answer to the voters if we chose to do that through our procedural rules, which we can use.

You want more roll call votes? I do.  I want to make sure that every matter that is debated by this body with legitimate debate has a roll call vote.  How do we achieve that? We change the Rule of the Senate.  We do not pass a statutory Bill -- it then could be reviewed by the Supreme Court.  I do not want to subject this body to the ruling of a court.

You talk about trying to pass substantial legislation. We may never pass another single piece of substantial legislation if we submit ourselves to court interpretation of our procedures.  Once I approached this podium with 2,000 amendments on the seatbelt Bill.  Now, if I had put those on the Desk and if we started going through them, eventually, someone would have made the Point of Order that they were just a delaying tactic.  The PRESIDENT would have probably ruled, “Yes, that is right; I am going to throw them all out.” That would have been the end of the matter.

What if I, then, could have gone to the Supreme Court to say that the Senate has now, by some statutory language, submitted procedures to review by the court? I could disagree with the ruling and demand that I be able to go back in there and have every one of those subjected to a roll call vote which, in essence, would have shut down the Legislature for the entire session.  No Bills would have passed. You do that once -- you do that again -- you do it three times. Then, the Supreme Court is able to determine our Rules of Procedure and write, in effect, what we can and can’t do.  We will have lost our ability to govern in here.

The Senator from Charleston, Senator CAMPSEN, was right.  There is a separation of powers. If we want to change roll call voting, let’s do it in manner consistent with the Constitution, but not born out of a lie -- and let us change the Rules of the Senate.

I’ve got, right here, Jefferson’s Manual.  This is the rule that we have adopted to operate under.  We have amended it with this little blue book here.  We have added a couple of more rules that we changed as of January 13, 2009, but the Jefferson Manual is our procedural Rule.  Thomas Jefferson first used this in 1797.  It has been the procedure by which we have operated in this Chamber.  You want to be able to go in and say, “No, it doesn’t matter anymore; we are now going to put some of these rules in statute because it opens every procedure that we have to review by the courts?”

It has been said that H. 3047 is unconstitutional.  We could probably make it constitutional, but by doing so, we will have checked our constitutional power at the door and have subjected ourselves to rule by the court.  We can do that. Should we do that? NO!  Will we do that? I hope not!

In the name of transparency, at least let’s be honest with the voters.  If a member of this body or a member of the other body, believes that every vote should be a roll call vote, then use your Constitutional right to stand up and request a roll call vote.  If you mean that, do it.  If you really believe that every vote should be a recorded vote, then use your Constitutional right to stand up and request of the PRESIDENT a roll call vote.  Because if you say that and mean that, then do it.  If you really believe that, then do it.

But, I believe there are those that are saying it, but do not really mean it.  You talk about playing games. The Senator from Dorchester talked about some members who are playing games. Well, I guarantee you that games are being played and they are being played with our very Constitution.  I rise in opposition of the proposed motion.

Thank you.

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

**Point of Order Withdrawn**

Senator DAVIS raised the Point of Order under Rule 52 that a Senator cannot make attacks or impugn the motives of another Senator.

Senator ROSE spoke on the Point of Order.

Senator DAVIS withdrew the Point of Order.

Senator KNOTTS spoke on the motion to recall.

**Remarks by Senator KNOTTS**

Thank you, Mr. PRESIDENT. I rise in support of transparency. I have supported it forever. If you don’t believe that; then ask the Press Association. Just about every Bill the Press Association wants introduced they brought to me and I have introduced. Why? I believe that they ought to be able to know and I believe the people should be able to know. The issue here that has been said by some of you is this Bill is unconstitutional. I have sat in on all the committee hearings and subcommittee hearings on this issue and I just want to say, the lady that came to the subcommittee hearings as an expert witness, a professor, didn’t send a letter; she came to the committee and stood there and gave her opinion and she took questions. She took hard questions, and she convinced me that this Bill under Article 3, Section 12 is unconstitutional. She said it does violate the separation of powers and it hurts the House as much as it hurts the Senate. If we make this a law, then it is subject to veto by the Governor, whoever that may be. It also allows one body to control the Rules of the other body every two years when we may want to change the Rules. Then we have to override the Governor to protect our own ability to run our own body of government. Or we let him, the Governor, control it. Remember, it has to pass both Houses and either body can stall it. We would be in a deadlock every year. We would be in this very situation that we are in now -- deadlocked with three days to go in this Session, tying up the Senate or tying up the House on an amendment to the law on Rules.

You know, like was said earlier, we’ve got a lot of things on this agenda and I thought we were moving pretty well in the last week or two to try to clear up some of the problems on the agenda with compromise and Senatorial respect for other Senators. Senators were withdrawing their names after they were convinced that it was the right thing to do and their objection to the Bills was cleared up. I’ve seen it going very well here for a while. There has been a lot of positioning and posturing on the Calendar to be able to debate or block this Bill, or block that Bill, but that should not be a strategy and politics is strategy. Politics is what this is all about.

I’m not willing to stand on the Constitution and trample over the Constitution for this Bill. There has not been an attempt to change this Bill and to give the people a right to vote to change the Constitution. This is the only way that we can correct the constitutional problem with this Bill. As was said by the expert in the committee, who is a professor in this area -- this is not Senator KNOTTS saying it, or JAKE KNOTTS saying it -- this is the expert who gives opinions regularly. She stood there and over and over said that it is a separation of powers problem and it was put in the Constitution for a reason. She reviewed the Constitution and stated that this was the only section that was left untouched when the Constitution was reviewed in the 1960’s. It was left untouched for a purpose and that purpose was to make sure that neither body had a trump card over the other body and that the court system didn’t have a trump card and that the executive level did not have a trump card. That’s why this was not changed.

Currently, we change our Rules if necessary every time we come back in Session. We’ll be coming back in Session next January and the very first day of Session, we vote on our proposed Rule changes and each and every one of us in here participates in the process of changing the Rules. After we adopt the Rules on the first day, it is no longer a simple majority that can change the Rules. We can’t come up here and change the Rules every time we get a whim to come up here and change the Rules. We can’t do that. We simply cannot do that. Do we want to do it? No, we don’t want to do it. That’s why we make it hard to do. So we have a strong set of Rules.

You know everybody has a set of rules in life. You have a set of rules and you have to go by the rules and I submit to you that this Senate goes by its Rules. Sometimes the Rules help you and sometimes the Rules hinder you. But in the end they’re there for a purpose and that is to make sure that we get the job done up here and that the right laws get passed.

This is a deliberative body. I’ve served in both the House and the Senate and let me tell you what happens in the House. When I was over there; I saw it happen first-hand. The House gets a Bill that’s controversial and they’ll say we don’t want to handle it; but, we’ll go ahead and pass it and send it over to the Senate so they can take up the controversial Bill and they can suffer the political pressure

For the remainder of this Session, if any Bill is to be recalled from any committee from now to the end of Session, I’m going to object. The reason I’m going to object is not because I’m against the Bill being recalled, but simply because I want to get something done between now and next Thursday. Remember, we have the budget, we have lots of conference committee reports and everything else that we’ve got to get done before next Thursday; so, therefore, I’m just saying now that if you hear me object to a Bill; that’s the reason I’ve objected.

Thank you.

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

**Point of Quorum**

At 3:57 P.M., Senator McGILL made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bright Bryant

Campsen Cleary Courson

Cromer Davis Elliott

Grooms Knotts Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Reese Rose

Scott Setzler Shoopman

Verdin

A quorum being present, the Senate resumed.

**Recorded Presence**

Senator SHEHEEN recorded his presence subsequent to the Call of the Senate.

Senator KNOTTS resumed speaking on the motion to recall.

The question then was the motion to recall the Bill from the Committee on Judiciary.

A roll call vote was ordered.

**Point of Order**

Senator SCOTT raised a Point of Order that the extended time limitation of thirty minutes had expired and the roll call vote was out of order.

The PRESIDENT *Pro Tempore* stated that the precedent of the Senate has been that if the Motion Period expired while a motion is pending, the Senate would resolve the pending motion and then the Motion Period would expire.

Senator MULVANEY asked unanimous consent to make a motion to extend the Motion Period for ten minutes.

**Point of Order**

Senator MALLOY raised a Point of Order under Rule 6C that in order to make a motion a Senator must be recognized at his desk.

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

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

**Ayes 15; Nays 13**

**AYES**

Alexander Bright Bryant

Cleary Courson Cromer

Davis *Martin, Shane* McGill

Mulvaney O’Dell Peeler

Rose Setzler Shoopman

**Total--15**

**NAYS**

Campsen Elliott Grooms

Knotts Lourie Malloy

*Martin, Larry* Massey McConnell

Nicholson Reese Scott

Verdin

**Total--13**

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar.

**Statement by Senator McCONNELL**

I voted against the motion to recall H. 3047 from committee not because I am against transparency in voting, but rather because I believe we must be more transparent and our Senate Journal should be more user-friendly.  In fact, I am the author of the Resolution to change our Senate Rules to provide 100% transparency and make every vote that is taken be recorded.  The difference being that I insist that it be done in a manner that does not violate the Constitution of our State.  Simply, H. 3047 is a sham.  It is a blatant attempt to curry public favor by passing a Bill that is ineffectual as well as unconstitutional and in doing so hurting sincere efforts at meaningful reform.

The Bill is clearly unconstitutional and I have no doubt whatsoever that the Supreme Court will rule so.  The Constitution clearly states “Each house shall choose its own officers, determine its rules of procedure...”  The meaning of the framers is clear that they wanted the bodies in the legislature to set their Rules without interference of the other House, the Governor, and the Courts.  They, like the founding fathers, wanted to jealously guard the balance of powers between the three branches of government.  This is the clear and unambiguous language of the Constitution.  It surprises me that conservative Senators would instead embrace a liberal reading of the Constitution to achieve a result they want and rely on a legal opinion giving a liberal construction to justify their views.  These are the same people who chastise Congress for trampling the Constitution in order to pass the Obama Health Care Bill and blast unelected federal judges for stretching the Constitution to make law.  Knowingly or unknowingly, they will do the same thing to achieve what they want.

However they choose to act, I will remain consistent.  I am opposed to Congress trampling or ignoring the Constitution to achieve the results they desire.  I am opposed to unelected judges practicing judicial activism and changing the clear meaning of the Constitution to make it a living and breathing document and not what our founding fathers wrote.  More importantly, I believe in the oath of office I took when I swore to uphold the Constitution.

Therefore, I voted against the motion to recall H. 3047 from committee.

**Statement by Senator RYBERG**

I fully support transparency in the form of roll-call voting, and I support H. 3047. I would have voted in support of the motion of Senator SHANE MARTIN had I been in the Chamber.

**POINT OF ORDER**

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 MULVANEY moved to recommit the Bill to the Committee on Judiciary.

**Point of Order**

Senator SETZLER raised a Point of Order that the motion was out of order inasmuch as the Senate had closed the Motion Period.

Senator MULVANEY spoke on the Point of Order.

The PRESIDENT *Pro Tempore* sustained the Point of Order and stated the motion would require unanimous consent.

**Objection**

Senator MULVANEY asked unanimous consent to make a motion to recommit S. 642.

Senator SETZLER objected.

**THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**Message from the House**

Columbia, S.C., May 27, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Bannnaster, Hearn and Stavrinakis to the Committee of Conference on the part of the House on:

S. 382 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62‑2‑805 SO AS TO PROVIDE FOR A PRESUMPTION THAT A DECEDENT AND THE DECEDENT’S SPOUSE HELD TANGIBLE PERSONAL PROPERTY IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, FOR EXCEPTIONS TO THE PRESUMPTION, AND FOR THE STANDARD OF PROOF TO OVERCOME THE PRESUMPTION.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 25, 2010

Mr. President and Senators:

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

H. 3975 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 50‑9‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER’S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

Very respectfully,

Speaker of the House

Received as information.

**SENATE INSISTS ON THEIR AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

H. 3975 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 50‑9‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER’S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

On motion of Senator LAND, the Senate insisted upon its amendments to H. 3975 and asked for a Committee of Conference.

Whereupon, Senators LAND, KNOTTS and SHANE MARTIN were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**CARRIED OVER**

(R218, H4923) -- Reps. Govan, Cobb‑Hunter, Ott and Sellers: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF ORANGEBURG CONSOLIDATED SCHOOL DISTRICT NO. 4 OF ORANGEBURG COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND 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.

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

On motion of Senator LARRY MARTIN, the veto was carried over.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CONCURRENCE**

S. 932 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 50‑16‑25 OF THE 1976 CODE, RELATING TO THE RELEASE OF PIGS FOR HUNTING PURPOSES, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, BUY, SELL, OFFER FOR SALE, TRANSFER, RELEASE, OR TRANSPORT FOR THE PURPOSE OF RELEASE A MEMBER OF THE SUIDAE FAMILY FOR HUNTING OR TO SUPPLEMENT A FREE ROAMING POPULATION, TO PROVIDE THAT IT IS UNLAWFUL TO REMOVE A LIVE HOG FROM A TRAP OR FROM THE WOODS, FIELDS, OR MARSHES OF THIS STATE, AND TO CLARIFY THAT THIS SECTION DOES NOT APPLY TO ACCEPTED FARMING PRACTICES RELATED TO MEMBERS OF THE SUIDAE FAMILY.

The House returned the Bill with amendments.

The question was concurrence in the House amendments.

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

**Ayes 26; Nays 3**

**AYES**

Alexander Bryant Campsen

Cleary Courson Cromer

Davis Elliott Grooms

Knotts Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Mulvaney Nicholson

O’Dell Peeler Reese

Rose Scott Sheheen

Shoopman Verdin

**Total--26**

**NAYS**

Bright McConnell Setzler

**Total--3**

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.

Having voted on the prevailing side, Senator PEELER moved to reconsider the vote whereby the Senate concurred in the House amendments.

Senator LARRY MARTIN spoke on the motion.

On motion of Senator PEELER, with unanimous consent, the motion to reconsider was withdrawn.

**Statement by Senators McCONNELL and BRIGHT**

We voted against concurrence in the House amendments on S. 932 because the Bill required DNR to permit pig hunting enclosures at a cost of $50 per year. It would give DNR no discretion on approving the enclosures or stipulations as to size, cleanliness, etc. For that reason, we voted against concurrence.

**CARRIED OVER**

S. 783 -- Senator McConnell: A BILL TO AMEND SECTION 51‑13‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE GOVERNING BOARD OF THE PATRIOTS POINT DEVELOPMENT AUTHORITY, SO AS TO PROVIDE FOR THREE ADDITIONAL MEMBERS OF THE BOARD AND THE MANNER OF THEIR TERMS AND APPOINTMENT.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

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

**NONCONCURRENCE**

H. 4244 -- Rep. Limehouse: A BILL TO AMEND SECTION 59‑130‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL TRUSTEE TO BE APPOINTED BY THE COLLEGE OF CHARLESTON ALUMNI ASSOCIATION BOARD OF DIRECTORS, TO SET HIS TERM, AND TO PROVIDE CRITERIA FOR HIS SELECTION.

The House returned the Bill with amendments.

Senator SETZLER moved to nonconcur in the House amendments.

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

**Ayes 31; Nays 1**

**AYES**

Alexander Anderson Bright

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Ford Grooms

Hayes Knotts Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Shoopman Verdin

**Total--33**

**NAYS**

Bryant

**Total--1**

The Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**CARRIED OVER**

S. 912 -- Senator Land: A BILL TO AMEND SECTION 17‑22‑950 OF THE 1976 CODE, AS ADDED BY ACT 36 OF 2009, RELATING TO PROCEDURES FOR EXPUNGEMENT OF CRIMINAL CHARGES WHICH HAVE BEEN BROUGHT IN SUMMARY COURT, TO REMOVE THE REQUIREMENT THAT THE COMPLETED EXPUNGEMENT ORDER BE FILED WITH THE CLERK OF COURT.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

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

**CARRIED OVER**

S. 104 -- Senators Verdin and Campsen: A BILL TO AMEND TITLE 46 OF THE 1976 CODE, RELATING TO AGRICULTURE, BY ADDING CHAPTER 53, TO LIMIT THE LIABILITY THAT AN AGRITOURISM PROFESSIONAL MAY INCUR DUE TO AN INJURY OR DEATH SUFFERED BY A PARTICIPANT IN AN AGRITOURISM ACTIVITY, TO PROVIDE THAT AN AGRITOURISM PROFESSIONAL MUST POST A WARNING NOTICE AT THE AGRITOURISM FACILITY, TO PROVIDE THAT WARNING NOTICES MUST BE INCLUDED IN CONTRACTS THE AGRITOURISM PROFESSIONAL ENTERS INTO WITH PARTICIPANTS, AND TO PROVIDE THAT THE AGRITOURISM PROFESSIONAL’S LIABILITY IS NOT LIMITED IF THE PROPER WARNING NOTICES ARE NOT PROVIDED TO PARTICIPANTS.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

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

**HOUSE AMENDMENTS AMENDED, CARRIED OVER**

S. 217 -- Senator Fair: A BILL TO AMEND SECTION 24‑3‑20, OF THE SOUTH CAROLINA CODE, TO SUBSTITUTE THE TERM “REGIONAL COUNTY OR MUNICIPAL JAIL” FOR THE TERM “COUNTY JAIL”, AND TO INCLUDE FACILITY MANAGERS OF THE COUNTY, MUNICIPAL ADMINISTRATORS, OR THEIR EQUIVALENT AS PERSONS WHO THE STATE MUST OBTAIN CONSENT FROM TO HOUSE AS AN INMATE IN A LOCAL GOVERNMENTAL FACILITY; TO AMEND SECTION 24‑3‑27, TO PROVIDE THAT THE DECISION TO ASSIGN WORK OR DISQUALIFY A PERSON FROM WORK IN A FACILITY IS IN THE SOLE DISCRETION OF THE OFFICIAL IN CHARGE OF THE FACILITY AND MAY NOT BE CHALLENGED. (ABBREVIATED TITLE).

The House returned the Bill with amendments.

Senators MALLOY and FAIR proposed the following amendment (JUD0217.001), which was adopted:

Amend the bill, as and if amended, by striking page 37, lines 13-29, in their entirety and inserting the following:

/ “(A) Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, or as provided in this subsection, ~~a prisoner~~ an inmate convicted of a ‘no parole offense’, as defined in Section 24‑13‑100, and sentenced to the custody of the Department of Corrections, including ~~a prisoner~~ an inmate serving time in a local facility pursuant to a designated facility agreement authorized by Section 24‑3‑20~~,~~ or Section 24-3-30, is not eligible for work release until the ~~prisoner~~ inmate has served not less than eighty percent of the actual term of imprisonment imposed. This percentage must be calculated without the application of earned work credits, education credits, or good conduct credits, and is to be applied to the actual term of imprisonment imposed, not including any portion of the sentence which has been suspended. A person is eligible for work release if the person is sentenced for voluntary manslaughter (Section 16‑3‑50), kidnapping (Section 16‑3‑910), carjacking (Section 16‑3‑1075), burglary in the second degree (Section 16‑11‑312(B)), armed robbery (Section 16‑11‑330(A)), or attempted armed robbery (Section 16‑11‑330(B)), the crime did not involve any criminal sexual conduct or an additional violent crime as defined in Section 16‑1‑60, and the person is within three years of release from imprisonment. Except as provided in this subsection, ~~Nothing~~ nothing in this section may be construed to allow ~~a prisoner~~ an inmate convicted of murder or ~~a prisoner~~ an inmate prohibited from participating in work release by another provision of law to be eligible for work release. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 28; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Cromer Davis Elliott

Grooms Knotts Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Reese Rose Scott

Setzler Sheheen Shoopman

Verdin

**Total--28**

**NAYS**

**Total--0**

The amendment was adopted.

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

**CONCURRENCE**

S. 329 -- Senators Fair and Campsen: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 24 OF THE 1976 CODE BY ADDING SECTION 24‑3‑580, TO PROHIBIT THE DISCLOSURE OF THE IDENTITY OF MEMBERS OF AN EXECUTION TEAM AND TO ALLOW FOR CIVIL PENALTIES FOR A VIOLATION OF THE SECTION, AND BY ADDING SECTION 24‑3‑590, TO PROHIBIT LICENSING AGENCIES FROM TAKING ANY ACTION TO REVOKE, SUSPEND, OR DENY A LICENSE TO ANY PERSON WHO PARTICIPATES ON AN EXECUTION TEAM.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator LARRY MARTIN explained the amendments.

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

**Ayes 28; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Cromer Davis Elliott

Grooms Knotts Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Reese Rose Scott

Setzler Sheheen Shoopman

Verdin

**Total--28**

**NAYS**

**Total--0**

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.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 337 -- Senators Cleary, Peeler and Elliott: A BILL TO AMEND SECTION 44‑1‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEALS FROM DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS; TO AMEND SECTION 44‑7‑130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATE OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO REVISE, DELETE, AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 44‑7‑150, RELATING TO DUTIES OF THE DEPARTMENT IN CARRYING OUT THE PURPOSES OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO FURTHER SPECIFY THE ESTABLISHMENT AND COLLECTION OF FEES FOR THIS PROGRAM, INCLUDING THE DEPARTMENT RETAINING FEES IN EXCESS OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR THE ADMINISTRATION OF THIS PROGRAM; TO AMEND SECTION 44‑7‑160, RELATING TO ACTIVITIES AND SERVICES REQUIRED TO OBTAIN A CERTIFICATE OF NEED, SO AS TO REVISE AND ELIMINATE CERTAIN ACTIVITIES AND SERVICES; TO AMEND SECTION 44‑7‑170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO AS TO REVISE, ELIMINATE, AND ADD TO THESE EXEMPTIONS; TO AMEND SECTION 44‑7‑180, RELATING TO THE COMPOSITION OF THE HEALTH PLANNING COMMITTEE, SO AS TO ADD TWO MEMBERS TO THE COMMITTEE; TO AMEND SECTION 44‑7‑190, RELATING TO PROJECT REVIEW CRITERIA USED IN THE CERTIFICATE OF NEED PROCESS, SO AS TO PRESCRIBE THE USE OF WEIGHTED CRITERIA; TO AMEND SECTION 44‑7‑200, RELATING TO THE APPLICATION PROCESS FOR A CERTIFICATE OF NEED, SO AS TO CORRECT PROVISIONS INCONSISTENT WITH CURRENT STATE LAW AND TO PROHIBIT OFFICIALS FROM COMMUNICATING WITH THE DEPARTMENT ONCE A CERTIFICATE OF NEED APPLICATION HAS BEEN FILED; TO AMEND SECTION 44‑7‑210, RELATING TO CERTIFICATE OF NEED REVIEW PROCEDURES, SO AS TO REVISE THESE PROCEDURES AND TO FURTHER SPECIFY REVIEW AND CONTESTED CASE PROCEDURES FOR CERTIFICATE OF NEED CASES; TO AMEND SECTION 44‑7‑220, RELATING TO JUDICIAL REVIEW OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD DECISIONS, SO AS TO CORRECT PROCEDURES INCONSISTENT WITH CURRENT LAW AND TO FURTHER PROVIDE FOR JUDICIAL REVIEW OF ADMINISTRATIVE LAW COURT CERTIFICATE OF NEED DECISIONS; TO AMEND SECTION 44‑7‑230, RELATING TO VARIOUS REQUIREMENTS FOR AND LIMITATIONS OF A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT A CERTIFICATE OF NEED IS VALID FOR ONE YEAR FROM ISSUANCE, RATHER THAN FOR SIX MONTHS AND TO PROVIDE THAT EXTENSIONS MAY BE GRANTED FOR NINE MONTHS, RATHER THAN FOR SIX MONTHS; TO AMEND SECTION 44‑7‑260, AS AMENDED, RELATING TO CERTAIN FACILITIES AND SERVICES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO DELETE CHIROPRACTIC INPATIENT FACILITIES AND TO ADD BIRTHING CENTERS; TO AMEND SECTION 44‑7‑270, RELATING TO ANNUAL HEALTH FACILITY LICENSURE, SO AS TO AUTHORIZE THE DEPARTMENT TO PRESCRIBE IN REGULATION PERIODS FOR LICENSURE AND RENEWAL AND TO AUTHORIZE IMPOSING AN ADDITIONAL FEE FOR FACILITY INSPECTIONS; TO AMEND SECTION 44‑7‑280, RELATING TO THE ISSUANCE OF HEALTH FACILITY LICENSES BY THE DEPARTMENT, SO AS TO AUTHORIZE THE DEPARTMENT TO PROVIDE IN REGULATION FOR PERIODS OF LICENSURE; TO AMEND SECTION 44‑7‑315, AS AMENDED, RELATING TO THE DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT THROUGH HEALTH LICENSING, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44‑7‑320, RELATING TO GROUNDS FOR THE DENIAL, SUSPENSION, OR REVOCATION OF LICENSES AND THE IMPOSITION OF FINES, SO AS TO ALLOW BOTH SANCTIONS AGAINST A LICENSE AND THE IMPOSITION OF A FINE; BY ADDING SECTION 44‑7‑225 SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW COURT SHALL CONSIDER THE SOUTH CAROLINA HEALTH PLAN IN EFFECT WHEN A CERTIFICATE OF NEED APPLICATION WAS FILED AND MAY CONSIDER THE PLAN IN EFFECT WHEN MAKING ITS DECISION; BY ADDING SECTION 44‑7‑285 SO AS TO REQUIRE HEALTH CARE FACILITIES TO NOTIFY THE DEPARTMENT OF CHANGE IN FACILITY OWNERSHIP; BY ADDING SECTION 44‑7‑296 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER ALL LICENSED AND UNLICENSED HEALTH CARE FACILITIES TO INSPECT FOR COMPLIANCE WITH STATE LAW; AND TO REPEAL SECTION 44‑7‑185 RELATING TO A TASK FORCE UNDER THE HEALTH CARE PLANNING AND OVERSIGHT COMMITTEE, TO STUDY HEART SURGERY AND THERAPEUTIC HEART CATHETERIZATIONS.

The House returned the Bill with amendments.

Senator CLEARY proposed the following amendment (S-337 CLEARY), which was adopted:

Amend the bill, as and if amended, beginning on page 23 by striking lines 31-40 and on page 24 by striking lines 1-3 and inserting:

/ SECTION 25. This act takes effect July 1, 2010; provided, the provisions of this act do not apply to any matter pending before a court of this State prior to June 1, 2010. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The question was the adoption of the amendment.

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

**Ayes 28; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Cromer Davis Elliott

Grooms Knotts Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Reese Rose Scott

Setzler Sheheen Shoopman

Verdin

**Total--28**

**NAYS**

**Total--0**

The amendment was adopted.

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

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 348 -- Senators Fair, Sheheen, S. Martin, Lourie, Shoopman, Knotts and Rose: 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.

The Bill was returned from the House with amendments.

Senator FAIR proposed the following amendment (JUD0348.002), 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 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.”

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. 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).”

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

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 28; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Cromer Davis Elliott

Grooms Knotts Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Reese Rose Scott

Setzler Sheheen Shoopman

Verdin

**Total--28**

**NAYS**

**Total--0**

The amendment was adopted.

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

**CARRIED OVER**

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.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

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

**CARRIED OVER**

S. 594 -- Senator Leatherman: A BILL TO AMEND SECTION 59‑147‑30 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59‑147‑120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

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

**CONCURRENCE**

S. 850 -- Senator McGill: A BILL TO AMEND SECTION 12‑6‑5060 OF THE 1976 CODE, RELATING TO THE DESIGNATION ON AN INCOME TAX RETURN OF A VOLUNTARY CONTRIBUTION TO CERTAIN FUNDS, TO PROVIDE THAT A TAXPAYER MAY CONTRIBUTE TO THESOUTH CAROLINA FORESTRY COMMISSION FOR USE IN THE STATE FOREST SYSTEM.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator O’DELL explained the amendments.

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

**Ayes 24; Nays 2**

**AYES**

Alexander Campsen Courson

Cromer Davis Elliott

Knotts Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Reese

Rose Scott Setzler

Sheheen Shoopman Verdin

**Total--24**

**NAYS**

Bright Bryant

**Total--2**

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.

**CONCURRENCE**

S. 1070 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING PART VII TO ARTICLE 5, TITLE 62 SO AS TO ENACT THE “UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT”, TO DEFINE NECESSARY TERMS, PROVIDE A UNIFORM PROCEDURE FOR JURISDICTION OVER ADULT GUARDIANSHIPS, CONSERVATORSHIPS, AND OTHER PROTECTIVE PROCEEDINGS TO ENSURE ONLY ONE STATE HAS JURISDICTION AT A GIVEN TIME.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator MALLOY explained the amendments.

On motion of Senator MALLOY, with unanimous consent, 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.

**CARRIED OVER**

S. 879 -- Senator Campsen: A BILL TO AMEND SECTION 12‑37‑3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSABLE TRANSFERS OF INTEREST FOR PURPOSES OF DETERMINING THE VALUE OF REAL PROPERTY FOR PROPERTY TAXATION, SO AS TO PROVIDE ADDITIONAL INSTANCES OF PROPERTY TRANSFERS NOT CONSIDERED ASSESSABLE TRANSFERS OF INTEREST, INCLUDING TRANSFERS OF FRACTIONAL INTERESTS CONSTITUTING NOT MORE THAN FIFTY PERCENT OF FEE SIMPLE TITLE, TRANSFERS INTO AND OUT OF A SINGLE MEMBER LIMITED LIABILITY COMPANY NOT TAXED AS A CORPORATION WHEN THE SINGLE MEMBER IS THE TRANSFEREE AND TRANSFEROR, TRANSFERS RELATING TO EASEMENTS, TRANSFERS TO QUIET TITLE OR ESTABLISH A BOUNDARY LINE, AND TRANSFERS CREATING OR TERMINATING A JOINT TENANCY WITH RIGHTS OF SURVIVORSHIP IF THE GRANTORS AND GRANTEES ARE THE SAME.

The House returned the Bill with amendments.

Senator CAMPSEN explained the Bill.

The question then was concurrence with the House amendments.

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

**CARRIED OVER**

S. 901 -- Senators McConnell, Elliott and Courson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-3-500, SO AS TO PROVIDE THAT WHEN THE GOVERNOR LEAVES THE STATE, HE MUST NOTIFY THE LIEUTENANT GOVERNOR, WHETHER OR NOT THE POWER OF THE GOVERNOR’S OFFICE IS TRANSFERRED TO THE LIEUTENANT GOVERNOR; AND BY ADDING SECTION 1‑3‑630, SO AS TO DEFINE “EMERGENCY”, “FULL AUTHORITY”, AND “TEMPORARY ABSENCE” IN ORDER TO CLARIFY WHEN A LIEUTENANT GOVERNOR HAS THE FULL AUTHORITY TO ACT IN AN EMERGENCY IN THE EVENT OF THE TEMPORARY ABSENCE OF THE GOVERNOR FROM THE STATE.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

On motion of Senator LARRY MARTIN, the Bill was carried over.

**CARRIED OVER**

S. 1025 -- Senator Cromer: A BILL TO AMEND SECTION 38‑73‑737 OF THE 1976 CODE, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, TO REDUCE THE INITIAL COURSE FROM EIGHT TO SIX HOURS, TO ALLOW FOR A FOUR HOUR REFRESHER COURSE EVERY THREE YEARS, AND TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS FOR FIFTY‑FIVE YEARS AND OLDER DRIVER SAFETY INTERNET COURSES.

The House returned the Bill with amendments.

Senators MULVANEY, BRIGHT and ROSE proposed the following amendment (1025R002.MM), which was ruled out of order:

Amend the bill, as and if amended, page 7, line 31 by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. A. Chapter 1, Title 38 of the 1976 Code is amended by adding:

“Section 38‑1‑40. (A) For purposes of this section:

(1) ‘Health care provider’ means a physician, surgeon, osteopath, nurse, oral surgeon, dentist, pharmacist, chiropractor, optometrist, podiatrist, or similar category of licensed health care provider, including a health care practice, association, partnership, or other legal entity.

(2) ‘Health care system’ means any public or private entity whose function or purpose is the provision, management, processing, enrollment of individuals for payment of, in full or in part, health care services, data, or information for its participants.

(3) ‘Lawful medical services’ means any medical‑related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services.

(4) ‘Pay directly’ means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.

(5) ‘Penalties or fines’ means any civil or criminal penalty or fine, tax, salary or wage withholding, surcharge, or any named fee with a similar effect established by federal law or rule that is utilized to punish or discourage the exercise of rights protected under this section.

(B) The citizens of this State have the right to enter into private contracts with licensed health care providers for authorized health care services and to purchase private health care coverage from a licensed insurer. No law may interfere with the right of a person to be treated by or receive services from a licensed health care provider of that person’s choice. No law may restrict a person’s freedom of choice of private health care systems or private health care plans of any type. No law may interfere with a person’s or an entity’s right to pay directly for lawful medical services. No law may require any person to participate in any health care system or plan, or impose a penalty, tax, or fine, of any type, for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan. This section shall not apply to individuals voluntarily applying for coverage under a state‑administered program pursuant to Title XIX or Title XXI of the Social Security Act. This section shall not apply to students being required by an institution of higher education to obtain and maintain health insurance as a condition of enrollment. Nothing herein shall impair the rights of persons to privately contract for health insurance for family members or former family members.”

B. The Attorney General is directed to challenge the constitutionality of any provision enacted by the United States Congress that would violate any of the requirements of Section 38‑1‑40 and join with other states that are like‑minded to make a similar challenge. No state agency, agent, department, instrumentality, or subdivision shall cooperate or participate in any way with any mandate passed by Congress upon notification by the Attorney General that the mandate must be challenged pursuant to this section, unless and until otherwise ordered to so by a court of competent jurisdiction.

C. If any section, subsection, paragraph, item, subitem, subparagraph, sentence, clause, phrase, or word of Chapter 1, Title 38 of the 1976 Code as added by this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the chapter, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

D. This SECTION takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

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

Senator MULVANEY spoke on the Point of Order.

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

The amendment was ruled out of order.

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

**NONCONCURRENCE**

S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50‑11‑770 TO ENACT THE “RENEGADE HUNTER ACT”, TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

The House returned the Bill with amendments.

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

**CONCURRENCE**

S. 1154 -- Senators Malloy, Knotts, Campsen, McConnell, Fair, Cromer, Ford, Elliott, Scott, Nicholson, Coleman, Massey, Cleary, Hutto, Peeler, Williams, Land, Rose, Campbell, L. Martin, Leventis, Leatherman, Setzler, O’Dell, Hayes and Pinckney: A BILL TO ENACT THE OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010, RELATING TO CRIMINAL OFFENSES, CORRECTIONS, PROBATION, AND PAROLE PROVISIONS, SO AS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT RECOMMENDATIONS PROPOSED BY THE SENTENCING REFORM COMMISSION REPORT OF FEBRUARY 2010.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator MALLOY explained the amendments.

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, Larry* *Martin, Shane* Massey

Matthews McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--46**

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.

**CONCURRENCE**

S. 1434 -- Senator Campsen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE NEWLY CONSTRUCTED REPLACEMENT BRIDGE THAT CROSSES COVE INLET ALONG SOUTH CAROLINA HIGHWAY 703 IN CHARLESTON COUNTY THE “BEN SAWYER MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “BEN SAWYER MEMORIAL BRIDGE”.

The House returned the Resolution with amendments.

Senator CAMPSEN explained the House amendments.

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

**CONCURRENCE**

S. 1450 -- Senators Campsen and Verdin: A CONCURRENT RESOLUTION TO CELEBRATE THE SESQUICENTENNIAL ANNIVERSARY OF THE SOUTH CAROLINA STATE FLAG, TO DECLARE JANUARY 28, 2011, AS “SOUTH CAROLINA FLAG DAY”, TO REQUEST THE NATIONAL PARK SERVICE TO CONDUCT APPROPRIATE INTERPRETIVE AND EDUCATIONAL EVENTS AT THE FORT MOULTRIE, A UNIT OF FORT SUMTER NATIONAL MONUMENT, AND TO ENCOURAGE PUBLIC AND PRIVATE INSTITUTIONS TO PARTICIPATE.

The House returned the Resolution with amendments.

Senator CAMPSEN explained the House amendments.

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

**CARRIED OVER**

S. 717 -- Senators Coleman, Setzler, Land, Campbell and Hayes: A BILL TO AMEND SECTIONS 12‑36‑2120 AND 12‑37‑220, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS AND PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT MACHINERY, EQUIPMENT, BUILDING AND OTHER RAW MATERIALS, AND ELECTRICITY USED BY A FACILITY OWNED BY A TAX EXEMPT ORGANIZATION INVESTING AT LEAST TWENTY MILLION DOLLARS OVER THREE YEARS IN THE FACILITY WHEN THAT FACILITY IS USED PRINCIPALLY FOR RESEARCHING AND TESTING THE IMPACT OF NATURAL HAZARDS SUCH AS WIND, FIRE, EARTHQUAKE, AND HAIL ON BUILDING MATERIALS USED IN RESIDENTIAL, COMMERCIAL, AND AGRICULTURAL BUILDINGS.

The House returned the Bill with amendments.

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

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Charles A. Grill, P.O. Box 207, Varnville, SC 29444 *VICE* William T. Armstrong

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

Eugene Cooper, 205 East Williams Road, Coward, SC 29530-5079

Initial Appointment, Richland County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Benjamin F. Byrd, 13 Chasewood Court, Columbia, SC 29203 *VICE* Nikiya M. Hall

**ADJOURNMENT**

At 5:05 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

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

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