**Tuesday, March 8, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

You and I are reminded in the Twenty-third Psalm that:

“Even though I walk through the valley of the shadow of death, I will fear no evil, for you are with me; your rod and your staff, they comfort me.” (Psalm 23:4)

Let us pray, my friends:

We freely confess, O God above, that here in this State House so many of the problems these leaders wrestle with are, quite frankly, as unsettling as can be. All the more reason, dear Lord, for every Senator and every staff person to trust in Your promises: Your care, Your being at their side and Your guidance as they lead South Carolina to a bright and rewarding future. Help each of these Senators never to doubt You and to honor You always. In Your name we pray, O Lord.

Amen.

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

**REGULATION WITHDRAWN**

The following was received:

Document No. 4154

Agency: Department of Agriculture

Chapter: 5

Statutory Authority: 1976 Code Section 39-25-180

SUBJECT: Food and Cosmetics

Received by Lieutenant Governor January 11, 2011

Referred to Agriculture and Natural Resources Committee

H 03/01/2011 Committee Requested Withdrawal

Permanently Withdrawn March 7, 2011

**Doctor of the Day**

Senator LEATHERMAN introduced Dr. Conyers O'Bryan of Florence, S.C., Doctor of the Day, along with Mr. Melvin Berlinsky.

**Expression of Personal Interest**

Senators LARRY MARTIN and ALEXANDER rose for an Expression of Personal Interest regarding the tragic accident which took the lives of Mrs. Crystal Harrison and Ms. Raven Stansill.

**Remarks by Senator LARRY MARTIN**

The Senator from Oconee, Senator ALEXANDER, and I want to give you a brief comment this morning as we make an adjournment motion in memory of the DSS social worker that was killed very tragically as she was doing her work on behalf of the State and on behalf of the Department of Social Services on Friday afternoon at 4:30.

Chrystal Harrison, who resided in Seneca and lived in Oconee County, worked at the Pickens County DSS for a number of years. The Senators from Greenville -- Senators FAIR and THOMAS -- and I had encountered her on behalf of constituents dealing with foster care issues. She was a very dedicated state employee; but more importantly, she was dedicated to the foster care program and to all the ramifications that it involved.

We’ve had constituents call on us regarding foster care situations. Those are very challenging situations in the best of circumstances. This lady had three children from the same family. The foster children had just met with the father. It was supposed to have been a meeting with both parents but only one parent showed up for the supervised visitation that was being held at DSS in Pickens. Mrs. Harrison left that meeting and was taking these children back to the Miracle Hill Children’s Home which is in northern Pickens County. You go out the Walhalla Highway to get there, Senator from Orangeburg. He’s been up that way hiking and he’s familiar with that highway. Go out Highway 8 toward Pumpkintown, as we call it, and that’s where the Miracle Hill Children’s Home is. Just as Mrs. Harrison had gone through the city limits sign with all the children buckled into their seat belts, she was minding her own business driving back toward Miracle Hill and a pick-up truck driven by a lady -- and I won’t get into that, because she hasn’t been charged -- it is believed there might have been some under-the-influence issues involved but we will leave that for later. This is a four-lane highway. She saw this pick-up truck, a full size pick-up truck, crossing the center line, and she was in the right-hand lane of a four-lane highway going the other direction. Mrs. Harrison did everything she could do to avoid the collision. She got up on the sidewalk to miss that truck and protect those children. That truck struck her head-on in the side at an angle killing her instantly, killing the ten-year-old young lady that was strapped in the front seat and seriously injuring the two teenage boys that were in the back seat. This was terrible, terrible. So, we just ask you remember them in a prayer.

I met with Mrs. Harrison’s husband yesterday at lunch. He is a wonderful fellow and he talked about how his wife would get up early in the morning and do her housework and all that kind of thing before she left to go to work. We can’t help but think about our own wives and how hard they work. I wanted to bring that to your attention today. Please keep those folks in your prayers. There were three different families involved in that accident. But more importantly, I just wanted to raise to you, members of the Senate, just what a dedicated employee this lady was and how she died doing her job on behalf of the State. We fund that Appropriations Bill every year, Mr. Chairman. You know there are real people connected to that funding and programs and services that are provided out there around this State every day. Dedicated, solid, salt-of-the-earth people doing their jobs, abiding by the law, following the rules and she lost her life like that.

So, let’s remember them in prayer and, Mr. PRESIDENT, I would move that we adjourn in the memory of Mrs. Chrystal Harrison and Ms. Raven Stancell, the ten-year-old young lady who was also killed, and let’s remember them in our thoughts and prayers.

**Remarks from Senator ALEXANDER**

But, again, this was a tragedy involving an individual who was doing things in the line of her responsibility in a job that she did day in and day out. I would also say -- as the Senator from Pickens mentioned -- Mrs. Harrison also had her own children and now they are without their mother, as well. So, please remember not only the other affected families, but also her children that she leaves behind as well as her spouse.

On motion of Senator SHEHEEN, with unanimous consent, the remarks of Senators LARRY MARTIN and ALEXANDER were ordered printed in the Journal.

**Expression of Personal Interest**

Senator McCONNELL rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SETZLER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SCOTT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SHEHEEN rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

Sen. Peeler S. 259

Sen. Ford S. 225, 427, 445, 447, 473, 501, 525

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 668 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-97 SO AS TO REQUIRE EACH LOCAL SCHOOL DISTRICT OF THIS STATE TO DEVELOP POLICIES AND PROCEDURES REGARDING THE IDENTIFICATION OF SUSPECTED CONCUSSIONS IN STUDENT ATHLETES AND THEIR SUSPENSION FROM PLAY UNTIL CLEARED BY A LICENSED HEALTH CARE PROFESSIONAL, TO REQUIRE STUDENT ATHLETES AND THEIR PARENTS OR LEGAL GUARDIANS TO READ AND SIGN THE POLICIES, TO PROVIDE THAT THE HEALTH CARE PROFESSIONAL MAY SERVE AS A VOLUNTEER, AND TO LIMIT HIS LIABILITY.

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

S. 669 -- Senator Hayes: A BILL TO AMEND SECTION 2-17-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF LOBBYISTS AND SECTION 2-17-25, RELATING TO THE REGISTRATION OF LOBBYISTS’ PRINCIPALS, BOTH SO AS TO INCREASE THE FILING FEE FOR REGISTRATION.

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

S. 670 -- Senator Hayes: A BILL TO AMEND SECTION 2-17-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2-17-25, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS’ PRINCIPALS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST’S PRINCIPAL MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2-17-50, RELATING TO THE AUTHORITY OF THE STATE ETHICS COMMISSION TO ENFORCE FILING REQUIREMENTS AND ASSESS PENALTIES FOR FAILURE TO FILE, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT; TO AMEND SECTION 8-13-100, RELATING TO THE DEFINITION OF “FAMILY MEMBER” FOR THE PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT OF 1991, SO AS TO INCLUDE BROTHERS-IN-LAW AND SISTERS-IN-LAW; TO AMEND SECTION 8-13-700, RELATING TO USE OF ONE’S OFFICIAL POSITION FOR OFFICIAL GAIN, SO AS TO REPLACE CERTAIN REFERENCES TO “IMMEDIATE FAMILY” WITH THE BROADER TERM “FAMILY MEMBER”; AND TO AMEND SECTION 8-13-1510, AS AMENDED, RELATING TO PENALTIES FOR EITHER LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT REQUIRED BY CHAPTER 13, TITLE 8, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT.

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

S. 671 -- Senator Thomas: A SENATE RESOLUTION TO RECOGNIZE AND HONOR BRANDOLYN THOMAS PINKSTON, UPON THE OCCASION OF HER RETIREMENT AFTER THREE DECADES OF SERVICE TO THE SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS, AND TO WISH HER MANY YEARS OF CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 672 -- Senators Jackson and O'Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-17-681 SO AS TO PROHIBIT THE PURCHASE OF CERTAIN METALS BY A SECONDARY METALS RECYCLER, PROVIDE EXCEPTIONS, AND PROVIDE A PENALTY; AND TO AMEND SECTION 16-17-680, AS AMENDED, RELATING TO THE PURCHASE OF NONFERROUS METALS, SO AS TO AMEND THE DEFINITION OF “NONFERROUS METALS”, AND FURTHER REGULATE THE PURCHASE OF NONFERROUS METALS.

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

H. 3120 -- Reps. McEachern and H. B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-845 SO AS TO PROVIDE THAT THE TOWN OF BLYTHEWOOD SHALL CONDUCT VEGETATION MANAGEMENT ALONG A PORTION OF INTERSTATE HIGHWAY 77.

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

H. 3478 -- Reps. Young, D. C. Moss, Gambrell, Agnew, Bowen, H. B. Brown, Clyburn, Spires, Frye, Bingham, Cobb-Hunter, Hardwick, Hayes, Herbkersman, Hixon, Horne, Hosey, Lucas, McEachern, Ott, Quinn, G. R. Smith, J. R. Smith, Taylor, Umphlett and White: A BILL TO AMEND SECTION 39-41-235, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETROLEUM PRODUCTS AND DIESEL FUEL SUITABLE FOR BLENDING, SALE OF UNBLENDED PRODUCTS WITHOUT NECESSARY ADDITIVES, RECORDKEEPING AND REGISTRATION, ENFORCEMENT, WHOLESALER RESPONSIBILITY, LIABILITY, AND NOTICE, SO AS TO PROVIDE THAT THESE REQUIREMENTS APPLY TO EVERY TERMINAL OPERATOR AND EVERY SUPPLIER.

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

H. 3586 -- Reps. Hardwick, Clemmons, Loftis, Corbin, Barfield, Thayer, Patrick, Hearn, Murphy, Ryan, Viers, Bedingfield, Edge, Herbkersman, Horne and Stringer: A BILL TO AMEND SECTION 48-39-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST NEW CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE AND EXEMPTIONS FROM THIS PROHIBITION, SO AS TO DELETE FROM THE EXEMPTIONS CERTAIN PIERS AND ASSOCIATED STRUCTURES, PUBLIC AND PRIVATE, EXISTING ON SEPTEMBER 21, 1989.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 3587 -- Reps. Edge, Viers, Hardwick, Hearn, Clemmons, Barfield, Hayes and Loftis: A BILL TO AMEND SECTION 48-39-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PERMITS REQUIRED TO UTILIZE CRITICAL AREAS, SO AS TO ADD AN EXEMPTION FOR MAINTENANCE DREDGING BY COUNTIES OR MUNICIPALITIES OF CERTAIN CANALS IF THE DREDGING IS AUTHORIZED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT ALL OTHER DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CERTIFICATIONS FOR SUCH DREDGING ARE WAIVED.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

**HOUSE CONCURRENCES**

The following Resolutions were returned with concurrence and received as information:

S. 51 -- Senators McConnell and Campsen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE OVERPASS IN NORTH CHARLESTON IDENTIFIED AS THE “SEVEN MILE VIADUCT” THE “P.H. LIVINGSTON OVERPASS” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS OVERPASS THAT CONTAIN THE WORDS “P. H. LIVINGSTON OVERPASS”.

S. 574 -- Senator Courson: A CONCURRENT RESOLUTION TO DECLARE MARCH 2011 AS “HOME SCHOOL RECOGNITION MONTH” IN SOUTH CAROLINA, TO RECOGNIZE THE DILIGENT EFFORTS OF HOME SCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, AND TO EXPRESS SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL-BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN.

S. 651 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT MICHAEL J. BECKERMAN OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 652 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY PRIVATE FIRST CLASS GEOFFREY A. WHITSITT OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 653 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY LANCE CORPORAL WILLIAM H. CROUSE IV OF THE UNITED STATES MARINE CORPS WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 654 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT VINCENT W. ASHLOCK OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 655 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY CORPORAL J. “CHAD” YOUNG OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 656 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT FIRST CLASS JOHN H. JARRELL OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 657 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT FIRST CLASS KRISTOPHER D. CHAPLEAU OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 658 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SPECIALIST DAVID W. THOMAS OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 659 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY CAPTAIN MICHAEL P. CASSIDY OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN IRAQ, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 660 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT AARON M. ARTHUR OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN IRAQ, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 661 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT JEREMIAH T. WITTMAN OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 662 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT STEVEN M. THEOBALD OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN KUWAIT, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 663 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY PRIVATE FIRST CLASS DAVID A. JEFFERSON OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 664 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT SHELDON L. TATE OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 665 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT WILLIE JAMES HARLEY, JR. OF THE SOUTH CAROLINA ARMY NATIONAL GUARD WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 666 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT LUTHER WILLARD “WILL” RABON, JR. OF THE SOUTH CAROLINA ARMY NATIONAL GUARD WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

S. 667 -- 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, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT ANDREW S. BUBACZ OF THE UNITED STATES AIR FORCE WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

**THIRD READING BILL**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 584 -- Senators Knotts, Setzler, Courson, Cromer and Leatherman: A BILL TO EXTEND THE ONE CENT SALES TAX IMPOSED BY ACT 378 OF 2004, THE LEXINGTON COUNTY SCHOOL DISTRICT PROPERTY TAX RELIEF ACT, FOR AN ADDITIONAL SEVEN YEARS.

On motion of Senator KNOTTS

**OBJECTION**

Senator MALLOY objected to the uncontested Bills on the Statewide Calendar.

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

**MOTION ADOPTED**

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

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

**AMENDMENT PROPOSED, DEBATE INTERRUPTED**

S. 20 -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, BY ADDING SECTION 23‑1‑250 TO PROVIDE THAT WHERE A LAW ENFORCEMENT OFFICER HAS REASONABLE SUSPICION THAT A PERSON STOPPED, DETAINED, OR ARRESTED BY LAW ENFORCEMENT IS AN ALIEN UNLAWFULLY IN THE UNITED STATES, THE OFFICER OR HIS AGENCY MUST FOLLOW CERTAIN PROCEDURES TO VERIFY HIS IMMIGRATION STATUS; AND TO AMEND ARTICLE 5, CHAPTER 9, TITLE 16, BY ADDING SECTION 16‑9‑480 TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNLAWFULLY IN THE UNITED STATES TO SOLICIT OR ATTEMPT TO SOLICIT WORK, AND TO PROVIDE PROCEDURES FOR VERIFYING IMMIGRATION STATUS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. P3 proposed by Senator KNOTTS and printed in the Journal of Thursday, March 3, 2011.

Senator KNOTTS explained the amendment.

On motion of Senator KNOTTS, with unanimous consent, Amendment No. P3 was carried over.

On motion of Senator KNOTTS, with unanimous consent, Amendment No. P17A was taken up for immediate consideration.

**Amendment No. P17A**

Senator KNOTTS proposed the following amendment (JUD0020.010):

Amend the committee report, as and if amended, page [20-14], before line 13, by adding an appropriately numbered SECTION to read:

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

“Section 17‑13‑170. (A) It is unlawful for a person who has come to, entered, or remained in the United States in violation of federal law to come to, enter, or remain in this State.

(B) It is unlawful for a person who has come to, entered, or remained in the United States in violation of federal law to seek, apply for, or perform employment in this State.

(C) A person who violates this section:

(1) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be imprisoned for one year;

(2) for a second offense, is guilty of a felony, and, upon conviction, must be imprisoned for three years; and

(3) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be imprisoned for five years.

(D) Any law enforcement agency in this State may establish a special illegal immigration division within the agency to investigate violations of this section.” /

Renumber sections to conform

Amend title to conform.

Senator KNOTTS explained the amendment.

**Objection**

Senator ROSE asked unanimous consent to perfect the amendment.

Senator RYBERG objected.

Senator KNOTTS resumed speaking on the amendment.

Senator LARRY MARTIN argued contra to the adoption of the amendment.

Senator HUTTO spoke on the amendment.

Senator McCONNELL spoke on the amendment.

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

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

**Ayes 17; Nays 27**

**AYES**

Alexander Campbell Campsen

Cleary Elliott Fair

Grooms Hayes Leventis

*Martin, Larry* Massey McConnell

O’Dell Rose Ryberg

Thomas Verdin

**Total--17**

**NAYS**

Anderson Bright Bryant

Coleman Courson Cromer

Davis Ford Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Shane* Matthews McGill

Nicholson Peeler Rankin

Reese Scott Setzler

Sheheen Shoopman Williams

**Total--27**

**Statement by Senator ROSE**

I voted against Amendment No. P17A for two reasons:  (1) it is unconstitutional, in part because federal law pre-empts the subject matter of the amendment and the phrase  “in violation of federal law” is so overly broad as to criminalize and to require imprisonment for even a minor, technical violation of a federal law, including a regulation; and  (2) discretion should be given to a judge to decide whether to require imprisonment for one to five years instead of making that imprisonment mandatory, in part so that a person in the U.S. illegally can be deported and to avoid an overly harsh punishment.

**Statement by Senator McCONNELL**

While I wish that I could have voted for Amendment No. P17A that would have allowed state enforcement of the presence of someone in this country, it was clearly unconstitutional to me.  The United States Constitution and federal law have pre-empted the area of immigration and allowed the state concurrent jurisdiction only in specific instances.  The status violation  provided for in the amendment is not one of the areas in which concurrent jurisdiction is allowed.  Some have argued that the courts may interpret the federal law and allow state action, but I cannot support something that bases its permissibility on judges writing the law.  I am a strict constructionist and believe that laws must be read as they are written.  In this case, the law as written says that what was attempted in the amendment is unconstitutional.  As much as I would like to do what was in the amendment, I am limited by what the law and Constitution says and not empowered by what I wish the law and Constitution said.

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

Senator LEVENTIS spoke on the amendment.

Senator GROOMS spoke on the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator HUTTO spoke on the amendment.

Senator KNOTTS spoke on the amendment.

Senator CAMPSEN spoke on the amendment.

Senator McCONNELL moved that when the Senate adjourns today, it stand adjourned to meet tomorrow at 1:00 P.M.

There was no objection.

Senator McCONNELL moved that the Senate stand adjourned.

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

**Ayes 22; Nays 21**

**AYES**

Campsen Coleman Ford

Grooms Hutto Jackson

Land Leatherman Leventis

Lourie Malloy Massey

McConnell McGill Nicholson

Rankin Reese Scott

Setzler Sheheen Verdin

Williams

**Total--22**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Cleary

Courson Cromer Davis

Elliott Fair Hayes

Knotts *Martin, Larry Martin, Shane*

O’Dell Peeler Rose

Ryberg Shoopman Thomas

**Total--21**

Debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senators NICHOLSON and COURSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John Nave, former Mayor of Greenwood, S.C.

and

**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Jimmy Britt of Greenwood, S.C.

and

**MOTION ADOPTED**

On motion of Senators LARRY MARTIN and ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Crystal Harrison of Seneca, S.C. and Miss Raven Stancell, 10 years of age. Mrs. Harrison, Pickens County DSS Social Worker, and Miss Stancell lost their lives in a very tragic automobile accident.

**ADJOURNMENT**

At 2:58 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 1:00 P.M.

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