

NO. 53

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

WEDNESDAY, MAY 13, 2009
(STATEWIDE SESSION)

Wednesday, May 13, 2009
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Isaiah 35:3: "Strengthen the weak hands, steady the knees that give way."

Let us pray. O Lord our God, You give us the strength and courage to discern what the people's needs are. Give these Representatives the integrity to be honest and sincere in doing the work before them. When our troubles crash in on us, hold us up, strengthen our resolve to do the best we can. Be a blessing upon our Nation, President, State, Governor, Speaker, and all who labor in these Halls of Government. Protect our defenders of freedom as they protect us. Hear us, O Lord, as we pray. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. CLEMMONS moved that when the House adjourns, it adjourn in memory of Angela Jean Liljenquist Weimer, which was agreed to.

CONCURRENT RESOLUTION

The following was introduced:

H. 4034 -- Rep. D. C. Smith: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND ROD GREENWAY, PRINCIPAL OF BELVEDERE ELEMENTARY SCHOOL IN AIKEN COUNTY, FOR HIS DISTINGUISHED FORTY-YEAR CAREER AS TEACHER, COACH, AND ADMINISTRATOR UPON THE

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OCCASION OF HIS RETIREMENT, AND TO EXTEND TO HIM EVERY BEST WISH IN ALL HIS FUTURE ENDEAVORS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

HOUSE RESOLUTION

The following was introduced:

H. 4035 -- Rep. D. C. Smith: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DR. ANGELA BROWN BURKHALTER, UPON THE OCCASION OF HER RETIREMENT, FOR HER YEARS OF DEVOTED SERVICE TO THE STATE OF SOUTH CAROLINA AS AN EDUCATOR.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 4036 -- Rep. Allen: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND ODELL LEWIS ROBINSON OF LAURENS COUNTY UPON THE OCCASION OF THE ANNIVERSARY OF HIS EIGHTH YEAR AS PASTOR OF NEW BETHLEHEM BAPTIST CHURCH, AND TO WISH HIM ALL THE BEST AS HE LEADS HIS CONGREGATION IN FURTHER SPIRITUAL GROWTH AND SERVICE.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

INTRODUCTION OF BILLS

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 4037 -- Reps. Owens, Mitchell, Hiott, Skelton, Rice, Millwood, Bedingfield, Bowen, Duncan, Wylie, Gambrell, Whitmire, Kirsh, Limehouse, Lucas, Simrill, G. R. Smith, Sottile, Stewart and Stringer: A BILL TO AMEND SECTION 6-4-35, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TOURISM EXPENDITURE REVIEW COMMITTEE, SO AS TO

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PROVIDE THAT APPEALS FROM THE COMMITTEE GO TO THE APPROPRIATE COUNTY LEGISLATIVE DELEGATION INSTEAD OF THE ADMINISTRATIVE LAW COURT.

Referred to Committee on Judiciary

S. 671 -- Senator Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-13-400 SO AS TO ESTABLISH CREEL AND SIZE LIMITS FOR CRAPPIE TAKEN IN LAKE MURRAY.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Allen	Allison	Anderson
Anthony	Bales	Ballentine
Bannister	Barfield	Battle
Bedingfield	Bingham	Bowen
Bowers	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
Govan	Gullick	Gunn
Haley	Hamilton	Hardwick
Harrell	Harrison	Hart
Harvin	Hayes	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Huggins
Hutto	Jefferson	Jennings
Kelly	Kennedy	King
Kirsh	Knight	Littlejohn
Long	Lowe	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Millwood
D. C. Moss	V. S. Moss	J. M. Neal
Neilson	Owens	Parker

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Parks	Pinson	M. A. Pitts
Rice	Sandifer	Scott
Simrill	Skelton	D. C. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stewart	Stringer	Thompson
Toole	Umphlett	Weeks
Whipper	White	Whitmire
Williams	A. D. Young	T. R. Young

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Wednesday, May 13.

Harry Ott	Terry Alexander
Wendell Gilliard	Mark Willis
Joseph Neal	Todd Rutherford
Dwight Loftis	Edward H. "Ted" Pitts
Harold Mitchell	Wendy Nanney
Bakari Sellers	Paul Agnew
Thad Viers	H.B. "Chip" Limehouse
G. Murrell Smith	Grady Brown
Leon Howard	

Total Present--122

LEAVE OF ABSENCE

The SPEAKER granted Rep. WYLIE a leave of absence due to illness.

DOCTOR OF THE DAY

Announcement was made that Drs. Caroline and Noel Brownlee of Greenville were the Doctors of the Day for the General Assembly.

SPECIAL PRESENTATION

Rep. SCOTT presented to the House the Goose Creek High School "Gators" Boys Varsity Basketball Team, the 2009 State AAAA Basketball Champions, their coaches and other school officials.

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SPECIAL PRESENTATION

Rep. WEEKS presented to the House the Sumter Dixie League Senior Boys Baseball Team, the 2008 World Series Champions, and their coaches.

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

CO-SPONSORS ADDED

Bill Number: H. 4033
Date: ADD:
05/13/09 ERICKSON and SELLERS

CO-SPONSOR ADDED

Bill Number: H. 3543
Date: ADD:
05/13/09 ERICKSON

CO-SPONSOR REMOVED

Bill Number: H. 3945
Date: REMOVE:
05/13/09 TOOLE

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RETURNED TO THE SENATE WITH AMENDMENTS

The following Bills were taken up, read the third time, and ordered returned to the Senate with amendments:

S. 758 -- Senator Land: A BILL TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALE AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW PROCEEDS FROM THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009-2010 SCHOOL YEAR.

S. 630 -- Senators Land, Setzler, L. Martin, Ford, Nicholson, Lourie, Sheheen, Massey, Reese, Elliott, Peeler, Leatherman, Knotts, Hayes, Verdin, Leventis, Coleman, Matthews, Fair, Scott, Hutto, McGill, Williams, O'Dell, Campbell, Thomas, Rankin, Rose, Davis, Alexander, Shoopman, Anderson, S. Martin, Bright, Grooms, Jackson and Malloy: A BILL TO AMEND CHAPTER 15, TITLE 56 OF THE 1976 CODE BY ADDING SECTION 56-15-65, RELATING TO MOTOR VEHICLE DEALERS, TO PROHIBIT MOTOR VEHICLE MANUFACTURES OR DISTRIBUTORS FROM REQUIRING DEALERS TO RELOCATE OR MAKE ALTERATIONS TO THEIR DEALERSHIP UNLESS CERTAIN REQUIREMENTS ARE MET; BY ADDING SECTION 56-15-75, RELATING TO MOTOR VEHICLE DEALERS, TO PROHIBIT MOTOR VEHICLE MANUFACTURES OR DISTRIBUTORS FROM PREVENTING DEALERS FROM INVESTING IN, MANAGING, OR ACQUIRING ANY OTHER LINE-MAKE OF NEW MOTOR VEHICLES OR RELATED PRODUCTS IF CERTAIN REQUIREMENTS ARE MET; AND TO AMEND SECTION 56-15-90, RELATING TO MOTOR VEHICLE DEALERS, TO PROVIDE FACTORS TO BE CONSIDERED IN CALCULATING THE FAIR AND REASONABLE COMPENSATION FOR THE VALUE OF A MOTOR VEHICLE DEALERSHIP.

S. 773--DEBATE ADJOURNED

Rep. SANDIFER moved to adjourn debate upon the following Bill, which was adopted:

S. 773 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATED SUMTER SCHOOL DISTRICT, SO AS TO REVISE THE INITIAL TERMS OF

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THE SEVEN MEMBERS OF THE GOVERNING BOARD OF THE DISTRICT ELECTED IN 2010.

ORDERED TO THIRD READING

The following Bills and Joint Resolutions were taken up, read the second time, and ordered to a third reading:

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

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

Rep. HUGGINS explained the Bill.

S. 388 -- Senator Leatherman: A JOINT RESOLUTION TO DIRECT THE STATE TREASURER'S OFFICE TO PROVIDE FINANCING ARRANGEMENTS THROUGH THE MASTER LEASE PROGRAM FOR ANY AGENCY THAT HAS NOT PAID IN FULL FOR ITS SOUTH CAROLINA ENTERPRISE INFORMATION SYSTEM (SCEIS) IMPLEMENTATION COSTS AND HAS NOT UTILIZED THE AGENCY'S SET-ASIDE ACCOUNT TO MEET ITS OBLIGATIONS, TO PROVIDE THAT

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THE AMOUNTS AND TIMING OF LEASE PAYMENTS BY AN AGENCY SHALL BE DETERMINED BY THE STATE TREASURER'S OFFICE IN COOPERATION WITH THE SCEIS EXECUTIVE OVERSIGHT COMMITTEE, TO REQUIRE AN AGENCY TO MEET ALL OF ITS SCEIS FINANCIAL OBLIGATIONS, AND TO PROVIDE WHEN AN AGENCY MAY WITHDRAW FUNDS FROM ITS SCEIS SET-ASIDE ACCOUNT.

Rep. WHITE explained the Joint Resolution.

S. 463 -- Senators Peeler and Rose: A BILL TO AMEND SECTION 44-36-10 OF THE 1976 CODE, RELATING TO THE PURPOSE AND FUNCTIONS OF THE ALZHEIMER'S DISEASE REGISTRY, TO EXPAND THE TYPES OF DATA COLLECTED BY THE ALZHEIMER'S DISEASE REGISTRY, AND TO PROVIDE FOR THE AUTHORIZATION OF STUDIES ABOUT ALZHEIMER'S DISEASE AND THE CAREGIVERS OF PERSONS WITH ALZHEIMER'S DISEASE.

Rep. BALLENTINE explained the Bill.

S. 696 -- Senator Matthews: A BILL TO AMEND SECTION 59-18-930 OF THE 1976 CODE, RELATING TO THE REQUIRED ADVERTISEMENT OF THE RESULTS OF A SCHOOL'S REPORT CARD IN A LOCAL NEWSPAPER, TO ALLOW REQUIRED ADVERTISEMENT TO BE WAIVED IF AN AUDITED NEWSPAPER OF GENERAL CIRCULATION IN A SCHOOL DISTRICT'S GEOGRAPHIC AREA HAS PREVIOUSLY PUBLISHED THE ENTIRE SCHOOL REPORT CARD RESULTS AS A NEWS ITEM.

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

Rep. GUNN explained the Joint Resolution.

S. 796 -- Senator Coleman: A BILL TO DIRECT THE FAIRFIELD COUNTY TREASURER TO TRANSFER A SPECIFIED AMOUNT OF FUNDS TO CHESTER COUNTY SCHOOL DISTRICT IN

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ORDER TO DEFRAY THE COSTS TO EDUCATE CERTAIN STUDENTS WHO RESIDE IN FAIRFIELD COUNTY BUT ATTEND CHESTER COUNTY SCHOOLS, AND TO REQUIRE THAT THE AMOUNT OF FUNDS DELIVERED TO CHESTER COUNTY SCHOOL DISTRICT BE REEXAMINED EVERY THREE YEARS AND AN AGREEMENT BE ENTERED INTO BETWEEN THE SCHOOL DISTRICT OF FAIRFIELD COUNTY AND CHESTER COUNTY SCHOOL DISTRICT FOR THE PAYMENT OF THOSE FUNDS.

ORDERED ENROLLED FOR RATIFICATION

The following Bill and Joint Resolution were read the third time, passed and, having received three readings in both Houses, it was ordered that the title of each be changed to that of an Act, and that they be enrolled for ratification:

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

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

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DELETE THE APPLICABILITY TO FOREIGN PRODUCERS AND CORRECT INCORRECT REFERENCES.

H. 3561--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Joint Resolution until Thursday, May 14, which was adopted:

H. 3561 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE REVENUES FOR THE OPERATIONS OF STATE GOVERNMENT FOR FISCAL YEAR 2009-2010 TO SUPPLEMENT APPROPRIATIONS MADE FOR THOSE PURPOSES BY THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009-2010.

SPEAKER *PRO TEMPORE* IN CHAIR

H. 3541--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3541 -- Reps. Hiott, Frye, Duncan, M. A. Pitts, Whitmire and Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-525 SO AS TO ESTABLISH THE REQUIREMENT AND PROCEDURES FOR OBTAINING BEAR TAGS; BY ADDING SECTION 50-9-537 SO AS TO REQUIRE A TEN DOLLAR BEAR DRAW HUNT APPLICATION FEE; BY ADDING SECTION 50-11-435 SO AS TO PROHIBIT TAKING OR ATTEMPTING TO TAKE BEAR WEIGHING LESS THAN ONE HUNDRED POUNDS AND PROVIDE APPLICABLE PENALTIES; TO AMEND SECTION 50-9-920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, SO AS TO DEFINE THE USES FOR REVENUE GENERATED FROM THE SALE OF BEAR TAGS; TO AMEND SECTION 50-11-310, AS AMENDED, RELATING TO THE OPEN SEASON FOR ANTLERED DEER, SO AS TO DESIGNATE WHEN CERTAIN EQUIPMENT MAY BE USED IN GAME ZONE 1; AND TO AMEND SECTION 50-11-430, RELATING TO BEAR HUNTING, SO AS TO REDESIGNATE THE OPEN SEASON AND PROVIDE ADDITIONAL PENALTIES.

Rep. HIOTT proposed the following Amendment No. 1 (COUNCIL\GJK\20257SD09), which was adopted:

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Amend the bill, as and if amended, by adding a new SECTION appropriately numbered to read:

/SECTION _____. Section 50-11-380 of the 1976 Code is repealed./

Renumber sections to conform.

Amend title to conform.

Rep. HIOTT explained the amendment.

The amendment was then adopted.

Rep. HIOTT proposed the following Amendment No. 2 (COUNCIL\GJK\20352SD09), which was adopted:

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

/SECTION 1. Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50-11-435. It is unlawful to take or attempt to take a bear of less than one hundred pounds. A person violating provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both. In addition, each person convicted of a violation of this section may be required to pay restitution to the department of not less than one thousand five hundred dollars for each bear which is taken in violation of this section.”

SECTION 2. Section 50-11-310(A) of the 1976 Code, as last amended by Act 286 of 2008, is further amended to read:

“(A) The open season for hunting and taking antlered deer is:

(1) In Game Zone 1: October 1 through October 10, with primitive weapons only; October 11 through October 16, with archery equipment and firearms; October 17 through October 30, with archery equipment only; and October 31 through January 1, with archery equipment and firearms.

(2) In Game Zone 2: September 15 through September 30, with archery equipment only, October 1 through October 10, with primitive weapons only; October 11 through January 1, with archery equipment and firearms.

(3) In Game Zone 3: August 15 through January 1, with archery equipment and firearms.

(4) In Game Zone 4: September 1 through September 14, with archery equipment and September 15 through January 1, with archery equipment and firearms.

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(5) In Game Zone 5: August 15 through August 31, with archery equipment and September 1 through January 1, with archery equipment and firearms.

(6) In Game Zone 6: August 15 through January 1, with archery equipment and firearms.”

SECTION 3. Section 50-11-430 of the 1976 Code, is amended to read:

“Section 50-11-430. (A) The open season for hunting and taking bear in Game Zone One is:

(1) In Game Zone 1 for still gun hunts: ~~the third Monday in October through the following Saturday inclusive~~ October 17 through October 23; for party dog hunts: ~~the fourth Monday in October through the following Saturday inclusive. In all other zones there is no open season for taking bear;~~ October 24 through October 30;

(2) any bear taken must be reported to the department’s Clemson office within the next business day of the time of taking. In all other game zones, the department may declare an open season by regulation.

(B) In other game zones where the department declares an open season, the regulations must establish dates, methods, and other conditions for hunting and taking bear. In these game zones, it is unlawful to hunt or take bear except as permitted by the regulations in this section.

(C) It is unlawful to:

(1) hunt, take, or attempt to take a bear except during the open season;

(2) hunt, take, or attempt to take bear except as allowed by this title;

(3) ~~to~~ take more than one bear per person during the still gun hunt season or more than three per party during the party dog hunt season;

(4) ~~take or attempt to take a bear of under one hundred pounds;~~

~~(5)~~(4) take or attempt to take a sow bear with cubs;

~~(6)~~(5) possess or transport a freshly killed bear or bear part except during the open season for hunting and taking bear. This prohibition does not apply to bear lawfully taken in other jurisdictions. The department may issue a special permit for possession or transportation of a freshly killed bear or bear part outside of the season;

~~(7)~~(6) possess a captive bear except pursuant to a permit issued by the department;

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~~(8)~~(7) pursue bear with dogs; except during the open season for hunting and taking bear with dogs;

~~(9)~~(8) hunt or take bear ~~near bait or~~ by the use or aid of bait; or attempt to hunt or take bear by use or aid of bait; hunt or take bear on or over a baited area. As used in this item:

(a) 'Bait' means salt; shelled, shucked, or unshucked corn; wheat or other grain; or other foodstuffs which could constitute a lure, attraction, or enticement for bear.

(b) 'Baiting' or 'to bait' means placing, depositing, exposing, distributing, or scattering bait.

(c) 'Baited area' means an area where bait is directly or indirectly placed, exposed, deposited, distributed, or scattered, and the area remains a baited area for ten days following complete removal of all bait. Nothing in this section prohibits the hunting and taking of bear on or over lands or areas that are not otherwise baited and where:

(i) there are standing crops on the field where grown, including crops grown for wildlife management purposes; or

(ii) shelled, shucked, or unshucked corn, wheat or other grain or seeds that have been distributed or scattered solely as the result of a normal agricultural practice as prescribed by the Clemson University Extension Service or its successor;

(9) buy, sell, barter, or exchange or attempt to buy, sell, barter, or exchange a bear or bear part;

(10) take or attempt to take a bear from a watercraft or other water conveyance or molest, take, or attempt to take a bear while the bear is impeded by water.

~~(C)~~(D) Each of the above acts is a violation of this section and is a separate offense. ~~(D)~~A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned not more than two years, or both. Hunting and fishing privileges of a person convicted under the provisions of this section must be suspended for three years. In addition, each person convicted of a violation of this section shall pay restitution to the department of not less than one thousand five hundred dollars for each bear or bear part which is the subject of a violation of this section.

~~(E)~~(E) Party dog hunts in Game Zone 1 may not exceed twenty-five participants per party and must register with the department by September 1. Party hunt participants, except those not required to have licenses, must submit their hunting license number in order to register."

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SECTION 4. Section 50-11-380 of the 1976 Code is repealed. /
SECTION 5. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

Rep. HIOTT explained the amendment.
The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

H. 3854--DEBATE ADJOURNED

Rep. COOPER moved to adjourn debate upon the following Bill until Thursday, May 14, which was adopted:

H. 3854 -- Rep. Cooper: A BILL TO AMEND TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAXATION, SO AS TO REVISE CERTAIN CHAPTERS AND SECTIONS PERTAINING TO VARIOUS TAX MATTERS.

H. 3608--REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3608 -- Reps. Mack, Alexander, Allen, R. L. Brown, Williams and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO PROVIDE THAT THE AUTHORITY CHARGED BY LAW CONDUCTING AN ELECTION SHALL ESTABLISH EARLY VOTING CENTERS, TO ESTABLISH EARLY VOTING CENTERS TO ALLOW A REGISTERED COUNTY RESIDENT TO VOTE OUTSIDE THEIR PRECINCT, TO PROVIDE A PROCEDURE BY WHICH A QUALIFIED ELECTOR MAY REGISTER TO VOTE AND CAST A BALLOT DURING THE EARLY VOTING PERIOD, TO PROVIDE FOR THE ESTABLISHMENT OF EARLY VOTING LOCATIONS, AND TO REQUIRE THESE LOCATIONS AND TIMES TO BE IN COMPLIANCE WITH THE PROVISIONS OF SECTION 30-4-80.

Reps. CLEMMONS, DUNCAN, CRAWFORD, COLE, LOWE, SANDIFER, KENNEDY, GOVAN, OTT, ALLISON, KING and PARKER requested debate on the Bill.

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H. 3543--AMENDED AND REQUESTS FOR DEBATE

The following Bill was taken up:

H. 3543 -- Reps. Brady, Mitchell and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-490 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL DISTRICTS IN DEVELOPING THEIR OWN POLICIES FOR REPORTING AND RESPONDING TO DATING VIOLENCE, TO PROVIDE WHAT MUST BE INCLUDED IN THE POLICIES, TO PROVIDE REPORTING AND PUBLICATION REQUIREMENTS, AND TO REQUIRE SCHOOL DISTRICTS TO INFORM PARENTS AND GUARDIANS OF THE POLICY AND TO PROVIDE PARENTS WITH A COPY OF THE POLICY UPON REQUEST.

The Education and Public Works Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11459BH09), which was adopted:

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

/SECTION 1. The General Assembly finds that when a student is a victim of dating violence, his or her academic life suffers and his or her safety at school is jeopardized. The General Assembly further finds that because all students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation, and violence, a policy to create an environment free of dating violence among students in grades six through twelve must be present in each school district.

SECTION 2. Article 5, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59-1-490. (A) As used in this section:

(1) ‘Dating violence’ means a pattern of behavior in which one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner, or who engages in stalking as defined in Section 16 3 1700(C).

(2) ‘Dating partner’ means a person, regardless of gender, involved in an intimate relationship with another, primarily characterized by the expectation of affectionate involvement whether casual, serious, or long term.

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(3) 'At school' means in a classroom, on or immediately adjacent to school premises, on a school bus or other school related vehicle, at an official school bus stop, or at a school sponsored activity or event whether or not it takes place on school grounds.

(4) 'Department' means the South Carolina Department of Education.

(B) On or before December 1, 2009, the department shall develop a model dating violence policy to assist school districts in developing policies for reporting and responding to dating violence among students in grades six through twelve. This policy must include, but may not be limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines for responding to at school incidents of dating violence, and disciplinary procedures specific to these incidents.

(C)(1) By the beginning of the 2010-2011 school year, each school district shall establish a specific policy to address incidents of dating violence involving students in grades six through twelve. Each school district annually shall verify with the department compliance with this provision, in a manner established by the department.

(2) To ensure notice of the school district's dating violence policy, the policy must be published in school and school district handbooks or any publications on the school or district website that provide the rules, procedures, or standards of conduct for students at school.

(D) Each school district shall inform the students' parents or legal guardians of the school district's dating violence policy. Upon request, the school district shall provide parents or legal guardians with a copy of the school district's dating violence policy and relevant information.

(E) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

(F) The provisions of subsections (B), (C), and (D) of this section are subject to the availability of funds for the purposes provided in those subsections."

SECTION 3. This act takes effect upon approval by the Governor./
Re-number sections to conform.
Amend title to conform.

Rep. WHITMIRE explained the amendment.

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Rep. BEDINGFIELD requested debate on the Bill.

The amendment was then adopted.

Rep. DELLENEY proposed the following Amendment No. 2 (COUNCIL\NBD\11505BH09):

Amend the bill, as and if amended, Section 59-1-490(A)(1) and (2), as contained in SECTION 2, page 3543-1, lines 35 through 42, by deleting the items in their entirety and inserting:

/ (1) 'Dating violence' means a pattern of behavior in which one dating partner uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner, or who engages in stalking as defined in Section 16-3-1700(C).

(2) 'Dating partner' means a person involved in a heterosexual dating relationship with another. /

Amend the bill, further, Section 59-1-490 (B), (C), and (D), as contained in SECTION 2, page 3543-2, lines 7 through 30, by deleting the subsections in their entirety and inserting:

/ (B) On or before December 1, 2009, the department shall develop a model dating violence prevention policy to assist school districts in developing policies for reporting and responding to dating violence among students in grades six through twelve. This prevention policy must include, but may not be limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines for responding to at school incidents of dating violence, and disciplinary procedures specific to these incidents.

(C)(1) By the beginning of the 2010-2011 school year, each school district shall establish a specific prevention policy to address incidents of dating violence involving students in grades six through twelve. Each school district annually shall verify with the department compliance with this provision, in a manner established by the department.

(2) To ensure notice of the school district's dating violence prevention policy, the prevention policy must be published in school and school district handbooks or any publications on the school or district website that provide the rules, procedures, or standards of conduct for students at school.

(D) Each school district shall inform the students' parents or legal guardians of the school district's dating violence prevention policy. Upon request, the school district shall provide parents or legal

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guardians with a copy of the school district's dating violence prevention policy and relevant information./

Renumber sections to conform.

Amend title to conform.

Rep. DELLENEY explained the amendment.

Reps. KENNEDY, KING, WHIPPER, BRANTLEY and RUTHERFORD requested debate on the Bill.

H. 3941--DEBATE ADJOURNED

Rep. SANDIFER moved to adjourn debate upon the following Bill until Thursday, May 14, which was adopted:

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

S. 360--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 360 -- Senator Hayes: A BILL TO AMEND SECTION 4-10-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF A ONE PERCENT CAPITAL PROJECT SALES AND USE TAX BY A COUNTY GOVERNING BODY, SO AS TO DELETE A REQUIREMENT THAT THE TAX IS TO

[HJ]

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COLLECT A LIMITED AMOUNT OF MONEY; TO AMEND SECTION 4-10-330, AS AMENDED, RELATING TO THE COUNTY ORDINANCE AND BALLOT QUESTION FOR THE REFERENDUM REQUIRED, SO AS TO FURTHER PROVIDE FOR THE CONTENTS OF THE ORDINANCE AND THE DATES AND PURPOSES OF THE REFERENDUM; AND TO AMEND SECTION 4-10-340, AS AMENDED, RELATING TO THE IMPOSITION AND TERMINATION OF THE TAX, SO AS TO FURTHER PROVIDE FOR THE TERMINATION OF A NEWLY IMPOSED AND A REIMPOSED TAX.

Rep. Littlejohn proposed the following Amendment No. 1 (COUNCIL\BBM\9349HTC09), which was adopted:

Amend the bill, as and if amended, by adding a penultimate new SECTION appropriately numbered to read:

/ SECTION __. A. Section 4-10-350(B) of the 1976 Code, as added by Act 138 of 1997, is amended to read:

“(B) The tax authorized by this article is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36 of Title 12 and the enforcement provisions of Chapter 54 of Title 12. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36 of Title 12 are exempt from the tax imposed by this article. Unprepared food items eligible for purchase with United States Department of Agriculture food coupons are exempt from the tax imposed pursuant to this article. The tax imposed by this article also applies to tangible personal property subject to the use tax in Article 13, Chapter 36 of Title 12.”

B. Notwithstanding the general effective date of this act, this section takes effect on the approval of this act by the Governor and applies with respect to Capital Project Sales Tax Act taxes imposed or reimposed pursuant to a referendum held after that date. /

Renumber sections to conform.

Amend title to conform.

Rep. LITTLEJOHN explained the amendment.

The amendment was then adopted.

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Rep. McLEOD proposed the following Amendment No. 2 (COUNCIL\GJK\20341SD09), which was adopted:

Amend the bill, as and if amended, in Section 4-10-330(A)(1)(b) of the 1976 Code, as contained in SECTION 2, by inserting after /coliseums, / on line 23, page 2, /educational facilities under the direction of an area commission for technical education, /;

Amend the bill further, as and if amended, by striking SECTION 4 and inserting:

/SECTION 4. This act takes effect upon approval by the Governor; provided, that the amendments to Section 40-10-330(A)(1)(b) of the 1976 Code, as contained in SECTION 2, apply with respect to Capital Project Sales and Use Tax Act taxes imposed or reimposed pursuant to a referendum held after the effective date of this act. /

Re-number sections to conform.

Amend title to conform.

Rep. LITTLEJOHN explained the amendment.

The amendment was then adopted.

The yeas and nays were taken resulting as follows:

Yeas 96; Nays 7

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Allison	Anderson	Anthony
Bales	Bannister	Barfield
Battle	Bowen	Bowers
Brady	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown
Cato	Chalk	Clyburn
Cobb-Hunter	Cole	Crawford
Daning	Delleney	Dillard
Duncan	Edge	Erickson
Funderburk	Gambrell	Gilliard
Govan	Gullick	Gunn
Harrison	Hart	Harvin
Hayes	Herbkersman	Hiott
Hodges	Horne	Hosey
Huggins	Hutto	Jefferson
Kelly	King	Kirsh
Knight	Limehouse	Littlejohn

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Loftis	Long	Lowe
Lucas	Mack	McEachern
McLeod	Merrill	Miller
Mitchell	V. S. Moss	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	Parks
Pinson	E. H. Pitts	M. A. Pitts
Rice	Rutherford	Sandifer
Skelton	D. C. Smith	G. M. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Toole
Umphlett	Weeks	Whipper
White	Whitmire	Williams
Willis	A. D. Young	T. R. Young

Total--96

Those who voted in the negative are:

Bedingfield	Forrester	Frye
Hamilton	Millwood	Simrill
G. R. Smith		

Total--7

So, the Bill, as amended, was read the second time and ordered to third reading.

S. 774--POINT OF ORDER

The following Bill was taken up:

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

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POINT OF ORDER

Rep. LITTLEJOHN made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

RECURRENCE TO THE MORNING HOUR

Rep. JENNINGS moved that the House recur to the Morning Hour, which was agreed to.

S. 773--DEBATE ADJOURNED

Rep. WEEKS moved to adjourn debate upon the following Bill until Thursday, May 14, which was adopted:

S. 773 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATED SUMTER SCHOOL DISTRICT, SO AS TO REVISE THE INITIAL TERMS OF THE SEVEN MEMBERS OF THE GOVERNING BOARD OF THE DISTRICT ELECTED IN 2010.

ORDERED TO THIRD READING

The following Bills and Joint Resolution were taken up, read the second time, and ordered to a third reading:

S. 363 -- Senator Alexander: A BILL TO AMEND SECTION 23-41-20 OF THE 1976 CODE, RELATING TO THE ARSON REPORTING IMMUNITY ACT, TO ADD CERTAIN PUBLIC SAFETY OFFICIALS TO THE LIST OF AGENCIES AUTHORIZED TO RECEIVE INFORMATION FROM AN INSURANCE COMPANY.

Rep. JENNINGS explained the Bill.

S. 278 -- Senator Alexander: A JOINT RESOLUTION TO ALLOW THE GOVERNING BODY OF A COUNTY BY RESOLUTION ADOPTED BY MAJORITY VOTE TO ALLOW COUNTY OFFICIALS CHARGED WITH COLLECTING TAXES ON REAL

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PROPERTY FOR PROPERTY TAX YEARS 2008 AND 2009 TO WAIVE OR REDUCE THE PENALTIES FOR LATE PAYMENTS, AND TO PROVIDE THAT THE RESOLUTION MUST PROVIDE THE TERMS AND CONDITIONS UNDER WHICH THE WAIVER OR REDUCTION APPLIES.

Rep. COOPER explained the Joint Resolution.

H. 4020 -- Reps. Herbkersman, Brantley, Chalk and Erickson: A BILL TO CONVEY TO BEAUFORT COUNTY STANDING TO BRING LEGAL ACTION AGAINST A COUNTY WHOSE GEOGRAPHIC BOUNDARIES ARE CONTIGUOUS TO BEAUFORT'S WHEN A CONTIGUOUS COUNTY'S TRAFFIC CONGESTION OR STORMWATER RUNOFF ADVERSELY AFFECTS THE CITIZENS OF BEAUFORT COUNTY.

Rep. HERBKERSMAN explained the Bill.

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

Rep. DANING explained the Bill.

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

Rep. JENNINGS explained the Bill.

[HJ]

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S. 345--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 345 -- Senator Leatherman: A BILL TO AMEND SECTION 8-11-65 OF THE 1976 CODE, RELATING TO LEAVES OF ABSENCE TO BE AN ORGAN DONOR, TO PROVIDE THAT THE NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS SHALL BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; AND TO AMEND SECTION 8-11-120, RELATING TO THE POSTING OF JOB VACANCIES BEFORE THE VACANCY IS FILLED, TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR THE NOTICE.

Rep. White proposed the following Amendment No. 1 (COUNCIL\NBD\11508AC09), which was adopted:

Amend the bill, as and if amended, in Section 8-11-20, as contained in SECTION 2, page 3, line 15, by deleting / division or / and inserting / division of the executive /;

Amend the bill further, in Section 8-11-20, page 3, line 18, by deleting / ten / and inserting / five /.

Renumber sections to conform.

Amend title to conform.

Rep. WHITE explained the amendment.

The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

S. 304--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND

[HJ]

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PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

Rep. HERBKERSMAN proposed the following Amendment No. 1 (COUNCIL\SWB\5914CM09), which was adopted:

Amend the bill, as and if amended, Section 6-1-760, as contained in SECTION 1, by adding before the period on line 3, page 2:

/ that are to attract tourists and are for capital projects used primarily by out-of-market visitors who live at least fifty miles outside the local area as demonstrated by visitor surveys or other scientific research substantiating that the purpose will be used more by out-of-market visitors than local residents. /

Re-number sections to conform.

Amend title to conform.

Rep. HERBKERSMAN explained the amendment.

The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

Further proceedings were interrupted by the Joint Assembly.

JOINT ASSEMBLY

At 12:00 noon 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.

ELECTION OF A SUPREME COURT JUDGE, CIRCUIT COURT JUDGES, FAMILY COURT JUDGES AND ADMINISTRATIVE LAW JUDGES

The Reading Clerk of the House read the following Concurrent Resolution:

S. 702 -- Senators McConnell, Ford and Knotts: A CONCURRENT RESOLUTION TO FIX NOON WEDNESDAY, MAY 13, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 4, WHOSE TERM EXPIRES DECEMBER 31, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES

[HJ]

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JULY 31, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JULY 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRD JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERMS EXPIRES JULY 31, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; TO ELECT A SUCCESSOR TO A CERTAIN CHIEF JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, WHOSE TERM EXPIRES JUNE 30, 2013.

The PRESIDENT recognized Senator McConnell, Chairman of the Judicial Merit Selection Commission.

SUPREME COURT JUDGE, SEAT 4

The PRESIDENT announced that nominations were in order for a Supreme Court Judge, Seat 4.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: the Honorable Kaye G. Hearn, the Honorable John C. Few and the Honorable Deadra L. Jefferson.

Senator McConnell stated that the Honorable John C. Few and the Honorable Deadra L. Jefferson had withdrawn from the race, and placed the name of the remaining candidate, the Honorable Kaye G. Hearn in nomination.

Senator Bright spoke on the nomination. Senator Bright moved that under Section 2-19-80, Code of Laws of South Carolina, 1976, the slate of nominees be rejected.

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Senator Rankin spoke on the motion and moved to table the motion to reject the slate of nominees.

POINT OF ORDER

Representative BALES and Senator Leventis raised the point of order that the motion to reject the slate of nominees was out of order.

The PRESIDENT overruled the point of order.

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 Senators voted to table the motion to reject the slate of nominees:

Alexander	Anderson	Campbell
Campsen	Cleary	Coleman
Cromer	Davis	Elliott
Ford	Hayes	Jackson
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	Massey	Matthews
McConnell	McGill	Nicholson
O'Dell	Peeler	Pinckney
Rankin	Reese	Rose
Scott	Setzler	Shoopman
Thomas	Williams	

Total--35

The following Senators voted against the motion to table the motion to reject the slate of nominees:

Bright	Bryant	Fair
Grooms	Mulvaney	Ryberg
Verdin		

Total--7

On the motion of Representative UMPHLETT, with unanimous consent, the Members of the House voted by electronic roll call.

The yeas and nays were taken resulting as follows:

Yeas 108; Nays 11

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The following named Representatives voted to table the motion to reject the slate of nominees:

Agnew	Alexander	Allen
Allison	Anderson	Bales
Ballentine	Bannister	Barfield
Battle	Bingham	Bowen
Bowers	Brady	Branham
Brantley	G. A. Brown	H. B. Brown
R. L. Brown	Cato	Chalk
Clemmons	Clyburn	Cobb-Hunter
Cole	Cooper	Daning
Delleney	Dillard	Edge
Erickson	Forrester	Frye
Funderburk	Gambrell	Gilliard
Gullick	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	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	Mack
McEachern	McLeod	Merrill
Miller	Mitchell	D. C. Moss
V. S. Moss	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Parks	Pinson
E. H. Pitts	Rutherford	Sandifer
Sellers	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Thompson
Toole	Umphlett	Viers
Weeks	Whipper	White
Whitmire	Williams	T. R. Young

Total--108

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The following named Representatives voted against the motion to table the motion to reject the slate of nominees:

Bedingfield	Crawford	Duncan
Millwood	Nanney	M. A. Pitts
Rice	Scott	Stringer
Willis	A. D. Young	

Total--11

Total votes to table the motion to reject the slate of nominees	143
Total votes against the motion to table the motion to reject the slate of nominees:	18

So, the motion to reject the slate of nominees was tabled.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Kaye G. Hearn was duly elected for the term prescribed by law.

**STATEMENT FOR HOUSE JOURNAL
ABSTENTION FROM VOTING
BASED ON POTENTIAL CONFLICT OF INTEREST**

In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced election because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

Supreme Court Seat 4

The reason for abstaining on the above referenced legislation is:

A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an

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individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B)**.

Rep. George M. Hearn

**CIRCUIT COURT JUDGE, TENTH
JUDICIAL CIRCUIT, SEAT 1**

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, Tenth Judicial Circuit, Seat 1.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: Rame L. Campbell and R. Lawton McIntosh.

Senator McConnell stated that Rame L. Campbell had withdrawn from the race and placed the name of the remaining candidate R. Lawton McIntosh in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable R. Lawton McIntosh was duly elected for the term prescribed by law.

**CIRCUIT COURT JUDGE, THIRTEENTH
JUDICIAL CIRCUIT, SEAT 3**

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, Thirteenth Judicial Circuit, Seat 3.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: Allen O. Fretwell, Robin B. Stilwell, and Eric K. Englebardt.

Senator McConnell stated that Eric K. Englebardt and Allen O. Fretwell had withdrawn from the race, and placed the name of the remaining candidate, Robin B. Stilwell, in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Robin B. Stilwell was duly elected for the term prescribed by law.

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**FAMILY COURT JUDGE, THIRD
JUDICIAL CIRCUIT, SEAT 2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Family Court Judge, Third Judicial Circuit, Seat 2.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: W. T. Geddings, Jr. and Angela R. Taylor.

Senator McConnell stated that W. T. Geddings, Jr., had withdrawn from the race, and placed the name of the remaining candidate, Angela R. Taylor in nomination.

On the motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Angela R. Taylor was duly elected for the term prescribed by law.

**FAMILY COURT JUDGE, FOURTH
JUDICIAL CIRCUIT, SEAT 3**

The PRESIDENT announced that nominations were in order for a Family Court Judge, Fourth Judicial Circuit, Seat 3.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: Michael Holt, Salley Huggins McIntyre, and Elizabeth R. Munneryn.

Senator McConnell stated that Elizabeth R. Munneryn and Salley Huggins McIntyre had withdrawn from the race, and placed the name of the remaining candidate, Michael Holt in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Michael Holt was duly elected for the term prescribed by law.

ADMINISTRATIVE LAW COURT JUDGE, SEAT 1

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Administrative Law Court, Seat 1.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: the Honorable Ralph K. Anderson III and the Honorable Carolyn C. Matthews.

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Senator McConnell stated that the Honorable Carolyn C. Matthews had withdrawn from the race, and placed the name of the remaining candidate, the Honorable Ralph K. Anderson III in nomination.

On the motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation resulting in the election of the nominee.

Whereupon, the Honorable Ralph K. Anderson III was duly elected for the term prescribed by law.

ADMINISTRATIVE LAW COURT JUDGE, SEAT 5

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Administrative Law Court, Seat 5.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: Latonya Edwards, Shirley Robinson, and S. Phillip Lenski.

Senator McConnell stated that S. Phillip Lenski and Latonya Edwards had withdrawn from the race, and placed the name of the remaining candidate, Shirley Robinson, in nomination.

On the motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation resulting in the election of the nominee.

Whereupon, the Honorable Shirley Robinson was duly elected for the term prescribed by law.

JOINT ASSEMBLY RECEDES

The purposes of the Joint Assembly having been accomplished, the PRESIDENT announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

THE HOUSE RESUMES

At 12:25 p..m. the House resumed, the SPEAKER in the Chair.

Further proceedings were interrupted by expiration of time on the uncontested Calendar.

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S. 453--REQUESTS FOR DEBATE WITHDRAWN

Reps. WEEKS, J. H. NEAL, MCEACHERN, HOSEY and LITTLEJOHN withdrew their requests for debate on the following Bill:

S. 453 -- Senators Verdin and Ford: A BILL TO AMEND CHAPTER 4, TITLE 47 OF THE 1976 CODE, RELATING TO ANIMALS, LIVESTOCK, AND POULTRY, BY ADDING SECTION 47-4-160 TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY NOT ENACT ORDINANCES, ORDER, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF CARE AND HANDLING OF LIVESTOCK AND POULTRY, AND TO PROVIDE THAT LOCAL LAWS, ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED.

OBJECTION TO RECALL

Rep. HART asked unanimous consent to recall H. 3953 from the Committee on Ways and Means.

Rep. WHITE objected.

OBJECTION TO RECALL

Rep. COOPER asked unanimous consent to recall S. 576 from the Committee on Ways and Means.

Rep. BALLENTINE objected.

OBJECTION TO RECALL

Rep. E. H. PITTS asked unanimous consent to recall S. 166 from the Committee on Education and Public Works.

Rep. KING objected.

OBJECTION TO RECALL

Rep. HERBKERSMAN asked unanimous consent to recall H. 3693 from the Committee on Judiciary.

Rep. ANDERSON objected.

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H. 3845--RECALLED FROM COMMITTEE ON JUDICIARY

On motion of Rep. T. R. YOUNG, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

H. 3845 -- Reps. T. R. Young, Allen and Kelly: A BILL TO AMEND SECTION 22-3-1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME FOR A MOTION FOR NEW TRIAL AND APPEAL IN MAGISTRATES COURT, SO AS TO INCREASE THE TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE FROM FIVE TO TEN DAYS.

S. 593--RECALLED FROM COMMITTEE ON JUDICIARY

On motion of Rep. M. A. PITTS, with unanimous consent, the following Bill was ordered recalled from the Committee on Judiciary:

S. 593 -- Senator S. Martin: A BILL TO AMEND SECTION 16-23-430 OF THE 1976 CODE, RELATING TO THE CARRYING OF WEAPONS ON SCHOOL PROPERTY, TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A PERSON WHO IS AUTHORIZED TO CARRY A CONCEALED WEAPON WHEN THE WEAPON IS INSIDE A MOTOR VEHICLE.

OBJECTION TO RECALL

Rep. HARRISON asked unanimous consent to recall S. 512 from the Committee on Judiciary.

Rep. DELLENEY objected.

OBJECTION TO RECALL

Rep. CLEMMONS asked unanimous consent to recall H. 3719 from the Committee on Judiciary.

Rep. HART objected.

OBJECTION TO RECALL

Rep. MILLER asked unanimous consent to recall H. 3693 from the Committee on Judiciary.

Rep. HAMILTON objected.

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**S. 442--RECALLED AND REFERRED TO COMMITTEE ON
EDUCATION AND PUBLIC WORKS**

On motion of Rep. J. R. SMITH, with unanimous consent, the following Bill was ordered recalled from the Aiken Delegation and was referred to the Committee on Education and Public Works:

S. 442 -- Senators Ryberg and Massey: A BILL TO AMEND ACT 503 OF 1982, AS AMENDED, RELATING TO THE AIKEN COUNTY SCHOOL DISTRICT AND THE AIKEN COUNTY BOARD OF EDUCATION, SO AS TO REVISE THE BOARD'S AUTHORITY WITH REGARD TO ADMINISTRATIVE AREA OFFICES AND AREA ADVISORY COUNCILS.

OBJECTION TO RECALL

Rep. CHALK asked unanimous consent to recall H. 3768 from the Committee on Ways and Means.

Rep. WHITE objected.

R. 38, H. 3627--GOVERNOR'S VETO OVERRIDDEN

The Veto on the following Act was taken up:

(R. 38) H. 3627 -- Reps. Miller and Anderson: AN ACT TO AMEND SECTION 59-67-535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF BOATS OPERATED BY THE STATE DEPARTMENT OF EDUCATION FOR THE TRANSPORTATION OF SCHOOL CHILDREN FROM ISLANDS TO MAINLAND SCHOOLS BY CERTAIN OTHER PERSONS, SO AS TO FURTHER PROVIDE FOR THE OPERATION OF THESE BOATS BY THE DEPARTMENT ON SANDY ISLAND, FOR USE OF THESE BOATS BY SPECIFIED PERSONS, AND THE PROCEDURES APPLICABLE FOR USE.

Rep. MILLER explained the Veto.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 98; Nays 0

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Those who voted in the affirmative are:

Agnew	Alexander	Allen
Allison	Anderson	Bales
Ballentine	Bannister	Barfield
Battle	Bingham	Bowers
Brady	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown
Cato	Chalk	Clemmons
Cole	Daning	Delleney
Dillard	Duncan	Edge
Erickson	Forrester	Frye
Funderburk	Gambrell	Gilliard
Govan	Gullick	Gunn
Haley	Harrell	Harrison
Hart	Harvin	Hearn
Herbkerman	Hiott	Hodges
Hosey	Hutto	Jefferson
Jennings	Kelly	Kennedy
King	Kirsh	Limehouse
Littlejohn	Long	Lowe
Lucas	Mack	McEachern
McLeod	Miller	Mitchell
D. C. Moss	V. S. Moss	J. H. Neal
J. M. Neal	Ott	Owens
Parker	Parks	Pinson
E. H. Pitts	M. A. Pitts	Rice
Rutherford	Sandifer	Scott
Simrill	Skelton	D. C. Smith
G. M. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Thompson	Toole	Viers
Weeks	Whipper	White
Whitmire	Williams	Willis
A. D. Young	T. R. Young	

Total--98

Those who voted in the negative are:

Total--0

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So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

LEAVE OF ABSENCE

The SPEAKER granted Rep. GOVAN a temporary leave of absence, due to a doctor's appointment.

R. 41, H. 3776--GOVERNOR'S VETO OVERRIDDEN

The Veto on the following Act was taken up:

(R. 41) H. 3776 -- Reps. A. D. Young, Harrell, Horne and Knight:
AN ACT TO AUTHORIZE DORCHESTER COUNTY TO PAY PER DIEM, TRAVEL, OR OTHER EXPENSES TO A MEMBER OF A COUNTY BOARD OR COMMISSION WHEN THE MEMBER TRAVELS AND INCURS EXPENSES RELATING TO HIS DUTIES WHILE SERVING ON THE BOARD.

The question was put, shall the Act become a part of the law, the Veto of his Excellency, the Governor to the contrary notwithstanding, the yeas and nays were taken resulting as follows:

Yeas 3; Nays 0

Those who voted in the affirmative are:

Harrell Horne A. D. Young

Total--3

Those who voted in the negative are:

Total--0

So, the Veto of the Governor was overridden and a message was ordered sent to the Senate accordingly.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on the Governor's Veto of H. 3776. If I had been present, I would have voted to override the Veto.

Rep. Patsy Knight

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Rep. LOFTIS moved that the House recede until 2:30 p.m., which was agreed to.

THE HOUSE RESUMES

At 2:30 p.m. the House resumed, Acting Speaker COLE in the Chair.

POINT OF QUORUM

The question of a quorum was raised.

A quorum was later present.

SPEAKER IN CHAIR

**H. 3311--SENATE AMENDMENTS AMENDED AND
RETURNED TO THE SENATE**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3311 -- Reps. Brady, Harrison, Erickson, Umphlett, A. D. Young, Agnew, Allison, Battle, Bowen, Bowers, Clemmons, Cooper, Duncan, Gambrell, Hardwick, Hearn, Horne, Kirsh, Long, Lowe, McLeod, Parker, Simrill, Whitmire, Willis, Toole, G. M. Smith, Harvin, Hutto, Neilson, Nanney, Miller, G. R. Smith, Hamilton, Jennings, T. R. Young, Limehouse, Sottile, Viers, Williams, White, Weeks, Wylie, Forrester, Sellers, Rice, Hiott, Owens, Bannister and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT AN UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR A MALE CLAIMING TO BE THE UNMARRIED BIOLOGICAL FATHER OF A CHILD, MUST FILE A CLAIM OF PATERNITY WITH THIS REGISTRY IN ORDER TO RECEIVE NOTICE OF A TERMINATION OF PARENTAL RIGHTS ACTION OR AN ADOPTION ACTION PERTAINING TO THIS CHILD, TO PROVIDE THAT FAILURE TO FILE A CLAIM CONSTITUTES IMPLIED IRREVOCABLE CONSENT TO THE TERMINATION OF HIS PARENTAL RIGHTS AND TO THE CHILD'S ADOPTION, TO PROVIDE THAT CERTAIN CONDUCT BY AN UNMARRIED BIOLOGICAL FATHER IS DEEMED TO BE NOTICE TO THIS FATHER OF THE BIOLOGICAL MOTHER'S PREGNANCY, AND

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TO FURTHER ESTABLISH FILING PROCEDURES AND PROCEDURES FOR THE OPERATION OF THE REGISTRY; TO AMEND SECTION 63-9-730, RELATING TO PERSONS AND ENTITIES ENTITLED TO NOTICE OF TERMINATION OF PARENTAL RIGHTS ACTIONS AND ADOPTION ACTIONS, SO AS TO INCLUDE A PERSON WHO HAS REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY; TO AMEND SECTION 63-7-2530, RELATING TO THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE A TERMINATION OF PARENTAL RIGHTS ACTION TO BE HEARD WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE PETITION IS FILED AND TO PROVIDE CONDITIONS UNDER WHICH A CONTINUANCE MAY BE GRANTED; TO AMEND SECTION 63-7-2550, RELATING TO PERSONS OR ENTITIES ENTITLED TO BE SERVED WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO FURTHER SPECIFY THE AGE AS FOURTEEN FOR SERVING A CHILD, TO PROVIDE SERVICE ON THE GUARDIAN AD LITEM OF A CHILD UNDER FOURTEEN YEARS OF AGE, AND TO SPECIFY THE NOTICE PROVISIONS APPLICABLE TO AN UNMARRIED BIOLOGICAL FATHER OF A CHILD WHOSE PARENTAL RIGHTS ARE BEING TERMINATED.

Reps. BRADY, A.D. YOUNG and HORNE proposed the following Amendment No. 1A (COUNCIL\NBD\11498AC09), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 1 of the bill and inserting:

/SECTION 1. Article 1, Chapter 9, Title 63 of the 1976 Code is amended by adding:

“Subarticle 8

Responsible Father Registry

Section 63-9-810. The State has a compelling interest in promptly providing stable and permanent homes for adoptive children and in preventing the disruption of adoptive placements. It is the purpose of the Responsible Father Registry to provide notice to unmarried biological fathers who affirmatively assume responsibility for children they may have fathered by registering with the Responsible Father Registry.

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Section 63-9-820. (A) There is established within the Department of Social Services the Responsible Father Registry, which the department shall maintain.

(B) As used in this section:

(1) 'Department' means the Department of Social Services.

(2) 'Registrant' means an unmarried biological father or a male who claims to be the unmarried biological father of a child.

(3) 'Registry' means the Responsible Father Registry as established by this section.

(4) 'Unmarried biological father' means a male who is not married to the biological mother of a child of whom he is or claims to be the natural father.

(C) Except as set forth in Section 63-9-730(B), in order to preserve the right to notice of an adoption proceeding or the right to notice of a petition for termination of parental rights, a registrant must file a claim of paternity with the registry. A claim of paternity filed with the registry must not be deemed to be an acknowledgment of paternity, and a claim of paternity filed with the registry, as well as any other information contained in the registry, is not admissible as evidence in any proceeding.

(D) Except for a person who is required to receive notice pursuant to Section 63-9-730(B), an unmarried biological father's failure to file a claim of paternity with the registry constitutes an implied irrevocable waiver of the father's right to notice of any proceedings pertaining to the termination of his parental rights and to the child's adoption. Such waiver includes a waiver of any right of the parent to be named as a party in or served with a summons or any other document prepared in conjunction with a termination of parental rights proceeding or an adoption proceeding.

(E) A claim of paternity must be signed by the registrant and must include:

(1) the registrant's name, address, and date of birth;

(2) the mother's name and, if known, her address and date of birth;

(3) if known, the child's name, place of birth, and date of birth;

(4) if known, the date, county, and state of conception of the child; and

(5) the date the claim is filed.

(F) The claim of paternity may be filed with the registry before or after the birth of the child; however, a claim of paternity filed with

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the registry is null and void if it is filed on or after the date a petition for termination of parental rights or a petition for adoption is filed.

(G) Only the registrant may file the claim of paternity. No other person may file the claim of paternity on behalf of the registrant. The registrant must notify the registry of any change of address in the manner prescribed by the department. Failure to notify the registry of a change of address in the manner prescribed by the department is deemed to be a waiver of a right to notice or to any other right to which the registrant may be entitled as a result of filing a claim of paternity pursuant to this section, including, but not limited to, notice by publication.

(H) The department shall issue a certificate to the registrant verifying that the claim of paternity, revocation, or change of address has been filed.

(I) No fee may be charged for filing a claim of paternity, a revocation, or a change of address with the registry. No fee may be charged to the department for its searches of the registry. The department may charge a fee for processing searches of the registry to a child-placing agency or an attorney assisting in the adoption or termination of parental rights of a child in accordance with a fee schedule established in the annual appropriations act.

(J) A registrant may at any time revoke a claim of paternity and shall file the revocation with the department in the manner prescribed by the department. The filing of a revocation of a claim of paternity with the registry in the manner prescribed by the department makes the prior claim of paternity filed by the registrant null and void.

(K) Except as set forth in Section 63-9-730(B), no unmarried biological father who fails to file a claim of paternity with the registry is entitled to notice of any adoption proceeding or of any termination of parental rights proceeding concerning the unmarried biological father's child.

(L) An unmarried biological father's failure to file a claim of paternity with the registry is deemed to be a lack of proper diligence under Section 63-9-770(B). An unmarried biological father's lack of knowledge of the biological mother's pregnancy does not excuse an unmarried biological father's failure to file a claim of paternity pursuant to this chapter. An unmarried biological father's sexual intercourse or his consent to artificial insemination with the biological mother is deemed to be notice to the unmarried biological father of the biological mother's pregnancy.

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(M)(1) The registry is not available for public inspection and is not subject to disclosure under the Freedom of Information Act pursuant to Chapter 4, Title 30 except that:

(a) the department may file a written request with the registry regarding a child for whom the department has an open case for child welfare services;

(b) the department shall provide the names and addresses of all registrants who have filed a claim of paternity for the child in question upon written request of a child-placing agency or an attorney assisting in the adoption or termination of parental rights of a child. The written request may be filed with the registry before or after the birth of the child and must include:

(i) the mother's name and, if known, her address and date of birth;

(ii) if known, the child's date of birth and place of birth; and

(iii) if known, the date, county, and state of conception of the child.

(2) If a written request is submitted by or to the department pursuant to item (a) or (b) of subsection (M)(1), and no claim of paternity for the registrant is found, the department shall issue a certificate of diligent search verifying that a search of the registry has been conducted and that no claim of paternity regarding that registrant or child was found.

(N) A registrant who has filed a claim of paternity must be served with notice of any adoption proceeding and any termination of parental rights proceeding involving any child identified in the registrant's filed claim of paternity within ten days of receipt of the registrant's name and address by the attorney or child-placing agency pursuant to item (b) of subsection (M)(1).

(O) Should the department issue a certificate of diligent search, the attorney for the requesting party in an adoption proceeding or in a termination of parental rights proceeding shall file the certificate of diligent search with the court in which the proceeding is pending within ten days of receipt of the certificate.

(P) A registrant's claim of paternity shall remain on the registry until nineteen years after the claim of paternity has been filed with the registry, at which time the information may be purged from the registry. A registrant's claim of paternity shall be purged from the registry if the registrant revokes his claim of paternity pursuant to subsection (J).

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(Q) The department may promulgate regulations and forms necessary to implement the provisions of this section. The department shall produce and distribute a pamphlet or publication informing the public of the Responsible Father Registry. The pamphlet or publication shall indicate the procedure for registering and the consequences for failure to register.

(R)(1) Any unauthorized use, or attempted unauthorized use, of the registry is expressly prohibited, and any person or organization seeking, receiving, using, or publishing, or attempting to do so, of any information contained in the registry in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(2) A person who knowingly, maliciously, or in bad faith files a false claim of paternity with the registry is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.”/

Amend the bill, further by deleting SECTION 6 of the bill and inserting:

/SECTION 6. This act takes effect July 1, 2009, except that those provisions of Section 1 of this act pertaining to the establishment of the Responsible Father Registry and the receipt of claims of paternity by the registry take effect January 1, 2010, and those provisions of Section 1 of this act and Section 63-9-730 of the 1976 Code, as amended by Section 2 of this act, affecting an unmarried biological father’s right to receive notice in a termination of parental rights or an adoption action by filing a claim of paternity and Section 63-7-2550(B) of the 1976 Code, as added by Section 4 of this act, apply to termination of parental rights actions and adoption actions filed on or after July 1, 2010./

Re-number sections to conform.

Amend title to conform.

Rep. BANNISTER explained the amendment.

Rep. KENNEDY moved to adjourn debate on the Senate Amendments.

Rep. CLEMMONS moved to table the motion, which was agreed to.

Rep. BANNISTER spoke in favor of the Senate Amendments.

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SPEAKER *PRO TEMPORE* IN CHAIR

Rep. BANNISTER continued speaking.

The question then recurred to the adoption of the amendment.

The yeas and nays were taken resulting as follows:

Yeas 103; Nays 0

Those who voted in the affirmative are:

Agnew	Allen	Allison
Bales	Ballentine	Bannister
Barfield	Battle	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
H. B. Brown	Cato	Chalk
Clemmons	Clyburn	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Duncan	Edge	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Gullick
Gunn	Hamilton	Hardwick
Harrell	Harrison	Hayes
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Hutto	Jefferson	Jennings
Kelly	Kirsh	Knight
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Millwood
D. C. Moss	V. S. Moss	Nanney
J. H. Neal	J. M. Neal	Neilson
Ott	Owens	Parker
Pinson	E. H. Pitts	Rice
Rutherford	Sandifer	Scott
Sellers	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stewart	Stringer

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Thompson	Toole	Umphlett
Weeks	White	Whitmire
Williams	Willis	A. D. Young
T. R. Young		

Total--103

Those who voted in the negative are:

Total--0

The amendment was then adopted.

The Senate Amendments, as amended, were then agreed to, and the Bill was ordered returned to the Senate.

**H. 3562--SENATE AMENDMENTS CONCURRED IN AND
BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3562 -- Reps. Brady and Sandifer: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 PERTAINING TO INSURANCE, SO AS TO ADD THE DEFINITIONS OF "GENERAL APPOINTMENT", "LOCAL APPOINTMENT", "SPECIAL APPOINTMENT", "CROP INSURANCE", AND "TRAVEL INSURANCE", CORRECT ARCHAIC LANGUAGE, AND MAKE CONFORMING AMENDMENTS; TO AMEND SECTION 38-39-20, RELATING TO PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE THAT THE FEE FOR LICENSURE TO ENGAGE IN SERVICING INSURANCE PREMIUMS IN THIS STATE IS DUE ON A BIENNIAL BASIS RATHER THAN ON AN ANNUAL BASIS; TO AMEND SECTION 38-43-80, AS AMENDED, RELATING TO LICENSE FEES FOR INSURANCE PRODUCERS AND AGENCIES, SO AS TO PROVIDE FOR A BIENNIAL PRODUCER LICENSE RENEWAL FEE OF TWENTY-FIVE DOLLARS, INCREASE THE INITIAL PRODUCER LICENSE RENEWAL FEE FROM TWENTY DOLLARS TO TWENTY-FIVE DOLLARS, AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE

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PAYMENT OF APPOINTMENT FEES; TO AMEND SECTION 38-43-106, AS AMENDED, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS, SO AS TO PROVIDE THAT THE BIENNIAL COMPLIANCE PERIOD IS BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH; TO AMEND SECTION 38-43-110, AS AMENDED, RELATING TO THE DURATION OF AN INSURANCE PRODUCER'S LICENSE, SO AS TO PROVIDE THAT INDIVIDUAL LICENSES MUST BE RENEWED BIENNIALLY BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH AND PROVIDE FOR THE REQUIREMENTS RELATING TO RENEWAL; TO AMEND SECTION 38-43-200, AS AMENDED, RELATING TO THE PROHIBITION ON SPLITTING COMMISSIONS WITH AN UNLICENSED PERSON BY AN INSURANCE PRODUCER, SO AS TO DELETE THE EXISTING PROVISIONS AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE SPLITTING AND SHARING OF COMMISSIONS; TO AMEND SECTION 38-45-10, RELATING TO THE DEFINITIONS OF AN INSURANCE BROKER, SO AS TO PROVIDE FOR THE QUALIFYING DUTIES AND PROVIDE FOR EXCEPTIONS; AND TO AMEND SECTION 38-45-20, AS AMENDED, RELATING TO THE REQUIREMENTS FOR LICENSURE AS AN INSURANCE BROKER, SO AS TO DELETE THE REQUIREMENTS THAT A BROKER HOLD AT LEAST ONE APPOINTMENT.

Rep. SANDIFER explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 100; Nays 0

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Allison	Bales	Ballentine
Bannister	Barfield	Battle
Bedingfield	Bingham	Bowen
Bowers	Brady	Branham
Brantley	G. A. Brown	H. B. Brown
Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Cole
Cooper	Crawford	Daning

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Delleney	Dillard	Duncan
Edge	Erickson	Forrester
Funderburk	Gambrell	Gunn
Hamilton	Hardwick	Harrell
Harrison	Hayes	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Hutto
Jefferson	Jennings	Kelly
Kirsh	Knight	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	Mack
McEachern	McLeod	Merrill
Miller	Millwood	D. C. Moss
V. S. Moss	Nanney	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	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	Weeks	White
Whitmire	Williams	Willis
T. R. Young		

Total--100

Those who voted in the negative are:

Total--0

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

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**H. 3123--SENATE AMENDMENTS CONCURRED IN AND
BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

H. 3123 -- Reps. J. E. Smith, H. B. Brown, McLeod, Horne, Weeks, Hutto and T. R. Young: A BILL TO AMEND SECTION 40-5-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST ANY PERSON PRACTICING OR SOLICITING THE CAUSE OF ANOTHER PERSON IN A COURT OF THIS STATE UNLESS HE HAS BEEN ADMITTED AND SWORN AS AN ATTORNEY, SO AS TO PROVIDE THAT THE PERSON MUST BE ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR IN ORDER TO PRACTICE LAW OR SOLICIT THE LEGAL CAUSE OF ANOTHER, AND TO PROVIDE THE PRACTICE OF LAW SHALL BE DEFINED BY THE SUPREME COURT PRIOR TO ANY CHARGE BEING FILED PURSUANT TO THIS SECTION.

Rep. HARRISON explained the Senate Amendments.

The yeas and nays were taken resulting as follows:

Yeas 94; Nays 0

Those who voted in the affirmative are:

Agnew	Alexander	Allison
Anderson	Bales	Ballentine
Bannister	Barfield	Battle
Bingham	Bowers	Brady
Branham	Brantley	G. A. Brown
R. L. Brown	Cato	Chalk
Clemmons	Clyburn	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Duncan	Erickson	Forrester
Frye	Funderburk	Gambrell
Gilliard	Gullick	Hardwick
Harrell	Harrison	Hearn
Hiott	Hodges	Horne
Hosey	Hutto	Jefferson
Jennings	Kelly	Kirsh

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Knight	Limehouse	Loftis
Long	Lowe	Lucas
Mack	Merrill	Miller
Millwood	D. C. Moss	V. S. Moss
Nanney	J. M. Neal	Neilson
Ott	Parker	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	Stringer
Thompson	Toole	Umphlett
Weeks	White	Whitmire
Williams	Willis	A. D. Young
T. R. Young		

Total--94

Those who voted in the negative are:

Total--0

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

**S. 704--SENATE AMENDMENTS CONCURRED IN AND
BILL ENROLLED**

The Senate Amendments to the following Bill were taken up for consideration:

S. 704 -- Senators McGill and Cleary: A BILL TO AMEND SECTION 7-7-270, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GEORGETOWN COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE

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BUDGET AND CONTROL BOARD AND TO CORRECT
ARCHAIC REFERENCES.

The yeas and nays were taken resulting as follows:

Yeas 7; Nays 0

Those who voted in the affirmative are:

Anderson	Battle	Branham
Edge	Miller	D. C. Moss
J. M. Neal		

Total--7

Those who voted in the negative are:

Total--0

The Senate Amendments were agreed to, and the Bill having received three readings in both Houses, it was ordered that the title be changed to that of an Act, and that it be enrolled for ratification.

RETURNED TO THE SENATE WITH AMENDMENTS

The following Bill was taken up, read the third time, and ordered returned to the Senate with amendments:

S. 184 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 40-27-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO REQUIRE A PERSON WHO BUYS JUNK THAT CONSISTS OF TWENTY-FIVE POUNDS OF SCRAP METAL OR VEHICLE PARTS TO KEEP WITH THE RECORD OF PURCHASE A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS; TO AMEND SECTION 40-27-40, RELATING TO PENALTIES FOR VIOLATING PROVISIONS OF THE JUNK DEALER ARTICLE, SO AS TO INCREASE THE FINE FROM A MAXIMUM OF ONE HUNDRED DOLLARS TO FIVE HUNDRED DOLLARS AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56-5-5670, RELATING TO A DEMOLISHER PURCHASING OR ACQUIRING

[HJ]

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A VEHICLE TO DEMOLISH, SO AS TO REQUIRE A DEMOLISHER THAT ACQUIRES A VEHICLE OR VEHICLE PARTS WITH A TOTAL WEIGHT OF TWENTY-FIVE POUNDS OR MORE TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS AND TO ESTABLISH THAT A VIOLATION OF THOSE PROVISIONS IS A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NOT EXCEEDING FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; AND TO AMEND SECTION 56-5-5945, RELATING TO A DEMOLISHER OBTAINING A VEHICLE TITLE, SO AS TO REQUIRE A DEMOLISHER WHO PURCHASES OR ACQUIRES A VEHICLE OR VEHICLE PART WITH A TOTAL WEIGHT OF TWENTY-FIVE OR MORE POUNDS TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT PICTURE IDENTIFICATION CARD THAT SHOWS THE PERSON'S NAME AND ADDRESS AND THE YEAR, MAKE, MODEL, AND IDENTIFICATION NUMBER OF THE VEHICLE, IF AVAILABLE, ALONG WITH ANY OTHER IDENTIFYING FEATURES, AND TO PROVIDE A VIOLATION CONSTITUTES A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NO MORE THAN FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, OR BOTH, AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE.

H. 4007--ADOPTED

The following House Resolution was taken up:

H. 4007 -- Reps. Sellers, Funderburk, Miller and Anderson: A HOUSE RESOLUTION TO MEMORIALIZE ANY GOVERNMENTAL BODY SUBJECT TO THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE TO MAXIMIZE THE CREATION OF AMERICAN JOBS AND RESTORE ECONOMIC GROWTH AND OPPORTUNITY BY COMMITTING TO SPENDING ECONOMIC RECOVERY PLAN FUNDS PROVIDED

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TO THAT BODY BY THE AMERICAN TAXPAYERS ON PURCHASING MATERIALS, GOODS, AND SERVICES THAT ARE MADE OR PERFORMED IN THE UNITED STATES OF AMERICA WHENEVER AND WHEREVER POSSIBLE.

The Resolution was adopted.

H. 4014--ADOPTED

The following House Resolution was taken up:

H. 4014 -- Rep. Cobb-Hunter: A HOUSE RESOLUTION TO AUTHORIZE THE ANNUAL YOUTH LEGISLATIVE CONFERENCE TO USE THE HOUSE CHAMBER ON MONDAY, SEPTEMBER 28, 2009, FROM 9:00 A.M. TO 12:00 NOON FOR ITS ANNUAL MOCK SESSION.

The Resolution was adopted.

H. 4016--ADOPTED

The following House Resolution was taken up:

H. 4016 -- Rep. Barfield: A HOUSE RESOLUTION TO COMMEND THE REPUBLIC OF CHINA (TAIWAN) FOR ITS RELATIONS WITH THE UNITED STATES AND FOR OTHER PURPOSES.

The Resolution was adopted.

MOTION PERIOD

The motion period was dispensed with on motion of Rep. LOFTIS.

H. 3279--DEBATE ADJOURNED

Rep. HARRISON moved to adjourn debate upon the following Joint Resolution until Thursday, May 14, which was adopted:

H. 3279 -- Reps. T. R. Young, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Daning, Horne, Funderburk, Wylie, Bedingfield, Hart, Harrell and A. D. Young: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SECRETARY OF STATE FROM THE LIST OF

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STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SECRETARY OF STATE SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SECRETARY OF STATE MAY BE REMOVED FROM OFFICE.

H. 3280--DEBATE ADJOURNED

Rep. HARRISON moved to adjourn debate upon the following Joint Resolution until Thursday, May 14, which was adopted:

H. 3280 -- Reps. T. R. Young, Allison, Parker, D. C. Smith, G. R. Smith, J. R. Smith, Stewart, Millwood, Horne, Funderburk, Viers, Wylie, Bedingfield, Hart, Harrell and A. D. Young: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

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H. 3746--DEBATE ADJOURNED

Rep. HARRISON moved to adjourn debate upon the following Bill until Thursday, May 14, which was adopted:

H. 3746 -- Rep. Clemmons: 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

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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.

H. 3199--DEBATE ADJOURNED

Rep. HARRISON moved to adjourn debate upon the following Bill until Thursday, May 14, which was adopted:

H. 3199 -- Reps. Harrison, Allison, G. M. Smith, Weeks, Hutto and A. D. Young: A BILL TO AMEND SECTION 1-30-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, TO ENACT THE BEHAVIORAL HEALTH SERVICES ACT OF 2009, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES AND TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DEPARTMENT OF MENTAL HEALTH; TO AMEND SECTION 1-30-20, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO PROVIDE THAT THE POWER AND DUTIES OF THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1-30-70, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF MENTAL HEALTH ARE TRANSFERRED TO AND DEVOLVED

[HJ]

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UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF MENTAL HEALTH; BY ADDING SECTION 1-30-72 SO AS TO PLACE THE DEPARTMENT OF MENTAL HEALTH AND THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES UNDER THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; BY ADDING CHAPTER 8 TO TITLE 44 SO AS TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES COMPRISED OF THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DIVISION OF MENTAL HEALTH AND TO PROVIDE FOR THE DEPARTMENT'S POWERS AND DUTIES, INCLUDING DEVELOPING AND IMPLEMENTING A STATE PLAN FOR THE COORDINATED CARE AND UNIFIED DELIVERY OF BEHAVIORAL HEALTH SERVICES AND OVERSEEING THE ADMINISTRATION AND DELIVERY OF BEHAVIORAL HEALTH SERVICES; TO AMEND CHAPTERS 9, 11, 13, and 15 OF TITLE 44, RELATING, AMONG OTHER THINGS, TO THE ORGANIZATION AND OPERATION OF THE DEPARTMENT OF MENTAL HEALTH AND ITS FACILITIES, THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, AND LOCAL MENTAL HEALTH PROGRAMS AND BOARDS, SO AS TO CONFORM THESE CHAPTERS TO THE PROVISIONS OF THIS ACT AND TO PROVIDE THAT THE MENTAL HEALTH COMMISSION IS AN ADVISORY BOARD TO THE DIVISION OF MENTAL HEALTH; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT AND TO CREATE AN ADVISORY BOARD TO THE DIVISION; AND TO AMEND SECTIONS 44-52-10, 44-52-165, 44-52-200, AND 44-52-210, RELATING, AMONG OTHER THINGS, TO ALCOHOL AND DRUG ABUSE COMMITMENTS AND PROGRAMS FOR CHEMICALLY DEPENDENT PERSONS, SO AS TO CONFORM THESE SECTIONS TO THE PROVISIONS OF THIS ACT.

H. 3718--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3718 -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-148 SO AS TO PROHIBIT THE RESALE OF FRESH OR FROZEN

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MEAT OR MEAT PRODUCTS SOLD TO AND RETURNED BY A CONSUMER.

Rep. CLEMMONS proposed the following Amendment No. 2 (COUNCIL\NBD\11472AC09), which was adopted:

Amend the bill, as and if amended, by deleting Section 44-1-148 on page 3718-1 and inserting:

/Section 44-1-148. Fresh meat or fresh meat products sold to a consumer may not be offered to the public for resale for human consumption if the fresh meat or fresh meat products have been returned by the consumer./

Re-number sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

The amendment was then adopted.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 99; Nays 0

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Bales	Ballentine
Bannister	Barfield	Battle
Bedingfield	Bingham	Bowen
Bowers	Brady	Branham
Brantley	G. A. Brown	H. B. Brown
Cato	Chalk	Clemmons
Clyburn	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Duncan	Erickson
Forrester	Frye	Funderburk
Gambrell	Gullick	Gunn
Haley	Hamilton	Harrell
Harvin	Hayes	Hearn
Hodges	Horne	Hosey
Hutto	Jefferson	Jennings
Kelly	Kirsh	Knight
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas

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Mack	McEachern	Merrill
Miller	Millwood	D. C. Moss
V. S. Moss	Nanney	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	Parks
Pinson	E. H. Pitts	M. A. Pitts
Rice	Rutherford	Sandifer
Scott	Simrill	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Thompson	Toole	Umphlett
Weeks	White	Whitmire
Willis	A. D. Young	T. R. Young

Total--99

Those who voted in the negative are:

Total--0

So, the Bill, as amended, was read the second time and ordered to third reading.

S. 351--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

S. 351 -- Senators Grooms, McConnell and Ford: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54 OF THE 1976 CODE, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CAUSE, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE

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DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS, TO ESTABLISH A SOUTH CAROLINA STATE PORTS ADVISORY BOARD, AND SET THE MEMBERSHIP, DUTIES, AND RESPONSIBILITIES OF THE ADVISORY BOARD; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2, RELATING TO PORTS AUTHORITY MANAGEMENT, TO PROVIDE THAT THE BOARD OF DIRECTORS MUST HIRE AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR'S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140(5), TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS; TO AMEND SECTION 54-3-140, RELATING TO THE POWERS OF THE PORTS AUTHORITY, BY ADDING TWO NEW ITEMS THAT REQUIRE A LONG-RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN AND TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC-PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, AND TO PROVIDE THAT COPIES OF THE STATEMENT MUST BE FORWARDED TO THE ADVISORY COMMITTEE AND THE GENERAL ASSEMBLY; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54-3-1060, TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND MUST MAINTAIN ON ITS INTERNET WEBSITE A COPY OF EACH MONTHLY CREDIT CARD STATEMENT FOR ALL CREDIT CARDS MAINTAINED BY THE AUTHORITY; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13, RELATING TO LEGISLATIVE OVERSIGHT, TO REQUIRE REGULAR OVERSIGHT REVIEW OF THE AUTHORITY AND THE EXECUTIVE DIRECTOR.

Rep. BOWERS proposed the following Amendment No. 3 (COUNCIL\GGS\22343AB09), which was tabled:

[HJ]

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Amend the bill, as and if amended, by adding a new SECTION appropriately numbered to read:

/SECTION _____. From the State Ports Authority property at Port Royal in Beaufort County to be sold, a suitable portion from the proceeds of the sale identified by the Budget and Control Board shall be retained by the State for the purpose of providing a public access point to navigable water for general public use and access. The Department of Natural Resources shall manage and operate the property for the benefit of the citizens of South Carolina. If no suitable location for this public access area can be identified before the sale, the Budget and Control Board shall retain and use a sufficient portion of the proceeds of the sale to purchase such a location which in turn shall be used and managed in the manner provided in this section. /

Re-number sections to conform.

Amend title to conform.

Rep. BOWERS moved to table the amendment, which was agreed to.

Rep. ERICKSON proposed the following Amendment No. 4 (COUNCIL\NBD\11479HTC09), which was adopted:

Amend the bill, as and if amended, by adding a new SECTION appropriately numbered to read:

/SECTION _____. Section 54-3-700 of the 1976 Code, as added by Act 313 of 2004, is amended to read:

“Section 54-3-700. (A) Upon the effective date of this section:

(1) the State Ports Authority has no statutory responsibility to operate a marine terminal at Port Royal; and

(2) marine operations at Port Royal shall cease as soon as practicable.

(B) The State Ports Authority is hereby directed to sell all its real and personal property at Port Royal upon the effective date of this section, but in a manner that is financially responsible and advantageous to the State Ports Authority.

(C) The State Ports Authority shall, in its discretion, determine the manner of the sale, but in no event shall terms of the sale extend beyond December 31, ~~2006~~ 2010, except for parcels which may be under long-term contract, in which case the South Carolina Ports Authority is directed to terminate such leases as soon as possible through ‘lease purchases,’ ‘buy outs,’ or any other lawful means.

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(D) Any real or personal property at Port Royal which is to be sold must be first appraised and then sold at fair market value. The real property appraiser must be a State Certified General Real Estate Appraiser, a Member of the Appraisal Institute (MAI), and must be knowledgeable in appraisal and in appraising marine terminal facilities. The appraisal of the real property should include its future development opportunities and those of the surrounding properties. The sale of the real property shall comply with all state procedures, must be approved by the State Budget and Control Board, and must be on an open-bid basis, ~~and no bid may be accepted which is less than the property's fair market value as shown by the appraisal.~~ All proceeds from the sale of real and personal property at Port Royal must be retained by the State Ports Authority; provided, however, that the Town of Port Royal shall have the right to petition the State Budget and Control Board for a portion of the net proceeds from any sale and may be allocated a portion of these net proceeds in an amount not to exceed five percent of the net proceeds upon showing the allocation is necessary to pay for infrastructure needs directly associated with and necessitated by the closing of the port as Port Royal. These funds must be expended at the direction of the Town Council of Port Royal with the approval of the State Budget and Control Board, solely for the infrastructure, and shall have priority over all other expenditures except usual and necessary closing costs attributable to any sales contracts.”/

Renumber sections to conform.

Amend title to conform.

Rep. ERICKSON explained the amendment.

POINT OF ORDER

Rep. RUTHERFORD raised the Point of Order that Amendment No. 4 was out of order in that it was not germane to the Bill.

SPEAKER *PRO TEMPORE* CATO stated that a previously adopted amendment included a section that prohibited the State Ports Authority from selling any excess property without prior approval from the State Budget and Control Board. He stated further that Amendment No. 4 dealt with the sales of excess property of the Ports Authority and where the proceeds would go. Therefore, he overruled the Point of Order.

Rep. SKELTON spoke against the amendment.

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Rep. SKELTON moved to table the amendment, which was not agreed to.

The question then recurred to the adoption of the amendment.

Rep. WEEKS demanded the yeas and nays which were taken, resulting as follows:

Yeas 70; Nays 31

Those who voted in the affirmative are:

Agnew	Bales	Bannister
Barfield	Bowen	Bowers
Brady	Branham	Brantley
Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Cooper
Crawford	Daning	Delleney
Dillard	Edge	Erickson
Funderburk	Gambrell	Gilliard
Gunn	Hardwick	Harrell
Harrison	Harvin	Hayes
Herbkersman	Hodges	Horne
Hosey	Huggins	Hutto
Jefferson	Jennings	Kirsh
Knight	Limehouse	Loftis
Long	Lowe	Lucas
Mack	McEachern	McLeod
Merrill	D. C. Moss	V. S. Moss
Nanney	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
E. H. Pitts	Rutherford	Sandifer
Simrill	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Stavrinakis	Umphlett	A. D. Young
T. R. Young		

Total--70

Those who voted in the negative are:

Allen	Anderson	Bedingfield
G. A. Brown	H. B. Brown	Cole
Duncan	Forrester	Frye

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Gullick	Hamilton	Kelly
Littlejohn	Millwood	Parker
Parks	Pinson	M. A. Pitts
Rice	Scott	Skelton
D. C. Smith	Spires	Stewart
Stringer	Thompson	Toole
Weeks	White	Whitmire
Willis		

Total--31

So, the amendment was adopted.

Reps. HARRELL and MERRILL proposed the following Amendment No. 6 (COUNCIL\AGM\19466MM09), which was adopted:

Amend the bill, as and if amended, by striking Section 54-3-20 of the 1976 Code, as contained in SECTION 1 and inserting:

/ Section 54-3-20. (A) The members of the board shall be appointed by the Governor, with the advice and consent of the Senate, for terms of ~~seven~~ five years each and until their successors shall have been appointed, screened, and have qualified. In the event of a vacancy, however caused, a successor shall be appointed in the manner of original appointment for the unexpired term.

(B) Beginning January 15, 2011, the membership of the board shall consist of nine members all of whom must be residents of the State of South Carolina and shall include:

(1) one person appointed by the Governor upon the advice and consent of the Senate from each of the six congressional districts;

(2) one person appointed by the Governor upon the advice and consent of the Senate from the state at large;

(3) the Secretary of Transportation to serve ex officio;

(4) the Secretary of Commerce to serve ex officio.

(C) The terms of the members of the board serving in office on January 15, 2011, shall expire on this date. Beginning January 15, 2011, new members of the board shall be appointed and shall serve staggered terms. Nothing herein prohibits the reappointment of a former board member. In 2011 the members representing the first, second, and third congressional districts must be appointed for terms ending January 15, 2013. Thereafter, members representing the first,

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second, and third congressional districts must be appointed to terms of five years.

In 2011, members representing the fourth, fifth, and sixth congressional districts as well as the member representing the State at large must be appointed to five-year terms ending January 15, 2016.

(D) A candidate for appointment to the board may not be confirmed by the Senate or serve on the board, even in an interim capacity, until he is found qualified by possessing the abilities and experience and having the minimum qualifications contained in Section 54-3-60 as determined by the Joint Commission on Ports Authority Qualification. /

Amend the bill further, as and if amended, by striking Section 54-3-30 of the 1976 Code, as contained in SECTION 1, and inserting:

/ Section 54-3-30. ~~They~~ The board shall elect one of ~~their number~~ its members to serve as chairman ~~and~~ who shall serve for a term of two years in this capacity and may not serve more than three full two-year terms as chairman. The board also shall elect one member to serve as vice chairman, and ~~shall also elect a~~ one member to serve as secretary. The board shall meet upon the call of its chairman and a majority of its members shall constitute a quorum for the transaction of its business. /

Amend the bill further, as and if amended, by striking Section 54-3-60 of the 1976 Code, as contained in SECTION 1, and inserting:

/ Section 54-3-60. (A) Each member of the board except for the Secretary of Transportation and the Secretary of Commerce when they become members of the board must possess a four-year baccalaureate or more advanced degree from:

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

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

(3) an institution of higher learning in this State chartered prior to 1962.

(B) In lieu of the requirements in subsection (A), each board member must possess a background of at least five years in any one or any combination of the following fields of expertise:

(a) maritime shipping;

(b) labor related to maritime shipping;

(c) overland shipping by truck or rail, or both;

(d) international commerce;

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(e) finance, economics, or statistics;

(f) accounting;

(g) engineering;

(h) law; or

(i) business management gained from serving as a chief executive officer, president, or managing director of a business or any upper level management position with a business that is equivalent in duties and responsibilities to the positions listed in this item.

(C) When making appointments to the board, the Governor shall ensure that that the diverse interests represented by the port are represented. To the greatest extent possible, the Governor shall ensure that the membership of the board includes a certified public accountant, a member representing port users such as manufacturers, shippers, and importers, a member representing the state's economic development interests, and a member who has served as a corporate chief executive officer. Consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. /

Amend the bill further, as and if amended, by striking Section 54-3-70 of the 1976 Code, as contained in SECTION 1, and inserting:

/ Section 54-3-70. The board must contract with an entity not otherwise associated with the State Ports Authority to conduct an independent, annual performance review of the executive director and submit a written report of its findings to the board, the Governor, and the General Assembly. A draft of the performance review must be submitted to the executive director, and the executive director must be provided an opportunity to be heard by the board of directors before the board submits the final draft to the Governor and the General Assembly. /

Amend the bill further, as and if amended, by striking Section 54-3-118 of the 1976 Code, as contained in SECTION 14, and inserting:

/ Section 54-3-118. It is the intent of the General Assembly that the State Ports Authority board consider public-private partnerships with private investors that increase capital investments in port facilities and in the State of South Carolina. However, the board retains all authority associated with entering a public-private partnership on behalf of the port. /

Renumber sections to conform.

Amend title to conform.

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Rep. MERRILL explained the amendment.
The amendment was then adopted.

Rep. T. R. YOUNG proposed the following Amendment No. 7 (COUNCIL\NBD\11480HTC09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/SECTION ____ . Section 1-3-240(C)(1) of the 1976 Code, as last amended by Act 114 of 2007, is further amended by adding a new subitem at the end to read:

“(n) State Ports Authority.”/

Amend the bill further, as and if amended, by striking Section 54-3-50 of the 1976 Code, and inserting:

/ Section 54-3-50. Members of the board of directors may be removed by the Governor pursuant to Section 1-3-240(C)(1), a breach of duty required by Section 54-3-80, or entering into a conflict of interest transaction prohibited by Section 54-3-90. /

Renumber sections to conform.

Amend title to conform.

Rep. T. R. YOUNG explained the amendment.
The amendment was then adopted.

Rep. GILLIARD proposed the following Amendment No. 8 (COUNCIL\SWB\5912CM09), which was tabled:

Amend the bill, as and if amended, Section 24-3-20(B), as contained in SECTION 1 by deleting Section 54-3-20(B) and inserting:

/ (B) Beginning January 15, 2011, the membership of the board shall consist of ten members all of whom must be residents of the State of South Carolina and shall include:

(1) one person appointed by the Governor from each of the six congressional districts;

(2) one person appointed by the Governor from the state at large;

(3) the Secretary of Transportation to serve ex officio;

(4) the Secretary of Commerce to serve ex officio and

(5) a member of the International Longshoremen’s Union appointed by its rank-and-file members. /

Renumber sections to conform.

Amend title to conform.

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Rep. GILLIARD explained the amendment.

Rep. GILLIARD spoke in favor of the amendment.

Rep. BEDINGFIELD moved to table the amendment.

Rep. LOFTIS demanded the yeas and nays which were taken, resulting as follows:

Yeas 73; Nays 33

Those who voted in the affirmative are:

Allison	Ballentine	Bannister
Barfield	Battle	Bedingfield
Bingham	Bowen	Brady
H. B. Brown	Cato	Chalk
Clemmons	Cole	Cooper
Crawford	Daning	Delleney
Duncan	Edge	Erickson
Forrester	Frye	Funderburk
Gambrell	Gullick	Haley
Hamilton	Hardwick	Harrell
Harrison	Hearn	Herbkersman
Hiott	Horne	Huggins
Kelly	Kirsh	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	Merrill
Millwood	D. C. Moss	V. S. Moss
Nanney	Owens	Parker
Pinson	E. H. Pitts	M. A. Pitts
Rice	Scott	Simrill
Skelton	D. C. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stewart	Stringer	Thompson
Toole	Umphlett	White
Whitmire	Willis	A. D. Young
T. R. Young		

Total--73

Those who voted in the negative are:

Agnew	Alexander	Allen
Anderson	Bales	Bowers

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Branham	Brantley	G. A. Brown
R. L. Brown	Clyburn	Dillard
Gilliard	Gunn	Hart
Hayes	Hodges	Hosey
Hutto	Jefferson	Jennings
Kennedy	Knight	Mack
McEachern	McLeod	Miller
J. H. Neal	Neilson	Parks
Sellers	Weeks	Williams

Total--33

So, the amendment was tabled.

AMENDMENT NO. 4--RECONSIDERED AND TABLED

Rep. ERICKSON moved to reconsider the vote whereby Amendment 4 was adopted, which was agreed to.

Rep. ERICKSON moved to table the amendment, which was agreed to.

Reps. ERICKSON, BOWERS, BRANTLEY, CHALK, HERBKERSMAN and HODGES proposed the following Amendment No. 10 (COUNCIL\GGs\22346AB09), which was adopted:

Amend the bill, as and if amended, by adding new SECTIONS appropriately numbered to read:

/ SECTION ____ . Section 54-3-700 of the 1976 Code, as added by Act 313 of 2004, is amended to read:

“Section 54-3-700. (A) Upon the effective date of this section:

(1) the State Ports Authority has no statutory responsibility to operate a marine terminal at Port Royal; and

(2) marine operations at Port Royal shall cease as soon as practicable.

(B) The State Ports Authority is hereby directed to sell all its real and personal property at Port Royal upon the effective date of this section, but in a manner that is financially responsible and advantageous to the State Ports Authority.

(C) The State Ports Authority ~~shall~~, in its discretion, shall determine the manner of the sale, but in no event shall terms of the sale extend beyond December 31, ~~2006~~ 2010, except for parcels ~~which may~~ be under long-term contract, in which case the South Carolina Ports

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Authority is directed to terminate ~~such~~these leases as soon as possible through 'lease purchases', 'buy outs', or ~~any~~ other lawful means.

(D) Any real or personal property at Port Royal which is to be sold must be first appraised and then sold at fair market value. The real property appraiser must be a State Certified General Real Estate Appraiser, a member of the Appraisal Institute (MAI), and must be knowledgeable in appraisal and in appraising marine terminal facilities. The appraisal of the real property should include its future development opportunities and those of the surrounding properties. The sale of the real property shall comply with all state procedures, must be approved by the State Budget and Control Board, and must be on an open-bid basis, ~~and no bid may be accepted which is less than the property's fair market value as shown by the appraisal.~~ All proceeds from the sale of real and personal property at Port Royal must be retained by the State Ports Authority; ~~provided, however, except~~ that the Town of Port Royal ~~shall have the right to~~may petition the State Budget and Control Board for a portion of the net proceeds from ~~any~~a sale and may be allocated a portion of these net proceeds in an amount not to exceed five percent of the net proceeds upon showing the allocation is necessary to pay for infrastructure needs directly associated with and necessitated by the closing of the port as Port Royal. These funds must be expended at the direction of the Town Council of Port Royal with the approval of the State Budget and Control Board, solely for ~~the~~ infrastructure, and shall have priority over all other expenditures except usual and necessary closing costs attributable to ~~any~~a sales contracts."

SECTION ____ . Article 8, Chapter 3, Title 54 of the 1976 Code is amended by adding:

"Section 54-3-710. (A) When the State Ports Authority property at Port Royal in Beaufort County is sold, the greater of eight hundred thousand dollars or ten percent of the proceeds from this sale must be retained by the State for the purpose of providing a public use and access point to navigable water at a suitable location north of the Broad River in Beaufort County. If this suitable location is not identified prior to the sale of the State Ports Authority property, the Budget and Control Board shall reserve the funds retained from the sale proceeds and later use them to purchase this location for the public use and access point.

(B) The Department of Natural Resources shall manage and operate this public use and access point property for the benefit of the citizens of this state. /

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Renumber sections to conform.
Amend title to conform.

Rep. ERICKSON explained the amendment.
The amendment was then adopted.

Rep. MERRILL proposed the following Amendment No. 11 (COUNCIL\GJK\20356SD09), which was adopted:

Amend the bill, as and if amended, in Section 54-3-1300 of the 1976 Code, as contained in SECTION 7, by adding a new subsection (C) to read:

/ (C) In order to discharge their oversight responsibilities in regard to State Ports Authority operations and management, the Chairmen of the Senate Transportation Committee and House Ways and Means Committee may request and shall be provided within fifteen days after the request with any documents related to the sale or disposition or contemplated sale or disposition of any Ports Authority real property. The provisions of this section supersede any conflicting provisions contained in the Freedom of Information Act and these documents may be shared only with members of the chairmen's immediate staff or with other members of the General Assembly the chairmen choose to consult with over that matter. These documents and the information contained therein must be kept confidential, and are not subject to public disclosure, or any other disclosure not permitted by the provisions of this section. /

Renumber sections to conform.
Amend title to conform.

Rep. MERRILL explained the amendment.

Rep. SIMRILL demanded the yeas and nays which were taken, resulting as follows:

Yeas 102; Nays 0

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Allison	Anderson	Bales
Ballentine	Bannister	Barfield
Bedingfield	Bingham	Bowen
Brady	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown

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Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Cole
Cooper	Crawford	Daning
Delleney	Dillard	Duncan
Edge	Erickson	Forrester
Frye	Funderburk	Gambrell
Gullick	Haley	Hamilton
Harrell	Harrison	Hart
Hayes	Hearn	Herbkersman
Hodges	Horne	Hosey
Howard	Huggins	Hutto
Jefferson	Jennings	Kelly
Knight	Limehouse	Loftis
Long	Lowe	Lucas
Mack	McEachern	McLeod
Merrill	Miller	Millwood
D. C. Moss	V. S. Moss	Nanney
J. H. Neal	Neilson	Ott
Owens	Parks	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Sellers
Simrill	Skelton	D. C. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Thompson	Toole
Umphlett	Weeks	Whipper
White	Whitmire	Williams
Willis	A. D. Young	T. R. Young

Total--102

Those who voted in the negative are:

Total--0

So, the amendment was adopted.

Rep. G. R. SMITH proposed the following Amendment No. 5 (COUNCIL\GJK\20343SD09), which was adopted:

Amend the bill, as and if amended, by striking SECTION 54-3-70 of the 1976 Code, as contained in SECTION 1, and inserting:

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/ Section 54-3-70. The Joint Transportation Review Committee established pursuant to Section 57-1-710 shall conduct an independent, annual performance review of the executive director and submit a written report of its findings to the board, the Governor, and the General Assembly. A draft of the performance review must be submitted to the executive director, and the executive director must be provided an opportunity to be heard by the board of directors before the board submits the final draft to the Governor and the General Assembly. /

Renumber sections to conform.

Amend title to conform.

Rep. G. R. SMITH explained the amendment.

The amendment was then adopted.

Rep. MERRILL proposed the following Amendment No. 12 (COUNCIL\AGM\19480MM09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. The 1976 Code is amended by adding:

“Section 54-3-119. (A) Except as provided in subsection (B), the State Ports Authority Board is directed to sell under those terms and conditions it considers most advantageous to the authority and the State of South Carolina all real property it owns on Daniel Island and Thomas (St. Thomas) Island in Berkeley County. The sale shall be timed and concluded on a schedule that prudently considers all market conditions affecting the sale but in any event must be under contract for sale by December 31, 2011 and the sale done by December 31, 2012 or the property reverts to Berkeley County. The board to assist it in the sale shall have the property appraised by at least two independent qualified commercial appraisers not affiliated with the authority. No prior approval of the State Budget and Control Board or any other state or local public entity is required to effectuate the sale.

(B) The board shall give the right of first refusal to those former landowners on Daniel and Thomas (St. Thomas) Islands in Berkeley County who sold their land to the authority in anticipation of the authority’s exercise of eminent domain. The right of first refusal must provide that the landowner may repurchase his land at the same price for which the authority purchased it from him.” /

Renumber sections to conform.

Amend title to conform.

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Rep. MERRILL explained the amendment.

Rep. MERRILL spoke in favor of the amendment.

Rep. G. R. SMITH moved to table the amendment, which was rejected by a division vote of 24 to 34.

The question then recurred to the adoption of the amendment, which was agreed to.

Rep. OTT spoke upon the Bill.

Reps. MERRILL and OTT proposed the following Amendment No. 14 (COUNCIL\AGM\19482MM09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. The 1976 Code is amended by adding:

“Section 54-3-119. (A) Except as provided in subsection (B), the State Ports Authority Board is directed to sell under those terms and conditions it considers most advantageous to the authority and the State of South Carolina all real property it owns on Daniel Island and Thomas (St. Thomas) Island in Berkeley County. The sale shall be timed and concluded on a schedule that prudently considers all market conditions affecting the sale but in any event must be under contract for sale by December 31, 2011 and the sale done by December 31, 2012 or the property reverts to the Conservation Land Bank. The board to assist it in the sale shall have the property appraised by at least two independent qualified commercial appraisers not affiliated with the authority. The sale price must be equal to or greater than at least one of the independent appraisals. No prior approval of the State Budget and Control Board or any other state or local public entity is required to effectuate the sale.

(B) The board shall give the right of first refusal to those former landowners on Daniel and Thomas (St. Thomas) Islands in Berkeley County who sold their land to the authority in anticipation of the authority’s exercise of eminent domain. The right of first refusal must provide that the landowner may repurchase his land at the same price for which the authority purchased it from him.” /

Renumber sections to conform.

Amend title to conform.

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Rep. OTT explained the amendment.
The amendment was then adopted.

Rep. GILLIARD proposed the following Amendment No. 15 (COUNCIL\SWB\5922CM09), which was tabled:

Amend the bill, as and if amended, Section 24-3-20(B), as contained in SECTION 1 by deleting Section 54-3-20(B) and inserting:

/ (B) Beginning January 15, 2011, the membership of the board shall consist of ten members all of whom must be residents of the State of South Carolina and shall include:

(1) one person appointed by the Governor from each of the six congressional districts;

(2) one person appointed by the Governor from the state at large;

(3) the Secretary of Transportation to serve ex officio;

(4) the Secretary of Commerce to serve ex officio; and

(5) a member elected by the rank-and-file members of the International Longshoremen's Association, International Longshoremen's Association Clerks and Checkers, and the International Longshoremen's Association Container Maintenance . /

Renumber sections to conform.

Amend title to conform.

Rep. GILLIARD explained the amendment.

Rep. BEDINGFIELD moved to table the amendment.

Rep. FORRESTER demanded the yeas and nays which were taken, resulting as follows:

Yeas 67; Nays 33

Those who voted in the affirmative are:

Allison	Ballentine	Bannister
Bedingfield	Bingham	Bowen
Brady	H. B. Brown	Cato
Chalk	Cole	Cooper
Delleney	Duncan	Erickson
Forrester	Frye	Funderburk
Gambrell	Gullick	Haley
Hamilton	Hardwick	Harrell
Harrison	Herbkersman	Hiott

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Horne	Huggins	Kelly
Kirsh	Limehouse	Littlejohn
Loftis	Long	Lucas
Merrill	Millwood	D. C. Moss
V. S. Moss	Nanney	J. M. Neal
Owens	Parker	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stewart	Stringer	Thompson
Toole	Umphlett	White
Whitmire	Willis	A. D. Young
T. R. Young		

Total--67

Those who voted in the negative are:

Agnew	Alexander	Allen
Anderson	Bales	Brantley
G. A. Brown	Clyburn	Cobb-Hunter
Crawford	Daning	Dillard
Gilliard	Gunn	Hart
Harvin	Hodges	Hosey
Hutto	Jefferson	Kennedy
Knight	Mack	McEachern
McLeod	Miller	Mitchell
J. H. Neal	Parks	Rutherford
Sellers	Weeks	Whipper

Total--33

So, the amendment was tabled.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on Amendment No. 15 to S. 351. If I had been present, I would have voted against adoption of the Amendment.

Rep. Robert L. Brown

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Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 103; Nays 4

Those who voted in the affirmative are:

Agnew	Allen	Allison
Anderson	Bales	Ballentine
Bannister	Barfield	Battle
Bedingfield	Bingham	Bowen
Bowers	Branham	Brantley
G. A. Brown	H. B. Brown	Cato
Chalk	Clyburn	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Delleney	Dillard
Duncan	Edge	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Gullick
Hamilton	Hardwick	Harrell
Harrison	Hart	Harvin
Hearn	Herbkersman	Hiott
Hodges	Horne	Hosey
Howard	Huggins	Hutto
Jefferson	Kelly	Kirsh
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Mack	McLeod	Merrill
Miller	Millwood	Mitchell
D. C. Moss	V. S. Moss	Nanney
J. H. Neal	J. M. Neal	Neilson
Ott	Owens	Parker
Parks	Pinson	E. H. Pitts
M. A. Pitts	Rice	Rutherford
Sandifer	Scott	Sellers
Simrill	Skelton	D. C. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Stavrinakis	Stringer
Thompson	Toole	Umphlett
Weeks	Whipper	White

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Whitmire Willis A. D. Young
T. R. Young

Total--103

Those who voted in the negative are:

Gunn Haley Kennedy
Knight

Total--4

So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on S. 351. If I had been present, I would have voted in favor of the Bill.

Rep. Robert L. Brown

RECORD FOR VOTING

I inadvertently voted 'Nay' on S. 351, however, I wish the record to reflect my intention to vote in favor of the Bill.

Rep. Patsy Knight

S. 351--MOTION TO RECONSIDER TABLED

Rep. MERRILL moved to reconsider the vote whereby the following Bill was read second time:

S. 351 -- Senators Grooms, McConnell and Ford: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54 OF THE 1976 CODE, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR

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CAUSE, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS, TO ESTABLISH A SOUTH CAROLINA STATE PORTS ADVISORY BOARD, AND SET THE MEMBERSHIP, DUTIES, AND RESPONSIBILITIES OF THE ADVISORY BOARD; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2, RELATING TO PORTS AUTHORITY MANAGEMENT, TO PROVIDE THAT THE BOARD OF DIRECTORS MUST HIRE AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR'S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140(5), TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS; TO AMEND SECTION 54-3-140, RELATING TO THE POWERS OF THE PORTS AUTHORITY, BY ADDING TWO NEW ITEMS THAT REQUIRE A LONG-RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN AND TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC-PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, AND TO PROVIDE THAT COPIES OF THE STATEMENT MUST BE FORWARDED TO THE ADVISORY COMMITTEE AND THE GENERAL ASSEMBLY; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54-3-1060, TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND MUST MAINTAIN ON ITS INTERNET WEBSITE A COPY OF EACH MONTHLY CREDIT CARD STATEMENT FOR ALL CREDIT CARDS MAINTAINED BY THE AUTHORITY; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13, RELATING TO LEGISLATIVE OVERSIGHT, TO REQUIRE REGULAR OVERSIGHT REVIEW OF THE AUTHORITY AND THE EXECUTIVE DIRECTOR.

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Rep. MERRILL moved to table the motion to reconsider, which was agreed to.

Rep. HUGGINS moved that the House adjourn, pending receipt and acceptance of an invitation from the Senate to ratify Acts, which was agreed to.

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 3766 -- Reps. Scott, Umphlett, Daning, Jefferson, Merrill and Stewart: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF MYERS ROAD IN BERKELEY COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 17 "FIREFIGHTER BRANDON THOMPSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "FIREFIGHTER BRANDON THOMPSON HIGHWAY".

H. 3926 -- Reps. Knight, Horne and A. D. Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CROSSES FOUR HOLE SWAMP WHERE IT FLOWS INTO THE EDISTO RIVER ALONG WIRE ROAD IN DORCHESTER COUNTY THAT CONTAIN THE WORDS "MUCKENFUSS (1792 - 1813) MINUS (1813 - 1848) HARLEY (1848 - 1862) BRIDGE".

H. 3991 -- Reps. Stavrinakis, 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, Gullick, 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, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller,

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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, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, 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 DECLARE THE WEEK OF MAY 4-8, 2009, AS TEACHER APPRECIATION WEEK IN SOUTH CAROLINA AND TO EXPRESS THE SINCERE GRATITUDE OF THE CITIZENS OF SOUTH CAROLINA TO THE TEACHERS OF THIS GREAT STATE.

H. 4010 -- Reps. Bowers, R. L. Brown, Hodges and McLeod: A CONCURRENT RESOLUTION TO COMMEND MAYOR CHARLIE SWEAT OF WALTERBORO FOR HIS LIFETIME OF DEDICATED PUBLIC SERVICE, TO CONGRATULATE HIM UPON HIS RETIREMENT AS MAYOR OF WALTERBORO, AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

H. 4026 -- Reps. G. M. Smith, Weeks, Lowe, G. A. Brown and J. H. Neal: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. NINA G. GUNTER FOR A LIFETIME OF DEDICATION AND FAITHFUL SERVICE IN THE CHURCH OF THE NAZARENE, AND UPON THE OCCASION OF HER RETIREMENT TO WISH HER MANY YEARS OF HEALTH AND HAPPINESS IN THE FUTURE.

H. 4034 -- Rep. D. C. Smith: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND ROD GREENWAY, PRINCIPAL OF BELVEDERE ELEMENTARY SCHOOL IN AIKEN COUNTY, FOR HIS DISTINGUISHED FORTY-YEAR CAREER AS TEACHER, COACH, AND ADMINISTRATOR UPON THE OCCASION OF HIS RETIREMENT, AND TO EXTEND TO HIM EVERY BEST WISH IN ALL HIS FUTURE ENDEAVORS.

H. 4036 -- Rep. Allen: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND ODELL LEWIS ROBINSON OF LAURENS COUNTY UPON THE OCCASION OF THE ANNIVERSARY OF HIS EIGHTH YEAR AS PASTOR OF

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NEW BETHLEHEM BAPTIST CHURCH, AND TO WISH HIM ALL THE BEST AS HE LEADS HIS CONGREGATION IN FURTHER SPIRITUAL GROWTH AND SERVICE.

MESSAGE FROM THE SENATE

The following was received:

Columbia, S.C., May 13, 2009

Mr. Speaker and Members of the House:

The Senate respectfully invites your Honorable Body to attend in the Senate Chamber today at a mutually convenient time, for the purpose of ratifying Acts.

Very respectfully,
President

On motion of Rep. HUGGINS the invitation was accepted.

RATIFICATION OF ACTS

At 5:30 p.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R. 44, S. 13) -- Senators Leatherman, Elliott and Campbell: AN ACT TO AMEND SECTION 56-3-910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MOTOR VEHICLE FEES AND PENALTIES, SO AS TO PROVIDE THAT ALL FEES AND PENALTIES MUST BE PLACED IN THE STATE HIGHWAY ACCOUNT OF THE TRANSPORTATION INFRASTRUCTURE BANK WITHOUT CREDITING ANY TO THE DEPARTMENT OF TRANSPORTATION OR THE GENERAL FUND OF THE STATE.

(R. 45, S. 232) -- Senators Ryberg, Hutto, Massey, Coleman, O'Dell, Anderson, L. Martin and Nicholson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-52-220 SO AS TO DEFINE "RENEWABLE ENERGY RESOURCES" FOR PURPOSES OF THE SOUTH CAROLINA ENERGY EFFICIENCY ACT; BY ADDING ARTICLE 12 TO CHAPTER 52, TITLE 48 SO AS TO REQUIRE STATE AGENCIES TO CONSIDER AND IMPLEMENT COST EFFECTIVE ENERGY, WATER, AND WASTEWATER CONSERVATION MEASURES,

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TO PROVIDE FOR AUDITS, AND TO PROVIDE FOR REPORTS TO THE STATE ENERGY OFFICE; TO AMEND SECTIONS 48-52-210, 48-52-420, AND 48-52-430, RELATING TO THE POLICIES AND PURPOSES UNDERLYING THE PLAN FOR ENERGY POLICY, THE DUTIES OF THE STATE ENERGY OFFICE, AND THE ANNUAL STATE ENERGY ACTION PLAN, SO AS TO PROVIDE ADDITIONAL PURPOSES AND POLICIES APPLICABLE TO THE PLAN FOR ENERGY POLICY, PROVIDE THAT STRATEGIES OF THE STATE ENERGY OFFICE PROMOTING CLEAN ENERGY MUST INCLUDE NUCLEAR ENERGY, RENEWABLE ENERGY SOURCES, AND CONSERVATION AND EFFICIENCY MEASURES, AND PROVIDE FOR ADDITIONAL REPORTING BY THAT AGENCY; AND TO AMEND SECTION 58-3-530, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE, SO AS TO REQUIRE AN ANNUAL REVIEW OF THE STATE ENERGY ACTION PLAN FOR SUBMISSION TO THE GENERAL ASSEMBLY.

(R. 46, S. 26) -- Senator McConnell: AN ACT TO AMEND CHAPTER 8, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BUILDING CODES ENFORCEMENT OFFICERS, SO AS TO ESTABLISH A "SPECIAL INSPECTOR" TO PERFORM BUILDING INSPECTIONS IN ONE OR MORE CONSTRUCTION TRADE DISCIPLINES, AND TO PROVIDE THE LICENSING PROCEDURE TO REQUIRE AUTHORIZATION FOR PERFORMING THESE INSPECTIONS FROM THE SOUTH CAROLINA BUILDING CODES COUNCIL AND THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

(R. 47, S. 639) -- Senators O'Dell and Nicholson: AN ACT TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF GREENWOOD COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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(R. 48, S. 711) -- Senator Verdin: A JOINT RESOLUTION TO DIRECT THE CLEMSON UNIVERSITY REGULATORY AND PUBLIC SERVICE PROGRAMS DIVISION TO ESTABLISH A QUARANTINE FOR CITRUS GREENING, ALSO KNOWN AS HUANGLONGBING (CANDIDATUS LIBERIBACTER ASIATICUS) A DISEASE OF CITRUS PLANTS, AND TO PROVIDE REQUIREMENTS FOR AND THE DURATION OF THE QUARANTINE AND PENALTIES FOR VIOLATION.

(R. 49, H. 3560) -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

(R. 50, H. 3581) -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT THE PROVISIONS OF SECTION 6-27-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON AMENDING OR REPEALING PROVISIONS IN THE STATE AID TO SUBDIVISIONS ACT ARE SUSPENDED FOR FISCAL YEAR 2009-2010, AND TO PROVIDE THAT FOR FISCAL YEARS 2008-2009 AND 2009-2010 COUNTIES MAY TRANSFER AMONG APPROPRIATED STATE REVENUES AS NEEDED TO ENSURE THE DELIVERY OF SERVICES.

(R. 51, H. 3616) -- Rep. Simrill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 27 TO CHAPTER 53, TITLE 59 SO AS TO ENACT THE "STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION ACT"; TO CREATE THE AIKEN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE ORANGEBURG-CALHOUN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE SPARTANBURG COMMUNITY COLLEGE ENTERPRISE CAMPUS AUTHORITY, AND THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY; TO PROVIDE THAT EACH AUTHORITY MUST BE GOVERNED BY A BOARD,

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AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE BOARD; TO PROVIDE FOR LEASE AND LEASE PURCHASE AGREEMENT APPROVAL; TO PROVIDE THAT THE POWERS GRANTED TO AN AUTHORITY MUST COMPLY WITH THE PROCUREMENT CODE; TO PROVIDE FOR THE ISSUANCE OF BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS BY AN AUTHORITY; TO PROVIDE REPORTING REQUIREMENTS; TO PROVIDE THAT AN AUTHORITY IS NOT REQUIRED TO PAY TAXES AND ASSESSMENTS, AND THAT BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS ISSUED BY AN AUTHORITY MAY NOT BE TAXED; TO REQUIRE A COMMISSION TO DESIGNATE THE AREA THAT COMPRISES THE ENTERPRISE CAMPUS, AND TO FURTHER PROVIDE COMMISSION POWERS AND DUTIES WITH RESPECT TO ENTERPRISE CAMPUS PROPERTY.

(R. 52, H. 3730) -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT ALL FUNDS RECEIVED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (RECOVERY ACT) FOR THE CLEAN WATER STATE REVOLVING FUND AND DRINKING WATER STATE REVOLVING FUND MAY BE RECEIVED AND EXPENDED PURSUANT TO PROVISIONS OF THE RECOVERY ACT FOR SO LONG AS MONIES ARE AVAILABLE UNDER THE RECOVERY ACT.

(R. 53, H. 3914) -- Rep. White: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF SOCIAL SERVICES TO KEEP IN EFFECT CERTAIN CHILDCARE CENTER STAFF-CHILD RATIO REGULATIONS.

(R. 54, H. 3957) -- Rep. Herbkersman: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-1-55 SO AS TO PROVIDE THAT ON ANY NAVIGABLE RIVER IN THIS STATE WHERE AN OYSTER FACTORY IS LOCATED, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY UTILIZE QUALIFIED PERSONNEL OF THE COUNTY OR MUNICIPALITY IN WHOSE JURISDICTION THE FACTORY OPERATES TO ASSIST WITH THE MONITORING OF WATER QUALITY AND OTHER

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ENVIRONMENTAL STANDARDS THE DEPARTMENT IS
REQUIRED TO ENFORCE.

ADJOURNMENT

At 5:25 p.m. the House, in accordance with the motion of Rep. CLEMMONS, adjourned in memory of Angela Jean Liljenquist Weimer, to meet at 10:00 a.m. tomorrow.

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