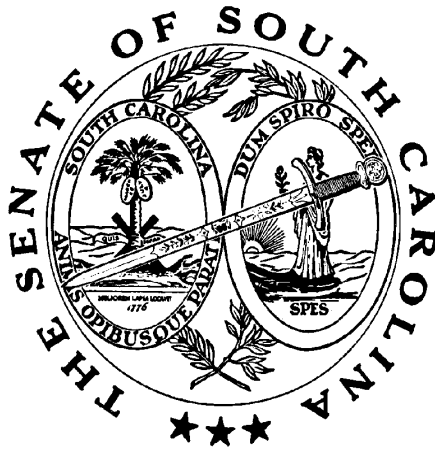


NO. 42

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

WEDNESDAY, APRIL 1, 2009

Wednesday, April 1, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

In the account of Jonah we read:

“But Jonah ran away from the Lord, and headed for Tarshish.”

(Jonah 1:3)

Let us pray:

It is no April Fool’s routine, O Lord: we know that there is no running away from You nor from what you expect of us, no evading responsibilities, no attempting to ignore clear realities. It is increasingly apparent that these are exceedingly difficult days for almost all South Carolinians. In one way or another present-day economic challenges hammer away at every institution, each agency, and every household. Therefore, dear God, more than ever strengthen these leaders that they might labor diligently for the people of this State, honoring You through their efforts and by their decisions. We pray this in Your loving name, O Lord.

Amen.

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

Doctor of the Day

Senator ALEXANDER introduced Dr. T. Edwin Evans of Seneca, S.C., Doctor of the Day, along with Resident Physician, Dr. Val Smetka.

Expression of Personal Interest

Senator LAND rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator KNOTTS, with unanimous consent, the remarks of Senator LAND, when reduced to writing and made available to the Desk, would be printed in the Journal.

WEDNESDAY, APRIL 1, 2009

Status Report on H. 3560, the General Appropriations Bill

Senator LEATHERMAN, Chairman of the Committee on Finance, gave a status report on H. 3560, the General Appropriations Bill, to the Senate and H.R. 1, the American Recovery and Reinvestment Act.

Report of the Subcommittee on K-12 Education

Senator PEELER, Chairman of the Subcommittee on K-12 Education, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on Constitutional and Administrative
Laws**

Senator THOMAS, Chairman of the Subcommittee on Constitutional and Administrative Laws, was recognized to report to the Senate regarding the work of the subcommittee.

**Report of the Subcommittee on Natural Resources and Economic
Development**

Senator MCGILL, Chairman of the Subcommittee on Natural Resources and Economic Development, was recognized to report to the Senate regarding the work of the subcommittee.

Report of the Subcommittee on Higher Education

Senator COURSON, Chairman of the Subcommittee on Higher Education, was recognized to report to the Senate regarding the work of the subcommittee.

Report of the Subcommittee on Health and Human Services

Senator ALEXANDER, Chairman of the Subcommittee on Health and Human Services, was recognized to report to the Senate regarding the work of the subcommittee.

Report of the Subcommittee on Corrections and Public Safety

Senator FAIR, Chairman of the Subcommittee on Corrections and Public Safety, was recognized to report to the Senate regarding the work of the subcommittee.

PRESIDENT *PRO TEMPORE* PRESIDES

At 4:54 P.M., Senator McCONNELL assumed the Chair.

WEDNESDAY, APRIL 1, 2009

CO-SPONSORS ADDED

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

S. 232 Sens. L. Martin, Nicholson
S. 630 Sens. Anderson, S. Martin
S. 618 Sen. Alexander

RECALLED

H. 3380 -- Rep. Funderburk: A BILL TO AMEND SECTION 7-7-340, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN KERSHAW 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 BUDGET AND CONTROL BOARD.

Senator SHEHEEN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

There was no objection and the Bill was recalled from the Committee on Judiciary.

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 656 -- Senator Sheheen: A BILL TO AMEND SECTION 59-63-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AGE OF ATTENDANCE IN PUBLIC SCHOOLS, SO AS TO ALLOW CHILDREN WHO HAVE SUBSTANTIALLY COMPLETED AN OUT-OF-STATE OR PRIVATE KINDERGARTEN PROGRAM OR FIRST GRADE WITH A DIFFERENT AGE REQUIREMENT TO ATTEND KINDERGARTEN OR FIRST GRADE IN SOUTH CAROLINA.

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

S. 657 -- Senator Bright: A BILL TO AMEND CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO PUBLIC

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INSTITUTIONS OF HIGHER LEARNING, BY ADDING SECTION 59-101-605, TO PROVIDE FOR A HIGHER EDUCATION BASE STUDENT COST AND TO PROVIDE THAT A PUBLIC INSTITUTION OF HIGHER LEARNING MUST BE FUNDED BY USING THE BASE STUDENT COST.

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

S. 658 -- Senators Mulvaney, Shoopman, Bryant, Davis, Rose, Massey, Campbell and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA FISCAL ACCOUNTABILITY ACT" BY ADDING SECTION 2-15-140 SO AS TO CREATE A DIVISION WITHIN THE LEGISLATIVE AUDIT COUNCIL TO CONDUCT EVALUATIONS OF PROGRAMS OF CERTAIN STATE AGENCIES AND DEPARTMENTS TO DETERMINE IF THESE PROGRAMS HAVE OUTLIVED THEIR USEFULNESS OR MUST BE CHANGED TO ADDRESS THE PRIORITIES AND NEEDS OF THE CITIZENS THEY AFFECT, PROVIDE FOR A PROCEDURE FOR THE INITIATION OF A REVIEW AND FOR DISPOSITION OF ITS FINDINGS AFTER A REVIEW HAS BEEN COMPLETED, REQUIRE THE GOVERNOR IN THE PREPARATION OF THE ANNUAL RECOMMENDED STATE BUDGET TO APPLY "ZERO-BASE" BUDGETING PRINCIPLES, AND REQUIRE THE HOUSE WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE IN THE CONSIDERATION OF THE ANNUAL GENERAL APPROPRIATIONS BILL AND BILLS OR JOINT RESOLUTIONS MAKING SUPPLEMENTAL APPROPRIATIONS TO APPLY "ZERO-BASE" BUDGETING PRINCIPLES.

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

S. 659 -- Senators Knotts, Alexander, Rose, S. Martin, Elliott, McConnell, Williams, Malloy, Peeler, Leatherman, Grooms, Campbell, Cromer, Cleary, Scott, Shoopman, Bryant, Ryberg, Bright, Davis and Setzler: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 29, 2009, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING

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MEMBERS OF THE BOARDS OF TRUSTEES FOR COASTAL CAROLINA UNIVERSITY, COLLEGE OF CHARLESTON, SOUTH CAROLINA STATE UNIVERSITY, WIL LOU GRAY OPPORTUNITY SCHOOL, AND WINTHROP UNIVERSITY TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE IN 2009, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION. IMMEDIATELY FOLLOWING ELECTION OF BOARDS OF TRUSTEE MEMBERS, THE HOUSE OF REPRESENTATIVES AND THE SENATE SHALL ELECT ONE MEMBER-AT-LARGE TO THE OLD EXCHANGE BUILDING COMMISSION TO SUCCEED THE MEMBER WHOSE TERM IS EXPIRING.

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On motion of Senator KNOTTS, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 660 -- Senators Mulvaney, Shoopman, Bryant, Davis, Rose, Campbell, Sheheen and Massey: A BILL TO AMEND SECTION 2-17-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS PROHIBITED FROM SERVING AS LOBBYISTS, SO AS TO INCREASE THE WAITING PERIOD FROM ONE TO FIVE YEARS DURING WHICH THESE PERSONS MAY NOT SERVE AS A LOBBYIST AFTER LEAVING PUBLIC OFFICE, AND TO CONFORM THE APPLICABLE DATES OF THESE PERSONS' ELECTION OR APPOINTMENT TO PUBLIC OFFICE OR SERVICE.

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

S. 661 -- Senator McConnell: A JOINT RESOLUTION TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL MAINTAIN ITS MEDICALLY FRAGILE CHILDREN'S PROGRAM AND SHALL PURSUE OPTIONS TO OBTAIN AUTHORITY TO MAINTAIN THE EXISTING PROGRAM WITH ITS CURRENT ELIGIBILITY CRITERIA.

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WEDNESDAY, APRIL 1, 2009

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

S. 662 -- Senator Mulvaney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF "PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS" SPECIAL LICENSE PLATES.

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

S. 663 -- Senators Rose, Davis, Bryant and Mulvaney: A CONCURRENT RESOLUTION TO EXPRESS THE BELIEF OF THE GENERAL ASSEMBLY THAT SHOULD THE GOVERNOR REQUEST STATE FISCAL STABILIZATION FUNDS THAT ANY CONDITIONS IMPOSED BY CONGRESS ON THE RECEIPT AND EXPENDITURE OF THESE FUNDS ONLY APPLY TO THE STATE DURING THE PERIOD THAT THE FUNDS ARE RECEIVED AND EXPENDED AND DO NOT OBLIGATE THE STATE TO ANY FURTHER CONDITIONS, AND IT IS THE INTENT OF THE GENERAL ASSEMBLY TO NOT IMPLEMENT ANY NEW OR INCREASE ANY EXISTING REVENUE RAISING MEASURE, INCLUDING, BUT NOT LIMITED TO, ANY FEE, FINE, OR TAX, TO SUPPORT ANY NEW PROGRAM OR INCREASE IN FUNDING OF ANY EXISTING PROGRAM RESULTING FROM THE RECEIPT OF STATE FISCAL STABILIZATION FUNDS.

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Senator ROSE spoke on the Resolution.

Objection

Senator ROSE asked unanimous consent to make a motion that the Resolution be placed on the Calendar without reference.

Senator LEATHERMAN objected.

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

S. 664 -- Senators Thomas, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis,

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Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE THE MANY CONTRIBUTIONS CREDIT UNIONS HAVE MADE TO THE COMMUNITIES IN THIS STATE AND THROUGHOUT THE COUNTRY, BOTH TANGIBLE AND INTANGIBLE, THROUGH THEIR FIRST ONE HUNDRED YEARS.

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

S. 665 -- Senator Ford: A CONCURRENT RESOLUTION TO HONOR AND CONGRATULATE MORNINGSIDE MIDDLE SCHOOL IN CHARLESTON COUNTY ON BEING NAMED WINNER OF THE 2009 DICK AND TUNKY RILEY SCHOOL IMPROVEMENT AWARD.

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

S. 666 -- Senators Rose, Bryant, Davis and Mulvaney: A CONCURRENT RESOLUTION TO EXPRESS THE INTENT OF THE GENERAL ASSEMBLY, THAT SHOULD THE GOVERNOR TAKE ALL ACTION NECESSARY TO REQUEST AND OBTAIN THE ENTIRE AMOUNT OF STATE FISCAL STABILIZATION FUNDS AVAILABLE PURSUANT TO TITLE XIV OF HR-1 OF 2009, THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, THAT THE GENERAL ASSEMBLY WILL OBLIGATE AN EQUIVALENT AMOUNT OF STATE REVENUE DURING FISCAL YEARS 2009-2010 AND 2010-2011 TO SERVICE OUTSTANDING STATE DEBT.

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Senator ROSE spoke on the Resolution.

Objection

Senator ROSE asked unanimous consent to make a motion that the Resolution be placed on the Calendar without reference.

Senator MALLOY objected.

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

S. 667 -- Senators Rose and Davis: A CONCURRENT RESOLUTION TO EXPRESS THE INTENT OF THE GENERAL ASSEMBLY THAT SHOULD THE GOVERNOR TAKE ALL ACTION NECESSARY TO REQUEST AND OBTAIN THE ENTIRE AMOUNT OF STATE FISCAL STABILIZATION FUNDS AVAILABLE PURSUANT TO TITLE XIV OF HR-1 OF 2009, THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, THAT THE GENERAL ASSEMBLY WILL STRIVE TO REDUCE THE APPROPRIATION OF GENERAL FUND STATE REVENUE BY AN AMOUNT EQUIVALENT TO THE AMOUNT OF FEDERAL FUNDS OBTAINED.

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Senator ROSE spoke on the Resolution.

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

S. 668 -- Senators Courson, Knotts, Cromer, Setzler, Jackson, Scott and Lourie: A BILL TO AMEND SECTIONS 53-5-10 AND 53-5-15, RELATING TO LEGAL HOLIDAYS FOR STATE EMPLOYEES, TO ESTABLISH CHRISTMAS EVE AS A LEGAL HOLIDAY.

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

S. 669 -- Senator Bright: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-15 SO AS TO TRANSFER THE POWERS, FUNCTIONS AND DUTIES, OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL RELATING TO THE REGULATION OF POISONS, DRUGS, AND CONTROLLED SUBSTANCES, OTHER THAN LEAD POISONING, TO THE STATE BOARD OF PHARMACY; AND TO AMEND SECTIONS 44-53-10, 44-53-50, 44-53-110, AS AMENDED, 44-53-160, 44-53-180, 4-53-200, 44-53-220, 44-53-240, 44-53-260, 44-53-280, SECTIONS 44-53-290 THROUGH 44-53-350, 44-53-360 AND 44-53-375, BOTH AS AMENDED, 44-53-395, 44-53-430, 44-53-450, 44-53-480, 44-53-490, 44-53-500, 44-53-520, AS AMENDED, ARTICLES 4

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AND 5, CHAPTER 53, TITLE 44, AND SECTION 44-53-930, ALL RELATING TO THE REGULATION OF POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, SO AS TO CONFORM THESE SECTIONS TO THIS TRANSFER.

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

S. 670 -- Senator Malloy: A BILL TO AMEND SECTION 63-11-710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCAL FOSTER CARE REVIEW BOARDS AND THE APPOINTMENT OF MEMBERS TO THESE BOARDS BY THE LEGISLATIVE DELEGATION OF THE REGION SERVED BY THE BOARD, SO AS TO DELETE THE PROVISION REQUIRING THE DELEGATION TO BE NOTIFIED OF VACANCIES BY CERTIFIED MAIL.

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Read the first time and referred to the 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.

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

S. 672 -- Senator Setzler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-26-87 SO AS TO PROVIDE THAT CERTAIN SPEECH-LANGUAGE PATHOLOGISTS WHO HAVE RECEIVED NATIONAL CERTIFICATION FROM THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION AND WHO ARE EMPLOYED IN A SOUTH CAROLINA PUBLIC SCHOOL DISTRICT SHALL RECEIVE A YEARLY INCENTIVE FOR THE LIFE OF THE CERTIFICATION, AND TO PROVIDE THAT THESE INCENTIVES MUST BE PAID FROM FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY FOR THIS PURPOSE IF AVAILABLE.

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

S. 673 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA MORTGAGE LENDING ACT", BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD-KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTION 34-1-20, AS AMENDED, RELATING TO APPOINTMENT OF MEMBERS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS, SO AS TO PROVIDE FOR A REPRESENTATIVE OF THE MORTGAGE BROKERS ASSOCIATION; TO AMEND SECTION 34-1-110, AS AMENDED, RELATING TO AUTHORITY OF CERTAIN FINANCIAL INSTITUTIONS TO ENGAGE IN BUSINESS, SO AS TO PROVIDE FOR MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTIONS 37-1-301, 37-3-105, 37-3-501, AND 37-23-20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH-COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR "ADJUSTABLE RATE MORTGAGE"; TO AMEND SECTIONS 37-23-40, 37-23-45, AND 37-23-75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH-COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29-4-20, RELATING TO THE DEFINITION OF "REVERSE MORTGAGE", SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE

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REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 674 -- Senators Davis, Bright, Shoopman, Rose, Bryant, Campsen, S. Martin, Grooms, Mulvaney, Massey and Verdin: A SENATE RESOLUTION TO AMEND THE RULES OF THE SENATE BY ADDING RULE 53, THE "SEVENTY-TWO HOUR BUDGET RULE", SO AS TO ALLOW ADDITIONAL PUBLIC INPUT INTO THE ENACTMENT OF APPROPRIATIONS BILLS AND REVENUE RAISING BILLS BY ESTABLISHING STRICT TIME LIMITS DURING WHICH VERSIONS OF APPROPRIATIONS BILLS AND REVENUE RAISING BILLS AND AMENDMENTS THERETO MUST BE PUBLICLY AVAILABLE BEFORE CONSIDERATION AND VOTES ON THESE BILLS AND TO PROVIDE THAT A TWO-THIRDS VOTE MAY WAIVE THESE TIME LIMITS.

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The Senate Resolution was introduced and referred to the Committee on Rules.

H. 3013 -- Reprs. Limehouse, Parker and Toole: A BILL TO AMEND SECTION 16-11-650, CODE OF LAWS OF SOUTH

[SJ]

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CAROLINA, 1976, RELATING TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES, OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS, OR UNCULTIVATED LANDS, SO AS TO REVISE THE ELEMENTS OF THE OFFENSE AND INCREASE PENALTIES FOR VIOLATIONS AND TO VEST JURISDICTION TO HEAR AND DISPOSE OF THIS OFFENSE IN MAGISTRATES COURT.

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

H. 3022 -- Reps. Kirsh, Wylie, G. M. Smith, Weeks and Mitchell: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT OF THE CHARGE, SO AS TO SPECIFICALLY INCLUDE THAT A CIRCUIT SOLICITOR'S OFFICE OR CLERK OF COURT MAY NOT CHARGE A FEE FOR THE DESTRUCTION OR EXPUNGEMENT OF RECORDS OR FOR THE APPLICATION PROCESS REGARDING THE DESTRUCTION OR EXPUNGEMENT OF RECORDS UNDER CERTAIN CIRCUMSTANCES.

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

H. 3131 -- Reps. Toole, M. A. Pitts and Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-711 SO AS TO DESIGNATE THE "SUMMER DUCK" AS THE OFFICIAL STATE DUCK.

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

H. 3147 -- Reps. G. R. Smith, Funderburk, Daning, Allison, G. M. Smith, Harrison, Wylie, Littlejohn, Bingham, Hamilton, Stavrinakis, T. R. Young, E. H. Pitts, McEachern, Ballentine, Gunn, Bedingfield, Millwood and Hutto: A BILL TO ENACT THE "SOUTH CAROLINA RESTRUCTURING ACT" INCLUDING PROVISIONS TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1-30-125 SO AS TO ESTABLISH THE

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DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1-11-20, AS AMENDED, 1-11-22, 1-11-55, 1-11-56, 1-11-58, 1-11-65, 1-11-67, 1-11-70, 1-11-80, 1-11-90, 1-11-100, 1-11-110, 1-11-180, 1-11-220, 1-11-225, 1-11-250, 1-11-260, 1-11-270, 1-11-280, 1-11-290, 1-11-300, 1-11-310, 1-11-315, 1-11-320, 1-11-335, 1-11-340, 1-11-435, 2-13-240, AS AMENDED, CHAPTER 9 OF TITLE 3; 10-1-10, 10-1-30, AS AMENDED, 10-1-40, 10-1-130, 10-1-190, AS AMENDED, CHAPTER 9 OF TITLE 10, 10-11-50, AS AMENDED, 10-11-90, 10-11-110, 10-11-140, 10-11-330; 11-9-610, 11-9-620, 11-9-630, 11-35-3810, AS AMENDED, 11-35-3820, AS AMENDED, 11-35-3830, AS AMENDED, 11-35-3840, AS AMENDED, 13-7-30, AS AMENDED, 13-7-830, 44-53-530, AS AMENDED, AND 44-96-140; 48-46-30, 48-46-40, 48-46-50, 48-46-60, 48-46-90, 48-52-410, 48-52-440, AND 48-52-460; BY ADDING SECTION 1-11-185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

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

H. 3464 -- Reps. Jennings, Cato, Nanney, Stringer, Wylie and Weeks: A BILL TO AMEND SECTION 7-13-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A POLL MANAGER REQUIRED TO BE A REGISTERED ELECTOR AND RESIDENT OF THE COUNTY IN WHICH HE IS ASSIGNED TO WORK, SO AS TO AUTHORIZE A POLL MANAGER TO WORK IN ANOTHER COUNTY AS LONG AS HE IS QUALIFIED.

[SJ]

WEDNESDAY, APRIL 1, 2009

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

H. 3615 -- Reps. Sandifer, Parks, King and Weeks: A BILL TO AMEND CHAPTER 7 OF TITLE 32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACTS, SO AS TO TRANSFER THE POWERS AND DUTIES FOR THE REGULATION OF PRENEED FUNERAL CONTRACTS FROM THE STATE BOARD OF FINANCIAL INSTITUTIONS TO THE DEPARTMENT OF CONSUMER AFFAIRS AND TO CONFORM THE PROVISIONS OF THIS CHAPTER TO THIS TRANSFER OF AUTHORITY, TO INCREASE CRIMINAL FINES FOR VIOLATIONS, TO PROVIDE FOR ADMINISTRATIVE PENALTIES, TO PROVIDE FOR A CONTESTED CASE HEARING FROM AN ORDER OF THE DEPARTMENT, AND TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 40-19-290, AS AMENDED, RELATING TO LICENSED EMBALMERS AND FUNERAL DIRECTORS RECEIVING PAYMENTS FOR PRENEED FUNERAL CONTRACTS, SO AS TO CHANGE "STATE BOARD OF FINANCIAL INSTITUTIONS" TO "SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS".

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

H. 3804 -- Reps. Bedingfield, Wylie, Cato, Allen, Bannister, Hamilton and Stringer: A BILL TO AMEND SECTION 7-7-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENVILLE COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF GREENVILLE 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.

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

H. 3806 -- Rep. Sellers: A CONCURRENT RESOLUTION TO DECLARE APRIL "DIVERSITY AND SOCIAL JUSTICE MONTH," IN ORDER TO CELEBRATE THE DIVERSITY OF ALL SOUTH CAROLINIANS AND DISPLAY SOUTH CAROLINA'S

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COMMITMENT TO CREATING AND SUSTAINING A JUST AND PEACEFUL WORLD.

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

REPORTS OF STANDING COMMITTEES

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 3121 -- Reps. J.E. Smith, E.H. Pitts, T.R. Young, Hutto, M.A. Pitts, Allison and Parker: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-15-75 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO REMOVE, OR ATTEMPT TO REMOVE, FROM THIS STATE MORE THAN TEN TURTLES OF CERTAIN NAMED SPECIES, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Ordered for consideration tomorrow.

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

H. 3301 -- Reps. Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J.R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Battle, Bowers, Brady, G.A. Brown, H.B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Horne, Kirsh, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E.H. Pitts, M.A. Pitts, Scott, Simrill, Skelton, D.C. Smith, G.R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-39-175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL-TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34-39-270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A

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PERSON WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34-39-280 SO AS TO REQUIRE THOSE APPLYING FOR LICENSES TO ENGAGE IN THE BUSINESS OF DEFERRED PRESENTMENT TO PROVIDE CERTAIN INFORMATION REGARDING EXTENDED PAYMENT PLANS; TO AMEND SECTION 34-39-130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34-39-180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED SIX HUNDRED DOLLARS.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., April 1, 2009

Mr. President and Senators:

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

H. 3352 -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E.H. Pitts, R.L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G.R. Smith, Knight, Willis, Neilson, T.R. Young, Cobb-Hunter, J.H. Neal, Clyburn, G.M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J.R. Smith, A.D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M.A. Pitts, Loftis, D.C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J.E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne, Bales and Umphlett: A JOINT

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RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TERA TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCE

S. 633 -- Senator Davis: A CONCURRENT RESOLUTION TO CONGRATULATE WENDELL WILBURN, FIRE CHIEF OF THE CITY OF BEAUFORT, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE CITY OF BEAUFORT, BEAUFORT COUNTY, AND THE STATE OF SOUTH CAROLINA, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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

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ORDERED ENROLLED FOR RATIFICATION

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

H. 3664 -- Rep. Merrill: A BILL TO AMEND SECTION 59-147-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF THE HIGHER EDUCATION REVENUE BOND ACT, SO AS TO CLARIFY THOSE ELIGIBLE FACILITIES WHICH MAY BE FINANCED UNDER THE ACT; AND TO REPEAL SECTION 59-147-120 RELATING TO LIMITATIONS ON THE ISSUANCE OF CERTAIN REVENUE BONDS.

H. 3664--Recorded Vote

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

THIRD READING BILLS

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

S. 324 -- Senators Malloy, Leventis, Lourie, Bryant, Courson, Scott, Williams, Davis and Cleary: A JOINT RESOLUTION TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS, REQUESTS TO EXPAND OR REPLACE EXISTING LANDFILLS, AND THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE UNTIL DECEMBER 31, 2010.

S. 324--Recorded Vote

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

S. 116 -- Senators Knotts and McConnell: A BILL TO AMEND SECTION 11-35-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR "OFFICE"; TO AMEND SECTION 11-35-1524, AS AMENDED, RELATING TO VENDOR

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PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11-35-3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

S. 116--Recorded Vote

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

S. 445 -- Senators Cleary and McGill: A BILL TO AMEND CHAPTER 13, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF FISH, BY ADDING SECTION 50-13-2017 TO ESTABLISH THE FLOUNDER POPULATION STUDY PROGRAM IN GEORGETOWN COUNTY, IN THE WATERS OF MURRELLS INLET ESTUARY, PAWLEYS ISLAND ESTUARY, AND THE CREEKS OF LITCHFIELD FLOWING INTO PAWLEYS ISLAND ESTUARY, TO SET FLOUNDER CATCH LIMITS AND PROHIBIT THE USE OF ARTIFICIAL ILLUMINATION POWERED BY GENERATORS, TO SET PENALTIES FOR VIOLATIONS OF THIS RESOLUTION, AND TO ESTABLISH THE DURATION OF THE PROGRAM.

S. 445--Recorded Vote

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

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SECOND READING BILLS

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

H. 3649 -- Reps. Hiott, Rice, Skelton and Owens: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON MARCH 2, 2009, BY THE STUDENTS OF THE SCHOOL DISTRICT OF PICKENS COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

On motion of Senator L. MARTIN the Resolution was read the second time.

S. 324--Ordered to a Third Reading

On motion of Senator MARTIN, S. 324 was ordered to receive a third reading on Thursday, April 2, 2009.

S. 643 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, BAG LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS; USE OF FERTILITY CONTROL OR OTHER CHEMICAL SUBSTANCES IN WILDLIFE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4042, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 654 -- Senators Mulvaney and Sheheen: A BILL TO AMEND SECTION 30-5-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PERFORMANCE OF THE REGISTER OF DEEDS' DUTIES BY THE CLERK OF COURT IN CERTAIN COUNTIES, SO AS TO PROVIDE LANCASTER COUNTY HAS A SEPARATE CLERK OF COURT AND REGISTER OF DEEDS; TO AMEND SECTION 30-5-12, AS AMENDED, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS IN CERTAIN COUNTIES, SO AS TO PROVIDE THE GOVERNING BODY OF LANCASTER COUNTY SHALL APPOINT THE REGISTER OF DEEDS FOR LANCASTER

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COUNTY; AND TO REPEAL ACT 454 OF 2000 RELATING TO THE TRANSFER OF THE DUTIES OF THE REGISTER OF DEEDS IN LANCASTER COUNTY TO THE RECORDS MANAGEMENT DIRECTOR OF LANCASTER COUNTY.

H. 3428 -- Reps. Harrell, Cooper and Ott: A BILL TO AMEND SECTION 2-7-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRINTING AND DISTRIBUTION OF ACTS, SO AS TO PROVIDE FOR THE MAILING OF ACTS NOT PLACED ON THE DESKS OF MEMBERS OF THE GENERAL ASSEMBLY WHEN THE MEMBER REQUESTS THE SERVICES, REQUIRE THE CLERKS OF THE GENERAL ASSEMBLY TO MAKE ALL ACTS AVAILABLE TO THE PUBLIC AFTER APPROVAL BY THE GOVERNOR, AND GENERALLY RESTRUCTURE THE DISTRIBUTION OF ACTS; TO AMEND SECTION 2-13-190, RELATING TO PRINTING IN SIGNATURES AND DISTRIBUTION OF PAGE PROOFS OR ADVANCE SHEETS, SO AS TO DELETE THE REQUIREMENT THAT THE CODE COMMISSIONER SEND A COPY OF EACH ADVANCE SHEET TO A DELINEATED LIST OF PERSONS, PROVIDE FOR PRINTING BY THE OFFICE OF LEGISLATIVE PRINTING, INFORMATION AND TECHNOLOGY SYSTEMS (LPITS) OF NOT MORE THAN TWENTY-FIVE COPIES OF THE ADVANCE SHEETS AS THE CODE COMMISSIONER ORDERS, AND TO DIRECT LPITS TO PUBLISH THE ADVANCE SHEETS ONLINE AS DIRECTED BY THE CODE COMMISSIONER; TO AMEND SECTION 8-15-40, RELATING TO THE DELIVERY OF THE CODE AND SUPPLEMENTS TO SUCCESSORS IN OFFICE, SO AS TO ALLOW THE CODE COMMISSIONER TO DETERMINE THE VALUE OF THE SET; TO AMEND SECTION 11-25-640, AS AMENDED, RELATING TO PERSONS ENTITLED TO RECEIVE ACTS AND JOINT RESOLUTIONS, SO AS TO NARROW THE LIST OF THOSE PERSONS RECEIVING THE ACTS AND JOINT RESOLUTIONS; AND TO AMEND SECTION 11-25-650, RELATING TO DISTRIBUTION OF COPIES AND PUBLICATIONS TO THE UNIVERSITY OF SOUTH CAROLINA LAW LIBRARY, SO AS TO DECREASE THE NUMBER OF COPIES PROVIDED OF THE ACTS AND JOINT RESOLUTIONS, THE CODE, AND THE REPORTS OF THE SUPREME COURT.

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ACTING PRESIDENT PRESIDES

At 5:33 P.M., Senator L. MARTIN assumed the Chair.

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN,
COMMITTEE AMENDMENT AMENDED AND ADOPTED,
READ THE SECOND TIME**

S. 239 -- Senators Massey, Rose and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-7-67 ENACTING THE "APPROPRIATIONS BILL EARMARK DISCLOSURE ACT", TO PROVIDE FOR THE DISCLOSURE OF INFORMATION SURROUNDING EARMARKS REQUESTED BY MEMBERS OF THE GENERAL ASSEMBLY FOR INCLUSION IN AN APPROPRIATIONS BILL, TO PROVIDE DEFINITIONS APPLICABLE FOR THIS DISCLOSURE, AND TO PROVIDE FOR THE ENFORCEMENT OF THESE DISCLOSURE REQUIREMENTS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the adoption of the previously proposed perfecting amendment by Senator MASSEY and printed in the journal of March 25, 2009.

Senator MASSEY asked unanimous consent to withdraw his perfecting amendment.

There was no objection and the perfecting amendment was withdrawn.

Senator MASSEY proposed the following amendment (239FIN002), which was adopted:

Amend the committee amendment as and if amended, page [239-2], by striking line 17 and inserting:

/ resolution.

(D) Any director, officer, or employee of any state agency, institution, or instrumentality or any other entity who requests funds in an appropriations bill be appropriated to a specific county, municipality, or non-profit organization must disclose to the House Ways and Means Committee or the Senate Finance Committee upon making the request, if any portion of the request was requested by a member of the General Assembly. The disclosure must be in writing and

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include when the request was made, the member requesting the project, and the specifics of the request. The request must then be recorded and maintained in the same manner as provided in subsection (A), unless the request has already been filed by the member.”/

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Finance proposed the following amendment (239FIN001), which was adopted:

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

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

“Section 2-7-67. (A)(1) Any member of the General Assembly who requests funds in an appropriations bill be appropriated to a specific county, municipality, or non-profit organization shall make the request in writing on a form designed jointly by the House Ways and Means Committee and the Senate Finance Committee. The form must include the member’s name, the specifics of the request, including the county, municipality, or non-profit organization for which the request was made, the purpose to be accomplished by the request, and such other information as the form may require. The form must be filed with the House Ways and Means Committee or Senate Finance Committee, as appropriate. The request must be published on the General Assembly’s website within three business days of filing. In the case of a request while an appropriations bill is under consideration by a committee of free conference, the form must be filed with the designee of the chairman of the committee of free conference and this filing applies, mutatis mutandis, in the manner of filing with a committee for purposes of consideration of the request in a committee of free conference. A request may not be considered in the House Ways and Means Committee or Senate Finance Committee or any subcommittee thereof or in a free conference committee for inclusion in an appropriations bill before the filing of the request form required pursuant to this subsection.

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(B) For purposes of Chapter 4, Title 30, a request made pursuant to this section shall be considered a public record.

(C) For purposes of this section, 'appropriations bill' means the annual general appropriations bill, a supplemental appropriations bill, the joint resolution appropriating revenues of the capital reserve fund, a bill appropriating contingency reserve fund revenues, or any other bill appropriating state revenues while these bills are under consideration by the House Ways and Means Committee or Senate Finance Committee, or any subcommittee thereof, and any free conference committee on an appropriations bill. For purposes of this definition, a bill includes a joint resolution." /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

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

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

H. 3378 -- Rep. Cooper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-192 SO AS TO PROVIDE FOR THE TERMS AND CONDITIONS OF MANDATORY STATE AGENCY FURLOUGH PROGRAMS AND TO DELETE THE PROVISIONS OF PARAGRAPH 89.120, PART IB, OF ACT 310 OF 2008, RELATING TO STATE AGENCY FURLOUGHS.

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

The Committee on Finance proposed the following amendment (3378FIN003), which was adopted:

Amend the bill, as and if amended, beginning on page 1, by striking lines 25 through line 1 on page 2, and inserting:

/ "Section 8-11-192. In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or in a fiscal year in which an agency that is funded by other funds projects other funds

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collections to be less than in the prior fiscal year, or whenever the General Assembly or the State Budget and Control Board implements a midyear across-the-board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur.

The furlough program must be:

(1) inclusive of all employees in an agency or within a designated department or program regardless of source of funds or place of work, including all classified and unclassified employees in the designated area; or

(2) based upon pay band for classified employees and based upon pay rate for unclassified employees within the agency or designated department respectively.

If the state agency will incur costs for overtime under the federal Fair Labor Standards Act, law enforcement employees and correctional employees may be exempted from a mandatory furlough. Employees who provide direct patient or client care and front-line employees who deliver direct customer services may be exempted from a mandatory furlough. The mandatory furlough must include the agency head. /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the committee amendment.

The committee amendment was adopted.

Senator KNOTTS proposed the following amendment (3378FIN005), which was adopted:

Amend the bill as and if amended, page 2, SECTION 1, by adding a new paragraph after line 35 to read:

/ The Office of Human Resources of the State Budget and Control Board must provide consultation and guidance to each state agency implementing a furlough or reduction in force regarding the long term career development of its employees and the potential financial benefit of implementing a furlough program or reduction in force./

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

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The amendment was adopted.

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

AMENDED, READ THE SECOND TIME

H. 3627 -- Reprs. Miller and Anderson: A BILL 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.

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

Senator CLEARY proposed the following amendment (3627R001.REC), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 11 - 14 and inserting:

/ shall be given priority of carriage. Provided, that special other trips on such boats the Sandy Island boat may be approved by the County Board of Education county school district, in which case the operations, logistics, and all costs shall be borne by the users school district to the extent that funds are available. The school district may contract with a third party to operate the ferry and manage the logistics associated with the other trips. Persons who are not /

Amend the bill further, as and if amended, page 2, by striking lines 17 - 20 and inserting:

/ Any person authorized for transportation pursuant to the provisions of this section shall, prior to boarding, execute a 'covenant not to sue' the State of South Carolina or any agency thereof, on a form approved by the State Department of Education. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

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The amendment was adopted.

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

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

RECALLED

S. 540 -- Senator Alexander: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY STUDENTS ATTENDING OCONEE COUNTY SCHOOLS ON MARCH 2, 2009, DUE TO SNOW, IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Senator ALEXANDER moved to recall the Joint Resolution from the Committee on Education.

The Joint Resolution was recalled from the Committee on Education was ordered placed on the Calendar for consideration tomorrow.

RECALLED AND ADOPTED

H. 3401 -- Reps. Willis, M.A. Pitts and Duncan: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME RAIDER ROAD (5-30-497) IN LAURENS COUNTY "JOHN K. HENDRICKS, JR. MEMORIAL MILE", AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "JOHN K. HENDRICKS, JR. MEMORIAL MILE".

Senator GROOMS moved to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation.

On motion of Senator GROOMS, with unanimous consent, the Concurrent Resolution was taken up for immediate consideration.

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On motion of Senator GROOMS, with unanimous consent, the Concurrent Resolution was adopted, ordered returned to the House.

Motion to Ratify Adopted

At 5:45 P.M., Senator McCONNELL asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

MOTION ADOPTED

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

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

PLACED ON THE CALENDAR

S. 487 -- Senators Bright, Reese and S. Martin: A BILL TO AMEND ACT 612 OF 1984, RELATING TO THE METHOD OF CONDUCTING ELECTIONS FOR MEMBERS OF THE SCHOOL DISTRICT BOARDS OF TRUSTEES IN SPARTANBURG COUNTY, TO REDUCE THE NUMBER OF QUALIFIED ELECTORS THAT MUST SIGN A PETITION FOR A PERSON TO PLACE HIS NAME AS A CANDIDATE ON THE BALLOT.

The House returned the Bill with amendments.

Ordered placed on the Calendar for consideration tomorrow.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

READ THE THIRD TIME, SENT TO THE HOUSE

S. 232 -- Senators Ryberg, Hutto, Massey, Coleman, O'Dell, Anderson and L. Martin: A BILL TO AMEND SECTION 48-52-210 OF THE 1976 CODE, RELATING TO THE PLAN FOR THE STATE ENERGY POLICY, TO ENCOURAGE THE USE OF CLEAN ENERGY SOURCES; AND TO AMEND ARTICLE 2, CHAPTER 52,

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TITLE 48 BY ADDING SECTION 48-52-220 TO PROVIDE A DEFINITION FOR "RENEWABLE ENERGY RESOURCES".

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

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives.

**COMMITTEE AMENDMENT ADOPTED, AMENDED
READ THE SECOND TIME
RETURNED TO THE CATEGORY OF SPECIAL ORDER**

S. 576 -- Senators McConnell, Malloy, Scott and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 2, SO AS TO ESTABLISH THE CAPITOL POLICE FORCE, WHICH SHALL CONSIST OF THE CAPITOL POLICE FORCE, THE SERGEANT AT ARMS OF THE SENATE, THE SERGEANT AT ARMS OF THE HOUSE, AND THE MARSHAL OF THE SUPREME COURT. (ABBREVIATED TITLE)

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

Senator McCONNELL explained the Bill.

Amendment No. P-1

Senator DAVIS proposed the following Amendment No. P-1 (MS\7316AHB09), which was laid on the table:

Amend the committee report, as and if amended, by deleting Section 2-4-40(A), as contained in SECTION 1, page 576-3, lines 4 through 11, and inserting:

/ Section 2-4-40. (A) There is hereby established a committee to be known as the 'Capitol Police Force Committee' consisting of two members of the Senate appointed by the President Pro Tempore, two members of the House of Representatives appointed by the Speaker, and two members appointed by the Chief Justice of the Supreme Court of South Carolina, and three members appointed by the Governor. The Director of General Services shall serve as a nonvoting ex officio member of the committee. /

Renumber sections to conform.

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Amend title to conform.

Senator DAVIS explained the amendment.

Senator McCONNELL argued contra to the adoption of the amendment.

Senator McCONNELL moved to lay the amendment on the table.

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

Ayes 30; Nays 7

AYES

Alexander	Campbell	Cleary
Coleman	Courson	Cromer
Elliott	Fair	Grooms
Hutto	Jackson	Knotts
Land	Leatherman	Leventis
Lourie	Malloy	<i>Martin, L.</i>
<i>Martin, S.</i>	Matthews	McConnell
McGill	Nicholson	O'Dell
Peeler	Rankin	Reese
Setzler	Sheheen	Williams

Total--30

NAYS

Bright	Bryant	Davis
Massey	Mulvaney	Rose
Shoopman		

Total--7

The amendment was laid on the table.

Statement by Senator HAYES

Had I been present at the time the vote was taken, I would have voted in favor of tabling the amendment.

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The Committee on Judiciary proposed the following amendment (JUD0576.004), which was adopted:

Amend the bill as and if amended, by striking all after the enacting language and inserting therein the following:

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

“CHAPTER 4

Capitol Police Force

Section 2-4-10. (A) In order to provide adequate police protection for the State House, the capitol grounds, and the Supreme Court Building including its grounds and parking lot, and all employees and visitors thereto, there is hereby established the Capitol Police Force.

(B) The Capitol Police Force shall consist of the following:

(1) the Capitol Police Force as described in this chapter;

(2) the Sergeant at Arms of the Senate as described in Chapter 3 of Title 2;

(3) the Sergeant at Arms of the House as described in Chapter 3 of Title 2; and

(4) the Marshal of the Supreme Court, as described in Section 14-3-135.

Section 2-4-20. The functions, powers, duties, responsibilities, and authority exercised by the Department of Public Safety and the Bureau of Protective Services at the State House and capitol grounds, in all state buildings and parking lots and garages on or around the capitol grounds, as defined in Section 10-11-310, and the Supreme Court Building including its grounds and parking lot, including all classified and unclassified positions currently held by Department of Public Safety and the Bureau of Protective Services employees whose duties involve providing security services, or the supervision or support of the provision of security services at the State House and capitol grounds, and in all state buildings and parking lots and garages on or around the capitol grounds, and the Supreme Court Building including its grounds and parking lot, and all real and personal property and equipment used in the provision of such security services, are transferred to and devolved on the Capitol Police Force. This transfer excludes those powers, duties, responsibilities, and authority related to the provision of security for the Governor, the Governor’s staff, and that part of the State House reserved for the executive chamber and the offices of the Governor’s staff.

Section 2-4-30. (A) The Capitol Police Force shall consist of:

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(1) the Chief of the Capitol Police Force and such deputy officers and other employees as he may employ pursuant to this chapter;

(2) the Sergeant at Arms of the Senate and such deputy officers and other employees as provided in Chapter 3 of Title 2;

(3) the Sergeant at Arms of the House and such deputy officers and other employees as provided in Chapter 3 of Title 2; and

(4) the Marshal of the Supreme Court and such deputy officers and other employees as provided in Section 14-3-135.

(B) The Sergeant at Arms of the Senate and the Sergeant at Arms of the House, and their deputy officers shall have exclusive care and charge over those areas of the State House described in Section 2-3-100, and shall have primary care and charge over those buildings on the capitol grounds where their respective members' offices and committee meeting rooms are located, and shall have primary responsibility for providing security services for their respective members attending public meetings located outside the State House and the capitol grounds. At public meetings attended by their respective members, the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, and their deputy officers shall be assisted by local law enforcement as needed.

(C) The Marshal of the Supreme Court and his deputy officers shall have primary responsibility over those areas specified in Section 14-3-135(A).

Section 2-4-40. (A) There is hereby established a committee to be known as the 'Capitol Police Force Committee,' consisting of three members of the Senate appointed by the President Pro Tempore, three members of the House of Representatives appointed by the Speaker, and three members appointed by the Chief Justice of the Supreme Court of South Carolina. The Director of General Services shall serve as a non-voting ex officio member of the committee.

(B) The Capitol Police Force Committee shall:

(1) appoint a Chief of the Capitol Police Force who shall serve at the pleasure of the committee and may be removed from office by the committee at its discretion;

(2) review and approve rules and regulations promulgated by the Chief of the Capitol Police Force;

(3) establish the salaries of the Chief, deputy officers or other police officers, and all employees of the Capitol Police Force, subject to appropriations being provided in the annual appropriations act;

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(4) adopt reasonable rules and regulations with respect to the security issues involving the parking of automobiles in all parking lots and garages on or around the capitol grounds as defined in Section 10-11-80(B), and the Supreme Court Building including its grounds and parking lot; and

(5) adopt a reasonable review process for all officers and employees of the Capitol Police Force aggrieved of any adverse employment action.

Section 2-4-50. (A) The Chief of the Capitol Police Force shall:

(A) adopt rules and regulations necessary to organize and provide for the operation of the Capitol Police Force, subject to review and approval by the Capitol Police Force Committee;

(B) employ such deputy officers and other employees as may be necessary to carry out the provisions of this chapter; and

(C) apply for and accept, with the approval of the Capitol Police Force Committee, any grants or other available forms of revenue, both public and private, that will assist in funding the provision of security services on the capitol grounds and the Supreme Court building including its grounds and parking lot.

Section 2-4-60. (A) The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, the Marshal of the Supreme Court, and their deputy officers shall have the same arrest power and power to serve criminal processes against offenders as officers of the South Carolina Law Enforcement Division and also the same power as such officers to arrest without warrants and to detain persons found violating or attempting to violate any laws of the State. The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, the Marshal of the Supreme Court, and their deputy officers shall also have the same power and authority held by officers of the South Carolina Law Enforcement Division for the enforcement of the criminal laws of the State.

(B) The Chief of the Capitol Police Force is authorized to enter into written agreements between other law enforcement jurisdictions for the purpose of criminal investigations pursuant to Section 23-1-215.

(C) The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, and the Marshal of the Supreme Court are required to furnish evidence to the Capitol Police Force Committee that they are knowledgeable as to the duties and responsibilities of a law enforcement officer or are required to undergo

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training in this field as is required of officers of the South Carolina Law Enforcement Division. All deputy officers are required to furnish evidence to the Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, or the Marshal of the Supreme Court that they are knowledgeable as to the duties and responsibilities of a law enforcement officer or are required to undergo training in this field as is required of officers of the South Carolina Law Enforcement Division.

(D) The Chief of the South Carolina Law Enforcement Division, or his designee, shall provide annual training to the Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, and the Marshal of the Supreme Court, and their deputy officers.

(E) The Chief of the Capitol Police force shall request assistance in providing security services at the State House and capitol grounds for special events and at any time when, in the discretion of the Chief of the Capitol Police Force, it is required. The Director of the Department of Public Safety, the Chief of the South Carolina Law Enforcement Division, the Chief of the City of Columbia Police, and any other law enforcement agency, must provide assistance when requested by the Chief of the Capitol Police.

(F) The Chief of the Capitol Police force shall coordinate criminal investigations conducted on the capitol grounds with the South Carolina Law Enforcement Division, and shall request its assistance with criminal investigations, when, in the discretion of the Chief of the Capitol Police Force, it is appropriate. The Chief of the South Carolina Law Enforcement Division must provide assistance in criminal investigations when requested by the Chief of the Capitol Police Force.

Section 2-4-70. (A) The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, the Marshal of the Supreme Court, and their deputy officers shall:

- (1) protect persons and property at the State House and capitol grounds, in all state buildings and parking lots and garages on or around the capitol grounds, as defined in Section 10-11-310, and in the Supreme Court Building including its grounds and parking lot;
- (2) preserve and maintain proper order and decorum;
- (3) prevent unlawful assemblies and disorderly conduct;
- (4) enforce the laws pertaining to trespass and other offenses provided for in Chapter 11 of Title 10;

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(5) provide security services for all persons and property involved in the operation and parking of motor vehicles in state parking lots and garages on or around the capitol grounds and at the Supreme Court Building parking lot; and

(6) enforce the laws of the State of South Carolina and arrest, with or without warrant, any person upon or in the areas described in this section who is or is reasonably believed to be committing an offense against any laws of the State of South Carolina, and to deliver the person to any court of competent jurisdiction to be dealt with according to the law.

(B) The Chief of the Capitol Police Force and his deputy officers shall have primary care and charge over those areas of the State House, the capitol grounds, and the Supreme Court parking lot not reserved to the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, or to the Marshal of the Supreme Court, pursuant to Section 2-4-30. Additionally, the Chief of the Capitol Police Force and his deputy officers shall have authority to patrol and respond to security or law enforcement related matters in any area located within a one block radius beyond the capitol grounds, as defined in Section 2-4-80.

Section 2-4-80. For purposes of this section, ‘capitol grounds’ shall mean that area inward from the vehicular traveled surfaces of Gervais, Sumter, Pendleton, and Assembly Streets in the city of Columbia. It shall also include the Supreme Court Building including its grounds and parking lot, and the sidewalks bordering that area.”

SECTION 2. Section 10-1-30 of the 1976 Code is amended to read:

“Section 10-1-30. (A) The Director of the Division of General Services of the State Budget and Control Board may authorize the use of the State House lobbies; in accordance with the rules and regulations of the Capitol Police Force Committee. The Director of the Division of General Services may authorize the use of the State House steps and grounds, and other public buildings and grounds in accordance with regulations promulgated by the board.

(B) The director shall obtain the approval of the Clerk of the Senate before authorizing any use of the Gressette Building and shall obtain the approval of the Clerk of the House of Representatives before authorizing any use of the Blatt Building.

(C) The regulations must contain provisions to insure that the public health, safety, and welfare will be protected in the use of the areas including reasonable time, place, and manner restrictions and application periods before use. If sufficient measures cannot be taken

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to protect the public health, safety, and welfare, the director shall deny the requested use. Other restrictions may be imposed on the use of the areas as are necessary for the conduct of business in those areas and the maintenance of the dignity, decorum, and aesthetics of the areas.

(D) The Capitol Police Force shall provide security services for all uses of the State House lobbies, State House steps and grounds, and all public buildings and grounds on the capitol grounds, except as limited by Section 2-4-20. The director shall consult with the Chief of the Capitol Police Force regarding security issues prior to authorizing the use of or the placement of restrictions on the use of the State House lobbies, steps, or grounds, or public buildings and grounds on the capitol grounds.”

SECTION 3. Chapter 11 of Title 10 of the 1976 Code is amended to read:

“Chapter 11

Trespasses and Offenses

Section 10-11-10. It shall be unlawful for any person, without the permission of the State Budget and Control Board or a member of that Board, to enter upon or walk upon the roof of the State House. Any person violating the provisions of this section shall be punished by a fine of not more than one hundred dollars or imprisoned for not more than thirty days ~~on the public works of Richland County~~ for each offense.

Section 10-11-20. It shall be unlawful to use the State House or capitol grounds for any purpose not authorized by law. Any violation of the provisions of this section shall be punishable by imprisonment for a period not exceeding thirty days or by a fine of not over one hundred dollars.

Section 10-11-30. It shall be unlawful for any person to trespass upon the grass plots or flower beds of the capitol grounds of the State House or ~~of~~ the Governor’s mansion, or of the grounds surrounding any of the State office buildings located in the area bounded by Assembly, Gervais, Bull, and Pendleton Streets in the city of Columbia, to damage or deface any of the buildings, or to cut down, deface, mutilate or otherwise injure any of the statues, trees, shrubs, grasses or flowers on the grounds or commit any other trespass upon any property of the State, real or personal, located thereon.

Section 10-11-40. It shall be unlawful for any person, except State officers and employees and persons having lawful business ~~in the buildings~~ on the capitol grounds, to use any of the driveways, alleys, or

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parking spaces upon any of the property of the State, ~~bounded by Assembly, Gervais, Bull and Pendleton Streets in the city of Columbia within the capitol grounds~~, upon any regular weekday, Saturdays and holidays excepted, between the hours of eight-thirty A. M. and five-thirty P. M., whenever the buildings are open for business.

Section 10-11-50. It shall be unlawful for anyone to park any vehicle on any of the property described in Section 10-11-40 and subsection ~~(2)~~ (B) of Section 10-11-80 except in the spaces and manner now marked and designated or that may hereafter be marked and designated by the State Budget and Control Board, in cooperation with the Department of Transportation and the Capitol Police Force, or to block or impede traffic through the alleys and driveways.

Section 10-11-60. It shall be unlawful to operate a motor vehicle on any of the property described in Section 10-11-40 and subsection ~~(2)~~ (B) of Section 10-11-80 at a speed in excess of ten miles per hour. All of the State laws regulating traffic upon the highways and streets shall apply to the operation of motor vehicles within the area, except as modified hereby.

Section 10-11-70. All of the general criminal laws of the State are hereby declared to be in full force and effect within the area described in Sections 10-11-30 and 10-11-40 and subsection ~~(2)~~ (B) of Section 10-11-80.

Section 10-11-80. ~~(1)~~ (A) Except as provided in subsection (B) of this section, parking lots which are situated on the property of the State shall be reserved for the employees of the State. The parking lots referred to by this section shall be policed by the Department of Public Safety and no person not authorized by this section shall be allowed to occupy such parking lots. Parking lots referred to in this section are confined to those located in the City of Columbia.

~~(2)~~ (B) ~~The parking lots located on the corner of Main and Senate Streets shall be reserved exclusively for members of the General Assembly, the clerks, chaplains, sergeants at arms, reading clerks of both houses and the Code Commissioner during such time as the legislature is in session, after which it shall be reserved as other state parking lots.~~ located upon, around or under any of the property of the State bounded by Assembly, Gervais, Sumter, and Pendleton streets in the city of Columbia, and the Supreme Court Building parking lot shall be policed by the Capitol Police Force, and no person not authorized by this section shall be allowed to occupy such parking lots. The use of

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~~this~~ these lots by unauthorized persons shall constitute a misdemeanor, punishable as provided for in Section 10-11-120.

~~Section 10-11-90. The watchmen and policemen employed by the Budget and Control Board for the protection of the property described in Sections 10-11-30 and 10-11-40 and subsection (2) of Section 10-11-80 are hereby vested with all of the powers, privileges and immunities of constables while on this area or in fresh pursuit of those violating the law in this area, provided that such watchmen and policemen take and file the oath required of peace officers, execute and file bond in the form required of State constables, in the amount of one thousand dollars, with the Budget and Control Board, and be duly commissioned by the Governor.~~

Section 10-11-100. ~~In addition to the enforcement of Sections 10-11-30 to 10-11-70 and subsection (2) of Section 10-11-80 by the watchmen mentioned in Section 10-11-90, all~~ All lawful highway patrolmen and police officers of the city of Columbia may enforce the criminal laws of this State and the provisions of such sections and subsection within the area described in Sections 10-11-30 and 10-11-40 and subsection ~~(2)~~ (B) of Section 10-11-80.

Section 10-11-110. In connection with traffic and parking violations only, ~~the watchmen and policemen referred to in Section 10-11-90~~ the Capitol Police Force, State highway patrolmen and policemen of the city of Columbia shall have the right to issue and use parking tickets of the type used by the city of Columbia, with such changes as are necessitated hereby, to be prepared and furnished by the Budget and Control Board, upon the issuance of which the procedures shall be followed as prevail in connection with the use of parking tickets by the city of Columbia. Nothing herein shall restrict the application and use of regular arrest warrants.

Section 10-11-120. The violation of any of the provisions of Sections 10-11-40 to 10-11-60 and subsection ~~(2)~~ (B) of Section 10-11-80 shall constitute a misdemeanor and, upon conviction thereof, the offender shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days. The penalties for violation of any of the other criminal laws of the State shall be as provided for by law.

Section 10-11-130. ~~The recorder of the city of Columbia and the magistrate of the Columbia district are hereby separately~~ municipal judge and the Richland County Magistrate are vested with all jurisdiction necessary to hear, try, and determine criminal cases

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involving any violations of Sections 10-11-30 to 10-11-120 where the punishment does not exceed ~~a fine of one hundred dollars or imprisonment of thirty days~~ the jurisdictional limits of municipal court or magistrate's court.

Section 10-11-140. Nothing contained in this article shall be construed to abridge the authority of the State Budget and Control Board to grant permission to use the State House grounds for educational, electrical decorations, and similar purposes.

~~Section 10-11-150. In order to preserve public safety and provide appropriate staging space in the areas adjacent to the Capitol complex during the period of the State House Renovation Project, notwithstanding any provision of law or ordinance to the contrary, the Department of Transportation is empowered and directed to take appropriate steps regarding traffic routing and flow and pedestrian access in the area around the Capitol Complex as directed by the committee established by Section 2 of an act of 1995 bearing ratification no. 62.~~

Section 10-11-310. As used in this article, 'capitol grounds' shall be that area inward from the vehicular traveled surfaces of Gervais, Sumter, ~~Senate~~ Pendleton, and Assembly Streets in the city of Columbia. It shall also include the Supreme Court Building including its grounds and parking lot, and the sidewalks bordering that area.

Section 10-11-315. It is unlawful for a person to wilfully and maliciously deface, vandalize, damage, or destroy or attempt to deface, vandalize, damage, or destroy any monument, flag, flag support, memorial, fence, or structure located on the capitol grounds, and a person convicted of a violation of this section shall be punished pursuant to the provisions of Section 10-11-360.

Section 10-11-320. (A) It is unlawful for any person or group of persons to:

(1) carry or have readily accessible to the person upon the capitol grounds or within the capitol building any firearm or dangerous weapon; or

(2) discharge any firearm or to use any dangerous weapon upon the capitol grounds or within the ~~capitol building~~ State House.

(B) This section does not apply to a person who possesses a concealable weapons' permit pursuant to Article 4, Chapter 31, Title 23 and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain locked in the person's vehicle while on or below the capitol grounds and must be

stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds, except for those persons named in Section 23-31-240 who may carry concealable weapons anywhere within the State when carrying out the duties of their office, if they possess a valid permit.

Section 10-11-325. (A) It is unlawful for a person knowingly to possess, have readily accessible to the person, or transport by any means upon the capitol grounds or within the ~~capitol building~~ State House any explosive, destructive device, or incendiary device. A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned for not less than two years nor more than fifteen years.

(B) It is unlawful for a person intentionally to detonate an explosive or destructive device or ignite any incendiary device upon the capitol grounds or within the ~~capitol building~~ State House. A person who violates this subsection is guilty of a felony and, upon conviction:

(1) in cases resulting in the death of another person where there was malice aforethought, must be punished by death, by imprisonment for life, or by a mandatory minimum term of imprisonment for thirty years;

(2) in cases resulting in the death of another person where there was not malice aforethought, must be imprisoned not less than two years nor more than thirty years;

(3) in cases resulting in injury to a person, must be imprisoned for not less than ten years nor more than twenty-five years;

(4) in cases resulting in damage to a building or other real or personal property, must be imprisoned for not less than two years nor more than twenty-five years.

Section 10-11-330. It shall be unlawful for any person or group of persons willfully and knowingly: (a) to enter or to remain within the ~~capitol building~~ State House unless such person is authorized by law or by rules of the House or Senate, ~~or of the State Budget and Control Board, or the Capitol Police Force,~~ when such entry is done for the purpose of uttering loud, threatening and abusive language or to engage in any disorderly or disruptive conduct with the intent to impede, disrupt or disturb the orderly conduct of any session of the legislature or the orderly conduct within the building or of any hearing before or any deliberation of any committee or subcommittee of the legislature; (b) to obstruct or to impede passage within the capitol grounds or ~~building~~ State House; (c) to engage in any act of physical violence

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upon the capitol grounds or within the ~~capitol building~~ State House; or (d) to parade, demonstrate or picket within the ~~capitol building~~ State House.

Section 10-11-340. Nothing contained in this article prohibits any officer or employee or persons otherwise authorized and required to perform duties within the ~~capitol building~~ State House from performing their normal duties, including the carrying of firearms, except as may be limited by the rules of either House within their respective chambers.

Section 10-11-350. Nothing contained in this article shall prohibit the normal, peaceful entry of the general public upon the capitol grounds or within the ~~capitol building~~ State House, subject only to laws or rules governing that portion of the capitol grounds which may be entered and the hours during which the ~~capitol building~~ State House shall be open.

Section 10-11-360. A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years, or both. The penalties provided for in this section do not apply to Section 10-11-325.”

SECTION 4. Chapter 3 of Title 14 is amended by adding:

“Section 14-3-135. (A) The Supreme Court shall appoint a Marshal of the Supreme Court who, under the supervision and direction of the Clerk of the Supreme Court, shall have primary responsibility over the Supreme Court Building including its grounds and parking lot, and the Calhoun Building on the capitol grounds. The Marshal shall be held responsible for providing security services at the Supreme Court Building including its grounds and parking lot and the Calhoun Building, and shall be held responsible for their keeping and the keeping and protection of the furniture and furnishings belonging to them. Additionally, the Marshal shall provide security services at other locations where the Supreme Court or Court of Appeals may hold court or attend meetings, and shall be assisted by local law enforcement as needed.

(B) The Marshal shall employ such deputies and other employees as may be necessary to carry out the provisions of this subsection.

(C) The duties of the Marshal and his deputies are:

(1) the security of personnel and property of the Supreme Court Building including its grounds and parking lot, the Calhoun

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Building, and at such other locations where the Supreme Court or Court of Appeals may hold court;

(2) as provided by law; and

(3) as designated by the Supreme Court.

(D) The Marshal and his deputies shall meet and escort visitors as necessary about the Supreme Court Building or the Calhoun Building.”

SECTION 5. (A) The provisions of this act take effect upon approval by the Governor.

(B) Where the provisions of this act transfer particular entities, sections, divisions, or portions thereof of one state agency (transferring agency) to another state agency or entity (receiving agency), the employees and positions, authorized appropriations, and real and personal property of the transferring agency are also transferred to and become part of the receiving agency unless otherwise specifically provided. All classified or unclassified personnel of the transferring agency shall become employees of the receiving agency, with the same compensation, classification, and grade level, as applicable, unless an employee being transferred is offered and accepts a position with the transferring agency that is not being transferred under this act. The Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer and shall, after consultation with the agency heads of the transferring and receiving agencies, prescribe the manner in which the transfer provided for in this section shall be accomplished. The agency heads of the transferring and receiving agencies shall cooperate fully.

(C) Employees or personnel of the transferring agency transferred to or made a part of the receiving agency shall continue to occupy the same office locations and facilities which they now occupy unless or until otherwise changed by appropriate action and authorization. The rent and physical plant operating costs of these offices and facilities, if any, shall continue to be paid by the transferring agency until otherwise provided by the General Assembly. The records and files of the transferring agency shall remain the property of the transferring agency, except that the transferred personnel shall have complete access to these records and files in the performance of their duties as new employees of the receiving agency.

(D) All remaining costs necessary for the implementation and operation of the Capitol Police Force shall be provided for by the General Assembly in the annual appropriations act, however, for fiscal

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year 2008-2009, the Budget and Control Board shall provide all funds necessary to implement the provisions of this act.

SECTION 6. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective. /

Re-number sections to conform.

Amend title to conform.

The committee amendment was adopted.

Amendment No. 1

Senator LOURIE proposed the following Amendment No. (JUD0576.006), which was adopted:

Amend the bill as and if amended, by striking SECTION 5 in its entirety and inserting therein the following:

/ SECTION 5. (A) The provisions of this act take effect upon approval by the Governor.

(B) Where the provisions of this act transfer particular entities, sections, divisions, or portions thereof of one state agency (transferring agency) to another state agency or entity (receiving agency), the employees, authorized appropriations, and real and personal property of the transferring agency are also transferred to and become part of the receiving agency unless otherwise specifically provided. All classified or unclassified personnel of the transferring agency shall become employees of the receiving department or division, with the same compensation, classification, and grade level, as applicable. The Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer and shall in consultation with the agency head of the transferring and receiving agencies prescribe the manner in which the transfer provided for in this section shall be accomplished. The board's action in facilitating the provisions of this section are

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ministerial in nature and shall not be construed as an approval process over any of the transfers.

(C) Employees or personnel of the transferring agency transferred to or made a part of the receiving agency shall continue to occupy the same office locations and facilities which they now occupy unless or until otherwise changed by appropriate action and authorization, and shall maintain their seniority within the transferring agency should they decide to remain in their positions or subsequently apply for a position back with the transferring agency. The rent and physical plant operating costs of these offices and facilities, if any, shall continue to be paid by the transferring agency until otherwise provided by the General Assembly. The records and files of the transferring agency shall remain the property of the transferring agency, except that the transferred personnel shall have complete access to these records and files in the performance of their duties as new employees of the receiving agency.

(D) All remaining costs necessary for the implementation and operation of the Capitol Police Force shall be provided for by the General Assembly in the annual appropriations act, however, for fiscal year 2008-2009, the Budget and Control Board shall provide all funds necessary to implement the provisions of this act. /

Re-number sections to conform.

Amend title to conform.

Senator LOURIE explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

Ayes 34; Nays 4

AYES

Alexander	Campbell	Cleary
Coleman	Courson	Cromer
Elliott	Fair	Grooms
Hutto	Jackson	Knotts
Land	Leatherman	Leventis

[SJ]

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Lourie	Malloy	<i>Martin, L.</i>
<i>Martin, S.</i>	Massey	Matthews
McConnell	McGill	Nicholson
O'Dell	Peeler	Rankin
Reese	Rose	Setzler
Sheheen	Shoopman	Verdin
Williams		

Total--34

NAYS

Bright	Bryant	Davis
Mulvaney		

Total--4

Statement by Senators HAYES and SCOTT

Had we been present at the time the vote was taken, we would have voted in favor of second reading of the Bill.

The Bill was read the second time, passed and ordered to a third reading.

Senator McCONNELL moved that the Senate stand adjourned.

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

Ayes 28; Nays 11

AYES

Alexander	Campbell	Coleman
Courson	Cromer	Elliott
Fair	Hutto	Jackson
Land	Leatherman	Leventis
Lourie	Malloy	<i>Martin, L.</i>
Massey	Matthews	McConnell
McGill	Nicholson	O'Dell
Peeler	Rankin	Reese
Scott	Setzler	Sheheen
Williams		

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Total--28

NAYS

Bright	Bryant	Cleary
Davis	Grooms	Knotts
<i>Martin, S.</i>	Mulvaney	Rose
Shoopman	Verdin	

Total--11

The Senate stood adjourned.

ADJOURNMENT

At 7:00 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

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