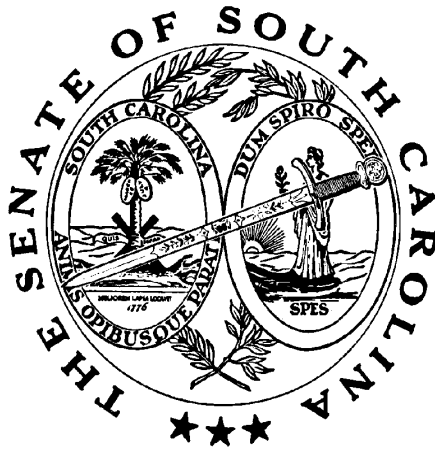


NO. 46

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009**

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**WEDNESDAY, APRIL 15, 2009**

**Wednesday, April 15, 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 Genesis we read:

“When they reached the place God had told him about, Abraham built an altar there, and arranged the wood on it. He bound his son Isaac and laid him on the altar, on top of the wood.”

(Genesis 22:9)

Let us pray:

O God, through the ages You have at times tested Your people. And, Lord, we acknowledge that we have even put ourselves to the test. Through it all You have remained faithful to those who have strived to serve You, and we thank You for Your unflagging love. Be with these Senators and their staff members this week and throughout this legislative session as they continue to experience the challenges of our modern age. By their dedication and their steadfastness may they honor You by their decisions and their choices. In Your loving name we pray, Lord. Amen.

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

**RECESS**

At 2:22 P.M., on motion of Senator McCONNELL, the Senate recessed from business not to exceed thirty minutes, or, if the Senate Finance Committee completes its work earlier, the Senate will reconvene at that time.

At 2:55 P.M., the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

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

**WEDNESDAY, APRIL 15, 2009**

**Local Appointments**

Initial Appointment, Richland County Master-in-Equity, with the term to commence April 30, 2009, and to expire April 30, 2015

Joseph M. Strickland, Richland County Master-in-Equity, P. O. Box 192, Columbia, SC 29202

Reappointment, Beaufort County Master-in-Equity, with the term to commence June 6, 2009, and to expire June 6, 2015

Marvin H. Dukes, III, P. O. Box Drawer 1228, Beaufort, SC 29901

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Carnell Hampton, 3539 Black River Road, Gable, SC 29051

Initial Appointment, Colleton County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Elbert O. Duffie, III, 1075 Dallas Lane, Walterboro, SC 29488-8190  
*VICE* Kenneth A. Campbell

Initial Appointment, Greenville County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Daniel G. Marsceau, 647 West Gap Creek Road, Greer, SC 29651  
*VICE* Harold Grimsley

Reappointment, Greenville County Master-in-Equity, with the term to commence December 31, 2009, and to expire December 31, 2015

Charles B. Simmons, Jr., County Courthouse, Suite 313, Greenville, SC 29601

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

Patricia A. Henley, 8071 Long Shadow Lane, North Charleston, SC 29406  
*VICE* Helen Clawson

**Doctor of the Day**

Senator KNOTTS introduced Dr. Susan Keeshan of Lexington, S.C., Doctor of the Day, along with Lauren Davis, Physician's Assistant and third year medical student at MUSC.

**WEDNESDAY, APRIL 15, 2009**

**Leave of Absence**

At 2:30 P.M., Senator VERDIN requested to be granted a leave of absence for, Tuesday, April 14, 2009, to attend a funeral.

**Statement by Senator KNOTTS**

I was unable to be present during the roll call votes yesterday, April 14, 2009, inasmuch as I was attending a meeting of the Judicial Merit Selection Commission.

**CO-SPONSORS ADDED**

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

S. 690      Sen. McConnell  
S. 630      Sens. Grooms, Jackson, Malloy  
S. 691      Sens. Rankin, Knotts

**RECALLED**

H. 3595 -- Rep. J.E. Smith: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BICYCLE LANES THAT CROSS THE CONGAREE RIVER ALONG THE BLOSSOM STREET BRIDGE IN RICHLAND AND LEXINGTON COUNTIES "JESSE'S WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THESE BICYCLE LANES THAT CONTAIN THE WORDS "JESSE'S WAY".

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

There was no objection and the Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 712 -- Senators McGill, Courson, McConnell, Anderson, Peeler, Leventis, Rankin, Scott, O'Dell, Setzler, Leatherman, Alexander, Grooms, Elliott, Cromer, Ryberg, Land, Fair, Sheheen, Bryant, Knotts, Ford, Cleary, Thomas, Pinckney, Reese, Mulvaney, Shoopman, Verdin, L. Martin, Campsen, Rose, S. Martin, Bright, Williams, Malloy, Hutto, Matthews, Davis, Coleman, Massey, Nicholson, Hayes, Jackson, Lourie and Campbell: A SENATE RESOLUTION TO HONOR AND

**WEDNESDAY, APRIL 15, 2009**

CONGRATULATE MR. GENE MCCASKILL ON BEING RECOGNIZED AS THE 2009 KEY CLUB INTERNATIONAL KEY OF HONOR RECIPIENT, AND TO THANK HIM FOR HIS EXTRAORDINARY DEDICATION AND COMMITMENT TO SERVICE.

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The Senate Resolution was adopted.

S. 713 -- Senator Hayes: A CONCURRENT RESOLUTION TO EXPRESS THE APPRECIATION OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY TO MR. J. PHILIP LAND, RESEARCH DIRECTOR FOR THE SENATE ETHICS COMMITTEE, FOR HIS MANY YEARS OF DISTINGUISHED SERVICE TO THE STATE OF SOUTH CAROLINA UPON HIS RETIREMENT FROM THE SOUTH CAROLINA SENATE, AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

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

S. 714 -- Senator O'Dell: A SENATE RESOLUTION TO CONGRATULATE THE FIRST TECH CHALLENGE ROBOTICS TEAMS FROM THE ANDERSON DISTRICTS 1 AND 2 CAREER AND TECHNOLOGY CENTER ON THEIR ACCOMPLISHMENTS AND TO WISH THE STUDENTS MUCH SUCCESS IN THEIR FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 715 -- Senator Elliott: A CONCURRENT RESOLUTION TO CONGRATULATE CHARLIE BRINDEL, EXECUTIVE VICE PRESIDENT OF COASTAL CAROLINAS ASSOCIATION OF REALTORS, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF COMMITTED VOLUNTEER SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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

S. 716 -- Senator Pinckney: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION

[SJ]

**WEDNESDAY, APRIL 15, 2009**

NAME THE PORTION OF UNITED STATES HIGHWAY 601 IN JASPER COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO ITS INTERSECTION WITH THE JASPER/HAMPTON COUNTY LINE THE "EUNICE HOLMAN DOE HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "EUNICE HOLMAN DOE HIGHWAY".

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

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

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

S. 718 -- Senators Campsen and Malloy: A BILL TO AMEND SECTION 22-3-550 OF THE 1976 CODE, RELATING TO ORDERING RESTITUTION IN MAGISTRATE'S COURT, TO PROVIDE A MAGISTRATE MAY ORDER RESTITUTION IN AN AMOUNT NOT TO EXCEED THE CIVIL JURISDICTIONAL AMOUNT FOR MAGISTRATES.

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

S. 719 -- Senators McConnell and Ford: A BILL TO AMEND CHAPTER 10, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA,

[SJ]

**WEDNESDAY, APRIL 15, 2009**

1976, RELATING TO THE BUILDING ENERGY EFFICIENCY STANDARD ACT, SO AS TO REVISE THE TITLE OF THE ACT TO THE "ENERGY STANDARD ACT"; TO EXEMPT ALREADY PERMITTED PROJECTS FROM COMPLIANCE WITH THIS ACT; TO REVISE DEFINITIONS; TO ADOPT THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD AND TO PROVIDE THAT ALL NEW AND RENOVATED BUILDINGS MUST COMPLY WITH THIS STANDARD; TO PROVIDE THAT LOCAL BUILDING OFFICIALS SHALL ENFORCE THE ENERGY STANDARD AND TO PROVIDE ALTERNATIVE ENFORCERS IN AREAS WITHOUT A BUILDING OFFICIAL; TO PROVIDE THAT BUILDING OFFICIALS SHALL ISSUE AND REVOKE BUILDING PERMITS AND INSPECT CONSTRUCTION OF BUILDINGS PURSUANT TO THE PERMITS ISSUED; TO REQUIRE LOCAL JURISDICTIONS TO PROVIDE AN APPEALS BOARD AND PROCESS FOR GRANTING OF CERTAIN VARIANCES; TO PROVIDE AN EXCEPTION AND TO ALLOW CERTAIN APPEALS TO BE HEARD BY THE SOUTH CAROLINA BUILDING CODES COUNCIL; AND TO PROVIDE THAT THE BUILDING OFFICIAL MAY OBTAIN INJUNCTIVE RELIEF; AND TO AMEND SECTION 6-9-50, AS AMENDED, RELATING TO THE MANDATORY ADOPTION OF CERTAIN NATIONAL BUILDING CODES, BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO CODE DOCUMENTS, AND THREE STORY HOMES, SO AS TO DELETE PROVISIONS RELATING TO WHAT CONSTITUTES COMPLIANCE WITH THE BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO DOCUMENTS CONTAINING CODES ADOPTED BY THE BUILDING CODES COUNCIL, AND BUILDING PERMITS FOR THREE STORY HOMES.

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

S. 720 -- Senators S. Martin, Knotts, Bryant, Shoopman, Mulvaney, Leatherman, L. Martin, Massey, Grooms, Bright, Verdin, Courson, Peeler, Davis and Thomas: A BILL TO AMEND CHAPTER 35, TITLE 41 OF THE 1976 CODE, RELATING TO ELIGIBILITY FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT ALL

[SJ]

**WEDNESDAY, APRIL 15, 2009**

UNEMPLOYED INSURED WORKERS SHALL PARTICIPATE IN A DRUG SCREENING PROGRAM TO MAINTAIN ELIGIBILITY FOR UNEMPLOYMENT BENEFITS AND TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE PROGRAM.

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

S. 721 -- Senators Lourie, Sheheen and Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND PEGGY AUN OF LEXINGTON COUNTY FOR HER MANY YEARS OF OUTSTANDING COMMUNITY SERVICE, AND TO CONGRATULATE HER ON BEING NAMED COLONIAL LIFE INSURANCE COMPANY'S 2009 FRANK SUMNER SMITH JR. VOLUNTEER OF THE YEAR.

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

S. 722 -- Senators Jackson, Ford, Williams, Cromer, McGill and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-1-110 SO AS TO REQUIRE A PERSON PUBLICLY ELECTED TO AN OFFICE TO SERVE AT LEAST FIFTY PERCENT OF THE TERM FOR WHICH HE WAS ELECTED BEFORE HE IS ELIGIBLE TO OFFER FOR ANOTHER ELECTED OFFICE.

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

S. 723 -- Senators Jackson, Knotts, Ford, Reese, Matthews, Williams, Sheheen, Nicholson, Cromer, McGill and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 8-13-1352 RELATING TO THE USE OF CAMPAIGN FUNDS FOR ONE OFFICE TO FURTHER THE CANDIDACY OF THE SAME PERSON FOR A DIFFERENT OFFICE.

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

#### **REPORTS OF STANDING COMMITTEES**

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

[SJ]

**WEDNESDAY, APRIL 15, 2009**

S. 166 -- Senator Campsen: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO DESIGN AND IMPLEMENT A HIGHWAY BEAUTIFICATION PILOT PROJECT TO REDUCE THE NUMBER OF NONCONFORMING BILLBOARDS THROUGHOUT THE STATE.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

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

Ordered for consideration tomorrow.

[SJ]

**WEDNESDAY, APRIL 15, 2009**

Senator HUTTO from the Committee on Judiciary submitted a favorable with amendment report on:

S. 362 -- Senator Alexander: A BILL TO AMEND SECTION 42-11-30 OF THE 1976 CODE, RELATING TO FIREFIGHTERS COVERED UNDER WORKERS' COMPENSATION LAW AND THE PRESUMPTION REGARDING IMPAIRMENT OR INJURY FROM HEART DISEASE AND OR RESPIRATORY DISEASE, TO PROVIDE THAT THE IMPAIRMENT OR INJURY IS CONSIDERED TO HAVE ARISEN OUT OF AND IN THE COURSE OF EMPLOYMENT IF THEY HAVE SUCCESSFULLY PASSED A PHYSICAL EXAM WITHIN THE LAST TEN YEARS.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 491 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN WESTERN YORK COUNTY AS THE WESTERN YORK COUNTY SCENIC BYWAY, TO MAKE IT SUBJECT TO THE REGULATIONS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE, AND TO PROHIBIT OFF-PREMISES OUTDOOR ADVERTISING ON THE ROUTES COMPRISING THE WESTERN YORK COUNTY SCENIC BYWAY.

Ordered for consideration tomorrow.

Senator KNOTTS from the Committee on Judiciary submitted a favorable with amendment report on:

S. 512 -- Senators Lourie, Anderson, Nicholson, Knotts, Cromer, Leventis and L. Martin: A BILL TO AMEND SECTION 16-3-740 OF THE 1976 CODE, RELATING TO TESTING FOR HEPATITIS B AND HIV FOR OFFENDERS AND VICTIMS OF CERTAIN CRIMES, TO BRING THE PROVISIONS INTO COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT; TO AMEND CHAPTER 3, TITLE 16, BY ADDING SECTION 16-3-750, RELATING REQUIRING VICTIMS OF CERTAIN CRIMES TO SUBMIT TO POLYGRAPH EXAMINATIONS, TO MANDATE THE INVESTIGATIVE AND PROSECUTORIAL PROCEDURES

**WEDNESDAY, APRIL 15, 2009**

OF CERTAIN CRIMES IN SOUTH CAROLINA COMPLY WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT; TO AMEND SECTION 16-3-1350, RELATING COST OF MEDICOLEGAL EXAM FOR VICTIMS OF CERTAIN CRIMES, TO PREVENT THE VICTIM OF CERTAIN CRIMES FROM BEARING THE COST OF THE EXAM AS REQUIRED BY THE FEDERAL VIOLENCE AGAINST WOMEN ACT; TO AMEND SECTION 20-4-60, RELATING TO THE CONTENT OF ORDERS OF PROTECTION, TO BRING THE PROVISIONS INTO COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT; TO AMEND CHAPTER 25, TITLE 16 OF THE 1976 CODE, BY ADDING SECTION 16-25-30, RELATING TO OFFENDERS CONVICTED OF CERTAIN CRIMES, TO REQUIRE NOTIFICATION OF FEDERAL LAW BE PROVIDED UPON CONVICTION AS REQUIRED BY THE FEDERAL VIOLENCE AGAINST WOMEN ACT; AND TO AMEND SECTION 16-3-1770, RELATING TO THE CONTENT OF RESTRAINING ORDERS, TO BRING THE PROVISIONS INTO COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

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 and Grooms: 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

[SJ]

**WEDNESDAY, APRIL 15, 2009**

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.

Ordered for consideration tomorrow.

Senator McCONNELL from the Committee on Judiciary polled out S. 692 favorable:

S. 692 -- Senators Sheheen, McConnell and Hutto: A JOINT RESOLUTION TO EXTEND THE DEADLINE REQUIRING ALL CIRCUIT SOLICITORS TO HAVE A TRAFFIC EDUCATION PROGRAM IN EFFECT FROM JULY 1, 2009, AS PROVIDED IN ACT 176 OF 2008, TO JULY 1, 2010.

**Poll of the Judiciary Committee  
Polled 23; Ayes 23; Nays 0; Not Voting 0**

**AYES**

McConnell	Ford	L. Martin
Rankin	Hutto	Knotts
Malloy	Sheheen	Campsen
Cleary	Lourie	Williams
Campbell	Massey	Bright
Coleman	Davis	S. Martin
Mulvaney	Nicholson	Rose
Scott	Shoopman	

**Total--23**

**NAYS**

**Total--0**

**NOT VOTING**

**Total--0**

Ordered for consideration tomorrow.

[SJ]

**WEDNESDAY, APRIL 15, 2009**

Senator McCONNELL from the Committee on Judiciary polled out S. 693 favorable:

S. 693 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-960 SO AS TO ALLOW HOLDERS OF RETAIL PERMITS AUTHORIZING THE SALE OF BEER FOR OFF-PREMISES CONSUMPTION TO HOLD A LIMITED NUMBER OF BEER TASTINGS AT THE RETAIL LOCATION EACH YEAR UNDER CERTAIN CIRCUMSTANCES.

**Poll of the Judiciary Committee  
Polled 23; Ayes 17; Nays 2; Not Voting 4**

**AYES**

Ford	L. Martin	Rankin
Hutto	Knotts	Malloy
Campsen	Cleary	Williams
Campbell	Massey	Coleman
Davis	Mulvaney	Nicholson
Rose	Scott	

**Total--17**

**NAYS**

McConnell	Lourie
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**Total--2**

**NOT VOTING**

Sheheen	Bright	S. Martin
Shoopman		

**Total--4**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 2, 2009

Mr. President and Senators:

[SJ]

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**WEDNESDAY, APRIL 15, 2009**

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**LOCAL APPOINTMENT**

Initial Appointment, Richland County Master-in-Equity, with the term to commence April 30, 2009, and to expire April 30, 2015

Joseph M. Strickland, Richland County Master-in-Equity, P. O. Box 192, Columbia, SC 29202

Very respectfully,  
Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 2, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**LOCAL APPOINTMENT**

Reappointment, Beaufort County Master-in-Equity, with the term to commence June 6, 2009, and to expire June 6, 2015

Marvin H. Dukes, III, P. O. Box Drawer 1228, Beaufort, SC 29901

Very respectfully,  
Speaker of the House

Received as information.

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

**THIRD READING BILLS**

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

S. 323 -- Senator Thomas: A BILL TO AMEND SECTION 38-90-20 OF THE SOUTH CAROLINA CODE, TO AUTHORIZE A COMPANY TO WRITE WORKERS' COMPENSATION INSURANCE ON A DIRECT BASIS, AND TO AUTHORIZE AN ADDITIONAL PROCESSING FEE FOR AN APPLICATION TO BE CHARGED AS DETERMINED APPROPRIATE BY THE DIRECTOR OR HIS DESIGNEE GIVEN THE NATURE OF THE

**WEDNESDAY, APRIL 15, 2009**

APPLICATION BEING INVESTIGATED. (ABBREVIATED TITLE).

**S. 323--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of S. 323.

S. 537 -- Senator Setzler: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY STUDENTS RESIDING IN SCHOOL DISTRICTS THAT CLOSED DUE TO SNOW ON MARCH 2, 2009, IS WAIVED FOR STUDENTS IN LEXINGTON SCHOOL DISTRICTS ONE, TWO, THREE, AND FOUR.

**S. 537--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting against third reading of S. 537.

**SECOND READING BILLS**

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

S. 703 -- Senators S. Martin, Bright, Reese and Peeler: 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 AN AT-LARGE CANDIDATE ON THE BALLOT AND TO PROVIDE FOR THE MANNER IN WHICH A SCHOOL DISTRICT BOARD OF TRUSTEE CANDIDATE FROM A SINGLE MEMBER DISTRICT IN ONE OF SPARTANBURG COUNTY'S SCHOOL DISTRICTS MAY PLACE HIS NAME ON THE BALLOT.

**S. 703--Ordered to a Third Reading**

On motion of Senator S. MARTIN, with unanimous consent, S. 703 was ordered to receive a third reading on Thursday, April 16, 2009.

**WEDNESDAY, APRIL 15, 2009**

S. 709 -- Senator Bright: A BILL TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARDS OF FIRE CONTROL OF SPARTANBURG COUNTY.

**S. 709--Ordered to a Third Reading**

On motion of Senator BRIGHT, with unanimous consent, S. 709 was ordered to receive a third reading on Thursday, April 16, 2009.

H. 3589 -- Reps. White, Bowen, Thompson, Cooper and Gambrell: A BILL TO AMEND ACT 269 OF 1989, AS AMENDED, RELATING TO ANDERSON COUNTY SCHOOL DISTRICT BUDGETS AND TAX MILLAGES, SO AS TO PROVIDE THAT THE BUDGET THAT A SCHOOL DISTRICT IN ANDERSON COUNTY MUST PROVIDE TO THE ANDERSON COUNTY BOARD OF EDUCATION MUST INCLUDE AN ITEMIZED ACCOUNTING OF HOW OPERATING FUNDS OF THE DISTRICT ARE PROPOSED TO BE ALLOCATED, AND TO PROVIDE THAT THE BOARD MAY DELETE ITEMS OR SHIFT FUNDS AMONG BUDGET ITEMS OF DISTRICT BUDGETS.

**H. 3589--Ordered to a Third Reading**

On motion of Senator BRYANT, with unanimous consent, H. 3589 was ordered to receive a third reading on Thursday, April 16, 2009.

H. 3818 -- Reps. Funderburk, Gunn and Lucas: A BILL TO PROVIDE THAT ON THE EFFECTIVE DATE OF THIS ACT, THE NAME OF THE KERSHAW COUNTY MEDICAL CENTER IS HEREBY CHANGED TO KERSHAW HEALTH.

**H. 3818--Ordered to a Third Reading**

On motion of Senator SHEHEEN, with unanimous consent, H. 3818 was ordered to receive a third reading on Thursday, April 16, 2009.

S. 286 -- Senators Cleary, Rose and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 8 TO TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO IMPLEMENT A TARGETED COMMUNITY HEALTH PROGRAM IN THREE TO FIVE COUNTIES OF NEED FOR DENTAL HEALTH EDUCATION, SCREENING, AND

**WEDNESDAY, APRIL 15, 2009**

TREATMENT REFERRALS IN PUBLIC SCHOOLS FOR CHILDREN IN KINDERGARTEN, THIRD, SEVENTH, AND TENTH GRADES OR UPON ENTRY INTO PUBLIC SCHOOLS, TO REQUIRE PROGRAM GUIDELINES TO BE PROMULGATED IN REGULATIONS, TO REQUIRE AN ACKNOWLEDGMENT OF DENTAL SCREENING TO BE ISSUED UPON COMPLETION OF THE SCREENING AND TO REQUIRE THIS ACKNOWLEDGMENT TO BE PRESENTED TO THE CHILD'S SCHOOL, TO REQUIRE NOTIFICATION TO THE CHILD'S PARENT IF PROFESSIONAL ATTENTION IS INDICATED BY THE SCREENING AND IF AUTHORIZED BY THE CHILD'S PARENTS, TO PROVIDE NOTIFICATION TO THE COMMUNITY HEALTH COORDINATOR TO FACILITATE FURTHER ATTENTION IF NEEDED, AND TO PROVIDE THAT A SCREENING MUST BE COMPLETED UNLESS A CHILD'S PARENT COMPLETES AN EXEMPTION FORM.

The question then was the second reading of the Bill.

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

**Ayes 33; Nays 10**

**AYES**

Alexander	Anderson	Campbell
Campsen	Cleary	Courson
Cromer	Elliott	Fair
Hayes	Hutto	Jackson
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	Massey	Matthews
McConnell	McGill	Nicholson
O'Dell	Peeler	Pinckney
Rankin	Reese	Rose
Scott	Sheheen	Williams

**Total--33**

**NAYS**

Bright	Bryant	Davis
Grooms	<i>Martin, S.</i>	Mulvaney

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Ryberg  
Verdin

Shoopman

Thomas

**Total--10**

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

S. 694 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROCEDURES AND STANDARDS FOR REVIEW OF CHARTER SCHOOL APPLICATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4026, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 698 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, STATE CROP PEST COMMISSION, RELATING TO LIGHT BROWN APPLE MOTH QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4052, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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.

H. 3635 -- Rep. Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-560 SO AS TO SPECIFY APPLICABLE FEES FOR RECREATIONAL SALTWATER FISHING LICENSES; BY ADDING SECTION 50-9-715 SO AS TO SPECIFY RECREATIONAL SALTWATER FISHING LICENSE EXEMPTIONS; BY ADDING SECTION 50-9-925 SO AS TO

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SPECIFY HOW THE REVENUE FROM THE SALE OF STAMPS, LICENSES, PRINTS, AND RELATED ARTICLES MUST BE DISTRIBUTED; TO AMEND SECTION 50-5-15, RELATING TO THE DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA MARINE RESOURCES ACT, SO AS TO DEFINE THE TERMS "DROP NET" AND "FOLD UP TRAP"; TO AMEND SECTION 50-5-955, RELATING TO THE DESIGNATION AND MAINTENANCE OF PUBLIC SHELLFISH GROUNDS, SO AS TO SUBSTITUTE REFERENCE TO THE RECREATIONAL SALTWATER FISHING LICENSE FOR THE MARINE RECREATIONAL FISHING STAMP; TO AMEND SECTION 50-5-1915, RELATING TO CHARTER FISHING VESSEL LOGS, SO AS TO REQUIRE MONTHLY SUBMISSIONS TO THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES; TO AMEND SECTION 50-9-20, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, SO AS TO REMOVE REFERENCES TO RESIDENT AND NONRESIDENT LICENSES; TO AMEND SECTION 50-9-40, RELATING TO LICENSES FOR FRESHWATER FISHING, SO AS TO SPECIFY RECREATIONAL FRESHWATER FISHING; TO AMEND SECTION 50-9-540, AS AMENDED, RELATING TO FRESHWATER AND SALTWATER FISHING LICENSES, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 50-5-1905, 50-5-1910, 50-5-1920, 50-5-1925, AND 50-5-1945 ALL RELATING TO RECREATIONAL SALTWATER FISHERIES LICENSES AND STAMPS.

Senator CROMER explained the Bill.

Senator CAMPSSEN spoke on the Bill.

The question then was the second reading of the Bill.

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

**Ayes 29; Nays 15**

**AYES**

Alexander	Anderson	Campbell
Campsen	Cleary	Courson
Cromer	Davis	Fair
Grooms	Hayes	Hutto

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Jackson	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	Matthews	McGill
Nicholson	O'Dell	Pinckney
Rankin	Reese	Scott
Sheheen	Williams	

**Total--29**

**NAYS**

Bright	Bryant	Elliott
Ford	Knotts	<i>Martin, S.</i>
Massey	McConnell	Mulvaney
Peeler	Rose	Ryberg
Setzler	Shoopman	Verdin

**Total--15**

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

H. 3856 -- Reps. Umphlett, Battle, Hardwick, Clemmons and Knight: A BILL TO AMEND SECTION 51-17-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON DISPOSITION OF HERITAGE TRUST PROPERTY, SO AS TO EXCLUDE PUBLIC INFRASTRUCTURE PROJECTS FROM THE LIMITATION.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 196 -- Senator McConnell: A BILL TO AMEND CHAPTER 3, TITLE 15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CIVIL ACTIONS, SO AS TO LIMIT LIABILITY FOR CERTAIN LIQUEFIED PETROLEUM GAS PROVIDERS FOR INJURIES OR DAMAGES PROXIMATELY CAUSED BY ALTERATIONS, MODIFICATIONS, OR REPAIRS OF LIQUEFIED PETROLEUM GAS EQUIPMENT THE LIQUEFIED PETROLEUM GAS PROVIDER COULD NOT HAVE DISCOVERED, OR WHEN LIQUEFIED PETROLEUM GAS EQUIPMENT IS USED IN A MANNER OR FOR A PURPOSE OTHER THAN THAT WHICH THE EQUIPMENT WAS INTENDED TO BE USED, OR COULD

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REASONABLY HAVE BEEN FORESEEN TO BE USED FOR, AND TO PROVIDE AN EFFECTIVE DATE.

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

The Judiciary Committee proposed the following amendment (JUD0196.007), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety after the enacting words and inserting:

/ SECTION 1. Chapter 3 of Title 15 of the 1976 Code is amended by adding:

“Section 15-3-690. (A) As used in this subsection, the following definitions apply:

(1) 'System' or 'Systems' means assembly of equipment consisting of the container and any device that is connected to the container for the utilization of liquefied petroleum gas.

(2) 'Dealer' means a person engaging in the installation of liquefied petroleum gas systems or in the manufacture, distribution, sale, storing, or transporting by tank truck, tank trailer, or container of liquefied petroleum gases or engaging in installing, servicing, repairing, adjusting, disconnecting, or connecting appliances to liquefied petroleum gas systems and containers.

(3) 'Liquefied petroleum gas' means material composed predominately of hydrocarbons or mixtures of hydrocarbons, including propane, propylene, butanes (normal butane or isobutane), and butylenes.

(B) A liquefied petroleum gas dealer shall be immune from civil liability if the proximate cause of the injury or damages was:

(1) an alteration, modification, or repair of the liquefied petroleum gas system or gas burning appliance that could not have been discovered by the liquefied petroleum gas dealer in the exercise of reasonable care; or

(2) the use of the liquefied petroleum gas system or gas burning appliance in a manner or for a purpose other than that for which the liquid petroleum gas system or gas burning appliance was intended to be used or for which could reasonably have been foreseen, provided that the liquefied petroleum gas dealer or the manufacturer of the liquefied petroleum gas system or gas burning appliance took reasonable steps to warn the ultimate consumer of the hazards

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associated with foreseeable misuses of the liquefied petroleum gas system or gas burning appliance.

(C) Nothing in this subsection shall be construed as affecting, modifying, or eliminating the liability of a manufacturer of the liquefied petroleum gas system or gas burning appliance, or its employees or agents from any other legal claim, including but not limited to product liability claims.”

(D) Nothing in this subsection shall apply to a cylinder exchange company as defined pursuant to Section 40-82-20(3) or a reseller as defined pursuant to Section 40-82-20(7).

SECTION 2. Section 40-82-270 of the 1976 Code is amended to read:

Section 40-82-270. (1) An installer or service worker shall notify the supplier of propane before beginning any work on the system supplied by a liquefied petroleum gas supplier. If more than one liquefied petroleum gas supplier has supplied gas to the container of the system, the last supplier of liquefied petroleum gas must be notified before any work is performed on the system.

(2) Any consumer, owner, end user, or person who alters or modifies in any way his liquefied petroleum gas equipment, gas burning appliance, or system installed by a licensed dealer shall, for informational purposes, notify the licensed dealer who next fills or otherwise services his liquefied petroleum gas system that such work has been performed. The licensed dealer shall notify their customers in writing at least once per year of the customer’s statutory obligation of notification in regard to modifications to their propane appliances or systems. This notice should be provided in a separate and distinct disclosure and not a part of other safety literature given to customers.”

SECTION 3. This act takes effect on July 1, 2009, or if ratified after that date, upon approval by the Governor, and applies to any cause of action arising on or after the effective date. /

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

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

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

H. 3452 -- Reps. Bannister, Bales, Crawford, Limehouse, G.M. Smith, J.E. Smith and Frye: A BILL TO AMEND TITLE 61, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, SO AS TO AUTHORIZE THE ESTABLISHMENT OF MICRO-DISTILLERIES OF ALCOHOLIC LIQUORS; TO SET FORTH REGULATIONS AND LIMITATIONS OF THE MICRO-DISTILLERIES; TO PROVIDE FOR BIENNIAL LICENSES AND FEES FOR MANUFACTURERS AND MICRO-DISTILLERIES OF ALCOHOLIC LIQUORS; TO PROVIDE PROCEDURES FOR TASTINGS AT MANUFACTURERS AND MICRO-DISTILLERIES OF ALCOHOLIC LIQUORS; TO PROVIDE FOR LIMITED RETAIL SALE AT MICRO-DISTILLERIES OF THEIR PRODUCTS; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

There was no objection.

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

Senators McCONNELL, CAMPBELL and CLEARY proposed the following amendment (JUD3452.007), which was adopted:

Amend the Committee Report, as and if amended, by striking the Committee Report in its entirety and inserting the following:

/ A BILL

TO AMEND TITLE 61, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, SO AS TO AUTHORIZE THE ESTABLISHMENT OF MICRO-DISTILLERIES OF ALCOHOLIC LIQUORS; TO SET FORTH REGULATIONS AND LIMITATIONS OF THE MICRO-DISTILLERIES; TO PROVIDE FOR BIENNIAL LICENSES AND FEES FOR MANUFACTURERS AND MICRO-DISTILLERIES OF ALCOHOLIC LIQUORS; TO PROVIDE PROCEDURES FOR TASTINGS AT MANUFACTURERS AND MICRO-DISTILLERIES OF ALCOHOLIC LIQUORS; TO PROVIDE FOR LIMITED RETAIL

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SALE AT MICRO-DISTILLERIES OF THEIR PRODUCTS; AND  
TO PROVIDE PENALTIES FOR VIOLATIONS.

Be it enacted by the General Assembly of the State of South  
Carolina:

SECTION 1. Subarticle 11, Article 3, Chapter 6, Title 61 of the  
1976 Code is amended to read:

“Subarticle 11

REGULATION OF MANUFACTURERS AND  
MICRO-DISTILLERS

Section 61-6-1095. For the purposes of this subarticle:

(A) ‘Micro-distillery’ means a manufacturer who distills, blends, and bottles alcoholic liquors on the licensed premises in this State with an alcohol content greater than seventeen percent and who produces a maximum quantity of one hundred twenty-five thousand cases per year at the licensed premises.

(B) ‘Licensed premises’ means a location where the micro-distillery or manufacturer is licensed pursuant to this subarticle for the manufacture, tasting, and retail sales of alcoholic liquors produced at the licensed location and includes those areas normally used by the licensee to conduct his business, and includes the producing areas, storage areas, tasting areas, selling areas, and parking lots.

(C) ‘Person’ means an individual, partnership, corporation, or other form of business entity.

Section 61-6-1100. ~~No~~A manufacturer may not own or operate more than one plant, establishment, or place of business for the manufacture of alcoholic liquors in any one county of this State, nor may he permit the drinking of alcoholic liquors on his premises, except as otherwise authorized by this subarticle.

Section 61-6-1110. The department may issue a manufacturer’s license to a person to manufacture alcoholic liquors in the State subject to the requirements of this chapter and a payment of a biennial manufacturer license fee of fifty thousand dollars. This section is not applicable to a micro-distillery as defined and licensed pursuant to the provisions of this subarticle.

Section 61-6-1120. (A) The department may issue a micro-distillery license to a person to operate one micro-distillery in the State subject to the requirements of this chapter and payment of a biennial micro-distillery license fee of five thousand dollars.

(B) A micro-distillery is not required to obtain an additional manufacturing and retail liquor license required pursuant to this title.

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Section 61-6-1130. (A) A micro-distillery or manufacturer desiring to offer tastings and sales of alcoholic liquors to consumers at its licensed premises shall remit taxes to the department for alcoholic liquors sold and dispensed in an amount equal to taxes paid by wholesalers on alcoholic liquors.

(B) Alcoholic liquors produced and sold on a licensed premises pursuant to this subarticle must be taxed and remitted as provided in Chapter 33, Title 12. The micro-distillery or manufacturer licensee shall maintain adequate records to ensure the collection of this tax.

Section 61-6-1140. A holder of a valid micro-distillery or manufacturer license issued by the State may permit tastings and retail sales of the alcoholic liquors produced at the licensed premises subject to the following limitations and any other limitations provided in this subarticle:

(1) tastings by and sales to consumers must be held in conjunction with a tour by the consumer of the on-site licensed premises;

(2) the micro-distillery or manufacturer shall establish appropriate protocols to ensure that a consumer sold or served alcoholic liquors pursuant to this section is not under twenty-one years of age and that a consumer shall not attend more than one tasting in a day;

(3) the micro-distillery or manufacturer shall dispense alcoholic liquors for tasting in quantities not greater than one-half ounce per sample;

(4) the micro-distillery or manufacturer may not dispense more than one and one-half ounces to an individual consumer in one day;

(5) tastings and sales may occur only between the hours of nine A.M. and seven P.M., Monday through Saturday;

(6) the micro-distillery or manufacturer may charge for alcoholic liquors consumed at a tasting, but must collect and remit the liquor by the drink excise tax pursuant to the provisions of Chapter 33, Title 12;

(7) tastings may not occur in conjunction with the service of food in a restaurant setting; and

(8) only brands of alcoholic liquors actually manufactured, distilled, or fermented at and distributed to wholesalers from the licensed premises may be sold or offered for tasting.

Section 61-6-1150. Authorization by this section of sales and tastings at licensed premises of a micro-distillery or manufacturer is expressly intended for the promotion of education regarding production of alcoholic liquors in the State and not to create competition between

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producers and retailers. A holder of a valid micro-distillery or manufacturer license issued by the State may:

(1) sell in any quantities the alcoholic liquors produced at the licensed premises to a wholesaler licensed by the State;

(2) transport in any quantities the alcoholic liquors produced at the licensed premises out of state for sale outside of the State;

(3) sell at retail at the licensed premises only in quantities of 750-milliliter bottles the alcoholic liquors produced at the licensed premises, but only if the labels for the bottles are marked 'not for resale';

(4) sell at retail no more than three 750-milliliter bottles of alcoholic liquors to a consumer in one business day;

(5) not allow consumption on the licensed premises of alcoholic liquors sold by the bottle at the licensed premises;

(6) maintain pricing of the alcoholic liquors sold at the licensed premises at a price approximating retail prices generally charged for identical alcoholic liquors in the county where the on-site premises is located;

(7) in addition to the sale of alcoholic liquors as authorized by this section, sell items promoting the brand or brands of alcoholic liquors produced at that location in a room on the licensed premises separate from the locations of the tastings; and

(8) not sell or store goods, wares, or merchandise in or from the room in which alcoholic liquors are sold or tasted.

Section 61-6-1160. Except as otherwise provided in this title:

(A) a person who transports, possesses, or consumes alcoholic liquors and who violates a provision of this subarticle is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days; and

(B) a person licensed pursuant to this subarticle who violates a provision of this subarticle must:

(1) for a first offense, be fined not less than two hundred dollars nor more than five hundred dollars or have his license suspended for not more than thirty days, or both;

(2) for a second offense within three years of the first offense, be fined not less than two hundred dollars nor more than five hundred dollars or have his license suspended for not more than one hundred eighty days, or both; or

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(3) for a third offense within three years of the first offense, be fined not less than five hundred dollars and have his license revoked permanently; and

(C) A person licensed pursuant to this subarticle who acts to avoid payment of the excise tax imposed on the serving of alcoholic liquor by the drink provided for in Chapter 33, Title 12 must be fined not less than one thousand dollars and have his license revoked permanently.”

SECTION 2. Section 12-33-210(A) of the 1976 Code is amended to read:

“12-33-210. (A) The biennial license taxes on licenses granted pursuant to Title 61, in addition to all other license taxes, are as follows:

- (1) manufacturer’s license: ~~one~~ fifty thousand dollars;
- (2) wholesaler’s license: twenty thousand dollars;
- (3) micro-distillery license: five thousand dollars;
- ~~(3)~~ (4) retail dealer’s license: one thousand two hundred dollars;

and

~~(4)~~ (5) special food manufacturer’s license: one thousand two hundred dollars.”

SECTION 3. If any section, subsection, 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, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD3452.002), which was adopted:

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Amend the bill, as and if amended, by striking all and inserting the following:

/ A BILL

TO AMEND TITLE 61, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, SO AS TO AUTHORIZE THE ESTABLISHMENT OF MICRO-DISTILLERIES OF ALCOHOLIC LIQUORS, TO SET FORTH REGULATIONS AND LIMITATIONS OF THE MICRO-DISTILLERIES, TO PROVIDE FOR BIENNIAL LICENSES AND FEES FOR MANUFACTURERS AND MICRO-DISTILLERIES OF ALCOHOLIC LIQUORS, TO PROVIDE PROCEDURES FOR TASTINGS AT MANUFACTURERS AND MICRO-DISTILLERIES OF ALCOHOLIC LIQUORS, TO PROVIDE FOR LIMITED RETAIL SALE AT MICRO-DISTILLERIES OF THEIR PRODUCTS; TO PROVIDE PROCEDURES FOR BEER TASTINGS AT ESTABLISHMENTS THAT ARE AUTHORIZED TO SELL BEER FOR OFF-PREMISES CONSUMPTION AND WHERE THE PRIMARY PRODUCT IS BEER OR WINE; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

SECTION 1. Subarticle 11, Article 3, Chapter 6, Title 61 of the 1976 Code is amended to read:

“Subarticle 11

REGULATION OF MANUFACTURERS AND  
MICRO-DISTILLERS

Section 61-6-1095. For the purposes of this subarticle:

(A) ‘Micro-distillery’ means a manufacturer who distills, blends, and bottles alcoholic liquors on the licensed premises in this State with an alcohol content greater than seventeen percent and who produces a maximum quantity of one hundred twenty-five thousand cases per year at the licensed premises.

(B) ‘Licensed premises’ means a location where the micro-distillery or manufacturer is licensed pursuant to this subarticle for the manufacture, tasting, and retail sales of alcoholic liquors produced at the licensed location and includes those areas normally used by the licensee to conduct his business, and includes the producing areas, storage areas, tasting areas, selling areas, and parking lots.

(C) ‘Person’ means an individual, partnership, corporation, or other form of business.

Section 61-6-1100. ~~Not~~A manufacturer may not own or operate more than one plant, establishment, or place of business for the manufacture of alcoholic liquors in any one county of this State, nor

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may he permit the drinking of alcoholic liquors on his premises, except as otherwise authorized by this subarticle.

Section 61-6-1110. The department may issue a manufacturer's license to a person to manufacture alcoholic liquors in the State subject to the requirements of this chapter and a payment of a biennial manufacturer license fee of fifty thousand dollars. This section is not applicable to a micro-distillery as defined and licensed pursuant to the provisions of this subarticle.

Section 61-6-1120. (A) The department may issue a micro-distillery license to a person to operate one micro-distillery in the State subject to the requirements of this chapter and payment of a biennial micro-distillery license fee of five thousand dollars.

(B) A micro-distillery is not required to obtain an additional manufacturing and retail liquor license required pursuant to this title.

Section 61-6-1130. (A) A micro-distillery or manufacturer desiring to offer tastings and sales of alcoholic liquors to consumers at its licensed premises shall make application for a wholesaler's license for these sales on forms prescribed by the department and shall remit taxes to the department for alcoholic liquors sold in an amount equal to taxes paid by wholesalers for the sale of alcoholic liquors.

(B) Alcoholic liquors produced and sold on a licensed premises pursuant to this subarticle must be taxed as provided in Chapter 33, Title 12. The micro-distillery or manufacturer licensee shall maintain adequate records as determined by the department to ensure the collection of this tax.

Section 61-6-1140. A holder of a valid micro-distillery or manufacturer license issued by the State may permit tastings and retail sales of the alcoholic liquors produced at the licensed premises subject to the following limitations and any other limitations provided in this subarticle:

(1) tastings by and sales to consumers must be held in conjunction with a tour by the consumer of the on-site licensed premises;

(2) the micro-distillery or manufacturer shall establish appropriate protocols to ensure that a consumer sold or served alcoholic liquors pursuant to this section is not under twenty-one years of age and that a consumer shall not attend more than one tasting in a day;

(3) the micro-distillery or manufacturer shall dispense alcoholic liquors for tasting in quantities not greater than one-half ounce per sample;

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(4) the micro-distillery or manufacturer may not dispense more than one and one-half ounces to an individual consumer in one day;

(5) tastings and sales may occur only between the hours of nine A.M. and seven P.M., Monday through Saturday;

(6) the micro-distillery or manufacturer may charge for alcoholic liquors consumed at a tasting, but must collect and remit the liquor by the drink excise tax pursuant to the provisions of Chapter 33, Title 12;

(7) tastings may not occur in conjunction with the service of food in a restaurant setting; and

(8) only brands of alcoholic liquors actually manufactured, distilled, or fermented at and distributed to wholesalers from the licensed premises may be sold or offered for tasting.

Section 61-6-1150. Authorization by this section of sales and tastings at licensed premises of a micro-distillery or manufacturer is expressly intended for the promotion of education regarding production of alcoholic liquors in the State and not to create competition between producers and retailers. A holder of a valid micro-distillery or manufacturer license issued by the State may:

(1) sell in any quantities the alcoholic liquors produced at the licensed premises to a wholesaler licensed by the State;

(2) transport in any quantities the alcoholic liquors produced at the licensed premises out of state for sale outside of the State;

(3) sell for retail at the licensed premises only in quantities of 750-milliliter bottles the alcoholic liquors produced at the licensed premises, but only if the labels for the bottles are marked 'not for resale';

(4) sell for retail no more than three 750-milliliter bottles of alcoholic liquors to a consumer in one business day;

(5) not allow consumption on the licensed premises of alcoholic liquors sold by the bottle at the licensed premises;

(6) maintain pricing of the alcoholic liquors sold at the licensed premises at a price approximating retail prices generally charged for identical alcoholic liquors in the county where the on-site premises is located;

(7) in addition to the sale of alcoholic liquors as authorized by this section, sell items promoting the brand or brands of alcoholic liquors produced at that location in a room on the licensed premises separate from the locations of the tastings; and

(8) not sell or store goods, wares, or merchandise in or from the room in which alcoholic liquors are sold or tasted.

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Section 61-6-1160. Except as otherwise provided in this title:

(A) a person who transports, possesses, or consumes alcoholic liquors and who violates a provision of this subarticle is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days; and

(B) a person licensed pursuant to this subarticle who violates a provision of this subarticle must:

(1) for a first offense, be fined not less than two hundred dollars nor more than five hundred dollars or have his license suspended for not more than thirty days, or both;

(2) for a second offense within three years of the first offense, be fined not less than two hundred dollars nor more than five hundred dollars or have his license suspended for not more than one hundred eighty days, or both; or

(3) for a third offense within three years of the first offense, be fined not less than five hundred dollars and have his license revoked permanently; and

(C) A person licensed pursuant to this subarticle who acts to avoid payment of the excise tax imposed on the serving of alcoholic liquor by the drink provided for in Chapter 33, Title 12 must be fined not less than one thousand dollars and have his license revoked permanently.”

SECTION 2. Section 12-33-210(A) of the 1976 Code is amended to read:

“Section 12-33-210. (A) The biennial license taxes on licenses granted pursuant to Title 61, in addition to all other license taxes, are as follows:

(1) manufacturer’s license: ~~one~~ five thousand dollars;

(2) wholesaler’s license: twenty thousand dollars;

(3) micro-distillery license: five thousand dollars;

~~(3)~~ (4) retail dealer’s license: one thousand two hundred dollars; and

~~(4)~~ (5) special food manufacturer’s license: one thousand two hundred dollars.”

SECTION 3. Chapter 4, Title 61 of the 1976 Code is amended by adding the following:

“Section 61-4-960. The holder of a retail permit authorizing the sale of beer for off-premises consumption whose primary product is beer or wine may conduct, in accordance with department rulings or regulations, not more than twenty-four beer tastings at the retail location in a calendar quarter; provided that:

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The tastings are conducted by the retailer or an agent or independent contractor of the retailer and are not conducted by a wholesaler, manufacturer or employee, agent, or independent contractor of a wholesaler or manufacturer;

(A) A wholesaler, manufacturer or employee, agent or independent contractor of a wholesaler or manufacturer is not prohibited from attending a tasting to provide information and offer educational material on the products to be sampled;

The products must be supplied by the retailer and shall not be donated or otherwise supplied at no or reduced cost by the manufacturer or wholesaler;

(B) No sample shall be offered from more than six products at a single tasting;

(C) No more than one container of each of the products to be sampled shall be open at any time during the tasting;

(D) Samples must not be more than three ounces for each product sampled;

(E) No person shall be served more than one sample of each product;

(F) No sample may be offered to, or allowed to be consumed by, an intoxicated person or a person under twenty-one years of age;

(G) No person participating in the sample shall be allowed to loiter on the premises where the tasting is held; and

(H) Except as otherwise provided in this title, a person violating the provisions of this section shall be assessed a fine of one hundred dollars for each violation. The revenue from these fines shall be directed to the Department of Revenue for supplementing funds required for the department's activities concerning licensure and regulation of alcohol."

SECTION 4. If any section, subsection, 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, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

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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.

**Objection--H. 3452**

Senator CAMPBELL asked unanimous consent to give the Bill a third reading on Thursday, April 16, 2009.

Senator THOMAS objected.

**COMMITTED TO THE LOCAL DELEGATION**

S. 678 -- Senator Peeler: A BILL TO AMEND ACT 959 OF 1954, AS AMENDED, RELATING TO THE CREATION OF THE YORK COUNTY NATURAL GAS AUTHORITY, SO AS TO INCREASE ITS POWERS TO ALLOW, AMONG OTHER THINGS, THE ACQUISITION OF THE TOWN OF BLACKSBURG'S NATURAL GAS SYSTEM AND TO CHANGE REFERENCES FROM THE SOUTH CAROLINA PIPELINE COMPANY TO THE CAROLINA GAS TRANSMISSION CORPORATION.

Senator PEELER asked unanimous consent to commit the Bill to the Local Delegation.

There was no objection and the Bill was committed to the Cherokee County Delegation.

**OBJECTION**

H. 3299 -- Reps. Sandifer, Harrell, Cato, Thompson, Bedingfield, Bingham, Brady, Gambrell, Harrison, Jennings, Mack, Mitchell, Cooper, Crawford, Alexander, Allison, Anthony, Bales, Bannister, Barfield, Bowers, G.A. Brown, Clemmons, Cobb-Hunter, Duncan, Gullick, Haley, Hayes, Herbkersman, Howard, Huggins, Limehouse, Littlejohn, Lowe, Miller, Ott, Owens, Pinson, M.A. Pitts, J.R. Smith, J.E. Smith, Spires, Toole, Umphlett, White, Whitmire, Anderson, A.D. Young, T.R. Young, Forrester, H.B. Brown, Weeks, Horne, Parker, Skelton, Wylie and Frye: A BILL TO AMEND SECTION 58-9-576, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTION BY AND DUTIES OF THE LOCAL EXCHANGE CARRIER AND ALTERNATIVE

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FORMS OF REGULATION, SO AS TO ENACT THE “CUSTOMER CHOICE AND TECHNOLOGY INVESTMENT ACT OF 2009”.

Senator MALLOY objected to further consideration.

**AMENDMENT PROPOSED, OBJECTION**

S. 23 -- Senator Jackson: A BILL TO AMEND ARTICLE 47, CHAPTER 5, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHILD PASSENGER RESTRAINT SYSTEMS, SO AS TO DELETE THE TERM “THIS ARTICLE” AND REPLACE IT WITH “SECTION 56-5-6410”, AND TO PROVIDE THAT IT IS UNLAWFUL FOR A DRIVER OR OCCUPANT OF A MOTOR VEHICLE TO SMOKE A TOBACCO PRODUCT WHILE A CHILD WHO IS LESS THAN TEN YEARS OLD IS ALSO AN OCCUPANT OF THE MOTOR VEHICLE, AND TO PROVIDE A PENALTY.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment by Senator BRIGHT and printed in the Journal of April 14, 2009.

Senator BRIGHT spoke on the amendment.

**Point of Order Pending**

Senator HUTTO raised a Point of Order that this amendment was out of order inasmuch as it was identical to a previous amendment on which the Senate had already acted and this amendment could not be resubmitted for consideration except under a motion to reconsider.

The PRESIDENT took the Point of Order under advisement.

Senator L. MARTIN objected to further consideration of the Bill.

**AMENDED, CARRIED OVER**

H. 3203 -- Reps. Brady, Harrison, J.E. Smith, Battle and Simrill: A BILL TO AMEND ARTICLE 4, CHAPTER 56, TITLE 44 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DRYCLEANING FACILITY RESTORATION TRUST FUND, SO AS, AMONG OTHER THINGS, TO FURTHER SPECIFY THAT WHOLESALE DRYCLEANING FACILITIES ARE SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND ARE ELIGIBLE TO SEEK RESTORATION ASSISTANCE UNDER THIS ARTICLE; TO AUTHORIZE THE DEPARTMENT OF HEALTH AND

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ENVIRONMENTAL CONTROL TO USE FUNDS, OTHER THAN FUNDS FROM THE DRYCLEANING FACILITY RESTORATION TRUST FUND, IF AN EMERGENCY EXISTS AND FUNDS ARE NOT AVAILABLE FROM THE TRUST FUND AND TO FURTHER PROVIDE THAT THESE FUNDS MUST BE REPAID FROM THE TRUST FUND; TO PROVIDE EXEMPTIONS FROM THE ENVIRONMENTAL SURCHARGE IMPOSED ON THE GROSS PROCEEDS OF SALES OF RETAIL DRYCLEANING FACILITIES, INCLUDING AN EXEMPTION FOR WHOLESALE SALES OF DRYCLEANING SERVICES; TO FURTHER PROVIDE FOR ELIGIBILITY REQUIREMENTS AND DETERMINATIONS AND PROCEDURES FOR REQUESTING AND ISSUING RESTORATION ASSISTANCE, INCLUDING OBTAINING SECONDARY ASSESSMENTS AND THE AMOUNT OF DEDUCTIBLES; TO PROVIDE INITIAL AND ANNUAL REGISTRATION FEES FOR DRYCLEANING FACILITIES ESTABLISHED AFTER OCTOBER 1, 1995 AND TO AUTHORIZE THE PROPERTY OWNER TO REGISTER A FACILITY IF THE OWNER OR OPERATOR OF THE FACILITY DOES NOT; TO PROVIDE FOR THE ISSUANCE OF CERTIFICATES OF REGISTRATION, TO REQUIRE PRESENTATION OF SUCH CERTIFICATES IN ORDER TO PURCHASE DRYCLEANING SOLVENTS, TO PROHIBIT A SUPPLY FACILITY, OR OTHER DRYCLEANING FACILITY, FROM SELLING DRYCLEANING SOLVENT TO A DRYCLEANING FACILITY IF THE FACILITY DOES NOT POSSESS A CERTIFICATE, AND TO PROVIDE CIVIL PENALTIES; TO SPECIFY REQUIREMENTS FOR A DRYCLEANING FACILITY EXEMPTION CERTIFICATE; AND TO REVISE THE MEMBERSHIP OF THE DRYCLEANING ADVISORY COUNCIL.

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

There was no objection.

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

Senator S. MARTIN proposed the following amendment (H-3203 SMARTIN), which was adopted:

[SJ]

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Amend the bill as and if amended, page 16, by striking lines 10-13 and inserting:

/ Exempt from the fee imposed pursuant to this section are drycleaning facilities in existence before July 1, 1995, that possess a Drycleaning Facility Exemption Certificate issued by the Department of Revenue on or after July 1, 2009 and drycleaning facilities in existence before January 1, 1940 that has drycleaned only with nonhalogenated cleaners. /

Amend the bill further, page 24, after line 37 by adding:

/ (F) Notwithstanding any other provision of this article, the department may direct the Department of Revenue to allow any property owner, owner or operator of a drycleaning facility that has previously registered for coverage under this article to elect to opt out of the provisions of this article provided the facility has been in operation before January 1, 1940 and has drycleaned only with nonhalogenated cleaners. Fees that have been paid by the property owner, owner or operator of a drycleaning facility that is opting out of the provisions of this article may not be refunded. /

Re-number sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

The amendment was adopted.

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

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

**RECALLED**

S. 639 -- Senators O'Dell and Nicholson: A BILL 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

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DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Senator McCONNELL moved to recall the Bill from the Committee on Judiciary.

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

**RECALLED**

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 BUDGET AND CONTROL BOARD AND TO CORRECT ARCHAIC REFERENCES.

Senator McCONNELL moved to recall the Bill from the Committee on Judiciary.

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

**RECALLED**

S. 705 -- Senators Leventis and Land: A BILL TO AMEND SECTION 7-7-501, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SUMTER COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF SUMTER 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.

Senator McCONNELL moved to recall the Bill from the Committee on Judiciary.

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

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**MOTION ADOPTED**

Senator McCONNELL moved that, when the Senate stands adjourned today, the Senate will stand adjourned to meet Thursday, April 16, 2009, subject to the times and limitations set forth in Rule 1B.

The motion was adopted.

**MOTION ADOPTED**

Senator McCONNELL moved that when the Senate stands adjourned on Thursday, April 16, 2009, the Senate would stand adjourned to meet on Friday, April 17, 2009, under the provisions of Rule 1 for the purpose of taking of local matters and uncontested matters which have previously received unanimous consent to be taken up.

There was no objection and the motion was adopted.

**RECALLED**

H. 3311 -- Reprs. 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 TO FURTHER ESTABLISH FILING PROCEDURES AND

[SJ]

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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.

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

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

**Expression of Personal Interest**

Senator McCONNELL rose for an Expression of Personal Interest.

**Remarks to be Printed**

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

**LOCAL APPOINTMENTS**

**Confirmations**

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

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Initial Appointment, Richland County Master-in-Equity, with the term to commence April 30, 2009, and to expire April 30, 2015

Joseph M. Strickland, Richland County Master-in-Equity P. O. Box 192, Columbia, SC 29202

Initial Appointment, Colleton County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Elbert O. Duffie, III, 1075 Dallas Lane, Walterboro, SC 29488-8190  
*VICE* Kenneth A. Campbell

Reappointment, Beaufort County Master-in-Equity, with the term to commence June 6, 2009, and to expire June 6, 2015

Marvin H. Dukes, III, P. O. Box Drawer 1228, Beaufort, SC 29901

Initial Appointment, Greenville County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Daniel G. Marsceau, 647 West Gap Creek Road, Greer, SC 29651  
*VICE* Harold Grimsley

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Carnell Hampton, 3539 Black River Road, Gable, SC 29051

Reappointment, Greenville County Master-in-Equity, with the term to commence December 31, 2009, and to expire December 31, 2015

Charles B. Simmons, Jr., County Courthouse, Suite 313, Greenville, SC 29601

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

Patricia A. Henley, 8071 Long Shadow Lane, North Charleston, SC 29406  
*VICE* Helen Clawson

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**MOTION ADOPTED**

On motion of Senator L. MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Fred A. Hamilton, 98 years old, of Easley, S.C., who died Monday, April 13, 2009, and who was a lifetime employee of Alice Manufacturing Co., Inc., where he retired as Plant Manager of the Alice Plant, WWII Veteran, member of Easley First Baptist Church, loving father, husband and grandfather.

and

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Mary Frances Ritter Jarrett of Kingstree, S.C., a devoted wife to Mr. William "Bill" Jarrett and dedicated mother to three children. She was the Chief Financial Officer of Jarrett's Specialty Co., Inc. and, in 1989, the Chamber of Commerce bestowed the "Merchant of the Year" Award on her. She was an asset to her community and beloved by many friends and family.

**ADJOURNMENT**

At 4:17 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M., pursuant to the provisions of Rule 1B.

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