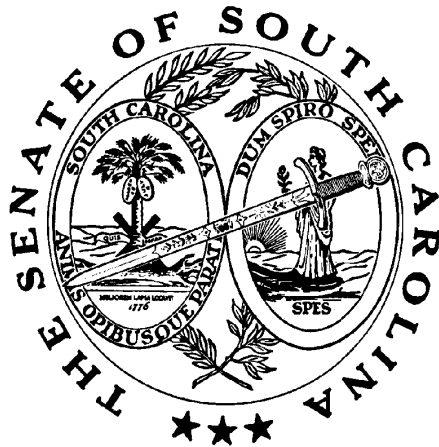


NO. 49

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



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

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**TUESDAY, APRIL 21, 2009**

**Tuesday, April 21, 2009**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

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

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

In I Samuel we read that while David was speaking with his brothers,  
“Goliath, the Philistine champion from Gath, stepped out from his lines and shouted his usual defiance, and David heard it.”  
(I Samuel 17:23)

Bow with me in prayer, if you will:

Dear God, it seems that all these Senators and their dedicated staff members do these days is fight modern-day giants! And the “giants” they confront are as unsettling as Goliath was: facing budget issues, tackling education and unemployment, enhancing business prospects for this State, protecting our citizens. Indeed, it is a seemingly endless list of “battles” to be fought in an age of limited resources. Therefore, we call on You, O God, to grant these Senators the strength and the courage they need to stand up and to fight for the people of this State, seeking as they do so to honor You also through their decisions. Bless and lead each one of these leaders, O loving Lord.  
Amen.

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

**ADDENDUM TO THE JOURNAL**

The following remarks by Senator LAND were ordered to be printed in the Journal of Wednesday, April 1, 2009:

**Remarks by Senator LAND**

Mr. PRESIDENT and gentlemen of the South Carolina Senate. I think this is the first time that I have taken the podium this year.

I want to have your attention for just a few minutes, because I want to get some things off my heart that have greatly bothered me here of late. I have had the privilege, as most of you know, of serving in the South Carolina General Assembly longer than anyone else. This is my 35<sup>th</sup> year, even though I am still a very young man. I have been ridden

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hard to put up with, in those 35 years that I have served here, but I have never seen anything in this State as I am witnessing now with the controversy over whether South Carolina will accept \$700 million in stimulus money that has been set aside for us in Washington for education. Look at these young students up here. They will be educated starting in July, on 1995 funding if the Governor does not pick up his pen and call for this money.

I looked at a young man a minute ago that the Senator from Greenville was introducing--a third grader-- and he will be educated on 1999 dollars, Mr. Chairman of Finance. I don't think South Carolina can recover from the downward spiral that this Governor will send us in without the stimulus package. The stimulus package was meant for just that--to stimulate our economy--to save the 4,000 teacher positions that we will lose in South Carolina without this money. Mr. Clerk, if you will bring down the film screens, so people can see the countdown clock. I dub it as a "countdown clock to chaos." You can see how many days, hours, minutes and seconds that this State has until we start down a very chaotic path in our financial history. This \$700 million--the Chairman of Finance had very wisely decided to use it in two years--\$350 million this year, \$350 million next year. If we don't take it, we lose, Senator from York, nearly an equal amount of federal drawdown funds for Medicaid, the Department of Mental Health, Disabilities and Special Needs, Health and Human Services and nursing homes all over the State of South Carolina. People will not be able to get medical care and the disabled will not be able to get in nursing homes, because we won't have the money to fund these necessary services. Even with the drawdown money and the stimulus package, we will still be funding our government, and someone correct me if I am wrong, probably on a 2003 or 2004 basis.

And we look forward each year to increased revenue so we can increase the quality and the quantity of the services that we render to the people of South Carolina. Without this money we are going to go down the path to chaos in this State. You will see that 11% unemployment jumped to 12% or 13%, because it was estimated yesterday in the Finance Committee that we will probably have as many as 6,000 to 7,000 to 8,000 jobs lost in our state government alone which will have an effect on the private sector, too, Senator from Charleston. When these people go out from state employment or unemployment, they will be looking for jobs, too. It is going to be a very, very difficult time in South Carolina.

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I don't know what it is that our Governor is trying to prove. If he is trying to prove that he can put the State of South Carolina in a depression, he can do it by not requesting this money. If he wants to prove that a generation of school children and college students will be lost from a first-class education standpoint, he can do it by not requesting this money. But if he loves the State of South Carolina as you and I do, he can request this money. He has made his point. He has made his point and I respect it. At the same time this is a representative government. I am not up here representing JOHN LAND. I am representing the people of Senate District 36, and if I have headed down the wrong road, I have friends close enough to me to say, "JOHN, stop where you are. You have made your point, you are wrong on it, now do the right thing."

I know many of you who have supported the Governor and have been to him and asked him to please draw this money down so our school children and our college students can enjoy the educational benefits that this State can render to them with this funding. But he says, "No!" I don't predict that he will change his mind. The reason I am talking to you today is because some of you don't serve on Finance, and some of you don't realize what the Chairman of our Committee, the Senator from Florence, is going through right now. I know him, and he loves this State better than anyone. He feels pressure for what will happen to the people, real South Carolinians, if the Governor does not act responsibly at this time. I make these statements hoping that someone out in South Carolina or many in South Carolina will call the Governor to ask him to change his mind. He has made his point. He can always say he was right and we were wrong. But, he is going to yield to the people of South Carolina through their elected representatives. I understand a Bill passed the House with only eight dissenting votes, and I predict that with the stimulus money in the budget bill, it will pass the Senate, probably with maybe ten dissenting votes. What the people will carry out through us, and I am here today to publicly ask the Governor to please reconsider, and I am here to ask you, the members of the Senate, to ask you to do that, and I am here to ask the people of South Carolina to please get in touch with their Governor to ask him to save this generation of students by simply signing a piece of paper and drawing down this money so the people of South Carolina can prosper. We will be watching the countdown clock until it is too late, and I hope you will be watching it also.

God bless every one of you. Thank you.

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**CORRECTION TO THE JOURNAL**

The Journal of Tuesday, April 14, 2009, reflected incorrect information regarding the appointment of Ms. Nancy L. Banov to the Adult Protection Coordinating Council. The corrected entry should read as follows:

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2008, and to expire June 30, 2012.

1<sup>st</sup> Congressional District:

Nancy L. Banov, 56 Rebellion Rd., Charleston, SC 29407 *VICE*  
Edythe Dove

Referred to the Committee on Medical Affairs.

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**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Initial Appointment, Governor's Nuclear Advisory Council, with term coterminous with Governor

At-Large:

Claude C. Cross, Captain USN (Retired), 53 Country Club Drive,  
Charleston, SC 29412 *VICE* William J. Mottel

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, John De La Howe School Board of Trustees, with the term to commence April 1, 2009, and to expire April 1, 2014

At-Large:

Janet L. Duncan, 205 Crosby Drive, Anderson, SC 29621

Referred to the Committee on Education.

Initial Appointment, John De La Howe School Board of Trustees, with the term to commence April 1, 2008, and to expire April 1, 2013

Patricia M. Stoner, 210 Saddletree Place, Simpsonville, SC 29681  
*VICE* Derrick L. Williams

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Referred to the Committee on Education.

Reappointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2009, and to expire June 30, 2013

4th Congressional District:

Richard C. Huntress, 219 Donington Drive, Greenville, SC 29615

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2005, and to expire June 30, 2009

4th Congressional District:

Richard C. Huntress, 219 Donington Drive, Greenville, SC 29615

*VICE* John Vaughn

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2006, and to expire July 1, 2009

South Carolina Alliance of Black Educators:

Ronald Epps, 6 Old South Drive, Columbia, SC 29209

Referred to the Committee on Education.

Reappointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2009, and to expire July 1, 2012

SC Chamber of Commerce:

Laura H. Getty, 8 Round About Way, Greenville, SC 29609

Referred to the Committee on Education.

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2006, and to expire July 1, 2009

SC Chamber of Commerce:

Laura H. Getty, 8 Round About Way, Greenville, SC 29609

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Referred to the Committee on Education.

Reappointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2009, and to expire June 30, 2012

1st Congressional District:

Fred Lincoln, 133 Sarah Lincoln Rd., Wando, SC 29492

Referred to the Committee on Judiciary.

**Doctor of the Day**

Senators McCONNELL, CAMPSER, CLEARY and PINCKNEY introduced Dr. Louis Costa of Charleston, S.C., Doctor of the Day.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 334 Sen. Campbell  
S. 719 Sen. Leventis  
S. 692 Sen. Knotts  
S. 690 Sen. Grooms

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 724 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR PASTOR STEVEN BRUCE FOWLER UPON THE OCCASION OF HIS RETIREMENT AS PASTOR AT GRACE CHAPEL IN WEST COLUMBIA.

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The Senate Resolution was adopted.

S. 725 -- Senator Fair: A BILL TO AMEND CHAPTER 3, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 SO AS TO ENACT THE "TEMPORARY EMERGENCY ACT FOR CORRECTIONS", TO ALLOW THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS TO

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DEAL WITH BUDGET REDUCTIONS BY CLOSING PRISONS AND ALLOWING THE EARLY RELEASE OF PRISONERS TO ALLOW THE CLOSURES, TO ALLOW RELEASES PURSUANT TO A STATE OF EMERGENCY DECLARED BY THE GENERAL ASSEMBLY BY LAW, TO PROVIDE THOSE PRISONERS ELIGIBLE AND INELIGIBLE FOR EARLY RELEASE, TO PROVIDE THE METHOD AND MANNER OF THESE EARLY RELEASES, AND TO PROVIDE FOR THE OPERATION OF THE PAROLE SYSTEM AS IT RELATES TO PRISONERS RECEIVING AN EARLY RELEASE.

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Senator FAIR spoke on the Bill.

Read the first time and, on motion of Senator FAIR, with unanimous consent, S. 725 was ordered placed on the Calendar without reference.

S. 726 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-21-100 SO AS TO PROVIDE THAT IN THE EVENT THAT THE DEPARTMENT OF PROBATION, PARDON AND PAROLE SERVICES LACKS SUFFICIENT FUNDS TO OPERATE THE PAROLE SYSTEM, THE DEPARTMENT AND THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES JOINTLY MAY DEVELOP POLICIES, PROCEDURES, GUIDELINES, AND COOPERATIVE AGREEMENTS TO IMPLEMENT EARLY PAROLE TERMINATION FOR CAREFULLY SCREENED AND SELECTED PAROLEES WHO HAVE SERVED A MINIMUM OF THREE MONTHS AND HAVE SATISFIED THEIR RESTITUTION OBLIGATIONS AND FINE, FEE, AND ASSESSMENT REQUIREMENTS, TO PROVIDE PAROLEE MAY NOT BE CONSIDERED FOR THIS EARLY PAROLE TERMINATION IF HE HAS BEEN CONVICTED OF CERTAIN CRIMES; AND BY ADDING SECTION 24-21-110 SO AS TO PROVIDE IN THE EVENT THAT THE DEPARTMENT LACKS SUFFICIENT FUNDS TO OPERATE THE PROBATION SYSTEM, THE DEPARTMENT AND THE DIVISION OF COURT ADMINISTRATION JOINTLY MAY DEVELOP POLICIES, PROCEDURES, GUIDELINES, AND COOPERATIVE AGREEMENTS TO IMPLEMENT EARLY PROBATION TERMINATION FOR CAREFULLY SCREENED AND SELECTED PROBATIONERS WHO HAVE SERVED A

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MINIMUM OF THREE MONTHS AND HAVE SATISFIED THEIR RESTITUTION OBLIGATIONS AND FINE, FEE, AND ASSESSMENT REQUIREMENTS, TO PROVIDE THE DEPARTMENT MUST PETITION THE COURT OF APPROPRIATE JURISDICTION FOR CONSIDERATION OF THE EARLY TERMINATION OF PROBATION AND THIS COURT SHALL RETAIN FINAL DISCRETION IN THE MATTER, AND TO PROVIDE A PROBATIONER MAY NOT BE CONSIDERED FOR EARLY PROBATION TERMINATION IF HE HAS BEEN CONVICTED OF CERTAIN CRIMES.

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Read the first time and referred to the Committee on Corrections and Penology.

S. 727 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, STATE CROP PEST COMMISSION, RELATING TO PHYTOPHTHORA RAMORUM QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4062, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 728 -- Senator Hayes: A BILL TO AMEND SECTION 12-65-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENTITLEMENT TO TAX CREDITS UNDER THE TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO FURTHER PROVIDE FOR THE APPLICABILITY OF SPECIFIC REQUIREMENTS FOR TEXTILE MILL SITES ACQUIRED BEFORE AND AFTER 2007, TO REVISE THE ALLOWABLE AMOUNT OF THE CREDITS IN CERTAIN INSTANCES, TO PROVIDE THAT THE TAX CREDITS ALLOWED INCLUDE CREDITS AGAINST INSURANCE PREMIUM TAXES, TO MAKE A TECHNICAL CORRECTION, AND TO FURTHER PROVIDE FOR THE MANNER IN WHICH THESE CREDITS ARE VESTED IN A TAXPAYER AND MAY BE ALLOCATED TO PARTNERS OR MEMBERS; BY ADDING SECTION 12-65-50 SO AS TO PROVIDE TRANSITION RULES APPLICABLE TO SPECIFIC

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MILL SITES; AND BY ADDING SECTION 12-65-60 SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY CERTIFICATION PROCESS.

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

S. 729 -- Senator McConnell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 21 OF THE CONSTITUTION OF THIS STATE AND SECTION 2-1-180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 4, 2009, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE UPON CERTAIN OCCURRENCES AND FOR THE CONSIDERATION OF SPECIFIED MATTERS; AND THAT THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN 12:00 NOON ON TUESDAY, JANUARY 12, 2010.

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

S. 730 -- Senator Lourie: A SENATE RESOLUTION TO RECOGNIZE THE PALMETTO HEALTH RICHLAND VOLUNTEER AUXILIARY IN RICHLAND COUNTY UPON THE CELEBRATION OF ITS CENTENNIAL YEAR, AND TO HONOR ITS ONE HUNDRED YEARS OF SERVICE TO PALMETTO HEALTH RICHLAND, THE CITY OF COLUMBIA, AND THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 731 -- Senator Lourie: A SENATE RESOLUTION TO DESIGNATE THE MONTH OF MAY 2009 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE COMMUNITY AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

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The Senate Resolution was adopted.

S. 732 -- Senator Lourie: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CHARLES LUTHER SIFFORD OF KINGWOOD, TEXAS, FOR HIS OUTSTANDING LEADERSHIP AMONG AFRICAN AMERICANS IN THE FIELD OF PROFESSIONAL GOLF, AND TO CONGRATULATE HIM FOR A LIFETIME OF SUCCESS AND FOR OVERCOMING STRONG RACIAL BARRIERS IN THAT SPORT.

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The Senate Resolution was adopted.

S. 733 -- Senator Williams: A SENATE RESOLUTION TO CONGRATULATE WAYSIDE CHAPEL BAPTIST CHURCH IN FLORENCE, SOUTH CAROLINA UPON THE OCCASION OF THE DEDICATION OF ITS NEW SANCTUARY ON SUNDAY, APRIL 26, 2009.

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The Senate Resolution was adopted.

S. 734 -- Senator Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE LOWER RICHLAND HIGH SCHOOL "LADY DIAMONDS" BASKETBALL TEAM ON ITS IMPRESSIVE WIN OF THE 2009 CLASS AAA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE PLAYERS, COACH, AND STAFF ON AN OUTSTANDING SEASON.

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

S. 735 -- Senators Rose, Verdin, Knotts, Bryant, Grooms, Fair, Shoopman, Bright, S. Martin and Ryberg: A BILL TO AMEND SECTION 6-27-30 OF THE 1976 CODE, RELATING TO FUNDING OF THE LOCAL GOVERNMENT FUND, TO PROVIDE THAT FOR ANY FISCAL YEAR THAT THE ACTUAL AMOUNT APPROPRIATED TO THE LOCAL GOVERNMENT FUND IS LESS THAN THE AMOUNT APPROPRIATED IN THE LATEST COMPLETED FISCAL YEAR, A POLITICAL SUBDIVISION RECEIVING AID FROM THE FUND MAY REDUCE ITS

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**TUESDAY, APRIL 21, 2009**

SUPPORT TO ANY STATE MANDATED PROGRAM OR REQUIREMENT BY UP TO A PERCENTAGE EQUAL TO THE PERCENTAGE REDUCTION IN THE ACTUAL AMOUNT APPROPRIATED TO THE LOCAL GOVERNMENT FUND.

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Senator ROSE spoke on the Bill.

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

S. 736 -- Senators Ryberg, Fair, Cleary, Bryant, Shoopman, Rose, Reese, Mulvaney, McGill, Anderson, Ford, Cromer, Peeler, Williams and S. Martin: A BILL TO AMEND CHAPTER 1, TITLE 2 OF THE 1976 CODE, RELATING TO THE GENERAL ASSEMBLY, BY ADDING SECTION 2-1-35 TO PROVIDE THAT A PERSON'S NAME MAY NOT APPEAR ON THE BALLOT AS A CANDIDATE FOR THE STATE SENATE OR HOUSE OF REPRESENTATIVES UNLESS THAT PERSON FOR THE LAST TEN YEARS HAS ANNUALLY FILED ALL REQUIRED FEDERAL AND STATE INCOME TAXES, PAID ALL TAXES DUE, AND SATISFIED ALL JUDGMENTS, LIENS, OR OTHER PENALTIES FOR FAILURE TO PAY INCOME TAXES WHEN DUE.

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Senator RYBERG spoke on the Bill.

Senator LEVENTIS spoke on the Bill.

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

S. 737 -- Senators Ryberg, Fair, Cleary, Bryant, Shoopman, Rose, Reese, Mulvaney, McGill, Anderson, Ford, Cromer, Peeler, Williams and S. Martin: A BILL TO AMEND CHAPTER 1, TITLE 7 OF THE 1976 CODE, RELATING TO ELECTIONS, BY ADDING SECTION 7-1-90 TO PROVIDE THAT A PERSON'S NAME MAY NOT APPEAR ON THE BALLOT AS A CANDIDATE FOR AN ELECTED OFFICE OF THIS STATE OR ITS POLITICAL SUBDIVISIONS UNLESS THAT PERSON FOR THE LAST TEN YEARS HAS ANNUALLY FILED ALL REQUIRED FEDERAL AND STATE INCOME TAXES, PAID ALL TAXES DUE, AND SATISFIED ALL JUDGMENTS, LIENS, OR OTHER PENALTIES FOR FAILURE TO PAY INCOME TAXES WHEN DUE.

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**TUESDAY, APRIL 21, 2009**

Senator RYBERG spoke on the Bill.

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

S. 738 -- Senators Ryberg, Fair, Cleary, Bryant, Shoopman, Rose, Reese, Mulvaney, McGill, Anderson, Ford, Cromer, Peeler, Williams and S. Martin: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 1 OF THE 1976 CODE, RELATING TO THE APPOINTMENT AND REMOVAL OF OFFICERS BY THE GOVERNOR, BY ADDING SECTION 1-3-200 TO PROVIDE THAT THE GOVERNOR MAY NOT MAKE AN APPOINTMENT UNLESS THE APPOINTEE ANNUALLY FILED ALL REQUIRED FEDERAL AND STATE INCOME TAX RETURNS, REGARDLESS OF THE SOURCE OF INCOME, PAID ALL INCOME TAXES DUE DURING THAT TIME PERIOD, AND SATISFIED ALL JUDGMENTS, LIENS, OR OTHER PENALTIES FOR FAILURE TO PAY INCOME TAXES WHEN DUE.

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Senator RYBERG spoke on the Bill.

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

S. 739 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Cleary, Hayes, Leatherman, Nicholson, Reese, Ryberg, Sheheen, Shoopman, Thomas, Williams, Campsen, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hutto, Jackson, Land, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, O'Dell, Peeler, Pinckney, Rankin, Rose, Scott, Setzler and Verdin: A SENATE RESOLUTION TO CONGRATULATE THE UNIVERSITY OF SOUTH CAROLINA CHAPTER OF ALPHA TAU OMEGA FRATERNITY FOR ITS SUCCESSFUL SPONSORSHIP OF THE GREEK OPEN TENNIS TOURNAMENT THAT RAISED MORE THAN \$13,000 FOR THE HONOR FLIGHT PROJECT SO THAT MORE OF OUR STATE'S WORLD WAR II VETERANS CAN BE FLOWN TO WASHINGTON TO VISIT OUR GRATEFUL NATION'S MEMORIAL TO THEIR PERSONAL SACRIFICES AND PROUD SERVICE.

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Senator KNOTTS spoke on the Resolution.

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The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator COURSON from the Committee on Agriculture and Natural Resources submitted a favorable report on:

S. 682 -- Senator Courson: A SENATE RESOLUTION TO DECLARE TUESDAY, APRIL 21, 2009, AS "SOUTH CAROLINA RECYCLERS DAY" AND TO COMMEND AND RECOGNIZE SOUTH CAROLINA'S RECYCLERS FOR THEIR CONTRIBUTIONS TO OUR STATE'S ECONOMY AND FOR THEIR EFFORTS TO PROTECT THE ENVIRONMENT AND PROMOTE ENERGY EFFICIENCY.

**Adopted--S. 682**

Senator VERDIN asked unanimous consent to take the Resolution up for immediate consideration.

There was no objection.

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

The Senate Resolution was adopted.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

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

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

H. 3581 -- Rep. Cooper: A JOINT RESOLUTION TO FURTHER PROVIDE FOR FISCAL YEAR 2009-2010 FOR THE FUNCTIONS

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AND FUNDING OF CERTAIN LOCAL GOVERNMENT MATTERS.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 21, 2009

Mr. President and Senators:

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

STATEWIDE APPOINTMENT

Reappointment, South Carolina State Ethics Commission, with the term to commence June 30, 2008, and to expire June 30, 2013

6th Congressional District:

Priscilla L. Tanner, P. O. Box 85, Johnsonville, SC 29555

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 21, 2009

Mr. President and Senators:

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

STATEWIDE APPOINTMENT

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2008, and to expire June 30, 2013

5th Congressional District:

Jonathan H. Burnett, 2800 Cypress Bend Road, Florence, SC 29506

*VICE* Robert Bruce

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 21, 2009

Mr. President and Senators:

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**TUESDAY, APRIL 21, 2009**

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

**LOCAL APPOINTMENT**

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

Very respectfully,

Speaker of the House

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the titles be changed to that of Acts and enrolled for Ratification:

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 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

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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.

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.

**H. 3856--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of H. 3856.

**HOUSE BILL RETURNED**

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

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

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

**H. 3452--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of H. 3452.

**THIRD READING BILLS**

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

S. 218 -- Senators Fair and Leventis: A BILL TO AMEND SECTIONS 24-13-210 AND 24-13-230, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GOOD BEHAVIOR, WORK, AND ACADEMIC CREDITS, SO AS TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS TO ESTABLISH POLICIES AND PROCEDURES TO RESTORE TO AN INMATE GOOD-TIME CREDIT LOST FOR A DISCIPLINARY ACTION IF THE INMATE IS NOT FOUND GUILTY OF A SUBSEQUENT DISCIPLINARY ACTION, TO ALLOW THE DIRECTOR TO AWARD GOOD-TIME CREDIT TO AN INMATE WHO PERFORMS CERTAIN MERITORIOUS ACTS, AND TO PROVIDE THAT THE DIRECTOR MUST ESTABLISH POLICIES AND PROCEDURES TO ALLOW CERTAIN PRISONERS WHO ARE ENROLLED IN CERTAIN PROGRAMS THAT INCLUDE SELF-HELP PROGRAMS TO RECEIVE A REDUCTION IN THEIR SENTENCES; TO AMEND SECTION 24-27-200, RELATING TO THE FORFEITURE OF WORK, EDUCATION, OR GOOD CONDUCT CREDITS, SO AS TO PROVIDE THAT A REDUCTION IN THESE CREDITS MAY BE IMPLEMENTED PURSUANT TO AN ADMINISTRATIVE LAW JUDGE'S RECOMMENDATION; AND TO AMEND SECTION 30-4-40, AS AMENDED, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE THAT CERTAIN ARCHITECTURAL PLANS, DRAWINGS, OR SCHEMATICS OR LAW ENFORCEMENT POLICIES WHOSE DISCLOSURE WOULD REASONABLY BE USED TO FACILITATE AN ESCAPE FROM LAWFUL CUSTODY MAY BE EXEMPT FROM DISCLOSURE.

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**S. 218--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of S. 218.

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

**S. 196--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of S. 196.

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 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

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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.

**S. 286--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting against third reading of S. 286.

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. 694--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of S. 694.

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. 698--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of S. 698.

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

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ASIATICUS) A DISEASE OF CITRUS PLANTS, AND TO PROVIDE REQUIREMENTS FOR AND THE DURATION OF THE QUARANTINE AND PENALTIES FOR VIOLATION.

**S. 711--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of S. 711.

**SECOND READING BILLS**

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

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.

**S. 491--Recorded Vote**

Senator McCONNELL desired to be recorded as voting against the second reading of S. 491.

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

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S. 692 -- Senators Sheheen, McConnell, Hutto and Knotts: 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.

Senator SHEHEEN explained the Joint Resolution.

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.

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.

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”.

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

Senator ROSE explained the Bill.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

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 TO REQUIRING VICTIMS OF CERTAIN CRIMES TO SUBMIT TO POLYGRAPH EXAMINATIONS, TO MANDATE THE INVESTIGATIVE AND PROSECUTORIAL PROCEDURES 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

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COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT.

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

The Committee on Judiciary proposed the following amendment (JUD0512.001), which was adopted:

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

/ SECTION 1. This act may be cited as the "Violence Against Women Federal Compliance Act" and is intended to bring South Carolina into compliance with the federal Violence Against Women Act.

SECTION 2. Section 16-3-740(A) of the 1976 Code is amended to read:

"Section 16-3-740. (A) For purposes of this section:

(1) 'Body fluid' means blood, amniotic fluid, pericardial fluid, pleural fluid, synovial fluid, cerebrospinal fluid, semen or vaginal secretions, or any body fluid visibly contaminated with blood.

(2) 'HIV' means the human immunodeficiency virus.

(3) 'Offender' includes ~~a person under seventeen years of age~~ adults and juveniles."

SECTION 3. Section 16-3-740(C) of the 1976 Code is amended to read:

"(C) The tests must be administered by the Department of Health and Environmental Control through the local county health department or the medical professional at the state or local detention facility where the offender is imprisoned or detained. ~~If the tests are performed prior to conviction or adjudication, the results of the tests must be reported only to the solicitor who obtained the court order.~~ The solicitor shall notify the following persons of the tests results:

(1) the victim or the legal guardian of a victim who is a minor or is mentally retarded or mentally incapacitated;

(2) the victim's attorney;

(3) the offender and a juvenile offender's parent or guardian; and

(4) the offender's attorney.

The results of the tests shall be provided to the designated recipients with the following disclaimer: 'The tests were conducted in a medically approved manner, but tests cannot determine infection by

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Hepatitis B or HIV with absolute accuracy. Additionally, the testing does not determine exposure to, or infection, by other sexually transmitted diseases. Persons receiving the tests results should continue to monitor their own health, seek retesting in approximately six months, and should consult a physician as appropriate’.

The solicitor also shall provide to the state or local correctional facility where the offender is imprisoned or detained and the Department of Health and Environmental Control the test results for HIV and Hepatitis B which indicate that the offender is infected with the disease. The state or local correctional facility where the offender is imprisoned or detained shall use this information solely for the purpose of providing medical treatment to the offender while the offender is imprisoned or detained. The State shall pay for the tests. If the offender is subsequently convicted or adjudicated delinquent, the offender or the parents of an adjudicated offender must reimburse the State for the costs of the tests unless the offender or the parents of the adjudicated offender are determined to be indigent.

If the tests given pursuant to this section indicate infection by Hepatitis B or HIV, the Department of Health and Environmental Control shall be provided with all tests results and must provide counseling to the offender regarding the disease, syndrome, or virus. The Department of Health and Environmental Control must ~~also provide testing and~~ provide testing and counseling for the victim, advise the victim of available medical treatment options, at the victim’s request and referral refer the victim to for appropriate health care and support services, and, at the request of the victim or the legal guardian of a victim, test the victim for HIV and Hepatitis B and provide post-testing counseling to the victim.”

SECTION 4. Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-750. A law enforcement officer, prosecuting officer, or other governmental official may request that the victim of an alleged criminal sexual conduct offense as defined under federal or South Carolina law submit to a polygraph examination or other truth telling device as part of the investigation, charging, or prosecution of the offense if the credibility of the victim is at issue; however, the officer or official must not require the victim to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation, charging, or prosecution of the offense.”

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SECTION 5. Section 16-3-1350(A) and (B) of the 1976 Code is amended to read:

“(A) The State must ensure that a victim of criminal sexual conduct in any degree, criminal sexual conduct with a minor in any degree, or child sexual abuse must not bear the cost of his or her routine medicolegal exam following the assault ~~if the victim has filed an incident report with a law enforcement agency.~~

(B) These exams must be standardized relevant to medical treatment and to gathering evidence from the body of the victim and must be based on and meet minimum standards for rape exam protocol as developed by the South Carolina Law Enforcement Division, the South Carolina Hospital Association, and the Governor’s Office Division of Victim Assistance with production costs to be paid from funds appropriated for the Victim’s Compensation Fund. These exams must include treatment for ~~veneral disease~~ sexually transmitted diseases, and must include medication for pregnancy prevention if indicated and if desired. The South Carolina Law Enforcement Division must distribute these exam kits to any licensed health care facility providing sexual assault exams. When dealing with a victim of criminal sexual assault, the law enforcement agency immediately must transport the victim to the nearest licensed health care facility which performs sexual assault exams. A health care facility providing sexual assault exams must use the standardized protocol described above.”

SECTION 6. Section 20-4-60(B) of the 1976 Code is amended to read:

“(B) Every order of protection issued pursuant to this chapter shall conspicuously bear the following language:

(1) ‘Violation of this order is a criminal offense punishable by thirty days in jail or a fine of two hundred dollars or may constitute contempt of court punishable by up to one year in jail and/or a fine not to exceed fifteen hundred dollars-’; ~~and~~

(2) ‘Pursuant to Section 16-25-125 of the South Carolina Code of Laws, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person’s household member resides or the domestic violence shelter’s administrative offices. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more

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than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both-'; and

(3) 'Pursuant to 18 USC Section 922, it is unlawful for a person who is subject to an order of protection to ship, transport, possess, or receive a firearm or ammunition'."

SECTION 7. Chapter 25, Title 16 of the 1976 Code is amended by adding:

"Section 16-25-30. At the time of conviction, the court must deliver, to any person convicted of violating the provisions of Section 16-25-20 or 16-25-65, a written form which conspicuously bears the following language: 'Pursuant to 18 USC Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 to ship, transport, possess, or receive a firearm or ammunition'."

SECTION 8. Section 16-3-1770 of the 1976 Code is amended to read:

"Section 16-3-1770. (A) A temporary restraining order granted without notice must be endorsed with the date and hour of issuance and entered of record with the magistrates court.

(B) The terms of the restraining order must protect the plaintiff and may include temporarily enjoining the defendant from:

(1) abusing, threatening to abuse, or molesting the plaintiff or members of the plaintiff's family;

(2) entering or attempting to enter the plaintiff's place of residence, employment, education, or other location; and

(3) communicating or attempting to communicate with the plaintiff in a way that would violate the provisions of this article.

(C) A restraining order issued pursuant to this article conspicuously must bear the following language:

(1) 'Violation of this order is a criminal offense punishable by thirty days in jail, a fine of five hundred dollars, or both-'; ~~and~~

(2) 'Pursuant to Section 16-25-125, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person's household member resides or the domestic violence shelter's administrative offices. A person who

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violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both; and

(3) Pursuant to 18 USC Section 922, it is unlawful for a person who is subject to a restraining order to ship, transport, possess, or receive a firearm or ammunition if the order:

(a) was issued after a hearing of which such person received actual notice and had an opportunity to participate;

(b) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily harm.

(D) A restraining order issued by a court may not contain the social security number of a party to the order and must contain as little identifying information as is necessary of the party it seeks to protect.”

SECTION 9. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 10. 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

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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 11. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The committee 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 41; Nays 0**

**AYES**

Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Coleman	Courson
Cromer	Davis	Fair
Ford	Grooms	Hayes
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	<i>Martin, S.</i>	Massey
Matthews	McConnell	McGill
Nicholson	O'Dell	Peeler
Rankin	Reese	Rose
Ryberg	Scott	Setzler
Sheheen	Shoopman	Thomas
Verdin	Williams	

**Total--41**

**NAYS**

**Total--0**

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

**Statement by Senator ELLIOTT**

Had I been in the Chamber when the vote was taken, I would have voted in favor of second reading.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

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

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

The Committee on Transportation proposed the following amendment (630R003.JCL), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 26-31 and inserting:

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/ Reasonable facilities requirements shall not include any requirement that a motor vehicle dealer establish or maintain exclusive facilities, personnel, or display space, unless the manufacturer or distributor establishes by a preponderance of the evidence that such requirements are justified by current economic conditions or reasonable business considerations.” /

Amend the bill further, as and if amended, pages 2-3, by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. Section 56-15-90 of the 1976 Code is amended to read:

“Section 56-15-90. (A) Anything to the contrary, notwithstanding, it shall be unlawful for the manufacturer, wholesaler, distributor, or franchisor, without due cause, to fail to renew on terms then equally available to all its motor vehicle dealers of the same line-make, to terminate a franchise or to unreasonably restrict the transfer of a franchise unless the ~~franchise~~ franchisee shall receive fair and reasonable compensation for the value of the business and compensation for its dealership facilities or location as provided in subsection (C).

(B) In determining the fair and reasonable compensation for a business, pursuant to subsection (A) or (D), the value of the business shall include, but not be limited, to:

(1) the dealer cost for all new untitled, undamaged, and unaltered motor vehicles in the dealer’s inventory purchased from the manufacturer or from another same line-make dealer in the ordinary course of business within eighteen months of termination;

(2) the dealer cost for all new, unused, and undamaged parts listed in the current price catalog and still in the original, resalable merchandising package and in unbroken lots, purchased from the manufacturer or distributor;

(3) the fair market value of signage bearing a trademark or trade name of the manufacturer or line-make purchased from and required by the manufacturer or distributor;

(4) the fair market value of special tools and automotive service equipment owned by the dealer that were designated as special tools or equipment required by and purchased from the manufacturer or distributor, if the tools and equipment are in useable and good condition, normal wear and tear excepted; and

(5) the reasonable cost of return shipping and handling charges incurred as a result of returning such items.

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Provided the new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer, the payments required under this section shall be paid by the manufacturer, wholesaler, distributor, or franchisor within ninety days of the effective date of the termination, nonrenewal, or cancellation of a franchise.

(C) Within sixty days of the termination, cancellation, or nonrenewal of a franchise by a manufacturer, wholesaler, distributor, or franchisor, such party shall pay the franchisee an amount equal to:

(1) the franchisee's reasonable cost to rent or lease its dealership facility or location for one year or the unexpired term of the lease or rental period, whichever is less; or

(2) the reasonable rental value of the facilities or location for one year if the franchisee owns the facility or location.

If more than one franchise is being terminated, canceled, or not renewed, the reimbursement shall be prorated equally among the different manufacturers, wholesalers, distributors, and franchisors. If the facility is used for the operations of more than one franchise and only one is being terminated, the reasonable rent shall be paid based upon the prorated portion of new vehicle sales for the previous year attributable to the line-make being terminated, cancelled, or non-renewed.

(D) In the event a franchisee terminates the franchise agreement with the manufacturer, wholesaler, distributor, or franchisor, it is unlawful for the manufacturer, wholesaler, distributor, or franchisor to not abide by the provisions included in subsection (B) in determining fair and reasonable compensation to the dealer. However, the requirements of subsection (B) do not apply to a termination, cancellation, or nonrenewal due to the sale of the assets or stock of a motor vehicle franchisee.

(E) In the case of a franchise for motor homes as defined in Section 56-15-10(q), subsections (B), (C), and (D) do not apply.” /

Renumber sections to conform.

Amend title to conform.

Senator LAND explained the committee amendment.

The committee amendment was adopted.

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**Recorded Vote**

Senator McCONNELL desired to be recorded as voting against the adoption of the committee amendment.

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

**S. 630--Recorded Vote**

Senator McCONNELL desired to be recorded as voting against of the second reading of S. 630.

**AMENDED, READ THE SECOND TIME**

H. 3203 -- Reprs. 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 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

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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.

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

Senators S. MARTIN, LEVENTIS, SETZLER and KNOTTS proposed the following amendment (H-3203 PL AND SM), which was adopted:

Amend the bill as and if amended, page 11, by striking lines 12-28 and inserting:

/ (E) If the facility started operation before ~~six months after the effective date of this act~~ November 24, 2004, and an eligible drycleaning or wholesale owner or operator or person applies for monies from the fund ~~on or before~~:

(1) ~~eighteen months after the effective date of this act~~ on or before November 24, 2005, the deductible is one thousand dollars;

(2) ~~thirty months after the effective date of this act~~ after November 24, 2005, the deductible is twenty-five thousand dollars.

An eligible drycleaning of wholesale supply facility that has applied for monies from the fund ~~prior to the effective date of this paragraph~~ before May 24, 2004, shall have a deductible of one thousand dollars regardless of any deductible previously assigned to the facility based on its application date or type of site. Any approved assessment or remedial costs in excess of one thousand dollars previously incurred by the owner, operator, or ~~person~~ shall property owner shall be refunded, without interest, to such party by the department. /

Amend the bill further, page 16, by striking lines 13-18 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

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of Revenue on or after July 1, 2009, and drycleaning facilities in existence before January 1, 1940, that have drycleaned only with nonhalogenated cleaners. / /

Amend the bill further, page 22, by striking lines 7-8 and inserting:

/ the Department of Revenue if the drycleaning facility meets the requirement in subsection (F) or all of the following requirements:/

Amend the bill further, page 23, by striking lines 39-43 and inserting:

/ (C) Notwithstanding subsections (A) and (B) of this section, if a ~~person~~ property owner or an owner or operator of a drycleaning facility in existence on July 1, 1995, has made an election not to place a facility under the provisions of this article as allowed in subsection (A) or (B) ~~above~~, then the ~~person, owner, or operator~~ property owner or an owner or operator of a drycleaning facility may /

Amend the bill further, page 24, by striking lines 14-43, and on page 25 by striking lines 1-7 and inserting:

/ (D) Notwithstanding any other provision of this article, any ~~person~~ property owner or owner or operator of a drycleaning facility that has not registered with the Department of Revenue and complied with the provisions of this article may voluntarily register with the Department of Revenue on or before July 1, 2005, without incurring any penalties or interest. Payment of all taxes and fees due pursuant to this article is required to be made from the later of July 1, 1995, or the date the drycleaning facility began operating. A ~~person~~ property owner or owner or operator of a drycleaning facility that does not voluntarily register under this ~~provision~~ subsection is subject to interest, penalties, and payment of all taxes and fees from the later of July 1, 1995, or the date the drycleaning facility began operating. No fees ~~will~~ may be prorated or refunded for a business in operation for less than twelve months.

(E) Notwithstanding any other provisions in this article, the department may direct the Department of Revenue to allow a ~~person~~ property owner or owner or operator of a drycleaning facility, who elected not to place the facility under this article pursuant to subsection (A) or (B) of this section to register, provided the department finds that the ~~person~~ property owner or owner or operator of the drycleaning facility requesting to register did not have notice of this article for more than ninety days prior to requesting registration. The ~~person~~ property owner or owner or operator of a drycleaning facility registering pursuant to this subsection is liable for payment of all taxes or fees,

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including interest, from the later of July 1, 1995, or the date the drycleaning facility began operating; however, the registering ~~person, owner, or operator~~ property owner or owner or operator of a drycleaning facility is not liable for penalties. No fees ~~will~~ may be prorated or refunded for a business in operation for less than twelve months.

(F) Notwithstanding any other provision of this article, the department may direct the Department of Revenue to allow a 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, has drycleaned only with nonhalogenated cleaners and applies for a Drycleaning Facility Exemption Certificate after July 1, 2009 and before September 30, 2009. 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 and may not receive any benefit from this article. /

Amend the bill further, page 25 by striking lines 34-35 and inserting:

/ (1) ~~five~~ eight representatives of the drycleaning industry who are participating in this article; /

Amend the bill further, page 26, by striking lines 8-18 and inserting:

/ (C) Members enumerated in ~~subsection~~ subsections (B)(1) through ~~(5)~~ (B)(3) ~~may~~ shall be appointed by the ~~Governor with the advice and consent of the Senate~~ Board of the Department of Health and Environmental Control and shall serve terms of two years and until their successors are appointed and qualify. ~~The members enumerated in subsection (B)(6) through (10) must be appointed by the respective directors or commissioner of the appropriate agency, and all serve ex officio for terms of two years and until their successors are appointed and qualify.~~ The chairman of the council must be elected by the members of the council at the first meeting of each new term. /

Renumber sections to conform.

Amend title to conform.

Senator S. MARTIN explained the amendment.

The 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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**RECOMMITTED**

S. 296 -- Senators Leventis and Hayes: 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 TO, AMONG OTHER THINGS, FURTHER SPECIFY THAT WHOLESAL 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 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 WHOLESAL 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

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TO REVISE THE MEMBERSHIP OF THE DRYCLEANING ADVISORY COUNCIL.

On motion of Senator LEVENTIS, the Bill was recommitted to the Committee on Medical Affairs.

**COMMITTED TO THE LOCAL DELEGATION**

S. 326 -- Senators Davis and Pinckney: A BILL TO AUTHORIZE THE BOARD OF EDUCATION FOR THE BEAUFORT COUNTY SCHOOL DISTRICT TO IMPOSE AN IMPACT FEE ON ANY DEVELOPER FOR EACH NEW RESIDENTIAL DWELLING UNIT CONSTRUCTED BY THE DEVELOPER WITHIN THE SCHOOL DISTRICT, TO PROVIDE THAT THE FUNDS MAY ONLY BE USED FOR THE CONSTRUCTION OF PUBLIC EDUCATION FACILITIES FOR GRADES K-12 WITHIN THE DISTRICT AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON EXISTING OR NEW BONDS ISSUED BY THE DISTRICT, AND TO PROVIDE THAT THE IMPACT FEE SHALL BE SET AT AN AMOUNT NOT TO EXCEED THE COST THAT EACH ADDITIONAL DWELLING UNIT IMPOSES ON THE SCHOOL DISTRICT FOR PUBLIC EDUCATION FACILITIES.

On motion of Senator DAVIS, the Bill was committed to the Local Delegation.

**ADOPTED**

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

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

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

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APPROPRIATE MARKERS OR SIGNS ALONG THESE BICYCLE LANES THAT CONTAIN THE WORDS "JESSE'S WAY".

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

**CARRIED OVER**

S. 284 -- Senators Alexander, L. Martin, Campbell and Campsen: 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 A 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 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

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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.

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

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.

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

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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.

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

S. 390 -- Senator Hayes: A BILL TO ENACT THE "MENTAL HEALTH PARITY AND ADDICTION ACT OF 2009"; AND TO AMEND SECTION 38-71-880, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL AND SURGICAL BENEFITS AND MENTAL BENEFITS COVERAGE, SO AS TO ADD PROVISIONS RELATING TO SUBSTANCE USE DISORDER COVERAGE, FINANCIAL REQUIREMENTS, AND TREATMENT LIMITATIONS AND TO PROVIDE FOR DEFINITIONS.

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

**AMENDED, CARRIED OVER**

S. 617 -- Senator Cromer: A BILL TO AMEND SECTION 50-11-2200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF WILDLIFE MANAGEMENT AREAS, SO AS TO SPECIFY ADDITIONAL PROHIBITED ACTIVITIES; TO AMEND SECTION 50-11-2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; TO AMEND SECTION 50-11-2220, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR ABUSING WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; AND BY ADDING SECTION 50-11-2225 SO AS TO CREATE A MISDEMEANOR CRIMINAL OFFENSE FOR ENTERING OR REMAINING ON A CLOSED AREA CONTRARY TO THE INSTRUCTIONS OF A LAW ENFORCEMENT OFFICER, MANAGER, OR DEPARTMENT CUSTODIAL PERSONNEL.

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

Senator CAMPSSEN proposed the following amendment (617R002.GEC), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 38-40 and inserting:

/ the protection, propagation, and promotion of fish and wildlife and for public hunting, ~~and fishing, and other natural resource dependent recreational use.~~ The department may not have under lease at any /

Amend the bill further, as and if amended, page 2, by striking line 23

Amend the bill further, as and if amended, page 3, by striking lines 15-42, and on page 4, by striking lines 1-5 and inserting:

/ (19) gathering, damaging, or destroying rocks, minerals, fossils, artifacts, geological formations or ecofacts, except by permit;

(20) gathering, damaging, or destroying plants, fallen vegetation, animals, and fungi except to the extent these activities are authorized by permit, or are incidental to other activities authorized in wildlife management areas by this title; /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

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

#### **OBJECTIONS**

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.

Senator SETZLER objected to further consideration of the Bill.

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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 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

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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 MALLOY objected to further consideration of the Bill.

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

**MOTION ADOPTED**

On motion of Senator McCONNELL, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 11:00 A.M. on Wednesday, April 22, 2009.

**MOTION ADOPTED**

On motion of Senator McCONNELL, the Senate agreed that, when the Senate adjourns Wednesday, April 22, 2009, it stand adjourned to meet at 10:00 A.M. on Thursday, April 23, 2009.

**MOTION ADOPTED**

On motion of Senator GROOMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Frances Graham Kibler, 98, of St. Stephen, S.C., a former substitute teacher at St. Stephen High and Elementary Schools. She was the oldest living member of the First Baptist Church, St. Stephen, where she was a former beginner Sunday school teacher, pianist and choir member.

and

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**MOTION ADOPTED**

On motion of Senators SCOTT, COURSON, LOURIE, JACKSON, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSER, CLEARY, COLEMAN, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GROOMS, HAYES, HUTTO, KNOTTS, LAND, LEATHERMAN, LEVENTIS, MALLOY, L. MARTIN, S. MARTIN, MASSEY, MATTHEWS, McCONNELL, McGILL, MULVANEY, NICHOLSON, O'DELL, PEELER, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Lela Prince Patterson. Mrs. Patterson was born in Darlington County, S.C., and died April 15, 2009, in White Plains, N.Y. She was the mother of our colleague and friend, former Senator KAY PATTERSON.

**ADJOURNMENT**

At 1:44 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*

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