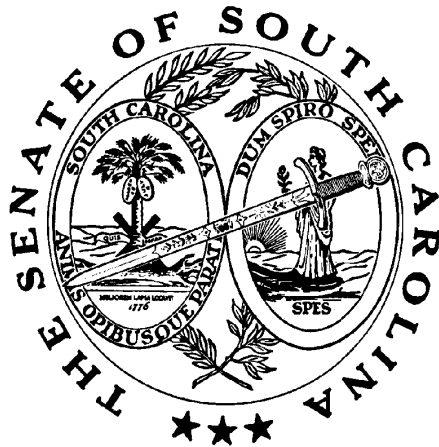


NO. 50

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

WEDNESDAY, APRIL 22, 2009

Wednesday, April 22, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.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:

The Psalmist writes:

“I will praise you, O Lord, with all my heart; I will tell of all your wonders.” (Psalm 9:1)

Please join me as we pray:

Gracious God, the Psalmist knew well the wonders of Your Creation. So do we; they are on display everywhere we turn here in South Carolina. On this Earth Day we pause to give You full acknowledgment of our love for the natural wonders of this State, as well as our appreciation for all of the wonderful people who reside here. Lord, guide us as we strive to protect and enhance the incredible but fragile world around us. And lead these Senators to do those things they must to bless every individual citizen. With all of our hearts, Lord, help us to honor and to preserve all that You have given to us. In Your name we pray, O Lord.

Amen.

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

Doctor of the Day

Senator LARRY MARTIN introduced Dr. Boyce Tollison of Easley, S.C., Doctor of the Day.

Leave of Absence

At 2:17 P.M., Senator S. MARTIN requested a leave of absence beginning Thursday, April 23, 2009, and lasting until noon on Tuesday, April 28, 2009.

Leave of Absence

At 2:58 P.M., Senator FORD requested a leave of absence beginning at 6:00 P.M. tonight and tomorrow night.

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Expression of Personal Interest

Senator LEATHERMAN rose for an Expression of Personal Interest.

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:

S. 212 Sen. Sheheen

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 740 -- Senators Setzler and Knotts: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE LEXINGTON HIGH SCHOOL GIRLS GOLF TEAM FOR CAPTURING THE 2008 CLASS AAAA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S SUPERLATIVE PLAYERS, COACHES, AND STAFF.
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The Senate Resolution was adopted.

S. 741 -- Senator McConnell: A BILL TO AMEND SECTION 38-73-910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE OF A HEARING AS A PREREQUISITE TO GRANTING OF A RATE INCREASE, SO AS TO PROVIDE THAT A HEARING MUST BE HELD AS A PREREQUISITE TO GRANTING ANY RATE CHANGE, WHETHER AN INCREASE OR A DECREASE.

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

S. 742 -- Senator McConnell: A BILL TO AMEND SECTION 43-7-430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SUBROGATION RIGHTS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR MEDICAL ASSISTANCE PAID BY MEDICARE, SO AS TO PROVIDE THAT AN ATTORNEY RETAINED BY A BENEFICIARY WHO, DUE TO INJURY OR DEATH, OBTAINS FUNDS FOR THE BENEFICIARY FROM A THIRD PARTY SHALL DISTRIBUTE TO THE DEPARTMENT, PRORATED WITH THE CLAIMS OF ALL OTHERS HAVING MEDICAL SUBROGATION RIGHTS OR MEDICAL LIENS AGAINST THE AMOUNT RECEIVED OR

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RECOVERED, AN AMOUNT NOT TO EXCEED ONE THIRD OF THE GROSS AMOUNT OBTAINED OR RECOVERED.

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

S. 743 -- Senator Williams: A SENATE RESOLUTION TO DECLARE SUNDAY, MAY 3, 2009, AS THE GIDEONS INTERNATIONAL DAY IN SOUTH CAROLINA.

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

S. 744 -- Judiciary Committee: A CONCURRENT RESOLUTION TO DISAPPROVE AMENDMENTS TO THE RULES OF PROCEDURE OF THE ADMINISTRATIVE LAW COURT, PURSUANT TO THE PROVISIONS OF ARTICLE V OF THE SOUTH CAROLINA CONSTITUTION AND ARTICLE 5, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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The Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 745 -- Senator Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "I SUPPORT LIBRARIES" SPECIAL LICENSE PLATES.

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

S. 746 -- Senator Ford: A SENATE RESOLUTION TO HONOR MS. MARVA COLLINS AND TO THANK HER FOR HER MANY CONTRIBUTIONS TO EDUCATION AND HER MANY YEARS OF SERVICE AND DEDICATION TO OUR NATION'S YOUTH.

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The Senate Resolution was adopted.

S. 747 -- Senator Pinckney: A SENATE RESOLUTION TO RECOGNIZE AND HONOR KRYSTAL BROWN OF JASPER

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COUNTY FOR HER ACADEMIC, EXTRACURRICULAR, AND COMMUNITY SUCCESSES, AND TO CONGRATULATE HER FOR TAKING FIRST PLACE IN THE 2009 SENATOR FOR THE DAY SPEECH CONTEST.

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The Senate Resolution was adopted.

H. 3681 -- Reps. Ott, Kirsh, Brantley, McEachern, G. A. Brown, J. H. Neal, Cobb-Hunter, Sellers, Gunn, Dillard, King, Anderson, Duncan, Agnew, Clyburn, Edge, Gambrell, Hosey, Howard, McLeod, M. A. Pitts, Hodges and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT "CHANDLER'S LAW" TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES INCLUDING THE REQUIREMENT THAT PERSONS FIFTEEN AND YOUNGER MUST COMPLETE A SAFETY COURSE BEFORE THEY MAY OPERATE AN ALL-TERRAIN VEHICLE, TO REQUIRE THAT VEHICLES MEETING SPECIFIC STANDARDS ONLY MAY BE OPERATED BY PERSONS OF A CERTAIN AGE, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES BEGINNING WITH CALENDAR YEAR 2009; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES.

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

H. 3900 -- Reps. Clyburn and Howard: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR THE MEMBERS OF THE 1959 GRADUATING CLASS OF ALLEN UNIVERSITY ON THE OCCASION OF THEIR GOLDEN ANNIVERSARY, FRIDAY, MAY 1, 2009, AND TO COMMEND ITS MEMBERS FOR THEIR MANY ACCOMPLISHMENTS AND CONTRIBUTIONS TO THEIR COMMUNITIES, STATES, AND NATION.

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

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H. 3901 -- Rep. Clyburn: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR THE MEMBERS OF THE 1959 GRADUATING CLASS OF ALLEN UNIVERSITY ON THE OCCASION OF THEIR GOLDEN ANNIVERSARY, FRIDAY, MAY 1, 2009, AND TO COMMEND ITS MEMBERS FOR THEIR MANY ACCOMPLISHMENTS AND CONTRIBUTIONS TO THEIR COMMUNITIES, STATES, AND NATION.

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

H. 3912 -- Reps. Rutherford, Bales, Ballentine, Brady, Gunn, Harrison, Hart, Howard, McEachern, J. H. Neal and J. E. Smith: A CONCURRENT 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.

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

H. 3928 -- Rep. Whipper: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MORNINGSIDE MIDDLE SCHOOL IMPROVEMENT COUNCIL OF CHARLESTON COUNTY, UPON THE OCCASION OF RECEIVING THE DICK AND TUNKY RILEY SCHOOL IMPROVEMENT AWARD FOR 2009, AND TO COMMEND THE MEMBERS WHO CONTRIBUTED TO THIS SUCCESS.

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

H. 3937 -- Rep. Jennings: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF JACKIE RONALD SCOTT OF MCCOLL AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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

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REPORTS OF STANDING COMMITTEES

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

S. 153 -- Senators Campsen and Leventis: A BILL TO AMEND THE 1976 CODE TO ENACT THE "HOME INVASION PROTECTION ACT", BY ADDING SECTION 16-11-395 TO ESTABLISH THE OFFENSES OF HOME INVASION IN THE FIRST, SECOND, AND THIRD DEGREES, AND TO PROVIDE GRADUATED PENALTIES; TO AMEND SECTION 16-1-60, RELATING TO VIOLENT OFFENSES, TO INCLUDE HOME INVASION, FIRST AND SECOND DEGREE; AND TO AMEND SECTION 16-3-20, RELATING TO THE PUNISHMENT FOR MURDER, TO INCLUDE AS A SEPARATE STATUTORY AGGRAVATING CIRCUMSTANCE WHICH MAY BE CONSIDERED IN THE DETERMINATION OF WHETHER THE DEATH PENALTY SHOULD BE IMPOSED, A MURDER COMMITTED WHILE IN THE COMMISSION OF THE OFFENSE OF HOME INVASION IN THE FIRST DEGREE.

Ordered for consideration tomorrow.

Senator L. MARTIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 248 -- Senators L. Martin, Shoopman, Fair, Verdin, Thomas, Lourie, Williams and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-95 SO AS TO CREATE THE OFFENSE OF UNLAWFULLY PROVIDING BEER OR WINE TO A PERSON UNDER THE AGE OF TWENTY-ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY-ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61-6-4083 SO AS TO CREATE THE OFFENSE OF UNLAWFULLY PROVIDING ALCOHOLIC LIQUORS TO A PERSON UNDER THE AGE OF TWENTY-ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY-ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES.

Ordered for consideration tomorrow.

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

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S. 343 -- Senator Lourie: A CONCURRENT RESOLUTION TO REQUEST THE SOUTH CAROLINA BUDGET AND CONTROL BOARD TO REQUIRE ALL AGENCIES WITH INVESTIGATIVE AUTHORITY PURSUANT TO THE OMNIBUS ADULT PROTECTION ACT, OR ANY FEDERAL STATUTE, TO MAKE THEIR CASES OF ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS WHICH WERE SUBSTANTIATED OR RESULTED IN CRIMINAL CONVICTIONS AVAILABLE ON THE STATE'S WEBSITE IN A FORMAT TO BE DEVELOPED BY THE ADULT PROTECTION COORDINATING COUNCIL.

Ordered for consideration tomorrow.

Senator SHOOPMAN from the Committee on Judiciary submitted a majority favorable with amendment and Senator HUTTO a minority unfavorable report on:

S. 348 -- Senators Fair, Sheheen, S. Martin, Lourie and Shoopman: A BILL TO AMEND SECTION 16-3-95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLICTION OF GREAT BODILY INJURY UPON A CHILD, SO AS TO PROVIDE A MINIMUM TERM OF IMPRISONMENT OF TWO YEARS FOR A PERSON WHO IS CONVICTED OF THIS OFFENSE AND WHO IS REGISTERED WITH OR LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO CHILDCARE FACILITIES LICENSURE REQUIREMENTS; TO PROVIDE THAT NO PORTION OF THE SENTENCE MAY BE SUSPENDED; AND BY ADDING SECTION 63-13-825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES.

Ordered for consideration tomorrow.

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

S. 412 -- Senator Thomas: A BILL TO AMEND SECTION 56-19-290 OF THE 1976 CODE, RELATING TO THE CONTENTS OF A CERTIFICATE OF TITLE ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT THE TITLE AND BILL OF SALE FOR A MOBILE HOME MUST CONTAIN A STATEMENT ADVISING A PURCHASER OF A MOBILE HOME

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TO CONSULT WITH THE COUNTY ASSESSOR'S OFFICE TO DETERMINE IF THERE ARE BACK TAXES DUE ON THE MOBILE HOME, AND THE SELLER MUST CERTIFY, UNDER PENALTY OF PERJURY, THAT HE HAS MADE THE PURCHASER AWARE OF ANY TAXES THAT ARE DUE ON THE MOBILE HOME; AND TO AMEND CHAPTER 45, TITLE 12, RELATING TO THE COLLECTION OF TAXES, BY ADDING SECTION 12-45-440, TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY BY RESOLUTION MAY WAIVE BACK TAXES DUE ON A MOBILE HOME, INCLUDING LATE PAYMENT PENALTIES, FOR PROPERTY TAX YEARS BEGINNING AFTER 2009.

Ordered for consideration tomorrow.

Senator ALEXANDER from the General Committee polled out S. 589 favorable:

S. 589 -- Senator Hayes: A BILL TO AMEND SECTION 25-1-380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSISTANT ADJUTANT GENERALS FOR THE ARMY, SO AS TO PROVIDE UPON NATIONAL GUARD BUREAU AUTHORIZATION, AN ADDITIONAL ASSISTANT ADJUTANT GENERAL WITH THE RANK OF MAJOR GENERAL.

**Poll of the General Committee
Polled 17; Ayes 17; Nays 0; Not Voting 0**

AYES

Alexander	O'Dell	L. Martin
Knotts	Ford	Sheheen
Reese	Lourie	Bryant
Bright	Cleary	Coleman
Cromer	Hayes	Jackson
Scott	Shoopman	

Total--17

NAYS

Total--0

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NOT VOTING

Total--0

Ordered for consideration tomorrow.

Senator KNOTTS from the Committee on Judiciary submitted a majority favorable with amendment and Senator HUTTO a minority unfavorable report on:

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

Ordered for consideration tomorrow.

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

S. 690 -- Senators Peeler, Shoopman, S. Martin, Mulvaney, L. Martin, Courson, Alexander, Massey, Campbell, Bryant, Fair, Rose, Cromer, Hayes, Anderson, Ryberg, Bright, Setzler, Leatherman, Davis, McConnell and Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3760, SO AS TO ALLOW A STATE TAX CREDIT FOR EMPLOYERS HIRING AN UNEMPLOYED INDIVIDUAL RECEIVING UNEMPLOYMENT COMPENSATION BENEFITS, TO PROVIDE THE AMOUNT OF THE CREDIT, THOSE TAXES AGAINST WHICH THE CREDIT IS ALLOWED, AND THE ELIGIBILITY REQUIREMENTS FOR CREDITABLE EMPLOYEES, TO PROVIDE FOR THE ADMINISTRATION OF THE CREDIT, AND TO PROVIDE THAT THE CREDIT IS ALLOWED FOR ELIGIBLE INDIVIDUALS HIRED AFTER JUNE 30, 2009, AND BEFORE JULY 1, 2010, AND EXTENDS FOR TWENTY-FOUR MONTHS FOR EACH CREDITABLE EMPLOYEE.

Ordered for consideration tomorrow.

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

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

Ordered for consideration tomorrow.

Senator L. MARTIN from the Committee on Judiciary submitted a favorable with amendment report on:

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

Ordered for consideration tomorrow.

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

H. 3721 -- Rep. Kirsh: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2008; TO AMEND SECTION 12-6-50, AS AMENDED, RELATING TO INTERNAL REVENUE CODE SECTIONS NOT ADOPTED BY STATE LAW, SO AS TO MAKE ADDITIONS; AND TO PROVIDE THAT A TAXPAYER WHO FOLLOWS SECTION 3094 OF THE FEDERAL HOUSING ECONOMIC RECOVERY ACT OF 2008, FOR SOUTH CAROLINA PURPOSES MUST NOT BE PENALIZED.

Ordered for consideration tomorrow.

WEDNESDAY, APRIL 22, 2009

Message from the House

Columbia, S.C., April 21, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.18, H. 3583 by a vote of 82 to 9:

(R18, H3583) -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP; AND TO PROVIDE THAT SCHOOL DISTRICTS MAY CLOSE FOR UP TO THREE DAYS OF THE SCHOOL DISTRICT'S CHOOSING DURING THE 2008-2009 SCHOOL YEAR AND THAT MAKE-UP REQUIREMENTS ARE WAIVED.

Very respectfully,
Speaker of the House

Received as information.

The veto was ordered placed on the Calendar 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 overridden the veto by the Governor on R.19, H. 3649 by a vote of 4 to 0:

(R19, H3649) -- Reps. Hiott, Rice, Skelton and Owens: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON MARCH 2, 2009, BY THE STUDENTS OF THE SCHOOL DISTRICT OF PICKENS COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE MAKE-UP

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WEDNESDAY, APRIL 22, 2009

REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Very respectfully,
Speaker of the House

Received as information.

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

HOUSE CONCURRENCES

S. 559 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON THURSDAY, JUNE 11, 2009, AND FRIDAY, JUNE 12, 2009.

Returned with concurrence.

Received as information.

S. 675 -- Senator Ryberg: A CONCURRENT RESOLUTION TO DESIGNATE THE THIRD WEEK IN APRIL 2009 AS "SHAKEN BABY SYNDROME AWARENESS WEEK" TO RAISE AWARENESS REGARDING SHAKEN BABY SYNDROME AND TO COMMEND THE HOSPITALS, CHILD CARE COUNCILS, SCHOOLS, AND OTHER ORGANIZATIONS THAT EDUCATE PARENTS AND CAREGIVERS ON HOW TO PROTECT CHILDREN FROM ABUSE.

Returned with concurrence.

Received as information.

S. 701 -- Senator Elliott: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE LORIS CIVITAN CLUB OF Horry COUNTY FOR SERVICE TO THE CITIZENS OF THE COMMUNITY AND TO CONGRATULATE THE MEMBERS UPON THE OCCASION OF THEIR SEVENTIETH ANNIVERSARY.

Returned with concurrence.

Received as information.

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S. 702 -- Senators McConnell, Ford and Knotts: A CONCURRENT RESOLUTION TO FIX NOON WEDNESDAY, MAY 13, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 4, WHOSE TERM EXPIRES DECEMBER 31, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JULY 31, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JULY 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRD JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERMS EXPIRES JULY 31, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; TO ELECT A SUCCESSOR TO A CERTAIN CHIEF JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, WHOSE TERM EXPIRES JUNE 30, 2013.

Returned with concurrence.

Received as information.

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.

Returned with concurrence.

Received as information.

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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.

Returned with concurrence.

Received as information.

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.

Returned with concurrence.

Received as information.

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.

Returned with concurrence.

Received as information.

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

ORDERED ENROLLED FOR RATIFICATION

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

H. 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

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BOARD OR COMMISSION WHEN THE MEMBER TRAVELS AND INCURS EXPENSES RELATING TO HIS DUTIES WHILE SERVING ON THE BOARD.

HOUSE BILLS RETURNED

The following House Bills were read the third time and ordered returned to the House with amendments:

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

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 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 REPAYED FROM THE TRUST FUND; TO PROVIDE EXEMPTIONS FROM THE ENVIRONMENTAL SURCHARGE IMPOSED ON THE GROSS PROCEEDS OF SALES OF RETAIL DRYCLEANING FACILITIES,

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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.

THIRD READING BILLS

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

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.

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S. 491--Recorded Vote

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

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 COMPLIANCE WITH THE FEDERAL VIOLENCE AGAINST WOMEN ACT.

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.

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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.

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.

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.

AMENDED, READ THE THIRD 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

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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 third reading of the Bill.

Motion Under Rule 26B

Senator LAND asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B

There was no objection.

Senators LAND and GROOMS proposed the following amendment (630R005.LKG), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 12-13 and inserting:

/ (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. /

Amend the bill further, as and if amended, page 3, by striking lines 30-33 and inserting:

/ (C) Within ninety days of the termination, cancellation, or nonrenewal of a franchise by a manufacturer, wholesaler, distributor, or franchisor, due to a dealer's poor sales and service performance, or due to the discontinuation of a line-make, the party shall pay the franchisee an amount equal to: /

Re-number sections to conform.

Amend title to conform.

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Senator LAND explained the amendment.

The amendment was adopted.

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

S. 630--Recorded Vote

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

SECOND READING BILLS

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

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

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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.

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.

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.

AMENDED, READ THE SECOND TIME

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.

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

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Senator CAMPSSEN proposed the following amendment (166R001.GEC), which was adopted:

Amend the resolution, as and if amended, page 2, by striking line 5 and inserting:

/ adjacent to Interstate 26 or Interstate 95 in exchange for the applicant's /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN 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.

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

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.

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 (JUD0362.004), which was adopted:

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

the following:

/ SECTION 1. Section 42-11-30 of the 1976 Code is amended to read:

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“(A) Notwithstanding the provisions of this chapter, for purposes of the South Carolina Workers’ Compensation Law, any impairment or injury to the health of a firefighter caused by heart disease or respiratory disease resulting in total or partial disability or death is presumed to have arisen out of and in the course of employment, unless the contrary is shown by competent evidence, if the firefighter is at the time of such impairment or injury a bona fide member of a municipal, county, state, port authority, or fire control district fire department in this State. In order to be entitled to the presumption provided for in this section, any person becoming a member of a fire department after May 29, 1968, must be under the age of thirty-seven years and must have successfully passed a physical examination by a competent physician upon entering into such service or within two years of the enactment of this legislation, a written report of which must have been made and filed prior to any alleged injury with the fire department, which examination failed to reveal any evidence of such condition or conditions, and the condition or conditions developed while actively engaged in fighting a fire or within twenty-four hours from the date of last service in the activity.

(B)(1) Notwithstanding the provisions of this chapter, for purposes of the South Carolina Workers’ Compensation Law, a cardiac-related incident resulting in impairment or injury to a law enforcement officer resulting in total or partial disability, or death, is presumed to have arisen out of and in the course of employment if this impairment or injury developed while actively engaged in, or within twenty-four hours from the date of, a law enforcement incident involving unusual or extraordinary physical exertion, unless the contrary is shown by competent evidence. At the time of the incident, the law enforcement officer must be employed as a law enforcement officer of a municipal, county, state, port authority, or other law enforcement agency in this State. In order to be entitled to the presumption provided by this section, ~~any a~~ person becoming a law enforcement officer ~~on or after the effective date of this section~~, must be under thirty-seven years of age and upon entering into the service, must have successfully passed a physical examination which includes a risk factor assessment for coronary artery disease conducted by a competent physician who should counsel on risk factor reduction and consider current medical literature on evaluation and prevention of coronary artery disease in conducting the risk factor assessment. A written report of the examination must have been made and filed with the law enforcement

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agency, which examination must not have revealed evidence of cardiac impairment or injury. If the law enforcement officer is identified as being a high risk for coronary artery disease during the risk factor assessment and the law enforcement officer fails to undergo, at his own expense, additional medical tests related to discovery of coronary artery disease, he is not entitled to the presumption provided by this section.

(2) In the event a law enforcement agency cannot produce the report described in subitem (B)(1), the law enforcement officer may utilize a physical examination by a competent physician within the past two years, which includes a risk factor assessment for coronary artery disease conducted by a competent physician who should also counsel on risk factor reduction and consider current medical literature on evaluation and prevention of coronary artery disease in conducting the risk factor.”

SECTION 2. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

Senator MALLOY proposed the following amendment (POLICEWOCOMP):

Amend the bill, as and if amended, on page 2, by striking line 4 and inserting:

/ twenty-four hours from the date of last service in the activity.

(B) Notwithstanding the provisions of this chapter, for purposes of the South Carolina Workers' Compensation Law, any impairment or injury to the health of a law enforcement officer caused by heart disease or respiratory disease resulting in total or partial disability or death is presumed to have arisen out of and in the course of employment, unless the contrary is shown by competent evidence, if the law enforcement officer is at the time of such impairment or injury a bona fide member of a law enforcement agency in this State. In order to be entitled to the presumption provided for in this section, any person becoming a law enforcement officer after May 29, 1968, must be under the age of thirty-seven years and must have successfully passed a physical examination by a competent physician upon entering into such service or within the last ten years, a written report of which

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must have been made and filed with the law enforcement agency, which examination failed to reveal any evidence of such condition or conditions, and the condition or conditions developed while actively engaged in law enforcement activities or within twenty-four hours from the date of last service in such activities.”

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

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

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 MALLOY, the Bill was 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

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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 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 L. MARTIN, the Bill was carried over.

OBJECTION

H. 3311 -- Reps. Brady, Harrison, Erickson, Umphlett, A.D. Young, Agnew, Allison, Battle, Bowen, Bowers, Clemmons, Cooper, Duncan, Gambrell, Hardwick, Hearn, Horne, Kirsh, Long, Lowe, McLeod, Parker, Simrill, Whitmire, Willis, Toole, G.M. Smith, Harvin, Hutto, Neilson, Nanney, Miller, G.R. Smith, Hamilton, Jennings, T.R. Young, Limehouse, Sottile, Viers, Williams, White, Weeks, Wylie, Forrester, Sellers, Rice, Hiott, Owens, Bannister and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT AN UNMARRIED BIOLOGICAL FATHER OF A

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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 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.

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PLACED IN THE STATUS OF ADJOURNED DEBATE

H. 3581 -- Rep. Cooper: A JOINT RESOLUTION TO FURTHER PROVIDE FOR FISCAL YEAR 2009-2010 FOR THE FUNCTIONS AND FUNDING OF CERTAIN LOCAL GOVERNMENT MATTERS.

Senator McCONNELL moved that the Resolution be placed in the status of Adjourned Debate.

The Resolution was placed in the status of Adjourned Debate.

MOTION ADOPTED

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

RECESS

At 12:17 P.M., on motion of Senator McCONNELL, the Senate recessed from business until 2:00 P.M.

AFTERNOON SESSION

The Senate reassembled at 2:17 P.M. and was called to order by the PRESIDENT.

THE SENATE PROCEEDED TO A CONSIDERATION OF H. 3560, THE GENERAL APPROPRIATIONS BILL.

DEBATE INTERRUPTED

H. 3560--GENERAL APPROPRIATIONS BILL

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

Senator LEATHERMAN was recognized to explain the committee amendment.

Objection

Senator LEATHERMAN asked unanimous consent to make a motion that staff members from the Budget and Control Board be authorized as necessary to be in that area behind the rail and further,

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that committee staff designated by the President *Pro Tempore* were also admitted to the floor of the Senate Chamber while debate was in progress on H. 3560, the General Appropriations Bill.

Senator BRYANT objected

Objection

Senator LEATHERMAN asked unanimous consent to make a motion that the Report of the Senate Finance Committee be adopted with all members reserving the right to raise any Points of Order.

Senator RYBERG objected.

Senator L. MARTIN spoke on the Bill.

Point of Order

Senator MARTIN raised a Point of Order that Proviso 89.111 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

Senator MARTIN spoke on the Point of Order.

Senator RYBERG spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Proviso 89.111 of Part 1B was ruled out of order.

Senator RYBERG was recognized to speak on the committee amendment.

Objection

With Senator RYBERG retaining the floor, Senator FORD asked unanimous consent to make a motion that staff members from the Finance Committee be authorized as necessary to be seated on the floor and to allow on the floor other Senate staff members.

Senator McCONNELL objected.

Senator RYBERG was recognized to speak on the committee amendment.

Senator LEATHERMAN was recognized to speak on the committee amendment.

ACTING PRESIDENT PRESIDES

At 4:11 P.M., Senator L. MARTIN assumed the Chair.

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Senator LEATHERMAN was recognized to speak on the committee amendment.

Senator DAVIS was recognized to speak on the committee amendment.

Objection

With Senator DAVIS retaining the floor, Senator RYBERG asked unanimous consent to make a motion that the Senate stand adjourned.

Senator KNOTTS objected.

Senator DAVIS was recognized to speak on the committee amendment.

Objection

With Senator DAVIS retaining the floor, Senator RYBERG asked unanimous consent to make a motion that when the Senate convenes tomorrow and takes up the General Appropriations Bill, staff members from the Finance Committee would be authorized as necessary to be seated on the floor and to allow on the floor other Senate staff members.

Senator KNOTTS objected.

Senator DAVIS was recognized to speak on the committee amendment.

Motion Adopted

With Senator DAVIS retaining the floor, Senator SETZLER asked unanimous consent to make a motion that when the Senate convenes tomorrow and takes up the General Appropriations Bill, the staff members from the Budget and Control Board would be authorized as necessary to be in that area behind the rail and further, that committee staff designated by the President *Pro Tempore* would be admitted to the floor of the Senate Chamber while debate was in progress on H. 3560, the General Appropriations Bill.

There was no objection and the motion was adopted.

Senator DAVIS, with unanimous consent, spoke on the motion.

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With Senator DAVIS retaining the floor, Senator RYBERG asked unanimous consent to make a motion that the Senate stand adjourned.

Senator LEATHERMAN objected.

Senator DAVIS was recognized to speak on the committee amendment.

Senator DAVIS asked unanimous consent to make a motion that the Bill be carried over.

Senator McCONNELL objected.

On motion of Senator McCONNELL, debate was interrupted by adjournment.

MOTION ADOPTED

On motion of Senators LEVENTIS and LAND, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Sylvia A. Loney, who passed away on April 19, 2009. The Sumter community has lost a wonderful friend and an incredible leader who made a tremendous difference for many people across our State. Mrs. Loney was a spirited advocate, and she dedicated her life to enriching the lives of others. She will be deeply missed by all of us who knew and loved her, and our world is truly a brighter and better place because she graced it.

and

MOTION ADOPTED

On motion of Senator FAIR, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Kristy Dotson Balka of Travelers Rest, S.C., beloved wife of Michael H. Balka, and devoted mother of two daughters and three sons.

ADJOURNMENT

At 6:42 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 10:00 A.M.

[SJ]

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