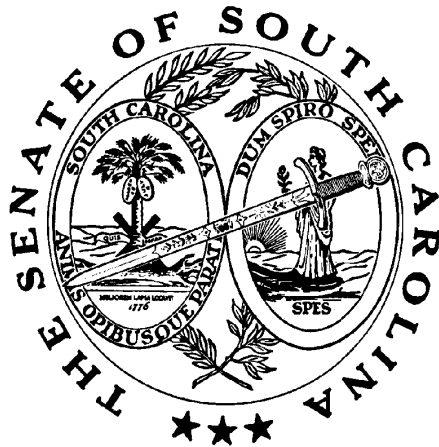


NO. 51

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

THURSDAY, APRIL 23, 2009

Thursday, April 23, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 10:00 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:

We read in Isaiah that:

“... an honorable person acts honestly and stands firm for what is right.” (Isaiah 32:8, TEV)

Pray with me, please:

Holy God, we pray that You will bestow Your grace upon each of these Senators, indeed upon all of our leaders who serve You here in this Statehouse. May each individual prove to be diligent in striving to do what is right, choosing the best course for all of the citizens of South Carolina. In addition, bestow Your blessings also upon those who serve You at the national level, as well as upon our women and men in uniform as they strive to protect all that we hold dear. And to You, loving Lord, be the ultimate glory, always. Amen.

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

Doctor of the Day

Senator COURSON introduced Dr. Brian Huff of Columbia, S.C., Doctor of the Day.

VETO OVERRIDDEN

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

Senator L. MARTIN asked unanimous consent to take the veto up for immediate consideration.

There was no objection.

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Senator L. MARTIN moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

On motion of Senator L. MARTIN, with unanimous consent, the Senate agreed that only those members of the Pickens County Delegation would vote on the matter.

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

Ayes 2; Nays 0

AYES

Alexander

Martin, L.

Total--2

NAYS

Total--0

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

Leave of Absence

At 12:13 P.M., Senator PINCKNEY requested a leave of absence beginning at 12:15 P.M. until 7:00 P.M.

Leave of Absence

At 12:48 P.M., Senator O'DELL requested a leave of absence until Noon on Tuesday, April 28, 2009.

Leave of Absence

At 12:30 P.M., Senator RYBERG requested a leave of absence beginning at 2:00 P.M. today and lasting until Noon on Tuesday, April 28, 2009.

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Leave of Absence

At 12:45 P.M., Senator SHEHEEN requested a leave of absence for Tuesday, April 28, 2009.

Expression of Personal Interest

Senator RANKIN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator CLEARY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator ELLIOTT rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator LEVENTIS rose for an Expression of Personal Interest.

RECALLED AND COMMITTED

S. 613 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-732 SO AS TO REQUIRE HEALTH INSURANCE COVERAGE, INCLUDING COVERAGE UNDER THE STATE HEALTH PLAN, FOR AN INSURED WHO PARTICIPATES IN AN APPROVED CANCER CLINICAL TRIAL.

Senator THOMAS asked unanimous consent to make a motion to recall the Bill from the Committee on Banking and Insurance.

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

On motion of Senator THOMAS, with unanimous consent, the Bill was committed to the Committee on Medical Affairs.

Senator THOMAS asked unanimous consent to make a motion that, if the Committee on Medical Affairs reports the Bill to the Senate, then the Bill would be recommitted to the Committee on Banking and Insurance.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

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S. 748 -- Senators Scott, Malloy, Jackson, Anderson, Nicholson and Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-5-395 SO AS TO DEFINE A LANDFILL, TO PROVIDE THAT A PUBLIC OR PRIVATELY OWNED WATER UTILITY OPERATING WITHIN FIVE MILES OF A LANDFILL SHALL PROVIDE A WATER LINE AND SUPPLY WATER TO THE LANDFILL, TO PROVIDE THE UTILITY INITIALLY MUST BEAR THE EXPENSE OF CONSTRUCTING THE WATER LINE BUT LATER MAY RECOVER ACTUAL COST OF THE WATER LINE FROM THE LANDFILL'S OWNER, TO PROVIDE A COUNTY OR MUNICIPALITY MAY ISSUE REVENUE BONDS FOR THE PURPOSE OF FINANCING THE CONSTRUCTION OF A WATER LINE REQUIRED PURSUANT TO THIS SECTION AND SITUATED WITHIN ITS JURISDICTION AND MAY PLEDGE REVENUE RECEIVED FROM THE LANDFILL SERVICED BY THE WATER LINE TO REPAY THESE REVENUE BONDS, AND TO PROVIDE THE UTILITY MAY CHARGE THE LANDFILL'S OWNER A FEE FOR WATER SUPPLIED TO THE LANDFILL AT THE SAME RATE CHARGED OTHER CUSTOMERS.

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

S. 749 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 57-3-45 AND 57-3-55 SO AS TO ESTABLISH THE DIVISION OF RAILROAD TRANSPORTATION AS A COMPONENT OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND PROVIDE FOR ITS FUNCTIONS AND TO REQUIRE RAILROADS AND RAILWAYS ANNUALLY TO REPORT TO THIS DIVISION THEIR ACTIVE, INACTIVE, TO BE ABANDONED, AND ABANDONED RAIL LINES; AND TO AMEND SECTIONS 57-3-10, 57-3-20, AND 57-3-40, RELATING RESPECTIVELY TO THE DIVISIONS COMPRISING THE DEPARTMENT OF TRANSPORTATION, THE RESPONSIBILITIES AND DUTIES OF DIVISION DEPUTY DIRECTORS ADMINISTERING THESE DIVISIONS, AND THE FUNCTIONS OF THE MASS TRANSIT DIVISION, SO AS TO CONFORM THESE PROVISIONS TO REFLECT THE ESTABLISHMENT OF THE DIVISION OF RAILROAD

[SJ]

THURSDAY, APRIL 23, 2009

TRANSPORTATION WITHIN THE DEPARTMENT OF
TRANSPORTATION.

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

S. 750 -- Senator L. Martin: A BILL TO AMEND ARTICLE 31, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO TRAFFIC RULES, BY ADDING SECTION 56-5-3815, TO PROVIDE THAT IT IS UNLAWFUL TO DRIVE CARELESSLY AS A RESULT OF BEING DISTRACTED, TO DEFINE CARELESSLY, AND TO PROVIDE FOR A FIFTY DOLLAR FINE WITH NO POINTS ASSIGNED.

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

S. 751 -- Senators Leatherman, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE JAMES ALLAN KINCAID ON THE OCCASION OF HIS RETIREMENT, TO THANK HIM FOR HIS MANY YEARS OF SERVICE, AND TO WISH HIM MUCH LUCK IN THE FUTURE.

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The Senate Resolution was adopted.

S. 752 -- Senators Cleary, Courson, Jackson, Nicholson, Reese, Campbell, Land, Williams, Ford, Knotts, Matthews, O'Dell, McGill, Cromer, Alexander, Anderson, Campsen and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2009"; BY ADDING SECTION 16-17-506 SO AS TO REQUIRE A PERSON ENGAGED IN THE BUSINESS OF SELLING OR DISTRIBUTING TOBACCO PRODUCTS AT RETAIL TO FILE AN APPLICATION TO ENGAGE IN THIS BUSINESS WITH THE DEPARTMENT OF REVENUE, TO PROVIDE A PROCEDURE FOR THE APPLICATION PROCESS,

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AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 16-17-500, AS AMENDED, RELATING TO THE ILLEGAL SALE OR PURCHASE OF TOBACCO PRODUCTS FOR MINORS, SO AS TO PROVIDE AN EXCEPTION TO THE REQUIREMENT OF THE DEMAND OF PROOF OF AGE UNDER CERTAIN CIRCUMSTANCES, TO PROHIBIT THE SALE OF TOBACCO PRODUCTS FROM SELF-SERVICE DISPLAYS WITH CERTAIN DELINEATED EXCEPTIONS, AND TO PROVIDE FOR LICENSE SUSPENSION AND REVOCATION FOR SUBSEQUENT VIOLATIONS; AND TO AMEND SECTION 16-17-501, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE YOUTH ACCESS TO TOBACCO PREVENTION ACT, SO AS TO DEFINE THE TERMS "SELF-SERVICE DISPLAY", "TOBACCO PRODUCT", AND "TOBACCO SPECIALTY STORE".

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

S. 753 -- Senators Knotts, S. Martin, Rose, Bright, Leatherman, McConnell, Courson, Williams, McGill, Elliott, Mulvaney, Rankin, Coleman, Campbell, Campsen, Shoopman, Grooms, Verdin, Fair and Cleary: A BILL TO AMEND SECTION 23-31-215 OF THE 1976 CODE, RELATING TO ISSUING CONCEALED WEAPONS PERMITS, TO PROVIDE THAT PERMITS ISSUED TO QUALIFIED NONRESIDENTS ARE VALID FOR FOUR YEARS, TO PROVIDE THAT PERMITS ISSUED TO RESIDENTS ARE GOOD FOR LIFE, AND TO PROVIDE FOR APPROPRIATE FEES.

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

S. 754 -- Senator Bright: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SENATE UPON THE DEATH OF MR. HUBERT EUGENE ODOM OF WELLFORD, SOUTH CAROLINA IN SPARTANBURG COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

H. 3272 -- Reps. Cooper, Merrill, Erickson, Herbkersman, Chalk, Duncan, Long, Sottile, Daning, Lowe, Bowen, Harrison, Horne, A. D.

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Young, Limehouse, R. L. Brown, Clemmons, Edge and Wylie: A BILL TO AMEND SECTION 12-37-3140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING THE FAIR MARKET VALUE OF REAL PROPERTY FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO POSTPONE THE IMPLEMENTATION OF THE TRANSFER VALUE OF A PARCEL OF REAL PROPERTY UNIMPROVED SINCE THE LAST COUNTYWIDE REASSESSMENT PROGRAM UNTIL THE TIME OF IMPLEMENTATION OF THE NEXT COUNTYWIDE REASSESSMENT PROGRAM AND TO REQUIRE THE FIFTEEN PERCENT LIMIT ON INCREASES IN VALUE TO BE CALCULATED SEPARATELY ON LAND AND IMPROVEMENTS; TO AMEND SECTION 12-37-3150, AS AMENDED, RELATING TO THE TIME AN ASSESSABLE TRANSFER OF INTEREST OCCURS, SO AS TO REVISE THE PENALTY FOR FAILURE TO PROVIDE NOTICE OR FAILURE TO PROVIDE ACCURATE NOTICE TO THE ASSESSING AUTHORITY OF BUSINESS ENTITY TRANSFERS; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO THE CLASSIFICATION AND VALUATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE RESIDENTIAL REAL PROPERTY HELD IN TRUST DOES NOT QUALIFY AS A LEGAL RESIDENCE UNLESS A NAMED INDIVIDUAL BENEFICIARY UNDER THE TRUST OCCUPIES THE RESIDENCE AS THAT NAMED BENEFICIARY'S LEGAL RESIDENCE AND THAT INDIVIDUAL BENEFICIARY'S NAME APPEARS ON THE DEED TO THE RESIDENCE AND REQUIRE SOCIAL SECURITY NUMBERS OF APPLICANTS FOR THE LEGAL RESIDENCE ASSESSMENT RATIO; AND TO AMEND SECTION 40-60-35, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, SO AS TO REVISE THE REQUIREMENT.

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

H. 3483 -- Reps. White, M. A. Pitts, Toole, Willis, Barfield, Clemmons, Hardwick and Hearn: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE'S

[SJ]

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CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE'S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE, TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PRESCRIBED BY THE GENERAL ASSEMBLY, AND TO SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING STATE LAWS OR REGULATIONS, OR THE STATE'S SOVEREIGNTY OVER ITS NATURAL RESOURCES.

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

H. 3571 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-11-840, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST TAKING OR DESTROYING THE NESTS OR EGGS OF WILD BIRDS, SO AS TO DEFINE THE TERM "ACTIVE NEST" AND TO PROVIDE THAT THE DEPARTMENT MAY ISSUE PERMITS FOR THE REMOVAL OF CERTAIN ACTIVE NESTS.

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

H. 3572 -- Rep. Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 50-5-1707 RELATING TO SHARK CATCH LIMITS.

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

H. 3938 -- Reps. J. E. Smith, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings,

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Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO COMMEND AND RECOGNIZE THE MEMBERS OF THE BLUE STAR MOTHERS OF THE MIDLANDS UPON THE OCCASION OF THE FIRST ANNUAL PALMETTO PATRIOT'S BALL HOSTED BY THE SOUTH CAROLINA BLUE STAR MOTHERS.

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

REPORTS OF STANDING COMMITTEES

Invitations Accepted

Tuesday, May 12, 2009, 6:00 p.m.

Members, Clerks & Attaches, Annual Spring Fling Legislative Event
The Coop, 1100 Key Road, by **ELECTRIC, TELEPHONE AND
GAS UTILITIES AND SOUTH CAROLINA
MANUFACTURER'S ALLIANCE**

Tuesday, May 12, 2009, 6:00 p.m. – 8:00 p.m.

Members of the Senate, Reception Clarion Town House Hotel
**SOUTH CAROLINA ASSOCIATION OF NONPROFIT
ORGANIZATIONS**

Wednesday, May 13, 2009, 8:00 a.m. – 10:00 a.m.

Members, Clerks & Attaches, Breakfast Room 112, Blatt Building, by
**SC ASSOCIATION OF HEATING & AIR CONDITIONER
CONTRACTORS**

Wednesday, May 13, 2009, 12:00 - 2:00 p.m.

Members, Clerks & Attaches, Luncheon Room 112, Blatt Building, by
SOUTH CAROLINA CORONER'S ASSOCIATION

Wednesday, May 13, 2009, 6:00 p.m.

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Members, Staff and Families 16th Annual Legislative Softball Game and Picnic Capital City Stadium, by **BLUECROSS BLUESHIELD OF SOUTH CAROLINA**

Thursday, May 14, 2009, 8:00 a.m. – 10:00 a.m.
Members of the Senate, Breakfast Room 112, Blatt Building, by **SOUTH CAROLINA ASSOCIATION OF SCHOOL ADMINISTRATORS**

Wednesday, May 20, 2009, 8:00 a.m. – 10:00 a.m.
Members of the Senate, Breakfast Room 112, Blatt Building, by **SOUTH CAROLINA PRIMARY HEALTH ASSOCIATION**

Wednesday, May 20, 2009, 12:00 2:00 p.m.
Members of the Senate, Luncheon Room 112, Blatt Building, by **SC HEALTH INFORMATION MANAGEMENT ASSOCIATION**

Thursday, May 21, 2009, 8:00 a.m. – 10:00 a.m.
Members of the Senate, Breakfast Room 112, Blatt Building **ALPHA KAPPA ALPHA SORORITY, INC.**

Senator RYBERG from the Committee on Labor, Commerce and Industry polled out S. 374 favorable:

S. 374 -- Senator L. Martin: A BILL TO AMEND SECTION 41-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POSTING NOTICES CONCERNING THE EMPLOYMENT OF ADULTS AND CHILDREN IN PLACES OF EMPLOYMENT, SO AS TO DELETE THE PROVISION REQUIRING NOTICE TO BE POSTED IN EVERY ROOM WHERE FIVE OR MORE PERSONS ARE EMPLOYED; TO AMEND SECTION 41-3-10, AS AMENDED, RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO THE APPOINTMENT AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, SO AS TO DELETE THE PROVISION ESTABLISHING THE DIVISION OF LABOR; TO AMEND SECTION 41-3-40, AS AMENDED, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO DELETE THE REFERENCE TO REGULATIONS PERTAINING TO THE DIVISION OF LABOR; TO

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AMEND SECTIONS 41-3-50, 41-3-60, 41-3-100, AND 41-3-120, ALL AS AMENDED, ALL RELATING TO VARIOUS DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 41-1-40, 41-1-50, 41-3-80, 41-15-10, AND 41-15-50; ARTICLE 5, CHAPTER 3, TITLE 41; CHAPTER 21, TITLE 41; AND CHAPTER 23, TITLE 41 ALL RELATING TO VARIOUS OBSOLETE PROVISIONS PERTAINING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

Poll of the Labor, Commerce and Industry Committee

Polled 17; Ayes 13; Nays 0; Not Voting 4

AYES

Ryberg	Setzler	Leventis
Ford	Alexander	Bryant
Bright	Cleary	Lourie
Massey	Mulvaney	Nicholson
Williams		

Total--13

NAYS

Total--0

NOT VOTING

McConnell	O'Dell	Reese
Leatherman		

Total--4

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable report on:

S. 377 -- Senators Scott, Williams, Campsen, Cleary, Sheheen, Coleman, Rose, Campbell, Cromer, Shoopman, Verdin, Reese, Anderson, Grooms, Hutto, McGill, Bryant, Matthews, Nicholson, Land, Lourie, Rankin and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION

[SJ]

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59-103-200 SO AS TO REQUIRE A PUBLIC INSTITUTION OF HIGHER LEARNING TO DEVELOP A CREDIT CARD MARKETING AND SOLICITATION POLICY, TO REQUIRE THE POLICY TO BE FILED WITH THE COMMISSION ON HIGHER EDUCATION, TO PROVIDE CONSIDERATIONS FOR THE POLICY, AND TO PROHIBIT A PUBLIC INSTITUTION OF HIGHER LEARNING THAT HAS NOT ADOPTED A POLICY FROM ALLOWING A CREDIT CARD MARKETER TO DISTRIBUTE APPLICATIONS OR PROMOTIONAL OR MARKETING MATERIALS.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry polled out S. 406 favorable:

S. 406 -- Senator Grooms: A BILL TO AMEND SECTION 40-60-35 OF THE 1976 CODE, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, TO REDUCE THE NUMBER OF HOURS OF INSTRUCTION EACH YEAR FOR ASSESSORS WITH AN ACTIVE LICENSE OR CERTIFICATION FROM NINE HOURS TO SEVEN HOURS, AND TO MAKE TECHNICAL CHANGES.

**Poll of the Labor, Commerce and Industry Committee
Polled 17; Ayes 13; Nays 0; Not Voting 4**

AYES

Ryberg	Setzler	Leventis
Ford	Alexander	Bryant
Bright	Cleary	Lourie
Massey	Mulvaney	Nicholson
Williams		

Total--13

NAYS

Total--0

NOT VOTING

McConnell	O'Dell	Reese
Leatherman		

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Total--4

Ordered for consideration tomorrow.

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

S. 636 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 64 TO TITLE 38 SO AS TO ENACT THE "LIFE SETTLEMENTS ACT"; TO PROVIDE FOR THE REGULATION OF A LIFE SETTLEMENT CONTRACT; TO PROVIDE FOR THE PROTECTION OF PERSONS ENTERING INTO THESE AGREEMENTS REGARDING CONTRACTUAL AND PROPERTY RIGHTS OF A LIFE INSURANCE POLICY OWNER AND AUTHORIZE THE DIRECTOR OF INSURANCE TO ENFORCE THE PROVISIONS OF THIS CHAPTER; TO PROVIDE FOR THE LICENSING OF A BROKER OR PRODUCER TO ENTER INTO LIFE SETTLEMENT CONTRACTS; TO PROVIDE FOR THE SUSPENSION, REVOCATION, OR REFUSAL TO RENEW THESE LICENSES; TO PROVIDE FOR CONTRACT REQUIREMENTS, REPORTING AND PRIVACY REQUIREMENTS; TO AUTHORIZE THE DIRECTOR TO EXAMINE THE BUSINESS AND AFFAIRS OF A LICENSEE OR APPLICANT, PROVIDE FOR EXAMINATION REPORTS AND CONFIDENTIALITY OF EXAMINATION INFORMATION, PROHIBIT CONFLICT OF INTEREST BY AN EXAMINER, AND PROVIDE FOR IMMUNITY FROM LIABILITY; TO PROVIDE FOR ADVERTISING REQUIREMENTS OF A BROKER OR LICENSED PROVIDER; TO PROVIDE FOR CERTAIN DISCLOSURES TO AN OWNER; TO PROVIDE DISCLOSURE BY A PROPOSED OWNER OF A LIFE INSURANCE POLICY IF THE OWNER INTENDS TO PAY PREMIUMS WITH THE ASSISTANCE OF FINANCING FROM A LENDER THAT WILL USE THE POLICY AS COLLATERAL TO SUPPORT THE FINANCING; TO REQUIRE A PROVIDER ENTERING INTO A LIFE SETTLEMENT CONTRACT WITH AN OWNER OF THE POLICY WHERE THE INSURED IS TERMINALLY OR CHRONICALLY ILL TO OBTAIN CERTAIN INFORMATION; TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS TO IMPLEMENT AND EFFECTUATE THE PROVISIONS OF THIS CHAPTER; TO

[SJ]

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PROVIDE FOR PROHIBITIVE PRACTICES, FRAUD PREVENTION, AND CONTROL; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

H. 3616 -- Rep. Simrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 53, TITLE 59 SO AS TO PROVIDE FOR THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS, AND TO PROVIDE FOR ITS POWERS AND DUTIES.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., April 22, 2009

Mr. President and Senators:

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

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

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., April 22, 2009

Mr. President and Senators:

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

[SJ]

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

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., April 22, 2009

Mr. President and Senators:

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

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

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

THIRD READING BILLS

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

[SJ]

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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.

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.

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

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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.

SECOND READING BILL

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

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.

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN
READ THE SECOND TIME**

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

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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.

Senator MALLOY asked unanimous consent to withdraw the previously proposed amendment.

There was no objection and the amendment was withdrawn.

S. 362--Recorded Vote

Senator McCONNELL desired to be recorded as voting against the second reading of S. 362.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

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.

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

The Committee on Banking and Insurance proposed the following amendment (DKA\3678DW09), which was adopted:

Amend the bill, as and if amended, Section 38-71-880(C)(2), SECTION 2, page 4, beginning on line 29, by striking the item in its entirety, and inserting:

/(2) This section ~~shall~~ does not apply with respect to health insurance coverage offered in connection with a group health plan if the application of this section to ~~such~~ this coverage results in an increase in the actual total cost for ~~such~~ the coverage of at least ~~one~~ two percent in the case of the first plan year or at least one percent in the case of a subsequent plan year. Determinations as to increases in actual total costs under a plan or coverage for purposes of this subsection must be

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made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Determinations must be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, must be maintained by the group health plan and the health insurance issuer for a period of six years. /

Amend further, Section 38-71-880(C), SECTION 2, page 4, after line 32, by inserting a new item to read:

/(3) When a group health insurance coverage offered in connection with a group health plan that qualifies for exemption pursuant to the provisions of item (2), the plan or coverage must continue to apply the requirements of applicable state law, including Sections 38-71-290 and 38-71-737, where required. /

Amend further by adding an appropriately numbered SECTION to read:

/ SECTION __. Section 38-71-290(A)(1) of the 1976 Code is amended to read:

“(1) ‘Health insurance plan’ means a health insurance policy or health benefit plan offered by ~~a health insurer or a health maintenance organization~~ an insurance issuer, including a qualified health benefit plan offered or administered by the State, or a subdivision or instrumentality of the State, that provides group health insurance coverage as defined by Section ~~38-71-670(6)~~ 38-71-840(12).” /

Amend further by adding an appropriately numbered SECTION to read:

/ SECTION __. Section 38-71-290(F) of the 1976 Code is amended to read:

“(F) The provisions of this section do not:

(1) limit the provision of specialized medical services for individuals with mental health disorders;

(2) supersede the provisions of federal law, federal or state Medicaid policy, or the terms and conditions imposed on a Medicaid waiver granted to the State for the provision of services to individuals with mental health disorders; ~~or~~

(3) require a health insurance plan to provide rates, terms, or conditions for access to treatment for mental illness that are identical to rates, terms, or conditions for access to treatment for a physical condition;

(4) apply to a health insurance plan that is individually underwritten; or

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(5) apply to a health insurance plan provided to a small employer, as defined in Section 38-71-1330(18). /

Amend further by adding an appropriately numbered SECTION to read:

/ SECTION __. Section 38-71-290 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“(G) The provisions of this section apply where required regardless of the applicability of Section 38-71-880 regarding parity in the application of certain limits to mental health and substance use disorder benefits.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the committee amendment.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

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.

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

The Committee on Finance proposed the following amendment (700FIN001), which was adopted:

Amend the joint resolution as and if amended, page 1, by striking line 35 and inserting:

/ A. 2 of 2009, provides that subject to the approval of the State/

Amend the joint resolution further, as and if amended, page 2, by striking line 3 and inserting:

/ as last amended by R. 21, H. 3664, A. 2 of 2009, the University

Renumber sections to conform.

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Amend title to conform.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

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.

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 (JUD3123.004), which was adopted:

Amend the bill, as and if amended, page 1, lines 37-39, by striking the lines in their entirety and inserting:

/ Carolina. The type of conduct that is the subject of any charge filed pursuant to this section must have been defined as the unauthorized practice of law by the Supreme Court of /

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

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

AMENDED, READ THE SECOND TIME

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

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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.

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

Senator L. MARTIN proposed the following amendment (JUD3311.003), which was adopted:

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

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

“Subarticle 8

Responsible Father Registry

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

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

(B) As used in this section:

(1) ‘Department’ means the Department of Social Services.

(2) ‘Registrant’ means an unmarried biological father or a male eighteen years of age or older who claims to be the unmarried biological father of a child.

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

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

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

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

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

- (1) the registrant's name, address, and date of birth;
- (2) the mother's name and, if known, her address and date of birth;
- (3) if known, the child's name, place of birth, and date of birth;
- (4) if known, the date, county, and state of conception of the child; and
- (5) the date the claim is filed.

(F) The claim of paternity may be filed with the registry before or after the birth of the child; however, a claim of paternity filed with the registry is null and void if it is filed on or after the date a petition for termination of parental rights or a petition for adoption is filed.

(G) Only the registrant may file the claim of paternity. No other person may file the claim of paternity on behalf of the registrant. The registrant must notify the registry of any change of address in the manner prescribed by the department. Failure to notify the registry of a change of address in the manner prescribed by the department is deemed to be a waiver of a right to notice or to any other right to which the registrant may be entitled as a result of filing a claim of paternity

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pursuant to this section, including, but not limited to, notice by publication.

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

(I) No fee may be charged for filing a claim of paternity, a revocation, or a change of address with the registry. The department may charge a fee not to exceed twenty-five dollars for processing searches of the registry.

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

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

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

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

(a) the department shall disclose the contents of the registry upon order of a court of competent jurisdiction for good cause shown;

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

(c) the department shall provide the names and addresses of all registrants who have filed a claim of paternity for the child in question upon written request of a child-placing agency or an attorney assisting in the adoption or termination of parental rights of a child. The written

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request may be filed with the registry before or after the birth of the child and must include:

- (i) the mother's name and, if known, her address and date of birth;
- (ii) if known, the child's date of birth and place of birth; and
- (iii) if known, the date, county, and state of conception of the child.

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

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

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

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

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

(R)(1) Any unauthorized use, or attempted unauthorized use, of the registry is expressly prohibited, and any person or organization seeking, receiving, using, or publishing, or attempting to do so, of any information contained in the registry in violation of this section is

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guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

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

(S) The provisions of this section do not apply to military servicemembers on active duty during any period of time that their service falls under the protection of the Servicemembers Civil Relief Act, currently codified at 50 U.S.C.A. Section 501 *et seq.*”

SECTION 2. Section 63-9-730(B) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(B) The following persons or agencies are entitled to notice as provided in subsection (A) ~~of this section~~:

(1) ~~any~~ a person adjudicated by a court in this State to be the father of the child;

(2) ~~any~~ a person or agency required to give consent or relinquishment pursuant to ~~subsections (A) or (B) of Section 63-9-310(A) or (B)~~ from whom consent or relinquishment cannot be obtained;

(3) ~~the father of the child whose consent or relinquishment is not required pursuant to items (4) or (5) of subsection (A) of Section 63-9-310~~ a person who has properly registered with the Responsible Father Registry at the time of the filing of the petition for termination of parental rights or adoption;

(4) ~~any~~ a person who is recorded on the child’s birth certificate as the child’s father. The Department of Health and Environmental Control shall release this information to any attorney representing a party in an adoption or termination of parental rights action pursuant to a subpoena;

(5) ~~any~~ a person who is openly living with the child or the child’s mother, or both, at the time the ~~adoption~~ proceeding is initiated, and who is holding himself out to be the child’s father;

(6) ~~any~~ a person who has been identified as the child’s father by the mother in a sworn, written statement; and

(7) ~~any~~ a person from whom consent or relinquishment is not required pursuant to ~~item (2) of subsection (A) of Section 63-9-320(A)(2)~~.”

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SECTION 3. Section 63-7-2530 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63-7-2530. (A) A petition seeking termination of parental rights may be filed by the Department of Social Services or any interested party.

(B) The department may file an action for termination of parental rights without first seeking the court’s approval of a change in the permanency plan pursuant to Section 63-7-1680 and without first seeking an amendment of the placement plan pursuant to Section 63-7-1700.

(C) The hearing on the petition to terminate parental rights must be held within one hundred twenty days of the date the termination of parental rights petition is filed. A party may request a continuance that would result in the hearing being held more than one hundred twenty days after the petition was filed, and the court may grant a continuance in its discretion. If a continuance is granted, the court must issue a written order scheduling the case for trial on a date and time certain.”

SECTION 4. Section 63-7-2550 of 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63-7-2550.(A) A summons and petition for termination of parental rights must be filed with the court and served on:

- (1) the child, if the child is fourteen years of age or older;
- (2) the child’s guardian ad litem, appointed pursuant to Section 63-7-2560(B), if the child is under fourteen years of age;
- ~~(2)~~ the parents of the child; and
- ~~(3)~~ an agency with placement or custody of the child.

(B) The right of an unmarried biological father, as defined in Section 63-9-820, to receive notice of a termination of parental rights action must be governed by the notice provisions of Section 63-9-730(B)(1), (3), (4), (5), and (6), and Subarticle 8, Chapter 9.”

SECTION 5. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses,

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phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

Amend title to conform.

Senator L. 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.

ADOPTED

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.

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

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

Ayes 46; Nays 0

AYES

Alexander

Anderson

Bright

[SJ]

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

Total--46

NAYS

Total--0

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

COMMITTED

Senator RYBERG asked unanimous consent to commit the following Joint Resolutions to the Committee on Labor, Commerce and Industry.

There was no objection.

S. 497 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO EXPLOSIVES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3216, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 498 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION,

[SJ]

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OFFICE OF STATE FIRE MARSHAL, RELATING TO FIRE PREVENTION AND LIFE SAFETY IN LOCAL DETENTION FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3220, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 500 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO FIRE PREVENTION AND LIFE SAFETY FOR SPECIAL OCCUPANCIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3215, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 503 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO FIREWORKS AND PYROTECHNICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 3219, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 504 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO LIQUEFIED PETROLEUM (LP) GAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 3218, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 505 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS, DESIGNATED AS REGULATION DOCUMENT NUMBER 3217, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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S. 506 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF STATE FIRE MARSHAL, RELATING TO FIRE PREVENTION AND LIFE SAFETY, DESIGNATED AS REGULATION DOCUMENT NUMBER 3214, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

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.

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 (JUD0153.001), which was adopted:

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

/ SECTION 1. Article 5, Chapter 11, Title 16 of the 1976 Code is amended by adding:

"Section 16-11-320. (A) For purposes of this section, 'dwelling' means its definition found in Section 16-11-10 and Section 16-11-310.

(B) A person is guilty of home invasion if the person:

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(1) enters a dwelling without consent or enters a dwelling by using deception, artifice, trick, or misrepresentation to gain consent to enter from a person in the dwelling;

(2) with intent to commit a crime in the dwelling;

(3) a person is present in the dwelling who is not a participant in the crime; and

(4) when, in effecting entry or while in the dwelling or in immediate flight, a participant in the crime causes physical injury or threatens to cause physical injury to a person who is not a participant in the crime.

(C) This section does not apply to a law enforcement officer acting within the scope of the officer's official duties.

(D) Home invasion is a felony punishable by life imprisonment. For purposes of this section, 'life' means until death. The court, in its discretion, may sentence the defendant to a term of not less than twenty years.

(E) A person may not be convicted for a violation of this section and a violation of Section 16-11-311, 16-11-312, or 16-11-313 for the same incident."

SECTION 2. Section 16-1-60 of the 1976 Code is amended to read:

"Section 16-1-60. For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16-3-10); criminal sexual conduct in the first and second degree (Sections 16-3-652 and 16-3-653); criminal sexual conduct with minors, first and second degree (Section 16-3-655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16-3-656); assault and battery with intent to kill (Section 16-3-620); kidnapping (Section 16-3-910); voluntary manslaughter (Section 16-3-50); armed robbery (Section 16-11-330(A)); attempted armed robbery (Section 16-11-330(B)); carjacking (Section 16-3-1075); drug trafficking as defined in Section 44-53-370(e) or trafficking cocaine base as defined in Section 44-53-375(C); manufacturing or trafficking methamphetamine as defined in Section 44-53-375; arson in the first degree (Section 16-11-110(A)); arson in the second degree (Section 16-11-110(B)); burglary in the first degree (Section 16-11-311); burglary in the second degree (Section 16-11-312(B)); home invasion (Section 16-11-320); engaging a child for a sexual performance (Section 16-3-810); homicide by child abuse (Section 16-3-85(A)(1)); aiding and abetting homicide by child abuse (Section 16-3-85(A)(2)); inflicting great bodily injury upon a child (Section 16-3-95(A));

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allowing great bodily injury to be inflicted upon a child (Section 16-3-95(B)); criminal domestic violence of a high and aggravated nature (Section 16-25-65); abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43-35-85(E)); accessory before the fact to commit any of the above offenses (Section 16-1-40); attempt to commit any of the above offenses (Section 16-1-80); and taking of a hostage by an inmate (Section 24-13-450). Only those offenses specifically enumerated in this section are considered violent offenses.”

SECTION 3. Section 16-3-20(C)(a)(1) of the 1976 Code is amended to read:

“(1) The murder was committed while in the commission of the following crimes or acts:

- (a) criminal sexual conduct in any degree;
- (b) kidnapping;
- (c) burglary in any degree;
- (d) robbery while armed with a deadly weapon;
- (e) larceny with use of a deadly weapon;
- (f) killing by poison;
- (g) drug trafficking as defined in Section 44-53-370(e), 44-53-375(B), 44-53-440, or 44-53-445;
- (h) physical torture; ~~or~~
- (i) dismemberment of a person; or
- (j) home invasion (Section 16-11-320).”

SECTION 4. 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 5. 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

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constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. This act takes effect upon approval by the Governor.
Re-number sections to conform.
Amend title to conform.

Senator L. MARTIN explained the committee amendment.

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

**COMMITTEE AMENDMENT ADOPTED
AMENDMENT PROPOSED, CARRIED OVER**

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.

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

The Committee on Judiciary proposed the following amendment (JUD0343.001), which was adopted:

Amend the concurrent resolution, as and if amended, by striking page 1, lines 38-42, and page 2, lines 1-4, and inserting:

/ That the General Assembly of South Carolina directs the South Carolina Budget and Control Board to:

(1) require all agencies with investigative authority pursuant to the Omnibus Adult Protection Act, or any federal statute, to make available

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on the Internet, to the extent legally possible, in a format to be developed by the Adult Protection Coordinating Council, the results of their cases of abuse, neglect, and exploitation of vulnerable adults, which resulted in criminal convictions, and to the extent possible, provide this information in one location on the State's website;

(2) develop a procedure in conjunction with the Adult Protection Coordinating Council whereby a person could appeal the placement of the person's results on the State's website; and

(3) develop a procedure in conjunction with the Adult Protection Coordinating Council whereby a person's results would be automatically removed from the State's website five years from the date the person completes his sentence, provided the person has not been convicted of a similar offense within the five year period. /

Re-number sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

Senator LEVENTIS proposed the following amendment (MS7244AC09):

Amend the concurrent resolution, as and if amended, in the first resolving paragraph on page 2, line 1 after / Council / by inserting / , along with policies and procedures developed by the council that provide for the removal of the name and other identifying information of a vulnerable adult and that also provide for a process whereby a person can contest the placement of their name on the state's website, /

Re-number sections to conform.

Amend title to conform.

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

CARRIED OVER

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

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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.

On motion of Senator SCOTT, 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 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

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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.

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 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.

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

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

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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.

Senator PEELER explained the Bill.

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

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.

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

RECESS

At 10:57 A.M., on motion of Senator McCONNELL, the Senate recessed from business pending the arrival of Senators attending a public hearing.

At 11:26 A.M., the Senate resumed.

READ THE SECOND TIME

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.

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

There was no objection.

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

ACTING PRESIDENT PRESIDES

At 11:28 A.M., Senator L. MARTIN assumed the Chair.

Senator LEATHERMAN was recognized to explain the Resolution.

Amendment No. 1

Senator ROSE proposed the following Amendment No. 1 (3581R001.MTR), which was tabled:

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

/ SECTION ____ . For fiscal year 2009-2010, if the actual amount appropriated to the Local Government Fund is less than the amount appropriated for fiscal year 2008-2009, a political subdivision receiving aid from the fund may reduce its 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. /

Renumber sections to conform.

Amend title to conform.

Senator ROSE explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

PRESIDENT PRESIDES

At 12:22 P.M., the PRESIDENT assumed the Chair.

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

Ayes 22; Nays 20

AYES

Alexander
Courson

Anderson
Cromer

Coleman
Elliott

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40

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Hayes	Jackson	Knotts
Land	Leatherman	Leventis
Lourie	Malloy	Matthews
McConnell	Nicholson	Peeler
Rankin	Reese	Scott
Setzler		

Total--22

NAYS

Bright	Bryant	Campbell
Campsen	Cleary	Davis
Fair	Grooms	<i>Martin, L.</i>
Massey	McGill	Mulvaney
O'Dell	Rose	Ryberg
Sheheen	Shoopman	Thomas
Verdin	Williams	

Total--20

The amendment was laid on the table.

Statement by Senator McCONNELL

Counties have enjoyed a tremendous increase in revenue through the growth formula in the Aid to Subdivisions. Each year, local governments receive 4½% over what was spent the previous fiscal year. Thus, while the state budget grew counties enjoyed windfalls. However, when the economy turns and revenues are reduced, local governments cannot be penalized and cannot be cut. This past year state government has been slashed to balance the books. It is reasonable to require local governments to make cuts in some way as the rest of state government is being required to do. I was unconvinced by the arguments made supporting this amendment. In one of the examples described, the Chairman of Finance pointed out that the Committee Amendment includes funds to pay counties per capita for the service that is mandated. Therefore, I voted to table the amendment.

The question then was the second reading of the Bill.

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

Ayes 23; Nays 19

AYES

Alexander	Anderson	Bright
Bryant	Campbell	Courson
Cromer	Elliott	Hayes
Jackson	Knotts	Land
Leatherman	Leventis	Lourie
<i>Martin, L.</i>	Massey	Matthews
McConnell	Peeler	Rankin
Scott	Setzler	

Total--23

NAYS

Campsen	Cleary	Coleman
Davis	Fair	Grooms
Malloy	McGill	Mulvaney
Nicholson	O'Dell	Reese
Rose	Ryberg	Sheheen
Shoopman	Thomas	Verdin
Williams		

Total--19

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

THE SENATE PROCEEDED TO A CONSIDERATION OF VETOES.

VETO OVERRIDDEN

(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

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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.

The veto of the Governor was taken up for immediate consideration.

Senator L. MARTIN moved that the veto of the Governor be overridden.

The question was put, "Shall the Act become law, the veto of the Governor to the contrary notwithstanding?"

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

Ayes 36; Nays 6

AYES

Alexander	Anderson	Bright
Bryant	Campbell	Coleman
Courson	Cromer	Elliott
Fair	Grooms	Hayes
Jackson	Knotts	Land
Leatherman	Leventis	Lourie
<i>Martin, L.</i>	Massey	Matthews
McConnell	McGill	Mulvaney
Nicholson	O'Dell	Peeler
Rankin	Reese	Scott
Setzler	Sheheen	Shoopman
Thomas	Verdin	Williams

Total--36

NAYS

Campsen	Cleary	Davis
Malloy	Rose	Ryberg

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Total--6

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

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

**COMMITTEE REPORT ADOPTED, AMENDED
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.

Report of the Committee of Finance Adopted

Senator LEATHERMAN moved that the Report of the Senate Finance Committee be adopted.

The Report of the Senate Finance Committee was adopted.

Amendment No. 6

Senators PEELER, SETZLER, HAYES, and MATTHEWS proposed the following Amendment No. 6 (DAD CDEPP SPLIT), which was adopted (#1):

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 2, line 12,
by:

	COLUMN 7	COLUMN 8
/ STRIKING:	19,700,000	19,700,000
and		
INSERTING:	17,300,000	17,300,000/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 15, by inserting after line 21,

	COLUMN 7	COLUMN 8
/CDEPP - PRIVATE	2,400,000	2,400,000/

Renumber sections to conform.

Amend sections, totals and title to conform.

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Amendment No. 5A

Senator SETZLER proposed the following Amendment No. 5A (3566 SETZLER.DOCX), which was adopted (#2):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 324, after line 14, by striking proviso 1.3 in its entirety and inserting:

/ 1.3. (SDE: EFA Formula/Base Student Cost Inflation Factor)
To the extent possible within available funds, it is the intent of the General Assembly to provide for 100 percent of full implementation of the Education Finance Act to include an inflation factor projected by the Division of Budget and Analyses to match inflation wages of public school employees in the Southeast. The base student cost for the current fiscal year *for Part IA* has been determined to be ~~\$2,578~~ \$2,034 *and the base student cost for Part III has been determined to be \$300 for a total base student cost of \$2,334.* In Fiscal Year ~~2008-09~~ 2009-10, the total pupil count is projected to be ~~690,363~~ 691,816. The average per pupil funding is projected to be ~~\$4,867~~ \$4,153 state, ~~\$1,097~~ \$1,296 federal, and ~~\$5,516~~ \$5,792 local. This is an average total funding level of ~~\$11,480~~ \$11,242 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Abbeville School District total pupil count is projected to be ~~3,366~~ 2,911. The per pupil funding is projected to be ~~\$5,948~~ \$6,059 state, ~~\$1,174~~ \$1,616 federal, and ~~\$3,561~~ \$3,604 local. This is a total projected funding level of ~~\$10,684~~ \$11,279 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Aiken School District total pupil count is projected to be ~~23,689~~ 23,640. The per pupil funding is projected to be ~~\$4,790~~ \$4,084 state, ~~\$729~~ \$1,225 federal, and ~~\$3,802~~ \$3,673 local. This is a total projected funding level of ~~\$9,320~~ \$8,982 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Allendale School District total pupil count is projected to be ~~1,511~~ 1,454. The per pupil funding is projected to be ~~\$11,049~~ \$7,310 state, ~~\$1,889~~ \$1,764 federal, and ~~\$4,912~~ \$3,978 local. This is a total projected funding level of ~~\$17,850~~ \$13,053 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Anderson School District 1 total pupil count is projected to be ~~9,013~~ 9,168. The per pupil funding is projected to be ~~\$4,466~~ \$4,053 state, ~~\$532~~ \$656 federal, and ~~\$3,661~~ \$3,485 local. This is a total projected funding level of ~~\$8,659~~ \$8,194 excluding revenues of local bond issues.

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In Fiscal Year ~~2008-09~~ 2009-10, the Anderson School District 2 total pupil count is projected to be ~~3,664~~ 3,694. The per pupil funding is projected to be ~~\$5,378~~ \$4,573 state, ~~\$762~~ \$609 federal, and ~~\$4,357~~ \$3,780 local. This is a total projected funding level of ~~\$10,497~~ \$8,962 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Anderson School District 3 total pupil count is projected to be ~~2,643~~ 2,558. The per pupil funding is projected to be ~~\$5,474~~ \$4,919 state, ~~\$1,526~~ \$1,370 federal, and ~~\$3,851~~ \$3,857 local. This is a total projected funding level of ~~\$10,851~~ \$10,146 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Anderson School District 4 total pupil count is projected to be ~~2,753~~ 2,901. The per pupil funding is projected to be ~~\$4,564~~ \$3,850 state, ~~\$1,083~~ \$1,231 federal, and ~~\$6,718~~ \$7,007 local. This is a total projected funding level of ~~\$12,365~~ \$12,087 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Anderson School District 5 total pupil count is projected to be ~~12,286~~ 11,985. The per pupil funding is projected to be ~~\$4,965~~ \$4,277 state, ~~\$1,010~~ \$1,488 federal, and ~~\$5,046~~ \$4,675 local. This is a total projected funding level of ~~\$11,021~~ \$10,440 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Bamberg School District 1 total pupil count is projected to be ~~1,449~~ 1,377. The per pupil funding is projected to be ~~\$6,139~~ \$5,491 state, ~~\$1,958~~ \$1,675 federal, and ~~\$3,628~~ \$3,723 local. This is a total projected funding level of ~~\$11,725~~ \$10,889 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Bamberg School District 2 total pupil count is projected to be ~~832~~ 872. The per pupil funding is projected to be ~~\$8,608~~ \$6,126 state, ~~\$1,509~~ \$2,011 federal, and ~~\$5,443~~ \$4,334 local. This is a total projected funding level of ~~\$15,560~~ \$12,471 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Barnwell School District 19 total pupil count is projected to be ~~821~~ 747. The per pupil funding is projected to be ~~\$6,737~~ \$5,256 state, ~~\$2,121~~ 2,578 federal, and ~~\$4,146~~ \$3,900 local. This is a total projected funding level of ~~\$13,003~~ \$11,734 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Barnwell School District 29 total pupil count is projected to be ~~843~~ 972. The per pupil funding is projected to be ~~\$6,538~~ \$4,544 state, ~~\$1,672~~ \$1,466 federal, and ~~\$3,983~~ \$3,305 local. This is a total projected funding level of ~~\$12,193~~ \$9,315 excluding revenues of local bond issues.

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In Fiscal Year ~~2008-09~~ 2009-10, the Barnwell School District 45 total pupil count is projected to be ~~2,440~~ 2,445. The per pupil funding is projected to be ~~\$6,026~~ \$4,898 state, ~~\$830~~ \$1,177 federal, and ~~\$3,078~~ \$2,970 local. This is a total projected funding level of ~~\$9,935~~ \$9,045 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Beaufort School District total pupil count is projected to be ~~18,905~~ 18,425. The per pupil funding is projected to be ~~\$2,389~~ \$1,379 state, ~~\$977~~ \$1,703 federal, and ~~\$10,765~~ \$12,157 local. This is a total projected funding level of ~~\$14,131~~ \$15,240 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Berkeley School District total pupil count is projected to be ~~27,451~~ 28,058. The per pupil funding is projected to be ~~\$4,635~~ \$4,119 state, ~~\$721~~ \$959 federal, and ~~\$5,927~~ \$5,655 local. This is a total projected funding level of ~~\$11,283~~ \$10,733 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Calhoun School District total pupil count is projected to be ~~1,522~~ 1,569. The per pupil funding is projected to be ~~\$6,324~~ \$5,309 state, ~~\$1,059~~ \$1,495 federal, and ~~\$7,155~~ \$6,632 local. This is a total projected funding level of ~~\$14,538~~ \$13,436 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Charleston School District total pupil count is projected to be ~~39,745~~ 40,639. The per pupil funding is projected to be ~~\$3,609~~ \$2,703 state, ~~\$1,328~~ \$1,593 federal, and ~~\$4,888~~ \$9,874 local. This is a total projected funding level of ~~\$9,824~~ \$14,169 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Cherokee School District total pupil count is projected to be ~~9,027~~ 8,868. The per pupil funding is projected to be ~~\$5,157~~ \$4,696 state, ~~\$1,280~~ \$1,558 federal, and ~~\$6,749~~ \$4,801 local. This is a total projected funding level of ~~\$13,186~~ \$11,055 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Chester School District total pupil count is projected to be ~~5,665~~ 5,503. The per pupil funding is projected to be ~~\$5,549~~ \$4,761 state, ~~\$1,719~~ \$1,970 federal, and ~~\$4,029~~ \$5,050 local. This is a total projected funding level of ~~\$11,297~~ \$11,781 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Chesterfield School District total pupil count is projected to be ~~7,770~~ 7,730. The per pupil funding is projected to be ~~\$5,604~~ \$4,700 state, ~~\$797~~ \$1,453 federal, and ~~\$3,268~~ \$3,303 local. This is a total projected funding level of ~~\$9,669~~ \$9,457 excluding revenues of local bond issues.

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In Fiscal Year ~~2008-09~~ 2009-10, the Clarendon School District 1 total pupil count is projected to be ~~854~~ 840. The per pupil funding is projected to be ~~\$6,857~~ \$5,935 state, ~~\$4,749~~ \$1,629 federal, and ~~\$6,475~~ \$6,690 local. This is a total projected funding level of ~~\$18,081~~ \$14,254 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Clarendon School District 2 total pupil count is projected to be ~~2,992~~ 2,974. The per pupil funding is projected to be ~~\$5,597~~ \$5,239 state, ~~\$1,764~~ \$1,897 federal, and ~~\$3,464~~ \$2,517 local. This is a total projected funding level of ~~\$10,819~~ \$9,653 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Clarendon School District 3 total pupil count is projected to be ~~4,234~~ 4,207. The per pupil funding is projected to be ~~\$5,535~~ \$5,095 state, ~~\$755~~ \$1,013 federal, and ~~\$3,353~~ \$2,570 local. This is a total projected funding level of ~~\$9,643~~ \$8,678 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Colleton School District total pupil count is projected to be ~~5,965~~ 5,918. The per pupil funding is projected to be ~~\$5,150~~ \$4,822 state, ~~\$1,723~~ \$2,250 federal, and ~~\$3,286~~ \$4,576 local. This is a total projected funding level of ~~\$10,159~~ \$11,648 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Darlington School District total pupil count is projected to be ~~10,824~~ 10,522. The per pupil funding is projected to be ~~\$5,384~~ \$4,772 state, ~~\$1,378~~ \$1,642 federal, and ~~\$5,193~~ \$5,340 local. This is a total projected funding level of ~~\$11,955~~ \$11,754 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Dillon School District 1 total pupil count is projected to be ~~908~~ 794. The per pupil funding is projected to be ~~\$5,034~~ \$5,326 state, ~~\$1,034~~ \$1,824 federal, and ~~\$1,854~~ \$2,183 local. This is a total projected funding level of ~~\$7,943~~ \$9,333 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Dillon School District 2 total pupil count is projected to be ~~3,324~~ 3,380. The per pupil funding is projected to be ~~\$5,704~~ \$4,771 state, ~~\$1,183~~ \$1,738 federal, and ~~\$1,736~~ \$1,733 local. This is a total projected funding level of ~~\$8,624~~ \$8,243 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Dillon School District 3 total pupil count is projected to be ~~4,573~~ 4,616. The per pupil funding is projected to be ~~\$5,078~~ \$4,457 state, ~~\$1,430~~ \$1,209 federal, and ~~\$2,162~~ \$2,199 local. This is a total projected funding level of ~~\$8,670~~ \$7,865 excluding revenues of local bond issues.

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In Fiscal Year ~~2008-09~~ 2009-10, the Dorchester School District 2 total pupil count is projected to be ~~21,650~~ 21,969. The per pupil funding is projected to be ~~\$4,386~~ \$3,790 state, ~~\$462~~ \$641 federal, and ~~\$3,830~~ \$4,399 local. This is a total projected funding level of ~~\$8,679~~ \$8,830 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Dorchester School District 4 total pupil count is projected to be ~~2,458~~ 2,190. The per pupil funding is projected to be ~~\$5,950~~ \$4,807 state, ~~\$1,974~~ \$1,918 federal, and ~~\$7,428~~ \$6,918 local. This is a total projected funding level of ~~\$15,352~~ \$13,643 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Edgefield School District total pupil count is projected to be ~~3,929~~ 3,795. The per pupil funding is projected to be ~~\$5,578~~ \$5,158 state, ~~\$867~~ \$972 federal, and ~~\$3,613~~ \$3,879 local. This is a total projected funding level of ~~\$10,057~~ \$10,010 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Fairfield School District total pupil count is projected to be ~~3,483~~ 2,940. The per pupil funding is projected to be ~~\$5,256~~ \$5,175 state, ~~\$1,080~~ \$2,003 federal, and ~~\$7,775~~ \$8,343 local. This is a total projected funding level of ~~\$14,112~~ \$15,520 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Florence School District 1 total pupil count is projected to be ~~14,860~~ 15,203. The per pupil funding is projected to be ~~\$4,790~~ \$4,228 state, ~~\$1,765~~ \$1,408 federal, and ~~\$5,032~~ \$4,867 local. This is a total projected funding level of ~~\$11,587~~ \$10,503 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Florence School District 2 total pupil count is projected to be ~~1,092~~ 1,230. The per pupil funding is projected to be ~~\$5,908~~ \$4,848 state, ~~\$1,020~~ \$1,099 federal, and ~~\$4,248~~ \$4,008 local. This is a total projected funding level of ~~\$11,177~~ \$9,956 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Florence School District 3 total pupil count is projected to be ~~3,558~~ 3,485. The per pupil funding is projected to be ~~\$5,760~~ \$5,106 state, ~~\$2,357~~ \$3,087 federal, and ~~\$2,869~~ \$2,584 local. This is a total projected funding level of ~~\$10,987~~ \$10,777 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Florence School District 4 total pupil count is projected to be ~~858~~ 814. The per pupil funding is projected to be ~~\$8,035~~ \$7,302 state, ~~\$2,040~~ \$1,950 federal, and ~~\$5,844~~ \$4,728 local. This is a total projected funding level of ~~\$15,888~~ \$13,980 excluding revenues of local bond issues.

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In Fiscal Year ~~2008-09~~ 2009-10, the Florence School District 5 total pupil count is projected to be ~~1,486~~ 1,395. The per pupil funding is projected to be ~~\$5,620~~ \$5,314 state, ~~\$736~~ \$1,213 federal, and ~~\$3,914~~ \$3,867 local. This is a total projected funding level of ~~\$10,270~~ \$10,394 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Georgetown School District total pupil count is projected to be ~~10,124~~ 9,467. The per pupil funding is projected to be ~~\$4,145~~ \$3,604 state, ~~\$1,004~~ \$1,411 federal, and ~~\$6,241~~ \$7,484 local. This is a total projected funding level of ~~\$11,390~~ \$12,499 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Greenville School District total pupil count is projected to be ~~69,188~~ 69,784. The per pupil funding is projected to be ~~\$4,462~~ \$3,898 state, ~~\$664~~ \$1,040 federal, and ~~\$5,273~~ \$4,969 local. This is a total projected funding level of ~~\$10,399~~ \$9,908 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Greenwood School District 50 total pupil count is projected to be ~~8,849~~ 8,922. The per pupil funding is projected to be ~~\$5,153~~ \$4,412 state, ~~\$1,007~~ \$1,143 federal, and ~~\$5,666~~ 6,156 local. This is a total projected funding level of ~~\$11,825~~ \$11,712 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Greenwood School District 51 total pupil count is projected to be ~~1,041~~ 1,053. The per pupil funding is projected to be ~~\$6,348~~ \$5,397 state, ~~\$1,224~~ \$1,143 federal, and ~~\$4,615~~ \$4,229 local. This is a total projected funding level of ~~\$12,188~~ \$10,770 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Greenwood School District 52 total pupil count is projected to be ~~1,566~~ 1,593. The per pupil funding is projected to be ~~\$3,422~~ \$3,152 state, ~~\$809~~ \$867 federal, and ~~\$6,706~~ \$6,296 local. This is a total projected funding level of ~~\$10,937~~ \$10,314 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Hampton School District 1 total pupil count is projected to be ~~2,688~~ 2,607. The per pupil funding is projected to be ~~\$5,707~~ \$5,135 state, ~~\$1,252~~ \$1,516 federal, and ~~\$2,944~~ \$2,876 local. This is a total projected funding level of ~~\$9,903~~ \$9,526 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Hampton School District 2 total pupil count is projected to be ~~1,103~~ 1,047. The per pupil funding is projected to be ~~\$8,369~~ \$7,510 state, ~~\$1,644~~ \$2,148 federal, and ~~\$4,235~~ \$4,070 local. This is a total projected funding level of ~~\$14,248~~ \$13,728 excluding revenues of local bond issues.

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In Fiscal Year ~~2008-09~~ 2009-10, the Horry School District total pupil count is projected to be ~~36,514~~ 37,225. The per pupil funding is projected to be ~~\$3,858~~ \$3,391 state, ~~\$1,347~~ \$1,336 federal, and ~~\$7,606~~ \$7,836 local. This is a total projected funding level of ~~\$12,811~~ \$12,563 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Jasper School District total pupil count is projected to be ~~3,099~~ 3,274. The per pupil funding is projected to be ~~\$5,199~~ \$4,373 state, ~~\$1,921~~ \$1,793 federal, and ~~\$10,636~~ \$6,546 local. This is a total projected funding level of ~~\$17,756~~ \$12,713 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Kershaw School District total pupil count is projected to be ~~10,360~~ 10,267. The per pupil funding is projected to be ~~\$5,116~~ \$4,588 state, ~~\$775~~ \$1,183 federal, and ~~\$3,835~~ \$4,653 local. This is a total projected funding level of ~~\$9,727~~ \$10,424 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Lancaster School District total pupil count is projected to be ~~11,461~~ 11,786. The per pupil funding is projected to be ~~\$5,094~~ \$4,200 state, ~~\$1,180~~ \$1,641 federal, and ~~\$4,071~~ \$4,597 local. This is a total projected funding level of ~~\$10,345~~ \$10,437 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Laurens School District 55 total pupil count is projected to be ~~5,601~~ 5,559. The per pupil funding is projected to be ~~\$5,513~~ \$4,855 state, ~~\$1,088~~ \$1,382 federal, and ~~\$3,807~~ \$3,520 local. This is a total projected funding level of ~~\$10,409~~ \$9,757 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Laurens School District 56 total pupil count is projected to be ~~3,182~~ 3,058. The per pupil funding is projected to be ~~\$5,706~~ \$5,020 state, ~~\$2,207~~ \$2,023 federal, and ~~\$3,143~~ \$3,725 local. This is a total projected funding level of ~~\$11,056~~ \$10,768 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Lee School District total pupil count is projected to be ~~2,326~~ 2,367. The per pupil funding is projected to be ~~\$7,455~~ \$6,796 state, ~~\$1,834~~ \$2,105 federal, and ~~\$4,304~~ \$3,295 local. This is a total projected funding level of ~~\$13,593~~ \$12,196 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Lexington School District 1 total pupil count is projected to be ~~21,134~~ 22,013. The per pupil funding is projected to be ~~\$4,951~~ \$4,174 state, ~~\$691~~ \$605 federal, and ~~\$6,628~~ \$6,914 local. This is a total projected funding level of ~~\$12,270~~ \$11,693 excluding revenues of local bond issues.

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In Fiscal Year ~~2008-09~~ 2009-10, the Lexington School District 2 total pupil count is projected to be ~~8,884~~ 8,419. The per pupil funding is projected to be ~~\$5,195~~ \$4,639 state, ~~\$3,351~~ \$1,270 federal, and ~~\$4,417~~ \$4,827 local. This is a total projected funding level of ~~\$12,963~~ \$10,736 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Lexington School District 3 total pupil count is projected to be ~~1,920~~ 1,987. The per pupil funding is projected to be ~~\$6,108~~ \$4,959 state, ~~\$1,335~~ \$1,571 federal, and ~~\$6,372~~ \$6,565 local. This is a total projected funding level of ~~\$13,815~~ \$13,095 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Lexington School District 4 total pupil count is projected to be ~~3,204~~ 3,072. The per pupil funding is projected to be ~~\$6,773~~ \$6,247 state, ~~\$2,632~~ \$2,329 federal, and ~~\$3,750~~ \$3,847 local. This is a total projected funding level of ~~\$13,155~~ \$12,423 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Lexington School District 5 total pupil count is projected to be ~~16,582~~ 16,235. The per pupil funding is projected to be ~~\$5,294~~ \$4,650 state, ~~\$709~~ \$672 federal, and ~~\$6,597~~ \$7,042 local. This is a total projected funding level of ~~\$12,600~~ \$12,363 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Marion School District 1 total pupil count is projected to be ~~2,860~~ 2,653. The per pupil funding is projected to be ~~\$5,490~~ \$5,025 state, ~~\$1,558~~ \$2,221 federal, and ~~\$2,789~~ \$2,712 local. This is a total projected funding level of ~~\$9,836~~ \$9,959 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Marion School District 2 total pupil count is projected to be ~~1,822~~ 1,857. The per pupil funding is projected to be ~~\$5,683~~ \$4,838 state, ~~\$2,011~~ \$2,792 federal, and ~~\$2,750~~ \$2,864 local. This is a total projected funding level of ~~\$10,443~~ \$10,495 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Marion School District 7 total pupil count is projected to be ~~679~~ 694. The per pupil funding is projected to be ~~\$8,964~~ \$7,773 state, ~~\$2,614~~ \$1,892 federal, and ~~\$3,184~~ \$2,989 local. This is a total projected funding level of ~~\$14,761~~ \$12,654 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Marlboro School District total pupil count is projected to be ~~4,457~~ 4,274. The per pupil funding is projected to be ~~\$6,248~~ \$5,702 state, ~~\$2,017~~ \$2,037 federal, and ~~\$3,371~~ \$2,881 local. This is a total projected funding level of ~~\$11,636~~ \$10,620 excluding revenues of local bond issues.

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In Fiscal Year ~~2008-09~~ 2009-10, the McCormick School District total pupil count is projected to be ~~884~~ 831. The per pupil funding is projected to be ~~\$5,954~~ \$4,428 state, ~~\$776~~ \$2,322 federal, and ~~\$8,728~~ \$8,688 local. This is a total projected funding level of ~~\$15,458~~ \$15,439 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Newberry School District total pupil count is projected to be ~~5,769~~ 5,762. The per pupil funding is projected to be ~~\$5,585~~ \$4,910 state, ~~\$1,257~~ \$1,596 federal, and ~~\$5,723~~ \$6,399 local. This is a total projected funding level of ~~\$12,565~~ \$12,905 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Oconee School District total pupil count is projected to be ~~10,504~~ 10,274. The per pupil funding is projected to be ~~\$4,465~~ \$3,852 state, ~~\$973~~ \$1,291 federal, and ~~\$8,047~~ \$7,284 local. This is a total projected funding level of ~~\$13,484~~ \$12,427 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Orangeburg School District 3 total pupil count is projected to be ~~3,014~~ 2,878. The per pupil funding is projected to be ~~\$6,098~~ \$5,560 state, ~~\$1,495~~ \$2,075 federal, and ~~\$7,336~~ \$6,098 local. This is a total projected funding level of ~~\$14,929~~ \$13,733 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Orangeburg School District 4 total pupil count is projected to be ~~4,022~~ 3,836. The per pupil funding is projected to be ~~\$5,512~~ \$5,002 state, ~~\$1,759~~ \$1,614 federal, and ~~\$5,092~~ \$4,917 local. This is a total projected funding level of ~~\$12,363~~ \$11,533 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Orangeburg School District 5 total pupil count is projected to be ~~6,302~~ 6,392. The per pupil funding is projected to be ~~\$6,162~~ \$5,139 state, ~~\$1,882~~ \$1,900 federal, and ~~\$5,919~~ \$5,795 local. This is a total projected funding level of ~~\$13,962~~ \$12,834 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Pickens School District total pupil count is projected to be ~~16,234~~ 16,210. The per pupil funding is projected to be ~~\$4,756~~ \$4,040 state, ~~\$1,117~~ \$1,034 federal, and ~~\$4,073~~ \$4,727 local. This is a total projected funding level of ~~\$9,947~~ \$9,801 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Richland School District 1 total pupil count is projected to be ~~22,690~~ 23,060. The per pupil funding is projected to be ~~\$5,568~~ \$4,542 state, ~~\$1,239~~ \$2,072 federal, and ~~\$10,079~~ \$7,897 local. This is a total projected funding level of ~~\$16,886~~ \$14,511 excluding revenues of local bond issues.

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In Fiscal Year ~~2008-09~~ 2009-10, the Richland School District 2 total pupil count is projected to be ~~24,557~~ 24,669. The per pupil funding is projected to be ~~\$4,478~~ \$4,028 state, ~~\$871~~ \$903 federal, and ~~\$6,271~~ \$6,326 local. This is a total projected funding level of ~~\$11,620~~ \$11,256 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Saluda School District total pupil count is projected to be ~~2,017~~ 2,047. The per pupil funding is projected to be ~~\$5,692~~ \$4,971 state, ~~\$1,111~~ \$1,228 federal, and ~~\$4,345~~ \$3,936 local. This is a total projected funding level of ~~\$11,148~~ \$10,135 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Spartanburg School District 1 total pupil count is projected to be ~~5,030~~ 5,009. The per pupil funding is projected to be ~~\$5,070~~ \$4,538 state, ~~\$724~~ \$1,054 federal, and ~~\$4,488~~ \$4,840 local. This is a total projected funding level of ~~\$10,282~~ \$10,432 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Spartanburg School District 2 total pupil count is projected to be ~~9,690~~ 9,656. The per pupil funding is projected to be ~~\$4,851~~ \$4,212 state, ~~\$690~~ \$939 federal, and ~~\$3,464~~ \$3,747 local. This is a total projected funding level of ~~\$9,005~~ \$8,898 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Spartanburg School District 3 total pupil count is projected to be ~~2,980~~ 2,929. The per pupil funding is projected to be ~~\$5,326~~ \$4,791 state, ~~\$841~~ \$1,190 federal, and ~~\$5,134~~ \$5,288 local. This is a total projected funding level of ~~\$11,301~~ \$11,219 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Spartanburg School District 4 total pupil count is projected to be ~~2,840~~ 2,881. The per pupil funding is projected to be ~~\$5,184~~ \$4,465 state, ~~\$1,009~~ \$850 federal, and ~~\$3,328~~ \$4,388 local. This is a total projected funding level of ~~\$9,520~~ \$9,702 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Spartanburg School District 5 total pupil count is projected to be ~~7,169~~ 7,679. The per pupil funding is projected to be ~~\$4,536~~ \$3,847 state, ~~\$821~~ \$760 federal, and ~~\$5,849~~ \$6,675 local. This is a total projected funding level of ~~\$11,206~~ \$11,282 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Spartanburg School District 6 total pupil count is projected to be ~~10,378~~ 10,132. The per pupil funding is projected to be ~~\$4,445~~ \$4,180 state, ~~\$797~~ \$960 federal, and ~~\$4,781~~ \$4,943 local. This is a total projected funding level of ~~\$10,023~~ \$10,082 excluding revenues of local bond issues.

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In Fiscal Year ~~2008-09~~ 2009-10, the Spartanburg School District 7 total pupil count is projected to be ~~7,030~~ 7,261. The per pupil funding is projected to be ~~\$6,386~~ \$4,999 state, ~~\$1,672~~ \$1,899 federal, and ~~\$7,922~~ \$7,071 local. This is a total projected funding level of ~~\$15,980~~ \$13,969 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Sumter School District 2 total pupil count is projected to be ~~8,637~~ 8,354. The per pupil funding is projected to be ~~\$5,300~~ \$4,629 state, ~~\$1,375~~ \$1,784 federal, and ~~\$3,023~~ \$3,393 local. This is a total projected funding level of ~~\$9,697~~ \$9,805 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Sumter School District 17 total pupil count is projected to be ~~8,075~~ 8,385. The per pupil funding is projected to be ~~\$5,735~~ \$4,607 state, ~~\$1,272~~ \$1,947 federal, and ~~\$3,613~~ \$3,164 local. This is a total projected funding level of ~~\$10,620~~ \$9,718 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Union School District total pupil count is projected to be ~~4,431~~ 4,403. The per pupil funding is projected to be ~~\$6,053~~ \$5,204 state, ~~\$1,140~~ \$1,246 federal, and ~~\$2,430~~ \$2,788 local. This is a total projected funding level of ~~\$9,622~~ \$9,238 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the Williamsburg School District total pupil count is projected to be ~~5,240~~ 4,980. The per pupil funding is projected to be ~~\$5,697~~ \$5,085 state, ~~\$2,692~~ \$3,005 federal, and ~~\$2,566~~ \$3,277 local. This is a total projected funding level of ~~\$10,955~~ \$11,367 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the York School District 1 total pupil count is projected to be ~~5,080~~ 5,187. The per pupil funding is projected to be ~~\$5,299~~ \$4,303 state, ~~\$593~~ \$1,065 federal, and ~~\$4,182~~ \$4,189 local. This is a total projected funding level of ~~\$10,074~~ \$9,557 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the York School District 2 total pupil count is projected to be ~~6,430~~ 6,353. The per pupil funding is projected to be ~~\$4,008~~ \$3,125 state, ~~\$557~~ \$527 federal, and ~~\$8,233~~ \$8,218 local. This is a total projected funding level of ~~\$12,798~~ \$11,870 excluding revenues of local bond issues.

In Fiscal Year ~~2008-09~~ 2009-10, the York School District 3 total pupil count is projected to be ~~17,314~~ 17,459. The per pupil funding is projected to be ~~\$4,998~~ \$4,377 state, ~~\$719~~ \$770 federal, and ~~\$4,932~~ \$6,085 local. This is a total projected funding level of ~~\$10,650~~ \$11,232 excluding revenues of local bond issues.

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In Fiscal Year ~~2008-09~~ 2009-10, the York School District 4 total pupil count is projected to be ~~9,574~~ 10,187. The per pupil funding is projected to be ~~\$3,996~~ \$3,666 state, ~~\$428~~ \$404 federal, and ~~\$6,115~~ 6,771 local. This is a total projected funding level of ~~\$10,539~~ \$10,840 excluding revenues of local bond issues.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Amendment No. 14

Senators PEELER and SETZLER proposed the following Amendment No. 14 (DG RENT), which was adopted (#3):

Amend the bill, as and if amended, Part IB, Section 31, STATE MUSEUM COMMISSION, page 414, by striking lines 1 through 4 and inserting:

/ 31.9. (MUSM: Rent Payment Suspension) For Fiscal Year 2009-10 the State Museum is not required to pay rent or maintenance expenses, including all utilities, operations, maintenance, and repairs, to General Services for the premises it leases in the Columbia Mills Building. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator PEELER explained the amendment.

The amendment was adopted.

Amendment No. 9

Senator MCGILL proposed the following Amendment No. 9 (KW DESTINATION SPECIFIC TOURISM), which was adopted (#4):

Amend the bill, as and if amended, Part IB, Section 39, DEPARTMENT OF PARKS, RECREATION & TOURISM, page 420, paragraph 39.5, line 34, by striking lines 34-36 and inserting

/39.5. (PRT: Destination Specific Tourism Marketing) From the funds appropriated in this Act for the Tourism and Sales Marketing program, the department shall use not less than \$10,000,000 for a destination specific tourism marketing grant program. The minimum

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grant awarded by ~~this program~~ the Destination Specific Tourism Program shall be \$250,000. Each state dollar must be matched with two dollars of private /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McGILL explained the amendment.

The amendment was adopted.

Amendment No. 8

Senator McGILL proposed the following Amendment No. 8 (DAD 40.30 REG ECO DEV ORG), which was adopted (#5):

Amend the bill, as and if amended, Part IB, Section 40, DEPARTMENT OF COMMERCE, page 427, paragraph 40.30, after line 2, by inserting:

/Any funds remaining in the department's accounts for Regional Economic Development Organizations at the end of Fiscal Year 2009-10 shall be transferred to the General Fund./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McGILL explained the amendment.

The amendment was adopted.

Amendment No. 2B

Senator LEVENTIS proposed the following Amendment No. 2B (3560 LEVHOUSING.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 509, paragraph 89.17, by striking line 1 and inserting:

/ emergency medical personnel. *However, except for physicians or employees of a higher education institution, any employee occupying a state-owned residence at no charge whose annual compensation is over \$125,000 shall reimburse their agency for the cost of utilities and other operational expenses of the residence they occupy.* Except in the case of elected officials, the fair market rental value of any residence furnished to a /

Renumber sections to conform.

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Amend sections, totals and title to conform.

Senator LEVENTIS explained the amendment.

Senator FAIR moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 17

Senator RYBERG proposed the following Amendment No. 17 (3560R012.WGR.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, Page 512, paragraph 89.24, by striking line 28 and inserting:

/ rate used in this calculation shall be the lesser of ~~50.5 cents per mile~~ the state mileage reimbursement rate or the current rate established by the Internal Revenue Service. /

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, Page 512, paragraph 89.24, by striking line 33 and inserting:

/ in this calculation shall be the lesser of ~~50.5 cents per mile~~ the state mileage reimbursement rate or the current rate established by the Internal Revenue Service. When /

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 513, paragraph 89.24, after line 5, by inserting a new paragraph to read:

/ Beginning on July 1, 2009, the state mileage reimbursement rate must be adjusted based upon the average per gallon cost of motor fuel as reported by Lundberg Survey, Inc. For each ten cent change in the cost of motor fuel as reported by Lundberg Survey, Inc. the rate must be increased or decreased .5 cents. Increases or decreases must be calculated on a monthly basis. For purposes of this provision one dollar and eighty nine cents per gallon is the baseline average per gallon cost of motor fuel and the state mileage reimbursement rate baseline is set at 40.5 cents per mile. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RYBERG explained the amendment.

Senator LAND moved to lay the amendment on the table.

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

Ayes 22; Nays 20

AYES

Alexander	Anderson	Campbell
Courson	Cromer	Elliott
Ford	Hutto	Jackson
Knotts	Land	Leatherman
Lourie	Malloy	Matthews
McGill	Nicholson	Reese
Scott	Setzler	Sheheen
Williams		

Total--22

NAYS

Bright	Bryant	Campsen
Cleary	Coleman	Davis
Fair	Grooms	Hayes
Leventis	<i>Martin, L.</i>	Massey
McConnell	Mulvaney	Peeler
Rose	Ryberg	Shoopman
Thomas	Verdin	

Total--20

The amendment was laid on the table.

Amendment No. 19

Senator ELLIOTT proposed the following Amendment No. 19 (CP FEES AND FINES REPORT), which was adopted (#6):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 534, paragraph 89.125, by striking line 27 and inserting:

/ as the name of the entity to which the funds were transferred. The report must be posted online by September 1st. Additionally, the report must be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by September 1st. Funds /

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Re-number sections to conform.
Amend sections, totals and title to conform.

Senator ELLIOTT explained the amendment.

The amendment was adopted.

Amendment No. 4

Senators FAIR, LAND and KNOTTS proposed the following Amendment No. 4 (DAD COMMUTING COSTS 3), which was adopted (#7):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 535, paragraph 89.128, line 13, after /Division/ by inserting /Department of Corrections, Department of Probation, Parole and Pardon Services, Department of Juvenile Justice, /

Re-number sections to conform.
Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

Recorded Vote

Senator KNOTTS desired to be recorded as voting in favor of the adoption of the amendment.

Amendment No. 3

Senator FAIR proposed the following Amendment No. 3 (DC EARLY RELEASE SCDC & DPPPS), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 535, after line 31, by adding an appropriately numbered new proviso to read:

/ (GP: Early Release of Inmates) In the event that the Department of Corrections lacks sufficient funds from any and all sources to operate the prison system, the Governor may order the early release of prisoners in numbers sufficient to avoid deficit spending. Under no circumstances shall such early release include prisoners who have been convicted of a crime requiring registration pursuant to Article 7, Chapter 3, Title 23, the Sex Offender Registry.

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In determining prisoners to be considered for early release, the Department of Corrections shall recommend to the Governor objective criteria which shall include but not be limited to the nature of the offense, prior criminal record, length of sentence and time remaining on current sentence. The Department of Corrections and the Department of Probation, Parole and Pardon Services shall jointly develop guidelines, policies, procedures and cooperative agreements for the implementation of the early releases.

Prisoners granted early release will be deemed to have satisfied the incarcerative portion of their sentence. Should the prisoner's sentence require further non-incarcerative supervision pursuant to any applicable law or order, the Department of Probation, Parole and Pardon Services shall prescribe conditions of supervision consistent with existing statutes, laws and regulations applicable after release from the jurisdiction of the Department of Corrections.

While under the supervision of the Department of Probation, Parole and Pardon Services, early releasees are considered to be in the legal custody of the Board of Probation, Parole and Pardon Services. Violation of conditions of release may be deemed the basis, under Section 24-21-680, for revocation of release and the return of the releasee to the Department of Corrections to serve his sentence as though he had not been released. No credit on the time of the sentence shall be given for the time elapsing between release and revocation.

The Director of the Department of Corrections shall submit a report monthly to the Governor, the President Pro Tempore of the Senate, the Speaker of the House and the Budget and Control Board denoting the number of early releases granted and the number of revocations. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

Point of Order

Senator McCONNELL raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Amendment No. 3 was ruled out of order.

Debate was interrupted by adjournment.

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ADJOURNMENT

At 2:20 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

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