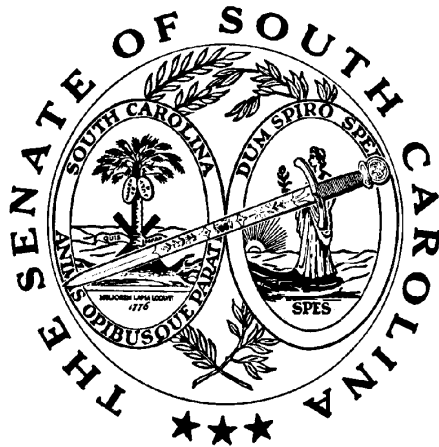


NO. 53

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, APRIL 28, 2009

Tuesday, April 28, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

In the writings of Isaiah we read:

“For I am the Lord, your God, who takes hold of your right hand and says to you, Do not fear; I will help you.” (Isaiah 41:13)

Let us pray:

Holy God, as others through the ages have also needed to be reminded, You are ever present, ready to strengthen and bless us if we will only call upon You and trust in You. We pray, dear Lord, that during this period when our State is going through challenges of all sorts—from economic woes to damage from catastrophic fires—that You will strengthen the determination of each Senator in this Chamber to strive to do what he knows is best for the people of South Carolina. May each of these faithful servants honor You through all that they say and do. In Your loving name we pray, O Lord.
Amen.

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

MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Initial Appointment, South Carolina Commission on Women, with the term to commence October 18, 2006, and to expire October 18, 2010

At-Large:

Pamela A. Baker, 305 Hay Hill Ct., Elgin, SC *VICE* Tiffany Spann-Wilder

Referred to the Committee on Judiciary.

TUESDAY, APRIL 28, 2009

Initial Appointment, South Carolina Forestry Commission, with the term to commence June 30, 2006, and to expire June 30, 2012

Public - Senate:

James Bradford Thompson, Thompson Forest Consultants, Greenwood, SC 29649 *VICE* George Flanders

Referred to the Committee on Fish, Game and Forestry.

Reappointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2007, and to expire June 30, 2011

SC Bankers Association:

H. Blake Gibbons, Jr., President, The Citizens Bank 124 Main Street, Olanta, SC 29114

Referred to the Committee on Banking and Insurance.

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 4042

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

SUBJECT: Seasons, Bag Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas; Use of Fertility Control or Other Chemical Substances in Wildlife

Received by Lieutenant Governor February 4, 2009

Referred to Fish, Game and Forestry Committee

Legislative Review Expiration June 4, 2009

Doctor of the Day

Senator FAIR introduced Dr. Ted Watson of Greenville, S.C., Doctor of the Day.

Leave of Absence

At 12:15 P.M., Senator VERDIN requested a leave of absence beginning at 2:00 P.M. on Thursday and lasting until Noon on Tuesday, May 5, 2009.

[SJ]

TUESDAY, APRIL 28, 2009

Leave of Absence

At 12:15 P.M., Senator FAIR requested a leave of absence beginning at 4:00 and lasting until 9:00 P.M. this evening.

Leave of Absence

At 12:15 P.M., Senator CLEARY requested a leave of absence beginning at 10:00 P.M. on Wednesday, April 29, 2009, and lasting until Noon on Tuesday, May 5, 2009.

Leave of Absence

On motion of Senator JACKSON, at 12:25 P.M., Senator SCOTT was granted a leave of absence until 3:00 P.M. today in order to attend a funeral.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest to announce to the Senate that Senator and Mrs. PINCKNEY have a new daughter named Milana Elise Pinckney. She weighed 9 lbs. ½ oz. and is 20 ½ inches in length and made her arrival at 1:35 P.M. today.

Leave of Absence

On motion of Senator MALLOY, at 2:30 P.M., Senator PINCKNEY was granted a leave of absence for today due to the birth of his second daughter.

Expression of Personal Interest

Senator L. MARTIN rose for an Expression of Personal Interest.

Privilege of the Chamber

On motion of Senator McGILL, with unanimous consent, the Privilege of the Chamber, to that area behind the rail, was extended to Attorney General Henry McMaster and Mr. Gene McCaskill. Mr. McCaskill was recognized as the 2009 Key Club International Key of Honor Recipient.

CO-SPONSORS ADDED

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

S. 607 Sen. Rankin
S. 130 Sen. Mulvaney

[SJ]

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S. 692 Sens. Scott, Coleman
S. 719 Sen. Alexander
S. 316 Sen. Williams
S. 752 Sen. Rose
S. 720 Sen. Rose
S. 153 Sen. Knotts
S. 343 Sen. Knotts
S. 348 Sen. Knotts
S. 412 Sen. Knotts

CO-SPONSOR REMOVED

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

S. 736 Sen. Rose
S. 737 Sen. Rose
S. 738 Sen. Rose

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 755 -- Senator Massey: A CONCURRENT RESOLUTION TO URGE THE CITIZENS OF SOUTH CAROLINA TO PRACTICE SAFE BOATING HABITS, ESPECIALLY THE WEARING OF LIFE JACKETS, AND TO DECLARE MAY 16-22, 2009, AS SAFE BOATING WEEK IN SOUTH CAROLINA.

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The Concurrent Resolution was introduced and referred to the Committee on Fish, Game and Forestry.

S. 756 -- Senator Hayes: A BILL TO AMEND SECTION 7-7-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF YORK COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

TUESDAY, APRIL 28, 2009

S. 757 -- Senator Peeler: A BILL TO AMEND ACT 587 OF 1992, AS AMENDED, RELATING TO THE DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES OF CHEROKEE COUNTY SCHOOL DISTRICT 1 ARE TO BE ELECTED, SO AS TO PROVIDE THAT MEMBERS MUST BE ELECTED FROM REVISED SINGLE-MEMBER DISTRICTS; TO REDESIGNATE A MAP NUMBER ON WHICH THESE DISTRICTS ARE DESIGNATED; AND TO CHANGE THE BOUNDARIES OF THE CHEROKEE COUNTY SCHOOL DISTRICT 1 AND THE BOUNDARIES OF SPARTANBURG SCHOOL DISTRICT NO. 2 TO MAKE THE TWO BOUNDARIES OF THE DISTRICTS COTERMINOUS WITH THE COUNTY BOUNDARIES OF CHEROKEE AND SPARTANBURG COUNTY.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 758 -- Senator Land: A BILL TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALE AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW PROCEEDS FROM THE TAX TO BE USED TO PAY SALARY AND OPERATIONAL EXPENSES OF THE SCHOOL DISTRICTS OF CLARENDON COUNTY DURING THE 2009-2010 SCHOOL YEAR.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 759 -- Senator Hayes: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 OF YORK COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT FOR THE PURPOSE OF PAYING COSTS OF OPERATION AND MAINTENANCE OF CERTAIN ELEMENTARY SCHOOLS, TO REQUIRE THESE BONDS TO MATURE IN NO MORE THAN FIVE YEARS, TO REQUIRE THAT THE BONDS BE AUTHORIZED BY RESOLUTION OF THE BOARD OF TRUSTEES AFTER AN AUTHORIZATION BY A FAVORABLE VOTE OF THE QUALIFIED ELECTORS OF THE DISTRICT, TO PROVIDE THAT THE BONDS MAY BE SOLD BY PUBLIC OR PRIVATE SALE, AND TO PROVIDE OTHER

[SJ]

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MATTERS RELATED TO THE AUTHORIZATION AND SALE OF THE BONDS.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 760 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR RALPH HANAHAN OF IRMO FOR HIS INCREDIBLE DISPLAY OF FRIENDSHIP AND COMPASSION FOR HELPING A CO-WORKER IN NEED.

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The Senate Resolution was adopted.

S. 761 -- Senators Peeler, Verdin, Grooms, Rose, Knotts, Cromer, Leatherman, Hayes, Courson, O'Dell, Thomas, Shoopman, Mulvaney, Fair, Ryberg, Bright, Campbell, Alexander, Massey, Davis, Campsen, L. Martin and Rankin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR KATON EDWARDS DAWSON, CHAIRMAN OF THE SOUTH CAROLINA REPUBLICAN PARTY, FOR HIS CONTRIBUTIONS TO THE POLITICAL DISCOURSE IN THE STATE OF SOUTH CAROLINA AS HE RETIRES FROM THIS POSITION, AND TO EXTEND TO HIM BEST WISHES IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 762 -- Senator Land: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 260 IN CLARENDON COUNTY FROM ITS INTERSECTION WITH THE MANNING CITY LIMITS TO OXWALI CREEK "FRED CHEWNING HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "FRED CHEWNING HIGHWAY".

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

S. 763 -- Senators Bryant and O'Dell: A CONCURRENT RESOLUTION TO CONGRATULATE MR. RICK L. ADKINS OF

[SJ]

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ANDERSON, SOUTH CAROLINA, THE OUTGOING MEMBER OF THE SOUTH CAROLINA STATE BOARD OF EDUCATION, FOR HIS DISTINGUISHED SERVICE AND HIS DEDICATION FROM CIRCUIT 10 TO THE BETTERMENT OF THE SOUTH CAROLINA EDUCATION SYSTEM.

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

H. 3254 -- Reps. Edge, Sellers, Barfield, Kelly, G. M. Smith and Branham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-26-87 SO AS TO PROVIDE THAT CERTAIN SPEECH-LANGUAGE PATHOLOGISTS WHO HAVE RECEIVED NATIONAL CERTIFICATION FROM THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION AND WHO ARE EMPLOYED IN A SOUTH CAROLINA PUBLIC SCHOOL DISTRICT SHALL RECEIVE A YEARLY INCENTIVE FOR THE LIFE OF THE CERTIFICATION, AND TO PROVIDE THAT THESE INCENTIVES MUST BE PAID FROM FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY FOR THIS PURPOSE IF AVAILABLE.

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

H. 3358 -- Reps. Harrison, Weeks, Horne, Hutto and Whipper: A BILL TO AMEND SECTION 43-35-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE OMNIBUS ADULT PROTECTION ACT, SO AS TO REVISE THE DEFINITIONS OF "INVESTIGATIVE ENTITY" AND "NEGLECT"; TO AMEND SECTION 43-35-40, AS AMENDED, RELATING TO REQUIREMENTS OF AN INVESTIGATIVE ENTITY UPON RECEIVING A REPORT OF ADULT ABUSE, SO AS TO FURTHER SPECIFY AND CLARIFY PROCEDURES FOR REPORTING CASES IN WHICH THERE IS A REASONABLE SUSPICION OF CRIMINAL CONDUCT; AND TO AMEND SECTION 43-35-85, AS AMENDED, RELATING TO CRIMINAL PENALTIES FOR FAILING TO REPORT ADULT ABUSE WHEN REQUIRED TO REPORT, SO AS TO DELETE PROVISIONS AUTHORIZING DISCIPLINARY ACTION WHEN A PERSON WHO HAS REASON TO BELIEVE THAT ABUSE OCCURRED

[SJ]

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FAILS TO REPORT AND TO ESTABLISH CRIMINAL PENALTIES IF A CAREGIVER, DUE TO RECKLESS DISREGARD FOR THE HEALTH OR SAFETY OF A VULNERABLE ADULT, NEGLECTS OR CAUSES GREAT BODILY INJURY OR DEATH TO A VULNERABLE ADULT.

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

H. 3371 -- Reps. Harvin, Kennedy, Alexander, Funderburk, Gunn, Hart, McEachern, McLeod, Ott, J. E. Smith, Spires, Weeks and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-243 SO AS TO REGULATE A PROVIDER OF HEALTH CARE AND THE ISSUER OF INDIVIDUAL HEALTH INSURANCE WHEN AN ISSUER NEGOTIATES RATES WITH A PROVIDER FOR COVERED HEALTH CARE SERVICES AND THEN TERMINATES OR OTHERWISE NONRENEWS THE PROVIDER'S CONTRACT.

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

H. 3482 -- Reps. Harrell, Cooper, Mack and Bannister: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX ALL PERSONAL PROPERTY, INCLUDING AIRCRAFT, OF A COMPANY ENGAGED IN AIR TRANSPORT OF SPECIALIZED CARGO.

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

H. 3630 -- Rep. Weeks: A BILL TO AMEND SECTION 5-15-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT OF A MUNICIPAL ELECTION COMMISSION IN EACH MUNICIPALITY TO CONDUCT MUNICIPAL ELECTIONS, SO AS TO REQUIRE ALL ELECTION COMMISSIONERS AND STAFF TO COMPLETE A TRAINING AND CERTIFICATION PROGRAM CONDUCTED BY THE STATE ELECTION COMMISSION.

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

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H. 3706 -- Reps. Weeks and Harrison: A BILL TO AMEND SECTION 8-13-1348, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES, SO AS TO AUTHORIZE A DEBIT CARD DRAWN UPON THE CAMPAIGN ACCOUNT MAY BE USED ON EXPENDITURES MORE THAN TWENTY-FIVE DOLLARS IN ADDITION TO A WRITTEN INSTRUMENT.

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

H. 3749 -- Reps. J. E. Smith and Williams: A BILL TO AMEND SECTION 25-1-380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSISTANT ADJUTANT GENERAL FOR THE ARMY, SO AS TO PROVIDE UPON NATIONAL GUARD BUREAU AUTHORIZATION, AN ADDITIONAL ASSISTANT ADJUTANT GENERAL WITH THE RANK OF MAJOR GENERAL.

Read the first time and referred to the General Committee.

H. 3872 -- Reps. Cato, Bannister, Wylie, Loftis, Bedingfield, Allen, Stringer, Nanney, Dillard, Hamilton, Rice, G. R. Smith and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 26 TO CHAPTER 53, TITLE 59 SO AS TO ENACT THE "GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY ACT", AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY.

Read the first time and, on motion of Senator FAIR, with unanimous consent, H. 3872 was ordered placed on the Calendar without reference.

H. 3874 -- Reps. Stavrinakis and Merrill: A BILL TO AMEND SECTION 1-23-525, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISQUALIFICATION OF MEMBERS OF THE GENERAL ASSEMBLY FROM ELECTION TO AN ADMINISTRATIVE LAW JUDGE POSITION, SO AS TO CHANGE FOUR YEARS TO ONE YEAR.

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

H. 3878 -- Reps. Rice, Harrison, Cooper, Bingham and Toole: A JOINT RESOLUTION TO ESTABLISH A JOINT STUDY

[SJ]

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COMMITTEE ON THE CONSOLIDATION OF STATE AGENCIES, PROVIDE FOR ITS MEMBERSHIP AND DUTIES, REQUIRE SUBMISSION OF RECOMMENDATIONS, AND PROVIDE FOR ITS TERMINATION.

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

H. 3882 -- Labor, Commerce and Industry Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-55 SO AS TO PROVIDE THE STATE BUDGET AND CONTROL BOARD SHALL DEVELOP A WEB-BASED APPLICATION FOR THE SUBMISSION OF QUESTIONS AND CONCERNS ABOUT STATE AGENCY LICENSING, PERMITTING, AND REGULATION OF ECONOMIC ACTIVITY, AND TO PROVIDE A STATE AGENCY THAT PROMULGATES REGULATIONS, ISSUES PERMITS OR LICENSES, AND HAS A WEBSITE ON THE INTERNET SHALL PLACE ON ITS WEBSITE HOMEPAGE A HYPERLINK OR UNIFORM RESOURCE LOCATOR THAT PROVIDES DIRECT ACCESS TO THIS WEB-BASED APPLICATION; BY ADDING SECTION 48-39-155 SO AS TO PROVIDE A CERTIFICATION OF CONSISTENCY WITH THE COASTAL ZONE MANAGEMENT PLAN MUST BE MADE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WITHIN THIRTY DAYS AFTER THE DATE THE REQUEST IS SUBMITTED TO THE DEPARTMENT FOR THIS CERTIFICATION, AND IF THE DEPARTMENT FAILS TO ISSUE A WRITTEN DECISION WITHIN THIS THIRTY-DAY PERIOD, THE PROPOSED ACTIVITY OR LICENSE IS CONSIDERED CONSISTENT WITH THE COASTAL ZONE MANAGEMENT PLAN AND PROGRAM; AND TO AMEND SECTION 33-41-1110, RELATING TO A RENEWAL APPLICATION FOR A REGISTERED LIMITED LIABILITY COMPANY, SO AS TO PROVIDE THIS APPLICATION ANNUALLY MUST BE RENEWED BEFORE APRIL FIRST.

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

H. 3907 -- Reps. Ott, Cobb-Hunter, Sellers and Govan: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 149 ALONG INTERSTATE HIGHWAY 26 IN ORANGEBURG COUNTY THE "LANCE

[SJ]

TUESDAY, APRIL 28, 2009

CORPORAL JAMES D. HAYNES INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS "LANCE CORPORAL JAMES D. HAYNES INTERCHANGE".

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

H. 3914 -- Rep. White: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF SOCIAL SERVICES TO SUSPEND THE ENFORCEMENT OF CERTAIN CHILDCARE CENTER STAFF-CHILD RATIO REGULATIONS.

Read the first time and referred to the General Committee.

H. 3926 -- Reps. Knight, Horne and A. D. Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CROSSES FOUR HOLE SWAMP WHERE IT FLOWS INTO THE EDISTO RIVER ALONG WIRE ROAD IN DORCHESTER COUNTY THAT CONTAIN THE WORDS "MUCKENFUSS (1792 - 1813) MINUS (1813 - 1848) HARLEY (1848 - 1862) BRIDGE".

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

H. 3951 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON WEDNESDAY, MAY 13, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 4, WHOSE TERM EXPIRES DECEMBER 31, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JULY 31, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JULY 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRD JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30,

[SJ]

TUESDAY, APRIL 28, 2009

2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERMS EXPIRES JULY 31, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; TO ELECT A SUCCESSOR TO A CERTAIN CHIEF JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, WHOSE TERM EXPIRES JUNE 30, 2013.

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

H. 3959 -- Reps. Jennings, 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, 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. E. 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 HONOR AND RECOGNIZE MARK SLADE AVENT OF MARLBORO COUNTY AND TO EXPRESS APPRECIATION FOR HIS MANY AND SIGNIFICANT CONTRIBUTIONS TO HIS COMMUNITY AND TO THE PALMETTO STATE.

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

H. 3960 -- Reps. Barfield, Hearn, Hardwick, Edge and Viers: A CONCURRENT RESOLUTION TO DESIGNATE COASTAL

[SJ]

TUESDAY, APRIL 28, 2009

CAROLINA UNIVERSITY AS THE HOME OF THE BEACH MUSIC HALL OF FAME.

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

REPORTS OF STANDING COMMITTEES

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

S. 416 -- Senators Lourie, Knotts, Land, Leatherman, Hutto, Pinckney, Elliott, O'Dell, Massey, Peeler, Leventis, Hayes, Anderson, Sheheen, Rankin, Malloy, Scott, Williams, Setzler, Nicholson, Reese, L. Martin and Thomas: A BILL TO ENACT THE "HEALTH CARE ACCESSIBILITY FOR YOUNG AMERICANS ACT", INCLUDING PROVISIONS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-295 SO AS TO PROVIDE HEALTH INSURANCE COVERAGE UNDER A PARENT'S POLICY FOR CERTAIN MILITARY PERSONNEL ON TERMINATION OF ACTIVE DUTY STATUS, AMONG OTHER THINGS; BY ADDING SECTION 38-71-300 SO AS TO DEFINE THE TERMS "DEPENDENT" AND "ELIGIBLE DEPENDENT" FOR HEALTH INSURANCE POLICIES ISSUED IN THIS STATE; TO AMEND SECTION 38-71-350, RELATING TO THE REQUIRED CONTINUATION OF COVERAGE FOR HANDICAPPED CHILDREN UNDER A PARENT'S INDIVIDUAL POLICY, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 38-71-360, RELATING TO THE REQUIRED CONTINUATION OF COVERAGE FOR NONHANDICAPPED CHILDREN UNDER A PARENT'S INDIVIDUAL POLICY, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 38-71-780, RELATING TO THE REQUIRED CONTINUATION OF COVERAGE TO HANDICAPPED AND DEPENDENT CHILDREN UNDER A PARENT'S GROUP POLICY, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 38-71-1330, AS AMENDED, RELATING TO DEFINITIONS CONCERNING SMALL EMPLOYER HEALTH INSURANCE, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

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Senator RYBERG from the Committee on Labor, Commerce and Industry polled out S. 454 favorable with amendment:

S. 454 -- Senator Peeler: A BILL TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO AUTHORIZE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION, TO REQUIRE LIABILITY INSURANCE, TO REQUIRE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS HANDLING FIREWORKS.

**Poll of the Labor, Commerce and Industry Committee
Polled 12; Ayes 12; Nays 0; Not Voting 5**

AYES

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

Total--12

NAYS

Total--0

NOT VOTING

Setzler	McConnell	O'Dell
Reese	Leatherman	

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Total--5

Ordered for consideration tomorrow.

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

S. 455 -- Senators Thomas and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 60 TO TITLE 38 SO AS TO ENACT THE "SOUTH CAROLINA HEALTHNET PROGRAM"; TO PROVIDE FOR THE CREATION OF A FIVE-YEAR PILOT PROGRAM TO PROMOTE THE AVAILABILITY OF HEALTH INSURANCE COVERAGE TO EMPLOYEES OF SMALL EMPLOYER GROUPS AND HEALTH GROUP COOPERATIVES REGARDLESS OF HEALTH STATUS OR CLAIMS EXPERIENCE, ESTABLISH RULES REGARDING RENEWAL OF COVERAGE, LIMITATIONS ON THE USE OF PREEXISTING CONDITIONS EXCLUSIONS, ASSURE FAIR ACCESS TO HEALTH PLANS AND IMPROVE OVERALL FAIRNESS AND EFFICIENCY OF THE SMALL GROUP HEALTH INSURANCE MARKET; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE COMPOSITION AND AUTHORITY OF THE BOARD OF DIRECTORS; TO PROVIDE FAIR MARKETING STANDARDS; TO PROVIDE FOR THE ESTABLISHMENT OF CRITERIA FOR PLAN ADMINISTRATION IN THE PLAN OF OPERATION; TO PROVIDE FOR RATES; TO PROVIDE FOR PROVIDER PARTICIPATION; TO PROVIDE FOR THE APPLICABILITY AND SCOPE OF THE CHAPTER; TO PROVIDE THAT SMALL GROUP HEALTH INSURERS SHALL OFFER AND MARKET PLANS DEVELOPED BY THE SOUTH CAROLINA HEALTHNET PROGRAM; TO PROVIDE FOR HEALTH BENEFIT PLAN STANDARDS; TO PROVIDE FOR ELIGIBILITY STANDARDS AND PROVIDE EXCEPTIONS; TO PROVIDE FOR TERMINATION AND NONRENEWAL OF COVERAGE; TO PROVIDE FOR CLAIMS DATA TO BE REPORTED TO THE PROGRAM; TO REQUIRE THE BOARD TO SUBMIT A REPORT REGARDING THE IMPLEMENTATION OF THE PROGRAM; AND TO AUTHORIZE THE DIRECTOR OF THE STATE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF CHAPTER 60, TITLE 38 ADDED BY THIS ACT.

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Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry polled out S. 484 favorable with amendment:

S. 484 -- Senator Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-68-95 SO AS TO PROVIDE DE MINIMIS OPERATIONS LICENSURE REQUIREMENTS FOR NONRESIDENT PROFESSIONAL EMPLOYER ORGANIZATIONS AND GROUPS; TO AMEND SECTION 40-68-30, AS AMENDED, RELATING TO LICENSURE REQUIREMENTS FOR PROFESSIONAL EMPLOYER ORGANIZATIONS, SO AS TO INCREASE APPLICATION FEES AND TO REQUIRE AN APPLICATION FEE FOR EACH COMPANY IN A PROFESSIONAL EMPLOYER ORGANIZATION GROUP; TO AMEND SECTION 40-68-40, AS AMENDED, RELATING TO QUALIFICATIONS TO BE LICENSED AS A PROFESSIONAL EMPLOYER ORGANIZATION AND QUALIFICATIONS TO SERVE AS A CONTROLLING PERSON OF A LICENSEE, SO AS TO DELETE A PROVISION AUTHORIZING ISSUANCE OF A NONRESIDENT RESTRICTED LICENSE WITHOUT THE REQUISITE TWO YEARS EXPERIENCE, TO MAKE TECHNICAL CORRECTIONS, AND TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 40-68-45, RELATING TO CONTINUING EDUCATION, SO AS TO PROVIDE THAT THE HOLDER OF A DE MINIMIS OPERATIONS LICENSE IS NOT REQUIRED TO TAKE CONTINUING EDUCATION, TO REVISE THE DEFINITION OF "KEY PERSONNEL" FOR CERTAIN PURPOSES, AND TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 40-68-50, AS AMENDED, RELATING TO LICENSURE AND RENEWAL FEES, SO AS TO REVISE INITIAL AND RENEWAL LICENSE FEES, TO DELETE NONRESIDENT PROFESSIONAL EMPLOYER ORGANIZATION LICENSE AND RENEWAL LICENSE FEES, AND TO DELETE PROVISIONS STATING MAXIMUM LICENSURE FEES; TO AMEND SECTION 40-68-90, AS AMENDED, RELATING TO RESTRICTED LICENSURE OF NONRESIDENT COMPANIES AND GROUPS, SO AS TO REVISE THE REQUIREMENTS FOR A RESTRICTED LICENSE AND TO AUTHORIZE THE DEPARTMENT OF CONSUMER AFFAIRS TO WAIVE THE AUDITED FINANCIAL STATEMENT

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REQUIREMENT FOR SUCH APPLICANTS; TO AMEND SECTION 40-68-100, AS AMENDED, RELATING TO ISSUANCE AND VALIDITY OF LICENSES, SO AS TO CLARIFY THE INITIAL LICENSURE PERIOD; TO AMEND SECTION 40-68-120, AS AMENDED, RELATING TO REQUIREMENTS FOR VARIOUS BENEFIT PROGRAMS FOR LICENSEES, INCLUDING WORKERS' COMPENSATION PLANS AND HEALTH BENEFIT PLANS, SO AS TO REQUIRE BOTH PLANS TO BE LICENSED WITH THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 40-68-140, AS AMENDED, RELATING TO REQUIREMENTS FOR LICENSEE NAME AND LOCATION CHANGES, SO AS TO ALSO REQUIRE A LICENSEE TO PROVIDE THE DEPARTMENT WITH OTHER CHANGES IN STATUS AS MAY BE REQUIRED; TO AMEND SECTION 40-68-160, AS AMENDED, RELATING TO GROUNDS FOR DISCIPLINARY ACTION AND DISCIPLINARY PROCEDURES, SO AS TO FURTHER SPECIFY PROCEDURES FOR PURSUING A CONTESTED CASE; TO AMEND SECTION 40-68-165, AS AMENDED, RELATING TO THE DEPARTMENT OF CONSUMER AFFAIRS OR THE ATTORNEY GENERAL ENFORCING THIS CHAPTER BY FILING AN ACTION IN THE CIRCUIT COURT, SO AS TO ALSO AUTHORIZE FILING AN ACTION IN THE ADMINISTRATIVE LAW COURT; AND TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO THE PROHIBITION AGAINST DISCLOSING RECORDS OF AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE AND EXCEPTIONS TO THIS PROHIBITION, SO AS TO INCLUDE IN THIS EXCEPTION THE DISCLOSURE OF INFORMATION RELATED TO PAYROLL WITHHOLDING TAXES TO THE DEPARTMENT OF CONSUMER AFFAIRS IN CONJUNCTION WITH THE DEPARTMENT LICENSING AND REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

**Poll of the Labor, Commerce and Industry Committee
Polled 12; Ayes 12; Nays 0; Not Voting 5**

AYES

Ryberg	Leventis	Ford
Alexander	Bryant	Bright
Cleary	Lourie	Massey

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Mulvaney

Nicholson

Williams

Total--12

NAYS

Total--0

NOT VOTING

Setzler
Reese

McConnell
Leatherman

O'Dell

Total--5

Ordered for consideration tomorrow.

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

S. 673 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA MORTGAGE LENDING ACT", BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD-KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTION 34-1-20, AS AMENDED, RELATING TO APPOINTMENT OF MEMBERS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS, SO AS TO PROVIDE FOR A REPRESENTATIVE OF THE MORTGAGE BANKERS ASSOCIATION; TO AMEND SECTION 34-1-110, AS AMENDED, RELATING TO AUTHORITY OF CERTAIN FINANCIAL

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INSTITUTIONS TO ENGAGE IN BUSINESS, SO AS TO PROVIDE FOR MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTIONS 37-1-301, 37-3-105, 37-3-501, AND 37-23-20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH-COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR "ADJUSTABLE RATE MORTGAGE"; TO AMEND SECTIONS 37-23-40, 37-23-45, AND 37-23-75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH-COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29-4-20, RELATING TO THE DEFINITION OF "REVERSE MORTGAGE", SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

Ordered for consideration tomorrow.

Senator KNOTTS from the Committee on Invitations polled out S. 743 favorable:

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S. 743--Adopted

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

**Poll of the Invitations Committee
Polled 7; Ayes 7; Nays 7; Not Voting 4**

AYES

Knotts	Alexander	McGill
Reese	Campsen	Cromer
Malloy		

Total--7

NAYS

Total--0

NOT VOTING

O'Dell	Elliott	Ford
Verdin		

Total--4

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

There was no objection.

On motion of Senator WILLIAMS, with unanimous consent, the Senate Resolution was adopted.

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

H. 3175 -- Reps. G.R. Smith, G.M. Smith and Bedingfield: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADMISSION TO A CHARTER SCHOOL, SO AS TO PROVIDE THAT ENROLLMENT PRIORITY MAY BE GIVEN TO A SIBLING OF A PUPIL ALREADY ENROLLED IN THE CHARTER SCHOOL WHO HAS ATTENDED THE SCHOOL FOR ONE YEAR OR MORE.

Ordered for consideration tomorrow.

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

H. 3187 -- Reps. Chalk and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-5-26 SO AS TO DEFINE THE TERM "LANDSCAPE SERVICE" AND TO PROVIDE THAT A PERSON WHO PROVIDES A LANDSCAPE SERVICE ON A PARCEL OR REAL ESTATE BY VIRTUE OF AN AGREEMENT WITH THE OWNER OF THE REAL ESTATE, AND TO WHOM A DEBT IS DUE FOR HIS PERFORMANCE OF THE LANDSCAPING SERVICE, HAS A MECHANICS' LIEN ON THE REAL ESTATE TO SECURE PAYMENT OF DEBT DUE TO HIM.

Ordered for consideration tomorrow.

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

H. 3562 -- Reps. Brady and Sandifer: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 PERTAINING TO INSURANCE, SO AS TO ADD THE DEFINITIONS OF "GENERAL APPOINTMENT", "LOCAL APPOINTMENT", "SPECIAL APPOINTMENT", "CROP INSURANCE", AND "TRAVEL INSURANCE", CORRECT ARCHAIC LANGUAGE, AND MAKE CONFORMING AMENDMENTS; TO AMEND SECTION 38-39-20, RELATING TO PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE THAT THE FEE FOR LICENSURE TO ENGAGE IN SERVICING INSURANCE PREMIUMS IN THIS STATE IS DUE ON A BIENNIAL BASIS RATHER THAN ON AN ANNUAL BASIS; TO AMEND SECTION 38-43-80, AS AMENDED, RELATING TO LICENSE FEES FOR INSURANCE PRODUCERS AND AGENCIES, SO AS TO PROVIDE FOR A BIENNIAL PRODUCER LICENSE RENEWAL FEE OF TWENTY-FIVE DOLLARS, INCREASE THE INITIAL PRODUCER LICENSE RENEWAL FEE FROM TWENTY DOLLARS TO TWENTY-FIVE DOLLARS, AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE PAYMENT OF APPOINTMENT FEES; TO AMEND SECTION 38-43-106, AS AMENDED, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS,

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SO AS TO PROVIDE THAT THE BIENNIAL COMPLIANCE PERIOD IS BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH; TO AMEND SECTION 38-43-110, AS AMENDED, RELATING TO THE DURATION OF AN INSURANCE PRODUCER'S LICENSE, SO AS TO PROVIDE THAT INDIVIDUAL LICENSES MUST BE RENEWED BIENNIALLY BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH AND PROVIDE FOR THE REQUIREMENTS RELATING TO RENEWAL; TO AMEND SECTION 38-43-200, AS AMENDED, RELATING TO THE PROHIBITION ON SPLITTING COMMISSIONS WITH AN UNLICENSED PERSON BY AN INSURANCE PRODUCER, SO AS TO DELETE THE EXISTING PROVISIONS AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE SPLITTING AND SHARING OF COMMISSIONS; TO AMEND SECTION 38-45-10, RELATING TO THE DEFINITIONS OF AN INSURANCE BROKER, SO AS TO PROVIDE FOR THE QUALIFYING DUTIES AND PROVIDE FOR EXCEPTIONS; AND TO AMEND SECTION 38-45-20, AS AMENDED, RELATING TO THE REQUIREMENTS FOR LICENSURE AS AN INSURANCE BROKER, SO AS TO DELETE THE REQUIREMENTS THAT A BROKER HOLD AT LEAST ONE APPOINTMENT.

Ordered for consideration tomorrow.

ACTING PRESIDENT PRESIDES

At 1:48 P.M., Senator McCONNELL assumed the Chair.

Message from the House

Columbia, S.C., April 23, 2009

Mr. President and Senators:

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

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

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

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 23, 2009

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Mr. President and Senators:

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

H. 3299 -- Reps. Sandifer, Harrell, Cato, Thompson, Bedingfield, Bingham, Brady, Gambrell, Harrison, Jennings, Mack, Mitchell, Cooper, Crawford, Alexander, Allison, Anthony, Bales, Bannister, Barfield, Bowers, G.A. Brown, Clemmons, Cobb-Hunter, Duncan, Gullick, Haley, Hayes, Herbkersman, Howard, Huggins, Limehouse, Littlejohn, Lowe, Miller, Ott, Owens, Pinson, M.A. Pitts, J.R. Smith, J.E. Smith, Spires, Toole, Umphlett, White, Whitmire, Anderson, A.D. Young, T.R. Young, Forrester, H.B. Brown, Weeks, Horne, Parker, Skelton, Wylie and Frye: A BILL TO AMEND SECTION 58-9-576, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTION BY AND DUTIES OF THE LOCAL EXCHANGE CARRIER AND ALTERNATIVE FORMS OF REGULATION, SO AS TO ENACT THE "CUSTOMER CHOICE AND TECHNOLOGY INVESTMENT ACT OF 2009".

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 23, 2009

Mr. President and Senators:

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

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

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SALE AT MICRO-DISTILLERIES OF THEIR PRODUCTS; 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 28, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 268 -- Senator McConnell: A BILL TO AMEND CHAPTER 8, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BUILDING CODES ENFORCEMENT OFFICERS, SO AS TO ESTABLISH A "SPECIAL INSPECTOR" OR "SPECIAL INSPECTION AGENCY" TO PERFORM BUILDING INSPECTIONS IN ONE OR MORE CONSTRUCTION TRADE DISCIPLINES, AND TO PROVIDE THE LICENSING PROCEDURE TO REQUIRE AUTHORIZATION FOR PERFORMING THESE INSPECTIONS FROM THE SOUTH CAROLINA BUILDING CODES COUNCIL AND THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

Respectfully submitted,

Speaker of the House

Received as Information

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

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

THIRD READING BILLS

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

H. 3311 -- Reprs. Brady, Harrison, Erickson, Umphlett, A.D. Young, Agnew, Allison, Battle, Bowen, Bowers, Clemmons, Cooper, Duncan,

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Gambrell, Hardwick, Hearn, Horne, Kirsh, Long, Lowe, McLeod, Parker, Simrill, Whitmire, Willis, Toole, G.M. Smith, Harvin, Hutto, Neilson, Nanney, Miller, G.R. Smith, Hamilton, Jennings, T.R. Young, Limehouse, Sottile, Viers, Williams, White, Weeks, Wylie, Forrester, Sellers, Rice, Hiott, Owens, Bannister and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT AN UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR A MALE CLAIMING TO BE THE UNMARRIED BIOLOGICAL FATHER OF A CHILD, MUST FILE A CLAIM OF PATERNITY WITH THIS REGISTRY IN ORDER TO RECEIVE NOTICE OF A TERMINATION OF PARENTAL RIGHTS ACTION OR AN ADOPTION ACTION PERTAINING TO THIS CHILD, TO PROVIDE THAT FAILURE TO FILE A CLAIM CONSTITUTES IMPLIED IRREVOCABLE CONSENT TO THE TERMINATION OF HIS PARENTAL RIGHTS AND TO THE CHILD'S ADOPTION, TO PROVIDE THAT CERTAIN CONDUCT BY AN UNMARRIED BIOLOGICAL FATHER IS DEEMED TO BE NOTICE TO THIS FATHER OF THE BIOLOGICAL MOTHER'S PREGNANCY, AND TO FURTHER ESTABLISH FILING PROCEDURES AND PROCEDURES FOR THE OPERATION OF THE REGISTRY; TO AMEND SECTION 63-9-730, RELATING TO PERSONS AND ENTITIES ENTITLED TO NOTICE OF TERMINATION OF PARENTAL RIGHTS ACTIONS AND ADOPTION ACTIONS, SO AS TO INCLUDE A PERSON WHO HAS REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY; TO AMEND SECTION 63-7-2530, RELATING TO THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE A TERMINATION OF PARENTAL RIGHTS ACTION TO BE HEARD WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE PETITION IS FILED AND TO PROVIDE CONDITIONS UNDER WHICH A CONTINUANCE MAY BE GRANTED; TO AMEND SECTION 63-7-2550, RELATING TO PERSONS OR ENTITIES ENTITLED TO BE SERVED WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO FURTHER SPECIFY THE AGE AS FOURTEEN FOR SERVING A CHILD, TO PROVIDE SERVICE ON THE GUARDIAN AD LITEM OF A CHILD UNDER FOURTEEN YEARS OF AGE, AND TO SPECIFY

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THE NOTICE PROVISIONS APPLICABLE TO AN UNMARRIED BIOLOGICAL FATHER OF A CHILD WHOSE PARENTAL RIGHTS ARE BEING TERMINATED.

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

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.

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.

SECOND READING BILLS

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

S. 153 -- Senators Campsen, Leventis and Knotts: 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

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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.

Senator L. MARTIN explained the Bill.

The question then was the second reading of the Bill.

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

Ayes 40; Nays 0

AYES

Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Cromer	Davis
Elliott	Fair	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	Rankin	Reese
Rose	Ryberg	Setzler
Shoopman	Thomas	Verdin
Williams		

Total--40

NAYS

Total--0

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

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 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.

Senator RYBERG explained the Bill.

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 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

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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.

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.

Senator RYBERG explained the Bill.

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

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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.

The question then was the second reading of the Bill.

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

Ayes 39; Nays 0

AYES

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

Total--39

NAYS

Total--0

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

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

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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.

Senator LEATHERMAN explained the Bill.

The question then was the second reading of the Bill.

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

Ayes 36; Nays 0

AYES

Alexander	Anderson	Bryant
Campbell	Campsen	Cleary
Cromer	Davis	Elliott
Fair	Grooms	Hayes
Hutto	Jackson	Knotts
Land	Leatherman	Leventis
Lourie	Malloy	<i>Martin, L.</i>
<i>Martin, S.</i>	Massey	McConnell
McGill	Nicholson	O'Dell
Peeler	Rankin	Rose
Ryberg	Setzler	Shoopman
Thomas	Verdin	Williams

Total--36

NAYS

Total--0

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

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

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.

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

Senator HAYES proposed the following amendment (412fin02), which was adopted:

Amend the committee amendment, as and if amended, by striking subsection (B)(2) and inserting:

/ (2) Prior to issuing a certificate of title for a mobile home after December 31, 2009, the person applying for the certificate must provide a completed copy of the bill of sale provided by the department. The bill of sale shall contain, in large bold type, in a conspicuous place, a statement advising a purchaser of a mobile home to consult with the appropriate county taxing official in which the mobile home is located, to determine if there are back taxes due on the mobile home. Also, the bill of sale shall contain a place for the seller of a mobile home to certify, under penalty of perjury, that there are no taxes due on the mobile home." /

Amend the committee amendment further, as and if amended, by deleting SECTION 2.

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Renumber sections to conform.
Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

The Committee on Finance proposed the following amendment (s-finance/amend/412), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 2, by striking lines 15-24 and inserting:

/ (B)(1) In addition to the requirements of subsection (A), any certificate of title for a mobile home issued after December 31, 2009, shall contain, in large bold type, in a conspicuous place, a statement advising a purchaser of a mobile home to consult with the appropriate county taxing official in which the mobile home is located, to determine if there are back taxes due on the mobile home.

(2) Prior to issuing a certificate of title for a mobile home after December 31, 2009, the person applying for the certificate must provide a completed copy of the bill of sale provided by the department. The bill of sale shall contain a place for the seller of a mobile home to certify, under penalty of perjury, that there are no taxes due on the mobile home.” /

Renumber sections to conform.
Amend title to conform.

The committee amendment was adopted.

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

**MINORITY REPORT REMOVED
COMMITTEE AMENDMENT WITHDRAWN
AMENDED, READ THE SECOND TIME**

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

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Senator HUTTO asked unanimous consent to remove the minority report on the Bill.

There was no objection, the minority report was removed from the Bill, and proper notion was applied to the Bill.

Senator L. MARTIN asked unanimous consent to withdraw the amendment proposed by the Committee on Judiciary and printed as follows.

The Committee on Judiciary proposed the following amendment (JUD0593.001), which was withdrawn:

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

/ SECTION 1. Section 16-23-430 of the 1976 Code is amended to read:

~~“(A)~~ It shall be unlawful for any person, except State, county, or municipal law-enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, firearms, or any other type of weapon, device, or object which may be used to inflict bodily injury or death.

(B) This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is possessed in compliance with Section 16-23-20(9) or Section 16-23-20(12).

~~“(C)~~ A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both. Any weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest.”

SECTION 2. Section 16-23-430(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly-owned building, without the express permission of the authorities in charge of the premises or property. The provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school,

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college, university, technical college, or other post-secondary institution, do not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is possessed in compliance with Section 16-23-20(9) and Section 16-23-20(12).”

SECTION 2. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

The committee amendment was withdrawn.

Senator HUTTO proposed the following amendment (JUD0593.002), which was adopted:

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

/ SECTION 1. Section 16-23-430 of the 1976 Code is amended to read:

~~“(A)~~ It shall be unlawful for any person, except State, county, or municipal law-enforcement officers or personnel authorized by school officials, to carry on his person, while on any elementary or secondary school property, a knife, with a blade over two inches long, a blackjack, a metal pipe or pole, firearms, or any other type of weapon, device, or object which may be used to inflict bodily injury or death.

(B) This section does not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.

~~“(C)~~ A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years, or both. Any weapon or object used in violation of this section may be confiscated by the law enforcement division making the arrest.”

SECTION 2. Section 16-23-420(A) of the 1976 Code is amended to read:

“(A)It is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other

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post-secondary institution, or in any publicly-owned building, without the express permission of the authorities in charge of the premises or property. The provisions of this subsection related to any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, or other post-secondary institution, do not apply to a person who is authorized to carry a concealed weapon pursuant to Article 4, Chapter 31, Title 23 when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle.”

SECTION 3. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator BRIGHT spoke on the Bill.

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. 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,

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

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\3719DW09), which was adopted:

Amend the bill, as and if amended, Section 38-64-20, SECTION 1, item (1), page 2, by striking on line 27 /the public/ and inserting / an owner /and by striking on line 28 /a person/ and inserting / an owner /;

item (8)(a)(ii) and (iii), page 4, line 24, by striking /or/ and beginning on line 25, by striking subsubitem (iii) in its entirety;

item (12), page 6, line 12, by striking /(d)/ and inserting / (e) / and by inserting before line 12 a new subitem to read:

/ (d) An agreement described in item (12)(a) is a 'life settlement contract' even if it is referred to by a different name, including viatical settlement, a senior settlement, or similar term. /; and

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item (25), page 9, by inserting after /include/ on line 37 / the lawful assignment of a policy, including a lawful life settlement contract, or /.

Amend further, Section 38-64-30(A), SECTION 1, page 10, line 1, by striking /A/ and inserting / Except as provided for in subsections (C) and (D) of this section, a /.

Amend further, Section 38-64-30(I), SECTION 1, page 11, line 23, by striking /Section 38-64-140/ and inserting / this chapter /.

Amend further, Section 38-64-30(K)(1), SECTION 1, page 11, line 32, by striking /is/ and inserting / if /.

Amend further, Section 38-64-50(A), SECTION 1, page 13, beginning on line 35, by striking the subsection in its entirety.

Amend further, Section 38-64-90(A)(5), SECTION 1, page 20, line 11, by striking /thirty/ and inserting / fifteen / and by striking beginning on line 13 /or fifteen days from receipt by the owner of the proceeds of the settlement, whichever is sooner/ .

Amend further, Section 38-64-90(A)(9), (10), and (11), beginning on page 20 and line 35, by striking the items in their entirety.

Amend further, Section 38-64-90, SECTION 1, page 21, by inserting after line 39 new subsections to read:

/ (C) The director shall require delivery of a 'Buyer's Guide' or a similar consumer advisory package in the form prescribed by the director to owners during the solicitation process.

(D) The disclosure document must contain the following language: 'All medical, financial, or personal Information solicited or obtained by a provider or broker about an insured, including the insured's identity or the identity of family members, a spouse, or a significant other may be disclosed as necessary to effect the life settlement contract between the owner and provider. If you are asked to provide this information, you will be asked to consent to the disclosure. The information may be provided to someone who buys the policy or provides funds for the purchase. You may be asked to renew your permission to share information every two years'.

(E) The director shall require providers and brokers to print separate signed fraud warnings on their applications and on their life settlement contracts as follows:

'A person who knowingly presents false information in an application for insurance or life settlement contract is guilty of a crime and, upon conviction, is subject to fines and confinement in prison.' /.

Amend further, Section 38-64-110(I), SECTION 1, page 25, line 2, by striking /thirty/ and inserting / fifteen / and beginning on line 4, by

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striking / , or fifteen days from receipt by the owner of the full payment of the proceeds as specified below, whichever is sooner/.

Amend further, Section 38-64-110(N)(1), SECTION 1, page 25, line 41, by inserting / not / after /shall/.

Amend further, Section 38-64-120(B), SECTION 1, page 27, line 10, by striking before /If/ the /(1)/ and beginning on line 18, by striking items (2) and (3) in their entirety.

Amend further, Section 38-64-130(A)(2), SECTION 1, page 27, line 43, by striking /section/ and inserting / chapter /.

Amend further, Section 38-64-130(A)(5), SECTION 1, page 28, line 8, by inserting / if / before /providing/ and by inserting / , / after /financing/.

Amend further, Section 38-64-130(A)(8), SECTION 1, page 28, beginning on line 31, by striking the item in its entirety, and inserting:

/ (8) with respect to a provider, to enter into a life settlement contract unless the advertising and marketing materials, as may be prescribed by regulation, have been filed with the director. Advertising of a provider may not reference that the insurance is 'free' for any period of time. The inclusion of any reference in the advertising materials that causes an owner to reasonably believe that the insurance is free for any period of time is considered a violation of this chapter; or /.

Amend further, Section 38-64-140(F)(2), SECTION 1, page 31, beginning on line 19, by striking the item in its entirety and inserting:

/ (2) preempt, supersede, or limit any provision of the South Carolina Uniform Securities Act of 2005 or any rule, order, or notice issued thereunder ; /.

Re-number sections, subsection, and items to conform.

Amend title to conform.

Senator THOMAS explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

Ayes 38; Nays 0

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AYES

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

Total--38

NAYS

Total--0

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

RECOMMITTED

S. 284 -- Senators Alexander, L. Martin, Campbell and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT A UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR A MALE CLAIMING TO BE THE UNMARRIED BIOLOGICAL FATHER OF A CHILD, MUST FILE A CLAIM OF PATERNITY WITH THIS REGISTRY IN ORDER TO RECEIVE NOTICE OF A TERMINATION OF PARENTAL RIGHTS ACTION OR AN ADOPTION ACTION PERTAINING TO THIS CHILD, TO PROVIDE THAT FAILURE TO FILE A CLAIM CONSTITUTES IMPLIED IRREVOCABLE CONSENT TO THE TERMINATION OF HIS PARENTAL RIGHTS AND TO THE CHILD'S ADOPTION, TO PROVIDE THAT CERTAIN CONDUCT

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BY AN UNMARRIED BIOLOGICAL FATHER IS DEEMED TO BE NOTICE TO THIS FATHER OF THE BIOLOGICAL MOTHER'S PREGNANCY, AND TO FURTHER ESTABLISH FILING PROCEDURES AND PROCEDURES FOR THE OPERATION OF THE REGISTRY; TO AMEND SECTION 63-9-730, RELATING TO PERSONS AND ENTITIES ENTITLED TO NOTICE OF TERMINATION OF PARENTAL RIGHTS ACTIONS AND ADOPTION ACTIONS, SO AS TO INCLUDE A PERSON WHO HAS REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY; TO AMEND SECTION 63-7-2530, RELATING TO THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE A TERMINATION OF PARENTAL RIGHTS ACTION TO BE HEARD WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE PETITION IS FILED AND TO PROVIDE CONDITIONS UNDER WHICH A CONTINUANCE MAY BE GRANTED; TO AMEND SECTION 63-7-2550, RELATING TO PERSONS OR ENTITIES ENTITLED TO BE SERVED WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO FURTHER SPECIFY THE AGE AS FOURTEEN FOR SERVING A CHILD, TO PROVIDE SERVICE ON THE GUARDIAN AD LITEM OF A CHILD UNDER FOURTEEN YEARS OF AGE, AND TO SPECIFY THE NOTICE PROVISIONS APPLICABLE TO AN UNMARRIED BIOLOGICAL FATHER OF A CHILD WHOSE PARENTAL RIGHTS ARE BEING TERMINATED.

Senator L. MARTIN asked unanimous consent to recommit the Bill to the Committee on Judiciary.

There was no objection and the Bill was recommitted to the Committee on Judiciary.

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 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

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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 L. MARTIN, the Bill was carried over.

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.

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

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN
AMENDED, CARRIED OVER, AS AMENDED**

S. 343 -- Senators Lourie and Knotts: 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 previously proposed amendment as follows.

Senator LEVENTIS proposed the following amendment (MS7244AC09), which was withdrawn:

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, /

Renumber sections to conform.

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Amend title to conform.

Senator LEVENTIS asked unanimous consent to withdraw the amendment.

There was no objection and the amendment was withdrawn

Senators LEVENTIS and KNOTTS proposed the following amendment (343R0343.004), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 7-14 and inserting:

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

(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; and

(4) ensure that all identifying information regarding a vulnerable adult is removed from any results before being posted on the State's website. /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

The amendment was adopted.

On motion of Senator MALLOY, the Concurrent Resolution was carried over.

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

READ THE SECOND TIME, DEBATE INTERRUPTED

H. 3560--GENERAL APPROPRIATIONS BILL

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

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Motion Adopted

Senator L. MARTIN asked unanimous consent to make a motion that all members reserve the right to raise any Points of Order and to offer amendments without regard to questions of degree, to include the previously adopted Senate Finance Committee Report.

The motion was adopted.

Amendment No. P1-38

Senator RYBERG proposed the following Amendment P1-38 (3560R027.WGR.DOCX), which was adopted (#8):

Amend the Ryberg-Davis-Rose Amendment, bearing the path number (3560R026.WGR.DOCX), as and if amended, Part IB, by striking Proviso 21.2 and inserting:

/ 21.2. (DHHS: Long Term Care Facility Reimbursement Rate)
The department, in calculating a reimbursement rate for long term care facility providers, shall obtain for each contract period an inflation factor, developed by the Budget and Control Board, Division of Budget and Analyses. Data obtained from Medicaid cost reporting records applicable to long term care providers will be supplied to the Budget and Control Board, Division of Budget and Analyses. A composite index, developed by the Budget and Control Board, Division of Budget and Analyses will be used to reflect the respective costs of the components of the Medicaid program expenditures in computing the maximum inflation factor to be used in long term care contractual arrangements involving reimbursement of providers. The Division of Budget and Analyses of the Budget and Control Board shall update the composite index so as to have the index available for each contract renewal.

The department may apply the inflation factor in calculating the reimbursement rate for the new contract period from zero percent (0%) up to the inflation factor developed by the Division of Budget and Analyses. /

Amend the Ryberg-Davis-Rose Amendment further, and if amended, Part IB, by striking Proviso 21.9 and inserting:

/ 21.9. (DHHS: Community Residential Care Optional State Supplementation) The increase to Personal Needs Allowance for residents of community residential care facilities, if the federal government grants a cost of living increase to Social Security and Supplemental Security Income recipients will be effective in January.

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The department will increase the residential care payment by the amount of the cost of living increase minus \$2.00 per recipient for an increase in the Personal Needs Allowance. This increase to the Personal Needs Allowance applies to all OSS recipients regardless of whether they receive Social Security and/or Supplemental Security Income. The maximum amount of payment a facility can charge will be increased by the same amount as the cost of living increase, less \$2.00. The department is authorized to maximize a portion of the OSS funds to implement the Integrated Personal Care program for eligible residents of community residential care facilities that receive OSS payments. /

Amend the Ryberg-Davis-Rose Amendment further, as and if amended, Part IB, by striking Proviso 21.18 and inserting:

/ 21.18. (DHHS: Prescription Reimbursement Payment Methodology) The prescription dispensing fee for the current fiscal year is not less than \$4.05 per prescription filled. Prescription reimbursements must be the lowest of: the federal upper limit of payment or South Carolina maximum allowable cost (MAC) for the drug, if any, less 10% plus the current dispensing fee; the average wholesale price (AWP) less 10%; or the provider's usual and customary charge to the general public for the dispensed product. The Department of Health and Human Services shall adjust the dispensing fee as necessary to offset any negative change in the federal reimbursement methodology from the prior fiscal year. The department shall submit a report by January 31, of the current fiscal year to the Chairmen of the House Ways and Means Committee and the Senate Finance Committee summarizing any changes in the federal reimbursement methodology and the impact of the changes on the state prescription reimbursement payment. /

Amend the Ryberg-Davis-Rose Amendment further, as and if amended, Part IB, by striking Proviso 21.27 and inserting:

/ 21.27. (DHHS: High Management Group Homes/Psychiatric Residential Treatment Facility) An existing facility currently licensed by the South Carolina Department of Social Services and enrolled with the Medicaid agency as a High Management Group Home provider may elect to be enrolled with the Medicaid agency as a Psychiatric Residential Treatment Facility and licensed by the Department of Health and Environmental Control as a Residential Treatment Facility provided the facility meets the following criteria:

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(1) Department of Health and Environmental Control licensing standards outlined in Regulation 61-103 regarding Residential Treatment Facilities;

(2) State and federal laws, regulations, and policies regarding participation as a Psychiatric Residential Treatment Facility.

A High Management Group Home facility may request and be granted a Certificate of Need exemption from the Department of Health and Environmental Control for up to the number of beds existing as of January 1, 2007. Any such request must be submitted to DHEC prior to January 1, 2008. If the current High Management Group Home facility cannot meet licensing standards or obtain an exemption or waiver from licensing standards of the Department of Health and Environmental Control, the High Management Facility, licensed by the Department of Social Services and enrolled with the Medicaid agency as a High Management Group Home, may move and rebuild within the adjacent 20 miles up to the number of beds existing at the facility on January 1, 2007 and obtain the same exemptions. Facilities seeking to increase the existing number of beds beyond those held on January 1, 2007, or relocate outside of the 20 mile radius will be subject to all CON and licensing requirements.

High Management Group Homes not electing to operate as a Psychiatric Residential Treatment Facility may continue to receive non-Medicaid state and federal funds only, except as allowed under a transition plan authorized by the Medicaid agency. /

Amend the Ryberg-Davis-Rose Amendment further, as and if amended, Part IB, by striking Proviso 21.36 and inserting:

/ 21.36. (DHHS: Prior Authorization-Formulary Changes) The Department of Health and Human Services shall coordinate and approve formulary changes for medications prescribed to treat major depression, schizophrenia, or bipolar disorder as defined by the most recent edition of the Diagnostics and Statistical Manual of the American Psychiatric Association or following prescribing practice guidelines established by the American Psychiatric Association. The department shall require, in its managed care policy and procedures guide, managed care organizations to utilize a common prior authorization form for drugs used to treat major depression, schizophrenia, or bipolar disorder. Adverse changes to a plan formulary must be coordinated with the agency. If a formulary change regarding a medication prescribed to treat one of the conditions listed above will adversely affect the patient's condition, the grievance

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process must be exhausted prior to the beneficiary initiating disenrollment from the plan. At no time will a patient who is actively on medication for treatment of one of the above conditions at the time of enrollment in a managed care plan be denied coverage for such medication until resolution of the grievance process. If the department determines the grievance process does not provide favorable relief for the beneficiary, the beneficiary shall be allowed to enroll in fee-for-service or another managed care plan providing formulary coverage. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RYBERG explained the amendment.

Senator RYBERG moved that the amendment be adopted.

The amendment was adopted.

Amendment No. 38

Senators RYBERG and DAVIS proposed the following Amendment No. 38 (3560R026.WGR.DOCX), which was tabled:

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

For Part IA: http://www.scstatehouse.gov/sess118_2009-2010/sj09/sa09ndx.htm

For Part IB: http://www.scstatehouse.gov/sess118_2009-2010/sj09/sab09ndx.htm

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RYBERG explained the amendment.

ACTING PRESIDENT PRESIDES

At 4:47 P.M., Senator McCONNELL assumed the Chair.

Point of Order

Senator SETZLER raised a Point of Order that Proviso 2.7 of Amendment No. 38 was out of order inasmuch as it was violative of Rule 24A.

2.7. (LEA: FY 2009-10 Lottery Funding) There is appropriated from the Education Lottery Account for the following education

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purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

The Lottery Commission shall not pay more than six percent of gross sales in commissions to retailers. Education Lottery Account revenues shall include \$9,597,974 from reducing retailer commissions to six percent.

The Lottery Commission's expenditures for advertising shall not exceed one-half of one percent of the prior year's gross lottery revenues. Education Lottery Account revenues shall include \$4,165,000 from the advertising limitation.

For Fiscal Year 2009-10 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

<u>(1) Commission on Higher Education--Tuition Assistance Two-Year Institutions</u>	<u>\$ 47,000,000;</u>
<u>(2) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149 of Title 59</u>	<u>\$ 141,433,664;</u>
<u>(3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370</u>	<u>\$ 8,209,981;</u>
<u>(4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in Section 59-104-20</u>	<u>\$37,435,700;</u>
<u>(5) Commission on Higher Education--Need-Based Grants</u>	<u>\$17,817,025;</u>
<u>(6) Tuitions Grants Commission-- Tuition Grants</u>	<u>\$ 7,766,604;</u>
<u>(7) Commission on Higher Education--National Guard Tuition Repayment Program as provided in Section 59-111-75</u>	<u>\$ 1,700,000;</u>
<u>(8) South Carolina State University</u>	<u>\$ 2,500,000;</u>
<u>(9) Commission on Higher Education--Higher Education Excellence Enhancement Program</u>	<u>\$ 4,072,387;</u>

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- (10) School for the Deaf and the Blind--Technology
Replacement \$200,000;
(11) Commission on Higher Education--S.C.
Alliance for Minority Participation \$272,414;
(12) Commission on Higher Education--African American
Loan Program \$176,394; and
(13) University of South Carolina--African American
Professors Program \$ 178,805.

Fiscal Year 2009-10 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and 2-year institutions as provided in Section 59-150-360.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2009-10 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, Palmetto Fellows, and HOPE scholarships for Fiscal Year 2009-10 are fully funded.

If the lottery revenue received for Fiscal Year 2009-10 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.

Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.

Senator MARTIN spoke on the Point of Order.

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The ACTING PRESIDENT sustained the Point of Order.

Proviso 2.7 of Amendment No. 38 was ruled out of order.

Senator RYBERG explained the amendment.

Senator DAVIS spoke on the amendment.

Senator DAVIS moved that the amendment be adopted.

Senator L. MARTIN moved to lay the amendment on the table.

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

Ayes 30; Nays 13

AYES

Alexander	Anderson	Campbell
Coleman	Courson	Cromer
Elliott	Fair	Ford
Hayes	Hutto	Jackson
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	Matthews	McConnell
McGill	Nicholson	Peeler
Rankin	Reese	Scott
Setzler	Thomas	Williams

Total--30

NAYS

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

Total--13

The amendment was laid on the table.

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Statement by Senator S. MARTIN

I voted not to table Amendment 38 because the amendment provided more funding to South Carolina school districts than the Senate Finance Committee version.

Statement by Senator O'DELL

Had I been present at the time the vote was taken, I would have voted to table the amendment.

Statement by Senator McCONNELL

The amendment was out of balance after the Point of Order.

Additionally, the amendment shifted education funds from some lines on a per capita basis to distribution under the EFA. For instance, over \$40 million was eliminated from the lottery funds for distribution to K-8; dollars which were distributed on a per capita basis rather than the convoluted and complex EFA formula where counties like Charleston get shorted. Charleston loses \$2,031,900 under the elimination of the lottery money for K-8. Under this amendment Charleston would lose educational money in the amount of \$1,413,935.

Also, this amendment cuts funding for breast cancer screening by \$2 million, Meals on Wheels by \$2.9 million, maintenance on nursing homes by \$4.9 million, the elderly drug program by \$4 million, hospice by \$1.2 million, the Best Chance Network by \$2 million, community mental health centers by \$9 million, inpatient alcohol/drug treatment by \$2.5 million and DDSN respite care for families by \$3 million. Also, autism programs needed \$7.5 million, but were shorted \$4.5 million.

I support funding the prisons, solicitors and SLED. I hope that in a budget year with \$1,200,000,000 less in revenue, we will make these some of our priorities.

This budget shortage should convince any doubters to pass the Revenue Stabilization Constitutional Amendment.

**Statement by Senators RYBERG, BRYANT, BRIGHT,
S. MARTIN, ROSE, GROOMS, VERDIN and DAVIS**

We voted against the motion to table the Ryberg/Davis budget amendment because the Ryberg/Davis amendment offered South Carolina a reasonable and responsible approach to funding the core missions of government and paying down debt.

The Ryberg/Davis proposal ensured the full funding of K-12 education, the full funding of South Carolina public safety agencies and

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the full funding of healthcare agencies. The Ryberg/Davis proposal funded the base student cost at \$2,228 and, coupled with recent flexibility legislation, sent \$2.57 billion straight to schools to use any way they want. Schools have never received more money for classroom funding. No teachers needed to lose their jobs—none.

The Ryberg/Davis amendment prioritized public safety. The Department of Public Safety received over \$3 million more than the current year which allowed for not only operation at full capacity but also the addition of 75-100 new troopers.

The Ryberg/Davis proposal increased funding to the Department of Corrections by over \$50 million which meant that no prisons needed to close, no prisoners needed to be released and that its years-old operating deficit was eliminated.

All other public safety agencies received increases in their funding over the current year to ensure that government fulfills its responsibility to protect the public.

The Ryberg/Davis proposal restored the seven percent cut of the current year to all agencies with health care functions. The Department of Health and Human Services (DHHS), the primary provider of Medicaid services, received an increase of over \$250 million in recurring money. The DHHS money in the Ryberg/Davis proposal would have been there next year and the year after that and the year after that.

The Ryberg/Davis proposal lastly, but by no means least, set aside \$200 million for debt reduction. South Carolina will owe by the end of this year nearly \$1 billion in loans to cover unemployment benefits payments. \$200 million would have been a start on paying that back.

Finally, the Ryberg/Davis amendment funded agencies only with money that we actually have. Funding government operations with mythical money follows too closely the business-as-usual attitude now dominant in Washington. We do not endorse that.

Statement by Senators SHOOPMAN and MULVANEY

We voted against the motion to table the Ryberg/Davis budget amendment because the Ryberg/Davis amendment offered South Carolina a reasonable and responsible approach to funding the core missions of government, most specifically education and law enforcement. We agree with the statement listed above by Senators RYBERG, BRYANT, BRIGHT, S. MARTIN, ROSE, GROOMS, VERDIN and DAVIS, with one exception: we

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believe that the surplus generated by the Ryberg/Davis budget should have been dedicated to tax reductions, or other non-recurring expenditures such as capital improvements.

Read the Second Time

Senator LEATHERMAN asked unanimous consent to make a motion that the Bill be given a second reading, carrying over all amendments to third reading, with all members reserving the right to raise any Points of Order and to offer amendments without regard to questions of degree.

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

Debate was interrupted by adjournment.

MOTION ADOPTED

Senator McCONNELL asked unanimous consent to make a motion that, when the Senate adjourns today, it stand adjourned to meet tomorrow at 10:00 A.M.

There was no objection and the Senate agreed to meet tomorrow at 10:00 A.M.

MOTION ADOPTED

On motion of Senators O'DELL, L. MARTIN and BRYANT, with unanimous consent, the Senate stood adjourned out of respect to the memory of former Representative M. J. "Dolly" Cooper, 88, of Anderson County, S.C. Mr. Cooper was elected to the House of Representatives in 1974 and served for 16 years. Mr. Cooper was known for his WWII military service with the 30th Infantry Division. He was awarded the Purple Heart, Bronze Star, American Defense Silver Medal and the Combat Infantry Badge.

and

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MOTION ADOPTED

On motion of Senator CLEARY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Angela L. Weimer of Myrtle Beach, S.C., beloved wife of Mr. Paul B. Weimer, and devoted second daughter of Blaine and Lynda Liljenquist.

ADJOURNMENT

At 5:04 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 10:00 A.M.

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