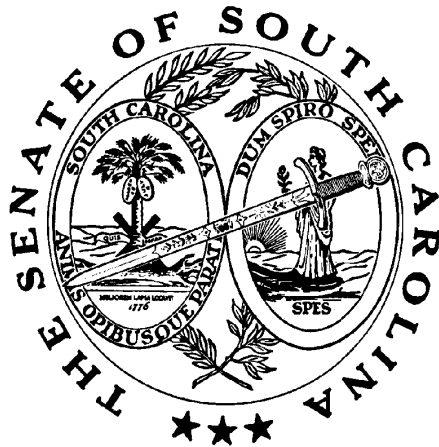


NO. 59

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

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THURSDAY, MAY 7, 2009

**Thursday, May 7, 2009**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT *Pro Tempore*.

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

In the wonderful Genesis story about God's promise to the nonagenarians, Sarah and Abraham, that they are to have a child in their old age, we read: "So Sarah laughed to herself..."

(Genesis 18:12a)

Let us pray:

The wonderful stories about Your servants, Abraham and Sarah, remind us again and again of how much You care for Your people, O Lord. On this National Day of Prayer we give You praise not only for those promises we find in Scripture, but also for those we experience in our own lives. May we, too, never fail to take time to laugh, even as Sarah laughed. Allow joy to filter through every moment of our lives, no matter what weighty problems await our decisions. We thank You for Your blessings, dear God, and we cherish your gifts to each of these Senators as you lead and direct them. In Your loving name we pray, Lord.

Amen.

**ADDENDUM TO THE JOURNAL**

The following remarks by Senator FORD were ordered printed in the Journal of Thursday, April 30, 2009:

**Remarks by Senator FORD**

Gentlemen of the Senate, located in Senator McCONNELL's district is a school called West Ashley High School. And the reason I want to talk to you for a few minutes this morning is the principal at West Ashley High School is my lawyer's wife, Lieutenant Bill Runyon. Mayor Runyon is the principal and when we came up with the "No Child Left Behind Program," gentleman of the Senate, what happened was West Ashley High School was a school that merged West Ashley High and Middleton High Schools. Now we are talking about two powerhouses in not only athletics but academics, Senator. But what's been happening is that a lot of inner-city kids have been going there and a lot of kids from the rural areas have been invading that school.

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Now it's on the verge of becoming a failing school. And the reason I want to talk to you about this is that we don't have the luxury--we don't have the luxury of not doing anything. You've been doing a good job in education, but we don't have that luxury of doing nothing about the education problem in Charleston County--I mean South Carolina--because we have too many failing schools, too many at-risk schools.

And I've been noticing that there's something about those of us who are elected. Our circles of friends are not going to be middle and low class people. They are going to tend to be people like us--you know upper middle class, etc.--people who might be considered very, very important in our neighborhoods and our communities. And so we don't really feel the pressure of what lower income people feel in South Carolina. As a result, we really don't try; we don't put a face on these people. What we put on them is that we basically bypass them. And when you bypass them, they tend not to be human beings but just another thing, just another thing.

And what we've got to do, and I'm begging the Senate to do this, is put a face on the people in your district, not just the democrats and not just those of us who are African-American, but all of the Senators have in their districts a lot of low income kids. Those children need special help that the public school system will never be able to provide. And, I mean never! No matter what we do, Senator from Richland, we would never be able to help all the kids.

Mrs. Runyon, who is just a great, great human being--and the Senator will tell you this--has close to 4000 kids at that school. There's no way this is her worry. There's no way she's going to be able to educate all of them properly. And that's the public school system in South Carolina. Now, it's not fair to her, and it's not fair to those parents who want the best for their children. We have to help them.

The face of new education is not those monsters anymore--those big old schools like mine in New Orleans--7000 students before integration. Those days are gone. America and the world is heavily into technology, and there's no way we're going to be able to keep up with the rest of the world if we can't educate our children. A lot of kids need special attention. Now, we are going to debate this from now on. This is an issue I cannot give up on.

And I want to say one more thing before I sit down. When I got involved in this three years ago, it was because of Senator JACKSON's speech. Everybody heard the speech and that summer I decided to go out on my own. I ain't ever heard of nobody named Howard Rich.

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Never. Never! They say everything is a joke to a lot of people. So I went out on my own to those communities that have different types of education programs. And believe me, gentlemen, there is a lot of good stuff out there. But you have to stop having a closed mind and saying, I don't want to take money from the public schools. No! You want to give money to kids to be educated. That's what we are here for. Education is not one big building all the time. You might have a kid who cannot learn if he is in a class with 25 or 30 kids. But that same kid--and we proved it two weeks ago in one of your subcommittees, Senator.

We have a gentleman in Charleston who is a colonel in the Air Force--a colonel! What he does in his spare time is this. He takes kids who drop out of school and who are kicked out of school and in three years they go to college. Some of the best colleges in this country accept his children who have been dropped out and kicked out, but he sees hope in them and he has educated them. They are in a class, four in a class. He uses other military people to do that. These parents have given up on their own children. But he's educating them. This exists all over America and all over this State--where you've got people who see hope in children. To them, if it's not in my circuit, if it's not in my fraternity or sorority, in my church--and, it might be a big-time church --and, if I don't have contact with them, it's not my problem. A lot of us have never seen the faces of the people in our district. And if you don't see that face, you're not going to feel what other people feel. You have to feel for people, and once you feel it's a whole new ballgame.

And I'm sorry those gentlemen left because in districts like mine in South Carolina, like in the Senator from Sumter's district, he has seven failing schools, but he sees education as what? A building? Public schools? His friends don't attend those schools. His friends attend private schools. School board members in South Carolina's kids attend private schools. Public schools aren't good enough for them. Senator McCONNELL can tell you what we did in Charleston in 1984. We created, Senator, a magnet high school. The only people that get to go there are the rich and famous of Charleston. If you are somebody, your kid goes there. If you're on the school board, your child gets to go there. But everyday people in Charleston, no matter how smart their children may be, cannot go there. And that's the trend in America. And that's the trend across South Carolina. We want to separate

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ourselves from the masses, because we don't come in contact with them.

When I visit other districts, I ask them who their senators and representatives are. They don't know. You know why? Because they are isolated from the public. They don't see the public. They don't feel the public. And all I'm saying to you all is this: we've got to do something to educate our children in South Carolina. Not everybody can learn in a public school setting and this has got nothing to do with Howard Rich. This is about educating our children. And I would like to welcome anyone to do this. I will give you all of my bank accounts --and I don't have money in them--I don't have more than two or three thousand dollars in any of them. I don't take any money for my feelings. I got involved with this. I'm involved with it, and now we have got to deal with it. And I'm going to keep bothering y'all with this every year until parents in South Carolina have choice, Senator. Those who want to do it. This is for the public schools.

As a matter of fact during the summer, the President Pro Tempore, gave us five thousand dollars for schools. I raised thirty-seven thousand dollars for three public schools in Charleston County during the summer. Why? Because they needed help. And I went out and helped them. So, I support public education. And I don't just talk about it. I put my money where my mouth is. But this is about educating all of the children, whether they are in poverty or whether they are rich. Everybody deserves a decent education, and everybody is not going to learn in no big gigantic public schools; but those kids like me who want to play football, or basketball, or baseball--public schools are ideal for them. But those kids who are slow learners--and they are in the public schools and their parents want to take them out--then we should be willing to leave that parent alone.

Now, I'm sorry to take y'all's time up on Friday, but y'all are going to be hearing about this as long as I'm in the Senate, because we've got to do something to help these parents. We must do something to help these parents.

Thank you.

\* \* \*

#### **Point of Quorum**

At 11:07 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

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**Call of the Senate**

Senator L. MARTIN moved that a Call of the Senate be made. The following Senators answered the Call:

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

A quorum being present, the Senate resumed.

**Recorded Presence**

Senator LEATHERMAN recorded his presence subsequent to the Call of the Senate.

**PRESIDENT PRESIDES**

At 11:12 A.M., the PRESIDENT assumed the Chair.

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

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Mark C. Sanford:

**Local Appointment**

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

Amanda M. Leviner, 130 East Edgefield Drive, Summerville, SC 29483

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**MESSAGE FROM THE GOVERNOR**

State of South Carolina  
Office of the Governor  
P. O. Box 11369  
Columbia, SC 29211  
May 6, 2009

The Honorable André Bauer  
President of the Senate  
State House, First Floor, East Wing  
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am vetoing and returning without my approval S. 540, R. 26, a Joint Resolution waiving the requirement for Oconee County schools to make up a school day missed on March 2, 2009, due to snow.

(R26, S540) -- Senator Alexander: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY THE STUDENTS OF THE SCHOOL DISTRICT OF OCONEE COUNTY ON MARCH 2, 2009, DUE TO SNOW, IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Time is always limited. For this reason we have long believed it was not in the best interest of South Carolinians for the General Assembly to spend days passing bills on school days missed on the coast due to hurricanes, snow in the Upstate, ice storms in other parts of the state, or a variety other natural disasters. In the first year of this administration, we worked with the General Assembly to enact legislation requiring all school districts to set aside three days to make up for lost time due to inclement weather. Prior to this administration, every time a school district closed for inclement weather they would ask the General Assembly to waive the 180 day requirement and grant them the day off. The law recognized there would be unusual circumstances that would affect one or just a few schools in a given district and, in those unusual cases, the make-up day requirement could indeed be waived by the General Assembly.

Unfortunately, the Oconee County School District has asked for legislative relief, even though all schools in the district closed and two

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scheduled make up days – April 10 and April 13 – took place after the missed school day on March 2.

This legislation is also unnecessary given the recent enactment of H. 3583 over my objection. As you might recall, H. 3583 waived up to three instructional days for every school district in the state. While we objected to passage of the legislation, it is the law now. Enacting S. 540, simply adds more time out of the classroom for students in Oconee County than students in many other school districts.

Since the enactment of Act 89 in 2003, very few school districts have sought legislative relief except in extremely unusual circumstances. For example, I just signed legislation that exempts three schools in the Greenville County School District from the make-up requirement because of a power outage affecting only those schools. Like Oconee, Greenville schools were also closed on March 2 due to snow, but in contrast, schools in Greenville made up that day missed due to bad weather. Last year, I signed a bill exempting one elementary school in Richland School District One closed due to a collapsed ceiling. This year, Richland One also made up all missed days when the entire district closed due to bad weather this year. Power outages and collapsed ceilings represent the type of extremely unusual circumstances that should justify the need for a waiver because it is burdensome for the school district to open up transportation and food services for only a few schools in the district.

This legislation is precisely the reason we worked so closely with the General Assembly to require scheduled days to make up missed time. This bill excuses Oconee County schools time off, while other districts, such as Greenville and Richland make up those lost days. While some may appreciate not having to make up the school day, we believe it is bad public policy to arbitrarily waive the 180 day requirement for some school districts – and not others when there was legislation passed just a few years ago to deal directly with this issue. In addition, the state has set a length of time for instruction and that should be honored in all but the most unusual of cases. Given the fact that so many other districts complied with the spirit of the law, we would ask Oconee County to do the same.

For these reasons, I am vetoing H. 540, R. 26.

Sincerely,  
Mark Sanford

Received as information

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Ordered placed on the Calendar for consideration tomorrow.

**Doctor of the Day**

Senator RANKIN introduced Dr. Thomas A. Whitaker of Myrtle Beach, S.C., Doctor of the Day.

**Leave of Absence**

At 11:15 A.M., Senator FORD requested a leave of absence beginning at 11:45 A.M. today until Tuesday, May 12, 2009, at Noon.

**RECALLED AND READ THE SECOND TIME**

S. 796 -- Senator Coleman: A BILL TO DIRECT THE FAIRFIELD COUNTY TREASURER TO TRANSFER A SPECIFIED AMOUNT OF FUNDS TO CHESTER COUNTY SCHOOL DISTRICT IN ORDER TO DEFRAY THE COSTS TO EDUCATE CERTAIN STUDENTS WHO RESIDE IN FAIRFIELD COUNTY BUT ATTEND CHESTER COUNTY SCHOOLS, AND TO REQUIRE THAT THE AMOUNT OF FUNDS DELIVERED TO CHESTER COUNTY SCHOOL DISTRICT BE REEXAMINED EVERY THREE YEARS AND AN AGREEMENT BE ENTERED INTO BETWEEN THE SCHOOL DISTRICT OF FAIRFIELD COUNTY AND CHESTER COUNTY SCHOOL DISTRICT FOR THE PAYMENT OF THOSE FUNDS.

Senator COLEMAN asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

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

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

On motion of Senator COLEMAN, with unanimous consent, the Bill was read the second time, passed and ordered to a third reading.

**S. 796--Ordered to a Third Reading**

On motion of Senator COLEMAN, with unanimous consent, S. 796 was ordered to receive a third reading on Friday, May 8, 2009.

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**RECALLED AND READ THE SECOND TIME**

S. 795 -- Senator Fair: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON APRIL 30, 2009, AND MAY 1, 2009, BY THE STUDENTS OF MAULDIN HIGH SCHOOL WHEN THE SCHOOL WAS CLOSED DUE TO POTENTIAL FLU-LIKE ILLNESS ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Senator COURSON asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

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

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

On motion of Senator FAIR, with unanimous consent, the Bill was read the second time, passed and ordered to a third reading.

**S. 795--Ordered to a Third Reading**

On motion of Senator FAIR, with unanimous consent, S. 796 was ordered to receive a third reading on Friday, May 8, 2009.

**RECALLED AND COMMITTED**

H. 3365 -- Reps. Cooper, T.R. Young and J.R. Smith: A BILL TO ENACT THE SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2009, INCLUDING PROVISIONS TO AMEND CHAPTER 101 OF TITLE 59, RELATING TO HIGHER EDUCATION, BY ADDING ARTICLE 5 SO AS TO FURTHER PROVIDE FOR HUMAN RESOURCES POLICIES, PROCEDURES, AND REQUIREMENTS FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING IN THIS STATE EXCEPT FOR TECHNICAL COLLEGES; TO AMEND SECTION 8-11-260, AS AMENDED, RELATING TO STATE PERSONNEL ADMINISTRATIVE REQUIREMENTS, SO AS TO EXEMPT EMPLOYEES OF THESE INSTITUTIONS WITH CERTAIN EXCEPTIONS; BY ADDING SECTION 2-47-53 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS FOR THE STATE'S INSTITUTIONS

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OF HIGHER LEARNING, EXCLUDING TECHNICAL COLLEGES, AND FOR THE APPROVAL OF THESE PROJECTS AND TO REDEFINE 'PERMANENT IMPROVEMENT PROJECT' FOR PURPOSES OF PROPOSALS BY INSTITUTIONS OF HIGHER LEARNING IN THIS STATE; TO AMEND SECTION 1-11-65, RELATING TO APPROVAL OF REAL PROPERTY TRANSACTIONS BY THE STATE BUDGET AND CONTROL BOARD AND ACCEPTANCE OF THE TRANSFER OF TANGIBLE PERSONAL PROPERTY BY A STATE ENTITY, SO AS TO EXEMPT CERTAIN REAL PROPERTY TRANSACTIONS MADE FOR OR BY THESE INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 2-47-54 SO AS TO PROVIDE THAT THE STATE'S INSTITUTIONS OF HIGHER LEARNING, EXCLUDING TECHNICAL COLLEGES, MAY ENTER INTO A GROUND LEASE AGREEMENT WITH A PRIVATE ENTITY FOR THE BUILDING OF ON-CAMPUS INFRASTRUCTURE AND TO EXEMPT THE TRANSACTION AND ENTITY FROM THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTIONS 2-47-30, 2-47-35, 2-47-40, AND 2-47-50, RELATING TO THE JOINT BOND REVIEW COMMITTEE, SO AS TO FURTHER PROVIDE FOR THE PROCESSES AND PROCEDURES OF THE COMMITTEE AND THE BUDGET AND CONTROL BOARD IN REGARD TO CERTAIN PROJECTS; BY ADDING SECTIONS 59-147-35 AND 59-147-36 AND TO AMEND SECTION 59-147-30, RELATING TO THE PROCEDURES FOR THE ISSUANCE OF REVENUE BONDS UNDER THE HIGHER EDUCATION REVENUE BOND ACT, SO AS TO REVISE THESE PROCEDURES AND THE PURPOSES FOR WHICH THE BONDS MAY BE USED; TO AMEND CHAPTER 101 OF TITLE 59, RELATING TO HIGHER EDUCATION, BY ADDING ARTICLE 7 SO AS TO PROVIDE FOR CERTAIN PROVISIONS APPLICABLE TO BOND ACTS FOR INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 6-1-135 SO AS TO PROVIDE THAT WHEN A COUNTY, MUNICIPALITY, OR SCHOOL DISTRICT ACTING THROUGH THE PROCUREMENT PROCESS APPLICABLE TO IT ENTERS INTO A CONTRACT WITH A VENDOR TO ACQUIRE GOODS OR SERVICES FROM THAT VENDOR, A FOUR-YEAR OR GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING LOCATED IN THE COUNTY, MUNICIPALITY, OR SCHOOL DISTRICT, UPON THE CONSENT OF THE COUNTY,

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MUNICIPALITY OR SCHOOL DISTRICT, AND THE VENDOR, ALSO MAY BECOME A PARTY TO THE CONTRACT THEREBY MAKING THE GOODS OR SERVICES AVAILABLE TO THE INSTITUTION OF HIGHER LEARNING UNDER THE SAME TERMS AND CONDITIONS THEY ARE AVAILABLE TO THE COUNTY, MUNICIPALITY, OR SCHOOL DISTRICT WITHOUT THE NECESSITY OF COMPLYING WITH ANY OTHER PROCUREMENT REQUIREMENTS; TO AMEND SECTION 11-35-1550, AS AMENDED, RELATING TO SMALL PURCHASES UNDER THE CONSOLIDATED PROCUREMENT CODE AND BID PROCEDURES ON PROCUREMENTS UP TO FIFTY THOUSAND DOLLARS, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED SMALL PURCHASES BY FOUR-YEAR AND GRADUATE PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TO AUTHORIZE THESE INSTITUTIONS TO USE PURCHASING CARDS FOR THESE PURCHASES IN THE AMOUNT AUTHORIZED; TO AMEND SECTION 11-35-3310, AS AMENDED, RELATING TO INDEFINITE DELIVERY CONTRACTS FOR CONSTRUCTION, ARCHITECTURAL-ENGINEERING AND LAND SURVEYING SERVICES, SO AS TO RAISE THE PERMITTED AMOUNTS OF SUCH CONTRACTS; TO AMEND SECTION 11-35-4810, RELATING TO COOPERATIVE PURCHASES OF PUBLIC ENTITIES UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO ESTABLISH CERTAIN EXCEPTIONS FOR FOUR-YEAR AND GRADUATE PUBLIC INSTITUTIONS OF HIGHER LEARNING IN REGARD TO NOTICE AND ELIGIBLE VENDORS; TO AMEND SECTION 1-7-170, RELATING TO THE REQUIRED APPROVAL OF THE ATTORNEY GENERAL BEFORE AN AGENCY OR DEPARTMENT OF THIS STATE MAY ENGAGE AN ATTORNEY AT LAW ON A FEE BASIS AND EXCEPTIONS TO THIS REQUIREMENT, SO AS TO ESTABLISH A SPECIAL APPROVAL PROCEDURE FOR FOUR-YEAR AND GRADUATE PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59-101-55 SO AS TO PROVIDE THAT STATE APPROPRIATED FUNDS SHALL NOT BE USED TO PROVIDE OUT-OF-STATE SUBSIDIES TO STUDENTS ATTENDING STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 59-101-620, RELATING TO LIMITATIONS ON EDUCATIONAL FEE WAIVERS OFFERED BY

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PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO REVISE THESE LIMITATIONS FOR CERTAIN INSTITUTIONS AND TO PROVIDE FOR ANNUAL REPORTING REQUIREMENTS TO THE COMMISSION OF HIGHER EDUCATION IN REGARD TO THESE WAIVERS; AND BY ADDING SECTION 59-112-115 SO AS TO PROVIDE THAT WHENEVER THE GOVERNING BOARD OF A FOUR-YEAR AND GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE NOT INCLUDING A TECHNICAL COLLEGE ADOPTS A CHANGE TO THE TUITION OR FEES IMPOSED ON STUDENTS, THE CHANGE ONLY MAY BE IMPLEMENTED BY THE INSTITUTION AFTER A PUBLICALLY RECORDED ROLL CALL VOTE, AND A MAJORITY VOTE SHALL BE REQUIRED TO IMPLEMENT ANY CHANGE TO THE TUITION OR FEES; AND TO PROVIDE THAT WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT, EACH GOVERNING BOARD OF A FOUR-YEAR AND GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE NOT INCLUDING TECHNICAL COLLEGES SHALL ADOPT CERTAIN POLICIES PROMOTING FINANCIAL DISCLOSURE.

Senator LEATHERMAN asked unanimous consent to make a motion to recall the Bill from the Committee on Finance.

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

On motion of Senator LEATHERMAN, with unanimous consent, the Bill was committed to the Committee on Education.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 797 -- Senator Verdin: A CONCURRENT RESOLUTION TO CONGRATULATE NANCY THOMPSON OF LAURENS, SOUTH CAROLINA, UPON THE OCCASION OF HER RETIREMENT AND TO WISH HER MUCH HAPPINESS IN THE FUTURE.

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

**THURSDAY, MAY 7, 2009**

S. 798 -- Senator Hutto: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CHARLES LEROY HUTTO OF ORANGEBURG COUNTY UPON THE OCCASION OF HIS EIGHTIETH BIRTHDAY AND TO WISH HIM MANY MORE YEARS OF CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 799 -- Senator Grooms: A BILL TO AMEND ARTICLE 45, CHAPTER 3, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF "SPECIAL COMMEMORATIVE LICENSE PLATES", SO AS TO CHANGE THE NAME OF THESE LICENSE PLATES TO THE "SOUTH CAROLINA WILDLIFE LICENSE PLATES", AND TO PROVIDE THE PROCEDURES WHEREBY THE DEPARTMENT SHALL ISSUE THESE LICENSE PLATES; AND TO PROVIDE THAT THE "GAME PROTECTION FUND" AS CONTAINED IN TITLE 50 IS RENAMED THE "FISH AND WILDLIFE PROTECTION FUND".

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

S. 800 -- Senators Courson and Hayes: A SENATE RESOLUTION TO CONGRATULATE BRYAN COBURN OF ROCK HILL, SOUTH CAROLINA, ON BEING NAMED THE 2009-2010 SOUTH CAROLINA TEACHER OF THE YEAR AND TO WISH HIM MUCH SUCCESS IN THE FUTURE.

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The Senate Resolution was adopted.

S. 801 -- Senator Courson: A SENATE RESOLUTION TO RECOGNIZE THE HEROIC SERVICE AND SACRIFICE OF THE U.S. NAVY CREW OF THE USS COLUMBIA CL-56 DURING THE PACIFIC CAMPAIGN OF WORLD WAR II, TO COMMEMORATE THE COLUMBIA'S HISTORIC ROLE IN WORLD WAR II, AND TO DECLARE OCTOBER 15, 2009, AS "USS COLUMBIA DAY".

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

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S. 802 -- Senators Alexander, McConnell, Rankin, Campbell, Grooms, Verdin, O'Dell and Hutto: A SENATE RESOLUTION MEMORIALIZING THE UNITED STATES CONGRESS TO FULLY EXAMINE AND TAKE INTO ACCOUNT EACH STATE'S CURRENT AND PROJECTED ENERGY PRODUCTION CAPABILITIES AND CURRENT ECONOMIC CONDITIONS WHEN CONSIDERING ANY GREENHOUSE GAS EMISSION INITIATIVES AND TO SAFEGUARD JOBS AND AFFORDABLE ENERGY WHEN CONSIDERING GREENHOUSE GAS EMISSION INITIATIVES.

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The Senate Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

S. 803 -- Senators Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO URGE SHRINERS INTERNATIONAL TO TAKE SUCH ACTION AS IS NECESSARY TO ASSURE THE CONTINUED OPERATION OF THE GREENVILLE SHRINERS HOSPITAL FOR CHILDREN.

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Senator ALEXANDER spoke on the Senate Resolution.

On motion of Senator ALEXANDER, the Senate Resolution was introduced and referred to the General Committee.

**S. 803--Recalled and Adopted**

Senator ALEXANDER asked unanimous consent to make a motion to recall the Senate Resolution from the General Committee.

There was no objection and the Senate Resolution was recalled from the General Committee.

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

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

**REPORTS OF STANDING COMMITTEES**

Senator GROOMS from the Committee on Transportation polled out S. 318 favorable:

S. 318 -- Senators Cromer and Sheheen: A BILL TO AMEND SECTION 56-5-195 OF THE 1976 CODE, RELATING TO BUS SAFETY STANDARDS, TO PROVIDE THAT FORMER CHARTER BUSES ARE EXEMPT FROM THE REQUIRED STANDARDS WHEN OWNED AND OPERATED BY A SCHOOL DISTRICT.

**Poll of the Transportation Committee  
Polled 16; Ayes 13; Nays 0; Not Voting 4**

**AYES**

Grooms	Ryberg	Land
McGill	Rankin	Verdin
Campsen	Cleary	Anderson
Bright	Campbell	Peeler
Sheheen		

**Total--13**

**NAYS**

**Total--0**

**NOT VOTING**

Leatherman	Elliott	Malloy
Pinckney		

**Total--4**

Ordered for consideration tomorrow.

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

S. 775 -- Senators Grooms and Knotts: A BILL TO AMEND SECTION 56-1-130, AS AMENDED, RELATING TO CLASSIFIED

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DRIVER'S' LICENSES, SO AS TO PROVIDE THAT AN OPERATOR OF A MOTORCYCLE THREE-WHEEL VEHICLE IS ONLY REQUIRED TO HAVE A BASIC DRIVER'S LICENSE OR A MOTORCYCLE LICENSE, RATHER THAN A MOTORCYCLE LICENSE WITH A SPECIAL ENDORSEMENT.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 791 -- Senator L. Martin: A BILL TO REQUIRE THE SOUTH CAROLINA BUILDING CODES COUNCIL TO ADOPT CERTAIN SEISMIC AND WIND MAPS FOR THE STATE UNTIL THE YEAR 2012 WHEN THE INTERNATIONAL RESIDENTIAL CODE (IRC) IS ADOPTED IN THIS STATE; AND TO AMEND SECTION 6-9-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BUILDING CODE ADOPTION PROCEDURE, SO AS TO PROVIDE THAT THE COMMUNITY MAY OPT OUT OF THESE BUILDING CODE MODIFICATIONS IN CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

H. 3042 -- Reprs. Merrill, Parker, Huggins, H.B. Brown, Anderson, J.E. Smith, Miller, M.A. Pitts, Toole, Hayes, Bales, Jennings, Herbkersman, Vick, Rutherford, Hart, Sellers, McLeod, Moss, Hiott, Alexander, Gambrell, Bingham, Brady, Sandifer, Bedingfield, Ott, Hutto, G.R. Smith, Millwood, Whipper and Bannister: A BILL TO AMEND SECTIONS 40-81-20, 40-81-50, 40-81-70, 40-81-230, 40-81-280, 40-81-430, AND 40-81-480, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO REGULATIONS OF VARIOUS ATHLETIC AND SPORTING ACTIVITIES BY THE STATE ATHLETIC COMMISSION; BY ADDING SECTION 40-81-445 SO AS TO MAKE THE COMBATIVE SPORT OF MIXED MARTIAL ARTS LEGAL IN SOUTH CAROLINA, AND TO PROVIDE FOR THE MANNER IN WHICH THE STATE ATHLETIC COMMISSION SHALL SUPERVISE AND REGULATE MIXED MARTIAL ARTS COMPETITIONS; AND TO REPEAL SECTION 40-81-530 RELATING TO ULTIMATE FIGHTING EVENTS AS BEING UNLAWFUL.

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Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

H. 3550 -- Reps. Cato, Herbkersman, Agnew, Merrill, Stavrinakis, Funderburk, Brady, Anderson, R.L. Brown, Kelly, Limehouse, J.E. Smith, Whipper, Hutto, Allison, Parker, Sottile, Erickson and Bales: A BILL TO AMEND CHAPTER 10, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BUILDING ENERGY EFFICIENCY STANDARD ACT, SO AS TO REVISE THE TITLE OF THE ACT TO THE "ENERGY STANDARD ACT", TO REVISE DEFINITIONS, TO ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD AND TO PROVIDE THAT ALL NEW AND RENOVATED BUILDINGS MUST COMPLY WITH THIS STANDARD, TO PROVIDE THAT LOCAL BUILDING OFFICIALS SHALL ENFORCE THE ENERGY STANDARD AND TO PROVIDE ALTERNATIVE ENFORCERS IN AREAS WITHOUT A BUILDING OFFICIAL, TO PROVIDE THAT BUILDING OFFICIALS SHALL ISSUE AND REVOKE BUILDING PERMITS AND INSPECT CONSTRUCTION OF BUILDINGS PURSUANT TO THE PERMITS ISSUED, TO REQUIRE LOCAL JURISDICTIONS TO PROVIDE AN APPEALS BOARD AND PROCESS FOR GRANTING OF CERTAIN VARIANCES, TO PROVIDE AN EXCEPTION AND TO ALLOW CERTAIN APPEALS TO BE HEARD BY THE SOUTH CAROLINA BUILDING CODES COUNCIL, AND TO PROVIDE THAT A PERSON OR PARTY MAY OBTAIN INJUNCTIVE RELIEF; AND TO AMEND SECTION 6-9-50, AS AMENDED, RELATING TO THE MANDATORY ADOPTION OF CERTAIN NATIONAL BUILDING CODES, BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO CODE DOCUMENTS, AND THREE STORY HOMES, SO AS TO DELETE PROVISIONS RELATING TO WHAT CONSTITUTES COMPLIANCE WITH THE BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO DOCUMENTS CONTAINING CODES ADOPTED BY THE BUILDING CODES COUNCIL, AND BUILDING PERMITS FOR THREE STORY HOMES.

Ordered for consideration tomorrow.

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

H. 3584 -- Reps. Harrell, Bingham, Cooper, Harrison, Owens, Sandifer, White, Crawford, Bannister, Huggins, Sottile, Spires, Herbkersman, Loftis, Bowen, Erickson, Daning, Hardwick, J.R. Smith, Pinson, Toole, Brady, Clemmons, Edge, Forrester, Frye, Gullick, Hearn, Hiott, Horne, Kelly, Littlejohn, Long, E.H. Pitts, Rice, Skelton, D.C. Smith, G.M. Smith, Whitmire, Wylie, Gunn, Limehouse, Willis, J.E. Smith and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-625 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF TWO AND ONE-HALF CENTS, PROVIDE FOR THE CREDITING OF THE REVENUE FROM THE SURTAX TO THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE DEPARTMENT OF AGRICULTURE FOR MARKETING AND BRANDING STATE-GROWN CROPS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, PROVIDE FOR REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND DEFINE "CIGARETTE"; TO AMEND SECTION 12-21-620, RELATING TO THE ORIGINAL CIGARETTE TAX, SO AS TO CONFORM DEFINITIONS; BY ADDING SECTION 11-11-230 SO AS TO CREATE AND ESTABLISH IN THE STATE TREASURY THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, ALL SO AS TO RECEIVE DEPOSITS OF THE REVENUES FROM THE CIGARETTE SURTAX AS SPECIFIED; BY ADDING CHAPTER 62 TO TITLE 38 SO AS TO CREATE AND ESTABLISH THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE PLAN, PROVIDING FOR A PREMIUM CREDIT NOT TO EXCEED THREE THOUSAND DOLLARS TO AN ELIGIBLE INDIVIDUAL OR EMPLOYER TOWARD THE PURCHASE OF A QUALIFYING HEALTH INSURANCE PLAN, DESCRIBING ELIGIBILITY REQUIREMENTS AND THE CERTIFICATION PROCESS, DEFINING THE QUALIFYING INDIVIDUALLY OR EMPLOYER-SPONSORED INSURANCE PLANS, AND

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PROVIDING FOR ADMINISTRATION AND REPORTING BY THE DEPARTMENT OF INSURANCE; AND BY ADDING SECTION 38-74-75 SO AS TO CREATE THE PALMETTO HEALTH CARE SAFETY NET PROGRAM, ESTABLISHING A SELF-SUSTAINING AND FINANCIALLY INDEPENDENT PORTION OF THE PREMIUM ASSISTANCE POOL, AND PROVIDING FOR ELIGIBILITY REQUIREMENTS, ADMINISTRATION, AND REPORTING BY THE DEPARTMENT OF INSURANCE AND OPERATING GUIDELINES.

Ordered for consideration tomorrow.

Senator McCONNELL from the Committee on Judiciary polled out H. 3653 favorable:

H. 3653 -- Rep. McLeod: A JOINT RESOLUTION TO DELAY IMPLEMENTATION OF THE PROVISIONS OF ACT 270 OF 2008, RELATING TO THE REQUIREMENT THAT MUNICIPAL COURT JURY LISTS INCLUDE OTHERWISE QUALIFIED RESIDENTS OF THE MUNICIPALITY WHO HOLD A VALID SOUTH CAROLINA DRIVER'S LICENSE OR IDENTIFICATION CARD, SO AS TO POSTPONE THIS EXPANSION OF THE MUNICIPAL COURT JURY LIST UNTIL DECEMBER 31, 2009.

**Poll of the Judiciary Committee  
Polled 23; Ayes 22; Nays 0; Not Voting 1**

**AYES**

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

**Total--22**

**NAYS**

**Total--0**

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**NOT VOTING**

Malloy

**Total--1**

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources polled out H. 3707 favorable:

H. 3707 -- Reps. T.R. Young, Cato, Cobb-Hunter, Toole, Ott, Cooper, Gambrell, Bowen, Agnew, McLeod, J.H. Neal, Gunn, Hayes, Stewart, Thompson, White, Duncan, Moss, H.B. Brown, Knight, Frye, Spires, Neilson, Vick, Hutto, Sellers and Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-41-235 SO AS TO REQUIRE MOTOR FUEL TERMINALS TO OFFER FOR SALE PRODUCTS THAT ARE SUITABLE FOR SUBSEQUENT BLENDING EITHER WITH ETHANOL OR BIODIESEL; TO PROHIBIT A PERSON OR ENTITY FROM TAKING AN ACTION TO DENY A MOTOR FUEL DISTRIBUTOR OR RETAILER FROM BEING THE BLENDER OF RECORD; TO REQUIRE MOTOR FUEL DISTRIBUTORS, RETAILERS, AND REFINERS TO UTILIZE THE RENEWABLE IDENTIFICATION NUMBER; AND TO DECLARE VIOLATIONS AN UNFAIR TRADE PRACTICE.

**Poll of the Agriculture and Natural Resources Committee**

**Polled 17; Ayes 10; Nays 6; Not Voting 1**

**AYES**

Verdin	Leventis	Matthews
McGill	Hutto	Elliott
Grooms	Knotts	Bryant
Williams		

**Total--9**

**NAYS**

Campsen	Campbell	Bright
Davis	Mulvaney	Rose

**Total--6**

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20

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NOT VOTING

Sheheen

**Total--1**

Ordered for consideration tomorrow.

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

H. 3762 -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, Moss, Parker, Stringer, Vick, Hodges and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "OUR FARMS-OUR FUTURE" SPECIAL LICENSE PLATES.

Ordered for consideration tomorrow.

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

H. 3823 -- Rep. Knight: A BILL TO PROVIDE THAT RESIDENTS OF THE TOWNS OF ST. GEORGE AND HARLEYVILLE, WHO OWN GOLF CARTS THAT MAY BE OPERATED ALONG CERTAIN PRIMARY HIGHWAYS OR STREETS, MAY OPERATE THEM ALONG CERTAIN HIGHWAYS AND STREETS WITHIN THEIR RESPECTIVE JURISDICTIONS IN A TWO-MILE RADIUS OF THEIR RESIDENCES OR PLACES OF BUSINESS, AND TO PROVIDE THAT DURING NIGHTTIME HOURS, THE GOLF CART MUST BE OPERATED WITH WORKING HEADLIGHTS AND TAILLIGHTS.

Ordered for consideration tomorrow.

Senator MCCONNELL from the Committee on Judiciary polled out H. 3874 favorable:

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.

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**Poll of the Judiciary Committee  
Polled 23; Ayes 18; Nays 2; Not Voting 3**

**AYES**

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

**Total--18**

**NAYS**

Bright	Mulvaney
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**Total--2**

**NOT VOTING**

Rankin	Malloy	Sheheen
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**Total--3**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 21, 2009

Mr. President and Senators:

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

**STATEWIDE APPOINTMENT**

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

1st Congressional District:

Richard H. Fitzgerald, 354 Schweers Lane, Mt. Pleasant, SC 29464

*VICE* Marvin Infinger

Very respectfully,  
Speaker of the House

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Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 3957 -- Rep. Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-1-55 SO AS TO PROVIDE THAT ON ANY NAVIGABLE RIVER IN THIS STATE WHERE AN OYSTER FACTORY IS LOCATED, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY UTILIZE QUALIFIED PERSONNEL OF THE COUNTY OR MUNICIPALITY IN WHOSE JURISDICTION THE FACTORY OPERATES TO ASSIST WITH THE MONITORING OF WATER QUALITY AND OTHER ENVIRONMENTAL STANDARDS THE DEPARTMENT IS REQUIRED TO ENFORCE.

**H. 3957--Recorded Vote**

Senator BRYANT desired to be recorded as voting in favor of the third reading of the Bill.

**HOUSE BILL RETURNED**

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

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

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COURT PRIOR TO ANY CHARGE BEING FILED PURSUANT TO THIS SECTION.

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

There was no objection.

The Bill was read the third time and ordered returned to the House.

**THIRD READING BILLS**

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

S. 168 -- Senators Cleary, Campsen, Rose, Bryant, Elliott and Hutto: A BILL TO AMEND SECTION 38-79-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL MALPRACTICE INSURANCE SO AS TO PROVIDE THAT A LICENSED HEALTH CARE PROVIDER WHO RENDERS MEDICAL SERVICES VOLUNTARILY AND WITHOUT COMPENSATION, AND SEEKS NO REIMBURSEMENT FROM CHARITABLE AND GOVERNMENTAL SOURCES, AND PROVIDES NOTICE TO THE PATIENT OR PATIENT'S PROVIDER IN A NON-EMERGENCY, IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ANY ACT OR OMISSION UNLESS THE ACT OR OMISSION WAS THE RESULT OF THE HEALTH CARE PROVIDER'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

**S. 168--Recorded Vote**

Senator BRYANT desired to be recorded as voting in favor of the third reading of the Bill.

S. 773 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATED SUMTER SCHOOL DISTRICT, SO AS TO REVISE THE INITIAL TERMS OF THE SEVEN MEMBERS OF THE GOVERNING BOARD OF THE DISTRICT ELECTED IN 2010.

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**SECOND READING BILLS**

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

S. 372 -- Senators Hayes and Ford: A BILL TO AMEND SECTION 62-2-207, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DETERMINATION OF AN ELECTIVE SHARE OF A SPOUSE, SO AS TO CLARIFY THAT AN INTEREST AS A BENEFICIARY IN A TESTAMENTARY TRUST OR IN PROPERTY PASSING TO AN INTER VIVOS TRUST THROUGH THE DECEDENT'S WILL IS A BENEFICIAL INTEREST CHARGEABLE TO THE ELECTIVE SHARE; AND TO AMEND SECTION 62-7-401, AS AMENDED, RELATING TO CREATION OF A TRUST, SO AS TO PROVIDE FOR THE INCLUSION OF A SURVIVING SPOUSE'S BENEFICIAL INTERESTS IN TRUST PROPERTY IN CALCULATING THE ELECTIVE SHARE.

Senator L. MARTIN explained the Bill.

S. 446 -- Senator Land: A BILL TO PROVIDE THAT FROM JUNE 1, 2009, TO SEPTEMBER 30, 2009, A NONRESIDENT MAY OBTAIN A LIFETIME COMBINATION LICENSE FROM THE DEPARTMENT OF NATURAL RESOURCES UNDER CERTAIN CIRCUMSTANCES.

S. 671 -- Senator Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-13-400 SO AS TO ESTABLISH CREEL AND SIZE LIMITS FOR CRAPPIE TAKEN IN LAKE MURRAY.

Senator CROMER explained the Bill.

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

H. 3730 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT ALL FUNDS RECEIVED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (RECOVERY ACT) FOR THE CLEAN WATER STATE REVOLVING FUND AND DRINKING WATER STATE REVOLVING FUND MAY BE

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RECEIVED AND EXPENDED PURSUANT TO PROVISIONS OF THE RECOVERY ACT FOR SO LONG AS MONIES ARE AVAILABLE UNDER THE RECOVERY ACT.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 144 -- Senators Campsen and Ford: A BILL TO RATIFY AN AMENDMENT TO SECTION 33, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROVISION PROVIDING THAT NO UNMARRIED WOMAN UNDER THE AGE OF FOURTEEN YEARS OLD MAY LEGALLY CONSENT TO SEXUAL INTERCOURSE, SO AS TO DELETE THAT PROVISION.

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

The Committee on Judiciary proposed the following amendment (JUD0144.001), which was adopted:

Amend the committee amendment, as and if amended, page 1, by striking line 30 in its entirety, as contained in SECTION 1, and inserting therein the following:

/ "Section 33. (Reserved)" /

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 282 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 22-5-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES' POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST

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WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

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

Senator KNOTTS proposed the following amendment (JUD0282.004), which was adopted:

Amend the COMMITTEE REPORT as and if amended, page [282-2], by striking lines 12-15, and inserting:

/ (3) If a defendant named in a courtesy summons fails to appear before the court pursuant to the summons, the court may issue an arrest warrant for the underlying offense based upon the original sworn statement of the affiant who sought the courtesy summons, provided the sworn statement establishes probable cause that the underlying offense was committed. /

Re-number sections to conform.

Amend title to conform.

The perfecting amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0282.003), which was adopted:

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

/ SECTION 1. Section 22-5-110 of the 1976 Code is amended to read:

“Section 22-5-110. (A) Magistrates shall;

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(1) cause to be arrested all persons found within their counties charged with any offense and persons who after committing any offense within the county ~~escape~~ flee out of ~~it,~~ the county;

(2) examine into treasons, felonies, grand larcenies, high crimes and misdemeanors;

(3) commit or bind over for trial those who appear to be guilty of crimes or offenses not within their jurisdiction; and

(4) punish those guilty of such offenses within their jurisdiction.

~~(B) Notwithstanding another provision of law, a person charged with any misdemeanor offense requiring a warrant signed by nonlaw enforcement personnel to ensure the arrest of a person must be given a courtesy summons.~~

(B)(1) No arrest warrant shall be issued for the arrest of a person unless sought by a member of a law enforcement agency acting in their official capacity.

(2) If an arrest warrant is sought by someone other than a law enforcement officer, the court must issue a courtesy summons. This provision does not apply to a business seeking an arrest warrant for any offense against the business, a person seeking an arrest warrant for a fraudulent check, if the fraudulent check is presented to the magistrate at the time the warrant is sought, or offenses involving criminal domestic violence, harassment, or assault and battery of a high and aggravated nature.

(3) If a person named in a courtesy summons fails to appear before the court pursuant to the summons, the court may issue an arrest warrant for the underlying offense if the court finds that probable cause exists to issue the arrest warrant.”

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

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.

#### COMMITTEE AMENDMENT ADOPTED

#### READ THE SECOND TIME

S. 382 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION

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62-2-805 SO AS TO PROVIDE FOR A PRESUMPTION THAT A DECEDENT AND THE DECEDENT'S SPOUSE HELD TANGIBLE PERSONAL PROPERTY IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, FOR EXCEPTIONS TO THE PRESUMPTION, AND FOR THE STANDARD OF PROOF TO OVERCOME THE PRESUMPTION.

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

The Committee on Judiciary proposed the following amendment (JUD0382.002), which was adopted:

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

/ SECTION 1. Section 62-2-804 of the 1976 Code is amended to read:

/ "Section 62-2-804. When any person is seized or possessed of any ~~estate of~~ real property held in joint tenancy at the time of his death, the joint tenancy is deemed to have been severed by the death of the joint tenant and the ~~estate~~ real property is distributable as a tenancy in common unless the instrument which creates the joint tenancy in real property, including any instrument in which one person conveys to himself and one or more other persons, or two or more persons convey to themselves, or to themselves and another or others, expressly provides for a right of survivorship, in which case the severance does not occur. While other methods for the creation of a joint tenancy in real property may be utilized, an express provision for a right of survivorship is conclusively ~~deemed~~ considered to have occurred if the will or instrument of conveyance contains the names of the devisees or grantees followed by the words 'as joint tenants with right of survivorship and not as tenants in common'."

SECTION 2. Part 8, Article 2, Title 62 of the 1976 code is amended by adding:

"Section 62-2-805. (A) For purposes of this article, tangible personal property in the joint possession or control of the decedent and the surviving spouse at the time of the decedent's death is presumed to be owned by the decedent and the decedent's spouse in joint tenancy with right of survivorship if ownership is not evidenced otherwise by a certificate of title, bill of sale, or other writing. This presumption does not apply to property:

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- (1) acquired by either spouse before marriage;
- (2) acquired by either spouse by gift or inheritance during the marriage;
- (3) used by the decedent spouse in a trade or business in which the surviving spouse has no interest;
- (4) held for another; or
- (5) devised in a written statement or list disposing of tangible personal property pursuant to Section 62-2-512.

(B) The presumption created in this section may be overcome by a preponderance of the evidence demonstrating that ownership was held other than in joint tenancy with right of survivorship.”

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

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 495 -- Senators Massey, Hutto and S. Martin: A BILL TO AMEND SECTION 50-11-2100 OF THE 1976 CODE, RELATING TO FIELD TRIALS, TO PROVIDE THAT A PARTICIPANT IN FIELD TRIALS PERMITTED BY THE DEPARTMENT OF NATURAL RESOURCES IS NOT REQUIRED TO OBTAIN A HUNTING LICENSE IF THE PARTICIPANT IS NOT CARRYING A FIREARM AND NO GAME IS TAKEN, AND TO PROVIDE THAT NO FIELD TRIALS MAY BE HELD OUTSIDE OF THE REGULAR SEASON EXCEPT AS PERMITTED BY THE DEPARTMENT.

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

The Committee on Fish, Game and Forestry proposed the following amendment (495R001.RWC), which was adopted:

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Amend the bill as and if amended, page 1, by striking line 37 and inserting:

/ management area permit if the participant is not carrying a weapon typically used for hunting /

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.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 554 -- Senators Hutto and Ford: A BILL TO AMEND SECTION 63-11-1950, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSE AND DUTIES OF THE STATE CHILD FATALITY COMMITTEE, SO AS TO PROVIDE THAT THE COMMITTEE MAY REQUEST THE DEPARTMENT OF SOCIAL SERVICES TO OPEN A CASE ON THE FAMILY WHERE THE FATALITY OCCURRED IF THE COMMITTEE SUSPECTS CRIMINAL DOMESTIC VIOLENCE, DRUG ABUSE, ABUSE, OR NEGLECT IN THE HOME AND CHILDREN CONTINUE TO LIVE IN THE HOME.

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

The Committee on Judiciary proposed the following amendment (JUD0554.002), which was adopted:

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

/ SECTION 1. Section 63-11-1950(B) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(B) To achieve its purpose, the committee shall:

(1) meet with the department no later than one month after the department receives notification by the county coroner or medical examiner pursuant to Section 17-5-540 to review the investigation of the death;

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(2) undertake annual statistical studies of the incidences and causes of child fatalities in this State. The studies shall include an analysis of community and public and private agency involvement with the decedents and their families before and subsequent to the deaths;

(3) ~~the committee shall~~ consider training, including cross-agency training, consultation, technical assistance needs, and service gaps. If the committee determines that changes to any statute, regulation, policy, or procedure is needed to decrease the incidence of preventable child deaths, the committee shall include proposals for changes to statutes, regulations, policies, and procedures in the committee's annual report;

(4) educate the public regarding the incidences and causes of child deaths, the public role in preventing these deaths, and specific steps the public can undertake to prevent child deaths. The committee shall enlist the support of civic, philanthropic, and public service organizations in performing the committee's education duties;

(5) develop and implement policies and procedures for its own governance and operation;

(6) submit to the Governor and the General Assembly, an annual written report and any other reports prepared by the committee, including, but not limited to, the committee's findings and recommendations. Annual reports must be made available to the public; and

(7) request, once a child fatality is reviewed and upon findings of the committee that a risk of harm still exists due to reasons including, but not limited to criminal domestic violence, drug abuse, abuse or neglect in the home of the fatality where young children continue to live, that a case be initiated by the Department of Social Services pursuant to Section 63-7-920. The findings of the committee must be treated as a suspected report of abuse or neglect as the committee considers necessary, and a request by the committee must not be screened out. The Department of Social Services has sixty days after the request is made to investigate and furnish the committee with a report."

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

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

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The committee amendment was adopted.

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

**AMENDED, READ THE SECOND TIME**

S. 668 -- Senators Courson, Knotts, Cromer, Setzler, Jackson, Scott, Lourie and Rose: A BILL TO AMEND SECTIONS 53-5-10 AND 53-5-15, RELATING TO LEGAL HOLIDAYS FOR STATE EMPLOYEES, TO ESTABLISH CHRISTMAS EVE AS A LEGAL HOLIDAY.

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

Senator COURSON proposed the following amendment (668FIN001), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 1, by striking line 36 and inserting:

/ ~~Section 53-5-20. The Governor may declare Christmas Eve of/~~  
Renumber sections to conform.  
Amend title to conform.

Senator COURSON explained the amendment.

The amendment was adopted.

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

**ADOPTED**

H. 3766 -- Reps. Scott, Umphlett, Daning, Jefferson, Merrill and Stewart: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF MYERS ROAD IN BERKELEY COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 17 "FIREFIGHTER BRANDON THOMPSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "FIREFIGHTER BRANDON THOMPSON HIGHWAY".

[SJ]

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

**AMENDED AND ADOPTED**

S. 792 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF OCTOBER 2009 AS GANG AWARENESS MONTH IN SOUTH CAROLINA IN ORDER TO RAISE PUBLIC AWARENESS OF THE INCREASING PROBLEM OF CRIMINAL GANG ACTIVITY IN OUR STATE.

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

Senator SCOTT proposed the following amendment (792R001.JS), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 4-5 and inserting:

/ Ross, Dr. Tommie Brown, Dr. Charles Graham, Reverend Henry Claire, and Reverend Eddie Davis; and/

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

There being no further amendments, the Concurrent Resolution was adopted as amended and returned to the House of Representatives.

**CARRIED OVER**

S. 405 -- Senator Cleary: A BILL TO AMEND SECTION 12-37-220 OF THE 1976 CODE, RELATING TO PROPERTY TAX EXEMPTIONS, TO CLARIFY THAT A WATERCRAFT AND ITS MOTOR MAY NOT RECEIVE A FORTY-TWO AND 75/100 PERCENT EXEMPTION IF THE BOAT OR WATERCRAFT IS CLASSIFIED AS A PRIMARY OR SECONDARY RESIDENCE FOR PROPERTY TAX PURPOSES; TO AMEND SECTION 12-37-

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224, RELATING TO BOATS AS A PRIMARY OR SECONDARY RESIDENCE, TO PROVIDE THAT A BOAT OR WATERCRAFT THAT CONTAINS A COOKING AREA WITH AN ONBOARD POWER SOURCE, A TOILET WITH EXTERIOR EVACUATION, AND A SLEEPING QUARTER, SHALL BE CONSIDERED A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF AD VALOREM PROPERTY TAXATION IN THIS STATE; AND TO AMEND SECTION 12-37-714, RELATING TO BOATS WITH A SITUS IN THIS STATE, TO PROVIDE THAT UPON AN ORDINANCE PASSED BY THE LOCAL GOVERNING BODY, A COUNTY MAY SUBJECT A BOAT, INCLUDING ITS MOTOR IF THE MOTOR IS SEPARATELY TAXED, TO PROPERTY TAX IF IT IS WITHIN THIS STATE FOR NINETY DAYS IN THE AGGREGATE, REGARDLESS OF THE NUMBER OF CONSECUTIVE DAYS.

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

S. 553 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 13, TITLE 63 SO AS TO PROVIDE FOR THE LICENSURE AND REGULATION OF SUMMER CAMPS BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO DEFINE SUMMER CAMPS AS RESIDENT CAMPS AND DAY CAMPS; TO PROHIBIT PERSONS WHO ARE LISTED AS A PERPETRATOR IN THE CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT, WHO ARE REQUIRED TO REGISTER UNDER THE SEX OFFENDER REGISTRY, OR WHO HAVE BEEN CONVICTED OF CERTAIN CRIMES TO BE LICENSED TO OPERATE A SUMMER CAMP OR TO BE EMPLOYED BY A SUMMER CAMP AND TO PROVIDE THAT IS A CRIMINAL OFFENSE FOR A PERSON WHO HAS BEEN CONVICTED OF SUCH A CRIME TO APPLY FOR SUCH A LICENSE OR EMPLOYMENT; TO REQUIRE STATE AND FEDERAL FINGERPRINT REVIEWS AS A PREREQUISITE TO LICENSURE AND EMPLOYMENT; TO PROVIDE FOR THE ISSUANCE OF PROVISIONAL LICENSES WHEN THE APPLICANT MEETS CERTAIN PRELIMINARY REQUIREMENTS; TO REQUIRE THE DEPARTMENT TO CONDUCT AN INVESTIGATION OF A SUMMER CAMP APPLICANT FOR LICENSURE; TO REQUIRE A SUMMER CAMP

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TO HAVE A PERSON ON SITE WHO IS CERTIFIED IN FIRST AID AND IN CHILD-INFANT CARDIOPULMONARY RESUSCITATION; TO REQUIRE A SUMMER CAMP TO NOTIFY THE DEPARTMENT WHEN A CHILD DIES AT THE SUMMER CAMP; TO REQUIRE THE DEPARTMENT TO ESTABLISH PROCEDURES FOR RECEIVING COMPLAINTS; TO AUTHORIZE THE DEPARTMENT TO CONDUCT INVESTIGATIONS AND INSPECTIONS OF SUMMER DAY CAMPS; TO PROVIDE PROCEDURES FOR ISSUING CORRECTION NOTICES FOR DEFICIENCIES, FOR OBTAINING INJUNCTIONS, AND FOR APPEALS OF DEPARTMENT DECISIONS; TO PROHIBIT A PERSON SEEKING EMPLOYMENT IN THE DEPARTMENT'S SUMMER CAMP LICENSING PROGRAM FROM HAVING BEEN CONVICTED OF CERTAIN CRIMES AND TO PROVIDE THAT IT IS A CRIMINAL OFFENSE FOR A PERSON WHO HAS BEEN CONVICTED OF SUCH AN OFFENSE TO SEEK EMPLOYMENT; AND TO AMEND SECTION 63-13-20, RELATING TO DEFINITIONS IN THE LICENSURE AND REGULATION OF CHILDCARE FACILITIES, SO AS TO REVISE THE EXEMPTIONS FROM CHILDCARE LICENSURE FOR SCHOOL CAMPS AND SUMMER RESIDENT CAMPS.

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

H. 3274 -- Reps. Gilliard, Alexander, Brantley, Clyburn, Cobb-Hunter, Forrester, Govan, Gunn, Hosey, Howard, Hutto, Jefferson, Kirsh, Mack, Miller, Sottile, Stavrinakis, Whipper and R.L. Brown: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO APPROPRIATE THE FUNDS NECESSARY TO ALLOW THE STATE OF SOUTH CAROLINA AND THE CITY OF CHARLESTON TO COMPLETE THE SPRING STREET/FISHBURNE STREET/UNITED STATES HIGHWAY 17 DRAINAGE BASIN IMPROVEMENTS PROJECT LOCATED IN THE CITY OF CHARLESTON, SOUTH CAROLINA.

Senator PEELER explained the Concurrent Resolution.

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

H. 3677 -- Rep. Cobb-Hunter: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "VIOLENCE AGAINST WOMEN FEDERAL COMPLIANCE ACT"

[SJ]

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TO CONFORM STATE LAW TO FEDERAL REQUIREMENTS BY AMENDING SECTION 16-3-740 RELATING TO TESTING CERTAIN CRIMINALS FOR HEPATITIS B AND THE HUMAN IMMUNODEFICIENCY VIRUS AT THE REQUEST OF A VICTIM, SO AS TO REVISE THE DEFINITION OF "OFFENDER" TO INCLUDE ADULTS AND JUVENILES, TO CLARIFY PROCEDURES FOR DISCLOSING TEST RESULTS, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL ADVISE THE VICTIM OF AVAILABLE TREATMENT OPTIONS, AND UPON REQUEST OF THE VICTIM PROVIDE TESTING AND POST-TESTING COUNSELING; BY ADDING SECTION 16-3-750 SO AS TO PROHIBIT LAW ENFORCEMENT AND PROSECUTING OFFICERS FROM ASKING OR REQUIRING A VICTIM OF AN ALLEGED CRIMINAL SEXUAL CONDUCT OFFENSE TO SUBMIT TO A POLYGRAPH EXAMINATION AND TO PROVIDE THAT REFUSAL OF A VICTIM TO SUBMIT TO SUCH AN EXAMINATION DOES NOT PREVENT THE INVESTIGATION, CHARGING, OR PROSECUTION OF THE OFFENSE; TO AMEND SECTION 16-3-1350 RELATING TO MEDICOLEGAL EXAMINATIONS FOR VICTIMS OF CRIMINAL SEXUAL CONDUCT OR CHILD SEX ABUSE, SO AS TO DELETE THE PROVISION REQUIRING SUCH A VICTIM TO FILE AN INCIDENT REPORT WITH A LAW ENFORCEMENT AGENCY IN ORDER TO RECEIVE A MEDICOLEGAL EXAMINATION WITHOUT CHARGE; TO AMEND SECTION 16-3-177, AS AMENDED, RELATING TO THE FORM AND CONTENT OF A RESTRAINING ORDER, SO AS TO PROVIDE CIRCUMSTANCES UNDER WHICH A PERSON SUBJECT TO A RESTRAINING ORDER MAY NOT SHIP, TRANSPORT, OR POSSESS A FIREARM; BY ADDING SECTION 16-25-30 SO AS TO PROVIDE THAT A PERSON CONVICTED OF CRIMINAL DOMESTIC VIOLENCE OR CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE MUST BE NOTIFIED IN WRITING THAT IT IS UNLAWFUL FOR SUCH A DEFENDANT TO SHIP, TRANSPORT, OR POSSESS A FIREARM; AND TO AMEND SECTION 20-4-60, AS AMENDED, RELATING TO THE FORM AND CONTENT OF AN ORDER OF PROTECTION FROM DOMESTIC VIOLENCE, SO AS TO PROVIDE THAT IT IS

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UNLAWFUL FOR A PERSON SUBJECT TO AN ORDER OF PROTECTION TO SHIP, TRANSPORT, OR POSSESS A FIREARM.

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

H. 3942 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, RELATING TO RIVERBANKS PARKS COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4022, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CROMER explained the Joint Resolution.

On motion of Senator CROMER, the Joint Resolution was carried over.

**OBJECTION**

H. 3413 -- Rep. Harrison: A BILL TO AMEND SECTION 61-4-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS REGARDING BEER KEG REGISTRATION REQUIREMENTS, SO AS TO REVISE THE DEFINITION OF "KEG".

Senator HUTTO objected to further consideration of the Bill.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4000, THE SINE DIE ADJOURNMENT RESOLUTION**

**AMENDED AND ADOPTED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

H. 4000 -- Rep. Harrell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2-1-180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 21, 2009, NOT LATER THAN 5:00 P.M., EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES NOT EARLIER THAN NOON ON TUESDAY, JUNE 16, 2009, FOR A PERIOD NOT TO EXCEED

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THREE STATEWIDE LEGISLATIVE DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, TO PROVIDE THAT WHEN EACH HOUSE ADJOURNS AFTER THIS THREE-DAY PERIOD NOT LATER THAN 5:00 P.M. ON THE THIRD LEGISLATIVE DAY, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES UPON CERTAIN OCCURRENCES AND FOR THE CONSIDERATION OF SPECIFIED MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN 5:00 P.M. ON MONDAY, JANUARY 11, 2010.

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

Senator McCONNELL explained the Resolution.

**Amendment No. 1**

Senator McCONNELL proposed the following Amendment No. 1 (4000R001.GFM), which was adopted:

Amend the concurrent resolution by striking all after the resolving words and inserting:

/ (A) Pursuant to the provisions of Article III, Section 9 of the Constitution of this State and Section 2-1-180 of the 1976 Code, the sine die adjournment date for the General Assembly for the 2009 session is recognized and extended to permit the General Assembly to continue in session after Thursday, May 21, 2009, under the terms and conditions stipulated in this resolution and for this purpose each house agrees that when the Senate and the House of Representatives adjourn on Thursday, May 21, 2009, not later than 5:00 p.m., each house shall stand adjourned to meet in statewide session at a date and time mutually agreed upon by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. However, the Senate and the House shall remain in session past May 21, 2009, to complete any unfinished business concerning any general appropriations bill or any supplemental appropriations bill or any veto to any appropriations bill and, upon completion, each body shall adjourn pursuant to the provisions of this resolution. When the Senate and the House reconvene at a time between, the later of May 21, 2009, or the

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completion of any general appropriations bill or any supplemental appropriations bill, and no later than June 30, 2009, each house may remain in session for no longer than three statewide legislative days to adjourn not later than 5:00 p.m. on the third legislative day, except as provided by this resolution, for the following matters and subject to the following conditions, as applicable:

- (1) receipt and consideration of gubernatorial vetoes;
- (2) receipt, consideration, and confirmation of appointments;
- (3) election of members to state boards and commissions, or other office elected by the General Assembly, at a joint session on a date and time mutually agreed upon by the President Pro Tempore of the Senate and the Speaker of the House of Representatives;
- (4) receipt and consideration of resolutions affecting the sine die adjournment date;
- (5) receipt and consideration of local legislation which has the unanimous consent of the affected delegation;
- (6) receipt and consideration of resolutions expressing sympathy or congratulations;
- (7) receipt, consideration, and actions upon any general appropriations bill and any supplemental appropriations bill;
- (8) receipt and consideration of conference and free conference reports;
- (9) receipt and consideration of any matter related to the certification, application, receipt, or expenditure of federal funds available pursuant to HR-1, the American Recovery and Reinvestment Act of 2009;
- (10) receipt, consideration, and actions upon S.351, relating to the State Ports Authority; and
- (11) receipt, consideration, and actions upon S. 576, relating to the establishment of the Capitol Police Force.

(B) After each house stands adjourned pursuant to subsection (A) not later than 5:00 p.m. on the third legislative day, each house shall stand adjourned to meet in statewide session at a date and time mutually agreed upon by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, only for the following matters and subject to the following conditions, as applicable:

- (1) receipt and consideration of legislation necessary to address any shortfall in revenue meeting the conditions of Section 11-9-890;
- (2) receipt and consideration of any matter related to the certification, application, receipt, or expenditure of federal funds

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available pursuant to HR-1, the American Recovery and Reinvestment Act of 2009 or receipt and consideration of any matter related to the maintenance of state effort required by the American Recovery and Reinvestment Act of 2009;

(3) receipt and consideration of gubernatorial vetoes;

(4) receipt, consideration, and confirmation of appointments;

(5) election of members to state boards and commissions, or other office elected by the General Assembly, at a joint session on a date and time mutually agreed upon by the President Pro Tempore of the Senate and the Speaker of the House of Representatives; and

(6) receipt and consideration of resolutions affecting the sine die adjournment date.

(C) The President Pro Tempore of the Senate and the Speaker of the House of Representatives may set a mutually agreed upon time after May 21, 2009, and prior to sine die adjournment for officers of the Senate and House to ratify acts.

(D) Unless adjourned earlier, the General Assembly shall stand adjourned sine die no later than noon on Tuesday, January 12, 2010./

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

**ACTING PRESIDENT PRESIDES**

At 12:11 P.M., Senator L. MARTIN assumed the Chair.

Senator McCONNELL explained the amendment.

The amendment was adopted.

The question then was the adoption of the Resolution, as amended.

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

**Ayes 37; Nays 5**

**AYES**

Alexander	Anderson	Campbell
Campsen	Cleary	Coleman
Courson	Cromer	Elliott

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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	Scott
Setzler	Sheheen	Shoopman
Williams		

**Total--37**

**NAYS**

Bright	Bryant	Davis
Thomas	Verdin	

**Total--5**

**Statement by Senator LEATHERMAN**

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

The Resolution was adopted, ordered returned to the House with amendments.

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

**MOTION ADOPTED**

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

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

[SJ]

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**CARRIED OVER**

S. 126 -- Senators Sheheen and Elliott: A BILL TO AMEND SECTION 56-3-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM "HANDICAPPED", DELETE THE TERM "LICENSE TAG" AND REPLACE IT WITH THE TERM "LICENSE PLATE", AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56-3-1950, RELATING TO THE DEFINITION OF THE TERM "HANDICAPPED", AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON'S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM "HANDICAPPED" AND TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, AND DISPLAY OF HANDICAPPED PLACARDS; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO ALSO QUALIFIES IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS.

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

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

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

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 704 -- Senators McGill and Cleary: A BILL TO AMEND SECTION 7-7-270, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GEORGETOWN COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD AND TO CORRECT ARCHAIC REFERENCES.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator MCGILL proposed the following amendment (DKA\3734DW09), which was adopted:

Amend the bill, as and if amended, page 1, line 32, by striking / State Election Commission and the /.

Amend further, page 2, by striking SECTION 3 in its entirety.

Re-number sections to conform.

Amend title to conform.

Senator MCGILL explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill was amended and ordered returned to the House with amendments.

[SJ]

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**RECESS**

At 12:30 P.M., on motion of Senator PEELER, the Senate recessed from business subject to the Call of the Chair.

At 12:58 P.M., the Senate resumed.

**STATEWIDE APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Banking and Insurance Committee, the following appointment was confirmed in open session:

Reappointment, South Carolina Commission on Consumer Affairs, with the term to commence August 30, 2009, and to expire August 30, 2013

At-Large:

David R. Campbell, 1425 Medway Road, Columbia, SC 29205

Having received a favorable report from the Corrections and Penology Committee, the following appointment was confirmed in open session:

Reappointment, South Carolina Board of Probation, Parole & Pardon Services, with the term to commence March 15, 2009, and to expire March 15, 2015

3rd Congressional District:

James H. Williams, 103 Mountainrock View, Easley, SC 29462

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

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence May 3, 2008, and to expire May 3, 2011

Governor:

Don L. McLaurin, 15 Franklin Street, Charleston, SC 29401 *VICE*  
Lawrence Kobrovsky

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Initial Appointment, South Carolina State Commission on Higher Education, with the term to commence July 1, 2008, and to expire July 1, 2012

At-Large:

Guy C. Tarrant, The Tarrant Company, P. O. Box 28, Charleston, SC 29402 *VICE* Kenneth B. Wingate

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

Initial Appointment, Commission on Women, with the term to commence October 14, 2007, and to expire October 14, 2011

At-Large:

Cindy F. Costa, 909 Parrot Creek Way, Charleston, SC 29412 *VICE* Michelle Hardy

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

3rd Congressional District:

Jose F. Garcia, 152 Calm Cove, Anderson, SC 29626

Reappointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2009, and to expire June 30, 2013

At-Large:

Louie C. Chavis, 125 May Morning Drive, Lexington, SC 29073-9443

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2007, and to expire May 19, 2014

4th Congressional District:

Barry D. Wynn, 138 Turnberry Drive, Spartanburg, SC 29306

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2007, and to expire May 19, 2014

Berkeley County:

Peggy H. Pinnell, 1426 Dennis Boulevard, Moncks Corner, SC 29461 *VICE* Mr. Paul G. Campbell

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Initial Appointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2006, and to expire June 30, 2010

1st Congressional District:

Charles F. Koches, 1057 Yeamans Hall Road, Hanahan, SC 29410  
*VICE* Donald Andersen

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

1st Congressional District:

Richard H. Fitzgerald, 354 Schweers Lane, Mt. Pleasant, SC 29464  
*VICE* Marvin Infinger

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

Reappointment, South Carolina Mental Health Commission, with the term to commence July 31, 2008, and to expire July 31, 2013

5th Congressional District:

Alison Y. Evans, 612 West Home Ave., Hartsville, SC 29550

Initial Appointment, South Carolina Mental Health Commission, with the term to commence March 21, 2004, and to expire March 21, 2009

At-Large:

Everard O. Rutledge, 2911 Winners Circle, Charleston, SC 29414  
*VICE* Harold E. Cheatham

Initial Appointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 1, 2005, and to expire June 1, 2009

Speech-Language Pathologist:

June K. Maranville, 107C Waterway Court, Lexington, SC 29072  
*VICE* Lily Nalty

Reappointment, South Carolina Mental Health Commission, with the term to commence March 21, 2009, and to expire March 21, 2014

1st Congressional District:

Joan Moore, 110 Kennington Dr., Goose Creek, SC 29445

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Reappointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 1, 2009, and to expire June 1, 2013

Speech-Language Pathologist:

June K. Maranville, 107C Waterway Ct., Lexington, SC 29072

Reappointment, South Carolina Mental Health Commission, with the term to commence March 21, 2009, and to expire March 21, 2014

At-Large:

Everard O. Rutledge, 2911 Winners Circle, Charleston, SC 29414

#### **LOCAL APPOINTMENT**

##### **Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

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

Amanda M. Leviner, 130 East Edgefield Drive, Summerville, SC 29483

#### **ADJOURNMENT**

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

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