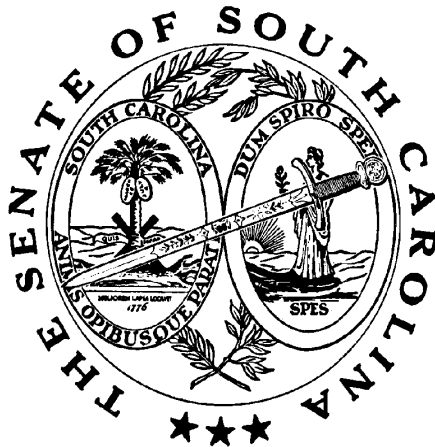


NO. 62

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



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

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**WEDNESDAY, MAY 13, 2009**

**Wednesday, May 13, 2009**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

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

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

Zephaniah prophesied to his people, reminding them ever to remember that:

“The Lord your God is with you, he is mighty to save. He will take great delight in you, he will quiet you with his love, he will rejoice over you with singing.” (Zephaniah 3:17)

Let us pray:

Holy God, You expect so much of us; we know that. And all who serve You in this Statehouse are especially required to honor You through their decisions and actions on behalf of the good people of South Carolina. We know that, too. Be with each of these leaders, dear God: direct them, encourage them, bless them. And when it happens that positive things are accomplished and benefits result, may we experience those wonderful moments when it seems we can indeed hear You sing Your songs of praise and rejoicing. Use us all in wondrous ways, O Lord.

Amen.

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

**Doctor of the Day**

Senator ANDERSON introduced Dr. Caroline Brownlee and Dr. Noel Brownlee of Greenville, S.C., Doctors of the Day.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 811 -- Senators Rose, Grooms and Matthews: A SENATE RESOLUTION TO HONOR MRS. JEWEL MYERS ON THE OCCASION OF HER NINETIETH BIRTHDAY AND TO WISH HER A JOYOUS CELEBRATION AND MUCH HEALTH AND HAPPINESS IN THE DAYS TO COME.

[SJ]

**WEDNESDAY, MAY 13, 2009**

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The Senate Resolution was adopted.

S. 812 -- Senators S. Martin, Shoopman, Grooms, Bryant, Bright and Davis: A BILL TO AMEND SECTION 59-63-480 OF THE 1976 CODE, RELATING TO ATTENDANCE IN SCHOOLS OF AN ADJACENT COUNTY, TO PROVIDE THAT THE PARENT OR LEGAL GUARDIAN OF THE STUDENT MUST ARRANGE FOR THE STUDENT TO ATTEND THE SCHOOL IN THE ADJACENT COUNTY RATHER THAN THE SCHOOL AUTHORITIES IN THE CHILD'S COUNTY OF RESIDENCE; TO AMEND SECTION 59-63-490, TO PROVIDE THAT THE SCHOOL BOARD OF TRUSTEES FOR THE SCHOOL DISTRICT IN WHICH A CHILD RESIDES MAY NOT PREVENT A STUDENT FROM TRANSFERRING TO AN ADJACENT SCHOOL DISTRICT IF THE RECEIVING SCHOOL DISTRICT APPROVES THE TRANSFER; AND TO REPEAL SECTIONS 59-63-500 AND 59-63-510.

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

S. 813 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PUBLIC SERVICE COMMISSION, RELATING TO PC&N (STRETCHER VANS), DESIGNATED AS REGULATION DOCUMENT NUMBER 4020, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 814 -- Senator Bryant: A SENATE RESOLUTION TO CONGRATULATE ANDERSON UNIVERSITY ON LAUNCHING ITS MASTER IN MINISTRY DEGREE AND TO DECLARE AUGUST 6, 2009, AS "ANDERSON UNIVERSITY MASTER OF MINISTRY DAY" IN SOUTH CAROLINA.

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Senator BRYANT spoke on the Resolution.

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

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**WEDNESDAY, MAY 13, 2009**

**S. 814--Recalled and Adopted**

On motion of Senator BRYANT, with unanimous consent, the Senate Resolution was recalled from the Committee on Invitations.

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

The Senate Resolution was adopted.

S. 815 -- Senator Bryant: A CONCURRENT RESOLUTION TO JOIN THE SOUTH CAROLINA FRATERNAL ORDER OF POLICE IN RECOGNIZING THE WEEK OF MAY 11-15, 2009, AS "NATIONAL LAW ENFORCEMENT WEEK".

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

**S. 815--Recalled and Adopted**

On motion of Senator BRYANT, with unanimous consent, the Concurrent Resolution was recalled from the Committee on Invitations.

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

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

S. 816 -- Senators Rose, Grooms, Verdin and Davis: 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 NO LATER THAN JUNE 30, 2009, FOR A PERIOD NOT TO EXCEED THREE STATEWIDE LEGISLATIVE DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, TO PROVIDE THAT WHEN EACH HOUSE

[SJ]

**WEDNESDAY, MAY 13, 2009**

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 NOON ON TUESDAY, JANUARY 12, 2010.

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Senator ROSE spoke on the Resolution.

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

S. 817 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF OCCUPATIONAL SAFETY AND HEALTH, RELATING TO OCCUPATIONAL SAFETY AND HEALTH ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4019, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 818 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO MILK AND MILK PRODUCTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4017, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 819 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO

[SJ]

**WEDNESDAY, MAY 13, 2009**

STANDARDS FOR LICENSING NURSING HOMES,  
DESIGNATED AS REGULATION DOCUMENT NUMBER 4013,  
PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23,  
TITLE 1 OF THE 1976 CODE.

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

S. 820 -- Medical Affairs Committee: A JOINT RESOLUTION TO  
APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH  
AND ENVIRONMENTAL CONTROL, RELATING TO PUBLIC  
SWIMMING POOLS, DESIGNATED AS REGULATION  
DOCUMENT NUMBER 4030, PURSUANT TO THE PROVISIONS  
OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 821 -- Senator Massey: A SENATE RESOLUTION TO  
RECOGNIZE AND COMMEND THE FRANCIS HUGH  
WARDLAW ACADEMY GIRLS' VARSITY BASKETBALL TEAM  
OF EDGEFIELD COUNTY FOR WINNING THE 2009 SOUTH  
CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS A  
STATE CHAMPIONSHIP TITLE, AND TO CONGRATULATE THE  
TEAM PLAYERS, COACHES, AND SCHOOL OFFICIALS FOR  
YET ANOTHER VICTORIOUS SEASON.

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The Senate Resolution was adopted.

S. 822 -- Senator Massey: A SENATE RESOLUTION TO  
RECOGNIZE AND COMMEND THE FRANCIS HUGH  
WARDLAW ACADEMY GIRLS SOFTBALL TEAM FOR ITS  
OUTSTANDING SEASON AND FOR CAPTURING THE 2009  
SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION  
CLASS A STATE CHAMPIONSHIP, AND TO HONOR THE  
TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

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The Senate Resolution was adopted.

**WEDNESDAY, MAY 13, 2009**

S. 823 -- Senator Massey: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE FRANCIS HUGH WARDLAW ACADEMY "LADY PATRIOTS" VOLLEYBALL TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2008 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS A STATE CHAMPIONSHIP, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACHES, AND STAFF.

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The Senate Resolution was adopted.

S. 824 -- Senator Massey: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE FRANCIS HUGH WARDLAW ACADEMY VARSITY EIGHT-MAN FOOTBALL TEAM OF EDGEFIELD COUNTY FOR GARNERING THE 2008 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS A STATE CHAMPIONSHIP TITLE, AND TO CONGRATULATE THE TEAM'S ATHLETES, COACHES, AND STAFF FOR AN IMPRESSIVE, UNDEFEATED SEASON.

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The Senate Resolution was adopted.

S. 825 -- Senators Bright, Alexander, Anderson, 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, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE SENATOR CLEMENTA PINCKNEY AND HIS WIFE, JENNIFER, ON THE BIRTH OF THEIR DAUGHTER, MALANA ELISE PINCKNEY, ON APRIL 28, 2009.

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The Senate Resolution was adopted.

S. 826 -- Senator Leventis: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 521, IN SUMTER COUNTY, FROM THE KERSHAW COUNTY LINE TO ITS INTERSECTION WITH PISGAH ROAD IN REMBERT THE "FIREFIGHTER BUCK

[SJ]

**WEDNESDAY, MAY 13, 2009**

BROWN MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "FIREFIGHTER BUCK BROWN MEMORIAL HIGHWAY".

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

S. 827 -- Senator Leventis: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 521, IN SUMTER COUNTY, FROM THE ITS INTERSECTION WITH HIGHWAY 441 TO ITS INTERSECTION WITH CHARLES JACKSON ROAD THE "FIREFIGHTER EUGENE FRANKLIN MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "FIREFIGHTER EUGENE FRANKLIN MEMORIAL HIGHWAY".

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

S. 828 -- Senators Leventis and Land: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 76, IN SUMTER COUNTY, FROM THE SUMTER-LEE COUNTY LINE TO ITS INTERSECTION WITH LAFAYETTE STREET THE "MAYOR WILLIE M. JEFFERSON HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS "MAYOR WILLIE M. JEFFERSON HIGHWAY".

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

S. 829 -- Senators Matthews, Grooms and Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE THE CRITICAL IMPORTANCE OF THE GLOBAL LOGISTICS TRIANGLE IN

[SJ]

**WEDNESDAY, MAY 13, 2009**

ORANGEBURG COUNTY TO THE SUCCESS AND WELL-BEING OF THE CITIZENS OF OUR STATE AND AS A COMPONENT OF THE GLOBAL LOGISTICS CORRIDOR BEGINNING AT THE PORT OF CHARLESTON AND TO EXPRESS THE BELIEF OF THE GENERAL ASSEMBLY THAT THIS VITAL COMPONENT OF OUR STATE'S ECONOMIC SYSTEM SHOULD BE DEVELOPED TO ITS FULL POTENTIAL.

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

H. 4026 -- Reps. G. M. Smith, Weeks, Lowe, G. A. Brown and J. H. Neal: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. NINA G. GUNTER FOR A LIFETIME OF DEDICATION AND FAITHFUL SERVICE IN THE CHURCH OF THE NAZARENE, AND UPON THE OCCASION OF HER RETIREMENT TO WISH HER MANY YEARS OF HEALTH AND HAPPINESS IN THE FUTURE.

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

H. 4034 -- Rep. D. C. Smith: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND ROD GREENWAY, PRINCIPAL OF BELVEDERE ELEMENTARY SCHOOL IN AIKEN COUNTY, FOR HIS DISTINGUISHED FORTY-YEAR CAREER AS TEACHER, COACH, AND ADMINISTRATOR UPON THE OCCASION OF HIS RETIREMENT, AND TO EXTEND TO HIM EVERY BEST WISH IN ALL HIS FUTURE ENDEAVORS.

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

H. 4036 -- Rep. Allen: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND ODELL LEWIS ROBINSON OF LAURENS COUNTY UPON THE OCCASION OF THE ANNIVERSARY OF HIS EIGHTH YEAR AS PASTOR OF NEW BETHLEHEM BAPTIST CHURCH, AND TO WISH HIM ALL THE BEST AS HE LEADS HIS CONGREGATION IN FURTHER SPIRITUAL GROWTH AND SERVICE.

[SJ]

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

**REPORTS OF STANDING COMMITTEES**

Senator ALEXANDER from the General Committee polled out S. 225 favorable:

S. 225 -- Senators Knotts and Rose: A BILL TO AMEND SECTION 25-3-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF THE SOUTH CAROLINA STATE GUARD, SO AS TO AUTHORIZE THE ADJUTANT GENERAL TO ESTABLISH AN EMERGENCY AIR WING WITHIN THE STATE GUARD AND PROVIDE FOR THE ORGANIZATION AND DUTIES OF THE EMERGENCY AIR WING AND FOR THE LIABILITY OF AIRPLANES USED BY VOLUNTEER PARTICIPANTS IN THE EMERGENCY AIR WING; TO AMEND SECTION 15-78-60, AS AMENDED, RELATING TO EXCEPTIONS TO LIABILITY UNDER THE TORT CLAIMS ACT, SO AS TO PROVIDE THAT THE USE OF ANY VEHICLE OR AIRPLANE OPERATED FOR TRAINING OR DUTY BY THE EMERGENCY AIR WING OF THE STATE GUARD SHALL CONVEY LIABILITY UPON THE SOUTH CAROLINA NATIONAL GUARD, SOUTH CAROLINA STATE GUARD, OR STATE OF SOUTH CAROLINA ONLY AFTER THE REQUIRED LIABILITY INSURANCE ON THE VEHICLE OR AIRPLANE HAS BEEN FULLY APPLIED; AND TO AMEND SECTION 42-7-50, RELATING TO POLITICAL SUBDIVISIONS AND OTHER ENTITIES WHICH MAY PARTICIPATE IN THE WORKERS' COMPENSATION INSURANCE PROGRAM, SO AS TO PROVIDE THAT RECOVERY OF WORKERS' COMPENSATION BENEFITS BY MEMBERS OF THE EMERGENCY AIR WING OF THE SOUTH CAROLINA STATE GUARD SHALL BE PAYABLE FROM THE GENERAL FUND OF THE STATE OF SOUTH CAROLINA.

**Poll of the General Committee**

**Polled 17; Ayes 17; Nays 0; Not Voting 0**

**AYES**

Alexander  
Knotts

O'Dell  
Ford

L. Martin  
Sheheen

[SJ]

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**WEDNESDAY, MAY 13, 2009**

Reese	Lourie	Bryant
Bright	Cleary	Coleman
Cromer	Hayes	Jackson
Scott	Shoopman	
	<b>Total--17</b>	

**NAYS**

**Total--0**

**NOT VOTING**

**Total--0**

Ordered for consideration tomorrow.

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

S. 535 -- Senators McConnell, Mulvaney, Ford, Land, Knotts and Davis: A BILL TO AMEND SECTION 16-19-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL GAMES AND BETTING, SO AS TO CLARIFY THE ACTIVITIES THAT ARE UNLAWFUL GAMBLING, TO AMEND THE PENALTIES TO BE THE SAME OR SIMILAR, AND TO CREATE AN EXCEPTION FOR SOCIAL GAMING AND FOR CASINO NIGHT EVENTS CONDUCTED AS A FUNDRAISING ACTIVITY OF LIMITED DURATION BY A NONPROFIT ORGANIZATION.

Ordered for consideration tomorrow.

Senator HUTTO from the Committee on Judiciary submitted a favorable report on:

S. 560 -- Senators McConnell, Land, Knotts, Mulvaney and Davis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ALLOW RAFFLES TO BE CONDUCTED BY CHARITABLE OR NONPROFIT ORGANIZATIONS AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION ALLOWED TO

[SJ]

**WEDNESDAY, MAY 13, 2009**

CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THE CONDUCT AND MANAGEMENT OF THE RAFFLES, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ASSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

Ordered for consideration tomorrow.

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

S. 628 -- Senators McConnell and Davis: A BILL TO AMEND CHAPTER 19, TITLE 16 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO GAMBLING AND LOTTERIES, SO AS TO AMEND EXISTING LAWS ON UNLAWFUL LOTTERIES AND GAMBLING BY ORGANIZING EXISTING LAWS INTO ARTICLE 1, AND IN ARTICLE 1 TO ADD DEFINITIONS; TO INCREASE AND MAKE UNIFORM PENALTIES FOR UNLAWFUL LOTTERIES AND GAMBLING; TO ALLOW SOCIAL GAMBLING AS A DEFENSE TO UNLAWFUL GAMBLING, AND TO CLARIFY THAT GAMES OF SKILL OR CHANCE IN WHICH NO BETTING OCCURS ARE NOT UNLAWFUL; BY ADDING ARTICLE 3, AND IN ARTICLE 3 TO ALLOW CHARITABLE AND NONPROFIT ORGANIZATIONS TO CONDUCT RAFFLES AND SPECIAL LIMITED CHARITY FUNDRAISING EVENTS; TO DEFINE THESE EVENTS; TO DEFINE THE TYPE OF ORGANIZATION ALLOWED TO CONDUCT THESE EVENTS; TO PROVIDE STANDARDS FOR THE MANAGEMENT AND CONDUCT OF THESE EVENTS; TO PROVIDE PENALTIES FOR VIOLATIONS; AND TO PROVIDE FOR THE MANNER IN WHICH THESE PROVISIONS SHALL TAKE EFFECT.

Ordered for consideration tomorrow.

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

S. 652 -- Senators Knotts, Elliott, Ford and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33-56-75 SO AS TO REQUIRE PROFESSIONAL FUNDRAISING COUNSEL, PROFESSIONAL SOLICITORS AND COMMERCIAL CO-VENTURERS TO

[SJ]

**WEDNESDAY, MAY 13, 2009**

MAINTAIN LISTS OF DONORS FROM CAMPAIGNS AND SOLICITATIONS CONDUCTED BY THE SOLICITOR; TO PROVIDE THAT THESE LISTS ARE THE PROPERTY OF THE CHARITABLE ORGANIZATION; TO RESTRICT THE USE OF DONOR LISTS BY THE CAMPAIGN SOLICITOR; AND TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS.

Ordered for consideration tomorrow.

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

S. 766 -- Senators Alexander, Thomas, Knotts, L. Martin, S. Martin, Nicholson, Land, Setzler, Fair and Peeler: A BILL TO AMEND TITLE 23 OF THE 1976 CODE, BY ADDING CHAPTER 52, THE "NOVELTY LIGHTER PROHIBITION ACT", TO PROVIDE FOR THE DEFINITIONS AND THE PROHIBITION OF THE SALE OR DISTRIBUTION OF NOVELTY LIGHTERS AND TO PROVIDE PENALTIES.

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

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

H. 3013 -- Reps. Limehouse, Parker and Toole: A BILL TO AMEND SECTION 16-11-650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES, OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS, OR UNCULTIVATED LANDS,

[SJ]

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SO AS TO REVISE THE ELEMENTS OF THE OFFENSE AND INCREASE PENALTIES FOR VIOLATIONS AND TO VEST JURISDICTION TO HEAR AND DISPOSE OF THIS OFFENSE IN MAGISTRATES COURT.

Ordered for consideration tomorrow.

Senator LOURIE from the Committee on Judiciary submitted a favorable report on:

H. 3118 -- Reps. Kirsh, J.E. Smith, Funderburk, Weeks and Hutto: A BILL TO AMEND SECTION 63-11-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS AND DUTIES OF GUARDIANS AD LITEM IN CHILD ABUSE AND NEGLECT CASES, SO AS TO PROVIDE THAT THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM HAS THE RIGHT TO INTERVENE IN A PROCEEDING TO PETITION TO HAVE THE GUARDIAN AD LITEM REMOVED IF THE GUARDIAN AD LITEM IS NOT IN COMPLIANCE WITH STATE LAW OR IS NOT ACTING IN THE BEST INTEREST OF THE CHILD; AND TO AMEND SECTION 63-11-550, RELATING TO CONFIDENTIALITY OF REPORTS AND INFORMATION MAINTAINED BY THE GUARDIAN AD LITEM PROGRAM, SO AS TO ALSO PROVIDE THAT REPORTS AND INFORMATION MAINTAINED BY A GUARDIAN AD LITEM IS CONFIDENTIAL.

Ordered for consideration tomorrow.

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

H. 3342 -- Reps. Delleney, Simrill, Nanney, Allison, Clemmons, Erickson, Hamilton, Lucas, Owens, Parker, Pinson, Scott, G.R. Smith, J.R. Smith, Loftis, Duncan, Hiott, Bedingfield, Rice and Vick: A BILL TO AMEND SECTION 2-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF THE WORDS "PERSON" AND "PARTY" AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, SO AS TO PROVIDE FURTHER FOR THE CONSTRUCTION OF "PERSON", "HUMAN BEING", "CHILD", AND "INDIVIDUAL", SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE "BORN ALIVE".

Ordered for consideration tomorrow.

**WEDNESDAY, MAY 13, 2009**

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

H. 3615 -- Reps. Sandifer, Parks, King and Weeks: A BILL TO AMEND CHAPTER 7 OF TITLE 32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACTS, SO AS TO TRANSFER THE POWERS AND DUTIES FOR THE REGULATION OF PRENEED FUNERAL CONTRACTS FROM THE STATE BOARD OF FINANCIAL INSTITUTIONS TO THE DEPARTMENT OF CONSUMER AFFAIRS AND TO CONFORM THE PROVISIONS OF THIS CHAPTER TO THIS TRANSFER OF AUTHORITY, TO INCREASE CRIMINAL FINES FOR VIOLATIONS, TO PROVIDE FOR ADMINISTRATIVE PENALTIES, TO PROVIDE FOR A CONTESTED CASE HEARING FROM AN ORDER OF THE DEPARTMENT, AND TO MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 40-19-290, AS AMENDED, RELATING TO LICENSED EMBALMERS AND FUNERAL DIRECTORS RECEIVING PAYMENTS FOR PRENEED FUNERAL CONTRACTS, SO AS TO CHANGE "STATE BOARD OF FINANCIAL INSTITUTIONS" TO "SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS".

Ordered for consideration tomorrow.

Senator ALEXANDER from the General Committee polled out H. 4003 favorable:

H. 4003 -- Reps. Ballentine, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G.A. Brown, H.B. Brown, R.L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, 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,

[SJ]

**WEDNESDAY, MAY 13, 2009**

Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: A CONCURRENT RESOLUTION TO DECLARE MAY 22, 2009, PARENT CARE DAY IN SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO SUPPORT AND HONOR THEIR PARENTS.

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

**AYES**

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

**Total--17**

**NAYS**

**Total--0**

**NOT VOTING**

**Total--0**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 13, 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. 758 -- Senator Land: A BILL TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALES AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW PROCEEDS FROM THE TAX TO BE USED TO ENSURE THE DELIVERY OF

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ACADEMIC AND ART INSTRUCTION DURING THE 2009-2010  
SCHOOL YEAR.

Respectfully submitted,

Speaker of the House

Received as Information

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

**HOUSE CONCURRENCE**

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.

Returned with concurrence.

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 3042 -- Reps. Merrill, Parker, Huggins, H.B. Brown, Anderson,  
J.E. Smith, Miller, M.A. Pitts, Toole, Hayes, Bales, Jennings,  
Herbkersman, Vick, Rutherford, Hart, Sellers, McLeod, D.C. 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

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MIXED MARTIAL ARTS COMPETITIONS; AND TO REPEAL SECTION 40-81-530 RELATING TO ULTIMATE FIGHTING EVENTS AS BEING UNLAWFUL.

**H. 3042--Recorded Vote**

Senator CROMER desired to be recorded as voting against the third reading of the Bill.

**H. 3042--Recorded Vote**

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

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.

**H. 3653--Recorded Vote**

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

**HOUSE BILLS RETURNED**

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

H. 3022 -- Reps. Kirsh, Wylie, G.M. Smith, Weeks and Mitchell: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT OF THE CHARGE, SO AS TO SPECIFICALLY INCLUDE THAT A CIRCUIT SOLICITOR'S OFFICE OR CLERK OF COURT MAY NOT CHARGE A FEE FOR THE DESTRUCTION OR EXPUNGEMENT OF RECORDS OR FOR THE APPLICATION PROCESS REGARDING THE DESTRUCTION OR

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EXPUNGEMENT OF RECORDS UNDER CERTAIN CIRCUMSTANCES.

**H. 3022--Recorded Vote**

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

H. 3347 -- Reps. Clemmons, McLeod and Harrell: A BILL TO AMEND SECTION 56-1-143, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES GIVING APPLICANTS FOR CERTAIN SERVICES THE OPTION TO MAKE A VOLUNTARY CONTRIBUTION TO DONATE LIFE OF SOUTH CAROLINA, SO AS TO INCREASE THE AMOUNT THAT MAY BE DONATED.

**H. 3347--Recorded Vote**

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

H. 3762 -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, D.C. 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.

**H. 3762--Recorded Vote**

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

**THIRD READING BILLS**

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

S. 249 -- Senator Rose: A BILL TO AMEND CHAPTER 29, TITLE 6 OF THE 1976 CODE, BY ADDING SECTION 6-29-1153 TO PROVIDE THAT A GOVERNING BODY AND A LOCAL PLANNING COMMISSION SERVICING AN AREA IN A HIGH GROWTH COUNTY MUST PROVIDE THE LOCAL SCHOOL

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DISTRICT LAND DEVELOPMENT APPLICATIONS THAT INCLUDE RESIDENTIAL HOUSING WHICH MEET CERTAIN CRITERIA; AND TO REQUIRE THE SUPERINTENDENT AND BOARD OF TRUSTEES OF THE SCHOOL DISTRICT TO DETERMINE WHETHER A PARTICULAR PROJECT WILL RESULT IN A SUBSTANTIAL IMPACT ON THE DISTRICT'S ABILITY TO PROVIDE SERVICES TO THE ADDITIONAL STUDENT POPULATION AND TO PREPARE A REPORT TO THE GOVERNING BODY AND THE LOCAL PLANNING COMMISSION DETAILING THE IMPACT AND NEED FOR ADDITIONAL RESOURCES.

**S. 249--Recorded Vote**

Senators MULVANEY, BRIGHT, RYBERG and BRYANT desired to be recorded as voting against the third reading of the Bill.

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 12-37-224, 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.

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**S. 405--Recorded Vote**

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

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 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

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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.

**S. 553--Recorded Vote**

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

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

**S. 775--Recorded Vote**

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

**SECOND READING BILLS**

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

S. 697 -- Senator Leatherman: A BILL TO AMEND CHAPTER 35, TITLE 11 OF THE 1976 CODE RELATING TO CONSOLIDATED PROCUREMENT CODE, TO PROVIDE THAT WHERE A PROCUREMENT INVOLVES THE EXPENDITURE OF A FEDERAL GRANT, THE GOVERNMENTAL BODY SHALL ALSO COMPLY WITH FEDERAL LAW AND AUTHORIZED REGULATIONS, TO PROVIDE THAT WHERE FEDERAL ASSISTANCE, GRANT, OR CONTRACT FUNDS ARE USED IN A PROCUREMENT BY A GOVERNMENTAL BODY, THE PROCUREMENT CODE INCLUDING ANY REQUIREMENTS THAT ARE MORE RESTRICTIVE THAN FEDERAL

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REQUIREMENTS MUST BE FOLLOWED, EXCEPT TO THE EXTENT THAT THE ACTION WOULD RENDER THE GOVERNMENTAL BODY INELIGIBLE TO RECEIVE FEDERAL FUNDS WHOSE RECEIPT IS CONDITIONED ON COMPLIANCE WITH MANDATORILY APPLICABLE FEDERAL LAW, TO PROVIDE FOR BID PROCEDURES FOR CONSTRUCTION CONTRACTS, TO PROVIDE FOR CONFIDENTIALITY IN THE PROCUREMENT REVIEW PANEL PROCESS, AND TO REPEAL SECTIONS 11-35-3025 AND 11-35-3310.

S. 806 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SOLID WASTE MANAGEMENT: DEMONSTRATION-OF-NEED, DESIGNATED AS REGULATION DOCUMENT NUMBER 3198, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator VERDIN explained the Joint Resolution.

**AMENDED, READ THE SECOND TIME**

S. 793 -- Senators Pinckney and Davis: A BILL RELATING TO THE BEAUFORT-JASPER WATER AND SEWER AUTHORITY, TO REMOVE CERTAIN RESTRICTIONS ON THE AREAS IN WHICH IT PROVIDES SERVICES, TO FURTHER PRESCRIBE ITS FUNCTIONS AND POWERS REGARDING WATER AND WASTE WATER SERVICES, TO PRESCRIBE THE CONDITIONS AND TERMS UPON WHICH MUNICIPAL CORPORATIONS AND OTHER PUBLIC BODIES OR AGENCIES OPERATING WATER DISTRIBUTION AND WASTE WATER SYSTEMS IN BEAUFORT, JASPER, HAMPTON, AND COLLETON COUNTIES MAY ACQUIRE SERVICES FROM THE AUTHORITY, AND TO CHANGE THE NAME OF THE AUTHORITY TO THE BEAUFORT-JASPER WATER AND SEWER AUTHORITY.

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

Senators PINCKNEY and DAVIS proposed the following amendment (JUD0793.001), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

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/ A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 37 TO TITLE 6, SO AS TO PROVIDE FOR THE BEAUFORT-JASPER WATER AND SEWER AUTHORITY, TO REMOVE CERTAIN RESTRICTIONS ON THE AREAS IN WHICH THE AUTHORITY PROVIDES SERVICES, TO FURTHER PRESCRIBE THE AUTHORITY'S FUNCTIONS AND POWERS REGARDING WATER AND WASTE WATER SERVICES, TO PRESCRIBE THE CONDITIONS AND TERMS UPON WHICH MUNICIPAL CORPORATIONS AND OTHER PUBLIC BODIES OR AGENCIES OPERATING WATER DISTRIBUTION AND WASTE WATER SYSTEMS IN BEAUFORT, JASPER, HAMPTON, AND COLLETON COUNTIES MAY ACQUIRE SERVICES FROM THE AUTHORITY, AND TO CHANGE THE NAME OF THE AUTHORITY TO THE BEAUFORT-JASPER WATER AND SEWER AUTHORITY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 6 of the 1976 Code is amended by adding:

“Chapter 37

Beaufort-Jasper Water and Sewer Authority

Section 6-37-10. This chapter may be cited as the ‘Beaufort-Jasper Water and Sewer Authority Act’.

Section 6-37-20. (A) For purposes of this chapter, unless the context clearly indicates otherwise, ‘authority’ means the Beaufort-Jasper Water and Sewer Authority.

Section 6-37-30. (A) The Beaufort-Jasper Water and Sewer Authority is a body corporate and politic whose function is to acquire supplies of water and to distribute such water within its service area. To that end, the authority is empowered to construct such reservoirs, wells, treatment facilities, impounding dams or dykes, canals, conduits, aqueducts, tunnels, water distribution facilities, water mains and water lines, and appurtenant facilities, as in the opinion of the authority may be considered necessary, and to acquire such land, rights-of-way, easements, machinery, apparatus, and equipment as is considered useful.

(B) The authority shall acquire, construct, operate, maintain, improve, and enlarge facilities which provide for the collection, treatment, disposal, and recycling of water and waste water at any point within its service area, wherever such facilities are found by the

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authority to be necessary for the public health and the protection of the environment; to make such facilities available to private persons, private corporations, and governmental entities as authorized by this chapter; and to finance the cost of such facilities by the means made available to the authority by the provisions of this chapter.

(C) In order to perform services and functions related to the provision of water and waste water collection, treatment, and disposal services and related public works activities, the authority is authorized to contract with any of the following counties and any political subdivision therein: Beaufort, Jasper, Hampton, and Colleton Counties.

(D) Without in any way limiting the provisions of this section, the service territory of the authority shall be Beaufort and Jasper Counties.

Section 6-37-40. (A) Notwithstanding the provisions of Section 6-11-610 or any other provision of law, the authority is comprised of eleven members, seven of whom shall be resident electors of Beaufort County and four of whom shall be resident electors of Jasper County.

(B) The seven Beaufort County members of the authority shall be appointed by the Governor upon the recommendation of a majority of the legislative delegation of Beaufort County. Of the Beaufort County members, the respective governing bodies of the City of Beaufort, the Town of Bluffton, and the Town of Port Royal shall each recommend to the legislative delegation of Beaufort County one person who may in turn be recommended by the legislative delegation of Beaufort County to the Governor for appointment and the Beaufort County Council shall recommend to the legislative delegation of Beaufort County three persons who may in turn be recommended by the legislative delegation of Beaufort County to the Governor for appointment. One person shall be recommended by the legislative delegation of Beaufort County to the Governor for appointment without recommendation by any other entity.

(C) The four Jasper County members of the authority shall be appointed by the Governor upon the recommendation of a majority of the legislative delegation of Jasper County. Of the Jasper County members, the respective governing bodies of the Town of Ridgeland and the City of Hardeeville shall each recommend to the legislative delegation of Jasper County one person who may in turn be recommended by the legislative delegation of Jasper County to the Governor for appointment.

(D) The terms of office for all members and their successors of the authority shall be for six years. All members of the authority shall hold

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office until their successors have been appointed and qualify. Any vacancy occurring for any reason among the members of the authority shall be filled for the remainder of the unexpired term by the same procedure for appointment. Notwithstanding the provisions of Section 6-11-610, the seating of additional members of the authority shall not affect the terms of other members serving upon the effective date of this section.

(E) The members of the authority may fix or change the compensation or other benefits, including insurance benefits and per diem for the members of the authority. Reimbursable expenses actually incurred while on official business must not exceed the amounts authorized for members of state boards, committees, and commissions, and insurance benefits must not exceed those provided for state employees.

Section 6-37-50. Subject to the limitations set forth in this section, the authority is fully empowered to acquire, construct, operate, maintain, improve, and extend facilities that enable it to obtain, distribute, and sell water, and to collect, treat, recycle, and dispose of water and waste water, to persons, firms, corporations, municipal corporations, political divisions, and the United States Government, or any agencies thereof, at any point within its service area. To that end, the authority shall have the following powers:

- (1) to have perpetual succession;
- (2) to sue and be sued;
- (3) to adopt, use, and alter a corporate seal;
- (4) to define a quorum for its meetings;
- (5) to establish a principal office;
- (6) to make by-laws for the management and regulation of its affairs;
- (7) to build, construct, maintain and operate wells, canals, aqueducts, ditches, tunnels, culverts, flumes, conduits, mains, pipes, dykes, dams, water reservoirs, treatment facilities, and appurtenant facilities;
- (8) to impound water in lakes or reservoirs;
- (9) to build, construct, maintain, and operate water distribution systems;
- (10) to construct, operate, maintain, improve, and enlarge facilities which provide for the collection, impoundment, retention, transmission, treatment, recycling, and disposal of water and waste water;

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(11) to acquire and operate any type of machinery, appliances, or appurtenances, necessary or useful to discharge the functions committed to the authority by this chapter;

(12) to accept gifts or grants of services, properties, or moneys from the United States, or any of its agencies, under such conditions as the United States or such agency shall prescribe;

(13) subject to the provisions of this section, to sell water and waste water services for agricultural, industrial, commercial, residential, or domestic use;

(14) to prescribe rates and regulations under which water and waste water services shall be sold or provided;

(15) subject to the provisions of this section, to enter into contracts for the sale of water and to enter into contracts to furnish services for any or all of the collection, treatment, recycling, and disposal of water or waste water, upon such terms as the parties thereto shall approve, with persons, private corporations, municipal corporations, public bodies, public agencies, and with the United States Government, or any agencies thereof;

(16) to prescribe regulations fixing the conditions under which services shall be provided;

(17) to prescribe such regulations as the authority considers necessary to protect from pollution all water in its canals, aqueducts, reservoirs, or distribution systems;

(18) to prescribe such regulations as the authority considers necessary to ensure the efficient use of water supply, collection, treatment, and disposal resources within its service area;

(19) to make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the authority including, but not limited to, source water protection agreements with upstream landowners;

(20) to lease or sell and convey lands or interests therein;

(21) to make use of county and state highway rights-of-way in which to lay pipes and lines, in such manner and under such reasonable conditions as the appropriate officials in charge of such rights-of-way shall approve;

(22) to alter and change county and state highways wherever necessary in order that the authority may discharge the functions committed to it, in such manner and under such reasonable conditions as the appropriate officials in charge of such highways shall approve;

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(23) to acquire, by purchase, gift, or through the exercise of eminent domain, all land, interests therein, easements, or rights-of-way, which the authority shall consider necessary to enable it to fully and adequately discharge all functions committed to it. The power herein granted shall be considered to include the power to acquire protective areas of land adjacent to any of its facilities and water supplies;

(24) to exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by general law as it may be amended or expanded from time to time;

(25) to appoint officers, agents, employees, and servants, to prescribe the duties of such, to fix their compensation, and to determine if and to what extent they shall be bonded for the faithful performance of their duties;

(26) to make contracts for construction, engineering, legal, and other services, with or without competitive bidding;

(27) to borrow money and to make and issue negotiable bonds, notes, and other evidences of indebtedness, payable from all or any part of the revenues derived from the operation of its system and facilities. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the facilities, and any extension, addition, and improvement thereto, including engineering costs, construction costs, the sum needed to capitalize and pay interest for a period of three years from the date of delivery of the bonds, such sum as is needed to supply working capital to place the facilities in operation, and all other expenses of any sort that the authority may incur in establishing, extending and enlarging its system or the facilities. Neither the faith and credit of the State of South Carolina, nor of any county, municipality, or political subdivision of the State shall be pledged for the payment of the principal and interest of the obligations, and there shall be on the face of each obligation a statement, plainly worded, to that effect. Neither the members of the authority nor any person signing the obligations shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be prescribed, the authority shall be fully empowered to avail itself of all power granted by general law for the issuance or refinancing of revenue bonds by political subdivisions of the State including future amendments and modifications thereto. In exercising the power conferred upon the authority by such general law, the authority may make all pledges and covenants authorized by any

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provision thereof, and may confer upon the holders of its securities all rights and liens authorized by such general law. Notwithstanding any other provision of law, the authority is specifically authorized to:

(a) covenant and agree that upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it or in default as to the performance of any covenant or undertaking made by it, that in such event, the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured;

(b) confer upon a corporate trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the facilities, in accordance with and in the order of priority prescribed by the resolutions adopted by the authority as an incident to the issuance of any notes, bonds, or other types of securities;

(c) dispose of its obligations at public or private sale, and upon such terms and conditions as it shall approve;

(d) make such provision for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the authority shall approve;

(e) covenant and agree that any reserve fund established to further secure the payment of the principal and interest of any obligations shall be in a fixed amount;

(f) limit or prohibit free service to any person, firm, corporation, municipal corporation, or any subdivision or division of the State;

(g) prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given;

(h) prescribe the events of default and the terms and conditions upon which all or any obligations shall become or may be declared due before maturity, and the terms and conditions upon which such declaration and its consequences may be waived;

(i) notwithstanding any contrary provision of law, revenue bonds payable from the revenues of the system or systems of the authority shall be payable from and secured by a pledge of the net revenues of such system or systems remaining after provisions shall have been made for the operation and maintenance thereof;

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(j) provide that all bonds of any issue mature at a fixed time in lieu of serial maturities;

(28) to do all other acts and things necessary or convenient to carry out any function or power committed or granted to the authority;

(29) to withdraw from each of the Salkehatchie and Combahee Rivers not more than twenty-five million gallons of water per day;

(30) to withdraw from the Savannah River not more than one hundred million gallons of water per day;

(31) to exercise the powers conferred on special purpose districts by the provisions of Title 6, Chapter 11, Article 7 of the Code of Laws of South Carolina related to front foot assessments, and to provide that if assessments are imposed to defray the cost of a particular water or sewer line, any parcel that is initially or subsequently connected to the water or sewer line, whether or not the parcel actually abuts that particular line, is subject to the assessment at the time of the initial assessment or at the time the parcel becomes connected, and further provided that where any lines are extended in segments over time, the authority may treat all segments of the line or lines as a single project and may recalculate the assessments on properties subject to earlier front-foot assessments at the time of a subsequent extension of the line or lines, provided that:

(a) the new assessment is less than or equal to the amount of the earlier assessment; and

(b) the term of the new assessment must not be extended beyond the term of the original assessment.

Section 6-37-60. The rates charged for services furnished by the authority are not subject to supervision or regulation by any state bureau, board, commission, or like instrumentality or agency thereof.

Section 6-37-70. All property of the authority is exempt from all ad valorem taxes levied by the State, county, or any municipality, division, subdivision, or agency thereof, direct or indirect.

Section 6-37-80. The authority shall conduct its affairs on the fiscal year basis employed by the State. The authority's fiscal year shall begin July first of each year and shall end on the thirtieth day of June of the succeeding year. Within one hundred eighty days of the end of each fiscal year, an audit of its affairs shall be made by certified public accountants, of good standing, to be designated by the authority. Copies of such audits, incorporated into an annual report of the authority, shall be filed in the office of the Clerks of Court for Beaufort

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and Jasper Counties, with the Beaufort and Jasper legislative delegations, and with the Secretary of State.

Section 6-37-90. (A) It is unlawful for any person to willfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the facilities of the authority, or any part of the same, or any machinery, apparatus or equipment of the authority, or to pollute the water in any part of its service area, or to obtain water illegally from facilities of the authority, or to turn, raise, remove, or in any manner tamper with any cover of any manhole, filter, bed, or other appurtenance of any sewer except in accordance with the regulations promulgated by the authority. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or shall be imprisoned for not more than thirty days at the discretion of the court, and shall be further liable to pay all damages suffered by the authority.

(B) Any person violating any regulation or any permit, permit condition, or final determination as required by state or federal law is subject to a civil penalty not to exceed two thousand dollars for each day of violation.

(C) All penalties assessed under this section must be held as debt and payable to the authority by the person against whom they have been charged and shall constitute a lien against the property of the person.

(D) The authority is empowered to conduct vulnerability assessments, prepare emergency response plans, and address threats from terrorist attacks or other intentional actions designed to disrupt the provision of safe drinking water or significantly affect the public health or significantly affect the safety or supply of drinking water.

Section 6-37-100. All revenues derived by the authority from the operation of its facilities, which may not be required to discharge covenants made by it in issuing bonds, notes or other obligations authorized by this chapter, shall be disposed of by the authority from time to time for purposes germane to the functions of the authority.

Section 6-37-110. All municipalities, public bodies, and public agencies operating water district systems or waste water systems in any part of Beaufort, Jasper, Hampton, and Colleton Counties are authorized to enter into contracts to buy water and waste water service from the authority. Such contracts shall extend over such periods of time and shall contain such terms and conditions as shall be mutually

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agreeable to the authority and to the contracting municipalities, public bodies, or public agencies.

Section 6-37-120. Any amendment or repeal of this chapter shall not operate to impair the obligation of any contract made by the authority pursuant to any power conferred by this chapter.”

SECTION 2. The provisions of this act are intended to supersede all other legislative acts or actions of a county council which are inconsistent with this act. Therefore, all other legislative acts or actions of a county council taken to date concerning the establishment of the authority that are inconsistent with this act are hereby repealed to the extent of such inconsistencies.

SECTION 3. This act takes effect upon its approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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”.

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 (JUD3413.002), which was adopted:

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

/ SECTION 1. Section 61-4-1910 (1) of the 1976 code, as added by Act 103 of 2007, is amended to read:

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“(1) ‘Keg’ means a metal container of beer with a capacity of 5.16 gallons or more that is designed to dispense beer directly from the container in an off-premises location.”

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

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.

### **RECOMMITTED**

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 asked unanimous consent to recommit the Joint Resolution to the Committee on Fish, Game and Forestry.

There was no objection.

The Resolution was recommitted to the Committee on Fish, Game and Forestry.

### **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”.

The Senate Resolution was adopted.

H. 3926 -- Reps. Knight, Horne and A.D. Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE

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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 adopted, ordered returned to the House.

**CARRIED OVER**

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

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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.

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

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.

Senator HAYES spoke on the Bill.

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

H. 3678 -- Reps. D.C. Moss, Whipper, Anthony, Herbkersman, Merrill, Nanney, G.M. Smith, Thompson and Weeks: A BILL TO AMEND SECTION 56-5-4140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAXIMUM ALLOWABLE GROSS WEIGHTS OF VEHICLES THAT MAY BE OPERATED ALONG THE STATE'S HIGHWAYS, SO AS TO MAKE A TECHNICAL CHANGE.

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

**AMENDMENT PROPOSED, CARRIED OVER**

H. 3131 -- Reps. Toole, M.A. Pitts and Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-711 SO AS TO DESIGNATE THE "SUMMER DUCK" AS THE OFFICIAL STATE DUCK.

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

Senator CROMER proposed the following amendment (3131R001.REC):

Amend the bill, as and if amended, page 1 by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_\_ . Section 50-11-840 of the 1976 Code is amended to read:

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“Section 50-11-840. (A) No person may take or destroy, or attempt to take or destroy, ~~the~~an active nest or the eggs of ~~any~~a wild bird or have ~~such~~the nest or eggs in his possession, except ~~as permitted in Section 50-11-1180~~pursuant to a permit issued by the department. An ‘active nest’ means a nest with birds or eggs present.

(B) The department may issue a permit for the removal of an active nest or eggs that constitute a public safety threat or when birds are causing damage to property.”

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

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

### **RECESS**

At 11:55 A.M., on motion of Senator McCONNELL, the Senate recessed from business for the purpose of attending the Joint Assembly.

### **JOINT ASSEMBLY**

#### **Elections**

At Twelve O'clock Noon the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

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

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JUDGE OF THE FAMILY COURT FOR THE THIRD JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERMS EXPIRES JULY 31, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; TO ELECT A SUCCESSOR TO A CERTAIN CHIEF JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 5, WHOSE TERM EXPIRES JUNE 30, 2013.

**Election to the Position of Justice,  
S. C. Supreme Court, Seat #4**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Justice, S. C. Supreme Court, Seat #4.

Senator McCONNELL, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable John C. Few, the Honorable Kaye G. Hearn and the Honorable Deadra L. Jefferson had been screened and found qualified to serve.

On motion of Senator McCONNELL, the names of the Honorable John C. Few and the Honorable Deadra L. Jefferson were withdrawn from consideration.

Senator McCONNELL placed the name of the Honorable Kaye G. Hearn in nomination.

Senator BRIGHT spoke on the nomination.

Senator BRIGHT moved under Section 2-19-80 of the Code of Laws of South Carolina that the slate of nominees be rejected.

Senator RANKIN spoke on the motion.

Senator RANKIN moved to table the motion to reject the slate of nominees.

**Point of Order**

Representative Bales raised a Point of Order that the motion to reject the slate of nominees was out of order.

Senator LEVENTIS spoke on the Point of Order and stated that the motion required unanimous consent and Senator LEVENTIS objected.

The PRESIDENT overruled the Point of Order.

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The question then was the motion to table the motion to reject the slate of nominees.

The following named Senators voted in the affirmative:

Alexander	Anderson	Campbell
Campsen	Cleary	Coleman
Cromer	Davis	Elliott
Ford	Hayes	Jackson
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	Massey	Matthews
McConnell	McGill	Nicholson
O'Dell	Peeler	Pinckney
Rankin	Reese	Rose
Scott	Setzler	Shoopman
Thomas	Williams	

**Total--35**

The following named Senators voted in the negative:

Bright	Bryant	Fair
Grooms	Mulvaney	Ryberg
Verdin		

**Total--7**

On motion of Representative Umphlet, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted in the affirmative:

Agnew	Alexander	Allen
Allison	Anderson	Bales
Ballentine	Bannister	Barfield
Battle	Bingham	Bowen
Bowers	Brady	Branham
Brantley	<i>Brown, G.A.</i>	<i>Brown, H.B.</i>
<i>Brown, R.L.</i>	Cato	Chalk
Clemmons	Clyburn	Cobb-Hunter
Cole	Cooper	Daning

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Delleney	Dillard	Edge
Erickson	Forrester	Frye
Funderburk	Gambrell	Gilliard
Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne
Hosey	Howard	Huggins
Hutto	Jefferson	Jennings
Kelly	Kennedy	King
Kirsh	Knight	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	Mack
McEachern	McLeod	Merrill
Miller	Mitchell	<i>Moss, D.C.</i>
<i>Moss, V.S.</i>	<i>Neal, J.H.</i>	<i>Neal, J.M.</i>
Neilson	Ott	Owens
Parker	Parks	Pinson
<i>Pitts, E.H.</i>	Rutherford	Sandifer
Sellers	Simrill	Skelton
<i>Smith, D.C.</i>	<i>Smith, G.M.</i>	<i>Smith, G.R.</i>
<i>Smith, J.E.</i>	<i>Smith, J.R.</i>	Sottile
Spires	Stavrinakis	Thompson
Toole	Umphlett	Viers
Weeks	Whipper	White
Whitmire	Williams	<i>Young, T.R.</i>

**Total--108**

The following named Representatives voted in the negative:

Bedingfield	Crawford	Duncan
Millwood	Nanney	<i>Pitts, M.A.</i>
Rice	Scott	Stringer
Willis	<i>Young, A.D.</i>	

**Total--11**

By a vote of 143 to 18, the motion to table the motion to reject the slate of nominees was adopted.

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Senator McCONNELL placed the name of the Honorable Kaye G. Hearn in nomination, moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Kaye G. Hearn had been elected to the position of Justice, S. C. Supreme Court, Seat #4 for the term prescribed by law.

**Recorded Vote**

Senators BRIGHT, BRYANT and MULVANEY desired to be recorded as voting against the election of the Honorable Judge Kaye Hearn as Judge, S. C. Supreme Court, Seat #4.

**Statement by Senator BRIGHT**

I believe that all those candidates who are found to be qualified by the Judicial Merit Selection Commission should be presented to the General Assembly for consideration, and not only the three candidates that have been chosen by the Commission. Therefore, I made the motion to reject the slate of candidates presented by the Commission and voted "no" in each election in which qualified candidates were not nominated.

**Statement by Senator MULVANEY**

I would like to be recorded as having voted against the election of Judge Hearn to the Supreme Court of our State. While eminently qualified and of unquestionable character, she is married to a member of the House of Representatives. I have in the past and will continue to object to the election of judges whose immediate family members are also members of the Legislature. I believe this practice undermines the credibility of both the judicial and legislative branches.

**Election to the Position of  
Judge, Circuit Court, Tenth Judicial Circuit, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, Tenth Judicial Circuit, Seat #1.

Senator McCONNELL, Chairman of the Judicial Merit Selection Commission, indicated that Rame L. Campbell and R. Lawton McIntosh had been screened and found qualified to serve.

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On motion of Senator McCONNELL, the name of Rame L. Campbell was withdrawn from consideration.

Senator McCONNELL placed the name of R. Lawton McIntosh in nomination and moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable R. Lawton McIntosh was elected to the position of Judge, Circuit Court, Tenth Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of  
Judge, Circuit Court, Thirteenth Judicial Circuit, Seat #3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, Thirteenth Judicial Circuit, Seat #3.

Senator McCONNELL, Chairman of the Judicial Merit Selection Commission, indicated that Allen O. Fretwell and Robin B. Stilwell had been screened and found qualified to serve.

On motion of Senator McCONNELL, the names of Eric K. Englehardt and Allen O. Fretwell were withdrawn from consideration.

Senator McCONNELL placed the name of Robin B. Stilwell in nomination and moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Robin B. Stilwell was elected to the position of Judge, Circuit Court, Thirteenth Judicial Circuit, Seat #3 for the term prescribed by law.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the election of the Honorable Robin B. Stilwell as Judge, Circuit Court, Thirteenth Judicial Circuit, Seat #3.

**Election to the Position of  
Judge, Family Court, Third Judicial Circuit, Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, Third Judicial Circuit, Seat #2.

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Senator McCONNELL, Chairman of the Judicial Merit Selection Commission, indicated that Mr. W. T. Geddings, Jr. and Ms. Angela R. Taylor had been screened and found qualified to serve.

On motion of Senator McCONNELL, the name of Mr. W. T. Geddings, Jr. was withdrawn from consideration.

Senator McCONNELL placed the name of Ms. Angela R. Taylor in nomination and moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Angela R. Taylor was elected to the position of Judge, Family Court, Third Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of  
Judge, Family Court, Fourth Judicial Circuit, Seat #3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, Fourth Judicial Circuit, Seat #3.

Senator McCONNELL, Chairman of the Judicial Merit Selection Commission, indicated that Mr. Michael Holt, Ms. Salley Huggins McIntyre, Ms. Elizabeth R. Munnerlyn had been screened and found qualified to serve.

On motion of Senator McCONNELL, the names of Ms. Elizabeth R. Munnerlyn and Ms. Salley Huggins McIntyre were withdrawn from consideration.

Senator McCONNELL placed the name of Mr. Michael Holt in nomination and moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Michael Holt was elected to the position of Judge, Family Court, Fourth Judicial Circuit, Seat #3 for the term prescribed by law.

**Election to the Position of Judge  
Administrative Law Court, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Administrative Law Court, Seat #1.

Senator McCONNELL, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Ralph King Anderson III

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and the Honorable Carolyn Matthews had been screened and found qualified to serve.

On motion of Senator McCONNELL, the name of the Honorable Carolyn Matthews was withdrawn from consideration.

Senator McCONNELL placed the name of the Honorable Ralph King Anderson III in nomination, moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Ralph King Anderson III had been elected to the position of Judge, Administrative Law Court, Seat #1 for the term prescribed by law.

**Election to the Position of Judge  
Administrative Law Court, Seat #5**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Administrative Law Court, Seat #5.

Senator McCONNELL, Chairman of the Judicial Merit Selection Commission, indicated that Ms. LaTonya D. Edwards, Mr. S. Phillip Lenski and Ms. Shirley C. Robinson had been screened and found qualified to serve.

On motion of Senator McCONNELL, the names of Mr. S. Phillip Lenski and Ms. LaTonya D. Edwards were withdrawn from consideration.

Senator McCONNELL placed the name of Ms. Shirley C. Robinson in nomination, moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Shirley C. Robinson had been elected to the position of Judge, Administrative Law Court, Seat #5 for the term prescribed by law.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the election of the Honorable Shirley C. Robinson as Judge, Administrative Law Court, Seat #5.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

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**RECESS**

At 12:28 P.M., on motion of Senator McCONNELL, the Senate reconvened.

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

**CONCURRENCE**

**H. 3560--GENERAL APPROPRIATIONS BILL**

The Bill was returned from the House with amendments.

Senator LEATHERMAN explained the amendments.

**PRESIDENT *PRO TEMPORE* PRESIDES**

At 12:30 P.M., Senator McCONNELL assumed the Chair.

Senator LEATHERMAN resumed explaining the amendments.

Senator ALEXANDER, Chairman of the Subcommittee on Health and Human Services, was recognized to speak on the amendments.

**ACTING PRESIDENT PRESIDES**

At 2:10 P.M., Senator L. MARTIN assumed the Chair.

Senator ALEXANDER continued speaking on the amendments.

Senator LEATHERMAN spoke on the Bill.

The question then was concurrence in the House amendments.

**Motion Under Rule 15A Withdrawn**

At 2:32 P.M., Senator LEATHERMAN moved under the provisions of Rule 15A to vote on the entire matter of H. 3560 no later than 4:30 P.M. today.

On motion of Senator LEATHERMAN, with unanimous consent, the motion under Rule 15A was withdrawn.

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Senator GROOMS argued contra to concurrence in the House amendments.

**PRESIDENT *PRO TEMPORE* PRESIDES**

At 3:11 P.M., Senator McCONNELL assumed the Chair.

Senator GROOMS argued contra to concurrence in the House amendments.

**Point of Order**

Senator ROSE raised a Point of Order that the Bill was out of order inasmuch as it was not in balance based on the inclusion of federal stimulus funds and enforced collections of state tax revenue which had not yet been certified.

Senator LEATHERMAN spoke on the Point of Order.

**Point of Order**

Senator SETZLER raised a Point of Order that the Point of Order raised by Senator ROSE came too late.

On motion of Senator SETZLER, with unanimous consent, the Point of Order that the Point of Order raised by Senator ROSE came too late was withdrawn.

Senator LEVENTIS spoke on the Point of Order.

The PRESIDENT *Pro Tempore* overruled the Point of Order and stated that inasmuch as the appropriation of these funds is contingent upon receipt of the funds and therefore does not affect whether or not the budget is in balance.

Senator DAVIS argued contra to concurrence in the House amendments.

Senator RYBERG argued contra to concurrence in the House amendments.

**Point of Order**

Senator MULVANEY raised a Point of Order that the following proviso was violative of Rule 24B and therefore could only be included in the Senate's concurrence with the House amendments upon the approval of three-fifths of the Senators present and voting.

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Section 81, DEPARTMENT OF REVENUE, page 499, after line 7, by adding an appropriately numbered paragraph to read:

(DOR: Admissions Tax Exemption) Effective January 1, 2008, any amount that an accredited college or university requires a season ticket holder to pay to a nonprofit athletic booster organization that is exempt from federal income taxation in order to receive the right to purchase athletic event tickets is exempt from admissions tax.

Senator LEATHERMAN spoke on the Point of Order.  
Senator MULVANEY spoke on the Point of Order.  
Senator SETZLER spoke on the Point of Order.  
The PRESIDENT *Pro Tempore* overruled the Point of Order.

Senator BRIGHT argued contra to concurrence in the House amendments.

Senator BRIGHT moved to carry over the Bill.

Senator LEATHERMAN moved to lay the motion on the table.

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

**Ayes 34; Nays 12**

**AYES**

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

**Total--34**

**NAYS**

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

**Total--12**

The motion to carry over was tabled.

The question then was concurrence in the House amendments.

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

**Ayes 32; Nays 14**

**AYES**

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

**Total--32**

**NAYS**

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

**Total--14**

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The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**Statement by Senator McCONNELL**

I could not vote to concur in the House amendment to the Appropriations Act. While I support providing services to those who cannot help themselves and applaud the efforts of those in the House and Senate to fund those things. However, I cannot support a budget that accomplishes a worthwhile end when I am philosophically opposed to the means that are used to accomplish those ends. The House amendment to the budget raids \$37 million from the Insurance Reserve Fund. I have consistently opposed efforts to raid trust funds to fund projects that could not otherwise be afforded and that is what the House amendment did. I cannot disregard my deep belief that raiding trust funds is wrong and for that reason I had to oppose the budget amendment sent from the House of Representatives.

**Statement by Senator S. MARTIN**

I voted against the General Appropriations Budget once again because it relies on monies that are not yet available. This leaves the budget equivalent to writing a \$100 check with only \$80 in your bank account. I will not put the educators and law enforcement personnel of our state in jeopardy by passing a budget that potentially sets them up for failure.

**Statement by Senators RYBERG, VERDIN, BRYANT, BRIGHT  
and ROSE**

The budget that passed the Senate today is, by the admission of its chief proponent, a product of only two legislators and their staffs. The House of Representatives enjoyed less than five hours yesterday to digest a document of 550 pages. The Senate, today, enjoyed even less time. The action today by the South Carolina Senate reflects the same bum's rush that fiscal conservatives suffered during the passage of the Federal Stimulus Bill. We expect taxpayers to discover over the next few weeks the same kind of hidden bombs that all Americans have discovered in the Stimulus Bill.

This budget steals \$37 million from the Insurance Reserve Fund, a fund used to ensure the ability of South Carolina to cover massive losses from a natural disaster, such as Hurricane Hugo. Another

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disaster, therefore, will leave individual South Carolinians on their own. It also uses \$15 million that someone apparently found in a drawer over in the Wade Hampton Building inasmuch as its existence only surfaced yesterday when the House used it in its budget amendment. This budget, again according to its proponents, puts the level of funding for the maintenance of effort at Department of Health and Human Services at the same amount as the Ryberg/Davis amendment offered two weeks ago. The majority of the Senate rejected the Ryberg/Davis amendment in large part on the argument that the level of maintenance of funding was too low. Now, it's just right.

We refused to believe that the budget passed by the Senate two weeks ago could get worse. The amendment forced upon the Senate today, however, reflects a new low in legislative chicanery. We would vote against this budget twice if we could.

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

S. 170 -- Senators Cleary and Rose: A BILL TO AMEND TITLE 63, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-17-385 TO AUTHORIZE THE FAMILY COURT TO ISSUE A RULE TO SHOW CAUSE UPON THE FILING OF AN AFFIDAVIT THAT A PARENT HAS FAILED TO PAY COURT-ORDERED SUPPORT, OTHER THAN PERIODIC PAYMENT OF FUNDS FOR THE SUPPORT OF THE CHILD, TO PROVIDE FOR SERVICE BY REGULAR MAIL, TO PROVIDE THAT THE AFFIDAVIT AND CERTAIN OTHER DOCUMENTATION IS PRIMA FACIE EVIDENCE OF NONPAYMENT, SHIFTING THE BURDEN OF PROOF, AND TO PROVIDE A DEFENSE.

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

There was no objection.

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 (JUD0170.002), which was adopted:

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

/ SECTION 1. Article 3, Chapter 17, Title 63 of the 1976 Code, as added by Act 361 of 2008, is further amended by adding:

“Section 63-17-385. (A) If a court order requires a parent to provide monetary support for a child, including, but not limited to, payment of health, medical, or educational expenses, but excluding periodic payment of funds for the support of the child, and the parent fails to do so, the other parent or the child’s custodial guardian may petition the court for relief using an authorized affidavit and supporting documents setting forth the existence of the expense and the failure of the parent to pay the required support.

(1) Within sixty days of approval by the Governor of this act, Court Administration shall prepare the authorized affidavit form and make it available to petitioners seeking relief under the provisions of this section. The authorized affidavit form must contain the following information:

(a) the names and addresses of the petitioner and the parent alleged to have failed to make the support payment;

(b) the amount and nature of the support payment the parent allegedly failed to make;

(c) the date and manner in which the petitioner notified the alleged non-paying parent and requested payment;

(d) the response, if any, of the alleged non-paying parent upon receiving the petitioner’s request for payment; and

(e) if the matter relates to an expense covered by an insurance policy, whether an insurance claim has been filed, and if so, the insurance carrier’s response.

(2) The authorized affidavit may be accompanied by the following documents:

(a) a copy of the court order requiring the parent to provide monetary support for a child excluding periodic payments of funds for support;

(b) a copy of any bill, invoice, or other written document, substantiating the expense the petitioner claims the parent is required to pay;

(c) a copy of any written request for payment of the support by the petitioner to the alleged non-paying parent;

(d) a copy of any written reply from the alleged non-paying parent to the parent responding to the petitioner’s request for payment;

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(e) if the matter relates to an expense covered by an insurance policy, a copy of all correspondence to and from the insurance carrier pertaining to payment of the claim;

(f) proof that the petitioner has satisfied that portion of the expense he is required to pay pursuant to the court order; and

(g) the current mailing address of the alleged non-paying parent.

(3) Upon receipt of a petition accompanied by an authorized affidavit, the court shall issue a rule to show cause to the alleged non-paying parent for nonpayment of the required support. The parent must be served in accordance with the South Carolina Rules of Civil Procedure. The court also shall provide notice of the hearing to the petitioner.

(B)(1) At the hearing on the rule to show cause, once the petitioner has established his claim, the burden is on the alleged non-paying parent to establish a defense.

(2) The alleged non-paying parent may assert any defense allowed by law.

(3) The petitioner must be present at the hearing and may be called upon to testify.

(C) If the family court determines that the petitioner's claim for support is frivolous, or that the petitioner knowingly or intentionally made or filed a false authorized affidavit, or knowingly or intentionally submitted false documents in support of the petition, the court may award the alleged non-paying parent attorney's fees and other litigation costs reasonably incurred in the defense of the petition."

SECTION 2. This act takes effect ninety days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

Senator SETZLER proposed the following amendment (JUD0170.003), which was adopted:

Amend the bill as and if amended, by striking subsection (C) in its entirety, starting on page [170-2] at line 41, and inserting therein the following:

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/ (C) If the family court determines that the claims or defenses of either party are frivolous, or that either party knowingly or intentionally made or filed a false authorized affidavit, or knowingly or intentionally submitted false documents in support of a claim or defense, the court may award to either party attorney's fees and other litigation costs reasonably incurred in the prosecution or defense of the petition."/

Renumber sections to conform.

Amend title to conform.

Senator SETZLER 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.

**RECALLED**

S. 809 -- Senator Cleary: A SENATE RESOLUTION TO COMMEND THE REPUBLIC OF CHINA (TAIWAN) FOR ITS RELATIONS WITH THE UNITED STATES AND FOR OTHER PURPOSES.

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

The Bill was recalled from the General Committee and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

H. 3134 -- Reps. Bowers and Long: A BILL TO AMEND SECTION 56-3-9910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF GOLD STAR FAMILY SPECIAL LICENSE PLATES, SO AS TO REDUCE THE FEE FOR THIS SPECIAL LICENSE PLATE.

Senator GROOMS asked unanimous consent to make a motion to recall the Bill from the Committee on Transportation.

The Bill was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

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H. 3794 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-11-2200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF WILDLIFE MANAGEMENT AREAS, SO AS TO SPECIFY ADDITIONAL PROHIBITED ACTIVITIES; TO AMEND SECTION 50-11-2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; TO AMEND SECTION 50-11-2220, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR ABUSING WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; AND BY ADDING SECTION 50-11-2225 SO AS TO CREATE A MISDEMEANOR CRIMINAL OFFENSE FOR ENTERING OR REMAINING ON A CLOSED AREA CONTRARY TO THE INSTRUCTIONS OF A LAW ENFORCEMENT OFFICER, MANAGER, OR DEPARTMENT CUSTODIAL PERSONNEL.

Senator CROMER asked unanimous consent to make a motion to recall the Bill from the Committee on Fish, Game and Forestry.

The Bill was recalled from the Committee on Fish, Game and Forestry and ordered placed on the Calendar for consideration tomorrow.

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

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.

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

There was no objection.

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

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The Committee on Finance proposed the following amendment (3482FIN001), which was adopted:

Amend the bill, as and if amended, by striking lines 29-35 and inserting:

/ (b) All aircraft, including associated personal property, owned by a company owning aircraft meeting the requirements of Section 55-11-500(a)(3)(i) without regard to the other requirements of Section 55-11-500. An aircraft qualifying for the exemption allowed by this subitem may not be used by the operator of the aircraft as the basis for an exemption pursuant to subitem (a) of this item. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

Senator CLEARY proposed the following amendment (3482REC001), which was adopted:

Amend the bill as and if amended, by adding appropriately numbered SECTIONS to read:

/ SECTION \_\_\_\_ . A. Section 12-37-220(B)(38)(b) of the 1976 Code is amended to read:

“(b) By ordinance, a governing body of a county may exempt from the property tax, forty-two and 75/100 percent of the fair market value of a watercraft and its motor. This exemption for a watercraft motor applies whether the motor is located in, attached to, or detached from the watercraft. This exemption does not apply to a boat or watercraft classified for property tax purposes as a primary or secondary residence pursuant to Section 12-37-224.”

B. Section 12-37-714(2) of the 1976 Code is amended to read:

“(2) A boat, including its motor if the motor is separately taxed, which is not currently taxed in this State and is not used exclusively in interstate commerce, is subject to property tax in this State if it is present within this State for sixty consecutive days or for ninety days in the aggregate in a property tax year, ~~or upon an ordinance passed by the local governing body, one hundred eighty days in the aggregate in a property tax year.~~ Upon an ordinance passed by the local governing body, a county may subject a boat, including its motor if the motor is

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separately taxed, to property tax if it is within this State for ninety days in the aggregate, regardless of the number of consecutive days. Also, upon an ordinance passed by the local governing body, a county may increase the number of days in the aggregate a boat, including its motor if the motor is taxed separately, must be in this State to be subject to property tax to one hundred eighty days in a property tax year, regardless of the number of consecutive days. Upon written request by a tax official, the owner must provide documentation or logs relating to the whereabouts of the boat in question. Failure to produce requested documents creates a rebuttable presumption that the boat in question is taxable within this State.”

C. This section takes effect upon approval by the Governor.

SECTION \_\_\_\_ If any section, subsection, part, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this severability, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

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

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

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” TO CONFORM STATE LAW TO FEDERAL REQUIREMENTS BY AMENDING SECTION 16-3-740 RELATING TO TESTING CERTAIN CRIMINALS FOR HEPATITIS B AND THE HUMAN

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

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

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There was no objection.

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 (JUD3677.005), which was adopted:

Amend the committee report as and if amended, by striking SECTIONS 6 and 8 in their entirety.

Re-number sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD3677.002), which was adopted:

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

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

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

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

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

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

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

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

"(C) The tests must be administered by the Department of Health and Environmental Control through the local county health department or the medical professional at the state or local detention facility where the offender is imprisoned or detained. ~~If the tests are performed prior~~

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~~to conviction or adjudication, the results of the tests must be reported only to the solicitor who obtained the court order.~~ The solicitor shall notify the following persons of the tests results:

- (1) the victim or the legal guardian of a victim who is a minor or is mentally retarded or mentally incapacitated;
- (2) the victim's attorney;
- (3) the offender and a juvenile offender's parent or guardian; and
- (4) the offender's attorney.

The results of the tests shall be provided to the designated recipients with the following disclaimer: 'The tests were conducted in a medically approved manner, but tests cannot determine infection by Hepatitis B or HIV with absolute accuracy. Additionally, the testing does not determine exposure to, or infection by, other sexually transmitted diseases. Persons receiving the tests results should continue to monitor their own health, seek retesting in approximately six months, and should consult a physician as appropriate'.

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

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

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

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

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

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

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

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

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

(1) ‘Violation of this order is a criminal offense punishable by thirty days in jail or a fine of two hundred dollars or may constitute

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contempt of court punishable by up to one year in jail and/or a fine not to exceed fifteen hundred dollars-'; ~~and~~

(2) 'Pursuant to Section 16-25-125 of the South Carolina Code of Laws, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person's household member resides or the domestic violence shelter's administrative offices. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both-'; and

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

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

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

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

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

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

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

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

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

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

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

(2) 'Pursuant to Section 16-25-125, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person's household member resides or the domestic violence shelter's administrative offices. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.'; ~~and~~

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

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

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

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

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

SECTION 9. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or

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amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 10. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

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

**AMENDED, READ THE THIRD TIME**

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.

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

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There was no objection.

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

Senators CAMPSEN, CLEARY and ROSE proposed the following amendment (791R004.GEC), which was adopted:

Amend the bill as and if amended, page 1, by striking SECTION 1(A) found on lines 26 - 35 and inserting:

/ SECTION 1. (A) The South Carolina Building Codes Council is directed to request a review of the impact of modifications to the wind and seismic requirements of the South Carolina Residential Building Code from the following organizations as provided below:

(1) Federal Emergency Management Association regarding the impact of such modifications on South Carolina's post-disaster and recovery funding following the issuance of a federal disaster declaration;

(2) National Flood Insurance Program regarding the impact of such modifications on communities participating in the Community Rating System; and

(3) Insurance Services Office regarding the impact of such modifications of Building Code Effectiveness Grading Schedule classifications for South Carolina communities.

Upon receipt of written responses from the organizations listed in this subsection, the council shall modify the wind and seismic requirements of the South Carolina Residential Building Code if the responses indicate that the modifications will not adversely impact the State's federal funding eligibility nor directly result in retrograding of community rating classifications. The modification shall incorporate the risk-based seismic and wind maps developed by Clemson University and The Citadel and included in the wind and seismic residential building requirements reports submitted in accordance with Proviso 65.10 of 2008 Act No. 310, the General Appropriations Act./

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

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

**Motion to Ratify Adopted**

At 5:15 P.M., Senator L. MARTIN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually agreed upon time today.

There was no objection and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., May 13, 2009

Mr. President and Senators:

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

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

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EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS, 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.

And has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 13, 2009

Mr. President and Senators:

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

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

[SJ]

**WEDNESDAY, MAY 13, 2009**

OFFICE OF RESEARCH AND STATISTICS OF THE STATE  
BUDGET AND CONTROL BOARD AND TO CORRECT  
ARCHAIC REFERENCES.

And has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 13, 2009

Mr. President and Senators:

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

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

And has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 13, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.41, H. 3776 by a vote of 3 to 0:

[SJ]

**WEDNESDAY, MAY 13, 2009**

(R41, H3776) -- Reps. A.D. Young, Harrell, Horne and Knight: AN ACT TO AUTHORIZE DORCHESTER COUNTY TO PAY PER DIEM, TRAVEL, OR OTHER EXPENSES TO A MEMBER OF A COUNTY BOARD OR COMMISSION WHEN THE MEMBER TRAVELS AND INCURS EXPENSES RELATING TO HIS DUTIES WHILE SERVING ON THE BOARD.

Very respectfully,  
Speaker of the House

Received as information.

Ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 13, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.38, H. 3627 by a vote of 98 to 0:

(R38, H3627) -- Reps. Miller and Anderson: AN ACT TO AMEND SECTION 59-67-535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF BOATS OPERATED BY THE STATE DEPARTMENT OF EDUCATION FOR THE TRANSPORTATION OF SCHOOL CHILDREN FROM ISLANDS TO MAINLAND SCHOOLS BY CERTAIN OTHER PERSONS, SO AS TO FURTHER PROVIDE FOR THE OPERATION OF THESE BOATS BY THE DEPARTMENT ON SANDY ISLAND, FOR USE OF THESE BOATS BY SPECIFIED PERSONS, AND THE PROCEDURES APPLICABLE FOR USE.

Very respectfully,  
Speaker of the House

Received as information.

Ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 13, 2009

Mr. President and Senators:

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

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**WEDNESDAY, MAY 13, 2009**

H. 3311 -- Reprs. Brady, Harrison, Erickson, Umphlett, A.D. Young, Agnew, Allison, Battle, Bowen, Bowers, Clemmons, Cooper, Duncan, Gambrell, Hardwick, Hearn, Horne, Kirsh, Long, Lowe, McLeod, Parker, Simrill, Whitmire, Willis, Toole, G.M. Smith, Harvin, Hutto, Neilson, Nanney, Miller, G.R. Smith, Hamilton, Jennings, T.R. Young, Limehouse, Sottile, Viers, Williams, White, Weeks, Wylie, Forrester, Sellers, Rice, Hiott, Owens, Bannister and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 8 TO ARTICLE 1, CHAPTER 9, TITLE 63 SO AS TO ESTABLISH THE RESPONSIBLE FATHER REGISTRY WITHIN THE DEPARTMENT OF SOCIAL SERVICES AND TO PROVIDE THAT AN UNMARRIED BIOLOGICAL FATHER OF A CHILD, OR A MALE CLAIMING TO BE THE UNMARRIED BIOLOGICAL FATHER OF A CHILD, MUST FILE A CLAIM OF PATERNITY WITH THIS REGISTRY IN ORDER TO RECEIVE NOTICE OF A TERMINATION OF PARENTAL RIGHTS ACTION OR AN ADOPTION ACTION PERTAINING TO THIS CHILD, TO PROVIDE THAT FAILURE TO FILE A CLAIM CONSTITUTES IMPLIED IRREVOCABLE CONSENT TO THE TERMINATION OF HIS PARENTAL RIGHTS AND TO THE CHILD'S ADOPTION, TO PROVIDE THAT CERTAIN CONDUCT BY AN UNMARRIED BIOLOGICAL FATHER IS DEEMED TO BE NOTICE TO THIS FATHER OF THE BIOLOGICAL MOTHER'S PREGNANCY, AND TO FURTHER ESTABLISH FILING PROCEDURES AND PROCEDURES FOR THE OPERATION OF THE REGISTRY; TO AMEND SECTION 63-9-730, RELATING TO PERSONS AND ENTITIES ENTITLED TO NOTICE OF TERMINATION OF PARENTAL RIGHTS ACTIONS AND ADOPTION ACTIONS, SO AS TO INCLUDE A PERSON WHO HAS REGISTERED WITH THE RESPONSIBLE FATHER REGISTRY; TO AMEND SECTION 63-7-2530, RELATING TO THE FILING OF A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO REQUIRE A TERMINATION OF PARENTAL RIGHTS ACTION TO BE HEARD WITHIN ONE HUNDRED TWENTY DAYS OF THE DATE THE PETITION IS FILED AND TO PROVIDE CONDITIONS UNDER WHICH A CONTINUANCE MAY BE GRANTED; TO AMEND SECTION 63-7-2550, RELATING TO PERSONS OR ENTITIES ENTITLED TO BE SERVED WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO FURTHER SPECIFY THE AGE AS FOURTEEN FOR SERVING A CHILD, TO

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**WEDNESDAY, MAY 13, 2009**

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.

Respectfully submitted,  
Speaker of the House  
Received as Information

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

**NONCONCURRENCE**

S. 12 -- Senators Leatherman, Alexander, Ford, Rankin, O'Dell, Cleary, Leventis, Elliott, Lourie, Malloy and Setzler: A BILL TO ESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION'S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION MUST CONDUCT A COMPREHENSIVE STUDY OF THE STATE'S TAX SYSTEM AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, AND TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION'S RECOMMENDATIONS.

The House returned the Bill with amendments.

On motion of Senator SETZLER, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**PRESIDENT PRESIDES**

At 5:25 P.M., the PRESIDENT assumed the Chair.

**CONCURRENCE**

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

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**WEDNESDAY, MAY 13, 2009**

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.

The House returned the Bill with amendments.

On motion of Senator HAYES, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

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

**MOTION ADOPTED**

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

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 13, 2009, at 5:30 P.M. and the following Acts and Joint Resolutions were ratified:

(R44, S. 13) -- Senators Leatherman, Elliott and Campbell: AN ACT TO AMEND SECTION 56-3-910, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MOTOR VEHICLE FEES AND PENALTIES, SO AS TO PROVIDE THAT ALL FEES AND PENALTIES MUST BE PLACED IN THE STATE HIGHWAY ACCOUNT OF THE TRANSPORTATION INFRASTRUCTURE BANK WITHOUT CREDITING ANY TO THE DEPARTMENT OF TRANSPORTATION OR THE GENERAL FUND OF THE STATE.  
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(R45, S. 232) -- Senators Ryberg, Hutto, Massey, Coleman, O'Dell, Anderson, L. Martin and Nicholson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-52-220 SO AS TO DEFINE "RENEWABLE ENERGY RESOURCES" FOR PURPOSES OF THE SOUTH CAROLINA

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**WEDNESDAY, MAY 13, 2009**

ENERGY EFFICIENCY ACT; BY ADDING ARTICLE 12 TO CHAPTER 52, TITLE 48 SO AS TO REQUIRE STATE AGENCIES TO CONSIDER AND IMPLEMENT COST EFFECTIVE ENERGY, WATER, AND WASTEWATER CONSERVATION MEASURES, TO PROVIDE FOR AUDITS, AND TO PROVIDE FOR REPORTS TO THE STATE ENERGY OFFICE; TO AMEND SECTIONS 48-52-210, 48-52-420, AND 48-52-430, RELATING TO THE POLICIES AND PURPOSES UNDERLYING THE PLAN FOR ENERGY POLICY, THE DUTIES OF THE STATE ENERGY OFFICE, AND THE ANNUAL STATE ENERGY ACTION PLAN, SO AS TO PROVIDE ADDITIONAL PURPOSES AND POLICIES APPLICABLE TO THE PLAN FOR ENERGY POLICY, PROVIDE THAT STRATEGIES OF THE STATE ENERGY OFFICE PROMOTING CLEAN ENERGY MUST INCLUDE NUCLEAR ENERGY, RENEWABLE ENERGY SOURCES, AND CONSERVATION AND EFFICIENCY MEASURES, AND PROVIDE FOR ADDITIONAL REPORTING BY THAT AGENCY; AND TO AMEND SECTION 58-3-530, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE STATE REGULATION OF PUBLIC UTILITIES REVIEW COMMITTEE, SO AS TO REQUIRE AN ANNUAL REVIEW OF THE STATE ENERGY ACTION PLAN FOR SUBMISSION TO THE GENERAL ASSEMBLY.

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(R46, S. 268) -- Senator McConnell: AN ACT 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" 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.

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(R47, S. 639) -- Senators O'Dell and Nicholson: AN ACT TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION

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OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF GREENWOOD COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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(R48, S. 711) -- Senator Verdin: A JOINT RESOLUTION TO DIRECT THE CLEMSON UNIVERSITY REGULATORY AND PUBLIC SERVICE PROGRAMS DIVISION TO ESTABLISH A QUARANTINE FOR CITRUS GREENING, ALSO KNOWN AS HUANGLONGBING (CANDIDATUS LIBERIBACTER ASIATICUS) A DISEASE OF CITRUS PLANTS, AND TO PROVIDE REQUIREMENTS FOR AND THE DURATION OF THE QUARANTINE AND PENALTIES FOR VIOLATION.

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(R49, H. 3560) -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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(R50, H. 3581) -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT THE PROVISIONS OF SECTION 6-27-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON AMENDING OR REPEALING PROVISIONS IN THE STATE AID TO SUBDIVISIONS ACT ARE SUSPENDED FOR FISCAL YEAR 2009-2010, AND TO PROVIDE THAT FOR FISCAL YEARS 2008-2009 AND 2009-2010 COUNTIES MAY TRANSFER AMONG APPROPRIATED STATE REVENUES AS NEEDED TO ENSURE THE DELIVERY OF SERVICES.

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**WEDNESDAY, MAY 13, 2009**

(R51, H. 3616) -- Rep. Simrill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 27 TO CHAPTER 53, TITLE 59 SO AS TO ENACT THE "STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION ACT"; TO CREATE THE AIKEN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE ORANGEBURG-CALHOUN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE SPARTANBURG COMMUNITY COLLEGE ENTERPRISE CAMPUS AUTHORITY, AND THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY; TO PROVIDE THAT EACH AUTHORITY MUST BE GOVERNED BY A BOARD, AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE BOARD; TO PROVIDE FOR LEASE AND LEASE PURCHASE AGREEMENT APPROVAL; TO PROVIDE THAT THE POWERS GRANTED TO AN AUTHORITY MUST COMPLY WITH THE PROCUREMENT CODE; TO PROVIDE FOR THE ISSUANCE OF BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS BY AN AUTHORITY; TO PROVIDE REPORTING REQUIREMENTS; TO PROVIDE THAT AN AUTHORITY IS NOT REQUIRED TO PAY TAXES AND ASSESSMENTS, AND THAT BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS ISSUED BY AN AUTHORITY MAY NOT BE TAXED; TO REQUIRE A COMMISSION TO DESIGNATE THE AREA THAT COMPRISES THE ENTERPRISE CAMPUS, AND TO FURTHER PROVIDE COMMISSION POWERS AND DUTIES WITH RESPECT TO ENTERPRISE CAMPUS PROPERTY.

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(R52, 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 RECEIVED AND EXPENDED PURSUANT TO PROVISIONS OF THE RECOVERY ACT FOR SO LONG AS MONIES ARE AVAILABLE UNDER THE RECOVERY ACT.

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(R53, H. 3914) -- Rep. White: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF SOCIAL SERVICES TO KEEP IN EFFECT CERTAIN CHILDCARE CENTER STAFF-CHILD RATIO REGULATIONS.

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(R54, H. 3957) -- Rep. Herbkersman: AN ACT 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.

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

#### **CONCURRENCE**

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

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ANY OTHER LINE-MAKE OF NEW MOTOR VEHICLES OR RELATED PRODUCTS IF CERTAIN REQUIREMENTS ARE MET; AND TO AMEND SECTION 56-15-90, RELATING TO MOTOR VEHICLE DEALERS, TO PROVIDE FACTORS TO BE CONSIDERED IN CALCULATING THE FAIR AND REASONABLE COMPENSATION FOR THE VALUE OF A MOTOR VEHICLE DEALERSHIP.

The House returned the Bill with amendments.

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

There was no objection.

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

On motion of Senator LAND, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**THE SENATE PROCEEDED TO A CONSIDERATION OF VETOES.**

**CARRIED OVER**

(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.

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

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

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 184 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 40-27-10, CODE OF LAWS OF SOUTH CAROLINA,

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1976, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO REQUIRE A PERSON WHO BUYS JUNK THAT CONSISTS OF TWENTY-FIVE POUNDS OF SCRAP METAL OR VEHICLE PARTS TO KEEP WITH THE RECORD OF PURCHASE A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS; TO AMEND SECTION 40-27-40, RELATING TO PENALTIES FOR VIOLATING PROVISIONS OF THE JUNK DEALER ARTICLE, SO AS TO INCREASE THE FINE FROM A MAXIMUM OF ONE HUNDRED DOLLARS TO FIVE HUNDRED DOLLARS AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56-5-5670, RELATING TO A DEMOLISHER PURCHASING OR ACQUIRING A VEHICLE TO DEMOLISH, SO AS TO REQUIRE A DEMOLISHER THAT ACQUIRES A VEHICLE OR VEHICLE PARTS WITH A TOTAL WEIGHT OF TWENTY-FIVE POUNDS OR MORE TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS AND TO ESTABLISH THAT A VIOLATION OF THOSE PROVISIONS IS A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NOT EXCEEDING FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; AND TO AMEND SECTION 56-5-5945, RELATING TO A DEMOLISHER OBTAINING A VEHICLE TITLE, SO AS TO REQUIRE A DEMOLISHER WHO PURCHASES OR ACQUIRES A VEHICLE OR VEHICLE PART WITH A TOTAL WEIGHT OF TWENTY-FIVE OR MORE POUNDS TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT PICTURE IDENTIFICATION CARD THAT SHOWS THE PERSON'S NAME AND ADDRESS AND THE YEAR, MAKE, MODEL, AND IDENTIFICATION NUMBER OF THE VEHICLE, IF AVAILABLE, ALONG WITH ANY OTHER IDENTIFYING FEATURES, AND TO PROVIDE A VIOLATION CONSTITUTES A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NO MORE

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THAN FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, OR BOTH, AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE.

The House returned the Bill with amendments.

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

Senators RANKIN, ALEXANDER, HUTTO, and CAMPBELL proposed the following amendment (JUD0184.010), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered section to read:

/ SECTION \_\_. Title 16 of the 1976 Code is amended by adding:

“Section 16-17-685. (A) For purposes of this section:

(1) ‘Nonferrous metals’ means metals not containing significant quantities of iron or steel, including copper wire, cooper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum, a product that is a mixture of aluminum and copper, catalytic converters, and stainless steel beer kegs or containers;

(2) ‘Transportation permit number’ means a number provided by a sheriff’s office by telephone, fax, or e-mail to a person who requests a permit number for the transportation of nonferrous metals. In order to receive a transportation permit number, a person must provide the person’s name, address, and telephone number to the sheriff’s office of the county in which the person resides. The sheriff’s office must record the person’s information along with the transportation permit number. The transportation permit number is valid for no more than forty-eight hours from the time the number is issued, and the sheriff’s office must inform the person of this restriction at the time the number is issued; and

(3) ‘Vehicle used in the ordinary course of business for the purpose of transporting nonferrous metals’ includes, but is not limited to, vehicles used by gas, electric, communications, water, plumbing, electrical, and climate conditioning service providers, and their employees, agents, and contractors, in the course of providing these services.

(B) It is unlawful for a person to transport or have in the person’s possession on the highways of this State nonferrous metals of an

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aggregate weight of more than twenty-five pounds in a vehicle other than a vehicle used in the ordinary course of business for the purpose of transporting nonferrous metals, unless the person:

(1) has in the person's possession a bill of sale signed by:

(a) a holder of a retail license for a business engaged in the sale of nonferrous metals or a mixture of nonferrous metals;

(b) an authorized wholesaler engaged in the sale of nonferrous metals or a mixture of nonferrous metals; or

(c) a registered dealer of scrap metals; or

(2) can present, either orally or in writing, a valid transportation permit number provided by the sheriff of the county in which the person resides.

(C) A bill of sale must clearly identify the material to which it applies, the name and address of the seller, the license plate information of the vehicle in which the material is delivered to the purchaser, identified by license plate number, year, and state of issue, the name and address of the purchaser, the date of sale, and the type and amount of nonferrous metals purchased.

(D) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days for a first offense. This offense is triable in magistrate's court;

(2) misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than one year, or both, for a second offense;

(3) misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three years, or both, for a third or subsequent offense. For an offense to be considered a third or subsequent offense, only those offenses which occurred within a period of ten years, including and immediately preceding the date of the last offense shall constitute a prior offense within the meaning of this section." /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

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

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**CARRIED OVER**

H. 3301 -- Reps. Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J.R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Battle, Bowers, Brady, G.A. Brown, H.B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Horne, Kirsh, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E.H. Pitts, M.A. Pitts, Scott, Simrill, Skelton, D.C. Smith, G.R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-39-175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL-TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34-39-270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A PERSON WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34-39-280 SO AS TO REQUIRE THOSE APPLYING FOR LICENSES TO ENGAGE IN THE BUSINESS OF DEFERRED PRESENTMENT TO PROVIDE CERTAIN INFORMATION REGARDING EXTENDED PAYMENT PLANS; TO AMEND SECTION 34-39-130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM

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ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34-39-180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED SIX HUNDRED DOLLARS.

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.

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

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

H. 3018 -- Reps. E.H. Pitts, Huggins, Gunn, Bales, Limehouse, Barfield, Hardwick, Hearn, Edge, Gambrell, Thompson, Bowen, Harrison, Umphlett, Sandifer, Herbkersman, G.M. Smith, Lowe, Vick, H.B. Brown, R.L. Brown, Viers, Clemmons, Ballentine, Mitchell and M.A. Pitts: 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 THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE HOME IS OCCUPIED, OR THE SECOND PROPERTY TAX YEAR ENDING DECEMBER THIRTY-FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE FOR OCCUPANCY ISSUED THEREON IF REQUIRED.

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

There was no objection.

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

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The Committee on Finance proposed the following amendment (3018FIN006), which was adopted:

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

/ (b) the property tax year ending the sixth December thirty /

Amend the bill further, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_ . Section 12-37-220(c)(2)(iii) of the 1976 Code is amended to read:

“(iii)For purposes of subitem (ii)(B) of this item, “a member of my household” means:

(A) the owner-occupant’s spouse, except when that spouse is legally separated from the owner-occupant; and

(B) any child under the age of eighteen years old of the owner-occupant claimed or eligible to be claimed as a dependent on the owner-occupant’s federal income tax return.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

Senator CLEARY proposed the following amendment (3018FIN001):

Amend the bill as and if amended, SECTION 1, page 1, by striking lines 31 and 33 and inserting:

/ ( ) one hundred percent of the value of an improvement to newly constructed residential property, as defined in Section 27-50-230, offered for sale by a residential builder or developer through /

Amend the bill further, as and if amended, SECTION 1, page 1, by adding a new paragraph after line 39 to read:

/ In the case of an apartment, condominium, townhouse, cottage, or other property devoted to residential use or occupancy by one or more persons for a definite or indefinite period, the exemption is only applicable to the portions of the improvement that have not been sold or occupied. /

Amend the bill further, as and if amended, SECTION 2, page 2, by striking line 12 and inserting:

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/ and applies for new constructed residential property completed and, if required, a /  
Renumber sections to conform.  
Amend title to conform.

Senator CLEARY explained the amendment.

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

**READ THE SECOND TIME**

H. 3651 -- Reps. Duncan, Umphlett, Anthony, Knight, Forrester and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-23-205 SO AS TO LIMIT THE AUTHORITY OF COUNTIES AND MUNICIPALITIES TO RESTRICT OR REGULATE CERTAIN FORESTRY ACTIVITIES, AND TO PROVIDE THE TERMS AND CONDITIONS OF CERTAIN PERMITTED REGULATIONS.

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

There was no objection and the Bill was read the second time.

**THE SENATE PROCEEDED TO THE ADJOURNED DEBATE.**

**ADOPTED**

S. 577 -- Senators Leatherman, Land, Setzler, Malloy, McGill, O'Dell, Reese, Nicholson, Williams, Elliott and Knotts: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO HR-1 OF 2009, THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, THE GENERAL ASSEMBLY ACCEPTS THE USE OF FEDERAL STIMULUS FUNDS PROVIDED TO THIS STATE IN THIS ACT IF THE GOVERNOR OF SOUTH CAROLINA, WITHIN THE REQUIRED FORTY-FIVE DAY PERIOD, FAILS TO CERTIFY THAT HE WILL REQUEST AND USE THESE FUNDS FOR THIS STATE AND THE AGENCIES AND ENTITIES THEREOF IN THE MANNER PROVIDED IN THE FEDERAL ACT, AND TO PROVIDE FOR THE MANNER OF DISTRIBUTION OF THESE FUNDS.

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

Senator LEATHERMAN explained the Concurrent Resolution.

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

**Ayes 31; Nays 10**

**AYES**

Alexander	Campbell	Coleman
Courson	Cromer	Elliott
Ford	Hayes	Hutto
Jackson	Knotts	Land
Leatherman	Leventis	Lourie
Malloy	<i>Martin, L.</i>	Massey
Matthews	McConnell	McGill
Nicholson	O'Dell	Peeler
Pinckney	Rankin	Reese
Scott	Setzler	Sheheen
Williams		

**Total--31**

**NAYS**

Bright	Campsen	Grooms
<i>Martin, S.</i>	Mulvaney	Rose
Ryberg	Shoopman	Thomas
Verdin		

**Total--10**

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

**Statement by Senator FAIR**

Had I been present in the Chamber at the time the vote was taken, I would have voted in favor of adoption of the Concurrent Resolution.

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**Statement by Senator DAVIS**

Had I been present in the Chamber at the time the vote was taken, I would have voted against the adoption of the Concurrent Resolution.

I would have voted against S.577 because the resolution is moot since the governor has already certified the federal State Fiscal Stabilization Funds. Even if it were not moot, the General Assembly does not have the authority to apply for and accept funds from the federal State Fiscal Stabilization Fund. Only the governor has the authority to apply for and accept funds from the State Fiscal Stabilization Fund.

This conclusion was drawn by Attorney General McMaster in a March 31, 2009 opinion, the Congressional Research Service in memoranda dated February 23, 2009, and March 25, 2009, and Peter Orszag, Director of the Office of Management and Budget, in a letter to Senator Lindsey Graham dated March 31, 2009. Director Orszag concluded in part:

... for a State to access its allocation of the State Fiscal Stabilization Fund, the Governor must submit an application to the Secretary of Education, and there currently is no provision in the Recovery Act for the State legislature to make such an application in lieu of the Governor for a State's allocation of the State Fiscal Stabilization Fund.

In addition, I did not support passage of the federal stimulus legislation because it is a massive expansion of the federal debt. However, since it did pass, I believe the funds from the Budget Stabilization Fund should be applied for, accepted, and spent in South Carolina, because if it is not accepted, it will be spent in another state, with South Carolinians remaining liable to service the debt associated with the Fund.

Rather than being spent on recurring needs, however (as the budget recently passed by the House and Senate spends it), I believe these funds should be used to fund nonrecurring items so that annualizations do not increase when the federal stimulus money dries up.

Finally, I would have voted against S.577 because the resolution is moot. Even if it were not moot, only the Governor can apply for and accept these funds. Again, this is not only my opinion, but that of Attorney General McMaster, the Congressional Research Service, and Peter Orszag, Director of the federal Office of Management and Budget.

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**Statement by Senator BRYANT**

Had I been present in the Chamber at the time the vote was taken, I would have voted against the adoption of the Concurrent Resolution.

**Statement by Senators CAMPSER and ROSE**

We voted against S.577 because the resolution is moot since the governor has already certified the federal State Fiscal Stabilization Funds. Even if it were not moot, the General Assembly does not have the authority to apply for and accept funds from the federal State Fiscal Stabilization Fund. Only the governor has the authority to apply for and accept funds from the State Fiscal Stabilization Fund. This conclusion was drawn by Attorney General McMaster in a March 31, 2009 opinion, the Congressional Research Service in memoranda dated February 23, 2009, and March 25, 2009, and Peter Orszag, Director of the Office of Management and Budget, in a letter to Senator Lindsey Graham dated March 31, 2009. Director Orszag concluded in part:

... for a State to access its allocation of the State Fiscal Stabilization Fund, the Governor must submit an application to the Secretary of Education, and there currently is no provision in the Recovery Act for the State legislature to make such an application in lieu of the Governor for a State's allocation of the State Fiscal Stabilization Fund.

We did not support passage of the federal stimulus legislation because it is a massive expansion of the federal debt. However, since it did pass, we believe the funds from the Budget Stabilization Fund should be applied for, accepted, and spent in South Carolina. We draw this conclusion because if it is not accepted, it will be spent in another state, yet South Carolinians will remain liable to service the debt associated with the Fund. Finally, if accepted, we believe these funds should be used to fund nonrecurring items to the greatest extent possible, so as not to dramatically increase annualizations when the federal stimulus money dries up.

In conclusion, we voted against S.577 because it is clear that the resolution is moot. Even if it were not moot, only the Governor can apply for and accept these funds. This is not only our opinion. It is the opinion of Attorney General McMaster, the Congressional Research Service, and Peter Orszag, Director of the federal Office of Management and Budget.

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**ADJOURNMENT**

At 5:59 P.M., by a division vote of 29-11, the Senate adjourned to meet tomorrow at 11:00 A.M.

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