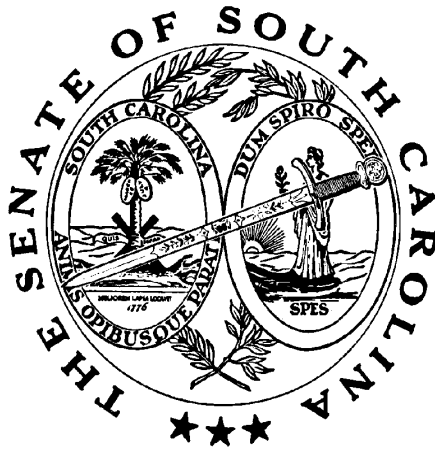


NO. 63

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

THURSDAY, MAY 14, 2009

Thursday, May 14, 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:

In those wonderful verses about Elijah at Mount Horeb we read:

“... behold, the Lord passed by, and a great and strong wind rent the mountains, and broke in pieces the rocks before the Lord, but the Lord was not in the wind; and after the wind an earthquake, but the Lord was not in the earthquake; and after the earthquake a fire, but the Lord was not in the fire; and after the fire a still small voice.”

(I Kings 19:11-12)

Join me as we pray:

Mighty God, You call to us all the time. You speak to these Senators, to their staff members, to every one of us. We pray, O Lord, that You will help us to hear: to hear voices of wisdom, to hear calls of hope for the needy, to hear reassurances of care for our troops serving in so many places, to hear sounds of promise for this State we love. Dear God, bless this Senate and the work that is so pressing at this time. Give these leaders all keen ability to hear and courage to act on what they know to be best. In Your name we pray, O Lord.

Amen.

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

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 3221

Agency: State Law Enforcement Division

SUBJECT: Statewide Criminal Gang Database

Received by Lieutenant Governor January 29, 2009

Referred to Judiciary Committee

Legislative Review Expiration May 29, 2009

Withdrawn and Resubmitted May 14, 2009

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Doctor of the Day

Senator THOMAS introduced Dr. William B. Jones of Greenville, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator VERDIN, at 11:05 A.M., Senator PEELER was granted a leave of absence for today.

Leave of Absence

At 1:15 P.M., Senator LEATHERMAN requested a leave of absence beginning at 3:30 P.M. and lasting until Tuesday at Noon.

Leave of Absence

At 1:15 P.M., Senator CROMER requested a leave of absence beginning at 2:30 P.M. and lasting until Tuesday at Noon.

Leave of Absence

At 1:15 P.M., Senator KNOTTS requested a leave of absence from 1:30 - 4:00 P.M. today.

Leave of Absence

At 1:15 P.M., Senator SHOOPMAN requested a leave of absence beginning at 3:30 P.M. and lasting until Tuesday at Noon.

Leave of Absence

At 1:15 P.M., Senator RYBERG requested a leave of absence from 3:30 - 9:30 P.M. on Thursday, May 14.

Leave of Absence

On motion of Senator HUTTO, at 2:00 P.M., Senator RANKIN was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator COLEMAN, at 4:00 P.M., Senator SHEHEEN was granted a leave of absence until Monday.

Expression of Personal Interest

Senator SETZLER rose for an Expression of Personal Interest.

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Remarks to be Printed

On motion of Senator CROMER, with unanimous consent, the remarks of Senator SETZLER, when reduced to writing and made available to the Desk, would be printed in the Journal.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:
S. 766 Sen. Scott

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 830 -- Senator Ford: A SENATE RESOLUTION TO RECOGNIZE AND HONOR PROJECT COOL BREEZE IN CHARLESTON, SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 831 -- Senators Sheheen and Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE KATHY BRADLEY UPON HER RETIREMENT FROM THE KERSHAW COUNTY BOARD OF DISABILITIES AND SPECIAL NEEDS.

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

S. 832 -- Senator Bright: A SENATE RESOLUTION TO CONGRATULATE WEST VIEW ELEMENTARY SCHOOL IN SPARTANBURG, SOUTH CAROLINA, UPON RECEIVING THE 2009 CAROLINA FIRST PALMETTO'S FINEST AWARD.

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The Senate Resolution was adopted.

S. 833 -- Senator McConnell: A CONCURRENT RESOLUTION TO HONOR PINCUS KOLENDER, A HOLOCAUST SURVIVOR WHO DEDICATED HIS LIFE TO EDUCATING PEOPLE ABOUT THE HOLOCAUST AND CHARGING THEM WITH THE RESPONSIBILITY OF PREVENTING SIMILAR TRAGEDIES IN THE FUTURE.

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Whereas, although his story as a Holocaust survivor was one of tragedy, Pincus Kolender's message was always one of inspiration and hope. Despite painful memories and the increasing discomfort he felt each time he retold his story, Mr. Kolender, a member of the Council on the Holocaust since its inception in 1989, continued to bear witness, to warn of the consequences of unchecked bigotry and hatred; and

Whereas, Pincus Kolender, who was born in Bochnia, Poland, near Krakow, was thirteen when the Nazis invaded Poland in 1939 and was first confined in a ghetto and forced into labor for the Germans for two years. At that ghetto, in a "selection" his mother was killed before his eyes, and his grandmother, sister, and more than forty other relatives were removed, never to be seen again; and

Whereas, when he was sixteen, he, along with his brother, was sent to Auschwitz, where he suffered and witnessed the slave labor, starvation, beatings, torture, and other acts of unspeakable cruelty perpetrated by the Nazis upon their prisoners. Mr. Kolender was moved from one camp to another as Allied forces approached. During one of these moves, the Death March, he became separated from his brother, never to see him again. On April 20, 1945, while en route to another camp, the train Mr. Kolender was on came under attack by American fighter planes, and he and two others escaped by running into a Czechoslovakian forest. The three men approached a Czech farmhouse, and the family clothed, fed, and found medical care for the men. Upon news the Germans were searching for them, Mr. Kolender and his fellow escapees hid in a fox hole until American forces liberated them on May 8, 1945. Mr. Kolender waited for five years in Germany for a visa to enter the United States. He arrived in Charleston in 1950 and six months later was drafted to serve in the United States Army, in which he served for two years; and

Whereas, after building a clientele as a salesman in rural communities, he eventually opened Globe Furniture in Charleston, building the store into a fixture on upper King Street until he retired in 1989. He and his first wife, Renee, also a survivor, who passed away in 1989, raised three children and enjoyed six grandchildren. He married Janet Kolender in December of 1991, with whom he shared many wonderful years; and

Whereas, in the course of his life in the United States, Mr. Kolender spoke about his experiences during the Holocaust to more than two hundred thousand people over twenty-five years, accepting neither remuneration nor travel expenses and finding his reward in the hearts

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and minds he reached with his message. He very much wanted young people to understand what happened, to hear his message, and to keep it alive. Accompanied by his wife, Janet, Mr. Kolender, in subdued tones, brought his audiences to absolute silence as he described the horrors of the systematic attempt to annihilate a race; and

Whereas, Mr. Kolender fashioned his life as a dignified and admirable model of rebellion and retribution against the attempt by the Nazis to define him as the number 161253 they tattooed on his arm. He found great joy in living and shared that joy with others, never showing a trace of bitterness; and

Whereas, in addition to his work with the South Carolina Council on the Holocaust, Mr. Kolender served on the boards of numerous Jewish charitable organizations, including Israel Bonds, Charleston Jewish Federation, and BSBI synagogue. Among his many awards are the Israel Freedom Award from Israel Bonds, the Rotary Service Above Self Award, and the Order of the Palmetto from Governor Mark Sanford. In February 2008, Pincus Kolender passed away at the venerable age of eighty-two, leaving behind a loving family and an unforgettable legacy. He will be greatly missed. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the members of the South Carolina General Assembly, by this resolution, honor the life of Pincus Kolender, a Holocaust survivor who dedicated his life to educating people about the Holocaust and charging them with the responsibility of preventing similar tragedies in the future.

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

S. 834 -- Senator McConnell: 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

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DAYS FOR THE CONSIDERATION OF CERTAIN MATTERS, TO PROVIDE THAT WHEN EACH HOUSE ADJOURNS AFTER THIS THREE-DAY PERIOD NOT LATER THAN 5:00 P.M. ON THE THIRD LEGISLATIVE DAY, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES UPON CERTAIN OCCURRENCES AND FOR THE CONSIDERATION OF SPECIFIED MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 12, 2010.

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

S. 835 -- Senator Jackson: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EQUALIZATION AND REASSESSMENT IN CONNECTION WITH AD VALOREM TAXATION, SO AS TO REDEFINE "MEMBER OF MY HOUSEHOLD" FOR PURPOSES OF CERTIFICATION THAT ONLY ONE RESIDENCE HAS QUALIFIED FOR A SPECIAL ASSESSMENT RATIO.

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

S. 836 -- Senator Cromer: A BILL TO AMEND SECTION 51-13-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, SO AS TO PROHIBIT CERTAIN ACTIVITIES WHILE ON PARK PROPERTY.

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

S. 837 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-149 SO AS TO PROHIBIT THE RESALE OF FOOD THAT HAS BEEN SERVED OR SOLD TO AND POSSESSED BY A CONSUMER.

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

S. 838 -- Senator Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-165 SO AS TO EXEMPT DEPARTMENT OF MENTAL HEALTH CENTERS FROM CERTAIN PHARMACY PERMITTING AND PHARMACIST-IN-CHARGE REQUIREMENTS; TO PROVIDE THAT DEPARTMENT OF MENTAL HEALTH CENTERS MUST BE RECOGNIZED AS COVERED ENTITIES FOR THE PURPOSE OF DISPENSING DRUGS; TO PROVIDE THAT DEPARTMENT OF MENTAL HEALTH CENTERS MAY TRANSPORT MEDICATIONS IN THE SAME MANNER AS FREE CLINICS AND PRIVATE PHYSICIANS; AND TO AUTHORIZE DEPARTMENT OF MENTAL HEALTH CENTERS TO USE CONTRACT LABOR AS DESIGNATED AGENTS OR EMPLOYEES TO CARRY OUT DUTIES RESERVED FOR AGENTS OR EMPLOYEES OF THE DEPARTMENT.

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

S. 839 -- Senators Scott, Jackson, Matthews and Williams: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF SEPTEMBER 2009 YOUTH AWARENESS MONTH IN SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS OF THIS GREAT STATE TO PROMOTE STRONG FAMILIES AND PARENTING ALONG WITH YOUTH PROGRAMS AND JOBS.

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

S. 840 -- Senator Ryberg: A SENATE RESOLUTION TO CONGRATULATE RONDUS WALDO GREENWAY OF AIKEN COUNTY FOR HIS DEDICATION AND COMMITMENT TO EDUCATION AND AS A COMMUNITY LEADER.

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The Senate Resolution was adopted.

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S. 841 -- Senator Ryberg: A SENATE RESOLUTION TO CONGRATULATE ANGELA BROWN BURKHALTER, A COMMITTED AND ACCOMPLISHED EDUCATIONAL PROFESSIONAL AND COMMUNITY LEADER.

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The Senate Resolution was adopted.

S. 842 -- Senator Pinckney: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MAYOR CHARLIE SWEAT OF COLLETON COUNTY FOR OVER THIRTY YEARS OF DEDICATED SERVICE AS MAYOR OF WALTERBORO, AND TO WISH HIM MANY YEARS OF SUCCESS AND HAPPINESS IN HIS MUCH-DESERVED RETIREMENT.

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The Senate Resolution was adopted.

H. 3541 -- Reps. Hiott, Frye, Duncan, M. A. Pitts, Whitmire and Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-525 SO AS TO ESTABLISH THE REQUIREMENT AND PROCEDURES FOR OBTAINING BEAR TAGS; BY ADDING SECTION 50-9-537 SO AS TO REQUIRE A TEN DOLLAR BEAR DRAW HUNT APPLICATION FEE; BY ADDING SECTION 50-11-435 SO AS TO PROHIBIT TAKING OR ATTEMPTING TO TAKE BEAR WEIGHING LESS THAN ONE HUNDRED POUNDS AND PROVIDE APPLICABLE PENALTIES; TO AMEND SECTION 50-9-920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, SO AS TO DEFINE THE USES FOR REVENUE GENERATED FROM THE SALE OF BEAR TAGS; TO AMEND SECTION 50-11-310, AS AMENDED, RELATING TO THE OPEN SEASON FOR ANTLERED DEER, SO AS TO DESIGNATE WHEN CERTAIN EQUIPMENT MAY BE USED IN GAME ZONE 1; AND TO AMEND SECTION 50-11-430, RELATING TO BEAR HUNTING, SO AS TO REDESIGNATE THE OPEN SEASON AND PROVIDE ADDITIONAL PENALTIES.

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

H. 3718 -- Rep. Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-

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1-148 SO AS TO PROHIBIT THE RESALE OF FRESH OR FROZEN MEAT OR MEAT PRODUCTS SOLD TO AND RETURNED BY A CONSUMER.

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

H. 3944 -- Reps. Jennings and Neilson: A BILL TO AMEND SECTION 56-3-8710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF NASCAR SPECIAL LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT A PORTION OF THE FEES COLLECTED FROM THE SALE OF THESE LICENSE PLATES MUST BE DISTRIBUTED TO THE SOUTH CAROLINA ASSOCIATION OF CHILDREN'S HOMES AND FAMILY SERVICES AND NO LONGER TO THE SOUTH CAROLINA CHILDREN'S EMERGENCY SHELTER FOUNDATION.

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

H. 4020 -- Reps. Herbkersman, Brantley, Chalk and Erickson: A BILL TO CONVEY TO BEAUFORT COUNTY STANDING TO BRING LEGAL ACTION AGAINST A COUNTY WHOSE GEOGRAPHIC BOUNDARIES ARE CONTIGUOUS TO BEAUFORT'S WHEN A CONTIGUOUS COUNTY'S TRAFFIC CONGESTION OR STORMWATER RUNOFF ADVERSELY AFFECTS THE CITIZENS OF BEAUFORT COUNTY.

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

H. 4023 -- Reps. Daning, Jefferson, Merrill and Umphlett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-815 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE HIGHWAY 26 AT EXIT 199 IN BERKELEY COUNTY.

Read the first time and, on motion of Senator GROOMS, with unanimous consent, H. 4023 was ordered placed on the Calendar without reference.

H. 4040 -- Rep. Duncan: A CONCURRENT RESOLUTION TO DESIGNATE AUGUST 8, 2009, AS ANNUAL NATIONAL

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MARINA DAY IN SOUTH CAROLINA IN ORDER TO HONOR SOUTH CAROLINA'S MARINAS FOR THEIR CONTRIBUTIONS TO THE COMMUNITY AND MAKE CITIZENS, POLICYMAKERS, AND EMPLOYEES MORE AWARE OF THE OVERALL CONTRIBUTIONS OF MARINAS TO THEIR WELL-BEING, AND TO REQUEST THAT OUR STATE JOIN HANDS WITH OTHER STATES AND THOUSANDS OF WATERFRONT COMMUNITIES ACROSS THE UNITED STATES IN CELEBRATING THIS DAY.

The Concurrent Resolution was introduced and referred to the General Committee.

H. 4052 -- Rep. Bannister: A CONCURRENT RESOLUTION TO CONGRATULATE STEVE BAILEY OF MERUS REFRESHMENT SERVICES, INC., ON BEING NAMED 2009 SMALL BUSINESS ADMINISTRATION (SBA) SMALL BUSINESS PERSON OF THE YEAR FOR SOUTH CAROLINA.

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

REPORTS OF STANDING COMMITTEES

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

S. 562 -- Senator McConnell: A BILL TO AMEND SECTION 56-5-750, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO THE FAILURE OF A DRIVER TO STOP A MOTOR VEHICLE WHEN SIGNALLED BY A LAW ENFORCEMENT VEHICLE, SO AS TO PROVIDE THAT A DRIVER MAY PROCEED TO A REASONABLY CLOSE AND SAFE LOCATION BEFORE STOPPING.

Ordered for consideration tomorrow.

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

S. 607 -- Senators Hayes, Malloy, Courson, Scott, Knotts, Rankin, Matthews and Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "PUBLIC SCHOOL CHOICE PROGRAM ACT" BY ADDING CHAPTER 62 TO TITLE 59 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE SCHOOL DISTRICTS WITH

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INFORMATION CONCERNING SCHOOL CHOICE PROGRAM RESEARCH; TO REQUIRE THE DEPARTMENT TO DEVELOP AN INVENTORY OF AVAILABLE PUBLIC SCHOOL CHOICE OPTIONS AND MAKE THE LIST AVAILABLE TO DISTRICTS AND TO THE GENERAL ASSEMBLY; TO REQUIRE EACH SCHOOL DISTRICT TO CONVENE A SCHOOL CHOICE COMMITTEE, TO DETERMINE THE MEMBERSHIP OF THE COMMITTEE, AND TO DEVELOP A SCHOOL CHOICE OPTION PLAN THAT MUST BE SUBMITTED TO THE DEPARTMENT; TO REQUIRE SCHOOL DISTRICTS BEGINNING WITH THE 2010-2011 SCHOOL YEAR TO IMPLEMENT THEIR PLANS, AND TO PROVIDE FOR THE FUNDING OF THOSE PLANS; TO REQUIRE THE SCHOOL CHOICE COMMITTEE OF EACH DISTRICT DURING THE 2010-2011 SCHOOL YEAR TO DETERMINE THE FEASIBILITY OF ESTABLISHING A PARTNERSHIP WITH NEIGHBORING DISTRICTS TO PARTICIPATE IN A VOLUNTARY OPEN ENROLLMENT PROGRAM, TO REQUIRE THE COMMITTEE TO REPORT ITS FINDINGS TO THE DISTRICT, AND TO PROVIDE WHAT THE REPORT MUST INCLUDE; TO REQUIRE DISTRICTS THAT CHOOSE TO PARTICIPATE IN VOLUNTARY OPEN ENROLLMENT PROGRAMS TO SUBMIT INTERDISTRICT AGREEMENTS AND CRITERIA OF THE PROGRAM TO THE DEPARTMENT; TO PROVIDE REQUIREMENTS FOR DISTRICTS THAT CHOOSE TO PARTICIPATE IN VOLUNTARY OPEN ENROLLMENT PROGRAMS; TO REQUIRE EACH DISTRICT TO REPORT TO THE GENERAL ASSEMBLY ON THE TYPES OF CHOICE OPTIONS OFFERED WITHIN THE DISTRICT AND OTHER INFORMATION CONCERNING THOSE OPTIONS; TO PROVIDE FOR FUNDING BY THE GENERAL ASSEMBLY TO OFFSET THE COST OF TRANSPORTATION; TO PROVIDE FOR THE PURPOSE OF THE CHAPTER; AND TO DEFINE CERTAIN TERMS.

Ordered for consideration tomorrow.

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

H. 3087 -- Reps. Brady and M.A. Pitts: A BILL TO AMEND SECTION 23-3-535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON PLACES OF RESIDENCE

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FOR SEX OFFENDERS, SO AS TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE THAT EXPANDS OR CONTRACTS THE BOUNDARIES OF THE AREAS IN WHICH A SEX OFFENDER MAY OR MAY NOT RESIDE THAT ARE CONTAINED IN THIS SECTION.

Ordered for consideration tomorrow.

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

H. 3377 -- Reps. Moss, Vick, Simrill, Anthony, Bedingfield, H.B. Brown, Duncan, Gambrell, Gullick, Jennings and A.D. Young: A BILL TO AMEND SECTION 23-1-212, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENFORCEMENT OF STATE CRIMINAL LAWS BY FEDERAL LAW ENFORCEMENT OFFICERS, SO AS TO PROVIDE THAT NATIONAL PARK SERVICE RANGERS ARE FEDERAL LAW ENFORCEMENT OFFICERS WHO ARE AUTHORIZED TO ENFORCE THE STATE'S CRIMINAL LAWS.

Ordered for consideration tomorrow.

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

S. 710 -- Senators Hayes and Matthews: A BILL TO ENACT THE "FEDERAL EDUCATIONAL TAX-CREDIT BOND IMPLEMENTATION ACT", INCLUDING PROVISIONS; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-3-100 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THE STATE OF SOUTH CAROLINA SHALL ALLOCATE QUALIFIED SCHOOL CONSTRUCTION BONDS AUTHORIZED BY THE PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AMONG THE SCHOOL DISTRICTS OF THIS STATE SEEKING CAPITAL FOR SCHOOL CONSTRUCTION PROJECTS, AND TO PROVIDE FOR OTHER RELATED MATTERS IN REGARD TO QUALIFIED SCHOOL CONSTRUCTION BONDS AND QUALIFIED ZONE ACADEMY BONDS AUTHORIZED BY THE FEDERAL ACT; TO AMEND SECTION 11-15-460, AS AMENDED, RELATING TO THE INTEREST RATE ON REFUNDING BOND OBLIGATIONS OF POLITICAL SUBDIVISIONS, SO AS TO EXEMPT QUALIFIED

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SCHOOL CONSTRUCTION BONDS AND QUALIFIED ZONE ACADEMY BONDS FROM THIS PROVISION; AND TO AMEND SECTION 11-27-50, AS AMENDED, RELATING TO THE EFFECT OF THE PROVISIONS OF ARTICLE X OF THE CONSTITUTION OF THIS STATE ON BONDS OF SCHOOL DISTRICTS, SO AS TO PROVIDE THAT QUALIFIED SCHOOL CONSTRUCTION BONDS AND QUALIFIED ZONE ACADEMY BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH PRICE AS DETERMINED BY THE GOVERNING BODY OF THE ISSUER.

Ordered for consideration tomorrow.

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

H. 3418 -- Reprs. Harrell, Simrill, Crawford, Huggins, Beddingfield, Merrill, G.R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G.M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T.R. Young, Clemmons, Owens, Parker, Toole, M.A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL TO AMEND SECTION 7-13-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESENTATION OF A PERSON'S PROOF OF HIS RIGHT TO VOTE, SO AS TO REQUIRE THE ELECTOR TO PRODUCE A VALID PHOTO IDENTIFICATION CARD AT THE TIME OF COSTING HIS BALLOT, TO REQUIRE A POLL MANAGER TO COMPARE THE PHOTOGRAPH ON THE REQUIRED IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE.

Ordered for consideration tomorrow.

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

H. 3483 -- Reprs. White, M.A. Pitts, Toole, Willis, Barfield, Clemmons, Hardwick and Hearn: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE'S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE

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

Ordered for consideration tomorrow.

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

H. 3722 -- Reprs. Kirsh and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-1145 SO AS TO PROVIDE FOR DETERMINATION OF TREATMENT OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; BY ADDING SECTION 12-36-2575 SO AS TO PROVIDE FOR FILING OF A RETURN FOR EACH SALES OR USE TAX LIABILITY PERIOD EVEN IF NO TAX LIABILITY ACCRUES FOR THAT PERIOD; TO AMEND SECTION 12-4-320, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS; TO AMEND SECTION 12-6-590, AS AMENDED, RELATING TO TREATMENT OF "S" CORPORATIONS FOR TAX PURPOSES, SO AS TO INCLUDE ADDITIONAL REFERENCES TO THE INTERNAL REVENUE CODE FOR SIMILAR STATE TREATMENT; TO AMEND SECTION 12-6-2250, AS AMENDED, RELATING TO THE APPORTIONMENT OF INCOME DERIVED BY A TAXPAYER TO THE TAXPAYER'S CONDUCT OF BUSINESS IN THIS STATE, SO AS TO CHANGE THE WORD "ALLOCATED" TO "APPORTIONED"; TO AMEND SECTION 12-6-2295, RELATING TO INCLUSIONS AND EXCLUSIONS IN CONNECTION WITH THE TERMS "SALES" AND "GROSS RECEIPTS" AS USED IN

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THE APPORTIONMENT OF INCOME TO THIS STATE FOR STATE INCOME TAX PURPOSES, SO AS TO FURTHER SPECIFY RENTAL AND SALES INCOME FROM TANGIBLE AND INTANGIBLE, REAL AND PERSONAL PROPERTY IN THE ORDINARY COURSE OF THE TAXPAYER'S TRADE OR BUSINESS; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO THE JOB TAX CREDIT AGAINST THE STATE INCOME TAX, SO AS TO DELETE A REFERENCE TO GENERAL CONTRACTORS IN CONNECTION WITH THE TERM "CORPORATE OFFICE"; TO AMEND SECTION 12-6-3376, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR THE PURCHASE OR LEASE OF A PLUG-IN HYBRID VEHICLE, SO AS TO REQUIRE THAT THE CREDIT BE THE FIRST CLAIMED FOR THAT VEHICLE, TO PROVIDE FOR REGULATIONS PROMULGATED BY THE STATE ENERGY OFFICE, TO FURTHER PROVIDE FOR CLAIMING THE CAPPED CREDIT, AND TO PROVIDE FOR THE EFFECT OF A REPEAL OF THE CAPS ON THE CREDIT; TO AMEND SECTION 12-6-3377, RELATING TO THE ALTERNATIVE MOTOR VEHICLE FUEL CREDIT AGAINST THE STATE INCOME TAX, SO AS TO FURTHER PROVIDE FOR THE CALCULATION OF THE CREDIT FOR BUSINESS USE AND TO DELETE A PROVISION DEEMING THE FEDERAL TAX TREATMENT OF THE ALTERNATIVE FUEL CREDIT TO BE PERMANENT; TO AMEND SECTION 12-6-3535, AS AMENDED, RELATING TO A CREDIT AGAINST THE STATE INCOME TAX FOR REHABILITATION OF A HISTORIC STRUCTURE, SO AS TO INCLUDE A CREDIT AGAINST THE CORPORATE LICENSE FEES; TO AMEND SECTION 12-6-3550, AS AMENDED, RELATING TO THE VOLUNTARY CLEANUP INCOME TAX CREDIT, SO AS TO CLARIFY THAT THE CREDIT IS ONE AGAINST THE STATE INCOME TAX; TO AMEND SECTION 12-6-3585, AS AMENDED, RELATING TO THE INDUSTRY PARTNERSHIP FUND CREDIT AGAINST STATE TAXES, SO AS TO ALLOW THE CREDIT TO BE USED AGAINST THE TAXPAYER'S APPLICABLE STATE INCOME TAX, BANK TAX, INSURANCE PREMIUM TAX, OR LICENSE FEE LIABILITY; TO AMEND SECTION 12-6-3610, AS AMENDED, RELATING TO INCOME TAX CREDIT FOR PROPERTY USED FOR DISTRIBUTION OR DISPENSING OF RENEWABLE FUEL, SO AS TO DELETE CERTAIN

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TRANSITIONAL PROVISIONS; TO AMEND SECTION 12-6-3630, RELATING TO A CREDIT AGAINST CERTAIN STATE TAXES FOR A CONTRIBUTION TO THE SOUTH CAROLINA HYDROGEN INFRASTRUCTURE DEVELOPMENT FUND, SO AS TO FURTHER PROVIDE FOR CLAIMING THE CREDIT; TO AMEND SECTION 12-8-1530, RELATING TO QUARTERLY RETURNS OF WITHHELD TAX, SO AS TO REQUIRE RETURNS EVEN IN PERIODS WHEN NO TAX HAS BEEN WITHHELD; TO AMEND SECTION 12-8-1550, RELATING TO STATEMENTS REQUIRED TO BE FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR PRESCRIPTION BY THE DEPARTMENT OF EITHER ELECTRONIC OR MAGNETIC MEDIA METHOD FOR SUBMISSION OF CERTAIN INFORMATION; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO THE JOB DEVELOPMENT TAX CREDIT, SO AS TO MAKE TECHNICAL CORRECTIONS AND ADD A CROSS REFERENCE; TO AMEND SECTION 12-20-100, RELATING TO LICENSE TAX ON UTILITIES AND ELECTRIC COOPERATIVES, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 12-21-2575, RELATING TO METHODS OF ACCOUNTING FOR ADMISSIONS OTHER THAN TICKETS, SO AS TO PROVIDE THAT THE TICKETS BE COLLECTED AND RETAINED TO ACCOUNT FOR ADMISSIONS; TO AMEND SECTION 12-36-910, AS AMENDED, RELATING TO THE FIVE PERCENT SALES TAX ON THE PROCEEDS OF THE SALE OF TANGIBLE PERSONAL PROPERTY, SO AS TO DELETE A REDUNDANCY AS TO THE TAX ON PROCEEDS FROM THE SALE OF A WARRANTY, MAINTENANCE, OR SIMILAR CONTRACT FOR TANGIBLE PERSONAL PROPERTY; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE'S SALES TAX, SO AS TO SPECIFY NOTIFICATION REQUIREMENTS FOR CLAIMING THE EXEMPTION ON THE CONSTRUCTION MATERIALS USED IN CERTAIN SINGLE MANUFACTURING AND DISTRIBUTION FACILITIES AND TO PROVIDE FOR ASSESSMENT OF ANY TAX DUE, TO SPECIFY THAT THE EXEMPTION IN CONNECTION WITH THE SALE OF CURRENCY APPLIES TO CURRENCY THAT IS LEGAL TENDER, AND TO CLARIFY THE EXEMPTION AS TO DURABLE MEDICAL EQUIPMENT AND RELATED SUPPLIES; TO AMEND SECTION 12-37-90, RELATING TO DUTIES OF A

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FULL-TIME COUNTY ASSESSOR, SO AS TO DELETE THE AUTHORITY OF THE DEPARTMENT OF REVENUE TO ALTER A VALUE OF REAL PROPERTY AS SET BY THE ASSESSOR; TO AMEND SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE FOR EXEMPTION OF THE REAL PROPERTY OF DEFINED TAX EXEMPT ORGANIZATIONS AND TO CORRECT A CROSS REFERENCE; TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO DEFINITIONS FOR PURPOSES OF THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO CORRECT A CROSS REFERENCE IN THE DEFINITION OF "SPONSOR"; TO AMEND SECTION 12-54-70, AS AMENDED, RELATING TO EXTENSION OF TIME FOR FILING RETURNS OR PAYING TAX, SO AS TO FURTHER DEFINE THE LENGTH OF THE EXTENSION; TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO TIME LIMITATION FOR ASSESSMENT OF TAXES OR FEES BY THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE FOR THE INSTANCE OF A TAXPAYER LACKING A VALID BUSINESS PURPOSE; TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO DISCLOSURE OF RECORDS AND REPORTS FILED WITH THE DEPARTMENT OF REVENUE, SO AS TO REQUIRE THAT THE DISCLOSURE MUST BE WILFUL TO GIVE RISE TO THE PENALTIES; TO AMEND SECTION 12-63-20, AS AMENDED, RELATING TO THE ENERGY FREEDOM AND RURAL DEVELOPMENT ACT, SO AS TO DEFINE "BIODIESEL" FOR THAT PURPOSE; TO AMEND SECTION 30-2-320, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLIC RECORDS, AND SECTION 37-20-180, RELATING TO DISCLOSURE OF IDENTIFYING INFORMATION IN CONNECTION WITH PUBLICATION OF A SOCIAL SECURITY NUMBER, BOTH SO AS TO ALLOW DISCLOSURE BY AND TO THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF CARRYING OUT ITS DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 44-43-1360, AS AMENDED, RELATING TO ADMINISTRATION OF DONATE LIFE SOUTH CAROLINA, SO AS TO CORRECT A CROSS REFERENCE; AND TO REPEAL SECTION 12-20-175, RELATING TO REDUCTION OF LICENSE FEES DUE TO TAX CREDITS AND SECTION 12-36-30,

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RELATING TO THE DEFINITION OF "PERSON" FOR PURPOSES OF THE SALES AND USE TAX.

Ordered for consideration tomorrow.

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

H. 3761 -- Rep. Cooper: A BILL TO AMEND SECTION 44-53-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FORFEITURE PROCEDURES RELATED TO DRUG PROCEEDS, SO AS TO ALLOW THE USE OF FORFEITED MONIES AND PROCEEDS FROM THE SALE OF PROPERTY FOR TRAINING AND EDUCATION BY LAW ENFORCEMENT IN ADDITION TO OTHER USES PREVIOUSLY DELINEATED.

Ordered for consideration tomorrow.

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

H. 3919 -- Reps. Mitchell, Alexander, Gunn, Dillard, Hamilton, Limehouse, J.R. Smith, King, Kirsh, Littlejohn, J.M. Neal, Herbkersman, Stavrinakis, Chalk, Cobb-Hunter, Anthony, Branham, Brantley, Parker, Allison, Gilliard, J.H. Neal, Whipper, Mack, Battle, Hosey, Allen, Weeks, Jennings, Loftis, Knight, Vick, Rutherford and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-250 SO AS TO ESTABLISH THE SOUTH CAROLINA HOUSING COMMISSION TO PROVIDE RECOMMENDATIONS TO ENSURE AND FOSTER THE AVAILABILITY OF SAFE, SOUND, AND AFFORDABLE HOUSING AND WORKFORCE HOUSING FOR EVERY SOUTH CAROLINIAN, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMISSION, AND FOR OTHER PROCEDURAL MATTERS.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., May 14, 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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S. 345 -- Senator Leatherman: A BILL TO AMEND SECTION 8-11-65 OF THE 1976 CODE, RELATING TO LEAVES OF ABSENCE TO BE AN ORGAN DONOR, TO PROVIDE THAT THE NUMBER OF DAYS A PERSON MAY MISS EACH YEAR TO DONATE THEIR ORGANS SHALL BE COUNTED IN A CALENDAR YEAR INSTEAD OF A FISCAL YEAR; AND TO AMEND SECTION 8-11-120, RELATING TO THE POSTING OF JOB VACANCIES BEFORE THE VACANCY IS FILLED, TO REVISE AND SIMPLIFY THE REQUIREMENTS FOR THE NOTICE.

Respectfully submitted,
Speaker of the House
Received as Information

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

Message from the House

Columbia, S.C., May 14, 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. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

Respectfully submitted,
Speaker of the House
Received as Information

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

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Message from the House

Columbia, S.C., May 14, 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. 351 -- Senators Grooms, McConnell and Ford: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54 OF THE 1976 CODE, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CAUSE, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, TO PROHIBIT CONFLICT OF INTEREST TRANSACTIONS, TO ESTABLISH A SOUTH CAROLINA STATE PORTS ADVISORY BOARD, AND SET THE MEMBERSHIP, DUTIES, AND RESPONSIBILITIES OF THE ADVISORY BOARD; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2, RELATING TO PORTS AUTHORITY MANAGEMENT, TO PROVIDE THAT THE BOARD OF DIRECTORS MUST HIRE AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR'S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140(5), TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS; TO AMEND SECTION 54-3-140, RELATING TO THE POWERS OF THE PORTS AUTHORITY, BY ADDING TWO NEW ITEMS THAT REQUIRE A LONG-RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN AND TO PROVIDE THAT THE

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AUTHORITY MUST CONSIDER PUBLIC-PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, AND TO PROVIDE THAT COPIES OF THE STATEMENT MUST BE FORWARDED TO THE ADVISORY COMMITTEE AND THE GENERAL ASSEMBLY; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54-3-1060, TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND MUST MAINTAIN ON ITS INTERNET WEBSITE A COPY OF EACH MONTHLY CREDIT CARD STATEMENT FOR ALL CREDIT CARDS MAINTAINED BY THE AUTHORITY; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13, RELATING TO LEGISLATIVE OVERSIGHT, TO REQUIRE REGULAR OVERSIGHT REVIEW OF THE AUTHORITY AND THE EXECUTIVE DIRECTOR.

Respectfully submitted,

Speaker of the House

Received as Information

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

HOUSE CONCURRENCE

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.

Returned with concurrence.

Received as information.

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S. 831 -- Senators Sheheen and Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE KATHY BRADLEY UPON HER RETIREMENT FROM THE KERSHAW COUNTY BOARD OF DISABILITIES AND SPECIAL NEEDS.

Returned with concurrence.

Received as information.

S. 833 -- Senator McConnell: A CONCURRENT RESOLUTION TO HONOR PINCUS KOLENDER, A HOLOCAUST SURVIVOR WHO DEDICATED HIS LIFE TO EDUCATING PEOPLE ABOUT THE HOLOCAUST AND CHARGING THEM WITH THE RESPONSIBILITY OF PREVENTING SIMILAR TRAGEDIES IN THE FUTURE.

Returned with concurrence.

Received as information.

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

ORDERED ENROLLED FOR RATIFICATION

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

H. 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

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BUILDING OFFICIAL, TO PROVIDE THAT BUILDING OFFICIALS SHALL ISSUE AND REVOKE BUILDING PERMITS AND INSPECT CONSTRUCTION OF BUILDINGS PURSUANT TO THE PERMITS ISSUED, TO REQUIRE LOCAL JURISDICTIONS TO PROVIDE AN APPEALS BOARD AND PROCESS FOR GRANTING OF CERTAIN VARIANCES, TO PROVIDE AN EXCEPTION AND TO ALLOW CERTAIN APPEALS TO BE HEARD BY THE SOUTH CAROLINA BUILDING CODES COUNCIL, AND TO PROVIDE THAT A PERSON OR PARTY MAY OBTAIN INJUNCTIVE RELIEF; AND TO AMEND SECTION 6-9-50, AS AMENDED, RELATING TO THE MANDATORY ADOPTION OF CERTAIN NATIONAL BUILDING CODES, BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO CODE DOCUMENTS, AND THREE STORY HOMES, SO AS TO DELETE PROVISIONS RELATING TO WHAT CONSTITUTES COMPLIANCE WITH THE BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO DOCUMENTS CONTAINING CODES ADOPTED BY THE BUILDING CODES COUNCIL, AND BUILDING PERMITS FOR THREE STORY HOMES.

H. 3550--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. 3187 -- Reps. Chalk and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-5-26 SO AS TO DEFINE THE TERM "LANDSCAPE SERVICE" AND TO PROVIDE THAT A PERSON WHO PROVIDES A LANDSCAPE SERVICE ON A PARCEL OR REAL ESTATE BY VIRTUE OF AN AGREEMENT WITH THE OWNER OF THE REAL ESTATE, AND TO WHOM A DEBT IS DUE FOR HIS PERFORMANCE OF THE LANDSCAPING SERVICE, HAS A MECHANICS' LIEN ON THE REAL ESTATE TO SECURE PAYMENT OF DEBT DUE TO HIM.

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H. 3187--Recorded Vote

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

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

Senator L. MARTIN explained the Bill.

H. 3413--Recorded Vote

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

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 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

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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 L. MARTIN explained the Bill.

H. 3677--Recorded Vote

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

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

There was no objection.

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

H. 3482--Recorded Vote

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

THIRD READING BILLS

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

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.

S. 170--Recorded Vote

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

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.

S. 806--Recorded Vote

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

AMENDED, READ THE THIRD TIME

S. 793 -- Senators Pinckney and Davis: 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

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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.

Motion Under Rule 26B

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

There was no objection.

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

Senators DAVIS and PINCKNEY proposed the following amendment (793R001.TD), which was adopted:

Amend the bill, as and if amended, page 7, by striking lines 20-21 and inserting:

/ (29) to withdraw from the Salkehatchie River not more than twenty-five million gallons of /

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 third time, passed and ordered sent to the House of Representatives with amendments.

SECOND READING BILLS

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

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.

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.

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.

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

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DOCUMENT NUMBER 4019, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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.

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

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.

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.

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

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

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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.

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. (3018FIN01) proposed by Senator CLEARY and previously printed in the Journal of Wednesday, May 13, 2009.

Senator CLEARY explained the amendment.

On motion of Senator CLEARY, with unanimous consent, the previously proposed amendment was withdrawn.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 766 -- Senators Alexander, Thomas, Knotts, L. Martin, S. Martin, Nicholson, Land, Setzler, Fair, Peeler and Scott: 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.

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 (JUD0766.002), which was adopted:

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

/ SECTION 1. Title 16 of the 1976 Code is amended by adding:

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“Section 16-17-506. (A) For purposes of this section, ‘novelty lighter’ means a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes which is designed to resemble a toy, has flashing lights, or makes musical sounds. A ‘novelty lighter’ does not include:

- (1) a lighter manufactured prior to January 1, 1980;
- (2) a lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame;
- (3) a mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills; or
- (4) a standard lighter that is printed or decorated with logos, labels, decals, artwork, or a heat shrinkable sleeve.

(B)(1) It is unlawful for a person to sell, furnish, give, distribute, purchase for, or provide a novelty lighter to a person under the age of eighteen years.

(2) Failure to demand identification to verify a person’s age is not a defense to an action initiated pursuant to this subsection. Proof of age that is demanded, is shown, and reasonably is relied upon for the person’s proof of age is a defense to an action initiated pursuant to this subsection.

(3) A person who knowingly violates a provision of this subsection in person, by agent, or in any other way is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(4) The Office of the State Fire Marshal may investigate any complaints received concerning a violation of this subsection. Upon finding a violation, the Office of the State Fire Marshal may impose a civil penalty not to exceed five hundred dollars and may seize the novelty lighters. A person who feels aggrieved by the imposition of a civil penalty or seizure of property may, within ten days of the imposition of the civil penalty or seizure of property, appeal to the administrative law court for review as provided pursuant to Title 1, Chapter 23, Article 5.

(C)(1) A person under the age of eighteen years must not purchase, attempt to purchase, possess, or attempt to possess a novelty lighter, or present or offer proof of age that is false or fraudulent for the purpose of purchasing or possessing a novelty lighter.

(2) A person who knowingly violates a provision of this subsection in person, by agent, or in any other way commits a noncriminal offense and is subject to a civil fine of twenty-five dollars.

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The civil fine is subject to all applicable court costs, assessments, and surcharges.

(3) A violation of this subsection is not a criminal or delinquent offense and no criminal or delinquent record may be maintained. A person may not be detained, taken into custody, arrested, placed in jail or in any other secure facility, committed to the custody of the Department of Juvenile Justice, or found to be in contempt of court for a violation of this subsection or for the failure to pay a fine.”

SECTION 2. This act takes effect on January 1, 2010. /

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

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”.

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 (JUD3342.002), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 39 in its entirety, and inserting therein the following:

[SJ]

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/ to Article 1, Chapter 23, Title 1, unless otherwise defined in the act, joint resolution, or regulation, the words ‘person’, ‘human /

Amend the bill further, as and if amended, page 2, by striking line 13 in its entirety, and inserting therein the following:

/ being born alive as defined in this subsection.

(4) Nothing in this subsection shall be construed to affect existing federal or state law regarding abortion.

(5) Nothing in this subsection shall be construed to alter generally accepted medical standards.” /

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3615 -- Reprs. 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”.

[SJ]

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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 (JUD3615.002), which was adopted:

Amend the bill, as and if amended, by striking Section 32-7-100 and Section 32-7-110, page 13, lines 17-43, and page 14, lines 1-13 in their entirety and inserting the following:

/ Section 32-7-100. (A) ~~Any~~ A person wilfully violating the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than ~~five hundred~~ one thousand dollars ~~nor or~~ more than ~~one~~ five thousand dollars, or ~~be~~ imprisoned for not less than ten days ~~nor or~~ more than six months, or both. In addition, this person may be prohibited from entering into ~~any~~ further preneed funeral contracts if the ~~board~~ department, in its discretion, finds that the offense is sufficiently grievous. ~~The revocation of a license under this section may be appealed to the circuit court in the licensee's county of residence.~~

(B) Before the suspension, revocation, or other action by the department involving a license to sell preneed funeral contracts becomes final, a licensee is entitled to request a contested case hearing before the Administrative Law Court, in accordance with the Administrative Procedures Act.

Section 32-7-110. (A) The ~~board~~ department shall enforce the provisions of this chapter and has the power to make investigations, subpoena witnesses and documents, require audits and reports, and conduct hearings as to violations of any provisions, and to promulgate ~~such~~ regulations ~~as are~~ necessary to carry out the provisions of this chapter.

(B) Upon its own initiative or upon receipt of a complaint, the ~~board~~ must department shall investigate ~~any~~ a funeral home, funeral director, individual, or business the ~~board~~ department has reason to believe is acting as a provider without a license. In order to conduct its investigation, the ~~board~~ must department shall review the books, records, and accounts of: (1) ~~any~~ a funeral home or funeral director licensed by the State Board of Funeral Service even if the funeral home or funeral director is not licensed to sell preneed funeral contracts, or (2) ~~any~~ an individual or business the ~~board~~ department has reason to believe is acting as a provider without a license. If the ~~board~~

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department discovers that a violation of this chapter has occurred by ~~any~~ a funeral home, funeral director, individual, or business that is not licensed to sell preneed funeral contracts, ~~the board must~~ department may initiate an action for a violation of this chapter in the Administrative Law Court for a cease and desist order or assess an administrative fine not to exceed ten thousand dollars, or both. A person aggrieved by an order of the department may request a contested case hearing before the Administrative Law Court.

(C) Whether or not enforcement action is taken by the department, the department shall report the a violation it discovers to the State Board of Funeral Service or for an action pursuant to Section 40-19-110(12) and to the Attorney General, a circuit solicitor, or an appropriate law enforcement agency. /

Amend the bill further, as and if amended, page 14, by striking lines 30-34 in their entirety and inserting the following:

/ “(E) All payments received by any establishment licensed under this chapter for funeral merchandise being purchased must be placed in a trust account in a federally insured institution until the merchandise is delivered and in the physical possession of the purchaser for use as provided in the contract in accordance with the sales agreement. Upon its own initiative or /

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.

AMENDED, READ THE SECOND TIME

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

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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.

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

Senator CAMPSER proposed the following amendment (3794R001.GEC), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 38-40 and inserting:

/ the protection, propagation, and promotion of fish and wildlife and for public hunting, ~~and fishing, and other natural resource dependent recreational use.~~ The department may not have under lease at any /

Amend the bill, as and if amended, page 3, by striking lines 15 - 17 and inserting:

/ (19) gathering, damaging, or destroying rocks, minerals, fossils, artifacts, geological formations or ecofacts, except by permit;

(20) gathering, damaging, or destroying plants, fallen vegetation, animals, and fungi except to the extent these activities are authorized by permit, or are incidental to other activities authorized in wildlife management areas by this title; /

Amend the bill, as and if amended, page 6, by striking SECTION 6 in its entirety and inserting:

/ SECTION 6. Article 10, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50-11-2215. Nothing contained in Section 50-11-2200 or 50-11-2210 shall interfere with the use and management of lands by a state agency charged with the management of those lands as part of the functions of the agency authorized by law or with the management and use by a landowner of his lands with the WMA program; nor shall anything contained in this Section 50-11-2200 or 50-11-2210 be deemed to alter in any way the rights of owners of easements and rights of way within the boundaries of those lands.” /

Renumber sections to conform.

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Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

Senator CROMER explained the Bill.

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

H. 3794--Ordered to a Third Reading

On motion of Senator CROMER, with unanimous consent, H. 3794 was ordered to receive a third reading on Friday, May 15, 2009.

AMENDMENT PROPOSED, CARRIED OVER

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 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.

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 (JUD0652.005):

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

/ SECTION 1. Chapter 56, Title 33 of the 1976 Code is amended by adding:

"Section 33-56-75. (A) A list provided by the charitable organization of the names, postal addresses, telephone numbers, e-mail

addresses, and the dates and amounts of each donation, of each contributor to a solicitation campaign organized pursuant to this chapter conducted by a professional fundraising counsel or professional solicitor and any such list generated during the solicitation campaign shall be the property of the charitable organization for which the solicitation campaign is conducted. The professional fundraising counsel or professional solicitor must maintain this list throughout the duration of the solicitation campaign until the list is transferred to the charitable organization pursuant to subsection (B).

(B) If the contributions are received by a professional fundraising counsel or professional solicitor, his agent or subcontractor, then the professional fundraising counsel or professional solicitor shall deliver the list of contributors that has been provided by the charitable organization and generated during the solicitation campaign, including the names, postal addresses, telephone numbers, e-mail addresses, and dates and amounts of donations, to the charitable organization within ninety days after the solicitation campaign has been completed, or within ninety days after each anniversary of a solicitation campaign that lasted for more than one year.

(C) A professional fundraising counsel or professional solicitor shall not:

(1) withhold from the charitable organization the list referenced in subsection (A);

(2) restrict any use by the charitable organization of the list referenced in subsection (A);

(3) transfer possession or control of the list referenced in subsection (A) to any person other than the charitable organization that owns the list;

(4) permit the use of the list referenced in subsection (A) by any person not so authorized by the charitable organization; or

(5) use the list referenced in subsection (A) for the benefit of any person other than the owner of the list, without the explicit written consent of the charitable organization that owns this list.

(D) (1) If a professional fundraising counsel or a professional solicitor violates a provision of this section, the Secretary of State must notify the professional fundraising counsel or professional solicitor by mailing a notice by registered or certified mail, with return receipt requested, to the last known address of the violator. If the violation is not remedied within fifteen days after the formal notification or receipt of the notice, the Secretary of State may assess an administrative fine of

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one hundred dollars for each day of noncompliance, not to exceed a maximum fine of twenty-five thousand dollars for each violation.

(2) A person who is assessed an administrative fine pursuant to this section shall, within thirty days from receipt of certified or registered notice from the Secretary of State, pay the assessed fine or request a contested case hearing before the Administrative Law Court. If no fine is remitted or no contested case is requested, then the Secretary of State may suspend the registration of the person and is authorized to request an injunction against the person in the Administrative Law Court to prohibit the person from engaging in further charitable solicitation activities in this State. The decision of the Administrative Law Court may be appealed as provided in Section 1-23-610.”

SECTION 2. Section 33-56-160 of the 1976 Code is amended to read:

“Section 33-56-160. (A) The first two hundred thousand dollars in administrative fine revenue received pursuant to this chapter in a fiscal year, not including such fine revenues collected pursuant to Section 33-56-75, may be retained by the Secretary of State to offset the expenses of enforcing this chapter. All administrative fines collected pursuant to this chapter in excess of two hundred thousand dollars in a fiscal year, not including such fine revenues collected pursuant to Section 33-56-75, must be transmitted to the State Treasurer and deposited in the state general fund. All fees collected pursuant to this chapter must be transmitted to the State Treasurer and deposited in a fund separate and distinct from the state general fund and used by the Secretary of State for the purpose of administering the provisions of this chapter.

(B) All administrative fines collected pursuant to Section 33-56-75 in a fiscal year must be transmitted to the State Treasurer and deposited in a fund separate and distinct from the state general fund. The revenue collected from these fines must be directed to the Secretary of State for the purpose of administering the provisions of that section.

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

Re-number sections to conform.

Amend the title to conform.

Senator KNOTTS explained the perfecting amendment.

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

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AMENDMENT PROPOSED, CARRIED OVER

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

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

Senator CAMPSER proposed the following amendment (829R001.GEC):

Amend the concurrent resolution, as and if amended, page 2, line 14 by adding:

/ Whereas, the development of the Charleston Naval Complex is an important component in the success of the Global Logistics Triangle; and

Whereas, on October 25, 2002 the City of North Charleston and the South Carolina State Ports Authority entered into a Memorandum of Understanding and Agreement regarding the Charleston Naval Complex that includes a provision limiting rail access to the Charleston Naval Complex to the south end of the port; and /

Amend the concurrent resolution as and if amended, page 2, after line 29 by adding:

/ Be it further resolved by the Senate, the House of Representatives concurring:

That the General Assembly recognizes the City of North Charleston's contractual right to limit rail access to the Charleston Naval Complex to the south end of the port.

Be it further resolved by the Senate, the House of Representatives concurring:

That the General Assembly declares that no actions should be taken to impair the City of North Charleston's ability to exercise of any of its rights under the Memorandum of Understanding and Agreement. /

Re-number sections to conform.

Amend title to conform.

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Senator CAMPSSEN explained the amendment.

On motion of Senator MATTHEWS, with unanimous consent, Resolution was carried over.

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN,
AMENDMENT PROPOSED, OBJECTION**

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 adoption of Amendment No. (3131R001.REC) proposed by Senator CROMER and previously printed in the Journal of Wednesday, May 13, 2009.

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

There was no objection and the amendment was withdrawn.

Senator CROMER proposed the following amendment (3131R003.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:

"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~~ an active 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." /

Re-number sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

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Senator BRIGHT objected to further consideration of the Bill.

ADOPTED

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.

The Senate Resolution was adopted.

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

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

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, D.C. Moss, Nanney, J.H. Neal, J.M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E.H. Pitts, M.A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: A CONCURRENT RESOLUTION TO DECLARE

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MAY 22, 2009, PARENT CARE DAY IN SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO SUPPORT AND HONOR THEIR PARENTS.

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

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

Senator LEVENTIS explained the Concurrent Resolution.

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

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".

Senator LEVENTIS explained the Concurrent Resolution.

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

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

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OF HIGHWAY CONTAINING THE WORDS “MAYOR WILLIE M. JEFFERSON HIGHWAY”.

Senator LEVENTIS explained the Concurrent Resolution.

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

RECALLED

H. 3814 -- Reps. Allison, Cole, Forrester, Kelly and Parker: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO DESIGN AND IMPLEMENT A HIGHWAY BEAUTIFICATION PILOT PROJECT TO REDUCE THE NUMBER OF NONCONFORMING BILLBOARDS THROUGHOUT THE STATE.

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

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

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

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

RECALLED, AMENDED AND READ THE SECOND TIME

H. 3804 -- Reps. Bedingfield, Wylie, Cato, Allen, Bannister, Hamilton and Stringer: A BILL TO AMEND SECTION 7-7-280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENVILLE COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF GREENVILLE 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.

Senator FAIR asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary.

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

There was no objection.

Amendment No. 1

Senator FAIR proposed the following amendment (DKA\3737DW09), which was adopted:

Amend the bill, as and if amended, by striking Section 7-7-280(A), as contained in SECTION 1, and inserting:

/ (A)In Greenville County there are the following voting precincts:

~~Precinct Name~~

Aiken

Altamont Forest

Asheton Lakes

Avon

Baker Creek

Belle Meade

Bells Crossing

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Belmont
Berea
Boiling Springs
Botany Woods
Bridge Fork
Brookglenn
Canebrake
Carolina
Castle Rock
Chestnut Hills
Circle Creek
Clear Creek
Conestee
Darby Ridge
Del Norte
Devenger
Donaldson
Dove Tree
Dunklin
Eastside
Ebenezer
Edwards Forest
Enoree
Feaster
Fork Shoals
Fountain Inn 1
Fountain Inn 2
Fox Chase
Frohawk
Furman
Graze Branch
~~Gilder Creek~~
Gowensville
Granite Creek
Greenbriar
Greenville 1
Greenville 3
Greenville 4
Greenville 5
Greenville 6

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Greenville 7
Greenville 8
Greenville 10
Greenville 14
Greenville 16
Greenville 17
Greenville 18
Greenville 19
Greenville 20
Greenville 21
Greenville 22
Greenville 23
Greenville 24
Greenville 25
Greenville 26
Greenville 27
Greenville 28
Greenville 29
Grove
~~Highland Creek~~
Hillcrest
Holly Tree
Jennings Mill
Kilgore Farms
Lakeview
Laurel Ridge
Leawood
Locust Hill
Long Creek
Maple Creek
Maridell
Mauldin 1
Mauldin 2
Mauldin 3
Mauldin 4
Mauldin 5
Mauldin 6
Mauldin 7
Mission
Monaview

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Moore Creek
Mountain Creek
Mountain View
Mt. Pleasant
Neely Farms
Northwood
Oakview
Oneal
Palmetto
Paris Mountain
Pebble Creek
Pelham Falls
Piedmont
Pineview
Poinsett
Raintree
Ranch Creek
Reedy Fork
Riverside
Riverwalk
Rock Hill
Rocky Creek
Rolling Green
Royal Oaks
Saluda
Sandy Flat
Sevier
Silverleaf
Simpsonville 1
Simpsonville 2
Simpsonville 3
Simpsonville 4
Simpsonville 5
Simpsonville 6
Skyland
Slater Marietta
Southside
Sparrows Point
Spring Forest
Standing Springs

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Stonehaven
Stone Valley
Suber Mill
Sugar Creek
Sulphur Springs
Sycamore
Tanglewood
Taylors
Thornblade
Tigerville
Timberlake
Trade
~~Travelers Rest~~
Travelers Rest 1
Travelers Rest 2
Tubbs Mountain
Tyger River
Verdmont
Wade Hampton
Walnut Springs
Ware Place
Welcome
Wellington
Westcliffe
Westside
Woodmont
Woodruff Lakes. /
ReNUMBER sections to conform.
Amend title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

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

RECALLED

H. 4008 -- Reps. Funderburk, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle,

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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, 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, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF NOVEMBER 2009 AS "EPILEPSY AWARENESS MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE COMMUNITY AWARENESS AND UNDERSTANDING OF EPILEPSY.

Senator SHEHEEN asked unanimous consent to make a motion to recall the Bill from the Committee on Medical Affairs.

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

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

RECALLED

H. 3509 -- Reps. M.A. Pitts, Duncan, Thompson, Bowen, Toole, Stringer, Hamilton, Pinson, Bedingfield, G.R. Smith, Cooper, Crawford, Long, Lowe, Nanney, Owens, E.H. Pitts, Rice, Viers, White, Haley, Clemmons, Horne, Wylie, Huggins, Allison, Parker, A.D. Young, Millwood, Simrill, Willis, Herbkersman, Cato, Littlejohn, J.R. Smith, Hiott and Erickson: A CONCURRENT RESOLUTION TO AFFIRM THE RIGHTS OF ALL STATES INCLUDING SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND

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TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

Senator L. MARTIN moved that the Resolution be recalled from the Committee on Judiciary.

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

MOTION ADOPTED

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

THE SENATE PROCEEDED TO A CONSIDERATION OF VETOES.

VETO OVERRIDDEN

(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.

Senator ALEXANDER moved that the veto of the Governor be overridden.

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

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

Ayes 1; Nays 0

AYES

Alexander

Total--1

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NAYS

Total--0

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

VETO OVERRIDDEN

(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.

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

Senator CLEARY moved that the veto of the Governor be overridden.

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

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

Ayes 45; Nays 0

AYES

Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Coleman	Courson
Cromer	Davis	Elliott
Fair	Ford	Grooms
Hayes	Hutto	Jackson
Knotts	Land	Leatherman

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Leventis	Lourie	Malloy
<i>Martin, L.</i>	<i>Martin, S.</i>	Massey
Matthews	McConnell	McGill
Mulvaney	Nicholson	O'Dell
Pinckney	Rankin	Reese
Rose	Ryberg	Scott
Setzler	Sheheen	Shoopman
Thomas	Verdin	Williams

Total--45

NAYS

Total--0

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

VETO OVERRIDDEN

(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.

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

Senator ROSE moved that the veto of the Governor be overridden.

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

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

Ayes 3; Nays 0

AYES

Grooms	Matthews	Rose
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Total--3

NAYS

Total--0

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

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

CONCURRENCE

S. 360 -- Senator Hayes: A BILL TO AMEND SECTION 4-10-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF A ONE PERCENT CAPITAL PROJECT SALES AND USE TAX BY A COUNTY GOVERNING BODY, SO AS TO DELETE A REQUIREMENT THAT THE TAX IS TO COLLECT A LIMITED AMOUNT OF MONEY; TO AMEND SECTION 4-10-330, AS AMENDED, RELATING TO THE COUNTY ORDINANCE AND BALLOT QUESTION FOR THE REFERENDUM REQUIRED, SO AS TO FURTHER PROVIDE FOR THE CONTENTS OF THE ORDINANCE AND THE DATES AND PURPOSES OF THE REFERENDUM; AND TO AMEND SECTION 4-10-340, AS AMENDED, RELATING TO THE IMPOSITION AND TERMINATION OF THE TAX, SO AS TO FURTHER PROVIDE FOR THE TERMINATION OF A NEWLY IMPOSED AND A REIMPOSED TAX.

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.

CONCURRENCE

S. 758 -- Senator Land: A BILL TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALES AND USE TAX

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WITHIN CLARENDON COUNTY, TO ALLOW PROCEEDS FROM THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009-2010 SCHOOL YEAR.

The House returned the Bill with 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.

CONCURRENCE

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

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

The House returned the Bill with amendments.

On motion of Senator L. MARTIN, 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.

NONCONCURRENCE

S. 304 -- Senators Leatherman, Alexander, Land, Campsen and Grooms: A BILL TO AMEND SECTION 6-1-760 OF THE 1976 CODE, RELATING TO REVENUE BONDS, TO PROVIDE THAT THE PROCEEDS OF LOCAL ACCOMMODATIONS FEES, HOSPITALITY FEES, AND STATE ACCOMMODATIONS FEES MAY BE PLEDGED AS SECURITY, AND TO AMEND SECTION 6-4-10, RELATING TO STATE ACCOMMODATIONS FEES, TO PROVIDE THAT FEES ALLOCATED FOR ADVERTISING AND PROMOTING TOURISM MAY NOT BE PLEDGED AS SECURITY.

The House returned the Bill with amendments.

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

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PRESIDENT *PRO TEMPORE* PRESIDES

At 1:20 P.M., the PRESIDENT *Pro Tempore* assumed the Chair.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

**READ THE SECOND TIME
BILL TO REMAIN IN THE STATUS OF
INTERRUPTED DEBATE**

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

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REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM 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.

Amendment No. P-1

Senators MALLOY, LOURIE and SHEHEEN proposed the following Amendment No. P-1 (3301R002.RF), which was tabled:

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

/ SECTION 1. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-175. (A) The Consumer Finance Division of the Board of Financial Institutions shall implement a common database with real-time access through an internet connection for deferred presentment providers, as provided in this subsection. The board may enter into a contract with a single source private vendor to develop and operate the database. The database must be accessible to the board and the deferred presentment providers to verify if deferred presentment transactions are outstanding for a particular person. A deferred presentment provider shall submit that data before entering into a deferred presentment transaction and once a deferred presentment transaction has been paid in full, in a format the board requires by rule including the drawer’s name, social security number or employment authorization alien number, address, driver’s license number, amount of the transaction, date of transaction, the date that the transaction is closed, and additional information required by the board. The board may impose a fee not to exceed one dollar for each transaction for data required to be submitted by a licensee. A licensee may rely on the information contained in the database as accurate and is not subject to

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any administrative penalty or civil liability as a result of relying on inaccurate information contained in the database. The board may adopt rules to administer and enforce the provisions of this section and to ensure that the database is used by licensees in accordance with this section.

(B) The information provided in the database is limited for the use in determining if a customer is eligible or ineligible to enter into a new deferred presentment transaction and to describe the reason for the determination of eligibility or ineligibility.”

SECTION 2. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-205. On premises advertising by a licensee may not contain false, misleading, or deceptive statements or representations. The board shall promulgate regulations necessary to administer and enforce this section.”

SECTION 3. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-270. (A) A licensee may not enter into a deferred presentment transaction with a person:

(1) who has an outstanding deferred presentment transaction with any licensee;

(2) who has entered into an extended payment plan agreement as provided in Section 34-39-280 which has not been paid in full or terminated; or

(3) sooner than the seventh day after the date upon which the person last closed out a deferred presentment transaction with any licensee.

(B) Before entering into a deferred presentment transaction with a person, a licensee shall verify whether the person is eligible to enter into the transaction by inquiring of the person, checking the licensee’s records, and accessing the deferred presentment transaction database established pursuant to subsection (C).

(C) The board shall contract with a single third party database provider that is SAS 70 certified to establish and operate a deferred presentment transaction database for the purpose of verifying whether a person is eligible to enter into a deferred presentment transaction. The board should give full consideration to Section 11-35-5210 when selecting the third-party database provider to establish and operate the deferred presentment transaction database required by this chapter. The board shall supervise the establishment and operation of the

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database and shall ensure that the database provider establishes and operates the database pursuant to the provisions of this section. The board shall have full access to the database and all records related to the database for purposes of supervising the establishment and operation of the database. If the database provider violates a provision of this section, the board shall terminate the contract. The database must have real-time access through an internet connection and be accessible at all times to the board and licensees. The database provider shall establish and maintain a process for responding to transaction verification requests when technical difficulties prevent the licensee from accessing the database through the internet including, but not limited to, verification by telephone. The database must be set up so as to notify the board if a licensee or a person enters into a transaction in violation of the provisions of this section.

(D) To conduct an inquiry as to whether a person is eligible to enter into a deferred presentment transaction, a licensee shall submit to the database provider such information as the board may require. The response to an inquiry to the database provider by a licensee must state only that a person is eligible or ineligible to enter into a transaction and describe the reason for that determination. The person seeking to enter into the transaction may make a direct inquiry to the database provider to request a more detailed explanation of the basis for the database provider's determination that the person is ineligible to enter into the transaction.

(E) A licensee shall notify the database provider immediately when the licensee enters into a deferred presentment transaction with a person. The licensee shall submit to the database provider such information as the board requires. When the transaction is closed, the licensee shall designate the transaction as closed and immediately notify the database provider. When the database provider receives notification that the transaction is closed, the database provider immediately shall designate the transaction as closed in the database.

(F) A licensee shall notify a person seeking to enter into a deferred presentment transaction that the licensee shall access the database to verify whether the person is eligible to enter into a transaction. The licensee also shall notify the person that information related to a new transaction must be entered into the database.

(G) The database provider may charge a database verification fee to a licensee for an inquiry as to whether a person is eligible to enter into a deferred presentment transaction, if that transaction is consummated by

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the licensee. The fee must be established by the board and may not exceed the actual cost of verifying a person's eligibility but not to exceed one dollar. A licensee may charge a person seeking to enter into a deferred presentment transaction one-half of the actual cost of the verification fee.

(H) Except as otherwise provided in this section, all personally identifiable information regarding a person contained within or obtained by way of the database is strictly confidential and is exempt from disclosure under the Freedom of Information Act. The database provider and licensees shall use the information collected pursuant to this section only as prescribed in this section and for no other purpose.

(I) A licensee may rely on the information contained in the database as accurate and is not subject to any administrative penalty or civil liability as a result of relying on inaccurate information contained in the database.

Section 34-39-280. (A)(1) Subject to the terms and conditions contained in this section, a customer may pay an outstanding deferred presentment transaction by means of an extended payment plan.

(2) A licensee shall enter into a written plan agreement with the customer if the customer, on or before the deferred presentment transaction's due date, requests a plan and signs an amendment to the written agreement that memorializes the plan's terms and shall enter into the database established in Section 34-29-175 the information that the customer has an extended payment plan.

(3) The plan's terms must allow the customer, at no additional cost, to repay the deferred presentment transaction in substantially equal installments over not less than sixty days. Each plan installment must coincide with a date on which the customer receives regular income. The customer may prepay a plan in full at any time without penalty. If the customer fails to pay a plan installment when due, the plan is terminated and the licensee immediately may accelerate and collect the unpaid transaction balance. The licensee, with each payment under the plan by a customer, may provide for the return of the customer's prior held check and require a new check for the remaining balance under the plan.

(4) A licensee must notify the customer of his plan rights by displaying the following statement, in at least twelve-point bold type, on the first page of the written agreement:

'You should use a deferred presentment transaction only for a short-term credit need. If you have a long-term credit need, you should

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consider a less costly way to borrow money or seek the advice of a nonprofit credit counselor. You may repay this contract through an extended payment plan. If you choose this right, then, on or before the date this contract is due, you must ask for an extended payment plan. You will be asked to sign a new agreement for this extended payment plan. The extended payment plan must let you repay this contract in substantially equal installments over the next sixty days. There will be no additional cost. Each extended payment plan installment must match with a date on which you receive regular income. You may prepay an extended payment plan in full at any time without penalty. If you fail to pay an extended payment plan installment when due, the extended payment plan will end and we may collect immediately the unpaid contract balance.’

(B)(1) A borrower has the right to rescind the deferred presentment transaction not later than the close of business on the next business day immediately following the transaction date. To rescind a transaction, a borrower must:

(a) inform the lender that the borrower wants to rescind the transaction; and

(b) return the principal amount loaned to the customer.

(2) A licensee must notify the customer of his right of rescission by displaying the following statement, in at least twelve-point bold type, on a separate form signed and dated by the licensee and the customer and attached to the written agreement:

‘You should use a deferred presentment transaction only for a short-term credit need. If you have a long-term credit need, you should consider a less costly way to borrow money or seek the advice of a nonprofit credit counselor. You may cancel this contract without penalty and without owing any interest or fees to the lender. To cancel this contract without penalty and without owing any interest or fees to the lender you must (1) return the money loaned to you (2) before _____ o’clock on _____ (date).’

Section 34-39-290. Based upon data provided by the database vendor, the Board of Financial Institutions annually shall report to the General Assembly the following information for loans made in South Carolina in the previous reporting year, specifically the number of:

(1) loans made in South Carolina by loan amount and the dollar amount of fees collected by loan amount;

(2) individual borrowers by loan amount and the number of borrowers by the number of times each borrower took out a loan;

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(3) borrowers who chose to pay off their loans through an extended payment plan by loan amount;

(4) loans that were not paid off in the previous year by loan amount; and

(5) loans on which the lender submitted the check for collection by loan amount and the number of loans on which the lender took action for collection.”

SECTION 4. Section 34-39-130 of the 1976 Code is amended by adding at the end:

“(C) A person may not engage in the business of deferred presentment services with a customer residing in this State, whether or not that person has a location in South Carolina, except in accordance with the provisions of this chapter and without having first obtained a license pursuant to this chapter.

(D)(1) A licensee pursuant to this chapter may not offer, arrange, act as an agent for, or assist a deferred deposit originator in any way in the making of a deferred deposit transaction unless the deferred deposit originator complies with all applicable federal and state laws and regulations including this chapter.

(2) This prohibition does not apply to the arranger, agent, or assistant to a state or federally chartered bank, thrift, savings association, or credit union if, upon review of the entire circumstances, the state or federally chartered bank, thrift, savings association, or credit union:

(a) initially advanced the loan proceeds to the customer;

(b) maintained a preponderant economic interest in the loan after its initiation; and

(c) developed the deferred deposit transaction product or products on its own without involvement of the licensee.

(3) If a licensee offers, arranges, acts as an agent for, or assists a state or federally chartered bank, thrift, savings association, or credit union in the making of a deferred deposit transaction and the licensee demonstrates that the standards in item (2)(a), (b), and (c) are met, the licensee must comply with all other provisions of this chapter to the extent that they are not preempted by other federal or state law.”

SECTION 5. Section 34-39-150(C) and (D) of the 1976 Code is amended to read:

“(C) The application must be accompanied by payment of an application fee of ~~two hundred fifty~~ five hundred dollars for the first location and five hundred dollars for each additional location and an

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investigation fee of five hundred dollars for each licensee. These fees are not refundable or abatable. If the license is granted, however, payment of the application fee satisfies the fee requirement for the first license year or its remainder.

(D) A license expires annually and may be renewed upon payment of a license fee of ~~two hundred fifty~~ five hundred dollars. The annual license renewal fee for an applicant with more than one location is ~~two hundred fifty~~ five hundred dollars for the first location and ~~two hundred fifty~~ five hundred dollars for each additional location.

(E) The first ten thousand dollars collected from license fees pursuant to this section must be credited to the Department of Consumer Affairs to implement a consumer financial literacy program.

(F) Of the remaining license fees, after the first ten thousand dollars is credited pursuant to subsection (E), one half must be credited to the Board of Financial Institutions for enforcement of this chapter and one half must be credited to the Attorney General to prosecute actions brought for violations of this chapter.”

SECTION 6. Section 34-39-170 of the 1976 Code, as added by Act 433 of 1998, is amended by adding an appropriately numbered new item to read:

“() A licensee and a customer may not enter into an electronic funds transfer agreement to make automatic debited loan payments for any portion of a deferred presentment agreement.”

SECTION 7. Section 34-39-180 of the 1976 Code, as added by Act 433 of 1998, is amended to read:

“Section 34-39-180. (A) ~~A licensee may defer the presentment or deposit of a check for up to thirty one days pursuant to the provisions of this section. The total amount advanced by a licensee to any customer for deferred presentment or deposit may not exceed the lesser of twenty-five percent of the customer’s gross income during the term of the loan or five hundred dollars, exclusive of the fees allowed in Section 34-39-180(D). A licensee may not advance to a customer an amount for deferred presentment or deposit which causes this limit to be exceeded by that customer.~~

(B) ~~The face amount of a check taken for deferred presentment or deposit may not exceed three hundred dollars, exclusive of the fees allowed in Section 34-39-180(E).~~

(C)(B) Each check must be documented by a written agreement signed by both the customer and the licensee. The written agreement must contain the name or trade name of the licensee, the transaction

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date, the amount of the check, and a statement of the total amount of fees charged, expressed both as a dollar amount and as an effective annual percentage rate (APR). The written agreement must authorize expressly the licensee to defer presentment or deposit of the check until a specific date, not later than thirty-one days from the date the check is accepted by the licensee. The written agreement also must contain plain language developed by the board which sufficiently informs the customer regarding the nature of deferred presentment services, the deferred presentment service process, the customer's rights pursuant to this chapter, information to file complaints with the South Carolina Department of Consumer Affairs and other information the board may require.

~~(D)~~(C) The board shall require each licensee to issue a standardized consumer notification and disclosure form in compliance with state and federal truth-in-lending laws before entering into a deferred presentment agreement with a customer.

~~(E)~~(D) A licensee ~~shall~~ may not charge, directly or indirectly, a fee or other consideration in excess of fifteen percent of the ~~face amount of the check~~ advanced for accepting a check for deferred presentment or deposit. The fee or other consideration authorized by this subsection may be imposed only once for each written agreement. Records must be kept by each licensee with sufficient detail to ensure that the fee or other consideration authorized by this subsection ~~may be~~ is imposed only once for each written agreement.

~~(F)~~(E) A check accepted for deferred presentment or deposit pursuant to this chapter ~~may~~ must not be repaid from the proceeds of another check accepted for deferred presentment or deposit by the same licensee or an affiliate of the licensee. A licensee ~~shall~~ may not renew or otherwise extend presentment of a check or withhold the check from deposit, for old or new consideration, for a period beyond the time set forth in the written agreement with the customer. A licensee shall not enter into a deferred presentment agreement with a customer who has entered into an extended payment plan agreement with any licensee as provided in Section 34-39-280.

~~(G)~~(F) If a check is returned to the licensee from a payer financial institution due to insufficient funds, closed account, or stop payment order, the licensee may pursue all legally available civil means to collect the check including, but not limited to, the imposition of a returned check charge as provided in Section 34-11-70(a), except that the service charge imposed by the licensee ~~shall~~ may not exceed the

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lesser of ten dollars or the fee imposed by the financial institution on the licensee for the returned check. An individual who issues a personal check to a licensee under a deferred presentment agreement is not subject to criminal penalty.

(G) The board shall develop a form that must be used by all licensees to calculate the maximum amount of funds it may lend a customer based on the customer's income during the term of the loan as required by subsection (A). The form and copies of the documentation verifying the customer's income shall be maintained by the licensee and a copy of both attached to the written agreement signed by the customer."

SECTION 8. Section 34-39-200 of the 1976 Code, as added by Act 433 of 1998, is amended to read:

"Section 34-39-200. A person required to be licensed pursuant to this chapter may not:

- (1) charge fees in excess of those authorized by this chapter;
- (2) engage in the business of:
 - (i) making loans of money or extension of credit;
 - (ii) discounting notes, bills of exchange, items, or other evidences of debt; or
 - (iii) accepting deposits or bailments of money or items, except as expressly provided by Section 34-39-180;
- (3) use or cause to be published or disseminated advertising communication which contains false, misleading, or deceptive statements or representations;
- (4) conduct business at premises or locations other than locations licensed by the board;
- (5) engage in unfair, deceptive, or fraudulent practices, including unconscionable conduct in violation of Section 37-5-108;
- (6) alter or delete the date on a check accepted by the licensee;
- (7) accept an undated check or a check dated on a date other than the date on which the licensee accepts the check;
- (8) require a customer to provide security for the transaction or require the customer to provide a guaranty from another person;
- (9) engage in the retail sale of goods or services, other than deferred presentment services and Level I check-cashing services as defined in Section 34-41-10, at the location licensed pursuant to this chapter, ~~provided, however except~~, that a sale of money orders; or postage stamps, and the payment of utility bills with ~~no additional~~ a fee to the customer that does not exceed one percent of the bill being paid,

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vending machines for food or beverage, facsimile services, ~~Western Union~~ wire transfer or money transmitter services, or rental of postal boxes at rates not higher than allowed by the United States Postal Service ~~is~~ are not the ~~sale~~ sales of goods or services prohibited by this subsection;

(10) be licensed pursuant to Section 12-21-2720(a)(3) to operate a video poker machine; ~~or~~

(11) permit others to engage in an activity prohibited by this section at a location licensed pursuant to this chapter; or

(12) broker or arrange a deferred presentment transaction on behalf of a third-party lender, unless the transaction complies with the provisions of this chapter and is not preempted by federal law."

SECTION 9. 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 10. This act takes effect January 1, 2010. /

Amend title to conform.

Senator PINCKNEY argued in favor of the adoption of the amendment.

Senator MALLOY argued in favor of the adoption of the amendment.

Senator MALLOY moved that the amendment be adopted.

Senator THOMAS moved to lay the amendment on the table.

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

Ayes 27; Nays 15

AYES

Alexander
Campbell

Bright
Campsen

Bryant
Cleary

[SJ]

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Coleman	Cromer	Davis
Grooms	Jackson	Knotts
Land	Leatherman	<i>Martin, L.</i>
<i>Martin, S.</i>	McConnell	Mulvaney
O'Dell	Reese	Rose
Ryberg	Setzler	Shoopman
Thomas	Verdin	Williams

Total--27

NAYS

Anderson	Courson	Fair
Ford	Hayes	Hutto
Leventis	Malloy	Massey
Matthews	McGill	Nicholson
Pinckney	Scott	Sheheen

Total--15

The amendment was laid on the table.

Statement by Senator LOURIE

Had I been present in the Chamber at the time the vote was taken, I would have voted against the motion to table.

Amendment No. P-4

Senators COURSON, MALLOY, and LOURIE proposed the following Amendment No. P-4 (3301R018.JEC), which was tabled:

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

/ SECTION 1. Article 1, Chapter 13, Title 16 of the 1976 Code is amended by adding:

“Section 16 13 480. (A) For purposes of this section:

(1) ‘Deferred presentment services’ means a transaction pursuant to an agreement involving the following combination of activities in exchange for a fee:

(a) accepting a check dated on the date it was written; and

(b) holding the check for a period of time before presentment for payment or deposit.

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(2) 'Person' means an individual, group of individuals, partnerships, association, corporation, or other business unit or legal entity, and includes a person who was previously licensed by this State to engage in the business of deferred presentment services pursuant to Chapter 39 of Title 34.

(B) It is unlawful for a person to engage in the business of deferred presentment services in this State.

(C) A person who violates this section is guilty of a felony and, upon conviction, must be fined the mandatory minimum amount of ten thousand dollars or imprisoned for the mandatory minimum period of five years, or both, no part of which may be suspended nor probation granted."

SECTION 2. Chapter 39, Title 34 of the 1976 Code is hereby repealed.

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor./
Amend title to conform.

Senator COURSON explained the amendment.

Senator THOMAS moved to lay the amendment on the table.

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

Ayes 29; Nays 12

AYES

Alexander
Campbell

Bright
Campsen

Bryant
Coleman

[SJ]

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Cromer	Davis	Grooms
Hutto	Jackson	Knotts
Land	Leatherman	<i>Martin, L.</i>
<i>Martin, S.</i>	Massey	McConnell
Mulvaney	Nicholson	O'Dell
Reese	Rose	Ryberg
Setzler	Shoopman	Thomas
Verdin	Williams	

Total--29

NAYS

Anderson	Cleary	Courson
Fair	Ford	Leventis
Malloy	Matthews	McGill
Pinckney	Scott	Sheheen

Total--12

The amendment was laid on the table.

Statement by Senator LOURIE

Had I been present in the Chamber at the time the vote was taken, I would have voted against the motion to table.

RECESS

At 2:08 P.M., on motion of Senator L. MARTIN, the Senate recessed from business subject to the Call of the Chair.

At 4:02 P.M., the Senate resumed.

Senator MALLOY spoke on the Bill.

Objection

With Senator MALLOY retaining the floor, Senator L. MARTIN asked unanimous consent to make a motion that the Bill be given a second reading, carrying over all amendments to third reading and waiving the provisions of Rule 26B, and leaving H. 3301 in the status of Interrupted Debate.

Senator BRIGHT objected.

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Amendment No. 17

Senator FORD proposed the following Amendment No. 17 (3301FORD6DAYS), which was carried over:

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

/ SECTION 1. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-175. (A) The Consumer Finance Division of the Board of Financial Institutions shall implement a common database with real-time access through an internet connection for deferred presentment providers, as provided in this subsection. The board may enter into a contract with a single source private vendor to develop and operate the database. The database must be accessible to the board and the deferred presentment providers to verify if deferred presentment transactions are outstanding for a particular person. A deferred presentment provider shall submit that data before entering into a deferred presentment transaction and once a deferred presentment transaction has been paid in full, in a format the board requires by rule including the drawer’s name, social security number or employment authorization alien number, address, driver’s license number, amount of the transaction, date of transaction, the date that the transaction is closed, and additional information required by the board. The board may impose a fee not to exceed one dollar for each transaction for data required to be submitted by a licensee. A licensee may rely on the information contained in the database as accurate and is not subject to any administrative penalty or civil liability as a result of relying on inaccurate information contained in the database. The board may adopt rules to administer and enforce the provisions of this section and to ensure that the database is used by licensees in accordance with this section.

(B) The information provided in the database is limited for the use in determining if a customer is eligible or ineligible to enter into a new deferred presentment transaction and to describe the reason for the determination of eligibility or ineligibility.”

SECTION 2. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-205. On premises advertising by a licensee may not contain false, misleading, or deceptive statements or representations. The board shall promulgate regulations necessary to administer and enforce this section.”

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SECTION 3. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-270. (A) A licensee may not enter into a deferred presentment transaction with a person:

(1) who has an outstanding deferred presentment transaction with any licensee;

(2) who has entered into an extended payment plan agreement as provided in Section 34-39-280 which has not been paid in full or terminated; or

(3) sooner than the sixth day after the date upon which the person last closed out a deferred presentment transaction with any licensee.

(B) Before entering into a deferred presentment transaction with a person, a licensee shall verify whether the person is eligible to enter into the transaction by inquiring of the person, checking the licensee’s records, and accessing the deferred presentment transaction database established pursuant to subsection (C).

(C) The board shall contract with a single third party database provider that is SAS 70 certified to establish and operate a deferred presentment transaction database for the purpose of verifying whether a person is eligible to enter into a deferred presentment transaction. The board should give full consideration to Section 11-35-5210 when selecting the third-party database provider to establish and operate the deferred presentment transaction database required by this chapter. The board shall supervise the establishment and operation of the database and shall ensure that the database provider establishes and operates the database pursuant to the provisions of this section. The board shall have full access to the database and all records related to the database for purposes of supervising the establishment and operation of the database. If the database provider violates a provision of this section, the board shall terminate the contract. The database must have real-time access through an internet connection and be accessible at all times to the board and licensees. The database provider shall establish and maintain a process for responding to transaction verification requests when technical difficulties prevent the licensee from accessing the database through the internet including, but not limited to, verification by telephone. The database must be set up so as to notify the board if a licensee or a person enters into a transaction in violation of the provisions of this section.

(D) To conduct an inquiry as to whether a person is eligible to enter into a deferred presentment transaction, a licensee shall submit to the

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database provider such information as the board may require. The response to an inquiry to the database provider by a licensee must state only that a person is eligible or ineligible to enter into a transaction and describe the reason for that determination. The person seeking to enter into the transaction may make a direct inquiry to the database provider to request a more detailed explanation of the basis for the database provider's determination that the person is ineligible to enter into the transaction.

(E) A licensee shall notify the database provider immediately when the licensee enters into a deferred presentment transaction with a person. The licensee shall submit to the database provider such information as the board requires. When the transaction is closed, the licensee shall designate the transaction as closed and immediately notify the database provider. When the database provider receives notification that the transaction is closed, the database provider immediately shall designate the transaction as closed in the database.

(F) A licensee shall notify a person seeking to enter into a deferred presentment transaction that the licensee shall access the database to verify whether the person is eligible to enter into a transaction. The licensee also shall notify the person that information related to a new transaction must be entered into the database.

(G) The database provider may charge a database verification fee to a licensee for an inquiry as to whether a person is eligible to enter into a deferred presentment transaction, if that transaction is consummated by the licensee. The fee must be established by the board and may not exceed the actual cost of verifying a person's eligibility but not to exceed one dollar. A licensee may charge a person seeking to enter into a deferred presentment transaction one-half of the actual cost of the verification fee.

(H) Except as otherwise provided in this section, all personally identifiable information regarding a person contained within or obtained by way of the database is strictly confidential and is exempt from disclosure under the Freedom of Information Act. The database provider and licensees shall use the information collected pursuant to this section only as prescribed in this section and for no other purpose.

(I) A licensee may rely on the information contained in the database as accurate and is not subject to any administrative penalty or civil liability as a result of relying on inaccurate information contained in the database.

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Section 34-39-280.(A)(1) Subject to the terms and conditions contained in this section, a customer may pay an outstanding deferred presentment transaction by means of an extended payment plan.

(2) A licensee shall enter into a written plan agreement with the customer if the customer, on or before the deferred presentment transaction's due date, requests a plan and signs an amendment to the written agreement that memorializes the plan's terms and shall enter into the database established in Section 34-29-175 the information that the customer has an extended payment plan.

(3) The plan's terms must allow the customer, at no additional cost, to repay the deferred presentment transaction in substantially equal installments over not less than sixty days. Each plan installment must coincide with a date on which the customer receives regular income. The customer may prepay a plan in full at any time without penalty. If the customer fails to pay a plan installment when due, the plan is terminated and the licensee immediately may accelerate and collect the unpaid transaction balance. The licensee, with each payment under the plan by a customer, may provide for the return of the customer's prior held check and require a new check for the remaining balance under the plan.

(4) A licensee must notify the customer of his plan rights by displaying the following statement, in at least twelve-point bold type, on the first page of the written agreement:

'You should use a deferred presentment transaction only for a short-term credit need. If you have a long-term credit need, you should consider a less costly way to borrow money or seek the advice of a nonprofit credit counselor. You may repay this contract through an extended payment plan. If you choose this right, then, on or before the date this contract is due, you must ask for an extended payment plan. You will be asked to sign a new agreement for this extended payment plan. The extended payment plan must let you repay this contract in substantially equal installments over the next sixty days. There will be no additional cost. Each extended payment plan installment must match with a date on which you receive regular income. You may prepay an extended payment plan in full at any time without penalty. If you fail to pay an extended payment plan installment when due, the extended payment plan will end and we may collect immediately the unpaid contract balance.'

(B)(1) A borrower has the right to rescind the deferred presentment transaction not later than the close of business on the next business day

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immediately following the transaction date. To rescind a transaction, a borrower must:

(a) inform the lender that the borrower wants to rescind the transaction; and

(b) return the principal amount loaned to the customer.

(2) A licensee must notify the customer of his right of rescission by displaying the following statement, in at least twelve-point bold type, on a separate form signed and dated by the licensee and the customer and attached to the written agreement:

‘You should use a deferred presentment transaction only for a short-term credit need. If you have a long-term credit need, you should consider a less costly way to borrow money or seek the advice of a nonprofit credit counselor. You may cancel this contract without penalty and without owing any interest or fees to the lender. To cancel this contract without penalty and without owing any interest or fees to the lender you must (1) return the money loaned to you (2) before _____ o’clock on _____ (date).’

Section 34-39-290. Based upon data provided by the database vendor, the Board of Financial Institutions annually shall report to the General Assembly the following information for loans made in South Carolina in the previous reporting year, specifically the number of:

(1) loans made in South Carolina by loan amount and the dollar amount of fees collected by loan amount;

(2) individual borrowers by loan amount and the number of borrowers by the number of times each borrower took out a loan;

(3) borrowers who chose to pay off their loans through an extended payment plan by loan amount;

(4) loans that were not paid off in the previous year by loan amount; and

(5) loans on which the lender submitted the check for collection by loan amount and the number of loans on which the lender took action for collection.”

SECTION 4. Section 34-39-130 of the 1976 Code is amended by adding at the end:

“(C) A person may not engage in the business of deferred presentment services with a customer residing in this State, whether or not that person has a location in South Carolina, except in accordance with the provisions of this chapter and without having first obtained a license pursuant to this chapter.

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(D)(1) A licensee pursuant to this chapter may not offer, arrange, act as an agent for, or assist a deferred deposit originator in any way in the making of a deferred deposit transaction unless the deferred deposit originator complies with all applicable federal and state laws and regulations including this chapter.

(2) This prohibition does not apply to the arranger, agent, or assistant to a state or federally chartered bank, thrift, savings association, or credit union if, upon review of the entire circumstances, the state or federally chartered bank, thrift, savings association, or credit union:

(a) initially advanced the loan proceeds to the customer;

(b) maintained a preponderant economic interest in the loan after its initiation; and

(c) developed the deferred deposit transaction product or products on its own without involvement of the licensee.

(3) If a licensee offers, arranges, acts as an agent for, or assists a state or federally chartered bank, thrift, savings association, or credit union in the making of a deferred deposit transaction and the licensee demonstrates that the standards in item (2)(a), (b), and (c) are met, the licensee must comply with all other provisions of this chapter to the extent that they are not preempted by other federal or state law.”

SECTION 5. Section 34-39-150(C) and (D) of the 1976 Code is amended to read:

“(C) The application must be accompanied by payment of an application fee of ~~two hundred fifty~~ five hundred dollars for the first location and five hundred dollars for each additional location and an investigation fee of five hundred dollars for each licensee. These fees are not refundable or abatable. If the license is granted, however, payment of the application fee satisfies the fee requirement for the first license year or its remainder.

(D) A license expires annually and may be renewed upon payment of a license fee of ~~two hundred fifty~~ five hundred dollars. The annual license renewal fee for an applicant with more than one location is ~~two hundred fifty~~ five hundred dollars for the first location and ~~two hundred fifty~~ five hundred dollars for each additional location.

(E) The first ten thousand dollars collected from license fees pursuant to this section must be credited to the Department of Consumer Affairs to implement a consumer financial literacy program.

(F) Of the remaining license fees, after the first ten thousand dollars is credited pursuant to subsection (E), one half must be credited

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to the Board of Financial Institutions for enforcement of this chapter and one half must be credited to the Attorney General to prosecute actions brought for violations of this chapter.”

SECTION 6. Section 34-39-170 of the 1976 Code, as added by Act 433 of 1998, is amended by adding an appropriately numbered new item to read:

“() A licensee and a customer may not enter into an electronic funds transfer agreement to make automatic debited loan payments for any portion of a deferred presentment agreement.”

SECTION 7. Section 34-39-180 of the 1976 Code, as added by Act 433 of 1998, is amended to read:

“Section 34-39-180. (A) ~~A licensee may defer the presentment or deposit of a check for up to thirty-one days pursuant to the provisions of this section. The total amount advanced by a licensee to any customer for deferred presentment or deposit may not exceed the lesser of twenty-five percent of the customer’s gross income during the term of the loan or five hundred dollars, exclusive of the fees allowed in Section 34-39-180(D). A licensee may not advance to a customer an amount for deferred presentment or deposit which causes this limit to be exceeded by that customer.~~

~~(B) The face amount of a check taken for deferred presentment or deposit may not exceed three hundred dollars, exclusive of the fees allowed in Section 34-39-180(E).~~

~~(C)~~(B) Each check must be documented by a written agreement signed by both the customer and the licensee. The written agreement must contain the name or trade name of the licensee, the transaction date, the amount of the check, and a statement of the total amount of fees charged, expressed both as a dollar amount and as an effective annual percentage rate (APR). The written agreement must authorize expressly the licensee to defer presentment or deposit of the check until a specific date, not later than thirty-one days from the date the check is accepted by the licensee. The written agreement also must contain plain language developed by the board which sufficiently informs the customer regarding the nature of deferred presentment services, the deferred presentment service process, the customer’s rights pursuant to this chapter, information to file complaints with the South Carolina Department of Consumer Affairs and other information the board may require.

~~(D)~~(C) The board shall require each licensee to issue a standardized consumer notification and disclosure form in compliance with state and

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federal truth-in-lending laws before entering into a deferred presentment agreement with a customer.

~~(E)~~(D) A licensee ~~shall~~ may not charge, directly or indirectly, a fee or other consideration in excess of fifteen percent of the ~~face~~ amount of ~~of the check~~ advanced for accepting a check for deferred presentment or deposit. The fee or other consideration authorized by this subsection may be imposed only once for each written agreement. Records must be kept by each licensee with sufficient detail to ensure that the fee or other consideration authorized by this subsection ~~may be~~ is imposed only once for each written agreement.

~~(F)~~(E) A check accepted for deferred presentment or deposit pursuant to this chapter ~~may~~ must not be repaid from the proceeds of another check accepted for deferred presentment or deposit by the same licensee or an affiliate of the licensee. A licensee ~~shall~~ may not renew or otherwise extend presentment of a check or withhold the check from deposit, for old or new consideration, for a period beyond the time set forth in the written agreement with the customer. A licensee shall not enter into a deferred presentment agreement with a customer who has entered into an extended payment plan agreement with any licensee as provided in Section 34-39-280.

~~(G)~~(F) If a check is returned to the licensee from a payer financial institution due to insufficient funds, closed account, or stop payment order, the licensee may pursue all legally available civil means to collect the check including, but not limited to, the imposition of a returned check charge as provided in Section 34-11-70(a), except that the service charge imposed by the licensee ~~shall~~ may not exceed the lesser of ten dollars or the fee imposed by the financial institution on the licensee for the returned check. An individual who issues a personal check to a licensee under a deferred presentment agreement is not subject to criminal penalty.

(G) The board shall develop a form that must be used by all licensees to calculate the maximum amount of funds it may lend a customer based on the customer's income during the term of the loan as required by subsection (A). The form and copies of the documentation verifying the customer's income shall be maintained by the licensee and a copy of both attached to the written agreement signed by the customer."

SECTION 8. Section 34-39-200 of the 1976 Code, as added by Act 433 of 1998, is amended to read:

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“Section 34-39-200. A person required to be licensed pursuant to this chapter may not:

- (1) charge fees in excess of those authorized by this chapter;
- (2) engage in the business of:
 - (i) making loans of money or extension of credit;
 - (ii) discounting notes, bills of exchange, items, or other evidences of debt; or
 - (iii) accepting deposits or bailments of money or items, except as expressly provided by Section 34-39-180;
- (3) use or cause to be published or disseminated advertising communication which contains false, misleading, or deceptive statements or representations;
- (4) conduct business at premises or locations other than locations licensed by the board;
- (5) engage in unfair, deceptive, or fraudulent practices, including unconscionable conduct in violation of Section 37-5-108;
- (6) alter or delete the date on a check accepted by the licensee;
- (7) accept an undated check or a check dated on a date other than the date on which the licensee accepts the check;
- (8) require a customer to provide security for the transaction or require the customer to provide a guaranty from another person;
- (9) engage in the retail sale of goods or services, other than deferred presentment services and Level I check-cashing services as defined in Section 34-41-10, at the location licensed pursuant to this chapter, ~~provided, however~~ except, that a sale of money orders, or postage stamps, and the payment of utility bills with ~~no additional~~ a fee to the customer that does not exceed one percent of the bill being paid, vending machines for food or beverage, facsimile services, ~~Western Union~~ wire transfer or money transmitter services, or rental of postal boxes at rates not higher than allowed by the United States Postal Service ~~is~~ are not the ~~sale~~ sales of goods or services prohibited by this subsection;
- (10) be licensed pursuant to Section 12-21-2720(a)(3) to operate a video poker machine; ~~or~~
- (11) permit others to engage in an activity prohibited by this section at a location licensed pursuant to this chapter; or
- (12) broker or arrange a deferred presentment transaction on behalf of a third-party lender, unless the transaction complies with the provisions of this chapter and is not preempted by federal law.”

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SECTION 9. 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 10. This act takes effect January 1, 2010. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Objection

With Senator MALLOY retaining the floor, Senator L. MARTIN asked unanimous consent to make a motion that the Bill be given a second reading, carrying over all amendments to third reading and waiving the provisions of Rule 26B, and leaving H. 3301 in the status of Interrupted Debate.

Senator THOMAS objected.

Senator MALLOY resumed explaining the amendment.

Motion Adopted

On motion of Senator L. MARTIN, with unanimous consent, the Bill was read the second time, passed and ordered to a third reading, with Senator MALLOY retaining the floor, carrying over all amendments to third reading and waiving the provisions of Rule 26B, and further, H. 3301 would remain in the status of Interrupted Debate.

With Senator MALLOY retaining the floor, the Bill was read the second time, passed and ordered to a third reading, carrying over all amendments to third reading and waiving the provisions of Rule 26B and leaving the Bill in the status of Interrupted Debate.

On motion of Senator L. MARTIN, with unanimous consent, the Senate agreed to revert to the Motion Period.

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THE SENATE REVERTED TO THE MOTION PERIOD.

MOTION FOR SPECIAL ORDER FAILED

H. 3245 -- Reps. Delleney, Nanney, Simrill, G.R. Smith, G.M. Smith, Lucas, Cooper, Stringer, Parker, Allison, Pinson, Hamilton, Erickson, J.R. Smith, Clemmons, Bedingfield, E.H. Pitts, Owens, Rice, Hiott, Littlejohn, Stewart, Viers, Willis, Loftis, Toole, Wylie, Vick, Millwood, Haley, Duncan, Ballentine, Frye and Barfield: A BILL TO AMEND SECTION 44-41-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, AMONG OTHER THINGS, TO PREREQUISITES TO PERFORMING AN ABORTION, SO AS TO PROVIDE THAT IF AN ULTRASOUND IS PERFORMED, AN ABORTION MUST NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN SIXTY MINUTES, FOLLOWING THE COMPLETION OF THE ULTRASOUND, TO REQUIRE THE WOMAN TO BE INFORMED OF THE PROCEDURE TO BE INVOLVED AND THE PROBABLE GESTATIONAL AGE OF THE EMBRYO OR FETUS, AND TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED SOONER THAN TWENTY-FOUR HOURS, RATHER THAN ONE HOUR, AFTER THE WOMAN RECEIVES CERTAIN WRITTEN MATERIALS.

Senator L. MARTIN moved that the Bill be made a Special Order.

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

Ayes 25; Nays 16

AYES

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

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Total--25

NAYS

Anderson	Coleman	Elliott
Ford	Hutto	Knotts
Land	Leventis	Lourie
Malloy	Matthews	McConnell
Nicholson	Pinckney	Reese
Scott		

Total--16

Having failed to receive the necessary vote, the motion to make the Bill a Special Order failed.

MADE SPECIAL ORDER

H. 3272 -- Reps. Cooper, Merrill, Erickson, Herbkersman, Chalk, Duncan, Long, Sottile, Daning, Lowe, Bowen, Harrison, Horne, A.D. Young, Limehouse, R.L. Brown, Clemmons, Edge and Wylie: A BILL TO AMEND SECTION 12-37-3140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING THE FAIR MARKET VALUE OF REAL PROPERTY FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO POSTPONE THE IMPLEMENTATION OF THE TRANSFER VALUE OF A PARCEL OF REAL PROPERTY UNIMPROVED SINCE THE LAST COUNTYWIDE REASSESSMENT PROGRAM UNTIL THE TIME OF IMPLEMENTATION OF THE NEXT COUNTYWIDE REASSESSMENT PROGRAM AND TO REQUIRE THE FIFTEEN PERCENT LIMIT ON INCREASES IN VALUE TO BE CALCULATED SEPARATELY ON LAND AND IMPROVEMENTS; TO AMEND SECTION 12-37-3150, AS AMENDED, RELATING TO THE TIME AN ASSESSABLE TRANSFER OF INTEREST OCCURS, SO AS TO REVISE THE PENALTY FOR FAILURE TO PROVIDE NOTICE OR FAILURE TO PROVIDE ACCURATE NOTICE TO THE ASSESSING AUTHORITY OF BUSINESS ENTITY TRANSFERS; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO THE CLASSIFICATION AND VALUATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE

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RESIDENTIAL REAL PROPERTY HELD IN TRUST DOES NOT QUALIFY AS A LEGAL RESIDENCE UNLESS A NAMED INDIVIDUAL BENEFICIARY UNDER THE TRUST OCCUPIES THE RESIDENCE AS THAT NAMED BENEFICIARY'S LEGAL RESIDENCE AND THAT INDIVIDUAL BENEFICIARY'S NAME APPEARS ON THE DEED TO THE RESIDENCE AND REQUIRE SOCIAL SECURITY NUMBERS OF APPLICANTS FOR THE LEGAL RESIDENCE ASSESSMENT RATIO; AND TO AMEND SECTION 40-60-35, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, SO AS TO REVISE THE REQUIREMENT.

Senator L. MARTIN moved that the Bill be made a Special Order.

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

Ayes 34; Nays 7

AYES

Alexander	Anderson	Campbell
Campsen	Cleary	Coleman
Courson	Davis	Elliott
Fair	Ford	Grooms
Hayes	Hutto	Knotts
Land	Lourie	<i>Martin, L.</i>
<i>Martin, S.</i>	Massey	Matthews
McConnell	Mulvaney	Nicholson
O'Dell	Pinckney	Reese
Rose	Ryberg	Scott
Setzler	Shoopman	Thomas
Verdin		

Total--34

NAYS

Bright	Bryant	Jackson
Leventis	Malloy	McGill
Williams		

Total--7

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The Bill was made a Special Order.

Expression of Personal Interest

Senator BRIGHT rose for an Expression of Personal Interest.

Message from the House

Columbia, S.C., May 14, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

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.

asks for a Committee of Conference, and has appointed Reps. White, Battle and Merrill to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

S. 12--CONFERENCE COMMITTEE APPOINTED

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

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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.

Whereupon, Senators SETZLER, ALEXANDER and SHOOPMAN were appointed to the Committee of Conference on the part of the Senate 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 refuses to concur in the amendments proposed by the Senate to:

S. 126 -- Senators Sheheen and Elliott: A BILL TO AMEND SECTION 56-3-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM "HANDICAPPED", DELETE THE TERM "LICENSE TAG" AND REPLACE IT WITH THE TERM "LICENSE PLATE", AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56-3-1950, RELATING TO THE DEFINITION OF THE TERM "HANDICAPPED", AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON'S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM "HANDICAPPED" AND TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT

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PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, AND DISPLAY OF HANDICAPPED PLACARDS; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO ALSO QUALIFIES IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS.

Very respectfully,
Speaker of the House

Received as information.

S. 126--SENATE INSISTS AND APPOINTS CONFEREES

S. 126 -- Senators Sheheen and Elliott: A BILL TO AMEND SECTION 56-3-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM "HANDICAPPED", DELETE THE TERM "LICENSE TAG" AND REPLACE IT WITH THE TERM "LICENSE PLATE", AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56-3-1950, RELATING TO THE DEFINITION OF THE TERM "HANDICAPPED", AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON'S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM "HANDICAPPED" AND TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND

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PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, AND DISPLAY OF HANDICAPPED PLACARDS; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO ALSO QUALIFIES IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS.

On motion of Senator GROOMS, the Senate insisted upon its amendments to S. 126 and asked for a Committee of Conference.

Whereupon, Senators SHEHEEN, VERDIN and CAMPBELL were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

Senator L. MARTIN moved that the Senate stand adjourned.

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

Ayes 23; Nays 18

AYES

Alexander	Anderson	Campbell
Cleary	Coleman	Elliott
Hayes	Hutto	Jackson
Knotts	Land	Leventis
Lourie	Malloy	<i>Martin, L.</i>
Matthews	McConnell	Nicholson
O'Dell	Pinckney	Scott
Setzler	Williams	

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Total--23

NAYS

Bright	Bryant	Campsen
Courson	Davis	Fair
Ford	Grooms	<i>Martin, S.</i>
Massey	McGill	Mulvaney
Reese	Rose	Ryberg
Shoopman	Thomas	Verdin

Total--18

The Senate stood adjourned.

ADJOURNMENT

At 4:51 P.M., on motion of Senator L. MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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