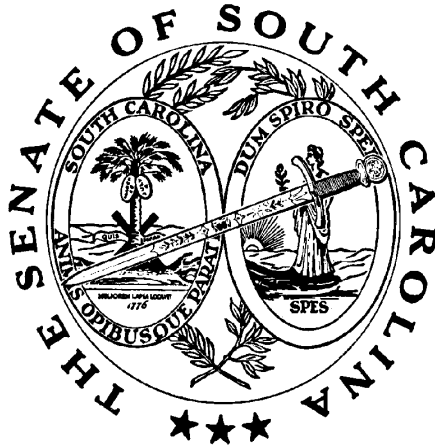


NO. 66

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

WEDNESDAY, MAY 20, 2009

Wednesday, May 20, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:02 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 I Samuel we read:

“As Samuel grew up, the Lord was with him and let none of his words fall to the ground. And all Israel from Dan to Beersheba knew that Samuel was a trust worthy prophet of the Lord.”

(I Samuel 3:19-20)

Let us pray:

We thank You, Gracious God, for Your blessings upon this body and upon all who serve here. Continue to bestow Your gifts upon these servants. May these Senators and their staff members be “trustworthy prophets,” reflecting care and concern at every turn for the people of South Carolina following the example set by former Senator JOHN DRUMMOND. Keep the children and the young people of this State safe, dear God; guide them as they seek the best educational opportunities possible. And provide special care for all of our women and men in uniform wherever they serve. We pray these things trusting You with our hearts, O Lord.

Amen.

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

Motion Adopted

At 11:11 A.M., on motion of Senator McCONNELL, with unanimous consent, the Senate agreed to go into Executive Session.

On motion of Senator McCONNELL, the seal of secrecy was removed and the Senate reconvened at 12:35 P.M.

RECESS

At 12:35 P.M., Senator McCONNELL moved that the Senate recede until 1:30 P.M.

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By a division vote of 25-8, the Senate agreed to recede until 1:30 P.M.

AFTERNOON SESSION

The Senate reassembled at 1:44 P.M. and was called to order by the ACTING PRESIDENT, Senator L. MARTIN.

Motion Adopted

On motion of Senator KNOTTS, with unanimous consent, Senators CLEARY, McGILL and KNOTTS were granted leave to attend a meeting of a Committee of Conference and were granted leave to vote from the balcony.

PRESIDENT PRESIDES

At 1:49 P.M., the PRESIDENT assumed the Chair.

Motion Adopted

On motion of Senator BRYANT, with unanimous consent, the Privilege of the Chamber, to that area behind the rail, would be extended to Mr. Newt Gingrich, former Speaker of the U. S. House of Representatives on Thursday, June 21, 2009.

Privilege of the Chamber

On motion of Senators COURSON and HAYES, the Privilege of the Chamber, to that area behind the rail, was extended to Mr. Bryan Coburn, 2009-2010 S. C. Teacher of the Year from Northwestern High School in Rock Hill, S.C.

MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Initial Appointment, South Carolina Board of Long Term Health Care Administrators, with the term to commence June 9, 2008, and to expire June 9, 2011

Community Residential Care Administrator - For Profit:

Nikki W. Robertson, 233 Banbury Lane, Apartment 103, Little River, SC 29566 *VICE* Merry A. Gaddy

Referred to the Committee on Medical Affairs.

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Doctor of the Day

Senator ROSE introduced Dr. Otis Engelman of Summerville, S.C., Doctor of the Day.

Leave of Absence

At 1:48 P.M., Senator CLEARY requested a leave of absence for tomorrow.

Leave of Absence

At 4:25 P.M., Senator RYBERG requested a leave of absence from 7:30 - 10:30 P.M. this evening.

Leave of Absence

At 4:30 P.M., Senator COLEMAN requested a leave of absence from 5:00 - 10:00 P.M. this evening.

Leave of Absence

At 4:45 P.M., Senator COURSON requested a leave of absence beginning at 8:00 P.M. this evening and lasting until 10:00 A.M. in the morning.

Leave of Absence

At 4:55 P.M., Senator MALLOY requested a leave of absence beginning at 6:00 P.M. this evening and lasting until 10:00 A.M. tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 863 -- Senator Pinckney: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF BENJAMIN HUGER RUTLEDGE MOORE OF JASPER COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

WEDNESDAY, MAY 20, 2009

S. 864 -- Senator Setzler: A SENATE RESOLUTION COMMENDING PINEVIEW ELEMENTARY SCHOOL TEACHERS, MRS. AMY BRANT AND MRS. TERESA CALCINA, FOR THEIR TREMENDOUS ACTS OF COMPASSION AND GENEROSITY FOLLOWING THE TRAGIC DEATH OF PINEVIEW KINDERGARTEN STUDENT, MISS LEILANI WILMOT, ON FEBRUARY 2, 2009.

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The Senate Resolution was adopted.

S. 865 -- Senator Scott: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE RIDGEWOOD FOUNDATION FOR ITS DEDICATED COMMUNITY SERVICE, AND TO HONOR AND CONGRATULATE THE FOUNDATION'S TOUR COORDINATOR, DR. EZELL PITTMAN, UPON THE OCCASION OF HIS RETIREMENT.

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

S. 866 -- Senator Massey: A BILL TO AMEND ARTICLE 3, CHAPTER 37, TITLE 12 OF THE 1976 CODE, RELATING TO PROPERTY TAXES AND EXEMPTIONS, BY ADDING SECTION 12-37-221 TO PROVIDE FOR THE EXEMPTION OF A PORTION OF THE FAIR MARKET VALUE OF ALL REAL PROPERTY ASSOCIATED WITH A FACILITY FOR THE GENERATION OF ELECTRIC POWER PLACED INTO SERVICE AFTER THE EFFECTIVE DATE OF THIS ACT AND TO SUBJECT THE REMAINING PORTION TO A STATE PROPERTY TAX AND PROVIDE FOR ITS DISTRIBUTION AMONG THE POLITICAL SUBDIVISIONS OF THIS STATE.

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

S. 867 -- Senators Knotts and Cromer: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, RELATING TO RIVERBANKS PARKS COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4022, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 868 -- Senator Knotts: A BILL TO AMEND SECTION 1-23-540, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMPENSATION AND WORK REQUIREMENTS FOR ADMINISTRATIVE LAW COURT JUDGES, SO AS TO PROVIDE CIRCUMSTANCES WHEN THESE JUDGES MAY RECEIVE MILEAGE AND SUBSISTENCE ALLOWANCES AND THE AMOUNT OF THESE ALLOWANCES; AND TO PROVIDE AN ADMINISTRATIVE LAW COURT JUDGE MONTHLY SHALL PROVIDE A REPORT OF HIS ABSENCES FROM THE COURT DURING NORMAL BUSINESS HOURS OF THE COURT TO THE CHIEF JUDGE.

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

S. 869 -- Senator Lourie: A JOINT RESOLUTION TO ESTABLISH THE STATE ENTERPRISE AND ECONOMIC DEVELOPMENT STRATEGIES TASK FORCE TO EXAMINE SOUTH CAROLINA'S ABILITY TO COMPETE IN THE 21st CENTURY GLOBAL ECONOMY IN AN EFFORT TO IMPROVE THE STANDARD OF LIVING FOR RESIDENTS, ENHANCE THE STATE'S BUSINESS CLIMATE, AND STIMULATE JOB GROWTH AND CREATION.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 870 -- Senators Jackson, Lourie and Courson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MR. JACK THOMPSON FOR HIS EXCEPTIONAL TALENT AS A BASKETBALL PLAYER AND HIS CONTRIBUTIONS TO THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 871 -- Senators Thomas and Jackson: A BILL TO AMEND CHAPTER 21, TITLE 43 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIVISION ON AGING IN

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THE OFFICE OF THE LIEUTENANT GOVERNOR, SO AS TO RENAME THIS THE OFFICE ON AGING IN THE OFFICE OF THE LIEUTENANT GOVERNOR; TO TRANSFER THE ADMINISTRATION AND OPERATION OF THE FOLLOWING SERVICES AND PROGRAMS TO THE OFFICE ON AGING: LOW INCOME HOME ENERGY ASSISTANCE PROGRAM, RESPITE CARE, HOME HEALTH SERVICES, VETERANS NURSING HOMES, C. M. TUCKER NURSING HOME AND OTHER LONG TERM CARE FACILITIES FOR PERSONS WHO ARE MENTALLY ILL, ADULT PROTECTION SERVICES, ADULT PROTECTION COORDINATING COUNCIL, MEDICAID TRANSPORTATION SERVICES, NURSING FACILITY SERVICES AND ADMINISTRATION, COMMUNITY LONG TERM CARE, PALMETTO SENIOR CARE, GAP ASSISTANCE PHARMACY PROGRAM FOR SENIORS, AND VETERANS AFFAIRS; TO PROVIDE THAT THE OFFICE ON AGING SHALL CONTRACT WITH THE APPROPRIATE STATE AGENCY TO PROVIDE LONG TERM CARE OMBUDSMAN SERVICES; TO ESTABLISH THE RESPITE CARE ADVISORY COUNCIL, THE HOME HEALTH ADVISORY COUNCIL, VETERANS NURSING HOMES ADVISORY COUNCIL, THE MEDICAID TRANSPORTATION ADVISORY COUNCIL, AND THE NURSING FACILITY ADVISORY COUNCIL, ALL TO ADVISE THE OFFICE ON AGING ON MATTERS PERTAINING TO THEIR RESPECTIVE AREAS OF EXPERTISE; TO AMEND SECTION 43-35-55, AS AMENDED, RELATING TO LAW ENFORCEMENT RESPONSIBILITIES WHEN TAKING A VULNERABLE ADULT INTO PROTECTIVE CUSTODY, SO AS TO PROVIDE THAT LAW ENFORCEMENT SHALL REPORT SUCH ACTION TO THE OFFICE ON AGING; TO AMEND SECTION 43-35-310, AS AMENDED, RELATING TO THE ADULT PROTECTION COORDINATING COUNCIL, SO AS TO PROVIDE THAT THIS COUNCIL IS UNDER THE AUSPICES OF THE OFFICE ON AGING; TO AMEND SECTION 44-6-30, AS AMENDED, RELATING TO DUTIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, SO AS TO DELETE THE PROVISIONS AUTHORIZING THE DEPARTMENT TO ADMINISTER THE MEDICAID COMMUNITY LONG TERM CARE SYSTEM; TO AMEND SECTIONS 44-6-620, 44-6-630, 44-6-640, 44-6-650, 44-6-660, ALL AS AMENDED, ALL RELATING TO THE GAP

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ASSISTANCE PHARMACY PROGRAM FOR SENIORS, SO AS TO CONFORM THESE SECTIONS TO THE PROVISIONS OF THIS ACT TRANSFERRING THE ADMINISTRATION OF THIS PROGRAM TO THE OFFICE ON AGING; TO AMEND SECTION 44-11-10, RELATING TO THE DUTIES OF THE DEPARTMENT OF MENTAL HEALTH, SO AS TO DELETE THE PROVISION AUTHORIZING THE DEPARTMENT TO OPERATE LONG TERM CARE FACILITIES; AND TO AMEND SECTION 44-21-60, RELATING TO SERVICES INCLUDED IN THE FAMILY SUPPORT PROGRAM ADMINISTERED BY THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO DELETE RESPITE CARE FROM THIS PROGRAM; TO PROVIDE TRANSITION PROVISIONS, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES AND POSITIONS, APPROPRIATIONS, AND REAL AND PERSONAL PROPERTY; AND TO REPEAL SECTIONS 44-1-200 AND 44-1-210 RELATING TO HOME HEALTH SERVICES PROVIDED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND SECTIONS 44-11-30 AND 44-11-40 RELATING TO THE VETERANS NURSING HOMES OPERATED BY THE DEPARTMENT OF MENTAL HEALTH.

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Senator THOMAS spoke on the Bill.

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

H. 3199 -- Reps. Harrison, Allison, G. M. Smith, Weeks, Hutto, A. D. Young and Anderson: A BILL TO AMEND SECTION 1-30-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, TO ENACT THE BEHAVIORAL HEALTH SERVICES ACT OF 2009, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES AND TO DELETE THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DEPARTMENT OF MENTAL HEALTH; TO AMEND SECTION 1-30-20, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO PROVIDE THAT THE POWER AND DUTIES OF THE

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DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1-30-70, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF MENTAL HEALTH ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF MENTAL HEALTH; BY ADDING SECTION 1-30-72 SO AS TO PLACE THE DEPARTMENT OF MENTAL HEALTH AND THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES UNDER THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; BY ADDING CHAPTER 8 TO TITLE 44 SO AS TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES COMPRISED OF THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DIVISION OF MENTAL HEALTH AND TO PROVIDE FOR THE DEPARTMENT'S POWERS AND DUTIES, INCLUDING DEVELOPING AND IMPLEMENTING A STATE PLAN FOR THE COORDINATED CARE AND UNIFIED DELIVERY OF BEHAVIORAL HEALTH SERVICES AND OVERSEEING THE ADMINISTRATION AND DELIVERY OF BEHAVIORAL HEALTH SERVICES; TO AMEND CHAPTERS 9, 11, 13, and 15 OF TITLE 44, RELATING, AMONG OTHER THINGS, TO THE ORGANIZATION AND OPERATION OF THE DEPARTMENT OF MENTAL HEALTH AND ITS FACILITIES, THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, AND LOCAL MENTAL HEALTH PROGRAMS AND BOARDS, SO AS TO CONFORM THESE CHAPTERS TO THE PROVISIONS OF THIS ACT AND TO PROVIDE THAT THE MENTAL HEALTH COMMISSION IS AN ADVISORY BOARD TO THE DIVISION OF MENTAL HEALTH; TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CONFORM THIS CHAPTER TO THE PROVISIONS OF THIS ACT AND TO CREATE AN ADVISORY BOARD TO THE DIVISION; AND TO AMEND SECTIONS 44-52-10, 44-52-165, 44-52-200, AND 44-52-210, RELATING, AMONG OTHER THINGS, TO ALCOHOL AND

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DRUG ABUSE COMMITMENTS AND PROGRAMS FOR CHEMICALLY DEPENDENT PERSONS, SO AS TO CONFORM THESE SECTIONS TO THE PROVISIONS OF THIS ACT.

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

H. 3719 -- Reps. Clemmons, Weeks, Willis and Dillard: A BILL TO AMEND SECTION 23-3-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF A MISSING PERSON REPORT TO THE MISSING PERSON INFORMATION CENTER, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON, MAY SUBMIT A MISSING PERSON REPORT; TO AMEND SECTION 23-3-250, RELATING TO THE DISSEMINATION OF MISSING PERSON REPORT DATA, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY; TO AMEND SECTION 23-3-270, RELATING TO THE DUTY OF A PERSON WHO SUBMITS A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR THE MISSING PERSON INFORMATION CENTERS TO NOTIFY BOTH ENTITIES OF THE LOCATION OF AN INDIVIDUAL CONTAINED IN THE REPORT WHOSE LOCATION HAS BEEN DETERMINED, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON MAY SUBMIT A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR TO THE MISSING PERSON INFORMATION CENTER; AND BY ADDING SECTION 23-3-330 SO AS TO ESTABLISH A STATEWIDE SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION REGARDING A MISSING PERSON WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

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

H. 4048 -- Reps. M. A. Pitts, Duncan and Willis: A BILL TO AMEND SECTION 22-2-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY JURY AREA DESIGNATIONS FOR USE IN MAGISTRATES COURTS, SO AS TO REVISE THE JURY AREAS FOR LAURENS COUNTY TO PROVIDE FOR ONE JURY AREA COUNTYWIDE.

Senator VERDIN spoke on the Bill.

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

H. 4051 -- Reps. Pinson, M. A. Pitts and Parks: A BILL TO AUTHORIZE THE TRANSFER FROM THE SINKING FUND OF GREENWOOD SCHOOL DISTRICT 52 TO ITS GENERAL FUND A SPECIFIED SUM OF MONEY TO REIMBURSE THE DISTRICT FOR AMOUNTS PAID BY IT FROM ITS GENERAL FUND FOR DEBT SERVICE ON A GENERAL OBLIGATION BOND OF THE DISTRICT.

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

H. 4055 -- Reps. Hardwick, Hearn, Barfield, Clemmons and Edge: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF HORRY 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.

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

H. 4055--Recalled

Senator ELLIOTT 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 and ordered placed on the Calendar for consideration tomorrow.

H. 4104 -- Reps. Barfield, Clemmons, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, 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,

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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, V. S. 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, Stavrakis, 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 RECOGNIZE AND HONOR NILA HUTCHINSON OF HORRY COUNTY FOR HER COUNTLESS CONTRIBUTIONS TO COASTAL CAROLINA UNIVERSITY, HER COMMUNITY, AND TO THIS STATE, AND TO WISH HER HEALTH AND HAPPINESS UPON HER RETIREMENT FROM COASTAL CAROLINA UNIVERSITY.

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

H. 4106 -- Reps. Jennings, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. 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, Stavrakis, 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 RECOGNIZE AND HONOR JOSEPH PLEDGER HODGES OF MARLBORO COUNTY UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA PROBATION,

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PAROLE AND PARDON SERVICES BOARD, TO COMMEND HIM FOR HIS MANY YEARS OF PUBLIC SERVICE, AND TO OFFER HIM BEST WISHES FOR THE FUTURE.

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

REPORT OF STANDING COMMITTEE

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable report on:

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.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., May 20, 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. 453 -- Senators Verdin and Ford: A BILL TO AMEND CHAPTER 4, TITLE 47 OF THE 1976 CODE, RELATING TO ANIMALS, LIVESTOCK, AND POULTRY, BY ADDING SECTION 47-4-160 TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY NOT ENACT ORDINANCES, ORDER, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF CARE AND HANDLING OF LIVESTOCK AND POULTRY, AND TO PROVIDE THAT LOCAL LAWS, ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED.

Respectfully submitted,

Speaker of the House

Received as Information

Motion Adopted

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On motion of Senator VERDIN, the Senate agreed to waive the provisions of Rule 32A requiring S. 453 to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

Message from the House

Columbia, S.C., May 20, 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. 774 -- Senator Reese: A BILL TO AMEND SECTION 7-7-490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF SPARTANBURG 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.

Respectfully submitted,

Speaker of the House

Received as Information

Motion Adopted

On motion of Senator REESE, the Senate agreed to waive the provisions of Rule 32A requiring S. 774 to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

Message from the House

Columbia, S.C., May 20, 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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H. 3762 -- Reps. Duncan, Umphlett, Dillard, Ott, Forrester, D.C. Moss, Parker, Stringer, Vick, Hodges and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 77 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE "OUR FARMS-OUR FUTURE" SPECIAL LICENSE PLATES.

Respectfully submitted,

Speaker of the House

Received as Information

Motion Adopted

On motion of Senator GROOMS, the Senate agreed to waive the provisions of Rule 32A requiring H. 3762 to be printed on the Calendar.

The Bill was ordered placed in the category of Bills Returned from the House and would be taken up for consideration when that category was reached in the order of the day.

Message from the House

Columbia, S.C., May 19, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Owens, Branham and D. C. Smith to the Committee of Conference on the part of the House on:

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

[SJ]

WEDNESDAY, MAY 20, 2009

DEFINITION OF THE TERM "HANDICAPPED" AND TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, AND DISPLAY OF HANDICAPPED PLACARDS; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO ALSO QUALIFIES IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 19, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. G. M. Smith, Umphlett and H. B. Brown to the Committee of Conference on the part of the House on:

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

Very respectfully,

Speaker of the House

Received as information.

[SJ]

WEDNESDAY, MAY 20, 2009

Message from the House

Columbia, S.C., May 20, 2009

Mr. President and Senators:

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

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.

asks for a Committee of Conference, and has appointed Reps. Edge, Cobb-Hunter and Loftis to the committee on the part of the House.

Very respectfully,
Speaker of the House

Received as information.

S. 304--CONFERENCE COMMITTEE APPOINTED

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.

Whereupon, Senators O'DELL, McGILL and MULVANEY 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 20, 2009

[SJ]

WEDNESDAY, MAY 20, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.26, S. 540 by a vote of 2 to 0:

(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.

Very respectfully,
Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 20, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.51, H. 3616 by a vote of 104 to 0:

(R51, H3616) -- Rep. Simrill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 27 TO CHAPTER 53, TITLE 59 SO AS TO ENACT THE "STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION ACT"; TO CREATE THE AIKEN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE GREENVILLE TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE ORANGEBURG-CALHOUN TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY, THE SPARTANBURG COMMUNITY COLLEGE ENTERPRISE CAMPUS AUTHORITY, AND THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITY; TO PROVIDE THAT EACH AUTHORITY MUST BE GOVERNED BY A BOARD, AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE BOARD; TO PROVIDE FOR LEASE AND LEASE PURCHASE AGREEMENT APPROVAL; TO PROVIDE THAT THE POWERS GRANTED TO AN AUTHORITY MUST COMPLY WITH THE PROCUREMENT CODE; TO

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PROVIDE FOR THE ISSUANCE OF BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS BY AN AUTHORITY; TO PROVIDE REPORTING REQUIREMENTS; TO PROVIDE THAT AN AUTHORITY IS NOT REQUIRED TO PAY TAXES AND ASSESSMENTS, AND THAT BONDS, NOTES, AND OTHER OBLIGATIONS OR INDEBTEDNESS ISSUED BY AN AUTHORITY MAY NOT BE TAXED; TO REQUIRE A COMMISSION TO DESIGNATE THE AREA THAT COMPRISES THE ENTERPRISE CAMPUS, AND TO FURTHER PROVIDE COMMISSION POWERS AND DUTIES WITH RESPECT TO ENTERPRISE CAMPUS PROPERTY.

Very respectfully,
Speaker of the House
Received as information.

Ordered placed on the Calendar for consideration tomorrow.

Message from the House

Columbia, S.C., May 20, 2009

Mr. President and Senators:

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

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

and has ordered the Bill enrolled for Ratification.

Very respectfully,
Speaker of the House
Received as information.

Message from the House

Columbia, S.C., May 20, 2009

Mr. President and Senators:

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WEDNESDAY, MAY 20, 2009

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

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".

and has ordered the Bill enrolled for Ratification.

Very respectfully,
Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 20, 2009

Mr. President and Senators:

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

S. 184 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 40-27-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO REQUIRE A PERSON WHO BUYS JUNK THAT CONSISTS OF TWENTY-FIVE POUNDS OF SCRAP METAL OR VEHICLE PARTS TO KEEP WITH THE RECORD OF PURCHASE A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER'S NAME AND ADDRESS; TO AMEND SECTION 40-27-40, RELATING TO PENALTIES FOR VIOLATING PROVISIONS OF THE JUNK DEALER ARTICLE, SO AS TO INCREASE THE FINE FROM A MAXIMUM OF ONE HUNDRED DOLLARS TO FIVE HUNDRED DOLLARS AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56-5-5670, RELATING TO A DEMOLISHER PURCHASING OR ACQUIRING A VEHICLE TO DEMOLISH, SO AS TO REQUIRE A DEMOLISHER THAT ACQUIRES A VEHICLE OR VEHICLE PARTS WITH A TOTAL WEIGHT OF TWENTY-FIVE POUNDS OR MORE TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE

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SELLER'S NAME AND ADDRESS AND TO ESTABLISH THAT A VIOLATION OF THOSE PROVISIONS IS A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NOT EXCEEDING FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; AND TO AMEND SECTION 56-5-5945, RELATING TO A DEMOLISHER OBTAINING A VEHICLE TITLE, SO AS TO REQUIRE A DEMOLISHER WHO PURCHASES OR ACQUIRES A VEHICLE OR VEHICLE PART WITH A TOTAL WEIGHT OF TWENTY-FIVE OR MORE POUNDS TO KEEP A PHOTOCOPY OF THE SELLER'S DRIVER'S LICENSE OR OTHER GOVERNMENT PICTURE IDENTIFICATION CARD THAT SHOWS THE PERSON'S NAME AND ADDRESS AND THE YEAR, MAKE, MODEL, AND IDENTIFICATION NUMBER OF THE VEHICLE, IF AVAILABLE, ALONG WITH ANY OTHER IDENTIFYING FEATURES, AND TO PROVIDE A VIOLATION CONSTITUTES A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NO MORE THAN FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, OR BOTH, AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 20, 2009

Mr. President and Senators:

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

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

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50-11-2210, RELATING TO ABUSE OF WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; TO AMEND SECTION 50-11-2220, AS AMENDED, RELATING TO ADDITIONAL PENALTIES FOR ABUSING WILDLIFE MANAGEMENT AREA LANDS, SO AS TO INCLUDE HERITAGE TRUST AND DEPARTMENT OWNED LANDS; AND BY ADDING SECTION 50-11-2225 SO AS TO CREATE A MISDEMEANOR CRIMINAL OFFENSE FOR ENTERING OR REMAINING ON A CLOSED AREA CONTRARY TO THE INSTRUCTIONS OF A LAW ENFORCEMENT OFFICER, MANAGER, OR DEPARTMENT CUSTODIAL PERSONNEL.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 20, 2009

Mr. President and Senators:

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

H. 3187 -- Reprs. 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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 20, 2009

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Mr. President and Senators:

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

H. 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 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

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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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 20, 2009

Mr. President and Senators:

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

H. 3018 -- Reps. E.H. Pitts, Huggins, Gunn, Bales, Limehouse, Barfield, Hardwick, Hearn, Edge, Gambrell, Thompson, Bowen, Harrison, Umphlett, Sandifer, Herbkersman, G.M. Smith, Lowe, Vick, H.B. Brown, R.L. Brown, Viers, Clemmons, Ballentine, Mitchell and M.A. Pitts: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED DETACHED SINGLE FAMILY HOME THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE HOME IS OCCUPIED, OR THE SECOND PROPERTY TAX YEAR ENDING DECEMBER THIRTY-FIRST AFTER THE HOME IS COMPLETED AND A CERTIFICATE FOR OCCUPANCY ISSUED THEREON IF REQUIRED.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

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Columbia, S.C., May 20, 2009

Mr. President and Senators:

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

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. and has ordered the Bill enrolled for Ratification.

Very respectfully,
Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 20, 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. 202 -- Senator Thomas: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF "ADMITTED ASSETS" TO INCLUDE THOSE ON THE INSURER'S MOST RECENT STATUTORY FINANCIAL STATEMENT FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38-13-80 INSTEAD OF THOSE ADMITTED UNDER THE PROVISIONS OF SECTION 38-11-100; TO AMEND SECTION 38-9-10, RELATING TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE

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REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38-9-210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38-10-40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38-33-130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38-55-80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

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 20, 2009

Mr. President and Senators:

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

H. 3482 -- Reprs. 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.

Respectfully submitted,

[SJ]

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Speaker of the House
Received as Information

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

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

AMENDED, READ THE SECOND TIME

H. 3483 -- Reps. White, M.A. Pitts, Toole, Willis, Barfield, Clemmons, Hardwick and Hearn: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE'S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE'S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE, TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PRESCRIBED BY THE GENERAL ASSEMBLY, AND TO SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING STATE LAWS OR REGULATIONS, OR THE STATE'S SOVEREIGNTY OVER ITS NATURAL RESOURCES.

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

There was no objection.

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

Senators CAMPSSEN, KNOTTS, HUTTO, ALEXANDER, GROOMS, CROMER, BRIGHT, CAMPBELL, VERDIN, and BRYANT and COURSON proposed the following amendment (JUD3483.001), which was adopted:

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

/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 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 PROMOTING SOUND WILDLIFE CONSERVATION AND MANAGEMENT AS 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.

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

SECTION 1. It is proposed that Article I of the Constitution of this State be amended by adding:

“Section 25. The traditions of hunting and fishing are valuable parts of the state's heritage, important for conservation, and a protected means of managing nonthreatened wildlife. The citizens of this State have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management as prescribed by the General Assembly. Nothing in this section shall be construed to abrogate any private property rights, existing state laws or regulations, or the state's sovereignty over its natural resources.”

SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Article I of the Constitution of this State, relating to the declaration of rights under the state's Constitution, be amended by

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adding Section 25 so as to provide that hunting and fishing are valuable parts of the state's heritage, important for conservation, and a protected means of managing nonthreatened wildlife; to provide that the citizens of South Carolina shall have the right to hunt, fish, and harvest wildlife traditionally pursued, subject to laws and regulations promoting sound wildlife conservation and management as 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?"

The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“

Yes

No

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word 'Yes', and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word 'No'.

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word 'Yes', and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word 'No'." /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

The question then was the second reading of the Resolution.

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

Ayes 41; Nays 0

AYES

Alexander
Bryant

Anderson
Campbell

Bright
Campsen

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

Total--41

NAYS

Total--0

The necessary two-thirds vote having been received, the Bill was read the second time, passed and ordered to a third reading.

H. 3483--Recorded Vote

Having been in the House Chamber at the time the vote was taken, Senator MULVANEY desired to be recorded as voting in favor of the second reading of the Bill.

ADOPTED

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.

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

[SJ]

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There was no objection.

The Senate proceeded to a consideration of the Resolution, the question being the proposed amendment by Senator CAMPSSEN and previously printed in the Journal of Thursday, May 14, 2009.

Senator CAMPSSEN asked unanimous consent to withdraw his previously proposed amendment.

There was no objection and the amendment was withdrawn.

There being no further amendments, the Concurrent Resolution was adopted, ordered sent to the House.

S. 829--Recorded Vote

Senator CAMPSSEN desired to be recorded as voting against the adoption of the Concurrent Resolution.

OBJECTION

Senators BRIGHT and BRYANT objected to all the Bills and Resolutions on the Uncontested Local and Statewide Calendar.

HOUSE CONCURRENCES

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.

Returned with concurrence.

Received as information.

S. 860 -- Senator Knotts: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SERGEANT SILLER ANDERSON, UPON THE OCCASION OF HIS RETIREMENT, AFTER TWENTY-FIVE YEARS OF FAITHFUL SERVICE TO THE

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COUNTY OF LEXINGTON, AND TO WISH HIM SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

S. 865 -- Senator Scott: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE RIDGEWOOD FOUNDATION FOR ITS DEDICATED COMMUNITY SERVICE, AND TO HONOR AND CONGRATULATE THE FOUNDATION'S TOUR COORDINATOR, DR. EZELL PITTMAN, UPON THE OCCASION OF HIS RETIREMENT.

Returned with concurrence.

Received as information.

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

MOTION ADOPTED

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

MOTION ADOPTED

On motion of Senator L. MARTIN, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 10:00 A.M. tomorrow.

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

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN
HOUSE AMENDMENTS AMENDED
RETURNED TO THE HOUSE 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

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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 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

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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.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the proposed amendment by Senators GROOMS and McCONNELL, and printed in the journal of Tuesday, May 19, 2009.

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

There was no objection and the amendment was withdrawn.

Senators GROOMS and McCONNELL proposed the following amendment (351R042.LKG), which was adopted:

Amend the bill as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Article 1, Chapter 3, Title 54 of the 1976 Code is amended to read:

“Article 1

Creation and Organization

Section 54-3-10. (A) ~~The~~ There is created the South Carolina State Ports Authority. ~~is hereby created consisting of a~~ The governing body of the authority is a board of directors consisting of ~~nine~~ eleven members, hereafter referred to as the Authority nine voting members appointed by the Governor as provided in Section 54-3-20 and the Secretary of Transportation, or his designee, and the Secretary of Commerce, or his designee. The voting members shall be responsible for setting policies and direction for the authority so that the authority may achieve its mission. The powers and duties of the authority shall be exercised by the board. The board may delegate to one or more officers, agents, or employees such powers and duties as it determines are necessary and proper for the effective, efficient operation of the port.

(B) The Secretary of Transportation and the Secretary of Commerce:

(1) shall serve on the board, ex officio, as non-voting members;

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(2) are ineligible for election as chairman, vice chairman, secretary, treasurer, or any other office elected by the board; and

(3) may only attend meetings or portions of meetings open to the public. They are not permitted to attend executive session meetings.

Section 54-3-20. (A) The members of the board, except for the Secretary of Transportation and the Secretary of Commerce, shall be appointed by the Governor, with the advice and consent of the Senate, for terms of ~~seven~~ five years each and until their successors shall have been appointed, screened, and have qualified. In the event of a vacancy, however caused, a successor shall be appointed in the manner of original appointment for the unexpired term.

(B) A candidate for appointment to the board may not be confirmed by the Senate or serve on the board, even in an interim capacity, until he is found qualified by possessing the abilities, the experience, and the minimum qualifications contained in Section 54-3-60.

Section 54-3-30. They The board shall elect one of ~~their number~~ its members to serve as chairman and who shall serve for a term of two years in this capacity and may not serve more than three consecutive full two-year terms as chairman. The board also shall elect one member to serve as vice chairman, and shall also elect a one member to serve as secretary. The board shall meet upon the call of its chairman and a majority of its voting members shall constitute a quorum for the transaction of its business.

Section 54-3-40. The Authority board shall select one of its members to serve as its treasurer. The Authority treasurer shall ~~require~~ give a surety bond of such appointee in such an amount as the Authority may ~~fix~~ fixed by the board and the premium ~~thereon~~ on the bond shall be paid by the authority as a necessary expense of the Authority.

Section 54-3-50. Members of the board of directors may be removed by the Governor pursuant to Section 1-3-240(C)(1), a breach of duty required by Section 54-3-80, or entering into a conflict of interest transaction prohibited by Section 54-3-90.

Section 54-3-60. (A) Each member of the board, except for the Secretary of Transportation and the Secretary of Commerce, or their designees, must possess a four-year baccalaureate or more advanced degree from:

(1) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;

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(2) an institution of high learning that has been accredited by a regional or national accrediting body; or

(3) an institution of higher learning in this State chartered prior to 1962.

(B) In addition to the requirements in subsection (A), each board member must possess a background of at least five years in any one or any combination of the following fields of expertise:

(a) maritime shipping;

(b) labor related to maritime shipping;

(c) overland shipping by truck or rail, or both;

(d) international commerce;

(e) finance, economics, or statistics;

(f) accounting;

(g) engineering;

(h) law; or

(i) business management gained from serving as a chief executive officer, president, or managing director of a business or any upper level management position with a business that is equivalent in duties and responsibilities to the positions listed in this item.

(C) When making appointments to the board, the Governor shall ensure that that the diverse interests represented by the port are represented. To the greatest extent possible, the Governor shall ensure that the membership of the board includes a certified public accountant, a member representing port users such as manufacturers, shippers, and importers, a member representing the state's economic development interests, and a member who has served as a corporate chief executive officer. Consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.

Section 54-3-70. The board shall conduct an annual performance review of the executive director and submit a written report of its findings to the Governor and the General Assembly. A draft of the performance review must be submitted to the executive director, and the executive director must be provided an opportunity to be heard by the board of directors before the board submits the final draft to the Governor and the General Assembly.

Section 54-3-80. (A) A member of the board of directors shall discharge his duties as a director, including his duties as a member of a committee:

(1) in good faith;

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(2) with the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(3) in a manner he reasonably believes to be in the best interests of the authority. As used in this chapter, best interests means a balancing of the following:

(a) achieving the purposes of the authority as provided in Section 54-3-130;

(b) preservation of the financial integrity of the State Ports Authority and its ongoing operations;

(c) economic development and job attraction and retention;

(d) consideration given to diminish or mitigate any negative effect port operations or expansion may have upon the environment, transportation infrastructure, and quality of life of residents in communities located near existing or proposed port facilities; and

(e) exercise of the powers of the authority in accordance with good business practices and the requirements of applicable licenses, laws, and regulations.

(B) In discharging his duties, a director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(1) one or more officers or employees of the State whom the director reasonably believes to be reliable and competent in the matters presented;

(2) legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person's professional or expert competence; or

(3) a committee of the board of directors of which he is not a member if the director reasonably believes the committee merits confidence.

(C) A director is not acting in good faith if he has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (B) unwarranted.

(D) Nothing in this article gives rise to a cause of action against a member of the board of directors or any decision of the board of directors regarding duties of the individual director or the board of directors concerning port operations or development. Willful failure of the board or any individual member of the board to discharge his duties as required by this article may be considered by the Governor in determining whether to reappoint a board member or in the confirmation proceedings of that board member.

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Section 54-3-90. (A) A conflict of interest transaction is a transaction with the State Ports Authority in which a director has a direct or indirect interest. A conflict of interest transaction is not voidable by the authority solely because of the director's interest in the transaction if any one of the following is true:

(1) the material facts of the transaction and the director's interest were disclosed or known to the board or a committee of the board, and the board or a committee of the board authorized, approved, or ratified the transaction; or

(2) the transaction was fair to the authority and its customers.

If item (1) has been accomplished, the burden of proving unfairness of any transaction covered by this section is on the party claiming unfairness. If item (1) has not been accomplished, the party seeking to uphold the transaction has the burden of proving fairness.

(B) For purposes of this section, a director has an indirect interest in a transaction if:

(1) another entity in which he has a material financial interest or in which he is a general partner is a party to the transaction;

(2) another entity of which he is a director, officer, member, or trustee is a party to the transaction and the transaction is or should be considered by the board; or

(3) another entity of which an immediate family member has a material financial interest or in which an immediate family member is a general partner, director, officer, member, or trustee is a party to the transaction and the transaction is or should be considered by the board.

(C) For purposes of subsection (A)(1), a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the directors on the board of directors, or on the committee, who have no direct or indirect interest in the transaction, but a transaction may not be authorized, approved, or ratified under this section by a single director. If a majority of the directors who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subsection (A)(1) if the transaction is otherwise authorized, approved, or ratified as provided in that subsection.”

Amend the bill further as and if amended, page 9, by striking line 29 and inserting:

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/ () Shall take all necessary steps it finds reasonable to /

Amend the bill further as and if amended, by striking SECTION 5 in its entirety and inserting:

/ SECTION 5. Section 54-3-1040 of the 1976 Code is amended to read:

“Section 54-3-1040. At least once ~~in~~ each year the authority shall ~~publish once in some newspaper published in Charleston County~~ furnish the Governor, the Chairman of the Senate Transportation Committee, and the House of Representatives Ways and Means Committee, and conspicuously post on the authority’s Internet website, a complete detailed statement of all ~~moneys~~ monies received and disbursed by the ~~Authority~~ authority during the preceding year. Such statement shall also show the several sources from which such funds were received and the balance on hand at the time of publishing the statement and shall show the complete financial condition of the ~~Authority~~ authority.” /

Amend the bill further as and if amended, by striking SECTION 7 in its entirety and inserting:

/ SECTION 7. Chapter 3, Title 54 of the 1976 Code is amended by adding:

“Article 13

The Review and Oversight Commission on the South Carolina State Ports Authority

Section 54-3-1300. (A) There is hereby established a commission to be known as the Review and Oversight Commission on the South Carolina State Ports Authority, hereinafter referred to as the commission, which must exercise the powers and fulfill the duties described in this article.

(B) The commission is composed of the following ten members.

(1) From the Senate:

- (a) the chairman of the Finance Committee or his designee;
- (b) the chairman of the Judiciary Committee or his designee;
- (c) the chairman of the Transportation Committee or his designee; and

(d) two members appointed by the President Pro Tempore, one member upon the recommendation of the Senate Majority Leader and one member upon the recommendation of the Senate Minority Leader.

(2) From the House of Representatives:

- (a) the chairman of the Ways and Means Committee or his designee;

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- (b) the chairman of the Judiciary Committee or his designee;
- (c) the chairman of the Labor, Commerce, and Industry Committee, or his designee;
- (c) two members of the House of Representatives appointed by the Speaker of the House of Representatives.

(C) In making appointments to the commission, race, gender, and other demographic factors, such as residence in rural or urban areas, must be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State.

(D) The commission must meet as soon as practicable after appointment and organize itself by electing one of its members as chairman and such other officers as the commission may consider necessary. Thereafter, the commission must meet as necessary to screen candidates for appointment to and at the call of the chairman or by a majority of the members. A quorum consists of six members.

Section 54-3-1310. The commission has the following powers and duties:

- (A) to screen each person appointed to serve on the board;
 - (1) in screening candidates and making its findings, the commission must give due consideration to:
 - (a) ability, area of expertise, dedication, compassion, common sense, and integrity of each candidate; and
 - (b) the impact that each candidate would have on the racial and gender composition of the commission, and each candidate's impact on other demographic factors represented on the commission, such as residence in rural or urban areas, to assure nondiscrimination to the greatest extent possible of all segments of the population of the State;
 - (3) to determine if each candidate is qualified and meets the requirements provided by law to serve as a member of the Board of Directors of the State Ports Authority, make findings concerning whether each candidate is qualified, and deliver its findings to the Clerk of the Senate, the Clerk of the House of Representatives, and the Senate Transportation Committee for confirmation;
- (B) to conduct an oversight review of the authority and its operations at least once every two years.
 - (1) The oversight reviews must consider whether the authority is promoting, developing, constructing, equipping, maintaining, and operating the harbors and seaports of this State in an efficient, effective manner in accordance with all applicable laws and regulations. The

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oversight reviews must also include an analysis of the performance of the executive director. In performing this analysis the commission must consider the report required pursuant to 54-3-70 in addition to other information collected concerning the executive director's performance.

(a) A draft of a board member's and executive director's performance review and the evaluations of the actions of the board, must be submitted to the appropriate party, and that party must be allowed an opportunity to be heard before the commission conducting the oversight review by the performance review or evaluation, as the case may be, is final.

(b) The final performance review of a board member must be made a part of the member's record for consideration if the member seeks reappointment to the board.

(2) A written report of the findings from each oversight review must be published in the journals of both houses and made available on the General Assembly's Internet website and transmitted to the Governor and the board.

(C) to review and evaluate the complete list of the properties on Daniel and Thomas (St. Thomas) Islands transmitted to the commission pursuant to Section 54-3-119(D). The commission must recommend to the Budget and Control Board whether to approve the sale or sell, as appropriate, any or all of the all real property the authority owns on Daniel Island and Thomas (St. Thomas) Island pursuant to Section 54-3-119.

(D) undertake any additional reviews, studies, or evaluations as it considers necessary.

Section 54-3-1320. The commission by a two-thirds vote of its membership, may waive the requirements of Section 54-3-60(A) and (B) for a candidate for the board of directors for the State Ports Authority; and

Section 54-3-1330. State agencies must fully cooperate with requests from the commission for assistance in carrying out its responsibilities and duties as established in this article.

Section 54-3-1340. (A) The oversight report required by this article must at least contain:

(1) a performance review of each member of the board during the previous two years;

(2) a performance review of the State Ports Authority executive director; and

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(3) an evaluation of the actions of the board, sufficient to allow the members of the General Assembly to better judge whether these actions serve the best interests of the citizens of South Carolina, both individual and corporate.

(B) To assist the commission in performing the performance reviews and evaluations required by this article, the commission may develop and distribute, as appropriate, an anonymous and confidential survey evaluating the board members and the executive director. At a minimum, the survey must include the following:

- (1) knowledge and application of substantive port issues;
- (2) the ability to perceive relevant issues;
- (3) absence of influence by political considerations;
- (4) absence of influence by identities of labor unions;
- (5) courtesy to all persons appearing before the board;
- (6) temperament and demeanor in general, preparation for hearings, and attentiveness during hearings; and
- (7) any other issue the commission deems appropriate.

Section 54-3-1350. In order to discharge their oversight responsibilities in regard to State Ports Authority operations and management, the commission may request and shall be provided within fifteen days after the request with any documents related to the sale or disposition or contemplated sale or disposition of any real property owned by the authority. The provisions of this section supercede any conflicting provisions contained in the Freedom of Information Act and these documents may be shared only with members of the commission, staff assigned to the commission, members of the General Assembly with whom the commission chooses to consult concerning the matter, or legal counsel employed by the Senate or the House of Representatives. These documents and the information contained in them must be kept confidential, and are not subject to public disclosure, or any other disclosure not permitted by the provisions of this section.

Section 54-3-1360. (A) Commission members are entitled to such mileage, subsistence, and per diem as authorized by law for members of boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid by the State Ports Authority.

(B) The State Ports Authority must pay for all reasonable expenses associated with the commission's duties to screen appointees to the authority's board and conduct oversight as required by this article.

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Section 54-3-1370. The commission must use clerical and professional employees of the General Assembly for its staff, who must be made available to the commission. The commission may employ or retain other professional staff, upon the determination of the necessity for other staff by the commission and as may be funded in the legislative appropriation of the annual general appropriations act. The State Ports Authority must pay for all reasonable staff related expenses associated with the commission's activities. /

Amend the bill further, as and if amended, by striking SECTION 17 in its entirety and inserting:

/ SECTION 17. Section 54-3-700 of the 1976 Code, as added by Act 313 of 2004, is amended to read:

“Section 54-3-700. (A) Upon the effective date of this section:

(1) the State Ports Authority has no statutory responsibility to operate a marine terminal at Port Royal; and

(2) marine operations at Port Royal shall cease as soon as practicable.

(B) The State Ports Authority is hereby directed to sell all its real and personal property at Port Royal upon the effective date of this section, but in a manner that is financially responsible and advantageous to the State Ports Authority.

(C)(1) The State Ports Authority ~~shall~~, in its discretion, shall determine the manner of the sale, but in no event shall terms of the sale extend beyond December 31, ~~2006~~ 2009, except for parcels ~~which may be~~ under long-term contract, in which case the South Carolina Ports Authority is directed to terminate ~~such~~ these leases as soon as possible through ‘lease purchases’, ‘buy outs’, or ~~any~~ other lawful means.

(2) The property must be transferred to the Budget and Control Board for sale if the authority is unable to complete the sale by December 31, 2009. The Budget and Control Board is vested with all of the board's fiduciary duties to the authority and the authority's bondholders if the property is transferred to the Budget and Control Board for sale. The acceptance of any sales price by the Budget and Control Board must be exercised with due regard to the fiduciary duty owed to the authority and for the protection of the interests of the authority's bondholders as set forth in its bond covenants, and otherwise according to law, including the conversion of a nonperforming asset into revenues in the most expeditious manner. The Budget and Control Board may deduct from the proceeds of the sale an amount equal to the actual costs incurred in conjunction with

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the sale of the property. The balance of the proceeds must be transmitted to the authority.

(D) Any real or personal property at Port Royal which is to be sold must be first appraised and then sold at fair market value. The real property appraiser must be a State Certified General Real Estate Appraiser, a member of the Appraisal Institute (MAI), and must be knowledgeable in appraisal and in appraising marine terminal facilities. The appraisal of the real property should include its future development opportunities and those of the surrounding properties. The State Ports Authority Board of Directors shall exercise its lawful discretion in the acceptance of any sales price with due regard to its fiduciary duties to the authority and for the protection of the interests of the authority's bondholders as for forth in its bond covenants, and otherwise according to law, including conversion of a nonperforming asset into revenue in the most expeditious manner. The sale of the real property shall comply with all state procedures, must be approved by the State Budget and Control Board, and must be on an open-bid basis, and no bid may be accepted which is less than the property's fair market value as shown by the appraisal. All proceeds from the sale of real and personal property at Port Royal must be retained by the State Ports Authority; ~~provided, however, except~~ that the Town of Port Royal ~~shall have the right to~~ may petition the State Budget and Control Board for a portion of the net proceeds from ~~any a~~ sale and may be allocated a portion of these net proceeds in an amount not to exceed five percent of the net proceeds upon showing the allocation is necessary to pay for infrastructure needs directly associated with and necessitated by the closing of the port as Port Royal. These funds must be expended at the direction of the Town Council of Port Royal with the approval of the State Budget and Control Board, solely for ~~the~~ infrastructure, and shall have priority over all other expenditures except usual and necessary closing costs attributable to ~~any a sales contracts contract.~~ /

Amend the bill further as and if amended, by striking SECTION 15 and inserting:

/ SECTION 15. Chapter 1, Title 13 of the 1976 Code is amended by adding:

“Section 13-1-1355. All tracks, spurs, switches, terminal, terminal facilities, road beds, rights-of-way, bridges, stations, railroad cars, locomotives, or other vehicles constructed for operation over railroad tracks, crossing signs, lights, signals, storage, and all associated structures and equipment which are necessary for the

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operation of any railroad located on any ‘applicable federal military installation’ or ‘applicable federal facility’ as defined in Section 12-6-3450 may not be transferred without the prior approval of the Budget and Control Board.” /

Amend the bill further as and if amended, by striking SECTION 18 and SECTION 19 in their entirety.

Amend the bill further as and if amended, by striking SECTION 20 and SECTION 21 in its entirety and inserting:

/ SECTION 19. Chapter 3, Title 54 of the 1976 Code is amended by adding:

“Section 54-3-119. (A) Except as provided in subsection (B), the State Ports Authority Board is directed to sell under those terms and conditions it considers most advantageous to the authority and the State of South Carolina all real property it owns on Daniel Island and Thomas (St. Thomas) Island except for the dredge disposal cells that are needed in connection with the construction of the North Charleston terminal on the Charleston Naval Complex and for harbor deepening and for channel and berth maintenance. The sale shall be timed and concluded on a schedule that prudently considers all market conditions affecting the sale but in any event must be under contract for sale by December 31, 2012 and the sale completed by December 31, 2013. The property must be transferred to the Budget and Control Board for sale if authority is unable to complete the sale by December 31, 2013. To assist in the sale of the property, the board shall have the property appraised by at least two independent qualified commercial appraisers not affiliated with the authority. The real property appraisers must be a State Certified General Real Estate Appraiser, a member of the Appraisal Institute (MAI), and must be knowledgeable in appraisal and in appraising marine terminal facilities. The appraisal of the real property should include its future development opportunities and those of the surrounding properties. The sale price must be equal to or greater than at least one of the independent appraisals. The approval of the State Budget and Control Board is required to effectuate the sale if completed on or before December 31, 2013.

(B) The board shall give the right of first refusal to those former landowners on Thomas (St. Thomas) Island who sold their land located within the transportation corridor to the authority in anticipation of the authority’s exercise of eminent domain. The right of first refusal must provide that the landowner may repurchase his land at the same price for which the authority purchased it from him. Each contract for the

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sale of a parcel located in the transportation corridor on Thomas Island must contain a covenant creating an easement over the parcel. The easement must permit the authority, and any successor in interest to the authority, reasonable ingress and egress to the real property on Daniel Island owned by the authority as of the effective date of this section. The easement must contain express language that the easement runs with the land.

(C)(1) With regards to the sale of real property pursuant to subsection (A), the Budget and Control Board is vested with all of the board's fiduciary duties to the authority and the authority's bondholders if the property is transferred to the Budget and Control Board for sale. The acceptance of any sales price by either the board or the Budget and Control Board must be exercised with due regard to the fiduciary duty owed to the authority and for the protection of the interests of the authority's bondholders as set forth in its bond covenants, and otherwise according to law, including the conversion of a nonperforming asset into revenues in the most expeditious manner.

(2) The Budget and Control Board may deduct from the proceeds of the sale an amount equal to the actual costs incurred in conjunction with the sale of the property. The balance of the proceeds must be transmitted to the authority.

(D) The authority must provide the Review and Oversight Commission on the South Carolina State Ports Authority a complete list of the properties, described in metes and bounds, on Daniel and Thomas (St. Thomas) Islands that:

(1) constitute the dredge disposal cells commonly identified as the west cell, the middle cell, and the Wando cell. These three cells may not be sold by the authority because they are necessary in connection with the construction of North Charleston terminal on the Charleston Naval Complex and harbor deepening and for channel and berth maintenance. The authority must also identify the north cell, which must be retained long enough to excavate material contained in the cell to be used for construction of the North Charleston terminal on the Charleston Naval Complex; and

(2) located within the transportation corridor.”

SECTION 20. The General Assembly encourages discussions between interested parties and the Town of Port Royal concerning the building of a boat landing north of the Broad River in Beaufort County. Funds negotiated between the Town of Port Royal and the South

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Carolina State Ports Authority pursuant to Section 54-3-700 should be used to build the boat landing.

SECTION 21. The provisions of this act related to a time limitation for members of the Board of Directors serving in a holdover capacity do not apply to board members serving in a holdover capacity as of the effective date of this act but apply to any subsequent term.

SECTION 22. 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 23. 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 24. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

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

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PRESIDENT *PRO TEMPORE* PRESIDES

At 3:34 P.M., Senator McCONNELL assumed the Chair.

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 453 -- Senators Verdin and Ford: A BILL TO AMEND CHAPTER 4, TITLE 47 OF THE 1976 CODE, RELATING TO ANIMALS, LIVESTOCK, AND POULTRY, BY ADDING SECTION 47-4-160 TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY NOT ENACT ORDINANCES, ORDER, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY TO OCCUPY THE FIELD CONCERNING THE REGULATION OF CARE AND HANDLING OF LIVESTOCK AND POULTRY, AND TO PROVIDE THAT LOCAL LAWS, ORDINANCES, ORDERS, OR OTHER REGULATIONS CONCERNING THE CARE AND HANDLING OF LIVESTOCK AND POULTRY ARE PREEMPTED AND SUPERSEDED.

The House returned the Bill with amendments.

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

Senator VERDIN proposed the following amendment (453R002.DBV), which was adopted:

Amend the bill as and if amended, page 2, by striking line 26 and inserting:

/ only property owners and residents within a two mile radius of a /
Renumber sections to conform.
Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

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

CONCURRENCE

[SJ]

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S. 774 -- Senator Reese: A BILL TO AMEND SECTION 7-7-490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF SPARTANBURG 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.

The House returned the Bill with amendments.

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

The House returned the Bill with amendments.

On motion of Senator HUTTO, 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. 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

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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".

The House returned the Bill with amendments.

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

The House returned the Bill with amendments.

On motion of Senator GROOMS, 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

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S. 116 -- Senators Knotts and McConnell: A BILL TO AMEND SECTION 11-35-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE CONSOLIDATED PROCUREMENT CODE, SO AS TO DELETE THE DEFINITION FOR "OFFICE"; TO AMEND SECTION 11-35-1524, AS AMENDED, RELATING TO VENDOR PREFERENCES, SO AS TO PROVIDE FOR PREFERENCES FOR END PRODUCTS FROM SOUTH CAROLINA AND FROM THE UNITED STATES AND FOR CONTRACTORS AND SUBCONTRACTORS WHO EMPLOY INDIVIDUALS DOMICILED IN SOUTH CAROLINA, TO DEFINE CERTAIN TERMS, PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR THE PREFERENCES, PROVIDE FOR APPLICATION FOR THE PREFERENCES AND PENALTIES FOR FALSE APPLICATION, AND TO MAKE EXCEPTIONS TO THE PREFERENCES; TO AMEND SECTION 11-35-40, AS AMENDED, RELATING TO COMPLIANCE WITH FEDERAL REQUIREMENTS, SO AS TO PROVIDE FOR COMPLIANCE WITH THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTION 11-35-3215, RELATING TO CONTRACTS FOR DESIGN SERVICES, SO AS TO PROVIDE FOR A RESIDENT PREFERENCE; AND TO REPEAL SECTION 11-35-3025 RELATING TO APPROVAL OF CHANGE ORDERS IN CONNECTION WITH CERTAIN CONTRACTS.

The House returned the Bill with amendments.

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

NONCONCURRENCE

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

The House returned the Bill with amendments.

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

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Motion Adopted

Senator L. MARTIN moved under the provisions of Rule 32A to revert to the Morning Hour.

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

Ayes 37; Nays 6

AYES

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

Total--37

NAYS

Bright	Bryant	Davis
Grooms	Mulvaney	Ryberg

Total--6

Having received the necessary vote, the motion was adopted.

THE SENATE REVERTED TO THE MORNING HOUR.

Motion Adopted

Senator L. MARTIN asked unanimous consent to make a motion under Rule 32A to waive the provision requiring printing of the vetoes on H. 3560, the General Appropriations Act.

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There was no objection and the provision requiring printing of the vetoes on H. 3560 was waived.

Motion Adopted

Senator L. MARTIN moved under Rule 32A to vary the order of the day to proceed to a consideration of the vetoes from the Governor.

Objection

Senator BRYANT asked unanimous consent to make a motion to address the Senate with brief remarks.

Senator RANKIN objected.

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

Ayes 34; Nays 12

AYES

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

Total--34

NAYS

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

Total--12

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The motion to vary the order of the day was adopted.

THE SENATE PROCEEDED TO A CONSIDERATION OF VETOES.

Expression of Personal Interest

Senator BRYANT rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator BRIGHT rose for an Expression of Personal Interest.

Objection

Senator BRIGHT asked unanimous consent to make a motion to amend H. 4000, the *Sine Die* Resolution, by adding H. 3272, H. 3245, H. 3418, S. 424 and H. 3301 for consideration when the Senate is called back into Session.

Senator HUTTO objected.

Expression of Personal Interest

Senator KNOTTS rose for an Expression of Personal Interest.

Remarks to be Printed

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

Expression of Personal Interest

Senator BRIGHT rose for an Expression of Personal Interest.

Objection

Senator KNOTTS asked unanimous consent to take up S. 424 for immediate consideration.

Senator BRIGHT objected.

Senator BRIGHT resumed addressing the Senate.

Point of Order

Senator LEATHERMAN raised a Point of Order that the Senator had exceeded the five minute limitation.

The PRESIDENT *Pro Tempore* stated that one minute remained.

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Senator BRIGHT resumed addressing the Senate.

Objection

Senator BRIGHT asked unanimous consent to make a motion to adopt S. 424 as originally introduced.

Senator LEVENTIS objected.

Expression of Personal Interest

Senator LEVENTIS rose for an Expression of Personal Interest.

THE SENATE PROCEEDED TO A CONSIDERATION OF VETOES.

Message from the House

Columbia, S.C., May 20, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.49, H. 3560 by a vote of 98 to 19:

R. 49, H. 3560--GENERAL APPROPRIATIONS ACT

Veto 1 Fiscal Year 2009-10 General Appropriation Act Part IA Funding, in its entirety, pages 1 - 281.

Very respectfully,

Speaker of the House

Received as information.

VETO OVERRIDDEN

R. 49, H. 3560--GENERAL APPROPRIATIONS ACT

Veto 1 Fiscal Year 2009-10 General Appropriation Act Part IA Funding, in its entirety, pages 1 - 281.

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

Senator LEATHERMAN explained the veto.

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

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Senator GROOMS spoke on the veto.

Senator ROSE spoke on the veto.

Expression of Personal Interest

Senator CROMER rose for an Expression of Personal Interest.

Remarks to be Printed

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

Senator BRIGHT spoke on the veto.

Motion Under Rule 15A Adopted

At 6:10 P.M., Senator L. MARTIN moved under the provisions of Rule 15A to vote on veto 1.

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

Ayes 24; Nays 19

AYES

Alexander	Campbell	Cleary
Coleman	Courson	Cromer
Elliott	Fair	Hayes
Hutto	Land	Leatherman
Leventis	Lourie	<i>Martin, L.</i>
Matthews	McConnell	McGill
Nicholson	O'Dell	Peeler
Scott	Setzler	Williams

Total--24

NAYS

Anderson	Bright	Bryant
Campsen	Davis	Grooms
Jackson	Malloy	<i>Martin, S.</i>
Massey	Mulvaney	Pinckney
Rankin	Reese	Rose
Ryberg	Sheheen	Shoopman

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Verdin

Total--19

Having received the necessary vote, the motion under Rule 15A was adopted.

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 34; Nays 12

AYES

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

Total--34

NAYS

Bright	Bryant	Campsen
Cleary	Davis	Grooms
Massey	Mulvaney	Rose
Ryberg	Shoopman	Verdin

Total--12

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

Statement by Senator McCONNELL

I am writing to explain why I voted to override the Governor's veto where he vetoed the entire Part 1A of the Appropriations Act. I have been and continue to be philosophically opposed to raiding trust funds to pay for the ongoing costs to operate state government. I believe that the House recklessly decided to raid \$37 million dollars from the Insurance Reserve Fund to fund programs that otherwise we could not afford to pay for this year. Because of that action by the House of Representatives, I voted not to concur in the House amendment to the Appropriations Act.

However, the Governor, instead of targeting his vetoes to certain parts of the budget and in particular the use of trust fund dollars for certain expenses, vetoed all of Part 1A. Part 1A of the budget is the part of the Appropriations Act that funds state government. Education, Corrections, Public Safety and Health Care are all funded in that part of the budget. If we voted to sustain the Governor's veto we would have to either rewrite the budget in a very short time or run the risk of shutting down schools, prisons, and fire police officers on July 1st. That is not practical with the time left.

As much as I disagree with the House of Representatives taking money from a trust fund and would have welcomed the opportunity to sustain a veto on the use of those funds, I do not believe that we could risk completely defunding our state budget. Therefore, I voted to override the Governor's veto of Part 1A.

Statement by Senator RYBERG

I voted to sustain the veto of the Governor of Part I of the 2009 appropriations bill for three reasons. First, the appropriation bill continues to reflect, as it did when it passed the Senate some weeks ago, an absolute abrogation of our responsibilities to the citizens of South Carolina by willfully underfunding the core responsibilities of government: public education, public safety and public health. Second, the Senate pursued the coward's course by altering its rules in order to bring the vetoes up less than one hour after receiving them from the House of Representatives and thereby shield themselves from the scrutiny of the public for even one day. Third, the Senate suffered a

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completely disingenuous and utterly meritless explanation from the proponents of overriding the vetoes. The Senate heard from the proponents of this appropriations bill that absent the override of the vetoes that government will simply shut down. The new height of fear-mongering achieved by such statements astonishes me even after seventeen years in this body.

Message from the House

Columbia, S.C., May 20, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.49, H. 3560 by a vote of 93 to 33:

**R. 49, H. 3560--GENERAL APPROPRIATIONS ACT
Veto 2 Part III Fiscal Year 2009-10 State Stabilization Fund, in its entirety, pages 484 - 487.**

Very respectfully,
Speaker of the House

Received as information.

VETO OVERRIDDEN

**R. 49, H. 3560--GENERAL APPROPRIATIONS ACT
Veto 2 Part III Fiscal Year 2009-10 State Stabilization Fund, in its entirety, pages 484 - 487.**

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

Senator DAVIS spoke in favor of sustaining the veto.

Remarks to be Printed

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

Senator MULVANEY spoke in favor of sustaining the veto.

Remarks to be Printed

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

Senator MASSEY spoke on the veto.

Remarks to be Printed

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

Senator COURSON spoke on the veto.

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 34; Nays 11

AYES

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

Total--34

NAYS

Bright	Bryant	Campsen
Davis	Grooms	Massey
Mulvaney	Rose	Ryberg

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Shoopman

Verdin

Total--11

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

Statement by Senator DAVIS

I voted to sustain Governor Sanford's vetoes of Part 1A and Part III of H. 3560, and a number of other Senators told me prior to the override votes that they also wanted to vote to sustain those vetoes, but simply couldn't. They said they don't like the conditions placed on the State Fiscal Stabilization Funds (SFSF) money, including the intrusive federal mandates, the requirement that funding levels not be reduced and the prohibition on using the SFSF money for other purposes. And they agreed with me that this interferes with South Carolina's rights to set education and fiscal policy -- areas of sole state concern.

However, those Senators also told me that the amount of money that the SFSF is offering to South Carolina is simply too large to turn down. And they told me that they were concerned that if we fail to comply with the federal law in any way, even a minor violation, we might lose ALL the SFSF money. To be fair to our taxpayers, they told me, they believed that they had no real choice other than to take the money. I want to be clear: those Senators objected to the federal government coercing South Carolina in this way, but believed they had no option but to take the money, and to override the Governor's vetoes.

Those Senators took that position although they said they agreed with me that the incredibly short deadline for applying for the stimulus money (June 30), upon pain of losing all the funds for the entire two years, is wholly unreasonable and further acts to coerce us. They agreed that this is not enough time to engage in sufficient analysis of our options and have appropriate dialog with the federal regulators and were upset that a gun has been put to their head. But at the end of the day, though they did not like it, they felt they had to give in and override the governor's vetoes.

Motion Adopted

On motion of Senator L. MARTIN, with unanimous consent, the Senate proceeded to a Call of the Uncontested Statewide Calendar.

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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. 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.

H. 4023--Recorded Vote

Senators BRYANT and RYBERG 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. 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".

H. 3342--Recorded Vote

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

H. 3013 -- Reps. Limehouse, Parker and Toole: A BILL TO AMEND SECTION 16-11-650, CODE OF LAWS OF SOUTH

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CAROLINA, 1976, RELATING TO THE OFFENSE OF REMOVING OR DESTROYING FENCES, GATES, OR OTHER BARRIERS ENCLOSING ANIMALS, CROPS, OR UNCULTIVATED LANDS, SO AS TO REVISE THE ELEMENTS OF THE OFFENSE AND INCREASE PENALTIES FOR VIOLATIONS AND TO VEST JURISDICTION TO HEAR AND DISPOSE OF THIS OFFENSE IN MAGISTRATES COURT.

H. 3013--Recorded Vote

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

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 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.

H. 3087--Recorded Vote

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

Statement by Senators BRYANT and RYBERG

We voted against third reading of H. 3087 because it prevents local communities from tightening restrictions on sex offenders even if their citizens desire tighter restrictions.

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.

H. 3761--Recorded Vote

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

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.

H. 3919--Recorded Vote

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

THIRD READING BILL

The following Bill was read the third time and ordered sent to the House of Representatives:

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.

S. 562--Recorded Vote

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

SECOND READING BILLS

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

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

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

There was no objection.

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

On motion of Senator PEELER, the Bill was read the second time, carrying over all amendments.

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.

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

There was no objection.

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

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On motion of Senator CROMER, the Bill was read the second time, carrying over all amendments.

H. 3377 -- Reps. D.C. 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.

H. 3722-- Representatives Kirsh and White: A BILL TO AMEND TITLE 12 OF THE 1976 CODE, TO PROVIDE FOR DETERMINATION OF GAINS AND LOSSES APPORTIONED TO THIS STATE BY THE INTERNAL REVENUE CODE STANDARDS; TO PROVIDE FOR CHANGES IN FILING TAX RETURNS; AND PROVIDE FOR ADOPTION OF FEDERAL RELIEF FOR CERTAIN ADVERSELY AFFECTED TAXPAYERS. (ABBREVIATED TITLE)

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

There was no objection.

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

On motion of Senator RYBERG, the Bill was read the second time, carrying over all amendments.

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

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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.

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

There was no objection.

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

Senator LEVENTIS explained the Bill.

On motion of Senator LEVENTIS, the Bill was read the second time.

PRESIDENT PRESIDES

At 8:17 P.M., the PRESIDENT assumed the Chair.

AMENDED, READ THE SECOND TIME

H. 3148 -- Reps. Clyburn, G.M. Smith, H.B. Brown, Branham, Ott, Agnew, R.L. Brown, Hayes, Battle, Miller, Weeks, J.R. Smith, D.C. Smith, Parks, Rice, Littlejohn, Hosey, Jefferson, Cobb-Hunter, Howard, Cooper, Gunn, McLeod, T.R. Young, Kennedy, Vick, Edge, J.E. Smith, Harrell, A.D. Young, Alexander, Neilson, Lucas, Merrill, Barfield, Bales, Allen, Hodges, Knight and Funderburk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 50 TO TITLE 11 SO AS TO ENACT THE "SOUTH CAROLINA RURAL INFRASTRUCTURE ACT", TO ESTABLISH THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, AND TO PROVIDE FOR ITS GOVERNANCE, POWERS, AND DUTIES; TO AUTHORIZE THE AUTHORITY TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE TO A MUNICIPALITY, COUNTY, SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT, AND A PUBLIC

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WORKS COMMISSION TO FINANCE RURAL INFRASTRUCTURE FACILITIES; TO ALLOW STATE APPROPRIATIONS, GRANTS, LOAN REPAYMENTS, AND OTHER AVAILABLE AMOUNTS TO BE CREDITED TO THE FUND OF THE AUTHORITY; TO AUTHORIZE LENDING TO AND BORROWING BY ELIGIBLE ENTITIES THROUGH THE AUTHORITY.

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

Senators HAYES and ALEXANDER proposed the following amendment (3148FIN001), which was adopted:

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

/ A BILL

TO ENACT THE "FEDERAL EDUCATIONAL INFRASTRUCTURE TAX-CREDIT BOND IMPLEMENTATION ACT", INCLUDING PROVISIONS; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-15-110 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 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

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PUBLIC OR PRIVATE SALE AT SUCH PRICE AS DETERMINED BY THE GOVERNING BODY OF THE ISSUER.

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

SECTION 1. This act is known and may be cited as the “Federal Educational Infrastructure Tax-Credit Bond Implementation Act”.

SECTION 2. The General Assembly finds that:

(1) Owing to a devastating upheaval in world financial markets, the United States is experiencing restricted access to credit, closures of numerous business concerns, and high levels of unemployment across the nation. In response, the United States Congress has made provision for a variety of strategies intended to stimulate economic activity in The American Recovery and Reinvestment Act of 2009 (ARRA). Among the strategies implemented by ARRA are various innovative financing programs for local governments to build educational infrastructure.

(2) Traditionally, financing undertaken by local governments is exempt from federal income tax. In order to stimulate local building activity and, further, to ameliorate the impact of a significant present weakness in the market for tax-exempt securities, ARRA, through a change in federal tax law, provides for the issuance by local school districts of a new type of obligation, the Qualified School Construction Bond (QSCB). It is the intent of Congress that QSCB obligations will be issued with an interest rate at or near to zero. In exchange for forgoing interest, the holder of a QSCB obligation will receive a credit against federal income tax intended to provide tax benefits equivalent to the forgone interest payments. The proceeds of QSCB obligations only may be used to defray the cost of educational infrastructure, including the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which a facility is to be constructed.

(3) ARRA authorizes the issuance of eleven billion dollars of QSCB obligations in each of calendar years 2009 and 2010. Forty percent of the amount will be allocated to one hundred large school districts and up to twenty-five additional school districts selected by the Secretary of the United States Department of Education. The remaining sixty percent will be allocated among the States in proportion to the respective numbers of children in each state who have attained age five but not age eighteen for the most recent fiscal year ending before the calendar year.

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(4) ARRA does not specify any method or criteria by which a State must allocate its share of QSCB issuance authority to its school districts. Accordingly, it is necessary for the General Assembly to direct the allocation of this issuance authority. The General Assembly has determined in this act to direct the State Superintendent of Education to allocate the state's QSCB issuance authority and to give priority to those school districts having the lowest capital financing resources, measured in terms of assessed value per pupil. By allocating QSCB issuance authority to such school districts, a portion of the critical facilities needs of these districts may be addressed, subject to Article X, Section 15 of the South Carolina Constitution, 1895. Because the capital financing resources of a given school district may be substantially the same as one or more other school districts, the General Assembly has determined to authorize the State Superintendent of Education to consider certain other factors in making allocation decisions.

(5) In addition to the QSCB program, Congress has pursuant to ARRA substantially increased the availability of a second type of tax-credit obligation for use solely by school districts, the Qualified Zone Academy Bond (QZAB). QZAB obligations are similar to QSCB obligations, but the proceeds of QZAB obligations may only be used to renovate existing school facilities, and may not be used for new school construction.

(6) Because the public market for tax-credit obligations is presently underdeveloped and may require several years or more to become a robust substitute for the tax-exempt market of prior years, it is also necessary to make appropriate provision for the marketing of QSCB and QZAB obligations.

SECTION 3. Chapter 15, Title 11 of the 1976 Code is amended by adding:

“Section 11-15-110. (A)(1) Issuance authority for Qualified School Construction Bonds (QSCB) obligations allotted to the State pursuant to the provisions of 26 U.S.C. §54F(d)(1) and any issuance authority allocated pursuant to 26 U.S.C. §54F(d)(2) to school districts of the State and not used by them shall be allocated by the State Superintendent of Education to one or more of the school districts, or county boards of education on behalf of one or more school districts of the State. In that regard, the State Superintendent of Education must give priority to the school districts having the least financial resources, based upon assessed value per pupil, and also may consider

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demonstrated facilities needs, innovations in building plans, and proposals for cost sharing with other school districts and other public and private entities.

(2) Only a school district may issue a QSCB obligation. For purposes of Section 15, Article X of the South Carolina Constitution, a QSCB obligation shall be considered general obligation debt. A school district may not use the proceeds of a QSCB obligation for the purposes stated in Section 14003(b) of the American Recovery and Reinvestment Act of 2009.

(B) The State Superintendent of Education is authorized to establish for each allocation of issuance authority the amount of issuance authority allocated and a schedule for issuance of QSCB obligations, giving due regard for the time required to initiate and hold bond referendums, and may reallocate issuance authority or any portion of issuance authority to another school district or county board of education if the schedule is not kept. The State Superintendent of Education is further authorized to establish scope and quality criteria for these school facilities and to condition allocation of issuance authority upon compliance with this criteria.

(C) Issuance authority allocated pursuant to this section but not utilized may be reallocated by the State Superintendent of Education in accordance with this section.

(D) In order to promote efficiencies and the development of school facilities to be constructed with QSCB obligations, the State Superintendent may implement a centralized process for the acquisition and management of professional and trustee services in connection with school facilities financed with QSCB obligations, with all costs of the State Superintendent of Education associated with this subsection to be paid from proceeds of QSCB obligations. This subsection also shall apply to improvements to real property financed with Qualified Zone Academy Bonds (QZAB) obligations pursuant to the provisions of 26 U.S.C. §1397E.

(E) Upon the concurrence of the State Superintendent of Education, design-build contracts may be utilized for construction of facilities financed with QSCB or QZAB obligations.

(F) Assessed value for purposes of this section means the assessed value of all taxable property, excluding property subject to a fee in lieu of tax. Each per pupil measurement is based upon the one hundred thirty-five day count for the most recently completed fiscal year.”

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SECTION 4. Section 11-15-460 of the 1976 Code, as last amended by Act 34 of 1989, is further amended to read:

“Section 11-15-460. These refunding bonds must bear interest at those rates as may be determined by the governing body of the issuer. However, ~~prior to~~ before the issuance of any refunding bonds, except in the case of the refunding of Qualified School Construction Bonds issued pursuant to the provisions of 26 U.S.C.§54F or Qualified Zone Academy Bonds issued pursuant to the provisions of 26 U.S.C.§1397E, the governing body shall determine that a savings can be effected through the issuance of these refunding bonds.”

SECTION 5. Section 11-27-50 of the 1976 Code, as last amended by Act 113 of 1999, is further amended by adding an appropriately numbered item at the end to read:

“_. Notwithstanding any other provision of law, bonds issued as Qualified School Construction Bonds pursuant to the provisions of 26 U.S.C.§54F or Qualified Zone Academy Bonds pursuant to the provisions of 26 U.S.C.§1397E may be sold at public or private sale at the price determined by the governing body of the issuer.”

SECTION 6. The powers and authorizations conferred by this act shall be in addition to all other powers and authorizations previously conferred upon the State Superintendent of Education, the State Department of Education, and the school districts of the State. The provisions of this act are remedial in nature and shall be liberally construed in order to give full force and effect to its provisions.

SECTION 7. 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 8. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

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The amendment was adopted.

Senators PINCKNEY and DAVIS proposed the following amendment (3148FIN002), which was adopted:

Amend the bill as and if amended, SECTION 3, Section 11-15-110, by adding a sentence at the end of subsection (A)(1) to read:

/ When two or more school districts are proposing a joint construction rehabilitation of a qualified project, the priority level for the project must be based on the priority level of the joint partner having the lowest assessed value per pupil. /

Renumber sections to conform.

Amend title to conform.

Senator PINCKNEY explained the amendment.

The amendment was adopted.

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

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

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.

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

There was no objection.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment by Senator KNOTTS.

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Senator KNOTTS proposed the following amendment (JUD0652.005), which was adopted:

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

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(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 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

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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.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0652.004), which was adopted:

Amend the bill, 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 that is 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 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, 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);

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(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 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

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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.

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. 3882 -- Labor, Commerce and Industry Committee: A BILL TO AMEND SECTION 48-39-150(F) OF THE 1976 CODE, RELATING TO THE TIME PERIOD BY WHICH WORK AUTHORIZED BY A PERMIT ISSUED BY THE COASTAL DIVISION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST BE COMPLETED, TO PROVIDE THAT THE TIME LIMIT MUST BE TOLLED DURING THE PENDENCY OF A PROJECT'S FORECLOSURE OR BANKRUPTCY.

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

Senators LEATHERMAN, O'DELL, ELLIOTT and RANKIN proposed the following amendment (3882FIN002), which was adopted:

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

/ A BILL

TO AMEND SECTION 48-39-150(F) OF THE 1976 CODE, RELATING TO THE TIME PERIOD BY WHICH WORK AUTHORIZED BY A PERMIT ISSUED BY THE COASTAL DIVISION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MUST BE COMPLETED, TO PROVIDE THAT THE TIME LIMIT MUST BE TOLLED DURING

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THE PENDENCY OF A PROJECT'S FORECLOSURE OR BANKRUPTCY.

SECTION 1. Section 48-39-150(F) of the 1976 Code is amended to read:

“(F) Work authorized by permits issued under this chapter must be completed within five years after the date of issuance. The time limit may be extended for good cause showing that due diligence toward completion of the work has been made as evidenced by significant work progress. An extension only may be granted if the permitted project meets the policies and regulations in force when the extension is requested or the permittee agrees to accept additional conditions which would bring the project into compliance. The time periods required by this subsection must be tolled during the pendency of an administrative or a judicial appeal of the permit issuance. The time periods also must be tolled during the pendency of a permitted project's foreclosure or bankruptcy for up to three years.”

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

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

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

ADOPTED

H. 3813 -- Rep. Harrison: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES GILLS CREEK ALONG SHADY LANE IN RICHLAND COUNTY “BURWELL D. MANNING, JR. BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “BURWELL D. MANNING, JR. BRIDGE”.

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

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

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

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

H. 4058 -- Rep. Clemmons: A CONCURRENT RESOLUTION TO MEMORIALIZE THE SECRETARY OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE HONORABLE RAY H. LAHOOD, TO SET ASIDE THE FUNDS NECESSARY TO ACQUIRE THE RIGHT OF WAY AND BUILD THE APPROXIMATELY SIX-MILE PORTION OF INTERSTATE 73 FROM "THE INTERSECTION OF HOPE" AT ITS INTERSECTION WITH INTERSTATE 95 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 501 WHICH CONSTITUTES THE FIRST PHASE OF CONSTRUCTION OF INTERSTATE 73 IN SOUTH CAROLINA, AND SET ASIDE ADDITIONAL FUNDS TO COMPLETE THE REMAINING PORTION OF THIS INTERSTATE HIGHWAY AS THESE FUNDS BECOME AVAILABLE.

Senator LEATHERMAN explained the Resolution.

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

CARRIED OVER

S. 741 -- Senator McConnell: A BILL TO AMEND SECTION 38-73-910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE OF A HEARING AS A PREREQUISITE TO GRANTING OF A RATE INCREASE, SO AS TO PROVIDE THAT A HEARING MUST BE HELD AS A PREREQUISITE TO GRANTING ANY RATE CHANGE, WHETHER AN INCREASE OR A DECREASE.

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

STATEWIDE APPOINTMENTS

Confirmations

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

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Initial Appointment, South Carolina Board of Probation, Parole & Pardon Services, with the term to commence March 17, 2009, and to expire March 17, 2015

5th Congressional District:

Alan D. Gardner, 236 Morningside Dr., Newberry, SC 29108 *VICE*
Joseph Hodge

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

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

At-Large:

Elizabeth W. Factor, 49 Church Street, Charleston, SC 29401

Initial Appointment, John De La Howe School Board of Trustees, with the term to commence April 1, 2009, and to expire April 1, 2014

At-Large:

Mary O. Morales, 301 Westbrook Way, Lexington, SC 29072 *VICE*
Harriet S. Johnson

Reappointment, John De La Howe School Board of Trustees, with the term to commence April 1, 2009, and to expire April 1, 2014

At-Large:

Janet L. Duncan, 205 Crosby Drive, Anderson, SC 29621

Initial Appointment, John De La Howe School Board of Trustees, with the term to commence April 1, 2008, and to expire April 1, 2013

Patricia M. Stoner, 210 Saddletree Place, Simpsonville, SC 29681
VICE Derrick L. Williams

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2006, and to expire July 1, 2009

SC Chamber of Commerce:

Laura H. Getty, 8 Round About Way, Greenville, SC 29609

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Reappointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2009, and to expire July 1, 2012

SC Chamber of Commerce:

Laura H. Getty, 8 Round About Way, Greenville, SC 29609

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2006, and to expire July 1, 2009

South Carolina Alliance of Black Educators:

Ronald Epps, 6 Old South Drive, Columbia, SC 29209

Initial Appointment, South Carolina Arts Commission, with the term to commence June 30, 2006, and to expire June 30, 2009

At-Large:

Elizabeth W. Factor, 49 Church Street, Charleston, SC 29401 *VICE*
Frances B. Gilbert

Having received a favorable report from the Fish, Game and Forestry Committee, the following appointment was confirmed in open session:

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

Public - Senate:

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

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

Initial Appointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 15, 2008, and to expire May 15, 2015

2nd Congressional District:

W. Leighton Lord III, 3628 Devereaux Rd., Columbia, SC 29205
VICE Mr. Clarence Davis

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

1st Congressional District:

Fred Lincoln, 133 Sarah Lincoln Rd., Wando, SC 29492

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

At-Large:

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

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointments were confirmed in open session:

Initial Appointment, Governor's Nuclear Advisory Council, with term coterminous with Governor

At-Large:

Claude C. Cross, Captain USN (Retired), 53 Country Club Drive, Charleston, SC 29412 *VICE* William J. Mottel

Initial Appointment, South Carolina Aeronautics Commission, with the term to commence February 15, 2009, and to expire February 15, 2014

At-Large/Chairman:

Gregg A. Malphrus, Malphrus Construction Co., Inc. P. O. Box 21299, Hilton Head, SC 29925 *VICE* H. Neel Hipp, Jr.

Reappointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2008, and to expire November 27, 2012

Master Social Worker:

Lynn T. Melton, 2680 Mount Zion Rd., Olanta, SC 29114

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Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2009, and to expire May 31, 2012

Appraiser - General:

Herbert R. Sass, III, Sass, Herrin & Ass. 21-C Gamecock Ave., Charleston, SC 29407

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

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2005, and to expire June 30, 2009

3rd Congressional District:

Susan K. Lait, 308 Turkey Run, Pickens, SC 29671 *VICE* John Michael Powell

Reappointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2009, and to expire June 30, 2013

3rd Congressional District:

Susan K. Lait, 308 Turkey Run, Pickens, SC 29671

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2008, and to expire June 30, 2012

2nd Congressional District:

Deborah C. McPherson, 304 Valley Springs Road, Columbia, SC 29223 *VICE* William F. Bishop

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2008, and to expire June 30, 2012

1st Congressional District:

Nancy L. Banov, 56 Rebellion Rd., Charleston, SC 29407 *VICE* Edythe Dove

WEDNESDAY, MAY 20, 2009

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2005, and to expire June 30, 2009

4th Congressional District:

Richard C. Huntress, 219 Donington Drive, Greenville, SC 29615
VICE John Vaughn

Reappointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2009, and to expire June 30, 2013

4th Congressional District:

Richard C. Huntress, 219 Donington Drive, Greenville, SC 29615

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2009, and to expire June 30, 2015

2nd Congressional District:

J. Addison Livingston, 1445 Southbound Road, Swansea, SC 29160
VICE Davis C. Hook

Initial Appointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 1, 2006, and to expire June 1, 2010

Public:

Walter L. Roark, III, 109 St. Andrews Lane, Greenwood, SC 29646
VICE Basil Manly

MOTION ADOPTED

On motion of Senator CLEARY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Samuel Joseph Player of Pawleys Island, S.C., retired architect. He was a devoted husband, doting father and grandfather and was an active member of his church and civic leader.

ADJOURNMENT

At 8:34 P.M., on motion of Senator L. MARTIN, the Senate adjourned to meet tomorrow at 10:00 A.M.

Recorded Vote

Senator BRIGHT desired to be recorded as voting against the motion to adjourn.

[SJ]

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