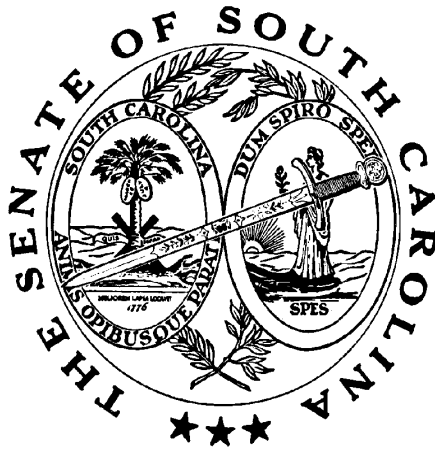


NO. 70

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



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

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**WEDNESDAY, OCTOBER 28, 2009**

**Wednesday, October 28, 2009**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:40 P.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:

Isaiah quotes the Lord God as saying:

“ ‘This is the one I esteem: he who is humble and contrite in spirit, and trembles at my word.’ ” (Isaiah 66:2b)

Join me as we pray, please:

How incredibly marvelous it has to be, O God, to be a person who *knows* in his or her heart that he or she is counted among those whom You Yourself honor. After all, as so many know, it is such a challenge here in the year 2009 to live as You call all of us to live. Each of us knows how frequently we fall short. Therefore, dear Lord, we ask You to forgive us for our failures and to strengthen us for faithful, caring service. And in particular, O God, may each of the members of this Senate always stand as individuals who demonstrate the very best of those qualities You expect in Your most dedicated servants. In Your name we pray, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointment**

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Beth Ann Gilleland-Prince, 27 Dr. Mellichamp Drive, Suite 104, Bluffton, SC 29910 *VICE* Rita Ann Simmons

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

**WEDNESDAY, OCTOBER 28, 2009**

S. 896 -- Senator Leatherman: A SENATE RESOLUTION TO CONGRATULATE MR. DON HERRIOTT OF FLORENCE COUNTY, HEAD OF ROCHE GLOBAL CHEMICAL MANUFACTURING, UPON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

H. 4163 -- Reps. Brantley, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, 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, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, 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 EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE GENERAL ASSEMBLY UPON THE DEATH OF MR. JUSTIN IHLY BAKER OF JASPER COUNTY, AND TO EXTEND DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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

H. 4164 -- Rep. Bales: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR MICHAEL M. FLACK OF LEXINGTON COUNTY ON THE OCCASION OF HIS RETIREMENT AS EXECUTIVE DIRECTOR OF THE COLUMBIA METROPOLITAN AIRPORT, TO COMMEND HIM ON ELEVEN YEARS OF FAITHFUL SERVICE IN THAT CAPACITY AND TO

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HIS COMMUNITY, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN HIS FUTURE ENDEAVORS.

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

H. 4165 -- Rep. Bales: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR RONALD E. JORDAN OF RICHLAND COUNTY FOR HIS OUTSTANDING CONTRIBUTIONS TO HIS COMMUNITY THROUGH VOLUNTEERISM, AND TO WISH HIM ALL THE BEST IN THE COMING YEARS.

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

**RECESS**

At 2:45 P.M., on motion of Senator McCONNELL, the Senate recessed from business until 3:45 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 4:05 P.M. and was called to order by the PRESIDENT.

**ACTING PRESIDENT PRESIDES**

At 4:06 P.M., Senator PEELER assumed the Chair.

**Message from the House**

Columbia, S.C., October 28, 2009

Mr. President and Senators:

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

S. 374 -- Senator L. Martin: A BILL TO AMEND SECTION 41-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POSTING NOTICES CONCERNING THE EMPLOYMENT OF ADULTS AND CHILDREN IN PLACES OF EMPLOYMENT, SO AS TO DELETE THE PROVISION REQUIRING NOTICE TO BE POSTED IN EVERY ROOM WHERE FIVE OR MORE PERSONS ARE EMPLOYED; TO AMEND SECTION 41-3-10, AS AMENDED, RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION

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AND TO THE APPOINTMENT AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, SO AS TO DELETE THE PROVISION ESTABLISHING THE DIVISION OF LABOR; TO AMEND SECTION 41-3-40, AS AMENDED, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO DELETE THE REFERENCE TO REGULATIONS PERTAINING TO THE DIVISION OF LABOR; TO AMEND SECTIONS 41-3-50, 41-3-60, 41-3-100, AND 41-3-120, ALL AS AMENDED, ALL RELATING TO VARIOUS DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 41-1-40, 41-1-50, 41-3-80, 41-15-10, AND 41-15-50; ARTICLE 5, CHAPTER 3, TITLE 41; CHAPTER 21, TITLE 41; AND CHAPTER 23, TITLE 41 ALL RELATING TO VARIOUS OBSOLETE PROVISIONS PERTAINING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Motion Adopted**

On motion of Senator L. MARTIN, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

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

**CONCURRENCE**

S. 374 -- Senator L. Martin: A BILL TO AMEND SECTION 41-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POSTING NOTICES CONCERNING THE EMPLOYMENT OF ADULTS AND CHILDREN IN PLACES OF EMPLOYMENT, SO AS TO DELETE THE PROVISION REQUIRING NOTICE TO BE POSTED IN EVERY ROOM WHERE FIVE OR MORE PERSONS ARE EMPLOYED; TO AMEND SECTION 41-3-10, AS AMENDED,

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RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO THE APPOINTMENT AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, SO AS TO DELETE THE PROVISION ESTABLISHING THE DIVISION OF LABOR; TO AMEND SECTION 41-3-40, AS AMENDED, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO DELETE THE REFERENCE TO REGULATIONS PERTAINING TO THE DIVISION OF LABOR; TO AMEND SECTIONS 41-3-50, 41-3-60, 41-3-100, AND 41-3-120, ALL AS AMENDED, ALL RELATING TO VARIOUS DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 41-1-40, 41-1-50, 41-3-80, 41-15-10, AND 41-15-50; ARTICLE 5, CHAPTER 3, TITLE 41; CHAPTER 21, TITLE 41; AND CHAPTER 23, TITLE 41 ALL RELATING TO VARIOUS OBSOLETE PROVISIONS PERTAINING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

The House returned the Bill with amendments.

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

**RECESS**

At 4:16 P.M., on motion of Senator L. MARTIN, the Senate recessed from business subject to the Call of the Chair.

At 4:20 P.M., the Senate resumed.

**PRESIDENT PRESIDES**

At 4:20 P.M., the PRESIDENT assumed the Chair.

**HOUSE BILL RETURNED**

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

H. 3130 -- Rep. Harvin: A BILL TO PROVIDE FOR MAJOR ECONOMIC DEVELOPMENT IN THIS STATE BY AMENDING

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SECTION 12-6-2320 OF THE 1976 CODE, RELATING TO THE ALLOCATION AND APPORTIONMENT OF A TAXPAYER'S INCOME, TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ENTER INTO AN AGREEMENT WITH A TAXPAYER IF THE TAXPAYER IS PLANNING A NEW FACILITY IN THIS STATE AND INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS IN REAL OR PERSONAL PROPERTY OR BOTH IN A SINGLE COUNTY IN THIS STATE AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS; TO AMEND SECTION 12-36-2120, RELATING TO SALES TAX EXEMPTIONS, TO EXEMPT FUEL SOLD TO CERTAIN MANUFACTURERS FOR CERTAIN PURPOSES, TO EXEMPT COMPUTER EQUIPMENT USED IN CONJUNCTION WITH A MANUFACTURING FACILITY WHERE THE TAXPAYER INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS IN THIS STATE OVER A SEVEN-YEAR PERIOD, AND TO EXEMPT CONSTRUCTION MATERIALS WHERE THE TAXPAYER INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS IN THIS STATE OVER A SEVEN-YEAR PERIOD; TO AMEND CHAPTER 41, TITLE 11 OF THE 1976 CODE, RELATING TO THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, TO REVISE THE FINDINGS OF THE ACT, TO AUTHORIZE THE ISSUANCE OF ADDITIONAL ECONOMIC DEVELOPMENT BONDS, AND TO PRESCRIBE THE LIMITATIONS APPLICABLE TO THE ISSUANCE OF THESE ECONOMIC DEVELOPMENT BONDS.

**Statement by Senator FORD**

I was absent from the Chamber yesterday when the vote on the amendment that provided enhanced economic development incentives on H. 3130 was taken due to a doctor's appointment. Had I been present, I would have voted in favor of the amendment.

**Motion to Ratify Adopted**

At 4:22 P.M., Senator McCONNELL asked unanimous consent to make a motion to invite the House of Representatives to attend the

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Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

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

**Leave of Absence**

At 4:22 P.M., Senator S. MARTIN requested a leave of absence beginning at 4:45 P.M.

**RECESS**

At 4:23 P.M., on motion of Senator McCONNELL, the Senate recessed from business until 4:55 P.M.

At 5:07 P.M., the Senate resumed.

**Message from the House**

Columbia, S.C., October 28, 2009

Mr. President and Senators:

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

H. 3130 -- Rep. Harvin: A BILL TO PROVIDE FOR MAJOR ECONOMIC DEVELOPMENT IN THIS STATE BY AMENDING SECTION 12-6-2320 OF THE 1976 CODE, RELATING TO THE ALLOCATION AND APPORTIONMENT OF A TAXPAYER'S INCOME, TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ENTER INTO AN AGREEMENT WITH A TAXPAYER IF THE TAXPAYER IS PLANNING A NEW FACILITY IN THIS STATE AND INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS IN REAL OR PERSONAL PROPERTY OR BOTH IN A SINGLE COUNTY IN THIS STATE AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS; TO AMEND SECTION 12-36-2120, RELATING TO SALES TAX EXEMPTIONS, TO EXEMPT FUEL SOLD TO CERTAIN MANUFACTURERS FOR CERTAIN PURPOSES, TO EXEMPT COMPUTER EQUIPMENT USED IN CONJUNCTION WITH A MANUFACTURING FACILITY WHERE THE TAXPAYER INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS IN THIS STATE OVER A SEVEN-YEAR PERIOD, AND TO EXEMPT

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CONSTRUCTION MATERIALS WHERE THE TAXPAYER INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS IN THIS STATE OVER A SEVEN-YEAR PERIOD; TO AMEND CHAPTER 41, TITLE 11 OF THE 1976 CODE, RELATING TO THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, TO REVISE THE FINDINGS OF THE ACT, TO AUTHORIZE THE ISSUANCE OF ADDITIONAL ECONOMIC DEVELOPMENT BONDS, AND TO PRESCRIBE THE LIMITATIONS APPLICABLE TO THE ISSUANCE OF THESE ECONOMIC DEVELOPMENT BONDS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

#### **Expression of Personal Interest**

Senator LEATHERMAN rose for an Expression of Personal Interest to announce that Boeing had chosen Charleston, South Carolina, as the location for its second 787 assembly line.

#### **Remarks by Senator LEATHERMAN**

Senator McCONNELL, Speaker Harrell and I met this afternoon with a top executive from the Boeing Company with whom I have been working for several months behind the scenes. He asked me to make the following announcement to you.

Boeing has chosen North Charleston, South Carolina, as the site for its 787 Dreamliner assembly line.

This decision is one of the most important economic development announcements in South Carolina history, with thousands of jobs and hundreds of millions of dollars in investment.

What it means to our State is incalculable. Every region of South Carolina will benefit.

We anticipate as many as 4,000 direct jobs, but the spinoffs will have ripple effects from the coast to the mountains for generations to come.

I'll give you just one example.

I recently was part of a trade delegation to the Orient and met with the chairman of a major company who expressed in passing the importance of Boeing to his business.

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He did not know of South Carolina's competition for the new plant and I could not tell him. But it was clear to me that this man's company would be a prime candidate for our State should we succeed at landing Boeing.

There is no limit to our ability to make aviation a new industry cluster for South Carolina, just as BMW has enabled us to become a national automotive leader.

Six weeks ago Senator McCONNELL and I met with a Boeing executive in Charleston. He candidly asked us if South Carolina would live up to its commitments. On your behalf, we gave him that assurance.

That led to several lengthy negotiating sessions which culminated in the package that the Finance Committee approved Tuesday and got a unanimous vote on second reading yesterday and third reading today.

This is an achievement for all of South Carolina.

All of us under the leadership of Speaker Harrell and Senator McCONNELL worked together to make it happen in record time. Legislators from every part of the State—Democrat and Republican—pulled together for the good of the people. This was a bi-partisan effort. I commend Senators LAND and SETZLER for their involvement in this most important piece of legislation.

Secretary Joe Taylor really put his heart and soul in this. He and his staff worked very, very hard to bring these jobs to South Carolina.

This sends a signal across the nation and to the world that South Carolina has the people and ability to compete for world-class companies. We take a backseat to no one, and we all pull together when it comes to being a business-friendly state.

This is a wonderful day for our State and it would not have happened without your dedication.

Thank you.

Boeing is a great company. I really believe this will be mutually beneficial to our State and Boeing. I look forward to a long and prosperous relationship.

Thank you.

#### **Expression of Personal Interest**

Senator McCONNELL rose for an Expression of Personal Interest to speak on the Boeing announcement.

#### **Remarks by Senator McCONNELL**

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First of all, the Senator from Florence is correct. This is a transformational day for South Carolina. It's history. We now launch ourselves into the aerospace industry in the 21<sup>st</sup> Century, and it happened because of the investment this legislature has made -- everything from our technical education system, the leadership of our Chairman of our Finance Committee -- to have invested in the knowledge-based economy and make us competitive. This thing started way back in the summer with a call from the Chairman and a call from a mutual friend of ours. We got Senator GROOMS and Senator CAMPBELL to come along, meet and see what we could do. It started out with a great meeting where we just talked at the table about the possibility, and we all decided to go to work and see if it could happen. Commerce was out there helping in every way they could. It's taken a lot of hard work, many phone calls, etc.

I have to tell you, the Chairman is one of the most energetic people I have ever met. There were calls from the Chairman from the Chicago Airport and from Japan, where he was on a trade mission, and it would be 1:30 in the morning in Japan. He would say, "Have you heard this? What is this? We have an e-mail on this." Senator LEATHERMAN, I cannot thank you enough. Your grasp for financial figures is unparalleled. Things progressed and we looked at what the State could put together as a package. The Chairman went and got a whole group of numbers, and he and I met on a Saturday morning. We went through and tried to crunch those numbers and look at, in these times, what this State could put forward -- what could it afford? And we saw a dramatic effect on this State by landing the opportunity to be with Boeing. Boeing is a great corporate citizen. It could do nothing but enrich the lives of this community.

Senator CAMPBELL, from his experience, can tell you that the people of South Carolina are folks who don't mind putting in a good day's work. They take pride in what they do and the products they produce all across this State. This is a clarion call to people all over the world who are interested in doing business to come to South Carolina. We are open. To this legislature, I just want to say to the leadership -- I don't know how many times I have called Senator SETZLER and Senator PEELER -- both in the mornings and in the evenings. Could we do this? Could we do that? What would happen if we were to do it this way? Could we go that way? We received nothing but bipartisan cooperation in moving this forward, and that's why we could say to ourselves that we knew we could pull this off if they were interested in

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what we had to offer. The people of South Carolina are proof of what Senator GRESSETTE used to say about this Senate -- this legislature. The Speaker of the House worked hand in hand with us as well as their staff and our staff; Mike Shealy crunching numbers; John Hazzard crunching laws in looking at different things. It speaks to this legislature -- to every one of you. This could not be pulled off unless this legislature was willing to work together; and when we work together, we can get things done, and the process we have in this State gives us the flexibility to adjust to changing conditions, and that's what happened here. As things changed, we were able to move and to reset the course of this State and be able to put things out there that would attract business.

Mr. Chairman, I want to go back to you and tell you how proud I am of you. You are tenacious, and you are untiring. I don't know when you sleep because of all the calls. Sometimes I was shuttling calls in between; but I am so proud of the Senator from Florence. Some people tried to take a hit at him here and there, but he is about what is good for the future of this State -- jobs, economic opportunity; and today, we begin moving from hope to reality. I look for Boeing to be under construction probably by the month of November and moving this State forward. It just means jobs, prosperity, and advancement; and for every single one of y'all who serve in this Senate, it is an historical day. Every one of you who cast a vote and every one of you who helped us move this forward -- you're part of the quantum leap taking South Carolina into the 21<sup>st</sup> Century. It's a moment we will never forget.

The Senator from Greenville, Senator THOMAS, was recognized:

Is it not true that one of the issues Boeing looked at, aside from all the financial elements that had been put together, was the fact that they had determined that the work ethic of the workers of South Carolina was unparalleled and that was something they had to have? Therefore, they decided South Carolina was the best State.

Senator McCONNELL: Senator, I can't read Boeing's mind, but I can tell you this. The State put forward its best footing. It put forth all of the opportunities it has -- its people, its education system, its community, its commitment, everything that we could do; and I think, collectively, we just put up a great presentation. There was energy

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behind it, and the Senator from Florence didn't let up on any of us. He did whatever needed to be done. I won't take anything from the other state of Washington. I'm sure they did their best to put their best forward. But, we got in there and moved this thing forward; and this State showed it can do it, if it gets determined to do it; and we did it. It's just an historical moment in South Carolina. When the Chairman and I crunched the numbers that Saturday morning, we were trying to figure out what we thought we could sell in this legislature -- if we had to sell certain numbers or anything. The numbers we saw reached to the local level, to the counties, to the municipalities, to the State, and to the sales tax.

It's transformational, ladies and gentlemen. South Carolina will never be the same. What a great day! Every one of us should rejoice about it.

On a lighter note, it's one of the days where the language we got from the House was artfully drawn, and the language the House got from the Senate was artfully drawn, so we invite them over here to ratify acts. It will be an historic moment!

**Remarks to be Printed**

On motion of Senator KNOTTS, with unanimous consent, the remarks by Senators LEATHERMAN and McCONNELL, were ordered to be printed in the Journal.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on October 28, 2009, at 5:30 P.M. and the following Acts were ratified:

(R122, S. 374) -- Senator L. Martin: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-35-320 SO AS TO PROVIDE FOR THE PAYMENT OF EXTENDED UNEMPLOYMENT BENEFITS WHEN THESE BENEFITS ARE FULLY FUNDED BY THE FEDERAL GOVERNMENT AND UPON THE MEETING OF OTHER SPECIFIC CONDITIONS.

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(R123, H. 3130) -- Rep. Harvin: AN ACT TO PROVIDE FOR MAJOR ECONOMIC DEVELOPMENT IN THIS STATE BY AMENDING SECTION 12-6-2320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALLOCATION AND APPORTIONMENT OF A MULTISTATE TAXPAYER'S INCOME FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY ENTER INTO AN ALLOCATION AND APPORTIONMENT AGREEMENT APPLICABLE FOR NOT MORE THAN TEN YEARS WITH A TAXPAYER IF THE TAXPAYER IS PLANNING A NEW FACILITY IN THIS STATE AND INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS IN REAL OR PERSONAL PROPERTY OR BOTH IN A SINGLE COUNTY IN THIS STATE AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS AND TO EXTEND THE DEFINITION OF "TAXPAYER" FOR PURPOSES OF ENTERING INTO ALLOCATION AND APPORTIONMENT AGREEMENTS; BY AMENDING SECTION 12-36-2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT AIRCRAFT FUEL USED IN TEST FLIGHTS AND TRANSPORT OF UNCOMPLETED AIRCRAFT BETWEEN MANUFACTURING FACILITIES WHEN SOLD TO CERTAIN MANUFACTURERS, TO EXEMPT COMPUTER EQUIPMENT USED IN CONJUNCTION WITH A MANUFACTURING FACILITY WHERE THE TAXPAYER INVESTS AT LEAST SEVEN HUNDRED FIFTY MILLION DOLLARS AND CREATES AT LEAST THREE THOUSAND EIGHT HUNDRED FULL-TIME NEW JOBS IN THIS STATE OVER A SEVEN-YEAR PERIOD, AND TO EXEMPT CONSTRUCTION MATERIALS WHERE THE TAXPAYER MAKES A SIMILAR INVESTMENT AND CREATES A SIMILAR NUMBER OF FULL-TIME JOBS IN THIS STATE OVER A SIMILAR PERIOD; AND BY AMENDING SECTIONS 11-41-20, AS AMENDED, 11-41-50, AS AMENDED, 11-41-60, AND 11-41-90, ALL RELATING TO THE STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BOND ACT, SO AS TO AUTHORIZE THE ISSUANCE OF ADDITIONAL STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT BONDS AND MAKE FINDINGS WITH RESPECT TO THIS ADDITIONAL AUTHORIZATION, TO PRESCRIBE THE LIMITATIONS APPLICABLE TO THE ISSUANCE OF THESE ADDITIONAL ECONOMIC

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DEVELOPMENT BONDS, AND TO MAKE CONFORMING AMENDMENTS.

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**LOCAL APPOINTMENT**

**Confirmation**

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

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Beth Ann Gilleland-Prince, 27 Dr. Mellichamp Drive, Suite 104, Bluffton, SC 29910 *VICE* Rita Ann Simmons

**MOTION ADOPTED**

On motion of Senator L. MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Robert G. "Bob" McDonald, Jr., Professor Emeritus, Southern Wesleyan University, who passed away on October 24, 2009. He was a devoted husband, loving father, and doting grandfather of five.

**ADJOURNMENT**

At 5:32 P.M., on motion of Senator THOMAS, the Senate adjourned under the provisions of S. 856, the *Sine Die* Resolution.

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