**Thursday, February 11, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

In a passage we can never hear quoted often enough, the prophet, Micah, reminds us:

“. . .what does the Lord require of you, but to do justice, and to love kindness, and to walk humbly with your God?” (Micah 6:8b)

Bow in prayer with me, if you will:

May it be so, dear God, may it ever be so, whatever anyone’s role happens to be here in this governmental complex, that each woman and man in this place will take Micah’s words to heart. Let each Senator and every staff person in this Chamber especially be individuals who demonstrate day by day—through everything each one says and carries out—that he or she truly does cherish justice and kindness and walking humbly with You, O Lord. In Your loving name we pray.

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:

**Statewide Appointment**

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2010, and to expire June 30, 2014

At-Large:

Vernon Lee McCurry, 114 Merrifield Dr., Greenville, SC 29615

Referred to the Committee on Judiciary.

**Doctor of the Day**

Senator CLEARY introduced Dr. Gerald E. Harmon of Georgetown, S.C., Doctor of the Day.

**Leave of Absence**

At 11:30 A.M., Senator CLEARY requested a leave of absence beginning at 12:30 P.M.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 1001 Sen. Bryant

S. 1068 Sen. Grooms

S. 1095 Sen. Davis

S. 1096 Sen. Grooms

S. 1127 Sen. Rose

**CO-SPONSOR REMOVED**

The following co-sponsor was removed from the respective Bill:

S. 1031 Sen. Anderson

**RECALLED FROM THE HOUSE**

**THIRD READING RECONSIDERED**

**COMMITTED TO THE FAIRFIELD DELEGATION**

S. 1112 -- Senator Coleman: A BILL TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REQUIRE THE FINANCE COMMITTEE ESTABLISHED BY THIS ACT TO PREPARE THE DISTRICT BUDGET AND TO SUBMIT IT FOR BOARD REVIEW, TO REQUIRE THE BOARD TO SUBMIT THE BUDGET TO THE FAIRFIELD COUNTY COUNCIL FOR APPROVAL, TO AUTHORIZE THE FAIRFIELD COUNTY COUNCIL TO NOTIFY THE COUNTY AUDITOR OF THE AMOUNT OF THE LEVY NEEDED TO OPERATE SCHOOLS IN THE DISTRICT, TO CREATE A FINANCE COMMITTEE TO OVERSEE THE FINANCIAL OPERATIONS OF THE DISTRICT AND TO PROVIDE ITS MEMBERSHIP, DUTIES, AND GOALS, TO PROVIDE FOR THE HIRING OF A FINANCE DIRECTOR FOR THE DISTRICT AND TO PROVIDE HIS RESPONSIBILITIES AND DUTIES, TO PROVIDE FOR THE ABOLITION OF THE FINANCE COMMITTEE AND THE POSITION OF FINANCE DIRECTOR UPON CERTAIN CONDITIONS, AND TO DEFINE THE DUTIES OF BOTH THE BOARD AND THE DISTRICT SUPERINTENDENT.

Senator COLEMAN asked unanimous consent to make a motion to recall the Bill from the House.

There was no objection and the Bill was recalled from the House.

The Bill was returned from the House.

Having voted on the prevailing side, Senator COLEMAN moved to reconsider the vote whereby the Bill was given a third reading.

The motion to reconsider was adopted.

Third reading of the Bill was reconsidered.

On motion of Senator COLEMAN, with unanimous consent, the Bill was committed to the Fairfield Legislative Delegation.

**RECALLED FROM THE HOUSE**

**THIRD READING RECONSIDERED**

**COMMITTED TO THE FAIRFIELD DELEGATION**

S. 1113 -- Senator Coleman: A BILL TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE MEMBERSHIP OF THE BOARD OF TRUSTEES, TO REVISE COMPENSATION OF BOARD MEMBERS, TO PROVIDE FOR THE FILLING OF VACANCIES, TO PROVIDE FOR THE ABOLITION OF CERTAIN BOARD SEATS UPON CERTAIN CONDITIONS, AND TO REQUIRE THE SCHOOL DISTRICT BOARD AND SUPERINTENDENT TO COOPERATE WITH NEWLY APPROVED BOARD MEMBERS.

Senator COLEMAN asked unanimous consent to make a motion to recall the Bill from the House.

There was no objection and the Bill was recalled from the House.

The Bill was returned from the House.

Having voted on the prevailing side, Senator COLEMAN moved to reconsider the vote whereby the Bill was given a third reading.

The motion to reconsider was adopted.

Third reading of the Bill was reconsidered.

On motion of Senator COLEMAN, with unanimous consent, the Bill was committed to the Fairfield Legislative Delegation.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1168 -- Senator Land: A SENATE RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 17, 2010, AS "CITIES MEAN BUSINESS DAY" TO RECOGNIZE AND HONOR THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA CITIES AND TOWNS MAKE TO OUR STATE'S ECONOMIC PROSPERITY THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES.

l:\s-resmin\drafting\jcl\013city.tcm.jcl.docx

The Senate Resolution was adopted.

S. 1169 -- Senators Malloy and Williams: A SENATE RESOLUTION TO RECOGNIZE LILLIAN D. GRANT, SECRETARY OF TRINITY BAPTIST CHURCH IN FLORENCE, FOR HER FIFTY YEARS OF DEDICATED SERVICE TO THE CHURCH, AND TO WISH HER CONTINUED FULFILLMENT AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

l:\council\bills\rm\1076ac10.docx

The Senate Resolution was adopted.

S. 1170 -- Senators Campbell and Alexander: A BILL TO AMEND CHAPTER 1, TITLE 48 OF THE 1976 CODE, RELATING TO THE POLLUTION CONTROL ACT, BY ADDING SECTION 48-1-95 TO PROVIDE THAT ALL SEWAGE SYSTEMS AND TREATMENT WORKS TREATING DOMESTIC SEWAGE THAT HAVE HAD THREE OR MORE SPILLS IN ANY TWELVE-MONTH PERIOD MUST COMPLETE A COMPREHENSIVE REVIEW OF THEIR OPERATIONS, TO PROVIDE FOR THE COMPREHENSIVE REVIEW, TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN ACTION PLAN TO ADDRESS ISSUES RAISED IN THE COMPREHENSIVE REVIEW, TO PROVIDE SPENDING PRIORITIES FOR WASTEWATER UTILITIES THAT LACK FUNDS FOR IMPLEMENTING AN ACTION PLAN, TO PROVIDE THAT WASTEWATER UTILITIES THAT DEVELOP AN ACTION PLAN HAVE PRIORITY FOR STATE DIRECTED FEDERAL AND STATE FUNDS, TO PROVIDE THAT OWNER ERRORS THAT RESULT IN A SPILL MUST BE RECORDED ON THE OWNER'S LICENSE, AND TO PROVIDE NECESSARY DEFINITIONS.

l:\s-res\pgc\004comp.kmm.pgc.docx

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

S. 1171 -- Senator Hutto: A BILL TO AMEND SECTION 56-1-10 OF THE 1976 CODE, RELATING TO DRIVER'S LICENSES, TO MODIFY THE DEFINITION OF CERTAIN TERMS; TO AMEND SECTION 56-1-640, TO INCLUDE CANADA AND MEXICO AS PARTY JURISDICTIONS; TO AMEND SECTION 56-1-2030, TO MODIFY THE DEFINITION OF HAZARDOUS MATERIAL; TO AMEND SECTION 56-1-2100, TO MODIFY THE DESCRIPTION OF A CLASS C VEHICLE; AND TO AMEND SECTION 56-1-2070, TO PROVIDE GRADUATED FINES FOR VIOLATIONS OF OUT-OF-SERVICE ORDERS.

l:\s-resmin\drafting\bh\005cdl..tcm.bh.docx

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

S. 1172 -- Senators Fair, Hutto, Jackson, Alexander, Ford, L. Martin, Campbell and Rose: A BILL TO AMEND SECTION 63-7-1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES PROVIDING REASONABLE EFFORTS TO ACHIEVE FAMILY PRESERVATION AND REUNIFICATION, SO AS TO PROVIDE THAT THE NAMED PARTY MAY MOVE TO HAVE THE COURT DETERMINE IF THE DEPARTMENT SHALL CONTINUE WITH THESE EFFORTS, TO ADD ALCOHOL AND DRUG ADDITION, MENTAL ILLNESS, AND EXTREME PHYSICAL INCAPACITY TO THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY A FAMILY, TO REQUIRE THE COURT TO MAKE SPECIFIC FINDINGS WHEN RELEASING THE DEPARTMENT FROM TRYING TO PRESERVE AND REUNIFY A FAMILY, AND TO REQUIRE THE DEPARTMENT TO PETITION FOR TERMINATION OF PARENTAL RIGHTS WITHIN SIXTY DAYS WHEN FAMILY PRESERVATION AND REUNIFICATION IS NO LONGER REQUIRED; TO AMEND SECTION 63-7-1660, RELATING TO PROCEDURES FOR REMOVING A CHILD FROM THE CUSTODY OF HIS PARENTS BY FILING A PETITION IN FAMILY COURT AND GROUNDS FOR REMOVAL, SO AS TO REQUIRE THE DEPARTMENT TO ALSO SEEK TERMINATION OF PARENTAL RIGHTS IF CIRCUMSTANCES EXIST THAT THE DEPARTMENT IS NOT REQUIRED TO TRY TO PRESERVE AND REUNIFY THE FAMILY; TO AMEND SECTION 63-7-1680, RELATING TO THE CONTENTS OF A PLACEMENT PLAN WHEN A CHILD IS REMOVED FROM THE CUSTODY OF HIS PARENTS, SO AS TO REVISE AND FURTHER SPECIFY THE CONTENTS OF THE PLACEMENT PLAN; TO AMEND SECTION 63-7-1700, RELATING TO THE FAMILY COURT REVIEWING A CHILD'S PERMANENT PLACEMENT PLAN, SO AS TO FURTHER PROVIDE THE CONTENTS OF A SUPPLEMENTAL REPORT TO BE PROVIDED TO THE COURT WHEN CONDUCTING SUCH A REVIEW, TO FURTHER SPECIFY CONDITIONS FOR REVIEW, TO FURTHER SPECIFY CONDITIONS FOR RETURNING THE CHILD TO THE CUSTODY OF HIS PARENTS, TO FURTHER SPECIFY CONDITIONS UNDER WHICH THE PLACEMENT PLAN MAY BE EXTENDED, AND TO DELETE DUPLICATIVE TEXT; TO AMEND SECTION 63-7-2570, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO PROVIDE THAT IN SOME INSTANCES A PARENT'S CONDUCT INVOLVING A CHILD, OTHER THAN A CHILD OF THE PARENT, MAY CONSTITUTE GROUNDS FOR TERMINATION OF PARENTAL RIGHTS; TO AMEND SECTION 63-9-60, RELATING TO PERSONS WHO MAY ADOPT A CHILD IN THIS STATE, SO AS TO PROVIDE THAT AN ADOPTION BY PERSONS WHO ARE NONRESIDENTS MUST BE FINALIZED IN THIS STATE; AND BY ADDING SECTION 63-9-70 SO AS TO PROHIBIT CERTAIN PERSONS OR ENTITIES FROM ADVERTISING THAT THE PERSON OR ENTITY WILL PLACE OR ACCEPT A CHILD FOR ADOPTION, TO PROVIDE AN EXCEPTION, AND TO PROVIDE THAT THE FAMILY COURT SHALL ENJOIN VIOLATIONS OF THIS SECTION.

l:\council\bills\nbd\11938ac10.docx

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

S. 1173 -- Senators Elliott, Malloy and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE DOUGLAS JENNINGS, JR. OF MARLBORO COUNTY FOR TWENTY YEARS OF SELFLESS AND DEDICATED SERVICE IN THE HOUSE OF REPRESENTATIVES ON BEHALF OF THE CITIZENS OF SOUTH CAROLINA, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

l:\council\bills\gm\24433htc10.docx

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

**REPORTS OF STANDING COMMITTEES**

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

S. 933 -- Senators Courson, Knotts, Hayes, Rose, Cromer, Peeler, Shoopman, L. Martin, S. Martin, Mulvaney, Davis, Campsen, Fair, Campbell, McConnell, Alexander, O’Dell and Bryant: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53‑5‑40 SO AS TO PROVIDE THAT VETERAN’S DAY MUST BE RECOGNIZED AS A HOLIDAY FOR ALL LOCAL SCHOOL DISTRICTS AND PUBLIC SCHOOLS OF THE STATE; AND TO AMEND SECTION 59‑29‑120, RELATING TO ATTENDANCE AT VETERAN’S ACTIVITIES, SO AS TO CHANGE DATES FOR POSSIBLE SCHOOL ACTIVITIES HONORING VETERANS.

Ordered for consideration tomorrow.

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

S. 974 -- Senator Campsen: A BILL TO AMEND SECTION 50‑9‑20 OF THE 1976 CODE, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, TO PROVIDE THAT ANNUAL HUNTING AND FISHING LICENSES SHALL BE VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE AND TO PROVIDE THAT THREE‑YEAR HUNTING AND FISHING LICENSES SHALL BE VALID FOR THREE YEARS FROM THE DATE OF ISSUANCE; BY ADDING SECTION 50‑9‑560, TO PROVIDE THAT THE DEPARTMENT MAY ISSUE THREE‑YEAR COMBINATION LICENSES, SPORTSMAN LICENSES, JUNIOR SPORTSMAN LICENSES, BIG GAME PERMITS, AND WILDLIFE MANAGEMENT AREA PERMITS; TO AMEND SECTION 50‑9‑920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, TO ESTABLISH THE THREE‑YEAR HUNTING AND FISHING LICENSE FUND, TO PROVIDE THAT THREE‑YEAR LICENSE FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE THIRD OF THE FUND MUST BE DISTRIBUTED TO THE GAME PROTECTION FUND, TO ESTABLISH THE THREE‑YEAR WILDLIFE MANAGEMENT AREA PERMIT FUND, TO PROVIDE THAT THREE‑YEAR WILDLIFE MANAGEMENT AREA PERMIT FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE‑THIRD OF THE FUND MUST BE DISTRIBUTED TO THE WILDLIFE ENDOWMENT FUND; AND TO MAKE CONFORMING AMENDMENTS.

Ordered for consideration tomorrow.

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

H. 3365 -- Reps. Cooper, T.R. Young and J.R. Smith: A BILL TO ENACT THE SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2009, INCLUDING PROVISIONS TO AMEND CHAPTER 101 OF TITLE 59, RELATING TO HIGHER EDUCATION, BY ADDING ARTICLE 5 SO AS TO FURTHER PROVIDE FOR HUMAN RESOURCES POLICIES, PROCEDURES, AND REQUIREMENTS FOR PUBLIC INSTITUTIONS OF HIGHER LEARNING IN THIS STATE EXCEPT FOR TECHNICAL COLLEGES; TO AMEND SECTION 8‑11‑260, AS AMENDED, RELATING TO STATE PERSONNEL ADMINISTRATIVE REQUIREMENTS, SO AS TO EXEMPT EMPLOYEES OF THESE INSTITUTIONS WITH CERTAIN EXCEPTIONS; BY ADDING SECTION 2‑47‑53 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS FOR THE STATE’S INSTITUTIONS OF HIGHER LEARNING, EXCLUDING TECHNICAL COLLEGES, AND FOR THE APPROVAL OF THESE PROJECTS AND TO REDEFINE ‘PERMANENT IMPROVEMENT PROJECT’ FOR PURPOSES OF PROPOSALS BY INSTITUTIONS OF HIGHER LEARNING IN THIS STATE; TO AMEND SECTION 1‑11‑65, RELATING TO APPROVAL OF REAL PROPERTY TRANSACTIONS BY THE STATE BUDGET AND CONTROL BOARD AND ACCEPTANCE OF THE TRANSFER OF TANGIBLE PERSONAL PROPERTY BY A STATE ENTITY, SO AS TO EXEMPT CERTAIN REAL PROPERTY TRANSACTIONS MADE FOR OR BY THESE INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 2‑47‑54 SO AS TO PROVIDE THAT THE STATE’S INSTITUTIONS OF HIGHER LEARNING, EXCLUDING TECHNICAL COLLEGES, MAY ENTER INTO A GROUND LEASE AGREEMENT WITH A PRIVATE ENTITY FOR THE BUILDING OF ON‑CAMPUS INFRASTRUCTURE AND TO EXEMPT THE TRANSACTION AND ENTITY FROM THE CONSOLIDATED PROCUREMENT CODE; TO AMEND SECTIONS 2‑47‑30, 2‑47‑35, 2‑47‑40, AND 2‑47‑50, RELATING TO THE JOINT BOND REVIEW COMMITTEE, SO AS TO FURTHER PROVIDE FOR THE PROCESSES AND PROCEDURES OF THE COMMITTEE AND THE BUDGET AND CONTROL BOARD IN REGARD TO CERTAIN PROJECTS; BY ADDING SECTIONS 59-147-35 AND 59-147-36 AND TO AMEND SECTION 59‑147‑30, RELATING TO THE PROCEDURES FOR THE ISSUANCE OF REVENUE BONDS UNDER THE HIGHER EDUCATION REVENUE BOND ACT, SO AS TO REVISE THESE PROCEDURES AND THE PURPOSES FOR WHICH THE BONDS MAY BE USED; TO AMEND CHAPTER 101 OF TITLE 59, RELATING TO HIGHER EDUCATION, BY ADDING ARTICLE 7 SO AS TO PROVIDE FOR CERTAIN PROVISIONS APPLICABLE TO BOND ACTS FOR INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 6‑1‑135 SO AS TO PROVIDE THAT WHEN A COUNTY, MUNICIPALITY, OR SCHOOL DISTRICT ACTING THROUGH THE PROCUREMENT PROCESS APPLICABLE TO IT ENTERS INTO A CONTRACT WITH A VENDOR TO ACQUIRE GOODS OR SERVICES FROM THAT VENDOR, A FOUR-YEAR OR GRADUATE LEVEL PUBLIC INSTITUTION OF HIGHER LEARNING LOCATED IN THE COUNTY, MUNICIPALITY, OR SCHOOL DISTRICT, UPON THE CONSENT OF THE COUNTY, MUNICIPALITY OR SCHOOL DISTRICT, AND THE VENDOR, ALSO MAY BECOME A PARTY TO THE CONTRACT THEREBY MAKING THE GOODS OR SERVICES AVAILABLE TO THE INSTITUTION OF HIGHER LEARNING UNDER THE SAME TERMS AND CONDITIONS THEY ARE AVAILABLE TO THE COUNTY, MUNICIPALITY, OR SCHOOL DISTRICT WITHOUT THE NECESSITY OF COMPLYING WITH ANY OTHER PROCUREMENT REQUIREMENTS; TO AMEND SECTION 11‑35‑1550, AS AMENDED, RELATING TO SMALL PURCHASES UNDER THE CONSOLIDATED PROCUREMENT CODE AND BID PROCEDURES ON PROCUREMENTS UP TO FIFTY THOUSAND DOLLARS, SO AS TO INCREASE THE AMOUNT OF AUTHORIZED SMALL PURCHASES BY FOUR‑YEAR AND GRADUATE PUBLIC INSTITUTIONS OF HIGHER LEARNING AND TO AUTHORIZE THESE INSTITUTIONS TO USE PURCHASING CARDS FOR THESE PURCHASES IN THE AMOUNT AUTHORIZED; TO AMEND SECTION 11‑35‑3310, AS AMENDED, RELATING TO INDEFINITE DELIVERY CONTRACTS FOR CONSTRUCTION, ARCHITECTURAL‑ENGINEERING AND LAND SURVEYING SERVICES, SO AS TO RAISE THE PERMITTED AMOUNTS OF SUCH CONTRACTS; TO AMEND SECTION 11‑35‑4810, RELATING TO COOPERATIVE PURCHASES OF PUBLIC ENTITIES UNDER THE CONSOLIDATED PROCUREMENT CODE, SO AS TO ESTABLISH CERTAIN EXCEPTIONS FOR FOUR‑YEAR AND GRADUATE PUBLIC INSTITUTIONS OF HIGHER LEARNING IN REGARD TO NOTICE AND ELIGIBLE VENDORS; TO AMEND SECTION 1‑7‑170, RELATING TO THE REQUIRED APPROVAL OF THE ATTORNEY GENERAL BEFORE AN AGENCY OR DEPARTMENT OF THIS STATE MAY ENGAGE AN ATTORNEY AT LAW ON A FEE BASIS AND EXCEPTIONS TO THIS REQUIREMENT, SO AS TO ESTABLISH A SPECIAL APPROVAL PROCEDURE FOR FOUR‑YEAR AND GRADUATE PUBLIC INSTITUTIONS OF HIGHER LEARNING; BY ADDING SECTION 59‑101‑55 SO AS TO PROVIDE THAT STATE APPROPRIATED FUNDS SHALL NOT BE USED TO PROVIDE OUT-OF-STATE SUBSIDIES TO STUDENTS ATTENDING STATE-SUPPORTED INSTITUTIONS OF HIGHER LEARNING; TO AMEND SECTION 59-101-620, RELATING TO LIMITATIONS ON EDUCATIONAL FEE WAIVERS OFFERED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING, SO AS TO REVISE THESE LIMITATIONS FOR CERTAIN INSTITUTIONS AND TO PROVIDE FOR ANNUAL REPORTING REQUIREMENTS TO THE COMMISSION OF HIGHER EDUCATION IN REGARD TO THESE WAIVERS; AND BY ADDING SECTION 59-112-115 SO AS TO PROVIDE THAT Whenever the governing board of a four-year and graduate level public institution of higher learning in this State not including a technical college adopts a change to the tuition or fees imposed on students, the change only may be implemented by the institution after a publically recorded roll call vote, and a majority vote shall be required to implement any change to the tuition or fees; AND TO PROVIDE THAT Within six months after the effective date of this act, each governing board of a four-year and graduate level public institution of higher learning in this State not including technical colleges shall adopt CERTAIN policies promoting financial disclosure.

Ordered for consideration tomorrow.

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

H. 3841 -- Reps. Owens, Cooper, Skelton, Sottile, J.M. Neal, R.L. Brown, Simrill, Battle, Govan, Barfield, Gullick, Stavrinakis, Hutto, Jefferson, Umphlett, Daning, Kirsh, Knight, Williams, Merrill, Weeks, Whipper, Mack, G.M. Smith, Lowe, Clemmons, Gilliard, Sellers, Erickson, Willis, Wylie, Mitchell, Stewart, Gunn, Vick, Harrell and J.R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “TECHNICAL COLLEGE ADMINISTRATIVE EFFICIENCIES ACT OF 2009” SO AS TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO ESTABLISH A TIERED SYSTEM FOR CATEGORIZING TECHNICAL COLLEGES WITH RESPECT TO THEIR FINANCIAL STRENGTH AND ABILITY TO MANAGE DAY‑TO‑DAY OPERATIONS AND A REVIEW SYSTEM FOR CERTAIN HUMAN RESOURCES, FACILITIES AND CAPITAL IMPROVEMENT, PROCUREMENT, AND GRANTS MANAGEMENT REQUESTS BY TECHNICAL COLLEGES; BY ADDING SECTION 2‑47‑70 SO AS TO ALLOW TECHNICAL COLLEGES TO ENTER INTO ONE OR MORE LEASE AGREEMENTS UPON CERTAIN CONDITIONS AND SUBJECT TO APPROVAL BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION AND REVIEW BY THE JOINT BOND REVIEW COMMITTEE AND THE STATE BUDGET AND CONTROL BOARD; BY ADDING SECTION 6‑1‑137 SO AS TO ALLOW TECHNICAL COLLEGES TO BE A PART OF CERTAIN CONTRACTS MADE BY COUNTIES, MUNICIPALITIES, OR SCHOOL DISTRICTS; TO AMEND SECTION 1‑11‑65, RELATING TO APPROVAL AND RECORDATION OF REAL PROPERTY TRANSACTIONS INVOLVING GOVERNMENTAL BODIES, SO AS TO EXCLUDE CERTAIN REAL PROPERTY TRANSACTIONS MADE FOR OR BY A TECHNICAL COLLEGE; TO AMEND SECTION 2‑47‑50, AS AMENDED, RELATING TO THE ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY THE STATE BUDGET AND CONTROL BOARD, SO AS TO PROVIDE FOR THE ESTABLISHMENT AND AUTHORIZATION OF CERTAIN PERMANENT IMPROVEMENT PROJECTS BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION UNDER CERTAIN CONDITIONS, TO PROVIDE THAT A TECHNICAL COLLEGE MAY NOT ADVERTISE AND INTERVIEW FOR PROJECT ARCHITECTURAL AND ENGINEERING SERVICES WITHOUT PRIOR APPROVAL OF THE ARCHITECTURAL AND ENGINEERING PHASE OF A PERMANENT IMPROVEMENT PROJECT BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, AND TO PROVIDE FOR THE APPROVAL OF SCOPE AND BUDGET CHANGES FOR PREVIOUSLY APPROVED PROJECTS UP TO AN INCREASE OF TWENTY PERCENT OR TOTALING UP TO TWO MILLION DOLLARS BY THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION AND FOR THE PUBLICATION OF SUCH APPROVAL TO THE JOINT BOND REVIEW COMMITTEE; TO AMEND SECTION 2‑65‑30, RELATING TO RECEIPT AND EXPENDITURE OF UNANTICIPATED FUNDS, SO AS TO EXCLUDE TECHNICAL COLLEGES FROM STATE BUDGET AND CONTROL BOARD REVIEW OF EXPENDITURE PROPOSALS, AND TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO MONITOR FEDERAL FUNDS WITHIN THE TECHNICAL COLLEGE SYSTEM; TO AMEND SECTION 8‑11‑35, RELATING TO SALARY PAYMENT SCHEDULES, SO AS TO PROVIDE THAT THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION MAY APPROVE ALTERNATIVE SALARY PAYMENT SCHEDULES FOR TECHNICAL COLLEGE EMPLOYEES; TO AMEND SECTION 8‑11‑230, RELATING TO THE CREATION AND DUTIES OF THE STATE BUDGET AND CONTROL BOARD, SO AS TO REQUIRE THE STATE BUDGET AND CONTROL BOARD TO COORDINATE WITH THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION IN ESTABLISHING A CLASSIFICATION AND COMPENSATION PLAN FOR TECHNICAL COLLEGE CLASSIFIED EMPLOYEES, AND TO PROVIDE WHAT THE PLAN MUST INCLUDE; TO AMEND SECTION 11‑35‑1210, AS AMENDED, RELATING TO CERTIFICATION OF PROCUREMENTS, SO AS TO ALLOW FOR STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION APPROVAL FOR UP TO FIFTY THOUSAND DOLLARS IN ADDITIONAL PROCUREMENT AUTHORITY UPON CERTAIN CONDITIONS, AND TO PROVIDE REPORTING REQUIREMENTS; TO AMEND SECTION 11‑35‑1550, AS AMENDED, RELATING TO BID PROCEDURES ON PROCUREMENTS UP TO FIFTY THOUSAND DOLLARS, SO AS TO REVISE AMOUNTS TO WHICH CERTAIN PROVISIONS OF THE SECTION APPLY FOR TECHNICAL COLLEGES; TO AMEND SECTION 11‑35‑3230, AS AMENDED, RELATING TO AN EXCEPTION FOR SMALL ARCHITECT‑ENGINEER AND LAND SURVEYING SERVICES CONTRACT, SO AS TO REVISE DOLLAR AMOUNTS FOR SUCH CONTRACTS BY TECHNICAL COLLEGES; TO AMEND SECTION 11‑35‑3310, AS AMENDED, RELATING TO INDEFINITE DELIVERY CONTRACTS FOR CONSTRUCTION ITEMS, SO AS TO REVISE DOLLAR LIMITS FOR CERTAIN CONTRACTS FOR TECHNICAL COLLEGES; AND TO AMEND SECTION 11‑35‑3810, AS AMENDED, RELATING TO REGULATIONS FOR THE SALE, LEASE, TRANSFER, AND DISPOSAL OF SURPLUS PROPERTY, SO AS TO REQUIRE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION TO ESTABLISH POLICIES AND PROCEDURES FOR GOVERNING THE DISPOSAL OF SURPLUS PROPERTY, AND TO PROVIDE FOR ANNUAL REVIEW AND MONITORING OF SUCH DISPOSAL.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., February 11, 2010

Mr. President and Senators:

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

S. 424 -- Senators Bright, S. Martin, Alexander, Campbell, Fair, Knotts, Cromer, Mulvaney, Verdin, L. Martin, Shoopman, Rose, McConnell, Thomas, Cleary, Courson, Coleman, Davis, Reese, Campsen, Grooms, Ryberg, Peeler, O’Dell, Bryant and Massey: A CONCURRENT RESOLUTION TO AFFIRM THE RIGHTS OF SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

Respectfully submitted,

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.**

**THIRD READING BILLS**

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

S. 897 -- Senators McConnell, Leatherman, Peeler, Setzler, Rose, Elliott, Courson, Sheheen, Campbell, Campsen and Bryant: A JOINT RESOLUTION TO CREATE THE COMMISSION ON STREAMLINING GOVERNMENT AND REDUCTION OF WASTE AND PROVIDE FOR THE MEMBERSHIP, POWERS, DUTIES, AND FUNCTIONS OF THE COMMISSION; TO PROVIDE A PROCEDURE FOR THE SUBMISSION, CONSIDERATION, APPROVAL, AND IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMISSION; TO PROVIDE FOR STAFF SUPPORT AND FINANCES FOR THE COMMISSION; TO PROVIDE FOR COOPERATION WITH AND SUPPORT FOR THE COMMISSION; TO PROVIDE FOR THE APPLICABILITY OF OTHER LAWS; AND TO PROVIDE FOR ITS TERMINATION.

**S. 897--Recorded Vote**

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

S. 783 -- Senator McConnell: A BILL TO AMEND SECTION 51‑13‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE GOVERNING BOARD OF THE PATRIOTS POINT DEVELOPMENT AUTHORITY, SO AS TO PROVIDE FOR THREE ADDITIONAL MEMBERS OF THE BOARD AND THE MANNER OF THEIR TERMS AND APPOINTMENT.

**S. 783--Recorded Vote**

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

**OBJECTION**

H. 3358 -- Reps. Harrison, Weeks, Horne, Hutto and Whipper: A BILL TO AMEND SECTION 43‑35‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE OMNIBUS ADULT PROTECTION ACT, SO AS TO REVISE THE DEFINITIONS OF “INVESTIGATIVE ENTITY” AND “NEGLECT”; TO AMEND SECTION 43‑35‑40, AS AMENDED, RELATING TO REQUIREMENTS OF AN INVESTIGATIVE ENTITY UPON RECEIVING A REPORT OF ADULT ABUSE, SO AS TO FURTHER SPECIFY AND CLARIFY PROCEDURES FOR REPORTING CASES IN WHICH THERE IS A REASONABLE SUSPICION OF CRIMINAL CONDUCT; AND TO AMEND SECTION 43‑35‑85, AS AMENDED, RELATING TO CRIMINAL PENALTIES FOR FAILING TO REPORT ADULT ABUSE WHEN REQUIRED TO REPORT, SO AS TO DELETE PROVISIONS AUTHORIZING DISCIPLINARY ACTION WHEN A PERSON WHO HAS REASON TO BELIEVE THAT ABUSE OCCURRED FAILS TO REPORT AND TO ESTABLISH CRIMINAL PENALTIES IF A CAREGIVER, DUE TO RECKLESS DISREGARD FOR THE HEALTH OR SAFETY OF A VULNERABLE ADULT, NEGLECTS OR CAUSES GREAT BODILY INJURY OR DEATH TO A VULNERABLE ADULT.

Senator BRIGHT objected to further consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**RESOLUTION ADOPTED AS AMENDED**

S. 1095 -- Senators Cleary, Cromer, Campsen, Land and Davis: A CONCURRENT RESOLUTION TO OPPOSE ANY FISHING AREA CLOSURES OFF THE COAST OF SOUTH CAROLINA ASSOCIATED WITH THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL’S PROPOSED AMENDMENT 17A TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPER FISHERY OF THE SOUTH ATLANTIC REGION.

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

The Committee on Fish, Game and Forestry proposed the following amendment (1095R001.RWC), which was adopted:

Amend the concurrent resolution, as and if amended, page 3 by striking lines 1 - 11 and inserting:

/ Be it further resolved that the General Assembly of the State of South Carolina urges the SAFMC to not adopt any amendment that includes any areas being closed to any type of fishing off the coast of South Carolina. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The committee amendment was adopted.

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

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

**MOTION ADOPTED**

**Returned to the Third Reading Calendar, Recommitted to**

**the Committee on Finance, Retaining its Place on the Calendar**

H. 3272 -- Reps. Cooper, Merrill, Erickson, Herbkersman, Chalk, Duncan, Long, Sottile, Daning, Lowe, Bowen, Harrison, Horne, A.D. Young, Limehouse, R.L. Brown, Clemmons, Edge and Wylie: A BILL TO AMEND SECTION 12‑37‑3140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING THE FAIR MARKET VALUE OF REAL PROPERTY FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO POSTPONE THE IMPLEMENTATION OF THE TRANSFER VALUE OF A PARCEL OF REAL PROPERTY UNIMPROVED SINCE THE LAST COUNTYWIDE REASSESSMENT PROGRAM UNTIL THE TIME OF IMPLEMENTATION OF THE NEXT COUNTYWIDE REASSESSMENT PROGRAM AND TO REQUIRE THE FIFTEEN PERCENT LIMIT ON INCREASES IN VALUE TO BE CALCULATED SEPARATELY ON LAND AND IMPROVEMENTS; TO AMEND SECTION 12‑37‑3150, AS AMENDED, RELATING TO THE TIME AN ASSESSABLE TRANSFER OF INTEREST OCCURS, SO AS TO REVISE THE PENALTY FOR FAILURE TO PROVIDE NOTICE OR FAILURE TO PROVIDE ACCURATE NOTICE TO THE ASSESSING AUTHORITY OF BUSINESS ENTITY TRANSFERS; TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO THE CLASSIFICATION AND VALUATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE RESIDENTIAL REAL PROPERTY HELD IN TRUST DOES NOT QUALIFY AS A LEGAL RESIDENCE UNLESS A NAMED INDIVIDUAL BENEFICIARY UNDER THE TRUST OCCUPIES THE RESIDENCE AS THAT NAMED BENEFICIARY’S LEGAL RESIDENCE AND THAT INDIVIDUAL BENEFICIARY’S NAME APPEARS ON THE DEED TO THE RESIDENCE AND REQUIRE SOCIAL SECURITY NUMBERS OF APPLICANTS FOR THE LEGAL RESIDENCE ASSESSMENT RATIO; AND TO AMEND SECTION 40‑60‑35, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, SO AS TO REVISE THE REQUIREMENT.

Senator LARRY MARTIN asked unanimous consent to make a motion to take up the question of the reconsideration of the vote whereby the Bill failed to receive third reading, and, further that, if successful, the Bill would be returned to the Third Reading Calendar and be recommitted to the Committee on Finance, retaining its place on the Calendar.

There was no objection and the motion was adopted.

**MADE SPECIAL ORDER**

H. 3305 -- Reps. Bedingfield, Merrill, Bingham, Duncan, Loftis, G.R. Smith, Cato, Owens, Crawford, A.D. Young, Nanney, Bannister, Daning, Harrison, Horne, Kirsh, Lowe, Lucas, E.H. Pitts, Stringer, Thompson, Toole, Wylie, T.R. Young, Long, Rice, Parker, Allison, Littlejohn, Cole, Hiott, Edge, Whitmire, Hearn, Hardwick, D.C. Smith, Pinson, J.R. Smith, Simrill, Brantley, Willis, Hamilton, Erickson, Sottile, Scott, Harrell, Delleney, Gullick, Frye, Clemmons, G.M. Smith, Battle, Sandifer, Millwood, Haley, Ballentine, M.A. Pitts, Cooper, White, Gambrell, Bowen, Umphlett, Forrester, Barfield, Chalk, Herbkersman, Viers, Spires, Huggins, Limehouse, Stewart, Kelly, Brady and D.C. Moss: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO ELECTIONS BY SECRET BALLOT AND PROTECTION OF THE RIGHT OF SUFFRAGE, SO AS TO PROVIDE THAT THE GUARANTEE OF THE RIGHT TO VOTE BY SECRET BALLOT APPLIES IN REQUIRED DESIGNATIONS OR AUTHORIZATIONS FOR EMPLOYEE REPRESENTATION.

Senator LARRY MARTIN asked unanimous consent to make a motion to make the Joint Resolution a Special Order.

There was no objection and the Joint Resolution was made a Special Order.

**MOTION ADOPTED**

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

**Expression of Personal Interest**

Senator SHEHEEN rose for an Expression of Personal Interest.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**DEBATE INTERRUPTED**

S. 391 -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman, Campbell, Rose, Davis, Bright, S. Martin and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑29‑300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS’ TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41‑29‑310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1‑30‑10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41‑29‑10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41‑29‑20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41‑29‑30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8‑17‑370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41‑27‑10, 41‑27‑30, 41‑27‑150, 41‑27‑160, 41‑27‑190, 41‑27‑210, AS AMENDED, 41‑27‑230, 41‑27‑235, AS AMENDED, 41‑27‑260, AS AMENDED, 41‑27‑360, 41‑27‑370, AS AMENDED, 41‑27‑380, 41‑27‑390, 41‑27‑510, 41‑27‑550, 41‑27‑560, 41‑27‑570, 41‑27‑580, 41‑27‑600, 41‑27‑610, 41‑27‑620, 41‑27‑630, 41‑27‑670, 41‑29‑40, 41‑29‑50, 41‑29‑60, 41‑29‑70, 41‑29‑80, 41‑29‑90, 41‑29‑100, 41‑29‑110, 41‑29‑120, AS AMENDED, 41‑29‑130, 41‑29‑140, 41‑29‑150, 41‑29‑170, AS AMENDED, 41‑29‑180, 41‑29‑190, 41‑29‑200, 41‑29‑210, 41‑29‑220, 41‑29‑230, 41‑29‑240, 41‑29‑250, 41‑29‑270, 41‑29‑280, 41‑29‑290, 41‑33‑10, 41‑33‑20, 41‑33‑30, 41‑33‑40, 41‑33‑45, 41‑33‑80, AS AMENDED, 41‑33‑90, 41‑33‑100, 41‑33‑110, 41‑33‑120, 41‑33‑130, 41‑33‑170, 41‑33‑180, 41‑33‑190, 41‑33‑200, 41‑33‑210, 41‑33‑430, 41‑33‑460, 41‑33‑470, 41‑33‑610, 41‑33‑710, 41‑35‑10, 41‑35‑30, 41‑35‑100, 41‑35‑110, AS AMENDED, 41‑35‑115, AS AMENDED, 41‑35‑120, AS AMENDED, 41‑35‑125, 41‑35‑126, 41‑35‑130, AS AMENDED, 41‑35‑140, 41‑35‑330, 41‑35‑340, 41‑35‑410, 41‑35‑420, AS AMENDED, 41‑35‑450, 41‑35‑610, 41‑35‑630, 41‑35‑640, AS AMENDED, 41‑35‑670, 41‑35‑680, AS AMENDED, 41‑35‑690, 41‑35‑700, 41‑35‑710, AS AMENDED, 41‑35‑720, 41‑35‑730, 41‑35‑740, 41‑35‑750, AS AMENDED, 41‑37‑20, 41‑37‑30, 41‑39‑30, 41‑39‑40, 41‑41‑20, AS AMENDED, 41‑41‑40, AS AMENDED, 41‑41‑50, 41‑42‑10, 41‑42‑20, 41‑42‑30, AND 41‑42‑40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41‑29‑260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. P-4 (AGM/19840BH10) proposed by Senator THOMAS and printed in the Journal of Wednesday, February 10, 2010.

On motion of Senator THOMAS, with unanimous consent, Amendment No. P-4 was withdrawn.

**Amendment No. P-5**

Senator SCOTT proposed the following Amendment No. P-5 (391R024.JS), which was withdrawn:

Amend the committee amendment, as and if amended, page [391-3] by striking line 5 and inserting:

/ elected or appointed to be a commissioner for a period of one /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

On motion of Senator SCOTT, with unanimous consent, Amendment No. P-5 was withdrawn.

**Amendment No. P-6**

Senator SCOTT proposed the following Amendment No. P-6 (391R023.JS), which was adopted:

Amend the committee amendment, as and if amended, page [391-3] by striking line 5 and inserting:

/ elected or appointed to be a commissioner for a period of two /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

**Amendment No. P-7**

Senator BRIGHT proposed the following Amendment No. P-7 (391R025.LB), which was tabled:

Amend the committee amendment, as and if amended, page [391-3] by striking line 5 and inserting:

/ elected or appointed to be a commissioner for a period of twenty /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

Senator RYBERG moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. P-11**

Senators MATTHEWS and LAND proposed the following Amendment No. P-11 (391R033.JWM), which was adopted:

Amend the committee amendment, as and if amended, by striking SECTION 75 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

Senator RYBERG spoke on the amendment.

Senator MATTHEWS moved that the amendment be adopted.

The amendment was adopted.

**Amendment No. P-16A**

Senator THOMAS proposed the following Amendment No. P-16A (391R036.DLT), which was withdrawn:

Amend the committee report, as and if amended, by adding an appropriately numbered SECTION to Part I to read:

/ SECTION \_\_\_. Article 1, Chapter 35, Title 41 of the 1976 Code is amended by adding:

“Section 41‑35‑112. (A) In September, 2010, the commission shall conduct a urine drug test on a random sample of five hundred benefit recipients and shall report the findings of the test to the General Assembly by November 1, 2010. If more than ten percent of the random sample test positive for drug use, beginning on February 1, 2011, and every month thereafter, three percent of all recipients who report to the commission to receive benefits, chosen randomly, must be drug tested, with no recipient being tested more than once in a twelve‑month period.

(B) If a benefit recipient tests positive for drug use, he may undergo an additional urine drug test at a local Department of Alcohol and Other Drug Abuse Services site; the cost of this test must be borne by the recipient. If upon retesting the recipient tests positive for drug use, the recipient shall enter a thirty‑day treatment program as prescribed by the Department of Alcohol and Other Drug Abuse Services; the cost of this treatment must be borne by the recipient, but the recipient shall continue to receive unemployment benefits. Upon the expiration of the thirty days after testing positive for drug use, the benefit recipient must be tested again by the Department of Alcohol and Other Drug Abuse Services at the expense of the recipient. If he tests positive for drug use at that time, the benefit recipient forfeits his eligibility for unemployment benefits.

(C) Members of the General Assembly must be randomly tested for illegal drugs. Any member testing positive must be removed from office. /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

Senator HUTTO argued contra to the adoption of the amendment.

Senator ROSE argued contra to the adoption of the amendment.

On motion of Senator THOMAS, with unanimous consent, Amendment No. P-16A was withdrawn.

There being no further amendments, the question then was the adoption of the committee amendment, as amended.

The Committee on Labor, Commerce and Industry proposed the following amendment (391R004.WGR), which was adopted:

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

/ SECTION 1. Chapter 29, Title 41 of the 1976 Code is amended by adding:

“Section 41‑29‑300. (A) There is created the Workforce Department Appellate Panel within the Department of Workforce, which is separate and distinct from the department’s divisions. The sole purpose of the panel is to hear and decide appeals from decisions of the department’s divisions.

(B)(1) The panel is comprised of the members of the South Carolina Employment Security Commission. The commissioners must be elected in the manner provided in this subsection. The members of the South Carolina Employment Security Commission serving on the effective date of this section shall be initial members of the panel.

(2) The commissioners must be elected by the General Assembly, in joint session, for terms of four years and until their successors have been elected and qualified, commencing on the first day of July in each presidential election year. The election provisions of Chapter 2, Title 20 do not apply to the election of commissioners.

(3) The commission must elect one of its members to be chairman. A vacancy must be filled by the Governor through a temporary appointment until the next session of the General Assembly, at which time a joint session of the General Assembly shall elect a commissioner to fill the unexpired term.

(4) The commissioners shall receive such compensation as may be established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the general appropriations act.

(C)(1) A party may only appeal from a decision of the department directly to the panel. A party may only appeal a decision of the panel to in the court of common pleas, either in the county in which the employee resides or the county in which he was last employed in the manner provided in Section 41-35-750.

(D) A quorum must consist of all three panel members and is necessary to hear or decide an appeal under item (C)(1). A decision of the panel must be rendered in writing and is subject to disclosure under the Freedom of Information Act.

(E)(1) A person must be screened and found qualified in the manner provided in Chapter 20, Title 2 before he may be elected to serve as a commissioner. The qualifications that each commissioner must possess, include, but are not limited to:

(a) a baccalaureate or more advanced degree from:

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

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

(iii) an institution of higher learning chartered before 1962; or

(b) a background of at least five years in any combination of the following fields of expertise:

(i) general business administration;

(ii) general business management;

(iii) management at the Department of Workforce, or its predecessor;

(iv) human resources management;

(v) finance; or

(vi) law.

(2) No member of the General Assembly or member of his immediate family shall be elected to be a commissioner while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be elected or appointed to be a commissioner for a period of five years after the member either:

(a) ceases to be a member of the General Assembly; or

(b) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.

(3) The initial members of the panel do not have to meet the qualifications for election contained in this subsection during their continued tenure as a commissioner. Nothing in this section prohibits an initial commissioner from seeking reelection.

(F)(1) The commissioners are bound by the Code of Judicial Conduct, as contained in Rule 501 of the South Carolina Appellate Court Rules, and the State Ethics Commission is responsible for enforcement and administration of Rule 501 pursuant to Section 8‑13‑320. Commissioners must also comply with the applicable requirements of Chapter 13 of Title 8.

(2) Each year, the commissioners and their administrative assistants must attend a workshop of at least three continuing education hours concerning ethics. /

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

/ SECTION 5. Section 41‑29‑20 of the 1976 Code is amended to read:

“Section 41‑29‑20. (A) ~~The Commission shall elect one of its members as chairman. Any two commissioners shall constitute a quorum and no vacancy shall impair the right of the remaining commissioners to exercise all of the powers of the Commission through action of a quorum.~~ There is hereby created the South Carolina Department of Workforce which must be managed and operated by an executive director appointed by the Governor upon the advice and consent of the Senate. The executive director is subject to removal by the Governor as provided in Section 1‑3‑240(B). The director shall receive such compensation as may be established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the general appropriations act. For the purposes of this chapter, ‘department’ means the South Carolina Department of Workforce.

(B) The executive director shall appoint assistant directors and area directors as needed for the effective and efficient operation of the department who shall serve at the pleasure of the executive director.” /

Amend the bill, as and if amended, page 5, by striking lines 4 - 9 and inserting:

/ SECTION 7. Section 8‑17‑370 of the 1976 Code, is further amended by adding a new item at the end appropriately numbered to read:

“( ) the executive director, assistant directors, and the area directors of the South Carolina Department of Workforce created pursuant to Section 1‑30‑10(A)(20).” /

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS on page 6, line 10 to read:

/ SECTION \_\_\_\_. Chapter 27, Title 41 of the 1976 Code is amended by adding:

“Section 41-27-650. The Department of Commerce and the Department of Workforce must work in conjunction to develop or procure computer hardware, software, and other equipment that are compatible with each other as needed to efficiently address the State’s policy goals as set forth in Section 41-27-20. Once information technology is attained, the departments must regularly develop reports that address relevant workforce issue and make the reports available to workforce training entities, including, but not limited to, the State Board for Technical and Comprehensive Education, the Commission on Higher Education, and the State Agency of Vocational Rehabilitation. Additionally, the departments must promptly respond to inquiries for information made by education and workforce training entities.”

SECTION \_\_\_. Section 41-33-45 of the 1976 Code is amended to read:

“Section 41-33-45. The commission shall report, by October first of each year, to the ~~Senate Finance Committee~~ General Assembly and to the ~~House Ways and Means Committee~~ the Governor the amount in the unemployment trust fund and make an assessment of its funding level.”

SECTION \_\_\_. Section 41-31-10(A) of the 1976 Code is amended to read:

“Section 41-31-10. (A) Each employer shall pay contributions equal to five and four‑tenths percent of wages paid by him during each year except as may be otherwise provided in Chapters 27 through 41 of this title. Employers may prepay their required contributions to the fund. The department must promulgate regulations regarding the methodology by which the allowed prepayment amounts will be calculated and the manner in which they will be credited to the employer’s account.”

SECTION \_\_\_. The commission must file a report with the General Assembly and the Governor on or about January 1, 2010 making recommendations concerning restoration of the solvency of the unemployment trust fund. /

Amend the bill, as and if amended, page 23, by striking lines 34 - 43 and Page 24, by striking lines 1 - 5 and inserting:

/ “Section 41‑29‑120. (A)(1) The ~~commission~~ department, with the advice and aid of its advisory councils and through its appropriate divisions, shall take ~~all~~ appropriate steps to:

(a) reduce and prevent unemployment~~,~~;

(b) ~~to~~ encourage and assist in ~~the adoption of~~ adopting practical methods of vocational training, retraining, and vocational guidance~~,~~;

(c) ~~to~~ investigate, recommend, advise, and assist in ~~the establishment and operation~~ establishing and operating, by ~~municipalities, counties, school districts~~ a municipality, county, school district, and the State, of reserves for public works to be used in times of business depression and unemployment; ~~and~~

(d) ~~to~~ promote the reemployment of unemployed workers throughout the State in every other way that ~~may be~~is feasible; and ~~to these ends~~

(e) promote the joint electronic filing of Employer Unemployment Insurance Benefits Payments and Reports in conjunction with South Carolina Business One Stop to provide employment units a single point of contact for reporting and paying state taxes.” /

Amend the bill, as and if amended, by striking SECTION 75 in its entirety and inserting:

/ SECTION 75. Section 41‑35‑10 of the 1976 Code is amended to read:

“Section 41‑35‑10.(A) ~~Benefits shall become~~ Subject to the provisions in subsection (B), a benefit becomes payable from the fund to ~~any~~ an individual who is unemployed and eligible for ~~benefits~~ a benefit. Except as provided in Section 41‑35‑20, ~~benefits~~ a benefit based on service in employment defined in Section 41‑27‑230 (2) and (3) ~~shall be~~ is payable in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other service subject to Chapters 27 through 41 of this title. ~~All benefits shall~~ A benefit must be paid through an employment ~~offices~~ office~~, in accordance with such~~ pursuant to regulations ~~as the Commission may prescribe~~ prescribed by the department.

(B)(1) Receiving severance pay, whether paid periodically or in a lump sum, does not affect an individual’s eligibility for unemployment benefits. However, the receipt of those benefits must be adjusted in the following manner:

(a)(i) For any week that the individual receives severance pay, he may only receive unemployment benefits if the severance pay received is less than the amount of benefits that the individual would otherwise receive. In that instance, the individual is entitled to receive the difference between the severance payment and the benefit amount he would otherwise receive. However, an individual may not receive benefits that he is otherwise eligible to receive for any week that his severance payments is equal to or exceeds the benefits that he otherwise would have received.

(ii) If an individual receives periodic severance pay for a period that exceeds one week, then the severance payment must be converted to a weekly equivalent for that time period. For the purposes of item (a)(i), the weekly equivalent calculated pursuant to this item must be used when calculating whether there is a difference between severance pay received and unemployment benefits to which the individual is entitled if the individual receives periodic severance pay for a period that exceeds one week. The weekly equivalent is calculated by dividing the amount of the periodic severance payment by the number of weeks until the next scheduled periodic severance payment.

(b) An individual that receives severance pay in a lump sum may not receive benefits that he is otherwise eligible to receive for a number of weeks equal to dividing the lump sum amount by the weekly benefits the person would otherwise be eligible to receive.

(c) The adjustments contained in items (1) and (2) may not exceed eight weeks for an individual that receives severance pay from an employer that is going out of business.

(2) After the provisions contained in item one have been satisfied, an otherwise eligible individual must receive full benefits during the remainder of his eligibility. /

Amend the bill, as and if amended, page 71, by striking SECTION 115 in its entirety and inserting an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. (A) This act takes effect upon approval by the Governor.

(B) Where the provisions of this act transfers the duties and responsibilities of the South Carolina Employment Security Commission (transferring agency) to the Department of Workforce (receiving agency), the employees, authorized appropriations, and real and personal property of the transferring agency are also transferred to and become part of the receiving agency. All classified or unclassified personnel of the transferring agency shall become employees of the receiving agency, with the same compensation, classification, and grade level, as applicable. Where necessary and appropriate, the Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer and shall in consultation with the agency head of the transferring and receiving agencies prescribe the manner in which the transfer provided for in this section shall be accomplished. The board’s action in facilitating the provisions of this section are ministerial in nature and shall not be construed as an approval process over any of the transfers.

(C) Employees or personnel of the transferring agency transferred to or made a part of the receiving agency shall continue to occupy the same office locations and facilities which they now occupy unless or until otherwise changed by appropriate action and authorization. The rent and physical plant operating costs of these offices and facilities, if any, shall continue to be paid by the transferring agency until otherwise provided by the General Assembly. The records and files of the transferring agency shall remain the property of the transferring agency, except that the transferred personnel shall have complete access to these records and files in the performance of their duties as new employees of the receiving agency.

(D) All remaining costs necessary for the implementation and operation of the Department of Workforce shall be provided for by the General Assembly in the annual appropriations act, however, for fiscal year 2008‑2009, the funds appropriated to the South Carolina Employment Security Commission shall be credited to the Department of Workforce for the implementation of this act and for the operation needs of the department. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted, as amended.

On motion of Senator McCONNELL, debate was interrupted by adjournment.

**ADJOURNMENT**

At 1:15 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

Senators BRIGHT and BRYANT desired to be recorded as voting against the motion to adjourn.

\* \* \*