# Tuesday, February 23, 2010

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, 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:

We read in I Samuel that:

“Indeed, you are my lamp, O God, the Lord enlightens my darkness.” (II Samuel 22:29)

Let us bow in prayer:

Holy God, so often do we find ourselves these days confronted by individuals and by families who seem overwhelmed by apparent darkness, those who experience little hope and who feel themselves almost smothered by the problems of modern-day life. Here in this 21st century the demands upon everyone are very real, dear Lord. And such challenges do these realities present to our state’s leaders who serve here in this State House. O God, we call upon You to grant special insight, patience, and wisdom to the men who serve here in this Senate, as well as to all of their staff members. May they together find the ways and means to bring the full light of hope and promise to every South Carolinian. In Your loving 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 appointments were transmitted by the Honorable Mark C. Sanford:

**Statewide Appointments**

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2009, and to expire May 19, 2016

Horry County:

John T. Molnar, 23 South Gate Road, Myrtle Beach, SC 29572

Referred to the Committee on Judiciary.

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

1st Congressional District:

Charles F. Koches, 1057 Yeamans Hall Road, Hanahan, SC 29410

Referred to the Committee on Judiciary.

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee for consideration:

Document No. 4077

Agency: Alcoholic Beverages, Beer and Wine

Chapter: 7

Statutory Authority: 1976 Code Sections 12-4-320 and 61-2-60

SUBJECT: Premises

Received by Lieutenant Governor February 19, 2010

Referred to Judiciary Committee

Legislative Review Expiration June 19, 2010

**Doctor of the Day**

Senators ROSE and COLEMAN introduced Dr. James J. McCoy of North Charleston, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator SHANE MARTIN, at 12:05 P.M., Senator THOMAS was granted a leave of absence for today.

**Leave of Absence**

At 12:25 P.M., Senator LEATHERMAN requested a leave of absence for the balance of the day and lasting until Thursday at 11:00 A.M.

**Leave of Absence**

On motion of Senator SHOOPMAN, at 2:00 P.M., Senator MULVANEY was granted a leave of absence for today and tomorrow.

**Leave of Absence**

On motion of Senator BRYANT, at 2:00 P.M., Senator VERDIN was granted a leave of absence for today.

**Leave of Absence**

At 2:05 P.M., Senator GROOMS requested a leave of absence beginning at 3:30.P.M. and lasting until 9:30 P.M. this evening.

**Leave of Absence**

At 2:05 P.M., Senator SHEHEEN requested a leave of absence beginning at 2:30.P.M.

**Leave of Absence**

At 5:00 P.M., Senator MALLOY requested a leave of absence for tomorrow.

**CO-SPONSORS ADDED**

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

S. 347 Sen. Bryant

S. 753 Sen. Bryant

S. 1030 Sen. Shane Martin

S. 1052 Sen. Reese

S. 1167 Sen. Shane Martin

S. 1170 Sen. Rose

S. 1178 Sen. Rose

S. 1185 Sen. Rose

S. 1188 Sen. Rose

S. 1189 Sen. Rose

**Committee to Escort**

The PRESIDENT appointed Senators ROSE, SHANE MARTIN, ANDERSON, LOURIE and NICHOLSON to escort the Honorable Clarence Hill, National Commander of the American Legion, and his party to the rostrum of the House of Representatives for the Joint Assembly.

**Motion Adopted**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed that, upon the conclusion of the Joint Assembly, the Senate would recede until 2:00 P.M.

**RECESS**

At 12:25 P.M., the Senate receded from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Address by the National Commander of the American Legion**

At 12:30 P.M., the Senate appeared in the Hall of the House.

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

H. 4290 -- Rep. Kirsh: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE CLARENCE HILL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, FEBRUARY 23, 2010.

The Honorable Clarence Hill, National Commander of the American Legion, and members of his party were escorted to the rostrum by Senators ROSE, SHANE MARTIN, ANDERSON, LOURIE and NICHOLSON and Representatives McLeod, Erickson, D.C. Moss, D.C. Smith and R. Brown.

The PRESIDENT of the Senate introduced the Honorable Clarence Hill, National Commander of the American Legion.

Commander Hill addressed the Joint Assembly.

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

At 12:46 P.M., the Senate reconvened.

**RECESS**

At 12:46 P.M., on motion of Senator McCONNELL, the Senate receded from business until 2:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 2:18 P.M. and was called to order by the PRESIDENT *Pro Tempore*.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1204 -- Senator Leatherman: A BILL TO AMEND SECTION 48-5-50 OF THE 1976 CODE, RELATING TO USES OF THE CLEAN WATER FUND, TO ALLOW ANY USE PRESCRIBED BY ANY FEDERAL LAW GOVERNING OR APPROPRIATING FUNDS FOR THE CLEAN WATER FUND; AND TO AMEND SECTION 48-5-55, RELATING TO USES OF THE DRINKING WATER FUND, TO ALLOW ANY USE PRESCRIBED BY ANY FEDERAL LAW GOVERNING OR APPROPRIATING FUNDS FOR THE DRINKING WATER FUND.

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 1205 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-101-435 SO AS TO PROVIDE A HIGH SCHOOL, CAREER CENTER, OR SCHOOL DISTRICT IN WHICH THEY ARE LOCATED AND A STATE-SUPPORTED INSTITUTION OF HIGHER LEARNING MAY ENTER INTO ARTICULATION AGREEMENTS WITHOUT THE REQUIREMENT OF PARTICIPATION IN OR ADMINISTRATION OF THE ARTICULATION AGREEMENT BY THE GOVERNING BODY OR COMMISSION OF AN INSTITUTION OF HIGHER LEARNING INCLUDING A LOCAL TECHNICAL COLLEGE OR ITS AREA COMMISSION LOCATED IN THE SAME COUNTY OR AREA WHERE THE HIGH SCHOOL OR CAREER CENTER IS LOCATED, AND TO DEFINE ARTICULATION AGREEMENTS FOR PURPOSES OF THIS PROVISION.

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

S. 1206 -- Senator Grooms: A BILL TO AMEND ARTICLE 3, CHAPTER 37, TITLE 12 OF THE 1976 CODE, RELATING TO PROPERTY TAX, BY ADDING SECTION 12-37-300 TO PROVIDE THAT IF A MUNICIPALITY IS WITHIN THE BOUNDARIES OF MORE THAN ONE COUNTY AND THE COUNTIES DO NOT IMPLEMENT REASSESSMENT IN THE SAME YEAR, THEN FOR PURPOSES OF DETERMINING PROPERTY TAX VALUE, THE MUNICIPALITY MUST NOT CHANGE THE PROPERTY TAX VALUE DUE TO IMPLEMENTATION UNTIL THE COUNTY IN WHICH A MAJORITY OF THE MUNICIPALITY'S POPULATION RESIDES IMPLEMENTS REASSESSMENT.

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

S. 1207 -- Senator Reese: 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 EXTEND TO EMERGENCY MEDICAL TECHNICIANS WHO ARE PERMANENTLY AND TOTALLY DISABLED AS A RESULT OF A SERVICE-CONNECTED DISABILITY AND THEIR SURVIVING SPOUSES THE HOMESTEAD EXEMPTION ALLOWED SIMILARLY DISABLED VETERANS OF THE ARMED FORCES, LAW ENFORCEMENT OFFICERS, AND FIREFIGHTERS.

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

S. 1208 -- Senators Lourie, Ford, Williams, Pinckney, O'Dell, Cleary, Campbell, Rose, Cromer, Reese, Nicholson, Thomas, Mulvaney, Alexander, Anderson, Massey, Land, Matthews, Verdin, Hutto and Setzler: A BILL TO AMEND SECTION 12-6-3587, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCOME TAX CREDITS FOR THE PURCHASE AND INSTALLATION OF SOLAR ENERGY SYSTEMS SO AS TO INCREASE AND FURTHER PROVIDE FOR THE CREDIT IN REGARD TO RESIDENTIAL BUILDINGS, COMMERCIAL BUILDINGS, AND FOR CREDITS IN REGARD TO OTHER USES AND PURPOSES OF THE CREDIT AND TO PROVIDE FOR THE GUIDELINES AND CRITERIA FOR EACH TYPE OF CREDIT.

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

S. 1209 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 18, 2010.

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

S. 1210 -- Senators Fair, Reese, Cromer, Campbell, Coleman, Shoopman and Williams: A BILL TO AMEND CHAPTER 1, TITLE 8 OF THE 1976 CODE, RELATING TO PUBLIC OFFICERS AND EMPLOYEES, BY ADDING SECTION 8-1-195, TO PROVIDE THAT IN ANY CIVIL CONSPIRACY LAWSUIT BROUGHT UPON A STATE EMPLOYEE, IF THE COURT FINDS THAT THE EMPLOYEE WAS ACTING WITHIN THE SCOPE OF THE EMPLOYEE'S OFFICIAL DUTIES, THE EMPLOYEE IS IMMUNE FROM SUIT, LIABILITY, AND DAMAGES FROM THE CIVIL CONSPIRACY CLAIM.

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

S. 1211 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY CAPTAIN MARK R. MCDOWELL OF THE UNITED STATES AIR FORCE WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 1212 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE THE VALOR OF UNITED STATES MARINE CORPS LANCE CORPORAL MILLS PALMER BIGHAM FOR HIS SERVICE TO OUR NATION, AND TO COMMEND HIS FAMILY FOR FOUNDING HIDDEN WOUNDS IN ORDER TO HELP WAR VETERANS SUFFERING FROM POST TRAUMATIC STRESS DISORDER.

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

S. 1213 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY PRIVATE FIRST CLASS JASON ROBERT WATSON OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 1214 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SERVICE OF SPECIALIST LARRY CURTIS APPLEGATE OF THE UNITED STATES ARMY DURING HIS TWO TOURS OF MILITARY DUTY IN IRAQ, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

S. 1215 -- Senator Setzler: A SENATE RESOLUTION TO EXPRESS THE SINCERE SORROW OF THE MEMBERS OF THE SENATE OF THE STATE OF SOUTH CAROLINA UPON THE DEATH OF ALICE BURDGE BONEY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND TO HER MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1216 -- Senators Sheheen, Ford, Malloy, Scott, Williams, Land, Anderson, McGill and Nicholson: A CONCURRENT RESOLUTION TO HONOR AND CELEBRATE THE HISTORIC GATHERING OF THE AME, AME ZION, AND CME CHURCHES IN COLUMBIA, SOUTH CAROLINA, ON MARCH 1-3, 2010.

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

S. 1217 -- Senators Malloy and Ford: A BILL TO AMEND SECTION 59-150-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION LOTTERY ACT, TO PERMIT THE SALE OF LOTTERY TICKETS ON GENERAL OR PRIMARY ELECTION DAYS.

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

H. 3066 -- Reps. Ballentine, Haley, J. R. Smith, Hamilton, Wylie, Simrill, Huggins, E. H. Pitts, Cobb-Hunter, Harrell, G. M. Smith, Gullick, J. E. Smith, Merrill, Phillips, Jennings, Owens, G. R. Smith, Daning, Rice, Knight, Funderburk, Harrison, Crawford, Kirsh, Bedingfield, Allison, Stringer, T. R. Young, Agnew, Gunn, Bingham, Toole, Millwood, Stavrinakis, Miller, Battle, Hutto, Erickson, Clemmons, Horne, Lucas, Bales, Whipper and R. L. Brown: A BILL TO AMEND SECTION 8-13-365, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTRONIC FILING OF CAMPAIGN DISCLOSURES AND REPORTS, SO AS TO MAKE IT APPLICABLE TO COUNTY, SCHOOL BOARD, AND MUNICIPAL ELECTIONS IN ADDITION TO STATEWIDE ELECTIONS; AND TO AMEND SECTION 8-13-1308, AS AMENDED, RELATING TO THE REQUIREMENT TO FILE CERTIFIED CAMPAIGN REPORTS BY CANDIDATES AND COMMITTEES, SO AS TO REQUIRE THAT THEY MUST BE FILED FORTY-EIGHT HOURS AFTER THEIR RECEIPT STARTING AFTER THE FILING OF THE PRE-ELECTION REPORT.

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

H. 3429 -- Rep. Umphlett: A BILL TO AMEND SECTION 44-34-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A TATTOO FACILITY ENGAGING IN ANOTHER RETAIL BUSINESS, SO AS TO PROVIDE A TATTOO FACILITY MAY PROVIDE THE RETAIL SALE OF MERCHANDISE WITH IMAGES AND LANGUAGE PROMOTING THE ART AND CULTURE OF TATTOOING.

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

H. 3442 -- Reps. Bingham, Harrell, Duncan, Harrison, Owens, Toole, Merrill, Brady, E. H. Pitts, G. M. Smith, Daning, Haley, Huggins, Cato, Ballentine, D. C. Smith, J. R. Smith, Rice, T. R. Young, Horne, Wylie, Bedingfield, Clemmons, Bales, Lucas, Neilson, Long, J. M. Neal and M. A. Pitts: 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.

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

H. 3585 -- Reps. T. R. Young, Brantley, Spires, Allison, Bales, Bedingfield, Cole, Crawford, Delleney, Horne, McEachern, Merrill, Parker, Scott, G. R. Smith, Viers, A. D. Young and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-1065 SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "VEHICLE" AND "FALSE OR SECRET COMPARTMENT", TO PROVIDE THAT IT IS UNLAWFUL TO OWN OR OPERATE A VEHICLE WITH A FALSE OR SECRET COMPARTMENT, TO INSTALL A FALSE OR SECRET COMPARTMENT IN A VEHICLE, AND TO SELL OR TRADE A VEHICLE WITH A FALSE OR SECRET COMPARTMENT, AND TO PROVIDE A PENALTY.

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

H. 3735 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "ANN S. PERDUE INDEPENDENT AUTOPSY FAIRNESS ACT OF 2009", BY ADDING SECTION 44-43-730 SO AS TO PROVIDE THAT IF A PERSON DIES IN A HOSPITAL, THE HOSPITAL SHALL OFFER IN WRITING TO THE PATIENT'S FAMILY THE RIGHT OF HAVING AN AUTOPSY PERFORMED; AND TO AMEND SECTION 17-5-530, RELATING TO CIRCUMSTANCES REQUIRING THE CORONER OR MEDICAL EXAMINER TO BE NOTIFIED OF CERTAIN DEATHS, SO AS TO REQUIRE SUCH NOTIFICATION WHEN A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY FOUR HOURS OF ENTERING A HEALTH CARE FACILITY OR OF HAVING AN INVASIVE SURGICAL PROCEDURE PERFORMED.

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

H. 4198 -- Reps. Erickson, Brady, Cobb-Hunter, Horne, Allison, Hutto, Herbkersman, G. M. Smith, Bales, Harrison, Gunn, Long, T. R. Young, Toole and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-57-115 SO AS TO PROVIDE THAT IT IS UNFAIR DISCRIMINATION FOR AN INSURER TO DENY, REFUSE TO ISSUE OR RENEW, CANCEL, RESTRICT OR EXCLUDE COVERAGE, DENY A CLAIM OR LIMIT PAYMENTS, OR ADD A PREMIUM DIFFERENTIAL TO A POLICY OR CERTIFICATE OF COVERAGE ON THE BASIS THAT AN APPLICANT OR INSURED HAS BEEN OR IS PERCEIVED TO HAVE BEEN ABUSED OR MAY BE A SUBJECT OF ABUSE AND TO PROVIDE PENALTIES, INCLUDING FINES UP TO TWO HUNDRED THOUSAND DOLLARS.

Read the first time and referred to the Committee on Banking and Insurance.

H. 4244 -- Rep. Limehouse: A BILL TO AMEND SECTION 59-130-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL TRUSTEE TO BE APPOINTED BY THE COLLEGE OF CHARLESTON ALUMNI ASSOCIATION BOARD OF DIRECTORS, TO SET HIS TERM, AND TO PROVIDE CRITERIA FOR HIS SELECTION.

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

H. 4250 -- Reps. Erickson, Hodges and Littlejohn: A BILL TO AMEND SECTION 59-53-2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY.

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

**REPORTS OF STANDING COMMITTEE**

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 907 -- Senator Peeler: A BILL TO REPEAL ARTICLE 1, CHAPTER 61, TITLE 44 OF THE 1976 CODE, RELATING TO EMERGENCY MEDICAL SERVICES.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

S. 1088 -- Senators Matthews, O’Dell, Jackson and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑43‑70 SO AS TO DEFINE CERTAIN TERMS, AND TO PROVIDE FOR THE DISPENSING OF CERTAIN DRUGS OR DEVICES AT A FEDERALLY QUALIFIED HEALTH CENTER.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

S. 1127 -- Senators Campbell, Cleary, Alexander, Elliott, Grooms, Davis, McConnell, Verdin, Bryant, O’Dell, Peeler, Bright, Cromer, McGill, Shoopman, Leatherman, Rose and S. Martin: A BILL TO AMEND SECTION 48‑1‑83 OF THE 1976 CODE, RELATING TO DISSOLVED OXYGEN CONCENTRATION DEPRESSION, TO PROVIDE THAT THE STANDARD FOR DISSOLVED OXYGEN IS 0.1 MG/L.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., February 18, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Loftis, Bedingfield and Allen to the Committee of Free Conference on the part of the House on:

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., February 18, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Free Conference on:

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

Very respectfully,

Speaker of the House

Received as information.

**H. 4087--SENATE ENROLLED FOR RATIFICATION**

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

The Report of the Committee of Free Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

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

**THIRD READING BILLS**

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

S. 906 -- Senators Leatherman, Land, Coleman and Elliott: A BILL TO AMEND SECTION 9‑8‑50 OF THE 1976 CODE, RELATING TO SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, TO PROVIDE THAT A MEMBER UPON TERMINATION WHO DOES NOT QUALIFY FOR A MONTHLY BENEFIT MAY TRANSFER HIS SERVICE CREDIT TO THE SOUTH CAROLINA RETIREMENT SYSTEM, AND TO CLARIFY PROVISIONS RELATED TO THE TRANSFER OF EARNED SERVICE CREDIT IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS.

S. 915 -- Senators Land, Anderson, Nicholson, Leventis, Elliott, Williams, Sheheen and Setzler: A BILL TO AMEND ACT 314 OF 2000, TO TERMINATE THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT ON JUNE 30, 2015.

**S. 915--Recorded Vote**

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

S. 1145 -- Senator Leatherman: A BILL TO AMEND SECTIONS 9‑1‑1540, 9‑9‑65, AND 9‑11‑80 OF THE 1976 CODE, RELATING TO THE DATE UPON WHICH AN APPLICATION FOR DISABILITY RETIREMENT MUST BE FILED WITH THE SOUTH CAROLINA RETIREMENT SYSTEM, TO PROVIDE THAT A MEMBER IS CONSIDERED TO BE IN SERVICE ON THE DATE THE APPLICATION IS FILED IF THE MEMBER IS NOT RETIRED AND THE LAST DAY THE MEMBER WAS EMPLOYED BY A COVERED EMPLOYER IN THE SYSTEM OCCURRED NOT MORE THAN NINETY DAYS PRIOR TO THE DATE OF FILING.

**S. 1145--Recorded Vote**

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

S. 1146 -- Senator Alexander: A BILL TO AMEND SECTIONS 9‑1‑1770, 9‑1‑1775, 9‑8‑110, 9‑9‑100, 9‑11‑120, 9‑11‑125, AND 9‑11‑140 OF THE 1976 CODE, RELATING TO THE PAYMENT OF DEATH BENEFITS IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS, TO REPEAL CERTAIN DUTIES AND RESPONSIBILITIES OF THE BOARD, TO PROVIDE THAT BENEFITS PAID PURSUANT TO THE ACCIDENTAL DEATH INSURANCE BENEFIT SHALL NOT BE TREATED AS A LIFE INSURANCE BENEFIT, AND TO PROVIDE THAT ADJUSTMENTS TO BENEFITS SHALL BE MADE IN THE MANNER PROVIDED IN SECTION 9‑11‑310.

**S. 1146--Recorded Vote**

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

**SECOND READING BILLS**

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

S. 1195 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS FOR SPECIES OR SUBSPECIES OF NON-GAME WILDLIFE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4069, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1196 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS AND TURKEY HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4090, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3371 -- Reps. Harvin, Kennedy, Alexander, Funderburk, Gunn, Hart, McEachern, McLeod, Ott, J.E. Smith, Spires, Weeks and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71‑243 SO AS TO REGULATE A PROVIDER OF HEALTH CARE AND THE ISSUER OF INDIVIDUAL HEALTH INSURANCE WHEN AN ISSUER NEGOTIATES RATES WITH A PROVIDER FOR COVERED HEALTH CARE SERVICES AND THEN TERMINATES OR OTHERWISE NONRENEWS THE PROVIDER’S CONTRACT.

Senator HAYES 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 Banking and Insurance.

The Committee on Banking and Insurance proposed the following amendment (DKA\3897DW10 ), which was adopted:

Amend the bill, as and if amended, page 3, beginning on line 7, by striking Section 38‑71‑245, as contained in SECTION 1, and inserting:

/ Section 38‑71‑245. (A) Each provider contract must contain a continuation of care provision consistent with the language of Section 38‑71‑243.

(B) Nothing in this section prohibits a provider contract from providing continuation of care services greater than those required to be offered pursuant to subsection (A) or more favorable to the covered person than those required to be offered pursuant to subsection (A). /

Amend further by striking SECTION 4 in its entirety and inserting:

/ SECTION 4. This act takes effect upon approval by the Governor and applies to an individual health plan, a group health plan, or a health benefit plan, including the state health plan, issued, renewed, delivered, or entered into after December 31, 2010 /.

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

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

**OBJECTION**

S. 1096 -- Senators McConnell, Alexander, Rankin, Hutto, Matthews, Leatherman, Land, Hayes, Anderson, Scott, Coleman, O’Dell, Nicholson, Setzler, Cleary, Courson, Verdin, L. Martin, Knotts, Lourie, Sheheen, Mulvaney, Campbell, S. Martin, Massey, Grooms, Davis, Shoopman, Thomas, Ford, Elliott and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑37‑50, RELATING TO THE AUTHORIZATION FOR ELECTRIC COOPERATIVES AND MUNICIPAL ELECTRIC SYSTEMS, TO IMPLEMENT FINANCING SYSTEMS FOR ENERGY EFFICIENCY IMPROVEMENTS, SO AS TO PROVIDE THAT THEY WILL HAVE THE AUTHORITY TO FINANCE THE PURCHASE PRICE AND INSTALLATION COST OF ENERGY CONSERVATION MEASURES; TO PROVIDE FOR THE RECOVERY OF SUCH FINANCING THROUGH CHARGES PAID FOR BY THE CUSTOMERS BENEFITTING FROM THE INSTALLATION OF THE ENERGY CONSERVATION MEASURES; TO PROTECT THE ENTITIES FROM LIABILITY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF SUCH MEASURES; TO PROVIDE FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION MEASURES IN RENTAL PROPERTIES; AND TO PROVIDE A MECHANISM FOR RECOVERY OF THE COSTS OF SUCH MEASURES INSTALLED IN RENTAL PROPERTIES; AND TO AMEND SECTION 8‑21‑310 TO ALLOW CLERKS OF COURT AND REGISTERS OF DEEDS TO CHARGE A FEE FOR FILING A NOTICE OF UTILITY METER CHARGE.

Senator McCONNELL objected to further consideration of the Bill.

**CARRIED OVER**

S. 642 -- Senators Alexander and Ford: A BILL TO AMEND ARTICLE 31, CHAPTER 5, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 TO PROVIDE THAT A PERSON UNDER THE AGE OF EIGHTEEN MAY NOT OPERATE A MOTOR VEHICLE WHILE USING A CELL PHONE OR OTHER WIRELESS COMMUNICATIONS DEVICE AND TO PROVIDE FOR PENALTIES AND EXCEPTIONS.

On motion of Senator LARRY MARTIN, the Bill was carried over.

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

**MOTION ADOPTED**

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

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

**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. 963 -- Senators Knotts, Cromer, Courson and Setzler: A BILL TO AMEND SECTION 7‑7‑380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LEXINGTON COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF LEXINGTON 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

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

There was no objection.

**CONCURRENCE**

S. 963 -- Senators Knotts, Cromer, Courson and Setzler: A BILL TO AMEND SECTION 7‑7‑380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LEXINGTON COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF LEXINGTON 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 KNOTTS, 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.

**CARRIED OVER**

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.

The House returned the Concurrent Resolution with amendments.

On motion of Senator LARRY MARTIN, the Concurrent Resolution was carried over.

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

**AMENDED, AMENDMENT PROPOSED**

**DEBATE INTERRUPTED**

S. 391 -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman, Campbell, Rose, Davis, Bright, S. Martin and Sheheen: A BILL TO CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE, TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH, TO CONFORM SEVERAL CODE SECTIONS TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE. (ABBREVIATED TITLE)

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. 18 (Doc. No. GGS/22506SD10) proposed by Senators THOMAS and MULVANEY and printed in the Journal of Wednesday, February 17, 2010. Amendment No. 18 was subsequently laid on the table.

With Senator LEVENTIS retaining the floor, Senator LARRY MARTIN asked unanimous consent to make a motion to take up Amendment No. P1-18, perfecting amendment to Amendment No. 18, for immediate consideration.

**Amendment No. P1-18**

Senator LARRY MARTIN proposed the following Amendment No. P1-18 (391R051.LAM), which was carried over:

Amend the amendment bearing document number (GGS\  
22506SD10), by adding an appropriately numbered subsection to Section 41-35-112:

/ ( ) If the U.S. Department of Labor notifies the Employment Security Commission that the drug testing program provided by this section violates a federal law or regulation and the implementation or the continuation of the drug testing program will result in a denial or withholding of all or a portion of federal unemployment benefits provided to this State by the federal government, the drug testing program must not be implemented or must be terminated, whichever is applicable. /

Renumber sections to conform.

Amend title to conform.

With Senator LEVENTIS retaining the floor, Senator LARRY MARTIN asked unanimous consent to carry over Amendment No. 18 and Amendment No. P1-18.

There was no objection and Amendment Nos. 18 and 22A were carried over.

Amendment No. P1-18 was subsequently withdrawn.

Amendment No. 18 was subsequently tabled.

**Amendment No. 19**

Senators SCOTT and WILLIAMS proposed the following Amendment No. 19 (MS\7685AHB10), which was adopted:

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

/ SECTION \_\_\_. (A) There is created the Workforce Initiative/Economic Development Research Committee. This committee shall review, examine, and make recommendations regarding steps that should be taken to improve the economy of this State, the employment of South Carolinians, and to restore a substantially greater sense of financial security to the citizens of this State. The review must include an inventory of workforce training and recruitment programs and their adequacy towards meeting the needs of South Carolina’s businesses. In addition, the review and recommendations must place emphasis on the goal of matching unemployed citizens with jobs.

(B) The twenty‑four member committee is composed of:

(1) one member appointed by the Governor;

(2) one member appointed by the President Pro Tempore of the Senate;

(3) one member appointed by the Speaker of the House of Representatives;

(4) the Secretary of Commerce, or his designee;

(5) the Director of the Department of Parks, Recreation and Tourism, or his designee;

(6) a county economic development director from each Congressional district chosen by the economic development person or his designee from the office of the member of Congress representing each district;

(7) the Dean of the Moore School of Business at the University of South Carolina, the Dean of the Francis Marion University School of Business, the Dean of the South Carolina State University School of Business, the Dean of the College of Charleston School of Business and Economics, the Dean of the Clemson University College of Business, and the Dean of the Winthrop University College of Business Administration;

(8) the Chairman of the Board of Economic Advisors;

(9) the Secretary of Agriculture, or his designee;

(10) the Director of the Employment Security Commission;

(11) the Chairman of the State Ports Authority, or his designee;

(12) the Director of the Office of Small and Minority Business Assistance;

(13) the President of the South Carolina Chamber of Commerce, or his designee; and

(14) the President of the South Carolina Manufacturers’ Alliance, or his designee.

(C) The Governor shall serve as the chairperson of the committee.

(D) A vacancy occurring on the committee must be filled in the same manner as the original appointment.

(E) The staffing for the committee must be provided by the appropriate committees of the Senate and House of Representatives that oversee legislation affecting economic development and finance in this State and the staff of the Workforce Investment Program.

(F) The committee shall submit its report to the General Assembly and Governor before January 1, 2011, at which time the Workforce Initiative/Economic Development Research Committee is abolished. /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

**ACTING PRESIDENT PRESIDES**

At 2:38 P.M., Senator SHOOPMAN assumed the Chair.

**Amendment No. 20**

Senators McCONNELL, ROSE, BRIGHT, SHANE MARTIN and GROOMS proposed the following Amendment No. 20 (391R044.GFM), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 28 ‑ 33 and inserting:

/ (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 subject to subsection (E)(3). /

Amend the bill further, as and if amended, page 4, by striking lines 1 ‑ 4 and inserting:

/ (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 but not to exceed compensation that is commensurate with their hearing duties./

Amend the bill further, as and if amended, page 5, by striking lines 1 ‑ 4 and inserting:

/ (3) As of the effective date of this act, the term of each commissioner is ended and each commissioner shall hold his seat in holdover status until his successor is elected. /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

**Motion Adopted**

On motion of Senator O’DELL, with unanimous consent, Senators REESE, FAIR, PEELER, ELLIOTT and O’DELL were granted leave to attend a subcommittee meeting.

**Amendment No. 21**

Senators SETZLER and SCOTT proposed the following Amendment No. 21(391R046.NGS), which was adopted:

Amend the bill, as and if amended, page 7, by striking line 31 and inserting:

/ develop reports that address relevant workforce issues and make the /

Amend the bill further, as and if amended, page 8, by striking line 4 and inserting:

/ implemented.

(C) This section is not intended to restrict or hinder the development of an unemployment benefits system financed in whole or in part by the United States Department of Labor.” /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

**Amendment No. 2B**

Senator KNOTTS proposed the following Amendment No. 2B (391R053.JMK), which was tabled:

Amend the bill, as and if amended, by striking SECTION 121 and inserting:

/ SECTION 121. (A) This act takes effect January 19, 2011.

(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.

Senator KNOTTS explained the amendment.

Senator RYBERG argued contra to the adoption of the amendment.

Senator RYBERG moved to lay the amendment on the table.

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

**Ayes 23; Nays 13**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Davis Elliott Fair

Hayes Hutto Lourie

*Martin, Larry Martin, Shane* McConnell

O’Dell Peeler Rose

Ryberg Scott Setzler

Sheheen Shoopman

**Total--23**

**NAYS**

Campbell Cromer Ford

Jackson Knotts Land

Malloy Matthews McGill

Nicholson Pinckney Reese

Williams

**Total--13**

The amendment was laid on the table.

**Amendment No. 12A**

Senator LARRY MARTIN proposed the following Amendment No. 12A (391R056.LAM), which was adopted:

Amend the bill, as and if amended, by striking SECTION 121 and inserting:

/ SECTION 121. (A) This act takes effect upon approval by the Governor.

(B) The provisions of this act requiring the name of the Employment Security Commission to be changed to the Department of Workforce do not take effect until funding becomes available through appropriations by the General Assembly or until sufficient federal funds are available.

(C) Where the provisions of this act transfer 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.

(D) 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.

(E) 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.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

**Amendment No. 13**

Senators RANKIN and KNOTTS proposed the following Amendment No. 13 (391R034.LAR), which was tabled:

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

/ SECTION 5. A. 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 from among the candidates nominated by the joint screening committee pursuant to subsection (B). The term of the executive director is conterminous with the Governor. The executive director is subject to removal by the Governor as provided in Section 1‑3‑240(C)(1). 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 purposes of this chapter, ‘department’ means the South Carolina Department of Workforce.

(B)(1) A vacancy is created on the office of the executive director when the current executive director’s term expires, or he resigns, dies, or is removed from office as provided in Section 57‑1‑330(C). If known in advance, the review committee may provide notice of a vacancy and begin screening prior to the actual date of the vacancy. When an executive director must be appointed to fill a vacancy, a joint committee must be appointed pursuant to Section 2‑20‑10 to begin the screening process. The first order of business for the joint committee, after organization, must be to provide the public with a notice of the vacancy pursuant to Section 20‑20‑15. The provisions contained in Chapter 20, Title 2 must govern the screening process.

(2) A person must be screened and found qualified in the manner provided in Chapter 20, Title 2 before he may be appointed to serve as the executive director. The qualifications that the executive director 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.

(3)(a) The joint committee must review the qualifications of all applicants and nominate for appointment the three applicants whom it considers best qualified to serve as executive director. The joint committee will submit the names and qualifications of nominees to the Governor. If fewer than three persons apply to fill the vacancy or if the joint committee concludes there are fewer than three applicants qualified for the vacancy, it shall submit to the Governor only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

(b)(i) The nominations of the joint committee are binding on the Governor, and he may not appoint a person not nominated by the joint committee. The Governor must make his appointment within thirty days of receiving the nominations. If the Governor does not make an appointment in that time period, then the General Assembly must hold an election for the office of executive director. The General Assembly may not elect a person not nominated by the joint committee.

(ii) If an election is required pursuant to subitem (i), the General Assembly shall meet in joint session for the election. The date and time for the joint session shall be set by concurrent resolution upon the recommendation of the joint committee. The chairman of the joint committee shall announce the commission’s nominees for each nominee, and no further nominating or seconding speeches shall be allowed by members of the General Assembly. In order to be elected, a nominee must receive a majority of the vote of the members of the General Assembly voting in joint session.

(4) No member of the General Assembly or member of his immediate family shall be appointed to be an Executive Director 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 appointed to be the Executive Director for a period of two 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.

(C) 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.”

B. Section 1‑3‑240(C)(1) of the 1976 Code is amended by adding an appropriately lettered subitem to read:

/ ( ) Executive Director of the Department of Workforce. /

Amend the bill further, as and if amended, page 4, by striking SECTION 3 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

Senator LOURIE argued contra to the adoption of the amendment.

Senator LOURIE moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. P1-18**

Senator LARRY MARTIN proposed the following Amendment No. P1-18 (391R051.LAM), which was withdrawn:

Amend the amendment bearing document number (GGS\  
22506SD10), by adding an appropriately numbered subsection to Section 41-35-112:

/ ( ) If the U.S. Department of Labor notifies the Employment Security Commission that the drug testing program provided by this section violates a federal law or regulation and the implementation or the continuation of the drug testing program will result in a denial or withholding of all or a portion of federal unemployment benefits provided to this State by the federal government, the drug testing program must not be implemented or must be terminated, whichever is applicable. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

On motion of Senator LARRY MARTIN, Amendment No. P1-18 was withdrawn.

**Amendment No. 18**

Amendment No. 18 (Doc. No. GGS/22506SD10) proposed by Senators THOMAS and MULVANEY was printed in the Journal of Wednesday, February 17, 2010. Amendment No. 18 was tabled.

Senator LAND moved to lay the amendment on the table.

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

**Ayes 20; Nays 15**

**AYES**

Anderson Campsen Cleary

Coleman Elliott Ford

Hutto Jackson Land

Lourie Malloy Matthews

McConnell McGill Pinckney

Reese Rose Ryberg

Scott Williams

**Total--20**

**NAYS**

Alexander Bright Bryant

Campbell Courson Cromer

Davis Fair Hayes

*Martin, Larry Martin, Shane* O’Dell

Peeler Setzler Shoopman

**Total--15**

Amendment No. 18 was laid on the table.

**Statement by Senators McCONNELL and ROSE**

Amendment No. 18 is clearly unconstitutional. For that reason, we voted to table. There is no need to end up paying tax money to lawyers to litigate this matter when the result will be a loss.

**Amendment No. 24A**

Senator CAMPSEN proposed the following Amendment No. 24A (391R058.GEC), which was adopted:

Amend the bill, as and if amended, page 77, after line 21 by adding an appropriately numbered new SECTION to read:

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

“Section 41-35-615. All notices given to an employer concerning a request for determination of insured status, a request for initiation of a claim series in a benefit year, a notice of unemployment, a certification for waiting-week credit, a claim for benefits, and any reconsideration of a determination must be made by United States mail or electronic mail. The employer may designate with the department its preferred method of notice. If an employer does not make a designation, then notices must be made by United States mail. The employer may not be required to respond to the notice until twelve business days after the postmark on notices sent via United States Mail or ten business days after the date a notice is sent via electronic mail.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

**Amendment No. 28**

Senators McCONNELL, RANKIN, KNOTTS, MALLOY, LAND, SCOTT, ALEXANDER, NICHOLSON, McGILL, ELLIOTT, WILLIAMS, ANDERSON and FORD proposed the following Amendment No. 28 (391R045.GFM):

Amend the bill, as and if amended, page 6, by striking lines 26‑39 and inserting:

/ “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 nominated by the State Department of Workforce Review Committee and appointed by the Governor. The executive director is subject to removal by the Governor as provided in Section 1‑3‑240(C) or for a breach of duty required by Section 41-29-25. The executive 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. /

Amend the bill, as and if amended, page 77, after line 3, by adding new SECTIONS to read:

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

“Article 7

South Carolina Department of Workforce Review Committee

Section 41‑29‑700. There is created the Department of Workforce Review Committee which must exercise the powers and fulfill the duties described in this article.

Section 41‑27‑710. (A) The committee must be composed of nine members, three of whom must be members of the House of Representatives appointed by the Speaker; three of whom must be members of the Senate appointed by the President *pro Tempore*; and three of whom shall be appointed by the governor from the general public at large, of which one must represent businesses with fewer than fifty employees and one of whom must represent businesses with fewer than five hundred employees. A member of the general public appointed by the governor may not be a member of the General Assembly.

(B) The committee must meet as soon as practicable after appointment and organize itself by electing one of its members as chairman and other officers as the committee considers necessary. Afterward, the committee at least annually shall meet and at the call of the chairman or a majority of the members. A quorum consists of five members.

(C) Unless the committee finds a person qualified and nominates him to serve as the executive director of the Department of Workforce, the person may not be appointed.

(D) The Governor must remove and replace a member of the committee from the general public that misses three consecutive scheduled meetings at which a quorum is present.

Section 41‑27‑720. The committee shall:

(1) nominate one qualified person for the Governor to consider in appointing the executive director. In order to be nominated, a person must be found qualified by meeting the minimum requirements as provided in Section 41‑29‑35. The committee must consider a person’s experience and expertise in matters related to unemployment, workforce development, and economic development. A person may not be appointed to serve as the permanent executive director unless nominated by the committee. If the Governor rejects a nominee, the committee must nominate another person for the Governor to consider, until the Governor makes an appointment;

(2) conduct an annual performance review of the executive director, which must be submitted to the General Assembly. A draft of the executive director’s performance review must be submitted to him, and the executive director must be allowed an opportunity to be heard before the committee before the final draft of the performance review is submitted to the General Assembly;

(3) submit to the General Assembly, on an annual basis, the committee’s evaluation of the performance of the Department of Workforce. A proposed draft of the evaluation must be submitted to the Department of Workforce before submission to the General Assembly, and the Department of Workforce must be given an opportunity to be heard before the committee before the completion of the evaluation and its submission to the General Assembly;

(4) assist in developing an annual workshop of at least six contact hours concerning ethics and the Administrative Procedures Act for the executive director and employees of the Department of Workforce as the committee considers appropriate;

(5) make reports and recommendations to the General Assembly on matters relating to the powers and duties set forth in this section;

(6) submit a letter to the General Assembly with the annual budget proposals of the Department of Workforce, indicating the committee has reviewed and approved the proposals; and

(7) undertake additional studies or evaluations as the committee considers necessary.

Section 41‑27‑730. (A) The committee members are entitled to 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 they are appointed. These expenses must be paid from the general fund of the State on warrants duly signed by the chairman of the committee and payable by the authorities from which they are appointed, except as provided in subsection (B) of this section.

(B) The committee may request that it be reimbursed for expenses associated with its duties with funds from the employment security administration fund. The expenses of the committee must be advanced by a legislative body and the legislative body incurring this expense must be reimbursed by the State.

Section 41‑27‑740. (A) The committee must use clerical and professional employees of the General Assembly for its staff, who must be made available to the committee.

(B) The committee may employ or retain other professional staff, upon the determination of the necessity for other staff by the committee.

(C) The committee may employ consultants to assist in identifying candidates for the Director of the Department of Workforce.

(D) Except as provided in Section 41‑27‑660(B), the costs and expenses of the committee must be funded in the annual state General Appropriations Act.

Section 41‑27‑750. The committee may conduct a comprehensive study of other states’ unemployment and workforce agency structures, responsibilities, qualifications, and compensation. The committee may prepare and deliver this report along with its recommendations to the General Assembly.”

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

“Section 41‑29‑35. (A) The executive director of the Department of Workforce must be appointed pursuant to the procedure set forth in Section 41‑27‑720.

(B) The committee must nominate one person as qualified to serve as executive director for the Governor’s consideration.

(1) A person may not be appointed to serve as permanent executive director unless the committee nominates the person.

(2) If the Governor rejects a person nominated by the committee for director, the committee must nominate another person for the Governor to consider until the Governor makes an appointment.

(C) For the committee to find a person qualified, he must have:

(1) a baccalaureate or more advanced degree from:

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

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

(c) an institution of higher learning chartered before 1962; and

(2) a background of substantial duration and expertise in business, labor and employment, employment benefits, human resource management, or five years experience as a practicing attorney.

(D) The committee may find a person qualified although he does not have a background of substantial duration and expertise in one of the five enumerated areas contained in subsection (C)(2) of this section if two‑thirds of the committee vote to qualify this candidate and provide written justification of their decision in the report as to the qualifications of the candidates.

(E) The executive director must be appointed by the Governor for a term of six years and until his successor is appointed.

(F) The Governor must appoint a candidate nominated by the committee on or before April 1, 2010. Thereafter, the Governor must forward a formal appointment nominated by the committee on or before April first of the year in which the term of the executive director begins.

(G) The initial term of office for the permanent executive director begins upon his appointment by the Governor.”

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

“Section 41‑29‑25. (A) The executive director shall discharge his duties:

(1) in good faith;

(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 department. As used in this chapter, best interests means a balancing of the following:

(a) achieving the purposes of the department;

(b) preservation of the financial integrity of the department and its ongoing operations; and

(c) exercise of the powers of the department in accordance with good business practices and the requirements of applicable laws, and regulations.

(B) In discharging his duties, the executive 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 executive director reasonably believes to be reliable and competent in the matters presented; or

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

(C) The executive 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 section gives rise to a cause of action against the executive director or any decision made by the executive director concerning departmental operations or development. Wilful failure of the executive director to discharge his duties as required by this article may be considered by the State Department of Workforce Review Committee in determining whether to renominate the executive director or by the Governor in determining whether to reappoint the executive director.” /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

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

**Expression of Personal Interest**

Senator RYBERG rose for an Expression of Personal Interest.

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Alice Burdge Boney of Columbia, S.C., beloved mother of Elizabeth, Janet and Jean, devoted grandmother of seven and doting great-grandmother of 11 and great-great grandmother of two. Mrs. Boney was a loving wife to her husband of 40 years, Fletcher Brooks Boney, who had predeceased her.

**ADJOURNMENT**

At 5:00 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:45 A.M.

**Recorded Vote**

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

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