**Wednesday, March 10, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Facing problems right and left, we often want to say along with the Psalmist: “Fear and trembling come upon me, and horror overwhelms me. And I say, ‘O that I had the wings like a dove! I would fly away and be at rest.’ ” (Psalm 55:5-6)

Let us pray:

O God, financial issues. Organizational woes. Broken promises. Sky-high frustrations. It really is tempting, Lord, in the face of all of these matters, to flee, to run from the difficulties which face this body and this State—to simply “fly away and be at rest,” someplace apart from it all. Yet the issues and challenges facing these Senators will not go away. Nor can they be resolved at the snap of a finger. That is why we call upon You yet again, dear Lord, to give each of these leaders courage and wisdom appropriate for the day and time in which we live. Allow them to tackle issues confidently, knowing that, working together and trusting in You, challenges can be met and resolved in positive ways. Also, today, O God, we remember and salute South Carolina’s most recent fallen soldiers, and we urge You to embrace and comfort their loved ones and friends. 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:

**Local Appointments**

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Derrick F. Dash, P. O. Box 119, Elloree, SC 29047

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Rita W. Brown, Orangeburg County Magistrate Court, P. O. Box 387, Neeses, SC 29107

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Samuel A. Daily, Orangeburg County Magistrate Court, P. O. Box 9000, Orangeburg, SC 29116

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Peggy D. Doremus, 1951 Forest Drive, Orangeburg, SC 29118

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Jacob Gillens, Sr., Orangeburg County Magistrate Court, P. O. Box 154, Holly Hill, SC 29059

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

John Cecil Moore, 1110 Creek Mill Road, North, SC 29112

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Richard Murray, Orangeburg County Magistrate Court, P. O. Box 9000, Orangeburg, SC 29116

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Willie Robinson, Jr., 866 New Hope Road, Orangeburg, SC 29118

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Donald R. West, Orangeburg County Magistrate Court, P. O. Box 9000, Orangeburg, SC 29116

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Meree D. Williamson, P. O. Box 310, Norway, SC 29113

**REGULATION WITHDRAWN**

The following was received:

Document No. 4072

Agency: Board of Pharmacy

Chapter: 99

Statutory Authority: 1976 Code Sections 40-1-70 and 40-43-60

SUBJECT: Central Fill Pharmacies

Received by Lieutenant Governor June 9, 2009

Referred to Medical Affairs Committee

Legislative Review Expiration: Permanently Withdrawn

**Doctor of the Day**

Senators CAMPSEN, McCONNELL and SETZLER introduced Dr. Thomas Rowland of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator MASSEY, at 3:50 P.M., Senator SHEHEEN was granted a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

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

S. 1137 Sen. Larry Martin

S. 1192 Sen. Bright

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1262 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CAPTAIN NEAL BROWN OF THE SOUTH CAROLINA HIGHWAY PATROL, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-THREE YEARS OF DEDICATED SERVICE, AND TO WISH HIM SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1263 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE MR. LARRY HOLBROOKS, CAPTAIN AT THE REGION ONE AREA OF THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR NEARLY THIRTY-SIX YEARS OF DEDICATED SERVICE TO THE STATE OF SOUTH CAROLINA, AND TO EXTEND BEST WISHES FOR MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1264 -- Senator L. Martin: A SENATE RESOLUTION TO CONGRATULATE THE LIBERTY HIGH SCHOOL COMPETITIVE CHEER TEAM OF PICKENS COUNTY ON WINNING THE 2009 SOUTH CAROLINA HIGH SCHOOL LEAGUE CLASS AA STATE CHEER CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM AND HEAD COACH MISSY RICKEN ON A SUPERLATIVE SEASON.

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The Senate Resolution was adopted.

S. 1265 -- Senator Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 ONE-HALF MILE IN BOTH DIRECTIONS FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 215 IN FAIRFIELD COUNTY "TROOPER HARRY MCKINLEY COKER, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "TROOPER HARRY MCKINLEY COKER, JR. MEMORIAL HIGHWAY".

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

S. 1266 -- Senator Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 215 ONE-HALF MILE IN BOTH DIRECTIONS FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 34 IN FAIRFIELD COUNTY "SOPHIA DONTAE WOODARD MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "SOPHIA DONTAE WOODARD MEMORIAL HIGHWAY".

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

S. 1267 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-2-308 SO AS TO DEFINE NECESSARY TERMS AND PROVIDE PROCEDURES THAT MUST BE FOLLOWED BY MOTOR VEHICLE DEALERS IN ADVERTISEMENTS MADE IN THE COURSE OF SOLICITING FOR THE SALE OR LEASE OF MOTOR VEHICLES; AND TO AMEND SECTION 37-6-108, AS AMENDED, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO PROVIDE PENALTIES FOR MOTOR VEHICLE DEALERS WHO VIOLATE THE PROVISIONS OF SECTION 37-2-308.

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

S. 1268 -- Senators Matthews, Scott and Williams: A BILL TO AMEND SECTION 59-127-20 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES, TO REMOVE TWO AT-LARGE SEATS AND REPLACE THEM WITH TWO SEATS TO BE ELECTED BY THE SOUTH CAROLINA STATE UNIVERSITY NATIONAL ALUMNI ASSOCIATION.

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

S. 1269 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE MUST DETERMINE APPLICATION COMPLIANCE; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59-40-190, AS AMENDED, RELATING TO LIABILITY OF THE GOVERNING BODY, SO AS TO INCLUDE LOCAL SCHOOL DISTRICTS, TO AMEND SECTION 59-40-210, AS AMENDED, RELATING TO CONVERSION OF A PRIVATE SCHOOL TO A CHARTER SCHOOL, SO AS TO ALLOW A PRIVATE SCHOOL TO DISSOLVE AND IMMEDIATELY SEEK TO FORM A CHARTER SCHOOL; AND TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP.

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

H. 3489 -- Reps. Harrell, Cato, Sandifer, Cooper, Duncan, Owens, White, Bingham, A.D. Young, Huggins, E.H. Pitts, Edge, Toole, Kirsh, J.R. Smith, G.R. Smith, Brady, Crawford, Barfield, Bedingfield, Erickson, Loftis, Pinson, Rice, Hiott, Littlejohn, Allison, Chalk, Daning, Bowen, Gambrell, Hamilton, Wylie, Sottile, Nanney, Parker, Forrester, Haley, Millwood, Battle, Frye, Simrill, Spires, Thompson, Whitmire, Horne, Clemmons, Skelton and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2009” BY AMENDING ARTICLE 1, CHAPTER 32, TITLE 15, PREVIOUSLY RESERVED, SO AS TO PROVIDE DEFINITIONS FOR PURPOSES OF THE CHAPTER; TO AMEND SECTION 15‑32‑220, AS AMENDED, RELATING TO LIMITS ON NONECONOMIC DAMAGES, AND ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, BOTH SO AS TO PROVIDE LIMITS ON THE AWARD OF NONECONOMIC AND PUNITIVE DAMAGES IN ALL PERSONAL INJURY ACTIONS AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTION 1‑7‑750 SO AS TO ENACT THE “PRIVATE ATTORNEY RETENTION SUNSHINE ACT” TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES; TO AMEND SECTION 15‑3‑670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS; BY ADDING SECTION 15‑3‑160 SO AS TO PROVIDE A REBUTTABLE PRESUMPTION THAT A MANUFACTURER OR SELLER IS NOT LIABLE FOR A PRODUCT IF IT IS MANUFACTURED OR SOLD IN A MANNER APPROVED BY A GOVERNMENT AGENCY; BY ADDING SECTION 15‑5‑10 SO AS TO PROVIDE REQUIREMENTS AND PROCEDURES TO BRING, MAINTAIN, AND CERTIFY CLASS ACTIONS; TO AMEND SECTION 15‑73‑10, RELATING TO LIABILITY OF THE SELLER FOR A DEFECTIVE PRODUCT, SO AS TO PROVIDE THAT THE SELLER IS NOT LIABLE FOR DAMAGE CAUSED ONLY TO THE PRODUCT ITSELF; TO AMEND SECTION 18‑9‑130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; TO AMEND SECTIONS 33‑6‑220 AND 33‑44‑303, RELATING TO CORPORATIONS AND LIMITED LIABILITY COMPANIES, SO AS TO PROVIDE THAT A JUDGMENT AGAINST A CORPORATION OR LIMITED LIABILITY COMPANY IS A PREREQUISITE TO AN ALTER EGO CLAIM TO PIERCE THE CORPORATE VEIL; TO AMEND SECTION 39‑5‑20, RELATING TO UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, SO AS TO PROVIDE ACTIONS OR TRANSACTIONS OTHERWISE PERMITTED OR REGULATED BY THE FEDERAL TRADE COMMISSION OR ANOTHER REGULATORY BODY OR OFFICE ACTING UNDER STATUTORY AUTHORITY OF THIS STATE OR THE UNITED STATES ARE NOT COVERED BY THE ACT; TO AMEND SECTION 39‑5‑140, RELATING TO AN ACTION FOR DAMAGES ARISING OUT OF AN UNFAIR OR DECEPTIVE TRADE PRACTICE, SO AS TO PROVIDE THAT A PERSON SEEKING DAMAGES SHALL PAY “OUT‑OF‑POCKET EXPENSES” AND TO DEFINE THIS TERM; TO AMEND SECTION 56‑5‑6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO PROVIDE THAT A VIOLATION MAY BE CONSIDERED IN A CIVIL ACTION AS EVIDENCE OF COMPARATIVE NEGLIGENCE OR AS EVIDENCE OF FAILURE TO MITIGATE DAMAGES; AND TO REPEAL SECTIONS 15‑32‑200, 15‑32‑210, AND 15‑32‑240 ALL RELATING TO NONECONOMIC DAMAGES AND PROCEDURES REGARDING THE LIMITATION AND COLLECTION OF NONECONOMIC DAMAGES.

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

H. 3736 -- Reps. Rice, Cato, Hiott, Owens, Wylie, Clemmons, Viers, Bedingfield, Loftis and Lucas: A BILL TO AMEND SECTION 41-7-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORIZED DEDUCTIONS OF LABOR ORGANIZATION MEMBERSHIP DUES FROM WAGES, SO AS TO REVISE THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEDUCTIONS MAY BE MADE AND FOR CERTAIN PROHIBITED DEDUCTIONS.

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

H. 3975 -- Rep. G. M. Smith: A BILL TO AMEND SECTION 50-9-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER'S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

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

H. 4479 -- Reps. Clemmons, M. A. Pitts, D. C. Moss, Crawford and Viers: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM SOUTH CAROLINA TAXABLE INCOME OF INDIVIDUALS FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO INCLUDE DETENTION OFFICERS AND TELECOMMUNICATIONS PERSONNEL WITHIN THE CATEGORY OF LAW ENFORCEMENT OFFICERS ELIGIBLE TO CLAIM THE EIGHT DOLLARS A DAY SUBSISTENCE ALLOWANCE DEDUCTION FOR LAW ENFORCEMENT OFFICERS, FIRE FIGHTERS, AND EMERGENCY MEDICAL SERVICE PERSONNEL.

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

H. 4551 -- Reps. Sandifer, Thompson, Bedingfield, Hayes, Brady, Mack, Harrell, Cato, Ott, Harrison, Duncan, J. R. Smith, White, Cooper, Hutto, Horne, Cobb-Hunter, Anderson, Hodges, Harvin, Skelton, Gunn and Bales: A BILL TO AMEND SECTION 23-47-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITION OF TERMS ASSOCIATED WITH THE PUBLIC SAFETY COMMUNICATIONS CENTER, SO AS TO REVISE THE DEFINITION OF SEVERAL EXISTING TERMS AND TO PROVIDE DEFINITIONS FOR SEVERAL NEW TERMS; TO AMEND SECTION 23-47-20, AS AMENDED, RELATING TO 911 SYSTEM SERVICE REQUIREMENTS, SO AS TO DELETE "A CAPABILITY TO HAVE CELLULAR PHONES ROUTED TO 911" AS A SYSTEM REQUIREMENT AND TO ADD "ROUTING AND CAPABILITIES TO RECEIVE AND PROCESS CMRS SERVICE AND VOIP SERVICE CAPABLE OF MAKING 911 CALLS" AS A SYSTEM REQUIREMENT; TO AMEND SECTION 23-47-50, RELATING TO SUBSCRIBER BILLING OR 911 SERVICE, SO AS TO PROVIDE THAT FOR THE BILLING OF 911 CHARGES FOR LOCAL EXCHANGE ACCESS FACILITIES THAT ARE CAPABLE OF SIMULTANEOUSLY CARRYING FIVE OR MORE OUTGOING 911 VOICE CALLS, TO REVISE THE 911 CHARGE THAT PREPAID WIRELESS TELECOMMUNICATIONS SERVICE IS SUBJECT TO AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23-47-65, RELATING TO THE CMRS EMERGENCY TELEPHONE ADVISORY COMMITTEE, SO AS TO REVISE THE NAME OF THE COMMITTEE AND ITS MEMBERSHIP, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE COMMITTEE AND THE STATE BUDGET AND CONTROL BOARD ARE AUTHORIZED TO REGULATE PREPAID WIRELESS SELLERS; BY ADDING SECTION 23-47-67 SO AS TO IMPOSE A VOIP 911 CHARGE ON EACH LOCAL EXCHANGE ACCESS FACILITY, AND TO PROVIDE FOR THE COLLECTION OF THE CHARGE AND ITS DISTRIBUTION; BY ADDING SECTION 23-47-68 SO AS TO IMPOSE A PREPAID WIRELESS 911 CHARGE, AND TO PROVIDE FOR ITS COLLECTION AND DISTRIBUTION; BY ADDING SECTION 23-47-69 SO AS TO LIMIT THE CHARGES THAT MAY BE IMPOSED FOR 911 SERVICE; AND TO AMEND SECTION 23-47-70, RELATING TO LIABILITY FOR DAMAGES THAT MAY OCCUR FROM A GOVERNMENTAL AGENCY PROVIDING 911 SERVICE, SO AS TO PROVIDE FOR LIABILITY WHEN 911 SERVICE IS PROVIDED AND WHEN IT IS NOT PROVIDED PURSUANT TO TARIFFS ON FILE WITH THE PUBLIC SERVICE COMMISSION AND TO MAKE A TECHNICAL CHANGE.

Read the first time and, on motion of Senator LARRY MARTIN, with unanimous consent, H. 4551 was ordered placed on the Calendar without reference.

H. 4613 -- Rep. Hodges: A CONCURRENT RESOLUTION TO PROVIDE THAT THE MEMBERS OF THE GENERAL ASSEMBLY, BY THIS RESOLUTION, HEREBY RECOGNIZE THE IMPORTANCE TO SOUTH CAROLINA OF MICROENTERPRISES, DEFINED AS SMALL BUSINESSES WITH FEWER THAN FIVE EMPLOYEES, AND DESIGNATE THE MONTH OF JUNE 2011, AND THE MONTH OF JUNE EVERY YEAR THEREAFTER UNTIL JUNE 2021, AS "MICROENTERPRISE DEVELOPMENT MONTH" IN SOUTH CAROLINA.

The Concurrent Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

H. 4625 -- Rep. Barfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE IN HORRY COUNTY IDENTIFIED AS THE "AYNOR OVERPASS" THE "JULIUS HAROLD 'DUKE' GOODSON OVERPASS" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS OVERPASS THAT CONTAIN THE WORDS "JULIUS HAROLD 'DUKE' GOODSON OVERPASS".

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

H. 4627 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BUNKER HILL ROAD IN THE TOWN OF LITTLE ROCK FROM ITS INTERSECTION WITH WEST MAIN STREET TO ITS INTERSECTION WITH HARLLEES BRIDGE ROAD "MAXIE ROWELL ROAD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "MAXIE ROWELL ROAD".

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

H. 4692 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS; DEFINITIONS AND GENERAL REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4085, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4693 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4080, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4712 -- Rep. J. H. Neal: A CONCURRENT RESOLUTION MAKING THE SOUTH CAROLINA GENERAL ASSEMBLY AND THE CITY OF ACCRA, GHANA, SISTER ENTITIES FOR THE PURPOSE OF EXCHANGING INFORMATION AND IDEAS CONCERNING THE LEGISLATIVE AND GOVERNMENTAL PROCESS OF EACH ENTITY.

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

H. 4713 -- Reps. Forrester, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR AUSTIN SPARKS BOBO OF SPARTANBURG COUNTY, AND TO COMMEND HIM FOR A LIFETIME OF DEVOTED AND COMPASSIONATE SERVICE TO HIS COMMUNITY.

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

H. 4714 -- Reps. King, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF OUR FORMER COLLEAGUE AND DEAR FRIEND, THE HONORABLE JUANITA CANARY WILLMON GOGGINS AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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

**REPORTS OF STANDING COMMITTEES**

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable report on:

S. 903 -- Senators McConnell, Land, Setzler, Sheheen, Scott, Elliott, S. Martin, Campsen, Hutto, Davis, Anderson and L. Martin: A BILL TO AMEND ACT 200 OF 2002, RELATING TO THE SOUTH CAROLINA CONSERVATION BANK ACT, SO AS TO DELETE A PROVISION WHICH PROVIDES THAT NO FURTHER DEED RECORDING FEES OR OTHER FUNDS MAY BE CREDITED TO THE CONSERVATION BANK TRUST FUND IN ANY YEAR WHEN A MAJORITY OF STATE AGENCY APPROPRIATIONS ARE REDUCED IN THE ANNUAL GENERAL APPROPRIATIONS ACT OR WHEN THE STATE BUDGET AND CONTROL BOARD IMPOSES ACROSS THE BOARD CUTS AND INSTEAD PROVIDE FOR A REDUCTION ON A PERCENTAGE BASIS IN THE AMOUNT OF DEED RECORDING FEES WHICH MAY BE TRANSFERRED TO THE TRUST FUND, AND TO EXTEND THE EXPIRATION DATE OF THE PROVISIONS OF LAW RELATING TO THE CONSERVATION BANK ACT AND OTHER RELATED DATES PERTAINING TO THE CLOSURE OF THE CONSERVATION BANK ACT AND CONSERVATION BANK FUND.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

S. 1051 -- Senator Davis: A BILL TO AMEND SECTION 48‑39‑290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS, EXCEPTIONS, AND SPECIAL PERMITS CONCERNING CONSTRUCTION AND RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND THE SET BACK LINE, SO AS TO REVISE THE DESCRIPTION OF A PRIVATE ISLAND WITH AN ATLANTIC SHORELINE THAT IS EXEMPT FROM THE PROVISIONS OF THIS SECTION AND THE FORTY‑YEAR RETREAT POLICY.

Ordered for consideration tomorrow.

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

S. 1078 -- Senators Jackson, Knotts, Courson, Ryberg, Nicholson, Sheheen, Thomas, Rose, Campbell, Malloy, Ford, L. Martin, Hayes, Verdin, Davis, Leventis and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑7‑264 SO AS TO REQUIRE THE OWNER OF A COMMUNITY RESIDENTIAL CARE FACILITY TO UNDERGO A CRIMINAL RECORD CHECK AS A REQUIREMENT OF LICENSURE AND TO ENUMERATE THOSE CRIMES THAT PRECLUDE LICENSURE.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable report on:

S. 1192 -- Senators Massey, Campbell, Mulvaney and Bright: A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO ENACT LEGISLATION EXPANDING THE OUTER CONTINENTAL SHELF (OCS) OIL AND GAS LEASING PROGRAM TO ALLOW EXPLORATION AND PRODUCTION OF DOMESTIC SUPPLIES OF NATURAL GAS OFF THE COAST OF SOUTH CAROLINA AND TO ALLOW SOUTH CAROLINA TO RECEIVE 37.5 PERCENT OF FUNDS DUE TO THE UNITED STATES FROM OCS NATURAL GAS LEASES TO BE EXPENDED BY THE STATE FOR SUCH PURPOSES THE STATE MAY DETERMINE.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable report on:

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.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., March 9, 2010

Mr. President and Senators:

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

H. 4416 -- Reps. Loftis, Hamilton, G.R. Smith, Dillard, Bannister, Bedingfield, Wylie, Nanney, Rice, Cato, Stringer and Allen: A BILL TO EXPAND THE AUTHORITY OF THE RENEWABLE WATER RESOURCES OF GREENVILLE COUNTY, ORIGINALLY CREATED AS THE GREATER GREENVILLE SEWER DISTRICT PURSUANT TO THE PROVISIONS OF ACT 362 OF 1925, TO USE THE BY‑PRODUCTS OF WASTE TREATMENT FACILITIES FOR ALTERNATE ENERGY PRODUCTION.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., March 9, 2010

Mr. President and Senators:

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

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.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCES**

The following Resolutions were returned with concurrence and received as information:

S. 1221 -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 14, 2010, AT NOON AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, CLEMSON UNIVERSITY, COLLEGE OF CHARLESTON, COASTAL CAROLINA UNIVERSITY, FRANCIS MARION UNIVERSITY, LANDER UNIVERSITY, THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, SOUTH CAROLINA STATE UNIVERSITY, THE UNIVERSITY OF SOUTH CAROLINA, WIL LOU GRAY OPPORTUNITY SCHOOL, AND WINTHROP UNIVERSITY TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE IN 2010, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

S. 1260 -- Senator Alexander: A CONCURRENT RESOLUTION TO CONGRATULATE MR. BENNIE CUNNINGHAM UPON RECEIVING THE JOSEPH R. JENKINS AWARD BY THE GREENVILLE ALUMNI CHAPTER OF THE KAPPA ALPHA PSI FRATERNITY.

**Ceremony to Honor the Families of**

**Fallen Soldiers of South Carolina**

Senator KNOTTS, organizer of the ceremony, was recognized to address remarks to those families who had lost a son or daughter in a war or conflict during the past year.

The Concurrent Resolutions were published.

Senators PEELER, ALEXANDER, McCONNELL, BRYANT, MATTHEWS and the PRESIDENT were granted leave to address remarks to the families expressing their condolences and heartfelt appreciation for the supreme sacrifice made by each of these families.

**Remarks by Senator KNOTTS**

Would the Senators and House members who participated in the Fallen Soldiers Ceremony please join me at the podium to recognize the family members from your district who were honored today.

Every year, for the past four years, it has been my honor and privilege to recognize the families of the Fallen Soldiers from South Carolina at a heartwarming ceremony and luncheon where each family has been presented with the Order of the Palmetto Patriot from the Lieutenant Governor and a Concurrent Resolution from the Senate and House recognizing the sacrifices they have made. Our PRESIDENT *Pro Tempore*, Senator GLENN McCONNELL has been very gracious in his support and has always been there to make the presentations on behalf of the State of South Carolina. The Senators from the families’ districts have been invited to attend and each family is presented with a State Flag that has been flown over the State House in their loved ones’ honor. We also invited the House member from their district to participate in the ceremony.

Today we did that. We had a luncheon at the Summit Club with all of the families from South Carolina who lost a loved one while serving our country in 2009. We honored the families that have given the ultimate sacrifice for South Carolina and for our nation. That is the true ultimate sacrifice that any person can give. I want to thank the Senators and House members who participated in the luncheon and ceremony today to honor these families. The families appreciate this recognition of the State of South Carolina for their loved one and the fact that we have not forgotten their loved one who died so honorably for our State and nation.

Today at the luncheon, we had a young man that is in the sixth grade named Dominique who wrote a poem about his brother--Christopher Fowlkes of Gaffney--who was one of the Fallen Soldiers honored. At this time I’m going to ask Senator McCONNELL, our PRESIDENT *Pro Tempore*, to read it because he has his glasses and I don’t have mine with me. Dominique, would you please stand while the good Senator from Charleston, our PRESIDENT *Pro Tem*, reads your poem.

**THE WAR**

It’s night

But there’s still so much light

Guns blazing

Rockets glazing

Some men so wild

While others very mild

Some are trying to get some kills

While others are covered with chills

Some grunts are wishing they were in the drone

And others wishing they were home

Then the sun rose

And the commander chose

“Retreat retreat” the commander,

Said most staying

While others laying,

Down trying to blend in the forest like salamanders

Many died

But those who survived

Lived to fight another day

While the families of the fallen soldiers vowed to pray

**GOD BLESS THE USA.**

Many of you in the past four years have been invited to this emotional and heartwarming luncheon because someone in your district has died while defending our communities, our State and country so that we can enjoy our freedom. Every region of our State has suffered the loss of a brave soldier and it is our duty to thank the families whose loved ones gave the ultimate sacrifice.

I hope that one day we won’t have to have this ceremony. That’s the day that I look forward to-- the day we don’t have anyone from South Carolina lose his or her life while defending our country. With that said, I want to commend the families and **I want to thank you --** I want to thank you from the bottom of my heart, because too many times we take for granted what our men and women in the armed services go through to protect our freedom. I’d like for everyone in this Chamber and this State to always remember our Fallen Soldiers.

**Remarks by Senator PEELER**

Thank you for allowing me to say just a few words and thank you for the ceremony today. It was very fitting and very moving and I was just proud to be a part of it. You’ve heard me say before that joy shared is doubled and sorrow shared is halved. It was an honor for me to share both in the sorrow and the joy of today’s service. The sorrow of losing ten of our patriot heroes from South Carolina and specifically the Fowlkes family for me, Lance Corporal Christopher Fowlkes. That’s his brother that was the author of the poem that was read.

Chris grew up in Gaffney, a fine, fine young man. Every time I saw him, he reminded me of his daddy. His dad, Steve, we called him Scott -- worked at the dairy when he was growing up. And every time I saw Chris he looked like his dad standing there. People from Gaffney appreciate this family, this fine family. We had a tough time in ’09 in our community on a lot of levels, but I tell you that sharing in the joy of the life of Christopher Fowlkes meant a lot to our community and our family, the Peeler family. Knowing the Fowlkes family, we share in the joy of the remembrance of the life of this young man and knowing that all ten of these heroes are in a better place. We know that. We appreciate what you’re doing. We appreciate the sacrifice of these young men. Like the Bible says, “Greater love hath no man than this: that a man lay down his life for his friends.” What else could you ask for? There is no greater love.

Thank you.

**Remarks by Senator ALEXANDER**

Thank you Mr. PRESIDENT. There are no words that are adequate at a time like this to be able to be a part of this ceremony today.

To Captain Mark McDowell’s family that are here, who are long-time friends of mine from Oconee County, and to all the others who have lost loved ones -- our hearts go out to you. We thank you for the sacrifices your loved ones have given on behalf of all of us in their answer to the call of duty, as theirs was the ultimate sacrifice.

We are not only indeed a grateful Senate but a grateful State. Our heartfelt thoughts and prayers go out to each of you today and in the days to come. God bless you.

**Remarks by Senator McCONNELL**

Thank you, Mr. PRESIDENT, Gentlemen of the Senate, and our distinguished guests.

Let me say that I had the opportunity to attend the ceremony today and present to the families flags which had flown over this Capitol in memory of their loved ones, and it was a moving moment to see both the pride and the sorrow in their eyes. We, who sit in this Chamber -- it is your loved ones who make possible the debate, the exchange, the freedom, the promise and the hope of this country. They belong to a long line of Americans who have distinguished this great nation. We can only say thank you for sharing them with this country. God bless every one of you. I also want to say to Senator KNOTTS, we owe you a tremendous vote of thanks for organizing and extending this hand of memory and friendship to these families. It was a very moving ceremony, and it’s one of the hardest things to do, as PRESIDENT *Pro Tempore*, to present those flags to the families and to look at their faces. You feel the emotion of the moment, and words just struggle, at this point, to say thank you.

**Remarks by Senator BRYANT**

Mr. PRESIDENT and members of the Senate, Ms. Futrill gave her flesh and her blood to protect our freedom. This open debate that we have here every day, the free elections that we have would not be possible if not for her son, Raphael, and others who have put themselves in harm’s way to protect this democracy that we have. Ms. Futrill, we are eternally grateful. Thank you, Mr. PRESIDENT.

**Remarks by Senator MATTHEWS**

Thank you, Mr. PRESIDENT, fellow members of the Senate and to the families that we honor today. I certainly share in your pain and understand what you’re going through. I have three sons in military service. Two of them are now in Afghanistan, and one of them came home safely two weeks ago. So, I personally understand the nights of tears and the nights of wondering. But I can honestly say to you, to die for one’s country is the greatest honor that you can give back to your fellow man.

So, today we honor you for your ultimate sacrifices and your everlasting pain. In the final analysis, as it was said at the luncheon today, sometimes we don’t understand when we’re faced with such dreadful tragedies. But what we must understand is that there is a time for all of us. And I truly believe that it was a God-given time for each of our fallen heroes. So*,* I say to you, hold your chins up, be proud, live a positive life, and all of us together can make this State a better *S*tate for all of us that are still here.

Thank you.

**Remarks by the PRESIDENT**

Ladies and Gentleman, we are glad you are here today. Our State has had many patriots for many, many years who have fought and died for our country. I know today is a very difficult time for each and every one of you. Your sons and daughters have paid the ultimate sacrifice. But they answered a calling higher than their own and we appreciate what each and every one did for us. So today, I would say today is about a joyous occasion. Remember a fond memory in which you have spent time with them during their lives. Today we are doing this to honor them and to thank them and you as a part of their family for giving the ultimate sacrifice because you gave, too. So I say to all of you--put a little smile on and think about the wonderful memories you have with each one of those loved ones and, again, God bless each and every one of you. We are thinking about you.

On motion of Senator THOMAS, with unanimous consent, the remarks of Senators KNOTTS, PEELER, ALEXANDER, McCONNELL, BRYANT, MATTHEWS and the PRESIDENT were ordered printed in the Journal.

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

**READ THE THIRD TIME, SENT TO THE HOUSE**

S. 1130 -- Senator Grooms: A BILL TO AMEND SECTION 50‑15‑65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ALLIGATOR MANAGEMENT PROGRAM AND CONDITIONS UNDER WHICH ALLIGATORS MAY BE HUNTED OR TAKEN, SO AS TO PROHIBIT A DEPREDATION PERMIT HOLDER TO SELL, BARTER, OR TRADE THE PRIVILEGE TO TAKE AN ALLIGATOR; TO AMEND SECTION 50‑9‑20, AS AMENDED, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, PERMITS, STAMPS, AND TAGS, SO AS TO FURTHER SPECIFY THESE DURATIONAL REQUIREMENTS; TO AMEND SECTION 50‑9‑30, RELATING TO THE REQUIREMENTS FOR OBTAINING A RESIDENT HUNTING OR FISHING LICENSE, SO AS TO FURTHER SPECIFY RESIDENCY REQUIREMENTS; TO AMEND SECTION 50‑9‑920, RELATING TO THE DEPOSITING OF REVENUE GENERATED BY THE SALE OF LICENSES INTO CERTAIN FUNDS, SO AS TO CHANGE THE NAME OF THE GAME PROTECTION FUND TO THE FISH AND WILDLIFE PROTECTION FUND AND TO PROVIDE THAT REVENUE GENERATED FROM APPLICATION FEES, PERMITS, AND TAGS FOR THE PRIVILEGE OF TAKING ALLIGATORS MUST BE USED TO SUPPORT THE ALLIGATOR MANAGEMENT PROGRAM; AND BY ADDING ARTICLE 6 TO CHAPTER 9, TITLE 50 SO AS TO PROVIDE APPLICATION REQUIREMENTS AND FEES FOR THE PRIVILEGE OF TAKING ALLIGATORS.

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

**Motion Under Rule 26B**

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

There was no objection.

Senators CROMER and BRIGHT proposed the following amendment (1130R001.RWC), which was tabled:

Amend the bill, as and if amended, page 6, by striking lines 29 - 32 and inserting:

/ (3) A nonresident sixteen years of age or older who hunts alligators under any alligator management program must pay a nonresident alligator hunting fee of one hundred dollars, four dollars of which may be retained by the issuing sales vendor. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

Senators HUTTO and CAMPSEN spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Rose Ryberg

Scott Setzler Sheheen

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright

**Total--1**

The amendment was laid on the table.

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**AMENDED, READ THE THIRD TIME**

**SENT TO THE HOUSE**

S. 850 -- Senator McGill: A BILL TO AMEND SECTION 12‑6‑5060 OF THE 1976 CODE, RELATING TO THE DESIGNATION ON AN INCOME TAX RETURN OF A VOLUNTARY CONTRIBUTION TO CERTAIN FUNDS, TO PROVIDE THAT A TAXPAYER MAY CONTRIBUTE TO THE SOUTH CAROLINA FORESTRY COMMISSION FOR USE IN THE STATE FOREST SYSTEM.

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

**Motion Under Rule 26B**

Senator LAND asked unanimous consent to make a motion to take up a further amendment pursuant to the provisions of Rule 26B.

There was no objection.

Senators LAND and McGILL proposed the following amendment (850DNR), which was adopted:

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

/ use in the state forest system, the South Carolina Department of Natural Resources for use in its programs and operations, K‑12 public education for use in the /

Renumber sections to conform.

Amend title to conform.

Senator LAND explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**READ THE THIRD TIME, SENT TO THE HOUSE**

S. 1174 -- Senators Leatherman, O’Dell and Setzler: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2009; TO ADOPT THE PROVISIONS OF PUBLIC LAW 111‑126 RELATING TO THE TIMING OF DEDUCTIONS FOR CHARITABLE CONTRIBUTIONS FOR HAITI RELIEF; TO AMEND SECTION 12‑6‑50, AS AMENDED, RELATING TO PROVISIONS OF THE INTERNAL REVENUE CODE NOT ADOPTED BY STATE LAW, SO AS TO ADD PROVISIONS TO THOSE NOT ADOPTED; TO AMEND SECTION 12‑6‑3910, AS AMENDED, RELATING TO ESTIMATED STATE INCOME PAYMENTS, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO WAIVE PENALTIES ON CORPORATE TAXPAYERS WHO CALCULATE SOUTH CAROLINA ESTIMATED TAX PAYMENTS BASED ON FEDERAL ESTIMATED TAX PERIODS THAT DO NOT CONFORM TO STATE LAW; AND TO AMEND ACT 110 OF 2007 AND ACT 16 OF 2009, RELATING TO MISCELLANEOUS REVENUE PROVISIONS AND CONFORMITY OF STATE INCOME TAX LAW TO THE INTERNAL REVENUE CODE, SO AS TO DELETE OBSOLETE PROVISIONS.

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

Senator BRIGHT moved to waive the provisions of Rule 26B and take up an amendment for immediate consideration.

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

**Ayes 13; Nays 28**

**AYES**

Bright Bryant Campsen

Davis Ford Grooms

Malloy *Martin, Shane* Massey

Mulvaney Rose Ryberg

Verdin

**Total--13**

**NAYS**

Alexander Anderson Campbell

Cleary Coleman Courson

Fair Hayes Hutto

Knotts Land Leatherman

Leventis Lourie *Martin, Larry*

Matthews McConnell McGill

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Scott Setzler Sheheen

Williams

**Total--28**

Having failed to receive the necessary vote, the motion under Rule 26B failed and the amendment was not taken up for consideration.

The Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**S. 1174--Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the third reading of the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1137 -- Senators Fair and L. Martin: A BILL TO AMEND SECTION 44‑53‑398, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MONITORING THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE, SO AS TO ALSO MONITOR PHENYLPROPANOLAMINE AND THE SALE AND PURCHASE OF THESE PRODUCTS, TO MAKE IT ILLEGAL TO PURCHASE THESE PRODUCTS, TO PROVIDE THAT INFORMATION GATHERED FROM THE PURCHASER AT THE TIME OF THE SALE OF THESE PRODUCTS MUST BE ENTERED IN AN ELECTRONIC LOG, RATHER THAN A WRITTEN LOG, TO PROVIDE THAT THE INFORMATION MUST BE TRANSMITTED TO A CENTRAL DATA COLLECTION SYSTEM THAT WILL SUBMIT THIS INFORMATION TO SLED WHICH WILL MAINTAIN THIS INFORMATION TO ASSIST LAW ENFORCEMENT IN MONITORING THESE SALES AND PURCHASES, AND TO PROVIDE THAT A RETAILER OF THESE PRODUCTS MAY APPLY TO THE BOARD OF PHARMACY FOR AN EXEMPTION FROM THE ELECTRONIC LOG REQUIREMENT; AND BY ADDING CHAPTER 14 TO TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL SERVE AS THE REPOSITORY FOR INFORMATION THE CENTRAL DATA COLLECTION GATHERS AND TRANSFERS TO SLED PERTAINING TO THE SALE AND PURCHASE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

The Committee on Medical Affairs proposed the following amendment (NBD\12018AC10), which was adopted:

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

/SECTION 1. Section 44‑53‑398 of the 1976 Code, as added by Act 275 of 2006, is amended to read:

“Section 44‑53‑398. (A) Nonprescription products whose sole active ingredient is ephedrine ~~or~~, pseudoephedrine, or phenylpropanolamine may be offered for retail sale only if sold in blister packaging. The retailer shall ensure that such products are not offered for retail sale by self‑service~~,~~ but only from behind a counter or other barrier so that such products are not directly accessible by the public but only by an employee or agent of the retailer.

(B)(1) A retailer may not ~~in any single over the counter sale~~ sell ~~more than three packages of any~~ to an individual in any single day a nonprescription product or a combination of nonprescription products containing more than 3.6 grams of ephedrine ~~or~~, pseudoephedrine ~~as the sole active ingredient or in combination with other active ingredients or any number of packages that contain a combined total of more than nine grams of ephedrine or pseudoephedrine base and shall ensure that the product is delivered directly into the custody of the purchaser~~ , or phenylpropanolamine; and a retailer may not sell to an individual in a thirty‑day period a nonprescription product or a combination of nonprescription products containing more than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

(2) An individual may not purchase in any single day a nonprescription product or a combination of nonprescription products containing more than 3.6 grams of ephedrine, pseudoephedrine, or phenylpropanolamine; and an individual may not purchase in a thirty‑day period a nonprescription product or a combination of nonprescription products containing more than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine.

(C) It is unlawful for a retailer to purchase any product containing ephedrine ~~or~~, pseudoephedrine, or phenylpropanolamine from any person or entity other than a manufacturer or a wholesale distributor registered by the United States Drug Enforcement Administration.

(D)(1) A retailer selling nonprescription products containing ephedrine ~~or~~ , pseudoephedrine, or phenylpropanolamine ~~pursuant to subsection (A)~~ shall require the purchaser to produce a government issued photo identification showing the date of birth of the person and require the purchaser to sign ~~a written or~~ an electronic log showing the date and time of the transaction, the person’s name and address, the type, issuing governmental entity, identification number, and the amount of the compound, mixture, or preparation. The retailer shall determine that the name entered in the log corresponds to the name on the identification and that the date and time entered are correct and shall enter in the log the name of the product and the quantity sold. The retailer shall ensure that the product is delivered directly into the custody of that purchaser. The log must include a notice to purchasers that entering false statements or misrepresentations in the ~~logbook~~ log may subject the purchaser to criminal penalties. ~~The retailer shall retain this log for two years after which the log may be destroyed. The log must be made available for inspection within twenty‑four hours of a request made by a local, state, or federal law enforcement officer.~~

(2) Before completing a sale of a product regulated by this section, the retailer electronically shall transmit the information entered in the log to a data collection system provided by the National Association of Drug Diversion Investigators, or a successor or similar entity. The system must collect this data in real time and generate a stop sale alert if the sale would result in a violation of subsection (B) or a federal quantity restriction, which must be assessed on the basis of sales or purchases made in any state to the extent that information is available in the data collection system. If the retailer receives a stop sale alert, the retailer must not complete the sale unless the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert. A product regulated by this section may not be sold without being reported to the data collection system unless the system is experiencing temporary technical difficulties that prevent a retailer from reporting the information to the system, and in that case, the retailer shall enter the necessary information in a written log, which must subsequently be entered into the electronic log within three business days of each business day that the electronic log was not operational. A retailer using a written log under these circumstances is immune from liability during the time the system is temporarily disabled.

(3) ~~A log~~ Any information entered in the electronic log that is retained by a retailer, or information maintained by a retailer pursuant to subsection (J)(2), is confidential and not a public record as defined in Section 30‑4‑20(C) of the Freedom of Information Act. A retailer or an employee or agent of a retailer who in good faith releases information in a log to federal, state, or local law enforcement authorities is immune from civil liability for the release unless the release constitutes gross negligence or intentional, wanton, or wilful misrepresentation.

(E) Except as authorized by this section, it is unlawful for any person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute, any substance containing any amount of ephedrine, pseudoephedrine, or phenylpropanolamine or any of ~~its~~ their salts, optical isomers, or salts of optical isomers which have been altered from their original condition so as to be powdered, liquefied, dissolved, solvated, or crushed. This subsection does not apply to any of the substances identified within this subsection which are possessed or altered for a legitimate medical purpose as directed by a person licensed under Title 40 and authorized to prescribe legend drugs.

(F) It is unlawful for a person to enter false statements or misrepresentations on the log required pursuant to subsection (D)(1).

(G) This section preempts all local ordinances or regulations governing the retail sale or purchase of ~~over the counter~~ nonprescription products containing ephedrine ~~or~~, pseudoephedrine, or phenylpropanolamine ~~by a retailer~~ except such local ordinances or regulations that existed on or before December 31, 2004.

(H)(1) Except as otherwise provided in this section, it is unlawful for a retailer knowingly to violate subsection (A), (B)(1), (C), ~~or~~ (D)(1), or (D)(2), and it is unlawful for a person knowingly to violate subsection (B)(2), (E), or (F).

(2) A retailer convicted of a violation of subsection (A) or (B)(1) is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than five thousand dollars and, upon conviction for a second or subsequent offense, must be fined not more than ten thousand dollars.

(3) A retailer convicted of a violation of subsection (C) is guilty of a misdemeanor and, upon conviction for a first offense, ~~is guilty of a misdemeanor and~~ must be imprisoned not more than one year or fined not more than one thousand dollars, or both~~;~~ and , upon conviction for a second or subsequent offense, ~~is guilty of a misdemeanor and~~ must be imprisoned not more than three years or fined not more than five thousand dollars, or both.

(4) A retailer convicted of a violation of subsection (D)(1), (D)(2), or (J) (2) is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than one thousand dollars and not less than five hundred dollars. Upon conviction for a second offense, a retailer must be fined not more than five thousand dollars and not less than one thousand dollars. Upon conviction for a third or subsequent offense, a person must be fined not more than ten thousand dollars and not less than five thousand dollars.

(5) A person convicted of a violation of subsection (B)(2) or (E) is guilty of a felony and, upon conviction for a first offense, must be imprisoned not more than five years and fined not more than five thousand dollars. The court, upon approval from the solicitor, may request as part of the sentence, that the offender enter and successfully complete a drug treatment program. For a second or subsequent offense, the offender is guilty of a felony and, upon conviction, must be imprisoned not more than ten years or fined not less than ten thousand dollars.

(6) A person convicted of a violation of subsection (F), upon conviction for a first offense, is guilty of a misdemeanor and must be fined not more than one thousand dollars and, upon conviction for a second or subsequent offense, is guilty of a felony and must be fined not more than five thousand dollars.

(7) It is an affirmative defense to a violation of subsection (A), (C), or (D)(1) if a retailer provided the training, maintained records, and obtained employee and agent statements of agreement required by subsection (I) for all employees and agents at the retail location where the violation occurred and at the time the violation occurred.

(8) It is an affirmative defense to completing a sale following receipt of a stop sale alert received pursuant to subsection (D)(2) if the retailer, upon notifying the purchaser the sale cannot be completed, reasonably fears bodily harm if he denies the sale due to the stop sale alert.

(I) A retailer shall provide training on the requirements of this section to all agents and employees who are responsible for delivering the products regulated by this section into the custody of purchasers or who deal directly with purchasers by obtaining payments for the products. A retailer shall obtain a signed, written agreement from each employee or agent that the employee or agent agrees to comply with the requirements of this section. The retailer shall maintain records demonstrating that these employees and agents have been provided this training and the documents executed by the retailer’s employees and agents agreeing to comply with this section.

(J)(1) The following are exempt from the electronic log requirements of this section but shall maintain a written log containing the information required to be entered in the electronic log, as provided for in subsection (D)(1):

(a) a retailer that only sells single dose packages of nonprescription ephedrine, pseudoephedrine, or phenylpropanolamine;

(b) a pharmacy that does not have a compatible point of sale system.

(2) A retailer who maintains a written log pursuant to this subsection shall retain the written log for two years after which the log may be destroyed. The log must be made available for inspection within twenty‑four hours of a request made by a local, state, or federal law enforcement officer.

(3) A retailer who violates the requirements of maintaining a written log as provided for in subsection (J)(2) is subject to the penalties provided for in subsection (H)(4).

(K) The sheriff or chief of police shall monitor and determine if retailers, other than licensed pharmacies, are in compliance with the provisions of this section by ensuring that a retailer:

(1) is entering all sales of a product regulated by this section in an electronic log as required by this section;

(2) if not maintaining an electronic log, is exempt as provided for in subsection (J)(1), and is continuing to maintain the written log as provided for in subsection (J);

(3) is not selling products regulated by this section.

(L) This section does not apply to:

(1) pediatric products labeled pursuant to federal regulation as primarily intended for administration to children under twelve years of age according to label instructions; and

(2) products that the Board of Pharmacy, upon application of a manufacturer, exempts because the product is formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine or its salts or precursors;

(3) a purchase of a single sales package containing not more than sixty milligrams of pseudoephedrine.

~~(K)~~(M) For purposes of this section ‘retailer’ means a retail distributor, including a pharmacy, where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale and does not include an employee or agent of a retailer.”

SECTION 2. Chapter 3, Title 23 of the 1976 Code is amended by adding:

“CHAPTER 14

Electronic Monitoring System

Section 23‑3‑1200. (A) The State Law Enforcement Division (SLED) shall serve as the statewide, central repository for log information submitted electronically in real time to the data collection system pursuant to Section 44‑53‑398(D)(2) and transferred to SLED in order to monitor the sales and purchases of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine. SLED shall maintain the information received from the data collection system in SLED’s electronic monitoring system and must not be charged any vendor or other fees associated with the requirements of this chapter.

(B) The data collection system upon which SLED’s electronic monitoring system is based must have the capability to:

(1) calculate state and federal sales and purchase limitations for ephedrine, pseudoephedrine, and phenylpropanolamine;

(2) match similar purchaser identification information;

(3) alert retailers of potential illegal sales and purchases;

(4) allow a retailer to override an alert of a potential illegal sale or purchase;

(5) receive ephedrine, pseudoephedrine, and phenylpropanolamine sales data from retailers in the format in which the date was submitted so that retailers are not required to use any one particular vendor’s product to comply with the requirements of this section and Section 44‑53‑398(D)(2);

(6) interface with existing and future operational systems used by pharmacies at no cost to these pharmacies.

(C) The data transmitted to the data collection system must be recorded in real time and the storage of this data must be housed by an information technology company operating under strict security standards that only may be accessed by local, state, or federal law enforcement authorized by SLED.

(D)(1) No fee may be charged to retailers for access to the data collection system to which information is required to be transmitted pursuant to Section 44‑53‑398(D)(2), and no other fee or assessment may be imposed on retailers to fund program operations.

(2) No fee may be charged to local, state, or federal law enforcement officers or entities for access to or retention, analysis, or use of information in the system concerning sales and purchases of nonprescription ephedrine, pseudoephedrine, and phenylpropanolamine that violate or potentially violate subsection 44‑53‑398(B)(1) or (2).

(E) The information in SLED’s electronic monitoring system is confidential and not a public record as defined in Section 30‑4‑20(C) of the Freedom of Information Act. SLED only shall provide access to information maintained in the monitoring system to:

(1) a local, state, or federal law enforcement official, a state attorney, or a United States attorney;

(2) a local, state, or federal official who requests access to the monitoring system for the purpose of facilitating a product recall necessary for the protection of the public health and safety; and

(3) the Board of Pharmacy for the purpose of investigating misconduct or a suspicious transaction committed by a retailer, a pharmacist, or an employee or agent of a pharmacy.

(F) For purposes of this section ‘retailer’ means a retail distributor, including a pharmacy, where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale and does not include an employee or agent of a retailer.

(G) The division shall promulgate regulations necessary to carry out its responsibilities under this section.

(H) Nothing in this chapter prohibits SLED or any retailer from participating in other data submission, collection, or monitoring systems that monitor the sales and purchases of nonprescription products containing ephedrine, pseudoephedrine, or phenylpropanolamine.”

SECTION 3. Before January 1, 2011, the State Law Enforcement Division (SLED) shall enter into a memorandum of agreement with the National Association of Drug Diversion Investigators (NADDI), or a successor or other entity, to identify the roles and responsibilities of SLED and NADDI, or a successor or other entity, in carrying out the collection of sales and purchase data of ephedrine, pseudoephedrine, or phenylpropanolamine products and the transference of this information to the State Law Enforcement Division as provided for in this act.

SECTION 4. The electronic logbook, central data collection system, and the State Law Enforcement Division electronic monitoring system required pursuant to Section 44‑53‑398 of the 1976 Code, as amended in Section 1 of this act, and Section 23‑3‑1200, as added by Section 2 of this act, must be implemented before January 1, 2011, and take effect upon this implementation.

SECTION 5. Except as otherwise provided for in this act, this act takes effect July 1, 2010./

Senator BRYANT 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.

**MINORITY REPORT REMOVED, AMENDED**

**COMMITTEE AMENDMENT WITHDRAWN**

**CARRIED OVER**

S. 812 -- Senators S. Martin, Shoopman, Grooms, Bryant, Bright, Davis and Rose: A BILL TO AMEND SECTION 59‑63‑480 OF THE 1976 CODE, RELATING TO ATTENDANCE IN SCHOOLS OF AN ADJACENT COUNTY, TO PROVIDE THAT THE PARENT OR LEGAL GUARDIAN OF THE STUDENT MUST ARRANGE FOR THE STUDENT TO ATTEND THE SCHOOL IN THE ADJACENT COUNTY RATHER THAN THE SCHOOL AUTHORITIES IN THE CHILD’S COUNTY OF RESIDENCE; TO AMEND SECTION 59‑63‑490, TO PROVIDE THAT THE SCHOOL BOARD OF TRUSTEES FOR THE SCHOOL DISTRICT IN WHICH A CHILD RESIDES MAY NOT PREVENT A STUDENT FROM TRANSFERRING TO AN ADJACENT SCHOOL DISTRICT IF THE RECEIVING SCHOOL DISTRICT APPROVES THE TRANSFER; AND TO REPEAL SECTIONS 59‑63‑500 AND 59‑63‑510.

Senator MATTHEWS asked unanimous consent to remove his name from the minority report.

There was no objection.

The minority report was removed and proper notation was made on the Bill.

Senator SHANE MARTIN proposed the following amendment (BBM\9628BH10), which was adopted:

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

/ SECTION 1. Section 59‑63‑480 of the 1976 Code is amended to read:

“Section 59‑63‑480. (A) If ~~school children~~ a nonresident child in one county ~~reside closer to schools~~ resides in an adjacent county, ~~they~~ he may attend ~~such~~ the schools ~~upon the school authorities~~ ~~of the county of their residence arranging with the~~ in the adjacent county if the person responsible for educating the child receives approval for admission from school officials of the adjacent county ~~for such admission~~ and ~~upon~~ payment is made pursuant to Section 59‑63‑45 ~~of appropriate charges as herein authorized~~. The ~~board of trustees in the school district in which the pupils reside~~ person responsible for educating a nonresident child that would like to attend school in an adjacent county pursuant to this section shall make written application ~~through its county board of education~~ to the board of trustees of the district in which the school is located for the admission of ~~such children~~ the child, giving full information as to ~~ages~~ age, residence, and school attainment~~,~~. ~~and the~~ The board of trustees in the school district~~,~~ agreeing to accept ~~such pupils~~ the child~~,~~ shall give a written statement of agreement. Upon receipt of ~~such~~ the application, the board of trustees of the school ~~and its county board of education~~ shall determine the amount of the payment required by Section 59‑63‑45 ~~monthly per pupil cost of all overhead expenses of the school, which will include all expenses of the school not paid by the State~~. ~~Upon~~ The child shall be admitted to the schools of the adjacent county upon proper arrangement being made for the payment ~~monthly of such~~ required by Section 59‑63‑45. ~~for each such child the same shall be admitted to the schools of the adjacent county.~~

(B) The board of trustees in the school district in which the school is located may waive all or a portion of the payment required by Section 59‑63‑45.”

SECTION 2. Section 59‑63‑490 of the 1976 Code is amended to read:

“Section 59‑63‑490. (A) When it ~~shall so happen that any~~ a person is ~~so situated as to be~~ better accommodated at the school of an adjoining school district, whether special or otherwise, the board of trustees of the school district in which ~~such~~ the person resides may, with the consent of the board of trustees of the school district in which ~~such~~ the school is located, transfer ~~such~~ the person for education to the school district in which ~~such~~ the school is located, and the trustees of the school district in which the school is located shall receive ~~such~~ the person into the school as though he resided within the district.

(B) The trustees of a school district who knowingly permit the enrollment of pupils who have been transferred without the consent of the trustees of the district wherein the pupils reside are guilty of a misdemeanor and, upon conviction, shall pay a fine not exceeding twenty‑five dollars or be imprisoned not more than thirty days.

(C) When a transfer of pupils from one district to another is sought and the trustees of the latter district unreasonably or capriciously withhold their consent, the county board of education of the county in which the districts are located may, after hearing, make the transfer, but only on condition that each pupil so transferred pay the payment required by Section 59-63-45.”

SECTION 3. Section 59‑63‑500 of the 1976 Code, relating to transfer without consent of school district of residence, and Section 59‑63‑510 of the 1976 Code, relating to the county board of education authorized to order a student transfer, are repealed.

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

The amendment was adopted.

The Committee on Education proposed the following amendment (812R001.SRM), which was withdrawn:

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

/ SECTION 1. Section 59‑63‑480 of the 1976 Code is amended to read:

“Section 59‑63‑480. (A) If ~~school children~~ a nonresident child in one county ~~reside~~ resides closer to appropriate schools in an adjacent county, ~~they~~ he may attend ~~such~~ the schools ~~upon the school authorities~~ ~~of the county of their residence arranging with the~~ in the adjacent county if the person responsible for educating the child receives approval for admission from school officials of the adjacent county ~~for such admission~~ and ~~upon~~ payment is made pursuant to Section 59-63-45 ~~of appropriate charges as herein authorized~~. The ~~board of trustees in the school district in which the pupils reside~~ person responsible for educating a nonresident child that would like to attend school in an adjacent county pursuant to this section shall make written application ~~through its county board of education~~ to the board of trustees of the district in which the school is located for the admission of ~~such children~~ the child, giving full information as to ~~ages~~ age, residence, and school attainment~~,~~. ~~and the~~ The board of trustees in the school district~~,~~ agreeing to accept ~~such pupils~~ the child~~,~~ shall give a written statement of agreement. Upon receipt of ~~such~~ the application, the board of trustees of the school ~~and its county board of education~~ shall determine the amount of the payment required by Section 59-63-45 ~~monthly per pupil cost of all overhead expenses of the school, which will include all expenses of the school not paid by the State~~. ~~Upon~~ The child shall be admitted to the schools of the adjacent county upon proper arrangement being made for the payment ~~monthly~~ of ~~such~~ required by Section 59-63-45. ~~for each such child the same shall be admitted to the schools of the adjacent county.~~

(B) The board of trustees in the school district in which the school is located may waive all or a portion of the payment required by Section 59-63-45.”

Renumber sections to conform.

Amend title to conform.

Senator HAYES asked unanimous consent to withdraw the amendment proposed by the Committee on Education.

There was no objection and the committee amendment was withdrawn.

On motion of Senator MALLOY, the Bill was carried over, as amended.

**CARRIED OVER**

H. 3170 -- Reps. Gunn, Wylie, Hart, Loftis, R.L. Brown, Whipper and King: A JOINT RESOLUTION TO CREATE THE JOINT ELECTRONIC HEALTH INFORMATION STUDY COMMITTEE TO EXAMINE THE FEASIBILITY OF INCREASING THE USE OF HEALTH INFORMATION TECHNOLOGY AND ELECTRONIC PERSONAL HEALTH RECORDS, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY BEFORE JANUARY 1, 2010, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

The Senate proceeded to a consideration of the Joint Resolution, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

Senator FAIR explained the committee amendment.

On motion of Senator SETZLER, the Joint Resolution was carried over.

**OBJECTION**

H. 3222 -- Reps. Bedingfield, Gullick, Erickson, Crawford, Duncan, Allison, Ballentine, Cato, Forrester, Hamilton, Harrell, Harrison, Horne, Kelly, Littlejohn, Millwood, Nanney, E.H. Pitts, M.A. Pitts, Rice, D.C. Smith, G.R. Smith, J.R. Smith, Stringer, A.D. Young, T.R. Young, Daning, Owens, Umphlett, Wylie, Parker and Clemmons: A CONCURRENT RESOLUTION MEMORIALIZING THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO OPPOSE LEGISLATION THAT DISENFRANCHISES SOUTH CAROLINA WORKERS BY REMOVING THEIR RIGHT TO A PRIVATE BALLOT UNION ELECTION.

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

Senator HUTTO objected.

**COMMITTED TO THE LOCAL COUNTY DELEGATION**

S. 757 -- Senator Peeler: A BILL TO AMEND ACT 587 OF 1992, AS AMENDED, RELATING TO THE DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES OF CHEROKEE COUNTY SCHOOL DISTRICT 1 ARE TO BE ELECTED, SO AS TO PROVIDE THAT MEMBERS MUST BE ELECTED FROM REVISED SINGLE‑MEMBER DISTRICTS; TO REDESIGNATE A MAP NUMBER ON WHICH THESE DISTRICTS ARE DESIGNATED; AND TO CHANGE THE BOUNDARIES OF THE CHEROKEE COUNTY SCHOOL DISTRICT 1 AND THE BOUNDARIES OF SPARTANBURG SCHOOL DISTRICT NO. 2 TO MAKE THE TWO BOUNDARIES OF THE DISTRICTS COTERMINOUS WITH THE COUNTY BOUNDARIES OF CHEROKEE AND SPARTANBURG COUNTY.

Senator PEELER asked to commit the Bill to the local Cherokee County Delegation.

There was no objection and the Bill was committed to the local delegation.

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

**MADE SPECIAL ORDER**

S. 2 -- Senators McConnell, Peeler, Leatherman, Sheheen, Rose, Courson, Elliott, Massey, Hayes, Davis, Bright and L. Martin: A BILL TO AMEND SECTION 11‑11‑410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IMPLEMENTATION OF THE LIMIT ON STATE SPENDING IMPOSED PURSUANT TO SECTION 7(C), ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, SO AS TO REVISE THIS LIMIT BY IMPOSING AN ANNUAL LIMIT ON THE APPROPRIATION OF STATE GENERAL FUND REVENUES BY ADJUSTING SUCH REVENUES BY A ROLLING TEN‑YEAR AVERAGE IN ANNUAL CHANGES IN GENERAL FUND REVENUES AND THE CREATION OF A SEPARATE BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT, THE REVENUES OF WHICH MUCH FIRST BE USED TO STABILIZE GENERAL FUND REVENUES AVAILABLE FOR APPROPRIATION, TO DEFINE EMERGENCIES AND TO PROVIDE FOR SUSPENSION OF THIS APPROPRIATIONS LIMIT IN EMERGENCIES, TO PROVIDE THAT A CASH BALANCE IN THE BUDGET STABILIZATION FUND IN EXCESS OF FIFTEEN PERCENT OF GENERAL FUND REVENUES OF THE MOST RECENT COMPLETED FISCAL YEAR MAY BE APPROPRIATED IN SEPARATE LEGISLATION FOR VARIOUS NONRECURRING PURPOSES, AND TO DEFINE SURPLUS GENERAL FUND REVENUES.

Senator LARRY MARTIN moved to make the Bill a Special Order.

The Bill was made a Special Order.

**Statement by Senators BRYANT, VERDIN, SHANE MARTIN ROSE and BRIGHT**

We voted against setting S. 2 for Special Order because we wanted to take up H. 3245, a Bill that requires a 24-hour waiting period before an abortion in order to save unborn lives, before we take up spending limits.

**RECOMMITTED, RETAINING PLACE ON CALENDAR**

S. 2 -- Senators McConnell, Peeler, Leatherman, Sheheen, Rose, Courson, Elliott, Massey, Hayes, Davis, Bright and L. Martin: A BILL TO AMEND SECTION 11‑11‑410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IMPLEMENTATION OF THE LIMIT ON STATE SPENDING IMPOSED PURSUANT TO SECTION 7(C), ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, SO AS TO REVISE THIS LIMIT BY IMPOSING AN ANNUAL LIMIT ON THE APPROPRIATION OF STATE GENERAL FUND REVENUES BY ADJUSTING SUCH REVENUES BY A ROLLING TEN‑YEAR AVERAGE IN ANNUAL CHANGES IN GENERAL FUND REVENUES AND THE CREATION OF A SEPARATE BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT, THE REVENUES OF WHICH MUCH FIRST BE USED TO STABILIZE GENERAL FUND REVENUES AVAILABLE FOR APPROPRIATION, TO DEFINE EMERGENCIES AND TO PROVIDE FOR SUSPENSION OF THIS APPROPRIATIONS LIMIT IN EMERGENCIES, TO PROVIDE THAT A CASH BALANCE IN THE BUDGET STABILIZATION FUND IN EXCESS OF FIFTEEN PERCENT OF GENERAL FUND REVENUES OF THE MOST RECENT COMPLETED FISCAL YEAR MAY BE APPROPRIATED IN SEPARATE LEGISLATION FOR VARIOUS NONRECURRING PURPOSES, AND TO DEFINE SURPLUS GENERAL FUND REVENUES.

Senator McCONNELL asked unanimous consent to make a motion to recommit the Bill to the Committee on Finance, retaining its place on the Calendar in the category of Special Order, to be returned to the Calendar not later than March 17, 2010.

There was no objection and the Bill was committed to the Committee on Finance, retaining its place on the Calendar in the category of Special Order, to be returned to the Calendar not later than March 17, 2010.

**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.**

**CARRIED OVER**

S. 191 -- Senators McConnell, Malloy, Campsen, Sheheen, Rose, Campbell and Knotts: A BILL TO ENACT THE SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2009, SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 20‑7‑8305, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 20‑7‑8320, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT THE JUVENILE MUST BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑19‑110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑13‑710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑13‑720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑13‑1330, RELATING TO A COURT INMATE’S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑21‑410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24‑21‑430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24‑21‑560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24‑21‑640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24‑21‑645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

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

**NONCONCURRENCE**

H. 3395 -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A.D. Young, Edge, Bedingfield, J.R. Smith, G.R. Smith, D.C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E.H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T.R. Young and Wylie: A BILL TO AMEND SECTION 11‑11‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE OF REPLENISHMENT OF THAT AMOUNT.

The House returned the Bill with amendments.

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

**NONCONCURRENCE**

H. 3396 -- Reps. Harrell, Thompson, Scott, Cooper, Erickson, Bingham, A.D. Young, Edge, J.R. Smith, G.R. Smith, Bedingfield, Whitmire, Hiott, D.C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Horne, Long, Nanney, Parker, E.H. Pitts, Rice, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T.R. Young and Wylie: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND.

The House returned the Resolution with amendments.

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

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

**READ THE THIRD TIME, RETURNED TO THE HOUSE**

**WITH AMENDMENTS**

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 TO PROPOSE AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE RIGHT OF SUFFRAGE, BY ADDING SECTION 12 SO AS TO GUARANTEE THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR A DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION.

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

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

**Ayes 33; Nays 9**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Grooms Hayes Knotts

Leatherman Lourie *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Rankin

Rose Ryberg Setzler

Thomas Verdin Williams

**Total--33**

**NAYS**

Anderson Ford Hutto

Land Leventis Malloy

Matthews Pinckney Scott

**Total--9**

There being no further amendments, the Joint Resolution was read the third time, passed and ordered returned to the House of Representatives with amendments.

Senator MALLOY spoke on the Joint Resolution.

**Statement by Senators LAND, LEVENTIS, MATTHEWS, FORD HUTTO, ANDERSON, PINCKNEY, MALLOY**

**and SCOTT**

We have strongly held and sincere objections to H.3305. Two unbiased and objective experts who spoke during the Senate Judiciary subcommittee hearings said unambiguously that the proposed act is clearly unconstitutional under the principles of federal preemption. Given the clear unconstitutionality of the proposed act, the State will likely face a costly legal challenge at a critical time in our history. With the current economic and budget crisis, state government faces a shortfall of more than $500 million to fund public services and programs next fiscal year. The money the State of South Carolina will spend to defend this unconstitutional measure could better be used in public education to keep teachers in the classrooms, or in the Medicaid program to provide health care to our neediest residents, or in the disability programs to extend services to our most vulnerable citizens.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**DEBATE INTERRUPTED**

S. 1054 -- Senators Pinckney and Malloy: A BILL TO AMEND CHAPTER 1, TITLE 4 OF THE 1976 CODE, RELATING TO EXTRAORDINARY COMMERCIAL FACILITIES, BY ADDING SECTION 4‑1‑180 TO ALLOW COUNTIES THAT CREATE A MULTICOUNTY BUSINESS PARK TO DESIGNATE A PORTION OR ALL OF THAT PARK AS A DESIGNATED ECONOMIC DEVELOPMENT SITE FOR EXTRAORDINARY COMMERCIAL FACILITIES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Finance.

Senator PINCKNEY explained the committee amendment.

**PRESIDENT *Pro Tempore* PRESIDES**

At 4:17 P.M., Senator McCONNELL assumed the Chair.

Senator PINCKNEY explained the committee amendment.

**Objection**

With Senator PINCKNEY retaining the floor, Senator LARRY MARTIN asked unanimous consent to make a motion that the Senate stand adjourned.

Senator SHANE MARTIN objected.

Senator PINCKNEY explained the committee amendment.

Senator PINCKNEY moved that the Senate stand adjourned and asked unanimous consent to retain the floor.

There was no objection and, on motion of Senator PINCKNEY, debate was interrupted by adjournment, with Senator Pinckney retaining the floor.

**LOCAL APPOINTMENTS**

**Confirmations**

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

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Derrick F. Dash, P. O. Box 119, Elloree, SC 29047

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Rita W. Brown, Orangeburg County Magistrate Court, P. O. Box 387, Neeses, SC 29107

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Samuel A. Daily, Orangeburg County Magistrate Court, P. O. Box 9000, Orangeburg, SC 29116

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Peggy D. Doremus, 1951 Forest Drive, Orangeburg, SC 29118

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Jacob Gillens, Sr., Orangeburg County Magistrate Court, P. O. Box 154, Holly Hill, SC 29059

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

John Cecil Moore, 1110 Creek Mill Road, North, SC 29112

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Richard Murray, Orangeburg County Magistrate Court, P. O. Box 9000, Orangeburg, SC 29116

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Willie Robinson, Jr., 866 New Hope Road, Orangeburg, SC 29118

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Donald R. West, Orangeburg County Magistrate Court, P. O. Box 9000, Orangeburg, SC 29116

Reappointment, Orangeburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Meree D. Williamson, P. O. Box 310, Norway, SC 29113

**MOTION ADOPTED**

On motion of Senators SCOTT, LEVENTIS and HAYES, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Juanita Goggins of Rock Hill, S.C., South Carolina’s first black female lawmaker.

and

**MOTION ADOPTED**

On motion of Senator HAYES, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Frank L. Williams, Sr. of Rock Hill, S.C.

**ADJOURNMENT**

At 5:17 P.M., on motion of Senator PINCKNEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

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

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