**Thursday, March 18, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

Samuel said to the Lord’s people:

“ ‘… serve the Lord with all your heart.’ ” (I Samuel 12:20b)

Pray with me, please:

Gracious God, we note the fact that today is John C. Calhoun’s birthday. The gentleman whose portrait looms high above the President’s rostrum here in this Chamber was not known for public expressions of faith. Indeed, even on his deathbed Calhoun reportedly turned away the U.S. Senate Chaplain who had come to minister to him. Unlike John C. Calhoun, Lord, we warmly invite You to bless this body and to lead these who are Your servants. May each Senator and every staff member feel close to You in meaningful ways and may their good works be in themselves blessings for the people of this State. In Your name we pray, O 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, Allendale County Master-in-Equity, with the term to commence December 31, 2008, and to expire December 31, 2014

Walter H. Sanders, Jr., P. O. Box 840, Fairfax, SC 29827

Reappointment, Clarendon County Master-in-Equity, with the term to commence June 30, 2010, and to expire June 30, 2016

At-Large:

William C. Coffey, Jr., Coffey, Chandler, & Kent, P. A., 8 South Brooks Street, Manning, SC 29102

**Doctor of the Day**

Senator LARRY MARTIN introduced Dr. Larry R. Winn of Easley, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

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

S. 1167 Sen. Alexander

S. 1172 Sens. Knotts, Cromer

S. 1267 Sens. Alexander, Nicholson

**RECALLED**

H. 4698 -- Rep. J.R. Smith: A BILL TO AMEND SECTION 7‑7‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN AIKEN COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND REDESIGNATE A MAP NUMBER ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Senator McCONNELL asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1297 -- Senator Courson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR COLUMBIA CITY FIRE DEPARTMENT CHIEF WILLIAM BRADLEY ANDERSON, UPON THE OCCASION OF HIS RETIREMENT AFTER A LONG AND DISTINGUISHED CAREER AS A FIREFIGHTER, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1298 -- Senator McGill: A BILL TO AMEND SECTION 56-5-70 OF THE 1976 CODE, RELATING TO THE REGULATION OF TRAFFIC ON HIGHWAYS, TO PROVIDE GUIDELINES FOR RELIEF FROM REGULATIONS DURING TIMES OF EMERGENCY.

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

S. 1299 -- Senator Scott: A BILL TO AMEND SECTION 5-7-200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GROUNDS FOR FORFEITURE OF THE OFFICE OF MAYOR OR COUNCILMAN AND THE FILLING OF A VACANCY IN EITHER OFFICE, SO AS TO PROVIDE AN ADDITIONAL PERIOD OF TIME THAT MAY BE UTILIZED TO FILL A VACANCY IN EITHER OFFICE.

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Senator SCOTT spoke on the Bill.

Read the first time and, on motion of Senator SCOTT, with unanimous consent, S. 1299 was ordered placed on the Calendar without reference.

S. 1300 -- Senators Shoopman, Cromer, Davis, Grooms, Bryant, Campbell, Rose, Alexander, Verdin, Campsen, Bright, McConnell, Fair, Cleary and L. Martin: A BILL TO AMEND SECTION 14-7-845 OF THE 1976 CODE, RELATING TO POSTPONEMENT OF JURY SERVICE, TO PROVIDE THAT PUBLIC OR PRIVATE SCHOOL EMPLOYEES OR ANYONE RESPONSIBLE FOR THE EDUCATION OF A CHILD MAY REQUEST A POSTPONEMENT OF JURY SERVICE; AND TO AMEND SECTION 14-7-860, RELATING TO EXCUSE OF JURORS FOR GOOD CAUSE, TO MAKE TECHNICAL CHANGES.

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

**Message from the House**

Columbia, S.C., March 17, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**Local Appointment**

Reappointment, Allendale County Master-in-Equity, with term to commence December 31, 2008, and to expire December 31, 2014:

Walter H. Sanders, Jr., P. O. Box 840, Fairfax, SC 29827

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., March 17, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**Local Appointment**

Reappointment, Clarendon County Master-in-Equity, with the term to commence June 30, 2010, and to expire June 30, 2016

At-Large:

William C. Coffey, Jr., Coffey, Chandler, & Kent, P. A., 8 South Brooks Street, Manning, SC 29102

Very respectfully,

Speaker of the House

Received as information.

**ACTING PRESIDENT PRESIDES**

At 11:24 A.M., Senator LARRY MARTIN assumed the Chair.

**RECESS**

At 11:30 A.M., on motion of Senator COURSON, the Senate receded from business subject to the Call of the Chair.

At 11:55 A.M., the Senate resumed.

**PRESIDENT PRESIDES**

At 11:55 A.M., the PRESIDENT assumed the Chair.

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4728 -- Reps. Norman, Simrill and Delleney: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 OF YORK COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

By prior motion of Senator HAYES

**HOUSE BILL RETURNED**

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

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 FEBRUARY 15, 2011, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

**H. 3170--Recorded Vote**

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

**THIRD READING BILLS**

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

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.

**S. 1078--Recorded Vote**

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

S. 1224 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT MICHELLE’S LAW BY ADDING SECTIONS 38‑71‑355 AND 38‑71‑785 SO AS TO REQUIRE HEALTH INSURANCE ISSUERS TO PERMIT A DEPENDENT CHILD ON A MEDICALLY NECESSARY LEAVE OF ABSENCE FROM A POSTSECONDARY EDUCATIONAL INSTITUTION TO CONTINUE DEPENDENT COVERAGE AND TO PROVIDE FOR THE REQUIREMENTS RELATED TO THAT COVERAGE; TO AMEND SECTION 38‑71‑850, RELATING TO THE DEFINITION OF “CREDITABLE COVERAGE” FOR GROUP HEALTH INSURANCE COVERAGE AND SPECIAL ENROLLMENT IN GROUP HEALTH INSURANCE COVERAGE, BOTH UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN’S HEALTH INSURANCE PROGRAM AND TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE CHILDREN’S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009 TO PROVIDE FOR SPECIAL ENROLLMENT OF AN EMPLOYEE OR AN EMPLOYEE’S DEPENDENT IN THE CASE OF TERMINATION OF MEDICAID COVERAGE OR COVERAGE UNDER A STATE CHILDREN’S HEALTH INSURANCE PROGRAM OR THE INDIVIDUAL BECOMING ELIGIBLE FOR ASSISTANCE IN THE PURCHASE OF EMPLOYMENT‑BASED COVERAGE; TO AMEND SECTION 38‑74‑10, AS AMENDED, RELATING TO THE DEFINITION OF “CREDITABLE COVERAGE” FOR THE SOUTH CAROLINA HEALTH INSURANCE POOL, SO AS TO ADD COVERAGE OF AN INDIVIDUAL UNDER THE STATE CHILDREN’S HEALTH INSURANCE PROGRAM; TO AMEND SECTIONS 38‑90‑40, AS AMENDED, 38‑90‑45, AND 38‑90‑50, AS AMENDED, RELATING TO CAPITALIZATION REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT THE DIRECTOR OF INSURANCE MAY CONSIDER THE NET AMOUNT OF RISK RETAINED FOR AN INDIVIDUAL RISK WHEN ARRIVING AT A FINDING RELATING TO ADDITIONAL CAPITAL OR NET ASSETS REQUIREMENTS; TO AMEND SECTION 38‑90‑70, AS AMENDED, RELATING TO REPORTS REQUIRED TO BE SUBMITTED BY A CAPTIVE INSURANCE COMPANY TO THE DIRECTOR, SO AS TO REQUIRE AN ASSOCIATION CAPTIVE INSURANCE COMPANY AND INDUSTRIAL INSURED GROUP TO SUBMIT ITS REPORT IN THE MANNER REQUIRED BY SECTION 38‑13‑80; TO AMEND SECTION 38‑90‑80, AS AMENDED, RELATING TO INSPECTIONS AND EXAMINATIONS OF A CAPTIVE INSURANCE COMPANY, SO AS TO PERMIT THE DIRECTOR TO GRANT ACCESS TO, USE, AND MAKE PUBLIC CERTAIN INFORMATION DISCOVERED OR DEVELOPED DURING THE COURSE OF AN EXAMINATION; TO AMEND SECTION 38‑90‑160, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO CAPTIVE INSURANCE COMPANIES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO CAPTIVE INSURANCE COMPANIES AND TO PROVIDE A LISTING OF THOSE PROVISIONS OF TITLE 38 THAT APPLY TO CERTAIN CAPTIVE INSURANCE COMPANIES; TO AMEND SECTION 38‑90‑430, AS AMENDED, RELATING TO THE APPLICATION OF THE PROVISIONS OF TITLE 38 TO SPECIAL PURPOSE FINANCIAL CAPTIVES, SO AS TO SPECIFY THAT REGULATIONS PROMULGATED PURSUANT TO APPLICABLE STATUTES ALSO APPLY TO SPECIAL PURPOSE FINANCIAL CAPTIVES; AND TO AMEND CHAPTER 93, TITLE 38, RELATING TO THE PRIVACY OF GENETIC INFORMATION, SO AS TO ENACT FEDERAL REQUIREMENTS SET FORTH IN THE GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 TO PROHIBIT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION, PROVIDE FOR THE REQUIREMENTS RELATING TO THE COLLECTION OF GENETIC INFORMATION, AND TO PROVIDE FOR THE SCOPE OF THE CHAPTER.

Senator SETZLER explained the Bill.

**S. 1224--Recorded Vote**

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

**SECOND READING BILLS**

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

S. 1167 -- Senators L. Martin, Bryant, Bright, Cromer, Rose, S. Martin, Campsen and Alexander: A BILL TO REPEAL CHAPTER 29, TITLE 23 OF THE 1976 CODE, RELATING TO THE SUBVERSIVE ACTIVITIES REGISTRATION ACT.

Senator LARRY MARTIN explained the Bill.

H. 4015 -- Rep. Barfield: A BILL TO AMEND SECTION 50‑5‑1540, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NET PLACEMENTS, SO AS TO REDUCE THE MINIMUM DISTANCE REQUIRED BETWEEN NETS ON THE LITTLE PEE DEE RIVER FROM SIX HUNDRED FEET TO SEVENTY‑FIVE FEET.

H. 4340 -- Reps. Whitmire and Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 19 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN OCONEE COUNTY AS THE FALLING WATERS SCENIC BYWAY, AND TO MAKE IT SUBJECT TO THE REGULATIONS OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA SCENIC HIGHWAYS COMMITTEE.

H. 4530 -- Agriculture, Natural Resources and Environmental Affairs 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.

Senator CROMER explained the Joint Resolution.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 336 -- Senators Grooms, Bright, L. Martin, S. Martin, Fair, Verdin and Thomas: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO REGULATING TRAFFIC ON HIGHWAYS, BY ADDING SECTION 56‑5‑3010 TO ESTABLISH THE CRIME OF CAUSING DEATH BY VEHICLE WHILE DRIVING ILLEGALLY; AND BY ADDING SECTION 56‑5‑3020 TO ESTABLISH THE CRIME OF CAUSING GREAT BODILY HARM BY VEHICLE WHILE DRIVING ILLEGALLY AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS.

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

The Committee on Judiciary proposed the following amendment (JUD0336.001), which was adopted:

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

/ SECTION 1. Article 5, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56-1-1105. (A) For purposes of this section:

(1) ‘Great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(2) ‘Habitual offender’ has the same meaning as in Section 56-1-1020.

(B) An habitual offender who drives a motor vehicle on any public highway of this State when the offender’s license to drive has been canceled, suspended, or revoked, and when driving does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes great bodily injury or death to a person other than himself, is guilty of a felony, and, upon conviction, guilty plea, or nolo contendere plea must be punished:

(1) by a fine of not more than five thousand dollars and imprisonment for not more than ten years when great bodily injury results; or

(2) by a fine of not less than five thousand dollars nor more than ten thousand dollars and imprisonment for not more than twenty years when death results.

(C) The Department of Motor Vehicles must suspend the driver’s license of an habitual offender who is convicted, pleads guilty, or pleads nolo contendere pursuant to this section for a period to include incarceration plus two years when great bodily injury results and three years when death results. The period of incarceration must not include any portion of a suspended sentence such as probation, parole, supervised furlough, or community supervision. For suspension purposes of this section, convictions arising out of a single incident shall run concurrently.”

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

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN 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.

**AMENDED, READ THE SECOND TIME**

S. 962 -- Senators Knotts and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑5‑115 SO AS TO PROVIDE THE CONDITIONS UPON WHICH A DEPUTY CORONER MAY ENFORCE THE LAWS AND ORDINANCES OF THIS STATE AND ITS POLITICAL SUBDIVISIONS.

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

Senator MASSEY proposed the following amendment (JUD0962.004), which was adopted:

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

/ SECTION 1. Article 3, Chapter 5, Title 17 of the 1976 Code is amended by adding:

“Section 17-5-115. (A) A law enforcement officer, as defined by Section 23-23-10(E)(1), who is certified by the South Carolina Law Enforcment Training Council and appointed to serve as a deputy coroner, may, at the discretion of the coroner, retain law enforcement status as a Class III officer.

(B) The classification is limited to the deputy coroner’s official duties as provided by law and does not authorize the officer to enforce the state’s general criminal laws.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator KNOTTS proposed the following amendment (JUD0962.005), which was adopted:

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

/ SECTION \_\_. Section 17‑5‑130 of the 1976 Code is amended to read:

“Section 17‑5‑130. (A) A coroner in this State ~~must~~ shall have the following qualifications, he shall:

(1) be a citizen of the United States;

(2) be a resident of the county in which he seeks the office of coroner for at least one year before qualifying for the election to the office;

(3) be a registered voter;

(4) have attained the age of twenty‑one years before the date of qualifying for election to the office;

(5) have obtained a:

(a) high school diploma or its recognized equivalent by the State Department of Education and have at least three years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency;

(b) two-year associate degree and have two years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency; or

(c) four-year baccalaureate degree and have one year of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency; and

(6) have not been convicted of a felony offense or ~~any~~ an offense involving moral turpitude contrary to the laws of this State, ~~any other~~ another state, or the United States.

(B)(1) A person who offers his candidacy for the office of coroner, no later than the close of filing, shall file a sworn affidavit with the county executive committee of the person’s political party.

(2) The county executive committee of a political party with whom a person has filed his affidavit shall file a copy of the affidavit with the appropriate county election commission by noon on the tenth day following the deadline for filing affidavits by candidates. If the tenth day falls on a Saturday, Sunday, or a holiday, the affidavit must be filed by noon the following day.

(3) A person who seeks nomination by petition shall file a sworn affidavit with the county election commission in the county of his residence.

(4) The affidavit required by the provisions of this subsection must contain the following information, the:

(a) date and place of the person’s birth;

(b) date the person graduated from high school or obtained the recognized equivalent of a high school diploma;

(c) date the person received an associate or baccalaureate degree, if applicable; and

(d) number of years’ experience the person has as a death investigator, if applicable.

(C) Each person serving as coroner in his first term is required to complete a basic training session to be determined by the Department of Public Safety. This basic training session must be completed no later than the end of the calendar year following his election as coroner. A person appointed to fill the unexpired term in the office of coroner ~~must~~ shall complete a basic training session to be determined by the department within one calendar year of the date of appointment. This section must not be construed to require an individual to repeat the basic training session if he has successfully completed the session prior to his election or appointment as coroner. A coroner who is unable to attend this training session when offered because of an emergency or extenuating circumstances ~~must~~, within one year from the date the disability or cause terminates, shall complete the standard basic training session required of coroners. A coroner who does not fulfill the obligations of this subsection is subject to suspension by the Governor until the coroner completes the training session.

(~~C~~D) A person holding the office of coroner or deputy coroner who was elected, appointed, or employed prior to January 1, 1994, and who has served continuously since that time ~~must~~ shall attend a minimum of sixteen hours training annually as may be selected by the South Carolina Law Enforcement Training Council on or before December 31, 1995. Each year ~~thereafter~~, all coroners and deputy coroners ~~must~~ shall complete a minimum of sixteen hours training annually as ~~may be~~ selected by the council. Certification or records of attendance or training must be maintained as directed by the council.

(~~D~~E)(1) The basis for the minimum annual requirement of in‑service training is the calendar year. A coroner who satisfactorily completes the basic training session in accordance with the provisions of subsection ~~(B)~~(C) is excused from the minimum annual training requirements of subsection ~~(C)~~(D) for the calendar year in which the basic training session is completed.

(2) The Board of Directors of the South Carolina Coroners Association, in its discretion, may grant a waiver of the requirements of the annual in‑service training upon presentation of evidence by a coroner that he was unable to complete the training due to an emergency or extenuating circumstances.

(3) A coroner who fails to complete the minimum annual in‑service training required by this section may be suspended from office, without pay, by the Governor for ninety days. The Governor may continue to suspend a coroner until he completes the annual minimum in‑service training required in this section. The Governor ~~must~~ shall appoint, at the time of the coroner’s suspension, a qualified person to perform as acting coroner during the suspension.

(~~E~~F) ~~The provisions of items (4) and (5) of subsection (A) do not apply to a coroner serving on April 20, 1995, during his tenure in office~~ A coroner in office on the effective date of this section is exempt from the provisions of this section except for the provisions of subsection (D).

(~~F~~G) The Director of the Department of Public Safety ~~must~~ shall appoint a Coroners Training Advisory Committee to assist in the determination of training requirements for coroners and deputy coroners. The committee must consist of no fewer than five coroners and at least one physician trained in forensic pathology as recommended by the South Carolina Coroners Association. The members of the committee ~~must~~ shall serve without compensation.

(~~G~~H) Expenses of all training authorized or required by this section must be paid by the county the coroner or deputy coroner serves, and the South Carolina Law Enforcement Training Council is authorized to set and collect fees for this training.

(I) A deputy coroner is not required to have the qualifications specified in subsection (A), and is not required to file an affidavit pursuant to subsection (B), but is subject to the provisions of Section 17-5-70, pertaining to a deputy coroner’s appointment and duties, Section 17-5-110, pertaining to a deputy coroner’s certification and training in the proper use of handguns, and Section 17-5-115, pertaining to a deputy coroner’s law enforcement certification and authority to enforce the state’s general criminal laws.” /

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator MASSEY desired to be recorded as voting against the adoption of the amendment.

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

**COMMITTEE AME`NDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1014 -- Senators Jackson, Rose and Ford: A BILL TO AMEND SECTION 33‑31‑1402, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISSOLUTION OF NONPROFIT CORPORATIONS BY DIRECTORS, MEMBERS, AND THIRD PERSONS, SO AS TO PROVIDE THAT BEFORE THE SECRETARY OF STATE MAY ACCEPT FOR FILING ARTICLES OF DISSOLUTION OF AN EXISTING NONPROFIT RELIGIOUS OR CHARITABLE ORGANIZATION EXECUTED BY A PERSON AUTHORIZED BY THIS SECTION TO TAKE SUCH ACTION, THE SECRETARY OF STATE SHALL REQUIRE THIS PERSON TO ATTACH AN AFFIDAVIT TO THE FILING WHERE THE PERSON UNDER OATH SUBJECT TO A PENALTY OF PERJURY CERTIFIES THAT HE HOLDS THE REQUISITE AUTHORITY TO TAKE SUCH ACTION.

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

The Committee on Judiciary proposed the following amendment (JUD1014.003), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 32-34 in their entirety and inserting the following:

/ “(f) Before the Secretary of State may accept for filing articles of dissolution of an existing nonprofit organization executed by a person authorized by this section to /

Amend the bill further, as and if amended, by adding an unnumbered SECTION after page 1, line 39, to read as follows:

/ SECTION \_\_\_. Section 33-31-1403(a) of the 1976 Code is amended to read:

“(a) A ~~public benefit or religious corporation~~ nonprofit organization shall give the Attorney General written notice that it intends to dissolve at or before the time it delivers articles of dissolution to the Secretary of State. The notice shall include a copy or summary of the plan of dissolution. The nonprofit organization shall submit to the Secretary of State copies of all documents provided to the Attorney General at the time of the filing of the articles of dissolution.”/

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN 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.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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

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

The Judiciary Committee proposed the following amendment (JUD1172.006), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting language and inserting therein the following:

/ SECTION 1. Section 63‑7‑1640 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63‑7‑1640. (A) When this chapter requires the department to make reasonable efforts to preserve or reunify a family and requires the family court to determine whether these reasonable efforts have been made, the child’s health and safety must be the paramount concern.

(B) The family court may rule on whether reasonable efforts to preserve or reunify a family should be required in hearings regarding removal of custody, review of amendments to a placement plan, review of the status of a child in foster care, or permanency planning or in a separate proceeding for this purpose. The court may consider this issue on the motion of a named party, the child’s guardian ad litem, or the foster care review board, provided that the foster care review board has reviewed the case pursuant to Section 63-11-720 or the child has previous entry into foster care.

(C) The family court may authorize the department to terminate or forego reasonable efforts to preserve or reunify a family when the records of a court of competent jurisdiction show or when the family court determines that one or more of the following conditions exist:

(1) the parent has subjected the child or another child while residing in the parent’s domicile to one or more of the following aggravated circumstances:

(a) severe or repeated abuse;

(b) severe or repeated neglect;

(c) sexual abuse;

(d) acts ~~that~~ the judge ~~may find~~ finds constitute torture; or

(e) abandonment;

(2) the parent has been convicted of or pled guilty or nolo contendere to murder of another child ~~of the parent~~, or an equivalent offense, in this jurisdiction or another;

(3) the parent has been convicted of or pled guilty or nolo contendere to voluntary manslaughter of another child ~~of the parent~~, or an equivalent offense, in this jurisdiction or another;

(4) the parent has been convicted of or pled guilty or nolo contendere to aiding, abetting, attempting, soliciting, or conspiring to commit murder or voluntary manslaughter ~~pursuant to item (1), (2), or (3),~~ of the child or another child while residing in the parent’s domicile, or an equivalent offense, in this jurisdiction or another;

(5) physical abuse of a child ~~of the parent~~ resulted in the death or admission to the hospital for in‑patient care of that child and the abuse is the act for which the parent has been convicted of or pled guilty or nolo contendere to committing, aiding, abetting, conspiring to commit, or soliciting:

(a) an offense against the person, as provided for in Title 16, Chapter 3;

(b) criminal domestic violence, as defined in Section 16‑25‑20;

(c) criminal domestic violence of a high and aggravated nature, as defined in Section 16‑25‑65; or

(d) the common law offense of assault and battery of a high and aggravated nature, or an equivalent offense in another jurisdiction;

(6) the parental rights of the parent to ~~a sibling of the child~~ another child of the parent have been terminated involuntarily;

(7) the parent has a diagnosable condition unlikely to change within a reasonable time including, but not limited to, alcohol or drug addiction, mental deficiency, mental illness, or extreme physical incapacity, and the condition makes the parent unable or unlikely to provide minimally acceptable care of the child;

(8) other circumstances exist that the court finds make continuation or implementation of reasonable efforts to preserve or reunify the family inconsistent with the permanent plan for the child.

(D) The department may proceed with efforts to place a child for adoption or with a legal guardian concurrently with making efforts to prevent removal or to make it possible for the child to return safely to the home.

(E) If the family court’s decision that reasonable efforts to preserve or reunify a family are not required results from a hearing other than a permanency planning hearing, the court’s order shall require that a permanency planning hearing be held within thirty days of the date of the order.

(F) In determining whether to authorize the department to terminate or forego reasonable efforts to preserve or reunify a family, the court must consider whether initiation or continuation of reasonable efforts to preserve or reunify the family is in the best interests of the child. If the court authorizes the department to terminate or forego reasonable efforts to preserve or reunify a family, the court must make specific written findings in support of its conclusion that one or more of the conditions set forth in (C)(1) through (7) are shown to exist, and why continuation of reasonable efforts is not in the best interest of the child. If the court does not authorize the department to terminate or forego reasonable efforts where one or more of the conditions set forth in (C)(1) through (7) are shown to exist, the court must make specific written findings in support of its conclusion that continuation of reasonable efforts is in the best interest of the child. The court must not consider the availability or lack of an adoptive resource as a reason to deny the request to terminate or forego reasonable efforts.

(G) In any case in which the court authorizes the department to terminate or forego reasonable efforts to preserve or reunify a family, the department shall file a petition for termination of parental rights within sixty days, unless there are compelling reasons why termination of parental rights would be contrary to the best interests of the child.”

SECTION 2. Section 63‑7‑1660(B)(2) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(2) The petition for removal may include a petition for termination of parental rights. The petition for removal must include a petition for termination of parental rights if court records or other evidence indicate the existence of one or more of the conditions set forth in Section 63‑7‑1640(C)(1) through (7), unless there are compelling reasons for believing that termination of parental rights would be contrary to the best interests of the child.”

SECTION 3. Section 63‑7‑1680 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63‑7‑1680. (A) If the court orders that a child be removed from the custody of the parent or guardian, the court must approve a placement plan. A plan must be presented to the court for its approval at the removal hearing or within ten days after the removal hearing. If the plan is presented subsequent to the removal hearing, the court shall hold a hearing on the plan if requested by a party. The plan must be a written document prepared by the department. To the extent possible, the plan must be prepared with the participation of the parents or guardian of the child, the child, and any other agency or individual that will be required to provide services in order to implement the plan.

(B) ~~The placement plan shall include, but is not limited to:~~

~~(1) the specific reasons for removal of the child from the custody of the parent or guardian and the changes that must be made before the child may be returned, including:~~

~~(a) the nature of the harm or threatened harm that necessitated removal, a description of the problems or conditions in the home that caused the harm or threatened harm, and the reason why the child could not be protected without removal;~~

~~(b) the nature of the changes in the home and family situation that must be made in order to correct the problems and conditions that necessitated removal, time frames for accomplishing these objectives, and means for measuring whether the objectives have been accomplished. The objectives stated in this part of the plan must relate to problems and circumstances serious enough to justify removal. The plan must be oriented to correcting these problems and circumstances in the shortest possible time in order to expedite the child’s return to the home;~~

~~(c) specific actions to be taken by the parents or guardian of the child to accomplish the objectives identified in subitem (b) and time frames for taking these actions;~~

~~(2) other conditions in the home that warrant state intervention, but would not alone have been sufficient to warrant removal, and the changes that must be made in order to terminate intervention, including:~~

~~(a) the nature of the harm or threatened harm that justifies state intervention and a description of the problems or conditions of the home that caused the harm or threatened harm;~~

~~(b) the nature of the changes in the home and family situation that must be made in order to correct the problems and conditions that caused the harm or threatened harm, time frames for accomplishing these objectives, and means for measuring whether the objectives have been accomplished;~~

~~(c) specific actions to be taken by the parents or guardian of the child to accomplish the objectives identified in subitem (b) and time frames for taking these actions;~~

~~(3) the social and other services to be provided or made available to the parents, guardian, or other relevant adult to assist the parents or guardian in accomplishing the objectives, including a specific finding as to the minimum number and frequency of contacts a caseworker with the department must have with the child while in foster care. For a child placed in foster care within this State, the caseworker must meet with the child, at a minimum, once a month, but based upon the particular needs and circumstances of the individual child, more frequent contacts may be ordered by the court;~~

~~(4) the financial responsibilities and obligations, if any, of the parents or guardian for the support of the child during the placement;~~

~~(5) the visitation rights and obligations of the parents, guardian, siblings, or other relatives of the child during the placement. The plan shall provide for as much contact as is reasonably possible and consistent with the best interests of the child between the child and the child’s parents, guardian, siblings, and other appropriate relatives with whom the child has a close relationship including visitation and participation of the parents or guardian in the care of the child while the child is in placement;~~

~~(6) the nature and location of the placement of the child unless it is determined that disclosure of the location of the placement to the parents, guardian, or any other person would be contrary to the best interest of the child. In making its determination of whether disclosure of the location of the placement is in the best interest of the child, the department must consider evidence of sexual abuse, physical abuse, or substance abuse by an adult living in the child’s home or evidence of criminal domestic violence in the child’s home. When disclosure of the location of the placement is determined to be contrary to the best interest of the child, disclosure must not be made to the abusing party or to any member of the abusing party’s household. The placement must be as close to the child’s home as is reasonably possible, unless placement at a greater distance is necessary to promote the child’s well‑being. In the absence of good cause to the contrary, preference must be given to placement with a relative or other person who is known to the child and has a constructive and caring relationship with the child;~~

~~(7) the social and other supportive services to be provided to the child and the foster parents including counseling or other services to assist the child in dealing with the effects of separation from the child’s home and family;~~

~~(8) if the parents or guardian were not involved in the development of the plan, the nature of the agency’s efforts to secure parental participation;~~

~~(9) notice to the parents or guardians that failure to substantially accomplish the objectives stated in the plan within the time frames provided may result in termination of parental rights, subject to notice and a hearing as provided in Article 7.~~

The first section of the plan shall set forth the changes that must occur in the home and family situation before the child can be returned. These changes must be reasonably related to the reasons justifying removal of the child from the custody of the parents or guardian. This section of the plan must contain a notice to the parents or guardian that failure to make the indicated changes within six months may result in termination of parental rights.

(C) ~~The placement plan clearly shall state the conditions necessary to bring about return of the child and the reasonable efforts that will be made by the department to reunite the child with the child’s family. ‘Reasonable efforts’ include location of the placement and visitation arrangements as well as services to the parents or guardian and the child~~ The second section of the plan shall set forth:

(1) specific actions to be taken by the parents or guardian of the child; and

(2) social or other services to be provided or made available to the parent or guardian of the child.

This section of the plan must include time frames for commencement or completion of specific actions or services. This section must contain a notice to the parents or guardian that completion of the indicated actions will not result in return of the child unless the changes set forth in section one of the plan have occurred.

(D) The third section of the plan shall set forth rights and obligations of the parents or guardian while the child is in custody including, but not limited to:

(1) the responsibility of the parents or guardian for financial support of the child during the placement; and

(2) the visitation rights and obligations of the parents or guardian during the placement.

This section of the plan must include a notice to the parents or guardian that failure to support or visit the child as provided in the plan may result in termination of parental rights.

(E) The fourth section of the plan must address matters relating to the placement of the child including, but not limited to, the following:

(1) the nature and location of the placement of the child, unless there are compelling reasons for concluding that disclosure of the location of the placement to the parents, guardian, or other person would be contrary to the best interests of the child. The placement must be as close to the child’s home as is reasonably possible, unless there are compelling reasons for concluding that placement at a greater distance is necessary to promote the child’s well-being. In the absence of good cause to the contrary, preference must be given to placement with a relative or other person who is known to the child and who has a constructive and caring relationship with the child;

(2) visitation or other contact with siblings, other relatives, and other persons important to the child. The plan shall provide for as much contact between the child and these persons as is reasonably possible and consistent with the best interests of the child;

(3) social and other supportive services to be provided to the child and the foster parents, including counseling or other services to assist the child in dealing with the effects of separation from the child’s home and family; and

(4) the minimum number and frequency of contacts that a caseworker with the department will have with the child, which must be based on the particular needs and circumstances of the individual child but which must not be less than once a month for a child placed in this State.

(F) The court shall approve the plan only if it finds that:

(1) the plan is consistent with the court’s order placing the child in the custody of the department;

(2) the plan is consistent with the requirements for the content of a placement plan set forth in ~~subsection~~ subsections (B) through (E);

(3) if the parents or guardian of the child did not participate in the development of the plan, that the department made reasonable efforts to secure their participation; and

(4) the plan is meaningful and designed to address facts and circumstances upon which the court based the order of removal.

If the court determines that any of these criteria are not satisfied, the court shall require that necessary amendments to the plan be submitted to the court within a specified time but no later than seven days. A hearing on the amended plan must be held if requested by a party.

~~(E)~~(G) The court shall include in its order and shall advise defendants on the record that failure to ~~substantially accomplish the objectives stated in the plan within the time frames provided~~ remedy the conditions that caused the removal within six months, may result in termination of parental rights, subject to notice and a hearing as provided in Article 7. Before the court orders return of the child, the court must find that the changes in the home and family situation specified in section one of the plan have occurred and that the child can be safely returned to the home. Completion of the tasks specified in section two of the plan is not in itself sufficient basis for return of the child.

~~(F)~~(H) The department immediately shall give a copy of the plan to the parents or guardian of the child, and any other parties identified by the court, including the child if the court considers it appropriate. If a copy of the plan is not given to the child, the department shall provide the child with age‑appropriate information concerning the substance of the plan unless the court finds that disclosure of any part of the plan to the child would be inconsistent with the child’s best interests. A copy of any part of the plan that directly pertains to the foster family or the foster child must be provided to the foster parents.

~~(G~~I) The plan may be amended at any time if all parties agree ~~regarding~~ to the revisions, and the revisions are approved by the court. The amended plan must be submitted to the court with a written explanation for the proposed change. The plan also may be amended by the court upon motion of a party after a hearing based on evidence demonstrating the need for the amendment. A copy of the amended plan immediately must be given to the parties specified in subsection ~~(F). Any additions to the elements set forth in subsections (B)(1)(b) and (c) must relate to problems or conditions that are serious enough to justify removal of the child from the home based on the criteria in Section 63‑7‑1660(E)~~ (H).

~~(H)~~(J) Any objections to the sufficiency of a plan or the process by which a plan was developed must be made at the hearing on the plan. Failure to request a hearing or to enter an objection at the hearing constitutes a waiver of the objection. The sufficiency of the plan or of the process for developing the plan may not be raised as an issue in a proceeding for termination of parental rights under Article 7.

~~(I)~~(K) Upon petition of a party in interest, the court may order the state or county director or other authorized representative of the department to show cause why the agency should not be required to provide services in accordance with the plan. The provisions of the plan must be incorporated as part of a court order issued pursuant to this section. A person who fails to comply with an order may be held in contempt and subject to appropriate sanctions imposed by the court.”

SECTION 4. Section 63‑7‑1700 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63‑7‑1700. (A) The family court shall review the status of a child placed in foster care upon motion filed by the department to determine a permanent plan for the child. The permanency planning hearing must be held no later than one year after the date the child was first placed in foster care. At the initial permanency planning hearing, the court shall review the status of the child and the progress being made toward the child’s return home or toward any other permanent plan approved at the removal hearing. The court’s order shall make specific findings in accordance with this section. An action for permanency planning must be brought for a child who enters the custody of the department by any mechanism, including subarticle 3 or Section 63‑7‑1660 or 63‑9‑330. If the child enters the custody of the department pursuant to Section 63‑9‑330 and no action is pending in the family court concerning the child, the department may initiate the permanency planning hearing with a summons and petition for review. All parties must be served with the motion or the summons and petition at least ten days before the hearing, and no responsive pleading is required.

(B) The department shall attach a supplemental report to the motion or ~~other pleadings~~ summons and petition which must contain at least:

(1) that information necessary to support findings required in ~~subsection~~ subsections (C) through (H), as applicable;

(2) the recommended permanent plan and suggested timetable for attaining permanence; ~~and~~

(3) a statement of whether or not the court has authorized the department to forego or terminate reasonable efforts pursuant to Section 63‑7‑1640; and

(4) any reports of the local foster care review board which pertain to the child.

The department may use the same form for the supplemental report, reports from the department to the local foster care review board, and reports compiled for internal department reviews.

(C) At the permanency planning hearing, the court shall review the department’s plan for achieving permanence for the child. If the department’s plan is not reunification with the parents, custody or guardianship with a fit and willing relative, or termination of parental rights, the department must show compelling reasons for the selection of another permanent plan. If the court approves a plan that is not reunification with the parents, custody or guardianship with a fit and willing relative, or termination of parental rights, the court must find compelling reasons for approval of the plan and that the plan is in the child’s best interests.

(D) If the court determines at the permanency planning hearing that the child may be safely maintained in the home in that the parent has remedied the conditions that caused the removal and the return of the child to the child’s parent would not cause an unreasonable risk of harm to the child’s life, physical health, safety, or mental well‑being, the court shall order the child returned to the child’s parent. The court may order a specified period of supervision and services not to exceed twelve months. ~~When determining whether the child should be returned, the court shall consider all evidence and the supplemental report including whether the parent has substantially complied with the terms and conditions of the plan approved pursuant to Section 63‑7‑1680~~.

(E) Unless subsection (C), (F), or (G) applies, if the court determines at the permanency planning hearing that the child should not be returned to the child’s parent at that time, the court’s order shall require the department to file a petition to terminate parental rights to the child not later than sixty days after receipt of the order. If a petition to terminate parental rights is to be filed, the department shall exercise and document every reasonable effort to promote and expedite the adoptive placement and adoption of the child, including a thorough adoption assessment and child‑specific recruitment. Adoptive placements must be diligently sought for the child and failure to do so solely because a child is classified as ‘special needs’ is expressly prohibited. An adoption may not be delayed or denied solely ~~on these~~ because a child is classified as ‘special needs’. For purposes of this subsection:

(1) ‘thorough adoption assessment’ means conducting and documenting face‑to‑face interviews with the child, foster care providers, and other significant parties; and

(2) ‘child specific recruitment’ means recruiting an adoptive placement targeted to meet the individual needs of the specific child including, but not be limited to, use of the media, use of photo listings, and any other in‑state or out‑of‑state resources which may be utilized to meet the specific needs of the child, unless there are extenuating circumstances that indicate that these efforts are not in the best interest of the child.

(F) If the court determines that the criteria in subsection (D) are not met but that the child may be returned to the parent within a specified reasonable time not to exceed eighteen months after the child was placed in foster care, the court may order an extension of the plan approved pursuant to Section 63‑7‑1680 or may order compliance with a modified plan~~. Before continuing foster care for this purpose, the court must find that, at the time of the hearing, initiation of termination of parental rights is not in the best interests of the child and that the best interests of the child will be served by the extended or modified plan~~, but in no case may the extension for reunification continue beyond eighteen months after the child was placed in foster care. An extension may be granted pursuant to this section only if the court finds:

(1) that the parent has demonstrated due diligence and a commitment to correcting the conditions warranting the removal so that the child could return home in a timely fashion;

(2) that there are specific reasons to believe that the conditions warranting the removal will be remedied by the end of the extension;

(3) that the return of the child to the child’s parent would not cause an unreasonable risk of harm to the child’s life, physical health, safety, or mental well-being;

(4) that, at the time of the hearing, initiation of termination of parental rights is not in the best interest of the child; and

(5) that the best interests of the child will be served by the extended or modified plan.

(G) If after assessing the viability of adoption, the department demonstrates that termination of parental rights is not in the child’s best interests, ~~and if the court finds that the best interests of the child would be served,~~ the court may award custody or legal guardianship, or both, to a suitable, fit, and willing relative or nonrelative if the court finds this to be in the best interest of the child; however, a home study on the individual whom the department is recommending for custody of the child must be submitted to the court for consideration before custody ~~of~~ or legal guardianship, or both, are awarded. The court may order a specified period of supervision and services not to exceed twelve months, and the court may authorize a period of visitation or trial placement prior to receiving a home study.

(H) If at the initial permanency planning hearing the court does not order return of the child pursuant to subsection (D), in addition to those findings supporting the selection of a different plan, the court shall specify in its order:

(1) what services have been provided to or offered to the parents to facilitate reunification;

(2) the compliance or lack of compliance by all parties to the plan approved pursuant to Section 63‑7‑1680;

(3) the extent to which the parents have visited or supported the child and any reasons why visitation or support has not occurred or has been infrequent;

(4) whether previous services should continue and whether additional services are needed to facilitate reunification, identifying the services, and specifying the expected date for completion, which must be no longer than eighteen months from the date the child was placed in foster care;

(5) whether return of the child can be expected and identification of the changes the parent must make in circumstances, conditions, or behavior to remedy the causes of the child’s placement or retention in foster care;

(6) whether the child’s foster care is to continue for a specified time and, if so, how long;

(7) if the child has attained the age of sixteen, the services needed to assist the child to make the transition to independent living;

(8) whether the child’s current placement is safe and appropriate;

(9) whether the department has made reasonable efforts to assist the parents in remedying the causes of the child’s placement or retention in foster care, unless the court has previously authorized the department to terminate or forego reasonable efforts pursuant to Section 63‑7‑1640; and

(10) the steps the department is taking to promote and expedite the adoptive placement and to finalize the adoption of the child, including documentation of child specific recruitment efforts.

(I) If after the permanency planning hearing, the child is retained in foster care, future permanency planning hearings must be held as follows:

(1) If the child is retained in foster care and the agency is required to initiate termination of parental rights proceedings, the termination of parental rights hearing may serve as the next permanency planning hearing, but only if it is held no later than one year from the date of the previous permanency planning hearing.

(2) If the court ordered extended foster care for the purpose of reunification with the parent, the court must select a permanent plan for the child other than another extension for reunification purposes at the next permanency planning hearing. The hearing must be held on or before the date specified in the plan for expected completion of the plan; in no case may the hearing be held any later than six months from the date of the last court order.

(3) After the termination of parental rights hearing, the requirements of Section 63‑7‑2580 must be met. Permanency planning hearings must be held annually, starting with the date of the termination of parental rights hearing. No further permanency planning hearings may be required after filing a decree of adoption of the child.

(4) If the court places custody or guardianship with the parent, extended family member, or suitable nonrelative and a period of services and supervision is authorized, services and supervision automatically terminate on the date specified in the court order. Before the termination date, the department or the guardian ad litem may file a petition with the court for a review hearing on the status of the placement. Filing of the petition stays termination of the case until further order from the court. If the court finds clear and convincing evidence that the child will be threatened with harm if services and supervision do not continue, the court may extend the period of services and supervision for a specified time. The court’s order must specify the services and supervision necessary to reduce or eliminate the risk of harm to the child.

(5) If the child is retained in foster care pursuant to a plan other than one described in items (1) through (4), future permanency planning hearings must be held at least annually.

(J) ~~A supplemental report must be attached to a motion filed pursuant to subsection (A). The supplemental report and notice of the hearing must be served upon all named parties at least ten days before the hearing.~~

~~(K)~~ A named party, the child’s guardian ad litem, or the local foster care review board may file a motion for review of the case at any time. Any other party in interest may move to intervene in the case pursuant to the rules of civil procedure and if the motion is granted, may move for review. Parties in interest include, but are not limited to, the individual or agency with legal custody or placement of the child and the foster parent. The notice of motion and motion for review must be served on the named parties at least ten days before the hearing date. The motion ~~shall~~ must state the reason for review of the case and the relief requested.

~~(L)~~(K) The pendency of an appeal concerning a child in foster care does not deprive the court of jurisdiction to hear a case pursuant to this section. The court shall retain jurisdiction to review the status of the child and may act on matters not affected by the appeal.”

SECTION 5. That portion of Section 63‑7‑2570 of the 1976 Code, as added by Act 361 of 2008, preceding item (2) is amended to read:

“The family court may order the termination of parental rights upon a finding of one or more of the following grounds and a finding that termination is in the best interest of the child:

(1) The child or another child ~~in the home~~ while residing in the parent’s domicile has been harmed as defined in Section 63‑7‑20, and because of the severity or repetition of the abuse or neglect, it is not reasonably likely that the home can be made safe within twelve months. In determining the likelihood that the home can be made safe, the parent’s previous abuse or neglect of the child or another child ~~in the home~~ may be considered.”

SECTION 6. Section 63-7-2570(6) is amended to read:

“(6) The parent has a diagnosable condition unlikely to change within a reasonable time including, but not limited to, alcohol or drug addiction, mental deficiency, mental illness, or extreme physical incapacity, and the condition makes the parent unable or unlikely to provide minimally acceptable care of the child. It is presumed that the parent’s condition is unlikely to change within a reasonable time upon proof that the parent has been required by the department or the family court to participate in a treatment program for alcohol or drug addiction, and the parent has failed two or more times to complete the program successfully or has refused at two or more separate meetings with the department to participate in a treatment program.”

SECTION 7. Section 63‑7‑2570(9) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(9) The physical abuse of a child ~~of the parent~~ resulted in the death or admission to the hospital for in‑patient care of that child and the abuse is the act for which the parent has been convicted of or pled guilty or nolo contendere to committing, aiding, abetting, conspiring to commit, or soliciting an offense against the person as provided for in Title 16, Chapter 3, criminal domestic violence as defined in Section 16‑25‑20, criminal domestic violence of a high and aggravated nature as defined in Section 16‑25‑65, or the common law offense of assault and battery of a high and aggravated nature.”

SECTION 8. Section 63‑9‑60(A)(2) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(2) Before a child is placed within or outside the boundaries of this State for adoption with nonresidents of this State, compliance with Article 11 (Interstate Compact on the Placement of Children) is required, and a judicial determination must be made in this State that one of the circumstances in items (a) through (f) of ~~this section~~ subsection (A)(1) applies, whether or not the adoption proceedings are instituted in ~~South Carolina~~ this State. Additionally, in order to determine if any of the circumstances in items (a) through (f) of ~~this section~~ subsection (A)(1) apply so as to permit placement with a nonresident for the purpose of adoption or adoption by a nonresident, a petition may be brought for the determination before the birth of the child or before placement of the child with the prospective adoptive parents. In ruling on this question the court must include in its order specific findings of fact as to the circumstances allowing the placement of a child with a nonresident or the adoption of a child by a nonresident. The court also must analyze the facts against the objective criteria established in Sections 16‑3‑1060 and 63‑9‑310(F) and make specific findings in accordance with the pertinent law and evidence presented. The order resulting from this action does not prohibit or waive the right to refuse to consent to a release of rights or relinquish rights at later time ~~nor~~ or to withdraw a consent or relinquish at a later time as provided in this article. The order must be merged with and made a part of any subsequent adoption proceeding, which must be initiated and finalized in ~~South Carolina~~ this State.”

SECTION 9. Subarticle 1, Article 1, Chapter 9 of Title 63 of the 1976 Code is amended by adding:

“Section 63‑9‑70. (A) No person or entity other than the Department of Social Services, a child placing agency licensed in this State, or an attorney licensed in this State may advertise that the person or entity will place or accept a child for adoption.

(B) Notwithstanding the provisions of subsection (A), a person is not prohibited from advertising that the person desires to adopt if the person has a current preplacement home investigation finding that the person is suitable to be an adoptive parent.

(C)(1) A violation of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(2) The family court shall enjoin a person or entity from violating a provision of this section.

(D) For purposes of this section, ‘advertise’ means to communicate by newspaper, radio, television, hand bills, placards or other print, broadcast or electronic medium that originates within this State.”

SECTION 10. Section 63-9-110 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63‑9‑1110. Any person may adopt his spouse’s child, and any person may adopt a child to whom he is related by blood or marriage. In the adoption of these children:

(1) no investigation or report required under the provisions of Section 63‑9‑520 is required unless otherwise directed by the court;

(2) no accounting by the petitioner of all disbursements required under the provisions of Section 63‑9‑740 is required unless the accounting is ordered by the court;

(3) upon good cause shown, the court may waive the requirement, pursuant to Section 63‑9‑750, that the final hearing must not be held before ninety days after the filing of the adoption petition; and

(4) upon good cause shown, the court may waive the requirement, pursuant to Section 63‑9‑320(A)(2), of the appointment of independent counsel for an indigent parent; and

(5) upon good cause shown, the court may waive the requirement, pursuant to Section 63-9-60(A)(2), that the adoption proceeding must be finalized in this State.”

SECTION 11. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 12. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

Senator KNOTTS spoke on the Bill.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**Parliamentary Inquiry**

Senator LEATHERMAN made a Parliamentary Inquiry as to the order of business before the Senate.

The PRESIDENT stated that the committee amendment had been adopted and the question then was the second reading of the Bill.

**Point of Order**

Senator LEATHERMAN raised a Point of Order that the remarks of the Speaker were out of order inasmuch as they were superfluous to the question before the Senate.

Senator BRIGHT spoke on the Point of Order.

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

**S. 1172--Ordered to a Third Reading**

On motion of Senator KNOTTS, with unanimous consent, S. 1172 was ordered to receive a third reading on Friday, March 19, 2010.

**ACTING PRESIDENT PRESIDES**

At 12:52 P.M., Senator LARRY MARTIN assumed the Chair.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 3720 -- Rep. Clemmons: A BILL TO AMEND SECTION 15‑9‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SERVICE ON UNKNOWN PARTIES BY PUBLICATION IN CERTAIN ACTIONS CONCERNING REAL PROPERTY, SO AS TO PROVIDE FOR SERVICE OF ALL COURT‑REQUIRED DOCUMENTS BY PUBLICATION AND, FURTHER, IN AN ACTION INVOLVING MULTIPLE UNITS IN A SINGLE HORIZONTAL PROPERTY REGIME, FOR SERVICE BY PUBLICATION BY CONSOLIDATING THE SERVICES INTO A SINGLE SERVICE THAT IDENTIFIES EACH APARTMENT INCLUDED IN THE ACTION BASED ON THE APARTMENT’S DESCRIPTION IN THE MASTER DEED.

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

The Committee on Judiciary proposed the following amendment (JUD3720.003), which was adopted:

Amend the bill, as and if amended, page 2 in Section 15-9-720, as contained in SECTION 1, by striking lines 4-10 and inserting therein the following:

/ (B)(1) A court shall grant an order allowing a party with an interest in or lien on a parcel of real property subject to a partition action, mortgage foreclosure action, or other action affecting the property’s title to serve by publication any unknown party to the action and who has an interest in or lien on the real property, any such legal notice as will accomplish the underlying purposes set forth in this section, if the:

(a) residence of the unknown party cannot, with a reasonably diligent effort, be ascertained by the plaintiff; and

(b) plaintiff presents an affidavit to the court stating he has been unable to ascertain the residence of the unknown party after making a reasonably diligent effort. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN 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.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

H. 4444 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, INCLUDING WEAKFISH CYNOSCION, SO AS TO PROVIDE THAT A PERSON ONLY MAY TAKE OR POSSESS ONE, RATHER THAN TEN, SUCH WEAKFISH IN ANY ONE DAY.

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

The Committee on Fish, Game and Forestry proposed the following amendment (NBD\12062AC10), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 2 of the bill and inserting:

/SECTION 2. This act takes effect July 1, 2010./

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The committee amendment was adopted.

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

**ADOPTED**

S. 1111 -- Senators Campsen, Grooms and Cleary: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 41 IN CHARLESTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 17 TO THE CHARLESTON/BERKELEY COUNTY LINE THE “MAJOR GENERAL ABRAHAM J. TURNER HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “MAJOR GENERAL ABRAHAM J. TURNER HIGHWAY”.

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

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”.

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

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”.

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

S. 1292 -- Senator Alexander: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 14, 2010, AT 12:00 NOON, AS THE TIME FOR ELECTING SUCCESSOR MEMBERS TO THE SOUTH CAROLINA CONSUMER AFFAIRS COMMISSION FOR SEATS 1, 2, 3, AND 4 WHOSE TERMS HAVE EXPIRED.

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

H. 4316 -- Reps. R.L. Brown, Gilliard, Stavrinakis, Mack, Jefferson, Scott, Whipper and Daning: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF UNITED STATES HIGHWAY 17 AND DAVIDSON ROAD IN CHARLESTON COUNTY “WILLIE FRAZIER, SR. INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “WILLIE FRAZIER, SR. INTERSECTION”.

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

**CARRIED OVER**

S. 348 -- Senators Fair, Sheheen, S. Martin, Lourie, Shoopman, Knotts and Rose: A BILL TO AMEND SECTION 16‑3‑95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLICTION OF GREAT BODILY INJURY UPON A CHILD, SO AS TO PROVIDE A MINIMUM TERM OF IMPRISONMENT OF TWO YEARS FOR A PERSON WHO IS CONVICTED OF THIS OFFENSE AND WHO IS REGISTERED WITH OR LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO CHILDCARE FACILITIES LICENSURE REQUIREMENTS; TO PROVIDE THAT NO PORTION OF THE SENTENCE MAY BE SUSPENDED; AND BY ADDING SECTION 63‑13‑825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES.

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

S. 642 -- Senators Alexander, Ford and Knotts: 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.

S. 314 -- Senator Fair: A BILL TO AMEND CHAPTER 1, TITLE 14 OF THE 1976 CODE, RELATING TO MISDEMEANOR TRAFFIC OFFENSES AND NONTRAFFIC VIOLATIONS, BY ADDING SECTION 14‑1‑240, TO IMPOSE AN ADDITIONAL FIVE DOLLAR SURCHARGE ON ALL FINES, FORFEITURES, ESCHEATMENTS, OR OTHER MONETARY PENALTIES FOR MISDEMEANOR TRAFFIC OFFENSES OR FOR NONTRAFFIC VIOLATIONS, AND TO PROVIDE THAT THE SURCHARGE SHALL BE USED TO FUND TRAINING AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY.

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

**AMENDED, 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.

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

Senator SHANE MARTIN proposed the following amendment (812R002.SRM), which was adopted:

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

/ A BILL

TO PROVIDE THAT THE PARENT OR LEGAL GUARDIAN OF A STUDENT RESIDING IN SPARTANBURG OR UNION COUNTY AND ATTENDING SCHOOL IN SPARTANBURG OR UNION COUNTY AS A NON-RESIDENT MUST ARRANGE FOR THE STUDENT TO ATTEND A SCHOOL IN THE COUNTY RATHER THAN THE SCHOOL AUTHORITIES IN THE CHILD’S COUNTY OF RESIDENCE; AND TO PROVIDE THAT THE SCHOOL BOARD OF TRUSTEES FOR THE SCHOOL DISTRICT IN WHICH A CHILD IN SPARTANBURG OR UNION COUNTY RESIDES MAY NOT PREVENT A STUDENT FROM TRANSFERRING TO ANOTHER SCHOOL DISTRICT IN SPARTANBURG OR UNION COUNTY IF THE RECEIVING SCHOOL DISTRICT APPROVES THE TRANSFER.

SECTION 1. (A) Notwithstanding Section 59‑63‑480, if a child resides in Spartanburg County, he may attend the schools in Union County if the person responsible for educating the child receives approval for admission from school officials of Union County and payment is made pursuant to Section 59‑63‑45. If a child resides in Union County, he may attend the schools in Spartanburg County if the person responsible for educating the child receives approval for admission from school officials of Spartanburg County and payment is made pursuant to Section 59‑63‑45. The person responsible for educating a nonresident child that would like to attend school in either county pursuant to this section shall make written application to the board of trustees of the district in which the school is located for the admission of the child, giving full information as to age, residence, and school attainment. The board of trustees in the school district, agreeing to accept the child, shall give a written statement of agreement. Upon receipt of the application, the board of trustees of the school shall determine the amount of the payment required by Section 59‑63‑45. The child shall be admitted to the schools of either county upon proper arrangement being made for the payment required by Section 59‑63‑45.

(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. (A) Notwithstanding Section 59‑63‑490, when a person in Spartanburg County is better accommodated at a school in Union County, or a person in Union County is better accommodated at a school in Spartanburg County, whether special or otherwise, the board of trustees of the school district in which the person resides may, with the consent of the board of trustees of the school district in which the school is located, transfer the person for education to the school district in which the school is located, and the trustees of the school district in which the school is located shall receive 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. 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.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 1261 -- Senator Cromer: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CUTTING OF TIMBER ON LANDS HELD BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE TECHNICAL CORRECTIONS; TO DELETE OBSOLETE REFERENCES; TO REQUIRE THE DEPARTMENT TO COORDINATE THE CUTTING AND SALE OF SUCH TIMBER WITH THE STATE FORESTER, RATHER THAN TO SUBMIT THE MATTER TO THE STATE FORESTER FOR APPROVAL; TO PROVIDE THAT LAND OWNED BY THE DEPARTMENT THAT WAS PREVIOUSLY USED FOR AGRICULTURE OR MANAGED FOREST LAND MUST BE MANAGED TO PROVIDE OPTIMUM FISH AND WILDLIFE HABITAT AND TIMBER PRODUCTION; TO REVISE PROCEDURES FOR ADVERTISING FOR BIDS ON THE TIMBER; TO PROVIDE PROCEDURES FOR THE HARVEST AND SALE OF TIMBER IF AN EMERGENCY OR NATURAL DISASTER OCCURS NECESSITATING IMMEDIATE HARVESTING OF TIMBER; TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT, RATHER THAN THE BOARD, TO EXECUTE DEEDS AND CONTRACTS REQUIRED IN CARRYING OUT THIS ARTICLE; AND TO PROVIDE THAT, UNLESS OTHERWISE PROVIDED FOR, THE PROCEEDS OF THESE TIMBER SALES MUST CONTINUE TO BE CREDITED TO THE FISH AND WILDLIFE PROTECTION FUND.

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

The Committee on Fish, Game and Forestry proposed the following amendment (1261R001.RWC), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 6 - 31 and inserting:

/ Section 50‑3‑510. The department may, subject to the provisions of this article contract for the ~~selective cutting and sale~~ harvest of timber on any lands held by the department ~~on behalf of its Wildlife and Freshwater Fish Division~~. No contract for such cutting and sale ~~shall~~ may be entered into and no timber ~~shall~~ may be cut or sold unless the board decides that the cutting and sale of ~~such~~ the timber is for the best interests of the department and the improvement of its lands, by reason of thinning the timber, harvesting the over‑age trees and improving general forestry conditions. ~~Prior to~~ Before selling or cutting ~~any such~~ the timber the ~~matter shall be submitted to the State Forester, who shall investigate the propriety of making such cutting and~~ department shall coordinate with the State Forester to have the timber cruised and an estimate of the value made. If the State Forester finds that the sale is not in keeping with good forestry practices or will adversely affect the remainder of the timber, the sale ~~shall~~ must not be made.

Section 50‑3‑515. Notwithstanding any other provision of law, lands owned by the department which have been used for agriculture or managed forestland before acquisition by the department must be managed and the timber harvested to provide optimum fish and wildlife habitat and timber production. The department must use Best Management Practices as prescribed by the South Carolina Forestry Commission, or its successor, in managing and harvesting timber. When managing or harvesting timber on a historical or archeological site using Best Management Practices does not constitute a disturbance of the historical or archeological sites.”

Amend the bill further, as and if amended, page 3, by striking lines 1 - 5 and inserting:

/ Section 50‑3‑525. If an ecological or silviculture emergency or a natural disaster occurs that necessitates the immediate harvest of timber, the department shall notify the South Carolina Forestry Commission of the situation and immediately may negotiate contracts for the harvest and sale of the timber. Ecological or silviculture emergencies include, but are not limited to, insect, fungal, or disease infestations, or fires. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The committee amendment was adopted.

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

**LOCAL APPOINTMENTS**

**Confirmations**

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

Reappointment, Clarendon County Master-in-Equity, with the term to commence June 30, 2010, and to expire June 30, 2016

At-Large:

William C. Coffey, Jr., Coffey, Chandler, & Kent, P. A., 8 South Brooks Street, Manning, SC 29102

Reappointment, Allendale County Master-in-Equity, with the term to commence December 31, 2008, and to expire December 31, 2014

Walter H. Sanders, Jr., P. O. Box 840, Fairfax, SC 29827

**ADJOURNMENT**

At 12:58 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

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

\* \* \*