**Tuesday, April 27, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

In Genesis the Lord God declared to Abram:

“ ‘I will make you into a great nation and I will bless you; I will make your name great, and you will be a blessing.’ ”

(Genesis 12:2)

Please join me as we take a moment to bow in prayer:

Holy God, as budget issues loom directly in front of these Senators, we feel that perhaps we ought to break into a hopeful chorus of “Kum Ba Yah.” Indeed, O Lord, we pray desperately for You “to come by here,” to fill this Senate Chamber with Your power and wisdom, with Your divine guidance and blessing. Impart to each Senator courage to make the best decisions possible, dear God. “Come by here,” and enable these leaders to do what is right and just for all of the people of this State. In Your loving 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:

**Statewide Appointments**

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2010, and to expire May 19, 2014

4th Congressional District:

Mary Sue Sonksen, SC School for the Deaf and Blind, 355 Cedar Springs Rd., Spartanburg, SC 29302

Referred to the General Committee.

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence August 1, 2010, and to expire August 1, 2013

Governor Appointed:

Linzie R. Staley, 427 Barnwell Street, Columbia, SC 29205 *VICE* Thomas Hatfield

Referred to the Committee on Education.

Initial Appointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2007, and to expire November 27, 2011

Public:

D. Scott Stephens, 102 Golf View Lane, Greenville, SC 29609 *VICE* Donald D. Bradley

Referred to the Committee on Labor, Commerce and Industry.

**Local Appointments**

Reappointment, Calhoun County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Thomas Randolph, 61 Bristlecone Drive, St. Matthews, SC 29135

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Robert James Aycock III, 301 North Meadows Drive, Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

June Cottingham Briggs, P.O. Box 355, Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

William T. Geddings, Sr., 2182 Greeleyville Highway, Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Carnell Hampton, 3539 Black River Road, Gable, SC 29051

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Percy B. Harvin, P. O. Box 386, Summerton, SC 29148

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Robert Shawn McCord, 537 Sunset Drive, Manning, SC 29102 *VICE* John B. Bassard

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Russell A. Miller, 7775 Moses Dingle Road, Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Phillip Shayne Stephens, 4133 Bloomville Rd., Manning, SC 29102

Reappointment, Sumter County Master-in-Equity, with the term to commence December 31, 2010, and to expire December 31, 2016

Richard L. Booth, 141 North Main Street, Sumter, SC 29150

Reappointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Samuel L. Floyd, 15 Courthouse Square, Kingstree, SC 29556

Initial Appointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Ernest J. Jarrett, 313 North Academy Street, Kingstree, SC 29556 *VICE* Gordon B. Jenkinson III

Reappointment, Williamsburg County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

William Ellerbe Ackerman, Jr., P. O. Box 673, Kingstree, SC 29556

Reappointment, Williamsburg County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

James E. Doster, Jr., P. O. Box 416, Hemingway, SC 29554

Initial Appointment, Williamsburg County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Brian Maurice McKnight, 4989 Thurgood Marshall Highway, Kingstree, SC 29556 *VICE* Cynthia W. Burrows

**Doctor of the Day**

Senator CAMPSEN introduced Dr. Louis Costa II of Charleston, S.C., Doctor of the Day.

**Leave of Absence**

At 11:05 A.M., Senator FAIR requested a leave of absence beginning at 2:30 P.M. and lasting until 8:30 P.M. this evening.

**Leave of Absence**

On motion of Senator JACKSON, at 11:05 A.M., Senator MATTHEWS was granted a leave of absence for this week.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRYANT rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 790 Sen. Bryant

S. 1347 Sen. Knotts

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1390 -- Senator Peeler: A BILL TO AMEND SECTION 8-13-1308, RELATING TO INFORMATION REGARDING EXPENDITURES THAT MUST BE CONTAINED IN A CERTIFIED CAMPAIGN REPORT, TO DELETE A REFERENCE TO CAMPAIGN FUNDS AND REQUIRE THAT ALL EXPENDITURES BE LISTED IN THE REPORT.

l:\s-res\hsp\012cauc.mrh.hsp.docx

Senator PEELER spoke on the Bill.

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

S. 1391 -- Senator Grooms: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING A NEW ARTICLE TO PROVIDE FOR A LARGE MOUTH BASS SPECIAL LICENSE PLATE AND TO PROVIDE FOR THE DISTRIBUTION OF FUNDS COLLECTED.

l:\s-res\lkg\026bass.kmm.lkg.docx

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

S. 1392 -- Transportation Committee: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, TO PROVIDE FOR CERTAIN SPECIALTY LICENSE PLATES; TO AMEND SECTION 56-3-10810, RELATING TO 'BOY SCOUTS OF AMERICA' SPECIAL LICENSE PLATES, TO PROVIDE FOR 'EAGLE SCOUT' SPECIAL LICENSE PLATES; TO AMEND SECTION 56-3-2150, RELATING TO SPECIAL LICENSE PLATES FOR CERTAIN ELECTED OFFICIALS, TO PROVIDE THAT CORONERS MAY BE PROVIDED WITH TWO LICENSE PLATES; TO AMEND SECTION 56-3-1240, RELATING TO THE LOCATION ON VEHICLES WHERE LICENSE PLATES MUST BE ATTACHED, TO PROVIDE THAT A FRAME MAY BE PLACED AROUND A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 56-3-10410, RELATING TO A SPECIAL MOTOR VEHICLE LICENSE PLATE FOR VETERANS, TO PROVIDE FOR A DISABLED VETERAN SPECIAL LICENSE PLATE.

l:\s-res\lkg\025lice.kmm.lkg.docx

Read the first time and ordered placed on the Calendar without reference.

S. 1393 -- Senators Knotts, Cromer, Setzler and Courson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE WALKWAY ADJACENT TO THE PORTION OF SOUTH CAROLINA HIGHWAY 6 IN LEXINGTON COUNTY THAT CROSSES THE LAKE MURRAY DAM THE "JOHNNY W. JEFFCOAT WALKWAY", AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS WALKWAY THAT CONTAIN THE WORDS "JOHNNY W. JEFFCOAT WALKWAY".

l:\council\bills\swb\8066cm10.docx

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

S. 1394 -- Senators Hutto and Matthews: A CONCURRENT RESOLUTION TO HONOR THE REVEREND SAMMIE T. NELSON, PASTOR OF OAK GROVE MISSIONARY BAPTIST CHURCH IN SANTEE, FOR HIS THIRTY-FIVE YEARS OF MINISTRY AT OAK GROVE AND TO WISH HIM GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

l:\council\bills\rm\1227ac10.docx

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

S. 1395 -- Senators Rose, Matthews and Grooms: A CONCURRENT RESOLUTION CONGRATULATING THE EDISTO NATCHEZ-KUSSO TRIBE (FOUR HOLES INDIAN ORGANIZATION) ON THE HIGHEST HONOR OF ITS RECOGNITION AS A TRIBE BY THE SOUTH CAROLINA COMMISSION ON MINORITY AFFAIRS.

l:\council\bills\bbm\9737htc10.docx

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

S. 1396 -- Senators Courson, Setzler, Hayes, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO SUPPORT SOUTH CAROLINA IN SUBMITTING AN APPLICATION FOR A ROUND TWO "RACE TO THE TOP" AWARD, TO ASSIST THROUGH APPROPRIATE LEGISLATIVE REMEDIES TO STRENGTHEN THE STATE'S APPLICATION, AND TO ASSIST WITH IMPLEMENTATION.

l:\s-res\jec\017race.kmm.jec.docx

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

S. 1397 -- Senators Jackson, Lourie, Courson and Scott: A SENATE RESOLUTION TO RECOGNIZE AND HONOR COLUMBIA'S MAYOR-ELECT STEVE BENJAMIN UPON THE OCCASION OF HIS ELECTION AS THE FIRST AFRICAN AMERICAN TO FILL THAT POST IN THE CITY'S HISTORY.

l:\council\bills\gm\24487sd10.docx

The Senate Resolution was adopted.

H. 3768 -- Rep. Chalk: A BILL TO AMEND SECTION 4-10-25, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF CERTAIN CONSTRUCTION CONTRACTS FROM A LOCAL OPTION SALES TAX FOR COUNTY OR MUNICIPAL OPERATIONS UNDER WHICH TANGIBLE PERSONAL PROPERTY IS TO BE DELIVERED AFTER THE IMPOSITION DATE OF THE TAX, SO AS TO REVISE THE TERMS AND CONDITIONS UNDER WHICH THESE CONSTRUCTION CONTRACTS ARE EXEMPT.

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

H. 4233 -- Rep. Harrison: A BILL TO AMEND SECTION 12-21-1010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE BEER AND WINE LICENSE TAX, SO AS TO CONFORM THE DEFINITION OF "BEER" FOR PURPOSES OF THIS LICENSE TAX TO THE REVISED DEFINITION FOR "BEER" PROVIDED BY LAW FOR THE REGULATION OF BEER AND WINE SALES AND CONSUMPTION.

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

H. 4430 -- Reps. Merrill, Lowe, Bingham, Hutto, Limehouse, Crawford, Harrell, Harrison and G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-218 SO AS TO PROVIDE THAT IF A MUNICIPALITY CONSISTS OF REAL PROPERTY LOCATED IN TWO OR MORE COUNTIES AND ONE OF THOSE COUNTIES BUT NOT ALL UNDERGOES AND IMPLEMENTS A COUNTYWIDE REASSESSMENT AND EQUALIZATION PROGRAM IN A PARTICULAR YEAR, ANY HIGHER REAL PROPERTY TAX VALUATIONS IN THAT COUNTY RESULTING FROM THE REASSESSMENT SHALL NOT APPLY FOR PURPOSES OF COMPUTING MUNICIPAL AD VALOREM TAXES UNTIL THE YEAR IN WHICH ALL OTHER COUNTIES IN THE MUNICIPALITY HAVE COMPLETED AND IMPLEMENTED SUCH A REASSESSMENT AND EQUALIZATION PROGRAM.

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

H. 4538 -- Reps. Crawford, Bedingfield, Anderson and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 140 TO TITLE 44 SO AS TO ESTABLISH THE SOUTH CAROLINA HEALTH INFORMATION EXCHANGE (SCHIEX), TO ESTABLISH THE SOUTH CAROLINA HEALTH INFORMATION EXCHANGE COUNCIL AS THE GOVERNING BODY OF SCHIEX TO OVERSEE AND GOVERN THE EXCHANGE OF HEALTH-RELATED INFORMATION AMONG HEALTH CARE ORGANIZATIONS, TO PROVIDE FOR THE COUNCIL'S POWERS AND DUTIES, AND TO FURTHER PROVIDE FOR THE ELECTRONIC MOVEMENT OF HEALTH-RELATED INFORMATION AMONG HEALTH CARE ORGANIZATIONS IN THE STATE.

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

H. 4599 -- Reps. Daning, Clemmons, D. C. Moss, Sellers, Brantley, Erickson, Hardwick, Kennedy, Whipper, Jefferson, Loftis, Gilliard, McEachern, Pinson, Merrill, Crawford, Umphlett, Harrison, V. S. Moss, Bowen, Gambrell, Lowe, H. B. Brown, Govan, Viers, Sottile, Whitmire, Agnew, Ballentine, Barfield, Bedingfield, Cobb-Hunter, Gunn, Hamilton, Harrell, Harvin, Hearn, Herbkersman, Horne, Hosey, Howard, J. H. Neal, Owens, M. A. Pitts, Sandifer, Scott, D. C. Smith, G. R. Smith, Thompson, Toole, Vick, Willis, Wylie and A. D. Young: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN-STATE TUITION FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO CONTINUE TO EXTEND IN-STATE TUITION RATES UPON TRANSFER TO AN ELIGIBLE INSTITUTION UPON CERTAIN CONDITIONS, AND TO REQUIRE A TRANSFERRING INSTITUTION TO VERIFY ELIGIBILITY AND THE TRANSFERRING STUDENT TO PROVIDE NECESSARY DOCUMENTATION.

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

H. 4746 -- Reps. Mitchell, Loftis, Harrell, Knight, V. S. Moss and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 1 SO AS TO CREATE THE "SOUTH CAROLINA ENVIRONMENTAL JUSTICE EQUITABLE REDEVELOPMENT COMMISSION" AND THE SOUTH CAROLINA INTERAGENCY WORKING GROUP ON ENVIRONMENTAL JUSTICE, AN ADVISORY COMMITTEE TO THE COMMISSION, AND TO PROVIDE FOR THEIR MEMBERS, POWERS, AND DUTIES.

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

H. 4779 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARNERS FERRY ROAD BEGINNING AT INTERSTATE 77 INTERCHANGE CONTINUING TO THE INTERSECTION OF PINEVIEW ROAD THE "CAPTAIN L. D. 'DOUG' BARDEN MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CAPTAIN L. D. 'DOUG' BARDEN MEMORIAL HIGHWAY".

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

H. 4891 -- Rep. Bingham: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 19, 2010, IMMEDIATELY FOLLOWING THE ELECTION OF TRUSTEES TO INSTITUTIONS OF HIGHER EDUCATION AND MEMBERS OF THE PUBLIC SERVICE COMMISSION, AS THE TIME TO ELECT MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL TO SUCCEED THE INTERIM MEMBERS OF THAT PANEL.

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

**REPORTS OF STANDING COMMITTEES**

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 1148 -- Senator Cleary: A BILL TO AMEND CHAPTER 65, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS, SO AS TO CONFORM THIS CHAPTER TO THE ORGANIZATIONAL STATUTORY FRAMEWORK ESTABLISHED FOR PROFESSIONS AND OCCUPATIONS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE THAT PERSONS ENGAGING IN PROFESSIONAL SOIL CLASSIFICATION MUST BE LICENSED, RATHER THAN REGISTERED; TO REVISE QUALIFICATIONS FOR LICENSURE; TO PROVIDE GRANDFATHERING PROVISIONS FOR REGISTERED PROFESSIONAL SOIL CLASSIFIERS TO BECOME LICENSED PROFESSIONAL SOIL CLASSIFIERS UPON THE NEXT RENEWAL OF THE PERSON’S REGISTRATION; AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 1149 -- Senator Cleary: A BILL TO AMEND CHAPTER 28, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSURE AND REGULATION OF LANDSCAPE ARCHITECTS, SO AS TO CONFORM THE CHAPTER TO THE STATUTORY ORGANIZATIONAL FRAMEWORK OF CHAPTER 1, TITLE 40 FOR BOARDS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF LANDSCAPE ARCHITECTS.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 1353 -- Senators Ryberg and Rose: A BILL TO AMEND CHAPTER 31, TITLE 41 OF THE 1976 CODE, RELATING TO CONTRIBUTIONS AND PAYMENTS TO THE UNEMPLOYMENT TRUST FUND, TO PROVIDE FOR CONTRIBUTIONS TO THE UNEMPLOYMENT TRUST FUND AND THE MANNER IN WHICH THOSE CONTRIBUTIONS ARE CALCULATED, TO PROVIDE NECESSARY DEFINITIONS, AND TO MAKE TECHNICAL AND CONFORMING AMENDMENTS.

Ordered for consideration tomorrow.

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

H. 4054 -- Rep. Edge: A CONCURRENT RESOLUTION TO URGE THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EDUCATE PARENTS ON THE IMPORTANCE OF ADOLESCENT WELL PHYSICALS TO PREVENT CHRONIC DISEASES, APPROPRIATELY INTERVENE TO BETTER TREAT CHRONIC DISEASE, AND UPDATE IMMUNIZATIONS FOR ADOLESCENTS OF THIS STATE AND NATION.

Ordered for consideration tomorrow.

**Invitations Accepted**

The following invitations were polled favorably from the Invitations Committee and the members voted as follows:

**Poll of the Invitations Committee**

**Polled 11; Ayes 11; Nays 0; Not Voting 0**

**AYES**

Alexander Campsen Cromer

Elliott Ford Knotts

Malloy McGill O’Dell

Reese Verdin

**Total--11**

**NAYS**

**Total--0**

**Tuesday, May 4, 2010 - 6:00 p.m. - 9:00 p.m.**

Members of the Senate, Oyster Roast and Reception, 701 Whaley Street, by **S.C. Conservation CommuniTy**

**Wednesday, May 5, 2010 - 8:00 a.m. - 10:00 a.m.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by **S.C. PRIMARY HEALTH CARE ASSOCIATION**

**Wednesday, May 5, 2010 - 11:30 a.m. - 2:00 p.m.**

Members of the Senate, Spouses and Staff, “A South Carolina Taste” Luncheon, State House Grounds, by **PALMETTO AGRICULTURE AND FOOD INDUSTRY COUNCIL**

**Thursday, May 6, 2010 - 8:00 a.m. - 10:00 a.m.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by **SC VOCATIONAL REHABILITATION ASSOCIATION**

**Tuesday, May 11, 2010 - 5:30 p.m.**

Members of the Senate, Staff and Families, Legislative Softball Game and Picnic, Capital City Stadium, by **BLUE CROSS BLUE SHIELD OF SC**

**Wednesday, May 12, 2010 - 8:00 a.m. - 10:00 a.m.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by **AMERICAN INSTITUTE OF ARCHITECTS, SC CHAPTER**

**Wednesday, May 12, 2010 - 12:00 - 2:00 p.m.**

Members of the Senate, Luncheon, Room 112, Blatt Building, by **WIL LOU GRAY OPPORTUNITY SCHOOL**

**Wednesday, May 12, 2010 - 6:00 p.m.**

Members of the Senate, Guests and Staff, “Spring Fling” Reception and Auction to benefit Juvenile Diabetes Foundation, The Coop, 1100 Key Road, by **ELECTRIC, TELEPHONE AND GAS UTILITES AND THE SC MANUFACURERS ALLIANCE**

**Thursday, May 13, 2010 - 8:00 a.m. - 10:00 a.m.**

Members of the Senate, Breakfast, Room 112, Blatt Building, by **SC HIV/AIDS CARE CRISIS TASK FORCE**

**Wednesday, May 19, 2010 - 12:00 - 2:00 p.m.**

Members of the Senate, Luncheon, Room 112, Blatt Building, by **SC HEALTH INFORMATION MANAGEMENT ASSOCIATION**

**Thursday, May 20, 2010 - 8:00 a.m. - 10:00 a.m.**

Members of the Senate, Breakfast, Room 112, Blatt Building, by **ALPHA KAPPA ALPHA SORORITY, INC.**

**Wednesday, May 26, 2010 - 8:00 a.m. - 10:00 a.m.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by **SC HIV/AIDS COUNCIL / PROJECT F.A.I.T.H.**

**Wednesday, May 26, 2010 - 12:00 - 2:00 p.m.**

Members of the Senate and Staff, Luncheon, Room 112, Blatt Building, by **SC STATE CHAPTER OF ZETA PHI BETA SORORITY, INC.**

**Message from the House**

Columbia, S.C., April 21, 2010

Mr. President and Senators:

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

LOCAL APPOINTMENT

Reappointment, Sumter County Master-in-Equity, with the term to commence December 31, 2010, and to expire December 31, 2016

Richard L. Booth, 141 North Main Street, Sumter, SC 29150

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., March 11, 2010

Mr. President and Senators:

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

S. 328 -- Senators Verdin, Grooms, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47‑5‑60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

Very respectfully,

Speaker of the House

Received as information.

**SENATE INSISTS AND APPOINTS**

**COMMITTEE OF CONFERENCE**

S. 328 -- Senators Verdin, Grooms, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47‑5‑60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

On motion of Senator VERDIN, the Senate insisted upon its amendments to S. 328 and asked for a Committee of Conference.

Whereupon, Senators LAND, VERDIN and BRYANT were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

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

**THIRD READING BILLS**

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

S. 973 -- Senators Campsen, Rose, Elliott and Knotts: A BILL TO AMEND TITLE 23, CHAPTER 3, ARTICLE 7 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “ELECTRONIC SECURING AND TARGETING OF ONLINE PREDATORS ACT (E‑STOP)”, BY ADDING SECTION 23‑3‑555, SO AS TO PROVIDE THAT A SEX OFFENDER WHO IS REQUIRED TO REGISTER WITH THE SEX OFFENDER REGISTRY MUST PROVIDE INFORMATION REGARDING THE OFFENDER’S INTERNET ACCOUNTS WITH INTERNET ACCESS PROVIDERS AND THE OFFENDER’S INTERNET IDENTIFIERS, AND TO PROVIDE THAT AN AUTHORIZED INTERNET ENTITY MAY REQUEST CERTAIN SEX OFFENDER REGISTRY INFORMATION FROM SLED, AND TO PROVIDE THAT SLED MUST PROVIDE CERTAIN SEX OFFENDER REGISTRY INFORMATION TO AN AUTHORIZED INTERNET ENTITY, AND TO PROVIDE THAT CERTAIN SEX OFFENDERS MUST, AS A CONDITION OF PROBATION OR PAROLE, BE PROHIBITED FROM USING THE INTERNET TO ACCESS SOCIAL NETWORKING WEBSITES, COMMUNICATE WITH OTHER PERSONS OR GROUPS FOR THE PURPOSE OF PROMOTING SEXUAL RELATIONS WITH PERSONS UNDER THE AGE OF EIGHTEEN, AND COMMUNICATE WITH PERSONS UNDER THE AGE OF EIGHTEEN.

**S. 973--Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

S. 1338 -- Senator Fair: A BILL TO AMEND ACT 432 OF 1947, AS AMENDED, RELATING TO THE GREENVILLE HOSPITAL SYSTEM, ITS CREATION, BOARD, POWERS, AND DUTIES, SO AS TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES MAY ESTABLISH A POLICE DEPARTMENT, EMPLOY POLICE AND SECURITY OFFICERS, AND TO PROVIDE FOR THE POLICE DEPARTMENT’S DUTIES, RESPONSIBILITIES, POWERS, FUNCTIONS, AND JURISDICTION.

S. 1187 -- Senator Leatherman: A BILL TO AMEND SECTION 28‑11‑30 OF THE 1976 CODE, RELATING TO REIMBURSEMENT OF PROPERTY OWNERS FOR CERTAIN EXPENSES RELATED TO THE TAKING OF LAND FOR PUBLIC USE, TO PROVIDE THAT REESTABLISHMENT EXPENSES, PAYABLE PURSUANT TO FEDERAL GUIDELINES AND REGULATIONS TO MOVE A SMALL BUSINESS, FARM, OR NONPROFIT ORGANIZATION, MAY BE PAID IN AN AMOUNT UP TO FIFTY THOUSAND DOLLARS, NOTWITHSTANDING A LOWER LIMITATION IMPOSED BY FEDERAL REGULATIONS.

Senator CAMPBELL explained the Bill.

**S. 1187--Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

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.

**S. 1300--Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

S. 1340 -- Senator Cromer: A BILL TO AMEND SECTION 50‑1‑5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN TITLE 50, SO AS TO DEFINE CERTAIN WILDLIFE, FISH, AND PLANT SPECIES; TO AMEND SECTION 50‑1‑30, AS AMENDED, RELATING TO BIRD, GAME ANIMALS, AND FISH CLASSIFICATIONS RECOGNIZED IN TITLE 50, SO AS TO REVISE THESE CLASSIFICATIONS; BY ADDING SECTION 50‑1‑50 SO AS TO DEFINE INDIVIDUAL RIVERS, CREEKS, LAKES, BAYS, SOUNDS, HARBORS, AND RESERVOIRS REFERENCED IN TITLE 50; TO AMEND SECTION 50‑5‑1500, RELATING TO ANADROMOUS AND CATADROMOUS FISHERIES IN FRESHWATERS AND SALT WATERS, SO AS TO DELETE PROVISIONS RELATING TO LICENSES FOR TAKING SHAD, HERRING, OR STURGEON AND PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50‑5‑1556 SO AS TO PROVIDE THAT A COMMERCIAL FISHERMAN WHO SELLS SHAD, HERRING, OR EELS MUST SELL TO A WHOLESALE SEAFOOD DEALER OR LICENSED BAIT DEALER OR BE LICENSED AS SUCH; TO AMEND SECTION 50‑9‑30, RELATING TO RESIDENCY REQUIREMENTS FOR OBTAINING RECREATIONAL OR COMMERCIAL LICENSES, SO AS TO FURTHER SPECIFY THESE REQUIREMENTS; TO AMEND SECTION 50‑9‑80, RELATING TO REQUIREMENTS FOR ISSUANCE OF DUPLICATE LICENSES, SO AS TO FURTHER SPECIFY THESE REQUIREMENTS; BY ADDING ARTICLE 4 TO CHAPTER 9, TITLE 50 SO AS TO PROVIDE REQUIREMENTS FOR FRESHWATER COMMERCIAL FISHING LICENSES AND BAIT DEALER LICENSES AND TO PROVIDE LICENSURE REQUIREMENTS FOR TAKING SHAD, HERRING, OR EELS FOR COMMERCIAL PURPOSES; BY ADDING SECTION 50‑9‑545 SO AS TO PROVIDE LICENSURE REQUIREMENTS WHEN TAKING SHAD, HERRING, OR EELS FOR RECREATIONAL PURPOSES; BY ADDING SECTION 50‑9‑610 SO AS TO PROVIDE TAG AND PERMIT REQUIREMENTS WHEN USING CERTAIN DEVICES TO TAKE NONGAME FRESHWATER FISH; BY ADDING SECTION 50‑13‑1615 SO AS TO REQUIRE A PERSON SELLING OR POSSESSING FOR SALE FRESHWATER NONGAME FISH TO HAVE CERTAIN DOCUMENTATION VERIFYING THE ORIGIN OF THE FISH; BY ADDING SECTION 50‑19‑250 SO AS TO PROHIBIT NIGHT FISHING IN BRIDGE LAKE IN DORCHESTER COUNTY AND TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50‑19‑251 SO AS TO PROVIDE FOR CERTAIN FISHING AND RECREATIONAL ACTIVITIES ON SLADE LAKE AND TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50‑19‑1190 SO AS TO ESTABLISH A FISH SANCTUARY IN MARION COUNTY AND TO PROVIDE CRIMINAL PENALTIES FOR FISHING OR ENTERING UPON THE SANCTUARY; AND TO REPEAL SECTIONS 50‑1‑100, 50‑13‑1130, 50‑13‑1135, 50‑13‑1150, 50‑13‑1155, 50‑13‑1160, 50‑19‑1910, 50‑19‑1920, 50‑19‑1930, ARTICLE 39, CHAPTER 19, TITLE 50, 50‑19‑2620, AND 50‑19‑2630, ALL RELATING TO VARIOUS FISHING REGULATIONS AND LICENSURE REQUIREMENTS.

**S. 1340--Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

S. 1347 -- Senators Hayes, Setzler, Matthews, Cromer and Knotts: A JOINT RESOLUTION TO PROVIDE SCHOOL ASSESSMENT FLEXIBILITY BY ALLOWING SCHOOLS AND SCHOOL DISTRICTS TO ELECTRONICALLY PROVIDE 2010 SCHOOL AND DISTRICT REPORT CARDS, TO PROVIDE THAT WRITING ASSESSMENTS SHALL BE ADMINISTERED TO ONLY GRADES FIVE AND EIGHT, TO PROVIDE THAT A SCHOOL OR SCHOOL DISTRICT SHALL NOT BE REQUIRED TO PUBLISH SCHOOL AND DISTRICT REPORT CARDS IN A NEWSPAPER, TO PROVIDE THAT SCHOOLS MAY OFFER WORKKEYS TO TENTH GRADE STUDENTS USING FUNDS APPROPRIATED FOR PSAT AND PLAN ASSESSMENT, TO PROVIDE THAT CERTAIN SOUTH CAROLINA TEACHER LOAN RECIPIENTS MAY RECEIVE A ONE-YEAR GRACE PERIOD, TO PROVIDE THAT CERTAIN FUNDS MUST BE ALLOCATED ACCORDING TO THE EDUCATION FINANCE ACT, AND TO PROVIDE FOR A TASK FORCE THAT SHALL EXAMINE END-OF-COURSE ASSESSMENTS.

S. 1348 -- Senator Campsen: A BILL TO AMEND CHAPTER 16, TITLE 12 OF THE 1976 CODE, RELATING TO THE ESTATE TAX, BY ADDING SECTION 12‑16‑1960 TO PROVIDE THAT THE WILL OR TRUST OF A DECEDENT WHO DIES IN 2010 THAT CONTAINS CERTAIN FORMULAE SHALL BE DEEMED TO REFER TO THE FEDERAL ESTATE TAX LAW AS IT APPLIED ON DECEMBER 31, 2009.

**S. 1348--Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

S. 1363 -- Senators Hayes, Setzler and Courson: A BILL TO AMEND SECTION 59‑26‑85 OF THE 1976 CODE, RELATING TO THE INCREASE PAY FOR TEACHERS CERTIFIED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION PRIOR TO JULY 1, 2010, SHALL RECEIVE AN INCREASE IN PAY FOR THE LIFE OF THE CERTIFICATION, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION ON OR AFTER JULY 1, 2010, ONLY SHALL RECEIVE AN INCREASE IN PAY FOR THE INITIAL TEN YEARS OF THE CERTIFICATION, AND TO PROVIDE THAT ONLY TEACHERS WHO APPLY FOR CERTIFICATION PRIOR TO JULY 1, 2010, MAY RECEIVE A LOAN FOR THE APPLICATION FEE.

Senator HAYES asked unanimous consent to take the Bill up for immediate consideration and give the Bill a third reading.

There was no objection.

**S. 1363--Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

S. 1381 -- Judiciary Committee: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO CHILD SUPPORT GUIDELINES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4109, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**S. 1381--Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

S. 1382 -- Judiciary Committee: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, RELATING TO LAW ENFORCEMENT OFFICER AND E-911 OFFICER TRAINING & CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4067, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**S. 1382--Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

S. 1299 -- Senators Scott and Jackson: 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.

**S. 1299--Recorded Vote**

Senator RYBERG desired to be recorded as voting in favor of 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. 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.

S. 1379 -- Senators Peeler, Campbell and O’Dell: A BILL TO AMEND SECTION 63‑11‑500 OF THE 1976 CODE, RELATING TO CHILDREN’S SERVICES AGENCIES, TO HONOR THE MEMORY OF CASS ELIAS MCCARTER BY NAMING THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM AS THE CASS ELIAS MCCARTER GUARDIAN AD LITEM PROGRAM.

H. 3778 -- Rep. Harvin: A BILL TO AMEND SECTION 44‑7‑2430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLECTION OF DATA PURSUANT TO THE “HOSPITAL INFECTIONS DISCLOSURE ACT”, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COMBINE DATA FROM MULTIPLE REPORTING PERIODS IN COMPILING THE DEPARTMENT’S REPORTS AND TO REQUIRE THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, RATHER THAN THE COMMISSIONER OF THE DEPARTMENT, TO APPOINT AN ADVISORY COMMITTEE ON HOSPITAL ACQUIRED INFECTIONS; TO AMEND SECTION 44‑7‑2440, AS AMENDED, RELATING TO REPORTS COMPILED BY THE DEPARTMENT ON HOSPITAL ACQUIRED INFECTIONS, SO AS TO REQUIRE REPORTS TO THE GENERAL ASSEMBLY TO BE SUBMITTED BEFORE APRIL SIXTEENTH OF EACH YEAR; AND TO AMEND SECTION 44‑7‑2460, RELATING TO THE REQUIREMENT THAT COMPLIANCE WITH THIS ACT IS A CONDITION OF HOSPITAL LICENSURE AND PERMITTING, SO AS TO ALSO AUTHORIZE THE IMPOSITION OF CIVIL MONETARY PENALTIES FOR NONCOMPLIANCE.

H. 3871 -- Reps. Harvin, Hosey and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑29‑15 SO AS TO SPECIFY REPORTING REQUIREMENTS FOR LABORATORIES THAT TEST FOR INFECTIOUS OR OTHER DISEASES REQUIRED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO BE REPORTED AND TO PROVIDE A CIVIL MONETARY PENALTY FOR VIOLATIONS.

H. 4823 -- Reps. Cooper, Owens, J.R. Smith and Loftis: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2010 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE‑FUNDED WORKKEYS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE‑YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT TO CONVENE A TASK FORCE TO CONSIDER END‑OF‑COURSE ASSESSMENTS FOR FEDERAL ASSESSMENT PURPOSES.

Senator HAYES explained the Joint Resolution.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 790 -- Senators L. Martin and Bryant: A BILL TO AMEND CHAPTER 3, TITLE 16 OF THE 1976 CODE, BY ADDING ARTICLE 19 TO ESTABLISH A PROCEDURE FOR THE ISSUANCE OF TEMPORARY AND PERMANENT CIVIL NO‑CONTACT ORDERS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE DURATION OF CIVIL NO‑CONTACT ORDERS, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE A PENALTY FOR THE VIOLATION OF CIVIL NO‑CONTACT ORDERS, TO PROVIDE FOR THE ENFORCEMENT OF FOREIGN PROTECTION ORDERS, AND TO PROVIDE FOR THE REQUIREMENTS FOR VALID FOREIGN PROTECTION ORDERS.

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

Senator LARRY MARTIN proposed the following amendment (JUD0790.002), which was adopted:

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

/ SECTION 1. Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Article 19

Civil No‑Contact Orders

Section 16‑3‑1900. For purposes of this article:

(1) ‘Complainant’ means a victim of a criminal offense that occurred in this State, a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occurred in this State, or a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occurred in this State.

(2) ‘Conviction’ means a conviction, adjudication of delinquency, guilty plea, nolo contendere plea, or forfeiture of bail.

(3) ‘Criminal offense’ means an offense against the person of an individual when physical or psychological harm occurs, including both common law and statutory offenses contained in Sections 16‑1‑60, 16‑3‑1700, 16‑3‑1710, 16‑3‑1720, 16‑3‑1730, 16‑25‑20, 16‑25‑30, 16‑25‑50, and 23‑3‑430; criminal sexual conduct offenses plead down to assault and battery of a high and aggravated nature; criminal domestic violence offenses plead down to assault and battery or assault and battery of a high and aggravated nature; and the common law offense of attempt, punishable pursuant to

Section 16‑1‑80.

(4) ‘Family’ means a spouse, child, parent, sibling, or a person who regularly resides in the same household.

(5) ‘Respondent’ means a person who was convicted of a criminal offense for which the victim was the subject of the crime or the witness assisted the prosecuting entity in prosecuting the criminal offense.

(6) ‘Victim’ means:

(a) a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a criminal offense; or

(b) the spouse, parent, child, or lawful representative of a victim who is deceased, a minor, incompetent, or physically or psychologically incapacitated.

‘Victim’ does not include a person who is the subject of an investigation for, charged with, or has been convicted of the offense in question; a person, including a spouse, parent, child, or lawful representative, who is acting on behalf of a suspect, juvenile offender, or defendant, unless such actions are required by law; or a person who was imprisoned or engaged in an illegal act at the time of the offense.

(7) ‘Witness’ means a person who has been or is expected to be summoned to testify for the prosecution, or who by reason of having relevant information is subject to being called or likely to be called as a witness for the prosecution, whether or not any action or proceeding has been commenced.

Section 16‑3‑1910. (A) The circuit court and family court have jurisdiction over an action seeking a permanent civil no-contact order.

(B) To seek a permanent civil no-contact order, a person must:

(1) request the order in general sessions court or family court, as applicable, at the time the respondent is convicted for the criminal offense committed against the complainant; or

(2) file a complaint and motion in common pleas court in the county in which:

(a) the respondent resides when the action commences;

(b) the criminal offense occurred; or

(c) the complainant resides, if the respondent is a nonresident of the State or cannot be found.

(C) The following persons may seek a permanent civil no-contact order:

(1) a victim of a criminal offense that occurred in this State;

(2) a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occurred in this State; or

(3) a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occurred in this State.

(D) A complaint must:

(1) state that the respondent was a person convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity;

(2) state when and where the conviction took place, and the name of the prosecuting entity and court;

(3) be verified; and

(4) inform the respondent of his right to retain counsel to represent the respondent at the hearing on the complaint.

(E) A complainant shall provide his address to the court and to any appropriate law enforcement agencies. The complainant’s address must be kept under seal, omitted from all documents filed with the court, and is not subject to Freedom of Information Act requests pursuant to Section 30-4-10. The complainant may designate an alternative address to receive notice of motions or pleadings from the respondent.

(F) The circuit court must provide forms to facilitate the preparation and filing of a complaint and motion for a permanent civil no-contact order by a complainant not represented by counsel. The court must not charge a fee for filing a complaint and motion for a permanent civil no-contact order.

(G) An action for a permanent civil no‑contact order requires that a separate summons be issued and served. The summons must require the respondent to answer within thirty days of the date of service. The summons must include the complaint for the permanent civil no‑contact order and the notice of hearing as attachments. The appropriate sheriff shall serve the summons and attachments by personal delivery in accordance with the South Carolina Rules of Civil Procedure. If the sheriff cannot with due diligence serve the respondent by personal delivery, the complainant my serve the respondent by publication in accordance with the South Carolina Rules of Civil Procedure.

(H) The court may enter a permanent civil no‑contact order by default if the respondent was served in accordance with the provisions of this section and fails to answer as directed, or fails to appear on a subsequent appearance or hearing date agreed to by the parties or set by the court.

(I) The hearing on a permanent civil no-contact order may be done electronically via closed circuit television or through other electronic means when possible. If the respondent is confined in a Department of Corrections facility, the complainant may come to the Department of Probation, Parole and Pardon Services in Richland County to have the hearing held electronically via closed circuit television or through other electronic means.

(J) Upon a finding that the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity, as applicable, the court may issue a permanent civil no‑contact order. In determining whether to issue a permanent civil no‑contact order, physical injury to the victim or witness is not required.

(K) The terms of a permanent civil no-contact order must protect the victim or witness and may include enjoining the respondent from:

(1) abusing, threatening to abuse, or molesting the victim, witness, or members of the victim or witness’s family;

(2) entering or attempting to enter the victim or witness’s place of residence, employment, education, or other location; and

(3) communicating or attempting to communicate with the victim or witness in a way that would violate the provisions of this section.

(L) A permanent civil no‑contact order conspicuously must bear the following language:

(1) ‘Violation of this order is a felony criminal offense punishable by up to five years in prison.’; and

(2) ‘Pursuant to Section 16‑25‑125, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person’s household member resides or the domestic violence shelter’s administrative offices. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both’.

(M)(1) A permanent civil no-contact order remains in effect for the life of the complainant. If a victim or witness is a minor at the time a permanent civil no-contact order is issued on the minor’s behalf, the victim or witness, upon reaching the age of eighteen, may file a motion with the circuit court to have the permanent civil no-contact order removed.

(2) The court may modify the terms of a permanent civil no-contact order.

(N) Notwithstanding another provision of law, a permanent civil no-contact order is enforceable throughout this State.

(O) Law enforcement officers shall arrest a respondent who is acting in violation of a permanent civil no-contact order after service and notice of the order is provided. An arrest warrant is not required. A respondent who is in violation of a permanent civil no-contact order is guilty of a felony and, upon conviction, must be imprisoned up to five years.

(P) In proceedings for a permanent civil no-contact order or prosecutions for violation of a permanent civil no-contact order, the prior sexual activity and the reputation of the victim is inadmissible except when it would be admissible in a criminal prosecution as provided by law.

(Q) Permanent civil no-contact orders are protection orders for purposes of Section 20-4-320, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, as long as all other criteria of Section 20-4-320 are met.

(R) The remedies provided by this section are not exclusive, but are additional to other remedies provided by law.

Section 16‑3‑1920. (A) The magistrates court has jurisdiction over an action seeking an emergency civil no-contact order.

(B) An action for an emergency civil no-contact order must be filed in the county in which:

(a) the respondent resides when the action commences;

(b) the criminal offense occurred; or

(c) the complainant resides, if the respondent is a nonresident of the State or cannot be found.

(C) A complaint and motion for an emergency civil no-contact order may be filed by:

(1) a victim of a criminal offense that occurred in this State;

(2) a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occurred in this State; or

(3) a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occurred in this State.

(D) The complaint must:

(1) state that the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity;

(2) state when and where the conviction took place, and the name of the prosecuting entity and court;

(3) be verified; and

(4) inform the respondent of his right to retain counsel to represent the respondent at the hearing on the complaint.

(E) A complainant shall provide his address to the court and to any appropriate law enforcement agencies. The complainant’s address must be kept under seal, omitted from all documents filed with the court, and is not subject to Freedom of Information Act requests pursuant to Section 30-4-10. The complainant may designate an alternative address to receive notice of motions or pleadings from the respondent.

(F) The court must provide forms to facilitate the preparation and filing of a complaint and motion for an emergency civil no-contact order by a complainant not represented by counsel. The court must not charge a fee for filing a complaint and motion for an emergency civil no-contact order.

(G)(1) Except as provided in subsection (H), the court shall hold a hearing on an emergency civil no-contact order within fifteen days of the filing of a complaint and motion, but not sooner than five days after service has been perfected upon the respondent.

(2) The court shall serve a copy of the complaint and motion upon the respondent at least five days before the hearing in the same manner required for service as provided in the South Carolina Rules of Civil Procedure.

(3) The hearing may be done electronically via closed circuit television or through other electronic means when possible. If the respondent is confined in a Department of Corrections facility, the complainant may come to the Department of Probation, Parole and Pardon Services in Richland County to have the hearing held electronically via closed circuit television or through other electronic means.

(4) The court may issue an emergency civil no-contact order upon a finding that:

(1) the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity, as applicable; and

(2) a restraining order has expired, is set to expire, or is not available and the common pleas court is not in session for the complainant to obtain a permanent civil no-contact order.

In determining whether to issue an emergency civil no‑contact order, physical injury to the victim or witness is not required.

(H)(1) Within twenty‑four hours after the filing of a complaint and motion seeking an emergency civil no-contact order, the court may hold an emergency hearing and issue an emergency civil no-contact order without giving the respondent notice of the motion for the order if:

(a) the respondent was convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity, as applicable;

(b) a restraining order has expired, is set to expire, or is not available and the common pleas court is not in session for the complainant to obtain a permanent civil no-contact order;

(c) it clearly appears from specific facts shown by a verified complaint or affidavit that immediate injury, loss, or damage will result to the victim or witness before the respondent can be heard; and

(d) the complainant certifies to the court that one of the following has occurred:

(i) efforts have been made to serve the notice; or

(ii) there is good cause to grant the remedy because the harm that the remedy is intended to prevent would likely occur if the respondent were given prior notice of the complainant’s efforts to obtain judicial relief.

In determining whether to issue an emergency civil no‑contact order, physical injury to the victim or witness is not required.

(2) An emergency civil no-contact order granted without notice must be endorsed with the date and hour of issuance and entered of record with the magistrates court. The order must be served upon the respondent together with a copy of the complaint, motion, and a Rule to Show Cause why the order should not be extended until the hearing for a permanent civil no-contact order.

(I) The terms of an emergency civil no-contact order must protect the victim or witness and may include temporarily enjoining the respondent from:

(1) abusing, threatening to abuse, or molesting the victim, witness, or members of the victim or witness’s family;

(2) entering or attempting to enter the victim or witness’s place of residence, employment, education, or other location; and

(3) communicating or attempting to communicate with the victim or witness in a way that would violate the provisions of this section.

(J) An emergency civil no‑contact order conspicuously must bear the following language:

(1) ‘Violation of this order is a felony criminal offense punishable by up to five years in prison.’; and

(2) ‘Pursuant to Section 16‑25‑125, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person’s household member resides or the domestic violence shelter’s administrative offices. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both’.

(K) The court shall serve the respondent with a certified copy of the emergency civil no-contact order and provide a copy to the complainant and to the local law enforcement agencies having jurisdiction over the area where the victim or witness resides. Service must be made without charge to the complainant.

(L)(1) An emergency civil no-contact order remains in effect until a hearing on a permanent civil no-contact order.

(2) The court may modify the terms of an emergency civil no-contact order.

(M) Notwithstanding another provision of law, an emergency civil no-contact order is enforceable throughout this State.

(N) Law enforcement officers shall arrest a respondent who is acting in violation of an emergency civil no-contact order after service and notice of the order is provided. An arrest warrant is not required. A respondent who is in violation of an emergency civil no-contact order is guilty of a felony and, upon conviction, must be imprisoned up to five years.

(O) In proceedings for an emergency civil no-contact order or prosecutions for violation of an emergency civil no-contact order, the prior sexual activity and the reputation of the victim is inadmissible except when it would be admissible in a criminal prosecution as provided by law.

(P) Emergency civil no-contact orders are protection orders for purposes of Section 20-4-320, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, as long as all other criteria of Section 20-4-320 are met.

(Q) The remedies provided by this section are not exclusive but are additional to other remedies provided by law.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0790.001), which was adopted:

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

/ SECTION 1. Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Article 19

Civil No‑Contact Orders

Section 16‑3‑1900. For purposes of this article:

(1) ‘Complainant’ means a victim of a criminal offense that occured in this State, a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occured in this State, or a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occured in this State.

(2) ‘Conviction’ means a conviction, adjudication of delinquency, guilty plea, nolo contendere plea, or forfeiture of bail.

(3) ‘Criminal offense’ means an offense against the person of an individual when physical or psychological harm occurs, including both common law and statutory offenses contained in Sections 16-1-60, 16-3-1700, 16-3-1710, 16-3-1720, 16-3-1730, 16-25-20, 16-25-30, 16-25-50, and 23-3-430; criminal sexual conduct offenses plead down to assault and battery of a high and aggravated nature; criminal domestic violence offenses plead down to assault and battery or assault and battery of a high and aggravated nature; and the common law offense of attempt, punishable pursuant to Section 16-1-80.

(4) ‘Electronic contact’ means a transfer of signs, signals, writings, images, sounds, data, intelligence, or information of any nature transmitted in whole or in part by a device, system, or mechanism, including, but not limited to, a wire, radio, computer, electromagnetic, photoelectric, or photo‑optical system.

(5) ‘Family’ means a spouse, child, parent, sibling, or a person who regularly resides in the same household.

(6) ‘Harassing’ means a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress. Harassment may include, but is not limited to:

(a) following the targeted person as the person moves from location to location;

(b) visual or physical contact that is initiated, maintained, or repeated after a person has been provided oral or written notice that the contact is unwanted or after the victim has filed an incident report with a law enforcement agency;

(c) surveillance of or the maintenance of a presence near the targeted person’s:

(i) residence;

(ii) place of work;

(iii) school; or

(iv) another place regularly occupied or visited by the targeted person; and

(v) vandalism and property damage.

(7) ‘Pattern’ means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose.

(8) ‘Respondent’ means a person who was convicted of a criminal offense for which the victim was the subject of the crime or the witness assisted the prosecuting entity in prosecuting the criminal offense.

(9) ‘Stalking’ means a pattern of words, whether verbal, written, or electronic, or a pattern of conduct that serves no legitimate purpose and is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person’s position to fear:

(a) death of the person or a member of the person’s family;

(b) assault upon the person or a member of the person’s family;

(c) bodily injury to the person or a member of the person’s family;

(d) criminal sexual contact on the person or a member of the person’s family;

(e) kidnapping of the person or a member of the person’s family; or

(f) damage to the property of the person or a member of the person’s family.

(10) ‘Victim’ means:

(a) a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a criminal offense; or

(b) the spouse, parent, child, or lawful representative of a victim who is deceased, a minor, incompetent, or physically or psychologically incapacitated.

‘Victim’ does not include a person who is the subject of an investigation for, charged with, or has been convicted of the offense in question; a person, including a spouse, parent, child, or lawful representative, who is acting on behalf of a suspect, juvenile offender, or defendant, unless such actions are required by law; or a person who was imprisoned or engaged in an illegal act at the time of the offense.

(11) ‘Witness’ means a person who has been or is expected to be summoned to testify for the prosecution, or who by reason of having relevant information is subject to being called or likely to be called as a witness for the prosecution, whether or not any action or proceeding has been commenced.

Section 16‑3‑1910. (A) The circuit court and family court have jurisdiction over an action seeking a permanent civil no-contact order.

(B) The following persons may seek a permanent civil no-contact order:

(1) a victim of a criminal offense that occured in this State;

(2) a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occured in this State; or

(3) a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occured in this State.

(C) To seek a permanent civil no-contact order, a person must:

(1) request the order in general sessions or family court, as applicable, at the time the respondent is sentenced for the criminal offense committed against the complainant;

(2) file a complaint in common pleas court in the county in which:

(a) the respondent resides when the action commences;

(b) the criminal offense occurred; or

(c) the complainant resides if the respondent is a nonresident of the State or cannot be found.

(D) A complaint seeking a permanent civil no-contact order must:

(1) state that the respondent was a person convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity;

(2) state when the conviction took place, and the prosecuting county and court;

(3) be verified; and

(4) inform the respondent of his right to retain counsel to represent him at the hearing on the complaint.

(E) The complainant shall provide his address to the court and to any appropriate law enforcement agencies. The complainant’s address must be kept under seal, omitted from all documents filed with the court, and is not subject to Freedom of Information Act requests pursuant to Section 30-4-10. The complainant may designate an alternative address to receive notice of motions or pleadings from the respondent.

(F) The circuit court and family court, as applicable, must provide forms to facilitate the preparation and filing of a complaint for a permanent civil no-contact order by a complainant not represented by counsel. The court must not charge a fee for filing a complaint for a permanent civil no-contact order.

(G) An action for a permanent civil no‑contact order requires that a separate summons be issued and served. The summons must require the respondent to answer within thirty days of the date of service. The summons must include the complaint for the permanent civil no‑contact order and the notice of hearing as attachments. The appropriate sheriff shall serve the summons and attachments by personal delivery in accordance with the South Carolina Rules of Civil Procedure. If the sheriff cannot with due diligence serve the respondent by personal delivery, the complainant my serve the respondent by publication in accordance with the South Carolina Rules of Civil Procedure.

(H) The court may enter a permanent civil no‑contact order by default if the respondent was served in accordance with the provisions of this section and fails to answer as directed, or fails to appear on a subsequent appearance or hearing date agreed to by the parties or set by the court.

(I) Upon a finding that a respondent commited a criminal offense against a victim or a person was a witness for the prosecution, as applicable, the court may issue a permanent civil no‑contact order. In determining whether to issue an permanent civil no‑contact order, physical injury to the victim or witness is not required.

(J) A permanent civil no-contact order remains in effect for the life of the complainant.

(K) Notwithstanding another provision of law, a civil no-contact order issued pursuant to this article is enforceable throughout this State.

(L) If the respondent is confined in a Department of Corrections facility, then the complainant may come to the Department of Probation, Parole and Pardon Services in Richland County to have the hearing held electronically via closed circuit television or through other electronic means.

(M) The respondent must be informed, either in writing or orally, by the court that the permanent no‑contact order requires that the respondent not assault, molest, stalk, harass, threaten, intimidate, or otherwise interfere with the victim or witness.

(N) A permanent civil no‑contact order must include the following notice printed in conspicuous type:

‘Violation of this civil no-contact order is a felony punishable by up to five years in prison. Pursuant to Section 16‑25‑125 of the South Carolina Code of Laws, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person’s household member resides or the domestic violence shelter’s administrative offices. A person who violates this provision is guilty of a misdemeanor, and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony, and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.’

(O) In proceedings for a civil no-contact order or prosecutions for violation of an order pursuant to this article, the prior sexual activity and the reputation of the victim is inadmissible except when it would be admissible in a criminal prosecution as provided by law.

(P) Hearings for a permanent civil no-contact orders may be done electronically via closed circuit television or through other electronic means when possible.

(Q) If a victim is a minor at the time the permanent civil no-contact order is issued, the minor upon reaching the age of eighteen can file a motion to have the permanent civil no-contact order removed.

Section 16‑3‑1920. (A) The magistrates court has jurisdiction over an action seeking an emergency civil no-contact order.

(B) The following persons may seek an emergency civil no-contact order:

(1) a victim of a criminal offense that occured in this State;

(2) a competent adult who resides in this State on behalf of a minor child who is a victim of a criminal offense that occured in this State; or

(3) a witness who assisted the prosecuting entity in the prosecution of a criminal offense that occured in this State.

(C) To seek a permanent civil no-contact order, a person must file a complaint in magistrates court in the county in which:

(a) the respondent resides when the action commences;

(b) the criminal offense occurred; or

(c) the complainant resides if the respondent is a nonresident of the State or cannot be found.

(D) A complaint seeking a emergency civil no-contact order must:

(1) state that the respondent was a person convicted of a criminal offense for which the victim was the subject of the crime or for which the witness assisted the prosecuting entity;

(2) state when the conviction took place, and the prosecuting county and court; and

(3) be verified.

(E) The complainant shall provide his address to the court and to any appropriate law enforcement agencies. The complainant’s address must be kept under seal, omitted from all documents filed with the court, and is not subject to Freedom of Information Act requests pursuant to Section 30-4-10. The complainant may designate an alternative address to receive notice of motions or pleadings from the respondent.

(F) The magistrates court must provide forms to facilitate the preparation and filing of a complaint for an emergency civil no-contact order by a complainant not represented by counsel. The court must not charge a fee for filing a complaint for an emergency civil no-contact order.

(G) An emergency civil no‑contact order may be granted ex parte, without evidence of service of process or notice, if: (a) a temporary restraining order is set to expire and the common pleas court is not in session;

(b) it clearly appears from specific facts shown by a verified complaint or affidavit that immediate injury, loss, or damage will result to the victim or witness before the respondent can be heard; and

(c) the complainant certifies to the court that one of the following has occurred:

(i) efforts have been made to serve the notice; or

(ii) there is good cause to grant the remedy because the harm that the remedy is intended to prevent would likely occur if the respondent were given prior notice of the complainant’s efforts to obtain judicial relief.

(H) An emergency civil no-contact order remains in effect until the hearing on a permanent civil no-contact order.

(I) Notwithstanding another provision of law, a civil no-contact order issued pursuant to this article is enforceable throughout this State.

(J) If the respondent is confined in a Department of Corrections facility, then the complainant may come to the Department of Probation, Parole and Pardon Services in Richland County to have the hearing held electronically via closed circuit television or through other electronic means.

(K) The respondent must be informed, either in writing or orally, by the court that the emergency no‑contact order requires that the respondent not assault, molest, stalk, harass, threaten, intimidate, or otherwise interfere with the victim or witness.

(L) An emergency civil no‑contact order must include the following notice printed in conspicuous type:

‘Violation of this civil no-contact order is a felony punishable by up to five years in prison. Pursuant to Section 16‑25‑125 of the South Carolina Code of Laws, it is unlawful for a person who has been charged with or convicted of criminal domestic violence or criminal domestic violence of a high and aggravated nature, who is subject to an order of protection, or who is subject to a restraining order, to enter or remain upon the grounds or structure of a domestic violence shelter in which the person’s household member resides or the domestic violence shelter’s administrative offices. A person who violates this provision is guilty of a misdemeanor, and, upon conviction, must be fined not more than three thousand dollars or imprisoned for not more than three years, or both. If the person is in possession of a dangerous weapon at the time of the violation, the person is guilty of a felony, and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.’

(M) In proceedings for a civil no-contact order or prosecutions for violation of an order pursuant to this article, the prior sexual activity and the reputation of the victim is inadmissible except when it would be admissible in a criminal prosecution as provided by law.

(N) Hearings for an emergency civil no-contact orders may be done electronically via closed circuit television or through other electronic means when possible.

Section 16‑3‑2030. (A) Civil no-contact orders are protection orders for purposes of Section 20-4-320, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, as long as all other criteria of Section 20-4-320 are met.

(B) The remedies provided by this article are not exclusive but are additional to other remedies provided by law.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

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

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

The Committee on Transportation proposed the following amendment (1171R002.LKG), which was adopted:

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

/ SECTION 5. Section 56‑1‑2070(E) of the 1976 Code is amended to read:

“(E) A person violating the requirements of subsection (D)(3) must be punished as follows, while all other violations of this section must be punished as though convicted of a violation of Section 56‑1‑460. A person is disqualified for not less than:

(1) ninety days nor more than one year if the person is convicted of a first violation of an out‑of‑service order. Additionally, a person who is convicted of ~~violating~~ a first violation of an out‑of‑service order is subject to a civil penalty of not less than ~~one thousand~~ two thousand five hundred dollars ~~nor more than two thousand five hundred dollars~~;

(2) one year nor more than five years if during a ten‑year period the person is convicted of two violations of out‑of‑service orders in separate incidents. Additionally, a person who, within a ten‑year period, is convicted of ~~violating an~~ two violations of out‑of‑service ~~order~~ orders in separate incidents is subject to a civil penalty of ~~not less than one~~ five thousand dollars ~~nor more than two thousand five hundred dollars~~;

(3) three years nor more than five years if during a ten‑year period the person is convicted of three or more violations of out‑of‑state service orders in separate incidents. Additionally, a person who, within a ten‑year period, is convicted of ~~violating an~~ three or more violations of out‑of‑service ~~order~~ orders in separate incidents is subject to a civil penalty of ~~not less than one~~ five thousand dollars ~~nor more than two thousand five hundred dollars~~;

(4) one hundred eighty days nor more than two years if the driver is convicted of a first violation of an out‑of‑service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. 5101‑5127), or while operating motor vehicles designed to transport more than fifteen passengers, including the driver. A driver is disqualified for a period of not less than three years nor more than five years if during a ten‑year period the person is convicted of any subsequent violations of out‑of‑service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, or while operating motor vehicles designed to transport more than fifteen passengers, including the driver. Additionally, a driver who is convicted of violating an out‑of‑service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 U.S.C. 5101‑5127), or while operating motor vehicles designed to transport more than fifteen passengers, including the driver, is subject to a civil penalty of ~~not less than one~~ two thousand five hundred dollars ~~nor more than two~~ for a first violation and five thousand ~~five hundred~~ dollars for a second or subsequent violation.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 35; Nays 0**

**AYES**

Anderson Bryant Campbell

Campsen Cleary Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O’Dell Peeler Pinckney

Rose Ryberg Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**Statement by Senator ALEXANDER**

I was late arriving in the Senate today inasmuch as I was attending a groundbreaking ceremony for a new facility in my district and had I been present in the Chamber at the time the vote was taken, I would have voted in favor of second reading.

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

S. 1271 -- Senators Campsen and Knotts: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50‑11‑108 TO PROVIDE THAT A PERSON MAY USE A FIREARM TO KILL OR ATTEMPT TO KILL ANY ANIMAL DURING ANY SEASON IN SELF‑DEFENSE, DEFENSE OF ANOTHER, OR DEFENSE OF PROPERTY, AND TO PROVIDE EXCEPTIONS.

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 (1271R001.GEC), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 31-39 and inserting:

/ (3) defense of domestic animals.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

Senator CAMPSEN proposed the following amendment (1271R002.GEC), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 36‑39 and inserting:

/ (C) Any person who uses deadly force against a big game animal or alligator in defense of persons or domestic animals as provided for in this section must immediately report the incident to the Department of Natural Resources. No big game animal or alligator taken as provided for in this section may be retained. Failure to report the incident or surrender the carcass is a misdemeanor and any person convicted may be fined up to two thousand dollars or imprisoned up to one year, or both. Notwithstanding this section, all other laws protecting and regulating taking of big game and alligators shall apply.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDED, READ THE SECOND TIME**

S. 749 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 57‑3‑45 AND 57‑3‑55 SO AS TO ESTABLISH THE DIVISION OF RAILROAD TRANSPORTATION AS A COMPONENT OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND PROVIDE FOR ITS FUNCTIONS AND TO REQUIRE RAILROADS AND RAILWAYS ANNUALLY TO REPORT TO THIS DIVISION THEIR ACTIVE, INACTIVE, TO BE ABANDONED, AND ABANDONED RAIL LINES; AND TO AMEND SECTIONS 57‑3‑10, 57‑3‑20, AND 57‑3‑40, RELATING RESPECTIVELY TO THE DIVISIONS COMPRISING THE DEPARTMENT OF TRANSPORTATION, THE RESPONSIBILITIES AND DUTIES OF DIVISION DEPUTY DIRECTORS ADMINISTERING THESE DIVISIONS, AND THE FUNCTIONS OF THE MASS TRANSIT DIVISION, SO AS TO CONFORM THESE PROVISIONS TO REFLECT THE ESTABLISHMENT OF THE DIVISION OF RAILROAD TRANSPORTATION WITHIN THE DEPARTMENT OF TRANSPORTATION.

Senators GROOMS and CAMPBELL proposed the following amendment (SWB\8068CM10), which was adopted:

Amend the committee report, as and if amended, by striking SECTION 10 in its entirety and inserting:

/ SECTION 10. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Transportation proposed the following amendment (749R001.LKG), which was adopted:

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

/ SECTION 1. Section 57‑1‑20 of the 1976 Code is amended to read:

“Section 57‑1‑20. The Department of Transportation is established as an administrative agency of state government which is comprised of a Division of ~~Mass Transit~~ Intermodal and Freight Programs~~;~~, a Division of Construction Engineering and Planning~~;~~, and a Division of Finance and Administration. Each division of the Department of Transportation shall have such functions and powers as provided for by law.”

SECTION 2. Section 57‑1‑30 of the 1976 Code is amended to read:

“Section 57‑1‑30. (A) The department shall have as its functions and purposes the systematic planning, construction, maintenance, and operation of the state highway system and the development of a statewide ~~mass transit~~ intermodal and freight system that is consistent with the needs and desires of the public.

(B) The department shall coordinate all state and federal programs relating to highways among all departments, agencies, and other bodies politic and legally constituted agencies of this State and the performance of such other duties and matters as may be delegated to it pursuant to law. The goal of the department is to provide adequate, safe, and efficient transportation services for the movement of people and goods.”

SECTION 3. Section 57‑3‑10 of the 1976 Code is amended to read:

“Section 57‑3‑10. (A) The Department of Transportation ~~must be divided into such divisions as the commission may prescribe but must consist~~ is compromised of the following principal divisions:

(1) finance and administration;

(2) construction, engineering, and planning; and

(3) ~~mass transit~~ intermodal and freight programs.

(B) The ~~commission~~ Secretary of Transportation may establish other divisions, or ancillary or service divisions or offices as may be necessary for the efficient and economic operation of the ~~division~~ department and to carry out the functions and purposes of the ~~division~~ department.”

SECTION 4. Section 57‑3‑20 of the 1976 Code is amended to read:

“Section 57‑3‑20. The responsibilities and duties of the following division deputy directors must include, but not be limited to, the following:

(1) division deputy director for finance and administration:

~~a.~~(a) financial planning and management;

~~b.~~(b) accounting systems necessary to comply with all federal and/or state laws and/or regulations as well as all policies established by the Comptroller General; and

~~c.~~(c) administrative functions, including recording proceedings of the commission and developing policy and procedures to ensure compliance with these policies and procedures~~.~~;

(2) division deputy director for construction, engineering, and planning:

~~a.~~(a) ~~development~~ develop ~~of~~ statewide strategic highway plans; and

~~b.~~(b) ~~directs~~ direct highway engineering activities, including construction, design, construction oversight, and maintenance of state highways~~.~~;

(3) division deputy director for ~~mass transit~~ intermodal and freight programs:

~~a.~~(a) ~~development of~~ develop a statewide ~~mass~~ public transit system; ~~and~~

~~b.~~(b) coordinate the preservation and revitalization of existing rail corridors~~.~~;

(c) develop and coordinate a statewide passenger and freight rail system, including the development of a comprehensive state rail plan for passenger and freight railroads and rail infrastructure services;

(d) plan, develop, and coordinate a comprehensive intermodal transportation program for the movement of passengers and freight through integrated highway, railroad, port, airport, and other transit systems;

(e) financial management of funding from federal, state, and local transit, rail, and other intermodal sources; and

(f) manage the Office of Railroads and the Office of Public Transit.”

SECTION 5. Chapter 3, Title 57 of the 1976 Code is amended by adding:

“Section 57‑3‑30. (A) The Office of Railroads is established within the Division of Intermodal and Freight Programs. The office is principally responsible for:

(1) preserving railroad rights‑of‑way for future use and coordinating the preparation of a state railroad corridor preservation and revitalization plan;

(2) coordinating high‑speed and intercity passenger rail planning and development;

(3) planning, developing, maintaining, and coordinating a comprehensive state rail plan for passenger and freight railroads and infrastructure services with other modes of transportation to help facilitate effective and efficient interstate and intrastate movement of people and freight;

(4) applying for and receiving state, federal, or other funds for passenger and freight rail service and infrastructure needs, high‑speed and intercity passenger rail planning and development, and rail corridor preservation and revitalization programs; and

(5) preparing and submitting by February first of each year a full, printed, detailed report to the House Education and Public Works Committee and the Senate Transportation Committee containing an analysis of the:

(a) state railroad corridor preservation and revitalization plan; and

(b) comprehensive state rail plan for passenger and freight railroads and infrastructure services.

(B) Every five years the office must develop and prepare a comprehensive state rail plan for passenger and freight railroads and infrastructure services. The plan must be approved by the United States Department of Transportation. The plan, and any updates, must be submitted to the General Assembly.

(C) All departments, boards, public authorities, or other agencies of the State or its political subdivisions, local government, transportation authorities, and other local public entities must cooperate with the ~~department~~ office, provide assistance, data, and advice upon request, and must reimburse any such entity necessary costs in the event of any expense. This authority does not preclude another governmental entity, public or private organization, or individual from entering into a contract or agreement concerning the purposes set forth in this section.”

SECTION 6. Section 57‑3‑40 of the 1976 Code is amended to read:

“Section 57‑3‑40. (A) The Office of Public Transit is established within the Division of Intermodal and Freight Programs. The ~~Division of Mass Transit~~ office must develop and coordinate a general ~~mass~~ public transit program and policy for the State in order to encourage the efficient development, implementation, operation, evaluation, and monitoring of ~~mass~~ public transit systems, both public and private. The office is authorized to apply for and receive federal, state, and other funds for passenger public transit system on the department’s behalf.

~~(B)~~ ~~The division is further designated as the agency of the State principally responsible for preserving railroad rights‑of‑way for future use, and coordinating rail passenger service and high‑speed rail planning and development. This authority includes, but is not limited to, the power to apply for and to receive state, federal, or other funds for rail passenger service, high‑speed rail planning and development, bus passenger service, and rail corridor preservation and revitalization programs.~~

~~(C)~~(B) All departments, boards, public authorities, or other agencies of the State or its political subdivisions, local government, transportation authorities, and other local public entities must cooperate with the ~~department~~ office, provide assistance, data, and advice upon request and must reimburse any such entity necessary ~~cost~~ costs in the event of any expense. This authority does not preclude another governmental entity, public or private organization, or individual from entering into a contract or agreement concerning the purposes set forth in this section.

~~(D)~~(C) The ~~division~~ office must develop and annually submit by February first of each year a full, printed, detailed report to the House Education and Public Works Committee and the Senate Transportation Committee ~~showing~~ containing an analysis of:

(1) the ~~division’s~~ office’s accomplishments ~~in~~ during the past year;

(2) a five year plan detailing future needs and goals of the State as it relates to all forms of ~~mass~~ public transit; and

(3) a plan for funding and receiving federal matching funds or other funds as may be available~~; and~~.

~~(4)~~ ~~a state railroad corridor preservation and revitalization plan.~~

~~(E)~~ ~~A railroad right‑of‑way or corridor held for railroad right‑of‑way preservation may be used for interim public purposes compatible with preservation of the corridor for future transportation use. A railroad corridor held for railroad right‑of‑way preservation may not be considered abandoned for the purpose of any law.~~

~~(F)~~(D) All powers, duties, and responsibilities of the Interagency Council on Public Transportation are devolved upon the ~~Division of Mass Transit~~ office.”

SECTION 7. Article 2, Chapter 3, Title 57 of 1976 Code is amended by adding:

“Section 57‑3‑210. (A) The department is authorized to utilize public transit funds to contract directly with private operators of public transit systems to provide service to the general public, provided that the private operators have established a plan of service that has been approved by the local governmental entity that has jurisdiction over the area to be served, the department, the commission, and the federal government.

(B)(1) The department shall plan and develop mechanisms for increasing coordination of funding streams and resources for public transportation at both the state and local levels to improve access and delivery of transportation services, especially in rural areas. The department shall work with each agency that provides funding for transportation and assure input in the process from major local providers of transportation services to the public, including current providers of coordinated public service.

(2) The department shall prepare and submit a progress report to the General Assembly on or before January fifteenth each year. The progress report required by this section may be combined with the Department of Transportation Annual Report required pursuant to Section 57‑3‑760 and the Office of Public Transit Report required by Section 57‑3‑40.

(C)(1) Any agency, local government, or other entity, including nonprofit organizations, using state funds or state‑administered federal funds to transport members of the general public on a regular basis must:

(a) provide input and information concerning its operations upon request by the Office of Public Transit for planning purposes. The input and information must be provided in a timely manner and in a format specified by the office; and

(b) demonstrate progress toward the development of or participation in a public transportation coordination plan.

(2) No transportation funds may be provided to any entity not in compliance with the requirements of this subsection.

(3) The Department of Corrections, the Department of Education, school districts, and institutions of higher education are exempt from the requirements of this subsection.

Section 57‑3‑220. (A) A railroad right‑of‑way corridor held for railroad right‑of‑way preservation may be used for a public purpose compatible with preservation of the corridor for future transportation use on an interim basis until the corridor is used for rail transport. A railroad corridor held for railroad right‑of‑way preservation are not abandoned for the purpose of any law.

(B) Each railroad and railway, as defined in Section 58‑17‑10, shall file a report with the Office of Railroads concerning active, inactive, to be abandoned, and abandoned rail lines. The report must be amended to reflect additions, changes, and revisions to the status of reporting entity’s rail lines within three months of the addition, change, or revision.

(C) To assist the facilitation of a comprehensive intermodal transportation program for the effective and efficient interstate and intrastate movement of people and freight, the Office of Railroads must be:

(1) notified by the State Ports Authority of any existing or future plans for expanding the authority’s transportation infrastructure; and

(2) provided with master plans or construction plans for airport transportation improvements by the Division of Aeronautics.

Section 57‑3‑230. The Secretary of Transportation may convene a special advisory committee to assist the department in evaluating and addressing issues related to the facilitation of safe and efficient freight, transportation, and logistics infrastructure in the State. The advisory committee must include members of the general public to represent the freight transportation and supply chain industries. The secretary may also invite other state agencies to participate in the committee.”

SECTION 8. Section 13‑1‑1710 of the 1976 Code is amended to read:

“Section 13‑1‑1710. There is created the Coordinating Council for Economic Development. The membership consists of the Secretary of Commerce, the Commissioner of Agriculture, the Chairman of the South Carolina Employment Security Commission, the Director of the South Carolina Department of Parks, Recreation and Tourism, the Chairman of the State Board for Technical and Comprehensive Education, the Chairman of the South Carolina Ports Authority, the Chairman of the South Carolina Public Service Authority, the Chairman of the South Carolina Jobs Economic Development Authority, the Director of the South Carolina Department of Revenue, the Secretary of the Department of Transportation, and the Chairman of the South Carolina Research Authority. The Secretary of Commerce serves as the chairman of the coordinating council.”

SECTION 9. The reports required by Section 57‑3‑220 in SECTION 7 of this act must be filed within three months of the effective date of this act.

SECTION 10. This act takes effect July 1, 2010. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

Senator McCONNELL proposed the following amendment (749R003.GFM), which was adopted:

Amend the bill, as and if amended, by adding subsection (D) to Section 57‑3‑30 to read:

/ (D) Nothing in this section may be interpreted to subrogate the powers and duties of the Division of Public Railways to the Office of Railroads. /

Renumber sections to conform.

Amend title to conform.

The 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. 1296 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING, TO PROVIDE THAT COYOTES MAY BE HUNTED AT NIGHT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES.

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 (1296R001.GEC), which was adopted:

Amend the bill, as and if amended, by striking lines 29‑36 and inserting:

/ (2) coyotes and armadillos may be hunted at night with an artificial light that is carried on the hunter’s person attached to a helmet or hat, or part of a belt system worn by the hunter. Coyotes and armadillos may be hunted with a rifle or sidearm no larger than .22 caliber rimfire, a shotgun with a shot size no larger than BB, or a sidearm of any caliber that has iron sites and a barrel length not exceeding nine inches. A sidearm larger than .22 caliber rimfire may not be equipped with a butt‑stock, scope, laser site, or light emitting or light enhancing device. It is unlawful to have in one’s possession any shot size larger than BB while legally hunting coyotes and armadillos at night with a shotgun, and coyotes and armadillos may not be hunted at night from a vehicle, unless specifically permitted by the department. A person that violates this item is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

Senator ELLIOTT proposed the following amendment (1296R002.DE), which was tabled:

Amend the bill, as and if amended, page 2, by striking line 32 and inserting:

/ SECTION 2. Section 50‑11‑2610 of the 1976 Code is amended to read:

“Section 50‑11‑2610. (A) The department is authorized to issue fox and coyote hunting enclosure permits to an enclosure operator pursuant to the terms and provisions of this article. There is no charge for the permit. For purposes of this article a permit year is from May sixteenth of one year to May fifteenth of the next year.

(B) An operating permit is valid only for one enclosure~~;~~ ~~additional~~. Additional permits are required to operate more than one enclosure. An enclosure may not be constructed within seventy‑five yards of a property line. It is unlawful for a person to submit false information to the department when making application for a permit provided for in this article. Intentional misrepresentation of information submitted on the application results in the denial or revocation of the enclosure permit.

(C) It is unlawful to operate an enclosure or hunt fox or coyote within a fox or coyote hunting enclosure that is not permitted pursuant to the provisions of this article.”

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator SHANE MARTIN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

Senator SHANE MARTIN moved to lay the amendment on the table.

The amendment was laid on the table.

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. 1294 -- Senator Peeler: A BILL TO AMEND SECTION 50‑11‑2540 OF THE 1976 CODE, RELATING TO THE TRAPPING SEASON OF FURBEARING ANIMALS, TO PROVIDE THAT IT IS LAWFUL TO TRAP COYOTES FROM NOVEMBER FIRST OF EACH YEAR TO MARCH FIRST OF THE SUCCEEDING YEAR.

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 (1294R003.GEC), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 24-30 and inserting:

/ for commercial purposes from ~~January~~ December first to March first of each year. The trapping season may not exceed sixty‑one days each year under any circumstances. It is unlawful to trap any other times unless authorized by the department. It is lawful to take furbearing animals by other lawful means during the general open hunting seasons established therefor.

(B) It is lawful to trap coyotes from December first of each /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

Senator ELLIOTT proposed the following amendment (1294R002.DE), which was withdrawn:

Amend the bill, as and if amended, page 1, by striking line 36 and inserting:

/ SECTION 2. Section 50‑11‑2610 of the 1976 Code is amended to read:

“Section 50‑11‑2610. (A) The department is authorized to issue fox and coyote hunting enclosure permits to an enclosure operator pursuant to the terms and provisions of this article. There is no charge for the permit. For purposes of this article a permit year is from May sixteenth of one year to May fifteenth of the next year.

(B) An operating permit is valid only for one enclosure~~;~~ ~~additional~~. Additional permits are required to operate more than one enclosure. An enclosure may not be constructed within seventy‑five yards of a property line. It is unlawful for a person to submit false information to the department when making application for a permit provided for in this article. Intentional misrepresentation of information submitted on the application results in the denial or revocation of the enclosure permit.

(C) It is unlawful to operate an enclosure or hunt fox or coyote within a fox or coyote hunting enclosure that is not permitted pursuant to the provisions of this article.”

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator PEELER raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

Senator ELLIOTT explained the amendment.

On motion of Senator ELLIOTT, the amendment was withdrawn.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 4445 -- Reps. Loftis, Norman, Merrill, Hardwick, Erickson, Wylie, Chalk, Stewart, Pinson, Bedingfield, Huggins, Frye, Clemmons, Rice, Parker, G.R. Smith, Lowe, Hiott, Allison, Allen, Anthony, Bales, Ballentine, Bannister, Barfield, Bingham, Bowen, Cato, Cole, Cooper, Crawford, Daning, Delleney, Duncan, Edge, Gambrell, Hamilton, Harrell, Hearn, Horne, Kelly, Limehouse, Littlejohn, Long, Lucas, D.C. Moss, V.S. Moss, Nanney, Owens, M.A. Pitts, Sandifer, Scott, Simrill, D.C. Smith, G.M. Smith, Spires, Stringer, Thompson, Toole, Umphlett, Viers, White, Whitmire, Willis, A.D. Young, T.R. Young and Weeks: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE.

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

Senator CLEARY proposed the following amendment (JUD4445.012), which was adopted:

Amend the committee amendment, as and if amended, page [4445-4], by striking lines 33-37, in SECTION 2(3)(h), and inserting therein the following:

/ (h) an approval by a county or its duly authorized boards and commissions of sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, or a building permit. For building permits that have expired and not been renewed by the county for one year, the building permit must be issued at no additional cost; however, the building permit must comply with existing rules and regulations in effect at the time the building permit is reissued; and /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD4445.009), which was adopted:

Amend the joint resolution, as and if amended, by striking the joint resolution in its entirety and inserting therein the following:

/ A JOINT RESOLUTION

TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE.

Whereas, there exists a state of economic emergency in the State of South Carolina and the nation, which has drastically affected various segments of the South Carolina economy, but none as severely as the state’s banking, real estate, and construction sectors; and

Whereas, the real estate finance sector of the economy is in severe decline due to the creation, bundling, and widespread selling of leveraged securities, such as credit default swaps, and due to excessive defaults on sub‑prime mortgages and the resultant foreclosures on a vast scale, thereby widening the mortgage finance crisis. The extreme tightening of lending standards for home buyers and other real estate borrowers has reduced access to the capital markets; and

Whereas, as a result of the crisis in the real estate finance sector of the economy, real estate developers and redevelopers, including home builders, commercial, office, and industrial developers, have experienced an industry‑wide decline, including reduced demand, canceled orders, declining sales and rentals, price reductions, increased inventory, fewer buyers who qualify to purchase homes, layoffs, and scaled‑back growth plans; and

Whereas, the process of obtaining planning board and zoning board of adjustment approvals for subdivisions, site plans, and variances can be difficult, time consuming, and expensive, both for private applicants and governmental bodies; and

Whereas, the process of obtaining the myriad of other government approvals, such as wetlands permits, land disturbance and stormwater management permits, treatment works approvals, on‑site wastewater disposal permits, highway access permits, critical area permits and coastal zone consistency certifications, and numerous waivers and variances, can be difficult and expensive. Changes in the law can render these approvals, if expired or lapsed, difficult to renew or reobtain; and

Whereas, the citizens of this State and county and municipal governments, including local sewer and water authorities, obtain permits and approvals from state governmental agencies, particularly the Department of Health and Environmental Control, which permits and approvals may expire or lapse due to the state of the economy and the inability of both the public sector and the private sector to proceed with projects authorized by the permit or approval; and

Whereas, the citizens of this State and county and municipal governments also obtain determinations of consistency, conformance, or endorsement with state or regional plans from state and regional governmental entities that may expire or lapse without implementation due to the state of the economy; and

Whereas, the current national recession has severely weakened the building industry, and many landowners and developers are seeing their life’s work destroyed by the lack of credit and dearth of buyers and tenants due to the crisis in real estate financing and the building industry, uncertainty over the state of the economy, and increasing levels of unemployment in the construction industry; and

Whereas, the construction industry and related trades are sustaining severe economic losses, and the lapsing of government development approvals would exacerbate, if not addressed, those losses; and

Whereas, financial institutions that loaned money to property owners, builders, and developers are experiencing erosion of collateral and depreciation of their assets as permits and approvals expire, and the extension of these permits and approvals is necessary to maintain the value of the collateral and the solvency of financial institutions throughout the State; and

Whereas, due to the current inability of builders and their purchasers to obtain financing under existing economic conditions, more and more once‑approved permits are expiring or lapsing, and, as these approvals lapse, lenders must reappraise and thereafter substantially lower real estate valuations established in conjunction with approved projects, thereby requiring the reclassification of numerous loans, which, in turn, affects the stability of the banking system and reduces the funds available for future lending, thus creating more severe restrictions on credit and leading to a vicious cycle of default; and

Whereas, as a result of the continued downturn of the economy and the continued expiration of approvals that were granted by state and local governments, it is possible that thousands of government actions will be undone by the passage of time; and

Whereas, obtaining an extension of an approval pursuant to existing statutory or regulatory provisions can be both costly in terms of time and financial resources and insufficient to cope with the extent of the present financial conditions; moreover, the costs imposed fall on the public as well as the private sector; and

Whereas, it is the purpose of this joint resolution to prevent the wholesale abandonment of already approved projects and activities due to the present unfavorable economic conditions by tolling the term of these approvals for a finite period of time as the economy improves, thereby preventing a waste of public and private resources. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This joint resolution must be known and may be cited as the “Permit Extension Joint Resolution of 2010”.

SECTION 2. As used in this resolution:

(1) “Department” means the South Carolina Department of Health and Environmental Control.

(2) “Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or facility, or any grading, soil removal or relocation, excavation or landfill, or any use or change in the use of any building or other structure or land or extension of the use of land.

(3) “Development approval” means an approval issued by the State, an agency or subdivision of the State, or a unit of local government, regardless of the form of the approval, that is for the development of land or for the provision of water or wastewater services by a governmental entity, including:

(a) an approval of an erosion and sedimentation control plan, land disturbance permit application, or stormwater management plan granted by a local government or by the department;

(b) a coastal zone consistency certification issued by the department’s Office of Ocean and Coastal Resource Management;

(c) a water or wastewater permit issued by the department, including authorization for construction and installation of lines and infrastructure extending water and sewer service and authorization to connect to available or proposed lines and infrastructure;

(d) an NPDES permit issued by the department for the construction, operation, and expansion of a publicly owned treatment works;

(e) a 401 water quality certification issued by the department;

(f) a critical area permit issued by the department’s Office of Ocean and Coastal Resource Management;

(g) an air quality permit issued by the department;

(h) an approval by a county or its duly authorized boards and commissions of sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, a development permit, or a building permit; and

(i) an approval by a city or its duly authorized boards and commissions of sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, or a building permit. For building permits that have expired and not been renewed by the city for one year, the building permit must be issued at no additional cost; however, the building permit must comply with existing rules and regulations in effect at the time the building permit is reissued.

SECTION 3. This joint resolution is intended to apply retroactively. For development approval that is current and valid at any point during the period beginning January 1, 2008, and ending December 31, 2012, the running of the period of the development approval and any associated vested right is suspended during the period beginning January 1, 2008, and ending December 31, 2012.

SECTION 4. This joint resolution may not be construed or implemented to:

(1) extend a permit or approval issued by the United States or its agencies or instrumentalities;

(2) extend a permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to federal law;

(3) shorten the duration that a development approval would have had in the absence of this act;

(4) prohibit the granting of additional extensions provided by law;

(5) affect an administrative consent order issued by the department in effect or issued at any time from the effective date of this act to December 31, 2012;

(6) affect the ability of a governmental entity to revoke or modify a development approval pursuant to law;

(7) modify a requirement of law that is necessary to retain federal delegation by the State of the authority to implement a federal law or program;

(8) affect a Certificate of Need issued pursuant to Title 44, Chapter 7, Article 3 or a Demonstration of Need issued pursuant to Title 44, Chapter 96, Article 2; or

(9) affect SCDHEC-OCRM permits issued pursuant to R.30-12(N) Access to Coastal Islands.

SECTION 5. Within thirty days after the effective date of this joint resolution, each agency or subdivision of the State to which this joint resolution applies shall place a notice in the State Register listing the types of development approvals that the agency or subdivision issues and noting the extension provided in this joint resolution. This section does not apply to units of local government.

SECTION 6. The provisions of this joint resolution must be liberally construed to effectuate the purposes of this joint resolution.

SECTION 7. This joint resolution takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

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

**AMENDED, READ THE SECOND TIME**

S. 976 -- Senators Cleary and Rose: A BILL TO AMEND SECTION 4‑9‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF A COUNTY GOVERNMENT, SO AS TO AUTHORIZE THE GOVERNING BODY OF A COUNTY TO ADOPT BY ORDINANCE THE REQUIREMENT THAT A PROPERTY OWNER SHALL KEEP A LOT OR OTHER PROPERTY CLEAN AND FREE OF RUBBISH SO AS NOT TO CONSTITUTE A PUBLIC NUISANCE AND PROVIDE A PROCEDURE FOR ENFORCEMENT OF THE ORDINANCE.

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

Senators McCONNELL and LARRY MARTIN proposed the following amendment (JUD0976.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 36, as contained in Section 4-9-30(18)(b), as contained in SECTION 1, and inserting therein the following:

/ conditions, and provide that not more than the actual cost of the lot or property cleanup /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The 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. 3270 -- Reps. Duncan, Hodges, Allison, Parker, Weeks, Wylie and Whipper: A BILL TO AMEND SECTION 44‑2‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF UNDERGROUND STORAGE TANKS, SO AS TO ESTABLISH NEW ANNUAL RENEWAL FEES AND TO REQUIRE THAT THE ADDITIONAL REVENUE GENERATED FROM THE TANK FEE INCREASES BE DEPOSITED INTO THE SUPERB ACCOUNT.

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 (H-3270), which was adopted:

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

/SECTION 1. Section 44‑2‑60 of the 1976 Code is amended to read:

“Section 44‑2‑60. (A) The owner or operator of an underground storage tank which stores or is intended to store a regulated substance shall register the tank with the department. The owner or operator of the tank shall display a registration certificate listing all registered tanks at a facility and in plain view in the office or the kiosk of the facility where the tanks are registered. Upon application for a registration certificate, the owner or operator shall pay to the department an initial registration fee of one hundred dollars a tank; however, the department may prorate the initial registration fees on a daily basis for underground storage tanks installed on or after July 1, 1997. The owner or operator shall pay to the department an annual renewal fee of one hundred dollars a tank a year. Beginning January 1, 2012, the annual renewal fee for each tank will be as follows:

(1) 2012 ‑ two hundred dollars;

(2) 2013 ‑ three hundred dollars;

(3) 2014 ‑ four hundred dollars; and

(4) 2015 ‑ five hundred dollars.

The additional revenue generated from the tank fee increases listed above must be deposited into the Superb Account. No portion of the increases may be used by the department for administration of the program or for orphan sites as defined in Section 44-2-20(11).

When the Superb Account is credited with an additional thirty‑six million dollars from the increase in tank fees, general appropriations, settlements, or other sources of funds including federal funds designated for cleanup, or declared insolvent, the tank registration fee shall revert to one hundred dollars annually for each tank beginning January first of the next year.

(B) No person may place a regulated substance and no owner or operator may cause a regulated substance to be placed into an underground storage tank for which the owner or operator does not hold a currently valid registration. The department may not issue a registration certificate until all past and present fees and penalties owed on a tank are paid. The department may not issue a registration certificate to any owner or operator who has not complied with all terms of a consent or final administrative order issued under Section 44‑2‑140.

(1) All fees are due to the department within thirty days of billing. The department shall issue a late notice, with no penalty due, to an underground storage tank owner or operator who has unpaid fees thirty days after billing. An owner or operator who fails to pay the fees within sixty days of the initial billing must pay a ten percent penalty in addition to the ten percent penalty for any fees remaining unpaid ninety days after the initial billing. An owner or operator with unpaid fees ninety days after the initial billing is subject to additional enforcement action as provided for in Section 44‑2‑140.

(2) The department may not disburse Superb Account or Superb Financial Fund monies to any person or persons for the rehabilitation of a petroleum or petroleum product release from any underground storage tank or underground storage tank system where all past and present fees and penalties owed on the applicable tank have not been paid.

(3) The funds generated by the registration and late penalty fees may be used by the department for administration of the provisions of this chapter and for administration of the underground storage tank regulatory program established by this chapter. The amount used for administration may not exceed ~~three million dollars a year~~the amount collected from funds received from federal grants specifically designated for administrative use, interest, the first one hundred dollars for tank registration and late penalty fees.

~~(B)~~(C) In addition to the inspection fee of one‑fourth cent a gallon imposed pursuant to Section 39‑41‑120, an environmental impact fee of one‑half cent a gallon is imposed which must be used by the department for the purposes of carrying out the provisions of this chapter. This one‑half cent a gallon environmental impact fee must be paid and collected in the same manner that the one‑fourth cent a gallon inspection fee is paid and collected except that the monies generated from these environmental impact fees must be transmitted by the Department of Agriculture to the Department of Health and Environmental Control which shall deposit the fees as provided for in Section 44‑2‑40.”

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

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 35; Nays 2**

**AYES**

Anderson Bryant Campbell

Campsen Cleary Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O’Dell Peeler Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Bright Mulvaney

**Total--2**

The Bill was read the second time, passed and ordered to a third reading.

**Statement by Senator ALEXANDER**

I was late arriving in the Senate today inasmuch as I was attending a groundbreaking ceremony for a new facility in my district and had I been present in the Chamber at the time the vote was taken, I would have voted in favor of second reading.

**CARRIED OVER**

S. 1073 -- Senators Thomas, Leventis and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 18 TO TITLE 37, SO AS TO REQUIRE THOSE WHO ENGAGE IN COLLATERAL RECOVERY TO APPLY FOR LICENSURE WITH THE DEPARTMENT OF CONSUMER AFFAIRS, TO PROVIDE WHAT MUST BE INCLUDED IN AN APPLICATION, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR THOSE WHO ENGAGE IN COLLATERAL RECOVERY, TO PROVIDE LICENSE FEES, TO PROVIDE FOR THE INVESTIGATION OF LICENSE APPLICANTS, TO PROVIDE FOR THE FORM, VALIDITY PERIOD, AND RENEWAL OF ISSUED LICENSES, TO PROVIDE CANCELLATION REQUIREMENTS OF ISSUED LICENSES, TO PROVIDE FOR THE TRAINING OF INTERN COLLATERAL RECOVERERS, TO PROVIDE FOR VIOLATIONS AND ASSOCIATED PENALTIES OF THE CHAPTER, TO PROVIDE FOR THE CONFIDENTIALITY OF REQUIRED INVESTIGATIONS, TO ALLOW THE DEPARTMENT ACCESS TO CERTAIN RECORDS FOR INVESTIGATIONS, TO REQUIRE THE DEPARTMENT TO MAINTAIN CERTAIN STATISTICS, TO PROVIDE INVENTORY AND TITLE REQUIREMENTS, AND TO DEFINE CERTAIN TERMS.

Senator THOMAS explained the Bill.

Senator MULVANEY spoke on the Bill.

On motion of Senator SHEHEEN, 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.

H. 3964 -- Reps. Duncan, Ott, Vick, Loftis and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 21, TITLE 46 SO AS TO UPDATE AND CLARIFY SEED ARBITRATION PROCEDURES; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 46, RELATING TO GENERAL PROVISIONS OF SEED AND PLANT CERTIFICATION, SO AS TO REPLACE OBSOLETE DEFINITIONS, TO REVISE ENFORCEMENT MECHANISMS, TO CLARIFY LICENSING PROCEDURES, AND TO PROVIDE EXEMPTIONS; TO AMEND ARTICLE 3, CHAPTER 21, TITLE 46, RELATING TO LABELS AND TAGS REGARDING SEEDS AND PLANTS, SO AS TO REVISE THE LABELING REQUIREMENTS FOR SEED PRODUCTS, AND TO IMPOSE ADDITIONAL PROHIBITIONS; TO AMEND ARTICLE 5, CHAPTER 21, TITLE 46, RELATING TO ANALYSES AND TESTS REGARDING SEEDS AND PLANTS, SO AS TO DELETE REDUNDANT PROVISIONS, TO PROVIDE THAT DEPARTMENT OF AGRICULTURE OFFICIALS SHALL HAVE ACCESS TO SEED RECORDS AND SAMPLES, TO PROVIDE THAT SEED RECORDS SHALL BE MAINTAINED FOR TWO YEARS, AND TO CLARIFY WHO IS ENTITLED TO FREE SEED TESTING AT THE STATE SEED LABORATORY; TO AMEND ARTICLE 7, CHAPTER 21, TITLE 46, RELATING TO WITHDRAWAL, CONFISCATION, AND SALE OF SEEDS REGARDING SEEDS AND PLANTS, SO AS TO INCREASE PENALTIES FOR VIOLATIONS FROM A MAXIMUM OF ONE HUNDRED DOLLARS FOR EACH VIOLATION TO ONE THOUSAND DOLLARS FOR EACH VIOLATION, TO CLARIFY THE ROLE OF THE ATTORNEY GENERAL IN PROSECUTING VIOLATIONS, AND TO PROVIDE FOR INJUNCTIVE RELIEF TO PREVENT VIOLATIONS; TO AMEND ARTICLE 9, CHAPTER 21, TITLE 46, RELATING TO SEED AND PLANT CERTIFICATION, SO AS TO CLARIFY CLEMSON UNIVERSITY’S SEED AND PLANT CERTIFICATION AUTHORITY; AND TO REPEAL ARTICLE 11, CHAPTER 21, TITLE 46 RELATING TO SEED IRISH POTATOES IN CHARLESTON COUNTY.

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

S. 1367 -- Senator Cromer: A BILL TO AMEND SECTION 50‑23‑295, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRANSFER OF TITLE TO WATERCRAFT OR OUTBOARD MOTOR ON WHICH PROPERTY TAXES ARE OWED, SO AS TO REMOVE THE PENALTY IMPOSED FOR SELLING A WATERCRAFT WITH PERSONAL PROPERTY TAXES OWED AND TO ADD PROVISIONS REGARDING CIVIL ACTIONS AGAINST SELLERS FOR SELLING A WATERCRAFT OR OUTBOARD MOTOR WITH TAXES OWED.

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

**RECESS**

At 1:07 P.M., on motion of Senator PEELER, the Senate receded from business until 1:45 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 2:10 P.M. and was called to order by the PRESIDENT *Pro Tempore*.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4657, THE GENERAL APPROPRIATIONS BILL.**

**REPORT OF THE COMMITTEE OF FINANCE ADOPTED**

**AMENDED, READ THE SECOND TIME**

**DEBATE INTERRUPTED**

**H. 4657--GENERAL APPROPRIATIONS BILL**

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

Senator LEATHERMAN, Chairman of the Committee on Finance, was recognized to speak on the Bill.

**Remarks by Senator LEATHERMAN**

On April 17, 2010, Miss Ada Cathryn Allen was born in Charleston. While I have three other grandchildren, she is the first of my grandchildren to be born in this millennium. As Ada Cathryn’s grandfather, I wonder about the type of South Carolina in which she will grow and mature.

Will her first grade teacher unlock the magic of reading for her, or will she struggle with the written word?

When she reaches driving age, will there be enough patrolmen to keep her within the speed limit?

Will her high school education prepare her for college, or will she be required to enter remediation classes?

Will she find the right college for her in South Carolina, or will she leave the State for a degree?

As a doting grandfather, I am confident she will do very well in life. But, I believe it is important to realize that parents and grandparents all across the State are asking the same questions about the newborns in their lives.

In our jobs as Senators, we tend to discount the day to day decisions made in this historic chamber. Budgets come every year and many decisions are made incrementally. Nevertheless, we must all remember that the decisions we make here - conscious decisions that put forth policies for our citizens - really do shape the environment that in ways large or small help determine the answers to the questions about the futures of the Ada Cathryns of South Carolina.

We cannot, and we should not, guarantee an optimal outcome for the Ada Cathryns as they grow from infancy to adulthood. But what we do owe them is an opportunity to become the most that their God-given talent and hard work can bring them. And, that is why our annual budget is so important.

This is a horrible budget. And, this will be the worst budget we must write with the exception of next year’s budget. You have heard the story before. At its peak, our General Fund revenue collections were $6.7 billion just three short years ago. Our revised figure for this current fiscal year is $5.0 billion, or a 25% reduction. Luckily, the Board of Economic Advisors General Fund revenue forecast for Fiscal Year 2010-11 is flat compared to the most recent forecast for Fiscal Year 2009-10. This forecast is a vast improvement because it signals a stop to the three year slide in collections.

But let’s not get carried away because the longer-run General Fund revenue forecast by the Board of Economic Advisors is 2.0% per year. This equates to about $100 million in growth annually. So, in real terms, our governmental downsizing has just begun.

Most of you have heard me speak about the loss of $59.8 million in General Fund revenue and $66 million in the Healthcare Maintenance of Effort Fund. These amounts are less than those used by the House of Representatives. As a result, in comparison with the House’s budget, many of the reductions to state agency budgets are larger in the Finance Committee version. Now, our committee did make the policy decision to increase the appropriation base of the Department of Revenue by an additional $2.3 million above the House version which yields an additional $50.5 million. This additional increased enforcement money helped us close the gap from the revised forecast compared to the House version of the General Appropriations Bill.

There are several items in this budget that match the House’s level of appropriation, the Education Finance Act and the Local Government Fund. The EFA is funded at $1 billion and the associated fringe is funded at $483 million. If funded at the level according to the formula in statute, the funding levels would be $1.69 billion and $780 million respectively.

None of us are happy with the level of funding of our public schools. And, some are not happy with the way that the various streams of funding are divided among our 86 school districts. As a result, the committee added Proviso 1.88 which creates a new study committee to develop new methods for funding our local school districts. There have been similar study committees in the past and change has not resulted. But, we are now in a different era where we will never collect enough revenue to fully restore the Education Finance Act as currently structured. So, change is not only preferred, it is necessary.

The Local Government Fund is appropriated at $202.6 million. If funded at the level according to the formula in statute of 4.5% of previous year’s General Fund revenue, that appropriation would be increased to $249 million.

In a few moments, you will hear from each of our Finance Subcommittee Chairmen about the particulars of this budget in their respective functional areas. When you look at budget trends as a whole, it becomes evident that many of our state agencies have reached what I call a “threshold level” of funding. Among that group of agencies are the Department of Corrections, the Department of Juvenile Justice and the Department of Public Safety. The Department of Corrections has run a General Fund deficit in each of the past three years. The Director of the Department of Juvenile Justice is concerned about violating a consent decree with the federal government because of budget reductions. The number of troopers at the Department of Public Safety has dwindled over time, so the committee included a budget proviso to establish a new service charge on vehicle registrations just to keep troopers on our roads.

Agencies are bringing forth ideas for fee increases to keep their doors open and deliver services. Why is this happening? Simply put, we are not collecting enough money in our General Fund to deliver on all the promises we have made. Whether it’s public education, higher education, Medicaid, public highways, public safety or any other set of services we offer to our citizens, our state’s General Fund cannot underwrite all of these functions. In May of 2008, some 24 months ago, this General Assembly enacted a budget with General Fund appropriations of $6,735,714,190. The budget before you from the Finance Committee proposes a General Fund appropriation of $5,086,079,419. Many agencies have suffered General Fund budget cuts of more than 40% since the enactment of the FY07-08 budget. This is why many agencies have pursued the route of fines and fees as a result of being crowded out of the General Fund budget.

The “Other Funds” portion of our state budget is the fastest growing segment of spending. And, it is accelerated by the lack of growth in General Fund revenues. Now, I have no problem with government charging a fee if the citizen is receiving a service in return.

Let me be clear; I absolutely believe that future budgets will be fee and fine driven unless we shut down agencies and reduce services or pass legislation to add revenue to the General Fund. These choices ‑ although painful -- will be ours.

But, there is always the temptation for an agency to take advantage of this system. That’s why the Finance Committee inserted in this budget Proviso 70.27, which establishes an Other Funds Oversight Committee. Its mission is to get a handle on all of these other funds and insure that the fees charged are in line with the benefits received by their customers. Our General Fund revenues have been on a downward path for three reasons. First and foremost among those reasons is the national economy. Honestly, there is little that South Carolina can do other than weather this economic storm. Second, our revenue structure has aged while the economy of the 21st Century has emerged. In response to that fact, we have created the Taxation Realignment Commission to recommend changes to modernize our tax code. Third, we have cut taxes. We all voted for those tax cuts, but our votes were predicated on the belief that General Fund revenue would continue to grow.

Now for the really bad news - annualizations. All of you are aware of the federal stimulus money we budgeted this past year. Much of that money went to shore up core services in public education, higher education and Medicaid as General Fund cuts cascaded through our budget system. In Fiscal Year 2011-12, those federal funds will be exhausted. In essence, our General Fund budget has glided down to a level of $5 billion, and it’s being subsidized in the budget before you with $851 million in federal funds. That’s money that won’t be available next year. The Office of State Budget officially scores annualizations for the next budget year based on our budget for this year. That annualization score is over $1 billion (will get actual figure this PM).

So, as lawmakers we find ourselves in a very difficult situation. What are our options as lawmakers? Let me offer a summary of my prognosis and options for action.

The Prognosis:

First, General Fund revenue has declined dramatically and very slow growth is expected for the future.

Secondly, annualizations will be at their largest amount ever in next year’s budget - Over $1 billion.

Thirdly, we have not been able to fulfill the budget promises as directed in our statutes.

Fourthly, we have reached baseline thresholds of funding in many agencies.

The Options:

Cut spending

Increase Fines and Fees

Increase General Fund taxes

Shut down agencies and cut services to our people

Some combination of the four above

Many of us have run for an office on a platform of decreasing the size of government. The path that we choose over the next year based on these options will determine just how much smaller our state government will be. Do we really want a smaller government than that provided for in this year’s budget?

The Ada Cathryns of South Carolina will be watching. As we lay a foundation for the future, they deserve our best effort. If we commit ourselves to making the tough decisions, Ada Cathryn’s future will indeed be very bright. The tough decisions will by very painful, but this we must do.

As I call on the Senator from Cherokee to offer comments, I would like to thank Vice Chairman PEELER, and our subcommittee chairmen: Senator THOMAS, Senator COURSON, Senator McGILL, Senator HAYES, Senator ALEXANDER and Senator FAIR.

Thanks to all the members of the Finance Committee for all the time they contributed by listening to hours of testimony from state agencies and various groups interested in the budget.

And, I offer a special thank you to three senators who spent April 1st with some members of the Finance Committee as we went through the details of many provisos. Senator KNOTTS, Senator DAVIS and Senator ROSE, thank you for participating in our very long proviso review meeting.

Now, I call on Senator PEELER, Vice Chairman of the Finance Committee, to offer remarks about this budget. Following Senator PEELER are the subcommittee chairmen.

**Call of the Senate**

At 2:12 P.M., Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Bright Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators REESE, ANDERSON, RANKIN, BRYANT and FORD recorded their presence subsequent to the Call of the Senate.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, staff members from the Budget and Control Board were authorized as necessary to be in that area behind the rail and, further, that Finance Committee staff and other staff designated by the majority leader and minority leader were admitted to the floor of the Senate Chamber while debate was in progress on H. 4657, the General Appropriations Bill.

**Motion Adopted**

**Report of the Committee on Finance Adopted**

Senator LEATHERMAN asked unanimous consent to make a motion that the Report of the Committee on Finance be adopted, with all members reserving the right to raise any Points of Order and to offer amendments without regard to questions of degree.

The motion was adopted and the Report of the Committee on Finance was adopted.

Senator PEELER, Vice Chairman of the Committee on Finance, was recognized to speak on the Bill.

**Remarks by Senator PEELER**

As the Senator from Florence just told us, the outlook for the state’ s General Fund budget is difficult for this year and bleak for next year. Over the past three years, our General Fund revenue collections have dropped $1.6 billion, or about 25%.

But, while our General Fund has led us on a roller coaster ride by hitting a peak several years ago and then dropping dramatically, Federal Funds and Other Funds appropriated in the TOTAL budget have continued their upward climb.

Let me explain.

In this budget before you today, Part 1A General Fund appropriations are $5.086 billion. Ten years ago we appropriated $5.303 Billion.

In this budget before you today, Part 1A Federal Fund appropriations are $8.268 billion. Ten years ago we appropriated $3.954 billion.

In this budget before you today, Part 1A Other Funds appropriations are $7.807 billion. Ten years ago we appropriated $4.618 billion.

So, this is what we all need to understand.

General Fund spending, after adjusting for tax cuts in the middle part of the decade, is about where it was 10 years ago. Federal spending included in our budget is increasing at an average annual rate of about 7% per year. Other Funds spending is increasing at an average annual rate of 7% per year.

What is driving this spending?

For our Federal Fund spending, it’s one word - Medicaid. We now receive over $3 billion every year from the federal government to run our Medicaid program, and the federal funds received through the ARRA Stimulus Bill last year has spiked our spending closer to $4 billion.

For our Other Funds, it’s one word - tuition. University fees (tuition) along with the associated Auxiliary Enterprises (things like bookstores) now total close to $2 billion per year. Over the past decade, tuition has been growing at an average annual rate of 10% per year.

It’s interesting to look at just what’s happened to tuition over the past decade. As the Palmetto Fellows Scholarships, LIFE Scholarships and technical college tuition assistance grew as a result of the Education Lottery coming on line, the cost of tuition for families initially dropped in real terms - as long as your child kept their scholarship. But, recently the gap has again widened. In Fiscal Year 1999-2000 average annual tuition at a four year state supported institution (excluding MUSC) was $3,521. The LIFE scholarship award was $2,000. So, the real tuition for a family was $1,521 if the student met the LIFE scholarship requirements. In Fiscal Year 2009-2010, the average tuition is $8,957 while the LIFE scholarship award is $5,000. So, real tuition is $3,957 for a family if the student met the LIFE scholarship requirements.

This trend was set in place because Medicaid match requirements began to squeeze out General Fund appropriations to our colleges and universities. Our General Fund support to colleges and universities on a per student basis is next to the lowest among the 16 southeastern states. Our college boards of trustees saw their budgets shrink and raised tuition to make up the difference - and then some - in the race to their definition of quality. The end result is that South Carolina has among the highest in-state tuition in the southeast, and it keeps growing.

A good example of the Other Funds issue in our budget is our Senate debate on H. 3161, the Bill that raised fees for the Judicial Department. We are all aware the Judicial Department has lost a large portion of their General Fund budget over the past decade. But federal and other funds have grown to take the place of the General Fund budget cuts. I can tell you that legislative scrutiny of the additions to the Judicial Department budget have been minimal at best.

* How do we know if a fee is reasonable?
* How do other states assess the same fee?
* Is the state agency making more from the fee than the cost of the service provided to the customer?

There are numerous questions that need to be asked by the General Assembly as we are the branch assigned to control our government’s purse strings.

That is why in the Senate Finance budget, Other Funds Study Committee was created. This eight member committee, four from the Senate and four from the House, would be assigned the task reviewing other funds in state agencies. This new joint committee will review and recommend other fund decisions to all of us. And these recommendations can be considered as we write a budget each year.

So, I would ask for your support of Proviso 70.27 that establishes the Other Funds Study Committee. We must get a handle on this portion of our total budget, and the Other Funds Study Committee is the best way I know to do that.

**Report of the Subcommittee on Corrections and Public Safety**

Senator FAIR, Chairman of the Subcommittee on Corrections and Public Safety, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Remarks by Senator FAIR**

The members of the Subcommittee on Corrections and Public Safety were Senators LEVENTIS, REESE, BRYANT and myself. The agencies that our subcommittee reviewed were SLED, Public Safety, the Criminal Justice Academy, Department of Corrections, Juvenile Justice, Probation, Parole and Pardon Services, the Department of Motor Vehicles, Department of Transportation and the Department of Revenue.

Possibly the best news from our subcommittee comes from the Department of Revenue. Previous mid-year cuts had forced the Department of Revenue to reduce their staffing levels, including revenue officers--people who actually collect the taxes owed the State. In last year’s appropriation process, DOR reported that there were revenues owed the State, and the only thing needed was someone to “knock on the doors” to collect them. We funded nine new positions, and they are well on their way to reaching the target we set for them.

This year, the Department of Revenue came forward and told us that there continue to be tax dollars owed to the State that can be collected through enhanced enforcement efforts. The Senate Finance Committee funded 90 additional staff at DOR to collect these taxes, and they assure us that those staff will collect an additional $100 million in revenue in FY 2010-11.

That additional $100 million--plus a portion of the federal budget stabilization funding--enabled us to maintain most of our subcommittee’s agencies near their FY 2009-10 funding levels and significantly above the House funding levels.

For the State Law Enforcement Division, a $380,000 base reduction was offset with $2 million in stabilization funding.

For the Department of Public Safety, the base reduction was just over $1 million; however, we voted to impose a $6 annual public safety service charge on all vehicles required to register in the State and directed most of the revenue ($22.5 million) to DPS to maintain the current trooper level AND add 100 new troopers--bringing the total Highway Patrol to 1,000. This will provide a recurring source of revenue to help maintain a law enforcement presence on our highways.

In addition, a portion of the service charge collected from commercial motor vehicles ($242,000) will be used by the Department of Transportation to maintain the seven rest areas for truckers around the State.

We funded the increased workload associated with the Sentencing Reform legislation at Probation, Parole & Pardon Services, and we were able to restore a portion of the Jessie’s Law funding that had been reduced by mid-year cuts so that PPP can continue to monitor our most serious offenders.

For the Criminal Justice Academy, we were able to maintain them at the current level by funding the Police Officers retirement rate increase and continue their funding from the federal budget stabilization funds.

We funded the Department of Juvenile Justice slightly above their current level and I must warn you that I am continuing to look for revenue sources so that Judge Byars can reinstitute some of the intensive supervision, employment initiatives, and after-school programs that were producing positive results before budget cuts brought them to an end.

We funded the Department of Corrections 2% less than the current year’s level. Hopefully, with savings resulting from the Sentencing Reform legislation and other cost-savings initiatives, they will be able to keep their expenditures in line with their appropriations.

Because the Department of Motor Vehicles is funded entirely from the fees that they charge for services, their base has not been impacted by General Fund budget cuts; however, the economy has had an impact on their revenues. In fact, DMV’s revenues are down 16% from previous levels. The reasons are simple. When people don’t buy new cars, DMV doesn’t collect title fees. The good news is that DMV’s Uninsured Motorist fees are down--providing evidence that the laws we passed which penalize motorists for letting their car insurance lapse are working. People aren’t letting their insurance lapse; therefore, DMV is not collecting those penalties.

Overall, the agencies of this subcommittee are funded fairly close to the current year’s levels; however, the outlook for next year is quite troubling. The annualization for these agencies alone is in the $60-$70 million range. We will be seeking your assistance over the upcoming year to maintain our public safety and law enforcement efforts for the good citizens of our State.

Thank you.

**Report of the Subcommittee on Constitutional and**

**Administrative Laws**

Senator THOMAS, Chairman of the Subcommittee on Constitutional and Administrative Laws, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Remarks by Senator THOMAS**

Thank you, Mr. PRESIDENT

I chair the Constitutional/Administrative Subcommittee. Senator RYBERG and Senator LAND are the Senators that worked on this subcommittee. Our subcommittee hears budget requests from solicitors, indigent offense, the Supreme Court, the Governor’s office, the auditor and the Budget and Control Board. That’s the big ticket item--the Budget and Control Board. Of course, as you know, Judiciary and C/A Subcommittees have been debating separately on the fees by separate legislation all of this week and that number was taken into consideration as we looked at this as a unit. Of course, we all face--like the other subcommittees--the cut that came because of a miscalculation or an accounting error. We had to take into consideration the total amount that we had on spending cuts. What the house cut was 3.3 million from these agencies’ bases, obviously substantial numbers.

There is some good news among the bad for a terrible year, not just for our State but across the nation. There are three good items: First, the Election Commission was able to have continued funding of $3.625 million to supply money for the general elections and obviously we gave that a priority.

Second, the Employee Insurance Program completely funded 100% of the premium increase and as chairman of the subcommittee, I had some suggestions on that, but we didn’t go very far with that idea. The SCEIS Program is $6.34 million. That’s basically the statewide procurement run by the B&CB and it tries to consolidate a unified system through computerization. We have spent over 5 years and a substantial amount of money on that from B&CB -- as well as from the agencies that had to kick in their share to participate in the program. Hopefully, we will see some tremendous savings with that. That is the SCEIS program so, if you ever hear SCEIS, this is the last year of the $6.34 million. That will now end.

Members of the Senate, the additional item that I think is very good is what the Chairman of the Finance Committee came up with concerning an oversight committee for other funds. That oversight committee is something I think we really needed. He had appointed me, I think two years ago, to an ad hoc committee. We had just gotten into it when we got hit with the tremendous drops in the budget and it sort of took away the edge from what the staff would have been doing on that and now it’s going to be composed of members of the House and the Senate. The thinking behind that is simply that it is not right for some agencies to have access to other funds and have the ability to increase those fees. We heard from the Senator from Cherokee on the increased fees for college tuition and that’s one of the sources for ‘other.’ It doesn’t seem right that they can go to these other funding resources and everybody else is being cut back and they don’t have such access. DJJ and DOC are left in the lurch and we--this is the key--don’t have access to what’s going on with those lines. So, over a period of time, funds might come in and you don’t know what’s being distributed. And now our General Fund is $5 billion but ‘other’ is over $7 billion. In other words the ‘other’ we have no control over and we do not look at a line item examination and have no oversight. That number is now greater than the number in our General Fund. You might think they need a finance committee to head up ‘other’ because we have no control of that. This committee that the chairman has recommended--and I wholeheartedly agree that must be here--must get control over how ‘other’ works and where that money goes. Over time, is that money part of the ‘other’ stringed into something else? You see, there’s just no control of it. We just don’t know what is the answer. So, I’m happy about what the chairman has done and I hope there will be some major progress on getting control of that. Those are all the insights I have for you and I turn it over next to whoever is in line.

Senator ROSE: We have no control of and are not accounting for the ‘other’ part of the budget; but, what do we need to do and what is going to be done to get it under control?

Senator THOMAS: Well, the first thing you have to have is something that begins with a thorough examination. We started that a couple of years ago and we made a little bit of progress. The first thing you have to see is the demand from each of the agencies -- they give you a line item of what constitutes ‘other’ and this is a bit tricky. You would begin a sort of zero-base by examining those items. We don’t do that with the General Fund. But how else are we going to try to get a handle on what’s happening on those numbers? In some sort of way, we’ve got to get control of what’s being done with those numbers and those monies that come in. No one wants to think that this slush fund or huge amounts of money are floating around. I believe it’s all going to something legitimate, although that’s not been approved by us. We’ve gotten into trying to do roll call votes on fee increases and things like that because this relates to it; but, you still don’t see three years later the ‘other’ that came in -- that started flowing in under some fee increase. You don’t see where the money goes, there is no examination.

Senator ROSE: Well, do we need to pass a proviso or a Bill or something telling the agencies to report all of this stuff?

Senator THOMAS: I think it’s within our scope right now to be able to receive that information. It could well be available through the B&CB or Treasurer’s office where the lines are and this is what the committee must get control of. I’m sure they are going to come back with some recommendations next year about ways that we can get control of that source of revenue.

Thank you, Mr. PRESIDENT.

**Report of the Subcommittee on Natural Resources and**

**Economic Development**

Senator McGILL, Chairman of the Subcommittee on Natural Resources and Economic Development, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Remarks by Senator McGILL**

Members of the Senate, as you hear these different testimonies from each of these members of the Finance Committee, I think you will realize that we have had to work very hard this year. We work hard every year on the budget, but this year has been especially hard. Chairman LEATHERMAN and Vice Chairman PEELER, I want to thank you both for your leadership. I would also like to say thanks to Senator LAND and Senator SETZLER because the four of you have really carried the Senate Finance Committee forward with your help and guidance.

Many states all over this country are in financial trouble. While we are having financial hardship and it has hit us hard, we have retained our AAA credit rating -- one of only 8 states to do so in the entire country. That is a credit to the four of you. You have done a wonderful job in leading this Finance Committee forward.

I also would like to say that I can’t help but think about our agencies, who have taken all these cuts over the last three years in a good way. They have managed the cuts, they have been fiscally responsible and they have made a big difference for us in representing the citizens of the State, not only with the funding they have received but the resources and the services that they have shared with the citizens of South Carolina.

We represent the natural resources and economic development agencies. The Senator from Berkeley, Senator GROOMS and the Senator from Greenville, Senator ANDERSON, serve with me and Kate Wink is our staff member. When we look at our subcommittee over the last 3 years, our 26 state agencies have had between 50 - 60% in cuts. 50 - 60%. Can you imagine?

This time next year, Mr. Chairman, the responsibility is going to be awesome, for all of us, but certainly for you. There is no question about it that the forecast you made earlier, where we may be looking at another $1 billion in cuts, may well come to pass. You projected to us five or six years ago to beware that the money was going to get tight with the income tax, the sales tax, the stock market, economic development and all those areas that we see struggling now, and you said that we were going to have to be prepared to make sure we live consistently with a balance budget. I remember you saying over and over that we cannot spend money we do not have. We commend you for your leadership every step of the way, but the good news is we know eventually that two or three years from now, we will come to that little curve on the bottom and we’ll start coming back up, and we can start refurbishing all of these agencies, not just health care, education and corrections, but for all of the agencies in the State.

I would like to tell you a little bit right now about my agencies. Picture in your mind the Department of Commerce. It is a money generator. When they bring new jobs and new industries into this State, it generates revenue for the State, not just the general fund but it generates money for citizens all over this State. Joe Taylor has done a great job over at Commerce and is rebuilding that agency.

At Tourism we have to think about the 2 to 1 match we put in some years ago, and the millions of dollars that have come in with the tourists coming into South Carolina. We think about the Forestry Commission, the Department of Agriculture, the Clemson PSA and all the others. These agencies have made a tremendous difference for us in South Carolina.

Recently a study was conducted by the Moore School of Business at the University of South Carolina that concluded that South Carolina’s natural resources have a $29.1 billion impact on our economy. What an impact! These are resources that we cannot afford to neglect and we can’t forget that these agencies are not working normal work hours, they are working weekends, and working nights, bringing in revenue and trying to make ends meet. I know a number of agencies are represented here today.

Think about the Department of Natural Resources. We were talking about troopers earlier, and I can’t help but think that we are down roughly 100 agents with DNR right now. There is no way we can add back those 100 agents to bring us to the 300 we would prefer to have. What we have got to do is figure out how we can stabilize and not go lower. Our agencies have worked tirelessly to economize wherever possible, have instituted furloughs, have cut back their workforce programs and have re-evaluated program priorities to make sure we are able to provide the core services to the public.

We also understand that we had to put some fees into the budget. I call them user fees. I used to brag when I was in city government that I never voted for a tax increase. We always believed in growing the economy. I remember Governor Carroll Campbell always talked about growing the economy -- if you’re growing the economy you don’t have to have all those tax increases. Well, I can tell you right now that we have some fees that we have offered to the Finance Committee only because we are at that stage of necessity and not luxury. We looked at the hunting and fishing licenses and decided to add at least $2 per license. On a boat registration, we added $5 to try to bring in that extra revenue to stabilize the Department of Natural Resources.

What happens if we don’t do these things? Then it means we’re going to have to cut 40 or 50 more agents, biologists and other staff members that are needed across this State. Keep in mind that 3 years ago we were already lean. So we’ve cut and cut and cut for three years. We’ve cut responsibly but it has now come a time when we look at these agencies, like the PSA’s, who are making a big difference across the State with the farming communities.

I could go on with some doom and gloom but I can tell you this - we are stable, and Mr. Chairman, we look to you and ask that when the new monies start coming back in, whether it is two years or three years -- we will be appealing to Senate Finance to please help us restore all these massive, major cuts.

Thank you.

**Report of the Subcommittee on Higher Education**

Senator COURSON, Chairman of the Subcommittee on Higher Education, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Remarks by Senator COURSON**

Mr. PRESIDENT, I chair the Finance Subcommittee for Funding Higher Education in the Palmetto State. My fellow members are the Senator from Horry, Senator ELLIOTT; the Senator from Richland, Senator JACKSON and the Senator from Laurens, Senator VERDIN.

We’re in a unique situation because higher education funding in the Palmetto State has been cut 44% -- one of the largest percentages -- since 2008-09 to $544 million. Our base funding level, recurring revenue, is now $434 million per annum. This is the same figure it was in 1985. The number of FTEs in higher education has grown from 85,000 in 1985, to over 200,000 now. Enrollment is particularly heavy in technical colleges. Of the 200,000 students currently enrolled in higher education, 94,000 are enrolled in technical colleges. This is an educational institution we’ve been able to pragmatically export to other states.

In relation to the Appropriations Bill, once we received news from the BEA of the $127 million shortfall, we had to try and find $10.1 million in the higher education subcommittee for finance. The way we went about doing this was through unclaimed prizes from the lottery, which amounts to $7.6 million, plus HEEEP (SC Higher Education Excellence Enhancement Program), which is funding for minority colleges. Senator JACKSON was certainly supportive of our action as President Obama announced last week $9.8 million in grants to primarily black colleges in the Palmetto State. This gave us the $10.1 million, which we put in recurring revenue, instead of using lottery revenue.

In reference to the lottery, revenue has gone down consistently. In 2005-06, we generated $355 million from the lottery for higher education. That figure is down to $255 million. So, that is an area of concern as far as funding higher education in South Carolina. The problem is not just in South Carolina, but it is international. I mentioned the other day the problems in the European Union (EU). Greece, Portugal, Spain, Italy and other EU members are facing huge financial problems -- all of which have ramifications in the United States of America. But there are many positives involved in South Carolina. We are 1 of only 8 states to have retained a Triple-A bond rating. We have one of the lowest per capita debt ratios in the U.S. So, we are not an economic basket case such as California and many other states.

The Senator from Lexington, the Senator from York and I met with leaders of the K-12 community about the future. I’ve also conversed with college presidents and Dr. Garrison Walters, Director, Commission on Higher Education. We have a unique situation coming up in the fall, so the Chairman of the Finance Committee is appointing a study committee to look at funding of K-12 and higher education. This unique situation is that we will be electing a new Governor and a new Superintendent of Education. This is a rare opportunity. With the TRAC (Tax Realignment Commission) report coming out in November, this is an opportunity to get the leadership involved to look at our funding formulas. In K-12 the last major programs that were initiated were the EFA in 1977 and the EIA in 1984. This gives us a window of opportunity, particularly with the economic uptick. One point I need to make is that, generally, when the economy turns, it takes a year to 18 months for the revenue stream to actually do the same. Although it looks like the economy is picking up, it will take a while for us to enjoy the influx of revenue.

**Report of the Subcommittee on K-12 Education**

Senator HAYES, Chairman of the Subcommittee on K-12 Education, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Remarks by Senator HAYES**

The Public Education Subcommittee was comprised of Senators SETZLER, CROMER, MATTHEWS and me.

Our subcommittee reviewed the budget requests of the State Department of Education Vocational Rehabilitation, the State Library, Archives and History, the Arts Commission and the State Museum.

State Department of Education

Our subcommittee eliminated all House-passed provisos which would have been ruled non-germane under our Senate Rule 24.

The EFA Base Student Cost will be appropriated at the level of $1,630. South Carolina Public Charter School Districts needed an additional $700 to be protected from mid-year across the board reductions.

School bus fuel was supplemented with $11 million and the Department of Transportation was supplemented with $900,000. School bus transportation was supplemented through carry-forward provisions such as year-end H63 General Fund balances, EIA year-end cash balance, and FY 2009-10 School Bus Transportation with current projections of $10.6 million to $14.9 million.

National Board Certification program will be 2 tiered. Current participants will include applicants before July 1, 2010, guaranteed loan forgiveness, $7,500 incentive eligible for initial National Board Certification and renewal for an additional 10 year cycle and loan forgiveness for non-achievement for teachers in Unsat and Below-Average schools. National Board Certification applicants on or after July 1, 2010, will be responsible for their application fee, be limited to one 10 year incentive of $5,000 and discontinuation of loan forgiveness for non-achievement.

The Child Development Education Pilot Program (CDEPP) will be continued for the 5th year with a $125 increase in the student cost now set at $4,218. The per-child cost increase will be offset by the elimination of the $2,500 per classroom expense.

The subcommittee has maintained the Education Accountability Act assessments of English, math, science and social studies while suspending the writing assessment in grades 3, 4, 6, 7.

We have also required SLED criminal records check for all substitute teachers at no charge to the school district or the individual.

The subcommittee has created the Index of Taxpaying Ability Study Committee comprised of 14 members to include six legislators to be coordinated by the State Department of Education with reporting and recommendations by January 1, 2011.

This budget provides $500,000 each of supplemental funds to the Governor’s School for Arts and Humanities and the Governor’s School for Science and Mathematics.

It has also authorized the second year utilization of A.R.R.A. federal stabilization funds for school districts at the $174,430,646 level.

Vocational Rehabilitation

There is a federal match of funding of $3,920,000 which is $1.9 million higher than the House federal match funding.

State Library

The subcommittee has authorized $1,172,758 of the Governmental Services portion of the federal stabilization funds which will provide a $25,494.67 allocation to each county library system.

The report also appropriates $2 million of the Education Lottery unclaimed prize monies for aid to county libraries providing $43,478.13 each.

Archives and History

The report authorizes $250,000 of the Governmental Services portion of the federal stabilization funds.

Arts Commission

The report authorizes $250,000 of the Governmental Services portion of the federal stabilization funds.

State Museum

The State Museum is exempted from the rent payment from the Budget and Control Board across-the-board reductions and reduces the rent payment by the same percentage of any mid-year across-the-board reductions.

Thank you.

**Report of the Subcommittee on Health and Human Services**

Senator ALEXANDER, Chairman of the Subcommittee on Health and Human Services, was recognized to report to the Senate regarding the work of the subcommittee.

**Remarks by Senator ALEXANDER**

Thank you, Mr. PRESIDENT, members of the Senate.

I rise on behalf of the health subcommittee joined by the Senator from Abbeville, Senator O’DELL, the Senator from Jasper, Senator PINCKNEY, and our able staff assistant, Angie Stoner.

Our objectives of the health subcommittee were trying to maintain to the best of our ability current levels of services and to minimize the current levels of agency recurring bases and to try to minimize those cuts to the best of our ability. But we were doing that with $91 million less in the health area than what the House had done some six weeks ago as they debated the budget. We were faced with $66 million dollars less in the health care maintenance probably within a week after the House passed the budget. We were then assessed $25 million in recurring fund reductions in the health areas as a result of the BEA’s revenue reduction of almost $60 million. So, when you add those two figures together, that is $91 million in additional reductions that had to be taken in that area than what the House dealt with. Almost half of the BEA’s actual reductions of some $60 million went to the health care area.

Thank you, Mr. PRESIDENT. Almost half of the BEA’s reduction assessed to the health area is because the Education Finance Act was exempt from that latest cut. It was the right policy and the right priority but, in essence, those funds were realized elsewhere in order to be able to maintain that we have no further cuts to the fund. Now, in order to maintain the current service levels, this budget relies heavily on the federal FMAP stimulus funds. This includes the pending extension of FMAP with two additional quarters that include Jan 1, 2011, to June 30, 2011. As the Chairman of Senate Finance, Senator LEATHERMAN, said earlier, “This is a rough budget.” But next year’s budget is going to be faced with annualizations. And I wanted to give you the picture of where we are in the health area--trying to take care of those children, the senior population, the less fortunate and vulnerable citizens of our State. Annualizations in the health care area alone will be more than $500 million in next year’s budget. More than a half billion dollars of annualizations will be facing us. And I’d like to take just a second and make an editorial comment that facing the loss of these federal stimulus funds and the annualizations we will be facing in the in the 2011-2012 budget, to me, only heightens the need to pass a cigarette tax this year. Those funds would be able to be raised for the Medicaid Reserve Fund. They would not address the entire need that would certainly be critical to maintain as many services as possible. It would not cover all services, but as many services as possible for those vulnerable citizens in our community.

The Senate Finance version of the budget that is before you maintains the Medicaid program at current provider rates. This budget maintains compliance with the ARRA referred to as HR-1 by maintaining the eligibility levels at the Department of Health and Human Services and the Department of Disabilities and Special Needs. Just a few highlights and I will conclude the report, Mr. PRESIDENT. Talking about the Department of Disabilities and Special Needs--the report that is before you, the Senate Finance version--reduces the House base of recurring cuts at DDSN. Again, the Senate Finance version reduces the House-base recurring cuts to that agency. It provides non-recurring funds to maintain services levels as of March of this year. Further, it provides $1.25 million to restore early intervention services to more than 600 at-risk children between the years of 3 and 5 years of age.

At the Department of Social Services, there is no base cut assessed to this department and I’ll tell you why. They are in the process of having to implement a deficit reduction for the current 2009-10 fiscal year, due to a loss of federal TANF tenant funds and an increase of almost 50% in food-stamp cases. Some of the funds that South Carolina had relied on in the past have now gone to other states because they have seen an increase and the need for the services. And, so, that has put the Department of Social Services into a deficit situation which they are having to deal with in this current year in addition to having to deal with the situations of next year. In the area of food-stamps, over 80% of all benefits go to households with children and our senior, elderly population. 16% goes to the households with disabled individuals. Further, the Finance Committee version provides $4 million to the Department of Social Services for therapeutic foster care. This will continue the home-based services for 156 emotionally disturbed foster children.

And at the Department of Mental Health, we are providing a smaller based reduction to the House version. First and foremost too, we are providing $2 million for crisis stabilization services. These are services that are used to help try to make sure that we minimize the use of emergency rooms by those who are seeking mental health services.

At the Department of Health and Environmental Control we have annualized the funding for prevention in the areas of the Best Chance Network, the colon cancer screenings and for smoking prevention. Further, we have annualized the funding for the AIDS drug assistance program.

And in the Governor’s Office of Executives Policies and Programs, we’ve provided $100,000 for the Children’s Trust Fund to be used as grant matching funds for the prevention of child abuse and neglect.

In the Lieutenant Governor’s Office, the Office on Aging division is being provided $2.9 million to annualize funding for the Meals on Wheels Program to continue services to over 4,000 seniors and the communities across the State of South Carolina.

Mr. PRESIDENT, that’s the report of the Health Subcommittee and I think concludes the committee reports.

On motion of Senator LAND, with unanimous consent, the remarks of Senators LEATHERMAN, PEELER, FAIR, THOMAS, McGILL, COURSON, HAYES and ALEXANDER were ordered printed in the Journal.

**Amendment No. 17**

Senator ROSE proposed the following Amendment No. 17 (4657R008.MTR.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 6, COMMISSION ON HIGHER EDUCATION, page 378, after line 28, by adding an appropriately numbered new proviso to read:

/6.\_(CHE: Tuition and Fees) For fiscal year 2010-2011, the governing board of an institution of higher learning that adopts a change to the tuition or fees imposed on students, may implement the change only after a public vote with the number of trustees voting for and against the change being counted. A majority vote shall be required to implement any change to the tuition or fees. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ROSE explained the amendment.

**Point of Order**

Senator LEATHERMAN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 18**

Senator ROSE proposed the following Amendment No. 18 (4657R016.MTR.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 6, COMMISSION ON HIGHER EDUCATION, page 378, after line 29, by adding an appropriately numbered new proviso to read:

*/6.\_(CHE: Transaction Register ) Each public institution of higher learning shall maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source for whatever purpose. The register must be prominently posted on the institution’s internet website and made available for public viewing and downloading. The register must include the transaction amount, name of payee, the identification number of the transaction, and a statement providing a detailed description of the expenditure. The description must include* *the source of funds, a category title, and an object title for the expenditure. The register must include all reimbursements for expenses, but must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include a social security number. At the option of the public institution, the register may exclude any information that can be used to identify an individual employee or student. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure, and must be searchable and updated at least once a month. Each monthly register must be maintained on the internet website for at least three years.*

*Each public institution of higher learning shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the individual institution, that posts on its Internet website the institution’s monthly state procurement card statements or monthly reports containing all or substantially all of the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the institution can be found. The information posted may not contain the state procurement card number.*

*Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

**Point of Order**

Senator LEATHERMAN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

Senator LARRY MARTIN spoke on the Point of Order.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 25**

Senator CROMER proposed the following Amendment No. 25 (DAD DAYCARE HOT WATER), which was adopted (#1):

Amend the bill, as and if amended, Part IB, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 407, after line 10, by adding an appropriately numbered new proviso to read:

/ *(DSS: Child Care Center Provisional License Extension) If a licensed child care center is not in full compliance with Regulation 114-507 item A.6(b) related to the provision of hot water, the center may have their provisional license extended until June 30, 2011.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CROMER explained the amendment.

Senator LEATHERMAN moved that the amendment be adopted.

The amendment was adopted.

**Amendment No. 5**

Senators SHANE MARTIN and ROSE proposed the following Amendment No. 5 (DG SELLGOLF), which was carried over:

Amend the bill, as and if amended, Part IB, Section 39, DEPARTMENT OF PARKS, RECREATION & TOURISM, page 418, after line 16, by adding an appropriately numbered proviso to read:

/ 39.\_\_\_. (PRT: Golf Course) The Department of Parks, Recreation and Tourism is directed to sell the Hickory Knobb and Cheraw State Park golf courses, as well as any related equipment owned by the State. The sale shall be completed by holding a public auction no later than December 31, 2010. The proceeds of the sale shall be transferred to the Department of Education to be allocated to the school districts based on the Education Finance Act formula. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

**Point of Order**

Senator MALLOY raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT *Pro Tempore* overruled the Point of Order.

Senator SHANE MARTIN resumed explaining the amendment.

**Objection**

With Senator SHANE MARTIN retaining the floor, Senator MALLOY asked unanimous consent to make a motion to perfect the amendment by adding the Walker Course at Clemson University.

Senator ALEXANDER objected.

**Objection**

With Senator SHANE MARTIN retaining the floor, Senator MALLOY asked unanimous consent to make a motion to perfect the amendment by adding the Croft State Natural Area.

Senator MULVANEY objected.

**Objection**

With Senator SHANE MARTIN retaining the floor, Senator MALLOY asked unanimous consent to make a motion to perfect the amendment by adding the Musgrove Mill State Historic Site.

Senator VERDIN objected.

**Objection**

With Senator SHANE MARTIN retaining the floor, Senator MALLOY asked unanimous consent to make a motion to perfect the amendment by adding the Pacolet River Heritage Preserve.

Senator MULVANEY objected.

**Objection**

With Senator SHANE MARTIN retaining the floor, Senator FORD asked unanimous consent to make a motion that H. 4657, the General Appropriations Bill, be given a second reading.

Senator HUTTO objected.

On motion of Senator SHANE MARTIN, Amendment No. 5 was carried over.

**Amendment No. 21**

Senator ROSE proposed the following Amendment No. 21 (4657R014.MTR.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 39, DEPARTMENT OF PARKS, RECREATION & TOURISM, page 418, after line 16, by adding an appropriately numbered new proviso to read:

*/39.\_(PRT: Golf Courses) All funds appropriated for golf course operations in state parks shall be transferred to the State Department of Education to be distributed to the school districts based on the formula provided by the Education Finance Act.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ROSE explained the amendment.

On motion of Senator ROSE, with unanimous consent, Amendment No. 21 was carried over.

**Motion Adopted**

**Read the Second Time**

Senator RYBERG asked unanimous consent to make a motion that H. 4657, the General Appropriations Bill, be given a second reading, carrying over all amendments to third reading, with all members reserving the right to raise any Points of Order and to offer further amendments without regard to questions of degree and that the Senate stand adjourned.

The motion was adopted.

The Bill, H. 4657, was read the second time, passed and ordered to a third reading.

Debate was interrupted by adjournment.

**Statement by Senators MULVANEY, SHANE MARTIN**

**DAVIS, MASSEY, GROOMS, BRIGHT, BRYANT, ROSE and SHOOPMAN**

We agreed to allow the budget to go to third reading in order to conserve the time for debate. We still find the budget to be woefully lacking in several areas, especially regarding the priorities of government spending. The extended debate today regarding operating golf courses vs. laying off teachers typifies the disconnect. We await the outcome of the numerous pending amendments in the coming days to see if our priorities as a State can be properly ordered, and our assent to go to third reading should not be interpreted as support for the budget as it currently stands.

**LOCAL APPOINTMENTS**

**Confirmations**

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

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Robert James Aycock III, 301 North Meadows Drive, Manning, SC 29102

Reappointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Samuel L. Floyd, 15 Courthouse Square, Kingstree, SC 29556

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

William T. Geddings, Sr., 2182 Greeleyville Highway, Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Carnell Hampton, 3539 Black River Road, Gable, SC 29051

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

June Cottingham Briggs, P.O. Box 355, Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Robert Shawn McCord, 537 Sunset Drive, Manning, SC 29102

*VICE* John B. Bassard

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Russell A. Miller, 7775 Moses Dingle Road, Manning, SC 29102

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Phillip Shayne Stephens, 4133 Bloomville Rd., Manning, SC 29102

Reappointment, Sumter County Master-in-Equity, with the term to commence December 31, 2010, and to expire December 31, 2016

Richard L. Booth, 141 North Main Street, Sumter, SC 29150

Reappointment, Calhoun County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Thomas Randolph, 61 Bristlecone Drive, St. Matthews, SC 29135

Reappointment, Williamsburg County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

William Ellerbe Ackerman, Jr., P. O. Box 673, Kingstree, SC 29556

Reappointment, Williamsburg County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

James E. Doster, Jr., P. O. Box 416, Hemingway, SC 29554

Initial Appointment, Williamsburg County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Brian Maurice McKnight, 4989 Thurgood Marshall Highway, Kingstree, SC 29556 *VICE* Cynthia W. Burrows

Initial Appointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Ernest J. Jarrett, 313 North Academy Street, Kingstree, SC 29556 *VICE* Gordon B. Jenkinson III

Reappointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Percy B. Harvin, P. O. Box 386, Summerton, SC 29148

**MOTION ADOPTED**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet tomorrow at 10:00 A.M.

**ADJOURNMENT**

At 5:52 P.M., on motion of Senator RYBERG, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*