**Wednesday, January 26, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

In the book of Joshua we find this recorded:

 “When the trumpets sounded, the people shouted, and at the sound of the trumpet, when the people shouted, the wall collapsed....”

(Joshua 6:20a)

 Let us pray:

 Holy God, we recall the story of how Joshua took the city Jericho, and his forces were victorious on Your behalf. We can’t help but think: how marvelous it might be here in South Carolina—in the year 2011, with all of the budgetary problems which are before this legislative body—to simply have trumpets sound, and people shout, and in the blink of an eye all challenges are resolved. Yet that is not our answer; we know. Meanwhile, Lord, guide and bless each of these leaders here in this Senate that they might use their own wisdom and their own heartfelt concern for the people to bring about good results. In the name of Your Son we humbly pray.

Amen.

 The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Statewide Appointment**

Initial Appointment, Director of Department of Motor Vehicles, with term coterminous with Governor

 Kevin Shwedo, 203 Victory Landing Loop, Columbia, SC 29206 *VICE* Marcia Adams

Referred to the Committee on Transportation.

**REGULATION RECEIVED**

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

Document No. 4159

Agency: Department of Probation, Parole and Pardon Services

Chapter: 130

Statutory Authority: 1976 Code Sections 24-21-10 et seq.

SUBJECT: Sentencing Reform

Received by Lieutenant Governor January 26, 2011

Referred to Corrections and Penology Committee

Legislative Review Expiration May 26, 2011

**REGULATION WITHDRAWN AND RESUBMITTED**

 The following was received:

Document No. 4139

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 48-2-10 et seq.

SUBJECT: Environmental Protection Fees (Re: Drinking Water Fees)

Received by Lieutenant Governor January 11, 2011

Referred to Agriculture and Natural Resources Committee

Legislative Review Expiration May 11, 2011

Withdrawn and Resubmitted January 26, 2011

**Doctor of the Day**

 Senator NICHOLSON introduced Dr. Brant Parramore of Greenwood, S.C., Doctor of the Day.

**Leave of Absence**

 On motion of Senator BRYANT, at 2:05 P.M., Senator RYBERG was granted a leave of absence for today.

**Expression of Personal Interest**

 Senator LEVENTIS rose for an Expression of Personal Interest.

**Motion to Ratify Adopted**

 At 2:29 P.M., Senator McCONNELL asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts on Thursday, January 27, 2011, at 11:30 A.M.

 There was no objection and a message was sent to the House accordingly.

**CO-SPONSORS ADDED**

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

S. 254 Sen. Ryberg

S. 422 Sen. Alexander

**RECALLED AND ADOPTED**

 S. 52 -- Senators McConnell, Knotts and Nicholson: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 2, 2011, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 1, WHOSE TERM WILL EXPIRE JUNE 30, 2011; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 2, WHOSE TERM WILL EXPIRE JUNE 30, 2011; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2012, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2018; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT AT‑LARGE, SEAT 9, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE NINTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016.

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

 The Concurrent Resolution was recalled from the Committee on Judiciary.

 On motion of Senator McCONNELL, with unanimous consent, the Resolution was taken up for immediate consideration.

 On motion of Senator McCONNELL, with unanimous consent, the Resolution was adopted, ordered sent to the House.

**Privilege of the Chamber**

 On motion of Senator SHEHEEN, with unanimous consent, former Congressman John Spratt was granted the Privilege of the Chamber, to that area behind the rail.

 A Resolution was published honoring Congressman Spratt on his many years of outstanding service to the State of South Carolina.

 Senators SHEHEEN, COLEMAN, LEVENTIS, ELLIOTT, MALLOY, HAYES, PEELER and LARRY MARTIN commended him on his dedicated service and achievements for our State over the past 28 years.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 431 -- Senators McConnell, Rankin, Setzler, Campbell, Shoopman, Davis, Reese, Bright, L. Martin and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-61-70 SO AS TO PROVIDE THAT A LIABILITY INSURANCE POLICY ISSUED BY AN INSURER AND COVERING A CONSTRUCTION PROFESSIONAL IN THIS STATE MUST BE BROADLY CONSTRUED IN FAVOR OF COVERAGE, AND TO PROVIDE THAT WORK OF A CONSTRUCTION PROFESSIONAL RESULTING IN PROPERTY DAMAGE IN CERTAIN CIRCUMSTANCES CONSTITUTES AN OCCURRENCE AS COMMONLY DEFINED IN LIABILITY INSURANCE AND IS NOT THE INTENDED OR EXPECTED CONSEQUENCE OF THE WORK OF THE CONSTRUCTION PROFESSIONAL.

l:\council\bills\agm\18327ab11.docx

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

 S. 432 -- Senator Jackson: A JOINT RESOLUTION TO CREATE A STUDY COMMITTEE TO STUDY THE FEASIBILITY AND COST EFFECTIVENESS OF CONSOLIDATING SCHOOL DISTRICTS WITHIN THE INDIVIDUAL COUNTIES OF THIS STATE, TO PROVIDE FOR THE DUTIES OF THE COMMITTEE AND FOR ITS MEMBERSHIP, AND TO REQUIRE THE COMMITTEE TO REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY BY JANUARY 31, 2012, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

l:\council\bills\agm\18332bh11.docx

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

 S. 433 -- Senators Hayes, Jackson, Setzler, Matthews, Rankin, Courson, Fair and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑18-1125 SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS THAT PROVIDE A SYSTEM FOR GRANTING SCHOOL DISTRICTS EXEMPTION FROM BOARD REGULATIONS, AND TO PROVIDE WHAT THE REQUEST FOR EXEMPTION MUST INCLUDE AND WHO SHALL MAKE THE REQUEST; TO AMEND CHAPTER 20, TITLE 59, RELATING TO THE EDUCATION FINANCE ACT, SO AS TO REVISE DEFINITIONS; TO REVISE THE METHOD OF CALCULATING THE INDEX OF TAXPAYING ABILITY FOR FISCAL YEARS 2011-2012, 2012-2013, AND 2013-2014 AND BEYOND BY IMPUTING AN INDEX VALUE FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY ASSESSED AT FOUR PERCENT OF VALUE; TO REVISE PURPOSES OF THE CHAPTER; TO REVISE STUDENT CLASSIFICATION WEIGHTINGS AND TO INCLUDE A WEIGHTING FOR YOUNG ADULT EDUCATION AND ADD-ON WEIGHTINGS FOR GIFTED AND TALENTED PUPILS, ACADEMIC ASSISTANCE, POVERTY, LIMITED ENGLISH PROFICIENCY PUPILS, AND PUPILS ENROLLED IN VIRTUAL OR BRICK AND MORTAR CHARTER SCHOOLS SPONSORED BY THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT; TO PROVIDE THE CALCULATION FOR WHAT THE STATE SHALL ALLOCATE TO THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT; TO ALLOW SCHOOL DISTRICTS TO TRANSFER AND EXPEND CERTAIN FUNDS UPON CERTAIN CONDITIONS, TO ALLOW DISTRICTS TO CARRY FORWARD UNEXPENDED FUNDS, AND TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO REQUIRE SCHOOL DISTRICTS TO MAINTAIN TRANSACTION REGISTERS ON THEIR WEBSITES, TO PROVIDE WHAT THE REGISTER MUST INCLUDE, TO REQUIRE DISTRICTS TO POST ON THEIR WEBSITES MONTHLY STATEMENTS FOR ALL DISTRICT CREDIT CARDS, AND TO REQUIRE THE COMPTROLLER GENERAL TO POST ON ITS OWN WEBSITE DISTRICT TRANSACTION REGISTERS FOR DISTRICTS THAT DO NOT MAINTAIN THEIR OWN WEBSITES, AND TO DISTRIBUTE A METHODOLOGY FOR COMPLIANCE WITH THE TRANSACTION REGISTER PROVISION; TO REQUIRE THE STATE BOARD OF EDUCATION TO ESTABLISH A FRAMEWORK WHEREBY A DISTRICT MAY IMPLEMENT AN INCENTIVE COMPENSATION SYSTEM FOR TEACHERS; TO REVISE THE DATE BY WHICH SCHOOL IMPROVEMENT COUNCIL REPORTS MUST BE PROVIDED AND ADVERTISED; AND TO DELETE OBSOLETE REFERENCES; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES TO CHARTER SCHOOLS, SO AS TO PROVIDE THAT STATE FUNDS MUST BE DISTRIBUTED TO CHARTER SCHOOLS BASED ON THE TOTAL WEIGHTED PUPIL UNITS DERIVED FROM STUDENTS ENROLLED IN THAT SCHOOL; AND TO REPEAL SECTIONS 59‑18-1110 AND 59-18-1120 BOTH RELATING TO FLEXIBILITY OF EXEMPTION FROM REGULATIONS AND STATUTES.

l:\council\bills\agm\18345bh11.docx

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

 S. 434 -- Senators Peeler and Bryant: A JOINT RESOLUTION TO SUSPEND PROVISOS 21.11, 21.15, AND 21.20 OF PART IB, ACT 291 OF 2010, THE FISCAL YEAR 2010-2011 GENERAL APPROPRIATIONS BILL, AND TO SUSPEND A PORTION OF PROVISO 89.87 PROHIBITING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM REDUCING PROVIDER RATES.

l:\s-res\hsp\021prov.mrh.hsp.docx

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

 S. 435 -- Senator Elliott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑180 SO AS TO REQUIRE LOCAL GOVERNMENTAL ENTITIES, AGENCIES, ORGANIZATIONS, OR INDIVIDUALS THAT RECEIVE, COLLECT, OR SPEND PUBLIC FUNDS DERIVED FROM STATE OR LOCAL TAX REVENUE TO FILE PERIODIC EXPENDITURE REPORTS WITH THE STATE OR LOCAL GOVERNMENTAL ENTITY OR AGENCY THAT PROVIDED, COLLECTED, OR SPENT THE PUBLIC FUNDS.

l:\council\bills\ggs\22729zw11.docx

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

 S. 436 -- Senator Reese: A BILL TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR A PERSON IS FOUND NOT GUILTY OF A CHARGE, SO AS TO INCLUDE A PERSON WHO RECEIVED A PARDON IN THE PURVIEW OF THE STATUTE.

l:\council\bills\ms\7127ahb11.docx

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

 S. 437 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5‑7‑31 SO AS TO PROVIDE THAT A TOWING COMPANY OPERATING WITHIN THE CORPORATE LIMITS OF A MUNICIPALITY IS NOT SUBJECT TO A BUSINESS LICENSE TAX UNLESS THE TOWING COMPANY MAINTAINS A PLACE OF BUSINESS WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY.

l:\council\bills\ggs\22733zw11.docx

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

 S. 438 -- Senator Cleary: A SENATE RESOLUTION TO THANK MR. DAVID MARING FOR HIS LEADERSHIP IN PROTECTING PERSONS FACING BANKRUPTCY AND FOR CHAMPIONING LEGISLATION PROVIDING A TENFOLD INCREASE IN THE HOMESTEAD EXEMPTION.

l:\s-res\rec\008davi.ebd.rec.docx

 The Senate Resolution was adopted.

 S. 439 -- Senator Cleary: A SENATE RESOLUTION TO THANK DR. RICH SCHMITT FOR HIS LEADERSHIP IN EXPANDING THE GOOD SAMARITAN LAW, AND FOR HIS DEDICATION TO IMPROVING HEALTH CARE IN THIS STATE.

l:\s-res\rec\014sama.ebd.rec.docx

 The Senate Resolution was adopted.

 S. 440 -- Senator Cleary: A SENATE RESOLUTION TO THANK MR. KEN PIPPIN FOR HIS LEADERSHIP AND INSIGHT INTO THE CREATION OF A NEW RAIL PLAN FOR SOUTH CAROLINA.

l:\s-res\rec\013pipp.ebd.rec.docx

 The Senate Resolution was adopted.

 S. 441 -- Senator Cleary: A SENATE RESOLUTION TO THANK DR. LAWRENCE HOLT FOR HIS LEADERSHIP IN IMPROVING THE QUALITY AND AVAILABILITY OF HEATH CARE IN THIS STATE.

l:\s-res\rec\012holt.ebd.rec.docx

 The Senate Resolution was adopted.

 S. 442 -- Senator Cleary: A SENATE RESOLUTION TO THANK MR. COLLINS WAKEFIELD FOR HIS LEADERSHIP IN IMPROVING THE QUALITY AND AVAILABILITY OF HEATH CARE IN THIS STATE.

l:\s-res\rec\011wake.ebd.rec.docx

 The Senate Resolution was adopted.

 S. 443 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE CONTRIBUTIONS OF RHETT BICKLEY IN THE FIELD OF URBAN FORESTRY, AND TO COMMEND HIM FOR HIS LONG STANDING DEDICATION AND OUTSTANDING SERVICE TO THE COUNTY OF LEXINGTON AND TO THE STATE OF SOUTH CAROLINA.

l:\council\bills\gm\24635ac11.docx

 The Senate Resolution was adopted.

 S. 444 -- Senators Fair, Campsen, Verdin and Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14-1-240 SO AS TO PREVENT A COURT OR OTHER ENFORCEMENT AUTHORITY FROM ENFORCING FOREIGN LAW IN THIS STATE FROM A FORUM OUTSIDE OF THE UNITED STATES OR ITS TERRITORIES UNDER CERTAIN CIRCUMSTANCES.

l:\council\bills\agm\18441ahb11.docx

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

 S. 445 -- Senators Hutto, Fair and Jackson: A BILL TO AMEND SECTION 44-29-135, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS, SO AS TO DELETE THE PROVISION REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE SCHOOL DISTRICT SUPERINTENDENT AND SCHOOL NURSE IF A MINOR IS ATTENDING A SCHOOL IN THE DISTRICT AND HAS ACQUIRED IMMUNODEFICIENCY SYNDROME OR IS INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS; AND BY ADDING SECTION 59-10-220 SO AS TO REQUIRE EACH SCHOOL DISTRICT TO ADOPT THE CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS ON UNIVERSAL PRECAUTIONS FOR BLOODBORNE DISEASE EXPOSURE.

l:\council\bills\nbd\11167ac11.docx

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

 S. 446 -- Senators Courson, Jackson, Lourie and Scott: A BILL TO AMEND JOINT RESOLUTION 263 OF 1998 RELATING TO THE GRANTING OF CONCURRENT FEDERAL LAW ENFORCEMENT JURISDICTION OVER THE NATIONAL ADVOCACY CENTER LOCATED ON THE COLUMBIA CAMPUS OF THE UNIVERSITY OF SOUTH CAROLINA IN RICHLAND COUNTY, SO AS TO EXTEND THAT CONCURRENT FEDERAL JURISDICTION TO ADJACENT FEDERALLY OCCUPIED PROPERTY AND TO THE INN AT USC AND THE KIRKLAND APARTMENT BUILDING LOCATED RESPECTIVELY AT 1619 PENDLETON STREET AND 1611 PENDLETON STREET IN THE CITY OF COLUMBIA, SOUTH CAROLINA, AND TO DESIGNATE THE TEXT OF JOINT RESOLUTION 263 OF 1998, AS AMENDED BY THIS ACT, AS SECTION 3-3-350 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976.

l:\council\bills\bbm\9951htc11.docx

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

 S. 447 -- Senators O'Dell, Peeler, Leatherman, Bryant, Nicholson, Cleary, Alexander and Cromer: A BILL TO AMEND SECTION 12‑43-224, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSESSMENT OF UNDEVELOPED ACREAGE SUBDIVIDED INTO LOTS, SO AS TO PROVIDE THAT THE ASSESSOR MAY DETERMINE THAT A REASONABLE TIME TO SELL THE PLATTED LOTS IS NINE YEARS, AND TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATE COMES AFTER MAY FIRST BUT BEFORE JUNE FIRST, THE OWNER SHALL RECEIVE THE DISCOUNTED RATE BUT THE DISCOUNT SHALL BE REDUCED; AND TO AMEND SECTION 12-43-225, AS AMENDED, RELATING TO MULTIPLE LOT DISCOUNTS, SO AS TO EXTEND THE DISCOUNT FROM FIVE TO SEVEN YEARS, TO PROVIDE THAT THE DISCOUNT RUNS WITH THE PROPERTY UNTIL THE DISCOUNT IS TERMINATED, TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATES COMES AFTER MAY FIRST BUT BEFORE JUNE FIRST THE OWNERS SHALL RECEIVE THE DISCOUNTED RATE BUT THE DISCOUNT SHALL BE REDUCED, AND TO PROVIDE THAT APPLICATION FOR THE DISCOUNTED RATE ONLY MUST BE MADE IN THE FIRST YEAR.

l:\council\bills\nbd\11133dg11.docx

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

 S. 448 -- Senators Hutto, Fair, Jackson, Cleary, Land and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT "CHANDLER'S LAW" SO AS TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES INCLUDING MINIMUM AGE REQUIREMENTS FOR THE OPERATION OF ALL-TERRAIN VEHICLES, SAFETY COURSE COMPLETION REQUIREMENTS, SAFETY EQUIPMENT REQUIREMENTS, AND PASSENGER RIDING REQUIREMENTS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS CONTAINED IN THIS CHAPTER, AND TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES.

l:\council\bills\swb\5082cm11.docx

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

 S. 449 -- Senators Knotts, Courson, Jackson, Setzler, Cromer, Lourie and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-845 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 126 IN RICHLAND COUNTY AND INTERSTATE HIGHWAYS 20 AND 26 IN BOTH LEXINGTON AND RICHLAND COUNTIES.

l:\council\bills\swb\5086cm11.docx

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

 S. 450 -- Senator Malloy: A SENATE RESOLUTION TO EXPRESS THE SINCERE SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF WORLD WAR II VETERAN AND GOSPEL SINGER ARTHUR LEE “BOB” BEATTY OF SPARTANBURG COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND TO HIS MANY FRIENDS.

l:\council\bills\gm\24625cm11.docx

 The Senate Resolution was adopted.

 S. 451 -- Senator Sheheen: A SENATE RESOLUTION TO COMMEND THE UNITED STATES PEACE CORPS FOR ITS MANY YEARS OF PROMOTING PEACE AND FRIENDSHIP AROUND THE WORLD, TO CONGRATULATE THE ORGANIZATION ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY, AND TO HONOR THE RETURNED PEACE CORPS VOLUNTEERS OF SOUTH CAROLINA ON ITS TWENTY‑FIFTH ANNIVERSARY.

l:\s-res\vas\019peac.mrh.vas.docx

 The Senate Resolution was adopted.

 S. 452 -- Senators Jackson, Fair, Hutto and Ford: A BILL TO AMEND SECTION 59-10-340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SNACKS SOLD FOR STUDENT CONSUMPTION IN SCHOOLS, SO AS TO PROVIDE FOR FAT, CALORIE, AND SUGAR CONTENT STANDARDS THAT SNACK FOOD AND BEVERAGES MUST MEET IN ORDER TO BE SOLD IN SCHOOLS, DEFINE THE TERM “REGULAR SCHOOL DAY”, AND TO ALLOW A SCHOOL DISTRICT TO SET STRICTER STANDARDS; BY ADDING SECTION 59-10-345 SO AS TO PROVIDE NUTRITIONAL REQUIREMENTS THAT ELEMENTARY, MIDDLE, AND HIGH SCHOOLS MUST FOLLOW FOR FULL MEALS FOR STUDENT CONSUMPTION AND TO REGULATE PORTION SIZE FOR A LA CARTE ITEM SALES; AND TO AMEND SECTION 59-10-380, RELATING TO FOOD OR BEVERAGE ITEMS SOLD AS A FUNDRAISER, SO AS TO SPECIFICALLY EXCLUDE FUNDRAISERS FROM THE NUTRITIONAL REQUIREMENTS.

l:\council\bills\agm\18423bh11.docx

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

 H. 3192 -- Reps. Merrill and Horne: A BILL TO AMEND SECTION 6-1-970, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM IMPACT FEES AUTHORIZED TO BE LEVIED UNDER THE SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT, SO AS TO EXEMPT FROM THE IMPACT FEE CONSTRUCTION OF AN ELEMENTARY, MIDDLE, OR SECONDARY SCHOOL FACILITY, OR REPLACING, RENOVATING, OR REPAIRING AN ELEMENTARY, MIDDLE, OR SECONDARY SCHOOL FACILITY, DESIGNED AND USED PRIMARILY FOR THE INSTRUCTION OF STUDENTS, AND TO MAKE THESE PROVISIONS RETROACTIVE TO JULY 1, 2008.

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

 H. 3285 -- Reps. Ballentine, Young, Viers and Huggins: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE LEGISLATIVE DEPARTMENT, BY ADDING SECTION 22A SO AS TO REQUIRE CERTAIN BILLS AND JOINT RESOLUTIONS TO RECEIVE A RECORDED ROLL CALL VOTE AT VARIOUS STAGES OF THEIR PASSAGE BY THE HOUSE OF REPRESENTATIVES AND THE SENATE.

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

 H. 3399 -- Reps. Rutherford and Owens: A BILL TO AMEND JOINT RESOLUTION 263 OF 1998 RELATING TO THE GRANTING OF CONCURRENT FEDERAL LAW ENFORCEMENT JURISDICTION OVER THE NATIONAL ADVOCACY CENTER LOCATED ON THE COLUMBIA CAMPUS OF THE UNIVERSITY OF SOUTH CAROLINA IN RICHLAND COUNTY, SO AS TO EXTEND THAT CONCURRENT FEDERAL JURISDICTION TO ADJACENT FEDERALLY OCCUPIED PROPERTY AND TO THE INN AT USC AND THE KIRKLAND APARTMENT BUILDING LOCATED RESPECTIVELY AT 1619 PENDLETON STREET AND 1611 PENDLETON STREET IN THE CITY OF COLUMBIA, SOUTH CAROLINA AND TO DESIGNATE THE TEXT OF JOINT RESOLUTION 263 OF 1998, AS AMENDED BY THIS ACT, AS SECTION 3-3-350 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976.

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

 H. 3420 -- Rep. Brantley: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MRS. KATIE COOPER GARVIN OF ESTILL FOR HER THIRTY-EIGHT YEARS OF DEDICATED SERVICE AS A TEACHER AND AS FRIEND TO HER COMMUNITY.

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

**REPORTS OF STANDING COMMITTEES**

 **Invitations**

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, February 1, 2011 - 6:00 p.m. - 8:00 p.m.

Members of the Senate and Staff, Reception, Columbia Metropolitan Convention Center, by the electric cooperatives of south carolina, inc.

Wednesday, February 2, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112 of the Blatt Building, by the sc association of school administrators

Tuesday, February 2, 2011 - 12:00 - 2:00 p.m.

Members of the Senate, Luncheon, State House Grounds, by the SC BAPTIST CONVENTION

Tuesday, February 2, 2011 - 6:00 p.m.

Members of the Senate, Reception, Columbia Metropolitan Convention Center, by the LEXINGTON COUNTY NIGHT

Tuesday, February 2, 2011 - 6:00 p.m. - 9:00 p.m.

Members of the Senate and Staff, Reception, Clarion Town House Hotel, by the SC OPTOMETRIC PHYSICIANS ASSOCIATION

Tuesday, February 2, 2011 - 6:00 p.m. - 8:00 p.m.

Members of the Senate and Staff, Reception, Koger Center for the Arts, by the carolinas agc

Thursday, February 3, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112 of the Blatt Building, by EDISON LEARNING, INC.

Tuesday, February 8, 2011 - 1:00 p.m. - 2:30 p.m.

Members of the Senate and Staff, Luncheon, Capital City Club, by the south carolina arts alliance

Tuesday, February 8, 2011 - 6:00 p.m.

Members of the Senate, “Old Fashioned Barbecue”, Clarion Town House Hotel, by the members of the sc supreme court, the court of appeals, the circuit court judges, the family court judges and the masters-in-equity of south carolina

Tuesday, February 8, 2011 - 6:00 p.m.

Members of the Senate, Reception, The Palmetto Club, by the SC FUNERAL DIRECTORS ASSOCIATION

Wednesday, February 9, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112 of the Blatt Building, by the SC COALITION AGAINST DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Wednesday, February 9, 2011 - 12:00 - 2:00 p.m.

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

Wednesday, February 9, 2011 - 6:00 p.m. - 8:00 p.m.

Members of the Senate and Staff, “Low Country Boil”, Clarion Town House Hotel, by the sc hospital association

Wednesday, February 9, 2011 - 7:00 p.m. - 9:00 p.m.

Members of the Senate and Staff, Reception, Inn at USC, by the INN AT USC

Thursday, February 10, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112 of the Blatt Building, by the columbia alumnae chapter of delta sigma theta sorority, inc.

Tuesday, February 15, 2011 - 6:00 p.m. - 9:00 p.m.

Members of the Senate and Staff, York County Day Legislative Reception, Clarion Town House Hotel, by the YORK COUNTY DAY COMMITTEE AND THE COUNCIL OF CHAMBERS OF YORK COUNTY

Tuesday, February 15, 2011 - 6:00 p.m. - 8:00 p.m.

Members of the Senate and Staff, Reception, Palmetto Club, by the COLLEGE OF CHARLESTON

Wednesday, February 16, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112 of the Blatt Building, by the ASSOCIATION OF COSMETOLOGY SALON PROFESSIONALS AND SC ASSOCIATION OF COSMETOLOGY SCHOOLS

Wednesday, February 16, 2011 - 12:00 - 2:00 p.m.

Members of the Senate and Staff, Barbecue Luncheon, Room 112 of the Blatt Building, by the SC ATHLETIC TRAINERS’ ASSOCIATION

Wednesday, February 16, 2011 - 6:00 p.m. - 7:00 p.m.

Members of the Senate, Reception, Capital Ballroom/Marriott Columbia, by the MUNICPAL ASSOCIATION OF SC

Wednesday, February 16, 2011 - 6:00 p.m. - 9:00 p.m.

Members of the Senate and Staff, Reception, Clarion Town House Hotel Ballroom, by the MYRTLE BEACH AREA CHAMBER OF COMMERCE

Wednesday, February 16, 2011 - 6:30 p.m. - 8:00 p.m.

Members of the Senate, Reception, Clarion Town House Hotel, by the SC CREDIT UNION LEAGUE

Thursday, February 17, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112 of the Blatt Building, by the SC ASSOCIATION OF HEATING AND AIR CONDITIONING CONTRACTORS

Tuesday, February 22, 2011 - 1:00 p.m. - 3:00 p.m.

Members of the Senate and Staff, Luncheon, State House Grounds, by the SC REALTORS

Tuesday, February 22, 2011 - 6:00 p.m.

Members of the Senate, Reception and Dinner, Seawell’s Restaurant, by the SC ASSOCIATION OF CONSERVATION DISTRICTS

Wednesday, February 23, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112 of the Blatt Building, by the SC PRIMARY HEALTH CARE ASSOCIATION

Wednesday, February 23, 2011 - 12:00 - 2:00 P.M.

Members of the SC Senate and Staff, Luncheon, Room 112 of the Blatt Building, by the NATIONAL FEDERATION OF THE BLIND OF SC

Wednesday, February 23, 2011 - 6:00 p.m. - 7:00 p.m.

Members of the Senate and Staff, Reception, Embassy Suites Hotel, by the SC ASSOCIATION OF COUNTIES

Wednesday, February 23, 2011 - 6:00 p.m. - 8:00 p.m.

Members of the Senate and Staff, Reception, Clarion Town House Hotel, by the AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Thursday, February 24, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112 of the Blatt Building, by the SC NURSERY AND LANDSCAPE ASSOCIATION AND THE SC GREENHOUSE GROWERS ASSOCIATION

 Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable report on:

 S. 213 -- Senators McConnell and Campsen: A BILL TO DIRECT THE SOUTH CAROLINA CODE COMMISSIONER TO INCLUDE BEGINNING WITH THE 2011 CUMULATIVE SUPPLEMENT TO THE CODE OF LAWS OF SOUTH CAROLINA, 1976, CERTAIN REPORTER’S COMMENTS IN REGARD TO VARIOUS PROVISIONS OF THE SOUTH CAROLINA PROBATE CODE IN TITLE 62, AMENDED BY ACT 244 OF 2010.

 Ordered for consideration tomorrow.

 Senator KNOTTS from the Committee on Judiciary submitted a favorable with amendment report on:

 S. 254 -- Senators Cleary, McConnell, Hutto, Ford and Ryberg: A BILL TO AMEND CHAPTER 19, TITLE 16 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO GAMBLING AND LOTTERIES, SO AS TO ADD DEFINITIONS FOR THE REGULATION OF GAMBLING; TO MAKE UNIFORM PENALTIES FOR UNLAWFUL LOTTERIES AND GAMBLING; TO ALLOW EXCEPTIONS FOR GAMES OF CARDS OR DICE IN A PRIVATE RESIDENCE OR HOME; AND TO PROVIDE THAT MONIES PAID FOR GAMBLING ARE RECOVERABLE BY A DEBTOR.

 Ordered for consideration tomorrow.

 Senator LARRY MARTIN from the Committee on Judiciary submitted a majority favorable and Senator HUTTO a minority unfavorable report on:

 S. 277 -- Senators Peeler, Campsen, Rose, Ryberg and McConnell: A BILL TO RATIFY AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE RIGHT OF SUFFRAGE, BY ADDING SECTION 12 TO GUARANTEE THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR A DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION.

 Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., January 26, 2011

Mr. President and Senators:

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

 H. 3278 -- Rep. Harrison: A JOINT RESOLUTION TO PROVIDE THAT UNTIL JUNE 30, 2011, THERE ARE NO LIMITATIONS AS TO TYPES OF APPLICANTS OR ORGANIZATIONS WHO MAY APPLY FOR A SPECIAL FIFTEEN‑DAY BEER AND WINE PERMIT AUTHORIZED BY SECTION 61‑4‑550 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, IN ORDER TO TEMPORARILY CORRECT AN IMPROVIDENTLY ENACTED PROVISION IN 2010 RESTRICTING THE ISSUANCE OF THESE PERMITS TO ONLY NONPROFIT ORGANIZATIONS UNTIL SUCH TIME AS THE GENERAL ASSEMBLY CONSIDERS AND ENACTS PERMANENT GENERAL LAW CHANGES TO EFFECTUATE THIS CORRECTION.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**HOUSE CONCURRENCES**

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

 S. 408 -- Senators Courson and Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE DR. GREGORY OWINGS, PRINCIPAL OF SPRING VALLEY HIGH SCHOOL, ON BEING NAMED 2011 SOUTH CAROLINA SECONDARY PRINCIPAL OF THE YEAR, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE AND OUTSTANDING CONTRIBUTIONS TO EDUCATION IN SOUTH CAROLINA, AND TO WISH HIM MUCH SUCCESS IN ALL HIS FUTURE ENDEAVORS.

 S. 409 -- Senators Courson and Coleman: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE TAMMY GRAHAM UPON THE OCCASION OF HER BEING NAMED THE 2011 SOUTH CAROLINA ELEMENTARY SCHOOL ASSISTANT PRINCIPAL OF THE YEAR, AND TO COMMEND HER FOR HER OUTSTANDING CONTRIBUTIONS TO EDUCATION IN SOUTH CAROLINA.

 S. 410 -- Senators Courson and Knotts: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE MR. THOMAS RIVERS, ASSISTANT PRINCIPAL OF GILBERT HIGH SCHOOL, UPON THE OCCASION OF HIS BEING NAMED THE 2011 SOUTH CAROLINA SECONDARY ASSISTANT PRINCIPAL OF THE YEAR, AND TO COMMEND HIM FOR HIS DEDICATED SERVICE TO EDUCATION IN SOUTH CAROLINA.

 S. 411 -- Senators Courson and Lourie: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. ROBIN HARDY FOR HER SIGNIFICANT CONTRIBUTIONS TO THE FIELD OF EDUCATION AND TO HONOR HER FOR BEING NAMED 2011 MIDDLE LEVEL ASSISTANT PRINCIPAL OF THE YEAR BY THE SOUTH CAROLINA ASSOCIATION OF SCHOOL ADMINISTRATORS.

 S. 412 -- Senators Courson and Campbell: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND MS. INGRID DUKES FOR HER OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION, AND TO COMMEND HER FOR BEING NAMED THE 2011 MIDDLE LEVEL PRINCIPAL OF THE YEAR BY THE SOUTH CAROLINA ASSOCIATION OF SCHOOL ADMINISTRATORS.

 S. 413 -- Senators Courson, Reese, Bright, S. Martin and Peeler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. CYNTHIA PRIDGEN FOR HER OUTSTANDING WORK AS AN EDUCATOR, AND TO CONGRATULATE HER FOR BEING NAMED 2011 ELEMENTARY PRINCIPAL OF THE YEAR BY THE SOUTH CAROLINA ASSOCIATION OF SCHOOL ADMINISTRATORS.

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

**HOUSE BILL RETURNED**

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

 H. 3286 -- Rep. Bingham: A BILL TO AMEND SECTION 41‑35‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF EXTENDED UNEMPLOYMENT BENEFITS WHEN FEDERALLY FUNDED, SO AS TO CHANGE THE METHOD FOR CALCULATING CERTAIN FUNDING INDICATORS BY BASING THE CALCULATION ON ONE OR MORE THREE‑MONTH PERIODS ENDING THE PRECEDING THREE CALENDAR YEARS.

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

**MOTION ADOPTED**

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

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

 On motion of Senator McCONNELL, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

**DEBATE INTERRUPTED**

 S. 255 -- Senators Cleary, McConnell, Hutto, Rose and Ford: A BILL TO AMEND TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 57, SO AS TO AUTHORIZE QUALIFIED RELIGIOUS, CHARITABLE, EDUCATIONAL, AND OTHER ELEEMOSYNARY ORGANIZATIONS TO OPERATE AND CONDUCT RAFFLES AND CASINO NIGHT CHARITY GAMES THROUGH REGISTRATION WITH THE SOUTH CAROLINA SECRETARY OF STATE, TO PROVIDE STANDARDS FOR THESE EVENTS; TO REQUIRE PROCEEDS TO BE USED FOR RELIGIOUS, CHARITABLE, EDUCATIONAL, OR OTHER ELEEMOSYNARY PURPOSES; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

 Senator CLEARY was recognized to speak on the Bill.

 On motion of Senator McCONNELL, with unanimous consent, debate was interrupted by recess.

**Motion Adopted**

 On motion of Senator McCONNELL, the Senate agreed to go into Executive Session, and upon lifting of the veil of secrecy, the Senate would stand adjourned.

**EXECUTIVE SESSION**

 By prior motion of Senator McCONNELL, the Senate stood adjourned.

**ADJOURNMENT**

 At 4:04 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*