**Wednesday, January 11, 2012**

**(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:

Among the writings of Isaiah, the prophet, we read:

“... but those who hope in the Lord will renew their strength. They will soar on wings like eagles; they will run and not grow weary, they will walk and not be faint.” (Isaiah 40:31)

Let us pray:

Glorious and Ever-loving Lord, we thank You for all of Your gifts to us, but most of all this day do we offer our thanksgiving for the strength and courage and diligence You grant to each one of these Senators. As they wrestle with issues of all sorts this year, these leaders will depend upon You, Lord, to enable them to provide wise and caring counsel to the people of this State. Bless each Senator as You alone can, dear God. Guide them and encourage them. And may South Carolina benefit greatly from their leadership. This we humbly pray in Your blessed name, O Loving 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 Nikki Randhawa Haley:

**Local Appointments**

Reappointment, Darlington County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Cely A. Brigman, 122 Wyandot Street, Darlington, SC 29532

Initial Appointment, Fairfield County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

William D. Robinson III, 1130 Candlewood Circle, Blythewood, SC 29016 *VICE* Edward Palmer IV

Reappointment, Laurens County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Glynda L. Tucker, 329 Main Street, Gray Court, SC 29645

**REGULATION RECEIVED**

Document No. 4197

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Section 30-4-45

SUBJECT: Access to Restricted Information

Received by Lieutenant Governor January 11, 2012

Referred to Judiciary Committee

Legislative Review Expiration May 10, 2012

**Doctor of the Day**

Senator LOURIE introduced Dr. Chris Yeakel of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

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

**Leave of Absence**

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

**Leave of Absence**

At 2:05 P.M., Senator SHEHEEN requested a leave of absence beginning at 2:30 P.M. and lasting until 4:30 P.M.

**CO-SPONSORS ADDED**

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

S. 1038 Sens. Lourie, Rose, Cleary

S. 1052 Sens. Courson, Rose, Cleary

S. 1053 Sens. Courson, Rose, Cleary

**RECALLED**

S. 1023 -- Senators McConnell, Knotts and Nicholson: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 1, 2012, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE SUPREME COURT, SEAT 4, WHOSE TERM WILL EXPIRE JULY 31, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 8, WHOSE TERM WILL EXPIRE JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTH CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE EIGHTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE NINTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM WILL EXPIRE ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE ELEVENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE TWELFTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES ON JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES ON JUNE 30, 2012; AND TO ELECT A SUCCESSOR TO THE ADMINISTRATIVE LAW COURT, SEAT 2, WHOSE TERM EXPIRES ON JUNE 30, 2012.

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 and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1085 -- Senator Hayes: A BILL TO AMEND SECTION 48-11-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ORGANIZATION AND FUNCTIONING OF SPECIFIC WATERSHED CONSERVATION DISTRICTS UNDER THE GENERAL LAW PERTAINING TO SUCH DISTRICTS, SO AS TO PROVIDE THAT FOR PURPOSES OF CHAPTER 11, TITLE 48, INCLUDING THE CONDUCT OF ELECTIONS, THE DIGITAL HYDROLOGIC MAP PREPARED BY THE SERVICE CENTER AGENCIES OF THE UNITED STATES DEPARTMENT OF AGRICULTURE OF THE FISHING CREEK WATERSHED DISTRICT IN YORK COUNTY REPRESENTS AND IS DECLARED TO BE THE BOUNDARIES OF THE DISTRICT.

l:\council\bills\dka\3870sd12.docx

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

S. 1086 -- Senators Setzler, Ryberg and Massey: A BILL TO AMEND SECTION 12-60-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMINISTRATIVE TAX PROCESS, SO AS TO ALLOW A LICENSED REAL ESTATE PERSON TO REPRESENT A TAXPAYER IN THE PROCESS IN A MATTER LIMITED TO THE ISSUE OF MARKET VALUE OF REAL PROPERTY.

l:\council\bills\bbm\10437htc12.docx

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

S. 1087 -- Senators Jackson, Cromer, Grooms, Ford, Scott, Elliott, Setzler, Land, Pinckney, Anderson, Ryberg, Matthews, Rankin and Verdin: A BILL TO AMEND SECTION 50-9-730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES’ ABILITY TO DESIGNATE “FREE FISHING DAYS” AND SANCTION FISHING EVENTS EXEMPT FROM FISHING LICENSE REQUIREMENTS, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT TO DESIGNATE “FREE FISHING DAYS”, TO DESIGNATE JULY FOURTH AND MEMORIAL DAY AS DAYS WHEN A RESIDENT IS NOT REQUIRED TO POSSESS A LICENSE OR PERMIT FOR FRESHWATER RECREATIONAL FISHING, TO LIMIT DEPARTMENT-SANCTIONED EVENTS THAT ARE EXEMPT FROM FISHING LICENSE REQUIREMENTS TO FRESHWATER EVENTS, AND TO EXEMPT CERTAIN COMMERCIAL FISHERMEN FROM THE PROVISIONS CONTAINED IN THIS SECTION.

l:\council\bills\swb\5077cm12.docx

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

S. 1088 -- Senator McConnell: A BILL TO AMEND STATUTES CREATING CERTAIN BOARDS AND COMMISSIONS WHOSE MEMBERS ARE APPOINTED OR ELECTED BY CONGRESSIONAL DISTRICT, WHICH ARE UNDER THE JURISDICTION OF THE SOUTH CAROLINA SENATE JUDICIARY COMMITTEE PURSUANT TO SOUTH CAROLINA SENATE RULE 19, RELATING TO THE HUMAN AFFAIRS COMMISSION, THE STATE COMMISSION ON MINORITY AFFAIRS, THE PUBLIC SERVICE COMMISSION, THE PUBLIC SERVICE AUTHORITY, THE DIVISION FOR THE REVIEW OF THE FOSTER CARE OF CHILDREN, THE CHILDREN’S TRUST FUND OF SOUTH CAROLINA, AND THE BOARD OF JUVENILE PAROLE, NAMELY SECTION 1-13-40(B), SECTION 1-31-10, SECTION 8-13-310, SECTION 58-3-20, SECTION 58-31-20, SECTION 63-11-700, SECTION 63-11-920, AND SECTION 63-19-610 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO INCLUDE THE ADDITIONAL CONGRESSIONAL DISTRICT ASSIGNED TO SOUTH CAROLINA PURSUANT TO THE 2010 CENSUS.

l:\s-jud\bills\mcconnell\jud0157.kw.docx

Senator McCONNELL spoke on the Bill.

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

S. 1089 -- Senator Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10 TO CHAPTER 1, TITLE 13 SO AS TO CREATE THE DIVISION OF SMALL BUSINESS AND ENTREPRENEURIAL DEVELOPMENT WITHIN THE SOUTH CAROLINA DEPARTMENT OF COMMERCE, AND TO PROVIDE RELATED DEFINITIONS, OBJECTIVES, DUTIES, AND POWERS.

l:\council\bills\agm\19368ab12.docx

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

S. 1090 -- Senators Sheheen, Gregory, Leventis, Peeler and Rose: A BILL TO AMEND SECTION 57-1-30 OF THE 1976 CODE, RELATING TO THE FUNCTIONS AND PURPOSES OF THE DEPARTMENT OF TRANSPORTATION, TO PROVIDE THAT THE DEPARTMENT MUST DEVELOP A PROCESS TO PRIORITIZE AND EXPEDITE PROJECTS RELATING TO PRESERVING, MAINTAINING, REHABILITATING, AND EXTENDING THE LIFE OF THE EXISTING STATE HIGHWAY SYSTEM AND BRIDGES; TO AMEND SECTION 57-1-370, TO PROVIDE THAT ROAD AND BRIDGE PRESERVATION, MAINTENANCE, AND REHABILITATION MUST BE THE PRIMARY CONSIDERATIONS WHEN DEVELOPING THE STATEWIDE TRANSPORTATION PLAN, TO PROVIDE ROAD AND BRIDGE STRUCTURAL AND FUNCTIONAL BENCHMARKS, AND TO PROVIDE FUNDING ALLOCATION TO MEET AND MAINTAIN THE BENCHMARKS; TO AMEND SECTION 57-3-110, TO REQUIRE THE DEPARTMENT TO MAINTAIN AN INVENTORY OF THE ROADS AND BRIDGES IN THE MOST URGENT NEED OF MAINTENANCE AND REHABILITATION, AND TO DEVELOP LONG-TERM FINANCING PLANS FOR PRESERVATION, MAINTENANCE, AND REHABILITATION OF THE ROADS AND BRIDGES IN SOUTH CAROLINA; AND TO AMEND CHAPTER 1, TITLE 57, BY ADDING SECTION 57-1-45, TO PROVIDE A WAITING PERIOD AFTER CERTAIN DEPARTMENTAL ENGINEERS SEPARATE FROM EMPLOYMENT BEFORE THEY MAY PARTICIPATE IN BIDDING ON, NEGOTIATING, OR PARTICIPATING IN THE PERFORMANCE OF CONTRACTS WITH THE DEPARTMENT.

l:\s-res\vas\004fixi.kmm.vas.docx

Senator SHEHEEN spoke on the Bill.

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

S. 1091 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-3845 SO AS TO PROVIDE THAT A MUNICIPAL GOVERNING BODY BY ORDINANCE MAY RESTRICT THE OPERATOR OF A MOTOR VEHICLE WHO IS COMMUNICATING WITH ANOTHER PERSON BY WAY OF A WIRELESS COMMUNICATION DEVICE TO THE USE OF A HANDS-FREE DEVICE WHILE THE VEHICLE IS IN MOTION.

l:\council\bills\swb\5067cm12.docx

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

S. 1092 -- Senators Jackson, Courson, Lourie and Scott: A BILL TO ABOLISH THE RICHLAND COUNTY BOARD OF ASSESSMENT CONTROL AND DEVOLVE ALL OF ITS DUTIES, POWERS, AND FUNCTIONS UPON THE RICHLAND COUNTY COUNCIL AND TO REPEAL SECTION 1 OF ACT 952 OF 1958.

l:\council\bills\ggs\22211zw12.docx

Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 1093 -- Senator McConnell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE LIFE OF ONE OF SOUTH CAROLINA’S MOST DISTINGUISHED CITIZENS, THE HONORABLE THOMAS BEE, TO CELEBRATE AND ACKNOWLEDGE HIS SIGNIFICANT, PATRIOTIC CONTRIBUTIONS TO THE SUCCESSFUL FORMATION OF OUR STATE AND NATION, AND TO DECLARE JANUARY 14, 2012, “THOMAS BEE DAY” IN SOUTH CAROLINA.

l:\council\bills\gm\29416sd12.docx

On motion of Senator McCONNELL, with unanimous consent, the Senate Resolution was introduced and ordered placed on the Calendar without reference.

S. 1094 -- Senator Land: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF STATE ROAD S-14-187 IN CLARENDON COUNTY FROM ITS INTERSECTION WITH BARRINEAU ROAD TO NEW TOWN ROAD “SERGEANT WALTER KENNETH FLOYD MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THE HIGHWAY THAT CONTAIN THE WORDS “SERGEANT WALTER KENNETH FLOYD MEMORIAL HIGHWAY”.

l:\council\bills\swb\5080cm12.docx

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

S. 1095 -- Senators Lourie, Davis, Campsen, Hutto, Sheheen, Land, Knotts, Coleman, Elliott and Rose: A CONCURRENT RESOLUTION RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BOARD’S VOTE TO APPROVE THE UNITED STATES CORPS OF ENGINEER’S APPLICATION TO DREDGE THE SAVANNAH RIVER, TO RESOLVE THAT THE BOARD ACTED WITHOUT ANY INDEPENDENT CONSIDERATION AND ANALYSIS AND NEGLECTED ITS DUTY TO PROTECT THE ENVIRONMENT IN SOUTH CAROLINA, AND TO CALL UPON THE BOARD TO RECONSIDER THE MATTER AND OVERTURN THE BOARD’S APPLICATION APPROVAL.

l:\s-res\jl\002shep.kmm.jl.docx

Senator LOURIE spoke on the Resolution.

**S. 1095--Objection**

Senator SHEHEEN asked unanimous consent to make a motion that the Resolution be placed on the Calendar without reference.

Senator RYBERG objected.

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

**Statement by Senator McCONNELL**

While I wanted to co-sponsor this Resolution, I was advised that I should not because of my involvement in litigation regarding this issue as an intervenor and as a member of the Savannah River Maritime Commission.

H. 4543 -- Reps. Young, Clyburn, Hixon, J. R. Smith, Spires, Taylor, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams and Willis: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE IN THE LINE OF DUTY BY MASTER PUBLIC SAFETY OFFICER EDWARD SCOTT RICHARDSON, AND TO EXPRESS TO HIS FAMILY THE PROFOUND APPRECIATION OF A GRATEFUL STATE FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

H. 4546 -- Reps. Brady and Harrison: A CONCURRENT RESOLUTION TO CONGRATULATE THE CARDINAL NEWMAN SCHOOL CHEERLEADING TEAM ON WINNING THE 2011 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE, AND TO HONOR THIS PERENNIAL POWERHOUSE FOR A RECORD-SETTING SEASON.

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

**Expression of Personal Interest**

Senator CAMPSEN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator ROSE rose for an Expression of Personal Interest.

**Message from the House**

Columbia, S.C., January 10, 2012

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sustained the veto by the Governor on R.57, S. 211 by a vote of 47 to 76:

(R57, S211) -- Senators Matthews, Land, Leatherman, Leventis, Hutto, Williams, Ford and McGill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE “I‑95 CORRIDOR AUTHORITY ACT” AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCES**

S. 734 -- Senator Pinckney: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 601 IN JASPER COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO ITS INTERSECTION WITH THE JASPER/HAMPTON COUNTY LINE THE “EUNICE HOLMAN DOE HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “EUNICE HOLMAN DOE HIGHWAY”.

Returned with concurrence.

Received as information.

S. 949 -- Senator Cleary: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PROPOSED HIGHWAY IN HORRY COUNTY THAT WILL BEGIN AT HARRELSON BOULEVARD AND END AT FARROW PARKWAY “FRED NASH MEMORIAL BOULEVARD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS “FRED NASH MEMORIAL BOULEVARD”.

Returned with concurrence.

Received as information.

S. 1079 -- Senator Davis: A CONCURRENT RESOLUTION TO RECOGNIZE THE PARISH CHURCH OF ST. HELENA IN BEAUFORT, SOUTH CAROLINA UPON THE OCCASION OF THEIR THREE HUNDREDTH ANNIVERSARY AND TO WISH THEM MANY MORE YEARS OF SPIRITUAL PROSPERITY.

Returned with concurrence.

Received as information.

S. 1083 -- Senator Courson: A CONCURRENT RESOLUTION TO CONGRATULATE AND EXTEND BEST WISHES TO THE LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA ON THE OCCASION OF ITS SIXTIETH ANNIVERSARY IN 2011 AND TO COMMEND THIS OUTSTANDING ORGANIZATION AND ITS MEMBERS FOR ITS MANY CONTRIBUTIONS OVER THE YEARS TO OUR STATE’S POLITICAL DISCOURSE AND SYSTEM OF GOVERNMENT.

Returned with concurrence.

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the titles be changed to that of Acts and enrolled for Ratification:

H. 3301 -- Reps. Clemmons, Bowers, Bales, Anderson, Pinson, R.L. Brown and Erickson: A BILL TO AMEND SECTION 23‑43‑85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STANDARDS FOR PLACEMENT OF MODULAR HOMES, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A MODULAR HOME USED AS A DISPLAY MODEL MAY BE PLACED FOR ITS FIRST RESIDENTIAL USE.

H. 3744 -- Reps. Erickson and Sandifer: A BILL TO AMEND SECTION 40‑65‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PROVISIONS CONCERNING SOIL CLASSIFIERS, SO AS TO REVISE THE EXEMPTIONS.

H. 3731 -- Reps. Owens, Brantley, Daning, Brannon, Atwater, Patrick, Erickson, Bowen, R.L. Brown, Crosby, Long, Taylor and Willis: A BILL TO AMEND SECTION 56‑27‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERM AND COST OF A PROFESSIONAL HOUSEMOVING LICENSE, SO AS TO REVISE THE ANNUAL RENEWAL FEE; AND TO AMEND SECTION 57‑3‑130, AS AMENDED, RELATING TO THE DEPARTMENT OF TRANSPORTATION’S SPECIAL PERMITS THAT AUTHORIZE A PERSON TO OPERATE OR MOVE A VEHICLE THAT EXCEEDS A CERTAIN SIZE, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DETERMINE THE MAXIMUM SPEEDS AT WHICH PERMITTED LOADS MAY OPERATE, TO PROVIDE THAT FOR A LOAD TRAVELING UNDER POLICE ESCORT, THE ESCORT OFFICER MAY EXERCISE DISCRETION WHEN TEMPORARILY MOVING OUT OF THE TRAVELED WAY, AND TO PROVIDE AN ADDITIONAL IMPACT FEE FOR LOADS THAT EXCEED FIVE HUNDRED THOUSAND POUNDS.

**Recorded Vote--H. 3731**

Senators SHANE MARTIN, PEELER, McCONNELL, KNOTTS, CROMER, BRYANT, SETZLER and BRIGHT desired to be recorded as voting against the third reading of the Bill.

H. 4192 -- Reps. Pitts and Harrison: A BILL TO AMEND SECTION 1‑30‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN AGENCIES, BOARDS, AND COMMISSIONS THAT WERE TRANSFERRED TO, INCORPORATED IN, AND ADMINISTERED AS PART OF THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO DELETE THE LAW ENFORCEMENT TRAINING COUNCIL.

**HOUSE BILLS RETURNED**

The following House Bills were read the third time and ordered returned to the House with amendments:

H. 3617 -- Reps. Pitts, R.L. Brown, Allen, Bales, Brady, Knight, Ballentine, McLeod, Willis, Toole, Sellers and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑1‑95 SO AS TO PROVIDE THAT A SEWAGE SYSTEM, OR ITS TREATMENT WORKS, THAT HAS HAD THREE OR MORE SEWAGE SPILLS IN A TWELVE‑MONTH PERIOD MUST COMPLETE A COMPREHENSIVE REVIEW OF THEIR OPERATIONS; TO PROVIDE FOR THE COMPREHENSIVE REVIEW; TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN ACTION PLAN TO ADDRESS ISSUES RAISED IN THE COMPREHENSIVE REVIEW; TO PROVIDE SPENDING PRIORITIES FOR WASTEWATER UTILITIES THAT LACK FUNDS FOR IMPLEMENTING AN ACTION PLAN; TO PROVIDE THAT WASTEWATER UTILITIES THAT DEVELOP AN ACTION PLAN HAVE PRIORITY FOR STATE FUNDS OR STATE‑DIRECTED FEDERAL FUNDS; AND TO PROVIDE THAT REPETITIVE SPILLS MUST BE FORWARDED TO AND RECORDED BY THE SOUTH CAROLINA ENVIRONMENTAL CERTIFICATION BOARD.

Senator HAYES explained the Bill.

**Recorded Vote--H. 3617**

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

H. 3947 -- Reps. Rutherford and Bales: A BILL TO AMEND SECTION 55‑11‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE RICHLAND‑LEXINGTON AIRPORT COMMISSION, SO AS TO REVISE THE PROCEDURE TO APPOINT THE MEMBERS SELECTED BY THE RICHLAND COUNTY LEGISLATIVE DELEGATION.

H. 3351 -- Reps. Cobb‑Hunter, Weeks and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53‑3‑75 SO AS TO DECLARE JANUARY SEVENTEENTH OF EACH YEAR AS “EARTHA KITT DAY” IN SOUTH CAROLINA IN HONOR OF THE LATE EARTHA MAE KITT, NATIONALLY AND INTERNATIONALLY KNOWN ACTRESS, SINGER, AND NATIVE SOUTH CAROLINIAN.

**Recorded Vote--H. 3351**

Senators PEELER, BRYANT, VERDIN, SHANE MARTIN, BRIGHT, FAIR, GROOMS and THOMAS desired to be recorded as voting against the third reading of the Bill.

**Statement by Senator THOMAS**

I voted against this Bill, H. 3351, on third reading because after reviewing the positions of a very politically activist career of Miss Kitt, even though she had a stellar professional career, her extreme activism convinced me there should not be a day set aside in her honor. Even though a Ronald Reagan day was added to this Bill that still does not override my concern in commemorating Miss Kitt.

**OBJECTION**

H. 3895 -- Reps. Tallon, Bannister, Brantley, Allison, Parker, Chumley, Knight, Brannon, Hearn, Allen, Sellers, Bowen, Corbin, Patrick, Cole, Dillard, Erickson, Forrester, Henderson, Herbkersman, McCoy, Mitchell, V.S. Moss, Pinson, Rutherford, Sabb, G.R. Smith, Thayer, Tribble, Willis and King: A BILL TO AMEND SECTION 17‑15‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEARANCE BONDS, SO AS TO PROVIDE THAT AN APPEARANCE BOND IS VALID FOR A CERTAIN TIME PERIOD IN CIRCUIT AND MAGISTRATES OR MUNICIPAL COURTS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE A PROCEDURE TO RELIEVE THE SURETY OF LIABILITY WHEN THE TIME PERIOD HAS RUN.

Senator HUTTO objected.

**OBJECTION**

S. 263 -- Senators Knotts and Ford: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 56‑5‑2905, SO AS TO PROVIDE THAT A PERSON WHO WHILE DRIVING A MOTOR VEHICLE DOES ANY ACT FORBIDDEN BY LAW IN THE DRIVING OF THE MOTOR VEHICLE, EXCEPT A VIOLATION OF SECTIONS 56‑5‑2930, 56‑5‑2935, OR 56‑5‑2945, WHICH PROXIMATELY CAUSES DEATH TO A PERSON, IS GUILTY OF THE MISDEMEANOR OFFENSE OF VEHICULAR HOMICIDE; AND TO AMEND SECTION 56‑5‑2946 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO EITHER ONE OR A COMBINATION OF CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS IF THE PERSON IS THE DRIVER OF A MOTOR VEHICLE INVOLVED IN A MOTOR VEHICLE INCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

Senator HUTTO objected.

**CARRIED OVER**

H. 3864 -- Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Herbkersman, Hiott, Hodges, G.M. Smith, Pinson, Ballentine, D.C. Moss, Mitchell, J.H. Neal, R.L. Brown, Whipper, Toole, Forrester, Butler Garrick, Hayes, Chumley, J.E. Smith, Atwater, Owens, Bikas, Crosby, Hixon, Murphy, Stringer, Clemmons, Pitts, Edge, Viers, Dillard, Ryan, Vick, J.R. Smith, Knight, Long, Huggins, Ott and Weeks: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON FISHING GENERALLY, SO AS TO REVISE THE PROVISIONS OF THE ARTICLE TO GOVERN CERTAIN FISHING ACTIVITIES IN THE FRESHWATERS OF THIS STATE AND TO PROVIDE PENALTIES FOR SPECIFIC VIOLATIONS; BY ADDING ARTICLE 2 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN REGULATION OF AND THE PROTECTION FOR FRESHWATER GAME FISH; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES, BY ADDING SECTION 50‑13‑1995 SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY PERMIT THE FEDERAL GOVERNMENT TO CONDUCT FISH AND SCIENTIFIC INVESTIGATIONS IN THE WATERS OF THIS STATE IN CONNECTION WITH HATCHERY OPERATIONS OR MANAGEMENT OF THOSE SPECIES UNDER FEDERAL JURISDICTION; AND TO REPEAL SECTIONS 50‑13‑610 RELATING TO LAWFUL TAKING OF FISH IN GAME ZONE NO. 1; 50‑13‑620 RELATING TO PENALTIES APPLICABLE TO FISHING VIOLATIONS IN GAME ZONE NO. 1; 50‑13‑680 RELATING TO PERMITS REQUIRED FOR TAKING FISH IN CERTAIN PONDS IN MARLBORO COUNTY; 50‑13‑690 RELATING TO THE USE OF NETS OR OTHER DEVICES TO TAKE NONGAME FISH FROM PRIVATE PONDS IN CHESTERFIELD COUNTY; 50‑13‑730 RELATING TO THE USE OF NETS TO TAKE NONGAME FISH IN THE FRESHWATERS OF THIS STATE; AND 50‑13‑2010 RELATING TO THE SHELLEY LAKE FISH SANCTUARY IN MARION COUNTY.

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

**AMENDMENT PROPOSED, CARRIED OVER**

S. 593 -- Senators Hayes, Campsen and Ford: A BILL TO AMEND SECTION 8-13-1300, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, SO AS TO REVISE THE DEFINITIONS OF “COMMITTEE”, “NONCANDIDATE COMMITTEE”, AND “BALLOT MEASURE COMMITTEE”, AND TO ADD A DEFINITION OF “INDEPENDENT EXPENDITURE COMMITTEE”.

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

Senator SHEHEEN proposed the following amendment (JUD0593.001):

Amend the bill, as and if amended, page 1, beginning on line 22, by striking SECTION 1 in its entirety and inserting therein the following:

/ SECTION 1. A. Section 8-13-1300(6) of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“(6) ‘Committee’ means an association, a club, an organization, or a group of persons ~~which, to influence the outcome of an~~, the major purpose of which is to support or oppose the nomination or election of a candidate to elective office, that receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. ~~It also means a person who, to influence the outcome of an elective office, makes:~~

~~(a)~~ ~~contributions aggregating at least twenty‑five thousand dollars during an election cycle to or at the request of a candidate or a committee, or a combination of them; or~~

~~(b)~~ ~~independent expenditures aggregating five hundred dollars or more during an election cycle for the election or defeat of a candidate.~~

‘Committee’ includes a party committee, a legislative caucus committee, a noncandidate committee, or a committee that is not a campaign committee for a candidate but that is organized for ~~the purpose of influencing an election~~ and has as its major purpose the support of or opposition to the nomination or election of a candidate to elective office and expends in excess of fifty percent of its available funds for that support or opposition.”

B. Section 8-13-1300(23) of the 1976 Code, as last amended by Act 6 of 1995, is further amended to read:

“(23) ‘Noncandidate committee’ means a committee that: (a) is not a campaign committee for a candidate but is organized to influence an election or to support or oppose a candidate or public official, (b) receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle, and (c) has as its major purpose the support of or opposition to the nomination or election of a candidate to elective office and expends in excess of fifty percent of its available funds for that support or opposition. ‘Noncandidate committee’ does not include political action committees that contribute ~~solely~~ only to federal campaigns.”

C. Section 8-13-1300(32) of the 1976 Code, as added by Act 76 of 2003, is amended to read:

“(32) ‘Ballot measure committee’ means~~:~~

~~(a)~~ an association, club, an organization, or a group of persons which, to influence the outcome of a ballot measure~~,~~; which receives contributions or makes expenditures in excess of two thousand five hundred dollars in the aggregate during an election cycle; and which has as its major purpose the support of or opposition to the nomination or election of a candidate to elective office and expends in excess of fifty percent of its available funds for that support or opposition.

~~(b)~~ ~~a person, other than an individual, who, to influence the outcome of a ballot measure, makes contributions aggregating at least fifty thousand dollars during an election cycle to or at the request of a ballot measure committee; or~~

~~(c)~~ ~~a person, other than an individual, who, to influence the outcome of a ballot measure, makes independent expenditures aggregating two thousand five hundred dollars or more during an election cycle~~.”

D. Section 8-13-1300 of the 1976 Code is amended by adding an item to read:

“(35) ‘Independent expenditure committee’ means an association, a club, an organization, a group of persons or a person, the major purpose of which is to support or oppose the nomination or election of a candidate to elective office, that makes independent expenditures in excess of five thousand dollars in the aggregate during an election cycle, and that has as its major purpose the support of or opposition to the nomination or election of a candidate to elective office and expends in excess of fifty percent of its available funds for that support or opposition.” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the proposed amendment.

On motion of Senator SHEHEEN, the Bill was carried over, along with the proposed amendment to the Bill.

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

**RECOMMITTED**

H. 4258 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ELECTRONIC EQUIPMENT COLLECTION AND RECOVERY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4179, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator PEELER moved that the Resolution be recommitted to the Committee on Medical Affairs.

The Resolution was recommitted to the Committee on Medical Affairs.

**RECOMMITTED**

H. 3583 -- Rep. Cooper: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2010.

Senator LEATHERMAN moved that the Bill be recommitted to the Committee on Finance, retaining its place on the Calendar.

The Bill was recommitted to the Committee on Finance, retaining its place on the Calendar.

**LOCAL APPOINTMENTS**

**Confirmations**

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

Reappointment, Darlington County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Cely A. Brigman, 122 Wyandot Street, Darlington, SC 29532

Initial Appointment, Fairfield County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

William D. Robinson III, 1130 Candlewood Circle, Blythewood, SC 29016 *VICE* Edward Palmer IV

Reappointment, Laurens County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Glynda L. Tucker, 329 Main Street, Gray Court, SC 29645

**MOTION ADOPTED**

On motion of Senator GREGORY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Michael Wayne Kersey of Indian Land, S.C. He will be missed by his family, friends and his community.

and

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Norris Randolph “Randy” Scott of Columbia, S.C. Mr. Scott was the beloved husband of Kathy Wilbur Scott, devoted father and doting grandfather. He will be missed by his family, friends and his community.

**ADJOURNMENT**

At 4:46 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*