**Thursday, January 14, 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:

Recall how we read, in I Kings, that after a great a wind and an earthquake, there came “a fire, but the Lord was not in the fire, and after the fire, a sound of sheer silence.” And then it was that Elijah heard the voice of the Lord. (I Kings 19:11-12)

Please, bow with me in prayer:

Loving God, we call upon You to speak to us directly, as You finally did to Elijah. We need Your clarion call to sound for us, to help guide us all in the ways we should go. For budget cuts abound; many people are out of work or are fearful of becoming so; issues of trust loom large around us. It is a most unsettled and unsettling time. Therefore, dear Lord, speak to these leaders in tones that are bold and clear. Guide these Senators as each one labors to move South Carolina forward, as each one wrestles with problems that seem almost as large as Sassafras Mountain. And may the collective efforts of each Senator this year prove to be ultimately a blessing for every woman, man, and child in this State. We pray these things in Your precious and holy name, O Lord.

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 Mark C. Sanford:

**Statewide Appointment**

Initial Appointment, Denmark Technical College Area Commission, with the term to commence July 1, 2007, and to expire July 1, 2011

At-Large:

Thomas Lee Trantham, P. O. Box 525, Bamberg, SC 29003

**Doctor of the Day**

Senator O'DELL introduced Dr. Gregory Tarasidis of Greenwood, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

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

S. 1022 Sen. Peeler

S. 1032 Sens. Hutto, Sheheen, Campbell, Alexander

**RECALLED**

S. 471 -- Senators O’Dell and Bryant: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178/76 IN ANDERSON COUNTY FROM ITS INTERSECTION WITH EAST SHOCKLEY FERRY ROAD IN THE CITY OF ANDERSON TO ITS INTERSECTION WITH MAIN STREET IN THE TOWN OF BELTON “VETERANS MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “VETERANS MEMORIAL HIGHWAY”.

Senator GROOMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

S. 929 -- Senators L. Martin and Elliott: A BILL TO AMEND SECTION 41‑1‑10 OF THE 1976 CODE, RELATING TO POSTING NOTICES CONCERNING THE EMPLOYMENT OF ADULTS AND CHILDREN IN PLACES OF EMPLOYMENT, TO DELETE THE PROVISION REQUIRING NOTICE TO BE POSTED IN EVERY ROOM WHERE FIVE OR MORE PERSONS ARE EMPLOYED; TO AMEND SECTION 41‑3‑10, RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO THE APPOINTMENT AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, TO DELETE THE PROVISION ESTABLISHING THE DIVISION OF LABOR; TO AMEND SECTION 41‑3‑40, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO DELETE THE REFERENCE TO REGULATIONS PERTAINING TO THE DIVISION OF LABOR; TO AMEND SECTIONS 41‑3‑50, 41‑3‑60, 41‑3‑100, AND 41‑3‑120, ALL RELATING TO VARIOUS DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 41‑1‑40, 41‑1‑50, 41‑3‑80, 41‑15‑10, AND 41‑15‑50; ARTICLE 5, CHAPTER 3, TITLE 41; CHAPTER 21, TITLE 41; AND CHAPTER 23, TITLE 41 ALL RELATING TO VARIOUS OBSOLETE PROVISIONS PERTAINING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

Senator L. MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Labor, Commerce and Industry.

The Bill was recalled from the Committee on Labor, Commerce and Industry and ordered placed on the Calendar for consideration tomorrow.

**RECALLED AND COMMITTED**

S. 960 -- Senator Knotts: A JOINT RESOLUTION TO PROVIDE THAT THE PROVISIONS OF PARAGRAPH 1.77, SECTION 1, PART IB OF ACT 23 OF 2009, RELATING TO EDUCATIONAL SERVICES TO SOUTH CAROLINA RESIDENTS OF LAWFUL SCHOOL AGE RESIDING IN LICENSED RESIDENTIAL TREATMENT FACILITIES ARE SUSPENDED UNTIL REAUTHORIZED BY THE GENERAL ASSEMBLY BY ACT OR JOINT RESOLUTION.

Senator COURSON asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Education.

The Joint Resolution was recalled from the Committee on Education.

On motion of Senator COURSON, with unanimous consent, the Joint Resolution was committed to the Committee on Finance.

**RECALLED AND COMMITTED**

S. 961 -- Senators Knotts and Elliott: A BILL TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL HAVE OVERSIGHT RESPONSIBILITIES IN REGARD TO THE IMPLEMENTATION OF THE EDUCATIONAL PROGRAMS PROVIDED BY THE PROVISIONS OF PARAGRAPH 1.8, SECTION 1, PART IB OF ACT 23 OF 2009, RELATING TO EDUCATION PROGRAMS FOR CHILDREN OF LAWFUL SCHOOL AGE RESIDING IN A FOSTER HOME, GROUP HOME, ORPHANAGE, OR STATE‑OPERATED HEALTH CARE FACILITY.

Senator COURSON asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

The Bill was recalled from the Committee on Education.

On motion of Senator COURSON, with unanimous consent, the Bill was committed to the Committee on Finance.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

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

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

S. 1052 -- Senator Cleary: A BILL TO AMEND SECTION 12-37-220 OF THE 1976 CODE, RELATING TO PROPERTY TAX EXEMPTIONS, TO EXEMPT FROM PROPERTY TAX THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED CONDOMINIUM, TOWNHOUSE, OR COTTAGE THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE IMPROVEMENT IS OCCUPIED, OR THE PROPERTY TAX YEAR ENDING THE THIRD DECEMBER THIRTY-FIRST AFTER THE IMPROVEMENT IS COMPLETED AND A CERTIFICATE OF OCCUPANCY IS ISSUED THEREON.

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

S. 1053 -- Senator McConnell: A BILL TO AMEND CHAPTER 7, TITLE 2 OF THE 1976 CODE BY ADDING SECTION 2-7-61, TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL NOT INCREASE OR IMPLEMENT A FINE OR PENALTY IN THE GENERAL APPROPRIATIONS BILL AND MAY ONLY DO SO BY SEPARATE ACT, TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY MAY INCREASE OR IMPLEMENT A FINE OR FEE BY REGULATION OR ADMINISTRATIVE ACTION, AND TO PROVIDE EXCEPTIONS.

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

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

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

S. 1055 -- Senator Hutto: A BILL TO AMEND SECTION 44-56-430 OF THE 1976 CODE, RELATING TO ENVIRONMENTAL SURCHARGE FOR DRYCLEANING FACILITIES, TO EXEMPT FROM THE ENVIRONMENTAL SURCHARGE THE PORTION OF GROSS PROCEEDS WHICH ARE NOT DIRECTLY ATTRIBUTABLE TO THE SALE OF DRYCLEANING SERVICE.

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

S. 1056 -- Senators Rose and Knotts: A BILL TO AMEND SECTION 27-47-420 OF THE 1976 CODE, RELATING TO MOBILE HOME PARK RENTAL RATES, TO PROVIDE THAT A MOBILE HOME PARK OWNER SHALL NOT INCREASE RENTAL RATES BEYOND THE MARKET RATE, TO PROVIDE THE DEFINITION OF "MARKET RENTAL RATE", TO PROVIDE THAT A MOBILE HOME OWNER MAY SEEK ARBITRATION THROUGH THE DEPARTMENT OF CONSUMER AFFAIRS, TO PROVIDE FACTORS THE COURT MAY CONSIDER IN DETERMINING THE MARKET RENTAL RATE, AND TO PROVIDE PENALTIES.

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

H. 4335 -- Reps. T. R. Young, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie and A. D. Young: A CONCURRENT RESOLUTION TO DECLARE FEBRUARY 2010 AS "NATIONAL CHILDREN'S DENTAL HEALTH MONTH" AND FRIDAY, FEBRUARY 5, 2010, AS "GIVE KIDS A SMILE DAY" IN SOUTH CAROLINA, IN ORDER TO PROMOTE ORAL HEALTH AND JOIN IN THE EFFORTS THROUGHOUT THE NATION TO ADVOCATE FOR ORAL HEALTH AWARENESS AND OPTIMAL ORAL HEALTH IN CHILDREN.

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

H. 4337 -- Reps. Owens, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO CONGRATULATE SOUTH CAROLINA'S 2010-2011 DISTRICT TEACHERS OF THE YEAR ON BEING SELECTED TO REPRESENT THEIR RESPECTIVE SCHOOL DISTRICTS AND TO EXPRESS APPRECIATION FOR THEIR DEDICATED SERVICE TO CHILDREN AND WISH THEM CONTINUED SUCCESS IN THE FUTURE.

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

**HOUSE CONCURRENCE**

S. 1037 -- Senators McConnell, Knotts and Nicholson: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 3, 2010, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 5, WHOSE TERM EXPIRES JULY 31, 2010; TO ELECT A SUCCESSOR TO A CERTAIN CHIEF JUDGE OF THE COURT OF APPEALS, SEAT 5, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE EIGHTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010, TO FILL THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT‑LARGE, SEAT 8, TO FILL THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FIRST JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FIRST JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE SECOND JUDICIAL CIRCUIT, SEAT 1, TO FILL THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRD JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FIFTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FIFTH JUDICIAL CIRCUIT, SEAT 4, TO FILL THIS SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE SEVENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE SEVENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE EIGHTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE NINTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE NINTH JUDICIAL CIRCUIT, SEAT 6, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE TENTH JUDICIAL CIRCUIT SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE ELEVENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE TWELFTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR OF A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT, SEAT 1, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE FAMILY COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 6, TO FILL THE UNEXPIRED TERM WHICH EXPIRES JUNE 30, 2011, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016.

Returned with concurrence.

Received as information.

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

**COMMITTEE AMENDMENT ADOPTED**

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

S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50‑11‑770 TO ENACT THE “RENEGADE HUNTER ACT”, TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE 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 (1027R001.JYM), which was adopted:

Amend the bill, as and if amended, strike SECTION 2 in its entirety and insert:

/SECTION 2. Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑770. (A) For purpose of this section:

(1) ‘Hunting’ includes:

(a) attempting to take any game animal, hog, or coyote by occupying stands, standing, or occupying a vehicle while:

(b) possessing, carrying, or having readily accessible:

(i) a centerfire rifle with ammunition capable of being fired in that rifle; or

(ii) a shotgun with shot size larger than number four that is capable of being fired from that shotgun.

(2) ‘Possessing’, ‘carrying’, or ‘having readily available’ does not include a centerfire rifle or a shotgun that is:

(a) unloaded and cased in a closed compartment or vehicle;

(b) unloaded and cased in a vehicle trunk or tool box;

(c) in a vehicle traveling in a normal manner on a public road or highway; or

(d) encased or unloaded with the shells at least thirty feet away and stacked, piled, or otherwise gathered together in like fashion.

(B) Notwithstanding the provisions contained in Section 50‑11‑760, it shall be unlawful for any person to hunt from any road, right of way, property line, boundary, or property upon which he does not have hunting rights with the aid or use of a dog when the dog has entered upon the land of another without written permission or over which the person does not have hunting rights. The provisions of this section apply whether the person in control of the dog intentionally or unintentionally release, allow, or otherwise cause the dog to enter upon the land of another without permission of the landowner.

(C) It is not a violation of this section if a person, with the landowner’s permission, uses a single dog to recover a dead or wounded animal on the land of another and maintains sight and voice contact with the dog.

(D) A dog that has entered upon the land of another without permission given to the person in control of the dog shall not be killed, maimed, or otherwise harmed simply because the dog has entered upon the land. A person who violates this subsection may be fined not more than five hundred dollars or imprisoned for not more than thirty days. The penalties for violations of this section as provided in subsection (E) do not apply to violations of this subsection.

(E) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars, no part of which may be suspended, or imprisoned for not more than thirty days, or both. The court must transmit record of the conviction to the department for hunting license suspension pursuant to subsection (F).

(F) In addition to any other penalties provided by law, a person convicted of a violation of this section must have his hunting privileges suspended by the department for one year from the date of his conviction. He may not have his hunting privileges reinstated by the department until after he successfully completes a hunter education class administered by the department.” /

Renumber sections to conform.

Amend title to conform.

Senator McGILL explained the committee amendment.

The committee amendment was adopted.

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

**Recorded Vote**

Senators RYBERG and BRYANT 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. 1022 -- Senators Hayes, Mulvaney and Peeler: A BILL TO AMEND ACT 959 OF 1954, AS AMENDED, RELATING TO THE CREATION OF THE YORK COUNTY NATURAL GAS AUTHORITY, SO AS TO ALLOW IT TO CONNECT TO ANY SOURCE OF NATURAL GAS AND TO INCREASE ITS POWERS TO ALLOW, AMONG OTHER THINGS, THE PURCHASE AND SALE OF THE TOWN OF BLACKSBURG’S NATURAL GAS SYSTEM.

**S. 1022--Ordered to a Third Reading**

On motion of Senator HAYES, S. 1022 was ordered to receive a third reading on Friday, January 15, 2010.

H. 3488 -- Reps. J.E. Smith, Hart, Williams, R.L. Brown, Hutto and Weeks: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY CERTAIN ISSUES AFFECTING VETERANS AND PROVIDE FOR RELATED MATTERS INCLUDING, BUT NOT LIMITED TO, COMMITTEE MEMBERSHIP AND DUTIES, THE FILLING OF VACANCIES, COMMITTEE MEETINGS, AND STAFFING.

Senator ALEXANDER explained the Joint Resolution.

S. 963 -- Senators Knotts, Cromer, Courson and Setzler: A BILL TO AMEND SECTION 7‑7‑380, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LEXINGTON COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF LEXINGTON COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Senator KNOTTS explained the Bill.

**S. 963--Ordered to a Third Reading**

On motion of Senator KNOTTS, with unanimous consent, S. 963 was ordered to receive a third reading on Friday, January 15, 2010.

H. 4055 -- Reps. Hardwick, Hearn, Barfield, Clemmons and Edge: A BILL TO AMEND SECTION 7‑7‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF HORRY COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

**AMENDED, READ THE SECOND TIME**

S. 517 -- Senators Davis, Bright, Shoopman, Ryberg, Bryant, Mulvaney, Fair, Peeler, Rose, Campsen and S. Martin: A JOINT RESOLUTION TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY, BY REGULATION OR OTHERWISE, MAY ADMINISTRATIVELY INCREASE OR IMPLEMENT A FEE FOR PERFORMING A SERVICE OR FUNCTION, OR A CIVIL PENALTY OR FINE FOR FAILURE TO COMPLY WITH A REQUIREMENT OR PROVISION OF LAW UNDER ITS JURISDICTION WITHOUT THE SPECIFIC APPROVAL OF THE INCREASE OR NEW FEE, FINE, OR PENALTY BY THE GENERAL ASSEMBLY BY CONCURRENT RESOLUTION; TO PROVIDE THAT APPROVAL BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION OF A REGULATION OF A STATE AGENCY OR DEPARTMENT UNDER THE ADMINISTRATIVE PROCEDURES ACT WHEREIN A FEE, FINE, OR PENALTY INCREASE OR IMPOSITION IS CONTAINED DOES NOT CONSTITUTE APPROVAL UNDER THE REQUIREMENTS OF THIS SECTION, AND IF AN INCREASE OR IMPLEMENTATION IS CONTAINED IN THAT JOINT RESOLUTION, THE INCREASE OR IMPLEMENTATION IS NULL AND VOID; TO PROVIDE CERTAIN EXCEPTIONS; AND TO PROVIDE FOR THE DURATION OF THIS PROVISION.

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

Senators DAVIS and ROSE proposed the following amendment (NBD\11636AC10), which was adopted:

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

/SECTION 1. (A) The General Assembly shall not authorize a state agency, department, or entity to increase or implement a fee for performing a service or function, or a civil penalty or fine for failure to comply with a requirement or provision of law under its jurisdiction in the temporary or permanent provisions of the State General Appropriation Act or acts supplemental thereto, and any increase or implementation of any fee or fine may only be authorized by an act separate from an appropriations act.

(B) Notwithstanding any other provision of law, from the effective date of this joint resolution, no state agency, department, or entity may increase or implement a fee for performing a service or function, or a civil penalty or fine for failure to comply with a requirement or provision of law under its jurisdiction by regulation or administrative action.

(C) The provisions of this section do not apply to internal charges between state agencies, departments, or entities or any fees or charges, including tuition, made by schools or colleges to students of the institution for instruction, activities, or materials provided or furnished to those students.

(D) The provisions of this section expire July 1, 2010, unless reauthorized by the General Assembly by law./

Amend the joint resolution, further, by striking all before the enacting words and inserting:

/TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL NOT AUTHORIZE A STATE AGENCY, DEPARTMENT, OR ENTITY TO INCREASE OR IMPLEMENT A FEE, PENALTY, OR FINE IN THE STATE GENERAL APPROPRIATIONS ACT OR OTHER ACTS SUPPLEMENTAL TO THAT ACT; TO PROVIDE THAT ANY INCREASE OR IMPLEMENTATION OF A FEE OR FINE MAY ONLY BE AUTHORIZED BY AN ACT SEPARATE FROM AN APPROPRIATIONS ACT; TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY MAY INCREASE OR IMPLEMENT BY REGULATION OR ADMINISTRATIVE ACTION A FEE, PENALTY, OR FINE; AND TO PROVIDE EXCEPTIONS FOR INTERNAL CHARGES BETWEEN STATE AGENCIES AND FOR FEES, INCLUDING TUITION, IMPOSED BY SCHOOLS AND COLLEGES ON STUDENTS; AND TO PROVIDE FOR THE EXPIRATION OF THIS JOINT RESOLUTION JULY 1, 2010, UNLESS REAUTHORIZED BY LAW./

Renumber sections to conform.

Amend title to conform.

Senator DAVIS 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.

**AMENDED, READ THE SECOND TIME**

H. 4087 -- Rep. Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 53, TITLE 59 SO AS TO CREATE THE GREENVILLE TECHNICAL COLLEGE AREA COMMISSION AND TO PROVIDE FOR ITS MEMBERSHIP.

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

Senator FAIR proposed the following amendment (DKA\  
3821DW10), which was adopted:

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

SECTION 1. Act 743 of 1962, as last amended by Act 599 of 1992, is further amended by adding:

“Section 1A. (A) There is created the Greenville Technical College Area Commission which is a body politic and corporate and the governing body of Greenville Technical College. The commission consists of twelve members, two of whom shall serve ex officio:

(1) the Superintendent of Greenville County School District; and

(2) the Director of Workforce Development.

The remaining members must be selected by the Greenville County Legislative Delegation and include:

(1) a representative of the University Center of Greenville selected upon the recommendation of the Chairman of the Greenville County Legislative Delegation;

(2) a member selected upon the recommendation of the Chairman of the Greenville County Council, who may not be a current council member;

(3) a member selected upon the recommendation of the Chairman of the Greenville County Legislative Delegation;

(4) one member selected from either House District 17 or House District 18;

(5) one member selected from either House District 20 or House District 22;

(6) one member selected from either House District 23 or House District 25;

(7) one member selected from either House District 19 or House District 26;

(8) one member selected from either House District 21 or House District 24;

(9) one member selected from either House District 27 or House District 28; and

(10) one member selected at large.

A member of the area commission shall serve for a term of four years, except that the member selected upon the recommendation of the Chairman of the Greenville County Council and the members selected upon the recommendation of the Chairman of the Greenville County Legislative Delegation shall serve for a term of two years. Present members of the commission shall serve until their terms end, with their respective successors appointed by the legislative delegation according to the above method. The delegation shall designate one of the present members from House District 19 to serve at large.

(B) The commission shall:

(1) establish the basic qualifications for and appoint a president for the term and under the conditions as it may fix, the commission having full powers of appointment and dismissal to the fullest extent permitted by law and applicable regulations;

(2) provide for the employment of personnel pursuant to Section 59‑53‑20;

(3) purchase land required for college sites and rights‑of‑way which are necessary for the proper operation of the college;

(4) apply the standards and requirements for admission and graduation of students and other standards established by the State Board for Technical and Comprehensive Education;

(5) receive and accept private donations, gifts, bequests, and the like to apply them or invest any of them and apply the proceeds for the purposes and upon the terms which the donor may prescribe and which are consistent with the provisions of law and the regulations of the State Board for Technical and Comprehensive Education;

(6) establish and discontinue programs of instruction within the college upon the recommendation of the president;

(7) require the execution of studies and take steps as are necessary to ensure that the functions of the college are always those which are most helpful and feasible in light of the resources available to the school;

(8) designate members or other agents or representatives to represent the college before the Greenville County Council, the State Board for Technical and Comprehensive Education, and other agencies concerned with the serving of financial support for the needs of the college for operation expenses and capital outlay;

(9) adopt and recommend current expense and capital outlay budgets;

(10) perform acts and do other things as may be necessary or proper for the exercise of the foregoing specific powers, including the adoption and enforcement of reasonable rules, regulations, and bylaws for the government and operation of the college under law and for the discipline of students;

(11) perform functions required as necessary for the proper governance of the college with regard to policy, personnel, and fiduciary matters in accordance with standards generally accepted and established for trusteeship of a community college.”

SECTION 2. Sections 2 and 3 of Act 743 of 1962 are deleted.

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

Renumber sections to conform.

Amend title to conform.

Senator FAIR 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.

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

**MOTION ADOPTED**

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

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

S. 202 -- Senator Thomas: A BILL TO AMEND SECTION 38‑1‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF “ADMITTED ASSETS” TO INCLUDE THOSE ON THE INSURER’S MOST RECENT STATUTORY FINANCIAL STATEMENT FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38‑13‑80 INSTEAD OF THOSE ADMITTED UNDER THE PROVISIONS OF SECTION 38‑11‑100; TO AMEND SECTION 38‑9‑10, RELATING TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38‑10‑40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38‑33‑130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38‑55‑80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

The Bill was returned from the House with amendments.

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

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

**AMENDMENT PROPOSED, DEBATE INTERRUPTED**

S. 424 -- Senators Bright, S. Martin, Alexander, Campbell, Fair, Knotts, Cromer, Mulvaney, Verdin, L. Martin, Shoopman, Rose, McConnell, Thomas, Cleary, Courson, Coleman, Davis, Reese, Campsen, Grooms, Ryberg, Peeler, O’Dell, Bryant and Massey: A CONCURRENT RESOLUTION TO AFFIRM THE RIGHTS OF ALL STATES INCLUDING SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of Amendment No. 11A (424R018.MTR) proposed by Senators BRIGHT, ROSE, MULVANEY, McCONNELL, SHOOPMAN, L. MARTIN, COURSON, CAMPBELL, O’DELL, GROOMS, DAVIS, FAIR, S. MARTIN, PEELER, CROMER, ALEXANDER, MASSEY, VERDIN, BRYANT, HAYES, RYBERG, CLEARY, RANKIN, CAMPSEN, KNOTTS and previously printed in the Journal of Tuesday, January 12, 2010.

Senator HUTTO argued contra to the adoption of the amendment.

Senator HUTTO moved that the Senate stand adjourned.

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

**Ayes 29; Nays 16**

**AYES**

Alexander Anderson Campbell

Coleman Courson Cromer

Elliott Ford Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, L.*

Matthews McConnell McGill

Nicholson O’Dell Pinckney

Ryberg Scott Setzler

Sheheen Williams

**Total--29**

**NAYS**

Bright Bryant Campsen

Cleary Davis Fair

Grooms *Martin, S.* Massey

Mulvaney Peeler Reese

Rose Shoopman Thomas

Verdin

**Total--16**

Debate was interrupted by adjournment.

**Statement by Senators McCONNELL, O’DELL, L. MARTIN**

**ALEXANDER and LEATHERMAN**

Today, the opponents of the Sovereignty Resolution, S. 424, who had been engaging in extended debate to block passage offered to conclude the debate on Tuesday if the Senate would adjourn. Those of us who wanted to pass the Resolution did not have the cloture votes to conclude the debate today and vote up or down. Therefore, the offer by the opponents was reasonable and made good common sense. There was no need to sit here today in a filibuster and then be back in a filibuster on Tuesday when we could conclude the matter on Tuesday. To vote against adjournment meant no deal and no end to the debate. A vote by supporters of the Resolution with the opponents today to adjourn assures an end to the filibuster.

This was explained to the other supporters of the Resolution who chose instead to oppose adjournment. That vote, in our opinion, was supposed to apparently make them appear more determined than some of us to pass the Resolution; but, in actuality, their votes, if they prevailed, would have left the Resolution to die in extended debate.

**Statement by Senators GROOMS, VERDIN, BRYANT CAMPSEN, MASSEY, BRIGHT, DAVIS, ROSE, S. MARTIN SHOOPMAN and MULVANEY**

We continue to be disturbed by and disappointed with this body’s refusal to give S. 424, “The Sovereignty Resolution,” an up-or-down vote.

We have been repeatedly promised by senior members of our party that they would help to push for a vote. However, that did not happen on Tuesday. Or Wednesday. Or today. At some point the only conclusion we can reach is that those who now seek to lay blame at our doorstep lack the political will themselves to force a vote on what should be an issue that lies at the heart of our shared political philosophy. We find it especially noteworthy that several who now accuse us of obstruction were among those who refused to vote cloture yesterday.

We voted today not to adjourn. We voted to stay, and work. We believe that, perhaps sometimes, doing our jobs requires us to work for more than an hour on Thursday afternoons. And we refuse to sit quietly by while some attempt to portray our vote not to adjourn as obstructionist. The commenters indicate that they had cut a “deal” with the opponents of the Resolution in order to end the filibuster. That proposed “deal” was not shared with many of us. More importantly, if our entire caucus believed in the importance of this Resolution, as we do, there would be no need to cut any “deals.”

**STATEWIDE APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Denmark Technical College Area Commission, with the term to commence July 1, 2007, and to expire July 1, 2011

At-Large:

Thomas Lee Trantham, P. O. Box 525, Bamberg, SC 29003

**MOTION ADOPTED**

On motion of Senator SCOTT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Willie James Crouch, Sr., affectionately known as “Daddy Will,” of Saluda, S.C. He was a devoted husband to Dorothy “Motherdot” Crouch, the love of his life for 66 years. He was also a beloved father of seven and doting grandfather of 30 and great-grandfather to 18.

and

**MOTION ADOPTED**

On motion of Senator HAYES, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. E. Thomas Crowson of Rock Hill, S.C.

**ADJOURNMENT**

At 12:27 P.M., on motion of Senator HUTTO, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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