**Thursday, January 21, 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:

The Psalmist writes:

“But as for me, I walk in my integrity; redeem me, and be gracious to me.” (Psalm 26:11)

Join me as we pray, friends:

O Lord, how desperately does the world around us cry out for leaders who are women and men of integrity. We pray that each of these Senators will always strive to continue to be such individuals, dear God. Sustain them as they wrestle with the many, many issues which confront them these days. The challenges in this State are so great, and the temptations merely to get things done and over with have to be very real. Therefore, O God, guide each Senator in the ways of righteousness and virtue and honor. And as always, we pray that You will keep safe our women and men in uniform as they labor to help bring about peace, whether they serve in some spot far away or here at home. These things we pray in Your loving name, dear Lord.

Amen.

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

**Doctor of the Day**

Senator SHOOPMAN introduced Dr. Neil Kao of Greer, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

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

S. 1010 Sen. Mulvaney

S. 1052 Sen. Rankin

S. 1068 Sen. Davis

**RECOMMITTED**

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, with unanimous consent, the Bill was recommitted to the Committee on Banking and Insurance.

**PRESIDENT *Pro Tempore* PRESIDES**

At 11:58 A.M., Senator McCONNELL assumed the Chair.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

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

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

S. 1074 -- Senator Alexander: A BILL TO AMEND SECTION 12-37-220 OF THE 1976 CODE, RELATING TO PROPERTY TAX EXEMPTIONS, TO EXEMPT ONE PERSONAL MOTOR VEHICLE OWNED OR LEASED BY A BLIND PERSON.

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

S. 1075 -- Senator Sheheen: A BILL TO AMEND SECTION 27-8-80 OF THE 1976 CODE, RELATING TO CONDEMNATION OF CONSERVATION EASEMENTS, TO PROVIDE THAT THERE MUST BE NO PRUDENT AND FEASIBLE ALTERNATIVE TO CONDEMNATION IN ORDER TO PROCEED WITH CONDEMNATION, AND TO PROVIDE FOR THE PROCESS TO DETERMINE WHETHER A PRUDENT AND FEASIBLE ALTERNATIVE EXISTS.

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

S. 1076 -- Senator Alexander: A BILL TO AMEND SECTION 16-11-640 OF THE 1976 CODE, RELATING TO UNLAWFUL ENTRY, TO PROHIBIT ENTERING A DWELLING WITHOUT CONSENT.

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

S. 1077 -- Senators Alexander and L. Martin: A BILL TO AMEND SECTION 44-53-398 OF THE 1976 CODE, RELATING TO THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE, TO REQUIRE PURCHASERS TO SIGN AN ELECTRONIC LOG.

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

S. 1078 -- Senators Jackson, Knotts, Courson, Ryberg, Nicholson, Sheheen, Thomas, Rose, Campbell, Malloy, Ford, L. Martin, Hayes, Verdin, Davis and Leventis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-264 SO AS TO REQUIRE THE OWNER OF A COMMUNITY RESIDENTIAL CARE FACILITY TO UNDERGO A CRIMINAL RECORD CHECK AS A REQUIREMENT OF LICENSURE AND TO ENUMERATE THOSE CRIMES THAT PRECLUDE LICENSURE.

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

S. 1079 -- Senators Alexander and L. Martin: A BILL TO AMEND SECTION 44-53-375 OF THE 1976 CODE, RELATING TO POSSESSION OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE, TO REDUCE THE MINIMUM UNLAWFUL POSSESSION FROM TWELVE TO NINE GRAMS.

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

S. 1080 -- Senators Malloy and Ford: A BILL TO REPEAL SECTION 12-36-2120(3) OF THE 1976 CODE, RELATING TO SALES TAX EXEMPTIONS FOR TEXTBOOKS, BOOKS, MAGAZINES, PERIODICALS, NEWSPAPERS, AND ACCESS TO ON-LINE INFORMATION.

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Senator MALLOY explained the Bill.

**Objection**

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

Senator L. MARTIN objected.

Senator MALLOY resumed explaining the Bill.

**Point of Order**

Senator L. MARTIN raised a Point of Order that the Senator had made a unanimous consent motion to which there was an objection and, therefore, the Senator did not have the floor.

The PRESIDENT *Pro Tempore* indicated that having raised a unanimous consent motion to which there was an objection did not cause the Senator to relinquish the floor.

Senator MALLOY resumed explaining the Bill.

**Point of Order Withdrawn**

Senator L. MARTIN raised a Point of Order that the Senator had exceeded the time allocated for brief remarks for the category of Introduction of Bills and Resolutions.

The President *Pro Tempore* spoke on the Point of Order.

On motion of Senator L. MARTIN, the Point of Order was withdrawn.

Senator MALLOY resumed explaining the Bill.

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

S. 1081 -- Senators Alexander and L. Martin: A CONCURRENT RESOLUTION TO EXPRESS THE SINCERE SORROW OF THE MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA UPON THE DEATH OF HAROLD ALEXANDER "MAC" MCKEOWN OF PICKENS COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS MANY FRIENDS AND FAMILY MEMBERS.

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

S. 1082 -- Senator Hayes: A SENATE RESOLUTION TO RECOGNIZE THE DISTINGUISHED MILITARY CAREER OF BRIGADIER GENERAL CHRISTOPHER T. CLINE AND HIS MANY ACCOMPLISHMENTS AND WELCOME HIM TO SOUTH CAROLINA.

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The Senate Resolution was adopted.

**ACTING PRESIDENT PRESIDES**

At 12:34 P.M., Senator L. MARTIN assumed the Chair.

S. 1083 -- Senator McConnell: A CONCURRENT RESOLUTION TO RESCIND THE CONCURRENT RESOLUTION SETTING A DATE AND TIME OF FEBRUARY 3, 2010, TO ELECT SUCCESSORS TO FILL CERTAIN VACANCIES IN JUDICIAL POSITIONS IS RESCINDED DUE TO THE PENDENCY OF A LAWSUIT CHALLENGING THE CONSTITUTIONALITY OF THE JUDICIAL MERIT SELECTION COMMISSION.

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**Objection**

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

Senator L. MARTIN objected.

Senator McCONNELL explained the Resolution.

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

S. 1084 -- Senators Matthews and Ford: A BILL TO REPEAL SECTION 12-36-2120(20) OF THE 1976 CODE, RELATING TO SALES TAX EXEMPTIONS FOR RAILROAD CARS, LOCOMOTIVES, AND THEIR PARTS, MOTORS, AND ENGINES.

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Senator MATTHEWS spoke on the Bill.

**Objection**

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

Senator KNOTTS objected.

Senator MATTHEWS resumed explaining the Bill.

**Point of Order**

Senator L. MARTIN raised a Point of Order that the Senator had exceeded the five-minute time allocated for brief remarks for the category of Introduction of Bills and Resolutions.

The Senator indicated that he had concluded the remarks.

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

S. 1085 -- Senators Leatherman, Leventis, Massey, Ford, Ryberg, Setzler, Nicholson, Fair, Bryant, Alexander, Cromer, Land, Rankin, McConnell, O'Dell, Thomas, Courson, L. Martin, Campbell, Matthews, McGill, Hayes and Rose: A BILL TO AMEND SECTION 11-11-310 OF THE 1976 CODE, RELATING TO THE GENERAL RESERVE FUND, TO INCREASE THE PERCENTAGE AMOUNT REQUIRED TO BE DEPOSITED IN THE GENERAL RESERVE FUND FROM THREE TO FIVE PERCENT OF THE GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR, AND TO PROVIDE THAT THE PERCENTAGE AMOUNT MAY BE INCREASED OR DECREASED BY A TWO-THIRDS VOTE OF EACH HOUSE; TO AMEND SECTION 11-11-320, RELATING TO THE CAPITAL RESERVE FUND, TO PROVIDE THAT IF IN ANY FISCAL YEAR IN WHICH THE GENERAL RESERVE FUND DOES NOT MAINTAIN THE APPLICABLE PERCENTAGE AMOUNT, MONIES FROM THE CAPITAL RESERVE FUND FIRST MUST BE USED, TO THE EXTENT NECESSARY, TO FULLY REPLENISH THE REQUISITE PERCENTAGE AMOUNT IN THE GENERAL RESERVE FUND; TO REPEAL SECTION 11-11-325; TO AMEND SECTION 11-9-890, RELATING TO ACTIONS TO AVOID A YEAR-END DEFICIT, TO EXTEND THE TIME PERIOD IN WHICH ACTION MAY BE TAKEN INTO THE THIRD QUARTER, TO REDUCE THE PERCENTAGE BELOW THE PROJECTED AMOUNT THAT IS REQUIRED TO TAKE ACTION FROM FOUR TO TWO PERCENT, TO REDUCE THE TIME IN WHICH THE BUDGET AND CONTROL BOARD MUST TAKE ACTION FROM FIFTEEN TO SEVEN DAYS, AND TO PROVIDE THAT IF NO ACTION IS TAKEN, THE DIRECTOR OF THE OFFICE OF STATE BUDGET MUST REDUCE GENERAL FUND APPROPRIATIONS BY THE REQUISITE AMOUNT; AND TO AMEND SECTION 1-11-495, RELATING TO A REDUCTION IN THE RATE OF EXPENDITURE, TO PROVIDE THAT ANY CUT IS SUBJECT TO ANY BILL OR RESOLUTION ENACTED BY THE GENERAL ASSEMBLY.

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Senator LEATHERMAN spoke on the Bill.

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

S. 1086 -- Senators Leatherman, Leventis, Massey, Ryberg, Nicholson, Fair, Setzler, Bryant, Cromer, Ford, Land, Alexander, O'Dell, Rankin, McConnell, Campbell, Matthews, Thomas, Courson, L. Martin, McGill, Hayes and Rose: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, SO AS TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND AND TO ALLOW THE PERCENTAGE AMOUNT TO BE SUBSEQUENTLY INCREASED OR DECREASED BY SEPARATE LEGISLATIVE ENACTMENT PASSED BY A TWO-THIRDS VOTE OF THE TOTAL MEMBERSHIP OF THE SENATE AND A TWO-THIRDS VOTE OF THE TOTAL MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES; AND TO AMEND SECTION 36(B), ARTICLE III OF THE CONSTITUTION OF THIS STATE, SO AS TO PROVIDE THAT MONIES FROM THE CAPITAL RESERVE FUND FIRST MUST BE USED, TO THE EXTENT NECESSARY, TO FULLY REPLENISH THE APPLICABLE PERCENTAGE AMOUNT IN THE GENERAL RESERVE FUND.

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

S. 1087 -- Senator Campsen: A BILL TO AMEND SECTION 40-59-840, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, RELATING TO NOTICE AND OPPORTUNITY TO CURE CONSTRUCTION DWELLING DEFECTS, SO AS TO PROVIDE THAT THE NOTICE OF THE RIGHT TO CURE IS SATISFIED IN A CLASS ACTION LAWSUIT, IF THE NOTICE IS SENT TO THE ATTORNEY FOR THE CONTRACTOR OR SUBCONTRACTOR AFTER THE CLASS IS CERTIFIED; AND SECTION 40-59-860, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, RELATING TO APPLICATION IF THE PROVISIONS CONCERNING NOTICE AND OPPORTUNITY TO CURE CONSTRUCTION DWELLING DEFECTS, SO AS TO PROVIDE THAT A CLASS ACTION LAWSUIT IS NOT PRECLUDED.

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

S. 1088 -- Senators Matthews, O'Dell, Jackson and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-70 SO AS TO DEFINE CERTAIN TERMS, AND TO PROVIDE FOR THE DISPENSING OF CERTAIN DRUGS OR DEVICES AT A FEDERALLY QUALIFIED HEALTH CENTER.

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

S. 1089 -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 28, 2010, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, CLEMSON UNIVERSITY, COLLEGE OF CHARLESTON, COASTAL CAROLINA UNIVERSITY, FRANCIS MARION UNIVERSITY, LANDER UNIVERSITY, THE MEDICAL UNIVERSITY OF SOUTH CAROLINA, SOUTH CAROLINA STATE UNIVERSITY, THE UNIVERSITY OF SOUTH CAROLINA, WIL LOU GRAY OPPORTUNITY SCHOOL, AND WINTHROP UNIVERSITY TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE IN 2010, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION; IMMEDIATELY FOLLOWING ELECTION OF BOARDS OF TRUSTEE MEMBERS, THE HOUSE OF REPRESENTATIVES AND THE SENATE SHALL ELECT ONE MEMBER AT LARGE TO THE OLD EXCHANGE BUILDING COMMISSION TO SUCCEED THE MEMBER WHOSE TERM IS EXPIRING.

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

S. 1090 -- Senators Hutto and Ford: A BILL TO REPEAL SECTION 12-36-2120(7) OF THE 1976 CODE, RELATING TO SALES TAX EXEMPTIONS FOR CERTAIN CONTAINERS AND LABELS.

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

S. 1091 -- Senators Hutto and Ford: A BILL TO REPEAL SECTION 12-36-2120(6) OF THE 1976 CODE, RELATING TO SALES TAX EXEMPTIONS FOR ITEMS USED IN THE PRODUCTION FOR SALE OF FARM OR GARDEN PRODUCTS OR CULTIVATION OF POULTRY OR LIVESTOCK FEED.

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

S. 1092 -- Senators Leventis and Ford: A BILL TO REPEAL SECTION 12-36-2120(5) OF THE 1976 CODE, RELATING TO SALES TAX EXEMPTIONS FOR FEED USED FOR POULTRY OR LIVESTOCK.

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

S. 1093 -- Senator Knotts: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY LANCE CORPORAL CHRISTOPHER S. FOWLKES OF THE UNITED STATES MARINE CORPS WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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

H. 3543 -- Reps. Brady, Mitchell, Erickson and Knight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-490 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL DISTRICTS IN DEVELOPING THEIR OWN POLICIES FOR REPORTING AND RESPONDING TO DATING VIOLENCE, TO PROVIDE WHAT MUST BE INCLUDED IN THE POLICIES, TO PROVIDE REPORTING AND PUBLICATION REQUIREMENTS, AND TO REQUIRE SCHOOL DISTRICTS TO INFORM PARENTS AND GUARDIANS OF THE POLICY AND TO PROVIDE PARENTS WITH A COPY OF THE POLICY UPON REQUEST.

Senator LEVENTIS spoke on the Bill.

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

H. 4169 -- Rep. Battle: A BILL TO AMEND ACT 607 OF 1986, AS AMENDED, RELATING TO THE ELECTIONS OF MEMBERS OF THE MARION COUNTY BOARD OF EDUCATION, SO AS TO PROVIDE THAT A PERSON DESIRING TO QUALIFY AS A CANDIDATE SHALL FILE WRITTEN NOTICE OF CANDIDACY AT LEAST SIXTY DAYS BEFORE THE DATE SET FOR THE ELECTION BUT NOT EARLIER THAN NINETY DAYS BEFORE THE ELECTION, TO PROVIDE THAT THE COUNTY COMMISSIONERS OF ELECTION SHALL PUBLISH NOTICES OF THE ELECTION AS PROVIDED IN SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, AND TO PROVIDE THE NONPARTISAN PLURALITY METHOD AS CODIFIED IN SECTION 5-15-61, CODE OF LAWS OF SOUTH CAROLINA, 1976, BE REQUIRED TO DETERMINE THE OUTCOME OF THE ELECTION INSTEAD OF PURSUANT TO ACT 81 OF 1977.

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

H. 4239 -- Reps. Miller, Wylie, J. E. Smith and Anderson: A BILL TO AMEND SECTION 8-21-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SCHEDULE OF FEES AND COSTS COLLECTED BY COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS, SO AS TO WAIVE THE RECORDING FEE OTHERWISE REQUIRED FOR A POWER OF ATTORNEY FILED BY A MEMBER OF ARMED FORCES OF THE UNITED STATES PREPARATORY TO DEPLOYMENT TO A COMBAT ZONE UPON PRESENTATION OF COPIES OF THE DEPLOYMENT ORDER, AND TO DEFINE "COMBAT ZONE".

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

H. 4302 -- Rep. Funderburk: A BILL TO AMEND SECTION 22-2-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY JURY AREA DESIGNATIONS FOR USE IN MAGISTRATES COURTS, SO AS TO REVISE THE JURY AREAS FOR KERSHAW COUNTY TO PROVIDE FOR ONE JURY AREA COUNTYWIDE.

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

H. 4318 -- Reps. T. R. Young, Stewart, J. R. Smith, Clyburn, D. C. Smith, Spires, Hosey, Sellers, McLeod and Duncan: A CONCURRENT RESOLUTION TO REGISTER THE STRONG OBJECTION OF THE SOUTH CAROLINA GENERAL ASSEMBLY TO THE FEDERAL GOVERNMENT'S DECISION TO ABANDON YUCCA MOUNTAIN AS THE PREFERRED PERMANENT REPOSITORY FOR DEFENSE NUCLEAR WASTE AND COMMERCIAL SPENT FUEL.

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

H. 4319 -- Reps. Millwood, Mitchell, Allison, Cole, Forrester, Kelly, Littlejohn and Parker: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 11 IN SPARTANBURG COUNTY FROM ITS INTERSECTION WITH THE WESTERN LIMIT OF THE CITY OF CHESNEE TO PARRIS BRIDGE ROAD "GENERAL STEPHEN M. TWITTY HIGHWAY", AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "GENERAL STEPHEN M. TWITTY HIGHWAY.

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

H. 4344 -- Reps. Herbkersman and Chalk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10 TO CHAPTER 10, TITLE 4 ENACTING THE "ALTERNATE LOCAL OPTION TOURISM DEVELOPMENT FEE ACT" SO AS TO ALLOW A MUNICIPALITY LOCATED WITHIN A COUNTY IN WHICH AT LEAST FIVE MILLION DOLLARS OF STATE ACCOMMODATIONS TAX REVENUES HAVE BEEN COLLECTED IN A FISCAL YEAR AND COUNTY ANNUAL PER CAPITA PERSONAL INCOME IS AT LEAST FORTY THOUSAND DOLLARS TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT OF AMOUNTS SUBJECT TO TAX PURSUANT TO CHAPTER 36, TITLE 12, THE SOUTH CAROLINA SALES AND USE TAX ACT, FOR NOT MORE THAN TEN YEARS, TO PROVIDE THAT A MUNICIPALITY MAY IMPOSE THE FEE BY ORDINANCE, TO PROVIDE FOR THE ADMINISTRATION OF THE FEE, AND TO PROVIDE USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, INCLUDING TOURISM PROMOTION, PROPERTY TAX CREDITS, AND CAPITAL PROJECTS PROMOTING TOURISM CAUSES.

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

H. 4370 -- Rep. Harrison: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, FEBRUARY 24, 2010.

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

H. 4400 -- Reps. Bales, Agnew, Alexander, Allen, Allison, Anderson, Anthony, 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, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE JAMES AMICK FOR FIFTY YEARS OF SERVICE IN THE LOWER RICHLAND RURITAN CLUB; AND TO COMMEND HIM FOR HIS MANY ACTS OF KINDNESS TO THOSE IN NEED.

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

H. 4408 -- Reps. Funderburk and Gunn: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. DAISY B. ALEXANDER OF KERSHAW COUNTY FOR HER LIFETIME ACHIEVEMENTS AS AN EDUCATOR AND COMMUNITY VOLUNTEER, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

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

**RECESS**

At 12:45 P.M., with Senator McCONNELL retaining the floor, on motion of Senator PEELER, the Senate receded from business subject to the Call of the Chair.

At 1:47 P.M., the Senate resumed.

**PRESIDENT *Pro Tempore* PRESIDES**

At 1:47 P.M., Senator McCONNELL assumed the Chair.

**Message from the House**

Columbia, S.C., January 21, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 186 -- Senators McConnell and Campsen: A BILL TO AMEND SECTION 15‑77‑300, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALLOWANCE OF ATTORNEY’S FEES IN STATE‑INITIATED ACTIONS, SO AS TO LIMIT THE FEE TO A REASONABLE TIME EXPENDED AT A REASONABLE RATE.

Respectfully submitted,

Speaker of the House

Received as Information

The Bill was ordered placed on the Calendar for consideration tomorrow.

Senator ALEXANDER, with unanimous consent, was granted leave to address brief remarks to the body regarding H. 3272.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 910 -- Senator Land: A BILL TO AMEND SECTION 6‑21‑185 OF THE 1976 CODE, RELATING TO A SPECIAL PURPOSE DISTRICT MORTGAGE TO SECURE CERTAIN BONDS OR LOANS, TO REMOVE LIMITATIONS FROM THE AUTHORITY OF SUCH DISTRICT TO MORTGAGE ITS PROPERTY UNDER THE REVENUE BOND ACT FOR UTILITIES; TO ADD SECTION 6‑17‑95 TO AUTHORIZE A SPECIAL PURPOSE DISTRICT PROVIDING HOSPITAL, NURSING HOME, OR CARE FACILITIES TO BORROW MONEY IN A MANNER THAT IS CONSISTENT WITH SECTION 44‑7‑60; TO ADD SECTION 6‑11‑101 TO CLARIFY THE POWERS OF HOSPITAL DISTRICTS.

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

The Committee on Finance proposed the following amendment (910FIN001), which was adopted:

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

/ SECTION 1. Section 6‑21‑185 of the 1976 Code is amended to read:

“Section 6‑21‑185. Under the revenue bond act for utilities in the case of a special purpose district providing hospital, nursing home, or care facilities ~~in a county with more than fourteen million dollars in accommodations tax collections for the most recent fiscal year~~, the special purpose district is authorized to provide a mortgage on any real or personal property to secure ~~its bonds or loan~~ the purchase of any indebtedness by any federal agency or the guarantee of any indebtedness by any federal agency ~~if the federal agency provides a guarantee of any such loan securing the bonds~~.”

SECTION 2. Chapter 17, Title 6 of the 1976 Code is amended by adding:

“Section 6‑17‑95. Under the revenue bond refinancing act, in the case of a municipality providing hospital, nursing home, or care facilities, the municipality may utilize the provisions of Section 44-7-60 to secure payment on any indebtedness purchased by any federal agency or any indebtedness guaranteed by any federal agency.”

SECTION 3. Chapter 11, Title 6 of the 1976 Code is amended by adding:

“Section 6‑11‑101. Any hospital district created by the General Assembly shall be authorized to own, lease, operate, maintain, convey, sell, or otherwise dispose of ‘hospital facilities’, as defined in Section 44-7-1430(f), and as authorized by Section 6-21-100. Additionally, any hospital district shall be authorized to mortgage its hospital facilities so long as the action is made in connection with the purchase of the hospital district’s indebtedness by any federal agency or the guarantee of the hospital district’s indebtedness by any federal agency. Any hospital district shall be authorized to own, operate, convey, sell, or lease hospital facilities located outside the current limits of the hospital district in any county adjacent to the boundaries of the hospital district, as set out in the hospital district’s enabling legislation, all on such terms as its governing body shall approve, whenever it shall be economically feasible. Additionally, any hospital district shall be authorized to create and establish an entity under Chapters 31 or 44 of Title 33.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator O'DELL explained the committee amendment.

The committee amendment was adopted.

Senator THOMAS objected to further consideration of the Bill.

**CARRIED OVER**

S. 1034 -- Senator Leatherman: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH THE TAXATION REALIGNMENT COMMISSION MUST PREPARE AND DELIVER ITS REPORT AND RECOMMENDATION UNTIL NOVEMBER 15, 2010.

Senator O'DELL explained the Joint Resolution.

On motion of Senator RYBERG, the Joint Resolution was carried over.

**PREVIOUSLY PROPOSED AMENDMENT WITHDRAWN AMENDED, CARRIED OVER**

S. 517 -- Senators Davis, Bright, Shoopman, Ryberg, Bryant, Mulvaney, Fair, Peeler, Rose, Campsen and S. Martin: A JOINT RESOLUTION 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.

The Senate proceeded to a consideration of the Resolution, the question being the adoption of the previously proposed amendment which was printed in the journal of January 20, 2008.

Senator LEVENTIS asked unanimous consent to withdraw his previously proposed amendment.

There was no objection and the amendment by Senator LEVENTIS was withdrawn.

Senator DAVIS proposed the following amendment (NBD\  
11651AC10), 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:

(1) internal charges between state agencies, departments, or entities;

(2) 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;

(3) charges, fees, or fines related to marine terminal operations, facilities, and services, or governed by marine terminal operator tariffs or contracts; or

(4) the South Carolina Public Service Authority.

(D) The provisions of this section expire January 15, 2011, unless reauthorized by the General Assembly by law.

SECTION 2. (A) There is established the Other Funds Study Committee to review, study, and make recommendations concerning agency earmarked and restricted fund accounts to include a review of all sources of other fund revenue retained and expended for agency operations.

(B) The study committee must be composed of ten members. Notwithstanding Section 8-13-770, the committee shall be composed of:

(1) five members of the Senate appointed by the Chairman of the Senate Finance Committee; and

(2) five members of the House of Representatives appointed by the Chairman of the House Ways and Means Committee.

(C) The study committee shall make a preliminary report of its findings and recommendations to the General Assembly no later than January 15, 2011, at which time the study committee must be abolished.

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

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

On motion of Senator LEATHERMAN, the Resolution was carried over, as amended.

**OBJECTION**

S. 728 -- Senators Hayes and Fair: A BILL TO AMEND SECTION 12‑65‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENTITLEMENT TO TAX CREDITS UNDER THE TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO FURTHER PROVIDE FOR THE APPLICABILITY OF SPECIFIC REQUIREMENTS FOR TEXTILE MILL SITES ACQUIRED BEFORE AND AFTER 2007, TO REVISE THE ALLOWABLE AMOUNT OF THE CREDITS IN CERTAIN INSTANCES, TO PROVIDE THAT THE TAX CREDITS ALLOWED INCLUDE CREDITS AGAINST INSURANCE PREMIUM TAXES, TO MAKE A TECHNICAL CORRECTION, AND TO FURTHER PROVIDE FOR THE MANNER IN WHICH THESE CREDITS ARE VESTED IN A TAXPAYER AND MAY BE ALLOCATED TO PARTNERS OR MEMBERS; BY ADDING SECTION 12‑65‑50 SO AS TO PROVIDE TRANSITION RULES APPLICABLE TO SPECIFIC MILL SITES; AND BY ADDING SECTION 12‑65‑60 SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY CERTIFICATION PROCESS.

Senator SETZLER objected to the Bill.

**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Gaines Adams of Greenwood, S.C. Mr. Adams, held in high esteem by all who knew him, played football with the Chicago Bears and was one of three football players in Clemson history to be named a unanimous All-American.

and

**MOTION ADOPTED**

On motion of Senator SHEHEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Ernest Calvin West of Kershaw, S.C., beloved husband, devoted father, and doting grandfather and great-grandfather.

**ADJOURNMENT**

At 2:15 P.M., on motion of Senator L. MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the motion to adjourn.

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