**Wednesday, February 3, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:45 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:

Prior to passing the mantle of leadership to his son, Solomon, David exclaimed:

“ ‘I know, my God, that you test the heart and are pleased with integrity.’ ” (I Chronicles 29:17a)

Let us pray:

O God, frequently do we all find ourselves tested again and again. The pressures and challenges around us seem unending. So it is, especially, why we humbly ask, dear Lord, that every test which might come to these Senators will be challenges which they meet with unfailing integrity. Grant each of these leaders patience and wisdom as they wrestle with and resolve every difficult matter, and may the benefactors of their good efforts always be the women and men and children of this State. Bless all who serve and honor You. This we pray in Your loving name, Holy Lord.

Amen.

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

**RECESS**

At 11:55 A.M., the Senate receded from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Elections**

At 12:00 P.M., the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

**Election to the Position of Associate Justice, Supreme Court**

**Seat #5**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Associate Justice of the Supreme Court, Seat #5.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Donald W. Beatty had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Donald W. Beatty in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Donald W. Beatty was elected to the position of Associate Justice of the Supreme Court, Seat #5 for the term prescribed by law.

**Election to the Position of Chief Judge, Court of Appeals, Seat #5**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Court of Appeals, Seat #5.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable John Cannon Few, the Honorable Daniel F. Pieper and the Honorable Paul E. Short, Jr. had been screened and found qualified to serve.

On motion of Representative Delleney, the names of the Honorable Paul E. Short, Jr. and the Honorable Daniel F. Pieper were withdrawn from consideration.

Representative Delleney placed the names of the Honorable John Cannon Few in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable John Cannon Few was elected to the position of Chief Judge, Court of Appeals, Seat #5 for the term prescribed by law.

**Election to the Position of Circuit Court, 1st Judicial Circuit**

**Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 1st Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Diane Schafer Goodstein had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Diane Schafer Goodstein in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Diane Schafer Goodstein was elected to the position of Judge, Circuit Court, 1st Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Circuit Court, 2nd Judicial Circuit**

**Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 2nd Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Doyet A. “Jack” Early III had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Doyet A. “Jack” Early III in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Doyet A. “Jack” Early III was elected to the position of Judge, Circuit Court, 2nd Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Circuit Court, 3rd Judicial Circuit**

**Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 3rd Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Ralph Ferrell Cothran, Jr. had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Ralph Ferrell Cothran, Jr. in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Ralph Ferrell Cothran, Jr. was elected to the position of Judge, Circuit Court, 3rd Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Circuit Court, 4th Judicial Circuit**

**Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 4th Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Paul M. Burch had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Paul M. Burch in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Paul M. Burch was elected to the position of Judge, Circuit Court, 4th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Circuit Court, 6th Judicial Circuit**

**Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 6th Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Brooks P. Goldsmith had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Brooks P. Goldsmith in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Brooks P. Goldsmith was elected to the position of Judge, Circuit Court, 6th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Circuit Court, 13th Judicial Circuit**

**Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 13th Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable George Edward Welmaker had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable George Edward Welmaker in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable George Edward Welmaker was elected to the position of Judge, Circuit Court, 13th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Circuit Court, 13th Judicial Circuit, Seat #4**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 13th Judicial Circuit, Seat #4.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable David Garrison Hill had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable David Garrison Hill in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable David Garrison Hill was elected to the position of Judge, Circuit Court, 13th Judicial Circuit, Seat #4 for the term prescribed by law.

**Election to the Position of Circuit Court, 15th Judicial Circuit, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 15th Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Steven H. John had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Steven H. John in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Steven H. John was elected to the position of Judge, Circuit Court, 15th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Circuit Court, 16th Judicial Circuit, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 16th Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable John Calvin Hayes III had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable John Calvin Hayes III in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable John Calvin Hayes III was elected to the position of Judge, Circuit Court, 16th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Circuit Court, 16th Judicial Circuit, Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 16th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Lee S. Alford had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Lee S. Alford in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Lee S. Alford was elected to the position of Judge, Circuit Court, 16th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Judge, Circuit Court, At-Large, Seat #8**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, At-Large, Seat #8.

Representative Delleney indicated that Mr. David Craig Brown, Mr. Samuel Richardson Hubbard III and the Honorable Maité Murphy had been screened and found qualified to serve.

On motion of Representative Delleney, the names of the Mr. Samuel Richardson Hubbard III and the Honorable Maité Murphy were withdrawn from consideration.

Representative Delleney placed the name of Mr. David Craig Brown in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable David Craig Brown was elected to the position of Judge, Circuit Court, At-Large, Seat #8 for the term prescribed by law.

**Election to the Position of Circuit Court, 8th Judicial Circuit**

**Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 8th Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Frank Robert Addy, Jr., the Honorable Donald Bruce Hocker and Mr. Joseph C. Smithdeal had been screened and found qualified to serve.

On motion of Representative Delleney, the name of Mr. Joseph C. Smithdeal was withdrawn from consideration.

On motion of Representative Delleney, the names of the Honorable Frank Robert Addy, Jr. and the Honorable Donald Bruce Hocker were placed in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Judge Addy:

Anderson Coleman Cromer

Elliott Ford Hutto

Jackson Knotts Leatherman

Leventis Malloy *Martin, L.*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O’Dell Pinckney Rankin

Sheheen Williams

**Total--23**

The following named Senators voted for Judge Hocker:

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Davis Fair

Grooms Hayes Land

Lourie Mulvaney Peeler

Reese Rose Ryberg

Scott Shoopman Thomas

Verdin

**Total--22**

On motion of Rep. Delleney, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Judge Addy:

|  |  |  |
| --- | --- | --- |
| Agnew | Alexander | Anderson |
| Bales | Ballentine | Barfield |
| Battle | Bingham | Bowers |
| Brady | Branham | Brantley |
| G. A. Brown | R. L. Brown | Chalk |
| Cobb-Hunter | Cole | Delleney |
| Dillard | Funderburk | Gambrell |
| Gilliard | Govan | Gunn |
| Harrison | Hart | Hearn |
| Hodges | Hosey | Hutto |
| Jefferson | King | Kirsh |
| Knight | Lowe | Mack |
| McEachern | McLeod | Miller |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Parks | Pinson | Rice |
| Sellers | D. C. Smith | J. E. Smith |
| J. R. Smith | Stavrinakis | Stewart |
| Toole | Weeks | Whipper |
| Williams | T. R. Young |  |

**Total--62**

The following named Representatives voted for Judge Hocker:

|  |  |  |
| --- | --- | --- |
| Allison | Bannister | Bedingfield |
| Bowen | Cato | Clemmons |
| Clyburn | Cooper | Crawford |
| Daning | Erickson | Forrester |
| Frye | Hamilton | Hardwick |
| Harrell | Harvin | Hayes |
| Hiott | Horne | Huggins |
| Kelly | Kennedy | Limehouse |
| Littlejohn | Loftis | Long |
| Merrill | Millwood | Nanney |
| Owens | M. A. Pitts | Sandifer |
| Scott | Simrill | Skelton |
| G. M. Smith | G. R. Smith | Sottile |
| Spires | Stringer | Thompson |
| Vick | White | Whitmire |
| Willis | Wylie | A. D. Young |

**Total--48**

**RECAPITULATION**

Total number of Senators voting 45

Total number of Representatives voting 110

Grand Total 155

Necessary to a choice 78

Of which Judge Addy received 85

Of which Judge Hocker received 70

Whereupon, the PRESIDENT announced that the Honorable Frank Robert Addy, Jr. was elected to the position of Judge, Eighth Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**1st Judicial Circuit, Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 1st Judicial Circuit, Seat #2.

Representative Delleney indicated that the Honorable William J. Wylie, Jr. had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable William J. Wylie, Jr. in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable William J. Wylie, Jr. was elected to the position of Judge, Family Court, 1st Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**1st Judicial Circuit, Seat #3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 1st Judicial Circuit, Seat #3.

Representative Delleney indicated that the Honorable Nancy Chapman McLin had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Nancy Chapman McLin in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Nancy Chapman McLin was elected to the to the position of Judge, Family Court, 1st Judicial Circuit, Seat #3 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**2nd Judicial Circuit, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 2nd Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that Mr. Dennis M. Gmerek and Ms. Vicki Johnson Snelgrove had been screened and found qualified to serve.

On motion of Representative Delleney, the name of Mr. Dennis M. Gmerek was withdrawn from consideration.

Representative Delleney placed the name of Ms. Vicki Johnson Snelgrove in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Vicki Johnson Snelgrove was elected to the position of Judge, Family Court, 2nd Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**3rd Judicial Circuit, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 3rd Judicial Circuit, Seat #1.

Representative Delleney indicated that the Honorable George Marion McFaddin, Jr. had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable George Marion McFaddin, Jr. in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable George Marion McFaddin, Jr. was elected to the position of Judge, Family Court, 3rd Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**4th Judicial Circuit, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 4th Judicial Circuit, Seat #1.

Representative Delleney indicated that the Honorable Roger E. Henderson had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Roger E. Henderson in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Roger E. Henderson was elected to the to the position of Judge, Family Court, 4th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**5th Judicial Circuit, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 4th Judicial Circuit, Seat #1.

Representative Delleney indicated that the Honorable Dorothy Mobley Jones had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Dorothy Mobley Jones in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Dorothy Mobley Jones was elected to the to the position of Judge, Family Court, 4th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**7th Judicial Circuit, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 7th Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that Mr. Phillip K. Sinclair had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Phillip K. Sinclair in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Phillip K. Sinclair was elected to the position of Judge, Family Court, 7th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**7th Judicial Circuit, Seat #3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 7th Judicial Circuit, Seat #3.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Usha J. Bridges had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Usha J. Bridges in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Usha J. Bridges was elected to the position of Judge, Family Court, 7th Judicial Circuit, Seat #3 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**8th Judicial Circuit, Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 8th Judicial Circuit, Seat #2.

Representative Delleney indicated that the Honorable John M. Rucker had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable John M. Rucker in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable John M. Rucker was elected to the to the position of Judge, Family Court, 13th Judicial Circuit, Seat #5 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**9th Judicial Circuit, Seat #3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 9th Judicial Circuit, Seat #3.

Representative Delleney indicated that the Honorable Judy L. McMahon had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Judy L. McMahon in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Judy L. McMahon was elected to the to the position of Judge, Family Court, 9th Judicial Circuit, Seat #3 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**9th Judicial Circuit, Seat #6**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 9th Judicial Circuit, Seat #6.

Representative Delleney indicated that the Honorable Jack Alan Landis had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Jack Alan Landis in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Jack Alan Landis was elected to the to the position of Judge, Family Court, 9th Judicial Circuit, Seat #6 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**10th Judicial Circuit, Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 10th Judicial Circuit, Seat #2.

Representative Delleney indicated that the Honorable Timothy Martin Cain had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Timothy Martin Cain in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Timothy Martin Cain was elected to the position of Judge, Family Court, 10th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**11th Judicial Circuit, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 11th Judicial Circuit, Seat #1.

Representative Delleney indicated that the Honorable Kellum Wright Allen had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Kellum Wright Allen in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Kellum Wright Allen was elected to the position of Judge, Family Court, 11th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**12th Judicial Circuit, Seat #3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 12th Judicial Circuit, Seat #3.

Representative Delleney indicated that the Honorable Jerry Deese Vinson, Jr. had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Jerry Deese Vinson, Jr. in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Jerry Deese Vinson, Jr. was elected to the position of Judge, Family Court, 12th Judicial Circuit, Seat #3 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**13th Judicial Circuit, Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 13th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that Ms. Catherine Carr Christophillis, Mr. Harry L. “Don” Phillips, Jr. and Mr. William Marsh Robertson had been screened and found qualified to serve.

On motion of Representative Delleney, the names of Ms. Catherine Carr Christophillis and Mr. Harry L. “Don” Phillips, Jr. were withdrawn from consideration.

Representative Delleney placed the name of Mr. William Marsh Robertson in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable William Marsh Robertson was elected to the position of Judge, Family Court, 13th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**13th Judicial Circuit, Seat #4**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 13th Judicial Circuit, Seat #4.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Alvin D. Johnson had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Alvin D. Johnson in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Alvin D. Johnson was elected to the position of Judge, Family Court, 13th Judicial Circuit, Seat #4 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**14th Judicial Circuit, Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 14th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Peter Leach Fuge had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Peter Leach Fuge in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Peter Leach Fuge was elected to the position of Judge, Family Court, 14th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**15th Judicial Circuit, Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 15th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Lisa Allen Kinon had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Lisa Allen Kinon in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Lisa Allen Kinon was elected to the position of Judge, Family Court, 15th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**16th Judicial Circuit, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 16th Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Robert E. Guess had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Robert E. Guess in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Robert E. Guess was elected to the position of Judge, Family Court, 16th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**16th Judicial Circuit, Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 16th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable David Glenn Guyton, Mr. Tony Miller Jones and Ms. Angela M. Killian had been screened and found qualified to serve.

On motion of Representative Delleney, the names of Mr. Tony Miller Jones and Ms. Angela M. Killian were withdrawn from consideration.

Representative Delleney placed the name of the Honorable David Glenn Guyton in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable David Glenn Guyton was elected to the position of Judge, Family Court, 16th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**5th Judicial Circuit, Seat #4**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 5th Judicial Circuit, Seat #4.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable DeAndrea Gist Benjamin, Mr. Stevens B. Elliott and Ms. Gwendlyne Young Smalls had been screened and found qualified to serve.

On motion of Representative Delleney, the name of Mr. Stevens B. Elliott was withdrawn from consideration.

On motion of Representative Delleney, the names of the Honorable DeAndrea Gist Benjamin and Ms. Gwendlyne Young Smalls were placed in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Judge Benjamin:

Alexander Anderson Bryant

Campbell Campsen Courson

Cromer Davis Fair

Ford Grooms Jackson

Knotts Land Leatherman

Leventis Lourie *Martin, L.*

Massey McConnell McGill

Mulvaney O’Dell Pinckney

Rankin Reese Rose

Ryberg Sheheen Thomas

**Total--30**

The following named Senators voted for Ms. Smalls:

Bright Cleary Coleman

Elliott Hayes Hutto

Malloy *Martin, Shane* Matthews

Nicholson Peeler Scott

Shoopman Verdin Williams

**Total--15**

On motion of Rep. Delleney, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Judge Benjamin:

|  |  |  |
| --- | --- | --- |
| Agnew | Anderson | Anthony |
| Bales | Ballentine | Bedingfield |
| Bingham | Bowen | Brady |
| Clyburn | Daning | Edge |
| Erickson | Funderburk | Gunn |
| Harrison | Herbkersman | Horne |
| Hosey | Huggins | Hutto |
| Merrill | Miller | Nanney |
| M. A. Pitts | Rice | Scott |
| Sellers | Simrill | Skelton |
| D. C. Smith | J. E. Smith | J. R. Smith |
| Sottile | Spires | Stavrinakis |
| Stewart | Stringer | Thompson |
| Toole | Umphlett | Vick |
| A. D. Young | T. R. Young |  |

**Total--44**

The following named Representatives voted for Ms. Smalls:

|  |  |  |
| --- | --- | --- |
| Alexander | Allen | Allison |
| Bannister | Barfield | Battle |
| Bowers | Branham | Brantley |
| G. A. Brown | R. L. Brown | Cato |
| Chalk | Clemmons | Cobb-Hunter |
| Cole | Crawford | Delleney |
| Dillard | Forrester | Frye |
| Gambrell | Gilliard | Govan |
| Hamilton | Hardwick | Harrell |
| Hart | Harvin | Hayes |
| Hearn | Hiott | Hodges |
| Howard | Jefferson | Kelly |
| Kennedy | Kirsh | Littlejohn |
| Long | Lowe | Lucas |
| Mack | McEachern | McLeod |
| Mitchell | D. C. Moss | V. S. Moss |
| J. H. Neal | J. M. Neal | Neilson |
| Norman | Ott | Parker |
| Parks | Pinson | Rutherford |
| Sandifer | G. M. Smith | G. R. Smith |
| Weeks | Whipper | White |
| Williams | Wylie |  |

**Total--65**

**RECAPITULATION**

Total number of Senators voting 45

Total number of Representatives voting 109

Grand Total 154

Necessary to a choice 78

Of which Judge Benjamin received 74

Of which Ms. Smalls received 80

Whereupon, the PRESIDENT announced that the Honorable Gwendlyne Young Smalls was elected to the position of Judge, Family Court, 5th Judicial Circuit, Seat #4 for the term prescribed by law.

**Election to the Position of Judge, Administrative Law Court**

**Seat #3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Administrative Law Court, Seat #3.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Carolyn Cason Matthews had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Carolyn Cason Matthews in nomination, moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Carolyn Cason Matthews had been elected to the position of Judge, Administrative Law Court, Seat #3 for the term prescribed by law.

**Election to the Position of Judge, Administrative Law Court**

**Seat #6**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Administrative Law Court, Seat #6.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that Ms. LaTonya Dilligard Edwards, Mr. Sebastian Phillip Lenski and Mr. Lee W. Zimmerman had been screened and found qualified to serve.

On motion of Representative Delleney, the names of Ms. LaTonya Dilligard Edwards and Mr. Lee W. Zimmerman were withdrawn from consideration.

Representative Delleney placed the name of the Honorable Mr. Sebastian Phillip Lenski in nomination, moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Mr. Sebastian Phillip Lenski was elected to the position of Judge, Administrative Law Court, Seat #6 for the term prescribed by law.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

**RECESS**

At 12:50 P.M., on motion of Senator McCONNELL, the Senate receded from business until 2:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 2:20 P.M. and was called to order by the PRESIDENT.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Mark C. Sanford:

**Statewide Appointments**

Reappointment, Donate Life South Carolina, with the term to commence April 1, 2007, and to expire April 1, 2011

Forensic Pathologist:

Joel S. Sexton, 1710 Evans Street, Newberry, SC 29108

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2009, and to expire June 30, 2013

2nd Congressional District:

Margaret Jo Hecker, 409 Longtown Rd., West, Blythewood, SC 29016

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2008, and to expire July 1, 2011

SC Association of Public Charter Schools:

James Thomas Siler, Lexington Co. School District One, P. O. Box 1869, Lexington, SC 29071 *VICE* D. Wayne Brazell

Referred to the Committee on Education.

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2010, and to expire December 31, 2014

2nd Congressional District:

Rose Kearney-Nunnery, 80 Peninsula Dr., Hilton Head Island, SC 29926

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina State Ports Authority, with the term to commence February 13, 2010, and to expire February 13, 2015

At-Large:

Douglas M. Robertson, 83 May River Point, Bluffton, SC 29910

Referred to the Committee on Transportation.

Reappointment, South Carolina Workers' Compensation Commission, with the term to commence June 30, 2010, and to expire June 30, 2016

At-Large:

Susan S. Barden, 4819 Landrum Drive, Columbia, SC 29206

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina Workers' Compensation Commission, with the term to commence June 30, 2010, and to expire June 30, 2016

At-Large:

E. Lewis Creel, Jr., 101 Brandywine Drive, Summerville, SC 29485 *VICE* G. Bryan Lyndon

Referred to the Committee on Judiciary.

**Doctor of the Day**

Senators O'DELL, PEELER, CAMPSEN and RANKIN introduced Dr. Thomas C. Rowland of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator THOMAS, at 2:10 P.M., Senator COURSON was granted a leave of absence for today.

**Leave of Absence**

At 3:05 P.M., Senator COLEMAN requested a leave of absence for Thursday, February 4, 2010.

**Leave of Absence**

At 3:55 P.M., Senator LEATHERMAN requested a leave of absence from 4:00 - 5:00 P.M. today.

**CO-SPONSORS ADDED**

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

S. 6 Sen. Bright

S. 590 Sen. Knotts

S. 728 Sen. Ford

S. 902 Sen. O’Dell

S. 1066 Sen. Sheheen

S. 1097 Sen. Sheheen

**Report from Members of the Sentencing Reform Commission**

Senator MALLOY, Chairman, and Senators CAMPSEN and KNOTTS were recognized to present a status report regarding the work of the commission.

Senator MALLOY indicated that a final report would be printed in the Senate Journal on Friday, February 5, 2010.

**RECALLED AND COMMITTED**

S. 1127 -- Senators Campbell, Cleary, Alexander, Elliott, Grooms, Davis, McConnell, Verdin, Bryant, O’Dell, Peeler, Bright, Cromer, McGill, Shoopman and Leatherman: A BILL TO AMEND SECTION 48‑1‑83 OF THE 1976 CODE, RELATING TO DISSOLVED OXYGEN CONCENTRATION DEPRESSION, TO PROVIDE THAT THE STANDARD FOR DISSOLVED OXYGEN IS 0.1 MG/L.

Senator CAMPBELL asked unanimous consent to make a motion to recall the Bill from the Committee on Agriculture and Natural Resources.

There was no objection and the Bill was recalled from the Committee on Agriculture and Natural Resources.

On motion of Senator CAMPBELL, with unanimous consent, the Bill was committed to the Committee on Medical Affairs.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1134 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 59 SO AS TO ENACT THE "SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE ACT" TO PROVIDE THAT SCHOOL DISTRICTS SHALL TAKE CERTAIN MEASURES TO HELP ENSURE THAT THE EDUCATION NEEDS OF CHILDREN IN FOSTER CARE ARE MET BY ASSISTING WITH ENROLLMENT, SCHOOL RECORDS AND CREDIT TRANSFERS, ACCESS TO RESOURCES AND ACTIVITIES, AND EXCUSED ABSENCE MAKE-UP REQUIREMENTS; TO PROVIDE THAT SCHOOL DISTRICTS SHALL PROVIDE ACCESS TO AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF SOCIAL SERVICES FOR SCHOOL RECORDS OF CHILDREN IN FOSTER CARE; AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE AN EDUCATIONAL ADVOCATE FOR CHILDREN IN FOSTER CARE.

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

S. 1135 -- Senators Leventis, Lourie, Ford, Campsen, Rose, Verdin, Cromer and Thomas: A BILL TO AMEND SECTION 20-4-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN ORDER FOR PROTECTION FROM DOMESTIC ABUSE, SO AS TO PROVIDE THAT THE COURT MAY PROHIBIT HARM OR HARASSMENT TO A PET ANIMAL OWNED, POSSESSED, KEPT, OR HELD BY THE PETITIONER AND TO PROVIDE THAT IN ORDERING TEMPORARY POSSESSION OF PERSONAL PROPERTY, THE COURT MAY ORDER THE TEMPORARY POSSESSION OF PET ANIMALS.

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

S. 1136 -- Senator Fair: A BILL TO AMEND SECTION 27-37-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EJECTMENT PROCEEDINGS, SO AS TO PROVIDE A MANNER FOR EJECTING TENANTS, TO REDUCE THE NUMBER OF DAYS WITHIN WHICH A TENANT MUST RESPOND TO A RULE TO VACATE, AND TO PROVIDE IF THE TENANT FAILS TO APPEAR AND SHOW CAUSE WITHIN FIVE DAYS AFTER SERVICE OF THE RULE THE MAGISTRATE SHALL ISSUE A WARRANT OF EJECTMENT AND THE TENANT MUST BE EJECTED BY CERTAIN LAW ENFORCEMENT OFFICIALS; TO AMEND SECTION 27-37-30, RELATING TO SERVICE OF THE RULE TO EVICT, SO AS TO PROVIDE THIS SERVICE ONLY MAY BE MADE BY LEAVING THE RULE AFFIXED TO THE MOST CONSPICUOUS PART OF THE PREMISES; TO AMEND SECTION 27-37-60, RELATING TO A TRIAL FOR AN EJECTMENT ACTION, SO AS TO PROVIDE A BENCH TRIAL RATHER THAN A JURY TRIAL IS AVAILABLE TO A TENANT; TO AMEND SECTION 27-37-70, RELATING TO THE DESIGNATION OF PARTIES IN AN EJECTMENT ACTION, SO AS TO CONFORM TO THE PROVISION THAT A BENCH TRIAL RATHER THAN A JURY TRIAL IS AVAILABLE; TO AMEND SECTION 27-37-100, RELATING TO THE EFFECT OF A VERDICT FOR THE PLAINTIFF, SO AS TO PROVIDE A MAGISTRATE IMMEDIATELY MUST ISSUE A WRIT OF EJECTMENT AND THE TENANT MUST BE EJECTED BY A CONSTABLE OR SHERIFF, AND TO PROVIDE A MANNER IN WHICH THE EJECTMENT MUST BE EXECUTED; AND TO REPEAL SECTION 27-37-40 RELATING TO THE EJECTMENT OF A TENANT FOR FAILURE TO SHOW CAUSE; SECTION 27-37-80 RELATING TO THE RIGHT TO A JURY TRIAL; AND SECTION 27-37-160 RELATING TO THE EXECUTION OF A WRIT OF EJECTMENT.

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

S. 1137 -- Senator Fair: A BILL TO AMEND SECTION 44-53-398, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MONITORING THE SALE OF PRODUCTS CONTAINING EPHEDRINE OR PSEUDOEPHEDRINE, SO AS TO ALSO MONITOR PHENYLPROPANOLAMINE AND THE SALE AND PURCHASE OF THESE PRODUCTS, TO MAKE IT ILLEGAL TO PURCHASE THESE PRODUCTS, TO PROVIDE THAT INFORMATION GATHERED FROM THE PURCHASER AT THE TIME OF THE SALE OF THESE PRODUCTS MUST BE ENTERED IN AN ELECTRONIC LOG, RATHER THAN A WRITTEN LOG, TO PROVIDE THAT THE INFORMATION MUST BE TRANSMITTED TO A CENTRAL DATA COLLECTION SYSTEM THAT WILL SUBMIT THIS INFORMATION TO SLED WHICH WILL MAINTAIN THIS INFORMATION TO ASSIST LAW ENFORCEMENT IN MONITORING THESE SALES AND PURCHASES, AND TO PROVIDE THAT A RETAILER OF THESE PRODUCTS MAY APPLY TO THE BOARD OF PHARMACY FOR AN EXEMPTION FROM THE ELECTRONIC LOG REQUIREMENT; AND BY ADDING CHAPTER 14 TO TITLE 23 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION SHALL SERVE AS THE REPOSITORY FOR INFORMATION THE CENTRAL DATA COLLECTION GATHERS AND TRANSFERS TO SLED PERTAINING TO THE SALE AND PURCHASE OF PRODUCTS CONTAINING EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE.

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

S. 1138 -- Senators Fair, Reese, Ryberg, Rose, S. Martin, Shoopman, Massey, Mulvaney, Alexander, Ford, Campbell, Anderson, Campsen, Williams, Grooms, Davis, Rankin, Scott, Pinckney, Nicholson, Coleman, Malloy, Thomas, Bright and Jackson: A SENATE RESOLUTION TO REQUEST THAT THE DEPARTMENTS OF CORRECTIONS, PROBATION, PAROLE AND PARDON SERVICES, AND JUVENILE JUSTICE OFFER FAITH-BASED PROGRAMS WITHIN THEIR INSTITUTIONS TO ASSIST THEIR CLIENTS TO ADJUST TO INSTITUTIONAL LIFE, BECOME PRODUCTIVE CITIZENS ONCE THEY ARE RELEASED, AND REDUCE RECIDIVISM.

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

S. 1139 -- Senators Hutto, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO HONOR THE BOY SCOUTS OF AMERICA ON ITS ONE HUNDREDTH ANNIVERSARY, TO EXPRESS GRATITUDE TO THE ORGANIZATION'S VOLUNTEERS, WHO DEDICATE COUNTLESS HOURS TO INSPIRING AND PREPARING FUTURE GENERATIONS OF LEADERS, AND TO PROCLAIM FEBRUARY 8, 2010, AS BOY SCOUTS OF AMERICA "ONE HUNDRED YEARS OF SCOUTING" DAY.

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Senator HUTTO spoke on the Resolution.

The Senate Resolution was adopted.

H. 4147 -- Reps. Limehouse, Sottile, H. B. Brown and Hutto: A JOINT RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING THE NEED TO REGULATE THE SALE OF POTENTIALLY HIGHLY FLAMMABLE FURNITURE IN THIS STATE, TO PROVIDE FOR THE STUDY COMMITTEE'S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 20, 2011, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

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

H. 4174 -- Reps. Harvin, Bales, Harrison, G.M. Smith and Wylie: A BILL TO AMEND SECTION 12‑37‑3150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING WHEN A PARCEL OF REAL PROPERTY MUST BE APPRAISED AS A RESULT OF AN ASSESSABLE TRANSFER OF INTEREST, SO AS TO PROVIDE THAT A CONVEYANCE TO A TRUST DOES NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST IN THE REAL PROPERTY IF THE SETTLOR OR SETTLOR’S SPOUSE CONVEYS THE PROPERTY TO A TRUST THE BENEFICIARIES OF WHICH ARE A CHILD OR CHILDREN OF THE SETTLOR OR THE SETTLOR’S SPOUSE AND TO PROVIDE THAT A CONVEYANCE BY DISTRIBUTION UNDER A WILL OR BY INTESTATE SUCCESSION DOES NOT CONSTITUTE AN ASSESSABLE TRANSFER OF INTEREST IN THE REAL PROPERTY IF THE DISTRIBUTEE IS A CHILD OR CHILDREN OF A DECEDENT AND THE DECEDENT DID NOT HAVE A SPOUSE AT THE DECEDENT’S DATE OF DEATH.

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

H. 4431 -- Rep. H. B. Brown: A BILL TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REQUIRE THE FINANCE COMMITTEE ESTABLISHED BY THIS ACT TO PREPARE THE DISTRICT BUDGET AND TO SUBMIT IT FOR BOARD REVIEW, TO REQUIRE THE BOARD TO SUBMIT THE BUDGET TO THE FAIRFIELD COUNTY COUNCIL FOR APPROVAL, TO AUTHORIZE THE FAIRFIELD COUNTY COUNCIL TO NOTIFY THE COUNTY AUDITOR OF THE AMOUNT OF THE LEVY NEEDED TO OPERATE SCHOOLS IN THE DISTRICT, TO CREATE A FINANCE COMMITTEE TO OVERSEE THE FINANCIAL OPERATIONS OF THE DISTRICT AND TO PROVIDE ITS MEMBERSHIP, DUTIES, AND GOALS, TO PROVIDE FOR THE HIRING OF A FINANCE DIRECTOR FOR THE DISTRICT AND TO PROVIDE HIS RESPONSIBILITIES AND DUTIES, TO PROVIDE FOR THE ABOLITION OF THE FINANCE COMMITTEE AND THE POSITION OF FINANCE DIRECTOR UPON CERTAIN CONDITIONS, AND TO DEFINE THE DUTIES OF BOTH THE BOARD AND THE DISTRICT SUPERINTENDENT.

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

**H. 4431--Ordered to a Second and Third Reading**

On motion of Senator COLEMAN, with unanimous consent, H. 4431 was ordered to receive a second and third reading on the next two consecutive legislative days.

H. 4432 -- Rep. H. B. Brown: A BILL TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE MEMBERSHIP OF THE BOARD OF TRUSTEES, TO REVISE COMPENSATION OF BOARD MEMBERS, TO PROVIDE FOR THE FILLING OF VACANCIES, TO PROVIDE FOR THE ABOLITION OF CERTAIN BOARD SEATS UPON CERTAIN CONDITIONS, AND TO REQUIRE THE SCHOOL DISTRICT BOARD AND SUPERINTENDENT TO COOPERATE WITH NEWLY APPROVED BOARD MEMBERS.

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

**H. 4432--Ordered to a Second and Third Reading**

On motion of Senator COLEMAN, with unanimous consent, H. 4432 was ordered to receive a second and third reading on the next two consecutive legislative days.

H. 4480 -- 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 CONGRATULATE ALINE RUCKER COGGINS OF LEXINGTON COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED GOOD HEALTH AND HAPPINESS.

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

H. 4498 -- Reps. Clemmons, 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, 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 RECOGNIZE AND HONOR THE LIFE OF GRACE YOHE STEVENS, A CHERISHED CITIZEN OF HORRY COUNTY, UPON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER CONTINUED HEALTH AND HAPPINESS.

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

H. 4499 -- Rep. Duncan: A CONCURRENT RESOLUTION TO DECLARE THAT THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY HEREBY JOIN THE CELEBRATION OF NATIONAL FUTURE FARMERS OF AMERICA (FFA) WEEK, FEBRUARY 20-27, 2010, BY COMMENDING ALL FFA MEMBERS AND ALUMNI FOR THEIR DEDICATION TO MAINTAINING A STRONG AND VIABLE AGRICULTURAL INDUSTRY THROUGH EDUCATION, LEADERSHIP, AND SERVICE.

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

**REPORTS OF STANDING COMMITTEES**

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 717 -- Senators Coleman, Setzler, Land, Campbell and Hayes: A BILL TO AMEND SECTIONS 12‑36‑2120 AND 12‑37‑220, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS AND PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT MACHINERY, EQUIPMENT, BUILDING AND OTHER RAW MATERIALS, AND ELECTRICITY USED BY A FACILITY OWNED BY A TAX EXEMPT ORGANIZATION INVESTING AT LEAST TWENTY MILLION DOLLARS OVER THREE YEARS IN THE FACILITY WHEN THAT FACILITY IS USED PRINCIPALLY FOR RESEARCHING AND TESTING THE IMPACT OF NATURAL HAZARDS SUCH AS WIND, FIRE, EARTHQUAKE, AND HAIL ON BUILDING MATERIALS USED IN RESIDENTIAL, COMMERCIAL, AND AGRICULTURAL BUILDINGS.

Ordered for consideration tomorrow.

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

S. 897 -- Senators McConnell, Leatherman, Peeler, Setzler, Rose, Elliott, Courson, Sheheen and Campbell: A JOINT RESOLUTION TO CREATE THE COMMISSION ON STREAMLINING GOVERNMENT AND REDUCTION OF WASTE AND PROVIDE FOR THE MEMBERSHIP, POWERS, DUTIES, AND FUNCTIONS OF THE COMMISSION; TO PROVIDE A PROCEDURE FOR THE SUBMISSION, CONSIDERATION, APPROVAL, AND IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMISSION; TO PROVIDE FOR STAFF SUPPORT AND FINANCES FOR THE COMMISSION; TO PROVIDE FOR COOPERATION WITH AND SUPPORT FOR THE COMMISSION; TO PROVIDE FOR THE APPLICABILITY OF OTHER LAWS; AND TO PROVIDE FOR ITS TERMINATION.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

S. 914 -- Senator Land: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑13‑120, TO SET THE SIZE LIMITS AT FOURTEEN INCHES TOTAL LENGTH AND THE CATCH LIMIT AT FIVE PER DAY FOR BLACK BASS IN LAKES MARION AND MOULTRIE AND THE UPPER SANTEE RIVER.

Ordered for consideration tomorrow.

Senator SCOTT from the Committee on Judiciary submitted a favorable report on:

S. 935 -- Senators Reese and S. Martin: A BILL TO AMEND SECTION 23‑3‑115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES CONDUCTED BY THE STATE LAW ENFORCEMENT DIVISION, SO AS TO PROVIDE THAT A FEE OF EIGHT DOLLARS SHALL BE CHARGED FOR EACH CRIMINAL RECORD SEARCH CONDUCTED ON A SCHOOL DISTRICT VOLUNTEER.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 975 -- Senator Campsen: A BILL TO AMEND SECTION 50‑11‑65 OF THE 1976 CODE, RELATING TO THE TRAINING OF BIRD DOGS, TO DEFINE “TRAINING BIRDS”, TO PROVIDE FOR THE USE OF TRAINING BIRDS DURING THE CLOSED SEASON, AND TO PROVIDE THAT TRAINING MUST HAVE MINIMAL DISTURBANCE ON WILD BIRDS.

Ordered for consideration tomorrow.

Senator SCOTT from the Committee on Judiciary submitted a favorable report on:

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

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable report on:

S. 1043 -- Senator Cleary: A BILL TO AMEND CHAPTER 5, TITLE 50 OF THE 1976 CODE, RELATING TO THE MARINE RESOURCES ACT, BY ADDING SECTION 50‑5‑17 TO ESTABLISH THE FLOUNDER POPULATION STUDY PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF NATURAL RESOURCES TO CLARIFY THE LOCATION IN WHICH THE PROGRAM WILL OPERATE, TO CLARIFY THAT PROHIBITED ARTIFICIAL ILLUMINATION IS GENERATED BY MOTOR FUEL POWERED GENERATORS, AND TO PROVIDE THAT THE PROGRAM WILL END ON JUNE 30, 2014; AND TO REPEAL SECTION 50‑5‑2017 OF THE 1976 CODE, AS ADDED BY ACT 47 OF 2009.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a majority favorable with amendment and Senator RYBERG a minority unfavorable report on:

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.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 1057 -- Senator Alexander: A BILL TO AMEND SECTION 12‑6‑3622 OF THE 1976 CODE, RELATING TO TAX CREDITS FOR A FIRE SPRINKLER SYSTEM, TO CREATE A STUDY COMMITTEE TO DEVELOP AND EXPAND THE TAX CREDIT PROGRAM; TO AMEND SECTION 6‑9‑60, RELATING TO THE ADOPTION OF CERTAIN BUILDING CODES, TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ADOPT BY REFERENCE A BUILDING CODE FOR RESIDENCES; AND TO REPEAL SECTION 6‑9‑135.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 1066 -- Senators O’Dell and Sheheen: A BILL TO AMEND CHAPTER 6, TITLE 12 OF THE 1976 CODE, BY ADDING SECTION 12‑6‑3595 TO PROVIDE A TAX CREDIT EQUAL TO ONE HUNDRED PERCENT OF AN AMOUNT CONTRIBUTED TO THE SOUTH CAROLINA EXISTING MANUFACTURERS’ RETENTION AND GROWTH FUND, TO PROVIDE THAT THE CREDIT MAY NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS FOR A SINGLE TAXPAYER AND NOT TO EXCEED AN AGGREGATE OF FOUR MILLION DOLLARS FOR EACH TAX YEAR, AND TO PROVIDE THE PROCESS AND REQUIREMENTS FOR CLAIMING THE CREDIT.

Ordered for consideration tomorrow.

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

H. 4303 -- Reps. Bingham, Battle, Merrill, J.H. Neal, Ott, M.A. Pitts, Rice, A.D. Young, Sandifer, Cobb‑Hunter, Bedingfield, Nanney, G.R. Smith, Hamilton, Stringer, Wylie, Horne, Harrell, Lowe, Ballentine and Clemmons: A JOINT RESOLUTION TO IMPOSE CERTAIN ENFORCEMENT REQUIREMENTS ON THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION RELATED TO DISQUALIFICATION PARAMETERS FOR UNEMPLOYMENT BENEFITS, TO REQUIRE THE COMMISSION TO INSTITUTE CERTAIN ADMINISTRATIVE MEASURES, AND TO PROVIDE THIS JOINT RESOLUTION EXPIRES ON JULY 1, 2011, AMONG OTHER THINGS.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 4310 -- Reps. Clemmons, Edge and Barfield: A BILL TO AMEND SECTION 4‑10‑970, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USES ALLOWED FOR REVENUES OF THE LOCAL OPTION TOURISM DEVELOPMENT FEE, SO AS TO ALLOW AMOUNTS UP TO TWENTY PERCENT OF THE REVENUE TO BE USED FOR PROPERTY TAX RELIEF FOR OWNER‑OCCUPIED RESIDENTIAL PROPERTY AND FOR TOURISM‑RELATED CAPITAL PROJECTS BEGINNING IN THE SECOND RATHER THAN THE THIRD YEAR OF IMPOSITION OF THE FEE, TO REQUIRE THE AMOUNTS USED FOR THESE PURPOSES TO BE RETAINED BY THE MUNICIPALITY WITH AT LEAST TWENTY PERCENT OF THE AMOUNT RETURNED USED AS A CREDIT AGAINST THE PROPERTY TAX LIABILITY OF OWNER‑OCCUPIED RESIDENTIAL PROPERTY AND PROVIDE FOR THE CALCULATION OF THE CREDIT, AND TO PROVIDE FOR THE USE OF CREDITS IN EXCESS OF THE MUNICIPAL PROPERTY TAX LIABILITY.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 4426 -- Reps. Hardwick, Viers, Merrill, Stavrinakis, Limehouse, Sottile, Erickson, Chalk, Edge, Hearn and Herbkersman: A CONCURRENT RESOLUTION TO DESIGNATE JUNE 12, 2010, AS “NATIONAL MARINA DAY IN SOUTH CAROLINA” IN ORDER TO HONOR SOUTH CAROLINA’S MARINAS FOR THEIR CONTRIBUTIONS TO THE COMMUNITY AND TO EDUCATE POLITICIANS, CIVIC LEADERS, AND THE PUBLIC ON THE MANY AND VARIED CONTRIBUTIONS OF MARINAS AND THE IMPORTANT ROLE THEY PLAY AS FAMILY-FRIENDLY GATEWAYS TO BOATING, AND TO REQUEST THAT OUR STATE JOIN HANDS WITH OTHER STATES ANDTHOUSANDS OF WATERFRONT COMMUNITIES ACROSS THE UNITED STATES IN CELEBRATING THIS DAY.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., February 3, 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. 362 -- Senator Alexander: A BILL TO AMEND SECTION 42-11-30 OF THE 1976 CODE, RELATING TO FIREFIGHTERS COVERED UNDER WORKERS’ COMPENSATION LAW AND THE PRESUMPTION REGARDING IMPAIRMENT OR INJURY FROM HEART DISEASE AND/OR RESPIRATORY DISEASE, TO PROVIDE THAT THE IMPAIRMENT OR INJURY IS CONSIDERED TO HAVE ARISEN OUT OF AND IN THE COURSE OF EMPLOYMENT IF THEY HAVE SUCCESSFULLY PASSED A PHYSICAL EXAM WITHIN THE LAST TEN YEARS.

Respectfully submitted,

Speaker of the House

Received as Information

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

**HOUSE CONCURRENCES**

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

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”.

S. 1064 -- Senators Williams and Elliott: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 501 BUSINESS FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 41/ARIELS CROSSROADS TO THE 41A/UNITED STATES HIGHWAY 501 BUSINESS INTERSECTION IN MARION COUNTY “MARVIN STEVENSON, COUNTY COUNCILMAN, COMMISSIONER HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “MARVIN STEVENSON, COUNTY COUNCILMAN, COMMISSIONER HIGHWAY”.

S. 1072 -- Senator Elliott: A CONCURRENT RESOLUTION TO DESIGNATE JUNE 12, 2010, AS ANNUAL NATIONAL MARINA DAY IN SOUTH CAROLINA IN ORDER TO HONOR SOUTH CAROLINA’S MARINAS FOR THEIR CONTRIBUTIONS TO THE COMMUNITY AND MAKE CITIZENS, POLICYMAKERS, AND EMPLOYEES MORE AWARE OF THE OVERALL CONTRIBUTIONS OF MARINAS TO THEIR WELL‑BEING, AND TO REQUEST THAT OUR STATE JOIN HANDS WITH OTHER STATES AND THOUSANDS OF WATERFRONT COMMUNITIES ACROSS THE UNITED STATES IN CELEBRATING THIS DAY.

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.

S. 1124 -- Senator Thomas: A CONCURRENT RESOLUTION TO EXPRESS THE GRATITUDE OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR THE DEDICATED SERVICE AND LEADERSHIP OF MR. RYAN LESESNE, PUBLIC‑SERVICE SUPERVISOR FOR THE CITY OF HARTSVILLE, IN PROMOTING LITTER REDUCTION, ENVIRONMENTAL CONSERVATION, AND LITTER‑CONTROL ENFORCEMENT, AND TO HONOR HIM FOR THE INVALUABLE SERVICE HE HAS RENDERED TO THE STATE OF SOUTH CAROLINA THROUGH HIS LABORS.

S. 1133 -- Senator McGill: A CONCURRENT RESOLUTION TO HONOR FORMER FIRE CHIEF HERBERT TANNER OF HEMINGWAY FOR HIS SEVENTY YEARS OF DISTINGUISHED SERVICE TO THE HEMINGWAY FIRE DEPARTMENT, AND TO RECOGNIZE HIM UPON THE OCCASION OF THE NAMING OF THE HEMINGWAY FIRE STATION IN HIS HONOR.

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

**THIRD READING BILLS**

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

S. 728 -- Senators Hayes, Fair and Ford: 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.

**S. 728--Recorded Vote**

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

S. 590 -- Senators Peeler, Hutto, Ford and Knotts: A BILL TO AMEND SECTION 7‑11‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOMINATION OF CANDIDATES BY A PETITION, SO AS TO PROVIDE THAT NO QUALIFIED ELECTOR WHO VOTED IN A PRIMARY ELECTION IS ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO RUN FOR AN OFFICE TO BE FILLED AT THE GENERAL ELECTION FOLLOWING THAT PRIMARY AND TO PROVIDE THAT A QUALIFIED ELECTOR OTHERWISE ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT MAY NOT SIGN MORE THAN ONE PETITION PER GENERAL ELECTION PER OFFICE; BY ADDING SECTION 7‑11‑75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST HAVE FIRST NOTIFIED THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY THE BEGINNING DATE OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, AND TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION; TO AMEND SECTION 7‑11‑80, AS AMENDED, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO REQUIRE ALL THE SIGNATURES TO BE LEGIBLE SO THAT THE NAME OF THE VOTER CAN BE IDENTIFIED BEYOND A REASONABLE DOUBT; TO AMEND SECTION 7‑11‑85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO REQUIRE THE REGISTRATION BOARD TO VERIFY THE VOTER IS A QUALIFIED ELECTOR IN THAT JURISDICTION; BY ADDING SECTION 7‑11‑95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT THE PETITION IF, AFTER A HEARING, THE ENTITY FINDS THAT BY A PREPONDERANCE OF THE EVIDENCE FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION, AND TO PROVIDE THAT THE VALIDATION OF THE SIGNATURES ON A PETITION AND THE DETERMINATION OF WHETHER OR NOT FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION MUST BE CONDUCTED IN PUBLIC AFTER NOTICE; AND BY ADDING SECTION 7‑11‑100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY TO WHICH A PETITION MUST BE FILED MAY BE APPEALED TO THE STATE ELECTION COMMISSION AND THEREAFTER TO A COURT OF COMPETENT JURISDICTION IN THE MANNER IN WHICH APPEALS FROM THE STATE ELECTION COMMISSION MAY BE TAKEN.

**S. 590--Recorded Vote**

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

S. 901 -- Senators McConnell, Elliott and Courson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-3-500, SO AS TO PROVIDE THAT WHEN THE GOVERNOR LEAVES THE STATE, HE MUST NOTIFY THE LIEUTENANT GOVERNOR, WHETHER OR NOT THE POWER OF THE GOVERNOR’S OFFICE IS TRANSFERRED TO THE LIEUTENANT GOVERNOR; AND BY ADDING SECTION 1‑3‑630, SO AS TO DEFINE “EMERGENCY”, “FULL AUTHORITY”, AND “TEMPORARY ABSENCE” IN ORDER TO CLARIFY WHEN A LIEUTENANT GOVERNOR HAS THE FULL AUTHORITY TO ACT IN AN EMERGENCY IN THE EVENT OF THE TEMPORARY ABSENCE OF THE GOVERNOR FROM THE STATE.

**S. 901--Recorded Vote**

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

**SECOND READING BILLS**

The following Bills, having been read the second time, were ordered placed on the Third Reading Calendar:

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.

Senator O'DELL explained the Bill.

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.

Senator WILLIAMS asked unanimous consent to give the Bill a second reading.

There was no objection and the Bill was read the second time.

**H. 4169--Ordered to a Third Reading**

On motion of Senator WILLIAMS, with unanimous consent, H. 4169 was ordered to receive a third reading on Thursday, February 4, 2010.

**RECOMMITTED**

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.

Senator SHEHEEN asked unanimous consent to recommit the Bill to the Committee on Judiciary.

There was no objection and the Bill was recommitted to the Committee on Judiciary.

**ADOPTED**

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 adopted, ordered returned to the House.

**ADOPTED**

S. 1125 -- Senator Grooms: A SENATE RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 3, 2010, AS “SOUTH CAROLINA RECYCLERS DAY” AND TO COMMEND AND RECOGNIZE SOUTH CAROLINA’S RECYCLERS FOR THEIR CONTRIBUTIONS TO OUR STATE’S ECONOMY AND FOR THEIR EFFORTS TO PROTECT THE ENVIRONMENT AND PROMOTE ENERGY EFFICIENCY.

The Senate Resolution was adopted.

**ADOPTED**

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 adopted, ordered returned to the House.

**CARRIED OVER**

H. 4406 -- Rep. Funderburk: A BILL TO AMEND SECTION 7‑7‑340, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN KERSHAW COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

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

**MOTION ADOPTED**

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

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

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 454 -- Senators Peeler and Ford: A BILL TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO AUTHORIZE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION, TO REQUIRE LIABILITY INSURANCE, TO REQUIRE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS HANDLING FIREWORKS.

The House returned the Bill with amendments.

Senator PEELER explained the House amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator PEELER proposed the following amendment (S-454), which was adopted:

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

SECTION 1. Chapter 56, Title 40 of the 1976 Code is amended to read:

/ “CHAPTER 56

State Board of Pyrotechnic ~~Regulations~~ Safety

Section 40‑56‑1. It is the policy of this State, and the purpose of this chapter, to promote the safety of the public and the environment by effective regulation of pyrotechnics. Public safety requires that persons who handle pyrotechnics have demonstrated their qualifications, that they adhere to reliable safety standards, and that the sites where pyrotechnics are manufactured, stored, and sold adhere to reliable safety standards. It is neither the policy of this State nor the purpose of this chapter to place undue restrictions upon entry into the business of handling pyrotechnics.

Section 40‑56‑5. Unless otherwise provided for in this chapter, Chapter 1, Title 40 applies to the Board of Pyrotechnic Safety and licensees regulated under this chapter. If there is a conflict between this chapter and Chapter 1, the provisions of this chapter control.

Section 40‑56‑10. (A) ~~There is created~~ The State Board of Pyrotechnic Safety ~~to be~~ is composed of ~~six~~ seven members appointed by the Governor. One ~~of the appointees~~ appointee must be ~~a fireman~~ employed by a local fire authority, one must be a pyrotechnics retailer, one must be a pyrotechnics wholesaler, one must be a law enforcement representative, and three must be members of the public who shall not possess any pecuniary interest in any entity engaged in a business directly involving the sale of pyrotechnics. ~~The board shall elect from its members a chairman, vice‑chairman, and such other officers as it may consider necessary to serve for terms of one year and until their successors are elected and qualify.~~

(B) The terms of office for members are for ~~two~~ four years and until their successors are appointed and ~~qualify~~ qualified. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term.

(C) The board shall meet at least annually and not more than once per month. All meetings must be scheduled at the call of the chairman. The board shall elect from its members a chairman, vice chairman, and other officers as it considers necessary to serve for terms of one year and until their successors are elected and qualified. All members shall receive mileage, per diem, and subsistence as provided by law for members of state boards, committees, and commissions for days on which they are transacting official business, to be paid ~~from the general fund of the state~~ by the board. ~~The Director of the Department of Labor, Licensing, and Regulation, pursuant to Section 40‑73‑15, shall employ such personnel as necessary to carry out the duties of the board.~~

(D) The Department’s Office of State Fire Marshal shall provide administrative support as required by the board to perform its prescribed functions. The State Fire Marshal is an official consultant and is authorized to attend all meetings.

Section 40‑56‑20. As used in this chapter:

(1) ‘APA’ means the American Pyrotechnics Association.

(2) ‘Board’ means the State Board of Pyrotechnic Safety.

(3) ‘Consumer fireworks’ means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission, as set forth in Title 16, Code of Federal Regulations, parts 1500 and 1507 and APA Standard 87‑1. Some small devices designed to produce audible effects are consumer fireworks, including, but not limited to, whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials. Consumer fireworks are classified as fireworks UN0336, and UN0337 by the U.S. Department of Transportation at 49 C.F.R. 172.101. This term does not include fused setpieces containing components which together exceed 50 mg of salute powder. Consumer fireworks are further defined as those classified by the U.S. Department of Transportation hazard classification 1.4G. These fireworks were formerly known as ‘Class C Fireworks’.

(4) ‘CPSC’ means The U.S. Consumer Product Safety Commission.

(5) ‘Department’ means the Department of Labor, Licensing and Regulation.

(6) ‘Display fireworks’ means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as ‘consumer fireworks’. Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by the U.S. Department of Transportation at 49 C.F.R. 172.101. This term also includes fused setpieces containing components which together exceed 50 mg of salute powder. Display fireworks are further defined as those classified by the U.S. Department of Transportation as hazard classification 1.3G. These fireworks were formerly known as ‘Class B Fireworks’.

(7) ‘DOT’ means the U.S. Department of Transportation.

(8) ‘Fireworks’ means any composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of ‘consumer fireworks’ or ‘display fireworks’ as defined by this section.

(9) ‘Licensee’ means a person, firm, or entity that has been issued a license by the board under the provisions of this chapter to manufacture, sell, or store fireworks.

(10) ‘NFPA’ means National Fire Protection Association.

(11) ‘Pyrotechnics’ means any composition or device designed to produce visible or audible effects for entertainment purposes by combustion, deflagration, or detonation.

(12) ‘Small bottle rocket’ is a consumer firework with a motor less than one-half inch in diameter and three inches in length, a stabilizing stick less than fifteen inches in length, and a total pyrotechnic composition not exceeding twenty grams in weight.

Section 40‑56‑30. It is unlawful for a person to engage in the manufacturing, storage, or sale of pyrotechnics unless in compliance with this chapter.

Section 40‑56‑35. (A) Except as otherwise provided for in this section, a person, firm, or entity that manufactures, sells, or stores fireworks shall obtain a license issued by the board pursuant to this chapter. General license requirements are as follows:

(1) A license may not be issued to anyone under the age of twenty‑one.

(2) An application for licensure must be submitted on forms prescribed by the board accompanied by applicable fees.

(3) A license is required for each physical address or site at which fireworks are manufactured, sold, or stored.

(4) A copy of the appropriate license issued by the South Carolina Department of Revenue for retail sales of fireworks must accompany each application for a retail fireworks sales license.

(5) Initial license applications and applications for license renewal may be approved only after an authorized agent of the board inspects the buildings and facilities where fireworks are to be manufactured, sold, or stored for compliance with the current codes and standards.

(6) All licenses and permits may only be issued for one calendar year.

(7) Licenses must be prominently displayed at the licensee’s place of business approved for the manufacture, sales, or storage of fireworks.

(8) Licenses issued by the board are nontransferable.

Section 40‑56‑50. The Department of Labor, Licensing and Regulation shall provide all administrative, fiscal, investigative, inspection, clerical, secretarial, and license renewal operations and activities of the board pursuant to Chapter 1.

Section 40‑56‑70. (A) It ~~shall be~~ is the duty and responsibility of the board ~~created in Section 40‑56‑10~~ to promulgate, pursuant to the Administrative Procedures Act, regulations relating to ~~the sale of~~ pyrotechnics in this State, including the manufacture, sales, storage, and fire safety of ~~such~~ these products. These regulations must be adjusted using the procedures in Chapter 34, Title 1.

(B) The board may conduct hearings on alleged violations by licensees of this chapter or regulations promulgated pursuant to this chapter and may discipline these licensees.

(C) The board also shall ~~also~~ recommend to the General Assembly legislation it ~~deems~~ considers necessary for the safety and control of the sale of pyrotechnics.

Section 40‑56‑80. The Department of Labor, Licensing and Regulation shall investigate complaints and violations of this chapter as provided for in Chapter 1.

Section 40‑56‑100. In addition to other remedies provided for in this chapter, the board pursuant to Chapter 1 may issue a cease and desist order or may petition the Administrative Law Court for a temporary restraining order or other equitable relief to enjoin a violation of this chapter or a regulation promulgated pursuant to this chapter.

Section 40‑56‑115. The board has jurisdiction over the actions of licensees and former licensees as provided for in Chapter 1.

Section 40‑56‑120. (A) Upon a determination by the board that grounds for discipline exist, the board is authorized to:

(1) issue a public reprimand;

(2) impose a civil penalty not to exceed two thousand five hundred dollars;

(3) place a licensee on probation or restrict or suspend a license for a definite or indefinite time period and prescribe conditions to be met during this period including, but not limited to, satisfactory completion of additional education, or a supervisory period; or

(4) revoke the license.

(B) The board may take disciplinary action against a person for:

(1) the grounds stated in Chapter 1; or

(2) a condition found as a result of an inspection, examination, or investigation provided for in Section 40‑56‑80 that is hazardous to public safety.

Section 40‑56‑130. The board may deny licensure to an applicant based on the same grounds for which the board may take disciplinary action against a licensee.

Section 40‑56‑140. A license may be denied based on a person’s prior criminal record only as provided for in Chapter 1.

Section 40‑56‑150. A licensee under investigation for a violation of this chapter or a regulation promulgated pursuant to this chapter may voluntarily surrender the license pursuant to Chapter 1.

Section 40‑56‑160. A person aggrieved by a final action of the board may seek review of the decision pursuant to Chapter 1.

Section 40‑56‑170. A person found in violation of this chapter or a regulation promulgated pursuant this chapter may be required to pay costs associated with the investigation and prosecution of the case pursuant to Chapter 1.

Section 40‑56‑180. All costs and fines imposed pursuant to this chapter must be paid in accordance with, and are subject to, the collection and enforcement provisions of Chapter 1.

Section 40‑56‑190. Investigations and proceedings conducted under the provisions of this chapter are confidential, and all communications are privileged as provided for in Chapter 1.

Section 40‑56‑200. (A) A person required by this chapter to obtain a license to do business in this State, who has not obtained a license or who operates while his license is suspended or revoked or who violates a provision of this chapter or a regulation promulgated pursuant to this chapter, is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars and not more than two thousand dollars or imprisoned for not less than ninety days and not more than one year.

(B) This chapter does not repeal, amend, or otherwise affect fire codes and regulations adopted by the State Fire Marshal.

Section 40‑56‑210. In addition to initiating a criminal proceeding for a violation of this chapter, the board may seek civil penalties and injunctive relief as provided for in Chapter 1.

Section 40‑56‑220. (A) All facilities for the manufacturing, sales, or storage of fireworks must comply with regulations established by the board.

(B) All consumer fireworks must comply with standards set by the U.S. Department of Transportation and the CPSC for consumer fireworks. The board may request fireworks be tested by a CPSC certified testing group to see that these standards are met.

(C) Retail sale and use of small bottle rockets are not legal within South Carolina.

(D) Fireworks may not be sold to anyone under the age of sixteen.

Section 40‑56‑240. (A) A person may not store display fireworks in this State unless the person has obtained a wholesale license from the board.

(B) Only licensed wholesalers shall sell or provide fireworks for displays.

(C) All buildings and structures used to store display fireworks must meet regulations established by the board.

(D) These license holders also must comply with U.S. Bureau of Alcohol, Tobacco, and Firearms regulations.

Section 40‑56‑250. (A) If the board or its designee finds a condition as a result of an inspection, that is hazardous to the public safety or a violation of this chapter or regulations promulgated pursuant to this chapter, the board shall issue an order in writing to remove or correct the condition. If a person fails to comply with the terms of the order, the board may issue administrative citations and may assess administrative penalties against any licensee.

(B) Administrative penalties authorized under this section are separate from and in addition to all other remedies, either civil or criminal.

(C) Administrative penalties assessed pursuant to this section may not exceed two thousand five hundred dollars for each violation.

(D) An entity or individual assessed administrative penalties by citation under this section may appeal the citation to the Board of Pyrotechnic Safety within fifteen days of receipt of the citation. The appeal must be filed in writing. If an appeal is filed, the board shall schedule a hearing, which shall make a determination in the matter. If no appeal is filed, the citation is deemed a final order, and the administrative penalties must be paid within thirty days of receipt of the citation.

Section 40‑56‑260. An owner, manager, or operator of any location regulated by this chapter shall report to the board within twenty‑four hours of any fire or explosion of which the person has knowledge, with as complete detail as possible, together with evidence as he has obtained after investigation of the fire or explosion. No reports filed pursuant to this section may be disclosed unless disclosure is in compliance with the requirements of Chapter 4 of Title 30 of the South Carolina Code.

Section 40‑56‑270. If a provision of this chapter or the application of a provision to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter, which can be given effect without the invalid provisions, or application, and to this end the provisions of this chapter are severable.”

SECTION 2. The following sections of the 1976 Code are repealed: 23‑35‑10, 23‑35‑20, 23‑35‑30, 23‑35‑40, 23-35-50, 23-35-60, 23‑35‑70, 23‑35‑80, 23‑35‑90, 23‑35‑100, 23‑35‑110, 23-35-120, 23-36-140, and 23-35-160.

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

Renumber sections to conform.

Amend title to conform.

Senator PEELER explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill was ordered returned to the House of Representatives with amendments.

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

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G.R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G.M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T.R. Young, Clemmons, Owens, Parker, Toole, M.A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA ELECTION REFORM ACT”; TO AMEND SECTION 7‑13‑710 OF THE 1976 CODE TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56‑1‑3350 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST; TO AMEND SECTION 7‑13‑25 TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING SIXTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7‑3‑20(C) TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7‑15‑30 TO ADD STATUTORY CITES REGARDING THE REQUEST OF AN ABSENTEE BALLOT; TO AMEND SECTION 7‑15‑470 TO PROVIDE FOR EARLY VOTING ON MACHINES DURING THE EARLY VOTING PERIOD ONLY AND DELETE THE REFERENCE TO ABSENTEE VOTING; TO AMEND SECTION 7‑1‑25 TO LIST FACTORS TO CONSIDER FOR DOMICILE; AND TO AMEND SECTION 7‑5‑230 TO REFERENCE REVISIONS TO SECTION 7‑1‑25.

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

Senator McCONNELL spoke on the Bill.

**Motion Under Rule 26B Failed**

Senator SHEHEEN moved under the provisions of Rule 26B to take up an additional amendment on third reading.

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

**Ayes 17; Nays 27**

**AYES**

Anderson Coleman Elliott

Ford Hutto Jackson

Leventis Lourie Malloy

Matthews McGill Nicholson

Pinckney Rankin Scott

Sheheen Williams

**Total--17**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Cromer Davis Fair

Grooms Hayes Knotts

Land Leatherman *Martin, Larry*

*Martin, Shane* Massey McConnell

Mulvaney O’Dell Peeler

Reese Rose Ryberg

Shoopman Thomas Verdin

**Total--27**

**Motion Under Rule 26B Failed**

Having failed to receive the necessary vote, the motion under Rule 26B failed and the amendment was not considered.

Senator PINCKNEY moved under the provisions of Rule 26B to take up an additional amendment on third reading.

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

**Ayes 13; Nays 29**

**AYES**

Anderson Elliott Hutto

Jackson Leventis Lourie

Malloy Matthews Nicholson

Pinckney Scott Sheheen

Williams

**Total--13**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Cromer Davis Fair

Grooms Hayes Knotts

Land Leatherman *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Mulvaney O’Dell

Peeler Rankin Reese

Rose Ryberg Shoopman

Thomas Verdin

**Total--29**

Having failed to receive the necessary vote, the motion under Rule 26B failed and the amendment was not considered.

**PRESIDENT *Pro Tempore* PRESIDES**

At 3:48 P.M., Senator McCONNELL assumed the Chair.

Senator CAMPSEN moved under the provisions of Rule 26B to take up an additional amendment on third reading.

Having received the requisite number of votes under the provisions of Rule 26B, Amendment No. 10A was taken up for immediate consideration.

**Amendment No. 10A**

Senators CAMPSEN and MALLOY proposed the following Amendment No. 10A (JUD3418.024), which was adopted:

Amend the bill, as and if amended, by striking lines 13-36 on page 3 and inserting the following:

/ (D)(1)(a) If an elector does not produce a valid and current photograph identification due to a religious objection to being photographed, he may complete an affidavit under penalty of perjury at the polling place and affirm that the elector: (i) is the same individual who personally appeared at the polling place; (ii) cast the provisional ballot on election day; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections prior to certification of the election by the county board of canvassers.

(b) If an elector does not produce a valid and current photograph identification because the elector suffers from a reasonable impediment that prevents the elector from obtaining photograph identification, he may complete an affidavit under the penalty of perjury at the pollingplace and affirm that the elector: (i) is the same individual who personally appeared at the polling place; (ii) cast the provisional ballot on election day; and (iii) the elector suffers from a reasonable impediment that prevents him from obtaining photograph identification. The elector must also list the impediment, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections prior to certification of the election by the county board of canvassers. /

To amend the bill, further, as and if amended, by striking line 14 on page 4 and inserting:

/ “Section 7-5-125.(A) Any person who applies for registration /

To amend the bill, further, as and if amended, by striking lines 23-27 on page 6 and inserting:

/ “(G) A sign must be posted prominently in an early voting center and must have printed on it ‘VOTING MORE THAN ONCE IS A MISDEMEANOR AND, UPON CONVICTION, A PERSON MUST BE FINED IN THE DISCRETION OF THE COURT OR IMPRISONED NOT MORE THAN THREE YEARS.’ ” /

Amend the bill, as and if amended, by striking Section 7-15-320, beginning on line 38 on page 7 and inserting:

/ “Section 7-15-320. (A) Any qualified elector may vote during the early voting period pursuant to Section 7‑13‑25.

(B) A qualified elector in any of the following categories must be permitted to vote by absentee ballot in all elections when he is absent from his county of residence on election day during the hours the polls are open, to an extent that it prevents him from voting in person except that physically disabled persons, certified poll watchers, poll managers, county voter registration board members and staff, and county election commission members and staff working on election day, a person admitted to a hospital as an emergency patient on the day of an election or within a four day period before an election, and persons whose employment obligations required that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county registration board, and persons confined to a jail or pre‑trial facility pending disposition of arrest or trial may vote by absentee ballot whether or not absent from their county of residence:

(1) students, their spouses, and dependents residing with them;

(2) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;

(3) persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;

(4) persons in employment;

(5) physically disabled persons;

(6) governmental employees, their spouses, and dependents residing with them;

(7) electors with a death or funeral in the family within a three day period before the election;

(8) persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day);

(9) certified poll watchers, poll managers, county voter registration board members and staff, countyand state election commission members and staff working on election day;

(10) overseas citizens;

(11) persons attending sick or physically disabled persons;

(12) persons admitted to hospitals as emergency patients on the day of an election or within a four day period before the election;

(13) persons who will be serving as jurors in a state or federal court on election day;

(14) persons sixty‑five years of age or older;

(15) persons confined to a jail or pre‑trial facility pending disposition of arrest or trial~~.~~;

(C) A person may vote by a paper absentee ballot at any time during the absentee ballot period. Alternatively, a person may cast an absentee ballot by a voting machine in the county in which he resides from thirty days before an election through the day immediately preceding an election. Each county board of registration must establish the location of only one absentee ballot center. Absentee ballots centers must be maintained to ensure that voters may cast only one ballot. The absentee ballot center must be supervised by employees of the election commission or voter registration board.” /

To amend the bill, further, by striking Section 7-15-330, beginning on line 26 on page 9 and inserting:

/ “Section 7-15-330. (A) To vote by absentee ballot, a qualified elector or a member of his immediate family as defined by Section 7‑15‑310(8), must request an application to vote by absentee ballot in person, by telephone, or by mail from the county registration board, or at an extension office of the board of registration as established by the county governing body, for the county of the voter’s residence. A person who is an authorized representative of a qualified elector, as defined by Section 7‑15‑310(7), may request~~ing~~ an application for a qualified elector ~~as the qualified elector’s authorized representative must request~~ ~~an application~~ to vote by absentee ballot in person or by mail only ~~and must himself be a registered voter~~ and must sign an oath to the effect that he fits the statutory definition of a representative. This signed oath must be kept on file with the board of registration until the end of the calendar year or until all contests concerning a particular election have been finally determined, whichever is later.

(B) A candidate or a member of a candidate’s paid campaign staff, including volunteers reimbursed for time expended on campaign activity, is not allowed to request applications for absentee voting for any person designated in this section unless the person is a member of the immediate family.

(C) A request for an application to vote by absentee ballot may be made anytime during the calendar year in which the election in which the qualified elector desires to be permitted to vote by absentee ballot is being held. However, completed applications must be returned to the county registration board in person or by mail before ~~five P.M.~~ 5:00 p.m. on the fourth day before the day of the election. Applications must be accepted by the county board of registration until 5:00 p.m. on the day immediately preceding the election for those who appear in person and are qualified to vote absentee pursuant to Section 7‑15‑320. A member of the immediate family of a person who is admitted to a hospital as an emergency patient on the day of an election or within a four‑day period before the election may obtain an application from the registration board on the day of an election, complete it, receive the ballot, deliver it personally to the patient who shall vote, and personally carry the ballot back to the board of registration.

(D) The board of registration shall serially number each absentee ballot application form and keep a record ~~book~~ ~~in which must be recorded~~ of the number of the form, the name, home address, and absentee mailing address of the person for whom the absentee ballot application form is requested; the name, address, voter registration number, and relationship of the person requesting the form, if other than the applicant; the date upon which the form is requested; and the date upon which the form is issued. This information becomes ~~a~~ public record at ~~nine A.M.~~ 9:00 a.m. on the day immediately preceding the election, except that forms issued for emergency hospital patients must be made public by 9:00 a.m. on the day following an election.

(E) A person who violates the provisions of this section is subject to the penalties provided in Section 7‑25‑170.” /

To further amend the amendment by striking SECTION 8 on page 11, lines 6-27, in its entirety.

To further amend the amendment by striking lines 32-43 on page 11 and inserting:

/ “Section 7-15-385. (A) Upon receipt of the ballot or ballots, the absentee ballot applicant must mark each ballot on which he wishes to vote and place each ballot in the single envelope marked ‘Ballot Herein’, which in turn must be placed in the return‑addressed envelope. The applicant must then return the return‑addressed envelope to the board of registration by mail, by personal delivery, or by authorizing another person to return the envelope for him. The authorization must be given in writing on a form prescribed by the State Election /

To amend the bill, further, as and if amended, by striking SECTION 10, lines 23-24 on page 12 in its entirety.

To amend the bill, further, as and if amended, by striking line 11 on page 13 and inserting:

/ (7) a voter’s address on an automobile registration; /

To amend the bill, further, as and if amended, by striking line 42 on page 15 and lines 1-2 on page 16 and inserting:

/ prohibit the State Election Commission from issuing voter registration cards by the methods allowed prior to the implementation of this SECTION. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

Senator CAMPSEN moved that the amendment be adopted.

The amendment was adopted.

Senator HUTTO moved under the provisions of Rule 26B to take up an additional amendment on third reading.

Having received the requisite number of votes under the provisions of Rule 26B, Amendment No. 14A was taken up for immediate consideration.

**Amendment No. 14A**

Senator HUTTO proposed the following Amendment No. 14A (3418HUTTOLIST3), which was adopted:

Amend the bill, as and if amended, page 15, after line 5 by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_\_\_. The State Election Commission is directed to create a list containing all registered voters of South Carolina who are otherwise qualified to vote but do not have a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles as of January 1, 2012. The list must be made available to any registered voter upon request. The Department of Motor Vehicles must provide the list of persons with a South Carolina driver’s license or other form of identification containing a photograph issued by the Department of Motor Vehicles at no cost to the commission. The commission may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

There being no further amendments, the question then was the third reading of the Bill.

Senator LOURIE spoke on the motion.

The Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**Recorded Vote**

Senators JACKSON, ANDERSON, FORD, NICHOLSON, MATTHEWS, WILLIAMS and LEVENTIS desired to be recorded as voting against the third reading of the Bill.

**Status Report on the Employment Security Commission Audit**

Senator RYBERG was recognized to give a status report to the members on the Legislative Audit Council Report on the Employment Security Commission.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**AMENDMENT PROPOSED, DEBATE INTERRUPTED**

H. 3272 -- Reps. Cooper, Merrill, Erickson, Herbkersman, Chalk, Duncan, Long, Sottile, Daning, Lowe, Bowen, Harrison, Horne, A.D. Young, Limehouse, R.L. Brown, Clemmons, Edge and Wylie: A BILL TO AMEND SECTION 12‑37‑3140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING THE FAIR MARKET VALUE OF REAL PROPERTY FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO POSTPONE THE IMPLEMENTATION OF THE TRANSFER VALUE OF A PARCEL OF REAL PROPERTY UNIMPROVED SINCE THE LAST COUNTYWIDE REASSESSMENT PROGRAM UNTIL THE TIME OF IMPLEMENTATION OF THE NEXT COUNTYWIDE REASSESSMENT PROGRAM AND TO REQUIRE THE FIFTEEN PERCENT LIMIT ON INCREASES IN VALUE TO BE CALCULATED SEPARATELY ON LAND AND IMPROVEMENTS; TO AMEND SECTION 12‑37‑3150, AS AMENDED, RELATING TO THE TIME AN ASSESSABLE TRANSFER OF INTEREST OCCURS, SO AS TO REVISE THE PENALTY FOR FAILURE TO PROVIDE NOTICE OR FAILURE TO PROVIDE ACCURATE NOTICE TO THE ASSESSING AUTHORITY OF BUSINESS ENTITY TRANSFERS; TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO THE CLASSIFICATION AND VALUATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE RESIDENTIAL REAL PROPERTY HELD IN TRUST DOES NOT QUALIFY AS A LEGAL RESIDENCE UNLESS A NAMED INDIVIDUAL BENEFICIARY UNDER THE TRUST OCCUPIES THE RESIDENCE AS THAT NAMED BENEFICIARY’S LEGAL RESIDENCE AND THAT INDIVIDUAL BENEFICIARY’S NAME APPEARS ON THE DEED TO THE RESIDENCE AND REQUIRE SOCIAL SECURITY NUMBERS OF APPLICANTS FOR THE LEGAL RESIDENCE ASSESSMENT RATIO; AND TO AMEND SECTION 40‑60‑35, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, SO AS TO REVISE THE REQUIREMENT.

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment P-2A (3272FIN005) proposed by Senators ALEXANDER and HAYES and previously printed in the Journal of Wednesday, January 20, 2010.

Senator ALEXANDER was recognized.

On motion of Senator ALEXANDER, with unanimous consent, Amendment P-2A was carried over.

**Amendment No. P-4**

Senator ALEXANDER proposed the following Amendment No. P-4 (3272FIN19):

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

/ SECTION 1. A. Article 25, Chapter 37, Title 12 of the 1976 Code is amended by adding:

“Section 12‑37‑3135. (A) When a parcel of real property and improvements thereon subject to the six percent assessment ratio provided pursuant to Section 12‑43‑220(e) or the special four percent assessment ratio provided pursuant to Section 12-43-220(c), and which is currently subject to property tax undergoes an assessable transfer of interest, there is allowed an exemption of an amount of fair market value of that parcel sufficient to limit to fifteen percent the increase in fair market value as determined in the appraisal at the time of the assessable transfer of interest over the fair market value of the parcel as previously carried on the books of the property tax assessor. The fair market value to which the cap on increases in fair market value imposed pursuant to Section 12‑37‑3140(B) applies is the fair market value as it may be reduced by the exemption allowed by this section. The exemption allowed by this section applies at the time value as determined by an assessable transfer of interest applies.

(B) The exemption allowed by this section continues to apply until the parcel next undergoes an assessable transfer of interest. However, the parcel remains subject to the implementation of a periodic countywide appraisal and equalization program.

(C) The exemption allowed by this section does not apply to the fair market value of additions or improvements made to the parcel not previously subject to property tax.

(D) Unless authorized by a further or subsequent enactment, the provisions of this section shall no longer be effective after property tax year 2014, at which time, the exemption provided in subsection (A) shall no longer be applicable to any property, regardless of the date of the assessable transfer of interest.”

B. Section 12‑37‑3140(A)(1)(b) of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“(b) subject to any exemption allowed pursuant to Section 12‑37‑3135, December thirty‑first of the year in which an assessable transfer of interest has occurred;”

C. This section takes effect upon approval by the Governor and applies for property tax years beginning after December 31, 2009. Property tax assessors shall conform the values of parcels of real property which underwent an assessable transfer of interest in 2010 before the effective date of this act, to the fair market value of these parcels as that value may have been adjusted to reflect the provisions of Section 12‑37‑3135 of the 1976 Code, as added by this act. No refund is allowed on account of values adjusted as provided in this section./

SECTION 2. A. Section 12‑37‑3150(B) of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

“(B) An assessable transfer of interest does not include:

(1) transfers not subject to federal income tax in the following circumstances:

(a) 1033 (Conversions‑Fire and Insurance Proceeds to Rebuild);

(b) 1041 (Transfers of Property Between Spouses or Incident to Divorce);

(c) 351 (Transfer to a Corporation Controlled by Transferor);

(d) 355 (Distribution by a Controlled Corporation);

(e) 368 (Corporate Reorganizations); or

(f) 721 (Nonrecognition of Gain or Loss on a Contribution to a Partnership).

Number references in the above subitems are to sections of the Internal Revenue Code of 1986, as defined in Section 12‑6‑40;

(2) a transfer of that portion of property subject to a life estate or life lease retained by the transferor, until expiration or termination of the life estate or life lease;

(3) a transfer through foreclosure or forfeiture of a recorded instrument or through deed or conveyance in lieu of a foreclosure or forfeiture, until the redemption period has expired;

(4) a transfer by redemption by the person to whom taxes are assessed of property previously sold for delinquent taxes;

(5) a conveyance to a trust if the settlor or the settlor’s spouse, or both, convey the property to the trust and the sole present beneficiary of the trust is the settlor or the settlor’s spouse, or both;

(6) a transfer for security or an assignment or discharge of a security interest;

(7) a transfer of real property or other ownership interests among members of an affiliated group. As used in this item, ‘affiliated group’ is as defined in Section 1504 of the Internal Revenue Code as defined in Section 12‑6‑40. Upon request of the applicable property tax assessor, a corporation shall furnish proof within forty‑five days that a transfer meets the requirements of this item. A corporation that fails to comply with this request is subject to a civil penalty as provided in Section 12‑37‑3160(B);

(8) a transfer of real property or other ownership interests among corporations, partnerships, limited liability companies, limited liability partnerships, or other legal entities if the entities involved are commonly controlled. Upon request by the applicable property tax assessor, a corporation, partnership, limited liability company, limited liability partnership, or other legal entity shall furnish proof within forty‑five days that a transfer meets the requirements of this item. A corporation, partnership, limited liability company, limited liability partnership, or other legal entity that fails to comply with this request is subject to a civil penalty as provided in Section 12‑37‑3160(B); ~~or~~

(9) a transfer of an interest in a timeshare unit by deed or lease;

(10) a transfer of an undivided, fractional ownership interest in real estate in a single transaction or as a part of a series of related transactions, if the ownership interest or interests conveyed, or otherwise transferred, in the single transaction or series of related transactions within a twenty‑five year period, is not more than fifty percent of the entire fee simple title to the real estate;

(11) a transfer to a single member limited liability company, not taxed separately as a corporation, by its single member or a transfer from a single member limited liability company, not taxed separately as a corporation, to its single member, as provided in Section 12‑2‑25(B)(1);

(12) a conveyance, assignment, release or modification of an easement, including but not limited to:

(a) a conservation easement, as defined in Chapter 8 of Title 27;

(b) a utility easement; or

(c) an easement for ingress, egress, or regress;

(13) a transfer or renunciation by deed, release, or agreement of a claim of interest in real property for the purpose of quieting and confirming title to real property in the name of one or more of the existing owners of the real property or for the purpose of confirming or establishing the location of an uncertain or disputed boundary line; or

(14) the execution or recording of a deed to real property for the purpose of creating or terminating a joint tenancy with rights of survivorship, provided the grantors and grantees are the same.”

B. Section 12-37-3150(A)(8) of the 1976 Code is amended to read:

“(8) a transfer of an ownership interest in a single transaction or as a part of a series of related transactions within a twenty‑five year period in a corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity if the ownership interest conveyed is more than fifty percent of the corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity. This provision does not apply to transfers that are not subject to federal income tax, as provided in subsection (B)(1), including, but not limited to, transfers of interests to spouses. The corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity shall notify the applicable property tax assessor on a form provided by the Department of Revenue not more than forty‑five days after a conveyance of an ownership interest that constitutes an assessable transfer of interest or transfer of ownership under this item;”

C. This section applies for real property transfers after 2009.

SECTION 3. Section 6‑1‑320(A), as last amended by Act 116 of 2007 of the 1976 Code, is further amended to read:

“(A)(1) Notwithstanding Section 12‑37‑251(E), a local governing body may increase the millage rate imposed for general operating purposes above the rate imposed for such purposes for the preceding tax year only to the extent of the increase in the average of the twelve monthly consumer price indices for the most recent twelve‑month period consisting of January through December of the preceding calendar year, plus, beginning in 2007, the percentage increase in the previous year in the population of the entity as determined by the Office of Research and Statistics of the State Budget and Control Board. If the average of the twelve monthly consumer price indices experiences a negative percentage, the average is deemed to be zero. If an entity experiences a reduction in population, the percentage change in population is deemed to be zero. However, in the year in which a reassessment program is implemented, the rollback millage, as calculated pursuant to Section 12‑37‑251(E), must be used in lieu of the previous year’s millage rate.

(2) There may be added to the operating millage increase allowed pursuant to item (1) of this section any such increase, allowed but not previously imposed, for the three property tax years preceding the year to which the current limit applies.”

SECTION 4. A. Section 12‑37‑251(E) of the 1976 Code is amended to read:

“(E) Rollback millage is calculated by dividing the prior year property ~~tax revenues~~ taxes levied as adjusted by abatements, additions, and nulla bona returns by the adjusted total assessed value applicable in the year the values derived from a countywide equalization and reassessment program are implemented. This amount of assessed value must be adjusted by deducting assessments added for property or improvements not previously taxed, for new construction, ~~and~~ for renovation of existing structures, and assessments attributable to increases in value due to an assessable transfer of interest.”

B. This section takes effect for rollback millage calculated for property tax years beginning after 2009.

SECTION 5. (A) There is created the Index of Taxpaying Ability Study Committee. The committee shall be composed of eight members, all appointed pursuant to subsection (B). The committee shall examine the index of taxpaying ability and its relationship to Education Finance Act resources available to the individual school districts in support of the education foundation program required by the State. The committee shall also examine the manner in which the index is calculated and the impact of this act and other property tax measures on the calculation.

(B) The committee shall be composed of:

(1) four members appointed by the President Pro Tempore of the Senate; and

(2) four members appointed by the Speaker of the House of Representatives.

(C) No later than January 1, 2011, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.

(D) Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.

SECTION 6. Section 12-37-3130(1) of the 1976 Code is amended to read:

“(1) ‘Additions’ or ‘improvements’ mean an increase in the value of an existing parcel of real property because of:

(a) new construction;

(b) reconstruction;

(c) major additions to the boundaries of the property or a structure on the property;

(d) remodeling; or

(e) renovation and rehabilitation, including installation.

Additions or improvements do not include minor construction or ongoing maintenance and repair of existing structures. This issuance of a permit is not de facto proof of an addition or improvement and is not conclusive evidence of an assessable transfer of interest. The repair or reconstruction of a structure damaged or destroyed by a disaster, to include, but not limited to, construction defects, defective materials, fire, wind, hail, flood, and acts of God, is not an addition or improvement to the extent that the structure as repaired or reconstructed is similar in size, utility, and function of the structure damaged or destroyed, and the rebuilding or reconstruction is begun within eight years after determination of the damage or destruction. Construction of facilities in a home that make the home handicap accessible is not an addition or improvement if the utility and function of the structure remains unchanged. The installation of a fire sprinkler system in a commercial or residential structure when the installation is not required by law, regulation, or code is not an addition or improvement if the utility and function of the structure remains unchanged.”

SECTION 7. Subarticle 9, Article 9, Chapter 60, Title 12 of the 1976 Code is amended by adding:

“Section 12-60-2570. For any appeal or protest brought pursuant to this subarticle for an appraisal resulting from an assessable transfer of interest due to a conveyance by deed, if the county assessor determines the fair market value of a parcel of real property and improvements thereon is higher than the consideration given for the interest in the parcel, the county assessor shall have the burden of proof of showing that the higher fair market value is appropriate. This section only applies when the assessable transfer of interest was an arms-length transaction. In determining whether a transaction is an arms-length transaction, it should be considered whether both the seller and the buyer are willing, are not acting under compulsion, are reasonably well informed of the uses and purposes for which the property is adapted and for which the property is capable of being used, or any other factor.”

SECTION 8. Article 25, Chapter 37, Title 12 of the 1976 Code is amended by adding:

“Section 12-37-3180. (A) If this article effects the valuation of a parcel of real property in which a licensed real estate broker, as defined in Section 40-57-30(3), is acting in his capacity as a real estate broker to sell the property, the real estate broker must notify the purchaser of the real property in writing, before the signing of the contract, of the estimated property tax in the year in which an increase attributable to this article would first apply. The estimate shall be based on the most recent millage rate. The notice must state which year’s millage rate was used in the calculation. The notice must be in a clear and conspicuous place on the contract in large bold print. The purchaser must sign directly underneath the notice stating that he has been made aware of the estimated property tax.

(B) Any real estate broker failing to meet the requirements of subsection (A) shall be investigated pursuant to Section 40-57-150 and is subject to disciplinary action thereof. There may be no cause of action against a real estate broker for incorrectly estimating the property tax unless the real estate broker was grossly negligent or intentionally misleading in making the estimate.”

SECTION 9. Except where otherwise provided, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

On motion of Senator LARRY MARTIN, debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Joel Spencer Dalton, Sr. of Pickens County successful businessman and board member of Blue Ridge Electric Cooperative, Inc., who died on Monday, February 1, 2010.

and

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Dwight Boatwright of Kingstree, S.C. Mr. Boatwright was the beloved husband of Vickie McCutcheon Boatwright, devoted father and step-father and doting grandfather of five.

**ADJOURNMENT**

At 5:35 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senators BRIGHT and BRYANT desired to be recorded as voting against the motion to adjourn.

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