**Thursday, February 4, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

In Isaiah we read:

“Sing to the Lord a new song, his praise from the ends of the earth....” (Isaiah 42:10)

Let us pray:

May we never, O God, become a people who forget to sing Your praises. Though many individuals and powers around us try to stifle our singing hearts, we ask You, Lord, to keep them from ever gaining the upper hand. Allow our songs of hope and of promise and of joy to echo over the fields and through the woodlands and across the lakes and streams of this State we love. Guide each Senator and every staff member as they break out into songs of praise—literally and figuratively—and be with the many others who join them in singing. There is indeed so very much around us deserving of our songs of praise! In Your loving name do we together sing, O Lord.

Amen.

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

**Doctor of the Day**

Senator LARRY MARTIN introduced Dr. Boyce Tollison of Easley, S.C., Doctor of the Day.

**Leave of Absence Rescinded**

At 11:05 A.M., the leave of absence granted to Senator COLEMAN for today was rescinded.

**Leave of Absence**

On motion of Senator HAYES, at 11:05 A.M., Senator FAIR was granted a leave of absence for today.

**Leave of Absence**

At 1:20 P.M., Senator KNOTTS requested a leave of absence until 2:20 P.M.

**Leave of Absence**

At 1:20 P.M., Senator LOURIE requested a leave of absence until Noon on Tuesday.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CAMPSEN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator RYBERG rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 897 Sen. Campsen

S. 981 Sen. Knotts

S. 1095 Sens. Campsen, Land

S. 1096 Sen. Mulvaney

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1140 -- Senator Alexander: A BILL TO AMEND SECTION 59-25-480, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TEACHER DISMISSAL APPEALS, SO AS TO REQUIRE AN APPEAL TO BE MADE TO AN ADMINISTRATIVE LAW COURT; AND TO AMEND SECTION 59-25-520, RELATING TO POWERS AND DUTIES OF THE COURT IN TEACHER DISMISSAL APPEALS, SO AS TO ESTABLISH THE COURT AS THE ADMINISTRATIVE LAW COURT.

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

S. 1141 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-45-73 SO AS TO PROVIDE THAT THE COUNTY TREASURER MAY ACCEPT A PARTIAL PAYMENT OF PROPERTY TAX EQUAL TO AT LEAST ONE-FOURTH OF THE TOTAL AMOUNT DUE ON A PARCEL OF REAL PROPERTY, TO PROVIDE THAT PENALTIES OR ADDITIONAL PENALTIES DO NOT ACCRUE ON PARTIAL PAYMENTS, TO PROVIDE FOR THE ACCOUNTING FOR PARTIAL PAYMENTS, AND TO PROVIDE FOR A RECEIPT FOR A PARTIAL PAYMENT.

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

S. 1142 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SECRETARY OF STATE, RELATING TO UNIFORM REAL PROPERTY RECORDING ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4078, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1143 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, 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 CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR REVEREND THOMAS "TOMMY" MILTON KNOTTS, AND TO COMMEND HIM FOR HIS YEARS OF ENTHUSIASTIC AND DEDICATED SERVICE TO THE SOUTH CAROLINA ASSOCIATION OF CONSERVATION DISTRICTS.

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

S. 1144 -- Senators Rose, Davis, Sheheen, Mulvaney, Land, Hayes and Massey: A JOINT RESOLUTION TO PROVIDE THAT THE TAX REALIGNMENT COMMISSION SHALL CONSIDER ALL ASPECTS OF THE ASSESSMENT OF LOCAL TAXES LEVIED AND OTHER PROVISIONS AFFECTING LOCAL REVENUE TO FUND THE OPERATION AND RESPONSIBILITIES OF LOCAL GOVERNMENT.

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

**REPORT OF STANDING COMMITTEE**

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

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

Ordered for consideration tomorrow.

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

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.

By prior motion of Senator WILLIAMS, with unanimous consent.

**THIRD READING BILL**

The following Bill was read the third time and ordered sent to the House of Representatives:

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.

**S. 910--Recorded Vote**

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

**S. 910--Recorded Vote**

Senator BRYANT desired to be recorded as voting against 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. 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.

Senator CAMPSEN explained the Bill.

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.

By prior motion of Senator COLEMAN, with unanimous consent

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.

By prior motion of Senator COLEMAN, with unanimous consent

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.

**READ THE SECOND TIME**

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.

Senator LEVENTIS asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

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

Senator LEVENTIS explained the Bill.

The question then was the second reading of the Bill.

A roll call vote was ordered.

Senator DAVIS, with unanimous consent, was granted leave to address the Senate with brief remarks.

Senator COLEMAN, with unanimous consent, was granted leave to address the Senate with brief remarks.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Cromer Elliott

Grooms Hayes Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Davis

**Total--1**

Having received the necessary vote, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Fish, Game and Forestry.

The Committee on Fish, Game and Forestry proposed the following amendment (914R001.JCL), which was adopted:

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

/ SECTION 1. Chapter 13, Title 50 of the 1976 Code is amended by adding:

“Section 50‑13‑120. (A) As used in this section:

(1) ‘Lake Marion’ means all waters of the Santee River and its tributaries impounded by the Lake Marion Dam, including the flooded backwater areas in Calhoun and Sumter Counties.

(2) ‘Lake Moultrie’ means all waters impounded by the Pinopolis Dam and the Saint Stephen Dam, including the diversion canal and those waters of the re‑diversion canal upstream of the Saint Stephen Dam.

(3) ‘Upper reach of the Santee River’ means all waters of the Santee River from the backwaters of Lake Marion at the railroad trestle bridge near Rimini upstream to the confluence of the Congaree and Wateree Rivers.

(B) It is unlawful to possess any black bass (largemouth) in Lakes Marion or Moultrie or the upper Santee River less than fourteen inches in total length. It is unlawful to land black bass without the head and tail fin intact.

(C) The lawful catch limit for black bass (largemouth) or a combination of them in Lakes Marion or Moultrie or the upper Santee River is five per day.”

SECTION 2. Section 50-13-385 of the 1976 Code is amended to read:

“Section 50-13-385. It is unlawful to take or possess largemouth bass less than twelve inches in length in ~~Lake Marion, Lake Moultrie, and~~ Lake Wylie. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed one hundred dollars or imprisoned for a term not to exceed thirty days.”

SECTION 2. This act takes effect upon approval by the Governor. Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**AMENDED, READ THE SECOND TIME**

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.

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

Senator CROMER proposed the following amendment (1043R001.REC), which was adopted:

Amend the bill, as and if amended, page 1 by striking lines 37-38 and inserting:

/ purposes of this resolution, ‘gigging’ means using a prong, spear, or similar device, including a bow and arrow to spear a fish. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

Senator McCONNELL proposed the following amendment (JUD1043.001), which was adopted:

Amend the bill, as and if amended, page 2, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Section 2 of Act 2 of 2007 is amended to read:

“Section 2. The provisions of this act are repealed ~~three~~ six years from the effective date of the act.” /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

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

The Committee on Finance proposed the following amendment (1066FIN001), which was adopted:

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

/ SECTION 1. A. Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3595. (A) A taxpayer may claim as a credit against state income tax imposed by Chapter 6 of Title 12, bank tax imposed by Chapter 11 of Title 12, license fees imposed by Chapter 20 of Title 12, or insurance premiums imposed by Chapter 7 of Title 38, or any combination of them, one hundred percent of an amount contributed to the South Carolina Small Manufacturers’ Retention and Growth Fund at the South Carolina Manufacturing Partnership (SCMEP) up to:

(1) a maximum credit of one hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of seven hundred fifty thousand dollars for all taxpayers for tax year 2010;

(2) a maximum credit of one hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of one million five hundred thousand dollars for all taxpayers for tax year 2011; and

(3) a maximum credit of one hundred fifty thousand dollars for a single taxpayer, not to exceed an aggregate credit of two million dollars for all taxpayers for years beginning after December 31, 2011, and ending before January 1, 2017.

For purposes of determining a taxpayer’s entitlement to the credit for qualified contributions for a given tax year in which more than the applicable aggregate annual limit on the credit is contributed by taxpayers for that year, taxpayers who have made contributions that are intended to be qualified contributions earlier in the applicable tax year than other taxpayers must be given priority entitlement to the credit. The SCMEP shall certify to taxpayers who express a bona fide intention of making one or more qualified contributions as to whether the taxpayer is entitled to that priority.

(B) The amount of the credit is equal to one hundred percent of the amount of the taxpayer’s qualified contributions to the South Carolina Small Manufacturers’ Retention and Growth Fund, subject to the limitations in this section. The credit is nonrefundable.

(C) The use of the credit is limited to the taxpayer’s applicable income or premium tax or license fee liability for the tax year of the taxpayer after the application of all other credits. An unused credit may be carried forward ten tax years after the tax year of the taxpayer during which the qualified contribution was made.

(D) A contribution is not a qualified contribution if it is subject to conditions or limitations regarding the use of the contribution.

(E) ‘Taxpayer’ means an individual, corporation, partnership, trust, bank, insurance company, or other entity having a state income or insurance premium tax or license fee liability who has made a qualified contribution.

(F) To qualify for the credit, the taxpayer shall retain a form provided by SCMEP identifying the taxpayer and the year and amount of credit for which the taxpayer qualifies. The Department of Revenue may require a copy of the form be attached to the taxpayer’s income tax return or be provided otherwise to the department.

(G) The department may require information and submissions by the taxpayer as it considers appropriate in relation to a taxpayer’s claim of entitlement to the credit.

(H) The merger, consolidation, or reorganization of a corporation where tax attributes survive does not create new eligibility in a succeeding corporation, but unused credits may be transferred and continued by the succeeding corporation. In addition, a corporation or partnership may assign its rights to its unused credit to another corporation or partnership if it transfers all, or substantially all, of the assets of the corporation or partnership or all, or substantially all, of the assets of the trade or business or operating division of the corporation or partnership to another corporation or partnership.

(I) A taxpayer who claims the credit may not take a deduction in relation to the qualified contribution which gives rise to such credit.

(J)(1) There is created the ‘South Carolina Small Manufacturers’ Retention and Growth Fund’ at SCMEP. Any contribution made pursuant to this section must be credited to the fund. SCMEP shall make expenditures from the fund to increase the global competitiveness of South Carolina based small manufacturers by aiding their ability to:

(a) retain and increase their employees;

(b) maintain and increase their sales;

(c) reduce or improve their cost structure; or

(d) innovate and diversify their products, processes, and markets.

(2) For purposes of this subsection, a ‘small manufacturer’ is a manufacturer with less than two hundred fifty employees prior to receiving aid from SCMEP.”

B. This section takes effect upon approval by the Governor. However, the tax credit provision in this section is only applicable to contributions made between January 1, 2010, and December 31, 2016.

SECTION 2. Beginning after December 31, 2011, SCMEP must provide an annual report by January fifteenth each year to the General Assembly, which shall include, but not be limited to:

(1) an independent evaluation by the United States Department of Commerce’s National Institute of Standards and Technology of SCMEP;

(2) the results of a survey conducted by the United States Department of Commerce of South Carolina small manufacturers served by SCMEP measuring the impact of SCMEP’s assistance with those manufacturers; and

(3) a complete accounting of the amount and use of funds generated by the tax credits allowed under this act including any amount and use of state funding appropriated to SCMEP for the applicable fiscal year.

SECTION 3. Except where stated otherwise, this act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator O'DELL explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Grooms Hayes Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

Having received the necessary vote, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

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

The Committee on Finance proposed the following amendment (4310FIN001), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_\_. Section 4‑10‑970 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) At least quarterly, an organization designated by the municipality pursuant to this section shall provide a report to the municipality that includes identification of revenues received from the Local Option Tourism Development Fee during the previous quarter, as well as expenditures made from those funds during the previous quarter. Each report shall also be posted by the organization on its website.” /

Renumber sections to conform.

Amend title to conform.

Senator ELLIOTT explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**CARRIED OVER**

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 AND THOUSANDS OF WATERFRONT COMMUNITIES ACROSS THE UNITED STATES IN CELEBRATING THIS DAY.

On motion of Senator ELLIOTT, the Concurrent Resolution was carried over.

**COMMITTEE AMENDMENT ADOPTED, CARRIED OVER**

S. 897 -- Senators McConnell, Leatherman, Peeler, Setzler, Rose, Elliott, Courson, Sheheen, Campbell and Campsen: 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.

The Senate proceeded to a consideration of the Joint Resolution, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Judiciary Committee proposed the following amendment (JUD0897.007), which was adopted:

To amend the joint resolution, as and if amended, SECTION 2, by striking subsection (2)(b) on page 2, lines 11-15, and inserting:

/ (b) “Agency” does not mean a public institution of postsecondary education, a postsecondary education governing or management board, an entity under the control of a public institution of postsecondary education or postsecondary education governing or management board, or an entity whose operating budget is not appropriated by the South Carolina General Assembly through the annual appropriations bill./ Amend the joint resolution, further, as and if amended, SECTION 4, subsection (B), by striking items (2) and (3), on page 4, lines 36-43, and inserting the following:

/ (2) The commission shall submit the recommendations in the report as a reorganization plan and submit the plan to the Governor, the Senate Judiciary Committee, and the House Ways and Means Committee by January 3, 2011. The committees shall review the plan by February 8, 2011.

(3) Executive and legislative action should be taken to implement the portions of the reorganization plan that are either approved or modified as soon as possible. /

Amend the joint resolution, further, as and if amended, SECTION 4, by striking subsection (C), lines 1-4 on page 5 and inserting:

/ (C) The commission shall submit a report before January 1, 2012, consisting of the status and implementation of the reorganization plan to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. Upon request by the Governor, President Pro Tempore of the Senate, or the Speaker of the House of Representatives, the commission must submit an updated report of the status and implementation of the reorganization plan. A request for an updated report must be submitted no later than July first, and the report submitted by January first of the following year. /

Amend the joint resolution, further, as and if amended, SECTION 6, by adding subsection (6)(C) on page 5 after line 23 to read:

/ (C) All information requested by the commission must be submitted to the commission within fifteen business days after the date of the request. The commission chairman may extend this time period for good cause shown. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

On motion of Senator LARRY MARTIN, the Bill was carried over, as amended.

**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.**

**CONCURRENCE**

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.

The House returned the Bill with amendments.

On motion of Senator ALEXANDER, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

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

**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 No. P-4 (3272FIN19) proposed by Senator ALEXANDER and previously printed in the Journal of Wednesday, February 3, 2010.

Senator LARRY MARTIN spoke on the amendment.

Senator ALEXANDER explained the amendment.

**PRESIDENT *Pro Tempore* PRESIDES**

At 1:12 P.M., Senator McCONNELL assumed the Chair.

Senator ALEXANDER resumed explaining the amendment.

Senator MALLOY spoke on the amendment.

Senator MALLOY moved to lay the amendment on the table.

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

**Ayes 10; Nays 26**

**AYES**

Anderson Coleman Leventis

Malloy McGill Nicholson

Pinckney Scott Sheheen

Williams

**Total--10**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Cromer Davis Elliott

Grooms Hayes Leatherman

*Martin, Larry Martin, Shane* Massey

McConnell Mulvaney O’Dell

Peeler Reese Rose

Ryberg Setzler Shoopman

Thomas Verdin

**Total--26**

The Senate refused to table the amendment. The question then was the adoption of the amendment.

Senator MALLOY spoke on the amendment.

**Motion Under Rule 15A Failed**

At 1:46 P.M., Senator SHEHEEN moved under the provisions of Rule 15A to vote on the entire matter of H.3272.

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

**Ayes 0; Nays 38**

**AYES**

**Total--0**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Grooms

Hayes Hutto Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Senator MALLOY spoke on the amendment.

With Senator MALLOY retaining the floor, Senator LARRY MARTIN asked unanimous consent to make a motion that the Senate stand adjourned.

There was no objection.

Debate was interrupted by adjournment with Senator MALLOY retaining the floor.

**MOTION ADOPTED**

On motion of Senator SHEHEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Douglas Jennings of Bennettsville, S.C., beloved father of our colleague and friend, Representative Doug Jennings, Jr. “Dr. Dougie” was a wonderful physician whose family had served Marlboro County in the medical field since 1838.

and

**MOTION ADOPTED**

On motion of Senators LARRY MARTIN and ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. J. Redmond Coyle, prominent attorney in Pickens, S. C., who was tragically killed Wednesday, February 3, 2010.

**ADJOURNMENT**

At 1:49 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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