**Wednesday, February 10, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 1:18 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT *Pro Tempore*.

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

In Deuteronomy the people are admonished to proclaim before God that:

“ ‘A wandering Aramean was my ancestor; he went down into Egypt and lived there as an alien, few in number, and there he became a great nation, mighty and populous.’ ” (Deuteronomy 26:5b)

Let us pray:

Gracious and Loving God, we give You praise for the blessings You have rained down upon South Carolina. For just as Lady Liberty stands in New York’s harbor and reminds us all of the great diversity of our nation, so has our State been strengthened by the rich diversity of her people. From the very earliest humans who roamed through our region back in 13,000 BC to the most recent residents who have moved in to our communities, we have together grown to be a populous and a relatively prosperous people. Be with each of these Senators as they together serve all of the women, men, and children of our State, accomplishing good things to Your glory, dear Lord.

In Your name we pray: Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Mark C. Sanford:

**Statewide Appointment**

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

At-Large:

Frederick L. Green III, 87 Sea Island Drive, Georgetown, SC 29440 *VICE* Harry Butler, Jr.

Referred to the Committee on Transportation.

**Doctor of the Day**

Senator FAIR introduced Dr. John P. Evans of Greenville, S.C., Doctor of the Day.

**Leave of Absence**

At 3:30 P.M., Senator LEATHERMAN requested a leave of absence beginning at 4:00 P.M. and lasting until 8:00 P.M. this evening.

**Leave of Absence**

At 4:00 P.M., Senator VERDIN requested a leave of absence beginning at 4:30 P.M. and lasting until 9:30 P.M. this evening.

**Leave of Absence**

At 4:00 P.M., Senator SHOOPMAN requested a leave of absence beginning at 5:30 P.M. and lasting until 9:30 P.M. this evening.

**Leave of Absence**

At 4:10 P.M., Senator CROMER requested a leave of absence beginning at 7:30 P.M. and lasting until 10:00 P.M. this evening.

**Leave of Absence**

At 4:30 P.M., Senator SHEHEEN requested a leave of absence for the balance of the evening.

**Leave of Absence**

Upon adjournment at 5:00 P.M., Senator SHANE MARTIN requested a leave of absence until Noon on Tuesday, February 16, 2010.

**CO-SPONSORS ADDED**

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

S. 391 Sen. Sheheen

S. 450 Sen. Cromer

S. 959 Sen. Bryant

S. 1096 Sen. Massey

**RECALLED AND COMMITTED**

S. 987 -- Senators Rose, S. Martin and Bryant: A BILL TO AMEND CHAPTER 1, TITLE 38 OF THE 1976 CODE, BY ADDING SECTION 38‑1‑40 TO ENACT THE “FREEDOM OF CHOICE IN HEALTH CARE ACT”, TO PROVIDE THAT CITIZENS OF THIS STATE HAVE THE RIGHT TO PURCHASE PRIVATE HEALTH INSURANCE, TO PROVIDE THAT THE GENERAL ASSEMBLY MAY NOT REQUIRE ANY PERSON TO PURCHASE HEALTH CARE INSURANCE, AND TO REQUIRE THE ATTORNEY GENERAL TO CHALLENGE THE CONSTITUTIONALITY OF ANY HEALTH CARE PLAN MANDATED BY CONGRESS.

Senator ROSE asked unanimous consent to make a motion to recall the Bill from the Committee on Banking and Insurance.

There was no objection and the Bill was recalled from the Committee on Banking and Insurance.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1156 -- Senator Davis: A CONCURRENT RESOLUTION TO COMMEND THE UNIVERSITY OF SOUTH CAROLINA‑BEAUFORT UPON CELEBRATION OF FIFTY YEARS OF SERVICE AS A MEMBER OF SOUTH CAROLINA'S PUBLIC FLAGSHIP UNIVERSITY SYSTEM.

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

S. 1157 -- Senator Courson: A CONCURRENT RESOLUTION TO CONGRATULATE KARIS MAZYCK OF RICHLAND COUNTY ON BEING NAMED THE 2010 MIDDLE SCHOOL ASSISTANT PRINCIPAL OF THE YEAR FOR THE STATE OF SOUTH CAROLINA, TO COMMEND HER FOR HER YEARS OF DEDICATED SERVICE AND OUTSTANDING CONTRIBUTIONS TO EDUCATION IN SOUTH CAROLINA, AND TO WISH HER MUCH SUCCESS IN ALL HER FUTURE ENDEAVORS.

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

S. 1158 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. SHERRY A. WALTERS OF LEXINGTON COUNTY, TO CONGRATULATE HER UPON THE OCCASION OF BEING NAMED THE 2010 HIGH SCHOOL ASSISTANT PRINCIPAL OF THE YEAR FOR THE STATE OF SOUTH CAROLINA, AND TO COMMEND HER FOR HER DEDICATED SERVICE TO EDUCATION IN SOUTH CAROLINA.

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

S. 1159 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MRS. LAYNE PUTNAM OF ANDERSON COUNTY, TO CONGRATULATE HER UPON THE OCCASION OF BEING NAMED THE 2010 ELEMENTARY SCHOOL ASSISTANT PRINCIPAL OF THE YEAR FOR THE STATE OF SOUTH CAROLINA, AND TO COMMEND HER FOR HER OUTSTANDING CONTRIBUTIONS TO EDUCATION IN SOUTH CAROLINA.

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

S. 1160 -- Senator Rose: A BILL TO AMEND SECTION 12-43-220 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, RELATING TO CLASSIFICATIONS FOR ASSESSMENT RATIOS, SO AS TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, A TAXPAYER MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO ALLOWED BY THIS SECTION FOR TWO RESIDENTIAL PROPERTIES LOCATED IN THE STATE IF THE SECOND RESIDENCE WAS PURCHASED AS A RESULT OF A CHANGE IN THE LOCATION OF A TAXPAYER'S JOB.

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

S. 1161 -- Senator Rose: A BILL TO PROVIDE THAT, NOTWITHSTANDING ANY LIMITATION IMPOSED BY ACT 81 OF 2009, 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.

S. 1162 -- Senator Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-370, SO AS TO PROVIDE THAT, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PARCEL OF REAL PROPERTY SUBJECT TO THE SIX PERCENT ASSESSMENT RATIO THAT HAS UNDERGONE AN ASSESSABLE TRANSFER OF INTEREST SINCE THE EFFECTIVE DATE OF ACT 388 OF 2006 AND PRIOR TO PROPERTY TAX YEAR 2010 IS ALLOWED A ONE HUNDRED PERCENT EXEMPTION FOR PROPERTY TAX YEARS AFTER 2009 FOR THE AMOUNT OF INCREASE IN THE FAIR MARKET VALUE FOR ASSESSMENT PURPOSES ATTRIBUTABLE TO THE ASSESSABLE TRANSFER OF INTEREST.

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

S. 1163 -- Senator Rose: A BILL TO AMEND SECTION 12-37-3150 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, RELATING TO WHAT AN ASSESSABLE TRANSFER OF INTEREST DOES NOT INCLUDE, SO AS TO PROVIDE THAT AN ASSESSABLE TRANSFER OF INTEREST DOES NOT INCLUDE A CONVEYANCE TO A LINEAL DESCENDANT BY DEED, DISTRIBUTION UNDER A WILL, BY INTESTATE SUCCESSION OF REAL PROPERTY, OR TO A TRUST OF REAL PROPERTY, IF THE CONVEYANCE IS SUBJECT TO THE SPECIAL FOUR PERCENT ASSESSMENT RATIO.

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

S. 1164 -- Senator Rose: A BILL TO AMEND SECTION 12-43-220 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, RELATING TO CLASSIFICATIONS FOR ASSESSMENT RATIOS, SO AS TO PROVIDE THAT THE LEGAL RESIDENCE AND NOT MORE THAN FIVE CONTIGUOUS ACRES THERETO LOCATED ON THE HEIRS' PROPERTY ALSO QUALIFIES FOR THE FOUR PERCENT ASSESSMENT PROVIDED BY THIS SUBSECTION AS LONG AS THE LEGAL RESIDENCE IS OWNED AND OCCUPIED BY ONE OR MORE OF THE COLLECTIVE OWNERS OF THE HEIRS' PROPERTY.

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

S. 1165 -- Senator Hayes: A CONCURRENT RESOLUTION TO RECOGNIZE YORK COUNTY AS A VITAL PART OF THE GREAT STATE OF SOUTH CAROLINA AND TO DECLARE FEBRUARY 16, 2010, "YORK COUNTY DAY" IN SOUTH CAROLINA.

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

S. 1166 -- Senator S. Martin: A BILL TO AMEND ARTICLE 25, CHAPTER 37, TITLE 12 OF THE 1976 CODE, BY ADDING SECTION 12-37-3145, TO PROVIDE THAT IF PROPERTY SUBJECT TO THE FOUR PERCENT ASSESSMENT RATIO UNDERGOES AN ASSESSABLE TRANSFER OF INTEREST AFTER 2009 AND THE TRANSFER RESULTS IN A MORE THAN FIFTEEN PERCENT INCREASE IN THE ASSESSED VALUE, THE PROPERTY IS CONSIDERED TO HAVE MET THE FIFTEEN PERCENT LIMIT IN THE FAIR MARKET VALUE INCREASE FOR THE FIVE-YEAR REASSESSMENT PERIOD IN WHICH THE TRANSFER IS MADE, AND TO PROVIDE THAT THE FAIR MARKET VALUE AT THE END OF THE FIVE-YEAR REASSESSMENT PERIOD MUST NOT EXCEED THE FAIR MARKET VALUE ATTRIBUTABLE TO THE ASSESSABLE TRANSFER OF INTEREST.

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

S. 1167 -- Senators L. Martin, Bryant, Bright and Cromer: A BILL TO REPEAL CHAPTER 29, TITLE 23 OF THE 1976 CODE, RELATING TO THE SUBVERSIVE ACTIVITIES REGISTRATION ACT.

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

**REPORT OF STANDING COMMITTEE**

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

S. 1095 -- Senators Cleary, Cromer, Campsen and Land: A CONCURRENT RESOLUTION TO OPPOSE ANY FISHING AREA CLOSURES OFF THE COAST OF SOUTH CAROLINA ASSOCIATED WITH THE SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL’S PROPOSED AMENDMENT 17A TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER GROUPER FISHERY OF THE SOUTH ATLANTIC REGION.

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. 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.

**HOUSE BILLS RETURNED**

The following House Bill and Joint Resolution were read the third time and ordered returned to the House with amendments:

H. 3395 -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A.D. Young, Edge, Bedingfield, J.R. Smith, G.R. Smith, D.C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E.H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T.R. Young and Wylie: A BILL TO AMEND SECTION 11‑11‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE OF REPLENISHMENT OF THAT AMOUNT.

**H. 3395--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of the Bill.

H. 3396 -- Reps. Harrell, Thompson, Scott, Cooper, Erickson, Bingham, A.D. Young, Edge, J.R. Smith, G.R. Smith, Bedingfield, Whitmire, Hiott, D.C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Horne, Long, Nanney, Parker, E.H. Pitts, Rice, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T.R. Young and Wylie: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 36, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND AND THE CAPITAL RESERVE FUND, SO AS TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND.

**H. 3396--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of the Bill.

**THIRD READING BILLS**

The following Bill and Joint Resolution were read the third time and ordered sent to the House of Representatives:

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

**S. 1085--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of the Bill.

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.

**S. 1142--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the third reading of the Joint Resolution.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 783 -- Senator McConnell: A BILL TO AMEND SECTION 51‑13‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE GOVERNING BOARD OF THE PATRIOTS POINT DEVELOPMENT AUTHORITY, SO AS TO PROVIDE FOR THREE ADDITIONAL MEMBERS OF THE BOARD AND THE MANNER OF THEIR TERMS AND APPOINTMENT.

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 (783R001.CBH), which was adopted:

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

/ SECTION 1. Section 51‑13‑720 of the 1976 Code is amended to read:

“Section 51‑13‑720. (A) Members of the authority must be appointed by the Governor as follows: one upon the joint recommendation of the Chairman of the House Ways and Means Committee and the Speaker of the House, one upon the joint recommendation of the Chairman of the Senate Finance Committee and the President Pro Tempore of the Senate, and three to be appointed by the Governor. The Governor shall appoint the chairman. The chairman may not vote on matters before the authority except in the event of a tie. The terms of the members are for four years and until their successors are appointed and qualify. Members may succeed themselves. Vacancies must be filled in the same manner of the original appointment for the remainder of the unexpired term.

(B) In addition to the members of the board provided in subsection (A), there shall be three additional members of the board appointed by the Governor, one appointed upon recommendation of the President Pro Tempore of the Senate, one appointed upon recommendation of the Speaker of the House of Representatives, and one appointed upon recommendation of the State Adjutant General. These three members shall serve for four years and until their successors are appointed and qualify, and vacancies must be filled in the manner of original appointment for the remainder of the unexpired term.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL 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.

**Statement by Senator CAMPSEN**

I would like the Journal to reflect that I abstained from the consideration of and voting on the entire matter of S. 783.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3358 -- Reps. Harrison, Weeks, Horne, Hutto and Whipper: A BILL TO AMEND SECTION 43‑35‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE OMNIBUS ADULT PROTECTION ACT, SO AS TO REVISE THE DEFINITIONS OF “INVESTIGATIVE ENTITY” AND “NEGLECT”; TO AMEND SECTION 43‑35‑40, AS AMENDED, RELATING TO REQUIREMENTS OF AN INVESTIGATIVE ENTITY UPON RECEIVING A REPORT OF ADULT ABUSE, SO AS TO FURTHER SPECIFY AND CLARIFY PROCEDURES FOR REPORTING CASES IN WHICH THERE IS A REASONABLE SUSPICION OF CRIMINAL CONDUCT; AND TO AMEND SECTION 43‑35‑85, AS AMENDED, RELATING TO CRIMINAL PENALTIES FOR FAILING TO REPORT ADULT ABUSE WHEN REQUIRED TO REPORT, SO AS TO DELETE PROVISIONS AUTHORIZING DISCIPLINARY ACTION WHEN A PERSON WHO HAS REASON TO BELIEVE THAT ABUSE OCCURRED FAILS TO REPORT AND TO ESTABLISH CRIMINAL PENALTIES IF A CAREGIVER, DUE TO RECKLESS DISREGARD FOR THE HEALTH OR SAFETY OF A VULNERABLE ADULT, NEGLECTS OR CAUSES GREAT BODILY INJURY OR DEATH TO A VULNERABLE ADULT.

The Senate proceeded to a consideration of the committee amendment, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

The Medical Affairs Committee proposed the following amendment (NBD\11889AC10), which was adopted:

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

/SECTION 1. Section 43‑35‑10(5) of the 1976 Code, as last amended by Act 301 of 2006, is further amended to read:

“(5) ‘Investigative entity’ means the Long Term Care Ombudsman Program ~~or~~, the Adult Protective Services Program in the Department of Social Services, the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, or the Medicaid Fraud Control Unit of the Office of the Attorney General.”

SECTION 2. Section 43‑35‑10(6) of the 1976 Code, as added by Act 110 of 1993, is amended to read:

“(6) ‘Neglect’ means the failure or omission of a caregiver to provide the care, goods, or services necessary to maintain the health or safety of a vulnerable adult including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services and the failure or omission has caused, or presents a substantial risk of causing, physical or mental injury to the vulnerable adult. ~~Neglect may be repeated conduct or a single incident which has produced or can be proven to result in serious physical or psychological harm or substantial risk of death.~~ Noncompliance with regulatory standards alone does not constitute neglect. Neglect includes the inability of a vulnerable adult, in the absence of a caretaker, to provide for his or her own health or safety which produces or could reasonably be expected to produce serious physical or psychological harm or substantial risk of death.”

SECTION 3. Section 43‑35‑10 of the 1976 Code, as last amended by Act 301 of 2006, is further amended by adding:

“(12) ‘Operated facility’ means those facilities directly operated by the Department of Mental Health or the Department of Disabilities and Special Needs.

(13) ‘Contracted facility’ means those public and private facilities contracted for operation by the Department of Mental Health or the Department of Disabilities and Special Needs.”

SECTION 4. Section 43‑35‑15(A) of the 1976 Code, as last amended by Act 301 of 2006, is further amended to read:

“(A) The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division shall receive and coordinate the referral of all reports of alleged abuse, neglect, or exploitation of vulnerable adults in facilities operated or contracted for operation by the Department of Mental Health or the Department of Disabilities and Special Needs. The unit shall establish a toll free number, which must be operated twenty-four hours a day, seven days a week, to receive the reports. The unit shall investigate or refer to appropriate law enforcement those reports in which there is reasonable suspicion of criminal conduct. The unit also shall investigate vulnerable adult fatalities as provided for in Article 5, Chapter 35, Title 43. The unit shall refer those reports in which there is no reasonable suspicion of criminal conduct to the appropriate investigative entity for investigation. Upon conclusion of a criminal investigation of abuse, neglect, or exploitation of a vulnerable adult, the unit or other law enforcement shall refer the case to the appropriate prosecutor ~~to determine if~~ when further action is necessary. The South Carolina Law Enforcement Division may develop policies, procedures, and memorandum of agreement with other agencies to be used in fulfilling the requirements of this article. However, the South Carolina Law Enforcement Division must not delegate its responsibility to investigate criminal reports of alleged abuse, neglect, and exploitation to the agencies, facilities, or entities that operate or contract for the operation of the facilities. Nothing in this subsection precludes the Department of Mental Health, the Department of Disabilities and Special Needs, or their contractors from performing administrative responsibilities in compliance with applicable state and federal requirements.”

SECTION 5. Section 43‑35‑35(B) of the 1976 Code, as last amended by Act 301 of 2006, is further amended to read:

“(B) All deaths involving a vulnerable adult in a facility operated or contracted for operation by the Department of Mental Health, the Department of Disabilities and Special Needs, or their contractors must be referred to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division for investigation pursuant to Section 43‑35‑520.”

SECTION 6. Section 43‑35‑40 of the 1976 Code, as last amended by Act 301 of 2006, is further amended to read:

“Section 43‑35‑40. Upon receiving a report, the ~~investigative entity promptly~~ Long Term Care Ombudsman or Adult Protective Services promptly shall:

(1) initiate an investigation; ~~and~~ or

(2) review the report within two working days ~~of receiving the report must review the report~~ for the purpose of reporting those cases that indicate reasonable suspicion of criminal conduct to local law enforcement or to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division ~~those cases which indicate reasonable suspicion of criminal conduct~~ (SLED). A report to ~~the unit~~ local law enforcement or SLED must be made within one working day of completing the review.”

SECTION 7. Section 43‑35‑85 of the 1976 Code, as last amended by Act 56 of 1999, is further amended to read:

“Section 43‑35‑85. (A) A person required to report under this chapter who ~~has actual knowledge that abuse, neglect, or exploitation has occurred and who~~ knowingly and wilfully fails to report ~~the~~ abuse, neglect, or exploitation is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty-five hundred dollars or imprisoned not more than one year. ~~A person required to report under this chapter who has reason to believe that abuse, neglect, or exploitation has occurred or is likely to occur and who knowingly and wilfully fails to report the abuse, neglect, or exploitation is subject to disciplinary action as may be determined necessary by the appropriate licensing board.~~

(B) Except as otherwise provided in subsections (E) and (F), a person who knowingly and wilfully abuses a vulnerable adult is guilty of a felony and, upon conviction, must be imprisoned not more than five years.

(C) Except as otherwise provided in subsections (E) and (F), a person who knowingly and wilfully neglects a vulnerable adult is guilty of a felony and, upon conviction, must be imprisoned not more than five years.

(D) A person who knowingly and wilfully exploits a vulnerable adult is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both, and may be required by the court to make restitution.

(E) A person who knowingly and wilfully abuses or neglects a vulnerable adult resulting in great bodily injury is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years.

(F) A person who knowingly and wilfully abuses or neglects a vulnerable adult resulting in death is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

(G) A person who threatens, intimidates, or attempts to intimidate a vulnerable adult subject of a report, a witness, or any other person cooperating with an investigation conducted pursuant to this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than three years.

(H) A person who wilfully and knowingly obstructs or in any way impedes an investigation conducted pursuant to this chapter, upon conviction, is guilty of a misdemeanor and must be fined not more than five thousand dollars or imprisoned for not more than three years.

(I) A caregiver who neglects a vulnerable adult as a result of having acted or failed to act due to a reckless disregard for the health or safety of the vulnerable adult is guilty of a misdemeanor and, upon conviction, must be:

(1) imprisoned not more than one year or fined not more than one thousand dollars, or both;

(2) if the vulnerable adult suffered great bodily injury, imprisoned not more than three years or fined not more than five thousand dollars, or both.

(J) A caregiver who neglects a vulnerable adult as a result of having acted or failed to act due to a reckless disregard for the health or safety of a vulnerable adult and the neglect results in the death of the vulnerable adult is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not more than ten thousand dollars, or both.

(K) As used in this section, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” SECTION 8. Section 43‑35‑520 of the 1976 Code, as added by Act 301 of 2006, is further amended to read:

“Section 43‑35‑520. The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, created pursuant to Section 23‑3‑810, shall, in addition to its investigation responsibilities under that section or Article 1, investigate cases of vulnerable adult fatalities in facilities operated or contracted for operation by the Department of Mental Health or the Department of Disabilities and Special Needs. Provided, that in a nursing home, as defined in Section 44‑7‑130, contracted for operation by the Department of Mental Health, the Vulnerable Adults Investigations Unit shall investigate those fatalities for which there is suspicion that the vulnerable adult died as a result of abuse or neglect, the death is suspicious in nature, or the death is referred by a coroner or medical examiner as provided in Section 43‑35‑35(A).”

SECTION 9. Article 3, Chapter 7, Title 44 is amended by adding:

“Section 44‑7‑295. The department is authorized to enter at all times in or on the property of any facility or service, whether public or private, licensed by the department or unlicensed, for the purpose of inspecting and investigating conditions relating to a violation of this article or regulations of the department. The department’s authorized agents may examine and copy any records or memoranda pertaining to the operation of a licensed or unlicensed facility or service to determine compliance with this article. However, if entry or inspection is denied or not consented to and no emergency exists, the department is empowered to obtain a warrant to enter and inspect the property and its records from the magistrate from the jurisdiction in which the property is located. The magistrate may issue these warrants upon a showing of probable cause for the need for entry and inspection. The department shall furnish a written copy of the results of the inspection or investigation to the owner or operator of the property.”

SECTION 10. Section 44‑7‑315(A), as last amended by Act 372 of 2006, is further amended to read:

“(A) Information received by the Division of Health Licensing of the department, through inspection or otherwise, in regard to a facility or activity licensed by the department pursuant to this article or subject to inspection by the department, including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded, ~~or a group home operated by a county mental retardation board or the State Mental Retardation Department~~ must be disclosed publicly upon written request to the department. The request must be specific as to the facility or ~~home~~ activity, dates, documents, and particular information requested. The department may not disclose the identity of individuals present in a facility licensed by the department pursuant to this article or subject to inspection by the department, including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded~~, or a group home~~. When a report of deficiencies or violations regarding a facility licensed by the department pursuant to this article or subject to inspection by the department, including a nursing home, a community residential care facility, or an intermediate care facility for the mentally retarded, ~~or a group home~~ is present in the department’s files when a request for information is received, the department shall inform the applicant that it has stipulated corrective action and the time it determines for completion of the action. The department also shall inform the applicant that information on the resolution of the corrective action order is expected to be available upon written request within fifteen days or less of the termination of time it determines for completion of the action. However, if information on the resolution is present in the files, it must be furnished to the applicant.”

SECTION 11. Section 44‑7‑320(A) of the 1976 Code is amended to read:

“(A)(1) The department may deny, suspend, or revoke licenses or assess a monetary penalty, or both, against a person or facility for:

(a) violating a provision of this article or departmental regulations;

(b) permitting, aiding, or abetting the commission of an unlawful act relating to the securing of a Certificate of Need or the establishment, maintenance, or operation of a facility requiring certification of need or licensure under this article;

(c) conduct or practices detrimental to the health or safety of patients, residents, clients, or employees of a facility or service. This provision does not refer to health practices authorized by law;

(d) refusing to admit and treat alcoholic and substance abusers, the mentally ill, or the mentally retarded, whose admission or treatment has been prescribed by a physician who is a member of the facility’s medical staff; or discriminating against alcoholics, the mentally ill, or the mentally retarded solely because of the alcoholism, mental illness, or mental retardation;

(e) failing to allow a team advocacy inspection of a community residential care facility by the South Carolina Protection and Advocacy System for the Handicapped, Inc., as allowed by law.

(2) Consideration to deny, suspend, or revoke licenses or assess monetary penalties, or both, is not limited to information relating to the current licensing ~~year~~ period but includes consideration of all pertinent information regarding the facility and the applicant.

(3) If in the department’s judgment conditions or practices exist in a facility that pose an immediate threat to the health, safety, and welfare of the residents, the department immediately may suspend the facility’s license and shall contact the appropriate agencies for placement of the residents. Within five days of the suspension a preliminary hearing must be held to determine if the immediate threatening conditions or practices continue to exist. If they do not, the license must be immediately reinstated. Whether the license is reinstated or suspension remains due to the immediate threatening conditions or practices, the department may proceed with the process for permanent revocation pursuant to this section.”

SECTION 12. Section 23‑3‑810(E) of the 1976 Code, as added by Act 301 of 2006, is amended to read:

“(E) Upon conclusion of a criminal investigation of abuse, neglect, or exploitation of a vulnerable adult, the unit or other law enforcement shall refer the case to the appropriate prosecutor ~~to determine if~~ when further action is necessary.”

SECTION 13. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the general assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 14. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator HAYES 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. 897 -- Senators McConnell, Leatherman, Peeler, Setzler, Rose, Elliott, Courson, Sheheen, Campbell, Campsen and Bryant: 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 previously proposed amendment by Senators HUTTO and MASSEY.

Senators HUTTO and MASSEY proposed the following amendment (897R001.CBH), which was adopted:

Amend the resolution, as and if amended, page 3, SECTION 3, by striking lines 31-36 and inserting:

/ (5) two individuals, appointed by the Governor;

(6) one individual, appointed by the Speaker of the House of Representatives; and

(7) one individual, appointed by the President Pro Tempore of the Senate. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator MASSEY proposed the following amendment (897R002.ASM), which was adopted:

Amend the resolution, as and if amended, page 3, SECTION 3, by striking lines 37-41 and inserting:

/ (E) The members of the commission are entitled to receive per diem as is allowed by law for legislative members of boards, committees, and commissions when engaged in the exercise of their duties as members of the commission. This must be paid from approved accounts of their respective appointing authorities. /

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the amendment.

The amendment was adopted.

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

**ADOPTED**

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.

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 adopted, ordered returned to the House.

**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.

**RECESS**

At 1:40 P.M., on motion of Senator SETZLER, the Senate receded from business subject to the Call of the Chair.

At 2:36 P.M., the Senate resumed.

**Motion Adopted**

On motion of Senator FAIR, with unanimous consent, Senators CROMER, BRYANT and FAIR were granted leave to attend a subcommittee meeting and be granted leave to vote from the balcony.

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

**THIRD READING FAILED**

**MOTION TO RECONSIDER CARRIED OVER**

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 third reading of the Bill.

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

**Ayes 28; Nays 13**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Hayes

Leatherman *Martin, Larry Martin, Shane*

Massey McConnell Mulvaney

O’Dell Peeler Rankin

Reese Rose Ryberg

Setzler Shoopman Thomas

Verdin

**Total--28**

**NAYS**

Anderson Grooms Hutto

Land Leventis Malloy

Matthews McGill Nicholson

Pinckney Scott Sheheen

Williams

**Total--13**

Having failed to receive the necessary vote required by Article X, Section III of the Constitution of South Carolina, third reading failed.

**Statement by Senator GROOMS**

I voted against this proposal because it does not correct the property tax inequities created by the assessable transfer of interest. Should this proposal become law, it will make bad policy better but it will still be bad policy. The only way to correct the inequities with the assessable transfer of interest is to eliminate it. Unfortunately, my amendment failed and Senate has placed yet another band-aid on a seriously flawed tax system.

Having voted on the prevailing side, Senator LARRY MARTIN moved to reconsider the vote whereby the Bill failed to receive third reading.

**Motion to Carry Over the Motion to Reconsider Adopted**

Senator ALEXANDER moved to carry over the motion to reconsider.

The motion to carry over the motion to reconsider was adopted.

**Objection**

Senator PEELER asked unanimous consent to make a motion to recommit the Bill to the Committee on Finance.

Senator KNOTTS objected.

The motion to reconsider was carried over.

H. 3272 was removed from the Calendar.

**COMMITTEE AMENDMENT AMENDED,**

**AMENDMENT PROPOSED, DEBATE INTERRUPTED**

S. 391 -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman, Campbell, Rose, Davis, Bright and S. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑29‑300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS’ TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41‑29‑310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1‑30‑10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41‑29‑10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41‑29‑20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41‑29‑30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8‑17‑370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41‑27‑10, 41‑27‑30, 41‑27‑150, 41‑27‑160, 41‑27‑190, 41‑27‑210, AS AMENDED, 41‑27‑230, 41‑27‑235, AS AMENDED, 41‑27‑260, AS AMENDED, 41‑27‑360, 41‑27‑370, AS AMENDED, 41‑27‑380, 41‑27‑390, 41‑27‑510, 41‑27‑550, 41‑27‑560, 41‑27‑570, 41‑27‑580, 41‑27‑600, 41‑27‑610, 41‑27‑620, 41‑27‑630, 41‑27‑670, 41‑29‑40, 41‑29‑50, 41‑29‑60, 41‑29‑70, 41‑29‑80, 41‑29‑90, 41‑29‑100, 41‑29‑110, 41‑29‑120, AS AMENDED, 41‑29‑130, 41‑29‑140, 41‑29‑150, 41‑29‑170, AS AMENDED, 41‑29‑180, 41‑29‑190, 41‑29‑200, 41‑29‑210, 41‑29‑220, 41‑29‑230, 41‑29‑240, 41‑29‑250, 41‑29‑270, 41‑29‑280, 41‑29‑290, 41‑33‑10, 41‑33‑20, 41‑33‑30, 41‑33‑40, 41‑33‑45, 41‑33‑80, AS AMENDED, 41‑33‑90, 41‑33‑100, 41‑33‑110, 41‑33‑120, 41‑33‑130, 41‑33‑170, 41‑33‑180, 41‑33‑190, 41‑33‑200, 41‑33‑210, 41‑33‑430, 41‑33‑460, 41‑33‑470, 41‑33‑610, 41‑33‑710, 41‑35‑10, 41‑35‑30, 41‑35‑100, 41‑35‑110, AS AMENDED, 41‑35‑115, AS AMENDED, 41‑35‑120, AS AMENDED, 41‑35‑125, 41‑35‑126, 41‑35‑130, AS AMENDED, 41‑35‑140, 41‑35‑330, 41‑35‑340, 41‑35‑410, 41‑35‑420, AS AMENDED, 41‑35‑450, 41‑35‑610, 41‑35‑630, 41‑35‑640, AS AMENDED, 41‑35‑670, 41‑35‑680, AS AMENDED, 41‑35‑690, 41‑35‑700, 41‑35‑710, AS AMENDED, 41‑35‑720, 41‑35‑730, 41‑35‑740, 41‑35‑750, AS AMENDED, 41‑37‑20, 41‑37‑30, 41‑39‑30, 41‑39‑40, 41‑41‑20, AS AMENDED, 41‑41‑40, AS AMENDED, 41‑41‑50, 41‑42‑10, 41‑42‑20, 41‑42‑30, AND 41‑42‑40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41‑29‑260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Labor, Commerce and Industry.

**Amendment No. P-1**

Senator RYBERG proposed the following Amendment No. P-1 (391R010.WGR), which was adopted:

Amend the committee report, as and if amended, page [391‑2], by striking lines 1 ‑ 4 and inserting:

/ successors have been elected and qualified, commencing on the first day of July in each presidential election year. /

Amend the committee report further, as and if amended, page [391‑5], by striking lines 3 ‑ 6 and inserting:

/ SECTION \_\_\_. The commission must file a report with the General Assembly and the Governor on or about January 1, 2011, making recommendations concerning restoration of the solvency of the unemployment trust fund. /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

The amendment was adopted.

**Motion Adopted**

On motion of Senator HAYES, with unanimous consent, Senators LARRY MARTIN, GROOMS, LAND, COURSON, MATTHEWS and HAYES were granted leave to attend a subcommittee meeting and be granted leave to vote from the balcony.

**PRESIDENT PRESIDES**

At 3:25 P.M., the PRESIDENT assumed the Chair.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**Amendment No. P-3A**

Senator McCONNELL proposed the following Amendment No. P-3A (JUD0391.002), which was adopted:

Amend the committee report, as and if amended, page 391-6, by inserting the following after line 37:

/ Amend the bill, as and if amended, page 64, by inserting an appropriately numbered new SECTION after line 9 to read:

SECTION \_\_\_. Chapter 35, Title 41 of the 1976 Code is amended by adding:

“Section 41‑35‑760. The department must promulgate all regulations described in this chapter and regulations governing procedures at all hearings and appeals before the department or any member or employee of the department, and publish all regulations on an electronic website. All regulations must be promulgated in accordance with the provisions of Chapter 23 of Title 1 of the South Carolina Code of Laws.” /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

**Amendment No. P-4**

Senator THOMAS proposed the following Amendment No. P-4 (AGM\19840BH10):

Amend the committee report, as and if amended, by adding an appropriately numbered SECTION to Part I to read:

/ SECTION \_\_\_. Article 1, Chapter 35, Title 41 of the 1976 Code is amended by adding:

“Section 41‑35‑112. (A) In September, 2010, the commission shall conduct a urine drug test on a random sample of five hundred benefit recipients who are receiving benefits for the first time and shall report the findings of the test to the General Assembly by November 1, 2010. If more than ten percent of the random sample test positive for drug use, beginning on February 1, 2011, and every month thereafter, three percent of all new recipients who report to the commission to receive benefits, chosen randomly, must be drug tested , with no new recipient being tested more than once in a twelve‑month period.

(B) If a new benefit recipient tests positive for drug use, he immediately shall enter a thirty‑day treatment program sponsored by the Department of Alcohol and Other Drug Abuse Services, but shall continue to receive unemployment benefits.  Upon the expiration of the thirty days after he tests positive for drug use, the new benefit recipient must be tested again by the Department of Alcohol and Other Drug Abuse Services at the expense of the benefit recipient.  If he tests positive for drug use at that time, the new benefit recipient forfeits his eligibility for unemployment benefits.” /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

Senator RYBERG spoke on the amendment.

On motion of Senator McCONNELL, debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senators HUTTO and COURSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Leslie Arlen “R” Cotter of Columbia, S.C., beloved husband, devoted father and doting grandfather. He was a *Cum Laude* Civil Engineer graduate of the University of South Carolina, an avid art lover, a lifelong supporter of the Boy Scout program and trustee at various schools and colleges in South Carolina.

and

**MOTION ADOPTED**

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Oconee County Sheriff’s Deputy William Frederick Schuck III of Oconee, S.C., who died tragically over the weekend.

**ADJOURNMENT**

At 5:08 P.M., on motion of Senator McCONNELL, 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.

\* \* \*