**Wednesday, March 24, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:16 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

The prophet, Jeremiah, reminds us that:

“…God made the earth by his power; he founded the world by his wisdom, and stretched out the heavens by his understanding.”

(Jeremiah 10:12)

Please join me as we pray:

O Creator God, we give You richest praise this day. We thank You for Your bold demonstrations through time of wisdom and understanding. Permit us by Your grace, Lord, to strive also to cherish those same qualities in our own lives, and to encourage all others in this State to do the same. To that end, O God, we honor the teachers, professors, and administrators who seek to enlighten our citizens. May the colleges and universities here in South Carolina long continue to be vibrant sources of promise and hope. All of this, Lord, we pray in Your loving name.

Amen.

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

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4110

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

SUBJECT: Regulation of Real Property Owned and Leased by the Department

Received by Lieutenant Governor January 26, 2010

Referred to Fish, Game and Forestry Committee

Legislative Review Expiration May 26, 2010

**Doctor of the Day**

Senator LOURIE introduced Dr. Thomas Gibbons of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 2:30 P.M., Senator CROMER requested a leave of absence for Thursday, March 25, 2010.

**CO-SPONSORS ADDED**

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

S. 134 Sen. Fair

S. 1057 Sen. Grooms

S. 1267 Sens. Davis, Anderson, Shoopman, Jackson

**Privilege of the Chamber**

On motion of Senators LARRY MARTIN and ALEXANDER, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to Coach Missy Ricken, coach of the Liberty High School AA cheer team champions. Coach Ricken and the Libery High School Cheer Team were commended on their winning the 2009 S.C. High School League Class AA State Cheer Championship Title.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1306 -- Senators Scott, Lourie, Jackson, Courson, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Knotts, Land, Leatherman, Leventis, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO COMMEND BENEDICT COLLEGE FOR HOSTING THE "2010 TRANSPORTATION SUMMIT: CAREERS AND DISTRACTED DRIVING" ON MARCH 25, 2010, AND TO ENCOURAGE OTHER SOUTH CAROLINA COLLEGES AND UNIVERSITIES TO COOPERATE WITH LIKE-MINDED ORGANIZATIONS AND AGENCIES TO HEIGHTEN PUBLIC AWARENESS AND EDUCATION CONCERNING THE ISSUE OF DISTRACTED-DRIVER LEGISLATION.

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The Senate Resolution was adopted.

S. 1307 -- Senator Elliott: A CONCURRENT RESOLUTION TO COMMEND MONICA C. BRISBON, BUSINESS EDUCATION TEACHER AT CAROLINA FOREST HIGH SCHOOL IN HORRY COUNTY, FOR HER OUTSTANDING CONTRIBUTIONS TO HER SCHOOL AND COMMUNITY.

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

S. 1308 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-147 SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS FOR THE CREATION AND ESTABLISHMENT OF A STROKE CARE SYSTEM.

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

S. 1309 -- Senators Knotts and Setzler: A CONCURRENT RESOLUTION TO HONOR THE LIFE AND MEMORY OF CHARLES EDWARD TAYLOR, THE WORLD'S FIRST AIRPLANE MECHANIC, AND, WITH THE FEDERAL AVIATION ADMINISTRATION SOUTHERN REGION AND THE SOUTH CAROLINA AERONAUTICS COMMISSION, URGE THE CITIZENS OF SOUTH CAROLINA TO RECOGNIZE MAY TWENTY-FOURTH OF EACH YEAR AS "AVIATION MAINTENANCE TECHNICIAN DAY" IN HONOR OF CHARLES EDWARD TAYLOR.

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

S. 1310 -- Senator Malloy: A SENATE RESOLUTION TO HONOR AND CONGRATULATE DR. ROBERT L. WYATT ON THE OCCASION OF HIS INAUGURATION AS THE SIXTEENTH PRESIDENT OF COKER COLLEGE.

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The Senate Resolution was adopted.

H. 4220 -- Reps. M. A. Pitts, White, Duncan, Lowe, Loftis, Bedingfield and Hutto: A BILL TO AMEND SECTION 12-36-2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS, SO AS TO REENACT THE "SECOND AMENDMENT RECOGNITION ACT" EXEMPTING FIREARMS SOLD ON THE FRIDAY AND SATURDAY AFTER THANKSGIVING OF EVERY YEAR.

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

H. 4607 -- Reps. Sandifer, Huggins, Ott, Hutto, Howard, Anderson, Gambrell, Rice, Hayes, Erickson, Bedingfield, Lowe, Brady, G. A. Brown, Pinson, Bowers, Toole, Crawford, Bales, Mack, Allison, Parker, Mitchell, Long, Viers, Sellers, Sottile, Forrester, Horne, Clemmons, Simrill and Cole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37-2-308 SO AS TO DEFINE NECESSARY TERMS AND PROVIDE PROCEDURES THAT MUST BE FOLLOWED BY MOTOR VEHICLE DEALERS IN ADVERTISEMENTS MADE IN THE COURSE OF SOLICITING FOR THE SALE OR LEASE OF MOTOR VEHICLES; AND TO AMEND SECTION 37-6-108, AS AMENDED, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO PROVIDE PENALTIES FOR MOTOR VEHICLE DEALERS WHO VIOLATE THE PROVISIONS OF SECTION 37-2-308.

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

H. 4755 -- Reps. Miller and Anderson: A BILL TO PROVIDE THAT THE SCHOOL DISTRICT OF GEORGETOWN COUNTY FOR FISCAL YEAR 2010-2011 MAY EXPEND FUNDS GENERATED FROM A GENERAL OBLIGATION DEBT BOND ISSUE FOR SCHOOL OPERATING PURPOSES, IN ORDER TO DEAL WITH A SHORTAGE OF SCHOOL OPERATING FUNDS, IF PERMITTED BY THE FEDERAL LAW APPLICABLE TO THE PARTICULAR TYPES OF BONDS ISSUED AND IF IT DOES NOT VIOLATE ANY PROVISIONS OF THE BOND INDENTURE APPLICABLE TO THE ISSUANCE AND SALE OF THOSE BONDS.

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

**H. 4755--Ordered to a Second and Third Reading**

On motion of Senator McGILL, with unanimous consent, H. 4755 was ordered to receive a second and third reading on the next two consecutive legislative days.

H. 4769 -- Reps. Harrell, 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, 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 DR. ALLAN D. LIEBERMAN OF CHARLESTON COUNTY FOR HIS DISTINGUISHED CAREER IN MEDICINE AND MEDICAL EDUCATION AND FOR HIS MANY CONTRIBUTIONS TO HIS PROFESSION AND THE PEOPLE OF SOUTH CAROLINA.

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

H. 4770 -- Reps. Clyburn, 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, 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 THE ALLEN UNIVERSITY CLASS OF 1960 ON THE CELEBRATION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE MEMBERS OF THIS OUTSTANDING CLASS FOR THEIR CONTRIBUTIONS TO THEIR COMMUNITIES, STATE, AND NATION.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 2 -- Senators McConnell, Peeler, Leatherman, Sheheen, Rose, Courson, Elliott, Massey, Hayes, Davis, Bright and L. Martin: A BILL TO AMEND SECTION 11‑11‑410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IMPLEMENTATION OF THE LIMIT ON STATE SPENDING IMPOSED PURSUANT TO SECTION 7(C), ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, SO AS TO REVISE THIS LIMIT BY IMPOSING AN ANNUAL LIMIT ON THE APPROPRIATION OF STATE GENERAL FUND REVENUES BY ADJUSTING SUCH REVENUES BY A ROLLING TEN‑YEAR AVERAGE IN ANNUAL CHANGES IN GENERAL FUND REVENUES AND THE CREATION OF A SEPARATE BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT, THE REVENUES OF WHICH MUCH FIRST BE USED TO STABILIZE GENERAL FUND REVENUES AVAILABLE FOR APPROPRIATION, TO DEFINE EMERGENCIES AND TO PROVIDE FOR SUSPENSION OF THIS APPROPRIATIONS LIMIT IN EMERGENCIES, TO PROVIDE THAT A CASH BALANCE IN THE BUDGET STABILIZATION FUND IN EXCESS OF FIFTEEN PERCENT OF GENERAL FUND REVENUES OF THE MOST RECENT COMPLETED FISCAL YEAR MAY BE APPROPRIATED IN SEPARATE LEGISLATION FOR VARIOUS NONRECURRING PURPOSES, AND TO DEFINE SURPLUS GENERAL FUND REVENUES.

Ordered for consideration tomorrow.

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

S. 876 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑45‑17 SO AS TO PROVIDE MINIMUM CONTINUING EDUCATION COURSE REQUIREMENTS FOR COUNTY TAX COLLECTORS AND PROVIDE EXCEPTIONS; BY ADDING SECTION 12‑59‑85 SO AS TO ALLOW A COUNTY FORFEITED LAND COMMISSION TO REFUSE TO ACCEPT TITLE TO PROPERTY WHEN REFUSAL IS IN THE PUBLIC INTEREST; TO AMEND SECTION 12‑37‑2725, RELATING TO CANCELLATION OF A LICENSE PLATE AND REGISTRATION CERTIFICATE WHEN A VEHICLE OWNER MOVES OUT OF STATE AND THE PRORATED PROPERTY TAX REFUND DUE ON THAT CANCELLATION, SO AS TO ALLOW THE APPROPRIATE RECEIPT ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES TO SUBSTITUTE FOR THE ACTUAL LICENSE PLATE AND CERTIFICATE; TO AMEND SECTION 12‑37‑3150, AS AMENDED, RELATING TO ASSESSABLE TRANSFERS OF INTEREST FOR PURPOSES OF DETERMINING THE VALUE OF REAL PROPERTY FOR PROPERTY TAXATION, SO AS TO PROVIDE A CIVIL PENALTY FOR FAILURE TO PROVIDE NOTICE TO THE ASSESSOR OF OWNERSHIP TRANSFERS OF CERTAIN BUSINESS REAL PROPERTY; TO AMEND SECTION 12‑39‑220, RELATING TO THE DISCOVERY OF UNTAXED PROPERTY FOR PURPOSES OF PROPERTY TAXES, SO AS TO PROVIDE THE DUTIES OF THE ASSESSOR WITH RESPECT TO THIS PROPERTY; TO AMEND SECTIONS 12‑51‑50, AS AMENDED, AND 12‑51‑70, RELATING TO DELINQUENT TAX SALES, SO AS TO PROVIDE FOR THE SALES DATE AND TO INCREASE FROM THREE HUNDRED TO ONE THOUSAND DOLLARS THE DAMAGES FOR WHICH A DEFAULTING BIDDER IS LIABLE; AND TO AMEND SECTION 12‑54‑85, AS AMENDED, RELATING TO THE TIME LIMITS APPLICABLE FOR ASSESSING DELINQUENT TAXES, SO AS TO MAKE A CONFORMING AMENDMENT.

Ordered for consideration tomorrow.

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

S. 950 -- Senator Elliott: A BILL TO AMEND SECTIONS 5‑37‑20, 5‑37‑35, 5‑37‑40, AS AMENDED, 5‑37‑50, AS AMENDED, AND 5‑37‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE MUNICIPAL IMPROVEMENT DISTRICT ACT, SO AS TO CLARIFY THAT AN EASEMENT FOR MAINTENANCE IN CHANNELS, CANALS, OR WATERWAYS IS SUFFICIENT PROPERTY INTEREST TO PROCEED WITH AN ASSESSED DISTRICT; TO AUTHORIZE SOME PORTION OF THE BONDS ISSUED TO FUND ASSESSMENTS MAY BE BACKED BY THE TAXING POWER OF A MUNICIPALITY; AND TO PROVIDE AN EXCEPTION OF AN OWNER OF RESIDENTIAL PROPERTY TO BE REQUIRED TO CONSENT TO INCLUSION IN AN IMPROVEMENT DISTRICT WHEN THE SOLE IMPROVEMENTS ARE THE WIDENING AND DREDGING OF CANALS.

Ordered for consideration tomorrow.

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

S. 1024 -- Senator O’Dell: A BILL TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO ALLOW THE SURVIVING SPOUSE OF A DECEDENT WHO WAS ELIGIBLE FOR THE EXEMPTION OF THE DWELLING OWNED BY A PERSON WITH CERTAIN SPECIFIC ILLNESSES CAUSING THE SAME AMBULATORY DIFFICULTIES AS PERSONS WITH PARAPARESIS OR HEMIPARESIS.

Ordered for consideration tomorrow.

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

S. 1154 -- Senators Malloy, Knotts, Campsen, McConnell, Fair, Cromer, Ford, Elliott, Scott, Nicholson, Coleman, Massey, Cleary, Hutto, Peeler, Williams, Land, Rose, Campbell, L. Martin, Leventis, Leatherman, Setzler, O’Dell and Hayes: A BILL TO ENACT THE OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010, RELATING TO CRIMINAL OFFENSES, CORRECTIONS, PROBATION, AND PAROLE PROVISIONS, SO AS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT RECOMMENDATIONS PROPOSED BY THE SENTENCING REFORM COMMISSION REPORT OF FEBRUARY 2010.

Ordered for consideration tomorrow.

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

S. 1270 -- Senator Rose: A BILL TO AMEND SECTIONS 12-60-1750 AND 12-43-220 OF THE 1976 CODE, RELATING TO REFUNDS OF PROPERTY TAXES, TO PROVIDE THAT NO REFUND MUST BE GIVEN FOR A CHANGE IN ASSESSMENT RATIOS TO THE SPECIAL FOUR PERCENT ASSESSMENT RATIO UNLESS THE APPLICATION WAS TIMELY FILED; AND TO FURTHER AMEND SECTION 12-43-220, RELATING TO THE SPECIAL FOUR PERCENT ASSESSMENT RATIO, TO PROVIDE THAT THE PROPERTY MAY ONLY BE CLAIMED AT THE FOUR PERCENT ASSESSMENT RATIO FOR THE PRO-RATA PORTION OF THE YEAR IN WHICH THE PROPERTY WAS THE LEGAL RESIDENCE.

Ordered for consideration tomorrow.

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

H. 4299 -- Reps. Cooper and Owens: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER CERTAIN FUNDS AMONG APPROPRIATED REVENUES, EDUCATION IMPROVEMENT ACT FUNDS, EDUCATION LOTTERY ACT FUNDS, AND FUNDS RECEIVED FROM THE CHILDREN’S EDUCATION ENDOWMENT FUND IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING FISCAL YEAR 2010‑2011 AND TO PROVIDE THAT A SCHOOL DISTRICT MAY NOT TRANSFER FUNDS REQUIRED FOR DEBT SERVICE OR BONDED INDEBTEDNESS, TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEAR 2010‑2011 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS AND EXPENDITURE REGULATIONS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, TO NEGOTIATE SALARIES FOR CERTAIN RETIRED TEACHERS BELOW THE SCHOOL DISTRICT SALARY SCHEDULE, AND TO FURLOUGH TEACHERS FOR UP TO FIVE NONINSTRUCTIONAL DAYS, PROVIDED THAT DISTRICT ADMINISTRATORS ARE FURLOUGHED FOR TWICE THE NUMBER OF DAYS, TO PROVIDE FURTHER MEASURES SCHOOL DISTRICTS AND EDUCATION‑RELATED ENTITIES ARE ENCOURAGED TO TAKE TO MAXIMIZE RESOURCES, TO PROVIDE DISTRICT REPORTING REQUIREMENTS FOR COST‑SAVING MEASURES UNDERTAKEN BY THE DISTRICT, TO REQUIRE SCHOOL DISTRICTS TO PROVIDE TO PUBLIC CHARTER SCHOOLS PUPIL ALLOCATION FOR EACH CATEGORICAL PROGRAM BEFORE IMPLEMENTING THESE FLEXIBILITY PROVISIONS, TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS, TO ALLOW SCHOOL DISTRICTS TO SUSPEND TEXTBOOK ADOPTIONS, AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR FISCAL YEAR 2010‑2011, TO REQUIRE SCHOOL DISTRICTS FOR FISCAL YEAR 2010‑2011 TO UTILIZE AT LEAST SIXTY‑FIVE PERCENT OF THEIR PER PUPIL EXPENDITURES WITHIN PROVIDED CATEGORIES OF INSTRUCTION WITH CERTAIN CONDITIONS AND TO PROVIDE REPORTING REQUIREMENTS, TO REQUIRE SCHOOL DISTRICTS FOR FISCAL YEAR 2010‑2011 TO MAINTAIN A TRANSACTION REGISTER THAT RECORDS CERTAIN EXPENDED FUNDS, TO PROVIDE WHAT THE REGISTER MUST INCLUDE, TO REQUIRE SCHOOL DISTRICTS TO PUBLISH THEIR CREDIT CARD STATEMENTS ON THEIR WEBSITES, AND TO REQUIRE THE COMPTROLLER GENERAL TO PUBLISH ON ITS WEBSITE CREDIT CARD INFORMATION OF SCHOOL DISTRICTS THAT DO NOT MAINTAIN THEIR OWN WEBSITES; AND TO SUSPEND SECTION 59‑21‑1030 OF THE 1976 CODE FOR THE 2010‑2011 FISCAL YEAR.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation polled out H. 4343 favorable with amendment:

H. 4343 -- Reps. Wylie, Harrell, Cooper, Stringer, Merrill, Allen, Allison, Ballentine, Bannister, Bedingfield, Bowen, Cato, Cole, Daning, Dillard, Erickson, Forrester, Gunn, Hamilton, Hardwick, Hearn, Hiott, Horne, Huggins, Kelly, Kirsh, Littlejohn, Loftis, Millwood, Mitchell, Nanney, Norman, Owens, Parker, Scott, G.R. Smith, Sottile, Umphlett, White, Willis, T.R. Young, Lucas, Neilson, Bales, Clemmons, Weeks, Stavrinakis, Hutto and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 19 TO TITLE 55 SO AS TO ESTABLISH THE SOUTH CAROLINA AIR SERVICE INCENTIVE AND DEVELOPMENT FUND UNDER THE SOUTH CAROLINA AERONAUTICS COMMISSION TO PROVIDE GRANTS TO REGIONAL ECONOMIC DEVELOPMENT ENTITIES OR AIR SERVICE DEVELOPMENT TASK FORCES TO PROVIDE MORE FLIGHT OPTIONS, MORE COMPETITION FOR AIR TRAVEL AND MORE AFFORDABLE AIR FARES FOR THE CITIZENS OF THE REGION AND THIS STATE, AND TO PROVIDE THE SELECTION CRITERIA AND SELECTION PROCESS FOR THESE GRANTS TO BE MADE FROM FUNDS PROVIDED TO OR APPROPRIATED FOR THE FUND BY THE GENERAL ASSEMBLY.

**Poll of the Transportation Committee**

**Polled 17; Ayes 13; Nays 0; Not Voting 4**

**AYES**

Grooms Land Leatherman

McGill Rankin Verdin

Malloy Pinckney Campsen

Cleary Anderson Campbell

Peeler

**Total--13**

**NAYS**

**Total--0**

**NOT VOTING**

Ryberg Elliott Bright

Sheheen

**Total--4**

Ordered for consideration tomorrow.

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

H. 4445 -- Reps. Loftis, Norman, Merrill, Hardwick, Erickson, Wylie, Chalk, Stewart, Pinson, Bedingfield, Huggins, Frye, Clemmons, Rice, Parker, G.R. Smith, Lowe, Hiott, Allison, Allen, Anthony, Bales, Ballentine, Bannister, Barfield, Bingham, Bowen, Cato, Cole, Cooper, Crawford, Daning, Delleney, Duncan, Edge, Gambrell, Hamilton, Harrell, Hearn, Horne, Kelly, Limehouse, Littlejohn, Long, Lucas, D.C. Moss, V.S. Moss, Nanney, Owens, M.A. Pitts, Sandifer, Scott, Simrill, D.C. Smith, G.M. Smith, Spires, Stringer, Thompson, Toole, Umphlett, Viers, White, Whitmire, Willis, A.D. Young, T.R. Young and Weeks: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE.

Ordered for consideration tomorrow.

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

H. 4511 -- Reps. Clyburn, Harrison, Wylie, Bales, Brantley, Cobb‑Hunter, Ott, Hosey, Hodges, Battle, Whipper, Alexander, Gilliard, Kennedy, Skelton, Jefferson, Merrill, Frye, King, Anderson, J.R. Smith, McEachern, Mitchell, Rice, A.D. Young, J.H. Neal, Allen, Hardwick, Williams, Harrell, Clemmons, G.M. Smith, Vick, Bingham, Branham, H.B. Brown, R.L. Brown, Cooper, Dillard, Duncan, Gunn, Hart, Hayes, Hearn, Littlejohn, V.S. Moss, J.M. Neal, Neilson, Rutherford, Thompson, Weeks, White, Willis, T.R. Young and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 50 TO TITLE 11 SO AS TO ENACT THE “SOUTH CAROLINA RURAL INFRASTRUCTURE ACT”, TO ESTABLISH THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, AND TO PROVIDE FOR ITS GOVERNANCE, POWERS, AND DUTIES; TO AUTHORIZE THE AUTHORITY TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE TO A MUNICIPALITY, COUNTY, SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT, AND A PUBLIC WORKS COMMISSION TO FINANCE RURAL INFRASTRUCTURE FACILITIES; TO ALLOW STATE APPROPRIATIONS, GRANTS, LOAN REPAYMENTS, AND OTHER AVAILABLE AMOUNTS TO BE CREDITED TO THE FUND OF THE AUTHORITY; TO AUTHORIZE LENDING TO AND BORROWING BY ELIGIBLE ENTITIES THROUGH THE AUTHORITY.

Ordered for consideration tomorrow.

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

H. 4514 -- Rep. Cooper: A BILL TO AMEND SECTION 12‑44‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE THE DEFINITION OF “TERMINATION DATE”; AND TO AMEND SECTION 12‑6‑590, AS AMENDED, RELATING TO TREATMENT OF “S” CORPORATIONS FOR TAX PURPOSES, SO AS TO PROVIDE THAT A SPECIFIED AMOUNT OF INCOME TAXES PAID BY RESIDENT AND NONRESIDENT SHAREHOLDERS OF CERTAIN “S” CORPORATIONS MUST BE DEPOSITED INTO A SPECIAL FUND AND DISTRIBUTED BY THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT AS GRANTS FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS, WHICH DIRECTLY SUPPORT THE PROJECTS, AND TO PROVIDE FOR GUIDELINES TO ADMINISTER THE FUND AND APPLICATIONS FOR THE GRANTS.

Ordered for consideration tomorrow.

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

H. 4585 -- Reps. Cooper, Harrell, Hardwick, Hearn, T.R. Young, Horne, Parker, Allison, Umphlett, Wylie, Erickson, Viers, Clemmons, Gunn and Barfield: A JOINT RESOLUTION EXTENDING THE DEADLINE FOR THE DATE OF THE REPORT AND RECOMMENDATIONS OF THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION (TRAC) FROM MARCH 15, 2010, TO NOVEMBER 15, 2010, AND PROVIDING THAT THE COMMISSION’S REPORT WITH REGARD TO AD VALOREM TAXES MAY EXTEND TO ALL CONSTITUTIONAL AND STATUTORY PROVISIONS PERTINENT TO THE IMPOSITION OF AD VALOREM TAXES.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., March 23, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

H. 3442 -- Reps. Bingham, Harrell, Duncan, Harrison, Owens, Toole, Merrill, Brady, E.H. Pitts, G.M. Smith, Daning, Haley, Huggins, Cato, Ballentine, D.C. Smith, J.R. Smith, Rice, T.R. Young, Horne, Wylie, Bedingfield, Clemmons, Bales, Lucas, Neilson, Long, J.M. Neal and M.A. Pitts: 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.

asks for a Committee of Conference, and has appointed Reps. Bingham, Sandifer and Battle to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**H. 3442--CONFERENCE COMMITTEE APPOINTED**

H. 3442 -- Reps. Bingham, Harrell, Duncan, Harrison, Owens, Toole, Merrill, Brady, E.H. Pitts, G.M. Smith, Daning, Haley, Huggins, Cato, Ballentine, D.C. Smith, J.R. Smith, Rice, T.R. Young, Horne, Wylie, Bedingfield, Clemmons, Bales, Lucas, Neilson, Long, J.M. Neal and M.A. Pitts: 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.

Whereupon, Senators SETZLER, RANKIN and RYBERG were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., March 23, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3707 -- Reps. T.R. Young, Cato, Cobb‑Hunter, Toole, Ott, Cooper, Gambrell, Bowen, Agnew, McLeod, J.H. Neal, Gunn, Hayes, Stewart, Thompson, White, Duncan, D.C. Moss, H.B. Brown, Knight, Frye, Spires, Neilson, Vick, Hutto, Sellers and Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑41‑235 SO AS TO REQUIRE MOTOR FUEL TERMINALS TO OFFER FOR SALE PRODUCTS THAT ARE SUITABLE FOR SUBSEQUENT BLENDING EITHER WITH ETHANOL OR BIODIESEL; TO PROHIBIT A PERSON OR ENTITY FROM TAKING AN ACTION TO DENY A MOTOR FUEL DISTRIBUTOR OR RETAILER FROM BEING THE BLENDER OF RECORD; TO REQUIRE MOTOR FUEL DISTRIBUTORS, RETAILERS, AND REFINERS TO UTILIZE THE RENEWABLE IDENTIFICATION NUMBER; AND TO DECLARE VIOLATIONS AN UNFAIR TRADE PRACTICE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., March 23, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4551 -- Reps. Sandifer, Thompson, Bedingfield, Hayes, Brady, Mack, Harrell, Cato, Ott, Harrison, Duncan, J.R. Smith, White, Cooper, Hutto, Horne, Cobb‑Hunter, Anderson, Hodges, Harvin, Skelton, Gunn and Bales: A BILL TO AMEND SECTION 23‑47‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITION OF TERMS ASSOCIATED WITH THE PUBLIC SAFETY COMMUNICATIONS CENTER, SO AS TO REVISE THE DEFINITION OF SEVERAL EXISTING TERMS AND TO PROVIDE DEFINITIONS FOR SEVERAL NEW TERMS; TO AMEND SECTION 23‑47‑20, AS AMENDED, RELATING TO 911 SYSTEM SERVICE REQUIREMENTS, SO AS TO DELETE “A CAPABILITY TO HAVE CELLULAR PHONES ROUTED TO 911” AS A SYSTEM REQUIREMENT AND TO ADD “ROUTING AND CAPABILITIES TO RECEIVE AND PROCESS CMRS SERVICE AND VOIP SERVICE CAPABLE OF MAKING 911 CALLS” AS A SYSTEM REQUIREMENT; TO AMEND SECTION 23‑47‑50, RELATING TO SUBSCRIBER BILLING OR 911 SERVICE, SO AS TO PROVIDE THAT FOR THE BILLING OF 911 CHARGES FOR LOCAL EXCHANGE ACCESS FACILITIES THAT ARE CAPABLE OF SIMULTANEOUSLY CARRYING FIVE OR MORE OUTGOING 911 VOICE CALLS, TO REVISE THE 911 CHARGE THAT PREPAID WIRELESS TELECOMMUNICATIONS SERVICE IS SUBJECT TO AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 23‑47‑65, RELATING TO THE CMRS EMERGENCY TELEPHONE ADVISORY COMMITTEE, SO AS TO REVISE THE NAME OF THE COMMITTEE AND ITS MEMBERSHIP, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THE COMMITTEE AND THE STATE BUDGET AND CONTROL BOARD ARE AUTHORIZED TO REGULATE PREPAID WIRELESS SELLERS; BY ADDING SECTION 23‑47‑67 SO AS TO IMPOSE A VOIP 911 CHARGE ON EACH LOCAL EXCHANGE ACCESS FACILITY, AND TO PROVIDE FOR THE COLLECTION OF THE CHARGE AND ITS DISTRIBUTION; BY ADDING SECTION 23‑47‑68 SO AS TO IMPOSE A PREPAID WIRELESS 911 CHARGE, AND TO PROVIDE FOR ITS COLLECTION AND DISTRIBUTION; BY ADDING SECTION 23‑47‑69 SO AS TO LIMIT THE CHARGES THAT MAY BE IMPOSED FOR 911 SERVICE; AND TO AMEND SECTION 23‑47‑70, RELATING TO LIABILITY FOR DAMAGES THAT MAY OCCUR FROM A GOVERNMENTAL AGENCY PROVIDING 911 SERVICE, SO AS TO PROVIDE FOR LIABILITY WHEN 911 SERVICE IS PROVIDED AND WHEN IT IS NOT PROVIDED PURSUANT TO TARIFFS ON FILE WITH THE PUBLIC SERVICE COMMISSION AND TO MAKE A TECHNICAL CHANGE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., March 24, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3170 -- Reps. Gunn, Wylie, Hart, Loftis, R.L. Brown, Whipper and King: A JOINT RESOLUTION TO CREATE THE JOINT ELECTRONIC HEALTH INFORMATION STUDY COMMITTEE TO EXAMINE THE FEASIBILITY OF INCREASING THE USE OF HEALTH INFORMATION TECHNOLOGY AND ELECTRONIC PERSONAL HEALTH RECORDS, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY BEFORE FEBRUARY 15, 2011, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCES**

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

S. 1273 -- Senator Leatherman: A CONCURRENT RESOLUTION TO RECOGNIZE THE WEEK OF MARCH 22-27, 2010, AS “CONNECT A MILLION MINDS WEEK” WHEN TIME WARNER CABLE WILL INTRODUCE A HANDS-ON INTERACTIVE CURRICULUM TO SHOWCASE THE DIGITAL WORLD OF TECHNOLOGY FOR MIDDLE SCHOOL STUDENTS.

S. 1280 -- Senators McConnell, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McGill, Mulvaney, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO EXTEND THE WARMEST CONGRATULATIONS OF THE SENATE TO OUR FRIEND, THE HONORABLE SEBASTIAN PHILLIP LENSKI, FOR HIS DISTINGUISHED SERVICE TO THE SENATE, UPON HIS ELECTION AS JUDGE OF THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT, AND TO WISH HIM THE VERY BEST IN HIS NEW ENDEAVOR.

S. 1286 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, 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, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO COMMEND GEORGE GLYMPH, RETIRED HEAD BASKETBALL COACH OF COLUMBIA’S EAU CLAIRE HIGH SCHOOL, FOR HIS OUTSTANDING CAREER ACCOMPLISHMENTS, AND TO RECOGNIZE HIM UPON THE DEDICATION OF THE EAU CLAIRE HIGH SCHOOL GEORGE GLYMPH ARENA, NAMED IN HIS HONOR.

S. 1292 -- Senator Alexander: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 14, 2010, AT 12:00 NOON, AS THE TIME FOR ELECTING SUCCESSOR MEMBERS TO THE SOUTH CAROLINA CONSUMER AFFAIRS COMMISSION FOR SEATS 1, 2, 3, AND 4 WHOSE TERMS HAVE EXPIRED.

S. 1293 -- 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 COMMEND THE SOUTH CAROLINA PIER TEAM, INC., FOR SPONSORING THE FIRST‑EVER SOUTH CAROLINA EMERGENCY MEDICAL MEMORIAL BIKE RIDE.

S. 1295 -- Senators Ryberg, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO DECLARE APRIL 18‑24, 2010, AS “SOUTH CAROLINA GOLF WEEK”.

S. 1304 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BETTY HORTON SLADE OF KERSHAW COUNTY, UPON THE OCCASION OF HER RETIREMENT AFTER TWENTY‑EIGHT YEARS OF DEDICATED SERVICE AS CAMDEN CITY CLERK, AND TO WISH HER SUCCESS IN ALL HER FUTURE ENDEAVORS.

**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. 4698 -- Rep. J.R. Smith: A BILL TO AMEND SECTION 7‑7‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN AIKEN COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND 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 BILL RETURNED**

The following House Bill was read the third time and ordered returned to the House with amendments:

H. 3720 -- Rep. Clemmons: A BILL TO AMEND SECTION 15‑9‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SERVICE ON UNKNOWN PARTIES BY PUBLICATION IN CERTAIN ACTIONS CONCERNING REAL PROPERTY, SO AS TO PROVIDE FOR SERVICE OF ALL COURT‑REQUIRED DOCUMENTS BY PUBLICATION AND, FURTHER, IN AN ACTION INVOLVING MULTIPLE UNITS IN A SINGLE HORIZONTAL PROPERTY REGIME, FOR SERVICE BY PUBLICATION BY CONSOLIDATING THE SERVICES INTO A SINGLE SERVICE THAT IDENTIFIES EACH APARTMENT INCLUDED IN THE ACTION BASED ON THE APARTMENT’S DESCRIPTION IN THE MASTER DEED.

**THIRD READING BILLS**

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

S. 1014 -- Senators Jackson, Rose and Ford: A BILL TO AMEND SECTION 33‑31‑1402, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISSOLUTION OF NONPROFIT CORPORATIONS BY DIRECTORS, MEMBERS, AND THIRD PERSONS, SO AS TO PROVIDE THAT BEFORE THE SECRETARY OF STATE MAY ACCEPT FOR FILING ARTICLES OF DISSOLUTION OF AN EXISTING NONPROFIT RELIGIOUS OR CHARITABLE ORGANIZATION EXECUTED BY A PERSON AUTHORIZED BY THIS SECTION TO TAKE SUCH ACTION, THE SECRETARY OF STATE SHALL REQUIRE THIS PERSON TO ATTACH AN AFFIDAVIT TO THE FILING WHERE THE PERSON UNDER OATH SUBJECT TO A PENALTY OF PERJURY CERTIFIES THAT HE HOLDS THE REQUISITE AUTHORITY TO TAKE SUCH ACTION.

S. 1261 -- Senator Cromer: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CUTTING OF TIMBER ON LANDS HELD BY THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO MAKE TECHNICAL CORRECTIONS; TO DELETE OBSOLETE REFERENCES; TO REQUIRE THE DEPARTMENT TO COORDINATE THE CUTTING AND SALE OF SUCH TIMBER WITH THE STATE FORESTER, RATHER THAN TO SUBMIT THE MATTER TO THE STATE FORESTER FOR APPROVAL; TO PROVIDE THAT LAND OWNED BY THE DEPARTMENT THAT WAS PREVIOUSLY USED FOR AGRICULTURE OR MANAGED FOREST LAND MUST BE MANAGED TO PROVIDE OPTIMUM FISH AND WILDLIFE HABITAT AND TIMBER PRODUCTION; TO REVISE PROCEDURES FOR ADVERTISING FOR BIDS ON THE TIMBER; TO PROVIDE PROCEDURES FOR THE HARVEST AND SALE OF TIMBER IF AN EMERGENCY OR NATURAL DISASTER OCCURS NECESSITATING IMMEDIATE HARVESTING OF TIMBER; TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT, RATHER THAN THE BOARD, TO EXECUTE DEEDS AND CONTRACTS REQUIRED IN CARRYING OUT THIS ARTICLE; AND TO PROVIDE THAT, UNLESS OTHERWISE PROVIDED FOR, THE PROCEEDS OF THESE TIMBER SALES MUST CONTINUE TO BE CREDITED TO THE FISH AND WILDLIFE PROTECTION FUND.

**AMENDED, READ THE THIRD TIME**

S. 962 -- Senators Knotts and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑5‑115 SO AS TO PROVIDE THE CONDITIONS UPON WHICH A DEPUTY CORONER MAY ENFORCE THE LAWS AND ORDINANCES OF THIS STATE AND ITS POLITICAL SUBDIVISIONS.

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

There was no objection.

**Motion Under Rule 26B**

Senator KNOTTS asked unanimous consent to make a motion to take up a further amendment pursuant to the provisions of Rule 26B.

There was no objection.

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

Senators KNOTTS and MASSEY proposed the following amendment (962R002.JMK), which was adopted:

Amend the bill, as and if amended, page 1, by striking Section 1 and inserting:

/ “Section 17-5-115. (A) A person appointed by a coroner to the position of deputy coroner may, at the discretion of the coroner, attend the South Carolina Criminal Justice Academy to be trained and certified as a Class III officer.

(B) A law enforcement officer, as defined by Section 23-23-10(E)(1), who is certified by the South Carolina Law Enforcement Training Council and appointed to serve as a deputy coroner may, at the discretion of the coroner, retain law enforcement status as a Class III officer.

(C) The classification is limited to the deputy coroner’s official duties as provided by law and does not authorize the officer to enforce the state’s general criminal laws.” /

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

The amendment was adopted.

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

**SECOND READING BILLS**

The following Bill and Joint Resolutions, having been read the second time, were ordered placed on the Third Reading Calendar:

S. 348 -- Senators Fair, Sheheen, S. Martin, Lourie, Shoopman, Knotts and Rose: A BILL TO AMEND SECTION 16‑3‑95, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INFLICTION OF GREAT BODILY INJURY UPON A CHILD, SO AS TO PROVIDE A MINIMUM TERM OF IMPRISONMENT OF TWO YEARS FOR A PERSON WHO IS CONVICTED OF THIS OFFENSE AND WHO IS REGISTERED WITH OR LICENSED BY THE DEPARTMENT OF SOCIAL SERVICES PURSUANT TO CHILDCARE FACILITIES LICENSURE REQUIREMENTS; TO PROVIDE THAT NO PORTION OF THE SENTENCE MAY BE SUSPENDED; AND BY ADDING SECTION 63‑13‑825 SO AS TO REQUIRE FAMILY CHILDCARE OPERATORS AND CAREGIVERS ANNUALLY TO COMPLETE A MINIMUM OF TWO HOURS OF TRAINING APPROVED BY THE DEPARTMENT OF SOCIAL SERVICES.

H. 4531 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4070, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

H. 4692 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS; DEFINITIONS AND GENERAL REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4085, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CLEARY explained the Joint Resolution.

H. 4693 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4080, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CLEARY explained the Joint Resolution.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 965 -- Senators Sheheen and Elliott: A BILL TO AMEND SECTION 40‑47‑760 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE ACUPUNCTURE ACT OF SOUTH CAROLINA, TO ADD PHYSICIANS TRAINED TO PERFORM ACUPUNCTURE TO THE LIST OF EXEMPTIONS.

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

The Committee on Medical Affairs proposed the following amendment (965R002.VAS), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 34 - 37 and inserting:

/ (3) the practice of acupuncture by a physician, as defined in Section 40‑47‑20(35), who has successfully completed an acupuncture program which has been approved by the board.” /

Renumber sections to conform.

Amend title to conform.

The committee 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**

**SECOND READING RECONSIDERED**

**RETURNED TO THE SECOND READING CALENDAR**

S. 1128 -- Senators Peeler and Shoopman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71‑225 SO AS TO ESTABLISH CERTAIN REQUIREMENTS FOR ISSUING MEDICARE SUPPLEMENT POLICIES, INCLUDING, BUT NOT LIMITED TO, PROHIBITING SUCH POLICIES FROM DUPLICATING BENEFITS PROVIDED BY MEDICARE; PROHIBITING EXCLUSION OF OR LIMITING BENEFITS FOR LOSSES INCURRED MORE THAN SIX MONTHS FROM THE EFFECTIVE DATE OF COVERAGE BECAUSE IT INVOLVED A PREEXISTING CONDITION; TO REQUIRE THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS ESTABLISHING SPECIFIC STANDARDS FOR MEDICARE SUPPLEMENT POLICY PROVISIONS AND MINIMUM STANDARDS FOR BENEFITS, CLAIMS PAYMENT, MARKETING PRACTICES AND TO CONFORM SUCH POLICIES TO FEDERAL REQUIREMENTS; TO REQUIRE INSURERS OFFERING MEDICARE SUPPLEMENT POLICIES TO PERSONS SIXTY‑FIVE YEARS OF AGE AND OLDER TO ALSO OFFER SUCH POLICIES TO PERSONS WHO ARE ENROLLED IN MEDICARE BECAUSE OF DISABILITY OR END‑STAGE RENAL DISEASE; TO PROVIDE ENROLLMENT TIME REQUIREMENTS; TO PROVIDE THAT CERTAIN THIRD PARTY PAYMENTS MAY NOT BE PROHIBITED; AND TO SPECIFY THAT PREMIUM DIFFERENCES CHARGED PERSONS RECEIVING MEDICARE UNDER DIFFERENT ELIGIBILITY CRITERIA MUST NOT BE EXCESSIVE, INADEQUATE, OR UNFAIRLY DISCRIMINATORY.

Senator HAYES 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 adoption of the amendment proposed by the Committee on Banking and Insurance.

The Committee on Banking and Insurance proposed the following amendment (NBD\12040AC10), which was adopted:

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

/SECTION 1. Article 1, Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38‑71‑225. (A) No Medicare supplement policy or certificate may contain benefits that duplicate benefits provided by Medicare.

(B) Notwithstanding any other provision of law, a Medicare supplement policy or certificate must not exclude or limit benefits for losses incurred more than six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate must not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

(C) The department shall promulgate reasonable regulations to establish specific standards for policy provisions of Medicare supplement policies and certificates. These standards must be in addition to and in accordance with applicable laws of this State. No requirement of this title relating to minimum required policy benefits, other than the minimum standards contained in this section or promulgated pursuant to this section, apply to Medicare supplement policies and certificates. The standards may cover, but are not limited to:

(1) terms of renewability;

(2) initial and subsequent conditions of eligibility;

(3) nonduplication of coverage;

(4) probationary periods;

(5) benefit limitations, exceptions, and reductions;

(6) elimination periods;

(7) requirements for replacement;

(8) recurrent conditions; and

(9) definitions of terms.

(D) The department shall promulgate regulations to establish minimum standards for benefits, claims payment, marketing practices, compensation arrangements, and reporting practices for Medicare supplement policies and certificates.

(E) The department may promulgate regulations necessary to conform Medicare supplement policies and certificates to the requirements of federal law and regulations promulgated under federal law, including, but not limited to:

(1) requiring refunds or credits if the policies or certificates do not meet loss ratio requirements;

(2) establishing a uniform methodology for calculating and reporting loss ratios;

(3) assuring public access to policies, premiums, and loss ratio information of issuers of Medicare supplement insurance;

(4) establishing a process for approving or disapproving policy forms, certificate forms, and proposed premium increases;

(5) establishing a policy for holding public hearings prior to approval of premium increases; and

(6) establishing standards for Medicare select policies and certificates.

(F) The department may promulgate regulations that specify prohibited policy provisions not otherwise specifically authorized by statute which, in the opinion of the director, are unjust, unfair, or unfairly discriminatory to an applicant or individual covered under a Medicare supplement policy or certificate.

(G) An issuer of Medicare supplement policies or certificates shall offer coverage under any Medicare supplement policy or certificate to individuals under sixty‑five years of age who are eligible for and enrolled in Medicare by reason of disability or end‑stage renal disease. Except as otherwise provided in this section and regulations promulgated under this section, all benefits, protections, policies, and procedures that apply to individuals sixty‑five years of age or older also must apply to individuals under sixty‑five years of age who are eligible for and enrolled in Medicare by reason of disability or end‑stage renal disease.

(H)(1) An issuer of Medicare supplement policies and certificates shall offer the opportunity of enrolling in a Medicare supplement policy or certificate, without conditioning the issuance or effectiveness of the policy or certificate on, and without discriminating in the pricing of the policy or certificate because of, the health status, claims experience, receipt of health care, or medical condition of an applicant, to:

(a) any individual who is sixty‑five years of age or older, or under sixty‑five years of age and eligible for Medicare by reason of disability or end‑stage renal disease, upon the request of the individual during the six-month period beginning with the first month in which the individual has attained sixty‑five years of age and is enrolled in Medicare Part B or is eligible for Medicare by reason of disability or end‑stage renal disease and is enrolled in Medicare Part B;

(b) any individual who is sixty‑five years of age or older, or under sixty‑five years of age and eligible for Medicare by reason of disability or end‑stage renal disease, and who is enrolled in Medicare Part B upon the request of the individual during the six-month period following termination of coverage under a policy or certificate of:

(i) group health insurance;

(ii) employer‑sponsored Medicare supplement insurance; or

(iii) Medicare Advantage plan; or

(c) any individual who is sixty‑five years of age or older, or under sixty‑five years of age and eligible for Medicare by reason of disability or end‑stage renal disease, who has been retroactively enrolled in Medicare Part B due to a retroactive eligibility decision made by the Social Security Administration upon the request of the individual during the six-month period beginning with the date of the individual’s receipt of the retroactive eligibility decision.

(2) An issuer of Medicare supplement policies and certificates shall offer the opportunity of enrolling in a Medicare supplement policy or certificate pursuant to the provisions of subitem (1) for a six-month period beginning January 1, 2011, in the case of an individual who:

(a) is under sixty‑five years of age and is eligible for Medicare by reason of disability or end‑stage renal disease;

(b) is otherwise eligible under subitem (1); and

(c) first enrolled in Medicare Part B prior to January 1, 2011.

(I) At the option of the applicant for or individual covered under a Medicare supplement policy or certificate, all or a portion of the premiums may be paid to the issuer of the policy or certificate by a third party on behalf of the applicant or individual.

(J) Premium rates for Medicare supplement policies and certificates may differ between individuals sixty‑five years of age or older who are enrolled in Medicare and individuals under sixty‑five years of age who are eligible for and enrolled in Medicare by reason of disability or end‑stage renal disease. Benefits provided in a Medicare supplement policy or certificate must be reasonable in relation to the premiums charged.”

SECTION 2. Section 38‑71‑530 of the 1976 Code is amended by adding:

“(c) Individual Medicare supplement policies must comply with the provisions of Section 38‑71‑225 and regulations promulgated under Section 38-71-225.”

SECTION 3. Section 38‑71‑730(6) of the 1976 Code is amended as follows:

“(6) A group policy or subscriber contract of accident and health insurance which is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare must equal, and may exceed, the minimum standards for group Medicare supplement policies and certificates as contained in Section 38‑71‑225 and regulations promulgated ~~by the department~~ under Section 38-71-225.”

SECTION 4. 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.

**S. 1128--Second Reading Reconsidered**

Having voted on the prevailing side, Senator HAYES moved to reconsider the vote whereby the Senate gave second reading to the Bill.

There was no objection.

The Senate reconsidered second reading of the Bill and it was ordered returned to the second reading Calenda, as amended.

**ADOPTED**

H. 4656 -- Reps. Stringer, 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, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, MARCH 17, 2010, HEMOPHILIA AWARENESS DAY IN SOUTH CAROLINA IN ORDER TO EDUCATE CITIZENS ABOUT THE EFFECTS OF HEMOPHILIA.

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

**COMMITTEE AMENDMENT ADOPTED**

**CONCURRENT RESOLUTION ADOPTED**

**RETURNED TO THE HOUSE AS AMENDED**

H. 4575 -- Rep. D.C. Moss: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 5 IN YORK COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO THE YORK‑CHEROKEE COUNTY LINE THE “REPRESENTATIVE ARTHUR LINDSAY BLACK MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “REPRESENTATIVE ARTHUR LINDSAY BLACK MEMORIAL HIGHWAY”.

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

The Committee on Transportation proposed the following amendment (NBD\12070AC10), which was adopted:

Amend the concurrent resolution, as and if amended, by striking all after the resolving words and inserting:

/That the members of the General Assembly request that the Department of Transportation name the portion of South Carolina Highway 5 in York County from its intersection with United States Highway 321 to the York‑Cherokee County line the “Representative A. L. Black Highway” and erect appropriate markers or signs along this portion of highway that contain the words “Representative A. L. Black Highway”./

Amend the concurrent resolution, further, by amending the title to read:

/TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 5 IN YORK COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO THE YORK‑CHEROKEE COUNTY LINE THE “REPRESENTATIVE A. L. BLACK HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “REPRESENTATIVE A. L. BLACK HIGHWAY”./

Renumber sections to conform.

Amend title to conform.

Senator PEELER explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Concurrent Resolution was adopted and ordered returned to the House with amendments.

**CARRIED OVER**

H. 4015 -- Rep. Barfield: A BILL TO AMEND SECTION 50‑5‑1540, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NET PLACEMENTS, SO AS TO REDUCE THE MINIMUM DISTANCE REQUIRED BETWEEN NETS ON THE LITTLE PEE DEE RIVER FROM SIX HUNDRED FEET TO SEVENTY‑FIVE FEET.

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

S. 812 -- Senators S. Martin, Shoopman, Grooms, Bryant, Bright, Davis and Rose: A BILL TO PROVIDE THAT THE PARENT OR LEGAL GUARDIAN OF A STUDENT RESIDING IN SPARTANBURG OR UNION COUNTY AND ATTENDING SCHOOL IN SPARTANBURG OR UNION COUNTY AS A NON-RESIDENT MUST ARRANGE FOR THE STUDENT TO ATTEND A SCHOOL IN THE COUNTY RATHER THAN THE SCHOOL AUTHORITIES IN THE CHILD’S COUNTY OF RESIDENCE; AND TO PROVIDE THAT THE SCHOOL BOARD OF TRUSTEES FOR THE SCHOOL DISTRICT IN WHICH A CHILD IN SPARTANBURG OR UNION COUNTY RESIDES MAY NOT PREVENT A STUDENT FROM TRANSFERRING TO ANOTHER SCHOOL DISTRICT IN SPARTANBURG OR UNION COUNTY IF THE RECEIVING SCHOOL DISTRICT APPROVES THE TRANSFER.

On motion of SHANE MARTIN, the Bill was carried over.

**Motion Adopted**

On motion of Senator RYBERG, with unanimous consent, Senators SETZLER, RANKIN and RYBERG were granted leave to attend a committee of conference, be counted in any quorum calls and be granted leave to vote from the balcony.

**Motion Adopted**

Senator McCONNELL asked unanimous consent to make a motion that the Senate take up H. 3245 for immediate consideration, remove the Minority Report, consider any amendments on the Bill, allowing for debate on the Bill for no more than thirty minutes on an uncontested basis and that, if the Bill became contested, the Minority Report would be reinstated on the Bill and the Bill would revert to being on the contested Calendar.

There was no objection.

**MINORITY REPORT REMOVED, AMENDED**

**READ THE SECOND TIME**

H. 3245 -- Reps. Delleney, Nanney, Simrill, G.R. Smith, G.M. Smith, Lucas, Cooper, Stringer, Parker, Allison, Pinson, Hamilton, Erickson, J.R. Smith, Clemmons, Bedingfield, E.H. Pitts, Owens, Rice, Hiott, Littlejohn, Stewart, Viers, Willis, Loftis, Toole, Wylie, Vick, Millwood, Haley, Duncan, Ballentine, Frye and Barfield: A BILL TO AMEND SECTION 44‑41‑330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, AMONG OTHER THINGS, TO PREREQUISITES TO PERFORMING AN ABORTION, SO AS TO PROVIDE THAT IF AN ULTRASOUND IS PERFORMED, AN ABORTION MUST NOT BE PERFORMED SOONER THAN TWENTY‑FOUR HOURS, RATHER THAN SIXTY MINUTES, FOLLOWING THE COMPLETION OF THE ULTRASOUND, TO REQUIRE THE WOMAN TO BE INFORMED OF THE PROCEDURE TO BE INVOLVED AND THE PROBABLE GESTATIONAL AGE OF THE EMBRYO OR FETUS, AND TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED SOONER THAN TWENTY‑FOUR HOURS, RATHER THAN ONE HOUR, AFTER THE WOMAN RECEIVES CERTAIN WRITTEN MATERIALS.

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

There was no objection.

On motion of Senator McCONNELL, with unanimous consent, the Minority Report was removed from the Bill.

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

**Amendment No. 15**

Senators BRYANT, FAIR, GROOMS, VERDIN, CAMPBELL, and BRIGHT proposed the following Amendment No. 15 (3245R005.KLB), which was adopted:

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

/ SECTION 1. Section 44‑41‑330 (A), (B), (C), and (D) of the 1976 Code is amended to read:

“Section 44-41-330. (A) Except in the case of a medical emergency and in addition to any other consent required by the laws of this State, no abortion may be performed or induced unless the following conditions have been satisfied:

(1)(i) At least twenty-four hours prior to an abortion, the woman must be notified of the following in writing: ‘You have the right to review written materials prepared by the State of South Carolina which describe fetal development, explain how the gestational age of her embryo of fetus is calculated, list agencies which offer alternatives to abortion, list healthcare providers, facilities, or clinics that perform ultrasounds free of charge, and describe medical assistance benefits which may be available for prenatal care, childbirth, and neonatal care. You have the right to an ultrasound prior to an abortion and to view your ultrasound image.’

(ii) If the woman chooses to exercise her right to an obstetric ultrasound prior to an abortion, then no abortion procedure may be performed or induced until at least twenty four hours has elapsed since the completion of that ultrasound. An ultrasound performed pursuant to this item must be used to at least verify the probable gestational age of the embryo or fetus and the woman must be informed of the probable gestational age of the embryo or fetus by the person performing the ultrasound. However, the verification of probable gestational age required by this subitem does not satisfy the requirement in item (2) of this subsection. If the ultrasound is performed by a healthcare provider, facility, or clinic that offers to perform ultrasounds free of charge, information concerning the probable gestational age of the embryo or fetus and any images produced may only be provided to the woman choosing to have the ultrasound.

(iii) The certification required by subitem (3) related to an ultrasound performed pursuant to this item and any image produced from an ultrasound performed pursuant to this item may not be used for or relied upon for any purpose other than to establish the date and time that an ultrasound was performed. A healthcare provider, facility, or clinic that performs an ultrasound free of charge as provided in this subitem may not be held liable for any injuries or damages that arise from the misuse of the certification required by subitem (3) of this section. Providing ultrasounds pursuant to this item may not be the basis for any new or additional regulation of the healthcare provider, facility, or clinic performing the ultrasound.

(2) The woman must be informed by the physician who is to perform or induce the abortion or by an allied health professional working in conjunction with the physician of the procedure to be involved and by the physician who is to perform or induce the abortion of the probable gestational age of the embryo or fetus at the time the abortion is to be performed or induced. Whether or not she exercises her right to an ultrasound as provided in item (1)(ii), the physician who is to perform or induce the abortion or an allied health professional may perform any medical procedure necessary to aid the safe performance or inducement of the abortion or to provide the woman information required by this subitem. Medical procedures performed pursuant to this subitem do not subject the woman to any further waiting period. ~~If an ultrasound is performed, an abortion may not be performed sooner than sixty minutes following completion of the ultrasound. The physician who is to perform the abortion or an allied health professional working in conjunction with the physician must inform the woman before the ultrasound procedure of her right to view the ultrasound image at her request during or after the ultrasound procedure.~~

~~(2)~~ ~~The woman must be presented by the physician who is to perform the abortion or by an allied health professional working in conjunction with the physician a written form containing the following statement: “You have the right to review printed materials prepared by the State of South Carolina which describe fetal development, list agencies which offer alternatives to abortion, and describe medical assistance benefits which may be available for prenatal care, childbirth, and neonatal care. You have the right to view your ultrasound image.” This form must be signed and dated by both the physician who is to perform the procedure and the pregnant woman upon whom the procedure is to be performed.~~

(3) The woman must certify in writing, before the abortion, that the information described in item (1) of this subsection has been furnished to her, that she has been informed of her right to have an ultrasound prior to the abortion, that she has been informed that she has a right to view images produced during that ultrasound, and that she has been informed of her opportunity to review the information referred to in item (1) of this section. The certification must also indicate whether the woman chose to exercise her right to an ultrasound prior to the abortion. If she chose to exercise her right to an ultrasound prior to the abortion, the woman must also certify that at least twenty four hours has elapsed since the ultrasound procedure was completed.

(4) Before performing or inducing the abortion, the physician who is to perform or induce the abortion must determine that the written certification prescribed by item (3) of this subsection or the certification required by subsection (C) or (D) has been signed. This subsection does not apply in the case where an abortion is performed or induced pursuant to a court order.

(B) Nothing herein limits ~~the information provided by~~ the physician who is to perform or induce the abortion or allied health professional from providing to the ~~person~~ woman ~~upon whom the abortion procedure is to be performed~~ any additional information beyond that required to be provided by this section.

(C) In cases where the information described in item (A)(1) are provided in person to the woman by the clinic or other facility where the abortion is to be performed or induced, no ~~No~~ abortion may be performed or induced sooner than ~~one hour~~ twenty-four hours after the woman receives the written materials and certifies this fact to the physician or the physician’s agent.

(D) If the clinic or other facility where the abortion is to be performed or induced mails or electronically transmits the information described in ~~Section 44-41-10,~~ item (A)(1), in written form, to the woman ~~upon whom the abortion is to be performed or induced~~ or if the woman obtains the information at the county health department or downloads the information from the Department of Health and Environmental Control’s Internet website and if the woman ~~verifies~~ certifies in writing, before the abortion, that the printed materials were received by her more than ~~one hour~~ twenty-four hours before the abortion is scheduled to be performed or induced, that the information described in item (A)(1) has been provided to her, that she has been informed of her right to have an ultrasound prior to the abortion, and that she has been informed that she has a right to view images produced during that ultrasound, ~~and that she has been informed of her opportunity to review the information referred to in item (A)(2)~~, then the abortion may be performed or induced twenty-four hours after the time the woman certifies as being when she received all the required information ~~waiting period required pursuant to subsection (C) does not apply~~.”

SECTION 2. Amend Section 44-41-340(A) to include appropriately numbered new subitems to read:

“( ) a list of healthcare providers, facilities, and clinics that offer to perform ultrasounds free of charge. The list must be arranged geographically and shall include the name, address, hours of operation, and telephone number of each entity listed. A healthcare provider, facility, or clinic that would like to be included on this list may contact the department and provide the required information. The department must update this list annually before September first;

( ) a plainly worded explanation of how a woman may calculate the gestational age of her embryo or fetus;

( ) a scientifically accurate statement concerning the contribution that each parent makes to the genetic constitution of their biological child;

( ) forms for notifications, certifications, and verifications required by Section 44-41-330.”

SECTION 3. Amend Section 44-41-340 by adding an appropriately numbered new subsection to read:

“(D)(1) The materials required under this section must be available on the department’s Internet website in a format suitable for downloading. The website must be capable of permitting the user to print a time and date stamped certification identifying when the materials are downloaded.

(2) The department’s Internet website must also provide a link to the Internet website maintained by healthcare providers, facilities, and clinics that offer to perform ultrasounds free of charge that have requested to be placed on the list maintained by the department.”

SECTION 4. Section 44-41-380 of the 1976 Code is amended to read:

“Section 44-41-380. If any provision, word, phrase, or clause of Article 3, Chapter 41, Title 44 of the 1976 Code ~~as added by this act [1995 Act No. 1]~~, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions, words, phrases, clauses, or applications of Article 3, Chapter 41, Title 44 which can be given effect without the invalid provision, word, phrase, clause, or application, and, to this end, the provisions, words, phrases, and clauses of Article 3, Chapter 41, Title 44 are declared to be severable.”

SECTION 5. The provisions of this act are severable. If any section, subsection, paragraph, item, subitem, 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 the act, the General Assembly hereby declaring that it would have passed 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, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. This act takes effect upon approval of the Governor./

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

The amendment was adopted.

**Amendment No. 16**

Senators HUTTO and KNOTTS proposed the following Amendment No. 16 (3245R006.CBH), which was adopted:

Amend the bill, as and if amended, page 2, after line 40 by inserting an appropriately numbered new SECTION to read:

/ SECTION \_\_\_\_. Section 44-41-320 of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) ‘Medical necessity’ means a diagnosis based on a physician’s good faith judgment that the embryo or fetus has or will inevitably suffer an intrauterine natural death.” /

Amend the bill, as and if amended, page 1, before line 33 by inserting:

/ “Section 44-41-330. (A) Except in the case of a medical emergency or medical necessity and in addition to any other consent required by the laws of this State, no abortion may be performed or induced unless the following conditions have been satisfied: /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator BRYANT argued contra to the adoption of the amendment.

The amendment was adopted.

**Statement by Senators MULVANEY, BRYANT, SHOOPMAN**

**ROSE, BRIGHT, SHANE MARTIN, DAVIS, GROOMS and**

**VERDIN**

We voted against Senator HUTTO’s amendment on H. 3245. We were swayed in large part by the experiences of Senator SHOOPMAN and his wife and by the fact that we believe that theirs was not an isolated occurrence. Those experiences reaffirm our belief that neither technology nor medical insight has progressed to the level where a single ultrasound could always determine whether an intrauterine natural death was “inevitable.” We believe that applying the 24-hour waiting period under such circumstances is an appropriate level of protection for the unborn child.

Our opposition is not a knee-jerk reaction but a studied response to what is by any measure an almost unbearable set of circumstances. If that is misconstrued by some as lacking compassion, that is a criticism we are willing to bear.

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

**H. 3245--Ordered to a Third Reading**

On motion of Senator McCONNELL, with unanimous consent, H. 3245 was ordered to receive a third reading on Thursday, March 25, 2010.

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

**Motion to Ratify Adopted**

At 3:14 P.M., Senator LARRY MARTIN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at 11:30 P.M.

There was no objection and a message was sent to the House accordingly.

**MOTION ADOPTED**

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

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

**CARRIED OVER**

S. 1054 -- Senators Pinckney, Malloy, Matthews, Anderson and Nicholson: 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.

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

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

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

**COMMITTEE AMENDMENT ADOPTED, AMENDED**

**RETURNED TO THE STATUS OF SPECIAL ORDER**

S. 2 -- Senators McConnell, Peeler, Leatherman, Sheheen, Rose, Courson, Elliott, Massey, Hayes, Davis, Bright and L. Martin: A BILL TO AMEND SECTION 11‑11‑410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IMPLEMENTATION OF THE LIMIT ON STATE SPENDING IMPOSED PURSUANT TO SECTION 7(C), ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, SO AS TO REVISE THIS LIMIT BY IMPOSING AN ANNUAL LIMIT ON THE APPROPRIATION OF STATE GENERAL FUND REVENUES BY ADJUSTING SUCH REVENUES BY A ROLLING TEN‑YEAR AVERAGE IN ANNUAL CHANGES IN GENERAL FUND REVENUES AND THE CREATION OF A SEPARATE BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT, THE REVENUES OF WHICH MUCH FIRST BE USED TO STABILIZE GENERAL FUND REVENUES AVAILABLE FOR APPROPRIATION, TO DEFINE EMERGENCIES AND TO PROVIDE FOR SUSPENSION OF THIS APPROPRIATIONS LIMIT IN EMERGENCIES, TO PROVIDE THAT A CASH BALANCE IN THE BUDGET STABILIZATION FUND IN EXCESS OF FIFTEEN PERCENT OF GENERAL FUND REVENUES OF THE MOST RECENT COMPLETED FISCAL YEAR MAY BE APPROPRIATED IN SEPARATE LEGISLATION FOR VARIOUS NONRECURRING PURPOSES, AND TO DEFINE SURPLUS GENERAL FUND REVENUES.

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

Senator LEATHERMAN was recognized to speak on the Bill.

**PRESIDENT *Pro Tempore* PRESIDES**

At 3:30 P.M., Senator McCONNELL assumed the Chair.

Senator LEATHERMAN resumed speaking on the Bill.

The Committee on Finance proposed the following amendment (2FIN004.HKL), which was adopted:

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

/ SECTION 1. Section 11‑11‑410 of the 1976 Code is amended to read:

“Section 11‑11‑410. (A) ~~State appropriations in any fiscal year may not exceed appropriations authorized by the spending limitation prescribed in this section. State appropriations subject to the spending limitation are those appropriations authorized annually in the State General Appropriation Act and acts supplemental thereto which fund general, school, and highway purposes. A statement of total ‘General, School, and Highway Revenues’ must be included in each annual General Appropriation Act. As used in this section the appropriations so limited as defined above must be those funded by ‘General, School, and Highway Revenues’ that must be defined as such in the 1985‑86 General Appropriation Act; it being the intent of this section that all additional nonfederal and nonuser fee revenue items must be included in that category as they may be created by act of the General Assembly.~~

~~(B)~~ ~~The limitation on state appropriations prescribed in subsection (A) is an amount equal to either those state appropriations authorized by the spending limit for the previous fiscal year increased by the average percentage rate of growth in state personal income for the previous three completed calendar years or nine and one‑half percent of the total personal income of the State for the calendar year ending before the fiscal year under consideration, whichever is greater. As used in this section, ‘state personal income’ means total personal income for a calendar year as determined by the Budget and Control Board or its successor based on the most recent data of the United States Department of Commerce or its successors. During the initial year this spending limit is in effect, the actual state appropriations for general, school, and highway purposes for the fiscal year 1985‑1986 must be used as the base figure for computation of the spending limitation if the average rate of growth method is used.~~

~~(C)~~ ~~The Comptroller General, or any other authorized agency, commission, or officer, may not approve or issue warrants which would allow disbursements above the amount appropriated for general fund purposes unless and until the General Assembly authorizes expenditures in excess of the limitation through procedures provided for in this article. This subsection may not apply to funds transferred from the reserve fund to the general fund.~~

~~(D)~~ ~~The Division of Research and Statistical Services of the Budget and Control Board shall annually compute and certify to the General Assembly a current figure to limit appropriations as provided in subsection (B) of this section prior to the Budget and Control Board’s submission of its recommended budget to the House Ways and Means Committee.~~

~~(E)~~ ~~Notwithstanding the provisions of subsection (A) of this section, the General Assembly may declare a financial emergency and suspend the spending limitation for any one fiscal year for a specific amount by a special vote as provided in this subsection by enactment of legislation which relates only to that matter. The authorized state appropriations for the fiscal year following the suspension must be determined as if the suspension had not occurred and, for purposes of determining subsequent limits, must be presumed to have been the maximum limit which could have been authorized if such limitation had not been suspended.~~

~~The special vote referred to in this subsection means an affirmative vote in each branch of the General Assembly by two‑thirds of the members present and voting but not less than three‑fifths of the total membership in each branch.~~

As used in this section:

(1) ‘Annual limit’ means the total of general fund revenues that may be appropriated in the immediately upcoming fiscal year for which the General Assembly is considering the annual appropriations bill. The annual limit shall be the base year amount plus seventy‑five percent of any increase in recurring general fund revenues. Any increase in recurring general fund revenues shall be calculated by subtracting the base year amount from the BEA’s February fifteenth forecast for the immediately upcoming fiscal year. The annual limit shall not be less than the base year amount.

(2) ‘Base year amount’ means the general fund revenues collected in the latest completed fiscal year, not including BSF transfers, made pursuant to subsection (C)(1) of this section.

(3) ‘BEA’ means the Board of Economic Advisors established pursuant to Article 9, Chapter 9 of Title 11, or any successor agency performing similar functions.

(4) ‘Budget Stabilization Fund’ or ‘BSF’ means a fund established in the State Treasury separate and distinct from the general fund of the State and all other funds to which must be credited automatically twenty‑five percent of any increase in recurring general fund revenues. Any increase in recurring general fund revenues shall be calculated by subtracting the base year amount from the BEA’s February fifteenth forecast for the upcoming fiscal year. The amount that must be credited is not subject to mid‑year cuts. If there is no increase in recurring general fund revenues, no funds shall be credited to the BSF. Earnings on the BSF must be credited to it and balances in the BSF carry forward in it to succeeding fiscal years.

(5) ‘Emergency’ means:

(a) the existence of an operating deficit in the general fund of the State for a completed fiscal year after the exhaustion of the Capital Reserve Fund as made in a finding by the Budget and Control Board upon sequestering the Capital Reserve Fund;

(b) a catastrophic event outside the control of the General Assembly including, but not limited to, a natural disaster, severe weather event, act of God, or act of terrorism, fire, war, or riot;

(c) compliance with an order or decree entered by a court of competent jurisdiction; and

(d) compliance with a federal statute or regulation imposing a nonfunded mandate on this State.

(6) ‘General fund revenues’ means the revenues of state‑imposed taxes and fees, earnings on investments, and miscellaneous revenues to the State accruing in the applicable fiscal year, all of which by law must be credited to the general fund of the State and used for the general operation of state government, but not including any amounts credited to the BSF. General fund revenues also include those revenues credited to the general fund of the State but which by law are required to be appropriated from the general fund of the State for a specific purpose or purposes. By way of illustration but not limitation, general fund revenues do not include revenues of taxes, user fees, other fees, or miscellaneous revenues required by law to be credited to funds in the State Treasury separate and distinct from the general fund of the State and which by law must be appropriated for some special use or uses, whether or not those uses include the general operation of state government. By way of illustration but not limitation, revenues credited to the following separate funds in the State Treasury are not general fund revenues:

(a) the General Reserve Fund and the Capital Reserve Fund established, respectively, pursuant to Section 36(A) and (B), Article III of the Constitution of this State and Sections 11‑11‑310 and 11‑11‑320;

(b) the State Highway Fund and the State Non‑Federal Aid State Highway Fund established pursuant to Section 57‑11‑20;

(c) the Education Improvement Act of 1984 Fund established pursuant to Section 59‑21‑1010(B);

(d) the Trust Fund for Tax Relief established pursuant to Section 11‑11‑150(B);

(e) the Homestead Exemption Fund established pursuant to Section 11‑11‑155; and

(f) the State Institution Bonds and State Highway Bonds Debt Service Fund established pursuant to Section 11‑11‑340.

(7) ‘OSB’ means the Office of State Budget of the State Budget and Control Board, or a successor agency performing similar functions.

(B) Except as provided in subsection (D) of this section, the General Assembly may not appropriate general fund revenues for the immediately upcoming fiscal year in an amount that totals more than the annual limit. The annual limit applies in all stages of the budget process, including the Governor’s proposed budget, and this compliance must be certified by the OSB in an addendum to the Governor’s proposed budget, the House Ways and Means Committee’s report on the annual general appropriations bill, the bill as it passes the House of Representatives, the Senate Finance Committee’s report on the bill, the bill as it passes the Senate, and the report of a conference or free conference committee on the bill. The same certification must accompany any other bill or joint resolution appropriating general fund revenues.

(C)(1) When the BEA makes or adjusts its February fifteenth forecast of state revenues, that forecast or adjustment must include a forecast or adjustment of general fund revenues as defined pursuant to subsection (A)(6) of this section, not including a BSF transfer. Also, any legislated increase or decrease in general fund revenue, as estimated by the BEA, must be added to or subtracted from the then applicable annual limit. If the forecast or adjustment of the general fund revenues is less than the annual limit and the Budget and Control Board makes mid-year cuts after the appropriation to the Capital Reserve Fund is exhausted, the Comptroller General shall transfer whatever BSF balance is available to offset as much of the mid-year cut to each agency as possible. If the balance of the BSF is not sufficient to fully restore each agency, the Comptroller General shall restore each agency as uniformly as possible. The amount transferred from the BSF shall not be more than the amount of the mid-year cut.

(2) If revenues in the General Reserve Fund established pursuant to Section 36(A), Article III of the Constitution of this State and Section 11‑11‑310 are used to offset a year‑end operating deficit, and a balance then exists in the BSF, then the Comptroller General shall transfer so much of the BSF balance as is available to the General Reserve Fund to replace revenues used from the General Reserve Fund. This transfer does not replace or supplant the minimum replenishment amount otherwise required to be made to the General Reserve Fund.

(3)(a) Cash balances in the BSF not exceeding fifteen percent of general fund revenues for the last completed fiscal year as certified by OSB may be appropriated by the General Assembly in separate legislation upon an affirmative recorded vote in the House of Representatives and the Senate by two‑thirds of the members present and voting, but not less than three‑fifths of the total membership of the House of Representatives and the Senate.

(b) Cash balances in the BSF in excess of fifteen percent of general fund revenues for the last completed fiscal year as certified by the OSB may be appropriated by the General Assembly for capital improvements, retirement of debt, non‑recurring tax rebates, and other nonrecurring purposes in separate legislation solely for that purpose receiving an affirmative majority vote in the House of Representatives and the Senate.

(D) If there is a finding of an emergency, the annual limit may be exceeded for the fiscal year, and transfers may be made from the BSF to the general fund of the State for that fiscal year. General fund revenue appropriations above the annual limit and transfers from the BSF pursuant to a finding of an emergency shall not be included in the calculation of the base year in subsequent years. An emergency exists if the General Assembly makes a finding enacted as part of the annual general appropriations act or other act or joint resolution appropriating general fund revenues which:

(1) specifies the emergency; and

(2) which is adopted by an affirmative recorded vote in the House of Representatives and the Senate.

~~(F)~~(E) In ~~any~~ a year when surplus ~~funds~~ general fund revenues are collected, ~~such revenue~~ this surplus may be appropriated by the General Assembly ~~to match funds for public education, public welfare, public health, road and highway construction, rehabilitation, replacement, or maintenance financed in part with federal participation funding or federal grants or tolls, or to accelerate the retirement of bonded indebtedness~~ in the manner, for the purposes, and at the times provided by law, or transferred to the general fund reserve~~, or tax relief or for avoiding the issuance of bonds for projects that are authorized but not issued or any combination of these purposes~~ without regard to the ~~spending~~ limitation imposed by this section. For the purposes of this section, surplus ~~funds~~ general fund revenues mean that portion of such revenues, as defined in subsection (A)(6) of this section, ~~over and above revenues authorized for appropriation in subsection (B)~~ which are available for appropriation and have not been appropriated and that are not required to becredited to the BSF.”

SECTION 2. This act becomes effective after the ratification of an amendment to Section 7(c), Article X of the Constitution of this State authorizing its terms and first applies for appropriations in the first state fiscal year beginning after general fund revenues meet or exceed general fund revenues collected in fiscal year 2006‑2007. Prior to this act taking effect, the unamended version of Section 11‑11‑410 of the 1976 Code continues to apply. /

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the committee amendment.

The committee amendment was adopted.

**Amendment No. 1A**

Senator BRYANT proposed the following Amendment No. 1A (2R002.KLB), which was adopted:

Amend the bill, as and if amended, page 5, by striking subsection (3)(b) and inserting:

/ (b) Cash balances in the BSF in excess of fifteen percent of general fund revenues for the last completed fiscal year as certified by the OSB must be appropriated by the General Assembly for non‑recurring tax rebates. /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

**RECESS**

At 3:48 P.M., on motion of Senator BRYANT, the Senate receded from business subject to the Call of the Chair.

At 4:00 P.M., the Senate resumed.

Senator BRYANT moved that the amendment be adopted.

The amendment was adopted.

**Recorded Vote**

Senator ROSE desired to be recorded as voting in favor of the adoption of the amendment.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**Amendment No. 2**

Senators PEELER, BRIGHT, SHANE MARTIN, BRYANT, SHOOPMAN, DAVIS, VERDIN, MASSEY, GROOMS, MULVANEY, THOMAS, ROSE and CAMPSEN proposed the following amendment (2R002.LB), which was tabled:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. This act becomes effective after the ratification of an amendment to Section 7(c), Article X of the Constitution of this State authorizing its terms and first applies for appropriations in the first state fiscal year beginning after general fund revenue accruing in that fiscal year, as defined in this act, meet or exceed $6,000,000,000. Prior to this act taking affect, the unamended version of Section 11-11-410 of the 1976 Code continues to apply. /

Renumber sections to conform.

Amend title to conform.

Senator PEELER explained the amendment.

Senator LEVENTIS argued contra to the adoption of the amendment.

Senator LEATHERMAN argued contra to the adoption of the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 28; Nays 17**

**AYES**

Alexander Anderson Campbell

Coleman Cromer Elliott

Ford Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Matthews

McGill Nicholson O’Dell

Pinckney Rankin Reese

Scott Setzler Sheheen

Williams

**Total--28**

**NAYS**

Bright Bryant Campsen

Courson Davis Fair

Grooms *Martin, Shane* Massey

McConnell Mulvaney Peeler

Rose Ryberg Shoopman

Thomas Verdin

**Total--17**

The amendment was laid on the table.

**Statement by Senators SHANE MARTIN, BRYANT, DAVIS**

**VERDIN, ROSE, SHOOPMAN, BRIGHT, MASSEY**

**and CAMPSEN**

We voted NOT to table this amendment because $6 billion is a reasonable cap.  Looking at the three high revenue years as the norm instead of outliers is fiscally irresponsible.  For the years 1999 to 2012 the sustainable general fund collections appear to be around $5 billion, and $6 billion is more than fair, as opposed the $6.7 billion number proposed by the Finance Committee.  Until we fundamentally reform the way we fund core government services, we will remain in crisis.  We campaigned on spending limits and feel that this is the only way we can insure a responsible budgeting process for our children.  Most of the time governments (and households) have spending problems, not income problems.  We live within our means at our homes and state government should live within its means.  We will always support efforts to fund core government services while not letting spending get out of hand.

Senator HUTTO spoke on the Bill.

**ACTING PRESIDENT PRESIDES**

At 5:12 P.M., Senator LARRY MARTIN assumed the Chair.

With Senator HUTTO retaining the floor, Senator McCONNELL asked unanimous consent to address the Senate regarding the work of the Committee of Conference on H. 3442.

There was no objection.

Senator McCONNELL presented a status report on the work of the Committee of Conference on H. 3442.

**Sense of the Senate Motion Adopted**

Senator McCONNELL moved that it be the Sense of the Senate that when an appointment for the Interim Executive Director of the Department of Workforce is received from the Governor, it will be referred to the Committee on Labor, Commerce and Industry for review.  The confirmation package also will be provided to the Department of Workforce Review Committee, which will have no more than fourteen days to review and comment on the appointee’s qualifications.  The Committee on Labor, Commerce and Industry will not report the appointment to the full Senate until fourteen days after the information has been received by the Workforce Review Committee.  After fourteen days, or after receipt of the comments of the Workforce Review Committee, the Senate shall consider confirmation of the appointee in its regular course of business.

The motion was adopted.

**Amendment No. 3**

Senators LEATHERMAN, COURSON, HAYES, LARRY MARTIN, KNOTTS and ALEXANDER proposed the following amendment (2R003.HKL), which was adopted:

Amend the bill, as and if amended, page 5, by striking subsection (3)(b) and inserting:

/ (b) Cash balances in the BSF in excess of fifteen percent of general fund revenues for the last completed fiscal year as certified by the OSB must be appropriated by the General Assembly in equal amounts for non‑recurring tax rebates, to Other Post Employee Benefits, and to reduce any unfunded liabilities to the retirement system. /

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the amendment.

Senator LEATHERMAN moved that the amendment be adopted.

The amendment was adopted.

Senator McCONNELL moved that the Senate stand adjourned.

Consideration was interrupted on the Bill by adjournment.

**RECALLED AND COMMITTED**

S. 1303 -- Senator Fair: A BILL TO AMEND SECTION 42‑7‑65, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AVERAGE WEEKLY WAGE DESIGNATED FOR CERTAIN CATEGORIES OF EMPLOYEES, SO AS TO ESTABLISH THE AVERAGE WEEKLY WAGE FOR AN INMATE WHO WORKS IN A FEDERALLY APPROVED PRISON INDUSTRIES ENHANCEMENT CERTIFICATION PROGRAM.

Senator FAIR asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary.

On motion of Senator FAIR, with unanimous consent, the Bill was committed to the Committee on Corrections and Penology.

**ADJOURNMENT**

At 5:30 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.

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