**Wednesday, April 21, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 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:

In I Samuel it is recorded that:

“The Lord does not see as mortals see; they look on the outward appearance, but the Lord looks on the heart.” (I Samuel 16:7)

Please, bow with me in prayer:

O God, so frequently we take only a quick look at those who surround us. A glance here, an appraisal there, a word we hear in passing—and we think we grasp fully what others happen to think, or else we talk ourselves into believing that we know all we need to know. In some cases quick judgments might be acceptable. Yet, dear God, You remind us in Scripture that often we might be wrong in our evaluations of others. Lead everyone who serves You here in the Senate of South Carolina, Lord, to move slowly as they make those judgments. Let us all strive to gauge and to understand others as You do, by looking at their heart. In the loving name of our Lord we pray. Amen.

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

**Doctor of the Day**

Senator LOURIE introduced Dr. Coleman Fowble of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 4:43 P.M., Senator SHANE MARTIN requested a leave of absence for Thursday, April 22, 2010.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 1134 Sen. Ford

S. 1242 Sen. Davis

**RECALLED**

S. 1299 -- Senators Scott and Jackson: A BILL TO AMEND SECTION 5‑7‑200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GROUNDS FOR FORFEITURE OF THE OFFICE OF MAYOR OR COUNCILMAN AND THE FILLING OF A VACANCY IN EITHER OFFICE, SO AS TO PROVIDE AN ADDITIONAL PERIOD OF TIME THAT MAY BE UTILIZED TO FILL A VACANCY IN EITHER OFFICE.

Senator SCOTT 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 and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1376 -- Senator Courson: A CONCURRENT RESOLUTION HONORING THE ACHIEVEMENTS OF MS. HOMA HASSAN OF COLUMBIA COLLEGE AS AN OUTSTANDING SCHOLAR, LEADER, AND CITIZEN AND COMMEND HER FOR HER DEDICATION TO ACADEMIC EXCELLENCE, LEADERSHIP DEVELOPMENT, AND SERVICE, AND FOR PROUDLY REPRESENTING HER INSTITUTION AND STATE REGIONALLY, NATIONALLY, AND INTERNATIONALLY WITH UNWAVERING AMITY AND GRACE.

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

S. 1377 -- Senators Grooms, Peeler, Bryant, Campsen, Verdin, Shoopman, Bright, Alexander, Leatherman, Fair, Davis, Rose, McConnell, L. Martin, Hayes and Massey: A BILL TO AMEND ARTICLE 1, CHAPTER 71, TITLE 38 OF THE 1976 CODE, RELATING TO ACCIDENT AND HEALTH INSURANCE, BY ADDING SECTION 38-71-238 TO PROHIBIT QUALIFIED HEALTH PLANS OFFERED THROUGH A HEALTH CARE EXCHANGE REQUIRED BY THE FEDERAL "PATIENT PROTECTION AND AFFORDABLE CARE ACT" FROM OFFERING ABORTION COVERAGE, AND TO PROVIDE FOR CERTAIN EXCEPTIONS.

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

S. 1378 -- Senators Pinckney, Malloy, Land, Leventis, Lourie, Nicholson, Williams and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-295 SO AS TO REQUIRE INDIVIDUAL AND GROUP HEALTH INSURANCE CONTRACTS, PLANS, OR POLICIES WHICH PROVIDE MEDICAL COVERAGE THAT INCLUDES COVERAGE FOR PHYSICIAN SERVICES IN A PHYSICIAN'S OFFICE AND MAJOR MEDICAL COMPREHENSIVE-TYPE COVERAGE TO INCLUDE COVERAGE FOR SMOKING CESSATION TREATMENT AND TO REQUIRE CERTAIN COVERAGE FOR FDA APPROVED SMOKING CESSATION MEDICATIONS, AND TO PROVIDE CERTAIN EXCLUSIONS.

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

S. 1379 -- Senators Peeler, Campbell and O'Dell: A BILL TO AMEND SECTION 63-11-500 OF THE 1976 CODE, RELATING TO CHILDREN'S SERVICES AGENCIES, TO HONOR THE MEMORY OF CASS ELIAS MCCARTER BY NAMING THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM AS THE CASS ELIAS MCCARTER GUARDIAN AD LITEM PROGRAM.

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

S. 1380 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE ALCOHOLIC BEVERAGES, BEER AND WINE, RELATING TO PREMISES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4077, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1381 -- Judiciary Committee: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, RELATING TO CHILD SUPPORT GUIDELINES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4109, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1382 -- Judiciary Committee: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, RELATING TO LAW ENFORCEMENT OFFICER AND E-911 OFFICER TRAINING & CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4067, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1383 -- Senator Malloy: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND RAVEN DENNIS III, ALSO KNOWN AS "CAKE MAN RAVEN" FOR HIS INSPIRING CLIMB TO ENTREPRENEURSHIP AND HIS EXCEPTIONAL CULINARY CONFECTIONS.

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The Senate Resolution was adopted.

S. 1384 -- 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 RECOGNIZE COLUMBIA COLLEGE AS A PREMIER INSTITUTION OF HIGHER EDUCATION FOR WOMEN THAT PLAYS A VITAL ROLE IN OUR STATE AND TO DECLARE SATURDAY, APRIL 24, 2010, AS COLUMBIA COLLEGE DAY IN SOUTH CAROLINA.

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On motion of Senators COURSON and SCOTT, with unanimous consent, the Concurrent Resolution was adopted and ordered sent to the House.

H. 3249 -- Reps. G. M. Smith and Viers: A BILL TO AMEND SECTIONS 15-78-30 AND 15-78-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIABILITY PURSUANT TO THE TORT CLAIMS ACT, SO AS TO FURTHER DEFINE THE DEFINITIONS OF THE TERMS "SCOPE OF OFFICIAL DUTY" AND "SCOPE OF STATE EMPLOYMENT" AND TO EXPRESSLY PROVIDE FOR IMMUNITY OF CERTAIN GOVERNMENTAL EMPLOYEES WHEN INVESTIGATING POTENTIAL WRONGDOING OR DISCIPLINING ANOTHER EMPLOYEE UNDER CERTAIN CIRCUMSTANCES.

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

H. 3354 -- Reps. Chalk, Brantley, G. A. Brown, Clyburn, Erickson, Herbkersman and Sottile: A BILL TO AMEND SECTION 40-11-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM STATUTES APPLICABLE TO LICENSED CONTRACTORS, SO AS TO PROVIDE AN OWNER OF RESIDENTIAL PROPERTY WHO MAKES CERTAIN IMPROVEMENTS TO THE PROPERTY OWES TO A SUBSEQUENT OWNER OF THE PROPERTY THE SAME DUTY AS A LICENSED CONTRACTOR TO COMPLY WITH APPLICABLE BUILDING CODES AND STANDARDS.

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

H. 3755 -- Rep. Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 79 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF "SOUTH CAROLINA EDUCATOR" SPECIAL LICENSE PLATES.

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

H. 4187 -- Reps. White and Kirsh: A BILL TO AMEND SECTION 55-9-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS THAT AN ENTITY HAS TO ESTABLISH AN AIRPORT OR LANDING FIELD OR ACQUIRE, LEASE, OR SET APART PROPERTY FOR THAT PURPOSE, SO AS TO DELETE A PROVISION THAT LIMITS THE TERM OF A LEASE OF AIRPORTS OR LANDING FIELDS TO PRIVATE PARTIES FOR OPERATION.

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

H. 4212 -- Reps. Jennings, Clemmons, Harrison, Kirsh, G. M. Smith, Wylie, Viers, Hart and Weeks: A BILL TO AMEND SECTION 16-17-420, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF DISTURBING SCHOOLS, SO AS TO PROVIDE THAT VIOLATIONS OF THE STATUTE MUST BE TRIED IN SUMMARY COURT.

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

H. 4346 -- Reps. Barfield, Alexander, Jefferson, Lowe, Toole, Sellers, Brantley, Sottile, G. A. Brown, Parker, Govan, Duncan, Willis, Anthony, Cato, Chalk, Cobb-Hunter, Agnew, Clyburn, Miller, Frye, Simrill, Jennings, Williams, Harvin, Mitchell, Stringer, Sandifer, Vick, Viers, G. M. Smith, Hutto, Stavrinakis, Bales, Battle, Bedingfield, Bowen, Bowers, Brady, Branham, Crawford, Daning, Delleney, Dillard, Edge, Forrester, Funderburk, Gambrell, Gunn, Hamilton, Hardwick, Harrell, Harrison, Hayes, Hearn, Hodges, Hosey, Howard, Huggins, Kelly, Limehouse, Littlejohn, Long, McEachern, V. S. Moss, J. M. Neal, Norman, Ott, M. A. Pitts, Rice, Spires, Thompson, Umphlett, Weeks, White and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 108 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ISSUE DISABLED VETERAN SPECIAL LICENSE PLATES.

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

H. 4405 -- Reps. Edge, Cobb-Hunter, Crawford, Harvin, Pinson, Alexander, Gunn, Hutto and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-43-70 SO AS TO DEFINE CERTAIN TERMS, AND TO PROVIDE FOR THE DISPENSING OF CERTAIN DRUGS OR DEVICES AT A FEDERALLY QUALIFIED HEALTH CENTER.

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

H. 4438 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 32-8-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT'S AGENT TO AUTHORIZE CREMATION, SO AS TO ALSO PERMIT A PERSON NAMED IN THE DECEDENT'S UNITED STATES DEPARTMENT OF DEFENSE RECORD OF EMERGENCY DATA (DD FORM 93) OR ITS SUCCESSOR FORM, IF THE DECEDENT DIED WHILE SERVING IN ANY BRANCH OF THE UNITED STATES ARMED SERVICES AS DEFINED IN 10 U.S.C. SECTION 1481 AND COMPLETED SUCH FORM.

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

H. 4452 -- Rep. D. C. Moss: A BILL TO AMEND SECTION 56-3-2150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER PUBLIC OFFICIALS, SO AS TO PROVIDE THAT A CORONER MAY BE ISSUED TWO SPECIAL LICENSE PLATES.

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

H. 4510 -- Reps. Harrison, Battle, Chalk, Crawford, Delleney, Pinson, Vick and Viers: A BILL TO AMEND SECTION 59-121-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE BOARD OF VISITORS OF THE CITADEL, SO AS TO REVISE THE MANNER IN WHICH THE MEMBERS OF THE BOARD ELECTED BY THE GENERAL ASSEMBLY ARE SELECTED, AND FURTHER PROVIDE FOR THEIR TERMS OF OFFICE AND OTHER APPLICABLE PROVISIONS PERTAINING TO THEIR SERVICE ON THE BOARD.

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

H. 4516 -- Rep. M. A. Pitts: A BILL TO AMEND SECTIONS 61-4-550 AND 61-6-2000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE AND FOR THE SALE OF ALCOHOLIC LIQUORS, RESPECTIVELY, BOTH SO AS TO ALLOW NONPROFIT ORGANIZATIONS TO ACQUIRE PERMITS FOR A LIMITED DURATION UNDER CERTAIN CIRCUMSTANCES AND LIMITATIONS; AND TO REPEAL SECTION 61-6-510 RELATING TO TEMPORARY PERMITS FOR THE SALE OF ALCOHOLIC LIQUORS FOR NONPROFIT ORGANIZATIONS.

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

H. 4542 -- Reps. Harrison, Weeks and McLeod: A BILL TO AMEND SECTION 8-13-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO DELETE THE PROHIBITION OF THE RELEASE OF INFORMATION UNTIL FINAL DISPOSITION OF AN ETHICS INVESTIGATION AND REQUIRE THAT THE INFORMATION MAY NOT BE RELEASED UNTIL A FINDING OF PROBABLE CAUSE HAS BEEN MADE.

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

H. 4560 -- Reps. Gambrell, D. C. Moss, J. R. Smith, Bales, Agnew, Govan, Knight, Jefferson, H. B. Brown, Cooper, Bowen, Frye, Spires, Clyburn, Gilliard, McEachern, Hosey, Williams, Allen, Crawford, Whitmire, Daning, Stavrinakis, Dillard, Hardwick, Hodges, Mack, G. R. Smith, White, Willis and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-21-110 SO AS TO ENACT THE “FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA" AND TO ESTABLISH THE JUNIOR FIREFIGHTERS PROGRAM.

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

H. 4572 -- Reps. J. E. Smith, Bannister, Weeks and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-960 SO AS TO ALLOW HOLDERS OF RETAIL PERMITS AUTHORIZING THE SALE OF BEER OR WINE FOR OFF-PREMISES CONSUMPTION TO HOLD A LIMITED NUMBER OF BEER TASTINGS AT THE RETAIL LOCATION EACH YEAR UNDER CERTAIN CIRCUMSTANCES.

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

H. 4606 -- Reps. Duncan, Willis, M. A. Pitts, Bowen, Hardwick, Bedingfield, Rice, Forrester, Owens, Clemmons, Viers and Loftis: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS TO ADOPT LEGISLATION THAT WOULD POSTPONE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S (EPA) EFFORT TO REGULATE GREENHOUSE GAS (GHG) EMISSIONS FROM STATIONARY SOURCES USING EXISTING CLEAN AIR ACT AUTHORITY UNTIL CONGRESS ADOPTS A BALANCED APPROACH TO ADDRESS CLIMATE AND ENERGY SUPPLY ISSUES WITHOUT CRIPPLING THE ECONOMY.

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

H. 4621 -- Reps. Harvin and Weeks: A BILL TO AMEND SECTION 44-39-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIABETES INITIATIVE OF SOUTH CAROLINA BOARD, SO AS TO MODIFY THE BOARD'S MEMBERSHIP COMPOSITION AND TERMS OF ITS MEMBERS.

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

H. 4636 -- Reps. Govan, Harrison, Mitchell and Gilliard: A BILL TO AMEND SECTION 59-127-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL MEMBER TO THE BOARD TO BE APPOINTED BY THE NATIONAL ALUMNI ASSOCIATION OF THE UNIVERSITY.

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

H. 4747 -- Reps. Mack, Gilliard, Hutto, Whipper, Stavrinakis, R. L. Brown, Harrell, Limehouse and Sottile: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGES LOCATED AT EXITS 219 A AND 219 B IN CHARLESTON COUNTY "FLOYD BREELAND INTERCHANGES" AND ERECT APPROPRIATE MARKERS OR SIGNS AT BOTH EXITS THAT CONTAIN THE WORDS "FLOYD BREELAND INTERCHANGE".

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

H. 4754 -- Reps. Thompson, Kennedy and Sellers: A CONCURRENT RESOLUTION TO URGE THE MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA TO REFRAIN FROM MEMORIALIZING THE UNITED STATES CONGRESS WITH CONCURRENT RESOLUTIONS SEEKING ARGUABLY UNATTAINABLE RESULTS.

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

H. 4771 -- Rep. Cato: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON SOUTH CAROLINA HIGHWAY 253 BETWEEN CAMP CREEK ROAD AND MUSH CREEK ROAD IN GREENVILLE COUNTY "JOHN T. WOOD BRIDGE", AND NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 253 FROM THIS BRIDGE TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 414 "JOHN T. WOOD ROAD", ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS "JOHN T. WOOD BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "JOHN T. WOOD ROAD".

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

H. 4784 -- Rep. Rutherford: A BILL TO AMEND SECTION 57-25-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF TRANSPORTATION'S ISSUANCE OF PERMITS THAT ALLOW THE INSTALLATION AND MAINTENANCE OF BENCHES UPON WHICH COMMERCIAL ADVERTISEMENTS MAY BE PLACED, SO AS TO PROVIDE THAT THE PERMITS MUST BE RENEWED ANNUALLY INSTEAD OF TERMINATED ON JULY 1, 2010.

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

H. 4790 -- Reps. Sellers, Ott, Cobb-Hunter, Hosey, 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, 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, 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, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, 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 REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 IN BAMBERG COUNTY FROM ITS INTERSECTION WITH THE EASTERN PORTION OF DENMARK'S TOWN LIMIT TO ITS INTERSECTION WITH THE WESTERN PORTION OF BAMBERG'S TOWN LIMIT "STATE REPRESENTATIVE THOMAS RHOAD HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "STATE REPRESENTATIVE THOMAS RHOAD HIGHWAY".

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

H. 4807 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4117, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4823 -- Reps. Cooper, Owens, J. R. Smith and Loftis: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2010 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE-FUNDED WORKKEYS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE-YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT TO CONVENE A TASK FORCE TO CONSIDER END-OF-COURSE ASSESSMENTS FOR FEDERAL ASSESSMENT PURPOSES.

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

H. 4873 -- Reps. Miller, Anderson, Knight, Gilliard, Hutto, Stavrinakis, Alexander, J. M. Neal, Huggins, Spires, Anthony, R. L. Brown, Gambrell, Gunn, Littlejohn, Long, Mack and D. C. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE AND HIGHLIGHT THE IMPORTANCE OF STUDENT ATHLETE SAFETY AND TO ENCOURAGE ALL SCHOOL DISTRICTS IN THE PALMETTO STATE TO ENSURE SAFETY FOR THEIR STUDENT ATHLETES.

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

H. 4876 -- Reps. D. C. Moss, Littlejohn and V. S. Moss: A CONCURRENT RESOLUTION TO RECOGNIZE GOUCHER BAPTIST CHURCH OF GAFFNEY ON THE OCCASION OF ITS TWO HUNDRED FORTIETH ANNIVERSARY AND TO COMMEND THE CHURCH FOR NEARLY TWO AND A HALF CENTURIES OF SERVICE TO GOD AND THE COMMUNITY.

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

H. 4878 -- Reps. Parks, 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, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE DR. SANDRA DAVENPORT CALLIHAM, SUPERINTENDENT OF MCCORMICK COUNTY SCHOOL DISTRICT ONE, UPON THE OCCASION OF HER RETIREMENT, AND TO WISH HER CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 243 -- Senator L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27‑37‑45 SO AS TO PROVIDE CERTAIN DEFINITIONS, AND TO PROVIDE GROUNDS AND PROCEDURES FOR AN EXPEDITED TENANT EJECTMENT; TO AMEND SECTION 8‑21‑1010, RELATING TO THE SCHEDULE OF FEES AND COSTS COLLECTED BY MAGISTRATES, SO AS TO PROVIDE A FILING FEE FOR AN ACTION FOR EXPEDITED TENANT EJECTMENT; TO AMEND SECTION 22‑1‑17, RELATING TO CONTINUING EDUCATION FOR MAGISTRATES, SO AS TO PROVIDE SOUTH CAROLINA COURT ADMINISTRATION MAY ESTABLISH A CONTINUING EDUCATION PROGRAM CONCERNING LANDLORD AND TENANT RIGHTS THAT MAGISTRATES, LANDLORDS, TENANTS, AND LAW ENFORCEMENT OFFICIALS MAY ATTEND.

Ordered for consideration tomorrow.

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

S. 973 -- Senators Campsen, Rose and Elliott: A BILL TO AMEND TITLE 23, CHAPTER 3, ARTICLE 7 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “ELECTRONIC SECURING AND TARGETING OF ONLINE PREDATORS ACT (E‑STOP)”, BY ADDING SECTION 23‑3‑555, SO AS TO PROVIDE THAT A SEX OFFENDER WHO IS REQUIRED TO REGISTER WITH THE SEX OFFENDER REGISTRY MUST PROVIDE INFORMATION REGARDING THE OFFENDER’S INTERNET ACCOUNTS WITH INTERNET ACCESS PROVIDERS AND THE OFFENDER’S INTERNET IDENTIFIERS, AND TO PROVIDE THAT AN AUTHORIZED INTERNET ENTITY MAY REQUEST CERTAIN SEX OFFENDER REGISTRY INFORMATION FROM SLED, AND TO PROVIDE THAT SLED MUST PROVIDE CERTAIN SEX OFFENDER REGISTRY INFORMATION TO AN AUTHORIZED INTERNET ENTITY, AND TO PROVIDE THAT CERTAIN SEX OFFENDERS MUST, AS A CONDITION OF PROBATION OR PAROLE, BE PROHIBITED FROM USING THE INTERNET TO ACCESS SOCIAL NETWORKING WEBSITES, COMMUNICATE WITH OTHER PERSONS OR GROUPS FOR THE PURPOSE OF PROMOTING SEXUAL RELATIONS WITH PERSONS UNDER THE AGE OF EIGHTEEN, AND COMMUNICATE WITH PERSONS UNDER THE AGE OF EIGHTEEN.

Ordered for consideration tomorrow.

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

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

Ordered for consideration tomorrow.

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

S. 1187 -- Senator Leatherman: A BILL TO AMEND SECTION 28‑11‑30 OF THE 1976 CODE, RELATING TO REIMBURSEMENT OF PROPERTY OWNERS FOR CERTAIN EXPENSES RELATED TO THE TAKING OF LAND FOR PUBLIC USE, TO PROVIDE THAT REESTABLISHMENT EXPENSES, PAYABLE PURSUANT TO FEDERAL GUIDELINES AND REGULATIONS TO MOVE A SMALL BUSINESS, FARM, OR NONPROFIT ORGANIZATION, MAY BE PAID IN AN AMOUNT UP TO FIFTY THOUSAND DOLLARS, NOTWITHSTANDING A LOWER LIMITATION IMPOSED BY FEDERAL REGULATIONS.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

S. 1298 -- Senator McGill: A BILL TO AMEND SECTION 56‑5‑70 OF THE 1976 CODE, RELATING TO THE REGULATION OF TRAFFIC ON HIGHWAYS, TO PROVIDE GUIDELINES FOR RELIEF FROM REGULATIONS DURING TIMES OF EMERGENCY.

Ordered for consideration tomorrow.

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

S. 1300 -- Senators Shoopman, Cromer, Davis, Grooms, Bryant, Campbell, Rose, Alexander, Verdin, Campsen, Bright, McConnell, Fair, Cleary and L. Martin: A BILL TO AMEND SECTION 14‑7‑845 OF THE 1976 CODE, RELATING TO POSTPONEMENT OF JURY SERVICE, TO PROVIDE THAT PUBLIC OR PRIVATE SCHOOL EMPLOYEES OR ANYONE RESPONSIBLE FOR THE EDUCATION OF A CHILD MAY REQUEST A POSTPONEMENT OF JURY SERVICE; AND TO AMEND SECTION 14‑7‑860, RELATING TO EXCUSE OF JURORS FOR GOOD CAUSE, TO MAKE TECHNICAL CHANGES.

Ordered for consideration tomorrow.

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

S. 1340 -- Senator Cromer: A BILL TO AMEND SECTION 50‑1‑5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN TITLE 50, SO AS TO DEFINE CERTAIN WILDLIFE, FISH, AND PLANT SPECIES; TO AMEND SECTION 50‑1‑30, AS AMENDED, RELATING TO BIRD, GAME ANIMALS, AND FISH CLASSIFICATIONS RECOGNIZED IN TITLE 50, SO AS TO REVISE THESE CLASSIFICATIONS; BY ADDING SECTION 50‑1‑50 SO AS TO DEFINE INDIVIDUAL RIVERS, CREEKS, LAKES, BAYS, SOUNDS, HARBORS, AND RESERVOIRS REFERENCED IN TITLE 50; TO AMEND SECTION 50‑5‑1500, RELATING TO ANADROMOUS AND CATADROMOUS FISHERIES IN FRESHWATERS AND SALT WATERS, SO AS TO DELETE PROVISIONS RELATING TO LICENSES FOR TAKING SHAD, HERRING, OR STURGEON AND PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50‑5‑1556 SO AS TO PROVIDE THAT A COMMERCIAL FISHERMAN WHO SELLS SHAD, HERRING, OR EELS MUST SELL TO A WHOLESALE SEAFOOD DEALER OR LICENSED BAIT DEALER OR BE LICENSED AS SUCH; TO AMEND SECTION 50‑9‑30, RELATING TO RESIDENCY REQUIREMENTS FOR OBTAINING RECREATIONAL OR COMMERCIAL LICENSES, SO AS TO FURTHER SPECIFY THESE REQUIREMENTS; TO AMEND SECTION 50‑9‑80, RELATING TO REQUIREMENTS FOR ISSUANCE OF DUPLICATE LICENSES, SO AS TO FURTHER SPECIFY THESE REQUIREMENTS; BY ADDING ARTICLE 4 TO CHAPTER 9, TITLE 50 SO AS TO PROVIDE REQUIREMENTS FOR FRESHWATER COMMERCIAL FISHING LICENSES AND BAIT DEALER LICENSES AND TO -PROVIDE LICENSURE REQUIREMENTS FOR TAKING SHAD, HERRING, OR EELS FOR COMMERCIAL PURPOSES; BY ADDING SECTION 50‑9‑545 SO AS TO PROVIDE LICENSURE REQUIREMENTS WHEN TAKING SHAD, HERRING, OR EELS FOR RECREATIONAL PURPOSES; BY ADDING SECTION 50‑9‑610 SO AS TO PROVIDE TAG AND PERMIT REQUIREMENTS WHEN USING CERTAIN DEVICES TO TAKE NONGAME FRESHWATER FISH; BY ADDING SECTION 50‑13‑1615 SO AS TO REQUIRE A PERSON SELLING OR POSSESSING FOR SALE FRESHWATER NONGAME FISH TO HAVE CERTAIN DOCUMENTATION VERIFYING THE ORIGIN OF THE FISH; BY ADDING SECTION 50‑19‑250 SO AS TO PROHIBIT NIGHT FISHING IN BRIDGE LAKE IN DORCHESTER COUNTY AND TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50‑19‑251 SO AS TO PROVIDE FOR CERTAIN FISHING AND RECREATIONAL ACTIVITIES ON SLADE LAKE AND TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50‑19‑1190 SO AS TO ESTABLISH A FISH SANCTUARY IN MARION COUNTY AND TO PROVIDE CRIMINAL PENALTIES FOR FISHING OR ENTERING UPON THE SANCTUARY; AND TO REPEAL SECTIONS 50‑1‑100, 50‑13‑1130, 50‑13‑1135, 50‑13‑1150, 50‑13‑1155, 50‑13‑1160, 50‑19‑1910, 50‑19‑1920, 50‑19‑1930, ARTICLE 39, CHAPTER 19, TITLE 50, 50‑19‑2620, AND 50‑19‑2630, ALL RELATING TO VARIOUS FISHING REGULATIONS AND LICENSURE REQUIREMENTS.

Ordered for consideration tomorrow.

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

S. 1347 -- Senators Hayes, Setzler, Matthews and Cromer: A JOINT RESOLUTION TO PROVIDE SCHOOL ASSESSMENT FLEXIBILITY BY ALLOWING SCHOOLS AND SCHOOL DISTRICTS TO ELECTRONICALLY PROVIDE 2010 SCHOOL AND DISTRICT REPORT CARDS, TO PROVIDE THAT WRITING ASSESSMENTS SHALL BE ADMINISTERED TO ONLY GRADES FIVE AND EIGHT, TO PROVIDE THAT A SCHOOL OR SCHOOL DISTRICT SHALL NOT BE REQUIRED TO PUBLISH SCHOOL AND DISTRICT REPORT CARDS IN A NEWSPAPER, TO PROVIDE THAT SCHOOLS MAY OFFER WORKKEYS TO TENTH GRADE STUDENTS USING FUNDS APPROPRIATED FOR PSAT AND PLAN ASSESSMENT, TO PROVIDE THAT CERTAIN SOUTH CAROLINA TEACHER LOAN RECIPIENTS MAY RECEIVE A ONE-YEAR GRACE PERIOD, TO PROVIDE THAT CERTAIN FUNDS MUST BE ALLOCATED ACCORDING TO THE EDUCATION FINANCE ACT, AND TO PROVIDE FOR A TASK FORCE THAT SHALL EXAMINE END-OF-COURSE ASSESSMENTS.

Ordered for consideration tomorrow.

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

S. 1348 -- Senator Campsen: A BILL TO AMEND CHAPTER 16, TITLE 12 OF THE 1976 CODE, RELATING TO THE ESTATE TAX, BY ADDING SECTION 12‑16‑1960 TO PROVIDE THAT THE WILL OR TRUST OF A DECEDENT WHO DIES IN 2010 THAT CONTAINS CERTAIN FORMULAE SHALL BE DEEMED TO REFER TO THE FEDERAL ESTATE TAX LAW AS IT APPLIED ON DECEMBER 31, 2009.

Ordered for consideration tomorrow.

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

S. 1363 -- Senators Hayes, Setzler and Courson: A BILL TO AMEND SECTION 59‑26‑85 OF THE 1976 CODE, RELATING TO THE INCREASE PAY FOR TEACHERS CERTIFIED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION PRIOR TO JULY 1, 2010, SHALL RECEIVE AN INCREASE IN PAY FOR THE LIFE OF THE CERTIFICATION, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION ON OR AFTER JULY 1, 2010, ONLY SHALL RECEIVE AN INCREASE IN PAY FOR THE INITIAL TEN YEARS OF THE CERTIFICATION, AND TO PROVIDE THAT ONLY TEACHERS WHO APPLY FOR CERTIFICATION PRIOR TO JULY 1, 2010, MAY RECEIVE A LOAN FOR THE APPLICATION FEE.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 20, 2010

Mr. President and Senators:

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

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.

Very respectfully,

Speaker of the House

Received as information.

**SENATE INSISTS ON ITS AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

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.

On motion of Senator BRYANT, the Senate insisted upon its amendments to H. 3245 and asked for a Committee of Conference.

Whereupon, Senators HUTTO, KNOTTS and BRYANT were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Statement by Senators SHOOPMAN, BRIGHT**

**and MULVANEY**

We voted against insisting on Senate amendments on H. 3245 because we do not agree with certain elements within the Senate amendments on this Bill.

**PRESIDENT *Pro Tempore* PRESIDES**

At 3:07 P.M., Senator McCONNELL assumed the Chair.

**Message from the House**

Columbia, S.C., April 20, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.140, S. 964 by a vote of 103 to 0:

(R145, S964) -- Senators Pinckney and Davis: AN ACT TO AMEND SECTION 59‑53‑2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 20, 2010

Mr. President and Senators:

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

H. 4248 -- Reps. Horne, Allison, Daning, Long, Littlejohn, Wylie, Gunn, Ballentine, Clemmons and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑19‑115 SO AS TO REQUIRE A SUBSTITUTE TEACHER HIRED BY A LOCAL SCHOOL DISTRICT TO UNDERGO A CRIMINAL RECORD SEARCH, TO REQUIRE EACH SCHOOL DISTRICT TO DEVELOP A WRITTEN POLICY ON THE CRIMINAL RECORD SEARCH, TO PROVIDE WHAT THE POLICY MUST INCLUDE, AND TO REQUIRE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROVIDE TRAINING TO APPROPRIATE SCHOOL DISTRICT PERSONNEL; AND TO AMEND SECTION 23‑3‑115, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO FIX THE FEE AT EIGHT DOLLARS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 20, 2010

Mr. President and Senators:

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

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.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 20, 2010

Mr. President and Senators:

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

H. 4444 -- Rep. Umphlett: A BILL TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, INCLUDING WEAKFISH CYNOSCION, SO AS TO PROVIDE THAT A PERSON ONLY MAY TAKE OR POSSESS ONE, RATHER THAN TEN, SUCH WEAKFISH IN ANY ONE DAY.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 20, 2010

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 20, 2010

Mr. President and Senators:

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

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 A. L. BLACK HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “REPRESENTATIVE A. L. BLACK HIGHWAY”.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., March 3, 2010

Mr. President and Senators:

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

S. 907 -- Senator Peeler: A BILL TO REPEAL ARTICLE 1, CHAPTER 61, TITLE 44 OF THE 1976 CODE, RELATING TO EMERGENCY MEDICAL SERVICES.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 3, 2010

Mr. President and Senators:

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

S. 170 -- Senators Cleary and Rose: A BILL TO AMEND TITLE 63, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑17‑385 TO AUTHORIZE THE FAMILY COURT TO ISSUE A RULE TO SHOW CAUSE UPON THE FILING OF AN AFFIDAVIT THAT A PARENT HAS FAILED TO PAY COURT‑ORDERED SUPPORT, OTHER THAN PERIODIC PAYMENT OF FUNDS FOR THE SUPPORT OF THE CHILD, TO PROVIDE FOR SERVICE BY REGULAR MAIL, TO PROVIDE THAT THE AFFIDAVIT AND CERTAIN OTHER DOCUMENTATION IS PRIMA FACIE EVIDENCE OF NONPAYMENT, SHIFTING THE BURDEN OF PROOF, AND TO PROVIDE A DEFENSE.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 3, 2010

Mr. President and Senators:

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

S. 481 -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE.

Respectfully submitted,

Speaker of the House

Received as Information

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

**ACTING PRESIDENT PRESIDES**

At 3:21 P.M., Senator LARRY MARTIN assumed the Chair.

**Message from the House**

Columbia, S.C., March 3, 2010

Mr. President and Senators:

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

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

Respectfully submitted,

Speaker of the House

Received as Information

**S. 897--Referred to Committee on Judiciary**

Pursuant to the provisions of Rule 32C, the ACTING PRESIDENT referred the Bill to the Committee on Judiciary.

**HOUSE CONCURRENCES**

The following were returned with concurrence and received as information:

S. 1192 -- Senators Massey, Campbell, Mulvaney and Bright: A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO ENACT LEGISLATION EXPANDING THE OUTER CONTINENTAL SHELF (OCS) OIL AND GAS LEASING PROGRAM TO ALLOW EXPLORATION AND PRODUCTION OF DOMESTIC SUPPLIES OF NATURAL GAS OFF THE COAST OF SOUTH CAROLINA AND TO ALLOW SOUTH CAROLINA TO RECEIVE 37.5 PERCENT OF FUNDS DUE TO THE UNITED STATES FROM OCS NATURAL GAS LEASES TO BE EXPENDED BY THE STATE FOR SUCH PURPOSES THE STATE MAY DETERMINE.

S. 1265 -- Senator Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 34 ONE‑HALF MILE IN BOTH DIRECTIONS FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 215 IN FAIRFIELD COUNTY “TROOPER HARRY MCKINLEY COKER, JR. MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “TROOPER HARRY MCKINLEY COKER, JR. MEMORIAL HIGHWAY”.

S. 1266 -- Senator Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 215 ONE‑HALF MILE IN BOTH DIRECTIONS FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 34 IN FAIRFIELD COUNTY “SOPHIA DONTAE WOODARD MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “SOPHIA DONTAE WOODARD MEMORIAL HIGHWAY”.

S. 1374 -- Senator Lourie: A CONCURRENT RESOLUTION TO DESIGNATE MAY 2010 AS “CHILDHOOD STROKE AWARENESS MONTH” IN SOUTH CAROLINA.

**MOTION ADOPTED**

**H. 4657--GENERAL APPROPRIATIONS BILL**

Senator McCONNELL asked unanimous consent to make a motion that when the Senate adjourns on Thursday, April 22, 2010, the Senate would stand adjourned to meet on Friday, April 23, 2010, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up; and

further, when the Senate stands adjourned on Friday, April 23, 2010, the Senate will stand adjourned to meet on Monday, April 26, 2010, subject to the times and limitations set forth in Rule 1B; and

further, when the Senate convenes on Monday, April 26, 2010, subject to the times and limitations set forth in Rule 1B, the Senate would accept receipt of the Report of the Committee on Finance on H. 4657, the General Appropriations Bill (the electronic version of the report having been published on the Internet site on Friday, April 23, 2010); and

further, when the Senate receives the Report of the Committee on Finance on H. 4657, the General Appropriations Bill, the Senate would waive the provisions of Rule 39, the 24-hour Rule, and pursuant to the Rules of the Senate, the Bill would be placed on the Calendar in the masthead position; and

further, when the Senate adjourns on Monday, April 26, 2010, the Senate would stand adjourned to meet in Statewide Session on Tuesday, April 27, 2010, at 11:00 A.M.

The motion was adopted.

**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. 3108 -- Rep. Hosey: A BILL TO AMEND ACT 201 OF 1993, RELATING TO PAYMENT FOR SERVICES RENDERED BY MEMBERS OF THE WILLISTON SCHOOL DISTRICT 29 BOARD OF TRUSTEES IN BARNWELL COUNTY, SO AS TO DELETE THE PROVISION THAT NO MORE THAN TWELVE SPECIAL MEETINGS MAY BE HELD IN ONE CALENDAR YEAR.

**THIRD READING BILLS**

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

S. 1070 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING PART VII TO ARTICLE 5, TITLE 62 SO AS TO ENACT THE “UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT”, TO DEFINE NECESSARY TERMS, PROVIDE A UNIFORM PROCEDURE FOR JURISDICTION OVER ADULT GUARDIANSHIPS, CONSERVATORSHIPS, AND OTHER PROTECTIVE PROCEEDINGS TO ENSURE ONLY ONE STATE HAS JURISDICTION AT A GIVEN TIME.

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

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.

**SECOND READING BILLS**

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

S. 1372 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATION OF SUMTER SCHOOL DISTRICTS 2 AND 17, SO AS TO EXTEND THE TERM OF OFFICE FOR MEMBERS THAT ARE SET TO EXPIRE IN 2010; TO PROVIDE THAT THE SUPERINTENDENT OF THE CONSOLIDATED SCHOOL DISTRICT SHALL SELECT AND APPOINT AN ASSISTANT SUPERINTENDENT; AND TO AUTHORIZE THE BOARDS OF TRUSTEES OF SUMTER SCHOOL DISTRICTS 2 AND 17 TO ISSUE GENERAL OBLIGATION BONDS OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES UP TO THE CONSTITUTIONAL DEBT LIMIT OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES, TO PROVIDE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF BONDS.

**S. 1372--Ordered to a Third Reading**

On motion of Senator LEVENTIS, S. 1372 was ordered to receive a third reading on Thursday, April 22, 2010.

H. 4205 -- Reps. G.R. Smith, G.M. Smith, Wylie, Hutto and Viers: A BILL TO AMEND SECTION 17‑1‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT, SO AS TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO VIOLATIONS OF TITLE 50 OR TITLE 56 IN WHICH A RECORD IS NOT MAINTAINED THAT REQUIRES DESTRUCTION.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 1129 -- Senator Ryberg: A BILL TO AMEND CHAPTER 150, TITLE 59 OF THE 1976 CODE, RELATING TO EDUCATION LOTTERY TICKET SALES, BY ADDING SECTION 59‑150‑155 TO PROVIDE THAT A PERSON WHO CURRENTLY HOLDS A RETAIL LOTTERY TICKET SALES LICENSE MAY BE GRANTED A TEMPORARY LICENSE FOR RETAIL LOTTERY TICKET SALES IF HE ACQUIRES ANOTHER RETAIL BUSINESS WHICH SELLS LOTTERY TICKETS, TO PROVIDE THE LENGTH OF TIME A TEMPORARY LICENSE IS VALID, AND TO PROVIDE THE FEE FOR A TEMPORARY LICENSE.

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

Senator RYBERG proposed the following amendment (1129R002.WGR), which was adopted:

Amend the committee amendment, as and if amended, page [1129-1], by striking lines 25 - 40 and inserting:

/ “(D) A person who purchases or acquires by lease, divorce decree, or eviction a retail business which sells lottery tickets, upon initiating the application for licensure and contract pursuant to this subsection, may be issued a temporary lottery ticket sales license by the commission at the time of the purchase if the applicant currently holds a valid retail lottery ticket sales license and contract for another retail location and meets the requirements of subsection (B)(1). A temporary license is valid until a license is approved or denied by the commission as provided in subsections (A) through (C), but in no case is the temporary license valid for more than sixty days from the date of issuance. Notwithstanding the provisions of this subsection, the commission may revoke a temporary license if the applicant fails to pursue a license and contract pursuant to subsections (A) through (C) in a timely manner, as set forth by the commission by regulation. The commission shall collect a fee of twenty‑five dollars for each temporary license sought.” /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Education proposed the following amendment (1129R001.JEC), which was adopted:

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

/ SECTION 1. Section 59‑150‑155 of the 1976 Code is amended by adding:

“(D) A person who purchases or acquires by lease, inheritance, divorce decree, eviction, or otherwise a retail business which sells lottery tickets, upon initiating the application for licensure and contract pursuant to this subsection, may be issued a temporary lottery ticket sales license by the commission at the time of the purchase if the applicant currently holds a valid retail lottery ticket sales license and contract for another retail location. A temporary license is valid until a license is approved or denied by the commission as provided in subsections (A) through (C), but in no case is the temporary license valid for more than sixty days from the date of issuance. Notwithstanding the provisions of this subsection, the commission may revoke a temporary license if the applicant fails to pursue a license and contract pursuant to subsections (A) through (C) in a timely manner, as set forth by the commission by regulation. The commission shall collect a fee of twenty‑five dollars for each temporary license sought.”

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

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 35; Nays 5**

**AYES**

Alexander Anderson Campbell

Campsen Courson Davis

Elliott Ford Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Thomas Williams

**Total--35**

**NAYS**

Bright Bryant Fair

Shoopman Verdin

**Total--5**

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 1234 -- Senator Fair: A BILL TO AMEND CHAPTER 21, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND OPERATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO TRANSFER ALL FUNCTIONS, POWERS, DUTIES, RESPONSIBILITIES, AND AUTHORITY STATUTORILY EXERCISED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO THE DEPARTMENT OF CORRECTIONS, DIVISION OF PROBATION, PAROLE AND PARDON SERVICES.

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

Senator FAIR proposed the following amendment (1234R001.MLF), which was adopted:

Amend the committee amendment, as and if amended, by striking the committee amendment in its entirety and inserting:

/ Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

// A BILL

TO ESTABLISH A STUDY COMMITTEE TO STUDY AND DEVELOP A PLAN TO CONSOLIDATE THE FUNCTIONS OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO PROVIDE FOR THE STUDY COMMITTEE’S DUTIES AND RESPONSIBILITIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A) There is created a study committee to study and develop a plan to consolidate the functions of the Department of Corrections and the Department of Probation, Parole and Pardon Services. The plan must include an estimate of cost savings that may be realized from the consolidation of both agencies.

(B) The study committee shall be composed of the:

(1) Governor, or his designee;

(2) President Pro Tempore of the Senate, or his designee;

(3) Speaker of the House of Representatives, or his designee;

(4) Chairman of the Senate Judiciary Committee, or his designee;

(5) Chairman of the House of Representatives Judiciary Committee, or his designee;

(6) Chairman of the Senate Corrections and Penology Committee, or his designee;

(7) Chairman of the House of Representatives Medical, Military and Municipal Affairs Committee, or his designee;

(8) Director of the Department of Corrections, or his designee; and

(9) Director of the Department of Probation, Parole and Pardon Services, or his designee.

(C) The members of the study committee shall elect a chairman.

(D) The study committee shall accept committee staffing and coordination from the appropriate committees of the Senate and House of Representatives.

(E) The members of the study committee shall serve without mileage, per diem, and subsistence.

(F) The study committee shall meet as often as is necessary and shall convene no later than sixty days after the effective date of this act.

(G) The study committee shall submit its plan to the Chairman of the Senate Judiciary Committee, Chairman of the House of Representatives Judiciary Committee, Chairman of the Senate Finance Committee, Chairman of the House of Representatives Ways and Means Committee, Chairman of the Senate Corrections and Penology Committee, and Chairman of the House of Representatives Medical, Military, Public and Municipal Affairs Committee no later than December 31, 2010, at which point the study committee will dissolve.

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

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Corrections and Penology proposed the following amendment (SWB\8055CM10), which was adopted:

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

/ SECTION 1. (A) There is created a study committee to study and develop a plan to consolidate the functions of the Department of Corrections and the Department of Probation, Parole and Pardon Services. The plan must include an estimate of cost savings that may be realized from the consolidation of both agencies.

(B) The study committee shall be composed of the:

(1) Governor, or his designee;

(2) President Pro Tempore of the Senate, or his designee;

(3) Speaker of the House of Representatives, or his designee;

(4) Chairman of the Senate Corrections and Penology Committee, or his designee;

(5) Chairman of the House of Representatives Medical, Military and Municipal Affairs Committee, or his designee;

(6) Director of the Department of Corrections, or his designee; and

(7) Director of the Department of Probation, Parole and Pardon Services, or his designee.

(C) The members of the study committee shall elect a chairman.

(D) The study committee shall accept committee staffing and coordination from the appropriate committees of the Senate and House of Representatives.

(E) The members of the study committee shall serve without mileage, per diem, and subsistence.

(F) The study committee shall meet as often as is necessary, and shall convene no later than sixty days after the effective date of this act.

(G) The study committee shall submit its plan to the Chairman of the Senate Finance Committee, Chairman of the House of Representatives Ways and Means Committee, Chairman of the Senate Corrections and Penology Committee, and Chairman of the House of Representatives Medical, Military, Public and Municipal Affairs Committee no later than December 31, 2010, at which point the study committee will dissolve.

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

Renumber sections to conform.

Amend title to conform.

Senator FAIR 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.

**COMMITTEE AMENDMENT ADOPTED**

**OBJECTION**

S. 314 -- Senator Fair: A BILL TO AMEND CHAPTER 1, TITLE 14 OF THE 1976 CODE, RELATING TO MISDEMEANOR TRAFFIC OFFENSES AND NONTRAFFIC VIOLATIONS, BY ADDING SECTION 14‑1‑240, TO IMPOSE AN ADDITIONAL FIVE DOLLAR SURCHARGE ON ALL FINES, FORFEITURES, ESCHEATMENTS, OR OTHER MONETARY PENALTIES FOR MISDEMEANOR TRAFFIC OFFENSES OR FOR NONTRAFFIC VIOLATIONS, AND TO PROVIDE THAT THE SURCHARGE SHALL BE USED TO FUND TRAINING AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY.

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

There was no objection.

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

The Committee on Judiciary proposed the following amendment (JUD0314.001), which was adopted:

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

/ SECTION 1. Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑240. (A) In addition to all other assessments and surcharges, a five dollar surcharge is imposed on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates or municipal court for misdemeanor traffic offenses or for nontraffic violations. The surcharge may not be imposed on violations of state laws, municipal ordinances, or county ordinances restricting parking. The surcharge must be used to fund training at the South Carolina Criminal Justice Academy. No portion of the surcharge may be waived, reduced, or suspended.

(B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the South Carolina Law Enforcement Training Council.

(C) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction that he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further authorized to conduct these examinations, and the local jurisdiction is required to participate in and cooperate fully with the examination. As well, the State Auditor shall periodically audit the financial records of jurisdictions pursuant to Section 14-1-210. A jurisdiction that fails to comply with this section is subject to the penalties as provided in Section 14-1-210.”

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

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

Senator LEVENTIS argued contra to the Bill.

Senator LEVENTIS objected to further consideration of the Bill.

**OBJECTION**

S. 1185 -- Senators Malloy, Ford, Pinckney, McConnell, Rose and Campsen: A BILL TO AMEND TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 8 ENTITLED THE “SOUTH CAROLINA FAMILY LAW MEDIATION ACT”, SO AS TO MANDATE MEDIATION IN ALL DOMESTIC RELATIONS ACTIONS IN FAMILY COURT; TO PROVIDE FOR DEFINITIONS OF MEDIATION AND MEDIATOR; TO PROVIDE FOR AUTOMATIC EXCEPTIONS WHERE MEDIATION IS NOT REQUIRED; TO INCLUDE CONTEMPT ACTIONS, CHILD ABUSE AND NEGLECT PROCEEDINGS, DEPARTMENT OF SOCIAL SERVICES ADULT PROTECTIVE SERVICES CASES, CASES WHERE THERE HAS BEEN A FINDING OF ABUSE OR NEGLECT, JUVENILE PROCEEDINGS, UNCONTESTED ISSUES, ACTIONS WHERE PARTIES AGREE TO VOLUNTARY MEDIATION, AND THE ENTRY OF DIVORCE OR SEPARATE MAINTENANCE DECREES; TO PROVIDE CIRCUMSTANCES WHERE MEDIATION MAY BE WAIVED BY THE FAMILY COURT; TO INCLUDE GEOGRAPHIC CONSIDERATIONS, INCAPACITY OF ONE OR MORE PARTIES, INCOMPETENCE OF ONE OR MORE PARTIES, CASES WHERE INVOLVING ABUSE OR NEGLECT OCCURRING MORE THAN ONE YEAR FROM THE HEARING, CASES INVOLVING SUBSTANCE ABUSE BY ONE OR MORE PARTIES; TO PROVIDE THAT MEDIATION MUST OCCUR BETWEEN NINETY AND ONE HUNDRED AND EIGHTY DAYS AFTER THE FILING OF THE ACTION; AND TO PROVIDE THAT NO FINAL HEARING IN A DOMESTIC RELATIONS ACTION SHALL BE SCHEDULED UNTIL MEDIATION IS COMPLETED IN THE MATTER, UNLESS IT IS EXEMPTED OR EXCEPTED FROM MEDIATION.

Senator SETZLER objected.

S. 1188 -- Senators Malloy, McConnell, Ford, Pinckney, Rose and Campsen: A BILL TO AMEND TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CHILDREN’S CODE, BY ADDING CHAPTER 6 ENTITLED THE “SOUTH CAROLINA FAMILY COURT HEARING OFFICER ACT”, SO AS TO PROVIDE FOR VOLUNTEER FAMILY COURT HEARING OFFICERS APPOINTED BY THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT AND WHO ARE PROTECTED PURSUANT TO THE SOUTH CAROLINA TORT CLAIMS ACT; TO PROVIDE THAT HEARING OFFICERS MUST BE MEMBERS OF THE SOUTH CAROLINA BAR IN GOOD STANDING WITH A MINIMUM OF TEN YEARS OF FAMILY COURT EXPERIENCE; TO PROVIDE THAT RETIRED JUDGES, EXCEPT SUMMARY COURT JUDGES, MAY BE APPOINTED AS HEARING OFFICERS ABSENT TEN YEARS OF EXPERIENCE IN FAMILY COURT MATTERS, TO REQUIRE HEARING OFFICERS TO RECEIVE AT LEAST SIX HOURS OF FAMILY LAW CONTINUING LEGAL EDUCATION EVERY YEAR; TO PROVIDE THAT HEARING OFFICERS MAY BE ASSIGNED TO ALL UNCONTESTED DOMESTIC RELATIONS MATTERS, THAT THEY MAY MAKE FINDINGS AND RECOMMENDATIONS FOR THE FAMILY COURT JUDGE ON UNIFORM INTERSTATE FAMILY SUPPORT ACT ACTIONS, THAT THEY MAY BE ASSIGNED MOTION HEARINGS FOR TEMPORARY RELIEF IN DOMESTIC RELATIONS MATTERS, WITH THE CONSENT OF THE PARTIES, AND MAY MAKE RECOMMENDATIONS OF FINDINGS OF FACT AND CONCLUSIONS OF LAW TO THE FAMILY COURT JUDGES, THAT THE CHIEF JUSTICE MUST ISSUE DIRECTIVES CONCERNING OTHER TYPES OF CASES THAT MAY BE ASSIGNED ONLY TO RETIRED JUDGE HEARING OFFICERS, TO PROVIDE A LIST OF TYPES OF CASES THAT MAY BE ASSIGNED, THAT THE CLERK OF COURT SHALL MAINTAIN A FAMILY COURT HEARING OFFICER DOCKET, THAT HEARING OFFICERS SHALL HAVE THE SAME AUTHORITY AS A FAMILY COURT JUDGE TO ADMINISTER OATHS, PRESERVE AND ENFORCE ORDER IN THE COURT, HOLD PERSONS IN CONTEMPT AND SANCTION THEM, EXAMINE WITNESSES, ISSUE BENCH WARRANTS, ISSUE ORDERS AND RULINGS ON MOTIONS, ACT AS A FINDER OF FACT AND LAW, TAKE MINORS AND VULNERABLE ADULTS INTO EMERGENCY PROTECTIVE CUSTODY, TO ISSUE TEMPORARY ORDERS RELATING TO EQUITABLE DIVISION OF MARITAL PROPERTY, CHILD SUPPORT, CUSTODY, VISITATION, ATTORNEY’S FEES, DISCOVERY, AND RESTRAINING ORDERS, AND TO APPOINT GUARDIANS AD LITEM AS APPROPRIATE; TO PROVIDE THAT MATTERS DIRECTLY APPEALABLE TO THE SUPREME COURT ARE NOT SUBJECT TO REFERRAL TO A HEARING OFFICER, TO PROVIDE THAT PROCEEDINGS SHALL BE HELD IN THE COUNTY OF APPROPRIATE VENUE UNLESS THE PARTIES CONSENT TO ANOTHER COUNTY; TO PROVIDE THAT ORDERS ISSUED BY RETIRED JUDGE HEARING OFFICERS SHALL BE CONSIDERED FINAL AND SHALL BE APPEALED DIRECTLY TO THE COURT OF APPEALS; TO PROVIDE THAT ORDERS ISSUED BY OTHER HEARING OFFICERS ARE SUBJECT TO REVIEW BY A FAMILY COURT JUDGE; TO PROVIDE THAT HEARING OFFICERS ARE NOT BARRED FROM THE PRACTICE OF LAW IN FAMILY COURT; TO PROVIDE THAT THE FAMILY COURT RULES APPLY IN PROCEEDINGS BEFORE HEARING OFFICERS; AND TO PROVIDE THAT HEARING OFFICERS SHALL RECEIVE CREDIT FOR COURT APPOINTMENTS.

Senator SETZLER objected.

H. 3964 -- Reps. Duncan, Ott, Vick, Loftis and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 21, TITLE 46 SO AS TO UPDATE AND CLARIFY SEED ARBITRATION PROCEDURES; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 46, RELATING TO GENERAL PROVISIONS OF SEED AND PLANT CERTIFICATION, SO AS TO REPLACE OBSOLETE DEFINITIONS, TO REVISE ENFORCEMENT MECHANISMS, TO CLARIFY LICENSING PROCEDURES, AND TO PROVIDE EXEMPTIONS; TO AMEND ARTICLE 3, CHAPTER 21, TITLE 46, RELATING TO LABELS AND TAGS REGARDING SEEDS AND PLANTS, SO AS TO REVISE THE LABELING REQUIREMENTS FOR SEED PRODUCTS, AND TO IMPOSE ADDITIONAL PROHIBITIONS; TO AMEND ARTICLE 5, CHAPTER 21, TITLE 46, RELATING TO ANALYSES AND TESTS REGARDING SEEDS AND PLANTS, SO AS TO DELETE REDUNDANT PROVISIONS, TO PROVIDE THAT DEPARTMENT OF AGRICULTURE OFFICIALS SHALL HAVE ACCESS TO SEED RECORDS AND SAMPLES, TO PROVIDE THAT SEED RECORDS SHALL BE MAINTAINED FOR TWO YEARS, AND TO CLARIFY WHO IS ENTITLED TO FREE SEED TESTING AT THE STATE SEED LABORATORY; TO AMEND ARTICLE 7, CHAPTER 21, TITLE 46, RELATING TO WITHDRAWAL, CONFISCATION, AND SALE OF SEEDS REGARDING SEEDS AND PLANTS, SO AS TO INCREASE PENALTIES FOR VIOLATIONS FROM A MAXIMUM OF ONE HUNDRED DOLLARS FOR EACH VIOLATION TO ONE THOUSAND DOLLARS FOR EACH VIOLATION, TO CLARIFY THE ROLE OF THE ATTORNEY GENERAL IN PROSECUTING VIOLATIONS, AND TO PROVIDE FOR INJUNCTIVE RELIEF TO PREVENT VIOLATIONS; TO AMEND ARTICLE 9, CHAPTER 21, TITLE 46, RELATING TO SEED AND PLANT CERTIFICATION, SO AS TO CLARIFY CLEMSON UNIVERSITY’S SEED AND PLANT CERTIFICATION AUTHORITY; AND TO REPEAL ARTICLE 11, CHAPTER 21, TITLE 46 RELATING TO SEED IRISH POTATOES IN CHARLESTON COUNTY.

Senator VERDIN objected.

H. 4093 -- Reps. Loftis, Mitchell, H.B. Brown, Bedingfield, Anthony, G.A. Brown, Crawford, Dillard, Harvin, Hiott, Knight, Lowe, J.R. Smith, Toole, D.C. Moss, Sellers, Brady, Funderburk, Hodges, Horne, Gunn, Bowers, Hutto and Stavrinakis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 60 TO TITLE 48 TO ENACT THE “SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT”; TO PROVIDE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY RELATED TO THE ACT; TO PROVIDE CERTAIN DEFINITIONS RELATED TO THE ACT; TO REQUIRE A MANUFACTURER OF CERTAIN COMPUTING, DISPLAY, OR PRINTING EQUIPMENT TO OFFER A RECOVERY PROGRAM FOR THE COLLECTION OF EQUIPMENT FROM A CONSUMER IN A MANNER CONVENIENT TO THE CONSUMER; TO REQUIRE A MANUFACTURER TO DOCUMENT ITS COMPLIANCE WITH THIS CHAPTER IN AN ANNUAL REPORT TO THE DEPARTMENT; TO LIMIT THE LIABILITY OF A MANUFACTURER FOR DAMAGE SUSTAINED BY A CONSUMER FROM INFORMATION CONTAINED ON EQUIPMENT RETURNED BY THE CONSUMER TO A MANUFACTURER THROUGH THE MANUFACTURER’S RECOVERY PROGRAM; TO REQUIRE A RETAILER TO SELL ONLY EQUIPMENT MANUFACTURED IN COMPLIANCE WITH THIS CHAPTER; TO LIMIT THE LIABILITY OF A RETAILER FOR DAMAGE SUSTAINED BY A CONSUMER FROM INFORMATION CONTAINED ON EQUIPMENT SOLD BY THE RETAILER TO A CONSUMER AND RETURNED TO THE MANUFACTURER OF THE EQUIPMENT THROUGH THE MANUFACTURER’S RECOVERY PROGRAM; TO REQUIRE A MANUFACTURER TO EDUCATE CONSUMERS ABOUT THE MANUFACTURER’S RECOVERY PROGRAM; TO REQUIRE THE DEPARTMENT TO EDUCATE CONSUMERS ABOUT ALL RECOVERY PROGRAMS AVAILABLE IN THIS STATE; TO ENABLE THE DEPARTMENT TO AUDIT A MANUFACTURER TO DETERMINE THE MANUFACTURER’S COMPLIANCE WITH THIS CHAPTER; TO PROVIDE THAT FINANCIAL AND PROPRIETARY INFORMATION SUBMITTED TO THE DEPARTMENT BY A MANUFACTURER OR RETAILER PURSUANT TO THIS CHAPTER IS EXEMPT FROM PUBLIC DISCLOSURE; TO REQUIRE THE DEPARTMENT TO REPORT ANNUALLY INFORMATION PROVIDED BY A MANUFACTURER OR A RETAILER TO THE GENERAL ASSEMBLY; TO REQUIRE THE DEPARTMENT TO DEVELOP STANDARDS FOR RECOVERY PROGRAMS, REPORTING REQUIREMENTS, AND RECOVERER CERTIFICATION THAT COMPLY WITH THE ELECTRONICS RECYCLING OPERATING PRACTICES OF THE INSTITUTE OF SCRAP RECYCLING INDUSTRIES; AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE RULES AND REGULATIONS NEEDED TO IMPLEMENT THIS CHAPTER’S PROVISIONS.

Senator VERDIN objected.

**CARRIED OVER**

S. 642 -- Senators Alexander, Ford and Knotts: A BILL TO AMEND ARTICLE 31, CHAPTER 5, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 TO PROVIDE THAT A PERSON UNDER THE AGE OF EIGHTEEN MAY NOT OPERATE A MOTOR VEHICLE WHILE USING A CELL PHONE OR OTHER WIRELESS COMMUNICATIONS DEVICE AND TO PROVIDE FOR PENALTIES AND EXCEPTIONS.

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

S. 1025 -- Senator Cromer: A BILL TO AMEND SECTION 38‑73‑737 OF THE 1976 CODE, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, TO REDUCE THE INITIAL COURSE FROM EIGHT TO SIX HOURS, TO ALLOW FOR A FOUR HOUR REFRESHER COURSE EVERY THREE YEARS, AND TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS FOR FIFTY‑FIVE YEARS AND OLDER DRIVER SAFETY INTERNET COURSES.

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

S. 1177 -- Senators Fair, Reese, Cromer, Campbell, Coleman, Shoopman, Williams and Rose: A BILL TO AMEND SECTION 8‑27‑10 OF THE 1976 CODE, RELATING TO THE DEFINITION OF A REPORT AS USED IN THE WHISTLEBLOWER STATUTE, TO PROVIDE THAT TESTIMONY GIVEN TO A STANDING COMMITTEE, SUBCOMMITTEE OF A STANDING COMMITTEE, OR A STUDY COMMITTEE OF THE SENATE OR HOUSE OF REPRESENTATIVES IS ENTITLED TO THE PROTECTIONS OF THE WHISTLEBLOWER STATUTE.

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

**AMENDMENT PROPOSED, CARRIED OVER**

S. 699 -- Senator Leatherman: A BILL TO AMEND CHAPTER 1, TITLE 6 OF THE 1976 CODE, BY ADDING ARTICLE 2 ENACTING THE “FINANCIAL ACCOUNTABILITY ACT” TO REQUIRE POLITICAL SUBDIVISIONS OF THIS STATE TO HAVE ANNUAL FINANCIAL AUDITS AND PROVIDE COPIES OF THESE AUDITS TO THE STATE TREASURER WHERE NOT ALREADY REQUIRED BY LAW, TO PROVIDE FOR ENFORCEMENT OF THIS REQUIREMENT BY MEANS OF WITHHOLDING A PORTION OF STATE FUNDS OTHERWISE DUE THE POLITICAL SUBDIVISION UNTIL COMPLIANCE IS ACHIEVED, TO AUTHORIZE THE STATE TREASURER TO DEVELOP STANDARDS FOR AND REPORT ON THE FINANCIAL HEALTH OF POLITICAL SUBDIVISIONS AND MAKE AUDITS PUBLIC ELECTRONICALLY, AND TO DIRECT THE STATE BUDGET AND CONTROL BOARD TO ASSIST IN THE IMPLEMENTATION OF THIS ACT.

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

Senator ALEXANDER proposed the following amendment (NBD\12264AC10):

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

/ SECTION 1. Chapter 21, Title 5 of the 1976 Code is amended by adding:

“Article 9

Municipal Finance Accountability Act of 2010

Section 5‑21‑910. For purposes of this article:

(1) ‘Employee’ means an employee of a municipality.

(2) ‘Official’ means the mayor or council member of a municipality.

Section 5‑21‑920. This article may be cited as the ‘Municipal Finance Accountability Act of 2010’.

Section 5‑21‑930. (A) There is created the Municipal Finance Accountability Commission composed of the following members:

(1) the State Treasurer;

(2) the Chairman of the Senate Finance Committee or member of Senate Finance Committee designated by the Chairman;

(3) the Chairman of the House Ways and Means Committee or member of the House Ways and Means Committee designated by the Chairman;

(4) four members appointed by the Governor of which at least two must be a current or former elected municipal official or a current or former city manager, administrator, or municipal finance officer currently or formerly serving in this State. The remaining two members appointed by the Governor must have business experience including, but not limited to, business owners, attorneys, accountants, and bankers.

(B) Appointed members shall serve for terms of four years and until their successors are appointed and qualify, except that of those first appointed, two shall serve for a term of two years and the term must be noted on the appointment. Regardless of the date of appointment, all terms expire July first of the applicable year. A vacancy must be filled in the manner of original appointment for the unexpired portion of the term.

(C) The State Treasurer shall serve as chairman.

(D) The commission shall meet at least quarterly. Action of the commission must be taken by resolution adopted by majority vote of those present and voting. A majority of the commission constitutes a quorum.

(E) Members of the commission shall serve without compensation but may receive mileage, subsistence, and per diem, authorized by law for members of state boards, committees, and commissions.

(F) The Attorney General shall provide legal services as the commission considers necessary to carry out its duties and responsibilities.

(G) For administrative purposes, the commission shall operate as a division of the Office of the State Treasurer.

Section 5‑21‑940. The chairman shall appoint a secretary of the commission, and may appoint other deputies and assistants as necessary, who are responsible to the chairman through the secretary. The commission may delegate powers to the secretary and his deputies to act in the name of the commission. Actions taken by the secretary or his deputies, including signing documents and papers provided for in this article, are effective as though the chairman has taken the action or signed the documents or papers. Actions taken by the secretary or his deputies and assistants may be appealed to the full commission.

Section 5‑21‑950. The commission may establish, charge, and collect fees for actual expenses incurred by the commission in connection with carrying out its duties and responsibilities under the provisions of this article. Fees that do not exceed expenses incurred may be charged to the municipality being assisted by the commission and may be withheld from that municipality’s state‑shared revenues and the monies distributed to a municipality pursuant to Chapter 27, Title 6, the State Aid to Subdivisions Act, and other funds distributed to a municipality by the State Treasurer for credit to the municipality’s general fund including, but not limited to, distributions from the County/Municipal Revenue Fund pursuant to Section 4‑10‑50, and distributions of state accommodations tax revenue pursuant to Section 6‑4‑10(1).

Section 5‑21‑960. This State designates the commission and its staff as agents and attorneys‑in‑fact authorized to request and receive information from the Internal Revenue Service and other federal and state agencies related to a municipality of this State that is subject to an order issued or investigation being conducted pursuant to the terms of this article. A certificate signed by the secretary of the commission is conclusive evidence of the commission’s right to proceed under this article.

Section 5‑21‑970. (A) The mayor of the municipality shall file a copy of the audit report required by Section 5‑7‑240, to include documents referenced in or accompanying the audit report, or the annual financial report allowed by subsection (B), with the commission no later than nine months after the close of the municipality’s fiscal year. After this date, the State Treasurer shall hold in escrow all state‑shared revenues distributed by the Office of the State Treasurer and the monies distributed to a municipality pursuant to Chapter 27, Title 6, the State Aid to Subdivisions Act, and other funds distributed to a municipality by the State Treasurer for credit to the municipality’s general fund including, but not limited to, distributions from the County/Municipal Revenue Fund pursuant to Section 4‑10‑50, and distributions of state accommodations tax revenue pursuant to Section 6‑4‑10(1) due the municipality until the required financial report is received or the commission directs payments be made to the municipality.

(B) Instead of the annual audit report required by Section 5‑7‑240, the council of a municipality that has annual revenues of less than three hundred thousand dollars may provide for an annual financial report with agreed upon procedures as established by the commission. A municipality that files an annual financial report as allowed by this section shall comply with the requirements of Section 5‑7‑240 for use and selection of an independent licensed accountant and for public presentation of the statement by the accountant. A municipality that files an annual financial report as allowed by this section and that operates a municipal court also shall comply with the review, supplementary schedule, and other requirements of Section 14‑1‑208(E). The minimum amount of designated annual revenue for substitution of an annual financial report may be adjusted by the commission as warranted by current economic conditions.

Section 5‑21‑980. (A) The commission may take action as it considers advisable to evaluate the municipality’s fiscal affairs, consult with the municipal council, and take other action as authorized by this chapter if a municipality:

(1) fails to pay any installment of principal or interest on its outstanding general obligation debt or revenue debt by the due date and remains in default for thirty days;

(2) fails to transfer to the appropriate agency:

(a) taxes withheld on the income of employees;

(b) employer or employee contributions for social security or pension or retirement plans;

(c) other employee benefits; or

(3) fails to file an annual audit or an annual financial report as required by Section 5‑21‑970; or

(4) files with the commission an annual audit report or annual financial report that, in the determination of the commission, shows substantial evidence of fiscal mismanagement or impending fiscal instability.

(B) In cases where the conditions of subsection (A) exist:

(1) the commission first shall make written inquiry of the municipal council to request clarification and the municipality’s plan for resolution;

(2) if the response is not sufficient to resolve the commission’s concerns, or if no response is received by the commission within thirty days, the commission shall evaluate the necessity for action and if necessary shall formulate a plan for restoring the municipality to fiscal stability or otherwise resolving the situation;

(a) the plan adopted by the commission may require appropriate action necessary to establish the fiscal stability of the municipality and the commission may negotiate with the municipality’s creditors in order to assist the municipality in formulating a resolution; and

(b) during its implementation, the plan may be amended by the commission after consultation with the municipality.

(C) When a plan is developed that the commission finds to be fair and equitable and reasonably within the ability of the municipality to meet, the commission shall enter an order to the municipality to take the necessary steps to implement the plan. When an order is entered, the members of the municipal council and all officials and employees of the municipality shall do all things necessary to implement the plan. The commission may apply to the court of competent jurisdiction for an order to enforce the commission’s order.

(D) Pursuant to the provisions of this section, the commission may require periodic reports on the municipality’s fiscal affairs. If, when acting under the authority of this section, the commission recommends modifications to the municipality’s current or proposed budget, the municipal council shall amend the budget ordinance or make the modification before adopting the proposed budget ordinance.

Section 5‑21‑990. (A) The commission has the authority to take possession and control books and records of a municipality it considers necessary and assume full control of its financial affairs if the governing body of the municipality persists in failing or refusing to comply with the provisions of this article after notice and warning from the commission.

(B) If the commission takes action pursuant to the provisions of this section, the commission is vested with the powers of the municipal council as to the levy of taxes, expenditure of monies, adoption of budgets, and other financial powers conferred upon the municipal council by law. The commission shall provide appropriate public notice of its exercise of these powers.

(C) Nothing done pursuant to the authority of this article or under color of authority granted under this article shall make the commission or this State liable for the debt, liability, or obligation of a municipality.

Section 5‑21‑1000. The power and authority granted to the commission in this article shall continue with respect to a municipality until the commission issues an order finding that the municipality has performed and continues to perform the duties required of it in the plan for restoring the municipality to financial stability.

Section 5‑21‑1010. If an official or employee of a municipality persists, after notice and warning from the commission, in failing or refusing to comply with a provision of this article, he is subject to forfeiture of his office or employment. The commission may enter an order suspending the official or employee from further performance of his office or employment after first giving him notice and an opportunity to be heard in his own defense, pending the outcome of quo warranto proceedings. Upon suspending an official or employee under this section, the commission shall report the circumstances to the Attorney General, who shall initiate and prosecute quo warranto proceedings against the official or employee in circuit court. If an official or employee persists in performing an official act in violation of an order of the commission, the commission also may apply to circuit court for a restraining order and injunction.

Section 5‑21‑1020. In addition to other duties, the commission shall approve orientation programs that satisfy the educational requirements in Section 5‑21‑1030 and distribute a list of approved programs to municipal officials.

Section 5‑21‑1030. (A) An official of a municipality, who was not serving as an official on the effective date of this article, shall enroll in, attend, and complete an orientation program approved by the commission, of no fewer than seven hours, on matters pertaining to the administration and operations of municipal governments. This orientation program must be completed within one year of taking office or within one year of an orientation program being approved by the commission. An approved course includes, but is not be limited to, orientation in municipal finance and budgeting; methods of taxation; planning, zoning, and land use; municipal services and governance; the Freedom of Information Act; the ethics, duties, and responsibilities of members of a municipal council; and other matters as considered necessary and appropriate by the commission.

(B) The reasonable cost of tuition, fees, housing, travel, and meals incurred by a public official to satisfy the requirements of subsection (A) must be paid from funds appropriated by the municipal council for these purposes. Reasonable costs are determined by the municipal council in its reimbursement policies.

Section 5‑21‑1040. An elected municipal official who satisfied the educational requirements in Section 5‑21‑1030 for a prior term as an elected municipal official is not required to comply with the training requirement for a subsequent term except after a break in service.

Section 5‑21‑1050. (A) An elected municipal official shall certify that he has satisfied the educational requirements in Section 5‑21‑1030 by filing a certification form and documentation with the municipal clerk no later than the date he shall complete the educational requirements of Section 5‑21‑1030.

(B) Each certification form substantially must conform to the following form and all applicable portions of the form must be completed:

‘To report compliance with educational requirements required in Section 5‑21‑1030, a person elected to the office of mayor or municipal council and who is not serving as a mayor or council member on the effective date of Article 9, Chapter 21, Title 5 of the 1976 Code, shall complete and file this form with the municipal clerk within one year of taking office or within one year of an orientation program being approved by the Municipal Finance Accountability Commission.

Name of elected municipal official: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

First day in office:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Filing date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I have attended an approved course that meets the educational requirements in Section 5‑21‑1030.

Also attached with this form is documentation that I attended the program.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’

Section 5‑21‑1060. The clerk shall keep in the official public records originals of all filed forms and documentation that certify compliance with educational requirements.

Section 5‑21‑1070. An elected municipal official is subject to forfeiture of office pursuant to the provisions of Section 5‑7‑210 or 5‑21‑1010 if he:

(1) fails to complete the requisite number of hours of education and training within the time frame required pursuant to Section 5‑21‑1030; or

(2) fails to file the certification form and documentation required by the commission pursuant to Section 5‑21‑1050.”

SECTION 2. Section 5‑7‑200 of the 1976 Code is amended to read:

“Section 5‑7‑200. (A) A mayor or ~~councilman~~ council member shall forfeit his office if he:

(1) lacks at any time during his term of office any qualification for the office prescribed by the ~~general~~ law and the Constitution of this State;

(2) violates any express prohibition or affirmative duty or requirement of Chapters 1 to ~~17~~ 21; ~~or~~

(3) is convicted of a crime involving moral turpitude; or

(4) violates a provision of Section 5-21-1070.

(B) A vacancy in the office of mayor or council ~~shall~~ must be filled for the remainder of the unexpired term at the next regular election or at a special election if the vacancy occurs one hundred eighty days or more ~~prior to~~ before the next general election.”

SECTION 3. Section 5‑7‑240 of the 1976 Code is amended to read:

“Section 5‑7‑240. (A) Except as allowed by Section 5‑21‑970, the council shall provide for an independent annual audit of all financial statements, records, and transactions of the municipality and any agency funded in whole by municipal funds. The audit must be performed at the close of each fiscal year and council may provide for more frequent audits as it ~~deems~~ considers necessary. Special audits may be provided for ~~any~~ an agency receiving municipal funds as the municipality ~~deems~~ considers necessary. The audited financial statements must be accomplished in accordance with the auditing standards generally accepted in this country and the standards applicable to financial audits contained in Governmental Auditing Standards, issued by the Comptroller General of the United States. ~~Such~~ These audits ~~shall~~ must be made by ~~a certified public~~ an independent accountant ~~or public accountant or firm of such accountants~~ licensed by the South Carolina Board of Accountancy who ~~have~~ has no personal interest, direct or indirect, in the fiscal affairs of the municipal government or ~~any of~~ its officers. The council ~~may~~, without requiring competitive bids, may designate ~~such~~ an accountant ~~or firm~~ annually or for a period not exceeding four years, provided, that the designation for any particular fiscal year ~~shall~~ must be made no later than thirty days after the beginning of ~~such~~ that fiscal year. The auditor must be selected by and reports directly to the governing body of the municipality. An engagement letter must be provided following auditing standards generally accepted in the United States. The report of the audit ~~shall~~ must be presented by the auditor at a public meeting of the governing body and must be made available for public inspection. The council, ~~may~~ in its discretion, may accept independent audits of municipal agencies and departments and include ~~such~~ these audits in its general report of the audit of the municipality.

(B) Each official and employee of the municipality having custody of public money or responsibility for keeping records of public financial or fiscal affairs shall produce books and records requested by the auditor and shall divulge this information relating to fiscal affairs as requested. A member of a governing body or employee who conceals, falsifies, or refuses to deliver or divulge books, records, or information, with an attempt to mislead the auditor or impede or interfere with the audit, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.”

SECTION 4. Section 5‑21‑50 of the 1976 Code is amended to read:

“Section 5‑21‑50. ~~All towns in this State of more than two hundred population shall keep an itemized account of all receipts and disbursements and shall publish quarterly statements of such accounts in some newspaper in the county in which such town is situated or shall post such quarterly statements at some conspicuous place or places in the town.~~ A municipality shall prepare on at least a quarterly basis a summary statement of finances to include a cash balance report and a statement of accounts with a comparison of actual to budgeted revenues and expenditures. This statement must be provided to the municipal council and, upon request, to members of the public or interested organizations.”

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

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

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

**MOTION ADOPTED**

Senator SETZLER moved to dispense with the Motion Period.

The Senate agreed to dispense with the Motion Period.

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

**AMENDED, DEBATE INTERRUPTED**

H. 3161 -- Rep. Harrison: A BILL TO AMEND SECTION 1‑23‑660, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFICE OF MOTOR VEHICLE HEARINGS WITHIN THE ADMINISTRATIVE LAW COURT, SO AS TO REQUIRE THE OFFICE OF MOTOR VEHICLE HEARINGS TO EMPLOY CERTAIN PROFESSIONAL AND SUPPORT STAFF; AND TO AMEND SECTION 56‑5‑2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST AN ADMINISTRATIVE HEARING, SO AS TO INCREASE THE FILING FEE FROM ONE HUNDRED FIFTY TO TWO HUNDRED FIFTY DOLLARS AND PROVIDE FOR THE DISTRIBUTION OF THE FILING FEE FUNDS COLLECTED.

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

**Motion to Reconsider Tabled**

Having voted on the prevailing side, Senator ROSE moved to reconsider the vote whereby the Bill was given a second reading.

**Parliamentary Inquiry**

Senator HUTTO made a Parliamentary Inquiry as to whether the motion required unanimous consent.

The ACTING PRESIDENT stated that the motion to reconsider did not require unanimous consent.

Senator MALLOY argued contra to the motion to reconsider.

Senator MALLOY moved to table the motion to reconsider.

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

**Ayes 27; Nays 14**

**AYES**

Alexander Anderson Campbell

Campsen Courson Elliott

Fair Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* McConnell McGill

Nicholson O’Dell Pinckney

Rankin Reese Scott

Setzler Sheheen Williams

**Total--27**

**NAYS**

Bright Bryant Davis

Grooms Leventis *Martin, Shane*

Massey Mulvaney Peeler

Rose Ryberg Shoopman

Thomas Verdin

**Total--14**

The motion to reconsider was laid on the table.

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

Having received the requisite number of votes under the provisions of Rule 26B, Amendment No. 1A was taken up for immediate consideration.

**Amendment No. 1B**

Senator MALLOY proposed the following Amendment 1B (3161MALLOYNOTICE2), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 7 - 10 and inserting:

/ of the taking of the deposition. Any attorney who conducts a deposition must pay the fee to the clerk of court in the county in which the proceeding was commenced with the filing of the notice of the deposition. A deposition that is rescheduled or reconvened must not be subject to an additional fee. The revenue from this fee must be /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

**RECESS**

At 4:43 P.M., with Senator MALLOY retaining the floor, on motion of Senator MASSEY, with unanimous consent, the Senate receded from business subject to the Call of the Chair.

At 4:50 P.M., the Senate resumed.

The amendment was adopted.

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

Senator LEVENTIS spoke on the Bill.

Senator MASSEY spoke on the Bill.

**Objection**

At 5:42 P.M., with Senator MASSEY retaining the floor, Senator SHEHEEN asked unanimous consent to make a motion that the Senate stand adjourned.

Senator KNOTTS objected.

Senator MASSEY resumed speaking on the Bill.

**Point of Quorum**

At 5:54 P.M., Senator SHEHEEN made the point that a quorum was not present. It was ascertained that a quorum was not present.

At 5:55 P.M., Senator SHEHEEN moved that the Senate stand adjourned.

Debate was interrupted by adjournment.

**Recorded Vote**

Senators KNOTTS and SHANE MARTIN desired to be recorded as voting against the motion to adjourn.

**ADJOURNMENT**

At 5:57 P.M., on motion of Senator SHEHEEN, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*