**Thursday, April 22, 2010**

**(Statewide Session)**

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## Indicates New Matter

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

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

In Philippians we read:

“I can do everything through him who gives me strength.”

(Philippians 4:13)

Join me as we bow in prayer, if you

will:

O God Almighty, we give You greatest praise this day. And we thank You, Lord, for blessing the members of this distinguished body. May these Senators continue to walk closely with You, strengthened by Your power and encouraged by Your hopeful promises. And as always, allow the people of South Carolina to be the beneficiaries of all the good which these leaders accomplish. We humbly ask You, Lord, also to be with those who are striving to bring about peace, wherever in the world they serve. Keep all of Your servants safe and strong. In Your holy name we pray, O Lord.

Amen.

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

**Doctor of the Day**

Senator FAIR introduced Dr. John B. Eberly of Taylors, S.C., Doctor of the Day.

**Leave of Absence**

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

**Leave of Absence**

At 11:30 A.M., Senator GROOMS requested a leave of absence beginning at 1:30 P.M. today and lasting until Noon tomorrow.

**Leave of Absence**

At 11:55 A.M., Senator RYBERG requested a leave of absence beginning at 1:30 P.M. today and lasting until 11:00 A.M. on Tuesday.

**Leave of Absence**

On motion of Senator CAMPSEN, at 2:00 P.M., Senator COURSON was granted a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator HAYES, at 2:20 P.M., Senator ALEXANDER was granted a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator HAYES, at 2:20 P.M., Senator THOMAS was granted a leave of absence for the balance of the day.

**Leave of Absence**

At 2:25 P.M., Senator FAIR requested a leave of absence until Tuesday at Noon.

**Leave of Absence**

At 2:30 P.M., Senator LOURIE requested a leave of absence for the balance of the day.

**Leave of Absence**

At 2:30 P.M., Senator RANKIN requested a leave of absence for the balance of the day.

**Leave of Absence**

At 2:30 P.M., Senator JACKSON requested a leave of absence for the balance of the day.

**Objection to Leave of Absence**

At 2:30 P.M., Senator KNOTTS requested a leave of absence until Tuesday at Noon.

Senator LAND objected.

**CO-SPONSORS ADDED**

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

S. 973 Sen. Knotts

S. 1073 Sen. Knotts

S. 1334 Sen. Rose

S. 1353 Sen. Rose

S. 1368 Sen. Rose

**RECALLED**

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.

Senator HAYES asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Finance.

The Joint Resolution was recalled from the Committee on Finance and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1385 -- Senator McGill: A SENATE RESOLUTION TO CONGRATULATE DR. JOHN F. CLARK, DIRECTOR OF THE SOUTH CAROLINA ENERGY OFFICE, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE TO THE STATE OF SOUTH CAROLINA, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1386 -- Senators Campsen, Land and McGill: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS TO TAKE ANY MEASURE WITHIN ITS POWER TO MITIGATE OR OVERTURN ANY EXECUTIVE ORDER ISSUED TO IMPLEMENT RECOMMENDATIONS BY THE INTERAGENCY OCEAN POLICY TASK FORCE IF THESE RECOMMENDATIONS FAIL TO ENSURE AND PROMOTE RECREATIONAL FISHING AND ACCESS TO PUBLIC WATERS, AND IF THESE RECOMMENDATIONS FAIL TO INCLUDE RESPONSIBLY REGULATED RECREATIONAL BOATING AND FISHING AS NATIONAL PRIORITIES FOR OUR OCEANS, COASTS, AND LAKES.

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The Concurrent Resolution was introduced and referred to the Committee on Fish, Game and Forestry.

S. 1387 -- Senator Thomas: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1 OF ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE JUDICIAL DEPARTMENT, SO AS TO REQUIRE THE COURTS OF THIS STATE TO UPHOLD AND ADHERE TO THE LAW AS PROVIDED IN FEDERAL AND STATE CONSTITUTIONS OF CERTAIN LAWS, RULES, AND REGULATIONS; AND TO PROHIBIT CONSIDERATION OF CERTAIN LAWS, RULES, REGULATIONS, DECISIONS, CONVENTIONS, AND TREATIES.

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

S. 1388 -- Senator Leatherman: A BILL TO AMEND TITLE 2 OF THE 1976 CODE, BY ADDING CHAPTER 63 TO CREATE THE OTHER FUNDS OVERSIGHT COMMITTEE, TO DEFINE OTHER FUNDS, TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE, AND TO PROVIDE THAT THE COMMITTEE SHALL EXAMINE THE SOURCE OF OTHER FUNDS IN THIS STATE AND RECOMMEND TO THE GENERAL ASSEMBLY THE APPROPRIATE POLICY FOR THE RECEIPT, APPROPRIATION, EXPENDITURE, AND REPORTING OF OTHER FUNDS.

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

S. 1389 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. LONNIE RANDOLPH, JR. OF COLUMBIA UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA COMMISSION FOR CONSUMER AFFAIRS, AND TO EXPRESS THE GRATITUDE OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR HIS MORE THAN THIRTY YEARS OF TIRELESS SERVICE AS A MEMBER OF THAT COMMISSION.

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

H. 3369 -- Reps. T. R. Young, Huggins, E. H. Pitts, Ballentine, Bingham, Haley, Cato, Clyburn, Hearn, G. M. Smith, G. R. Smith, J. R. Smith, Spires, Stewart, Viers, Wylie and Weeks: A BILL TO AMEND SECTION 16-15-342, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF CRIMINAL SOLICITATION OF A MINOR, SO AS TO INCREASE THE PENALTY FOR THE OFFENSE.

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

H. 3924 -- Reps. Harrison, Miller, Harrell, Clemmons and Weeks: A BILL TO AMEND SECTION 48-34-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO REFERENCE OTHER SPECIFIC STATUTORY AND REGULATORY REQUIREMENTS; AND TO AMEND SECTION 48-34-50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT NO PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE MAY BE HELD LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN AND TO DEFINE GROSS NEGLIGENCE.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 3988 -- Rep. Funderburk: A BILL TO AMEND SECTION 39-20-45, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENFORCEMENT OF A LIEN IN CONNECTION WITH A SELF-SERVICE STORAGE FACILITY, SO AS TO PROVIDE FOR ANOTHER PROCEDURE FOR ENFORCEMENT OF A LIEN AGAINST A TITLED VEHICLE.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 749 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 57‑3‑45 AND 57‑3‑55 SO AS TO ESTABLISH THE DIVISION OF RAILROAD TRANSPORTATION AS A COMPONENT OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND PROVIDE FOR ITS FUNCTIONS AND TO REQUIRE RAILROADS AND RAILWAYS ANNUALLY TO REPORT TO THIS DIVISION THEIR ACTIVE, INACTIVE, TO BE ABANDONED, AND ABANDONED RAIL LINES; AND TO AMEND SECTIONS 57‑3‑10, 57‑3‑20, AND 57‑3‑40, RELATING RESPECTIVELY TO THE DIVISIONS COMPRISING THE DEPARTMENT OF TRANSPORTATION, THE RESPONSIBILITIES AND DUTIES OF DIVISION DEPUTY DIRECTORS ADMINISTERING THESE DIVISIONS, AND THE FUNCTIONS OF THE MASS TRANSIT DIVISION, SO AS TO CONFORM THESE PROVISIONS TO REFLECT THE ESTABLISHMENT OF THE DIVISION OF RAILROAD TRANSPORTATION WITHIN THE DEPARTMENT OF TRANSPORTATION.

Ordered for consideration tomorrow.

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

S. 790 -- Senator L. Martin: A BILL TO AMEND CHAPTER 3, TITLE 16 OF THE 1976 CODE, BY ADDING ARTICLE 19 TO ESTABLISH A PROCEDURE FOR THE ISSUANCE OF TEMPORARY AND PERMANENT CIVIL NO‑CONTACT ORDERS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE DURATION OF CIVIL NO‑CONTACT ORDERS, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE A PENALTY FOR THE VIOLATION OF CIVIL NO‑CONTACT ORDERS, TO PROVIDE FOR THE ENFORCEMENT OF FOREIGN PROTECTION ORDERS, AND TO PROVIDE FOR THE REQUIREMENTS FOR VALID FOREIGN PROTECTION ORDERS.

Ordered for consideration tomorrow.

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

S. 1171 -- Senator Hutto: A BILL TO AMEND SECTION 56-1-10 OF THE 1976 CODE, RELATING TO DRIVER’S LICENSES, TO MODIFY THE DEFINITION OF CERTAIN TERMS; TO AMEND SECTION 56-1-640, TO INCLUDE CANADA AND MEXICO AS PARTY JURISDICTIONS; TO AMEND SECTION 56-1-2030, TO MODIFY THE DEFINITION OF HAZARDOUS MATERIAL; TO AMEND SECTION 56-1-2100, TO MODIFY THE DESCRIPTION OF A CLASS C VEHICLE; AND TO AMEND SECTION 56-1-2070, TO PROVIDE GRADUATED FINES FOR VIOLATIONS OF OUT-OF-SERVICE ORDERS.

Ordered for consideration tomorrow.

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

S. 1271 -- Senators Campsen and Knotts: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50‑11‑108 TO PROVIDE THAT A PERSON MAY USE A FIREARM TO KILL OR ATTEMPT TO KILL ANY ANIMAL DURING ANY SEASON IN SELF‑DEFENSE, DEFENSE OF ANOTHER, OR DEFENSE OF PROPERTY, AND TO PROVIDE EXCEPTIONS.

Ordered for consideration tomorrow.

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

S. 1291 -- Senators Verdin and O’Dell: A BILL TO AMEND SECTION 44‑96‑80 OF THE 1976 CODE, RELATING TO COUNTY SOLID WASTE PROGRAMS, TO PROVIDE THAT AN ORDINANCE THAT RESTRICTS SOLID WASTE DISPOSAL AT PERMITTED FACILITIES LOCATED OUTSIDE A COUNTY’S BOUNDARIES OR IMPEDES A RECYCLING PROGRAM IS INCONSISTENT WITH THE PROVISIONS OF THE CHAPTER; AND TO AMEND SECTION 44‑55‑1210, RELATING TO COUNTIES ENGAGING IN SOLID WASTE COLLECTION, TO PROVIDE THAT AN ORDINANCE IS VOID TO THE EXTENT THAT A COUNTY ORDINANCE RESTRICTS SOLID WASTE DISPOSAL AT A PERMITTED SITE OUTSIDE A COUNTY’S BOUNDARIES OR IMPEDES A RECYCLING PROGRAM.

Ordered for consideration tomorrow.

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

S. 1294 -- Senator Peeler: A BILL TO AMEND SECTION 50‑11‑2540 OF THE 1976 CODE, RELATING TO THE TRAPPING SEASON OF FURBEARING ANIMALS, TO PROVIDE THAT IT IS LAWFUL TO TRAP COYOTES FROM NOVEMBER FIRST OF EACH YEAR TO MARCH FIRST OF THE SUCCEEDING YEAR.

Ordered for consideration tomorrow.

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

S. 1296 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING, TO PROVIDE THAT COYOTES MAY BE HUNTED AT NIGHT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES.

Ordered for consideration tomorrow.

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

S. 1367 -- Senator Cromer: A BILL TO AMEND SECTION 50‑23‑295, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRANSFER OF TITLE TO WATERCRAFT OR OUTBOARD MOTOR ON WHICH PROPERTY TAXES ARE OWED, SO AS TO REMOVE THE PENALTY IMPOSED FOR SELLING A WATERCRAFT WITH PERSONAL PROPERTY TAXES OWED AND TO ADD PROVISIONS REGARDING CIVIL ACTIONS AGAINST SELLERS FOR SELLING A WATERCRAFT OR OUTBOARD MOTOR WITH TAXES OWED.

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

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

H. 3270 -- Reps. Duncan, Hodges, Allison, Parker, Weeks, Wylie and Whipper: A BILL TO AMEND SECTION 44‑2‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF UNDERGROUND STORAGE TANKS, SO AS TO ESTABLISH NEW ANNUAL RENEWAL FEES AND TO REQUIRE THAT THE ADDITIONAL REVENUE GENERATED FROM THE TANK FEE INCREASES BE DEPOSITED INTO THE SUPERB ACCOUNT.

Ordered for consideration tomorrow.

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

H. 3735 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “ANN S. PERDUE INDEPENDENT AUTOPSY FAIRNESS ACT OF 2009”, BY ADDING SECTION 44‑43‑730 SO AS TO PROVIDE THAT IF A PERSON DIES IN A HOSPITAL, THE HOSPITAL SHALL OFFER IN WRITING TO THE PATIENT’S FAMILY THE RIGHT OF HAVING AN AUTOPSY PERFORMED; AND TO AMEND SECTION 17‑5‑530, RELATING TO CIRCUMSTANCES REQUIRING THE CORONER OR MEDICAL EXAMINER TO BE NOTIFIED OF CERTAIN DEATHS, SO AS TO REQUIRE SUCH NOTIFICATION WHEN A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY FOUR HOURS OF ENTERING A HEALTH CARE FACILITY OR OF HAVING AN INVASIVE SURGICAL PROCEDURE PERFORMED.

Ordered for consideration tomorrow.

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

H. 3778 -- Rep. Harvin: A BILL TO AMEND SECTION 44‑7‑2430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLECTION OF DATA PURSUANT TO THE “HOSPITAL INFECTIONS DISCLOSURE ACT”, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COMBINE DATA FROM MULTIPLE REPORTING PERIODS IN COMPILING THE DEPARTMENT’S REPORTS AND TO REQUIRE THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, RATHER THAN THE COMMISSIONER OF THE DEPARTMENT, TO APPOINT AN ADVISORY COMMITTEE ON HOSPITAL ACQUIRED INFECTIONS; TO AMEND SECTION 44‑7‑2440, AS AMENDED, RELATING TO REPORTS COMPILED BY THE DEPARTMENT ON HOSPITAL ACQUIRED INFECTIONS, SO AS TO REQUIRE REPORTS TO THE GENERAL ASSEMBLY TO BE SUBMITTED BEFORE APRIL SIXTEENTH OF EACH YEAR; AND TO AMEND SECTION 44‑7‑2460, RELATING TO THE REQUIREMENT THAT COMPLIANCE WITH THIS ACT IS A CONDITION OF HOSPITAL LICENSURE AND PERMITTING, SO AS TO ALSO AUTHORIZE THE IMPOSITION OF CIVIL MONETARY PENALTIES FOR NONCOMPLIANCE.

Ordered for consideration tomorrow.

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

H. 3871 -- Reps. Harvin, Hosey and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑29‑15 SO AS TO SPECIFY REPORTING REQUIREMENTS FOR LABORATORIES THAT TEST FOR INFECTIOUS OR OTHER DISEASES REQUIRED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTALCONTROL TO BE REPORTED AND TO PROVIDE A CIVIL MONETARY PENALTY FOR VIOLATIONS.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 22, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Delleney, Nanney and Vick to the Committee of Conference on the part of the House on:

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.

**HOUSE CONCURRENCES**

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

S. 1111 -- Senators Campsen, Grooms and Cleary: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 41 IN CHARLESTON COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 17 TO THE CHARLESTON/BERKELEY COUNTY LINE THE “MAJOR GENERAL ABRAHAM J. TURNER HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “MAJOR GENERAL ABRAHAM J. TURNER HIGHWAY”.

S. 1344 -- Senators Alexander, Rankin, Hutto, McConnell and Knotts: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 19, 2010, AS THE TIME TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SECOND DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE FOURTH DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SIXTH DISTRICT, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; TO ELECT A SUCCESSOR TO THE AT‑LARGE SEAT ON A BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY, WHOSE TERM EXPIRES IN 2012; AND TO ELECT THE SUCCESSOR TO THE SECOND DISTRICT, SEAT 3, ON THE BOARD OF TRUSTEES OF FRANCIS MARION UNIVERSITY, WHOSE TERM EXPIRES IN 2014.

S. 1345 -- Senators Land and Leventis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE SECTION OF HIGHWAY 76 IN SUMTER COUNTY FROM THE SUMTER‑LEE COUNTY LINE TO ITS INTERSECTION WITH BELL ROAD, AS THE “MAYOR WILLIE M. JEFFERSON HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THE WORDS “MAYOR WILLIE M. JEFFERSON HIGHWAY”.

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.

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.

**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. 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.

**H. 4205--Recorded Vote**

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

**THIRD READING BILLS**

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

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.

**S. 1129--Recorded Vote**

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

S. 1234 -- Senator Fair: 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.

**S. 1234--Recorded Vote**

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

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.

By prior motion of Senator LEVENTIS

**AMENDED, READ THE THIRD TIME**

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.

**Motion Under Rule 26B**

Senator LARRY MARTIN 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. 2A was taken up for immediate consideration.

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

Senator LARRY MARTIN proposed the following amendment (JUD1177.005), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 on page 1, lines 24-31 and inserting:

/ SECTION 1. Chapter 27 of Title 8 of the 1976 Code is amended by adding:

“Section 8‑27‑35. An employee who gives testimony in good faith alleging waste or wrongdoing to any standing committee, subcommittee of a standing committee, or study committee of the Senate, or the House of Representatives, or a joint committee of the General Assembly is given the protections of this chapter. These protections are not extended to an employee who makes unfounded allegations or gives testimony not made in good faith.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

On motion of Senator LARRY MARTIN, the Bill was read the third time and ordered sent to the House as amended.

**S. 1177--Recorded Vote**

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

**SECOND READING BILLS**

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

S. 1338 -- Senator Fair: A BILL TO AMEND ACT 432 OF 1947, AS AMENDED, RELATING TO THE GREENVILLE HOSPITAL SYSTEM, ITS CREATION, BOARD, POWERS, AND DUTIES, SO AS TO PROVIDE THAT THE GREENVILLE HOSPITAL SYSTEM BOARD OF TRUSTEES MAY ESTABLISH A POLICE DEPARTMENT, EMPLOY POLICE AND SECURITY OFFICERS, AND TO PROVIDE FOR THE POLICE DEPARTMENT’S DUTIES, RESPONSIBILITIES, POWERS, FUNCTIONS, AND JURISDICTION.

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.

Senator CAMPSEN explained the Bill.

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.

Senator HAYES explained the Joint Resolution.

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.

Senator LARRY MARTIN explained the Joint Resolution.

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.

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.

Senator LARRY MARTIN explained the Joint Resolution.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 973 -- Senators Campsen, Rose, Elliott and Knotts: 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.

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

Senators HUTTO, KNOTTS, CAMPSEN and LARRY MARTIN proposed the following amendment (JUD0973.003), which was adopted:

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

/ SECTION 1. Sections 1 and 2 of this act may be cited as the “Electronic Securing and Targeting of Online Predators Act (E‑STOP)”.

SECTION 2. Article 7, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑555. (A) As used in this section:

(1) ‘Interactive computer service’ means an information service, system, or access software provider that offers users the capability of generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via an Internet access provider, including a service or system that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

(2) ‘Internet access provider’ means a business, organization, or other entity providing directly to consumers a computer and communications facility through which a person may obtain access to the Internet. An Internet access provider does not include a business, organization, or other entity that provides only telecommunications services, cable services, or video services, or any system operated or services offered by a library or educational institution.

(3) ‘Internet identifier’ means an electronic mail address, user name, screen name, or similar identifier used for the purpose of Internet forum discussions, Internet chat room discussions, instant messaging, social networking, or similar Internet communication.

(B)(1) A sex offender who is required to register with the sex offender registry pursuant to this article must provide, upon registration and each re‑registration, information regarding the offender’s Internet accounts with Internet access providers and the offender’s Internet identifiers.

(2) A sex offender who is required to register with the sex offender registry pursuant to this article and who changes an Internet account with an Internet access provider or changes an Internet identifier must send written notice of the change to the appropriate sheriff within three business days of changing the Internet account or Internet identifier. A sheriff who receives notification of change of an Internet account or Internet identifier must notify the South Carolina Law Enforcement Division (SLED) within three business days.

(3) A sex offender who fails to provide Internet account or Internet identifier information, or who fails to provide notification of change of an Internet account or an Internet identifier, must be punished as provided for in Section 23‑3‑470. An offender who knowingly and willfully gives false information regarding an Internet account or Internet identifier must be punished as provided for in Section 23‑3‑475.

(C)(1) An interactive computer service may request from SLED, on a form prescribed by SLED, a list of all registered sex offenders or information regarding specific registered sex offenders. In order to receive such information, the interactive computer service must provide identifying information as prescribed by SLED, including, but not limited to, the name, address, telephone number, legal nature, and corporate form of the interactive computer service.

(2) SLED must release information requested by an interactive computer service, including, but not limited to, the full names of the registered sex offenders, any aliases, any other identifying characteristics, each offender’s date of birth, the home address on file, the offense for which the offender was required to register pursuant to Section 23‑3‑430, the date, city, and state of conviction, and any Internet identifiers. A photocopy of a current photograph must also be provided.

(3) SLED may charge a reasonable fee to cover the cost of copying and distributing information as provided for in this section. These funds must be used for the sole purpose of offsetting the cost of providing such information.

(4) SLED is not liable and must not be named as a party in an action to recover damages or seek relief for errors or omissions related to the distribution of information pursuant to this section; however, if the error or omission was done intentionally, with malice, or in bad faith, SLED is not immune from liability.

(5) The interactive computer service may use the information obtained from SLED to prescreen persons wanting to register for its service, identify sex offenders wanting to register for its service or using its service, prevent sex offenders from registering for its service, block sex offenders from using its service, disable sex offenders from using its service, remove sex offenders from its service, or to advise law enforcement or other governmental entities of potential violations of law or threats to public safety. An interactive computer service must not publish or in any way disclose or re‑disclose any information provided to the interactive computer service by SLED. A person who commits a criminal offense using information disclosed to the person pursuant to this section must be punished as provided for in Section 23‑3‑520.

(6) An interactive computer service is not liable and must not be named as a party in an action to recover damages or seek relief for:

(a) making or not making a request for information as permitted by this section;

(b) prescreening or not prescreening a person wanting to register for its service;

(c) identifying, blocking, or otherwise preventing a person from registering for its service based on a good faith belief that such person’s Internet account information or Internet identifier appears in the information obtained from SLED, the National Sex Offender Registry, or any analogous state registry;

(d) not identifying, blocking, or otherwise preventing a person from registering for its service whose Internet account information or Internet identifier appears in the information obtained from SLED, the National Sex Offender Registry, or any analogous state registry;

(e) identifying, blocking, disabling, removing, or otherwise affecting a user based on a good faith belief that such user’s Internet account information or Internet identifier appears in the information obtained from SLED, the National Sex Offender Registry, or any analogous state registry;

(f) not identifying, blocking, disabling, removing, or otherwise affecting a user, whose Internet account information or Internet identifier appears in the information obtained from SLED, the National Sex Offender Registry, or any analogous state registry; or

(g) using or not using the information obtained from SLED to advise law enforcement or other governmental entities of potential violations of law or threats to public safety.

(D) If a person commits a sexual offense in which the victim is under the age of eighteen at the time of the offense or the person reasonably believes is under the age of eighteen at the time of the offense, and the offender is required to register with the sex offender registry for the offense, then, upon conviction, adjudication of delinquency, guilty plea, or plea of nolo contendere, the judge must order as a condition of probation or parole that the person is 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 a person under the age of eighteen when the person is over the age of eighteen. The judge may permit a person to use the Internet to communicate with a person under the age of eighteen when such a person is the parent or guardian of a child under the age of eighteen, or the grandparent of a grandchild under the age of eighteen, and the person is not otherwise prohibited from communicating with the child or grandchild.”

SECTION 3. Section 23-3-430(C) of the 1976 Code is amended to read:

“(C) For purposes of this article, a person who has been convicted of, pled guilty or nolo contendere to, or been adjudicated delinquent for any of the following offenses shall be referred to as an offender:

(1) criminal sexual conduct in the first degree (Section 16‑3‑652);

(2) criminal sexual conduct in the second degree (Section 16‑3‑653);

(3) criminal sexual conduct in the third degree (Section 16‑3‑654);

(4) criminal sexual conduct with minors, first degree (Section 16‑3‑655(1));

(5) criminal sexual conduct with minors, second degree. If evidence is presented at the criminal proceeding and the court makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct, as contained in Section 16‑3‑655(3) provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age, the convicted person is not an offender and is not required to register pursuant to the provisions of this article;

(6) engaging a child for sexual performance (Section 16‑3‑810);

(7) producing, directing, or promoting sexual performance by a child (Section 16‑3‑820);

(8) criminal sexual conduct: assaults with intent to commit (Section 16‑3‑656);

(9) incest (Section 16‑15‑20);

(10) buggery (Section 16‑15‑120);

(11) committing or attempting lewd act upon child under sixteen (Section 16‑15‑140);

(12) peeping, voyeurism, or aggravated voyeurism (Section 16‑17‑470);

(13) violations of Article 3, Chapter 15 of Title 16 involving a minor;

(14) a person, regardless of age, who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in this State, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in a comparable court in the United States, or who has been convicted, adjudicated delinquent, pled guilty or nolo contendere in the United States federal courts of indecent exposure or of a similar offense in other jurisdictions is required to register pursuant to the provisions of this article if the court makes a specific finding on the record that based on the circumstances of the case the convicted person should register as a sex offender;

(15) kidnapping (Section 16‑3‑910) of a person eighteen years of age or older except when the court makes a finding on the record that the offense did not include a criminal sexual offense or an attempted criminal sexual offense;

(16) kidnapping (Section 16‑3‑910) of a person under eighteen years of age except when the offense is committed by a parent;

(17) criminal sexual conduct when the victim is a spouse (Section 16‑3‑658);

(18) sexual battery of a spouse (Section 16‑3‑615);

(19) sexual intercourse with a patient or trainee (Section 44‑23‑1150);

(20) criminal solicitation of a minor if the purpose or intent of the solicitation or attempted solicitation was to:

(a) persuade, induce, entice, or coerce the person solicited to engage or participate in sexual activity as defined in Section 16‑15‑375(5);

(b) perform a sexual activity in the presence of the person solicited (Section 16‑15‑342); ~~or~~

(21) administering, distributing, dispensing, delivering, or aiding, abetting, attempting, or conspiring to administer, distribute, dispense, or deliver a controlled substance or gamma hydroxy butyrate to an individual with the intent to commit a crime listed in Section 44‑53‑370(f), except petit larceny or grand larceny; or

(22) any other offense specified by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248), the Sex Offender Registration and Notification Act (SORNA).”

SECTION 4. Section 23-3-450 of the 1976 Code is amended to read:

“Section 23-3-450. The offender shall register with the sheriff of each county in which he resides, owns real property, is employed, or attends, is enrolled at, volunteers at, interns at, or carries on a vocation at any public or private school, including, but not limited to, a secondary school, adult education school, college or university, and any vocational, technical, or occupational school. To register, the offender must provide information as prescribed by SLED. The sheriff in the county in which the offender resides, owns real property, is employed, or attends, is enrolled at, volunteers at, interns at, or carries on a vocation at any public or private school shall forward all required registration information to SLED within ~~five~~ three business days. A copy of this information must be kept by the sheriff’s department. The county sheriff shall ensure that all information required by SLED is secured and shall establish specific times of the day during which an offender may register. An offender shall not be considered to have registered until all information prescribed by SLED has been provided to the sheriff. The sheriff in the county in which the offender resides, owns real property, is employed, or attends, is enrolled at, volunteers at, interns at, or carries on a vocation at any public or private school shall notify all local law enforcement agencies, including college or university law enforcement agencies, within ~~five~~ three business days of an offender who resides, owns real property, is employed, or attends, is enrolled at, volunteers at, interns at, or carries on a vocation at any public or private school within the local law enforcement agency’s jurisdiction.”

SECTION 5. Section 23-3-460 of the 1976 Code is amended to read:

“Section 23-3-460. (A) A person required to register pursuant to this article is required to register bi‑annually for life. For purposes of this article, ‘bi‑annually’ means each year during the month of his birthday and again during the sixth month following his birth month. The person required to register shall register and must re‑register at the sheriff’s department in each county where he resides, owns real property, is employed, or attends any public or private school, including, but not limited to, a secondary school, adult education school, college or university, and any vocational, technical, or occupational school. A person determined by a court to be a sexually violent predator pursuant to state law is required to verify registration and be photographed every ninety days by the sheriff’s department in the county in which he resides unless the person is committed to the custody of the State, and verification will be held in abeyance until his release.

(B) A person classified as a Tier III offender by Title I of the federal Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109-248), the Sex Offender Registration and Notification Act (SORNA), is required to register every ninety days.

~~(B)~~(C) If a person required to register pursuant to this article changes his address within the same county, that person must send written notice of the change of address to the sheriff within ~~ten~~ three business days of establishing the new residence. If a person required to register under this article owns or acquires real property or is employed within a county in this State, or attends, is enrolled at, volunteers at, interns at, or carries on a vocation at any public or private school, including, but not limited to, a secondary school, adult education school, college or university, and any vocational, technical, or occupational school, he must register with the sheriff in each county where the real property, employment, or the public or private school is located within ~~ten~~ three business days of acquiring the real property or attending the public or private school.

~~(C)~~(D) If a person required to register pursuant to this article changes his permanent or temporary address into another county in South Carolina, the person must register with the county sheriff in the new county within ~~ten~~ three business days of establishing the new residence. The person must also provide written notice within ~~ten~~ three business days of the change of address in the previous county to the sheriff with whom the person last registered.

~~(D)~~(E) A person required to register pursuant to this article and who is employed by, attends, is enrolled at, volunteers at, interns at, or carries on a vocation at any public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and any vocational, technical, or occupational school, must provide written notice within ~~ten~~ three business days of each change in attendance, enrollment, volunteer status, intern status, employment, or vocation status at any public or private school in this State. For purposes of this subsection, ‘employed and carries on a vocation’ means employment that is full‑time or part‑time for a period of time exceeding fourteen days or for an aggregate period of time exceeding thirty days during a calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit; and ‘student’ means a person who is enrolled on a full‑time or part‑time basis, in a public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and a vocational, technical, or occupational school.

~~(E)~~(F) If a person required to register pursuant to this article moves outside of South Carolina, the person must provide written notice within ~~ten~~ three business days of the change of address to a new state to the county sheriff with whom the person last registered.

~~(F)~~(G) A person required to register pursuant to this article who moves to South Carolina from another state~~,~~ establishes residence, acquires real property, is employed in, or attends or is enrolled at, volunteers or interns at, or is employed by or carries on a vocation at a public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and a vocational, technical, or occupational school in South Carolina, and is not under the jurisdiction of the Department of Corrections, the Department of Probation, Parole and Pardon Services, the Department of Juvenile Justice, or the Juvenile Parole Board at the time of moving to South Carolina must register within ~~ten~~ three business days of establishing residence, acquiring real property, gaining employment, or attending or enrolling at, volunteering or interning at, or being employed by or carrying on a vocation at a public or private school in this State.

~~(G)~~(H) The sheriff of the county in which the person resides must forward all changes to any information provided by a person required to register pursuant to this article to SLED within ~~five~~ three business days.

~~(H)~~(I) A sheriff who receives registration information, notification of change of permanent or temporary address, or notification of change in employment, or attendance, enrollment, employment, volunteer status, intern status, or vocation status at a public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and a vocational, technical, or occupational school, must notify all local law enforcement agencies, including college or university law enforcement agencies, within ~~five~~ three business days of an offender whose permanent or temporary address, real property, or public or private school is within the local law enforcement agency’s jurisdiction.

~~(I)~~(J) The South Carolina Department of Motor Vehicles, shall inform, in writing, any new resident who applies for a driver’s license, chauffeur’s license, vehicle tag, or state identification card of the obligation of sex offenders to register. The department also shall inform, in writing, a person renewing a driver’s license, chauffeur’s license, vehicle tag, or state identification card of the requirement for sex offenders to register.”

SECTION 6. Section 23-3-470 of the 1976 Code is amended to read:

“Section 23-3-470. (A) It is the duty of the offender to contact the sheriff in order to register, provide notification of change of permanent or temporary address, or notification of change of employment, or in attendance, enrollment, employment, volunteer status, intern status, or vocation status at any public or private school, including, but not limited to, a kindergarten, elementary school, middle school or junior high, high school, secondary school, adult education school, college or university, and any vocational, technical, or occupational school. If an offender fails to register, provide notification of change of address, or notification of permanent or temporary change in employment, or attendance, enrollment, employment, volunteer status, intern status, or vocation status at any public or private school, as required by this article, he must be punished as provided in subsection (B).

(B)(1) A person convicted for a first offense is guilty of a misdemeanor and may be fined not more than ~~five hundred~~ one thousand dollars, or imprisoned for not more than ~~thirty~~ three hundred sixty-six days, or both. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, or any other provision of law, a first offense may be tried in magistrates court.

(2) A person convicted for a second offense is guilty of a misdemeanor and must be imprisoned for a mandatory period of ~~one year~~ three hundred sixty-six days, no part of which shall be suspended nor probation granted.

(3) A person convicted for a third or subsequent offense is guilty of a felony and must be imprisoned for a mandatory period of five years, three years of which shall not be suspended nor probation granted.”

SECTION 7. Section 23-3-475 of the 1976 Code is amended to read:

“Section 23-3-475. (A) Anyone who knowingly and wilfully gives false information when registering as an offender pursuant to this article must be punished as provided in subsection (B).

(B)(1) A person convicted for a first offense is guilty of a misdemeanor and ~~must~~ may be fined not more than one thousand dollars, or imprisoned for not more than three hundred sixty-six days, or both ~~a mandatory period of ninety days, no part of which shall be suspended nor probation granted~~. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, or any other provision of law, a first offense may be tried in magistrates court.

(2) A person convicted for a second offense is guilty of a misdemeanor and must be imprisoned for a mandatory period of ~~one year~~ three hundred sixty-six days, no part of which shall be suspended nor probation granted.

(3) A person convicted for a third or subsequent offense is guilty of a felony and must be imprisoned for a mandatory period of five years, three years of which shall not be suspended nor probation granted.”

SECTION 8. Section 23-3-530 of the 1976 Code is amended to read:

“Section 23-3-530. The State Law Enforcement Division shall develop and maintain a protocol manual to be used by contributing agencies in the administration of the sex offender registry. The protocol manual must include, but is not limited to, the following:

(1) procedures for the verification of addresses by the sheriff’s department in the county where the person resides; and

(2) specific requirements for registration and re‑registration including, but not limited to, the following:

(a) the name, social security number, age, race, sex, date of birth, height, weight, hair and eye color~~,~~; address of permanent residence, address of current temporary residence, within the State or out of state, including rural route address and post office box, which may not be provided instead of a physical residential address~~,~~; date and place of employment~~,~~; vehicle make, model, color, and license tag number, including work vehicles, and the permanent or frequent location where all vehicles are kept;~~,~~ fingerprints and palm prints;~~,~~ Internet identifiers; passport and immigration documents; and a photograph;

(b) the name, address, and county of each institution of higher learning, including the specific campus location, if the person is enrolled, employed, volunteers at, interns at, or carries on a vocation there;

(c) the vehicle identification number, license tag number, registration number, and a description, including the color scheme, if the person lives in a motor vehicle, trailer, mobile home, or manufactured home and the permanent or frequent location where all vehicles, trailers, mobile homes and manufactured homes are kept; ~~and~~

(d) the hull identification number, the manufacturer’s serial number, the name of the vessel, live‑aboard vessel, or houseboat, the registration number, and a description of the color scheme, if the person lives in a vessel, live‑aboard vessel, or houseboat; and

(e) the tail number, manufacturer’s serial number, and model of any aircraft, and a description of the aircraft, including the color scheme, and the permanent or frequent location where all aircraft are kept, if the person owns or operates an aircraft.”

SECTION 9. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0973.002), which was adopted:

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

/ SECTION 1. This act may be cited as the “Electronic Securing and Targeting of Online Predators Act (E‑STOP)”.

SECTION 2. Article 7, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑555. (A) As used in this section:

(1) ‘Interactive computer service’ means an information service, system, or access software provider that offers users the capability of generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via an Internet access provider, including a service or system that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

(2) ‘Internet access provider’ means a business, organization, or other entity providing directly to consumers a computer and communications facility through which a person may obtain access to the Internet. An Internet access provider does not include a business, organization, or other entity that provides only telecommunications services, cable services, or video services, or any system operated or services offered by a library or educational institution.

(3) ‘Internet identifier’ means an electronic mail address, user name, screen name, or similar identifier used for the purpose of Internet forum discussions, Internet chat room discussions, instant messaging, social networking, or similar Internet communication.

(B)(1) A sex offender who is required to register with the sex offender registry pursuant to this article must provide, upon registration and each re‑registration, information regarding the offender’s Internet accounts with Internet access providers and the offender’s Internet identifiers.

(2) A sex offender who is required to register with the sex offender registry pursuant to this article and who changes an Internet account with an Internet access provider or changes an Internet identifier must send written notice of the change to the appropriate sheriff within ten days of changing the Internet account or Internet identifier. A sheriff who receives notification of change of an Internet account or Internet identifier must notify the South Carolina Law Enforcement Division (SLED) within five business days.

(3) A sex offender who fails to provide Internet account or Internet identifier information, or who fails to provide notification of change of an Internet account or an Internet identifier, must be punished as provided for in Section 23‑3‑470. An offender who knowingly and willfully gives false information regarding an Internet account or Internet identifier must be punished as provided for in Section 23‑3‑475.

(C)(1) An interactive computer service may request from SLED, on a form prescribed by SLED, a list of all registered sex offenders or information regarding specific registered sex offenders. In order to receive such information, the interactive computer service must provide identifying information as prescribed by SLED, including, but not limited to, the name, address, telephone number, legal nature, and corporate form of the interactive computer service.

(2) SLED must release information requested by an interactive computer service, including, but not limited to, the full names of the registered sex offenders, any aliases, any other identifying characteristics, each offender’s date of birth, the home address on file, the offense for which the offender was required to register pursuant to Section 23‑3‑430, the date, city, and state of conviction, and any Internet identifiers. A photocopy of a current photograph must also be provided.

(3) SLED may charge a reasonable fee to cover the cost of copying and distributing information as provided for in this section. These funds must be used for the sole purpose of offsetting the cost of providing such information.

(4) SLED is not liable and must not be named as a party in an action to recover damages or seek relief for errors or omissions related to the distribution of information pursuant to this section; however, if the error or omission was done intentionally, with malice, or in bad faith, SLED is not immune from liability.

(5) The interactive computer service may use the information obtained from SLED to prescreen persons wanting to register for its service, identify sex offenders wanting to register for its service or using its service, prevent sex offenders from registering for its service, block sex offenders from using its service, disable sex offenders from using its service, remove sex offenders from its service, or to advise law enforcement or other governmental entities of potential violations of law or threats to public safety. An interactive computer service must not publish or in any way disclose or re‑disclose any information provided to the interactive computer service by SLED. A person who commits a criminal offense using information disclosed to the person pursuant to this section must be punished as provided for in Section 23‑3‑520.

(6) An interactive computer service is not liable and must not be named as a party in an action to recover damages or seek relief for:

(a) making or not making a request for information as permitted by this section;

(b) prescreening or not prescreening a person wanting to register for its service;

(c) identifying, blocking, or otherwise preventing a person from registering for its service based on a good faith belief that such person’s Internet account information or Internet identifier appears in the information obtained from SLED, the National Sex Offender Registry, or any analogous state registry;

(d) not identifying, blocking, or otherwise preventing a person from registering for its service whose Internet account information or Internet identifier appears in the information obtained from SLED, the National Sex Offender Registry, or any analogous state registry;

(e) identifying, blocking, disabling, removing, or otherwise affecting a user based on a good faith belief that such user’s Internet account information or Internet identifier appears in the information obtained from SLED, the National Sex Offender Registry, or any analogous state registry;

(f) not identifying, blocking, disabling, removing, or otherwise affecting a user, whose Internet account information or Internet identifier appears in the information obtained from SLED, the National Sex Offender Registry, or any analogous state registry; or

(g) using or not using the information obtained from SLED to advise law enforcement or other governmental entities of potential violations of law or threats to public safety.

(D) If a person commits a sexual offense in which the victim is under the age of eighteen at the time of the offense or the person reasonably believes is under the age of eighteen at the time of the offense, and the offender is required to register with the sex offender registry for the offense, then, upon conviction, adjudication of delinquency, guilty plea, or plea of nolo contendere, the judge must order as a condition of probation or parole that the person is 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 a person under the age of eighteen when the person is over the age of eighteen. The judge may permit a person to use the Internet to communicate with a person under the age of eighteen when such a person is the parent or guardian of a child under the age of eighteen, or the grandparent of a grandchild under the age of eighteen, and the person is not otherwise prohibited from communicating with the child or grandchild.”

SECTION 3. 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 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Courson

Davis Elliott Fair

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

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.

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

Senator CAMPSEN proposed the following amendment (1348FIN002.GEC), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 8-13 and inserting:

/ (B) The personal representative, trustee, or any affected beneficiary under the will, trust, or other instrument may bring a proceeding to determine whether the decedent intended that the formulae under this subsection be construed with respect to the law as it existed after December 31, 2009. The proceeding must be commenced within twelve months following the death of the decedent.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

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

**AMENDED, READ THE SECOND TIME**

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.

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

Senator PEELER proposed the following amendment (S-1363), which was adopted:

Amend the bill, as and if amended, on page 1 by striking lines 31-41 and inserting , which was adopted:

/ “Section 59‑26‑85. (A)(1) Teachers who are certified by the National Board for Professional Teaching Standards (NBPTS) prior to July 1, 2010, ~~shall enter a~~ may enter one recertification cycle for their South Carolina certificate consistent with the recertification cycle for National Board certification and NBPTS certified teachers moving to this State are exempted from initial certification requirements and are eligible for continuing contract status and their one recertification cycle will be consistent with National Board certification. Teachers receiving national certification from the NBPTS prior to July 1, 2010,shall receive an increase in pay for the life of the certification. The pay increase shall be determined /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The 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 39; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Courson

Davis Elliott Fair

Ford Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--39**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

**OBJECTION TO THIRD READING**

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.

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

Senator SCOTT proposed the following amendment (AGM\  
18005CM10), 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 all relevant provisions of law and make recommendations to the members of the General Assembly regarding the issues of when a mayor or councilman forfeits his office, and how a vacancy in the office of mayor or councilman should be filled.

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

(1) Director of the South Carolina Election Commission, or his designee, who shall serve as chairperson;

(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) two members selected by the President of the Association of Counties;

(7) two members selected by the President of the Municipal Association; and

(8) President of the South Carolina Association of Registration and Election Officials.

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

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

(E) 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.

(F) The study committee shall submit its recommendations to the Chairman of the Senate Judiciary Committee, Chairman of the House of Representatives Judiciary Committee, and the members of the Senate and House of Representatives no later than January 1, 2011, 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 SCOTT explained the amendment.

The amendment was adopted.

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

**Objection**

Senator SCOTT asked unanimous consent to give the Bill a third reading tomorrow.

Senator McCONNELL objected.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

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 (JUD1187.002), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 38 through 42, in Section 28‑11‑30, as contained in SECTION 1, and inserting therein the following:

/ (4) Reestablishment expenses related to the moving of a small business, farm, or nonprofit organization payable for transportation projects pursuant to federal guidelines and regulations may be paid in an amount up to fifty thousand dollars, notwithstanding a lower limitation imposed by federal regulations. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN 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**

**READ THE SECOND TIME**

S. 981 -- Senators Rose and Knotts: A BILL TO AMEND SECTION 63‑3‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS, SO AS TO PROVIDE THAT THE COURT MAY ORDER GRANDPARENT VISITATION IF THE COURT FINDS THAT THE CHILD’S PARENTS ARE DEPRIVING THE GRANDPARENT VISITATION WITH THE CHILD AND THAT THE PARENTS ARE UNFIT OR THAT THERE ARE COMPELLING CIRCUMSTANCES TO OVERCOME THE PRESUMPTION THAT THE PARENTAL DECISION IS IN THE CHILD’S BEST INTEREST.

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

The Judiciary Committee proposed the following amendment (JUD0981.002), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting language, and inserting therein the following:

/ SECTION 1. Section 63‑3‑530(A)(33) of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“(33) ~~to order periods of visitation for the grandparents of a minor child where either or both parents of the minor child is or are deceased, or are divorced, or are living separate and apart in different habitats regardless of the existence of a court order or agreement, and upon a written finding that the visitation rights would be in the best interests of the child and would not interfere with the parent/child relationship. In determining whether to order visitation for the grandparents, the court shall consider the nature of the relationship between the child and his grandparents prior to the filing of the petition or complaint;~~ to order visitation for the grandparent of a minor child where either or both parents of the minor child is or are deceased, or are divorced, or are living separate and apart in different habitats, if the court finds that the child’s parents or guardians are depriving the grandparent of the opportunity to visit with the child and:

(a) the court finds by clear and convincing evidence that the child’s parents or guardians are unfit; or

(b) the court finds by clear and convincing evidence that there are compelling circumstances to overcome the presumption that the parental decision is in the child’s best interest.

The judge presiding over this matter may award attorney’s fees and costs to the prevailing party.

For purposes of this item, ‘grandparent’ means the natural or adoptive parent of any parent to a minor child;”

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

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**AMENDED, READ THE SECOND TIME**

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

There was no objection.

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

Senator SETZLER proposed the following amendment (1185SETZLER180), which was adopted:

Amend the bill, as and if amended, page 4, by striking lines 6 through 9 and inserting:

/ conferences shall be conducted no sooner than one hundred eighty days after the filing of the action, unless, in the court’s discretion, the mediation conference should commence at an earlier date, and concluded no later than two hundred seventy days after the filing of /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Senator SETZLER proposed the following amendment (1185SETZLERRETIREDJUDGES), which was adopted:

Amend the bill, as and if amended, page 3, by striking line 12 and inserting:

/ (8) uncontested divorce or separate maintenance proceedings./

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Senators MALLOY and SETZLER proposed the following amendment (JUD1185.003), which was adopted:

Amend the bill, as and if amended, page 4, SECTION 1, by striking Section 20-8-40(F), lines 16-22, and inserting therein the following:

/ (F) No final hearing in any domestic relations action shall be scheduled or heard prior to the completion of mediation, unless the matter is exempt from mediation by operation of this chapter or by order of the Chief Judge for Administrative Purpose of the Family Court upon a showing of exceptional circumstances. A request for a final hearing must be accompanied by a copy of the Proof of ADR./

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

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

**AMENDED, READ THE SECOND TIME**

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

There was no objection.

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

Senator SETZLER proposed the following amendment (1188SETZLERRETIREDJUDG), which was adopted:

Amend the bill, as and if amended, page 4, by striking line 8 and inserting:

/ The types of cases that may be assigned to hearing officers only if they are retired judges include, but are not /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Senator SETZLER proposed the following amendment (1188SETZLERPROPERTYUSE), which was adopted:

Amend the bill, as and if amended, page 5, by striking lines 5 and 6 and inserting:

/ (9) issue temporary orders relating to temporary allocation of use and possession of marital property, child support, custody, visitation, attorney’s fees, /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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 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 Agriculture and Natural Resources.

The Committee on Agriculture and Natural Resources proposed the following amendment (4093R001.DBV), which was adopted:

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

/ SECTION 1. Title 48 of the 1976 Code is amended by adding:

“CHAPTER 60

South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act

Section 48‑60‑05. This Chapter may be cited as the ‘South Carolina Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act’.

Section 48‑60‑10. The General Assembly finds:

(1) Televisions, computing, and printing devices are critical to the development of this state’s economy and the promotion of the quality of life of the citizens of this State.

(2) Many of these televisions, computing, and printing devices can be refurbished and reused, or recycled.

(3) Developing and implementing a system for recovering televisions, computing, and printing devices promotes resource conservation, public health, public safety, and economic prosperity.

(4) In order to carry out these purposes, the State must establish a comprehensive and convenient recovery program for televisions, computing, and printing devices based on individual manufacturer responsibility and shared responsibility among consumers, retailers, and government, and that the program must ensure that end‑of‑life televisions, computing, and printing devices are disposed of in a manner that promote resource conservation through the development of an effective and efficient system for collection and recycling, and to encourage manufacturers to offer convenient collection and recycling service to consumers at no charge.

Section 48‑60‑20. As used in this chapter:

(1) ‘Collect’ or ‘collection’ means to facilitate the delivery of a covered device to a collection site included in the manufacturer’s program, and to transport the covered device for recovery.

(2) ‘Computer manufacturer’ means a person who:

(a) manufactures a covered computer device under its own brand for sale or without affixing a brand;

(b) sells in this State a covered computer device produced by another supplier under its own brand or label;

(c) imports covered computer devices; if a company from which an importer purchases a covered device has a presence or assets in the United States, that company must be considered the manufacturer; or

(d) manufactures a covered computer device, supplies a covered device to a person within a distribution network that includes wholesalers or retailers in this State, and benefits from the sale of a covered device through that distribution network.

(3) ‘Consumer’ means an occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit who has used a covered device primarily for personal or home business use.

(4) ‘Covered computer device’ means a desktop or notebook computer, computer monitor, or printing device marketed and intended for use by a consumer, but does not include a covered television device.

(5) ‘Covered devices’ means a covered computer device and a covered television device marketed and intended for use by a consumer. ‘Covered device’, ‘covered computer device’, and ‘covered television device’ do not include any of the following:

(a) a covered device that is a part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

(b) a covered device that is functionally or physically a part of, or connected to, or integrated within equipment or a system designed and intended for use in an industrial, governmental, commercial, research and development, or medical setting, including, but not limited to, diagnostic, monitoring, control or medical products as defined under the federal Food, Drug, and Cosmetic Act, or equipment used for security, sensing, monitoring, anti‑terrorism, emergency services purposes or equipment designed and intended primarily for use by professional users;

(c) a covered device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, air purifier, water heater, or exercise equipment; or

(d) telephones of any type, including mobile telephones, a personal digital assistant (PDA), a global positioning systems (GPS), or a hand‑held gaming device.

(6) ‘Covered television device’ means any electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying television or video programming via broadcast, cable, or satellite, including, without limitation, any direct view or projection television with a viewable screen of nine inches or larger whose display technology is based on cathode ray tube, plasma, liquid crystal display, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology marketed and intended for use by a consumer primarily for personal purposes. The term does not include a covered computer device.

(7) ‘Department’ means the South Carolina Department of Health and Environmental Control.

(8) ‘Manufacturer’s brands’ means a manufacturer’s name, brand name either owned or licensed by the manufacturer, or brand logo for which the manufacturer has legal responsibility.

(9) ‘Person’ means an individual, business entity, partnership, limited liability company, corporation, not‑for‑profit corporation, association, government entity, public benefit corporation, or public authority.

(10) ‘Recover’ means to reuse or recycle.

(11) ‘Recoverer’ means a person or entity that reuses or recycles a covered device.

(12) ‘Retail sale’ means the sale of a new product through a sales outlet, the Internet, mail order, or otherwise, whether or not the seller has a physical presence in this State. A retail sale includes the sale of new products.

(13) ‘Retailer’ means a person engaged in retail sales.

(14) ‘Sale’ or ‘sell’ means any transfer for consideration of title including, but not limited to, transaction conducted through sales outlets, catalogs, or the Internet or any other similar electronic means, but does not mean leases.

(15) ‘Television’ means any electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying of television or video programming via broadcast, cable, or satellite, including, without limitation, any direct view or projection television with a viewable screen of nine inches or larger whose display technology is based on cathode ray tube, plasma, liquid crystal display, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology marketed and intended for use by a consumer primarily for personal purposes. The term does not include a covered computer device.

(16) ‘Television manufacturer’ means a person who:

(a) manufactures covered television devices under a brand that it licenses or owns, for sale in this State;

(b) manufactures covered television devices without affixing a brand for sale in this State;

(c) resells into this State a covered television device under a brand it owns or licenses produced by other suppliers, including retail establishments that sell covered television devices under a brand the retailer owns or licenses;

(d) imports covered television devices; if a company from which an importer purchases a covered device has a presence or assets in the United States, that company must be considered the manufacturer*;*

(e) manufactures covered television devices, supplies them to any person or persons within a distribution network that includes wholesalers or retailers in this State, and benefits from the sale in this State of those covered television devices through the distribution network; or

(f) assumes the responsibilities and obligations of a television manufacturer under this chapter. In the event the television manufacturer is one who manufactures, sells, or resells under a brand it licenses, the licensor or brand owner of the brand shall not be included in the definition of television manufacturer under items (a) or (c) above.

Section 48‑60‑30. A computer or television manufacturer may not sell or offer to sell a covered device unless a label indicating the computer or television manufacturer’s brand is permanently affixed to the covered device in a readily visible location.

Section 48‑60‑40. (A) A computer manufacturer may not sell or offer to sell in this State a covered computer device unless the computer manufacturer provides a recovery program at no charge or provides a financial incentive of equal or greater value, such as a coupon. A recovery program must:

(1) require a computer manufacturer to offer to collect from a consumer a covered computer device bearing a label as provided in Section 48‑60‑30; and

(2) make the collection service as convenient to a consumer as the purchase of a covered computer device from a computer manufacturer as follows:

(a) A computer manufacturer may utilize a mail back system in which a consumer can return an end‑of‑life covered device by mail, including a system in which a consumer can go online, print a prepaid shipping label, package the product, and affix the prepaid label to the package for deposit with the United States Postal Service or other carrier selected by the computer manufacturer.

(b) If the computer manufacturer does not provide a mail back system, the computer manufacturer must provide collection sites or collection events, or both, that are centrally located in a county, region, or other locations based on population. Computer manufacturers shall work in coordination with the department to determine an appropriate number of collection sites or collection events, or both.

(B) A recovery program may use existing collection and consolidation infrastructure for collecting covered devices, including retailers, recyclers, and reuse organizations.

(C) Computer manufacturers may work collectively and cooperatively to offer collection services to consumers.

(D) A recovery program must be described on a computer manufacturer’s Internet website if a manufacturer maintains an Internet website.

(E) Collection events under this section must accept any covered computer device.

Section 48‑60‑50. (A) No television manufacturer shall sell or offer for sale a covered television device in this State unless the television manufacturer provides a recovery program at no charge or provides a financial incentive of equal or greater value, such as a coupon.

(B) Beginning on the effective date of this chapter through June 30, 2012, a television manufacturer must annually recycle or arrange for the recycling of covered televisions.

(1) Beginning program year 2012, a television manufacturer must annually recycle or arrange for the recycling of its market share of covered television devices pursuant to this section*.* Market share, as used in this chapter, is the total weight of the manufacturer’s televisions that were sold at retail in the United States to individuals during the previous program year, multiplied by the population fraction of South Carolina to the United States population, divided by the total weight of all of the televisions that were sold at retail to individuals in South Carolina during the previous program year. The individual recycling obligation for each television manufacturer is the total pounds of television recycled by all television manufacturers during the previous program year multiplied by the manufacturer’s market share as calculated above. The population fraction is determined by using the most recent United States Census data for the total population of South Carolina divided by the total population of the United States.

(2) The department shall notify each television manufacturer of its market share recycling obligation. A television manufacturer shall provide the department information necessary for the department to calculate market share and to determine each television manufacturer’s recycling obligation.

(3) A television manufacturer shall report to the department total weight of manufacturer’s televisions sold at retail in the United States, the state specific television sales data annually calculated using the population fraction of South Carolina to the United States population, and the total weight of televisions collected and recycled in the State during the previous program year*.*

(4) The program year for a recovery program under this section is the state’s fiscal year.

(C) A television manufacturer may fulfill the requirements of this section either individually or in participation with other television manufacturers. A recovery program may use existing collection and consolidation infrastructure for collecting covered television devices, including retailers, recyclers, and reuse organizations*.*

(D) A television manufacturer shall provide the department with contact information for the manufacturer’s designated agent or employee whom the department may contact for information related to the manufacturer’s compliance with the requirements of this section*.*

Section 48‑60‑60. A computer or television manufacturer may not be liable for damages arising from information stored on a covered device collected from a consumer under the manufacturer’s recovery programs of this chapter.

Section 48‑60‑70. (A) A retailer may only sell or offer to sell a covered device that:

(1) bears a manufacturer label as provided in Section 48‑60‑30; and

(2) is manufactured by a manufacturer that offers a recovery program as provided in Sections 48‑60‑40 and 48‑60‑50.

(B) The requirements of this section do not apply to a television sold by a retailer for less than one hundred dollars.

Section 48‑60‑80. A retailer may not be liable for damages arising from information stored on any covered device collected from a consumer under the manufacturer’s recovery program.

Section 48‑60‑90. (A) After July 1, 2011, a consumer must not knowingly place or discard a covered device or any of the components or subassemblies of a covered device in any waste stream that is to be disposed of in a solid waste landfill.

(B) An owner or operator of a solid waste landfill must not at the gate knowingly accept for disposal loads containing more than an incidental amount of covered devices.

(C) The owner or operator of a solid waste landfill must post, in a conspicuous location at the landfill, a sign stating that covered devices or any components of covered devices are not accepted for disposal at the landfill.

(D) The owner or operator of a solid waste landfill must notify in writing all haulers delivering solid waste to the landfill that covered devices or any components of covered devices are not accepted for disposal at the landfill.

Section 48‑60‑100. (A) The department shall provide information to the public on its Internet website regarding the provisions of the chapter and the prohibition on disposing of covered devices in a solid waste landfill. The department shall also provide information about recovery programs available in the State on the department’s Internet website. The website must include information about collection options available, the definition of covered devices, the proper methods for disposing of covered devices, the proper methods for disposing non‑covered devices, and links to relevant portions of computer or television manufacturer’s Internet websites.

(B) Any local government eligible to participate in the statewide Electronic Equipment Recycling Services (EERS) contract with the South Carolina Budget and Control Board may not charge a consumer a fee at any point of the recovery process.

Section 48‑60‑110. The department may conduct audits and inspection of a computer or television manufacturer, retailer, or recoverer to determine compliance with this chapter’s provisions, and may establish by regulation administrative fines for violations of this chapter.

Section 48‑60‑120. Financial and proprietary information submitted to the department pursuant to this act is exempt from public disclosure.

Section 48‑60‑130. The department shall include in its annual solid waste report information provided by manufacturers on recovery programs offered pursuant to this chapter.

Section 48‑60‑140. (A) Covered devices must be recovered in a manner that complies with all applicable federal, state, and local requirements.

(B) Recoverers must at a minimum comply with the responsible recycling practices (‘R2/RIOS’) developed by the Institute of Scrap Recycling Industries or other comparable industry or governmental standards.

Section 48‑60‑150. The department shall promulgate rules and regulations needed to implement this chapter’s provisions including, but not limited to, reporting requirements, manufacturers’ plans, manufacturers’ annual reports, and standards for operations of recovery facilities. The department may propose by regulation, which must be submitted to the General Assembly pursuant to the Administrative Procedures Act, an initial registration fee or annual fee, or both, on computer or television manufacturers of covered devices, the proceeds of which must be used solely for the purposes of implementing the provisions of this chapter. Any fee proposed by the department must be graduated based on the computer manufacturer’s volume of sales in this State. Any registration fee or annual fee for television manufacturers must be based on market share as defined in this chapter. A manufacturer of a covered device that sells one thousand or less per year is exempt from any fee.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, the holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect July 1, 2011; provided, however, a retailer must be allowed an additional period of six months from the effective date to sell any inventory purchased prior to the effective date before having to comply with the applicable provisions of this act./

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the committee amendment.

Senator MALLOY spoke on the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 31; Nays 4**

**AYES**

Alexander Anderson Bryant

Campsen Courson Davis

Elliott Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Mulvaney Nicholson

O’Dell Peeler Rankin

Reese Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--31**

**NAYS**

Bright Ford McConnell

Rose

**Total--4**

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

**Statement by Senators McCONNELL and ROSE**

We voted against H. 4093 because it would allow the agency, by rules and regulations, to create and increase fees. Those fees would then be retained and used by the agency. This is a bad practice that would allow agencies to raise fees without a vote of the General Assembly and use or keep them for their budgets. Second, there is no provision for rules under the APA, so we are concerned that we are granting a potential broad power under a mechanism that has no constraints.

**Statement from Senators SHOOPMAN and DAVIS**

We supported giving H.4093 a second reading because we support the initiative of a manufacturer establishing a program to collect electronic devices considered as waste by the consumer which reduces the amount of electronic-type wastes in landfills. This Bill promotes and supports that concept. However, the Bill also references Section 48-60-150 which states, “The department shall promulgate rules and regulations needed to implement this chapter's provisions including, but not limited to, reporting requirements, manufacturers' plans, ~~and~~ manufacturers' annual reports, and standards for operations of recovery facilities. The department may propose by regulation, which must be submitted to the General Assembly pursuant to the Administrative Procedures Act, an initial registration fee or annual fee, or both, on computer or television manufacturers of covered devices, the proceeds of which must be used solely for the purposes of implementing the provisions of this chapter. Any fee proposed by the department must be graduated based on the computer manufacturer's volume of sales in this State. Any registration fee or annual fee for television manufacturers must be based on market share as defined in this chapter. A manufacturer of a covered device that sells one thousand or less per year is exempt from any fee" (underlined added with this Bill).

The existing section allows the department to promulgate rules and regulations that may contain an initial registration fee or annual fee, or both. While this Bill does not initiate this practice, it does reference the section which includes the practice at arm’s length. We do not support this practice. Too often, fees are passed onto the taxpayers without any type of review or vote of the General Assembly. As such, we will be supporting an amendment during third reading of the Bill that removes this practice/allowance.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

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 (JUD1300.002), which was adopted:

Amend the bill, as and if amended, page 1, SECTION 1, by striking Section 14-7-845 (B), lines 31-40, and inserting therein the following:

/ (B) If a public or private school employee, a person primarily responsible for the elementary or secondary education of a child in a home or charter school, or a person who is an instructor at an institution of higher learning including a technical college, selected for jury service during the school term requests, his service must be postponed to a date that does not conflict with the school term. For purposes of this subsection, a ‘school employee’ is a person employed as a teacher, certified personnel at the building level, or bus driver by a school, a school system, or a school district offering educational programs to grades K-12 and to institutions of higher learning, including technical colleges. For purposes of this subsection, ‘school term’ means the instructional school year, generally from September 1until May 30 or not more than one hundred ninety days. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN 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 AMENDED AND ADOPTED**

**OBJECTION**

S. 1323 -- Senators Matthews, Elliott, Malloy, Leventis, Leatherman, Land, McGill and Williams: A BILL TO AMEND TITLE 11 OF THE 1976 CODE, RELATING TO PUBLIC FINANCE, BY ADDING CHAPTER 54 TO ESTABLISH THE “I‑95 CORRIDOR AUTHORITY ACT” AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

Senator LAND 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 Finance.

Senator LAND proposed the following amendment (1323LANDCOMP2), which was adopted:

Amend the committee report, as and if amended, by striking all after page [1323-1], line 21 and inserting:

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

/ SECTION 1. Title 11 of the 1976 Code is amended by adding:

“Chapter 54

I‑95 Corridor Authority Act

Section 11‑54‑5. This chapter may be cited as the ‘I‑95 Corridor Authority Act’.

Section 11‑54‑10. There is established the I‑95 Corridor Authority. The authority must:

(1) carry out economic development and educational improvement activities which, in the opinion of the authority, will improve the economic conditions in its member counties and are located:

(a) in a member county, or

(b) at any point within thirty miles of I-95, regardless of the county in which it is located;

(2) oversee the implementation of the recommendations contained in the I‑95 Corridor Human Needs Assessment published in December 2009; and

(3) report to the General Assembly, at least annually, on the progress made related to its charge, any modification of the laws of this State needed to allow the authority to better fulfill its charge, programs, and operations.

Section 11‑54‑15. The authority is a public body, politic and corporate, and an agency of the State and may:

(1) adopt bylaws, procedures, and regulations for the directors, officers, and employees and for implementation and operation of the programs authorized by this act;

(2) sue and be sued in its own name;

(3) enter into such contracts, agreements, and instruments and make such offers to contract with such persons, partnerships, firms, corporations, agencies, or entities, whether public or private, considered desirable in the furtherance of its purpose;

(4) acquire by purchase, donation, exchange, or otherwise, hold, improve, mortgage, pledge, or otherwise, encumber, manage, lease, convey, transfer, or dispose of any real or personal property, whether tangible or intangible, together with such rights and privileges as may be incidental and appurtenant thereto. To the extent that administrative funds are involved, the authority must comply with the provisions of the South Carolina Consolidated Procurement Code. To the extent that the liability of the authority is limited to program funds, any such acquisition or disposition may be pursuant to public or private sale upon such terms and conditions as the authority may approve in accordance with prudent business practices;

(5) appoint officers, agents, employees, and consultants, prescribe their duties, and fix their compensation; and

(6) participate in and cooperate with any agency or instrumentality of the United States and with any agency or political subdivision of this State in the administration of any of the programs authorized by this act.

Section 11‑54‑20. The member counties of the authority consist of all counties that:

(1) are contiguous with I‑95; or

(2)(a) have some point which is located within thirty miles of I‑95, and

(b) had total population of under forty thousand as calculated by the 2000 Census.

Section 11‑54‑25. (A) The authority is governed by a board of directors that is composed of nineteen members. The members must be appointed as follows:

(1) three members appointed by the senators whose districts include the member counties;

(2) three members appointed by the representatives whose districts include the member counties;

(3) one member, to serve as chairman, appointed by the senators and representatives whose districts include the member counties, with each senator and representative casting a vote weighted to be proportional to the percentage of the member counties’ total population they represent;

(4) one member, appointed by the Senate Finance Committee Chairman;

(5) one member, appointed by the Chairman of the House Ways and Means Committee;

(6) one member, appointed by the senators whose districts include the member counties, who is a president of a technical college located in a member county;

(7) one member, appointed by the representatives whose districts include the member counties, who is a president of a technical college located in a member county;

(8) the President of Francis Marion University, or his designee;

(9) the President of South Carolina State University, or his designee; and

(10) six nonvoting members, one appointed by each individual Regional Council of Government that cover the member counties.

No two members designated in items (1) through (5) may reside in the same county. All members designated in items (1) through (5) must have sufficient experience in the fields of education, economic development, or business management to deem them qualified as determined by the appointing senators, representatives, or chairman.

(B) Except as provided in subsection (C), members must serve a five‑year term. Any vacancy on the authority must be filled in the same manner as the original appointment. Members of the authority shall serve without mileage, per diem, and subsistence. (C) Initial appointments to the authority shall be made within sixty days of the enactment of this section. Two of the members appointed pursuant to item (A)(1), one of the members appointed pursuant to item (A)(2), and the members appointed pursuant to (A)(4) and (A)(5) must serve an initial term of two years. The appointing authorities must designate in their initial appointments if the term of the member chosen is to be two or five years.

(D) The initial meeting of the authority shall be convened by the chairman as soon as practical after the initial appointments are made. Business of the authority may only be conducted when a quorum is present. A quorum consists of a majority of the members appointed pursuant to (A)(1)-(9).

Section 11‑54‑30. (A) The authority shall receive state funds as appropriated by the General Assembly.

(B) In addition to funding sources listed in subsection (A), the authority is authorized to solicit and accept private and public donations, grants, gifts, and federal funds. All funds received by the authority, regardless of their source, are to be held and accounted for by the State Treasure in a separate account to be known as the ‘I‑95 Corridor Authority Fund’. This fund is separate and distinct from all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. Disbursements from the authority fund must only be made upon the signature of the chairmen of the board of directors, or a designee of the board, upon written warrants of the Comptroller General drawn on the State Treasurer to the payee designated in the requisition.

(C) The authority must distribute funds as grants, in a manner which fulfills the charge in Section 11‑54‑10. The authority must create guidelines to govern the selection of recipients of grants and the distribution of grant funds.

(D) The authority must be audited annually by the State Auditor or by an independent certified public accounting firm approved by the State Auditor.

Section 11-54-35. The authority, in consultation with the South Carolina Research Authority, shall develop a process by which the I-95 Corridor Authority may execute recommendations of the I-95 Corridor Human Needs Assessment regarding technology-based economic development, including, but not limited to, test and deployment of bio‑technology to remediate brown-fields, crop and algae development for bio-fuels, water purification and freshwater aquaculture, and agricultural waste-to energy applications. The authority may hire the South Carolina Research Authority to execute the recommendations.” SECTION 2. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

The perfecting amendment was adopted.

The Committee on Finance proposed the following amendment (1323FIN002.HKL), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 39 and inserting:

/ of directors that is composed of nineteen members. The members/

Amend the bill further, as and if amended, page 4, by striking lines 2 through 23 and inserting:

/ quorum is present. A quorum consists of a majority of the members appointed pursuant to (A)(1-9).

Section 11‑54‑30. (A) The authority shall receive state funds as appropriated by the General Assembly.

(B) In addition to funding sources listed in subsection (A), the authority is authorized to solicit and accept private and public donations, grants, gifts, and federal funds. All funds received by the authority, regardless of their source, are to be held and accounted for by the State Treasure in a separate account to be known as the ‘I‑95 Corridor Authority Fund’. This fund is separate and distinct from all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. Disbursements from the authority fund must only be made upon the signature of the chairmen of the board of directors, or a designee of the board, upon written warrants of the Comptroller General drawn on the State Treasurer to the payee designated in the requisition.

(C) The authority must distribute funds throughout the member counties as grants, in a manner which fulfills the charge in Section 11‑54‑10. The authority must create guidelines to govern the selection of recipients of grants and the distribution of grant funds.

(D) The authority must be audited annually by the State Auditor or by an independent certified public accounting firm approved by the State Auditor.

Section 11-54-35. The authority, in consultation with the South Carolina Research Authority, shall develop a process by which the I-95 Corridor Authority may execute recommendations of the I-95 Corridor Human Needs Assessment regarding technology-based economic development, including, but not limited to, test and deployment of bio‑technology to remediate brown-fields, crop and algae development for bio-fuels, water purification and freshwater aquaculture, and agricultural waste-to energy applications. The authority may hire the South Carolina Research Authority to execute the recommendations.”/

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

**Amendment No. 1**

Senator GROOMS proposed the following Amendment No. 1 (1323R003.LKG), which was ruled out of order:

Amend the bill, as and if amended, page 4, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Title 55 of the 1976 Code is amended by adding:

“CHAPTER 19

Air Service Incentive and Development Fund

Section 55‑19‑10. (A) There is established within the South Carolina Aeronautics Commission a fund which shall be known as and referred to as the South Carolina Air Service Incentive and Development Fund and which shall be administered by the Aeronautics Fund Grant Committee. The General Assembly in the annual general appropriations act or in other acts may provide or appropriate monies for the South Carolina Air Service Incentive and Development Fund. All grants awarded from the fund shall be for programs to provide more air flight options, more competition for air travel, and more affordable air fares for this State, including regional airports; provided, that the grants awarded would result in the injection of goods and services into the stream of commerce in this State that may benefit the economic conditions of a member county in the I-95 Corridor Authority.

(B) The monies credited to the South Carolina Air Service Incentive and Development Fund shall be disbursed as a grant by the grant committee to regional economic development organizations, local governing bodies, or the governing bodies of airports. Each grant shall be matched by monies from the grantee or the local jurisdiction in which it is located, on the basis of at least twenty‑five percent from the grantee or the local jurisdiction in which it is located, with the remainder from the South Carolina Air Service Incentive and Development Fund.

(C) Annually, before November fifteenth, beginning one year after the effective date of this chapter, the grant committee shall evaluate and present a report on the effectiveness of this program to the House Ways and Means Committee, the Senate Finance Committee, and the Joint Transportation Review Committee, which shall include a detailed summary of the expenditures from the fund and local matching monies received under the program and the results obtained for such expenditures.

(D) Any monies remaining in the South Carolina Air Service Incentive and Development Fund at the end of any fiscal year must be carried forward from fiscal year to fiscal year and earnings of the fund shall remain part of the fund.

Section 55‑19‑20. On a fiscal year basis, the grant committee shall accept grant applications from the governing bodies of regional economic development organizations, local governing bodies, or the governing bodies of airports to accomplish the purposes of the program in accordance with the following guidelines:

(1) proposals shall specify how the program will provide more flight options, more competition for air travel, and more affordable air fares for the people of the State. An applicant shall demonstrate that due diligence has been conducted with respect to a proposal for funding. Due diligence must be documented with an analysis of feasibility from a professional air service consultant or a letter of intent from a commercial scheduled air carrier;

(2) proposals shall specify the amount of funding requested through the South Carolina Air Service Incentive and Development Fund and indicate the source of the local match;

(3) proposals shall specify how the applicant will document the effectiveness of funding received under this program;

(4) proposals shall specify how expenditures and results from this program and local matching monies will be reported; and

(5) proposals shall specify how grant monies will be repaid to the State.

Section 55‑19‑30. (A) Grants from the South Carolina Air Service Incentive and Development Fund must be considered and may be awarded in accordance with the purposes of the program. Selection criteria include the following:

(1) more air flight options, including:

(a) number of scheduled, nonstop flights by commercial scheduled passenger air carriers to domestic or international destinations, or both;

(b) number of scheduled, one‑stop flights by commercial scheduled passenger air carriers to domestic or international destinations, or both;

(c) number of connecting cities by commercial scheduled passenger air carriers to domestic or international destinations, or both;

(2) more competition for air travel, including:

(a) number of scheduled, nonstop flights by commercial scheduled passenger air carriers to domestic or international destinations, or both, served by two or more airlines;

(b) number of scheduled, one‑stop flights by commercial scheduled passenger air carriers to domestic or international destinations, or both, served by two or more airlines;

(c) average airfare for scheduled, connecting flights in terms of origin and destination passengers;

(3) more affordable air fares for South Carolina, including:

(a) average airfare for scheduled, round‑trip, nonstop flights by commercial scheduled passenger air carriers to domestic or international destinations, or both;

(b) average airfare for scheduled, round‑trip, one‑stop flights by commercial scheduled passenger air carriers to domestic destinations;

(c) average airfare for scheduled, round‑trip, one‑stop flights by commercial scheduled passenger air carriers to domestic or international destinations, or both.

(B) In making awards, the grant committee must give:

(1) highest priority to maintaining affordable airfares;

(2) high priority to publicly traded network carriers; and

(3) due consideration to the method of repayment, the likelihood of timely repayment, and the amount of the local match.

Section 55-19-40. (A) There is established a committee to be known as the Aeronautics Fund Grant Committee which must exercise the powers and fulfill the duties contained in this chapter related to the administration of the South Carolina Air Services Incentive and Development Fund.

(B) The committee is comprised of five members from the State at large. The Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, and the Governor shall each appoint one member of the grant committee.

Section 55-19-50. (A) The grant committee may not award a grant from the South Carolina Air Service Incentive and Development Fund without the opportunity for review by the Joint Transportation Review Committee.

(B) Prior to awarding a grant, the grant committee shall file with the review committee a copy of the grant application and a written statement that identifies:

(1) the reasons the grant should be made;

(2) the manner and time within which the grant is to be repaid; and

(3) a detailed analysis of the selection criteria utilized by the grant committee and the manner in which those criteria are expected to achieve with the purposes of the program.

(C) Within forty‑five days after the review committee receives the grant application and statement, the review committee may hold a public hearing concerning the proposed grant and, whether or not a public hearing is held, shall issue a report to the grant committee. The report shall include any recommendations approved by the review committee.

(1) If the review committee’s report does not contain any recommended changes, the grant committee may award the grant.

(2) If the review committee’s report contains recommendations, the grant committee shall review the recommendations and may work with the grant applicant to revise the application in light of the recommendations and file a revised application with the review committee.

(3) Following its review of the review committee’s report, the grant committee may resubmit the initial application for reconsideration or a revised application for consideration.

(a) If the grant committee resubmits the initial application with no changes as recommended by the review committee, the grant committee shall include with the resubmitted application correspondence stating the reasons why the recommendations were not adopted. The review committee may hold additional hearings and issue additional reports at its discretion. Not earlier than forty‑five days after the filing of any correspondence and resubmitting the initial application with the committee, the grant committee may award the grant based on the initial application.

(b) If the grant committee submits a revised application that contains one or more, but not all, of the changes recommended by the review committee, the grant committee shall include with the application correspondence stating the reasons why the recommendations were not adopted. The review committee may hold additional hearings and issue additional reports at its discretion. Not earlier than forty‑five days after the filing of any correspondence and revised application with the committee, the grant committee may award the grant based on the revised application.

(c) If the grant committee submits a revised application that incorporates all of the changes recommended by the review committee, the grant committee may award the grant following the review committee’s consideration of, and report concerning, the revised application.

(D) In the event that the grant committee determines that the review process required by this section would result in frustrating the purposes of this program, the grant committee may award a grant. Any grant awarded pursuant to this subsection must contain a provision that the grant is subject to review by the review committee, and the terms, conditions, or amount of the grant are subject to change based on any recommendations made by the review committee.

(E) To carry out their respective duties, the grant committee and the review committee shall work in consultation and cooperation with the Budget and Control Board.”

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

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator SETZLER raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

Senator GROOMS spoke on the Point of Order.

Senator SETZLER spoke on the Point of Order.

Senator JACKSON spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Senator GROOMS objected to further consideration of the Bill.

**POINT OF ORDER**

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.

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

**Point of Order**

Senator McCONNELL raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**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. 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.

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

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.

Senator GROOMS explained the Bill.

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

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.

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

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

**MOTION TO RECALL WITHDRAWN**

H. 3047 -- Reps. Haley, Ballentine, Wylie, Stringer, R.L. Brown, Kirsh, E.H. Pitts, Miller, G.R. Smith, Whipper, Huggins, Frye, Knight, Daning, J.E. Smith, Rice, Anderson, G.M. Smith, Phillips, Clyburn, Hart, Bowen, T.R. Young, Simrill, Duncan, Gunn, Agnew, Viers, Cobb‑Hunter, King, Allison, Nanney, Bingham, Hamilton, Toole, Hiott, Millwood, Stavrinakis, Funderburk, Battle, Neilson, Erickson, Cole, Hutto, Pinson, Jefferson, Stewart, Bedingfield, D.C. Moss, Herbkersman, V.S. Moss, Horne and McLeod: A BILL TO ENACT THE “SPENDING ACCOUNTABILITY ACT OF 2009”; AND TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑7‑125 SO AS TO REQUIRE CERTAIN BILLS AND JOINT RESOLUTIONS TO RECEIVE A RECORDED ROLL CALL VOTE AT VARIOUS STAGES OF THEIR PASSAGE BY THE HOUSE OF REPRESENTATIVES AND THE SENATE.

Senator DAVIS moved under the provisions of Rule 22 to recall the Bill from the Committee on Judiciary.

Senator DAVIS spoke on the motion.

Senator LARRY MARTIN argued contra to the motion.

Senator DAVIS was recognized to speak on the motion.

Senator McCONNELL argued contra to the motion.

Senator KNOTTS spoke on the motion.

Senator LARRY MARTIN moved to table the motion to recall the Bill from the Committee on Judiciary.

On motion of Senator DAVIS, with unanimous consent, the motion to recall was withdrawn.

**MOTION ADOPTED**

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

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

**CARRIED OVER**

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.

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

**CONCURRENCE**

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.

The House returned the Joint Resolution with amendments.

Senator LOURIE moved to concur with the House amendments.

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

**Ayes 31; Nays 4**

**AYES**

Alexander Anderson Campsen

Davis Elliott Fair

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Rankin

Reese Rose Scott

Setzler Sheheen Verdin

Williams

**Total--31**

**NAYS**

Bright Bryant Ford

Shoopman

**Total--4**

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

**CONCURRENCE**

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

The House returned the Bill with amendments.

Senator PEELER explained the amendments.

Senator PEELER moved to concur in the House amendments.

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

**Ayes 33; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Davis

Elliott Fair Ford

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Reese

Rose Scott Setzler

Sheheen Shoopman Williams

**Total--33**

**NAYS**

**Total--0**

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

**CONCURRENCE**

S. 652 -- Senators Knotts, Elliott, Ford and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33‑56‑75 SO AS TO REQUIRE PROFESSIONAL FUNDRAISING COUNSEL, PROFESSIONAL SOLICITORS, AND COMMERCIAL CO‑VENTURERS TO MAINTAIN LISTS OF DONORS FROM CAMPAIGNS AND SOLICITATIONS CONDUCTED BY THE SOLICITOR; TO PROVIDE THAT THESE LISTS ARE THE PROPERTY OF THE CHARITABLE ORGANIZATION; TO RESTRICT THE USE OF DONOR LISTS BY THE CAMPAIGN SOLICITOR; AND TO PROVIDE CIVIL PENALTIES FOR VIOLATIONS.

The House returned the Bill with amendments.

Senator KNOTTS 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 concurrence in the House amendments.

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

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

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

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 Under Rule 26B**

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. 2A was taken up for immediate consideration.

**Amendment No. 2A**

Senator MALLOY proposed the following Amendment No. 2A (3161R002.GM), which was adopted:

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

/ State. No later than ten days after the taking of a deposition, the attorney who initiated a deposition must file notice of the deposition with the clerk of court in the county in which the proceeding was commenced and pay the fee with the filing of the notice. The revenue from this fee must be /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Motion Under Rule 26B**

Senator MASSEY 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. 3 was taken up for immediate consideration.

**Point of Quorum**

At 1:56 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Anderson Bright Bryant

Campsen Davis Elliott

Fair Ford Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Verdin

Williams

A quorum being present, the Senate resumed.

**Amendment No. 3**

Senators MASSEY, CAMPSEN and ROSE proposed the following Amendment No. 3 (3161R005.ASM), which was laid on the table:

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

/ SECTION 1. Section 1‑23‑660(A) of the 1976 Code, as last amended by Act 279 of 2008, is further amended to read:

“(A) There is created within the Administrative Law Court the Office of Motor Vehicle Hearings. The Chief Judge of the Administrative Law Court shall serve as the Director of the Office of Motor Vehicle Hearings. The duties, functions, and responsibilities of all hearing officers and associated staff of the Department of Motor Vehicles are devolved upon the Administrative Law Court effective January 1, 2006. The hearing officers and staff positions, together with the appropriations relating to these positions, are transferred to the Office of Motor Vehicle Hearings of the Administrative Law Court on January 1, 2006. The hearing officers and staff ~~shall~~ must be appointed, hired, contracted, and supervised by the chief judge of the court and shall continue to exercise their adjudicatory functions, duties, and responsibilities under the auspices of the Administrative Law Court as directed by the chief judge and shall perform such other functions and duties as the chief judge of the court prescribes. The Office of Motor Vehicle Hearings shall employ at least five hearing officers, an attorney to advise the hearing officers, and support staff in the performance of their duties, and other support and supervisory staff as deemed necessary by the chief judge. All employees of the office shall serve at the will of the chief judge. The chief judge is solely responsible for the administration of the office, the assignment of cases, and the administrative duties and responsibilities of the hearing officers and staff. Notwithstanding another provision of law, the chief judge also has the authority to promulgate rules governing practice and procedures before the Office of Motor Vehicle Hearings. These rules are subject to review as are the rules of procedure promulgated by the Supreme Court pursuant to Article V of the South Carolina Constitution.”

SECTION 2. Section 56‑5‑2952 of the 1976 Code, as last amended by Act 279 of 2008, is further amended to read:

“Section 56‑5‑2952. The filing fee to request ~~any~~ a contested case hearing before the Office of Motor Vehicle Hearings of the Administrative Law Court is ~~one~~ two hundred fifty dollars, or as otherwise prescribed by the rules of procedure for the ~~Administrative Law Court~~ Office of the Motor Vehicle Hearings. Funds generated from the collection of this fee ~~shall~~ must be retained by the Administrative Law Court, provided, however, that these funds first must be used to meet the expenses of the Office of Motor Vehicle Hearings, including the salaries of its employees, as directed by the Chief Judge of the Administrative Law Court.”

SECTION 3. (A) From the effective date of this act through June 30, 2012, Section 8‑21‑320 of the 1976 Code shall read:

“Section 8‑21‑320. There is assessed for every motion made in the court of common pleas and family court, not including motions made in family court juvenile delinquency proceedings, a fee of ~~twenty‑five~~ seventy‑five dollars. The fee must accompany each motion filed. The Supreme Court has authority to issue administrative rules to exempt from the motion fee certain family court matters involving rules to show cause in child and spousal support matters. The Supreme Court may waive the filing fees imposed by this section upon a proper showing of indigency. The revenue from this fee must be collected by the clerk of court in each court and remitted to the State Treasurer and credited to a separate judicial department support fund for the exclusive use of the judicial department.

The revenue collected pursuant to this section shall be distributed by the State Treasurer in the following manner:

(1) The first four hundred fifty thousand dollars of these funds must be transferred to the Prosecution Coordination Commission. The funds shall be distributed equally to the third, fourth, and eleventh judicial circuits to fund drug courts.

(2) Any remaining funds must be transferred to the Judicial Department for operating purposes.”

(B) On and after July 1, 2012, Section 8‑21‑320 shall read:

“Section 8‑21‑320. There is assessed for every motion made in the court of common pleas and family court, not including motions made in family court juvenile delinquency proceedings, a fee of twenty‑five dollars. The fee must accompany each motion filed. The Supreme Court has authority to issue administrative rules to exempt from the motion fee certain family court matters involving rules to show cause in child and spousal support matters. The Supreme Court may waive the filing fees imposed by this section upon a proper showing of indigency. The revenue from this fee must be collected by the clerk of court in each court and remitted to the State Treasurer and credited to a separate judicial department support fund for the exclusive use of the judicial department.

The revenue collected pursuant to this section shall be distributed by the State Treasurer in the following manner:

(1) The first four hundred fifty thousand dollars of these funds must be transferred to the Prosecution Coordination Commission. The funds shall be distributed equally to the third, fourth, and eleventh judicial circuits to fund drug courts.

(2) Any remaining funds must be transferred to the Judicial Department for operating purposes.”

SECTION 4. (A) From the effective date of this act through June 30, 2012, Section 14‑1‑204 of the 1976 Code shall read:

“Section 14‑1‑204.(A) The one hundred dollar filing fee for documents and actions described in Section 8‑21‑310(11)(a) must be remitted to the county in which the proceeding is instituted, and fifty‑six percent of these filing fee revenues must be delivered to the county treasurer to be remitted monthly by the fifteenth day of each month to the State Treasurer. When a payment is made to the county in installments, the state’s portion must be remitted to the State Treasurer by the county treasurer on a monthly basis.

The fifty‑six percent of the one hundred dollar fee prescribed in Section 8‑21‑310(11)(a) remitted to the State Treasurer must be deposited as follows:

(1) 31.52 percent to the state general fund;

(2) 7.23 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department’s addiction center facilities;

(3) 4.47 percent to the State Office of Victim Assistance under the South Carolina Victim’s Compensation Fund;

(4) 26.78 percent to the Defense of Indigents Per Capita Fund, administered by the Commission on Indigent Defense, which shall then distribute these funds on December thirty‑first and on June thirtieth of each year to South Carolina organizations that are grantees of the Legal Services Corporation, in amounts proportionate to each recipient’s share of the state’s poverty population; and

(5) 30.00 percent to the South Carolina Judicial Department.

(B)(1) There is added to the fee imposed pursuant to Section 8‑21‑310(11)(a) an additional fee equal to fifty dollars. One hundred percent of the revenue from this additional fee must be remitted to the State Treasurer on the monthly schedule provided in subsection (A). The revenues from this additional fee must be allocated in each fiscal year to the following agencies in the amounts specified:

(a) Judicial Department‑67.96 percent;

(b) Commission on Indigent Defense, Defense of Indigents per capita‑14.56 percent;

(c) Department of Probation, Parole and Pardon Services‑11.30 percent;

(d) Prosecution Coordination Commission‑4.37 percent; and

(e) Commission on Indigent Defense, Division of Appellate Defense‑1.81 percent.

(2) Fee revenues allocated pursuant to this subsection are to be retained, expended, and carried forward by the agencies specified.

(C) In addition to the fees imposed pursuant to subsection (B) and Section 8‑21‑310(11)(a), there is a fee of one hundred fifty dollars. This one hundred fifty dollar fee must be delivered to the county treasurer to be remitted to the State Treasurer by the fifteenth day of each month for allocation and distribution to the Judicial Department in each fiscal year. The additional fee in this subsection does not apply to filing fees of an agency or court whose filing fees are calculated by a reference to the filing fee for circuit court.”

(B) On and after July 1, 2012, Section 14‑1‑204 shall read:

“Section 14‑1‑204.(A) The one hundred dollar filing fee for documents and actions described in Section 8‑21‑310(11)(a) must be remitted to the county in which the proceeding is instituted, and fifty‑six percent of these filing fee revenues must be delivered to the county treasurer to be remitted monthly by the fifteenth day of each month to the State Treasurer. When a payment is made to the county in installments, the state’s portion must be remitted to the State Treasurer by the county treasurer on a monthly basis.

The fifty‑six percent of the one hundred dollar fee prescribed in Section 8‑21‑310(11)(a) remitted to the State Treasurer must be deposited as follows:

(1) 31.52 percent to the state general fund;

(2) 7.23 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department’s addiction center facilities;

(3) 4.47 percent to the State Office of Victim Assistance under the South Carolina Victim’s Compensation Fund;

(4) 26.78 percent to the Defense of Indigents Per Capita Fund, administered by the Commission on Indigent Defense, which shall then distribute these funds on December thirty‑first and on June thirtieth of each year to South Carolina organizations that are grantees of the Legal Services Corporation, in amounts proportionate to each recipient’s share of the state’s poverty population; and

(5) 30.00 percent to the South Carolina Judicial Department.

(B)(1) There is added to the fee imposed pursuant to Section 8‑21‑310(11)(a) an additional fee equal to fifty dollars. One hundred percent of the revenue from this additional fee must be remitted to the State Treasurer on the monthly schedule provided in subsection (A). The revenues from this additional fee must be allocated in each fiscal year to the following agencies in the amounts specified:

(a) Judicial Department‑67.96 percent;

(b) Commission on Indigent Defense, Defense of Indigents per capita‑14.56 percent;

(c) Department of Probation, Parole and Pardon Services‑11.30 percent;

(d) Prosecution Coordination Commission‑4.37 percent; and

(e) Commission on Indigent Defense, Division of Appellate Defense‑1.81 percent.

(2) Fee revenues allocated pursuant to this subsection are to be retained, expended, and carried forward by the agencies specified.”

SECTION 5. (A) From the effective date of this act through June 30, 2012, Section 22‑3‑340 of the 1976 Code shall read:

“Section 22‑3‑340. An assessment equal to ~~twenty‑five~~ fifty dollars is imposed on all summons and complaint filings in magistrates court and an assessment equal to ~~ten~~ twenty dollars is imposed on all other civil filings in magistrates court, except for restraining orders. The fees must be collected by the magistrates court and forwarded monthly to the county treasurer and remitted in turn by the county treasurer to the State Treasurer for allocation to the judicial department.”

(B) On and after July 1, 2012, Section 22‑3‑340 shall read:

“Section 22‑3‑340. An assessment equal to twenty‑five dollars is imposed on all summons and complaint filings in magistrates court and an assessment equal to ten dollars is imposed on all other civil filings in magistrates court, except for restraining orders. The fees must be collected by the magistrates court and forwarded monthly to the county treasurer and remitted in turn by the county treasurer to the State Treasurer for allocation to the judicial department.”

SECTION 6. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

**Point of Quorum**

At 2:16 P.M., Senator SHEHEEN made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator HAYES moved that a Call of the Senate be made. The following Senators answered the Call:

Anderson Bright Bryant

Campsen Davis Fair

Ford Hayes Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Rankin Reese Rose

Scott Setzler Sheheen

Shoopman Verdin Williams

A quorum being present, the Senate resumed.

Senator MALLOY spoke on the amendment.

**Expression of Personal Interest**

With Senator MALLOY retaining the floor, with unanimous consent, Senator LEVENTIS rose for an Expression of Personal Interest.

Senator MALLOY spoke on Amendment No. 3.

Senator MALLOY moved to lay the amendment on the table.

The amendment was laid on the table.

**Tabling Amendment No. 3--Recorded Vote**

Senator VERDIN desired to be recorded as voting against the motion to table the amendment.

**Motion Under Rule 26B**

Senator MASSEY 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. 4 was taken up for immediate consideration.

**Amendment No. 4**

Senator MASSEY proposed the following Amendment No. 4 (3161R004.ASM), which was withdrawn:

Amend the bill, as and if amended, by deleting SECTION 4.

Amend the bill further, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. Chapter 49, Title 11 of the 1976 Code is amended by adding:

“Section 11‑49‑55. Notwithstanding any other provision of law, and to the extent that funds are available and not otherwise committed or restricted by law or by contract, from the trust fund created pursuant to this chapter, the State Treasurer shall transfer $2,500,000 to the Judicial Department for general operating purposes on each of the following dates:

(1) upon the effective date of this act;

(2) July 1, 2010; and

(3) July 1, 2011.

If adequate funds are not available on these dates to fund the entire amount required to be transferred, the treasurer may transfer any amount of funds that are available and may transfer any remaining amount due in increments as funds become available.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

**RECESS**

At 3:07 P.M., with Senator MASSEY retaining the floor, on motion of Senator LAND, with unanimous consent, the Senate receded from business subject to the Call of the Chair.

At 4:58 P.M., the Senate resumed.

On motion of Senator MASSEY, with unanimous consent, Amendment No. 4 was withdrawn.

**Motion Under Rule 26B**

Senator MASSEY 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. 5 was taken up for immediate consideration.

**Amendment No. 5**

Senators McCONNELL, LEATHERMAN, LAND and SETZLER proposed the following Amendment No. 5 (3161R007.GFM), which was adopted:

Amend the bill, as and if amended, page 4, by striking line 2 and inserting:

/ 30, 2011, there is assessed a fee of fifty dollars for every /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then was the third reading of the Bill.

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

**Ayes 19; Nays 8**

**AYES**

Campsen Coleman Hayes

Hutto Knotts Land

Leatherman Malloy *Martin, Larry*

McConnell McGill Nicholson

O’Dell Pinckney Rankin

Reese Scott Setzler

Williams

**Total--19**

**NAYS**

Bright Bryant Davis

Leventis Massey Peeler

Rose Shoopman

**Total--8**

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

**Statement by Senator ALEXANDER**

Had I been present at the time the vote was taken, I would have voted in favor of third reading of the Bill as I did on second reading.

**MOTION ADOPTED**

On motion of Senator BRYANT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Rebecca H. Bowen of Williamston, S.C., beloved mother of our colleague and friend, Representative Don C. Bowen.

**ADJOURNMENT**

At 5:12 P.M., on motion of Senator LEVENTIS, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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