**Wednesday, May 5, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

In Isaiah it is written:

“Trust in the Lord forever, for the Lord, is the Rock eternal.” (Isaiah 16:4)

Let us pray:

O God, the litany of tragedies and of potential tragedies just doesn’t stop: the volcano’s dust cloud, the oil spill in the Gulf, the deadly storms here in the Southeast, the car-bomb attempt in Times Square, last weekend’s tragic deaths on Lake Murray. We all find ourselves dwelling in such a troubled, unsettled, and frequently heart breaking world. All the more, dear Lord, do we turn to You, do we ask for Your care and for Your blessing. Give each of these Senators incredible and unfailing courage to face each challenge that comes to them. And equally bless our leaders in Washington, as well as our armed forces’ personnel around the globe. May our ultimate trust in You be rock solid, always. In Your name we pray, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointment**

Initial Appointment, South Carolina Board of Probation, Parole & Pardon Services, with the term to commence March 15, 2005, and to expire March 15, 2011

6th Congressional District:

Marvin Stevenson, P. O. Box 121, Marion, SC 29571 *VICE* Dwayne Green

Referred to the Committee on Corrections and Penology.

**Doctor of the Day**

Senator COURSON introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day, along with first year resident, “C.J.” Tumabing.

**Leave of Absence**

At 5:15 P.M., Senator MALLOY requested a leave of absence beginning at 5:30 P.M. and lasting until Noon tomorrow.

**Leave of Absence**

At 5:15 P.M., Senator KNOTTS requested a leave of absence beginning at 5:30 P.M. and lasting until 11:00 A. M. tomorrow.

**Statement by Senators KNOTTS and MALLOY**

We requested leave in order to attend the Judicial Conference. We have been invited to serve on a panel discussion concerning a sentencing reform Bill of which Senator CAMPSEN and we are sponsors. We are scheduled to speak at 9:00 A.M. on May 6, 2010.

**Presentation of Service Awards**

In commemoration of continuous service with the State of South Carolina, Senator McCONNELL, PRESIDENT *Pro Tempore* of the Senate, and Senators PEELER and LAND presented certificates and awarded service pins to the following Senate staff for their respective years of state service:

10 Year Pins

David Brunson

Marianne Densman

Julia Keenan

Barbara Morris

Deborah Parker

Craig Parks

Carolyn Youmans

20 Year Pins

Richard “Chip” Chewning

Wilhelmina Davis

Robby Dawkins

Bonnie Huth

Alisa Painter

Kathleen Burns

Chuck Williams

30 Year Pins

Darlene Griggs

Elton Spain

Valarie Tresvant

Senator McCONNELL presented a certificate and service pin to the following Senators for their years of service:

10 Year Pins

Senator Mike Rose

Senator Vincent Sheheen

20 Year Pins

Senator Ralph Anderson

Senator Glenn Reese

30 Year Pins

Senator Hugh Leatherman

Senator Phil Leventis

Senator Glenn McConnell

Senator Harvey Peeler

All were highly commended for their years of devoted and loyal service.

**Privilege of the Floor**

On motion of Senator ELLIOTT, the Privilege of the Floor, was extended to Representative Douglas Jennings, Jr. where he was commended for his many years of dedicated service upon the occasion of Representative Jennings’ retirement.

Senators ELLIOTT, MALLOY, WILLIAMS, SHEHEEN, SCOTT, LOURIE and HUTTO addressed the Senate with brief remarks.

**Privilege of the Chamber**

On motion of Senators LEATHERMAN, LAND, McCONNELL, PEELER, SETZLER and FAIR, on behalf of the entire Senate, the Privilege of the Chamber, to that area behind the rail, was extended to the Honorable William R. Byars. Judge Byars was accompanied by his wife, Camille, and his mother, Emma.

Judge Byars was commended for his lifetime of achievements culminating in being awarded a state champion of afterschool programs at the “Breakfast of Champions,” a gala event in Washington, D.C.

**Motion Adopted**

At 2:43 P.M., on motion of Senator KNOTTS, with unanimous consent, Senators KNOTTS and MASSEY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

**RECALLED**

S. 1413 -- Senators Hayes, Peeler, Mulvaney and Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 49 IN YORK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAYS 274 AND 557 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 55 “CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY”.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1418 -- Senator Scott: A SENATE RESOLUTION TO CONGRATULATE THE REVEREND DR. RICHARD F. DOZIER, SR. UPON THE OCCASION OF HIS RETIREMENT AS FOUNDING PASTOR OF NORTHMINSTER PRESBYTERIAN CHURCH (U.S.A) IN COLUMBIA, AND TO HONOR HIM FOR HIS FORTY-TWO YEARS OF PASTORAL SERVICE TO GOD AND THE COMMUNITY.

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The Senate Resolution was adopted.

S. 1419 -- Senators Hutto and Matthews: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF DR. FRANCIS LANIER SHULER OF DORCHESTER COUNTY AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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

S. 1420 -- Senators Hutto and Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE MEMORY OF REVEREND JAMES HICKS GLOVER, JR. FOR DECADES OF DEDICATED SERVICE TO HIS CONGREGATIONS AND FOR THE SACRIFICES HE MADE AS A MONTFORD POINT MARINE SO THAT OTHER AFRICAN AMERICANS COULD SERVE IN THE UNITED STATES MARINE CORPS.

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

S. 1421 -- Senators Grooms, Bryant, Verdin, Bright, Campbell, Fair, Mulvaney, Hayes and Peeler: A BILL TO AMEND SECTION 44-41-10 OF THE 1976 CODE, RELATING TO DEFINITIONS CONCERNING ABORTIONS, TO REMOVE CERTAIN DEFINITIONS; TO AMEND CHAPTER 41, TITLE 44, RELATING TO ABORTIONS, BY ADDING SECTION 44-41-15, TO PROVIDE FINDINGS CONCERNING FETAL PAIN, FETAL VIABILITY, AND AN ASSERTION OF THE STATE'S COMPELLING INTEREST IN PROTECTING THE LIVES OF VIABLE UNBORN CHILDREN; TO AMEND SECTION 44-41-20, RELATING TO WHEN AN ABORTION MAY LEGALLY BE PERFORMED, TO PROVIDE THAT ABORTIONS PERFORMED PRIOR TO THE END OF TWENTY-TWO WEEKS AFTER CONCEPTION REQUIRE A WOMAN'S INFORMED CONSENT, AND THAT NO ABORTIONS MAY BE PERFORMED AFTER TWENTY-TWO WEEKS AFTER CONCEPTION UNLESS THE WOMAN HAS A MEDICAL CONDITION WHICH, ON THE BASIS OF THE PHYSICIAN'S GOOD FAITH JUDGMENT, SO COMPLICATES A PREGNANCY AS TO NECESSITATE AN IMMEDIATE ABORTION TO AVERT THE RISK OF HER DEATH OR FOR WHICH A DELAY WILL CREATE SERIOUS RISK OF SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF MAJOR BODILY FUNCTIONS; TO AMEND SECTION 44-41-320, RELATING TO DEFINITIONS CONCERNING A WOMAN'S INFORMED CONSENT TO AN ABORTION, TO DEFINE NECESSARY TERMS; TO AMEND SECTION 44-41-330, RELATING TO A WOMAN'S INFORMED CONSENT TO AN ABORTION, TO INCREASE THE REFLECTION PERIOD TO TWENTY-FOUR HOURS, TO CLARIFY PROVISIONS CONCERNING ULTRASOUNDS PERFORMED PRIOR TO AN ABORTION, TO PROVIDE THAT INFORMATION CONCERNING FETAL PAIN, AND TO MAKE OTHER TECHNICAL AMENDMENTS; AND TO AMEND SECTION 44-41-340, RELATING TO INFORMATION THAT MUST BE PROVIDED TO A WOMAN PRIOR TO AN ABORTION, TO PROVIDE THAT THE INFORMATION MUST INCLUDE MATERIAL CONCERNING FETAL PAIN, A LIST OF HEALTHCARE PROVIDERS, FACILITIES, AND CLINICS THAT OFFER TO PERFORM ULTRASOUNDS FREE OF CHARGE, A PLAINLY WORDED EXPLANATION OF HOW A WOMAN MAY CALCULATE THE GESTATIONAL AGE OF HER EMBRYO OR FETUS, A SCIENTIFICALLY ACCURATE STATEMENT CONCERNING THE CONTRIBUTION THAT EACH PARENT MAKES TO THE GENETIC CONSTITUTION OF THEIR BIOLOGICAL CHILD, AND FORMS FOR NOTIFICATIONS, CERTIFICATIONS, AND VERIFICATIONS REQUIRED BY SECTION 44-41-330.

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Senator GROOMS spoke on the Bill.

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

S. 1422 -- Senators Setzler and Massey: A BILL TO AMEND ACT 503 OF 1982, RELATING TO THE AREA ADVISORY COUNCIL OF ADMINISTRATIVE AREA FOUR IN SALUDA COUNTY, AND TO REPEAL ACT 572 OF 1984, RELATING TO THE AREA ADVISORY COUNCIL OF ADMINISTRATIVE AREA FOUR IN SALUDA COUNTY.

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Read the first time and, on motion of Senator SETZLER, with unanimous consent, S. 1422 was ordered placed on the Calendar without reference.

S. 1423 -- Senator Scott: A SENATE RESOLUTION TO HONOR MRS. CORINTHIA BLUFORD HANKINS OF RICHLAND COUNTY ON THE OCCASION OF MOTHER'S DAY, AND TO WISH HER A JOYOUS CELEBRATION AND MANY MORE YEARS OF HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 1424 -- Senator Scott: A SENATE RESOLUTION TO RECOGNIZE BEULAH MAE MACK-JIMMERSON FOR HER EXTRAORDINARY SERVICE TO HER FAMILY AND TO HER COMMUNITY, AND TO HONOR HER ON MOTHER'S DAY.

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The Senate Resolution was adopted.

H. 4916 -- Reps. Lucas, Neilson and Williams: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON APRIL 26, 2010, BY THE STUDENTS OF DARLINGTON COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO A TORNADO IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 4923 -- Reps. Govan, Cobb-Hunter, Ott and Sellers: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF ORANGEBURG CONSOLIDATED SCHOOL DISTRICT NO. 4 OF ORANGEBURG COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE DISTRICT, TO PRESCRIBE THE 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 THE BONDS.

Read the first time and, on motion of Senator HUTTO, H. 4923 was ordered placed on the Local and Uncontested Calendar.

H. 4930 -- Rep. H. B. Brown: A CONCURRENT RESOLUTION TO DESIGNATE JUNE 5, 2010, AS MAMIE "PEANUT" JOHNSON DAY IN SOUTH CAROLINA, IN ORDER TO HONOR THE CONTRIBUTIONS OF THE WOMAN WHO HELPED TO BREAK DOWN THE RACIAL AND GENDER BARRIERS IN THE GAME OF BASEBALL.

The Concurrent Resolution was introduced and referred to the General Committee.

**REPORTS OF STANDING COMMITTEES**

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

H. 3066 -- Reps. Ballentine, Haley, J.R. Smith, Hamilton, Wylie, Simrill, Huggins, E.H. Pitts, Cobb‑Hunter, Harrell, G.M. Smith, Gullick, J.E. Smith, Merrill, Phillips, Jennings, Owens, G.R. Smith, Daning, Rice, Knight, Funderburk, Harrison, Crawford, Kirsh, Bedingfield, Allison, Stringer, T.R. Young, Agnew, Gunn, Bingham, Toole, Millwood, Stavrinakis, Miller, Battle, Hutto, Erickson, Clemmons, Horne, Lucas, Bales, Whipper and R.L. Brown: A BILL TO AMEND SECTION 8‑13‑365, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTRONIC FILING OF CAMPAIGN DISCLOSURES AND REPORTS, SO AS TO MAKE IT APPLICABLE TO COUNTY, SCHOOL BOARD, AND MUNICIPAL ELECTIONS IN ADDITION TO STATEWIDE ELECTIONS; AND TO AMEND SECTION 8‑13‑1308, AS AMENDED, RELATING TO THE REQUIREMENT TO FILE CERTIFIED CAMPAIGN REPORTS BY CANDIDATES AND COMMITTEES, SO AS TO REQUIRE THAT THEY MUST BE FILED FORTY‑EIGHT HOURS AFTER THEIR RECEIPT STARTING AFTER THE FILING OF THE PRE-ELECTION REPORT.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Judiciary submitted a majority favorable with amendment and Senator HUTTO a minority unfavorable report on:

H. 3067 -- Reps. Clemmons, Brady, M.A. Pitts, Merrill, Wylie, Bingham, Viers, Harrell, Owens, Nanney and Bedingfield: A BILL TO AMEND SECTION 7‑11‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT A CANDIDATE FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT A CANDIDATE FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; AND TO AMEND SECTION 7‑13‑320, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT A CANDIDATE’S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE.

Ordered for consideration tomorrow.

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

H. 3630 -- Rep. Weeks: A BILL TO AMEND SECTION 5-15-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT OF A MUNICIPAL ELECTION COMMISSION IN EACH MUNICIPALITY TO CONDUCT MUNICIPAL ELECTIONS, SO AS TO REQUIRE ALL ELECTION COMMISSIONERS AND STAFF TO COMPLETE A TRAINING AND CERTIFICATION PROGRAM CONDUCTED BY THE STATE ELECTION COMMISSION.

Ordered for consideration tomorrow.

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

H. 3706 -- Reps. Weeks and Harrison: A BILL TO AMEND SECTION 8‑13‑1348, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES, SO AS TO AUTHORIZE A DEBIT CARD DRAWN UPON THE CAMPAIGN ACCOUNT MAY BE USED ON EXPENDITURES MORE THAN TWENTY‑FIVE DOLLARS IN ADDITION TO A WRITTEN INSTRUMENT.

Ordered for consideration tomorrow.

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

H. 3719 -- Reps. Clemmons, Weeks, Willis and Dillard: A BILL TO AMEND SECTION 23‑3‑240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF A MISSING PERSON REPORT TO THE MISSING PERSON INFORMATION CENTER, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON, MAY SUBMIT A MISSING PERSON REPORT; TO AMEND SECTION 23‑3‑250, RELATING TO THE DISSEMINATION OF MISSING PERSON REPORT DATA, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY; TO AMEND SECTION 23‑3‑270, RELATING TO THE DUTY OF A PERSON WHO SUBMITS A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR THE MISSING PERSON INFORMATION CENTER TO NOTIFY BOTH ENTITIES OF THE LOCATION OF AN INDIVIDUAL CONTAINED IN THE REPORT WHOSE LOCATION HAS BEEN DETERMINED, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON MAY SUBMIT A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR TO THE MISSING PERSON INFORMATION CENTER; AND BY ADDING SECTION 23‑3‑330 SO AS TO ESTABLISH A STATEWIDE SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION REGARDING A MISSING PERSON WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

Ordered for consideration tomorrow.

Senator THOMAS from the Committee on Banking and Insurance polled out H. 3790 favorable with amendment:

H. 3790 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA MORTGAGE LENDING ACT”, BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD‑KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTIONS 37‑1‑301, 37-3-105, 37‑3‑501, AND 37‑23‑20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH‑COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR “ADJUSTABLE RATE MORTGAGE”; TO AMEND SECTIONS 37‑23‑40, 37‑23‑45, AND 37‑23‑75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH‑COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29‑4‑20, RELATING TO THE DEFINITION OF “REVERSE MORTGAGE”, SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

**Poll of the Banking and Insurance Committee**

**Polled 16; Ayes 16; Nays 0; Not Voting 1**

**AYES**

Thomas McConnell Setzler

Courson Ford Reese

Hayes Jackson Larry Martin

Rankin Alexander O’Dell

Malloy Davis Cromer

Pinckney

**Total--16**

**NAYS**

**Total--0**

**NOT VOTING**

Matthews

**Total--1**

Ordered for consideration tomorrow.

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

H. 3800 -- Reps. Toole, Erickson, Brady, Bowen, Brantley, Parker, Allison, Cato, Crawford, Dillard, Duncan, Gullick, Gunn, Horne, Hosey, Jefferson, Littlejohn, Millwood, Mitchell, Pinson, Stringer, Willis, Wylie, A.D. Young, J.E. Smith, Clemmons, Hutto and Viers: A BILL TO AMEND SECTION 63‑7‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS REQUIRED TO REPORT ABUSE OR NEGLECT OF A CHILD, SO AS TO INCLUDE A SCHOOL ATTENDANCE OFFICER, SCHOOL ADMINISTRATOR, FOSTER PARENT, JUVENILE JUSTICE WORKER, AND GUARDIAN AD LITEM FOR A CHILD AMONG THE PEOPLE WHO MUST REPORT CERTAIN ALLEGATIONS OF CHILD ABUSE OR NEGLECT, AND TO ENCOURAGE OTHER PEOPLE TO REPORT THIS ABUSE.

Ordered for consideration tomorrow.

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

H. 3803 -- Reps. Bannister, Harrison and Weeks: A BILL TO AMEND SECTIONS 62‑1‑201, 62‑1‑304, 62‑1‑401, 62‑1‑403, 62‑2‑205, 62‑2‑402, 62‑3‑203, 62‑3‑401, 62‑3‑403, 62‑3‑409, 62‑3‑414, 62‑3‑502, 62‑3‑503, 62‑3‑604, 62‑3‑607, 62‑3‑611, 62‑3‑806, 62‑3‑911, 62‑3‑1001, 62‑3‑1008, 62‑3‑1101, 62‑3‑1102, 62‑3‑1309, 62‑5‑101, 62‑5‑303, 62‑5‑305, 62‑5‑307, 62‑5‑309, 62‑5‑310, 62‑5‑401, 62‑5‑402, 62‑5‑405, 62‑5‑407, 62‑5‑411, 62‑5‑412, 62‑5‑416, 62‑5‑419, 62‑5‑428, 62‑5‑430, 62‑5‑501, 62‑5‑504, AS AMENDED, 62‑5‑604, AND 62‑5‑608, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE VARIOUS ACTIONS AND PROCEEDINGS CONCERNING THE AFFAIRS OF DECEDENTS, PROTECTED PERSONS, MINORS, AND INCAPACITATED PERSONS FALLING UNDER THE SUBJECT MATTER JURISDICTION OF THE PROBATE COURT, SO AS TO DIFFERENTIATE BETWEEN A FORMAL PROCEEDING AND AN APPLICATION TO THE COURT AND THE PROCEDURAL RULES GOVERNING EACH, TO REQUIRE THE FILING AND SERVICE OF A SUMMONS AND PETITION TO COMMENCE A FORMAL PROCEEDING, AND TO DISTINGUISH THAT REQUIREMENT OF SUMMONS AND PETITION FROM THE NOTICE REQUIREMENTS FOR A HEARING ON A PETITION; AND TO AMEND SECTIONS 62-1-403, 62‑3‑703, 62‑7‑105, 62‑7‑201, 62‑7‑303, 62‑7‑305, 62‑7‑414, 62‑7‑505, 62‑7‑604, 62‑7‑709, 62‑7‑814, 62‑7‑902, 62‑7‑903, 62‑7‑904, 62‑7‑933, AND 62‑7‑1013, ALL RELATING TO THE SOUTH CAROLINA TRUST CODE, SO AS TO SUBSTITUTE “PERSON” FOR “PARENT” AND “ISSUE” FOR “CHILD”, DELETE THE REQUIREMENT OF A TAXPAYER IDENTIFICATION NUMBER ON A CERTIFICATE OF TRUST, ALLOW CERTAIN REIMBURSEMENTS TO A PROSPECTIVE TRUSTEE, AND MAKE TECHNICAL CHANGES.

Ordered for consideration tomorrow.

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

H. 3913 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑5‑1556 SO AS TO ESTABLISH SEASONAL CREEL AND SIZE LIMITS FOR STRIPED BASS IN THE INSHORE WATERS AND THE TERRITORIAL SEA; AND TO AMEND SECTION 50‑13‑221, RELATING TO STRIPED BASS IN THE LOWER SANTEE AND COOPER RIVERS, SO AS TO ESTABLISH SEASONAL CREELAND SIZE LIMITS FOR STRIPED BASS IN CERTAIN FRESHWATER BODIES.

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

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

H. 3975 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 50‑9‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER’S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

Ordered for consideration tomorrow.

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

H. 3996 -- Reps. M.A. Pitts and Umphlett: A BILL TO AMEND SECTION 50‑9‑1130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEDUCTION OF ACCUMULATED POINTS, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO DEDUCT THREE ACCUMULATED POINTS FROM A PERSON’S RECORD UPON A SHOWING THAT THE PERSON SUCCESSFULLY COMPLETED A DEPARTMENT PROGRAM OF INSTRUCTION ESTABLISHED PURSUANT TO SECTION 50‑9‑310.

Ordered for consideration tomorrow.

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

H. 4005 -- Reps. Sellers, Bingham, Ott, A.D. Young and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑13‑1335 SO AS TO MAKE IT UNLAWFUL FOR AN INDIVIDUAL SEEKING ELECTION TO MEMBERSHIP ON THE GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER LEARNING FILLED BY A VOTE OF THE GENERAL ASSEMBLY TO MAKE OR OFFER TO MAKE A CONTRIBUTION TO A CANDIDATE FOR THE GENERAL ASSEMBLY OR HOST OR SPONSOR ANY FUNDRAISING EVENT FOR SUCH A CANDIDATE FROM THE TIME THE INDIVIDUAL FILES THE NOTICE OF INTENTION TO SEEK MEMBERSHIP ON THE BOARD THROUGH THE DATE THE OFFICE IS FILLED.

Ordered for consideration tomorrow.

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

H. 4239 -- Reps. Miller, Wylie, J.E. Smith and Anderson: A BILL TO AMEND SECTION 8‑21‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SCHEDULE OF FEES AND COSTS COLLECTED BY COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS, SO AS TO WAIVE THE RECORDING FEE OTHERWISE REQUIRED FOR A POWER OF ATTORNEY FILED BY A MEMBER OF ARMED FORCES OF THE UNITED STATES PREPARATORY TO DEPLOYMENT TO A COMBAT ZONE UPON PRESENTATION OF COPIES OF THE DEPLOYMENT ORDER, AND TO DEFINE “COMBAT ZONE”.

Ordered for consideration tomorrow.

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

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

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable report on:

H. 4838 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE EDUCATION LEVEL AND YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2009‑2010 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2009‑2010 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2009‑2010; AND TO DEFINE CERTAIN TERMS.

Ordered for consideration tomorrow.

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

H. 4885 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS OF REAL PROPERTY OWNED AND LEASED BY THE DEPARTMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4110, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 4, 2010

Mr. President and Senators:

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

S. 495 -- Senators Massey, Hutto and S. Martin: A BILL TO AMEND SECTION 50‑11‑2100 OF THE 1976 CODE, RELATING TO FIELD TRIALS, TO PROVIDE THAT A PARTICIPANT IN FIELD TRIALS PERMITTED BY THE DEPARTMENT OF NATURAL RESOURCES IS NOT REQUIRED TO OBTAIN A HUNTING LICENSE IF THE PARTICIPANT IS NOT CARRYING A FIREARM AND NO GAME IS TAKEN, AND TO PROVIDE THAT NO FIELD TRIALS MAY BE HELD OUTSIDE OF THE REGULAR SEASON EXCEPT AS PERMITTED BY THE DEPARTMENT.

Respectfully submitted,

Speaker of the House

Received as Information

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

**Message from the House**

Columbia, S.C., March 4, 2010

Mr. President and Senators:

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

S. 1146 -- Senator Alexander: A BILL TO AMEND SECTIONS 9‑1‑1770, AS AMENDED, 9‑1‑1775, 9‑8‑110, AS AMENDED, 9‑9‑100, AS AMENDED, 9‑11‑120, AS AMENDED, 9‑11‑125, AS AMENDED, AND 9‑11‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING RESPECTIVELY TO, AMONG OTHER THINGS, LIFE INSURANCE BENEFITS PAID BENEFICIARIES OF DECEASED RETIREES OF THE SOUTH CAROLINA RETIREMENT SYSTEM, THE SOUTH CAROLINA RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, AND THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, AND BENEFITS PAID PURSUANT TO THE ACCIDENTAL DEATH BENEFIT PROGRAM OF THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO MAINTAIN COMPLIANCE WITH THE INTERNAL REVENUE CODE OF 1986 BY PROVIDING FOR THESE BENEFITS TO BE PAID IN THE FORM OF DEATH BENEFITS RATHER THAN INSURANCE AND TO CORRECT A REFERENCE.

Respectfully submitted,

Speaker of the House

Received as Information

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

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

**PRESIDENT *Pro Tempore* PRESIDES**

At 3:33 P.M., Senator McCONNELL assumed the Chair.

**THIRD READING BILL**

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

S. 1243 -- Senator Knotts: A BILL TO AMEND SECTION 8‑13‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO DELETE THE PROHIBITION OF THE RELEASE OF INFORMATION UNTIL FINAL DISPOSITION OF AN ETHICS INVESTIGATION AND REQUIRE THAT THE INFORMATION MAY NOT BE RELEASED UNTIL A FINDING OF PROBABLE CAUSE HAS BEEN MADE.

**S. 1243--Recorded Vote**

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

**SECOND READING BILLS**

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

S. 1417 -- Senators Setzler, Knotts, Cromer and Courson: A BILL TO AMEND SECTION 7‑27‑365 OF THE 1976 CODE, RELATING TO THE REGISTRATION AND ELECTIONS COMMISSION FOR LEXINGTON COUNTY, TO CHANGE THE NUMBER OF ITS MEMBERS FROM SEVEN TO NINE.

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

**READ THE SECOND TIME**

H. 4302 -- Rep. Funderburk: A BILL TO AMEND SECTION 22‑2‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY JURY AREA DESIGNATIONS FOR USE IN MAGISTRATES COURTS, SO AS TO REVISE THE JURY AREAS FOR KERSHAW COUNTY TO PROVIDE FOR ONE JURY AREA COUNTYWIDE.

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

Senator MALLOY proposed the following amendment (JUD4302.002), which was withdrawn:

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

/ SECTION \_\_. Section 22‑2‑190(42) of the 1976 Code is amended to read:

“(42) Spartanburg County

~~No. 1‑‑Arlington, Ballenger, East Greer, Victor Mills~~

~~No. 2‑‑Duncan, Jackson Mill, Lyman, Startex, Wellford~~

~~No. 3‑‑Deyoung, Fairmont, Pelham, Poplar Springs, Reidville, Wood’s Chapel~~

~~No. 4‑‑Crescent City, Switzer, Woodruff No. 1, No. 2, No. 3~~

~~No. 5‑‑Cavins‑Hobbysville, Cross Anchor, Enoree~~

~~No. 6‑‑Arcadia, Cunningham, Fairforest Station A, Fairforest Station B, Hayne Shop, Hill Top, Johnson City, Powell‑Saxon, Una, West View~~

~~No. 7‑‑Cannon’s Camp Ground, Clifton, Converse, Cowpens, Mt. Olive, Zion Hill~~

~~No. 8‑‑Glendale, Pacolet, Pacolet Mills, Whitestone‑Croft~~

~~No. 9‑‑Bishop, Canaan, Moore, Pauline‑Glenn Springs, Roebuck, Walnut Grove~~

~~No. 10‑‑Campobello, Landrum, Motlow, New Prospect, Swain~~

~~No. 11‑‑Boiling Springs Station A, Boiling Springs Station B, Campton~~

~~No. 12‑‑Arrowood, Brooklyn, Cherokee Springs, Chesnee, Chesnee Mill, Cooley Springs, Fingerville, Mayo~~

~~No. 13‑‑Gramling, Holly Springs, Inman~~

~~Spartanburg‑‑Ben Avon, Cedar Springs, Drayton, Whitney Station A, Whitney Station B, Ward 1 Box 1, Ward 1 Box 2, Ward 1 Box 3 Station A, Ward 1 Box 3 Station B, Ward 1 Box 4, Ward 1 Box 5, Ward 2, Ward 3 Box 1, Ward 3 Box 2 Station A, Ward 3 Box 2 Station B, Ward 3 Box 3, Ward 3 Box 4 Station A, Ward 3 Box 4 Station B, Ward 4 Box 2, Ward 4 Box 3, Ward 5, Ward 6~~

One jury area countywide.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator SHANE MARTIN spoke on the amendment.

On motion of Senator MALLOY, with unanimous consent, the amendment was withdrawn.

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

**ADOPTED**

S. 1282 -- Senator Cleary: A SENATE RESOLUTION TO COMMEND THE REPUBLIC OF CHINA (TAIWAN) FOR ITS RELATIONS WITH THE UNITED STATES AND FOR OTHER PURPOSES.

The Senate Resolution was adopted.

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, 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.

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 (3964R001.DBV), which was adopted:

Amend the bill, as and if amended, page 13, by striking lines 12-17 and inserting:

/ (4) make or provide for purity and germination tests of seed for farmers and dealers on request without fee; to promulgate regulations governing the testing; and to fix and collect charges, where applicable, for the tests made. Fees collected for these purposes must be set by regulation, and the fees must be retained by the Department of Agriculture to cover the costs of administering this chapter; and /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the committee amendment.

The committee amendment was adopted.

Senator VERDIN proposed the following amendment (3964R002.DBV), which was adopted:

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

/ (6) ‘Certified seed’, ‘registered seed’, or ‘foundation seed’ means seed that has been produced and labeled in accordance with the procedures and in compliance with the regulations of an agency authorized by the laws of this State or the laws of another state. /

Amend the bill further, as and if amended, page 9, by striking lines 21 ‑ 39 and inserting:

/ (18) ‘Hermetically sealed seed’ means seed packed in a moisture‑proof container when the container and the seed in the container meet the requirements specified by regulation.

(19) ‘Hard seeds’ means seeds which remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat.

(20) ‘Hybrid’ means the first generation seed of a cross produced by controlling the pollination and by combining:

(a) two or more inbred lines;

(b) one inbred or a single cross with an open pollinated variety; or

(c) two varieties or species, except open‑pollinated varieties of corn (Zea mays). The second generation or subsequent generations from these crosses are not regarded as hybrids. Hybrid designations are treated as variety names.

(21) ‘Inert matter’ means all matter not seed, which includes broken seed, sterile florets, chaff, fungus bodies, and stones as determined by methods defined by regulation. /

Amend the bill further, as and if amended, page 10, by striking lines 35 ‑ 37 and inserting:

/ (31) ‘Other crop seed’ means seeds of plants grown as crops, other than the kind or variety included in the pure seed, as determined by methods defined by regulation. /

Amend the bill further, as and if amended, page 11, by striking lines 1 ‑ 3 and inserting:

/ (35) ‘Pure seed’ means seed exclusive of inert matter and all other seeds not of the seed being considered as determined by methods defined by regulation. /

Amend the bill further, as and if amended, page 11, by striking lines 35 ‑ 38 and inserting:

/ (44) ‘Weed seed’ means the seeds of all plants generally recognized as weeds within this State, as determined by methods defined by regulation, and includes the prohibited and restricted noxious weed seeds. /

Amend the bill further, as and if amended, page 12, by striking lines 12 ‑ 22 and inserting:

/ (a) regulations governing the method of sampling, inspecting, analyzing, testing, and examining seeds subject to provisions of this chapter and the tolerances to be used and other regulations necessary to secure efficient enforcement of this chapter;

(b) a prohibited and restricted noxious weed list;

(c) regulations establishing reasonable standards of germination for agriculture, vegetable seeds, and flower seeds;

(d) regulations for labeling flower seeds in respect to kind and variety or type and performance characteristics as required by Section 46‑21‑215; /

Amend the bill further, as and if amended, page 12, by striking lines 31 ‑ 37 and inserting:

/ subject to this chapter and regulations under them, a truck or other conveyor by land, water, or air at any time when the conveyor is accessible, for the same purpose;

(2) issue and enforce a written or printed ‘stop sale’ order to the owner or custodian of a lot of seed subject to the provisions of this chapter when the enforcement officer finds a violation of the provisions of this chapter or regulations promulgated /

Amend the bill further, as and if amended, page 13, by striking line 13 and inserting:

/ of seed for farmers and dealers on request; to promulgate /

Amend the bill, as and if amended, page 22, by striking lines 32 ‑ 34 and inserting:

/ (a) the name of the kind and variety or a statement of type and performance characteristics as prescribed in regulations promulgated pursuant to the provisions of this chapter; /

Amend the bill further, as and if amended, page 23, by striking lines 15 ‑ 19 and inserting:

/ (1) the name of the kind and variety or a statement of type and performance characteristics as prescribed regulations promulgated pursuant to the provisions of this chapter, and for wildflowers, the genus and species and subspecies, if appropriate; /

Amend the bill further, as and if amended, page 24, by striking line 16 and inserting:

/ the conditions defined in regulations promulgated /

Amend the bill further, as and if amended, page 24, by striking lines 34‑36 and inserting:

/ (5) consisting of or containing restricted noxious weed seeds per pound in excess of the number prescribed by regulations promulgated pursuant to this chapter; /

Amend the bill further, as and if amended, page 25, by striking line 2 and inserting:

/ with the regulations of the agency pertaining to the seed; /

Amend the bill further, as and if amended, page 25, by striking line 17 and inserting:

/ this chapter or the regulations promulgated /

Amend the bill further, as and if amended, page 31, by striking line 25 and inserting:

/ violate the provisions of this chapter or the regulations /

Amend the bill further, as and if amended, page 33, by striking line 12 and inserting:

/ promulgate regulations, and provide other facilities /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

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

**AMENDED, OBJECTION**

H. 4352 -- Reps. Hodges and Dillard: A JOINT RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING THE NEED TO FOSTER THE DEVELOPMENT OF MICROENTERPRISES IN THIS STATE, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 20, 2011, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator SETZLER proposed the following amendment (4352R002.NGS), which was adopted:

Amend the joint resolution, as and if amended, page 2, by striking lines 11 - 23 and inserting:

/ SECTION 3. (A) The study committee must be composed of the following nine members:

(1) two members appointed by the Governor;

(2) two members appointed by the Speaker of the House of Representatives;

(3) two members appointed by the President Pro Tempore of the Senate;

(4) one member appointed by the President Pro Tempore of the Senate upon the recommendation of the South Carolina Banker’s Association;

(5) one member appointed by the Speaker of the House of Representatives upon the recommendation of the South Carolina Business Initiative; and

(6) one member appointed by the Governor upon the recommendation of the Advisory Coordinating Council for Economic Development. /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Senator ROSE objected to further consideration of the Joint Resolution.

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

**MOTION ADOPTED**

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

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**CARRIED OVER**

(R171, H3395) -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A.D. Young, Edge, Bedingfield, J.R. Smith, G.R. Smith, D.C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E.H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T.R. Young and Wylie: AN ACT TO AMEND SECTION 11‑11‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE AND MANNER OF REPLENISHMENT OF THAT AMOUNT; TO AMEND SECTION 11‑11‑320, AS AMENDED, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH REVENUES IN THE FUND MUST BE USED IN EACH FISCAL YEAR INCLUDING A REQUIREMENT THAT THE CAPITAL RESERVE FUND MAY NOT BE USED TO OFFSET A MIDYEAR BUDGET REDUCTION; TO AMEND SECTION 11‑9‑890, RELATING TO THE DELINEATION OF FISCAL YEAR REVENUE ESTIMATES BY QUARTERS AND ACTIONS REQUIRED TO AVOID YEAR‑END DEFICITS, SO AS TO REVISE PROCEDURES REQUIRED TO REDUCE GENERAL FUND APPROPRIATIONS AND EXPENDITURES AND THE CRITERIA WHICH REQUIRES SUCH REDUCTIONS; TO AMEND SECTION 1‑11‑495, RELATING TO MONITORING REVENUES AND EXPENDITURES TO DETERMINE YEAR‑END DEFICITS, SO AS TO FURTHER PROVIDE FOR WHEN REDUCTIONS BY THE STATE BUDGET AND CONTROL BOARD MAY BE ORDERED, TO PROVIDE THAT THE REDUCTIONS ARE SUBJECT TO ANY BILL OR RESOLUTION ENACTED BY THE GENERAL ASSEMBLY, AND TO ADD A REQUIREMENT THAT TO RECOGNIZE A DEFICIT REQUIRES FOUR VOTES OF THE MEMBERS OF THE STATE BUDGET AND CONTROL BOARD; TO REPEAL SECTION 11‑11‑325 RELATING TO BUDGET SHORTFALLS AND THE REQUIREMENT THAT THE STATE BUDGET AND CONTROL BOARD FIRST MUST REDUCE THE CAPITAL RESERVE FUND BEFORE MANDATING CUTS TO OPERATING APPROPRIATIONS IF A REVENUE SHORTFALL IS PROJECTED; AND TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE PROVISIONS TAKE EFFECT.

The Senate proceeded to a consideration of the veto.

On motion of Senator SHANE MARTIN, the veto was carried over.

**Message from the House**

Columbia, S.C., April 29, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R 178, H. 4755 by a vote of 2 to 0:

(R178, H4755) -- Reps. Miller and Anderson: AN ACT TO PROVIDE THAT THE SCHOOL DISTRICT OF GEORGETOWN COUNTY FOR FISCAL YEAR 2010‑2011 MAY EXPEND FUNDS GENERATED FROM A GENERAL OBLIGATION DEBT BOND ISSUE FOR SCHOOL OPERATING PURPOSES, IN ORDER TO DEAL WITH A SHORTAGE OF SCHOOL OPERATING FUNDS, IF PERMITTED BY THE FEDERAL LAW APPLICABLE TO THE PARTICULAR TYPES OF BONDS ISSUED AND IF IT DOES NOT VIOLATE ANY PROVISIONS OF THE BOND INDENTURE APPLICABLE TO THE ISSUANCE AND SALE OF THOSE BONDS.

Very respectfully,

Speaker of the House

Received as information.

**VETO SUSTAINED**

(R178, H4755) -- Reps. Miller and Anderson: AN ACT TO PROVIDE THAT THE SCHOOL DISTRICT OF GEORGETOWN COUNTY FOR FISCAL YEAR 2010‑2011 MAY EXPEND FUNDS GENERATED FROM A GENERAL OBLIGATION DEBT BOND ISSUE FOR SCHOOL OPERATING PURPOSES, IN ORDER TO DEAL WITH A SHORTAGE OF SCHOOL OPERATING FUNDS, IF PERMITTED BY THE FEDERAL LAW APPLICABLE TO THE PARTICULAR TYPES OF BONDS ISSUED AND IF IT DOES NOT VIOLATE ANY PROVISIONS OF THE BOND INDENTURE APPLICABLE TO THE ISSUANCE AND SALE OF THOSE BONDS.

The veto of the Governor was taken up for immediate consideration.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 1; Nays 1**

**AYES**

McGill

**Total--1**

**NAYS**

Cleary

**Total--1**

The necessary two-thirds vote not having been received, the veto of the Governor was sustained, and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**S. 328--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

S. 328 -- Senators Verdin, Grooms, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47‑5‑60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

On motion of Senator VERDIN, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator VERDIN spoke on the report.

The question then was the adoption of the report of the Committee of Conference:

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

**Ayes 33; Nays 9**

**AYES**

Alexander Anderson Bryant

Campbell Cleary Cromer

Elliott Fair Grooms

Hayes Hutto Jackson

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey McGill Nicholson

O’Dell Peeler Pinckney

Rankin Reese Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

Bright Campsen Courson

Davis Knotts *Martin, Shane*

McConnell Mulvaney Rose

**Total--9**

The report of the Committee of Conference was adopted as follows:

**S. 328--Conference Report**

The General Assembly, Columbia, S.C., May 5, 2010

The Committee of Conference, to whom was referred:

S. 328 -- Senators Verdin, Grooms, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47‑5‑60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments: Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 47‑5‑60 of the 1976 Code is amended to read:

“Section 47‑5‑60. A pet owner must have his pet inoculated against rabies at a frequency to provide continuous protection of the pet from rabies using a vaccine approved by the department and licensed by the United States Department of Agriculture. The rabies inoculation for pets must be administered by a licensed veterinarian or someone under a licensed veterinarian’s direct supervision, as defined in Section 40‑69‑20. Evidence of rabies inoculation is a certificate signed by a licensed veterinarian. The rabies vaccination certificate forms may be provided by the licensed veterinarian or by the department or its designee. The veterinarian may stamp or write his name and address on the certificate. The certificate must include information recommended by the National Association of State Public Health Veterinarians. The licensed veterinarian administering or supervising the administration of the vaccine shall provide one copy of the certificate to the owner of the pet and must retain one copy in his files for not less than three years. With the issuance of the certificate, the licensed veterinarian shall furnish a serially numbered metal license tag bearing the same number and year as the certificate with the name and telephone number of the veterinarian, veterinary hospital, or practice. The metal license tag at all times must be attached to a collar or harness worn by the pet for which the certificate and tag have been issued. Annually before February first, the veterinarian shall report to the department the number of animals inoculated against rabies during the preceding year. The department, in conjunction with licensed veterinarians, shall promote annual rabies clinics. The fee for rabies inoculation at these clinics may not exceed ~~three~~ ten dollars, including the cost of the vaccine, and this charge must be paid by the pet owner. Fees collected by veterinarians at these clinics are their compensation.”

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

Amend title to conform.

/s/Sen. Daniel B. Verdin III /s/Rep. Dennis C. Moss

/s/Sen. Kevin L. Bryant /s/Rep. Ted M. Vick

/s/Sen. John C. Land III Rep. Marion B. Frye

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**Statement by Senators McCONNELL and KNOTTS**

We voted against the adoption of the Conference Report on S. 328 for several reasons. First, the current law smacks of price regulation. The Bill, in our opinion, reinforces that by adjusting the price upward. Frankly, the Bill should have just repealed the law or amended it to let the price move with the market. The free enterprise system should be allowed to work.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CONCURRENCE**

H. 3584 -- Reps. Harrell, Bingham, Cooper, Harrison, Owens, Sandifer, White, Crawford, Bannister, Huggins, Sottile, Spires, Herbkersman, Loftis, Bowen, Erickson, Daning, Hardwick, J.R. Smith, Pinson, Toole, Brady, Clemmons, Edge, Forrester, Frye, Gullick, Hearn, Hiott, Horne, Kelly, Littlejohn, Long, E.H. Pitts, Rice, Skelton, D.C. Smith, G.M. Smith, Whitmire, Wylie, Gunn, Limehouse, Willis, J.E. Smith and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑21‑625 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF TWO AND ONE‑HALF CENTS, PROVIDE FOR THE CREDITING OF THE REVENUE FROM THE SURTAX TO THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE DEPARTMENT OF AGRICULTURE FOR MARKETING AND BRANDING STATE‑GROWN CROPS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, PROVIDE FOR REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND DEFINE “CIGARETTE”; TO AMEND SECTION 12‑21‑620, RELATING TO THE ORIGINAL CIGARETTE TAX, SO AS TO CONFORM DEFINITIONS; BY ADDING SECTION 11‑11‑230 SO AS TO CREATE AND ESTABLISH IN THE STATE TREASURY THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, ALL SO AS TO RECEIVE DEPOSITS OF THE REVENUES FROM THE CIGARETTE SURTAX AS SPECIFIED; BY ADDING CHAPTER 62 TO TITLE 38 SO AS TO CREATE AND ESTABLISH THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE PLAN, PROVIDING FOR A PREMIUM CREDIT NOT TO EXCEED THREE THOUSAND DOLLARS TO AN ELIGIBLE INDIVIDUAL OR EMPLOYER TOWARD THE PURCHASE OF A QUALIFYING HEALTH INSURANCE PLAN, DESCRIBING ELIGIBILITY REQUIREMENTS AND THE CERTIFICATION PROCESS, DEFINING THE QUALIFYING INDIVIDUALLY OR EMPLOYER‑SPONSORED INSURANCE PLANS, AND PROVIDING FOR ADMINISTRATION AND REPORTING BY THE DEPARTMENT OF INSURANCE; AND BY ADDING SECTION 38‑74‑75 SO AS TO CREATE THE PALMETTO HEALTH CARE SAFETY NET PROGRAM, ESTABLISHING A SELF‑SUSTAINING AND FINANCIALLY INDEPENDENT PORTION OF THE PREMIUM ASSISTANCE POOL, AND PROVIDING FOR ELIGIBILITY REQUIREMENTS, ADMINISTRATION, AND REPORTING BY THE DEPARTMENT OF INSURANCE AND OPERATING GUIDELINES.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being the motion to reconsider the motion to concur.

Senator LARRY MARTIN asked unanimous consent to make a motion to adopt the motion to reconsider concurrence and proceed directly to a vote on the motion to concur in the House amendments.

There was no objection.

The question then was the motion to concur in the House amendments.

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

**Ayes 41; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

Bright

**Total--1**

**Statement by Senator MULVANEY**

Had I been present at the time the vote was taken, I would have voted against concurrence on H. 3584.

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**

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 House returned the Bill with amendments.

Senator MALLOY spoke on the Bill.

Senator MALLOY moved to concur in the amendments proposed by the House.

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

**Ayes 38; Nays 3**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

Massey McConnell McGill

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

Bright *Martin, Shane* Mulvaney

**Total--3**

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 ADJOURNED DEBATE.**

**CARRIED OVER**

S. 1 -- Senators McConnell, Peeler, Leatherman, Sheheen, Rose, Courson, Elliott, Massey, Hayes, Davis, Bright, Campsen, Campbell, L. Martin, Knotts, Alexander, S. Martin, Shoopman and Rankin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE REQUIREMENT FOR THE STATE AND ITS POLITICAL SUBDIVISIONS TO HAVE BUDGET PROCESSES DESIGNED TO KEEP REVENUES AND EXPENDITURES IN BALANCE, THE LIMITATION ON STATE APPROPRIATIONS, AND THE LIMITATIONS ON STATE EMPLOYEES, SO AS TO DELETE THE EXISTING STATE SPENDING LIMITATION AND REQUIRE THE GENERAL ASSEMBLY TO REPLACE IT BY A LAW IMPOSING AN ANNUAL LIMIT ON THE APPROPRIATION OF STATE GENERAL FUND REVENUES BY ADJUSTING SUCH REVENUES BY A ROLLING TEN‑YEAR AVERAGE IN ANNUAL CHANGES IN GENERAL FUND REVENUES; TO ALLOW THE CREATION OF A BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT; AND TO PROVIDE BY GENERAL LAW FOR THE APPROPRIATIONS TO WHICH THE LIMIT APPLIES, THE METHOD OF AND SOURCES FOR CALCULATING THE LIMIT; AND TO PROVIDE FOR THE DISBURSEMENTS FROM THE BUDGET STABILIZATION FUND.

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

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

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

**DEBATE INTERRUPTED**

S. 1057 -- Senators Alexander, Courson, Davis, Knotts, Grooms and McGill: A BILL TO AMEND SECTION 12‑6‑3622 OF THE 1976 CODE, RELATING TO TAX CREDITS FOR A FIRE SPRINKLER SYSTEM, TO CREATE A STUDY COMMITTEE TO DEVELOP AND EXPAND THE TAX CREDIT PROGRAM; TO AMEND SECTION 6‑9‑60, RELATING TO THE ADOPTION OF CERTAIN BUILDING CODES, TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ADOPT BY REFERENCE A BUILDING CODE FOR RESIDENCES; AND TO REPEAL SECTION 6‑9‑135.

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

Senator O’DELL spoke on the Bill.

**Amendment No. P-1A**

Senator CLEARY proposed the following Amendment No. P-1A (1057R003.REC), which was tabled:

Amend the committee amendment, as and if amended, page [1057‑2], by striking line 26 and inserting:

/ B. This section takes effect:

(1) July 1, 2011, for one‑family or two‑family dwellings containing five thousand or more square feet;

(2) July 1, 2012, for one‑family or two‑family dwellings containing between three thousand five hundred square feet and four thousand nine hundred ninety‑nine square feet;

(3) July 1, 2013, for one‑family or two‑family dwellings between two thousand five hundred square feet and three thousand four hundred ninety‑nine square feet; and

(4) July 1, 2014, for all other one‑family or two‑family dwellings. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

Senator ALEXANDER argued contra to the adoption of the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

The amendment was laid on the table.

**Tabling of Amendment No. P-1A--Recorded Vote**

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

**Tabling of Amendment No. P-1A--Recorded Vote**

Senators KNOTTS, SHANE MARTIN, GROOMS, ROSE, BRYANT and McCONNELL desired to be recorded as voting in favor of the motion to table the amendment.

**Amendment No. P-3**

Senator THOMAS proposed the following Amendment No. P-3 (DKA\3960DW10), which was carried over:

Amend the report of the Committee on Finance, as and if amended, page [1057-2], after line 26, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Section 58‑5‑30 of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

“Section 58‑5‑30. Except as provided in Article 23, Chapter 9 of Title 58, and Sections 10‑1‑80, 12‑6‑3622, 12‑37‑220(B), 12-37-3130(1), and 58‑5‑390, nothing contained in Articles 1, 3, and 5 of this chapter shall give the commission or the regulatory staff any power to regulate or interfere with public utilities owned or operated by or on behalf of any municipality or regional transportation authority as defined in Chapter 25 of this title or their agencies.” /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

**Point of Order**

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

Senator THOMAS spoke on the Point of Order.

Senator GROOMS spoke on the Point of Order.

Senator LEVENTIS spoke on the Point of Order.

Senator MULVANEY spoke on the Point of Order.

The PRESIDENT *Pro Tempore* overruled the Point of Order.

**Objection**

Senator ALEXANDER asked unanimous consent to make a motion to perfect the amendment.

Senator KNOTTS objected.

Senator THOMAS resumed explaining the amendment.

On motion of Senator THOMAS, with unanimous consent, the amendment was carried over.

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

**Expression of Personal Interest**

Senator LARRY MARTIN rose for an Expression of Personal Interest.

**MOTION ADOPTED**

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Luke “Buddy” Baxley of Hartsville, S.C., beloved brother of Judge Mike Baxley.

and

**MOTION ADOPTED**

On motion of Senator KNOTTS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Kelli Nichole Bullard of Lexington, S.C., who lost her life in a tragic boating accident on Lake Murray on May 1, 2010. Ms. Bullard was a graduate of Columbia College and was scheduled to complete her studies at the Lacy School of Cosmetology in June. Ms. Bullard was a vibrant young lady and will be missed by her family and many friends.

**ADJOURNMENT**

At 5:42 P.M., on motion of Senator PEELER, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senator MULVANEY desired to be recorded as voting against the motion to adjourn.

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