**Tuesday, May 18, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, 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:

As he calls them to repent, the Lord says to his people:

“I will give you shepherds after my own heart, who will feed you with knowledge and understanding.” (Jeremiah 3:15)

Good friends, let us pray:

Holy Lord, how humbling it is to have the task to care for Your people, to demonstrate knowledge and responsibility, to show concern and even love. We are grateful for these Senators, O God, for their determination to be “shepherds” in a sense, acting on behalf of the people of South Carolina, genuinely concerned for their welfare and well-being. Continue to guide and strengthen all who conscientiously honor You and faithfully serve You here in this Senate, dear Lord. In Your loving name we pray.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Mark C. Sanford:

**Statewide Appointments**

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2010, and to expire June 30, 2014

Credit Union:

Hansel B. Hart, 3068 Kennerly Road, Irmo, SC 29063 *VICE* William B. Varn

Referred to the Committee on Banking and Insurance.

Reappointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2009, and to expire June 30, 2013

Independent Consumer Finance Association:

A. Gregory Williams, 100 Roscommon Run, Moore, SC 29369

Referred to the Committee on Banking and Insurance.

**Doctor of the Day**

Senator CAMPSEN introduced Dr. William Simpson of Charleston, S.C., Doctor of the Day.

**Leave of Absence**

Senator SHANE MARTIN was granted a leave of absence for today.

**Leave of Absence**

At 1:15 P.M., Senator SCOTT requested a leave of absence from 1:30 - 2:30 P.M.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Remarks by Senator LEVENTIS**

Everyone understands that politics is a rough and tumble game.  But it’s more than a game -- it’s a serious endeavor we engage in to accomplish something positive for the people of our State. Sometimes we agree on issues and sometimes we disagree.

Members of the Senate, today I am handing out an Associated Press article from Washington in which the National Republican Congressional Committee issued a statement referring to my friend, Congressman John Spratt, as “amnesiac John.”  This is inappropriate.  Talking about him not being capable to continue serving the citizens of his district, which he has done so well for so long, is not up to the RNCC to determine. That is up to the voters.

Congressman Spratt did announce recently that he has early stage Parkinson’s disease. There but for the grace God go any of us. Congressman Spratt doesn’t talk as fast as he used to talk. This is true.  But this is not about who is best qualified to serve South Carolina -- it’s about a vicious attack by members of an organization that don’t live here and have few members here.  This organization has disparaged a highly respected member of our State who has served South Carolina long and well. His speech has slowed, but that doesn’t diminish his abilities. The smartest man in the world, arguably, cannot speak or move.  He has to have attention 24/7 and can only communicate through a computer program.  Yet, that man has solved some of the most complicated mysteries of the universe.

So I take personal offense of the remarks made by the Republican National Congressional Committee characterizing my friend, Congressman John Spratt, as incapable because of a medical diagnosis.  Please join me in a condemnation of this remark.  I know that my friend Senator MULVANEY, who is engaged in this congressional race, is a gentleman and would most assuredly join me in condemning this statement if he were here.  Let’s be sure that politics is about substance and not about name-calling or pointing out personal tragedies that only have a consensual concern at this point. Congressman Spratt is as sharp as he has ever been and this vicious statement is inappropriate.  I hope you will join me in condemning it.

On motion of Senator LEVENTIS, with unanimous consent, the remarks of Senator LEVENTIS were ordered printed in the Journal.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1451 -- Senator L. Martin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR KING'S GROVE BAPTIST CHURCH IN SIX MILE, SOUTH CAROLINA, ON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY, AND TO WISH ITS FAITHFUL CONGREGATION AND PASTOR MANY MORE YEARS OF SERVICE TO GOD AND THEIR CHURCH.

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The Senate Resolution was adopted.

S. 1452 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE AND HONOR THE MEMBERS OF THE 1960 GRADUATING CLASS OF JACKSON HIGH SCHOOL ON THE OCCASION OF THEIR GOLDEN ANNIVERSARY ON MAY 14-16, 2010, AND TO COMMEND ITS MEMBERS FOR THEIR MANY CONTRIBUTIONS TO THEIR COMMUNITIES, STATES, AND NATION.

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The Senate Resolution was adopted.

S. 1453 -- Senators Grooms, McConnell and Leatherman: A CONCURRENT RESOLUTION TO EXPRESS THE APPRECIATION OF THE GENERAL ASSEMBLY FOR CARNIVAL'S COMMITMENT TO SOUTH CAROLINA AND THE PORT OF CHARLESTON AND TO DECLARE MAY 18, 2010, AS "CARNIVAL DAY" IN THE STATE OF SOUTH CAROLINA.

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

S. 1454 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PINEVIEW ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 48 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 76/378 "JULIUS MURRAY HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "JULIUS MURRAY HIGHWAY".

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On motion of Senator SCOTT, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 1455 -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX THURSDAY, MAY 27, 2010, AT 11:00 A.M. AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA FROM THE 11TH JUDICIAL CIRCUIT TO SUCCEED A MEMBER WHOSE TERM EXPIRES IN 2010 OR WHOSE POSITION OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THIS OFFICE DURING THE JOINT SESSION.

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

There was no objection.

The question then was the adoption of the Concurrent Resolution.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

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 Thomas Williams

**Total--42**

**NAYS**

**Total--0**

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

S. 1456 -- Senator Malloy: A SENATE RESOLUTION TO RECOGNIZE AND HONOR TERRENCE HERRINGTON, UPON THE OCCASION OF THE DEDICATION OF THE TERRENCE HERRINGTON TRACK AT HARTSVILLE'S BYERLY PARK.

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The Senate Resolution was adopted.

H. 4837 -- Reps. J. E. Smith, Miller and McLeod: A BILL TO AMEND SECTION 12-21-3940, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BINGO LICENSE REQUIRED FOR NONPROFIT ORGANIZATIONS, SO AS TO ELIMINATE THE PROHIBITION ON ISSUING SUCH A LICENSE TO A NONPROFIT ORGANIZATION THAT IS A NONPUBLIC, LIMITED MEMBERSHIP ORGANIZATION ESTABLISHED FOR SOCIAL, BENEVOLENT, PATRIOTIC, RECREATIONAL, OR FRATERNAL PURPOSES WHICH HOLDS A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK.

Read the first time and, on motion of Senator CLEARY, with unanimous consent, the Bill was referred to the Committee on Judiciary.

H. 4966 -- Rep. Funderburk: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF KERSHAW COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE SCHOOL 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 ordered placed on the Local and Uncontested Calendar.

**REPORTS OF STANDING COMMITTEES**

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

H. 3603 -- Reps. Gullick and M.A. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑1‑65 SO AS TO PROVIDE A PERSON WHO POLLUTES THE WATERS OF THIS STATE AS DEFINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL GIVE PUBLIC NOTICE OF THE POLLUTION IN A MANNER PRESCRIBED BY THE DEPARTMENT; TO PROVIDE THE BOARD OF THE DEPARTMENT SHALL PRESCRIBE THIS PUBLIC‑NOTICE PROCEDURE; TO PROVIDE CERTAIN SPECIFICATIONS THE BOARD MUST INCLUDE IN THIS PUBLIC‑NOTICE PROCEDURE; AND TO PROVIDE A VIOLATION IS A MISDEMEANOR SUBJECT TO A FINE, IMPRISONMENT, OR BOTH.

Ordered for consideration tomorrow.

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

H. 4413 -- Reps. Chalk, Gunn, Hardwick, Clemmons, Lowe, Crawford, Long, J.M. Neal, G.R. Smith, Harrison, A.D. Young, Horne, Brady, Erickson, Herbkersman, Millwood, Allison, Parker, Duncan, M.A. Pitts, Harvin, Williams, Neilson, Battle, Miller, Huggins, Spires, Willis, Hearn, Scott, Daning, J.E. Smith, Vick and H.B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 44 TO ENACT THE “LICENSURE OF IN‑HOME CARE PROVIDER ACT” SO AS TO REQUIRE A BUSINESS TO BE LICENSED TO PROVIDE, OR TO MAKE PROVISIONS FOR, IN‑HOME CARE SERVICES THROUGH ITS EMPLOYEES OR AGENTS OR THROUGH CONTRACTUAL ARRANGEMENTS; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS FOR LICENSURE IN ACCORDANCE WITH REQUIREMENTS PROVIDED FOR IN THIS ACT, INCLUDING, BUT NOT LIMITED TO, CRIMINAL BACKGROUND CHECKS; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR IN‑HOME CAREGIVERS EMPLOYED BY IN‑HOME CARE PROVIDERS; AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN ALL FEES COLLECTED PURSUANT TO THIS CHAPTER TO BE USED EXCLUSIVELY TO CARRY OUT THE DEPARTMENT’S RESPONSIBILITIES UNDER THIS CHAPTER.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

H. 4562 -- Rep. Vick: A BILL TO AMEND SECTION 39‑11‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGISTRATION FEES OF WEIGHMASTERS AND DEPUTY WEIGHMASTERS, SO AS TO REVISE THE REGISTRATION FEE FOR WEIGHMASTERS AND TO DELETE THE ADDITIONAL FEE FOR DEPUTY PUBLIC WEIGHMASTERS; TO AMEND SECTION 39‑11‑60, RELATING TO LENGTH OF REGISTRATION AND RENEWAL, SO AS TO REVISE THE TIME IN WHICH PUBLIC WEIGHMASTER REGISTRATIONS MUST BE RENEWED; TO AMEND SECTION 39‑11‑80, RELATING TO REFUSAL OR REVOCATION OF A LICENSE, SO AS TO DELETE THE REFUSAL OR REVOCATION OF A DEPUTY PUBLIC WEIGHMASTER LICENSE BY THE COMMISSIONER OF AGRICULTURE; AND TO REPEAL SECTIONS 39‑11‑40 AND 39‑11‑50 RELATING TO EMPLOYMENT OR DESIGNATION OF DEPUTY WEIGHMASTERS AND RENEWAL OF REGISTRATION, RESPECTIVELY.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable report on:

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

Ordered for consideration tomorrow.

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

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

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.

Senator BRYANT 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 third reading of the Bill.

**Motion Under Rule 26B**

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

There was no objection.

Senators BRYANT and WILLIAMS proposed the following amendment (3735R003.KLB), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 15 - 18 and inserting:

/ (8) in a health care facility, as defined in Section 44‑7‑130(10) other than nursing homes, within twenty‑four hours of entering a health care facility or within twenty‑four hours after having undergone an invasive surgical procedure at the health care facility. /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

The amendment was adopted.

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

**SECOND READING BILL**

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

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

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

There was no objection.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3393 -- Reps. Spires, Clyburn, Herbkersman, Hosey, Jefferson, Knight, Long, D.C. Smith, J.R. Smith, Williams, Forrester, A.D. Young, Huggins and Hiott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑43‑190 SO AS TO ESTABLISH A JOINT COMMITTEE WITH MEMBERS FROM THE BOARD OF MEDICAL EXAMINERS AND BOARD OF PHARMACY TO ASSIST THESE BOARDS IN ESTABLISHING A PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER CERTAIN VACCINES WITHOUT AN ORDER OF A PRACTITIONER; BY ADDING SECTION 40‑43‑200 SO AS TO REQUIRE THE STATE BOARD OF PHARMACY AND THE BOARD OF MEDICAL EXAMINERS TO ISSUE A JOINT WRITTEN PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER CERTAIN VACCINATIONS WITHOUT AN ORDER OF A PRACTITIONER; AND TO AMEND SECTION 40‑43‑86, AS AMENDED, RELATING TO, AMONG OTHER THINGS, VARIOUS PHARMACY FACILITY, STAFFING, AND PRESCRIPTION REQUIREMENTS, SO AS TO INCREASE THE MAXIMUM AMOUNT OF A LEGEND DRUG THAT A PHYSICIAN IN CHARGE OF AN EMERGENCY ROOM MAY DISPENSE FROM A SEVENTY‑TWO HOUR SUPPLY TO A ONE HUNDRED FORTY‑FOUR HOUR SUPPLY.

Senator CLEARY 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.

The Committee on Medical Affairs proposed the following amendment (NBD\12322AC10), which was adopted:

Amend the bill, as and if amended, Section 40-43-200(A) page 3, line 42 after the /./ by inserting /Members of the committee may not be compensated for their service on the board and may not receive mileage, per diem, and subsistence as otherwise authorized by law for members of state boards, committees, and commissions./

Amend the bill, further by deleting SECTION 2 of the bill, on page 4, in its entirety.

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

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

**AMENDED, READ THE SECOND TIME**

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.

Senator CROMER 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 LAND proposed the following amendment (3975LANDOUTSTATE), which was adopted:

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

/ SECTION . (A) Notwithstanding any other provision of law, a nonresident may obtain a lifetime combination license which grants the same privileges as a statewide combination license from the Department of Natural Resources at its Columbia office if:

(1) the applicant was born in this State and provides a notarized birth certificate from the South Carolina Department of Health and Environmental Control;

(2) the applicant has held title in fee simple, either in whole or in part, to real property located within this State for at least five years immediately preceding the date of application, and the applicant provides a notarized record of ownership from the appropriate county official in the county where the real property is located;

(3) the applicant, if born after June 30, 1979, and having attained the age of sixteen or older, complies with all hunter education requirements of this State and provides a certificate of completion for the course; and

(4) the applicant has not been charged for natural resource violations which could result in the suspension of hunting or fishing privileges.

(B) This license is available for purchase from July 1, 2010, through September 30, 2010. The fee for the license is seven hundred dollars./

Renumber sections to conform.

Amend title to conform.

Senator LAND explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator CAMPSEN desired to be recorded as voting against the adoption of the amendment proposed by Senator LAND.

Senator CROMER proposed the following amendment (3975R001.RWC), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 40-42, and page 2, by striking lines 1-5 and inserting:

/ The provisions of this section requiring completion of a hunter’s education program as a prerequisite to receiving a hunting license do not apply to resident active duty, honorably discharged, or retired members of the United States Armed Services who can demonstrate to the department that they have successfully completed rifle marksmanship training during their military career. Applicants for this exemption must apply at a South Carolina Department of Natural Resources regional office or a designated military base.” /

Renumber sections to conform.

Amend title to conform.

Senator CROMER 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.

**Recorded Vote**

Senator CAMPSEN desired to be recorded as voting against the second reading of the Bill.

**AMENDED, READ THE SECOND TIME**

H. 4250 -- Reps. Erickson, Hodges and Littlejohn: A BILL TO AMEND SECTION 59‑53‑2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY.

Senator RANKIN 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 RANKIN proposed the following amendment (4250R001.LAR), which was adopted:

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

/ SECTION 1. Section 59‑53‑2410(A) of the 1976 Code is amended to read:

“(A) There are created bodies politic and corporate known as the Aiken Technical College Enterprise Campus Authority, the Greenville Technical College Enterprise Campus Authority, the Orangeburg‑Calhoun Technical College Enterprise Campus Authority, the Spartanburg Community College Enterprise Campus Authority, the Technical College of the Lowcountry Enterprise Campus Authority, the Horry-Georgetown Technical College Enterprise Campus Authority, and the York Technical College Enterprise Campus Authority. The authorities are public instrumentalities of the State and the exercise by them of a power conferred in this article is the performance of an essential public function. The authorities are governed by a board, which consists of members of the respective commissions. All members serve ex officio. Persons serving as chairman, vice chairman, treasurer, and secretary of the respective commissions shall serve in the same capacity on their respective board. Members of a board shall receive per diem as provided for members of boards, commissions, and committees and actual expenses incurred in the performance of their duties.” /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN 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.

**ADOPTED**

S. 1450 -- Senators Campsen and Verdin: A CONCURRENT RESOLUTION TO CELEBRATE THE SESQUICENTENNIAL ANNIVERSARY OF THE SOUTH CAROLINA STATE FLAG, TO DECLARE JANUARY 28, 2011, AS “SOUTH CAROLINA FLAG DAY”, TO REQUEST THE NATIONAL PARK SERVICE TO CONDUCT APPROPRIATE INTERPRETIVE AND EDUCATIONAL EVENTS AT THE FORT MOULTRIE NATIONAL MONUMENT, AND TO ENCOURAGE PUBLIC AND PRIVATE INSTITUTIONS TO PARTICIPATE.

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

H. 4929 -- Reps. Norman, King, Simrill, Delleney and D.C. Moss: 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”.

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

**AMENDED AND ADOPTED**

S. 1435 -- Senator McConnell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2‑1‑180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 3, 2010, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT NOON ON TUESDAY, JUNE 15, 2010, AND CONTINUE IN SESSION TO NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 17, 2010, FOR THE CONSIDERATION OF CERTAIN MATTERS, TO PROVIDE THAT WHEN EACH HOUSE ADJOURNS NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 17, 2010, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES UPON CERTAIN OCCURRENCES AND FOR THE CONSIDERATION OF SPECIFIED MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 11, 2011.

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

There was no objection.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the Resolution.

Senator LARRY MARTIN proposed the following amendment (1435R001.LAM), which was adopted:

Amend the concurrent resolution, as and if amended, page 2, by striking lines 18-21 and inserting:

/ (6) receipt and consideration of local legislation which has the unanimous consent of the affected delegation;

(7) concurrence and nonconcurrence in amendments to bills returned from the other house;

(8) appointment of members to conference and free conference committees; and

(9) receipt and consideration of conference and free conference reports. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

The question then was the adoption of the Concurrent Resolution.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Grooms Hayes Knotts

Land Leventis Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Rankin Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--36**

**NAYS**

**Total--0**

The Concurrent Resolution was adopted, as amended, ordered sent to the House of Representatives.

**AMENDED AND ADOPTED**

H. 4925 -- Reps. Bales and J.H. Neal: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF ATLAS ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH BLUFF ROAD TO ITS INTERSECTION WITH GARNERS FERRY ROAD “BISHOP A.C. JACKSON MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS “BISHOP A.C. JACKSON MEMORIAL HIGHWAY”.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the Resolution.

Senators SCOTT and LOURIE proposed the following amendment (SWB\8123CM10), which was adopted:

Amend the concurrent resolution, as and if amended, by deleting / Bishop A. C. Jackson / on line 13, page 2 and inserting / Andrew C. Jackson /

Amend the title as and if amended by deleting / Bishop A. C. Jackson / on line 15, page 1 and inserting / Andrew C. Jackson /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

The Concurrent Resolution was adopted, as amended, ordered sent to the House of Representatives.

**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**

(R182, S481) -- 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; TO PROVIDE FOR ITS COMPOSITION, FOR THE FILLING OF VACANCIES, FOR THE ELECTION OF A CHAIRMAN, AND FOR MEMBER COMPENSATION; TO ALLOW THE FOUNDATION TO ACCEPT CERTAIN FUNDS; AND TO PROVIDE FOR THE DISTRIBUTION OF FUNDS.

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

On motion of Senator CAMPSEN, the veto was carried over.

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

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 1030 -- Senators Hayes, Mulvaney, Coleman, Verdin, S. Martin, Bryant, O’Dell, Davis, Campsen and Pinckney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑714 SO AS TO DESIGNATE THE MARSH TACKY AS THE OFFICIAL STATE HERITAGE HORSE OF SOUTH CAROLINA.

The House returned the Bill with amendments.

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

There was no objection.

The Senate proceeded to a consideration of the Bill, the question being the concurrence in the House amendments.

Senator WILLIAMS proposed the following amendment (1030R004.KMW), which was adopted:

Amend the bill, as and if amended, page 3, by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. Chapter 1, Title 1 of the 1976 Code is amended by adding:

“Section 1-1-714A. The mule is hereby designated as the official State Heritage Work Animal of South Carolina.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 25; Nays 14**

**AYES**

Alexander Anderson Bryant

Coleman Courson Cromer

Davis Ford Hayes

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Mulvaney Nicholson

O’Dell Scott Sheheen

Williams

**Total--25**

**NAYS**

Bright Campbell Campsen

Cleary Elliott Grooms

McConnell Peeler Rankin

Rose Ryberg Setzler

Shoopman Thomas

**Total--14**

The amendment was adopted.

The Bill was ordered returned to the House with amendments.

**CONCURRENCE**

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

The House returned the Bill with amendments.

Senator CROMER explained the House amendments.

Senator CROMER made the motion to concur in the House amendments.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Ford Grooms Hayes

Jackson Land Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Rankin Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--36**

**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.

**CARRIED OVER**

S. 932 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 50‑16‑25 OF THE 1976 CODE, RELATING TO THE RELEASE OF PIGS FOR HUNTING PURPOSES, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, BUY, SELL, OFFER FOR SALE, TRANSFER, RELEASE, OR TRANSPORT FOR THE PURPOSE OF RELEASE A MEMBER OF THE SUIDAE FAMILY FOR HUNTING OR TO SUPPLEMENT A FREE ROAMING POPULATION, TO PROVIDE THAT IT IS UNLAWFUL TO REMOVE A LIVE HOG FROM A TRAP OR FROM THE WOODS, FIELDS, OR MARSHES OF THIS STATE, AND TO CLARIFY THAT THIS SECTION DOES NOT APPLY TO ACCEPTED FARMING PRACTICES RELATED TO MEMBERS OF THE SUIDAE FAMILY.

On motion of Senator CROMER, the Bill, which was returned from the House with amendments, was carried over.

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

**READ THE THIRD TIME, RETURNED TO THE HOUSE**

**WITH AMENDMENTS**

H. 4663 -- Reps. Sandifer, Bales, Cato, McEachern, Hamilton, Loftis, G.R. Smith, Wylie, Stringer, Willis, Clemmons, Barfield, Ballentine, Whitmire, White, Toole, Huggins, Pinson, Gunn, Norman, Millwood, Simrill, Delleney, Owens, Bannister, Rice, Erickson, D.C. Moss, Stewart, Mitchell, Bowen, J.E. Smith, Dillard, Herbkersman, Chalk, Haley, Viers, Anderson, T.R. Young, Nanney and Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑9‑55 SO AS TO PROVIDE THAT A BUILDING CODE PROVISION THAT REQUIRES AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM BE INSTALLED IN A NEW ONE‑FAMILY OR TWO‑FAMILY DWELLING MAY NOT BE ENFORCED, TO PROVIDE CERTAIN PROSPECTIVE HOMEOWNERS MAY CHOOSE WHETHER TO HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED, TO MAKE THE INSTALLATION OF AN AUTOMATIC SPRINKLER SYSTEM APPROVED BY THE INTERNATIONAL RESIDENTIAL CODE AVAILABLE WHERE REQUIRED BY THAT CODE, AND TO PROVIDE WHERE THE PROVISIONS OF THIS SECTION CONTROL EVEN WHEN THEY CONFLICT WITH ANOTHER LAW OR LOCAL ORDINANCE.

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

**RECESS**

At 1:26 P.M., on motion of Senator LARRY MARTIN, the Senate receded from business subject to the Call of the Chair.

At 1:37 P.M., the Senate resumed.

**PRESIDENT Pro Tempore PRESIDES**

At 1:37 P.M., Senator McCONNELL assumed the Chair.

The question then was the third reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Rose Ryberg

Setzler Sheheen Shoopman

Thomas Williams

**Total--38**

**NAYS**

**Total--0**

The Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**Motion Adopted**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 11:45 A.M. on Wednesday, May 19, 2010, for the purpose of attending the Joint Assembly and, at the conclusion of the Joint Assembly, the Senate would stand in recess until 2:00 P.M.

**MOTION ADOPTED**

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Ruby Francina Moss of Gaffney, S.C. Mrs. Moss was a beloved mother and devoted grandmother and doting great-grandmother and great-great grandmother. She had a varied career working as a welder in the shipyards during WWII, matron of the county jail, worked with H&R Block and volunteered with numerous civic organizations.

and

**MOTION ADOPTED**

On motion of Senator CLEARY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Mae Kaple of Willbrook Plantation, S.C. She had a varied career as registered nurse, tennis player and tennis teacher. She chaired the county Foster Care Review Board and was a founder of St. Christopher’s Children. She was a biological mother of four and a mother to hundreds more.

**ADJOURNMENT**

At 1:44 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:45 A.M.

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