**Wednesday, January 12, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 10:30 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

The Psalmist declares that:

“The fear of the Lord is the beginning of wisdom; all who follow his precepts have good understanding. To him belongs eternal praise.” (Psalm 111:10)

Let us pray:

On this day of beginnings, as our Governor has now been sworn in to office and as this State House again pulses with energy and creative ideas, we give You praise, dear God. Embrace our new Governor with Your grace as her work on behalf of the people of this State begins, and give her wisdom as she seeks to lead South Carolina forward. May each Senator continually share his own good understanding of those many issues that will be debated and resolved during the weeks and months ahead. Know that in everything, O God, we ask for Your blessings to be upon the good people of this State. In Your gracious name we pray, Lord.

Amen.

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

**CO-SPONSORS ADDED**

The following co-sponsor was added to the respective Bills:

S. 1 Sen. Fair S. 102 Sen. Fair

S. 2 Sen. Fair S. 111 Sen. Fair

S. 3 Sen. Fair S. 117 Sen. Fair

S. 4 Sen. Fair S. 126 Sen. Fair

S. 5 Sen. Fair S. 140 Sen. Fair

S. 6 Sen. Fair S. 149 Sen. Fair

S. 56 Sen. Fair S. 160 Sen. Fair

S. 60 Sen. Fair S. 163 Sen. Fair

S. 96 Sen. Fair S. 164 Sen. Fair

S. 98 Sen. Fair S. 165 Sen. Fair

S. 99 Sen. Fair S. 167 Sen. Fair

S. 171 Sen. Fair S. 284 Sen. Fair

S. 172 Sen. Fair S. 291 Sen. Fair

S. 245 Sen. Fair S. 304 Sen. Fair

S. 281 Sen. Fair S. 316 Sen. Fair

S. 283 Sen. Fair

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 340 -- Senator Cromer: A BILL TO AMEND SECTION 48‑34‑40 OF THE 1976 CODE, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, 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, 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.

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

S. 341 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE LEXINGTON COUNTY'S WHITE KNOLL HIGH SCHOOL MARCHING BAND ON CAPTURING THE 2010 SOUTH CAROLINA AAAA STATE MARCHING BAND CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 342 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE LEXINGTON DIXIE YOUTH INDEPENDENT ALL-STAR BASEBALL TEAM FOR ITS IMPRESSIVE WIN OF THE 2010 CLASS AAA DIXIE YOUTH WORLD SERIES CHAMPIONSHIP TITLE, AND TO HONOR THE PLAYERS AND COACHES ON AN OUTSTANDING SEASON.

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

S. 343 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE JIMMIE FOSTER, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, MARCH 1, 2011.

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

**RECESS**

At 10:45 A.M., on motion of Senator LARRY MARTIN, the Senate receded from business for the purpose of attending the Inaugural Ceremony and following the ceremony, the Senate would stand adjourned.

**INAUGURAL PROGRAM**

***Processional***

246th Army National Guard Band of the South Carolina National Guard

Chief Warrant Officer Three Jessie Morlan, Commander

***Ceremony***

THE HONORABLE GLENN F. McCONNELL

President *Pro Tempore* of the Senate, Presiding

**Remarks by Senator McCONNELL**

Distinguished guests and ladies and gentlemen of South Carolina:

Welcome to the inauguration of the 117th Governor of South Carolina and for the Inauguration of the Lt. Governor of South Carolina and Constitutional Officers.

As a wife and the mother of two, Nikki Haley understands the importance of what is at stake both for our state and for her family. With young children and a husband who wears the uniform of our state and nation, she should know full well the importance of what is ahead in the coming years for our State and this country, and knowing that, she has offered herself for service in this difficult time. Her steadfast convictions have brought her here today ready to do what she believes is best for all South Carolinians.

We have come again to celebrate the wonder of our system of government - a system of government that allows for the transition of power from one person to another without the need for guns or violence but with only words and ideas. The people of South Carolina listened to the words and ideas of those here today and sent each to represent them to the best of their ability. While not every voter supported those elected during the election, it is our shared duty to serve all South Carolinians in our actions in the years ahead.

It was our words that got us here today - promises of what we would do and how we would act. It will be our actions in the days ahead that will determine whether that trust in us is warranted. We come here today realizing these offices on which we embark are given to no man or woman in perpetuity, but are instead lent to us by our families, friends and neighbors who have sent us here empowered by their faith in us to do what we believe is right and bolstered by the many blessings of our maker.

If this loan comes with a price, the price is a lesson we learned as children - be open in your actions and always do what is right. In doing the people's will, every decision should be made as openly as practical and only after due consideration of the facts. South Carolinians must be confident that our government will move forward with knowledge and principle in the sunshine of public view and review.

As we strive to do right, we must also face reality. No person is perfect and, therefore, cannot be expected to be. However, as elected officials we are and should be held to a high standard of personal and professional conduct. It is a standard we all accepted when we offered for elective office. We cannot be perfect, but we must be an aspiration of what we can be when we do our best in the service of others. As Samuel Johnson said, “It is reasonable to have perfection in our eye that we may always advance toward it, though we know it can never be reached.”

Any decision that is made may be couched in terms of right and wrong, for the rightfulness and wrongfulness of decisions may always be debated. But differences of opinion are not what separate us - but what in fact makes us stronger in crafting a productive dialogue. However, the motives behind our decisions must always be what is in the best interest of our State - not what is in our financial or personal best interest. We are citizen legislators, and we have lives apart from our duties in the capital. It is the wisdom of our private lives that offers guidance in our public decisions; but the two should never be so intertwined that our private lives are benefitted by our public roles. Financial interest in a matter must never be a reason for action or inaction, nor should financial interest allow our motives in a vote to be impunged. A stake in the outcome must never be a reason to have a difference of opinion. Equally important to doing right is that the process getting there looks right.

We have all been called to serve for myriad reasons. We all have different ideas and varied goals. Despite our different issues and the different paths we take to get there, our legislative journey must all have the same starting point - our oath of office. No matter the political party or our philosophical bent, we all have one thing in common: the bedrock of our political service is our sworn oath to uphold and follow the constitution.

To paraphrase Hugo Black, our constitution was not written in sand but in the foundation of our State and nation. It is our bedrock and is not to be altered by the shifting winds of current sentiment. Our constitution must always be followed strictly and faithfully by those who elect to serve. It is what our founders put in place to protect those at home from those of us in Columbia and Washington. It is a limit on what we can do. The constitution is both the means to an end as well as the beginning and the end of what we do. We must never allow our desire to achieve some laudable goal tempt us to try and bypass the constitution. No great right will ever justify the great wrong needed to get there.

We embark today on a great journey together. Collectively we are a varied band of experiences, philosophies, politics, geography, race and gender. It is like the assemblage of this group of legislators all playing a different musical instrument. The sound of 170 different instruments taken separately would be horrible if out of key and each attempting to play their own tune. However, if each of those disparate sounds follows a common score and a common key, working together for the betterment of our beloved State, then those discordant notes will be transformed into a beautiful symphony that echoes from the mountains to the coast of better days and brighter futures. It will be that harmony that will lift us through the tough days ahead.

However, we must not let seeking harmony lead us into sacrificing principle. There are many issues that must be addressed. We must look at everything that our government does and inquire whether what we do works, could be done better or should be done at all. We cannot be limited by the false security of what has always been done or by the false hope of change for change’s sake. Sometimes staying in place means falling behind. Sometimes a change that does not make government more efficient or South Carolina lives better is a false promise to those who elected us.

Let us leave here today knowing that the difficult times that face us are not partisan nor are they insurmountable. They are challenges common to us all, and their solutions lie in our collective wisdom. We all have a universal desire to do what is best for South Carolina, even if we have different methods of getting there. In striving for a better South Carolina, let us work together where we can, and agree to disagree when we cannot but accept that the other viewpoint is offered in good faith. In achieving the best for our State, compromise is not always a dirty word. Taking a small step forward is much better than simply standing still.

Let us depart from each issue we confront as we leave this celebration - united in a desire to provide for a better future for our children and grandchildren. With God’s will, we will muster the strength, wisdom and patience to do what we must do.

Our state’s motto is “Dum Spiro Spero” or “while I breathe, I hope.” Let us leave here and have each breath we take and each word we speak give hope to those at home that our best days are not behind us but yet are still ahead.

(On motion of Senator ROSE, with unanimous consent, the remarks of Senator McCONNELL were ordered printed in the Journal.)

Welcome   The Honorable Glenn F. McConnell

Invocation   The Reverend Dr. Brian Rainwater

Mt. Horeb United Methodist Church

Lexington

Presentation of the Colors   The Citadel Color Guard

Pledge of Allegiance   Led by First Sergeant Peter Lara

Wounded Warrier Project, Lexington

Star Spangled Banner   *Francis Scott Key and John Stafford Smith*

Jorge Lopez-Yanez

International Opera Tenor

**ADMINISTRATION OF THE OATH OF OFFICE**

Lieutenant Governor The Honorable James Kenneth Ard

*by the Honorable Glenn F. McConnell*

**STATE OFFICERS**

*by Lieutenant Governor James Kenneth Ard*

Secretary of State The Honorable Mark Hammond

State Treasurer The Honorable Curtis Loftis

Attorney General The Honorable Alan Wilson

Comptroller General The Honorable Richard A. Eckstrom

Superintendent of Education The Honorable Mitchell M. Zais

Adjutant General The Honorable Robert Livingston, Jr.

Commissioner of Agriculture The Honorable Hugh E. Weathers

American Anthem Gene Scheer

The South Carolina Governor’s School for the Arts

and Humanities

Chamber and All-School Choirs

Dr. David Rhyne, Conductor

Walter Hundt, Accompanist

“The Weight It Takes” Marjory Heath Wentworth

*South Carolina Poet Laureate*

The World of Our Dreams Jeffrey L. Ames

Sandlapper Singers

Dr. Lillian Quackenbush, Artistic Director

Bill McNair, Accompanist

Robyn Leadbitter, Flutist

Audrey Brown, Soloist

Sixty-Seventh Psalm Carl Haywood

Claflin College, Concert Choir

Dr. Isaiah McGhee, Conductor

**ADMINISTRATION OF OATH TO THE GOVERNOR**

The Honorable Nikki Randhawa Haley

*by Chief Justice Jean Hoefer Toal*

Inaugural Address The Honorable Nikki Randhawa Haley

Her Excellency, Governor of South Carolina

God Bless America Arranged by Roy Ringwald

The South Carolina Governor’s School for the Arts

and Humanities Chamber and All-School Choirs

Jorge Lopez-Yanez

Sandlapper Singers

Dr. Isaiah McGhee, Conductor

*Audience invited to participate as directed*

Benediction The Reverend Charles Jackson

Brookland Baptist Church, West Columbia

**INAUGURAL ADDRESS**

By the Honorable Nikki Randhawa Haley

I want to thank each and every one of you for coming out on this beautiful, chilly morning.

On this special day, I want to thank Michael and my two sweet children for the unconditional love and support they continue to show me. We, as a family, are honored to serve this great State.

  Michael and I want to thank both of our families for the strength, guidance, and advice they give us during the best and the most challenging times.  They are constant reminders of what it means to carry ourselves with grace and dignity.

  We want to thank Governor Mark Sanford for his service to South Carolina and his fight for the citizens of this State.

  To Ms. Jenny Sanford, thank you for representing South Carolina with strength and grace for the last eight years. Your friendship has meant so much to our family.

  To the Sanford boys, thank you for allowing the people of South Carolina the opportunity to watch you grow up into fine young men.  Rena and Nalin look forward to continuing your games and mazes at the Mansion.

  Today is a great day in South Carolina!

  It's a day for new beginnings.  It's a day to turn the page from the past. And it's a day filled with anticipation of the next chapter in our state's future.

  Before we talk about our bright future, it's important to pay respect to our past.  Our State has an incredibly powerful and rich history.  It is one that has not always been pleasant, but one that can teach us many great lessons.

  We have a history of fierce independence, and that independence has some remarkable relevance for us today. While in 1773 it was the Tea Party in Boston that became famous, there was also a whole lot of tea dumped in the Charleston harbor that December. We declared independence from Great Britain some four months before Thomas Jefferson wrote the Declaration of Independence in Philadelphia. And at Kings Mountain just over our northern border, our local militia -- not professional soldiers -- helped turn the tide of the Revolutionary War that brought us the freedom we still enjoy to this day.

  Let's see: tax protests, tea parties, the grassroots beating the professionals -- it does have a certain familiar ring to it.

  Of course, when talking about our past, it would be wrong to mention our greatness during the revolutionary period without noting the ugliness of much that followed.  The horrors of slavery and discrimination need not be retold here.  They, too, remain a part of our history and a part of the fabric of our lives.

  But I do take comfort in, and agree with, the words of columnist George Will, when he recently wrote this about our state's past struggles: “If the question is which state has changed most in the last half-century, the answer might be California.  But if the question is which state has changed most for the better, the answer might be South Carolina.”

  I stand before you today, the proud daughter of Indian immigrants. Growing up in rural, small town South Carolina, my family experienced this State and this country at its best. No, not every day was perfect. No, we were not always free from the burdens faced by those who look and sound different.

  But we counted our blessings, and my parents reminded me and my brothers and sister every day how blessed we were to live in this country.  We saw the constant example of neighbors helping neighbors.

  For us, happiness existed in not knowing what we didn't have, and in knowing that what we did have was the opportunity to better our lives through hard work and strong values.

  You see, my mother was offered one of the first female judgeships in her native country but was unable to serve on the bench because of the challenges of being a woman in India.  Now she sits here today watching her daughter become Governor of South Carolina, the State she proudly calls her home.  When you grow up with a mom like that, the word "can't" is not in your vocabulary.

  I will always be the proud daughter of immigrants.  I will always cherish our family's experience.  And I will always strive in my actions and in my words to make South Carolina a place where all of our children, regardless of race or gender, know that unlimited opportunities for happiness and success await them.

  Today, our State and our nation face difficult times.  Far too many of our fellow citizens are without a job.  Our economy is not growing as it should.  Our State budget has its largest shortfall ever.

  But when I survey this troubled landscape, I am not discouraged.  We have faced tougher times before and come through them.  We know that tough times can produce some of the best decisions.  And it is our duty to make this time of challenge into the opportunity it can be to turn our State around.  It is indeed a new day, and on this new day, we must commit ourselves to the proposition that failure is not an option.

  When I think on our present economic challenges, I am reminded of the words of Margaret Thatcher, who said: “Once we concede that public spending and taxation are [more] than a necessary evil, we have lost sight of the core values of freedom.”

  Nearly two years ago, the federal government in Washington decided to transfer its irresponsible fiscal practices to the states. And our State, like every other, accepted it.  When we produce this year's budget, we will see the heavy price we pay for having done so.

  In our coming actions, we must recognize that we will not produce the jobs our people deserve by placing higher tax burdens on our workers and our small businesses.  And we will not reach prosperity by increasing state government's share of our economy.

  Be assured, however, that I have every confidence we will achieve a much more prosperous place.  And we will do so by going back to that spirit of independence that fueled South Carolina's leading role in defeating the strongest nation on earth two centuries ago.

  When we embark on this new journey toward growth and prosperity, we must do so together, with one vision -- a vision that is focused on the success of our families and businesses -- a vision that is not impaired by partisanship, personalities, or distractions. We don't have time for that, and I won't stand for it.

  Many times over the last eighteen months I asked South Carolinians to join a movement.  That movement was never about one person or one election.  Our state constitution requires the Governor and the General Assembly to work together to serve South Carolina well.  And work together we will.

  But the energy that drives our cooperation does not come from within this beautiful capitol building behind me. The energy comes from the sound of the people's voices.  The success of the movement I asked you to join will be realized when elected officials are accountable for their votes, when citizen participation in government reaches new heights, and when the voice heard loudest is neither mine nor any other elected officials', but is that of the taxpayers of this State.

  In the days, weeks, and months ahead, we have the opportunity to reduce state spending and make it more efficient.  We have the opportunity to improve education and allow our children to be successful regardless of where they are born.  We have the opportunity to strengthen our small businesses to help them create the jobs our people need.  We have the opportunity to restructure our state government to make it more transparent, more accountable, and more respectful of the people of South Carolina.

  We must seize these inspiring opportunities.  If we do, we will have a State where good jobs are in constant supply, where South Carolina becomes the envy of the nation, and where we are so free of political distractions that the media is forced to report on good news.  Just imagine that.

  That is my South Carolina.  It's the South Carolina I want for my children and for every family in our great State.

  So, with faith in God, who knows what is right,  and faith in our own ability to use the skills and judgment He gives us to do what is right, we can make this vision a reality.

  Thank you.  May God bless South Carolina and may He continue to bless the United States of America.

***RECESSIONAL***

**ADJOURNMENT**

At 12:50 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

**MOTION ADOPTED**

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Jamie Lee Murdock, Jr., Judge, Family Court, 4th Judicial Circuit.

and

**MOTION ADOPTED**

On motion of Senators ELLIOTT and RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of David Brittain of Myrtle Beach, S.C. Mr. Brittain was the owner of the Sea Captain’s House in Myrtle Beach and partner in several family-owned businesses in Horry County.

**ADJOURNMENT**

At 12:50 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

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