**Wednesday, March 23, 2011**

**(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:

The prophet Isaiah writes:

“I delight greatly in the Lord; my soul rejoices in my God.”

(Isaiah 61:10)

Please, bow in prayer with me:

Gracious and loving God, hear us today as we call upon You and ask that You grant each of these leaders the true contentment which only You can give. May their noble and committed service on behalf of the people of this State bring about meaningful and helpful results from the Piedmont to the Sandhills, from the Savannah River to the Atlantic. The problems with which these Senators wrestle and the issues that they seek to resolve are formidable. Bless them as they and their staff members strive to honor You. In Your loving name we pray, O Lord. Amen.

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

**Doctor of the Day**

Senators ROSE and McCONNELL introduced Dr. Otis Engleman of Summerville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator BRYANT, at 2:05 P.M., Senator VERDIN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator HAYES, at 2:05 P.M., Senator COURSON was granted a leave of absence until 3:30 P.M.

**CO-SPONSORS ADDED**

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

S. 30 Sen. Ford

S. 36 Sen. Ford

S. 53 Sen. Ford

S. 158 Sen. O’Dell

S. 159 Sen. O’Dell

S. 232 Sen. Ford

S. 271 Sen. Ford

S. 461 Sen. Ford

S. 568 Sen. Ford

S. 586 Sen. Coleman

S. 715 Sens. Ford and Cleary

S. 716 Sens. Ford and Cleary

**CO-SPONSOR REMOVED**

The following co-sponsor was removed from the respective Bill:

S. 630 Sen. Ryberg

**Motion Adopted**

On motion of Senator BRYANT, with unanimous consent, Senators BRIGHT, MASSEY, CLEARY and REESE were granted leave to attend a subcommittee meeting and be granted leave to vote from the balcony.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 725 -- Senator Scott: A BILL TO AMEND SECTION 59-150-230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF LOTTERY PRIZES IN CONNECTION WITH THE SOUTH CAROLINA EDUCATION LOTTERY, SO AS TO ALLOW CERTAIN PERSONS, OTHERWISE PROHIBITED FROM PURCHASING A LOTTERY TICKET OR SHARE AND BEING PAID A PRIZE FOR A WINNING LOTTERY TICKET OR SHARE, TO PURCHASE AND WIN A PRIZE IN CONNECTION WITH A MULTISTATE LOTTERY PRODUCT OFFERED BY THE SOUTH CAROLINA EDUCATION LOTTERY.

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

S. 726 -- Senator Courson: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JUDY STRICKLAND SMOAK OF LEXINGTON COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEE**

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

S. 461 -- Senators Cleary, Sheheen, Lourie and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-2-85, SO AS TO PROVIDE THAT A HOLDER OF A PERMIT THAT ALLOWS ON-PREMISES CONSUMPTION OF BEER, WINE, OR ALCOHOLIC LIQUORS SHALL RECYCLE EACH RECYCLABLE BEVERAGE CONTAINER SOLD ON THE PREMISES IN ACCORDANCE WITH A MODEL RECYCLING PROGRAM DEVELOPED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO AMEND SECTION 61-2-90, RELATING TO REQUIRING AN APPROVED RECYCLING PLAN TO BE INCLUDED IN A PERMIT APPLICATION FOR ON-PREMISES CONSUMPTION; AND TO AMEND SECTION 6-4-20, RELATING TO THE USE OF ACCOMMODATIONS TAXES, SO AS TO PROVIDE FOR FUNDING FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE MODEL RECYCLING PROGRAM.

Ordered for consideration tomorrow.

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

S. 568 -- Senators L. Martin and Ford: A BILL TO AMEND SECTION 16‑3‑740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV), SO AS TO FURTHER CLARIFY OFFENDERS WHO MUST BE TESTED AND THE TIME FRAME THAT TESTING MUST BE CONDUCTED AND PROVIDE FOR FOLLOW‑UP TESTING FOR HIV WHEN MEDICALLY APPROPRIATE.

Ordered for consideration tomorrow.

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

H. 3625 -- Reps. J.R. Smith, Hixon and Taylor: A BILL TO AMEND SECTION 8‑13‑735, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITION AGAINST A PERSON, WHO AT THE SAME TIME SERVES ON THE GOVERNING BODY OF A STATE OR LOCAL POLITICAL SUBDIVISION BOARD OR COMMISSION AND AS AN EMPLOYEE OF THE SAME BOARD OR COMMISSION OR IN A POSITION WHICH IS SUBJECT TO THE CONTROL OF THE BOARD OR COMMISSION, MAKING OR PARTICIPATING IN A DECISION AFFECTING HIS ECONOMIC INTERESTS, SO AS TO PROHIBIT A PERSON FROM SERVING IN BOTH POSITIONS AT THE SAME TIME.

Ordered for consideration tomorrow.

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

**READ THE THIRD TIME**

S. 533 -- Senators Coleman, Reese and Ford: A BILL TO AMEND SECTION 12‑36‑2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR A SALES TAX EXEMPTION OF CERTAIN ITEMS FOR CERTAIN FACILITIES RESEARCHING AND TESTING THE IMPACT OF NATURAL DISASTERS, SO AS TO PROVIDE THAT THE QUALIFYING INVESTMENT OF AT LEAST TWENTY MILLION DOLLARS MAY BEGIN AT ANY TIME PERIOD AFTER JANUARY 1, 2009, AND ALL OR A PORTION MAY OCCUR BEFORE THE TAXPAYER NOTIFIES THE DEPARTMENT OF REVENUE OF ITS INTENTION.

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

Senator DAVIS spoke contra to the Bill.

Senator COLEMAN spoke in favor of the Bill.

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

**Ayes 30; Nays 10**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Cromer

Fair Ford Hayes

Hutto Jackson Knotts

Land Leventis Lourie

Malloy *Martin, Larry* Matthews

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Ryberg Scott

Setzler Sheheen Williams

**Total--30**

**NAYS**

Bright Bryant Campsen

Davis *Martin, Shane* Massey

McConnell Rose Shoopman

Thomas

**Total--10**

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

**Expression of Personal Interest**

Senator ROSE rose for an Expression of Personal Interest.

**THIRD READING BILL**

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

S. 686 -- Education Committee: A JOINT RESOLUTION TO CLARIFY THE SCIENCE COURSE REQUIREMENT FOR RECEIVING A SOUTH CAROLINA HIGH SCHOOL DIPLOMA.

Senator HAYES explained the Joint Resolution.

**READ THE SECOND TIME**

S. 522 -- Senators Leatherman, O’Dell and Setzler: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2010.

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

Senators HAYES and SETZLER explained the Bill.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Fair Ford

Hayes Hutto Jackson

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--39**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3373 -- Reps. Sandifer, Bowers, Bales, Anderson and Pinson: A BILL TO AMEND SECTION 38‑77‑112, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF AN AUTOMOBILE INSURER FROM THE REQUIREMENT TO WRITE AUTOMOBILE INSURANCE COVERAGE FOR AN APPLICANT OR EXISTING POLICYHOLDER, SO AS TO REMOVE CERTAIN EXEMPTIONS FROM THE APPLICABILITY OF THIS SECTION.

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

Senator LARRY MARTIN explained the Bill.

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

**Ayes 38; Nays 3**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Ford

Hayes Hutto Jackson

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Williams

**Total--38**

**NAYS**

Bright *Martin, Shane* Thomas

**Total--3**

**Statement by Senators THOMAS and SHANE MARTIN**

We voted against H. 3373 because the Bill allows illegal aliens to buy auto insurance in South Carolina.  This would constitute an incentive for illegals to move to South Carolina to establish work forces which will employ illegals.

 We have previously adopted two Bills to prevent immigration by illegals. Obviously, we need to have as many people as possible who drive in the State to be insured, but the conflicting policy is to dissuade illegals from settling in our State.  Our belief is that a provision to allow illegal purchases of insurance will bring in more illegals and the overall impact will be to have an influx of illegals who ironically will not be insured, since they will come to obtain employment from enterprises operated by illegals who need to be insured to have contracts to operate in certain business activities.

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

**READ THE SECOND TIME**

S. 607 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS; AND STANDARDS FOR PERFORMANCE FOR ASBESTOS PROJECTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4130, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator BRYANT explained the Resolution.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Hayes Hutto

Jackson Knotts Land

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--39**

**NAYS**

Massey

**Total--1**

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

**READ THE SECOND TIME**

S. 620 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO PALMETTO FELLOWS SCHOLARSHIP AND PALMETTO FELLOWS SCHOLARSHIP ENHANCEMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4149, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator COURSON explained the Joint Resolution.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Ford

Hayes Hutto Jackson

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--39**

**NAYS**

McConnell

**Total--1**

**Statement by Senator McCONNELL**

I voted “no” because this regulation extended eligibility for the scholarship program. I believe that expanding the obligations of the State and its taxpayers should not be done by regulations or by bureaucrats but by the on-the-record vote of elected officials. This expansion may be meritorious, but the way it was done was not. For that reason, I voted “no” on the second reading of S. 620.

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

**READ THE SECOND TIME**

S. 621 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA NEED-BASED GRANTS PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4148, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator COURSON explained the Joint Resolution.

**Objection**

Senator CLEARY asked unanimous consent to make a motion to apply the roll call vote on S. 620 to the question of second reading of S. 621.

Senator SHEHEEN objected.

The Senate proceeded to a roll call vote.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Hayes Hutto

Knotts Land Leventis

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Sheheen Shoopman

Thomas Williams

**Total--38**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 622 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO LIFE SCHOLARSHIP & LIFE SCHOLARSHIP ENHANCEMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4146, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator COURSON explained the Joint Resolution.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Hayes Knotts

Land Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--39**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 623 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO LOTTERY TUITION ASSISTANCE PROGRAM FOR TWO-YEAR PUBLIC AND INDEPENDENT INSTITUTIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4147, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator COURSON explained the Joint Resolution.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Hayes Hutto

Jackson Knotts Land

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 624 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA HOPE SCHOLARSHIP, DESIGNATED AS REGULATION DOCUMENT NUMBER 4145, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator COURSON explained the Joint Resolution.

**Objection**

Senator CROMER asked unanimous consent to make a motion to apply the roll call vote on S. 623 to the question of second reading of S. 624.

Senator MALLOY objected.

The Senate proceeded to a roll call vote.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Hayes Hutto

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 232 -- Senators Cleary and Ford: A BILL TO AMEND SECTION 44‑7‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE STATE CERTIFICATION OF NEED AND HEALTH CARE FACILITY ACT, SO AS TO REVISE THE DEFINITION OF HEALTH CARE FACILITY.

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

The Committee on Medical Affairs proposed the following amendment (S-232 AMENDMENT), which was adopted:

Amend the bill, as and if amended, page 1 after line 30 by adding an appropriately numbered new section to read:

/ SECTION \_\_. A facility that has applied for licensure as a narcotic treatment program within a facility for chemically dependent or addicted persons, prior to the effective date of this act, may be granted a license by the department without first obtaining a certificate of need. /

Renumber sections to conform.

Amend title to conform.

Senators PEELER and CLEARY explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**Ayes 29; Nays 8**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Cromer

Elliott Fair Ford

Hayes Hutto Knotts

Land Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Nicholson O'Dell

Peeler Pinckney Reese

Ryberg Scott Setzler

Sheheen Williams

**Total--29**

**NAYS**

Bright Bryant Courson

Davis *Martin, Shane* McConnell

Shoopman Thomas

**Total--8**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 271 -- Senators Cleary and Ford: A BILL TO AMEND SECTION 15‑41‑30 OF THE 1976 CODE, RELATING TO AN INDIVIDUAL RETIREMENT ACCOUNT BEING EXEMPT FROM ATTACHMENT, LEVY, AND SALE, TO DELETE THE PROVISION THAT THE EXEMPTION ONLY APPLIES TO THE EXTENT REASONABLY NECESSARY FOR THE SUPPORT OF THE DEBTOR AND ANY DEPENDENT OF THE DEBTOR AND TO INCREASE THE ALLOWABLE AMOUNTS TO CONFORM TO THOSE ALLOWABLE UNDER FEDERAL BANKRUPTCY LAW.

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

The Committee on Judiciary proposed the following amendment (JUD0271.002), which was adopted:

Amend the bill, as and if amended, page 1, SECTION 1, by striking lines 34 through 40 in their entirety and inserting:

/ the meaning provided in Section 12‑6‑40(A). The interest of an individual under a retirement plan shall be exempt from creditor process to the same extent permitted in Section 522(d) under federal bankruptcy law and is an exception to Section 15-41-35. The exemption provided by this section shall be available whether such individual has an interest in the retirement plan as a participant, beneficiary, contingent annuitant, alternate payee, or otherwise.” /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Hayes Hutto

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

S. 523 -- Senators Leatherman and McGill: A BILL TO AMEND SECTION 6-11-810 OF THE 1976 CODE, RELATING TO THE DEFINITION OF SPECIAL PURPOSE DISTRICT, TO AMEND THE DEFINITION TO INCLUDE CERTAIN FIRE AND PUBLIC SAFETY DISTRICTS.

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

The Committee on Finance proposed the following amendment (NBD\11438DG11), which was adopted:

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

/ SECTION \_\_\_. Section 4‑23‑830 of the 1976 Code is amended by adding an appropriately numbered item to read:

“( ) To issue general obligation bonds, following authorization of the governing body of each county in which the district is located, whose proceeds shall be used in furtherance of any power of the special purpose district under the procedures prescribed in Article 5, Chapter 11 of Title 6. The full faith, credit, and taxing power of the commission is hereby irrevocably pledged for the payment of the indebtedness, but in no event shall the credit of the counties in which the district is located be obligated for any indebtedness of the commission.” /

Renumber sections to conform.

Amend title to conform.

Senator McGILL explained the committee amendment.

The committee amendment was adopted.

Senators LEATHERMAN and McGILL proposed the following amendment (DKA\3559SD11), which was adopted:

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

/ SECTION 1. Chapter 23, Title 4 of the 1976 Code is amended by adding:

“Article 11

Joint County Fire District ‑ Issuance of Bonds

Section 4‑23‑1100. For purposes of this article, ‘joint county fire district’ means a special purpose district created for the provision of fire protection consisting of areas in more than one county and created by act of the General Assembly before the effective date of this article.

Section 4‑23‑1105. A joint county fire district may issue general obligation bonds for any corporate purpose by utilizing the procedures set forth in Sections 6‑11‑820 through 6‑11‑1030, the provisions of Section 6‑11‑810(d) and (e) notwithstanding.”

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

Amend title to read:

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 23, TITLE 4 SO AS TO ALLOW JOINT COUNTY FIRE DISTRICTS TO UTILIZE THE PROCEDURES CONTAINED IN ARTICLE 5, CHAPTER 11, TITLE 6 TO ISSUE GENERAL OBLIGATION BONDS. /

Renumber sections to conform.

Amend title to conform.

Senator McGILL explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**Ayes 34; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Hayes

Hutto Knotts Land

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Shoopman Thomas

Williams

**Total--34**

**NAYS**

Bright Bryant Massey

McConnell

**Total--4**

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

**READ THE SECOND TIME**

H. 3397 -- Reps. Lowe and Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑674 SO AS TO DESIGNATE THE SOUTH CAROLINA PECAN FESTIVAL IN FLORENCE COUNTY AS THE OFFICIAL STATE PECAN FESTIVAL.

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

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

**Ayes 40; Nays 2**

**AYES**

Alexander Bryant Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

**NAYS**

Bright *Martin, Shane*

**Total--2**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

H. 3668 -- Rep. Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 56‑1‑745 RELATING TO THE DRIVER’S LICENSE SUSPENSION OF A PERSON CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION.

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

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

**Ayes 38; Nays 2**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Cromer Davis

Elliott Fair Ford

Hayes Hutto Jackson

Knotts Land Leventis

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Williams

**Total--38**

**NAYS**

Courson Thomas

**Total--2**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 241 -- Senators Rose and Leventis: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA DYSLEXIA TASK FORCE, TO PROVIDE FOR THE COMPOSITION OF THE TASK FORCE, AND TO PROVIDE THAT THE TASK FORCE SHALL REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY.

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

The Committee on Education proposed the following amendment (AGM\18877BH11), which was adopted:

Amend the joint resolution, as and if amended, by deleting in its entirety SECTION 1(E), as contained in SECTION 1, page 2, and inserting:

/ (E) The members shall serve without compensation and may not receive mileage or per diem. The task force may meet and hold hearings at the places it designates during the sessions or recesses of the legislature. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Joint Resolution.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Hayes Hutto

Jackson Knotts Leventis

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Williams

**Total--38**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

**ORDERED TO A THIRD READING**

S. 724 -- Senator McGill: A BILL TO AMEND ACT 1095 OF 1962, AS AMENDED, RELATING TO THE LOWER FLORENCE COUNTY HOSPITAL DISTRICT, SO AS TO PROVIDE A PROCESS BY WHICH THE FLORENCE COUNTY COUNCIL MAY LEVY MILLAGE WITHIN THE DISTRICT FOR PURPOSES OF CONSTRUCTING, EQUIPPING, AND MAINTAINING HOSPITAL FACILITIES WITHIN THE DISTRICT.

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

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

**Ayes 4; Nays 0**

**AYES**

Land Leatherman McGill

Williams

**Total--4**

**NAYS**

**Total--0**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**S. 724--Ordered to a Third Reading**

On motion of Senator McGILL, S. 724 was ordered to receive a third reading on Thursday, March 24, 2011.

**OBJECTION**

S. 473 -- Senators Lourie, Setzler and Ford: A BILL TO AMEND CHAPTER 102, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATHLETE AGENTS AND STUDENT AGENTS, SO AS TO REVISE DEFINITIONS, TO INCLUDE DEFINITIONS FOR “ADMINISTRATOR”, “DEPARTMENT”, AND “FINANCIAL SERVICES CONTRACT”, TO REVISE THE POWERS OF THE DEPARTMENT OF CONSUMER AFFAIRS WITH RESPECT TO ATHLETE AGENTS AND STUDENT ATHLETES, TO PROVIDE FOR INSPECTION OF OUT‑OF‑STATE RECORDS, TO REQUIRE AN APPLICANT TO UNDERGO A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK AND TO PROVIDE FINGERPRINTS, TO PROVIDE FOR REPORTING AND MAINTENANCE OF CRIMINAL HISTORY RECORDS CHECK RESULTS, TO REVISE CONSIDERATIONS THE DEPARTMENT MAY MAKE WHEN ISSUING A CERTIFICATE OF REGISTRATION, TO REVISE THE TIME IN WHICH A CERTIFICATE OF REGISTRATION IS VALID AND TO PROVIDE THAT THE CERTIFICATE IS NONTRANSFERABLE AND NONASSIGNABLE, TO PROVIDE THAT IF A PERSON AGGRIEVED BY DEPARTMENT ACTION FAILS TO REQUEST A CONTESTED CASE THE ADMINISTRATIVE ACTION IS FINAL, TO PROVIDE THAT FUNDS COLLECTED BY THE DEPARTMENT MUST BE USED TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER, TO REQUIRE THAT THE ADDRESS OF THE ATHLETE AGENT BE INCLUDED IN AN AGENCY CONTRACT, TO REVISE WHAT THE CONTRACT MUST CONTAIN, TO PROVIDE ADDITIONAL PROHIBITED ACTS OF ATHLETE AGENTS, TO ALLOW THE DEPARTMENT TO ISSUE A CEASE AND DESIST ORDER AND IMPOSE A PENALTY UPON FINDING OF MISCONDUCT, TO PROVIDE REPORTING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS, AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS CHAPTER.

Senator MALLOY objected to further consideration of the Bill.

**OBJECTION**

S. 629 -- Senators Sheheen, Setzler, Lourie, Coleman, Malloy, Reese, Anderson, Hayes, Courson, Matthews, Land and Nicholson: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2011‑2012 SCHOOL YEAR BY MAY 15, 2011; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

Senator McCONNELL asked unanimous consent to make a motion to take up the Joint Resolution for immediate consideration.

Senator RYBERG objected.

**CARRIED OVER**

S. 586 -- Senators Hayes, O’Dell, Verdin, Shoopman, Nicholson, Elliott, L. Martin and Coleman: A BILL TO AMEND SECTION 1‑11‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES, RETIREES, AND THEIR DEPENDENTS ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO EXTEND THIS ELIGIBILITY TO JOINT AGENCIES ESTABLISHED PURSUANT TO CHAPTER 23, TITLE 6.

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

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

**CARRIED OVER**

H. 3399 -- Reps. Rutherford and Owens: A BILL TO AMEND JOINT RESOLUTION 263 OF 1998 RELATING TO THE GRANTING OF CONCURRENT FEDERAL LAW ENFORCEMENT JURISDICTION OVER THE NATIONAL ADVOCACY CENTER LOCATED ON THE COLUMBIA CAMPUS OF THE UNIVERSITY OF SOUTH CAROLINA IN RICHLAND COUNTY, SO AS TO EXTEND THAT CONCURRENT FEDERAL JURISDICTION TO ADJACENT FEDERALLY OCCUPIED PROPERTY AND TO THE INN AT USC AND THE KIRKLAND APARTMENT BUILDING LOCATED RESPECTIVELY AT 1619 PENDLETON STREET AND 1611 PENDLETON STREET IN THE CITY OF COLUMBIA, SOUTH CAROLINA AND TO DESIGNATE THE TEXT OF JOINT RESOLUTION 263 OF 1998, AS AMENDED BY THIS ACT, AS SECTION 3‑3‑350 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976.

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

Senators HUTTO and KNOTTS explained the Bill.

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

**CARRIED OVER**

S. 520 -- Senators Cleary, Rankin and Elliott: A BILL TO AMEND SECTION 48‑39‑290 OF THE 1976 CODE, RELATING TO CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND SETBACK LINE, TO PROVIDE THAT FISHING PIERS AND THEIR RELATED STRUCTURES, WHICH ARE OPEN TO THE PUBLIC AND APPROVED BY THE LOCAL ZONING AND PLANNING AUTHORITY, MAY BE CONSTRUCTED.

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.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDED, CARRIED OVER, AS AMENDED**

S. 225 -- Senators Knotts, Ford and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION; AND TO AMEND SECTION 56‑1‑720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON’S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT ONE POINT MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF USING A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION WHILE OPERATING A MOTOR VEHICLE.

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

Senator LARRY MARTIN explained the Bill.

Senator KNOTTS proposed the following amendment (JUD0225.002), which was adopted:

Amend the committee report, as and if amended, by striking on page [225-3], lines 14-21, and inserting:

/ (4) The Trauma Care Fund surcharge must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the Trauma Care Fund surcharge in the South Carolina State Trauma Care Fund. The Trauma Care Fund surcharge must not be used by the Department of Health and Environmental Control for the payment of the department’s administrative or operating expenses or for any purpose other than providing financial aid to participating trauma care providers and grants related to trauma care in this State. The Trauma Care Fund surcharge is not subject to the provisions of Section 44‑61‑520(G). /

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0225.001), which was adopted:

Amend the bill, as and if amended, by striking on page 2, lines 36-43, and on page 3, lines 1-10, and inserting:

/ (D)(1) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined twenty dollars, pay a twenty‑five dollar Trauma Care Fund surcharge, and have one point assessed against the person’s motor vehicle operating record, no part of which may be waived, reduced, or suspended, except as provided in subitem (D)(2). The twenty dollar fine is subject to all applicable court costs, assessments, and surcharges, except as provided in subitem (D)(2).

(2)(a) For a first offense, instead of the penalty provided in subitem (D)(1), the person may successfully complete a driver’s education program within sixty days of the person’s conviction date, which specifically contains, in whole or in part, education regarding distracted or inattentive driving.

(b) The person shall select a program approved by the Department of Public Safety’s Office of Highway Safety. The Office of Highway Safety may approve more than one program, and such programs may be conducted by classroom, computer, or Internet. The Office of Highway Safety shall post information regarding the approved programs on its website.

(c) The person shall indicate to the judge at the time of conviction that the person intends to successfully complete a program instead of the penalty. The judge shall instruct the person as to how the person is to comply with the requirements of this subitem. Notwithstanding Section 56-7-30, the court shall retain the records and audit copy of the traffic ticket for the violation until the judge has made a determination as to whether the person has successfully completed the program.

(d) The person shall return to the court within sixty days of the conviction date. At that time, the person shall present an original certificate from the program indicating that the person has successfully completed the program. Also, the person shall sign an affidavit provided by the court swearing or affirming that the person has successfully completed the program.

(e) If the judge determines that the person has successfully completed the program, the judge shall waive the fine, the Trauma Care Fund surcharge, and all applicable court costs, assessments, and surcharges, except ten dollars that shall be used exclusively by the court to offset the costs associated with administering the person’s compliance with this subitem. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section without any points assessed against the person’s motor vehicle operating record. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record without any points assessed.

(f) If the judge determines that the person has failed to successfully complete the program, the judge shall impose the fine, the Trauma Care Fund surcharge, and all other applicable court costs, assessments, and surcharges. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section with one point assessed against the person’s motor vehicle operating record. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record with one point assessed.

(g) A person is not permitted to complete a program instead of the penalty if the person has been convicted of a prior violation of this section. Only those violations that occurred within a period of ten years, including and immediately preceding the date of the last violation, constitute prior violations within the meaning of this subitem.

(3) If the person does not subsequently violate this section within one year from the date of conviction, the Department of Motor Vehicles shall remove the one point assessed against the person’s motor vehicle operating record. However, the Department of Motor Vehicles shall not remove an indication of the violation of this section from the person’s motor vehicle operating record. For purposes of this section, if the Department of Motor Vehicles has not received a ticket or some other notice from a court one year from the date of conviction indicating that the person has subsequently violated this section, the Department of Motor Vehicles shall remove the one point.

(4) The Trauma Care Fund surcharge must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the Trauma Care Fund surcharge in the South Carolina State Trauma Care Fund to be used by the Department of Health and Environmental Control as established and provided for in Section 44‑61‑540. The Trauma Care Fund surcharge is not subject to the provisions of Section 44‑61‑520(G).

(5) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section. /

Amend the bill further, as and if amended, by striking on page 4, line 13, and inserting:

/ Carrier Safety Regulations.

(I) A violation of this section is negligence per se.” /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

Senator CROMER proposed the following amendment (MS\7299CM11), which was adopted:

Amend the bill, as and if amended, Section 56-5-3890(D), as contained in SECTION 1, by deleting /one point / on line 39, page 2 and inserting / two points /

Amend the bill further, Section 56-1-720, as contained in SECTION 2, by deleting lines 13 through 15 on page 5, and inserting:

/ Using a wireless electronic communication

device to compose, send, or read a text-based

communication while operating a motor vehicle…………2 /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

The amendment was adopted.

Senator LEVENTIS spoke on the Bill.

The question then was second reading of the Bill.

On motion of Senator HAYES, with unanimous consent, the Bill was carried over, as amended.

At 4:46 P.M., Senator McCONNELL moved that the Senate stand adjourned.

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

**Ayes 34; Nays 7**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

Nicholson O'Dell Pinckney

Rankin Reese Ryberg

Scott Setzler Shoopman

Williams

**Total--34**

**NAYS**

Bright Bryant Davis

*Martin, Shane* Peeler Rose

Thomas

**Total--7**

The Senate stood adjourned.

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. John Hal Jameson, 93, of Easley, S.C. Dr. Jameson was a descendent of pioneer families of Pickens, Greenville and Anderson Counties and, along with Dr. J. A. White, was the co- founder of the Easley Medical Center. He was a loving father to his children and doting grandfather of ten and great-grandfather of six.

and

**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Gladys Hill of Greenwood, S.C. who passed away on March 15, 2011.

**ADJOURNMENT**

At 4:49 P.M., on motion of Senator McCONNELL the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*