**Tuesday, February 8, 2011**

**(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:

The prophet Isaiah reminds us,

 “But those who are noble plan noble things, and by noble things they stand.”

(Isaiah 32:8)

 Please, let us pray:

 Holy and Blessed God, nobility is surely one of those qualities we should all seek—not nobility of social standing, of course, but nobility of personal qualities and ideals. O Lord, may each of these Senators always honor You and the people of this State, seeking to achieve noble ends, doing so for the betterment of each woman, man and child who depends upon them for caring leadership. Indeed, dear God, bless each elected and appointed office-holder in this State, that they all might serve You nobly and righteously. In your loving name we pray, O Lord. 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 Nikki Randhawa Haley:

**Local Appointments**

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

 Allen F. McBride, 501 Wildwood Dr., Quinby, SC 29506 *VICE* Taft Guiles

Initial Appointment, Barnwell County Magistrate, with term coterminous with Governor

 Ivan L. Cohen, 1122 Old Allendale Highway, Barnwell, SC 29812 *VICE* James H. Witherspoon, Jr.

Initial Appointment, Lee County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

 Pamella S. Andrews-Brown, P.O. Box 6, Lynchburg, SC 29080 *VICE* Robert W. Hancock

Reappointment, McCormick County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Jake O. Trantham, 171 Kirkland Drive, McCormick, SC 29835

Initial Appointment, Marion County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

 Samuel Robert Drose, 310 Frankline Avenue, Marion, SC 29571 *VICE* Carolyn Donnelly-Gause

Reappointment, McCormick County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Patty L. Smith, P.O. Box 1027, McCormick, SC 29835

**Doctor of the Day**

 Senator ROSE introduced Dr. James McCoy of North Charleston, S.C., Doctor of the Day.

**Leave of Absence**

 On motion of Senator MALLOY, at 12:15 P.M., Senator PINCKNEY was granted a leave of absence for today and tomorrow.

**Leave of Absence**

 At 2:15 P.M., Senator LAND requested a leave of absence beginning at 2:00 P.M. Wednesday and lasting until Noon on Tuesday.

**Expression of Personal Interest**

 Senators MATTHEWS, NICHOLSON and SCOTT rose for an Expression of Personal Interest.

**Remarks by Senator MATTHEWS**

Forty-three years ago one of the saddest days in South Carolina occurred on the campus of South Carolina State University. On February 8, 1968, three brave students -- Delano H. Middleton, Samuel Hammond, Jr, and Henry Smith -- fighting for what they believed, lost their lives in a stand for equality and simple justice. Twenty-eight others were wounded for taking this same stand. Something as simple as being able to bowl in a bowling alley was denied to these students simply on the basis of race.

 Although the Orangeburg Massacre is not the most talked about event in history, we, both as Americans and as South Carolinians, must acknowledge and respect the great sacrifice these South Carolinians made by risking their lives for the cause of racial equality. Let us continue to pray for those who died, who were wounded, and for the families affected by the Orangeburg Massacre and the cause that motivated them. Also, let us continue the fight so that their deaths will not be in vain.

**Remarks by Senator NICHOLSON**

 I would also like to remember that day because I was a freshman at South Carolina State. I was out there that evening on the 8th about nine o’clock when the three students were killed. It was all about trying to integrate a bowling alley. Just think, lives had to be lost over such a small incident, a small concern. You know, everybody wants to have equal rights.

 I could have been one of those students who was killed, but I was not. Things like this, you know -- the suffering, all of the turmoil that certain people had to go through to try to get equal rights -- this incident will be forever in my life. I was just a freshman and had not been away from home that much, nor out of Greenwood that often, when this incident happened.

 So, this is something we have to remember forever in our lives. We need to make sure that things like this don’t have to happen again. We also need to make sure that all citizens have equal rights -- not only in our State, but in the entire world.

**Remarks by Senator SCOTT**

 Members of the Senate, I hadn’t gotten to South Carolina State College at the time of this incident, but I came just a few years thereafter and I can tell you the after-matter of what had previously occurred. The City of Orangeburg was still there. So, I want us today to remember these families who on this day and this occasion still relive what happened at South Carolina State College. I hope that to the men who gave their lives and the other 28 persons who were injured, we have demonstrated or at least have begun to demonstrate to them that we can begin to live together in this State as human beings.

 Thank you.

 On motion of Senator COURSON, with unanimous consent, the remarks of Senators MATTHEWS, NICHOLSON and SCOTT were ordered printed in the Journal.

**Expression of Personal Interest**

 Senator MASSEY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

 Senator LEATHERMAN rose for an Expression of Personal Interest.

**Objection**

Senator MASSEY asked unanimous consent to make a motion that the Senate reject the budget deficit at the Department of Health and Human Services that was recognized by the Budget and Control Board today.

 Senator FORD objected.

**Expression of Personal Interest**

 Senator McCONNELL rose for an Expression of Personal Interest.

 **CO-SPONSORS ADDED**

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

S. 46 Sen. Knotts

S. 274 Sen. Campbell

S. 349 Sen. Knotts

S. 404 Sen. Lourie

**CO-SPONSORS REMOVED**

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

S. 431 Sen. Davis

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 511 -- Senators Knotts and Campbell: A BILL TO AMEND ARTICLE 1, CHAPTER 39, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-39-165, RELATING TO HIGH SCHOOL CHEERLEADING, SO AS TO PROVIDE FOR FURTHER REQUIREMENTS OF PARTICIPANTS OF HIGH SCHOOL CHEERLEADING PROGRAMS IN SOUTH CAROLINA.

l:\s-jud\bills\knotts\jud0084.ba.docx

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

 S. 512 -- Senator Grooms: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING THE PROTECTION OF GAME, BY ADDING SECTION 50-11-36 TO PROHIBIT HUNTING MIGRATORY WATERFOWL ON LAKE MOULTRIE WITHIN TWO HUNDRED YARDS OF A DWELLING, AND TO PROVIDE PENALTIES.

l:\s-res\lkg\015hunt.kmm.lkg.docx

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

 S. 513 -- Senators Knotts, Cleary, Bright, Reese, Fair, Williams, Rose and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-750 SO AS TO PROVIDE THAT NONRESIDENT VETERANS OF CERTAIN MILITARY OPERATIONS MAY PURCHASE A HUNTING OR FISHING LICENSE FOR THE AMOUNT THE DEPARTMENT OF NATURAL RESOURCES CHARGES A RESIDENT OF THIS STATE.

l:\council\bills\swb\6043cm11.docx

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

 S. 514 -- Senator Verdin: A BILL TO AMEND SECTION 44-96-80 OF THE 1976 CODE, RELATING TO COUNTY SOLID WASTE PROGRAMS, TO PROVIDE THAT AN ORDINANCE THAT RESTRICTS SOLID WASTE DISPOSAL AT PERMITTED FACILITIES LOCATED OUTSIDE A COUNTY'S BOUNDARIES OR IMPEDES A RECYCLING PROGRAM IS INCONSISTENT WITH THE PROVISIONS OF THE CHAPTER; AND TO AMEND SECTION 44-55-1210, RELATING TO COUNTIES ENGAGING IN SOLID WASTE COLLECTION, TO PROVIDE THAT AN ORDINANCE IS VOID TO THE EXTENT THAT A COUNTY ORDINANCE RESTRICTS SOLID WASTE DISPOSAL AT A PERMITTED SITE OUTSIDE A COUNTY'S BOUNDARIES OR IMPEDES A RECYCLING PROGRAM.

l:\s-res\dbv\013wast.kmm.dbv.docx

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

 S. 515 -- Senator Cromer: A BILL TO AMEND SECTION 40-1-75, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A CONTINUING EDUCATION EXEMPTION FOR PERSONS SERVING ON ACTIVE MILITARY DUTY, SO AS TO PROVIDE DEFINITIONS, TO PROVIDE VARIOUS EXEMPTIONS FROM THESE REQUIREMENTS AND THE PAYMENT OF ASSOCIATED FILING FEES IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE AN APPLICATION PROCESS FOR A PERSON SEEKING AN EXEMPTION UNDER THIS SECTION.

l:\council\bills\agm\18470ab11.docx

 Read the first time and referred to the Committee on Labor, Commerce and Industry.

 S. 516 -- Senator Hayes: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JAY RICKMAN, SR., FOUNDER AND OWNER OF AMCOL SYSTEMS AND PAST PRESIDENT OF THE SOUTH CAROLINA COLLECTORS ASSOCIATION, UPON HIS RETIREMENT, AND TO WISH HIM THE BEST IN ALL HIS FUTURE ENDEAVORS.

l:\council\bills\rm\1068bh11.docx

 The Senate Resolution was adopted.

 S. 517 -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX TUESDAY, FEBRUARY 22, 2011, AT NOON, 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 MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, COASTAL CAROLINA UNIVERSITY, SOUTH CAROLINA STATE UNIVERSITY, WIL LOU GRAY OPPORTUNITY SCHOOL, AND WINTHROP UNIVERSITY TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE IN 2011, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

l:\council\bills\agm\18483bh11.docx

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

 S. 518 -- Senators Rankin, Cleary and Land: A BILL TO AMEND SECTION 50-9-20 OF THE 1976 CODE, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, TO PROVIDE THAT THE DURATION OF THE LICENSES SHALL BE MEASURED FROM THE DATE OF ISSUANCE; AND TO AMEND SECTION 50-9-40, RELATING TO HUNTING AND FISHING LICENSE PROCEDURES AND FEES, TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MUST ALLOW FOR THE ISSUING AND RENEWING OF HUNTING AND FISHING LICENSES ON THE INTERNET AND BY TELEPHONE.

l:\s-res\lar\002lice.kmm.lar.docx

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

 H. 3433 -- Reps. Herbkersman and Patrick: A BILL TO AMEND SECTION 7-7-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REVIEW AND RENAME CERTAIN VOTING PRECINCTS OF BEAUFORT COUNTY AND TO REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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

 H. 3441 -- Reps. Huggins, Bingham, Ballentine, McLeod and Ott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-845 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 126 IN RICHLAND COUNTY AND INTERSTATE HIGHWAYS 20 AND 26 IN BOTH LEXINGTON AND RICHLAND COUNTIES.

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

 H. 3533 -- Rep. Crawford: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, AND 12, 2011, BY THE STUDENTS OF FLORENCE COUNTY SCHOOL DISTRICT ONE WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

 H. 3551 -- Rep. Harrison: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUMES 4A AND 14 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2011.

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

 H. 3560 -- Reps. Govan, Sellers, Ott and Cobb-Hunter: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON JANUARY 10, 2011, BY THE STUDENTS OF THE ORANGEBURG CONSOLIDATED SCHOOL DISTRICT FIVE WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

 H. 3561 -- Reps. Govan, Sellers, Ott and Cobb-Hunter: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON JANUARY 12, 2011, BY THE STUDENTS OF THE ORANGEBURG CONSOLIDATED SCHOOL DISTRICT FOUR WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW IS EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

 H. 3602 -- Reps. Gambrell and Agnew: A CONCURRENT RESOLUTION TO CONGRATULATE TIM KEOWN OF ANDERSON COUNTY ON BEING NAMED 2010 OUTSTANDING YOUNG AGRICULTURAL EDUCATOR IN SOUTH CAROLINA BY THE SOUTH CAROLINA ASSOCIATION OF AGRICULTURAL EDUCATORS.

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

 H. 3627 -- Reps. Gambrell, Cooper, Agnew and Thayer: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BILLY RAY ARFLIN, JR., FRIENDSHIP FIRE DEPARTMENT FIREFIGHTER, UPON BEING NAMED THE 2010 ANDERSON COUNTY FIREFIGHTER OF THE YEAR, AND TO EXPRESS DEEP GRATITUDE FOR HIS DEDICATED SERVICE TO THE CITIZENS OF HIS COMMUNITY.

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

 H. 3628 -- Reps. Funderburk and Lucas: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE NORTH CENTRAL HIGH SCHOOL SHOOTING TEAM OF KERSHAW COUNTY FOR ITS PIONEERING WORK IN THE SHOOTING SPORTS WITHIN SOUTH CAROLINA'S PUBLIC SCHOOLS, AND TO WISH THE TEAM MEMBERS MUCH SUCCESS IN UPCOMING COMPETITIONS.

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

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

**THIRD READING BILLS**

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

 S. 46 -- Senator McConnell: A BILL TO AMEND SECTION 50‑21‑870 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE WEARING OF PERSONAL FLOTATION DEVICES ON PERSONAL WATERCRAFT, SO AS TO PROVIDE THAT A PERSON IS NOT REQUIRED TO WEAR A PERSONAL FLOTATION DEVICE IF THE PERSON IS IN POSSESSION OF A PERSONAL WATERCRAFT THAT IS LOCATED IN THREE FEET OF WATER OR LESS, AND IS ANCHORED, AND THE ENGINE IS NOT OPERATING.

 S. 349 -- Senator Cromer: A BILL TO AMEND SECTION 50‑21‑125, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO PROVIDE THAT CERTAIN SWIMMING RESTRICTIONS APPLY ON LAKES AND RESERVOIRS CONSTRUCTED OR DEVELOPED BY THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY.

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

 S. 471 -- Senator Grooms: A CONCURRENT RESOLUTION TO OPPOSE ANY PLAN TO EXPAND THE SAVANNAH RIVER THAT DOES NOT PROVIDE MUTUAL ECONOMIC BENEFITS TO THE PEOPLE OF SOUTH CAROLINA.

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

 The Committee on Transportation proposed the following amendment (471R001.LKG), which was adopted:

 Amend the concurrent resolution, as and if amended, page 3, by striking lines 1 - 6 and inserting:

 / Be it resolved by the Senate, the House of Representatives concurring:

 That the State of South Carolina calls upon the Corps to reveal all implications of this project for the Jasper Ocean Terminal;

 Be it further resolved that the State of South Carolina calls upon the Corps to examine the Jasper Ocean Terminal as an alternative to the proposed full expansion;

 Be it further resolved that the State of South Carolina opposes any plan to expand this shared river that does not provide mutual economic benefits to the people of South Carolina or meet state water quality standards or any other provision of state or federal law. /

 Renumber sections to conform.

 Amend title to conform.

 Senator GROOMS explained the committee amendment.

 The committee amendment was adopted.

 On motion of Senator SETZLER, the Concurrent Resolution was carried over, as amended.

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

**SET FOR SPECIAL ORDER**

 S. 277 -- Senators Peeler, Campsen, Rose, Ryberg, McConnell, Bright, Knotts, O’Dell and S. Martin: A BILL TO RATIFY AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE RIGHT OF SUFFRAGE, BY ADDING SECTION 12 TO GUARANTEE THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR A DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION.

 Senator LARRY MARTIN moved to make the Bill a Special Order.

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

**Ayes 32; Nays 7**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms Hayes

Jackson Knotts Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Rose Ryberg

Setzler Shoopman Thomas

Verdin Williams

**Total--32**

**NAYS**

Anderson Coleman Hutto

Land Leventis Matthews

Scott

**Total--7**

 Having received the necessary votes, the Bill was made Special Order.

**MOTION FOR SPECIAL ORDER FAILED**

 S. 256 -- Senators Cleary, McConnell, Hutto, Rose, Ford and Knotts: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY AUTHORIZE RAFFLES TO BE OPERATED AND CONDUCTED BY RELIGIOUS, CHARITABLE, OR NONPROFIT ORGANIZATIONS FOR RELIGIOUS, CHARITABLE, OR ELEEMOSYNARY PURPOSES, AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION AUTHORIZED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THEIR CONDUCT AND MANAGEMENT, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ASSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

 Senator LARRY MARTIN moved to make the Joint Resolution a Special Order.

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

**Ayes 23; Nays 16**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Davis

Hutto Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell Nicholson O'Dell

Peeler Rose Ryberg

Scott Sheheen

**Total--23**

**NAYS**

Anderson Bright Bryant

Courson Cromer Fair

Grooms Hayes Leventis

*Martin, Shane* McGill Setzler

Shoopman Thomas Verdin

Williams

**Total--16**

 Having failed to receive the necessary vote, the motion to make the Joint Resolution a Special Order failed.

**MOTION FAILS**

Senator SETZLER made a motion to dispense with the balance of the Motion Period.

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

**Ayes 14; Nays 25**

**AYES**

Anderson Coleman Hutto

Land Leventis Lourie

Malloy Matthews McGill

Nicholson Scott Setzler

Sheheen Williams

**Total--14**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms Hayes

Knotts Leatherman *Martin, Larry*

*Martin, Shane* Massey McConnell

O'Dell Peeler Rose

Ryberg Shoopman Thomas

Verdin

**Total--25**

 The motion failed.

 Having voted on the prevailing side, Senator LEVENTIS made a motion to reconsider the vote whereby the motion to set S. 256 for Special Order failed.

**Point of Order**

 Senator LARRY MARTIN raised a Point of Order that the motion to reconsider was out of order inasmuch as Special Order is a procedural motion.

 The PRESIDENT sustained the Point of Order.

**MOTION FOR SPECIAL ORDER FAILED**

 S. 256 -- Senators Cleary, McConnell, Hutto, Rose, Ford and Knotts: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY AUTHORIZE RAFFLES TO BE OPERATED AND CONDUCTED BY RELIGIOUS, CHARITABLE, OR NONPROFIT ORGANIZATIONS FOR RELIGIOUS, CHARITABLE, OR ELEEMOSYNARY PURPOSES, AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION AUTHORIZED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THEIR CONDUCT AND MANAGEMENT, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ASSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

 Senator LARRY MARTIN moved to make the Joint Resolution a Special Order.

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

**Ayes 18; Nays 23**

**AYES**

Anderson Campbell Campsen

Cleary Coleman Hutto

Knotts Land Leventis

Lourie Malloy Matthews

McConnell Nicholson Rankin

Rose Scott Sheheen

**Total--18**

**NAYS**

Alexander Bright Bryant

Courson Cromer Davis

Fair Grooms Hayes

Jackson Leatherman *Martin, Larry*

*Martin, Shane* Massey McGill

O'Dell Peeler Ryberg

Setzler Shoopman Thomas

Verdin Williams

**Total--23**

 Having failed to receive the necessary vote, the motion to make the Joint Resolution a Special Order failed.

**MOTION FOR SPECIAL ORDER FAILED**

 H. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V.S. Moss, Norman, Parker, G.M. Smith, G.R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J.R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D.C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑3‑70 SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO CREATE A LIST CONTAINING ALL REGISTERED VOTERS WHO ARE QUALIFIED TO VOTE, BUT DO NOT HAVE A SOUTH CAROLINA DRIVER’S LICENSE OR OTHER FORM OF IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES AS OF JANUARY 1, 2013, AND TO REQUIRE THE DEPARTMENT TO FURNISH A LIST OF PERSONS WITH A SOUTH CAROLINA DRIVER’S LICENSE OR OTHER FORM OF IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED BY THE DEPARTMENT AT NO CHARGE TO THE COMMISSION; BY ADDING SECTION 7‑5‑675 SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO IMPLEMENT A SYSTEM IN ORDER TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE ELECTOR; TO REQUIRE THE STATE ELECTION COMMISSION TO ESTABLISH AN AGGRESSIVE VOTER EDUCATION PROGRAM CONCERNING THE PROVISIONS OF THIS ACT; TO AMEND SECTION 7‑1‑25, RELATING TO THE DEFINITION OF “DOMICILE”, SO AS TO PROVIDE FACTORS TO CONSIDER IN DETERMINING A PERSON’S INTENTION REGARDING HIS DOMICILE; TO AMEND SECTION 7‑3‑20, AS AMENDED, RELATING TO THE RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR TO MAINTAIN IN A MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTING IN A GENERAL ELECTION; TO AMEND SECTION 7‑5‑125, RELATING TO THE ISSUANCE OF A WRITTEN NOTIFICATION OF REGISTRATION TO VOTE, SO AS TO PROVIDE FOR THE ISSUANCE OF A DUPLICATE NOTIFICATION IF THE ELECTOR TO WHOM IT WAS ORIGINALLY ISSUED LOSES OR DEFACES IT; TO AMEND SECTION 7‑5‑230, AS AMENDED, RELATING TO THE BOARDS OF REGISTRATION BEING THE JUDGES OF THE LEGAL QUALIFICATIONS OF ALL APPLICANTS FOR REGISTRATION, SO AS TO ADD A REFERENCE TO SECTION 7‑1‑25 AND DELETE CERTAIN CRITERIA USED WHEN CONSIDERING A CHALLENGE REGARDING THE RESIDENCE OF AN ELECTOR; TO AMEND SECTION 7‑13‑710, AS AMENDED, RELATING TO THE PRESENTATION OF A PERSON’S PROOF OF HIS RIGHT TO VOTE, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PROVIDING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE FOR CERTAIN EXCEPTIONS, TO REQUIRE A POLL MANAGER TO COMPARE THE PHOTOGRAPH ON THE REQUIRED IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE; TO AMEND SECTION 7‑15‑330, AS AMENDED, RELATING TO THE TIME OF APPLICATION FOR AN ABSENTEE BALLOT, SO AS TO DELETE REFERENCES TO AN AUTHORIZED REPRESENTATIVE REQUESTING AN APPLICATION FOR A QUALIFIED ELECTOR; TO AMEND SECTION 7‑15‑385, AS AMENDED, RELATING TO THE MARKING AND RETURNING OF THE ABSENTEE BALLOT, SO AS TO REQUIRE THE BOARD OF REGISTRATION TO RECORD, INSTEAD OF NOTE, CERTAIN PROCEDURES REGARDING THE RETURN OF THE ABSENTEE BALLOT; TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST UNDER CERTAIN CIRCUMSTANCES; AND TO REPEAL SECTION 7‑15‑470 RELATING TO THE PROHIBITION OF VOTING ON A VOTING MACHINE FOR IN‑PERSON ABSENTEE VOTING.

 Senator LARRY MARTIN moved to make the Bill a Special Order.

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

**Ayes 25; Nays 15**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Hayes Knotts

Leatherman *Martin, Larry Martin, Shane*

Massey McConnell O'Dell

Peeler Rankin Rose

Ryberg Shoopman Thomas

Verdin

**Total--25**

**NAYS**

Anderson Coleman Hutto

Jackson Land Leventis

Lourie Malloy Matthews

McGill Nicholson Scott

Setzler Sheheen Williams

**Total--15**

 Having failed to receive the necessary vote, the motion to make the Bill a Special Order failed.

**Statement by Senator GROOMS**

 I was called away from the chamber on a matter of importance when the Senate attempted to set the Voter ID Bill for Special Order.  Had I been able to vote, I would have voted “yes” to set this Bill for Special Order. Unfortunately, even with my vote counted, we would not have had enough votes to change the outcome.

**MOTION ADOPTED**

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

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

**PLACED IN THE STATUS OF INTERRUPTED DEBATE**

 S. 255 -- Senators Cleary, McConnell, Hutto, Rose, Ford and Knotts: A BILL TO AMEND TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 57, SO AS TO AUTHORIZE QUALIFIED RELIGIOUS, CHARITABLE, EDUCATIONAL, AND OTHER ELEEMOSYNARY ORGANIZATIONS TO OPERATE AND CONDUCT RAFFLES AND CASINO NIGHT CHARITY GAMES THROUGH REGISTRATION WITH THE SOUTH CAROLINA SECRETARY OF STATE, TO PROVIDE STANDARDS FOR THESE EVENTS; TO REQUIRE PROCEEDS TO BE USED FOR RELIGIOUS, CHARITABLE, EDUCATIONAL, OR OTHER ELEEMOSYNARY PURPOSES; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

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

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

 Allen F. McBride, 501 Wildwood Dr., Quinby, SC 29506 *VICE* Taft Guiles

Initial Appointment, Barnwell County Magistrate, with term coterminous with Governor

 Ivan L. Cohen, 1122 Old Allendale Highway, Barnwell, SC 29812 *VICE* James H. Witherspoon, Jr.

Initial Appointment, Lee County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

 Pamella S. Andrews-Brown, P.O. Box 6, Lynchburg, SC 29080 *VICE* Robert W. Hancock

Reappointment, McCormick County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Jake O. Trantham, 171 Kirkland Drive, McCormick, SC 29835

Initial Appointment, Marion County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

 Samuel Robert Drose, 310 Frankline Avenue, Marion, SC 29571 *VICE* Carolyn Donnelly-Gause

Reappointment, McCormick County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Patty L. Smith, P.O. Box 1027, McCormick, SC 29835

**MOTION ADOPTED**

 On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Lake City Fire Chief, Mr. Tony Singletary.

and

**MOTION ADOPTED**

 On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Nellie Mae Pringle Doby, Choppee Community, Georgetown County.

**ADJOURNMENT**

 At 2:20 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 2:00 P.M.

\* \* \*