**Thursday, March 17, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 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 Lord God declared to Abram,

“ ‘I will make you into a great nation and I will bless you; I will make your name great, and you will be a blessing.’ ”

(Genesis 12:2)

Join me in this time of prayer, if you will:

Glorious Lord, it is not only those who might be Irish who celebrate on this day. We all have so much for which to give You praise. But let this body not forget for a moment the significant work that still awaits completion during this legislative session: the weighty issues, the enormous challenges, the frustrating obstacles. Be with all of the people of our State. And lead every Senator, dear God, that each of them might in turn be the source of blessings for others. In Your wondrous name we pray, O Lord.

Amen.

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

**Doctor of the Day**

Senator FAIR introduced Dr. Ted Watson of Anderson, S.C., Doctor of the Day.

**Leave of Absence**

At 11:05 A.M., Senator SHOOPMAN requested a leave of absence from 2:00 - 3:30 P.M.

**Leave of Absence**

At 11:05 A.M., on motion of Senator LOURIE, Senator SHEHEEN was granted a leave of absence for the day.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator McCONNELL rose for an Expression of Personal Interest regarding reapportionment.

**CO-SPONSOR ADDED**

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

S. 643 Sen. Setzler

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 702 -- Senators Rose, Ford, Thomas, Hayes, O'Dell, Anderson, Matthews, Pinckney, Lourie, Davis, Fair, McGill, Cromer, Knotts, Sheheen, Cleary, Rankin, L. Martin, Reese, Hutto, Williams, Leventis, Verdin, Land, Nicholson, Elliott and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 23, TITLE 37 SO AS TO PROVIDE REQUIREMENTS FOR A MORTGAGE SERVICER; AND TO AMEND SECTION 37-23-20, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO HIGH-COST AND CONSUMER HOME LOANS, SO AS TO DEFINE THE TERMS “SERVICING AGENT” AND “SERVICER”.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 703 -- Senators Lourie, Elliott, Campbell, O'Dell, Rose, Cromer, Jackson and Fair: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT TWO PRIVATE PASSENGER VEHICLES OWNED OR LEASED BY A MEMBER OF THE ARMED FORCES FOR THE TIME PERIOD IN WHICH THE PERSON IS DEPLOYED TO A COMBAT ZONE.

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

S. 704 -- Senator S. Martin: A BILL TO AMEND SECTION 12-59-40 OF THE 1976 CODE, RELATING TO THE METHOD AND TERMS OF SALE OF FORFEITED LANDS, TO PROVIDE THAT A COUNTY TAX COLLECTOR MAY BID IN FOR THAT COUNTY’S FORFEITED LAND COMMISSION ON PROPERTY SOLD FOR NONPAYMENT OF AD VALOREM TAXES AND TO PROVIDE THAT LANDS DEEDED TO THE COMMISSION ARE ONLY COUNTY ASSETS, NOT STATE ASSETS, AND MUST BE SOLD TO THE BEST INTEREST OF THE COUNTY, NOT THE COUNTY AND THE STATE; TO AMEND SECTION 12-59-50, RELATING TO THE APPLICATION TO THE COMMISSION FOR APPROVAL TO SELL FORFEITED LAND BY THE FORMER OWNER, TO REMOVE REFERENCES TO DELINQUENT STATE TAXES; TO AMEND SECTION 12-59-70, RELATING TO THE CONVEYANCE OF PROPERTY BY THE COMMISSION OF FORFEITED LAND SOLD BY THE FORMER OWNER, TO PROVIDE THAT THE COUNTY TAX COLLECTOR, RATHER THAN THE SHERIFF, MUST DELIVER THE TITLE TO THE FORFEITED LAND COMMISSION; TO AMEND SECTION 12-59-80, RELATING TO THE ASSIGNMENT OF COMMISSION BIDS, TO PROVIDE THAT THE CHAIRMAN OF A COUNTY FORFEITED LAND COMMISSION MAY ACCEPT BIDS FOR ASSIGNMENTS OF THE COMMISSION’S BIDS; TO AMEND SECTION 12-59-90, RELATING TO THE EXECUTION OF DEEDS AND VALIDATION OF CERTAIN DEEDS, TO PROVIDE THAT THE COUNTY TAX COLLECTOR MAY EXECUTE A DEED TO THE PURCHASER OF PROPERTY BID IN BY THE COUNTY TAX COLLECTOR FOR THAT COUNTY’S FORFEITED LAND COMMISSION ON PROPERTY SOLD FOR NONPAYMENT OF AD VALOREM TAXES; TO AMEND SECTION 12-59-100, RELATING TO THE DISPOSITION OF PROCEEDS FROM THE SALE OF FORFEITED PROPERTY, TO PROVIDE THAT THE NET PROCEEDS MUST GO TO THE COUNTY IN WHICH THE PROPERTY IS LOCATED; AND TO REPEAL SECTION 12-59-30.

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

S. 705 -- Senators Rankin, Campbell, Rose, Verdin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 36 TO TITLE 58, SO AS TO CREATE THE “UNDERGROUND FACILITY DAMAGE PREVENTION ACT”; TO ADD SECTION 58-36-20, RELATING TO DEFINITIONS; TO ADD SECTION 58-36-30, RELATING TO THE STATE AUTHORITY TO REGULATE; TO ADD SECTION 58-36-40, RELATING TO THE COSTS ASSOCIATED WITH COMPLIANCE OF THIS CHAPTER; TO ADD SECTION 58-36-50, RELATING TO THE NOTIFICATION CENTER RESPONSIBILITIES; TO ADD SECTION 58-36-60, RELATING TO EXCAVATOR RESPONSIBILITIES; TO ADD SECTION 58-36-70, RELATING TO OPERATOR RESPONSIBILITIES; TO ADD SECTION 58-36-80, RELATING TO NOTICE FOR AN EMERGENCY EXCAVATION OR DEMOLITION; TO ADD SECTION 58-36-90, RELATING TO NOTIFICATION WHEN DAMAGE OCCURS; TO ADD SECTION 58-36-100, RELATING TO DESIGN REQUESTS; TO ADD SECTION 58-36-110, RELATING TO EXEMPTIONS FROM THE REQUIREMENT TO CONTACT THE NOTIFICATION CENTER; TO ADD SECTION 58-36-120, RELATING TO PENALTIES FOR VIOLATION OF THIS CHAPTER; AND TO REPEAL CHAPTER 35 OF TITLE 58.

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

S. 706 -- Senator Davis: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT, WITHOUT DELAY, THE PROVISIONS CONTAINED IN THE “CLEAR LAW ENFORCEMENT FOR CRIMINAL ALIEN REMOVAL ACT”, ALSO KNOWN AS THE “CHARLIE NORWOOD ‘CLEAR’ ACT”, WHICH WOULD AMONG OTHER IMPORTANT PROVISIONS ALLOW STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO ENFORCE FEDERAL IMMIGRATION LAWS AND DETAIN IN STATE OR LOCAL CUSTODY ILLEGAL ALIENS.

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The Concurrent Resolution was introduced and referred to the Committee on Judiciary.

S. 707 -- Senator Leventis: A BILL TO AMEND CHAPTER 1, TITLE 55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE DIVISION OF AERONAUTICS WITHIN THE DEPARTMENT OF COMMERCE, SO AS TO MOVE THE FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF THE DIVISION OF AERONAUTICS TO THE DEPARTMENT OF TRANSPORTATION, TO REVISE CERTAIN PROVISIONS RELATING TO THE OPERATION OF INTRASTATE SCHEDULED AIRLINE SERVICE, COUNTY AVIATION COMMISSIONS, THE USE OF STATE-OWNED AIRCRAFT, AND THE USE OF ALCOHOLIC BEVERAGES BY FLIGHT CREW MEMBERS, TO MAKE TECHNICAL CHANGES, AND TO REVISE CERTAIN PENALTIES; TO AMEND CHAPTER 3, TITLE 55, RELATING TO THE UNIFORM STATE LAWS FOR AERONAUTICS, SO AS TO MAKE TECHNICAL CHANGES, REVISE CERTAIN PROVISIONS RELATING TO THE DEFINITION OF VARIOUS FORMS OF AIRCRAFT, THE OWNERSHIP OF AIRSPACE, THE LANDING OF AN AIRCRAFT ON LANDS OR WATERS, TO PROVIDE THAT IT IS ILLEGAL TO POINT, AIM, OR DISCHARGE A LASER DEVICE AT CERTAIN AIRCRAFT, AND PROVIDE PENALTIES; TO AMEND CHAPTER 5, TITLE 55, RELATING TO THE UNIFORM STATE AERONAUTICAL REGULATORY LAW, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT CONTAINS VARIOUS TERMS AND THEIR DEFINITIONS, TO DELETE THE PROVISION THAT REQUIRES THE STATE BUDGET AND CONTROL BOARD TO PROVIDE OFFICES FOR THE DIVISION OF AERONAUTICS, TO REVISE THE DIVISION'S RESPONSIBILITIES RELATING TO ITS REGULATION OF CERTAIN AIR NAVIGATION AND AIRPORT FACILITIES, THE CONSTRUCTION OF AIRPORTS, THE REPORTS IT FILES WITH THE FEDERAL AVIATION ADMINISTRATION, AND THE OPERATION OF THE DIVISION, TO PROVIDE PENALTIES FOR VIOLATIONS OF PROVISIONS OF THIS CHAPTER, AND TO REVISE PROVISIONS RELATING TO THE USE OF MONIES CONTAINED IN THE STATE AVIATION FUND; TO AMEND CHAPTER 9, TITLE 55, RELATING TO THE UNIFORM SOUTH CAROLINA AIRPORTS ACT, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THIS CHAPTER ALSO APPLIES TO COUNTIES, AIRPORT COMMISSIONS, AND SPECIAL PURPOSE DISTRICTS, TO DELETE OBSOLETE TERMS, TO REVISE THE PROJECTS THAT MAY BE FUNDED FROM MONIES CONTAINED IN AIRPORT FACILITIES ACCOUNTS, AND TO PROVIDE FOR THE TERM “AIRPORT HAZARD” AND TO PROVIDE ITS DEFINITION AND THE REGULATION OF AN AIRPORT HAZARD; TO AMEND CHAPTER 11, TITLE 55, RELATING TO THE CREATION AND OPERATION OF CERTAIN AIRPORTS WITHIN THE STATE, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE CERTAIN OBSOLETE TERMS, TO REVISE THE PROCESS FOR THE MAKING OF CERTAIN CONTRACTS FOR THE CONSTRUCTION, ERECTION, MAINTENANCE, AND REPAIR OF CERTAIN AIRPORT FACILITIES, TO ALLOW FOR THE SALE OF ALCOHOLIC BEVERAGES AT CERTAIN AIRPORT FACILITIES, TO REVISE CERTAIN PENALTIES, TO REVISE THE DEFINITION OF A QUORUM FOR A CERTAIN AIRPORT COMMISSION, TO EXPAND THE AUTHORITY OF CERTAIN AIRPORT COMMISSIONS TO ADOPT RULES AND PROMULGATE REGULATIONS, TO PROVIDE THAT IT IS UNLAWFUL TO ENGAGE IN CERTAIN ACTIVITIES UPON CERTAIN AIRPORT PROPERTY, TO DELETE THE TERM “SECRETARY” AND ITS DEFINITION, AND REPLACE IT WITH THE TERM “EXECUTIVE DIRECTOR” AND ITS DEFINITION AND TO MAKE TECHNICAL CHANGES; TO AMEND CHAPTER 13, TITLE 55, RELATING TO THE PROTECTION OF AIRPORTS AND AIRPORT PROPERTY, SO AS TO PROVIDE THAT THE DIVISION OF AERONAUTICS SHALL CREATE MAPS OF THE STATE’S PUBLIC USE AIRPORTS AND DISTRIBUTE THEM TO VARIOUS LOCAL GOVERNMENTAL AGENCIES FOR VARIOUS PURPOSES, AND TO DEFINE THE TERM “AIRPORT SAFETY ZONES”, TO PROVIDE THAT POLITICAL SUBDIVISIONS MAY ASSIST WITH THE PROTECTION OF AREAS THAT POSE HAZARDS TO AIR TRAFFIC, AND TO REVISE THE PENALTIES FOR VIOLATIONS OF THIS CHAPTER; TO AMEND CHAPTER 15, TITLE 55, RELATING TO RELOCATION ASSISTANCE, SO AS TO DELETE THE TERM “DEPARTMENT OF COMMERCE” AND REPLACE IT WITH THE TERM “DEPARTMENT OF TRANSPORTATION”, AND TO MAKE TECHNICAL CHANGES; TO AMEND CHAPTER 17, TITLE 55, RELATING TO REGIONAL AIRPORT DISTRICTS, SO AS TO REVISE THE PROVISION THAT REVISES THE TYPE OF AIR CARRIERS REGULATED BY THIS CHAPTER, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 13-1-20, RELATING TO CERTAIN RESPONSIBILITIES OF THE DEPARTMENT OF COMMERCE, SO AS TO DELETE ITS RESPONSIBILITY TO DEVELOP STATE PUBLIC AIRPORTS AND AN AIR TRANSPORTATION SYSTEM; TO AMEND SECTION 13-1-30, AS AMENDED, RELATING TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENT OF COMMERCE, SO AS TO REVISE THE PROVISIONS RELATING TO THE DIVISION OF AERONAUTICS; TO AMEND SECTION 13-1-1000, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM “DEPARTMENT”; TO AMEND SECTION 13-1-1010, RELATING TO THE AERONAUTICS COMMISSION, SO AS TO PROVIDE THAT IT IS NO LONGER A DIVISION OF THE DEPARTMENT OF COMMERCE, BUT A DIVISION OF THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTIONS 57-1-20, 57-1-30, AND 57-1-450, ALL AS AMENDED, RELATING TO THE DUTIES, FUNCTIONS, AND RESPONSIBILITIES OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT IT SHALL HAVE A DIVISION OF AERONAUTICS, OVERSEE THE SAFETY AND DEVELOPMENT OF THE STATE’S PUBLIC USE AIRPORTS, PROVIDE SAFE RELIABLE AIR TRANSPORTATION FOR STATE GOVERNMENT AND BUSINESS PROSPECTS, AND PROVIDE THAT ITS DIRECTOR MUST BE APPOINTED BY THE GOVERNOR; AND TO REPEAL CHAPTER 8, TITLE 55, RELATING TO THE UNIFORM AIRCRAFT FINANCIAL RESPONSIBILITY ACT.

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

S. 708 -- Senators Rose and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-270 SO AS TO CREATE THE EXEMPTIONS REPEAL COMMITTEE, A JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, TO REQUIRE THE OFFICE OF ECONOMIC RESEARCH TO DIVIDE THE SALES TAX EXEMPTIONS INTO FIVE GROUPS AND RANDOMLY SELECT AN ORDER FOR THE REPEAL OF ONE GROUP A YEAR UNTIL ALL GROUPS ARE REPEALED, TO PROVIDE THAT THE EXEMPTIONS REVIEW COMMITTEE SHALL HOLD HEARINGS ON THE EXEMPTIONS AND MAY AMEND THE CONTENTS OF SALES TAX EXEMPTION GROUPS AND THE ORDER FOR REPEAL, AND TO PROVIDE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY MAY ENACT THE RECOMMENDATIONS.

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

**Statement by Senator ROSE**

I introduced S. 708 and S. 709 in error, not realizing they did not contain language as intended to state how the money collected due the repeal  of tax exemptions would be used.  S. 715 and S. 716 require the money collected to be rebated to taxpayers, and should be considered my substitute for S. 708 and S. 709.

S. 709 -- Senators Rose and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-270 SO AS TO CREATE THE EXEMPTIONS REPEAL COMMITTEE, A JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, TO REQUIRE THE OFFICE OF ECONOMIC RESEARCH TO DIVIDE THE SALES TAX EXEMPTIONS INTO FIVE GROUPS AND RANDOMLY SELECT AN ORDER FOR THE REPEAL OF ONE GROUP A YEAR UNTIL ALL GROUPS ARE REPEALED, TO PROVIDE THAT THE EXEMPTIONS REVIEW COMMITTEE SHALL HOLD HEARINGS ON THE EXEMPTIONS AND MAY AMEND THE CONTENTS OF SALES TAX EXEMPTION GROUPS AND THE ORDER FOR REPEAL, TO PROVIDE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY MAY ENACT THE RECOMMENDATIONS, AND BY ADDING SECTION 12-36-2121 SO AS TO PROVIDE THAT IF THE GENERAL ASSEMBLY DOES NOT ENACT A LAW SETTING FORTH A SCHEDULE FOR THE REPEAL OF THE SALES TAX EXEMPTION GROUPS, THE SALES TAX EXEMPTIONS ONLY APPLY TO EIGHTY PERCENT OF THE GROSS PROCEEDS OF SALES, AND TO REDUCE THE PERCENTAGE BY TWENTY PERCENT ANNUALLY UNTIL THE SALES TAX EXEMPTIONS ARE REPEALED ON JULY 1, 2016.

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

**Statement by Senator ROSE**

I introduced S. 708 and S. 709 in error, not realizing they did not contain language as intended to state how the money collected due the repeal  of tax exemptions would be used.  S. 715 and S. 716 require the money collected to be rebated to taxpayers, and should be considered my substitute for S. 708 and S. 709.

S. 710 -- Senators Knotts, O'Dell and Ford: A BILL TO AMEND SECTION 56-1-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND CONTENTS OF A SOUTH CAROLINA DRIVER’S LICENSE, SO AS TO, UPON THE LICENSEE’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE DRIVER’S LICENSE; AND TO AMEND SECTION 56-1-3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, SO AS TO, UPON THE CARD HOLDER’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE SPECIAL IDENTIFICATION CARD.

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

S. 711 -- Senators Thomas, Anderson, Fair, Verdin and Shoopman: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE WADE HAMPTON HIGH SCHOOL BOYS VARSITY BASKETBALL TEAM FOR A PERFECT SEASON, AND TO CONGRATULATE THE TEAM AND COACHES FOR WINNING THE 2011 CLASS AAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEES**

**Invitation Accepted**

The following invitation was polled favorably from the Invitations Committee with the members voting as follows:

**Poll of the Invitations Committee**

**Polled 11; Ayes 11; Nays 0; Not Voting 0**

**AYES**

Alexander Campsen Cromer

Elliott Ford Knotts

Malloy McGill O’Dell

Reese Verdin

**Total-- 11**

**NAYS**

**Total-- 0**

Wednesday, March 23, 2011 - 6:00 p.m.

Members of the Senate and Staff, Reception and Dinner, The Coop, 1100 Key Road by the **MECHANICAL COnTRACTORS ASSOCIATION OF SC**

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

S. 502 -- Senator Davis: A BILL TO AMEND SECTION 50‑23‑30, AS AMENDED, CODE OF LAW OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE REQUIREMENT THAT WATERCRAFT AND OUTBOARD MOTORS BE TITLED, SO AS TO EXEMPT SAILBOATS WITHOUT MOTORIZED PROPULSION NOT MORE THAN FOURTEEN FEET IN LENGTH FROM THE TITLING REQUIREMENT.

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

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

S. 636 -- Senator Land: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑523 SO AS TO PROVIDE THAT A NONRESIDENT DURING A SPECIFIED PERIOD MAY OBTAIN A LIFETIME COMBINATION LICENSE FROM THE DEPARTMENT OF NATURAL RESOURCES UNDER CONDITIONS WHICH GRANT THE SAME PRIVILEGES AS A STATEWIDE COMBINATION LICENSE.

Ordered for consideration tomorrow.

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

H. 3287 -- Reps. Hardwick and Hodges: A BILL TO AMEND SECTION 50‑21‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ABANDONMENT OF WATERCRAFT AND OUTBOARD MOTORS, SO AS TO PROVIDE THAT AN ABANDONED WATERCRAFT MAY BE REMOVED AND DISPOSED OF BY ANY GOVERNMENT AGENCY THAT HAS JURISDICTION OVER THE AREA WHERE THE ABANDONED WATERCRAFT IS LOCATED, AND TO PROVIDE THAT A WATERCRAFT ABANDONED FOR AT LEAST NINETY DAYS MAY BE CLAIMED BY ANY PERSON OR ENTITY AS ABANDONED PROPERTY.

Ordered for consideration tomorrow.

**Appointment Reported**

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

**Statewide Appointment**

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2010, and to expire June 30, 2016

3rd Congressional District:

Robert C. Hubbard III, 115 Lewis Road, Clemson, SC 29631 *VICE* W. Allan Toole

Received as information.

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

**THIRD READING BILL**

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

S. 445 -- Senators Hutto, Fair, Jackson and Ford: A BILL TO AMEND SECTION 44‑29‑135, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS, SO AS TO DELETE THE PROVISION REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE SCHOOL DISTRICT SUPERINTENDENT AND SCHOOL NURSE IF A MINOR IS ATTENDING A SCHOOL IN THE DISTRICT AND HAS ACQUIRED IMMUNODEFICIENCY SYNDROME OR IS INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS; AND BY ADDING SECTION 59‑10‑220 SO AS TO REQUIRE EACH SCHOOL DISTRICT TO ADOPT THE CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS ON UNIVERSAL PRECAUTIONS FOR BLOODBORNE DISEASE EXPOSURE.

**Recorded Vote**

Senators BRIGHT and SHANE MARTIN desired to be recorded as voting against the third reading of the Bill.

**OBJECTION**

S. 501 -- Senators Cromer, Peeler, Leatherman, L. Martin, McGill, Courson, Thomas, Grooms, Verdin, O’Dell, Campsen, Matthews, Campbell, Hutto, Alexander, Williams, Fair, Scott, Cleary, Reese, Davis, Leventis, Shoopman, Elliott, Anderson, S. Martin, Nicholson, Coleman, Rose and Ford: A BILL TO AMEND SECTION 48‑34‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO PROVIDE THAT A FIRE MANAGER WHO SUPERVISES A PRESCRIBED FIRE MUST CONSIDER BOTH FIRE BEHAVIOR AND SMOKE MANAGEMENT AND TO PROVIDE CITATIONS TO OTHER SPECIFIC STATUTORY AND REGULATORY REQUIREMENTS; AND TO AMEND SECTION 48‑34‑50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT NO PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE MAY BE HELD LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN.

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

Senator MALLOY moved to commit the Bill to the Committee on Judiciary.

The Senate refused to commit the Bill to the Judiciary Committee.

Senator MALLOY objected to further consideration of the Bill.

**OBJECTION**

Senator KNOTTS objected to the uncontested Bills on the Statewide Calendar.

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

**MOTION ADOPTED**

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

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

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

**WITH AMENDMENTS**

H. 3004 -- Reps. Ballentine, Norman, Viers, Lucas, Simrill, Huggins, G.M. Smith, G.R. Smith, Loftis, Bedingfield, Hamilton, Stringer, Nanney, Lowe, Young, Willis, Bowen, D.C. Moss, Agnew, Pope, Daning, Thayer, Harrison, Allison, Taylor, Ryan, McCoy, Hixon, Bingham, Long, Whipper, R.L. Brown, Atwater, Henderson, Horne and Harrell: A BILL TO ENACT THE “SPENDING ACCOUNTABILITY ACT OF 2011”; AND TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑7‑125 SO AS TO REQUIRE CERTAIN BILLS AND JOINT RESOLUTIONS TO RECEIVE A RECORDED ROLL CALL VOTE AT VARIOUS STAGES OF THEIR PASSAGE BY THE HOUSE OF REPRESENTATIVES AND THE SENATE.

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

Senator MALLOY spoke on the Bill.

Senator McCONNELL spoke on the Bill.

**Remarks by Senator McCONNELL**

I want to let people know that what we do today is about more than roll call votes. We have those protected by our Rules. It is about more than passing an unconstitutional Bill that requires a reading of the Constitution so expansively that would make a liberal blush. This Bill is also about starting down a slippery slope and passing a statute that makes this body less like the Senate our framers envisioned and into a smaller version of the House.

This Bill will not fundamentally change how we operate, but today, we sow the seeds that allow the other body, the Executive, and the Judiciary to change us outside our Rules.  When this Bill goes into effect, the House could amend a statute, offer a budget proviso, or amend a Resolution that could fundamentally change how we debate, how we organize, how we recognize our seniority.  They can take away our identity because we opened Pandora’s Box.

We 45 Senators should listen to the words of a U.S. Senator I would rarely quote but Senator Chris Dodd got it right in his retirement speech when addressing extended debate and the wisdom of the framers of the Constitution when he said that Senators are “but temporary stewards of a unique American institution.  The Senate was designed to be different, not simply for the sake of variety, but because our framers believed that the Senate could and should be the venue in which statesmen would lift our State to meet its unique challenges.”

Our framers understood that there needed to be differences between the two bodies.  They were concerned not only with what was legislated, but also in how it was legislated.  One of the great compromises in crafting a federal Constitution was in the creation of a unique body in the Senate.  The Senate was designed to be different to “ensure that no matter which way current political winds blew, or how hard the gusts, there would be a place for every voice to be heard.”

We have begun today to erase that protection. We have allowed the winds of the moment to blow away the Senate that our framers constructed for all time.

I hope that each Senator will pause and understand that we are but temporary custodians of this body and we should be careful in moving down the path we are on.  The Senate and its different Rules, its deliberation, its respect of a minority view are needed.  They will be needed in the future. They are an important safeguard in the legislative process.

This slippery slope can change what we are and what we will be because we have invited another body in the process of determining our identity.  I assure you that they do not like what makes us what we are because we are the calming breath that is taken before their desires go into effect. We sometimes get in the way of their rush to action.

I just hope that I will not witness that happening.  However, I have seen it beginning today. And it is a sad day.

On motion of Senators GROOMS and MALLOY, with unanimous consent, the remarks of Senator McCONNELL were ordered printed in the Journal.

**Statement by Senator CAMPSEN**

I agree and concur with the statesman-like remarks made by our PRESIDENT *Pro Tempore*, Senator McCONNELL.

The question then was the third reading of the Bill.

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

**Ayes 33; Nays 11**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman Courson Cromer

Davis Fair Hayes

Jackson Knotts Land

Leatherman Leventis Lourie

*Martin, Larry Martin, Shane* Massey

Matthews McGill Nicholson

O’Dell Peeler Rankin

Rose Ryberg Setzler

Shoopman Thomas Williams

**Total--33**

**NAYS**

Campsen Elliott Ford

Grooms Hutto Malloy

McConnell Pinckney Reese

Scott Verdin

**Total--11**

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

**Statement by Senator ELLIOTT**

I voted against the third reading of H. 3004 because good Constitution attorneys advised that it violated the S.C. Constitution.

**Statement by Senator ROSE**

I voted for third reading of H. 3004 for the same reasons that I voted for second reading of H. 3004.  However, there are more reasons I voted for H. 3004 on second and third reading.

One is the Senate’s selective enforcement of constitutional and statutory provisions.  (There are numerous examples of this, and I see no reason to take an unnecessarily restrictive interpretation regarding ensuring citizens know how their legislators vote when less restrictive interpretations are taken in other contexts.)

Another is the precedent our Senate already has endorsed by increasing roll call voting requirements beyond that stated in the S.C. Constitution. Specifically, our Senate adopted  Rule 16 requiring roll call votes when requested by three Senators even though Article III,  Section 22 of the S.C. Constitution requires roll call voting when requested by five Senators.  That is an example, and a precedent, by which the S.C. Senate enacted by Rule a requirement more stringent than stated in the S.C. Constitution and that requirement by Senate Rule is considered to be a supplement to but not inconsistent with the S.C. Constitution.  Similarly, the S.C. Senate can impose on itself by statute, in tandem with the House and Governor, roll call voting requirements as long as those statutory requirements are not inconsistent with a specific mandate of the S.C. Constitution to the contrary.  The Constitution, Senate Rules and a statute should take precedence, in that order.

**Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LARRY MARTIN rose for an Expression of Personal Interest.

**DEBATE INTERRUPTED**

S. 431 -- Senators McConnell, Rankin, Setzler, Campbell, Shoopman, Reese, Bright, L. Martin, Alexander, S. Martin, Fair, Cromer, Bryant, Elliott, O’Dell, Campsen, Ford, Rose, Lourie, Cleary, Verdin, McGill, Williams and Nicholson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑61‑70 SO AS TO PROVIDE THAT A LIABILITY INSURANCE POLICY ISSUED BY AN INSURER AND COVERING A CONSTRUCTION PROFESSIONAL IN THIS STATE MUST BE BROADLY CONSTRUED IN FAVOR OF COVERAGE, AND TO PROVIDE THAT WORK OF A CONSTRUCTION PROFESSIONAL RESULTING IN PROPERTY DAMAGE IN CERTAIN CIRCUMSTANCES CONSTITUTES AN OCCURRENCE AS COMMONLY DEFINED IN LIABILITY INSURANCE AND IS NOT THE INTENDED OR EXPECTED CONSEQUENCE OF THE WORK OF THE CONSTRUCTION PROFESSIONAL.

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

Senator RANKIN spoke on the Bill.

Senator COLEMAN spoke on the Bill.

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

**MOTION ADOPTED**

On motion of Senator ROSE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John Hunter of Summerville, S.C. Mr. Hunter was a veteran of the Korean War. He was a pilot and a member of the Civil Air Patrol, serving as the Cadet Commander Officer for many years.  He was an avid Ham Operator and retired from WNET-Educational Broadcasting System (PBS). He is survived by his wife of 38 years, Mikki Hunter (aka Katherine); daughter, Stephanie Hunter; two sons, Joseph Zahn and wife Becky and Chris Zahn and wife Josephine; and four grandchildren, Chelsea Zahn, Nichol Zahn, Christopher Zahn and Jenna Zahn.

**ADJOURNMENT**

At 12:55 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against adjournment.

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