**Thursday, April 14, 2011**

**(Statewide Session)**

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## 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:

In the Book of Jonah we read:

“Then Jonah prayed to the Lord his God from the belly of the fish.”

(Jonah 2:1)

Let us join our hearts in prayer:

O ever-loving God, we have all learned how critical it is to be a people who know the power of heartfelt prayer. Whatever our background, whomever we are, we are humbled by our need for prayer and by our awareness of Your presence when we do indeed pray. We ask You today, O Lord, to hear the prayers of these Senators. May they feel themselves comforted by Your power, as well as directed by Your Spirit. Let each of these leaders benefit from having trusted in You as they serve the people of this State. This we pray in Your loving and holy name, dear Lord.

Amen.

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

**CO-SPONSORS ADDED**

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

S. 312 Sen. Campsen

S. 586 Sen. Knotts

S. 588 Sen. Knotts

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 812 -- Senator Verdin: A BILL TO AMEND CHAPTER 3, TITLE 46 OF THE 1976 CODE, RELATING TO DUTIES OF THE DEPARTMENT OF AGRICULTURE, BY ADDING SECTION 46-3-25 TO REQUIRE THE DEPARTMENT TO CREATE AND MAINTAIN A PROGRAM TO ENCOURAGE SCHOOLS TO SERVE LOCALLY GROWN, MINIMALLY PROCESSED FARM FOODS.

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 813 -- Senator Campsen: A BILL TO AMEND SECTION 48-39-130 OF THE 1976 CODE, RELATING TO PERMITS REQUIRED TO UTILIZE CRITICAL AREAS, TO EXEMPT CERTAIN DRAINAGE FACILITIES, SEWER FACILITIES, AND PUBLIC STORMWATER MANAGEMENT SYSTEMS FROM PERMITTING REQUIREMENTS IN CRITICAL AREAS, TO PROVIDE FOR AN EXEMPTION FOR NORMAL MAINTENANCE AND REPAIR OF A UTILITY OR RAILROAD, AND TO PROVIDE NECESSARY DEFINITIONS.

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 814 -- Senators McConnell, Ford, L. Martin, Hutto, Malloy, Cleary and Shoopman: A BILL TO AMEND SECTION 1-1-715, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADOPTION OF THE UNITED STATES CENSUS, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS THE TRUE AND CORRECT ENUMERATION OF INHABITANTS OF THIS STATE; TO ADD SECTION 7-19-35, SO AS TO ESTABLISH SEVEN ELECTION DISTRICTS FROM WHICH MEMBERS OF CONGRESS FOR SOUTH CAROLINA ARE ELECTED COMMENCING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 7-19-40, AS AMENDED, RELATING TO CONGRESSIONAL DISTRICTS FROM WHICH SOUTH CAROLINA MEMBERS OF CONGRESS WERE FORMERLY ELECTED; AND TO JOINTLY DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS THE APPROPRIATE OFFICIALS OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE CONGRESSIONAL REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

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

S. 815 -- Senators McConnell, Ford, L. Martin, Hutto, Malloy, Cleary and Shoopman: A BILL TO AMEND SECTION 1-1-715, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADOPTION OF THE UNITED STATES CENSUS, SO AS TO ADOPT THE UNITED STATES CENSUS OF 2010 AS THE TRUE AND CORRECT ENUMERATION OF INHABITANTS OF THIS STATE; TO ADD SECTION 2-1-70, SO AS TO ESTABLISH ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SOUTH CAROLINA SENATE ARE ELECTED COMMENCING WITH THE 2012 GENERAL ELECTION; TO REPEAL SECTION 2‑1-75 RELATING TO ELECTION DISTRICTS FROM WHICH MEMBERS OF THE SENATE WERE FORMERLY ELECTED; AND TO DESIGNATE THE PRESIDENT PRO TEMPORE OF THE SENATE AS THE APPROPRIATE OFFICIAL OF THE SUBMITTING AUTHORITY TO MAKE THE REQUIRED SUBMISSION OF THE SENATE REAPPORTIONMENT PLAN TO THE UNITED STATES DEPARTMENT OF JUSTICE UNDER THE VOTING RIGHTS ACT.

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

S. 816 -- Senators Lourie, Jackson, Scott and Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE WILLIE H. WOMBLE, CHIEF MAGISTRATE OF RICHLAND COUNTY, UPON THE OCCASION OF HIS RETIREMENT FROM THE BENCH, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

S. 817 -- Senators Knotts, Cromer, Setzler, Courson, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO CONGRATULATE MR. PAUL EDWARD RISINGER, RETIRED EDUCATOR AND ADMINISTRATOR, UPON THE OCCASION OF HIS INDUCTION INTO THE AIRPORT HIGH SCHOOL EDUCATOR HALL OF FAME, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED PUBLIC SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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

S. 818 -- Senator Massey: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE JOHNSTON-EDGEFIELD-TRENTON MIDDLE SCHOOL BOYS BASKETBALL TEAM FOR ITS UNDEFEATED SEASON AND FOR CAPTURING THE 2011 REGION CONFERENCE TITLE.

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The Senate Resolution was adopted.

S. 819 -- Senator Pinckney: A SENATE RESOLUTION TO CELEBRATE THE OCCASION OF THE ONE HUNDREDTH ANNIVERSARY OF THE FOUNDING OF THE TOWN OF FURMAN IN HAMPTON COUNTY, AND TO CONGRATULATE AND COMMEND MAYOR LOUIS NEWTON, JR., THE TOWN COUNCIL, AND THE CITIZENS OF FURMAN FOR A CENTURY OF DISPLAYING THE CHARM AND DIGNITY OF THIS SOUTH CAROLINA TREASURE.

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The Senate Resolution was adopted.

S. 820 -- Senators Hutto and Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR COACH OLIVER “BUDDY” POUGH, HEAD FOOTBALL COACH AT SOUTH CAROLINA STATE UNIVERSITY, AND TO CONGRATULATE HIM FOR BEING NAMED THE 2011 MID-EASTERN ATHLETIC CONFERENCE (MEAC) DISTINGUISHED ALUMNUS FOR SOUTH CAROLINA STATE UNIVERSITY.

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The Senate Resolution was adopted.

S. 821 -- Senators Cleary and McGill: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 17 BUSINESS FROM ITS INTERSECTION WITH OCEAN HIGHWAY IN GEORGETOWN COUNTY TO ITS INTERSECTION WITH THE GEORGETOWN/HORRY COUNTY LINE “MICKEY SPILLANE WATERFRONT 17 HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “MICKEY SPILLANE WATERFRONT 17 HIGHWAY”.

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

S. 822 -- Senators Fair, Hutto and Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 15 TO ARTICLE 3, CHAPTER 7, TITLE 63 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO MAINTAIN A CRIMINAL CHILD DEATH OFFENDER REGISTRY, AVAILABLE TO THE PUBLIC, OF PERSONS CONVICTED OF CERTAIN CRIMINAL OFFENSES RESULTING IN THE DEATH OF A CHILD; TO SPECIFY INFORMATION THAT MUST BE CONTAINED IN THE REGISTRY; TO SPECIFY INFORMATION THAT MUST NOT BE RELEASED BY THE DEPARTMENT; TO PROVIDE FOR THE REMOVAL OF A PERSON FROM THE REGISTRY IN CERTAIN CIRCUMSTANCES; AND TO PROVIDE IMMUNITY FOR PUBLIC OFFICIALS, EMPLOYEES, AND AGENCIES FOR ACTS OR OMISSIONS OCCURRING PURSUANT TO THIS SUBARTICLE, UNLESS THE CONDUCT CONSTITUTES GROSS NEGLIGENCE; AND TO AMEND SECTION 15-49-10, AS AMENDED, RELATING TO DOCUMENTATION THAT A PERSON MUST PROVIDE TO A COURT WHEN PETITIONING FOR A NAME CHANGE, SO AS TO INCLUDE A SCREENING STATEMENT FROM THE DEPARTMENT OF SOCIAL SERVICES REGARDING WHETHER THE PERSON IS ON THE CRIMINAL CHILD DEATH OFFENDER REGISTRY AND TO REQUIRE THE COURT TO NOTIFY THE DEPARTMENT WHEN A PERSON ON THE REGISTRY OBTAINS A NAME CHANGE.

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

S. 823 -- Senators Knotts, Ford, Williams, Setzler, Campbell, O'Dell, Bryant, Rankin, Cleary, McConnell, McGill, Land and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-1-681 SO AS TO DESIGNATE COLLARD GREENS AS THE OFFICIAL STATE VEGETABLE.

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

S. 824 -- Senators Land, Leatherman, Setzler, Nicholson, Hutto and Jackson: A JOINT RESOLUTION TO DESIGNATE THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY AS THE AUTHORIZED AGENCY TO IMPLEMENT THE STATE SMALL BUSINESS CREDIT INITIATIVE WITHIN AND ON BEHALF OF THE STATE OF SOUTH CAROLINA; TO AUTHORIZE THE SOUTH CAROLINA JOBS ECONOMIC DEVELOPMENT AUTHORITY TO EXECUTE AND DELIVER THE REQUISITE APPLICATION AND THE STATE SMALL BUSINESS CREDIT INITIATIVE ALLOCATION AGREEMENT FOR PARTICIPATING STATES, AND ALL OTHER RELATED AGREEMENTS, DOCUMENTS, CERTIFICATES, AND UNDERTAKINGS, ON BEHALF OF THE STATE OF SOUTH CAROLINA; AND TO AUTHORIZE THE SOUTH CAROLINA JOBS ECONOMIC DEVELOPMENT AUTHORITY TO CONTRACT WITH THE BUSINESS DEVELOPMENT CORPORATION OF SOUTH CAROLINA TO ADMINISTER THE PROGRAMS PERMITTED UNDER AND SUPPORTED BY THE STATE SMALL BUSINESS CREDIT INITIATIVE.

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Senator LAND spoke on the Resolution.

Read the first time and, on motion of Senator LAND, with unanimous consent, S. 824 was ordered placed on the Calendar without reference.

S. 825 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE MR. PAUL EDWARD RISINGER, RETIRED EDUCATOR AND ADMINISTRATOR, UPON THE OCCASION OF HIS INDUCTION INTO THE AIRPORT HIGH SCHOOL EDUCATOR HALL OF FAME, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED PUBLIC SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

H. 3063 -- Rep. Merrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑43-219 SO AS TO PROVIDE THAT IF THE BOUNDARIES OF A MUNICIPALITY EXTEND INTO MORE THAN ONE COUNTY AND THOSE COUNTIES IMPLEMENT COUNTYWIDE APPRAISAL AND EQUALIZATION PROGRAMS ON DIFFERENT SCHEDULES, THEN THE GOVERNING BODY OF THE MUNICIPALITY SHALL SET AN EQUIVALENT MILLAGE TO BE USED THEREAFTER TO COMPUTE MUNICIPAL AD VALOREM PROPERTY TAXES, TO PROVIDE FOR THE MANNER IN WHICH THE EQUIVALENT MILLAGE SHALL BE DETERMINED, AND TO PROVIDE THAT THE ABOVE PROVISIONS ARE RETROACTIVE TO THE 2009 PROPERTY TAX YEAR.

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

H. 3233 -- Rep. Mitchell: A BILL TO AMEND SECTION 31-7-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REDEVELOPMENT PROJECT COSTS, SO AS TO PROVIDE PROPERTY ASSEMBLY COSTS ALSO INCLUDE THE COST OF ENVIRONMENTAL REMEDIATION.

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

H. 3543 -- Reps. Hart and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17-15-175 SO AS TO PROVIDE THAT A JUDGE MAY NOT ISSUE A BENCH WARRANT FOR FAILURE TO APPEAR UNLESS THE SOLICITOR FILES AN AFFIDAVIT WITH THE COURT TO CONFIRM THAT WRITTEN NOTICE OF HIS INTENT TO SEEK A BENCH WARRANT FOR FAILURE TO APPEAR HAS BEEN GIVEN TO THE DEFENDANT, HIS ATTORNEY, AND THE BOND SURETY COMPANY AND TO REQUIRE THE COURT TO HOLD A RULE TO SHOW CAUSE HEARING BEFORE ISSUING THE BENCH WARRANT.

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

H. 3606 -- Reps. Harrison, Weeks and McLeod: A BILL TO AMEND SECTION 22-5-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES’ POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT AN ARREST WARRANT MAY NOT BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY, TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, AND TO PROVIDE FOR EXCEPTIONS UNDER CERTAIN CIRCUMSTANCES.

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

H. 3607 -- Reps. Harrison, Weeks and McLeod: A BILL TO AMEND SECTION 22-5-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENDORSEMENT AND EXECUTION OF WARRANTS ISSUED IN OTHER COUNTIES OR BY MUNICIPAL AUTHORITIES, SO AS TO PROVIDE A WARRANT IS NOT REQUIRED TO BE ENDORSED BY A MAGISTRATE IN THE COUNTY WHERE A PERSON CHARGED WITH A CRIME RESIDES OR WHERE HE IS LOCATED, TO PROVIDE PROCEDURES FOR SERVING A WARRANT, AND TO MAKE CONFORMING CHANGES.

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

H. 3709 -- Reps. Cooper and McLeod: A BILL TO AMEND SECTION 1-30-80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM, SO AS TO TRANSFER THE SOUTH CAROLINA MUSEUM COMMISSION, THE SOUTH CAROLINA STATE MUSEUM, AND THE SOUTH CAROLINA ARTS COMMISSION AND THEIR POWERS AND DUTIES TO THE DEPARTMENT OF PARKS, RECREATION AND TOURISM; TO AMEND ARTICLE 1, CHAPTER 13, TITLE 60, RELATING TO THE SOUTH CAROLINA MUSEUM COMMISSION, SO AS TO PROVIDE THAT THE COMMISSION IS UNDER THE ADMINISTRATION AND SUPERVISION OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM AND THAT THE SOUTH CAROLINA STATE MUSEUM IS A STATE PARK IN THE STATE PARK SYSTEM; TO AMEND CHAPTER 15, TITLE 60, RELATING TO THE SOUTH CAROLINA ARTS COMMISSION, SO AS TO PROVIDE THAT THE COMMISSION IS UNDER THE ADMINISTRATION AND SUPERVISION OF THE DEPARTMENT OF PARKS, RECREATION AND TOURISM; AND TO PROVIDE TRANSITION PROVISIONS.

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

H. 3731 -- Reps. Owens, Brantley, Daning, Brannon, Atwater, Patrick, Erickson, Bowen, R. L. Brown, Crosby, Long, Taylor and Willis: A BILL TO AMEND SECTION 56-27-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERM AND COST OF A PROFESSIONAL HOUSEMOVING LICENSE, SO AS TO REVISE THE ANNUAL RENEWAL FEE; AND TO AMEND SECTION 57-3-130, AS AMENDED, RELATING TO THE DEPARTMENT OF TRANSPORTATION’S SPECIAL PERMITS THAT AUTHORIZE A PERSON TO OPERATE OR MOVE A VEHICLE THAT EXCEEDS A CERTAIN SIZE, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DETERMINE THE MAXIMUM SPEEDS AT WHICH PERMITTED LOADS MAY OPERATE, TO PROVIDE THAT FOR A LOAD TRAVELING UNDER POLICE ESCORT, THE ESCORT OFFICER MAY EXERCISE DISCRETION WHEN TEMPORARILY MOVING OUT OF THE TRAVELED WAY, AND TO PROVIDE AN ADDITIONAL IMPACT FEE FOR LOADS THAT EXCEED FIVE HUNDRED THOUSAND POUNDS.

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

H. 3747 -- Rep. Cooper: A BILL TO AMEND SECTION 12-36-2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT BIOLOGICS ADMINISTERED BY A PHYSICIAN IN A PHYSICIAN’S OFFICE.

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

H. 3779 -- Reps. Brady, Loftis, Bingham, Harrell and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE “BILL WYLIE ENTREPRENEURSHIP ACT OF 2011” BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS ALLOCATED BY THE DEPARTMENT OF COMMERCE FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, AND TO MAKE THE CREDIT TRANSFERABLE.

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

H. 4003 -- Rep. Agnew: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTIONS OF SOUTH CAROLINA HIGHWAY 28 AND THE ABBEVILLE/ANDERSON COUNTY LINE, SOUTH CAROLINA HIGHWAY 28 AND THE ABBEVILLE/MCCORMICK COUNTY LINE, AND SOUTH CAROLINA HIGHWAY 72 AND THE ABBEVILLE/GREENWOOD COUNTY LINE THAT CONTAIN THE WORDS “ABBEVILLE HIGH SCHOOL PANTHERS 2010 CLASS A STATE FOOTBALL CHAMPIONS”.

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

H. 4024 -- Rep. Harrison: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION AT LONGTOWN ROAD AND CLEMSON ROAD IN RICHLAND COUNTY IN MEMORY OF DAVID DUPRE AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “DAVID DUPRE INTERSECTION”.

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

H. 4033 -- Reps. Patrick and Loftis: A BILL TO AMEND SECTIONS 5-37-40, 5-37-50, AND 5-37-100, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE MUNICIPAL IMPROVEMENT ACT, SO AS TO PROVIDE THAT THE WIDENING AND DREDGING OF CERTAIN WATERWAYS MAY BE INCLUDED WITHIN A MUNICIPAL IMPROVEMENT DISTRICT WHEN THE OWNER GIVES THE GOVERNING BODY WRITTEN PERMISSION TO INCLUDE THE PROPERTY AT THE TIME THE IMPROVEMENT DISTRICT IS CREATED.

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

H. 4034 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BUNKER HILL ROAD IN THE TOWN OF LITTLE ROCK FROM ITS INTERSECTION WITH WEST MAIN STREET TO ITS INTERSECTION WITH HARLLEES BRIDGE ROAD “MAXIE ROWELL ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS “MAXIE ROWELL ROAD”.

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

H. 4050 -- Reps. Merrill and Crosby: A BILL TO PROVIDE FOR THE MANNER IN WHICH CERTAIN REVENUES DERIVED FROM FEE IN LIEU OF TAX PAYMENTS FOR PROPERTY WITHIN THE BERKELEY COUNTY SCHOOL DISTRICT AND WITHIN THE BOUNDARIES OF A MULTICOUNTY INDUSTRIAL OR BUSINESS PARK MUST BE DISTRIBUTED FOR SCHOOL OPERATIONAL AND DEBT PURPOSES.

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

H. 4100 -- Reps. Barfield, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF MR. PAUL MCKINLEY “MUTT” RICHARDSON, SR., FORMER MAYOR OF AYNOR, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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

H. 4102 -- Reps. Govan, Cobb-Hunter, Ott, Sellers, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO EXPRESS SINCERE SORROW UPON THE PASSING OF GERALDYNE ZIMMERMAN OF ORANGEBURG COUNTY, AND TO EXTEND HEARTFELT SYMPATHY TO HER LARGE AND LOVING FAMILY AND MANY FRIENDS.

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

H. 4106 -- Reps. Parks, Pinson, Pitts, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Patrick, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE DR. BENJAMIN E. MAYS HISTORIC PRESERVATION SITE IN GREENWOOD COUNTY, AND TO CONGRATULATE THE BOARD OF COMMISSIONERS OF THE GLEAMNS HUMAN RESOURCE COMPLEX, UPON THE WONDERFUL OCCASION OF THE DEDICATION OF THIS INSPIRING HISTORIC SITE.

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

H. 4107 -- Reps. Hart, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE RIGHT DIRECTION CHRISTIAN CENTER OF COLUMBIA ON THE OCCASION OF ITS FIFTEENTH ANNIVERSARY AND TO COMMEND DRS. HERBERT AND MARCIA BAILEY AND THE CHURCH FOR THEIR MANY YEARS OF SERVICE TO THE PEOPLE OF SOUTH CAROLINA AND BEYOND.

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

**REPORTS OF STANDING COMMITTEES**

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable report on:

S. 5 -- Senators Leatherman, Rose, McConnell, Campsen, Fair, Rankin, Cromer and Alexander: A BILL TO AMEND CHAPTER 38, TITLE 1 OF THE 1976 CODE TO ENACT THE “HEALTHCARE FREEDOM ACT”, BY ADDING SECTION 38-1-40 TO PROVIDE THAT A CITIZEN OF THIS STATE HAS THE RIGHT TO PURCHASE HEALTH INSURANCE OR REFUSE TO PURCHASE HEALTH INSURANCE, TO PROVIDE THAT THE GOVERNMENT MAY NOT ENACT A LAW THAT WOULD INTERFERE, RESTRICT, OR PUNISH A CITIZEN FOR EXERCISING THESE RIGHTS, AND TO PROVIDE THAT ANY LAW TO THE CONTRARY SHALL BE VOID AB INITIO.

Ordered for consideration tomorrow.

Senator THOMAS from the Committee on Banking and Insurance submitted a majority favorable and Senator MATTHEWS a minority unfavorable report on:

S. 102 -- Senators Grooms and Fair: A BILL TO AMEND ARTICLE 1, CHAPTER 71, TITLE 38 OF THE 1976 CODE, RELATING TO ACCIDENT AND HEALTH INSURANCE, BY ADDING SECTION 38‑71‑238 TO PROHIBIT QUALIFIED HEALTH PLANS OFFERED THROUGH A HEALTH CARE EXCHANGE REQUIRED BY THE FEDERAL “PATIENT PROTECTION AND AFFORDABLE CARE ACT” FROM OFFERING ABORTION COVERAGE, AND TO PROVIDE FOR CERTAIN EXCEPTIONS.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 478 -- Senator Ryberg: A BILL TO AMEND SECTION 41‑31‑5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE RATE OF CONTRIBUTIONS TO THE UNEMPLOYMENT TRUST FUND, SO AS TO MODIFY THE METHOD OF COMPUTATION; TO AMEND SECTION 41‑31‑20, AS AMENDED, RELATING TO EMPLOYER’S ACCOUNTS, SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL MAINTAIN A SEPARATE ACCOUNT FOR EACH EMPLOYER AND SHALL ACCURATELY RECORD THE DATA USED TO DETERMINE AN EMPLOYER’S EXPERIENCE FOR THE PURPOSE OF RATE ASSIGNMENT; TO AMEND SECTION 41‑31‑40, AS AMENDED, RELATING TO BASE RATE COMPUTATION PERIODS, SO AS TO LOWER THE NEW EMPLOYER TAX CLASS FROM THIRTEEN TO TWELVE; TO AMEND SECTION 41‑31‑50, AS AMENDED, RELATING TO BASE RATE DETERMINATIONS, SO AS TO CLARIFY EXCLUSIONS TO TAXABLE WAGES, AND TO PROVIDE FOR CALENDAR YEAR 2011 AND SUBSEQUENT CALENDAR YEARS, VOLUNTARY PAYMENTS ARE NOT PERMITTED FOR THE PURPOSE OF OBTAINING A LOWER RATE OF REQUIRED CONTRIBUTIONS; TO AMEND SECTION 41‑31‑60, AS AMENDED, RELATING TO BASE RATES WHERE A DELINQUENT REPORT IS RECEIVED, SO AS TO CHANGE REFERENCES TO TAX RATES; TO AMEND SECTION 41‑31‑70, AS AMENDED, RELATING TO A PROHIBITION ON THE TERMINATION OF THE ACCOUNT OF AN EMPLOYER, SO AS TO DELETE A BENEFIT RATIO CALCULATION; TO AMEND SECTION 41‑31‑125, AS AMENDED, RELATING TO THE ASSIGNMENT OF AN EMPLOYMENT BENEFIT RECORD UPON ACQUISITION OR REORGANIZATION OF AN EXISTING EMPLOYMENT UNIT, SO AS TO PROVIDE IF THE EXPERIENCE RATING ACCOUNT OF A PREDECESSOR IS EQUAL TO OR EXCEEDS TAX CLASS THIRTEEN, THIS EXPERIENCE RATING ACCOUNT MUST BE TRANSFERRED TO THE SUCCESSOR EMPLOYER; TO AMEND SECTION 41‑31‑140, AS AMENDED, RELATING TO LIMITS ON THE TRANSFER OF AN EXPERIENCE RATING ACCOUNT IN CERTAIN CIRCUMSTANCES TO CLARIFY TIME LIMITS OF APPLICABILITY, AND TO PROVIDE FOR FUTURE LIMITS ON TRANSFERS FOR AN EXPERIENCE RATING ACCOUNT; TO AMEND SECTION 41‑31‑670, AS AMENDED, RELATING TO SPECIAL PROVISIONS FOR ORGANIZATIONS THAT MADE CONTRIBUTIONS PRIOR TO 1969, SO AS TO UPDATE REFERENCES TO APPLICABLE TAX FORMULAS, AND TO PROVIDE FOR THE MANAGEMENT OF AN ACCOUNT IF THE ORGANIZATION TERMINATES THE ELECTION AVAILABLE UNDER THIS SECTION; TO AMEND SECTION 41‑35‑110, AS AMENDED, RELATING TO ELIGIBILITY FOR BENEFITS, SO AS TO DELETE A REQUIREMENT THAT A CLIENT MAINTAIN WEEKLY CONTACT WITH A TEMPORARY AGENCY AFTER COMPLETION OF A TEMPORARY ASSIGNMENT; TO AMEND SECTION 41‑35‑120, AS AMENDED, RELATING TO DISQUALIFICATIONS FOR BENEFITS, SO AS TO INCREASE THE PENALTY FOR FAILING A DRUG TEST OR BEING TERMINATED FOR GROSS MISCONDUCT, AND TO PROVIDE AN ADDITIONAL SOURCE FOR CERTIFYING A LAB THAT MAY PERFORM A DRUG TEST; TO AMEND SECTION 41‑35‑125, AS AMENDED, RELATING TO BENEFITS FOR INDIVIDUALS UNEMPLOYED AS A RESULT OF DOMESTIC ABUSE, SO AS TO REDEFINE THE TERM “DISABILITY”; TO AMEND SECTION 41‑35‑130, AS AMENDED, RELATING TO PAYMENTS NOT CHARGEABLE TO A FORMER EMPLOYER, SO AS TO MAKE THE SECTION APPLICABLE TO BENEFITS PAID AS A RESULT OF A NATURAL DISASTER DECLARED BY THE PRESIDENT OF THE UNITED STATES; TO AMEND SECTION 41‑35‑690, AS AMENDED, RELATING TO APPEALS, SO AS TO PROVIDE AN APPEAL MUST BE MADE TO THE COURT OF COMMON PLEAS; TO AMEND SECTION 41‑39‑30, AS AMENDED, RELATING TO LIMITS ON FEES, SO AS TO ELIMINATE THE REQUIREMENT THAT A PERSON APPEARING AT A HEARING UNDER THIS SECTION MUST BE REPRESENTED BY AN ATTORNEY; AND TO AMEND SECTION 41‑41‑40, AS AMENDED, RELATING TO THE RECOVERY OF BENEFITS PAID TO A PERSON NOT ENTITLED TO BENEFITS, SO AS TO PROVIDE AN ADDITIONAL MEANS FOR ATTEMPTING A COLLECTION UNDER THIS SECTION.

Ordered for consideration tomorrow.

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable report on:

H. 3104 -- Rep. Nanney: A BILL TO AMEND SECTION 29‑3‑330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORD, SO AS TO INCLUDE A PROBATE AND ACKNOWLEDGEMENT FORM IN THE SATISFACTION AFFIDAVIT.

Ordered for consideration tomorrow.

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable report on:

H. 3438 -- Reps. G.M. Smith and Weeks: A BILL TO AMEND SECTION 29‑15‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIENS FOR REPAIR OR STORAGE, SO AS TO EXCLUDE FROM THESE LIENS THE CONTENTS OF A TOWED, STORED, OR REPAIRED MOTOR VEHICLE, TRAILER, MOBILE HOME, WATERCRAFT, OR OTHER ITEM OR OBJECT SUBJECT TO TOWING, STORAGE, OR REPAIR.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources polled out H. 3586 favorable:

H. 3586 -- Reps. Hardwick, Clemmons, Loftis, Corbin, Barfield, Thayer, Patrick, Hearn, Murphy, Ryan, Viers, Bedingfield, Edge, Herbkersman, Horne and Stringer: A BILL TO AMEND SECTION 48-39-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST NEW CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE AND EXEMPTIONS FROM THIS PROHIBITION, SO AS TO DELETE FROM THE EXEMPTIONS CERTAIN PIERS AND ASSOCIATED STRUCTURES, PUBLIC AND PRIVATE, EXISTING ON SEPTEMBER 21, 1989.

**Poll of the Agriculture and Natural Resources Committee**

**Polled 14; Ayes 13; Nays 0; Not Voting 2**

**AYES**

Verdin Grooms Matthews

Hutto Elliott Knotts

Bryant Campsen Williams

Campbell Bright Davis

Rose

**Total--13**

**NAYS**

**Total--0**

**NOT VOTING**

Leventis McGill

**Total--2**

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources polled out H. 3587 favorable:

H. 3587 -- Reps. Edge, Viers, Hardwick, Hearn, Clemmons, Barfield, Hayes and Loftis: A BILL TO AMEND SECTION 48‑39‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PERMITS REQUIRED TO UTILIZE CRITICAL AREAS, SO AS TO ADD AN EXEMPTION FOR MAINTENANCE DREDGING BY COUNTIES OR MUNICIPALITIES OF CERTAIN CANALS IF THE DREDGING IS AUTHORIZED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT ALL OTHER DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CERTIFICATIONS FOR SUCH DREDGING ARE WAIVED.

**Poll of the Agriculture and Natural Resources Committee**

**Polled 14; Ayes 13; Nays 0; Not Voting 2**

**AYES**

Verdin Grooms Matthews

Hutto Elliott Knotts

Bryant Campsen Williams

Campbell Bright Davis

Rose

**Total--13**

**NAYS**

**Total--0**

**NOT VOTING**

Leventis McGill

**Total--2**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 14, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

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 RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA ELECTION REFORM ACT”; TO AMEND SECTION 7‑13‑710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 7‑5‑125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 56‑1‑3350, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO AMEND SECTION 7‑13‑25, SO AS TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7‑3‑20, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7‑15‑320, SO AS TO REFERENCE THE EARLY VOTING PERIOD PURSUANT TO SECTION 7‑13‑25 AND TO PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY PAPER OR BY A VOTING MACHINE AND ABSENTEE BALLOT CENTERS; TO AMEND SECTION 7‑1‑25, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD SECTION 7‑5‑675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO AMEND SECTIONS 7‑15‑330, 7‑15‑385, AND 7‑5‑230, ALL RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES.

asks for a Committee of Conference, and has appointed Reps. Clemmons, Lucas and Merrill to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**H. 3003--CONFERENCE COMMITTEE APPOINTED**

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 RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA ELECTION REFORM ACT”; TO AMEND SECTION 7‑13‑710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 7‑5‑125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 56‑1‑3350, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO AMEND SECTION 7‑13‑25, SO AS TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7‑3‑20, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7‑15‑320, SO AS TO REFERENCE THE EARLY VOTING PERIOD PURSUANT TO SECTION 7‑13‑25 AND TO PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY PAPER OR BY A VOTING MACHINE AND ABSENTEE BALLOT CENTERS; TO AMEND SECTION 7‑1‑25, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD SECTION 7‑5‑675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO AMEND SECTIONS 7‑15‑330, 7‑15‑385, AND 7‑5‑230, ALL RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES.

Whereupon, Senators McCONNELL, CAMPSEN and SCOTT were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**HOUSE CONCURRENCES**

S. 804 -- Senators O’Dell and Nicholson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR SANDRA AULL ANDERSON, OWNER AND BROKER‑IN‑CHARGE OF A‑Z REALTY IN GREENWOOD, AND TO CONGRATULATE HER FOR RECEIVING THE 2011 SOUTH CAROLINA MINORITY SMALL BUSINESS CHAMPION AWARD FROM THE UNITED STATES SMALL BUSINESS ADMINISTRATION.

Returned with concurrence.

Received as information.

S. 811 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DAN DENNIS, PRESIDENT OF DENNIS CORPORATION IN RICHLAND COUNTY, AND TO CONGRATULATE HIM UPON BEING NAMED THE 2011 SOUTH CAROLINA SMALL BUSINESS PERSON OF THE YEAR BY THE UNITED STATES SMALL BUSINESS ADMINISTRATION.

Returned with concurrence.

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Joint Resolution was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4040 -- Rep. Hodges: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE MICROENTERPRISE DEVELOPMENT STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM JANUARY 20, 2011, TO JANUARY 20, 2012.

**THIRD READING BILLS**

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

S. 779 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PUBLIC SERVICE COMMISSION, RELATING TO CUSTOMER DEPOSITS AND DEPOSIT RETENTION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4137, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 594 -- Senators Grooms and Verdin: A BILL TO AMEND SECTION 56-5-1535 OF THE 1976 CODE, RELATING TO DRIVING IN A TEMPORARY WORKZONE, TO EXPAND THE SIZE OF TEMPORARY WORKZONES.

S. 643 -- Senators Knotts, Reese, Thomas, Ford, Matthews, Williams, Campsen, Cromer, Campbell, O’Dell, Rose and Setzler: A BILL TO AMEND SECTION 50‑5‑2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL EXHIBIT OF A MARINE MAMMAL IN THIS STATE AND PROVIDING PENALTIES FOR VIOLATION, SO AS TO PROHIBIT THE DISPLAY OF A WILD CAUGHT OR CAPTIVE-BRED DOLPHIN OR WHALE AND TO REQUIRE THE MARINE MAMMAL STRANDING NETWORK TO ATTEMPT TO REHABILITATE AND TO RELEASE ANY BEACH‑STRANDED WHALE OR DOLPHIN AND TO PROVIDE PENALTIES.

Senator BRIGHT explained the Bill.

**Remarks by Senator BRIGHT**

Members of the Senate:

You may find it strange, but yesterday I was the only one that voted against the Marine Mammal Stranding Network Bill. We are providing protection for mammals in how they are exhibited and funded.  I don’t have a problem with this.

There are human beings, also considered to be mammals, which have not yet been born and do not have any rights.  Every year -- and this is my third year being here -- I feel like I’m not heard because the Fifth Amendment does not apply to these mammals -- these unborn children.  The Rights of the Constitution, which we are all bound to defend, do not apply to unborn children. I feel hypocritical from time to time when I stand up here and fight against wasteful spending and government trampling the rights of the people when the Fifth Amendment demands personal liberty and due process.

Yet, we say in this body that it is okay to deprive life.  I have heard the federal arguments and news, but I’m a plain common guy like a lot of our founders were.  They meant what they said. Let’s face it, the Bill of Rights held it together.  Without the Bill of Rights we wouldn’t be here.  How are we going to deny the Fifth Amendment to life, liberty and property without due process?  How can we deny someone their life?

The baby boomers are retiring now.  A lot of these folks never born would be paying into social security for those folks.  It is not a long stretch to say that it will cost a lot to keep these elderly people alive.  Why should they have a right to live?  It is not what we have on the west coast at the moment.  I wish what was here went west, but it works the other way. What is on the west coast comes here. We will be denying rights to them next. You just watch and see. I hope and pray the elderly folks of this country will stand up and do something to give rights to these unborn children.

We will protect mammals.  Let me tell you, we love trees.  They want to give trees rights that are ridiculous. Yet we don’t give any rights to unborn children just because of where they are in their life. Like I said, I feel like a hypocrite when I stand up here and talk about liberty and property and the way we take other people’s money, put in it the treasury and spend it on what we want to. We all get so upset about this.  I agree, and I’m upset as well.  If we can deny life, we can deny anything. We can take a man’s house, his boat, his car. Why not, we can take the life; we have that kind of power. I mean, we’ve got an amendment to the Constitution that says the United States can’t deprive rights -- rights granted to individuals. So I expect the debate.  I’m not trying to tie up the floor, but I want you to know why I voted this way yesterday. I have a Constitutional amendment I’m going to file. I’m going to wait five days. I’m supposed to wait and bring it to the floor next year, but I’m not going to spend a term in this Chamber and leave knowing that I didn’t do all I could do. I see folks in my district that are upset over this.

A friend called me talking about how Planned Parenthood stayed in the budget -- how upset he is. He said, “Why do you spend that time in Columbia?  You are not making a difference. We are not better off.  If we can’t preserve life, what are you fighting for?”  That burdened me.  That’s why I’m here. Senator PEELER talks about me in the gap, yet, it is what I feel like I’m doing.

I made the comment on Monday, when I was talking to this individual, who is a friend I have known 20 years. I said, if I can save lives of unborn children, I would lie under a bus. I would give my life if I thought that would make the difference. He said, “What are you doing?” The answer is I’m doing nothing.

I came down here and filibustered during the budget process, sure. I was upset about the health plan.  We have people in this country -- we talk about history and about how we call people three-fifths of a person, separate but equal. We have had rights of people trampled throughout our history. I have talked to folks that we talk about history and moral sin and how a nation is burdened. We have a federal government with a debt of $4 billion a day. They deny life, liberty and property. They are denying liberty and property of great grandchildren. We stand idly by.

So for me and mine, I’m going to stand up here and make this fight. We’re going to fight it until I have a vote on a Constitutional Amendment on the floor. We’re going to fight this battle early and often.  If I have to come up here on the Senate floor and use my five minutes the rest of my term, I will.  If I find anything with which I can draw any kind of comparison, I’m going to do it because I can’t sleep at night knowing that we’re killing these babies.

Let me tell you something. We say we don’t have the power. This child right here, this child has no power. This child can do nothing. We are a sovereign State.  We could at least make our stand to the federal government. A Constitutional Amendment is where it is at. We had a Constitutional Amendment because of *Roe v. Wade*. We have been there with our children and some have lost children in that period. We know it is a life. We know when life begins. The fact that we stand in here with the power of the State, of a sovereign State, and ignore this issue; but yet, we are going to worry about if whales and dolphins are on display. It drives me berserk.

As long as I don’t have your attention, I will continue to raise my voice.  I’m going to tell you, it’s a travesty.  This nation is going to be judged. This State will be judged.  I ask you to stand with me.

Thank you, Mr. PRESIDENT.

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

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the third reading of the Bill.

**AMENDED, READ THE THIRD TIME**

S. 588 -- Senators Jackson, Hayes, O’Dell, Rose and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “STROKE PREVENTION ACT OF 2011” BY ADDING ARTICLE 6 TO CHAPTER 61, TITLE 44 SO AS TO ESTABLISH A STATEWIDE SYSTEM OF STROKE CARE, WHICH REQUIRES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO RECOGNIZE AND DESIGNATE HOSPITALS THAT ARE CERTIFIED TO BE PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS, TO DISTRIBUTE A LIST OF PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS TO EACH EMERGENCY MEDICAL SERVICES PROVIDER AND TO POST THIS LIST ON ITS WEBSITE, TO ADOPT AND DISTRIBUTE A NATIONALLY STANDARDIZED STROKE‑TRIAGE ASSESSMENT TOOL TO EACH EMERGENCY MEDICAL SERVICES PROVIDER, TO ESTABLISH PRE‑HOSPITAL CARE PROTOCOLS FOR THE CARE AND TRANSPORT OF STROKE PATIENTS BY EMERGENCY MEDICAL SERVICE PROVIDERS, TO ESTABLISH A STROKE REGISTRY TASK FORCE TO ANALYZE AND IMPROVE STROKE CARE IN THIS STATE, AND TO ENSURE CONFIDENTIALITY IN SHARING HEALTH CARE INFORMATION; AND TO PROVIDE THAT THE DEPARTMENT’S RESPONSIBILITIES PURSUANT TO THIS ARTICLE ARE CONTINGENT UPON ADEQUATE FUNDING.

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

**Motion Under Rule 26B**

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

There was no objection.

Senators JACKSON and McCONNELL proposed the following amendment (NBD\11596AC11), which was adopted:

Amend the bill, as and if amended, by deleting Section 44-61-650(C) and inserting:

/ (C) The department, through the Division of Heart Disease and Stroke Prevention and the Division of Emergency Medical Services, shall develop and implement the statewide system of stroke care in accordance with this article and shall give consideration to recommendations submitted by the Stroke Advisory Council. /

Renumber sections to conform.

Amend title to conform.

Senator JACKSON explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Jackson Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Rankin Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 420 -- Senators McConnell, Peeler, Campbell, Rose and Ford: A BILL TO AMEND SECTION 1‑23‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL ASSEMBLY REVIEW OF REGULATIONS, INCLUDING, AMONG OTHER THINGS, GROUNDS FOR EXEMPTION FROM REVIEW, SO AS TO PROVIDE THAT A REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW BECAUSE IT WAS PROMULGATED TO COMPLY WITH FEDERAL LAW HAS THE SAME LEGAL STATUS AS THE FEDERAL LAW, SUCH THAT IF THE FEDERAL LAW IS VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT THE STATE REGULATION IS SIMILARLY VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT.

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 question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 312 -- Senators Davis, McConnell, Peeler, Bright, Massey, Shoopman, S. Martin, Ryberg, Verdin, Rose, Knotts and Campsen: A BILL TO AMEND SECTION 2‑65‑15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE SOUTH CAROLINA FEDERAL AND OTHER FUNDS OVERSIGHT ACT, SO AS TO REVISE THE DEFINITION OF “MATCHING FUNDS” TO INCLUDE BOTH GENERAL FUND MONIES AND OTHER FUND MONIES TO BE USED TO MEET FEDERAL MATCH REQUIREMENTS; TO AMEND SECTION 2‑65‑20, RELATING TO THE APPROPRIATION OF ANTICIPATED FEDERAL FUNDS AND OTHER FUNDS BY THE GENERAL ASSEMBLY IN APPROPRIATIONS ACTS, SO AS TO REQUIRE STATE AGENCIES RECEIVING FEDERAL FUNDS TO PROVIDE IN BUDGET SUBMISSIONS FOR THE PROPOSED BUDGET DETAILS OF CONDITIONS IMPOSED ON THE STATE APPLICABLE TO FEDERAL FUNDS INCLUDED IN THE AGENCY’S BUDGET SUBMISSION, REQUIRE THE RECOMMENDED BUDGET SPECIFICALLY TO ACCEPT IN DETAIL THOSE CONDITIONS WHEN FEDERAL FUNDS ARE INCLUDED IN THE PROPOSED BUDGET, AND TO CONFORM THE SECTION TO REFLECT THE PROVISION OF LAW ASSIGNING TO THE GOVERNOR THE DUTY OF PRODUCING A PROPOSED BUDGET TO THE GENERAL ASSEMBLY; AND TO AMEND SECTION 2‑65‑30, RELATING TO EXPENDITURE BY A STATE AGENCY OF UNANTICIPATED FEDERAL FUNDS AND PRIVATE GRANT FUNDS NOT APPROPRIATED IN APPROPRIATIONS ACTS, SO AS TO REQUIRE THE AGENCY’S SUBMISSION OF AN EXPENDITURE PROPOSAL FOR THE ANTICIPATED FUNDS TO THE STATE BUDGET AND CONTROL BOARD TO INCLUDE THE CONDITIONS IMPOSED ON THE STATE’S RECEIPT AND EXPENDITURE OF THE FEDERAL FUNDS AND, IN AUTHORIZING THE RECEIPT AND EXPENDITURE, THE BOARD’S ACCEPTANCE OF THE CONDITIONS.

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

Senator BRYANT proposed the following amendment (312R002.KLB), which was adopted:

Amend the committee amendment, as and if amended, page [312-1] by striking lines 39-41 and inserting:

/ “(3) non-state funded research grants and contracts and ~~student aid grants~~ federal financial aid, including work study, except as otherwise provided in this chapter;” /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the perfecting amendment.

The Committee on Finance proposed the following amendment (312R001.WHO), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 42 and inserting:

/ the federal funds are to be expended. The submission must also include information on all federal funds available to the agency or for which the agency is eligible to request or draw upon that have not been requested or drawn upon due to insufficient matching funds being available or any other reason and also must include the potential costs, conditions, and restrictions of the federal program providing or offering the funds. The information must be /

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

/ SECTION \_\_\_\_. Section 2-65-100(3) of the 1976 Code is amended to read:

“(3) research grants and contracts and ~~student aid grants~~ federal financial aid, including work study, except as otherwise provided in this chapter;” /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL 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 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**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**

**READ THE SECOND TIME**

S. 705 -- Senators Rankin, Campbell, Rose, Verdin, Hutto and Ford: 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.

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 (JUD0705.002), which was adopted:

Amend the bill, as and if amended, by striking lines 37-38 on page 3 and inserting:

/ (b) if the diameter of the facility is not marked, twenty‑four inches on either side of the outside edge of the mark indicating a facility; or /

Amend the bill further, as and if amended, by striking lines 26-32 on page 4 and inserting:

**/ Section 58‑36‑50.** (A) Operators must maintain an association that will operate a notification center providing for the receipt of notice of excavation or demolition in a defined geographical area. The notification center must be governed by a board of directors composed of operators and damage prevention stakeholders that are members of the association. The by-laws of the association must provide for a board of directors with the following membership: /

Amend the bill further, as and if amended, by striking lines 15-24 on page 5 and inserting:

/ (15) one representative of a company licensed in South Carolina as a general contractor or as a subcontractor in the construction industry;

(16) three representatives employed by different facility operators in South Carolina; and

(17) one representative of a special purpose district providing natural gas.

In choosing members of the association to fill these board positions, the association will solicit nominations from the membership of the association and industry organizations representing entities designated by this subsection. The South Carolina 811 board of directors existing on the effective date of this act must elect the board as required by the provisions of this subsection within nine months following the effective date of this act. /

Amend the bill further, as and if amended, by striking lines 25-26 on page 6 and inserting:

/ (I) The notification center shall provide a positive response system that must be fully operational within three years from the effective date of this act. /

Amend the bill further, as and if amended, by striking subsections 58-36-70(A) and (B), beginning on line 26 on page 9 and inserting:

**/ Section 58‑36‑70.** (A) An operator or designated representative must provide to an excavator the following information:

(1) The horizontal location and description of all of its facilities in the area of the proposed excavation or demolition. The location shall be marked by stakes, paint, flags, or any combination thereof as appropriate depending on the site conditions of the proposed excavation or demolition using the APWA Uniform Color Code. If the diameter or width of the facility is greater than three inches, the dimension of the facility will be indicated at least every twenty‑five feet in the area of the proposed excavation or demolition. Operators who operate multiple facilities in the same trench shall locate each facility individually.

(2) Any other information that would assist the excavator to identify, and thereby avoid damage to, the marked facilities.

(B) The information in subsection (A) must be provided to the excavator within:

(1) three full working days, not including the day the notice was made, for a facility after notice of the proposed excavation or demolition to the notification center;

(2) ten full working days, not including the day the notice was made, for a subaqueous facility after notice of the proposed excavation or demolition to the notification center; or

(3) as otherwise provided by written agreement by the excavator and the operator or designated representative of the operator.

These time lines do not apply in the event the operator declares an extraordinary circumstance. /

Amend the bill further, as and if amended, by striking lines 5-9 on page 13, and inserting:

/ (4) when the Department of Transportation, a local government, special purpose district or public service district is carrying out maintenance activities within its designated right of way, which may include resurfacing, milling, emergency replacement of signs critical for maintaining safety, or the reshaping of shoulder and ditches to the original road profile. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bright

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--39**

**NAYS**

Bryant

**Total--1**

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

**AMENDED, ADOPTED**

H. 3784 -- Reps. Gilliard and King: A CONCURRENT RESOLUTION TO REQUEST PRESIDENT BARACK H. OBAMA TO INCLUDE IN HIS 2012 FEDERAL BUDGET FUNDING FOR THE U. S. ARMY CORPS OF ENGINEERS TO CONDUCT A FEASIBILITY STUDY REGARDING THE DEEPENING OF CHARLESTON HARBOR TO AT LEAST FIFTY FEET SO THAT IT CAN ACCOMMODATE LARGER CONTAINER SHIPS EXPECTED TO CALL AT THE PORT WHEN THE EXPANSION OF THE PANAMA CANAL OPENS IN 2014.

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

Senators CLEARY and McGILL proposed the following amendment (3784R001.RWC), which was adopted:

Amend the resolution, as and if amended, page 2, by striking line 22 and inserting:

/ delay.

Whereas, the Port of Georgetown is a recognized component of the economic framework of this State; and

Whereas, federal, state, and local officials believe that dedicating adequate funding from the Harbor Maintenance Trust Fund to return the Port of Georgetown to twenty-seven feet mean low water level would be beneficial to the economic growth of the State. Now, therefore, /

Amend the resolution further, as and if amended, page 2, after line 33, by inserting:

/ That the members of the South Carolina General Assembly hereby request President Barack H. Obama to include in his 2012 federal budget funding for the U.S. Army Corps of Engineers to conduct maintenance dredging of the Port of Georgetown. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

There being no further amendments, the Concurrent Resolution was adopted and ordered returned to the House with amendments.

**AMENDED, CARRIED OVER**

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.

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

Senator CAMPSEN proposed the following amendment (3287R002.GEC), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 7 ‑ 9 and inserting:

/ (D) The department must conduct investigations of any watercraft subject to the provisions of this section to determine the status of the watercraft as abandoned. The department must send written notice and make additional reasonable efforts to notify the last known owner, if any, of the status of the watercraft. If efforts to notify fail, then the department must post a notice on the watercraft advising that the watercraft is abandoned. If the owner claims the watercraft within forty‑five days of the date the notice is posted, the watercraft is not considered abandoned.

(E) A watercraft identified by the department as abandoned for at least ninety days may be claimed by any person or entity as abandoned property.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

On motion of Senator BRYANT, the Bill was carried over, as amended.

**CARRIED OVER**

S. 560 -- Senator Fair: A BILL TO AMEND SECTION 1‑11‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO INCLUDE SPECIAL PURPOSE DISTRICTS PROVIDING SANITATION SERVICES.

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

S. 586 -- Senators Hayes, O’Dell, Verdin, Shoopman, Nicholson, Elliott, L. Martin, Coleman, Ford, Cromer, Alexander and Knotts: 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.

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

S. 592 -- Senators Hayes, Leventis, Cromer, Rose, Scott and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑3067 SO AS TO CREATE THE OFFENSE OF FRATERNIZATION; TO AMEND SECTION 25‑1‑10, RELATING TO THE STATE MILITARY CODE’S DEFINITIONS, SO AS TO DEFINE THE TERM “ORGANIZED MILITIA”; TO AMEND SECTION 25‑1‑40, RELATING TO THE APPLICABILITY OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO DELETE AN UNNECESSARY REFERENCE TO CAPITAL SENTENCES; TO AMEND SECTION 25‑1‑60, RELATING TO THE COMPOSITION AND CLASSES OF THE STATE MILITIA, SO AS TO CLARIFY THAT ACTIVE MEMBERS OF THE NATIONAL GUARD ARE NOT PART OF THE ORGANIZED MILITIA; TO AMEND SECTION 25‑1‑70, RELATING TO THE COMPOSITION OF THE NATIONAL GUARD, SO AS TO CLARIFY THE ADJUTANT GENERAL’S AUTHORITY TO ORGANIZE UNITS FOR STATE RECOGNIZED AND ORGANIZED POSITIONS; TO AMEND SECTION 25‑1‑120, RELATING TO MILITARY CORPORATIONS, SO AS TO CLARIFY THAT MILITARY CORPORATIONS ARE EXEMPT FROM FILING RETURNS WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO THE SAME EXTENT THEY ARE EXEMPT FROM FILING RETURNS WITH THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 25‑1‑340, RELATING TO VACANCIES IN THE OFFICE OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT AN INTERIM APPOINTEE SHALL HOLD THE RANK OF COLONEL OR HIGHER; TO AMEND SECTION 25‑1‑635, RELATING TO LEGAL ASSISTANCE SERVICES, SO AS TO CLARIFY THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTION 25‑1‑830, RELATING TO OFFICER SELECTION BOARDS, SO AS TO INCLUDE REFERENCES TO FEDERAL PERSONNEL ACTS; TO AMEND SECTION 25‑1‑1370, RELATING TO MAINTENANCE ALLOWANCES, SO AS TO PROVIDE THAT THESE FUNDS MUST BE DEPOSITED IN STATE ACCOUNTS FOR MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE; TO AMEND SECTION 25‑1‑2420, RELATING TO CODE OF MILITARY JUSTICE DEFINITIONS, SO AS TO PROVIDE THAT THE TERM “STATE JUDGE ADVOCATE” MEANS A FEDERALLY RECOGNIZED NATIONAL GUARD JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2450, RELATING TO THE APPOINTMENT OF THE STATE JUDGE ADVOCATE, SO AS TO PROVIDE THAT THE STATE JUDGE ADVOCATE MUST BE FEDERALLY RECOGNIZED AS A JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2455, RELATING TO THE APPOINTMENT OF THE STATE MILITARY JUDGE, SO AS TO REQUIRE MEMBERSHIP AND GOOD STANDING IN THE SOUTH CAROLINA BAR; TO AMEND SECTION 25‑1‑2520, RELATING TO NONJUDICIAL DISCIPLINARY PUNISHMENT, SO AS TO ALLOW THE DELEGATION OF NONJUDICIAL PUNISHMENT AUTHORITY IN CERTAIN SITUATIONS; TO AMEND SECTION 25‑1‑2550, RELATING TO GENERAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2560, RELATING TO SPECIAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2570, RELATING TO SUMMARY COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2580, RELATING TO THE APPOINTMENT OF GENERAL COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED TO THE ADJUTANT GENERAL UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2600, RELATING TO THE APPOINTMENT OF SUMMARY COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2630, RELATING TO THE DETAIL OF TRIAL AND DEFENSE COUNSEL, SO AS TO CLARIFY THE STATE JUDGE ADVOCATE’S APPOINTMENT AUTHORITY; TO AMEND SECTION 25‑1‑2640, RELATING TO THE RECORDING OF PROCEEDINGS, SO AS TO PROVIDE THAT A QUALIFIED COURT REPORTER MAY BE HIRED TO RECORD COURT‑MARTIAL PROCEEDINGS; TO AMEND SECTION 25‑1‑2910, RELATING TO FRAUDULENT ENLISTMENTS, APPOINTMENTS, OR SEPARATIONS, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT WILFUL MISCONDUCT TO INTENTIONALLY CAUSE THEIR SEPARATION; TO AMEND SECTION 25‑1‑3025, RELATING TO THE OFFENSE OF MALINGERING, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT, PERFORM, OR UNDERTAKE SERVICE DISQUALIFYING ACTIVITIES; TO AMEND SECTION 25‑1‑3065, RELATING TO THE OFFENSE OF CONDUCT UNBECOMING AN OFFICER, SO AS TO DELETE THE ELEMENT THAT THE ACCUSED BE A COMMISSIONED OFFICER; AND TO AMEND SECTION 25‑1‑3160, RELATING TO CONSTRUCTION OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO ALLOW THE ADJUTANT GENERAL TO ESTABLISH PROCEDURES TO CONFORM STATE MILITARY JUDICIAL PROCEEDINGS WITH STATE CIRCUIT COURT PROCEEDINGS.

Senator HAYES explained the Bill.

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

**OBJECTION**

S. 766 -- Senators McConnell, Leatherman, Alexander, Anderson, Scott, Coleman, O’Dell, Verdin, L. Martin, Ford, Massey, Knotts, Grooms, Nicholson and Shoopman: A BILL TO AMEND ARTICLE V, CHAPTER 49, TITLE 33 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ALLOW SOUTH CAROLINA’S ELECTRIC COOPERATIVES TO SPEARHEAD ENERGY EFFICIENCY AND RENEWABLE ENERGY INITIATIVES IN THIS STATE, AND TO PROVIDE CLARITY TO PATRONAGE CAPITAL PROCEDURES; AND TO AMEND ACT 658 OF 1988, SO AS TO EXEMPT ELECTRIC COOPERATIVES FROM THE UNIFORM UNCLAIMED PROPERTY ACT.

Senator MALLOY objected to the Bill.

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

**MOTION ADOPTED**

Senator McCONNELL asked unanimous consent to make a motion that Seat #41, currently vacant, would be assigned to Senator GREG GREGORY upon his being sworn-in to the Senate on Tuesday, April 19, 2011.

There was no objection and Seat #41 would be assigned to Senator GREGORY.

**MOTION ADOPTED**

Senator McCONNELL asked unanimous consent to make a motion that committee selections changes be made by unanimous consent on Tuesday, April 19, 2011, which would solely affect Senators ROSE, SHOOPMAN and GREGORY.

There was no objection and the motion was adopted.

**MOTION ADOPTED**

Senator McCONNELL asked unanimous consent to make a motion that when the Senate adjourns on Wednesday, April 20, 2011, the Senate would stand adjourned subject to the times and limitations set forth under the provisions of Rule 1B to meet on Thursday, April 21, 2011; and, further, when the Senate stands adjourned on Thursday, April 21, 2011, the Senate will stand adjourned to meet on Monday, April 25, 2011, 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.

There was no objection and the motion was adopted.

**MOTION ADOPTED**

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Deborah A. Bright-Austin, Magistrate from Lee County, S.C.

and

**MOTION ADOPTED**

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Phillip Dyches Sasser, 76, of Conway, S.C., who died Monday, April 11, 2011, at home. Born December 30, 1934, in Conway, he was the son of James Archibald Sasser, M.D. and Martha Dyches Sasser. He was a member of the S.C. and Horry County Bar Associations, the First Baptist Church of Conway and attended Christ the Servant Lutheran Church. A graduate of Woodberry Forest, Davidson College and the University of S.C. School of Law, Representative Sasser was a member of Kappa Sigma fraternity. He proudly served his country in the S.C. National Guard. Upon passing the S.C. State Bar exam, he began his legal practice in Conway, where he became a partner in Burroughs, Green and Sasser Law Firm. In 1968, he was elected to the S.C. House of Representatives, where he served two terms.

**ADJOURNMENT**

At 12:54 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.

\* \* \*