# Thursday, February 18, 2010

**(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:

We read in I Samuel:

 “And there came out from the camp of the Philistines a champion named Goliath, of Gath, whose height was six cubits and a span.” [About nine and a half feet] (I Samuel 17:4)

 Let us join our hearts together as we bow in prayer:

 Holy God, it has to seem that giants of all sorts continue to rise up before us: specters of unemployment, gargantuan infrastructure challenges, demons of ever-increasing needs and constantly diminishing resources. O Lord, be with each of these Senators and their able staff members as they confront each giant problem. Give them the individual and collective faith they need to draw on Your strength as they strive to resolve each dilemma, doing so for the common good here in South Carolina. And protect and keep safe not only the residents of our State but also all who serve in the Armed Forces here at home and around the globe. All this we pray in Your loving name, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Mark C. Sanford:

**Local Appointments**

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Lyman Wayne Davis, 608 North Weston Street, Fountain Inn, SC 29644

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

William Donald Owens, 250 Laurel Road, Greer, SC 29651

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Jimmy B. Henson, P.O. Box 416, Pacolet Mills, SC 29373

**Doctor of the Day**

 Senator CROMER introduced Dr. Robert E. Livingston of Newberry, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

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

S. 1023 Sen. Rose

S. 1127 Sen. Shane Martin

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 1195 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS FOR SPECIES OR SUBSPECIES OF NON-GAME WILDLIFE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4069, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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 Read the first time and ordered placed on the Calendar without reference.

 S. 1196 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS AND TURKEY HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4090, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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 Read the first time and ordered placed on the Calendar without reference.

 S. 1197 -- Senator Setzler: A SENATE RESOLUTION TO EXPRESS THE HEARTFELT GRATITUDE OF THE SOUTH CAROLINA SENATE FOR THE FINE WORK OF THE BROOKLAND FOUNDATION'S HEALTH AND WELLNESS PROGRAM, AND TO HONOR THE ORGANIZATION ON THE OCCASION OF THE TENTH ANNIVERSARY OF ITS COMMUNITY HEALTH FAIR.

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 The Senate Resolution was adopted.

 S. 1198 -- Senators Bright, S. Martin, Reese and Peeler: A SENATE RESOLUTION TO CONGRATULATE THE 2009 PAUL M. DORMAN HIGH SCHOOL VARSITY GIRLS VOLLEYBALL TEAM OF SPARTANBURG COUNTY ON WINNING THE CLASS AAAA VOLLEYBALL STATE CHAMPIONSHIP, TO COMMEND THE PLAYERS, COACHES, AND STAFF FOR A SEASON OF SPIRITED COMPETITION, INSPIRING PERSEVERANCE, AND TREMENDOUS ACHIEVEMENT, AND TO WISH THEM EVERY SUCCESS IN THEIR FUTURE ENDEAVORS.

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 The Senate Resolution was adopted.

 S. 1199 -- Senators Bright, S. Martin, Peeler and Reese: A SENATE RESOLUTION TO CONGRATULATE THE 2009 PAUL M. DORMAN HIGH SCHOOL VARSITY GIRLS VOLLEYBALL TEAM OF SPARTANBURG COUNTY ON WINNING THE CLASS AAAA VOLLEYBALL STATE CHAMPIONSHIP, TO COMMEND THE PLAYERS, COACHES, AND STAFF FOR A SEASON OF SPIRITED COMPETITION, INSPIRING PERSEVERANCE, AND TREMENDOUS ACHIEVEMENT, AND TO WISH THEM EVERY SUCCESS IN THEIR FUTURE ENDEAVORS.

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 The Senate Resolution was adopted.

 S. 1200 -- Senators Bright, S. Martin, Reese and Peeler: A SENATE RESOLUTION TO CONGRATULATE THE PAUL M. DORMAN HIGH SCHOOL GIRLS SWIM TEAM ON ITS SUCCESSFUL PERFORMANCES IN THE CLASS AAAA DIVISION OF THE 2009-2010 HIGH SCHOOL STATE SWIMMING CHAMPIONSHIPS, AND TO RECOGNIZE THE SWIMMERS AND THEIR COACHES ON A SENSATIONAL SEASON.

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 The Senate Resolution was adopted.

 S. 1201 -- Senators Bright, S. Martin, Reese and Peeler: A SENATE RESOLUTION TO CONGRATULATE JAY WARNER OF THE PAUL M. DORMAN HIGH SCHOOL BOYS SWIM TEAM ON HIS SUCCESSFUL PERFORMANCE IN THE CLASS AAAA DIVISION OF THE 2009-2010 HIGH SCHOOL STATE SWIMMING CHAMPIONSHIPS.

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 The Senate Resolution was adopted.

 S. 1202 -- Senators Bright, S. Martin, Peeler and Reese: A SENATE RESOLUTION TO CONGRATULATE DAVID GUTSHALL, HEAD FOOTBALL COACH FOR THE DORMAN HIGH SCHOOL CAVALIERS IN SPARTANBURG, FOR A RECORD 300TH CAREER VICTORY.

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 The Senate Resolution was adopted.

 S. 1203 -- Senator Verdin: A BILL TO AMEND TITLE 50 OF THE 1976 CODE, BY ADDING CHAPTER 27, TO PROVIDE FOR THE ISSUANCE OF WILDLIFE REHABILITATION LICENSES, TO PROVIDE AN APPLICATION PROCESS, AND TO PROVIDE PENALTIES; AND TO AMEND SECTION 50-11-2605, RELATING TO THE POSSESSION AND SALE OF COYOTES AND FOXES, TO PROVIDE THAT IT IS ILLEGAL TO BUY, SELL, TRANSFER, OR POSSESS A FOX.

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

 H. 4580 -- Rep. Crawford: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE ON FRIDAY, JUNE 18, 2010, FROM 11:30 A.M. TO 1:00 P.M. FOR ITS ANNUAL STATE HOUSE MEETING.

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

**HOUSE CONCURRENCES**

 The following Resolutions were returned with concurrence and received as information:

 S. 403 -- Senators Leatherman and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE AT ASHBY ROAD AND MCIVER ROAD IN THE TOWN OF QUINBY AS “T. ASHBY GREGG, SR. INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “T. ASHBY GREGG, SR. INTERCHANGE”.

 S. 624 -- Senator Setzler: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE NORTH EDISTO RIVER ALONG SOUTH CAROLINA HIGHWAY 302 AT THE AIKEN/LEXINGTON COUNTY LINE “HARSEY’S BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “HARSEY’S BRIDGE”.

 S. 762 -- Senator Land: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 260 IN CLARENDON COUNTY FROM ITS INTERSECTION WITH THE MANNING CITY LIMITS TO OXWALI CREEK “FRED CHEWNING HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “FRED CHEWNING HIGHWAY”.

 S. 1036 -- Senators Hayes, Coleman and Mulvaney: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 121 IN YORK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 901 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 5 “FRANK BOBO MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “FRANK BOBO MEMORIAL HIGHWAY”.

 S. 1038 -- Senator Knotts: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE CLARENCE HILL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, FEBRUARY 23, 2010.

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

**SECOND READING BILLS**

 The following Bills, having been read the second time, were ordered placed on the Third Reading Calendar:

 S. 906 -- Senators Leatherman, Land, Coleman and Elliott: A BILL TO AMEND SECTION 9‑8‑50 OF THE 1976 CODE, RELATING TO SERVICE CREDIT IN THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, TO PROVIDE THAT A MEMBER UPON TERMINATION WHO DOES NOT QUALIFY FOR A MONTHLY BENEFIT MAY TRANSFER HIS SERVICE CREDIT TO THE SOUTH CAROLINA RETIREMENT SYSTEM, AND TO CLARIFY PROVISIONS RELATED TO THE TRANSFER OF EARNED SERVICE CREDIT IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS.

 Senator ALEXANDER explained the Bill.

 S. 915 -- Senators Land, Anderson, Nicholson, Leventis, Elliott, Williams, Sheheen and Setzler: A BILL TO AMEND ACT 314 OF 2000, TO TERMINATE THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT ON JUNE 30, 2015.

 Senator ALEXANDER explained the Bill.

 S. 1131 -- Senators Peeler and Coleman: A BILL TO AMEND SECTION 4‑29‑67, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUSTRIAL DEVELOPMENT PROJECTS REQUIRING A FEE IN LIEU OF PROPERTY TAXES AGREEMENT, SO AS TO ADD CERTAIN DEFINITIONS, TO FURTHER PROVIDE FOR THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED NUCLEAR PLANT FACILITY, TO PROVIDE FOR THE TIMELINE WHEN THE SPONSOR MUST ENTER INTO AN INITIAL LEASE AGREEMENT WITH THE COUNTY IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY, AND THE TIMELINES WHEN THE SPONSOR MUST MEET MINIMUM INVESTMENT REQUIREMENTS IN THE CASE OF A QUALIFIED NUCLEAR PLANT FACILITY AND PLACE THE PROJECT INTO SERVICE; TO AMEND SECTION 12‑44‑30, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE CERTAIN DEFINITIONS AND ADD CERTAIN DEFINITIONS; AND TO AMEND SECTION 12‑44‑40, AS AMENDED, RELATING TO THE REQUIRED FEE AGREEMENT BETWEEN THE SPONSOR AND THE COUNTY UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO PROVIDE THE TIME WITHIN WHICH A SPONSOR HAS TO ENTER INTO A FEE AGREEMENT IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY.

 Senator O’DELL explained the Bill.

 S. 1145 -- Senator Leatherman: A BILL TO AMEND SECTIONS 9‑1‑1540, 9‑9‑65, AND 9‑11‑80 OF THE 1976 CODE, RELATING TO THE DATE UPON WHICH AN APPLICATION FOR DISABILITY RETIREMENT MUST BE FILED WITH THE SOUTH CAROLINA RETIREMENT SYSTEM, TO PROVIDE THAT A MEMBER IS CONSIDERED TO BE IN SERVICE ON THE DATE THE APPLICATION IS FILED IF THE MEMBER IS NOT RETIRED AND THE LAST DAY THE MEMBER WAS EMPLOYED BY A COVERED EMPLOYER IN THE SYSTEM OCCURRED NOT MORE THAN NINETY DAYS PRIOR TO THE DATE OF FILING.

 Senator ALEXANDER explained the Bill.

 S. 1146 -- Senator Alexander: A BILL TO AMEND SECTIONS 9‑1‑1770, 9‑1‑1775, 9‑8‑110, 9‑9‑100, 9‑11‑120, 9‑11‑125, AND 9‑11‑140 OF THE 1976 CODE, RELATING TO THE PAYMENT OF DEATH BENEFITS IN RETIREMENT PLANS ADMINISTERED BY THE SOUTH CAROLINA RETIREMENT SYSTEMS, TO REPEAL CERTAIN DUTIES AND RESPONSIBILITIES OF THE BOARD, TO PROVIDE THAT BENEFITS PAID PURSUANT TO THE ACCIDENTAL DEATH INSURANCE BENEFIT SHALL NOT BE TREATED AS A LIFE INSURANCE BENEFIT, AND TO PROVIDE THAT ADJUSTMENTS TO BENEFITS SHALL BE MADE IN THE MANNER PROVIDED IN SECTION 9‑11‑310.

**POINT OF ORDER**

 S. 1194 -- Senators Ryberg, McConnell, Peeler, Hutto, Leventis, Bright, Massey, Setzler, Alexander, Anderson, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Jackson, Knotts, Land, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Matthews, McGill, Mulvaney, Nicholson, O’Dell, Pinckney, Rankin, Reese, Rose, Scott, Sheheen, Shoopman, Thomas, Verdin and Williams: A BILL TO AMEND CHAPTER 3, TITLE 58 OF THE 1976 CODE, RELATING TO THE PUBLIC SERVICE COMMISSION, BY ADDING ARTICLE 7, TO ESTABLISH THE NUCLEAR WASTE ESCROW FUND, TO PROVIDE FOR FUNDING THE ACCOUNT, AND TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH FUNDS IN THE ACCOUNT MAY BE DISTRIBUTED OR UTILIZED.

**Point of Order**

 Senator McCONNELL raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

 The PRESIDENT sustained the Point of Order.

**ADOPTED**

 S. 1191 -- Senators Ryberg, Leatherman, Sheheen, Peeler, Hayes, Verdin, Campbell, Grooms, Hutto, McConnell, Lourie, Williams, Alexander, Setzler, Knotts, Massey, Nicholson, Anderson, Rose, Leventis, L. Martin, Land, Matthews and Shoopman: A CONCURRENT RESOLUTION TO DESIGNATE THE THIRD WEEK IN APRIL 2010 AS “SHAKEN BABY SYNDROME AWARENESS WEEK” TO RAISE AWARENESS REGARDING SHAKEN BABY SYNDROME AND TO COMMEND THE HOSPITALS, CHILD CARE COUNCILS, SCHOOLS, AND OTHER ORGANIZATIONS THAT EDUCATE PARENTS AND CAREGIVERS ON HOW TO PROTECT CHILDREN FROM ABUSE.

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

**CARRIED OVER**

 S. 1026 -- Senator Verdin: A BILL TO AMEND SECTION 50‑13‑1630 OF THE 1976 CODE, RELATING TO THE UNLAWFUL ACT OF IMPORTING, POSSESSING, AND SELLING OF CERTAIN FISH, TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY NOT PERFORM SUBSEQUENT STERILITY TESTS ON WHITE AMUR OR GRASS CARP HYBRIDS THAT HAVE BEEN DETERMINED TO BE STERILE, TO PROVIDE THAT THE CERTIFIED RESULTS OF STERILITY TESTS PERFORMED BY THE UNITED STATES FISH AND WILDLIFE SERVICE ON WHITE AMUR OR GRASS CARP HYBRIDS ARE CONCLUSIVE.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

 S. 642 -- Senators Alexander and Ford: A BILL TO AMEND ARTICLE 31, CHAPTER 5, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 TO PROVIDE THAT A PERSON UNDER THE AGE OF EIGHTEEN MAY NOT OPERATE A MOTOR VEHICLE WHILE USING A CELL PHONE OR OTHER WIRELESS COMMUNICATIONS DEVICE AND TO PROVIDE FOR PENALTIES AND EXCEPTIONS.

 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 (JUD0642.002), which was adopted:

 Amend the bill, as and if amended, by striking the bill in its entirety after the enacting words and inserting:

 / SECTION 1. Article 31, Chapter 5, Title 56 of the 1976 Code is amended by adding:

 “Section 56-5-3890. (A) For purposes of this section:

 (1) ‘Hands-free wireless electronic communication device’ means an electronic device, including, but not limited to, a mobile telephone, a personal digital assistant, a text messaging device, or a computer, that allows a person to wirelessly communicate with another person without the use of either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands‑free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

 (2) ‘Text-based communication’ means a communication using text-based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

 (3) ‘Wireless electronic communication device’ means an electronic device that allows a person to wirelessly communicate with another person, including, but not limited to, a mobile telephone, a personal digital assistant, a text messaging device, or a computer.

 (B) It is unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State.

 (C) This section does not apply to a person who is:

 (1) lawfully parked or stopped;

 (2) using a hands-free wireless electronic communication device or a voice-activated feature or function of the device;

 (3) activating or deactivating a wireless electronic communication device or an internal feature or function of the device;

 (4) reading, selecting, or entering a telephone number or contact in a wireless electronic communication device for the purpose of making or receiving a telephone call;

 (5) summoning medical or other emergency assistance;

 (6) transmitting or receiving data as part of a digital dispatch system;

 (7) a law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person’s official duties; or

 (8) using a global positioning system device or an internal global positioning system feature or function of a wireless electronic communication device for the purpose of navigation or obtaining related traffic and road condition information.

 (D) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined twenty dollars, pay a twenty-five dollar Trauma Care Fund surcharge, and have one point assessed against the person’s motor vehicle operating record, pursuant to Section 56-1-720, no part of which may be waived, reduced, or suspended. The fine is subject to all other applicable court costs, assessments, and surcharges. The Trauma Care Fund surcharge must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the Trauma Care Fund surcharge in the South Carolina State Trauma Care Fund to be used by the Department of Health and Environmental Control as established and provided for in Section 44-61-540. The Trauma Care Fund surcharge is not subject to the provisions of Section 44-61-520(G). If the person does not subsequently violate this section for a one-year period from the date of conviction, the one point assessed against the person’s motor vehicle operating record must be removed.

 (E) A law enforcement officer must not:

 (1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer’s clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State;

 (2) seize or require the forfeiture of a wireless electronic communication device because of a violation of this section;

 (3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section;

 (4) make a custodial arrest for a violation of this section, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine; or

 (5) issue a citation to a person for a violation of this section when the stop is made in conjunction with a driver’s license check, safety check, or registration check conducted at a checkpoint established to stop all drivers on a certain road for a period of time, except when the person is cited for violating another motor vehicle law.

 (F) A person charged with a violation of this section may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person was using a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State at the time of the incident, the penalty is a fine, surcharge, and points assessment pursuant to subsection (D). If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person was using a wireless electronic communication device to compose, send, or read a text-based communication while operating a motor vehicle on the public streets and highways of this State, no penalty shall be assessed. A person found to be in violation of this section may bring an appeal to the court of common pleas pursuant to Section 18‑3‑10 or Section 14‑25‑95.

 (G) This section preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local government entities regarding persons using wireless electronic communication devices while operating motor vehicles on the public streets and highways of this State.

 (H) Nothing in this section is intended to conflict with enforcement of applicable restrictions or requirements imposed on commercial motor vehicle operators pursuant to the Federal Motor Carrier Safety Regulations.”

 SECTION 2. Section 56-1-720 of the 1976 Code is amended to read:

 “Section 56‑1‑720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

 VIOLATION POINTS

 Reckless driving 6

 Passing stopped school bus 6

 Hit‑and‑run, property damages only 6

 Driving too fast for conditions, or speeding:

 (1) No more than 10 m.p.h. above the posted limits…… 2

 (2) More than 10 m.p.h. but less than 25 m.p.h.

 above the posted limits 4

 (3) 25 m.p.h. or above the posted limits 6

 Disobedience of any official traffic control device……….. 4

 Disobedience to officer directing traffic 4

 Failing to yield right of way 4

 Driving on wrong side of road 4

 Passing unlawfully 4

 Turning unlawfully 4

 Driving through or within safety zone 4

 Failing to give signal or giving improper signal

 for stopping, turning, or suddenly decreased speed 4

 Shifting lanes without safety precaution 2

 Improper dangerous parking 2

 Following too closely 4

 Failing to dim lights 2

 Operating with improper lights 2

 Operating with improper brakes 4

 Operating a vehicle in unsafe condition 2

 Driving in improper lane 2

 Improper backing 2

 Using a wireless electronic communication

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

 communication while operating a motor vehicle 1.” SECTION 3. This act takes effect upon approval of the Governor. /

 Renumber sections to conform.

 Amend title to conform.

 Senator LARRY MARTIN explained the committee amendment.

 The committee amendment was adopted.

 Senator MALLOY spoke on the Bill.

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

**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.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

 S. 424 -- Senators Bright, S. Martin, Alexander, Campbell, Fair, Knotts, Cromer, Mulvaney, Verdin, L. Martin, Shoopman, Rose, McConnell, Thomas, Cleary, Courson, Coleman, Davis, Reese, Campsen, Grooms, Ryberg, Peeler, O’Dell, Bryant and Massey: A CONCURRENT RESOLUTION TO AFFIRM THE RIGHTS OF SOUTH CAROLINA BASED ON THE PROVISIONS OF THE NINTH AND TENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

 The House returned the Concurrent Resolution with amendments.

 On motion of Senator HUTTO, the Concurrent Resolution was carried over.

**RATIFICATION OF ACTS**

 Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on February 18, 2010, at 12:30 P.M. and the following Acts and Joint Resolutions were ratified:

 (R124, S. 186) -- Senators McConnell and Campsen: AN ACT TO AMEND SECTION 15‑77‑300, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALLOWANCE OF ATTORNEY’S FEES IN STATE‑INITIATED ACTIONS, SO AS TO LIMIT ATTORNEY’S FEES TO A REASONABLE TIME EXPENDED AT A REASONABLE RATE AND TO PROVIDE FACTORS THAT MUST BE CONSIDERED IN MAKING THIS DETERMINATION.

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 (R125, S. 362) -- Senator Alexander: AN ACT TO AMEND SECTION 42‑11‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS COVERED UNDER WORKERS’ COMPENSATION LAW AND THE PRESUMPTION REGARDING IMPAIRMENT OR INJURY FROM HEART DISEASE OR RESPIRATORY DISEASE, OR BOTH, SO AS TO PROVIDE THAT THE IMPAIRMENT OR INJURY IS CONSIDERED TO HAVE ARISEN OUT OF AND IN THE COURSE OF EMPLOYMENT IF THEY HAVE SUCCESSFULLY PASSED A PHYSICAL EXAM BY JULY 1, 2012, AND BEFORE AN ALLEGED INJURY, AND TO PROVIDE AN ALTERNATIVE PROCEDURE AND DEADLINE FOR SUBMISSION OF PHYSICAL EXAMINATION REPORTS WHEN A LAW ENFORCEMENT AGENCY CANNOT PRODUCE THE REPORT REQUIRED BY THIS SECTION.

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 (R126, S. 654) -- Senators Mulvaney and Sheheen: AN ACT TO AMEND SECTION 30‑5‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PERFORMANCE OF THE REGISTER OF DEEDS’ DUTIES BY THE CLERK OF COURT IN CERTAIN COUNTIES, SO AS TO PROVIDE LANCASTER COUNTY HAS A SEPARATE CLERK OF COURT AND REGISTER OF DEEDS; TO AMEND SECTION 30‑5‑12, AS AMENDED, RELATING TO THE APPOINTMENT OF THE REGISTER OF DEEDS IN CERTAIN COUNTIES, SO AS TO PROVIDE THE GOVERNING BODY OF LANCASTER COUNTY SHALL APPOINT THE REGISTER OF DEEDS FOR LANCASTER COUNTY; AND TO REPEAL ACT 454 OF 2000 RELATING TO THE TRANSFER OF THE DUTIES OF THE REGISTER OF DEEDS IN LANCASTER COUNTY TO THE RECORDS MANAGEMENT DIRECTOR OF LANCASTER COUNTY.

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 (R127, S. 705) -- Senators Leventis and Land: AN ACT TO AMEND SECTION 7‑7‑501, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SUMTER COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF SUMTER COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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 (R128, S. 1022) -- Senators Hayes, Mulvaney and Peeler: AN ACT TO AMEND ACT 959 OF 1954, AS AMENDED, RELATING TO THE CREATION OF THE YORK COUNTY NATURAL GAS AUTHORITY, SO AS TO ALLOW IT TO CONNECT TO ANY SOURCE OF NATURAL GAS AND TO INCREASE ITS POWERS TO ALLOW, AMONG OTHER THINGS, THE PURCHASE AND SALE OF THE TOWN OF BLACKSBURG’S NATURAL GAS SYSTEM.

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 (R129, H. 3488) -- Reps. J.E. Smith, Hart, Williams, R.L. Brown, Hutto and Weeks: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY CERTAIN ISSUES AFFECTING VETERANS AND PROVIDE FOR RELATED MATTERS INCLUDING, BUT NOT LIMITED TO, COMMITTEE MEMBERSHIP AND DUTIES, THE FILLING OF VACANCIES, COMMITTEE MEETINGS, AND STAFFING.

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 (R130, H. 3624) -- Reps. A.D. Young, Horne, Knight and Harrell: AN ACT TO PROVIDE THAT EACH MEMBER OF THE DORCHESTER COUNTY TRANSPORTATION COMMITTEE IS ALLOWED AND MUST BE PAID FROM DORCHESTER COUNTY “C” FUND REVENUES SEVENTY‑FIVE DOLLARS FOR EACH MEETING AT WHICH THE MEMBER IS IN ATTENDANCE.

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 (R131, H. 4055) -- Reps. Hardwick, Hearn, Barfield, Clemmons and Edge: AN ACT TO AMEND SECTION 7‑7‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF HORRY COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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 (R132, H. 4169) -- Rep. Battle: AN ACT TO AMEND ACT 607 OF 1986, AS AMENDED, RELATING TO THE ELECTIONS OF MEMBERS OF THE MARION COUNTY BOARD OF EDUCATION, SO AS TO PROVIDE THAT A PERSON DESIRING TO QUALIFY AS A CANDIDATE SHALL FILE WRITTEN NOTICE OF CANDIDACY AT LEAST SIXTY DAYS BEFORE THE DATE SET FOR THE ELECTION BUT NOT EARLIER THAN NINETY DAYS BEFORE THE ELECTION, TO PROVIDE THAT THE COUNTY COMMISSIONERS OF ELECTION SHALL PUBLISH NOTICES OF THE ELECTION AS PROVIDED IN SECTION 7‑13‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, AND TO PROVIDE THE NONPARTISAN PLURALITY METHOD AS CODIFIED IN SECTION 5‑15‑61, CODE OF LAWS OF SOUTH CAROLINA, 1976, BE REQUIRED TO DETERMINE THE OUTCOME OF THE ELECTION INSTEAD OF PURSUANT TO ACT 81 OF 1977.

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 (R133, H. 4310) -- Reps. Clemmons, Edge and Barfield: AN ACT TO AMEND SECTION 4‑10‑970, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO USES ALLOWED FOR REVENUES OF THE LOCAL OPTION TOURISM DEVELOPMENT FEE, SO AS TO ALLOW AMOUNTS UP TO TWENTY PERCENT OF THE REVENUE TO BE USED FOR PROPERTY TAX RELIEF FOR OWNER‑OCCUPIED RESIDENTIAL PROPERTY AND FOR TOURISM‑RELATED CAPITAL PROJECTS BEGINNING IN THE SECOND RATHER THAN THE THIRD YEAR OF IMPOSITION OF THE FEE, TO REQUIRE THE AMOUNTS USED FOR THESE PURPOSES TO BE RETAINED BY THE MUNICIPALITY WITH AT LEAST TWENTY PERCENT OF THE AMOUNT RETAINED USED AS A CREDIT AGAINST THE PROPERTY TAX LIABILITY OF OWNER‑OCCUPIED RESIDENTIAL PROPERTY AND PROVIDE FOR THE CALCULATION OF THE CREDIT, TO PROVIDE FOR THE USE OF CREDITS IN EXCESS OF THE MUNICIPAL PROPERTY TAX LIABILITY, AND TO PROVIDE REPORTING REQUIREMENTS.

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 (R134, H. 4406) -- Rep. Funderburk: AN ACT TO AMEND SECTION 7‑7‑340, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN KERSHAW COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

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 (R135, H. 4431) -- Rep. H.B. Brown: AN ACT TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REQUIRE THE FINANCE COMMITTEE ESTABLISHED BY THIS ACT TO PREPARE THE DISTRICT BUDGET AND TO SUBMIT IT FOR BOARD REVIEW, TO REQUIRE THE BOARD TO SUBMIT THE BUDGET TO THE FAIRFIELD COUNTY COUNCIL FOR APPROVAL, TO AUTHORIZE THE FAIRFIELD COUNTY COUNCIL TO NOTIFY THE COUNTY AUDITOR OF THE AMOUNT OF THE LEVY NEEDED TO OPERATE SCHOOLS IN THE DISTRICT, TO CREATE A FINANCE COMMITTEE TO OVERSEE THE FINANCIAL OPERATIONS OF THE DISTRICT AND TO PROVIDE ITS MEMBERSHIP, DUTIES, AND GOALS, TO PROVIDE FOR THE HIRING OF A FINANCE DIRECTOR FOR THE DISTRICT AND TO PROVIDE HIS RESPONSIBILITIES AND DUTIES, TO PROVIDE FOR THE ABOLITION OF THE FINANCE COMMITTEE AND THE POSITION OF FINANCE DIRECTOR UPON CERTAIN CONDITIONS, AND TO DEFINE THE DUTIES OF BOTH THE BOARD AND THE DISTRICT SUPERINTENDENT.

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 (R136, H. 4432) -- Rep. H.B. Brown: AN ACT TO AMEND ACT 191 OF 1991, AS AMENDED, RELATING TO THE FAIRFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE MEMBERSHIP OF THE BOARD OF TRUSTEES, TO REVISE COMPENSATION OF BOARD MEMBERS, TO PROVIDE FOR THE FILLING OF VACANCIES, TO PROVIDE FOR THE ABOLITION OF CERTAIN BOARD SEATS UPON CERTAIN CONDITIONS, AND TO REQUIRE THE SCHOOL DISTRICT BOARD AND SUPERINTENDENT TO COOPERATE WITH NEWLY APPROVED BOARD MEMBERS.

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**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**AMENDED, AMENDMENT PROPOSED**

**DEBATE INTERRUPTED**

 S. 391 -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman, Campbell, Rose, Davis, Bright, S. Martin and Sheheen: A BILL TO CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE, TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH, TO CONFORM SEVERAL CODE SECTIONS TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE. (ABBREVIATED TITLE)

 The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. 18 (Doc. No. GGS/22506SD10) proposed by Senators THOMAS and MULVANEY and printed in the Journal of Wednesday, February 17, 2010.

 Senator LEVENTIS argued contra to the adoption of the amendment.

**Objection**

 With Senator LEVENTIS retaining the floor, Senator MULVANEY asked unanimous consent to make a motion to carry over Amendment No. 18 and take up for immediate consideration Amendment No. 23, and that, after the disposition of Amendment No. 23, the Senate would return to the consideration of Amendment No. 18.

 Senator ANDERSON objected.

 Senator LEVENTIS resumed arguing contra to the adoption of Amendment No. 18.

**Motion Adopted**

 With Senator LEVENTIS retaining the floor, Senator MULVANEY asked unanimous consent to make a motion to carry over Amendment No. 18 and take up for immediate consideration Amendment No. 23 on an uncontested basis, and that, after the disposition of Amendment No. 23, the Senate would return to the consideration of Amendment No. 18.

 There was no objection.

 Amendment No. 18 was carried over.

 The Senate proceeded to a consideration of Amendment No. 23.

**Amendment No. 23**

 Senators CAMPSEN, RYBERG, LAND, HUTTO, ROSE, SETZLER and KNOTTS proposed the following amendment (391CAUSEDIS2), which was adopted:

 Amend the bill, as and if amended, page 48, after line 30 by striking SECTION 83 in its entirety and inserting:

 / SECTION 83. Section 41‑35‑120 of the 1976 Code, as last amended by Act 50 of 2005, is further amended to read:

 “Section 41‑35‑120. An~~y~~ insured worker is ineligible for benefits for:

 (1) leaving work voluntarily. If the ~~Commission~~department finds ~~that~~ he ~~has~~ left voluntarily, without good cause, his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the ~~Commission~~department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for ~~such~~those services equal to at least eight times the weekly benefit amount of his claim.

 (2) Discharge for cause connected with the employment. If the ~~commission~~ department finds that he has been discharged for cause connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing not less than five nor more than the next twenty‑six weeks, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker’s benefits to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification. The ineligibility period must be determined by the ~~commission~~ department in each case according to the seriousness of the cause for discharge. A charge of discharge for cause connected with the employment may not be made for failure to meet production requirements unless the failure is occasioned by wilful failure or neglect of duty. ‘Cause connected with the employment’ as used in this item requires more than a failure in good performance of the employee as the result of inability or incapacity.

 (3) (a) Discharge for illegal drug use, and is ineligible for benefits beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim if the:

 (i) company has communicated a policy prohibiting the illegal use of drugs, the violation of which may result in termination; and

 (ii) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

 (iii) insured worker provides a blood, hair, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

 (A) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel; and

 (B) the test was performed by a laboratory certified by the National Institute on Drug Abuse, the College of American Pathologists or the State Law Enforcement Division; and

 (C) ~~any~~an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted ~~methods~~method approved by the National Institute on Drug Abuse.

 (iv) for purposes of this item, ‘unlawfully’ means without a prescription.

 (~~c~~b) If an insured worker makes an admission pursuant to the employer’s policy, which provides that voluntary admissions made before the employer’s request to the employee to submit to testing may protect an employee from immediate termination, then the admission is inadmissible for purposes of this section as long as the:

 ~~(A)~~(i) employer has communicated a written policy, which provides protection from immediate termination for employees who voluntarily admit prohibited drug use before the employer’s request to submit to a test; and

 ~~(B)~~(ii) employee makes the admission specifically pursuant to the employer’s policy.

 (~~d~~c) Information, interviews, reports, and drug‑test results, written or otherwise, received by an employer through a drug‑testing program may be used or received in evidence in proceedings conducted pursuant to the provisions of this title for the purposes of determining eligibility for unemployment compensation, including ~~any~~ administrative or judicial appeal.

 (~~3~~4) Discharge for gross misconduct, and is ineligible for benefits beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim if he is discharged due to:

 (i) wilful or reckless employee damage to employer property that results in damage of more than fifty dollars;

 (ii) employee consumption of alcohol or being under the influence of alcohaol on employer property in violation of a written company policy restricting or prohibiting consumption of alcohol;

 (iii) employee theft of items valued at more than fifty dollars;

 (iv) failure to comply with applicable state or federal drug and alcohol testing and use regulations including, but not limited to, 49 C.F.R. part 40 and part 382 of the federal motor carrier safety regulations, while on the job or on duty, and regulations applicable for employees performing transportation and other safety sensitive job functions as defined by the federal government;

 (v) employee committing criminal assault or battery of another employee or a customer;

 (vi) employee committing criminal abuse of patient or child in his professional care;

 (vii) employee insubordination, which is defined as wilful failure to comply with a lawful, reasonable order of a supervisor directly related to the employee’s employment as described in an applicable written job description; or

 (viii) employee wilful neglect of duty directly related to the employee’s employment as described in an applicable written job description.

 (5) failure to accept work.

 (a) If the ~~Commission~~department finds ~~that~~ he has failed, without good cause~~,~~;

 (i)(a) either to apply for available suitable work, when so directed by the employment office or the ~~Commission~~ department;

 ~~(ii)~~(b) to accept available suitable work when offered to him by the employment office or an employer~~,~~; or

 ~~(iii)~~(c) to return to his customary self‑employment, ~~(~~if any~~)~~, when so directed by the ~~Commission~~department, the ineligibility begins with the week the failure occurred and continues until he has secured employment and shows to the satisfaction of the ~~Commission~~department that he has performed services in employment as defined in Chapters 27 through 41 of this title and earned wages for services equal to at least eight times his weekly benefit amount of his claim.

 (b) In determining whether ~~or not any~~ work is suitable for an individual, the ~~Commission shall~~department must consider, based on a standard of reasonableness as it relates to the particular individual concerned, the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

 (c) Notwithstanding ~~any other provisions~~another provision of Chapters 27 through 41 of this title, ~~no~~ work is not considered suitable and benefits may not be denied under ~~such~~these chapters to ~~any~~an otherwise eligible individual for refusing to accept new work under any of the following conditions~~:~~;

 ~~(i)~~(a) if the position offered is vacant due directly to a strike, lockout, or other labor dispute~~,~~;

 ~~(ii)~~(b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality~~,~~; or

 ~~(iii)~~(c) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

 (d) Notwithstanding ~~any other provisions~~another provision of Chapters 27 through 41 of this title, ~~no~~an otherwise eligible individual may not be denied ~~benefits~~a benefit for ~~any~~a week for failure to apply for, or refusal to accept, suitable work because he is in training with the approval of the ~~Commission~~department.

 (e) Notwithstanding ~~any other~~another provision of this chapter, ~~no~~an otherwise eligible individual may not be denied ~~benefits~~a benefit for ~~any~~a week because he is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor may the individual be denied benefits by reason of leaving work to enter training, ~~so long as~~if the work left is not suitable employment, or because of the application to ~~any~~a week in training of provisions in this law ~~(~~or ~~any~~an applicable federal unemployment compensation law~~)~~, relating to availability for work, active search for work, or refusal to accept work. For purposes of this subitem, ‘suitable employment’ means, with respect to an individual, work of a substantially equal or higher skill level than the individual’s past adversely affected employment, ~~(~~as defined for purposes of the Trade Act of 1974~~)~~, and wages for the work at not less than eighty percent of the individual’s average weekly wage as determined for the purposes of the Trade Act of 1974.

 (~~4~~6) labor dispute. For ~~any~~a week in which the ~~Commission~~department finds that his total or partial unemployment is directly due to a labor dispute in active progress in the factory, establishment, or other premises at which he was last employed. This paragraph does not apply if it is shown to the satisfaction of the ~~Commission~~department that he:

 (a) ~~He~~ is not participating in, financing, or directly interested in the labor dispute;

 (b) ~~He~~ does not belong to a grade or class of workers of which, immediately before he became unemployed by reason of the dispute, there were members employed at the premises at which the dispute exists, any of whom are participating in or directly interested in the dispute. If ~~in any case~~ separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each department for the purpose of this item is considered to be a separate factory, establishment, or other premises.

 (~~5~~7) receiving benefits elsewhere. For ~~any~~a week in which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States. If the appropriate agency of the other state or of the United States finally determines that he is not entitled to unemployment benefits, this disqualification does not apply.

 (~~6~~8) voluntary retirement. If the ~~Commission~~department finds that he voluntarily retired from his most recent work with the ineligibility beginning with the effective date of his claim and continuing for the duration of his unemployment and until the individual submits satisfactory evidence of having had new employment and of having earned wages of not less than eight times his weekly benefit amount as defined in Section 41‑35‑40. For the purpose of this section, ‘most recent work’ means the work from which the individual retired regardless of any work subsequent to his retirement in which he earned less than eight times his weekly benefit amount.”

 Renumber sections to conform.

 Amend title to conform.

 Senator CAMPSEN explained the amendment.

 The amendment was adopted.

 The Senate resumed consideration of Amendment No. 18.

 Senator LEVENTIS resumed arguing contra to the adoption of Amendment No. 18.

 With Senator LEVENTIS retaining the floor, on motion of Senator McCONNELL, with unanimous consent, debate was interrupted by adjournment.

**Expression of Personal Interest**

 Senator SHEHEEN rose for an Expression of Personal Interest.

**LOCAL APPOINTMENTS**

**Confirmations**

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

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Lyman Wayne Davis, 608 North Weston Street, Fountain Inn, SC 29644

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Jimmy B. Henson, P.O. Box 416, Pacolet Mills, SC 29373

Reappointment, Greenville County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

William Donald Owens, 250 Laurel Road, Greer, SC 29651

**ADJOURNMENT**

 At 12:43 P.M., on motion of Senator McCONNELL, with unanimous consent, 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.

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