**Wednesday, May 19, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

 The Senate assembled at 11:45 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:

At the outset of his rule as king, Solomon humbly asked the Lord God to:

 “Give me now wisdom and knowledge to go out and come in before this people, for who can rule this great people of yours?”

(II Chronicles 1:10)

 Join me now as we pray, please:

 Dear Lord, we recall how Solomon was able to rule wisely, exercising not only power but also demonstrating humility. We likewise ask You to guide each of these Senators in the way You would have them go, O God. In a challenging and difficult age like ours, it is not at all an easy role: to don the mantle of leadership. May all who serve You here in the Senate of South Carolina—Senators and staff alike—take time to seek Your will and to trust in Your guidance. And as always, may the beneficiaries of Your grace be the women and men and children of this State. This we pray in Your loving name, O Lord. Amen.

**Motion Adopted**

 On motion of Senator McCONNELL, the Senate agreed that at the conclusion of the Joint Assembly, the Senate would reconvene one hour after the Joint Assembly or at 2:00 P.M., whichever was later.

**RECESS**

 At 11:55 A.M., on motion of Senator McCONNELL, the Senate receded from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Elections**

 At Twelve O'clock Noon the Senate appeared in the Hall of the House.

 The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of Concurrent Resolutions adopted by both Houses:

 S. 1344 -- Senators Alexander, Rankin, Hutto, McConnell and Knotts: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 19, 2010, AS THE TIME TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SECOND DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE FOURTH DISTRICT, WHOSE TERM EXPIRES JUNE 30, 2010; TO ELECT A SUCCESSOR TO THE MEMBER OF THE PUBLIC SERVICE COMMISSION FOR THE SIXTH DISTRICT, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2014; TO ELECT A SUCCESSOR TO THE AT‑LARGE SEAT ON A BOARD OF TRUSTEES FOR CLEMSON UNIVERSITY, WHOSE TERM EXPIRES IN 2012; AND TO ELECT THE SUCCESSOR TO THE SECOND DISTRICT, SEAT 3, ON THE BOARD OF TRUSTEES OF FRANCIS MARION UNIVERSITY, WHOSE TERM EXPIRES IN 2014.

and

 H. 4891 -- Rep. Bingham: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 19, 2010, IMMEDIATELY FOLLOWING THE ELECTION OF TRUSTEES TO INSTITUTIONS OF HIGHER EDUCATION AND MEMBERS OF THE PUBLIC SERVICE COMMISSION, AS THE TIME TO ELECT MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL TO SUCCEED THE INTERIM MEMBERS OF THAT PANEL.

**Election to the Public Service Commission, Second District**

 The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Second District (Seat #2).

 Senator ALEXANDER, Chairman of the Screening Committee, indicated that Mr. David A. Wright had been screened and found qualified to serve and placed his name in nomination.

 Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

 Whereupon, the PRESIDENT announced that the Honorable David A. Wright was elected to the Public Service Commission, Second District (Seat #2) for the term prescribed by law.

**Election to the Public Service Commission, Fourth District**

 The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Fourth District (Seat #4).

 Senator ALEXANDER, Chairman of the Screening Committee, indicated that Ms. Elizabeth B. “Lib” Fleming had been screened and found qualified to serve and placed her name in nomination.

 Senator ALEXANDER moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

 Whereupon, the PRESIDENT announced that the Honorable Elizabeth B. “Lib” Fleming was elected to the Public Service Commission, Fourth District (Seat #4) for the term prescribed by law.

**Election to the Public Service Commission, Sixth District**

 The PRESIDENT announced that nominations were in order to elect a successor to fill the position on the Public Service Commission, Sixth District (Seat #6).

 Senator ALEXANDER, Chairman of the Screening Committee, indicated that Ms. Nikiya “Nikki” Hall and Mr. Martin Huggins had been screened and found qualified to serve.

 On motion of Senator ALEXANDER the name of Mr. Martin Huggins was withdrawn from consideration.

 Senator ALEXANDER placed the name of Ms. Nikiya “Nikki” Hall in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

 Whereupon, the PRESIDENT announced that the Honorable Nikiya “Nikki” Hall was elected to the Public Service Commission, Sixth District (Seat #6) for the term prescribed by law.

**Statement by Senators THOMAS, MALLOY and DAVIS**

 We certify that we took no action in the consideration of nor in voting in the matter of the Public Service Commission elections that would preclude my representation of a client under the provisions of Section 8-13-745.

 Immediately following the Joint Assembly called for the Election to the Public Service Commission, the PRESIDENT announced that the Joint Assembly would proceed to the Election to the Board of Trustees for Colleges and Universities.

**Election to an At-Large Position**

**on the Board of Trustees for Clemson University**

 The PRESIDENT announced that nominations were in order to elect a successor to the three at-large positions on the Board of Trustees for Clemson University.

 Senator KNOTTS, on behalf of the Committee to Screen Candidates for State Colleges and Universities, indicated that Dr. Ronnie Lee, Ms. Weesie Poole, Mr. Neil C. Robinson and Mr. John Warner had been screened and found qualified to serve.

 On motion of Senator KNOTTS, the names of Ms. Weesie Poole, Mr. Neil C. Robinson and Mr. John Warner were withdrawn from consideration.

 On motion of Senator KNOTTS, the name of Dr. Ronnie Lee was placed in nomination.

 Senator KNOTTS moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominees.

 Whereupon, the PRESIDENT announced that the Honorable Dr. Ronnie Lee was elected to an at-large position on the Board of Trustees for Clemson University for the term prescribed by law.

**Election to the Board of Trustees for the**

**Francis Marion University, 2nd Congressional District, Seat #3**

 The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Francis Marion University, 2nd Congressional District, Seat #3.

 Senator KNOTTS, on behalf of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. Eddie Gunn had been screened and found qualified to serve and placed his name in nomination.

 Senator KNOTTS moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

 Whereupon, the PRESIDENT announced that the Honorable Eddie Gunn was elected to a position on the Board of Trustees for Francis Marion University, 2nd Congressional District, Seat #3 for the term prescribed by law.

 Immediately following the elections to Francis Marion University, Clemson University and the Public Service Commission, the Joint Assembly proceeded to the election of members to the Department of Employment and Workforce Appellate Panel.

**Election to the Department of Employment and**

**Workforce Appellate Panel**

 The PRESIDENT announced that nominations were in order to elect members to three seats on the Department of Employment and Workforce Appellate Panel.

 Senator RYBERG, Chairman of the Screening Committee, indicated that Ms. Evelyn Belicia Ayers, Mr. John Cagle, Ms. Kristina Jones Catoe, Mr. Tim Dangerfield, Ms. Sandra Bell Grooms, Mr. Ronnie Hoover, Mr. Steve Kelly, Jr., Mr. Thomas T. Medlock, Jr., Mr. Gary Porth and Mr. M. Wade Scott, Jr. had been screened and found qualified to serve.

 On motion of Senator RYBERG, the names of Mr. Ronnie Hoover, Mr. John Cagle, Mr. Thomas T. Medlock and Mr. Gary Porth were withdrawn from consideration.

 On motion of Senator RYBERG, the names of Ms. Evelyn Belicia Ayers, Ms. Kristina Jones Catoe, Mr. Tim Dangerfield, Mr. Steve Kelly, Jr. and Mr. M. Wade Scott, Jr. were placed in nomination.

 The Reading Clerk of the Senate called the roll of the Senate and the

Senators voted *viva voce* as their names were called.

 The following named Senators voted for Ms. Ayers:

Anderson Bryant Coleman

Courson Elliott Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leventis Lourie Malloy

*Martin, Shane* Massey McConnell

McGill Nicholson Peeler

Pinckney Rankin Reese

Ryberg Scott Setzler

Sheheen Williams

**Total--29**

 The following named Senators voted for Ms. Catoe:

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Ford Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Williams

**Total--38**

 The following named Senators voted for Mr. Dangerfield:

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Cromer Davis

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

*Martin, Larry Martin, Shane* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Rankin Rose

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--37**

 The following named Senators voted for Mr. Kelly:

Alexander Bright Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Grooms

Hayes Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Mulvaney O’Dell

Pinckney Reese Rose

Sheheen Shoopman Thomas

Verdin

**Total--28**

 The following named Senators voted for Mr. Scott:

Fair Thomas Verdin

**Total--3**

 On motion of Representative James Smith, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Ayers:

|  |  |  |
| --- | --- | --- |
| Agnew | Allen | Anderson |
| Bales | Ballentine | Bannister |
| Bingham | Bowers | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | R. L. Brown | Clemmons |
| Clyburn | Cobb-Hunter | Cooper |
| Crawford | Daning | Delleney |
| Dillard | Edge | Erickson |
| Frye | Funderburk | Gambrell |
| Gilliard | Govan | Hardwick |
| Harrell | Hart | Harvin |
| Hayes | Hearn | Herbkersman |
| Hiott | Hodges | Horne |
| Hosey | Howard | Huggins |
| Hutto | Jefferson | Jennings |
| Kennedy | King | Knight |
| Lowe | Lucas | Mack |
| McEachern | McLeod | Merrill |
| Miller | Millwood | Mitchell |
| J. H. Neal | J. M. Neal | Neilson |
| Ott | Owens | Parker |
| M. A. Pitts | Rutherford | Sandifer |
| Scott | Sellers | Skelton |
| D. C. Smith | G. M. Smith | J. E. Smith |
| Sottile | Stavrinakis | Umphlett |
| Vick | Viers | Weeks |
| Whipper | White | Whitmire |
| Williams | Willis | A. D. Young |
| T. R. Young |  |  |

**Total--85**

The following named Representatives voted for Catoe:

|  |  |  |
| --- | --- | --- |
| Allen | Allison | Anderson |
| Bales | Ballentine | Barfield |
| Bingham | Bowen | Brady |
| Branham | Brantley | G. A. Brown |
| H. B. Brown | Cato | Chalk |
| Clemmons | Cobb-Hunter | Cole |
| Cooper | Dillard | Duncan |
| Edge | Forrester | Funderburk |
| Gambrell | Govan | Haley |
| Hardwick | Harrell | Harrison |
| Hart | Harvin | Hayes |
| Hearn | Hodges | Horne |
| Howard | Huggins | Hutto |
| Jennings | Kelly | Kennedy |
| Knight | Limehouse | Littlejohn |
| Long | McLeod | Miller |
| D. C. Moss | V. S. Moss | J. H. Neal |
| J. M. Neal | Neilson | Norman |
| Ott | Pinson | Rice |
| Rutherford | Sandifer | Sellers |
| Simrill | Skelton | G. M. Smith |
| J. E. Smith | Spires | Stewart |
| Stringer | Thompson | Toole |
| Vick | Viers | White |
| Whitmire | A. D. Young | T. R. Young |

**Total--75**

The following named Representatives voted for Dangerfield:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Bales |
| Bannister | Barfield | Bedingfield |
| Bingham | Bowen | Bowers |
| Brantley | R. L. Brown | Chalk |
| Clyburn | Cobb-Hunter | Cole |
| Crawford | Daning | Delleney |
| Duncan | Edge | Erickson |
| Forrester | Frye | Gilliard |
| Govan | Haley | Hamilton |
| Harrell | Harrison | Hayes |
| Hearn | Herbkersman | Hiott |
| Horne | Hosey | Howard |
| Jefferson | Kelly | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Mack | Merrill |
| Miller | Millwood | Mitchell |
| D. C. Moss | V. S. Moss | Nanney |
| Norman | Ott | Owens |
| Parker | Pinson | Rice |
| Sandifer | Scott | Sellers |
| Simrill | Skelton | D. C. Smith |
| G. R. Smith | Sottile | Spires |
| Stavrinakis | Stewart | Stringer |
| Thompson | Toole | Umphlett |
| Weeks | Whipper | Whitmire |
| Williams | Willis | Wylie |
| T. R. Young |  |  |

**Total--79**

The following named Representatives voted for Kelly:

|  |  |  |
| --- | --- | --- |
| Agnew | Allison | Ballentine |
| Bannister | Barfield | Bedingfield |
| Bowen | Bowers | Brady |
| Branham | G. A. Brown | H. B. Brown |
| R. L. Brown | Cato | Chalk |
| Clemmons | Clyburn | Cole |
| Cooper | Crawford | Daning |
| Delleney | Duncan | Erickson |
| Forrester | Frye | Funderburk |
| Gambrell | Haley | Hamilton |
| Hardwick | Harrison | Hart |
| Harvin | Herbkersman | Hiott |
| Hosey | Huggins | Hutto |
| Jefferson | Jennings | Kelly |
| Kennedy | Knight | Limehouse |
| Littlejohn | Loftis | Long |
| Lowe | Lucas | McEachern |
| McLeod | Merrill | Millwood |
| Mitchell | D. C. Moss | V. S. Moss |
| Nanney | J. M. Neal | Neilson |
| Norman | Owens | Parker |
| Pinson | M. A. Pitts | Rice |
| Scott | Simrill | D. C. Smith |
| G. M. Smith | G. R. Smith | J. E. Smith |
| Sottile | Spires | Stavrinakis |
| Stringer | Thompson | Toole |
| Umphlett | Vick | Viers |
| Weeks | White | Williams |
| Willis | Wylie | A. D. Young |

**Total--87**

The following named Representatives voted for Scott:

|  |  |  |
| --- | --- | --- |
| Bedingfield | Cato | Hamilton |
| Loftis | Nanney | M. A. Pitts |
| G. R. Smith | Wylie |  |

**Total--8**

**RECAPITULATION**

Total number of Senators voting 45

Total number of Representatives voting 117

Grand Total 162

Necessary to a choice 82

Of which Ms. Ayers received 114

Of which Ms. Catoe received 113

Of which Mr. Dangerfield received 116

Of which Mr. Kelly received 115

Of which Mr. Scott received 11

 Whereupon, the PRESIDENT announced that the Honorable Tim Dangerfield, the Honorable Evelyn Belicia Ayers and the Honorable Steve Kelly were elected to the three seats on the Department of Employment and Workforce Appellate Panel for the terms prescribed by law.

 The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

 At 1:35 P.M., the Senate resumed.

 By prior motion of Senator McCONNELL, the Senate receded until 2:35 P.M.

**AFTERNOON SESSION**

 The Senate reassembled at 2:47 P.M. and was called to order by the PRESIDENT.

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

**Point of Quorum**

 At 2:48 P.M., Senator McCONNELL made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

 Senator McCONNELL moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

 A quorum being present, the Senate resumed.

**Recorded Presence**

 Senators JACKSON and FORD recorded their presence subsequent to the Call of the Senate.

**CO-SPONSORS ADDED**

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

S. 1462 Sen. Larry Martin

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Mark C. Sanford:

**Local Appointment**

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

James A. McLaurin, Jr., 224 McDaniel Drive, Trenton, SC 29847 *VICE* Davis Parkman

**Privilege of the Floor**

 On motion of Senator McCONNELL, the Privilege of the Floor was extended to Mrs. Lillian “Bunny” Woods Jones, Senior Policy Advisor to the PRESIDENT *Pro Tempore* and to congratulate her and wish her the Senate’s best wishes on the occasion of her retirement.

**Doctor of the Day**

 Senator DAVIS introduced Dr. H. Timberlake Pearce of Beaufort, S.C., Doctor of the Day.

**Leave of Absence**

 At 2:50 P.M., Senator THOMAS requested a leave of absence from 3:30 - 5:45 P.M.

**Leave of Absence**

 At 4:10 P.M., Senator LOURIE requested a leave of absence for the balance of the day.

**Leave of Absence**

 On motion of Senator LOURIE, at 4:10 P.M., Senator SHEHEEN was granted a leave of absence for the balance of the day.

**Leave of Absence**

 At 4:25 P.M., Senator JACKSON requested a leave of absence until 11:00 A.M. tomorrow.

**RECALLED**

 S. 1447 -- Senators Campbell, Campsen and Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF JEDBURG ROAD IN BERKELEY COUNTY FROM ITS INTERSECTION WITH INTERSTATE HIGHWAY 26 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 “FIREFIGHTER MICHAEL FRENCH ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS “FIREFIGHTER MICHAEL FRENCH ROAD”.

 Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

 The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

 H. 3814 -- Reps. Allison, Cole, Forrester, Kelly and Parker: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO DESIGN AND IMPLEMENT A HIGHWAY BEAUTIFICATION PILOT PROJECT TO REDUCE THE NUMBER OF NONCONFORMING BILLBOARDS THROUGHOUT THE STATE.

 Senator GROOMS asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Transportation.

 The Joint Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 1457 -- Senator Scott: A SENATE RESOLUTION TO HONOR THE REVEREND DR. JAMES S. COOPER, PASTOR OF PINE GROVE AME CHURCH IN COLUMBIA, FOR HIS FIFTY YEARS OF PASTORAL MINISTRY AND TO WISH HIM GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

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 The Senate Resolution was adopted.

 S. 1458 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE CHAPIN HIGH SCHOOL BOYS TENNIS TEAM FOR ITS UNDEFEATED SEASON, AND TO CONGRATULATE THE PLAYERS AND COACHES FOR CAPTURING THE 2010 CLASS AAA STATE CHAMPIONSHIP TITLE.

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 The Senate Resolution was adopted.

 S. 1459 -- Senator Fair: A CONCURRENT RESOLUTION CONGRATULATING MR. FRANCIS MARION ASHE ON THE CELEBRATION OF HIS NINETIETH BIRTHDAY AND WISHING HIM WELL IN THE FUTURE.

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

 S. 1460 -- Senators McConnell, 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, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION CONGRATULATING LILLIAN "BUNNY" WOODS JONES ON THE OCCASION OF HER RETIREMENT FROM THE STAFF OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND SENATE COMMITTEE ON JUDICIARY, THANKING HER FOR HER DEDICATION TO THE PEOPLE OF SOUTH CAROLINA, AND WISHING HER WELL IN ALL OF HER FUTURE ENDEAVORS.

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 The Senate Resolution was adopted.

 S. 1461 -- Senators Hutto and Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SPECIAL AGENT AL JARVIS OF BAMBERG COUNTY WITH THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION (SLED) FOR HIS OUTSTANDING SERVICE DURING A DECEMBER 2009 HOSTAGE STANDOFF IN WYTHEVILLE, VIRGINIA.

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

 S. 1462 -- Senators McConnell, Setzler and L. Martin: A CONCURRENT RESOLUTION TO MEMORIALIZE THE PRESIDENT OF THE UNITED STATES, THE CONGRESS OF THE UNITED STATES, AND THE FEDERAL COMMUNICATIONS COMMISSION OF THE UNITED STATES TO REFRAIN FROM REGULATING INTERNET BROADBAND SERVICES AS COMMON CARRIER SERVICES UNDER TITLE II OF THE COMMUNICATIONS ACT OF 1934.

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

 S. 1463 -- Senator Leventis: A BILL TO AMEND ACT 387 OF 2008, AS AMENDED, RELATING TO THE CONSOLIDATION OF SUMTER SCHOOL DISTRICTS 2 AND 17, SO AS TO EXTEND THE TERM OF OFFICE FOR MEMBERS THAT ARE SET TO EXPIRE IN 2010.

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 Read the first time and ordered placed on the Local and Uncontested Calendar.

 S. 1464 -- Senator Lourie: A CONCURRENT RESOLUTION TO EXPRESS THE GRATITUDE OF THE CITIZENS OF SOUTH CAROLINA FOR THE "QUIET HEROES" FROM POLAND WHO COURAGEOUSLY HAVE FOUGHT FOR THIS COUNTRY'S FREEDOMS FROM 1775 THROUGH WORLD WAR II AND PARTICULARLY FOR THE COURAGE OF RICHARD COSBY (RYSZARD KOSSOBUDZKI), WHO FOUGHT WITH INCREDIBLE BRAVERY AND FORTITUDE FOR POLAND, AND WITH AMERICA FOR THE FREE WORLD, FOR THE LIBERATION OF EUROPE.

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

 S. 1465 -- Senators Leventis, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE TECHNICAL SERGEANT (TSGT) ELIZABETH LEIGH RICHARDSON UPON THE OCCASION OF HER RETIREMENT FROM THE UNITED STATES AIR FORCE, TO COMMEND HER FOR TWENTY-TWO YEARS OF DEDICATED MILITARY SERVICE, AND TO WISH HER EVERY HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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 The Senate Resolution was adopted.

 S. 1466 -- Senator Leatherman: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE JOHNSONVILLE HIGH SCHOOL GIRLS TRACK TEAM OF FLORENCE COUNTY FOR A SUCCESSFUL SEASON, AND TO CONGRATULATE THEM FOR CAPTURING THE 2010 CLASS A STATE CHAMPIONSHIP TITLE.

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 The Senate Resolution was adopted.

 S. 1467 -- Senator Elliott: A CONCURRENT RESOLUTION TO HONOR AND COMMEND COMMANDER BOBBY VICK STRICKLAND, SR. OF HORRY COUNTY UPON THE OCCASION OF HIS RETIREMENT AS A LAW ENFORCEMENT OFFICER FOR THE CITY OF NORTH MYRTLE BEACH, AND TO WISH HIM MUCH SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

 S. 1468 -- Senators Lourie, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO COMMEND THE EXTRAORDINARY HEROISM OF RETIRED UNITED STATES ARMY COLONEL CHARLES P. MURRAY, JR. OF COLUMBIA WHO FOR HIS VALOR WAS GRANTED THE MEDAL OF HONOR, THE HIGHEST AWARD THAT CAN BE BESTOWED UPON A MEMBER OF THE ARMED FORCES OF THE UNITED STATES.

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 The Senate Resolution was adopted.

 S. 1469 -- Senator Leatherman: A SENATE RESOLUTION TO EXPRESS THE CONGRATULATIONS AND BEST WISHES OF THE MEMBERS OF THE SENATE TO THE REVEREND THOMAS C. PIETILA, PASTOR OF CENTRAL UNITED METHODIST CHURCH IN FLORENCE, SOUTH CAROLINA, UPON THE OCCASION OF HIS RETIREMENT AND TO WISH HIM MANY MORE YEARS OF GOOD HEALTH AND HAPPINESS AND CONTINUED SERVICE TO THE PEOPLE OF HIS COMMUNITY AND STATE.

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 The Senate Resolution was adopted.

 H. 3298 -- Reps. Sellers, Bedingfield, Nanney, Cato, Delleney, Kelly, Pinson, E. H. Pitts, M. A. Pitts, Parker and Millwood: A BILL TO AMEND SECTION 16-23-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CARRYING OF A HANDGUN, SO AS TO PROVIDE THAT A PERSON MAY LAWFULLY STOW A HANDGUN UNDER THE SEAT OF A VEHICLE.

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

 H. 4153 -- Reps. T. R. Young, D. C. Moss and McLeod: A BILL TO AMEND SECTION 2-17-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2-17-25, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYIST'S PRINCIPALS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST PRINCIPAL MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2-17-50, RELATING TO THE AUTHORITY OF THE STATE ETHICS COMMISSION TO ENFORCE FILING REQUIREMENTS AND ASSESS PENALTIES FOR FAILURE TO FILE, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT; TO AMEND SECTION 8-13-100, RELATING TO THE DEFINITION OF "FAMILY MEMBER" FOR THE PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT OF 1991, SO AS TO INCLUDE BROTHERS-IN-LAW AND SISTERS-IN-LAW; TO AMEND SECTION 8-13-700, RELATING TO USE OF ONE'S OFFICIAL POSITION FOR OFFICIAL GAIN, SO AS TO REPLACE CERTAIN REFERENCES TO "IMMEDIATE FAMILY" WITH THE BROADER TERM "FAMILY MEMBER"; AND TO AMEND SECTION 8-13-1510, AS AMENDED, RELATING TO PENALTIES FOR EITHER LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT REQUIRED BY CHAPTER 13, TITLE 8, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT.

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

 H. 4987 -- Rep. J. E. Smith: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE REVEREND ROBERT G. RIEGEL OF COLUMBIA, UPON THE OCCASION OF HIS EIGHTIETH BIRTHDAY, AND TO WISH HIM CONTINUED GOOD HEALTH AND MUCH HAPPINESS IN THE YEARS TO COME.

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

 H. 4988 -- Reps. R. L. Brown, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE THE ADMINISTRATION, FACULTY, STAFF, PARENTS, AND STUDENTS OF EDITH L. FRIERSON ELEMENTARY SCHOOL OF WADMALAW ISLAND FOR THE SCHOOL'S OUTSTANDING ACADEMIC PROGRESS, AND TO CONGRATULATE THE SCHOOL ON RECEIVING A COVETED 2010 PALMETTO GOLD AWARD FOR CLOSING THE ACHIEVEMENT GAP AND A 2010 PALMETTO SILVER AWARD FOR OVERALL GENERAL PERFORMANCE.

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

 H. 4992 -- Reps. Harrell, Limehouse, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MEMORABLE "MEM" FACTOR OF CHARLESTON COUNTY, AND TO CONGRATULATE HIM FOR WINNING FIRST PLACE IN THE FIRST-GRADE DIVISION AT THE STATE MATHFEST COMPETITION AND FOR BEING NAMED A NATIONAL CHAMPION OF LE GRAND CONCOURS 2010 FRENCH COMPETITION.

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

 H. 4993 -- Reps. Harrell, Limehouse, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR CAILLEY FACTOR OF CHARLESTON COUNTY, AND TO CONGRATULATE HER FOR WINNING FIRST PLACE IN THE SECOND-GRADE DIVISION AT THE STATE MATHFEST COMPETITION AND FOR BEING NAMED A NATIONAL CHAMPION OF LE GRAND CONCOURS 2010 FRENCH COMPETITION.

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

 H. 4997 -- Reps. Govan, Ott, Cobb-Hunter, Sellers, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE MELVIN SMOAK, SUPERINTENDENT OF ORANGEBURG CONSOLIDATED SCHOOL DISTRICT FIVE, UPON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

 H. 5001 -- Reps. Limehouse, Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION DECLARING THE WEEK OF SEPTEMBER 27 THROUGH OCTOBER 3, 2010, "SOUTH CAROLINA MEDAL OF HONOR WEEK" AND CALLING UPON SOUTH CAROLINIANS TO PARTICIPATE IN PROGRAMS THAT WEEK PAYING TRIBUTE TO RECIPIENTS OF THE MEDAL OF HONOR AND TO REFLECT ON THE SERVICE AND SACRIFICE OF MEDAL OF HONOR RECIPIENTS AND ALL MEMBERS OF THE ARMED FORCES IN EVERY GENERATION.

 The Concurrent Resolution was introduced and referred to the General Committee.

**REPORTS OF STANDING COMMITTEES**

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

 H. 3059 -- Rep. Herbkersman: A BILL TO AMEND SECTION 7‑1‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN SOUTH CAROLINA ELECTION LAW, SO AS TO DELETE THE DEFINITION “CLUB DISTRICT”; TO AMEND SECTION 7‑5‑460, RELATING TO CUSTODY OF BOOKS AND THEIR RETURN AFTER AN ELECTION, SO AS TO DELETE A REFERENCE TO A “CLUB” AS AN ENTITY TO WHOM THE BOOKS ARE RESPONSIBLE; TO AMEND SECTIONS 7‑9‑20, 7‑9‑30, AS AMENDED, 7‑9‑40, 7‑9‑50, AS AMENDED, 7‑9‑60, AND 7‑9‑70, RELATING TO CLUBS IN PARTY ORGANIZATIONS, SO AS TO DELETE REFERENCES TO PARTY CLUBS WHICH CLARIFIES THE ORGANIZATIONAL RELATIONS WITH ELECTION PRECINCTS; TO PROVIDE THAT ALL ELECTED PRECINCT COMMITTEEMEN MAY VOTE ON QUESTIONS BEFORE THE COUNTY COMMITTEE, TO PROVIDE THAT THE CHAIRMAN MAY VOTE IN THE CASE OF A TIE, AND TO PROVIDE THAT AN ELECTED OFFICER OF THE COUNTY COMMITTEE WHO IS NOT A PRECINCT COMMITTEEMAN MAY VOTE DE FACTO, AND TO CLARIFY THE ELECTION PRECINCTS ORGANIZATIONAL RELATIONSHIP; AND TO AMEND SECTION 7‑13‑170, RELATING TO THE PROCEDURE WHEN A MANAGER FAILS TO ATTEND THE PLACE WHICH HAS BEEN SCHEDULED FOR HOLDING A POLL, SO AS TO DELETE THE TERM “CLUB” FROM THE QUALIFYING MEMBER TO BECOME A MANAGER IN THE PLACE OF ABSENT MANAGERS.

 Ordered for consideration tomorrow.

 Senator LARRY MARTIN from the Committee on Judiciary submitted a majority favorable with amendment and Senator SCOTT a minority unfavorable report on:

 H. 3249 -- Reps. G.M. Smith and Viers: A BILL TO AMEND SECTIONS 15‑78‑30 AND 15‑78‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIABILITY PURSUANT TO THE TORT CLAIMS ACT, SO AS TO FURTHER DEFINE THE DEFINITIONS OF THE TERMS “SCOPE OF OFFICIAL DUTY” AND “SCOPE OF STATE EMPLOYMENT” AND TO EXPRESSLY PROVIDE FOR IMMUNITY OF CERTAIN GOVERNMENTAL EMPLOYEES WHEN INVESTIGATING POTENTIAL WRONGDOING OR DISCIPLINING ANOTHER EMPLOYEE UNDER CERTAIN CIRCUMSTANCES.

 Ordered for consideration tomorrow.

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

 H. 3489 -- Reps. Harrell, Cato, Sandifer, Cooper, Duncan, Owens, White, Bingham, A.D. Young, Huggins, E.H. Pitts, Edge, Toole, Kirsh, J.R. Smith, G.R. Smith, Brady, Crawford, Barfield, Bedingfield, Erickson, Loftis, Pinson, Rice, Hiott, Littlejohn, Allison, Chalk, Daning, Bowen, Gambrell, Hamilton, Wylie, Sottile, Nanney, Parker, Forrester, Haley, Millwood, Battle, Frye, Simrill, Spires, Thompson, Whitmire, Horne, Clemmons, Skelton and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2009” BY AMENDING ARTICLE 1, CHAPTER 32, TITLE 15, PREVIOUSLY RESERVED, SO AS TO PROVIDE DEFINITIONS FOR PURPOSES OF THE CHAPTER; TO AMEND SECTION 15‑32‑220, AS AMENDED, RELATING TO LIMITS ON NONECONOMIC DAMAGES, AND ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, BOTH SO AS TO PROVIDE LIMITS ON THE AWARD OF NONECONOMIC AND PUNITIVE DAMAGES IN ALL PERSONAL INJURY ACTIONS AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTION 1‑7‑750 SO AS TO ENACT THE “PRIVATE ATTORNEY RETENTION SUNSHINE ACT” TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES; TO AMEND SECTION 15‑3‑670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS; BY ADDING SECTION 15‑3‑160 SO AS TO PROVIDE A REBUTTABLE PRESUMPTION THAT A MANUFACTURER OR SELLER IS NOT LIABLE FOR A PRODUCT IF IT IS MANUFACTURED OR SOLD IN A MANNER APPROVED BY A GOVERNMENT AGENCY; BY ADDING SECTION 15‑5‑10 SO AS TO PROVIDE REQUIREMENTS AND PROCEDURES TO BRING, MAINTAIN, AND CERTIFY CLASS ACTIONS; TO AMEND SECTION 15‑73‑10, RELATING TO LIABILITY OF THE SELLER FOR A DEFECTIVE PRODUCT, SO AS TO PROVIDE THAT THE SELLER IS NOT LIABLE FOR DAMAGE CAUSED ONLY TO THE PRODUCT ITSELF; TO AMEND SECTION 18‑9‑130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; TO AMEND SECTIONS 33‑6‑220 AND 33‑44‑303, RELATING TO CORPORATIONS AND LIMITED LIABILITY COMPANIES, SO AS TO PROVIDE THAT A JUDGMENT AGAINST A CORPORATION OR LIMITED LIABILITY COMPANY IS A PREREQUISITE TO AN ALTER EGO CLAIM TO PIERCE THE CORPORATE VEIL; TO AMEND SECTION 39‑5‑20, RELATING TO UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, SO AS TO PROVIDE ACTIONS OR TRANSACTIONS OTHERWISE PERMITTED OR REGULATED BY THE FEDERAL TRADE COMMISSION OR ANOTHER REGULATORY BODY OR OFFICE ACTING UNDER STATUTORY AUTHORITY OF THIS STATE OR THE UNITED STATES ARE NOT COVERED BY THE ACT; TO AMEND SECTION 39‑5‑140, RELATING TO AN ACTION FOR DAMAGES ARISING OUT OF AN UNFAIR OR DECEPTIVE TRADE PRACTICE, SO AS TO PROVIDE THAT A PERSON SEEKING DAMAGES SHALL PAY “OUT‑OF‑POCKET EXPENSES” AND TO DEFINE THIS TERM; TO AMEND SECTION 56‑5‑6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO PROVIDE THAT A VIOLATION MAY BE CONSIDERED IN A CIVIL ACTION AS EVIDENCE OF COMPARATIVE NEGLIGENCE OR AS EVIDENCE OF FAILURE TO MITIGATE DAMAGES; AND TO REPEAL SECTIONS 15‑32‑200, 15‑32‑210, AND 15‑32‑240 ALL RELATING TO NONECONOMIC DAMAGES AND PROCEDURES REGARDING THE LIMITATION AND COLLECTION OF NONECONOMIC DAMAGES.

 Ordered for consideration tomorrow.

 Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

 H. 3561 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE REVENUES FOR THE OPERATIONS OF STATE GOVERNMENT FOR FISCAL YEAR 2009-2010 TO SUPPLEMENT APPROPRIATIONS MADE FOR THOSE PURPOSES BY THE GENERAL APPROPRIATIONS ACT FOR FISCAL YEAR 2009-2010.

 Ordered for consideration tomorrow.

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

 H. 3746 -- Reps. Clemmons and Viers: A BILL TO AMEND SECTION 7‑11‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOMINATION OF CANDIDATES BY A PETITION, SO AS TO PROVIDE THAT NO QUALIFIED ELECTOR WHO VOTED IN A PRIMARY ELECTION IS ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO RUN FOR AN OFFICE TO BE FILLED AT THE GENERAL ELECTION FOLLOWING THAT PRIMARY AND TO PROVIDE THAT A QUALIFIED ELECTOR OTHERWISE ELIGIBLE TO SIGN A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT MAY NOT SIGN MORE THAN ONE PETITION PER GENERAL ELECTION PER OFFICE; BY ADDING SECTION 7‑11‑75 SO AS TO PROVIDE THAT A PERSON OFFERING FOR ELECTION AS A PETITION CANDIDATE IN ANY GENERAL ELECTION MUST HAVE FIRST NOTIFIED THE ENTITY TO WHICH THE PETITION IS REQUIRED TO BE FILED BY THE BEGINNING DATE OF THE PRIMARY ELECTION PRECEDING THAT GENERAL ELECTION OF HIS INTENTION TO FILE AS A PETITION CANDIDATE FOR THAT OFFICE, AND TO PROVIDE THAT FAILURE TO DO SO DISQUALIFIES HIM AS A PETITION CANDIDATE FOR THAT GENERAL ELECTION; TO AMEND SECTION 7‑11‑80, AS AMENDED, RELATING TO THE FORM OF NOMINATING PETITIONS, SO AS TO REQUIRE ALL THE SIGNATURES TO BE LEGIBLE SO THAT THE NAME OF THE VOTER CAN BE IDENTIFIED BEYOND A REASONABLE DOUBT; TO AMEND SECTION 7‑11‑85, RELATING TO VERIFICATION OF THE SIGNATURES ON PETITIONS, SO AS TO REVISE THE VERIFICATION PROCESS, TO PROVIDE THAT ALL QUALIFIED ELECTORS SIGNING A PETITION FOR A CANDIDATE TO APPEAR ON A GENERAL ELECTION BALLOT FOR ELECTION TO A PARTICULAR OFFICE MUST HAVE BEEN A QUALIFIED ELECTOR WHO REGISTERED TO VOTE AT LEAST THIRTY DAYS BEFORE SUBMISSION OF THE PETITION, AND TO REQUIRE THE REGISTRATION BOARD TO VERIFY THE VOTER IS A QUALIFIED ELECTOR IN THAT JURISDICTION; BY ADDING SECTION 7‑11‑95 SO AS TO PROVIDE THAT THE ENTITY TO WHICH A PETITION MUST BE FILED MAY REJECT THE PETITION IF, AFTER A HEARING, THE ENTITY FINDS THAT BY A PREPONDERANCE OF THE EVIDENCE FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION, AND TO PROVIDE THAT THE VALIDATION OF THE SIGNATURES ON A PETITION AND THE DETERMINATION OF WHETHER OR NOT FRAUD WAS COMMITTED IN THE EXECUTION OF THE PETITION MUST BE CONDUCTED IN PUBLIC AFTER NOTICE; AND BY ADDING SECTION 7‑11‑100 SO AS TO PROVIDE THAT DECISIONS OF A LOCAL ENTITY TO WHICH A PETITION MUST BE FILED MAY BE APPEALED TO THE STATE ELECTION COMMISSION AND THEREAFTER TO A COURT OF COMPETENT JURISDICTION IN THE MANNER IN WHICH APPEALS FROM THE STATE ELECTION COMMISSION MAY BE TAKEN.

 Ordered for consideration tomorrow.

 Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

 H. 3748 -- Reps. Duncan, Clemmons, Chalk and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑20‑24 SO AS TO PROVIDE THAT THE VALUE OF OWNER OCCUPIED PROPERTY MUST BE INCLUDED IN THE CALCULATION OF THE INDEX OF TAXPAYING ABILITY UNTIL A PERMANENT CHANGE IN THE METHOD OF ITS CALCULATION IS ENACTED; AND TO CREATE THE INDEX OF TAXPAYING ABILITY STUDY COMMITTEE, TO PROVIDE FOR ITS MEMBERSHIP AND ITS PURPOSE, AND TO REQUIRE THE COMMITTEE TO REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY BY JANUARY 10, 2010, UPON WHICH DATE THE COMMITTEE SHALL DISSOLVE.

 Ordered for consideration tomorrow.

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

 H. 3835 -- Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Brady, Branham, Brantley, H.B. Brown, R.L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb‑Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Hamilton, Hardwick, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D.C. Moss, Nanney, J.H. Neal, J.M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E.H. Pitts, M.A. Pitts, Rice, Scott, Sellers, Simrill, Skelton, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Spires, Stavrinakis, Stewart, Thompson, Toole, Umphlett, Vick, Viers, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 9, TITLE 23 TO ENACT THE “SOUTH CAROLINA HYDROGEN PERMITTING ACT” SO AS TO CREATE THE STATE HYDROGEN PERMITTING PROGRAM AND TO STATE THE PURPOSE OF THE PROGRAM; TO PROVIDE CERTAIN DEFINITIONS; TO PROVIDE THAT ONLY THE STATE FIRE MARSHAL MAY PERMIT A HYDROGEN FACILITY IN THIS STATE, BUT MAY DELEGATE THIS AUTHORITY TO A COUNTY OR MUNICIPAL OFFICIAL IN SPECIFIC CIRCUMSTANCES; TO PROVIDE THE DUTIES AND OBLIGATIONS OF THE STATE FIRE MARSHAL UNDER THE ACT; TO PROVIDE REQUIREMENTS FOR A PARTY SEEKING TO RENOVATE OR CONSTRUCT A HYDROGEN FACILITY; TO PROVIDE THE STATE FIRE MARSHAL MAY IMPOSE CERTAIN FEES RELATED TO PERMITTING, LICENSING, AND INSPECTING UNDER THE ACT; TO PROVIDE PENALTIES FOR A PERSON WHO CONVEYS OR ATTEMPTS TO CONVEY HYDROGEN IN VIOLATION OF THE ACT; AND TO AMEND SECTION 23‑9‑20, RELATING TO DUTIES OF THE STATE FIRE MARSHAL, SO AS TO PROVIDE THE STATE FIRE MARSHAL SHALL SUPERVISE ENFORCEMENT OF THE SOUTH CAROLINA HYDROGEN PERMITTING PROGRAM.

 Ordered for consideration tomorrow.

 Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

 H. 3839 -- Reps. Edge, Harrison, Viers, McLeod and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 21, TITLE 5 SO AS TO ENACT THE “MUNICIPAL FINANCE OVERSIGHT ACT OF 2009” TO CREATE THE MUNICIPAL FINANCE OVERSIGHT COMMISSION AND AN EXECUTIVE COMMITTEE OF THE COMMISSION, PROVIDE FOR THEIR COMPOSITION, POWERS, DUTIES, AND RESPONSIBILITIES, REQUIRE MUNICIPALITIES TO SUBMIT ANNUAL FINANCIAL REPORTS AND ANNUAL AUDITS, PROVIDE FOR SANCTIONS AGAINST MUNICIPALITIES THAT FAIL TO COMPLY WITH THE COMMISSION’S PLAN FOR REFINANCING, ADJUSTING, OR COMPROMISING A DEBT, PROVIDE PENALTIES FOR AN OFFICER OR EMPLOYEE OF A MUNICIPALITY WHO FAILS TO COMPLY WITH THE PROVISIONS OF ARTICLE 9, CHAPTER 21; AND TO AMEND SECTION 6‑1‑50, AS AMENDED, RELATING TO THE REQUIREMENT OF A FINANCIAL REPORT SUBMITTED BY COUNTIES AND MUNICIPALITIES TO THE STATE BUDGET AND CONTROL BOARD, OFFICE OF RESEARCH AND STATISTICS, ECONOMIC RESEARCH SECTION, SO AS TO DELETE THE REQUIREMENT THAT THE REPORT BE SUBMITTED BY A MUNICIPALITY.

 Ordered for consideration tomorrow.

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

 H. 3878 -- Reps. Rice, Harrison, Cooper, Bingham and Toole: A JOINT RESOLUTION TO ESTABLISH A JOINT STUDY COMMITTEE ON THE CONSOLIDATION OF STATE AGENCIES, PROVIDE FOR ITS MEMBERSHIP AND DUTIES, REQUIRE SUBMISSION OF RECOMMENDATIONS, AND PROVIDE FOR ITS TERMINATION.

 Ordered for consideration tomorrow.

 Senator GROOMS from the Committee on Transportation polled out H. 4187 favorable:

 H. 4187 -- Reps. White and Kirsh: A BILL TO AMEND SECTION 55‑9‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POWERS THAT AN ENTITY HAS TO ESTABLISH AN AIRPORT OR LANDING FIELD OR ACQUIRE, LEASE, OR SET APART PROPERTY FOR THAT PURPOSE, SO AS TO DELETE A PROVISION THAT LIMITS THE TERM OF A LEASE OF AIRPORTS OR LANDING FIELDS TO PRIVATE PARTIES FOR OPERATION.

**Poll of the Transportation Committee**

**Polled 17; Ayes 16; Nays 0; Not Voting 1**

**AYES**

Grooms Ryberg Land

Leatherman McGill Rankin

Verdin Malloy Pinckney

Campsen Cleary Anderson

Bright Campbell Peeler

Sheheen

**Total--16**

**NAYS**

**Total--0**

**NOT VOTING**

Elliott

**Total--1**

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

 H. 4202 -- Reps. Mitchell, Long, Dillard, Cobb‑Hunter and Sellers: A BILL TO AMEND SECTION 16‑3‑930, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES, SO AS TO PROVIDE A MANDATORY MINIMUM PENALTY OF FIVE YEARS FOR A PERSON WHO COMMITS THE OFFENSE AND INCREASE THE MAXIMUM PENALTY TO THIRTY YEARS.

 Ordered for consideration tomorrow.

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

 H. 4215 -- Reps. Harrison, McLeod and Weeks: A BILL TO AMEND SECTION 18‑3‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A DECISION OF A MAGISTRATE, SO AS TO PROVIDE THAT AN APPELLANT MUST SERVE A NOTICE OF APPEAL OF A DECISION OF A MAGISTRATE UPON THE OFFICER OR ATTORNEY WHO PROSECUTED THE CASE IN ADDITION TO THE MAGISTRATE WHO TRIED THE CASE.

 Ordered for consideration tomorrow.

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

 H. 4225 -- Reps. Rutherford, McLeod and Weeks: A BILL TO AMEND SECTION 16‑3‑1400, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE ARTICLE ON THE VICTIM ASSISTANCE PROGRAM, SO AS TO PROVIDE THAT THE TERM “VICTIM SERVICE PROVIDER” DOES NOT INCLUDE MAGISTRATE OR MUNICIPAL JUDGES AND THEIR STAFF.

 Ordered for consideration tomorrow.

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

 H. 4233 -- Rep. Harrison: A BILL TO AMEND SECTION 12‑21‑1010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE BEER AND WINE LICENSE TAX, SO AS TO CONFORM THE DEFINITION OF “BEER” FOR PURPOSES OF THIS LICENSE TAX TO THE REVISED DEFINITION FOR “BEER” PROVIDED BY LAW FOR THE REGULATION OF BEER AND WINE SALES AND CONSUMPTION.

 Ordered for consideration tomorrow.

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

 H. 4256 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 17‑30‑125, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INCIDENCES WHEN THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ORDER CERTAIN PERSONS TO CUT, REROUTE, OR DIVERT TELEPHONE LINES FOR CERTAIN PURPOSES, SO AS TO PROVIDE THAT THE SUPERVISING AGENT OF A LAW ENFORCEMENT AGENCY MAY ISSUE ADMINISTRATIVE SUBPOENA TO A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY WHEN IT RECEIVES INFORMATION THAT INDICATES THAT A PERSON’S LIFE IS THREATENED, A PRISONER MAY ESCAPE, A PERSON IS BEING HELD AS A HOSTAGE, A PERSON MAY RESIST ARREST WHILE USING A WEAPON, OR AN ARMED PERSON MAY COMMIT SUICIDE, AND TO PROVIDE THAT THE GOOD FAITH RELIANCE BY A TELEPHONE COMPANY, INTERNET SERVICE PROVIDER, OR ANOTHER COMMUNICATIONS ENTITY TO PROVIDE INFORMATION SPECIFIED IN AN ADMINISTRATIVE SUBPOENA IS A COMPLETE DEFENSE TO A CIVIL, CRIMINAL, OR ADMINISTRATIVE ACTION ARISING OUT OF THE ORDER OR ADMINISTRATIVE SUBPOENA.

 Ordered for consideration tomorrow.

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

 H. 4261 -- Reps. Harrison and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑75 SO AS TO PROVIDE THAT THE DIRECTOR OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, OR HIS DESIGNEE, MAY ISSUE AN ADMINISTRATIVE SUBPOENA FOR THE PRODUCTION OF RECORDS DURING THE INVESTIGATION OF CERTAIN CRIMINAL CASES THAT INVOLVE FINANCIAL CRIMES.

 Ordered for consideration tomorrow.

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

 H. 4282 -- Reps. D.C. Smith, Owens, Littlejohn, Gilliard, Daning, Hosey, Clemmons, Harrison and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A TEXT MESSAGING DEVICE OR A HAND‑HELD MOBILE TELEPHONE, AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION.

 Ordered for consideration tomorrow.

 Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

 H. 4430 -- Reps. Merrill, Lowe, Bingham, Hutto, Limehouse, Crawford, Harrell, Harrison and G.M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-218 SO AS TO PROVIDE THAT IF A MUNICIPALITY CONSISTS OF REAL PROPERTY LOCATED IN TWO OR MORE COUNTIES AND ONE OF THOSE COUNTIES BUT NOT ALL UNDERGOES AND IMPLEMENTS A COUNTYWIDE REASSESSMENT AND EQUALIZATION PROGRAM IN A PARTICULAR YEAR, ANY HIGHER REAL PROPERTY TAX VALUATIONS IN THAT COUNTY RESULTING FROM THE REASSESSMENT SHALL NOT APPLY FOR PURPOSES OF COMPUTING MUNICIPAL AD VALOREM TAXES UNTIL THE YEAR IN WHICH ALL OTHER COUNTIES IN THE MUNICIPALITY HAVE COMPLETED AND IMPLEMENTED SUCH A REASSESSMENT AND EQUALIZATION PROGRAM.

 Ordered for consideration tomorrow.

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

 H. 4448 -- Reps. Sandifer, Agnew, Duncan, M.A. Pitts, Neilson, Brady, Gunn, Lowe, Funderburk, Hardwick, Mitchell, Hearn, Pinson, Bales, Clemmons, Toole, D.C. Moss, Ballentine, Willis, Huggins, Long, Simrill, H.B. Brown, Kirsh, Forrester, Rice, Anderson, D.C. Smith, Nanney, Vick, Stewart, T.R. Young, Bowers, Allen, V.S. Moss, Whitmire, Littlejohn, G.R. Smith, Hayes, Cobb‑Hunter, J.R. Smith, Brantley, Gambrell, King, Viers, Bannister, Dillard, Ott, Jefferson, Herbkersman, Allison, Wylie, R.L. Brown, Whipper, Weeks, Knight and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑37‑50 SO AS TO AUTHORIZE ELECTRIC COOPERATIVES AND MUNICIPAL ELECTRIC SYSTEMS TO IMPLEMENT FINANCING SYSTEMS FOR ENERGY EFFICIENCY IMPROVEMENTS, TO GIVE THEM THE AUTHORITY TO FINANCE THE PURCHASE PRICE AND INSTALLATION COST OF ENERGY CONSERVATION MEASURES, TO PROVIDE FOR THE RECOVERY OF THIS FINANCING THROUGH CHARGES PAID FOR BY THE CUSTOMERS BENEFITTING FROM THE INSTALLATION OF THE ENERGY CONSERVATION MEASURES, TO PROTECT THE ENTITIES FROM LIABILITY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF THESE MEASURES, TO PROVIDE FOR THE INSTALLATION OF ENERGY EFFICIENCY AND CONSERVATION MEASURES IN RENTAL PROPERTIES, AND TO PROVIDE A MECHANISM FOR RECOVERY OF THE COSTS OF THESE MEASURES INSTALLED IN RENTAL PROPERTIES; AND TO AMEND SECTION 8‑21‑310, AS AMENDED, RELATING TO THE SCHEDULE OF FEES AND COSTS TO BE COLLECTED IN EACH COUNTY BY A CLERK OF COURT, REGISTER OF DEEDS, OR COUNTY TREASURER, SO AS TO ALLOW A FEE BE CHARGED FOR FILING A NOTICE OF A METER CONSERVATION CHARGE.

 Ordered for consideration tomorrow.

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

 H. 4505 -- Rep. Nanney: A BILL TO AMEND SECTION 14‑1‑214, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF FINES, FEES, AND COURT COSTS BY CREDIT OR DEBIT CARD, SO AS TO INCLUDE REGISTERS OF DEEDS IN THE LIST OF PERSONS ASSOCIATED WITH THE COURTS WHO MAY ACCEPT PAYMENT BY CREDIT OR DEBIT CARD.

 Ordered for consideration tomorrow.

 Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

 H. 4506 -- Reps. Lucas, Harrison, J.E. Smith, Harrell, Battle and Rutherford: A JOINT RESOLUTION TO MAKE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY IN REGARD TO THE SETTLEMENT OF LITIGATION INVOLVING A SITE ACQUIRED BY THE STATE OF SOUTH CAROLINA IN RICHLAND COUNTY FOR THE PROPOSED STATE FARMERS’ MARKET, AND TO CONFIRM AND VALIDATE THE USE OF SPECIFIC TRACTS OF LAND RECEIVED BY THE SOUTH CAROLINA RESEARCH AUTHORITY, AND RICHLAND COUNTY AS PART OF THE SETTLEMENT, AND THE USE OF CERTAIN REVENUES TO MEET OBLIGATIONS CONTINUING UNDER THE SETTLEMENT.

 Ordered for consideration tomorrow.

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

 H. 4712 -- Rep. J.H. Neal: A CONCURRENT RESOLUTION MAKING THE SOUTH CAROLINA GENERAL ASSEMBLY AND THE CITY OF ACCRA, GHANA, SISTER ENTITIES FOR THE PURPOSE OF EXCHANGING INFORMATION AND IDEAS CONCERNING THE LEGISLATIVE AND GOVERNMENTAL PROCESS OF EACH ENTITY.

 Ordered for consideration tomorrow.

 Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

 H. 4715 -- Rep. Vick: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF JEFFERSON NATIONAL GUARD ARMORY IN JEFFERSON, SOUTH CAROLINA, TO THE COUNTY OF CHESTERFIELD.

 Ordered for consideration tomorrow.

 Senator CLEARY from the Committee on Judiciary submitted a favorable report on:

 H. 4865 -- Rep. Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑674 SO AS TO DESIGNATE THE SOUTH CAROLINA PECAN FESTIVAL IN FLORENCE COUNTY AS THE OFFICIAL STATE PECAN FESTIVAL.

 Ordered for consideration tomorrow.

 Senator VERDIN from the Committee on Agriculture and Natural Resources polled out H. 4888 favorable:

 H. 4888 -- Reps. Duncan, Ott, Forrester and Mitchell: A JOINT RESOLUTION TO ADOPT THE PROPOSED “TAILORING RULE” OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN SOUTH CAROLINA UPON ITS ADOPTION BY THE EPA IN ORDER TO GIVE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SUFFICIENT TIME TO PROMULGATE APPROPRIATE REGULATIONS REGARDING GREENHOUSE GASES.

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

**Polled 16; Ayes 14; Nays 0; Not Voting 3**

**AYES**

Verdin Grooms Leventis

McGill Hutto Knotts

Bryant Campsen Williams

Campbell Bright Davis

Mulvaney Rose

**Total--14**

**NAYS**

**Total--0**

**NOT VOTING**

Matthews Elliott Sheheen

**Total--3**

 Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 18, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 S. 286 -- Senators Cleary, Rose and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 8 TO TITLE 44 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO IMPLEMENT A TARGETED COMMUNITY HEALTH PROGRAM IN THREE TO FIVE COUNTIES OF NEED FOR DENTAL HEALTH EDUCATION, SCREENING, AND TREATMENT REFERRALS IN PUBLIC SCHOOLS FOR CHILDREN IN KINDERGARTEN, THIRD, SEVENTH, AND TENTH GRADES OR UPON ENTRY INTO PUBLIC SCHOOLS, TO REQUIRE PROGRAM GUIDELINES TO BE PROMULGATED IN REGULATIONS, TO REQUIRE AN ACKNOWLEDGMENT OF DENTAL SCREENING TO BE ISSUED UPON COMPLETION OF THE SCREENING AND TO REQUIRE THIS ACKNOWLEDGMENT TO BE PRESENTED TO THE CHILD’S SCHOOL, TO REQUIRE NOTIFICATION TO THE CHILD’S PARENT IF PROFESSIONAL ATTENTION IS INDICATED BY THE SCREENING AND IF AUTHORIZED BY THE CHILD’S PARENTS, TO PROVIDE NOTIFICATION TO THE COMMUNITY HEALTH COORDINATOR TO FACILITATE FURTHER ATTENTION IF NEEDED, AND TO PROVIDE THAT A SCREENING MUST BE COMPLETED UNLESS A CHILD’S PARENT COMPLETES AN EXEMPTION FORM.

Respectfully submitted,

Speaker of the House

 Received as Information

 The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., March 18, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 S. 405 -- Senator Cleary: A BILL TO AMEND SECTION 12-37-220 OF THE 1976 CODE, RELATING TO PROPERTY TAX EXEMPTIONS, TO CLARIFY THAT A WATERCRAFT AND ITS MOTOR MAY NOT RECEIVE A FORTY-TWO AND 75/100 PERCENT EXEMPTION IF THE BOAT OR WATERCRAFT IS CLASSIFIED AS A PRIMARY OR SECONDARY RESIDENCE FOR PROPERTY TAX PURPOSES; TO AMEND SECTION 12-37-224, RELATING TO BOATS AS A PRIMARY OR SECONDARY RESIDENCE, TO PROVIDE THAT A BOAT OR WATERCRAFT THAT CONTAINS A COOKING AREA WITH AN ONBOARD POWER SOURCE, A TOILET WITH EXTERIOR EVACUATION, AND A SLEEPING QUARTER, SHALL BE CONSIDERED A PRIMARY OR SECONDARY RESIDENCE FOR PURPOSES OF AD VALOREM PROPERTY TAXATION IN THIS STATE; AND TO AMEND SECTION 12-37-714, RELATING TO BOATS WITH A SITUS IN THIS STATE, TO PROVIDE THAT UPON AN ORDINANCE PASSED BY THE LOCAL GOVERNING BODY, A COUNTY MAY SUBJECT A BOAT, INCLUDING ITS MOTOR IF THE MOTOR IS SEPARATELY TAXED, TO PROPERTY TAX IF IT IS WITHIN THIS STATE FOR NINETY DAYS IN THE AGGREGATE, REGARDLESS OF THE NUMBER OF CONSECUTIVE DAYS.

Respectfully submitted,

Speaker of the House

 Received as Information

 The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 18, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 S. 783 -- Senator McConnell: A BILL TO AMEND SECTION 51‑13‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEMBERS OF THE GOVERNING BOARD OF THE PATRIOTS POINT DEVELOPMENT AUTHORITY, SO AS TO PROVIDE FOR THREE ADDITIONAL MEMBERS OF THE BOARD AND THE MANNER OF THEIR TERMS AND APPOINTMENT.

Respectfully submitted,

Speaker of the House

 Received as Information

 The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 18, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 S. 836 -- Senator Cromer: A BILL TO AMEND SECTION 51‑13‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, SO AS TO PROHIBIT CERTAIN ACTIVITIES WHILE ON PARK PROPERTY.

Respectfully submitted,

Speaker of the House

 Received as Information

 The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 18, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 S. 974 -- Senator Campsen: A BILL TO AMEND SECTION 50‑9‑20 OF THE 1976 CODE, RELATING TO THE DURATION OF HUNTING AND FISHING LICENSES, TO PROVIDE THAT ANNUAL HUNTING AND FISHING LICENSES SHALL BE VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE AND TO PROVIDE THAT THREE‑YEAR HUNTING AND FISHING LICENSES SHALL BE VALID FOR THREE YEARS FROM THE DATE OF ISSUANCE; BY ADDING SECTION 50‑9‑560, TO PROVIDE THAT THE DEPARTMENT MAY ISSUE THREE‑YEAR COMBINATION LICENSES, SPORTSMAN LICENSES, JUNIOR SPORTSMAN LICENSES, BIG GAME PERMITS, AND WILDLIFE MANAGEMENT AREA PERMITS; TO AMEND SECTION 50‑9‑920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, TO ESTABLISH THE THREE‑YEAR HUNTING AND FISHING LICENSE FUND, TO PROVIDE THAT THREE‑YEAR LICENSE FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE THIRD OF THE FUND MUST BE DISTRIBUTED TO THE GAME PROTECTION FUND, TO ESTABLISH THE THREE‑YEAR WILDLIFE MANAGEMENT AREA PERMIT FUND, TO PROVIDE THAT THREE‑YEAR WILDLIFE MANAGEMENT AREA PERMIT FEES ARE DEPOSITED IN THE FUND, TO PROVIDE THAT ONE‑THIRD OF THE FUND MUST BE DISTRIBUTED TO THE WILDLIFE ENDOWMENT FUND; AND TO MAKE CONFORMING AMENDMENTS.

Respectfully submitted,

Speaker of the House

 Received as Information

 The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 18, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 S. 1078 -- Senators Jackson, Knotts, Courson, Ryberg, Nicholson, Sheheen, Thomas, Rose, Campbell, Malloy, Ford, L. Martin, Hayes, Verdin, Davis, Leventis and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑7‑264 SO AS TO REQUIRE THE OWNER OF A COMMUNITY RESIDENTIAL CARE FACILITY TO UNDERGO A CRIMINAL RECORD CHECK AS A REQUIREMENT OF LICENSURE AND TO ENUMERATE THOSE CRIMES THAT PRECLUDE LICENSURE.

Respectfully submitted,

Speaker of the House

 Received as Information

 The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 18, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 S. 1134 -- Senators Peeler and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 59 SO AS TO ENACT THE “SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE ACT” TO PROVIDE THAT SCHOOL DISTRICTS SHALL TAKE CERTAIN MEASURES TO HELP ENSURE THAT THE EDUCATION NEEDS OF CHILDREN IN FOSTER CARE ARE MET BY ASSISTING WITH ENROLLMENT, SCHOOL RECORDS AND CREDIT TRANSFERS, ACCESS TO RESOURCES AND ACTIVITIES, AND EXCUSED ABSENCE MAKE‑UP REQUIREMENTS; TO PROVIDE THAT SCHOOL DISTRICTS SHALL PROVIDE ACCESS TO AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF SOCIAL SERVICES FOR SCHOOL RECORDS OF CHILDREN IN FOSTER CARE; AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE AN EDUCATIONAL ADVOCATE FOR CHILDREN IN FOSTER CARE.

Respectfully submitted,

Speaker of the House

 Received as Information

 The Bill was ordered placed on the Calendar for consideration tomorrow.

**ACTING PRESIDENT PRESIDES**

 At 3:25 P.M., Senator LARRY MARTIN assumed the Chair.

**Message from the House**

Columbia, S.C., May 18, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 S. 1294 -- Senator Peeler: A BILL TO AMEND SECTION 50‑11‑2540 OF THE 1976 CODE, RELATING TO THE TRAPPING SEASON OF FURBEARING ANIMALS, TO PROVIDE THAT IT IS LAWFUL TO TRAP COYOTES FROM NOVEMBER FIRST OF EACH YEAR TO MARCH FIRST OF THE SUCCEEDING YEAR.

Respectfully submitted,

Speaker of the House

 Received as Information

 The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 18, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 S. 1363 -- Senators Hayes, Setzler and Courson: A BILL TO AMEND SECTION 59‑26‑85 OF THE 1976 CODE, RELATING TO THE INCREASE PAY FOR TEACHERS CERTIFIED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION PRIOR TO JULY 1, 2010, SHALL RECEIVE AN INCREASE IN PAY FOR THE LIFE OF THE CERTIFICATION, TO PROVIDE THAT TEACHERS RECEIVING CERTIFICATION ON OR AFTER JULY 1, 2010, ONLY SHALL RECEIVE AN INCREASE IN PAY FOR THE INITIAL TEN YEARS OF THE CERTIFICATION, AND TO PROVIDE THAT ONLY TEACHERS WHO APPLY FOR CERTIFICATION PRIOR TO JULY 1, 2010, MAY RECEIVE A LOAN FOR THE APPLICATION FEE.

Respectfully submitted,

Speaker of the House

 Received as Information

 The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., March 18, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

 H. 4244 -- Rep. Limehouse: A BILL TO AMEND SECTION 59‑130‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, SO AS TO ADD AN ADDITIONAL TRUSTEE TO BE APPOINTED BY THE COLLEGE OF CHARLESTON ALUMNI ASSOCIATION BOARD OF DIRECTORS, TO SET HIS TERM, AND TO PROVIDE CRITERIA FOR HIS SELECTION.

Respectfully submitted,

Speaker of the House

 Received as Information

 The Bill was ordered placed on the Calendar for consideration tomorrow.

**HOUSE CONCURRENCES**

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

 S. 1435 -- Senator McConnell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO ARTICLE III, SECTION 9 OF THE CONSTITUTION OF THIS STATE AND SECTION 2‑1‑180 OF THE 1976 CODE, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 3, 2010, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT NOON ON TUESDAY, JUNE 15, 2010, AND CONTINUE IN SESSION TO NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 17, 2010, FOR THE CONSIDERATION OF CERTAIN MATTERS, TO PROVIDE THAT WHEN EACH HOUSE ADJOURNS NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 17, 2010, EACH HOUSE SHALL STAND ADJOURNED TO MEET AT A TIME MUTUALLY AGREED UPON BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES UPON CERTAIN OCCURRENCES AND FOR THE CONSIDERATION OF SPECIFIED MATTERS, AND TO PROVIDE THAT UNLESS ADJOURNED EARLIER THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE NO LATER THAN NOON ON TUESDAY, JANUARY 11, 2011.

S. 1445 -- Senators Rankin and Elliott: A CONCURRENT RESOLUTION TO HONOR THE LIFE ACHIEVEMENTS OF DR. BUZZ ALDRIN, RETIRED UNITED STATES AIR FORCE PILOT AND NASA ASTRONAUT, AND TO WELCOME HIM TO THE PALMETTO STATE FOR THE MYRTLE BEACH MEMORIAL DAY PARADE.

S. 1453 -- Senators Grooms, McConnell and Leatherman: A CONCURRENT RESOLUTION TO EXPRESS THE APPRECIATION OF THE GENERAL ASSEMBLY FOR CARNIVAL’S COMMITMENT TO SOUTH CAROLINA AND THE PORT OF CHARLESTON AND TO DECLARE MAY 18, 2010, AS “CARNIVAL DAY” IN THE STATE OF SOUTH CAROLINA.

 S. 1455 -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX THURSDAY, MAY 27, 2010, AT 11:00 A.M. AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING A MEMBER OF THE BOARD OF TRUSTEES FOR THE UNIVERSITY OF SOUTH CAROLINA FROM THE 11TH JUDICIAL CIRCUIT TO SUCCEED A MEMBER WHOSE TERM EXPIRES IN 2010 OR WHOSE POSITION OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THIS OFFICE DURING THE JOINT SESSION.

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

**ORDERED ENROLLED FOR RATIFICATION**

 The following Bill 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. 4621 -- Reps. Harvin and Weeks: A BILL TO AMEND SECTION 44‑39‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DIABETES INITIATIVE OF SOUTH CAROLINA BOARD, SO AS TO MODIFY THE BOARD’S MEMBERSHIP COMPOSITION AND TERMS OF ITS MEMBERS.

**H. 4621--Recorded Vote**

 Senators RYBERG, BRYANT and BRIGHT desired to be recorded as voting in favor of the third reading of the Bill.

**HOUSE BILLS RETURNED**

 The following House Bills were read the third time and ordered returned to the House with amendments:

 H. 3975 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 50‑9‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER’S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

**H. 3975--Recorded Vote**

 Senators RYBERG, BRYANT and BRIGHT desired to be recorded as voting in favor of the third reading of the Bill.

 H. 3393 -- Reps. Spires, Clyburn, Herbkersman, Hosey, Jefferson, Knight, Long, D.C. Smith, J.R. Smith, Williams, Forrester, A.D. Young, Huggins and Hiott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑43‑190 SO AS TO ESTABLISH A JOINT COMMITTEE WITH MEMBERS FROM THE BOARD OF MEDICAL EXAMINERS AND BOARD OF PHARMACY TO ASSIST THESE BOARDS IN ESTABLISHING A PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER CERTAIN VACCINES WITHOUT AN ORDER OF A PRACTITIONER; BY ADDING SECTION 40‑43‑200 SO AS TO REQUIRE THE STATE BOARD OF PHARMACY AND THE BOARD OF MEDICAL EXAMINERS TO ISSUE A JOINT WRITTEN PROTOCOL AUTHORIZING PHARMACISTS TO ADMINISTER CERTAIN VACCINATIONS WITHOUT AN ORDER OF A PRACTITIONER; AND TO AMEND SECTION 40‑43‑86, AS AMENDED, RELATING TO, AMONG OTHER THINGS, VARIOUS PHARMACY FACILITY, STAFFING, AND PRESCRIPTION REQUIREMENTS, SO AS TO INCREASE THE MAXIMUM AMOUNT OF A LEGEND DRUG THAT A PHYSICIAN IN CHARGE OF AN EMERGENCY ROOM MAY DISPENSE FROM A SEVENTY‑TWO HOUR SUPPLY TO A ONE HUNDRED FORTY‑FOUR HOUR SUPPLY.

**H. 3393--Recorded Vote**

 Senators RYBERG, BRYANT and BRIGHT desired to be recorded as voting in favor of the third reading of the Bill.

 H. 4250 -- Reps. Erickson, Hodges and Littlejohn: A BILL TO AMEND SECTION 59‑53‑2410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TECHNICAL COLLEGE ENTERPRISE CAMPUS AUTHORITIES, SO AS TO CREATE THE TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY.

**H. 4250--Recorded Vote**

 Senators RYBERG, BRYANT and BRIGHT desired to be recorded as voting in favor of the third reading of the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

 H. 4562 -- Rep. Vick: A BILL TO AMEND SECTION 39‑11‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGISTRATION FEES OF WEIGHMASTERS AND DEPUTY WEIGHMASTERS, SO AS TO REVISE THE REGISTRATION FEE FOR WEIGHMASTERS AND TO DELETE THE ADDITIONAL FEE FOR DEPUTY PUBLIC WEIGHMASTERS; TO AMEND SECTION 39‑11‑60, RELATING TO LENGTH OF REGISTRATION AND RENEWAL, SO AS TO REVISE THE TIME IN WHICH PUBLIC WEIGHMASTER REGISTRATIONS MUST BE RENEWED; TO AMEND SECTION 39‑11‑80, RELATING TO REFUSAL OR REVOCATION OF A LICENSE, SO AS TO DELETE THE REFUSAL OR REVOCATION OF A DEPUTY PUBLIC WEIGHMASTER LICENSE BY THE COMMISSIONER OF AGRICULTURE; AND TO REPEAL SECTIONS 39‑11‑40 AND 39‑11‑50 RELATING TO EMPLOYMENT OR DESIGNATION OF DEPUTY WEIGHMASTERS AND RENEWAL OF REGISTRATION, RESPECTIVELY.

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

 The Committee on Agriculture and Natural Resources proposed the following amendment (4562R001.DBV), which was adopted:

 Amend the bill, as and if amended, page 2, by striking SECTION 2 in its entirety and inserting:

 / SECTION 2. Section 39‑11‑60 of the 1976 Code is amended to read:

 “Section 39‑11‑60. ~~Notwithstanding the provisions of Section 39‑11‑50, after June 8, 1971 registrations and renewals thereof for public weighmasters and deputy weighmasters shall be for three years.~~ Beginning on July 1, 2011, all registrations for public weighmasters are valid for one year and must be renewed annually on the anniversary date of the registration approval. The annual registration fee for public weighmasters shall be ten dollars.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator VERDIN explained the committee amendment.

 The committee amendment was adopted.

 The question then was the second reading of the Bill.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Mulvaney Nicholson

O’Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--39**

**NAYS**

McConnell

**Total--1**

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

 The roll call vote was subsequently amended later in the day.

**Statement by Senator McCONNELL**

 I voted against H. 4562 because the Bill increases the fee for weighmasters to $10 per year. Currently, the fee is $5 per weighmaster every three years. In these difficult economic times, I believe it is unwise to increase fees like the majority did in this case by 600%.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

 H. 4572 -- Reps. J.E. Smith, Bannister, Weeks and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑960 SO AS TO ALLOW HOLDERS OF RETAIL PERMITS AUTHORIZING THE SALE OF BEER OR WINE FOR OFF‑PREMISES CONSUMPTION TO HOLD A LIMITED NUMBER OF BEER TASTINGS AT THE RETAIL LOCATION EACH YEAR UNDER CERTAIN CIRCUMSTANCES.

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

Senators LEVENTIS and HUTTO proposed the following amendment (JUD4572.004), which was adopted:

 Amend the bill, as and if amended, by striking the committee report in its entirety and inserting the following:

 / A BILL

 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROVISIONS THAT AFFECT BEER, BY AMENDING SECTION 61-4-940, SO AS TO ALLOW WHOLESALERS AND RETAILERS OF BEER TO TEMPORARILY STORE EQUIPMENT USED IN DELIVERY OF BEER AND TO AUTHORIZE WHOLESALERS OF BEER TO SUPPLY RETAIL DEALERS OF BEER WITH DISPLAYS THAT ARE ALLOWED BY FEDERAL REGULATIONS; BY ADDING SECTION 61‑4‑960, SO AS TO ALLOW HOLDERS OF RETAIL PERMITS THAT AUTHORIZE THE SALE OF BEER OR WINE FOR OFF‑PREMISES CONSUMPTION TO HOLD A LIMITED NUMBER OF BEER TASTINGS AT THE RETAIL LOCATION EACH YEAR UNDER CERTAIN CIRCUMSTANCES; AND BY ADDING SECTION 61-4-1515, SO AS TO ALLOW A BREWERY TO OFFER BEER TASTINGS UNDER CERTAIN CONDITIONS AND TO PROVIDE FOR THE PAYMENT OF APPROPRIATE TAXES.

 Be it enacted by the General Assembly of the State of South Carolina:

 SECTION 1. Section 61‑4‑940(B), (C), and (F) of the 1976 Code are amended to read:

 “(B) Except as provided in subsection (C), a manufacturer, brewer, importer, or wholesaler of beer, or a person acting on his behalf, must not furnish, give, rent, lend, or sell, directly or indirectly, to the holder of a retail permit any equipment, fixtures, free beer, or service. The holder of a retail permit, or a person acting on his behalf, must not accept, directly or indirectly, any equipment, fixtures, free beer, or service referred to in this subsection from a manufacturer, brewer, importer, or wholesaler of beer, except as provided in subsection (C). With the consent of a holder of a retail permit, the wholesaler may store for a temporary period at the permit holder’s licensed location equipment primarily utilized by the wholesaler in delivery and stocking of beer including, but not limited to, pallets, carts, and hand trucks.

 (C) A wholesaler may furnish at no charge to the holder of a retail permit draft beer equipment replacement parts of nominal value, including washers, gaskets, hoses, hose connectors, clamps, and tap markers, party wagons for temporary use, and point of sale advertising specialties. A wholesaler may furnish at no charge to the holder of a retail permit product displays pursuant to the provisions of 27 Code of Federal Regulations, Section 6.83, excluding electronic refrigeration equipment. A wholesaler may also furnish the following services to a retailer: cleaning draught lines, setting boxes, rotating stock, affixing price tags to beer products, and building beer displays.

 (F) No person or entity in the beer business on one tier may require a person or entity in the beer business on another tier to advertise or participate in a discount or special promotion or furnish the items delineated in subsection (C).”

 SECTION 2. Article 15, Chapter 4, Title 61 of the 1976 Code is amended by adding:

 “Section 61‑4‑1515. (A) Notwithstanding another provision of law, a brewery in this State is authorized to offer samples of beer brewed in this State on its licensed premises, with or without cost, to consumers under the following conditions:

 (1) tastings by consumers must be held in conjunction with a tour by the consumer of the licensed premises and the entire brewing process utilized at the licensed premises;

 (2) a sample shall not be offered to, or allowed to be consumed by, an intoxicated person or a person who is under the age of twenty‑one;

 (3) a sample shall be no more than two ounces per brand of beer with over eight percent alcohol by weight and no more than four ounces of beer with under eight percent alcohol by weight brewed at the licensed premises; and

 (4) no more than four brands of beer brewed at the licensed premises may be sampled by a consumer in a twenty‑four hour period.

 (B) A brewery located in this State is authorized to sell beer on its licensed premises provided that the beer was brewed on the licensed premises with an alcohol content of fourteen percent by weight or less, subject to the following restrictions:

 (1) the maximum amount of beer that may be sold to an individual per day shall be equivalent to two hundred eighty‑eight ounces in total;

 (2) the beer shall only be sold in conjunction with a tour by the consumer of the licensed premises and the entire brewing process utilized at the licensed premises;

 (3) the beer sold is for personal use only and cannot be resold;

 (4) the beer cannot be sold to anyone holding a retail beer and wine license for the purpose of resale in their establishment;

 (5) the brewery must sell the beer at the licensed premises at a price approximating retail prices generally charged for identical beverages in the county where the licensed premises are located; and

 (6) the brewery must remit taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for taxes assessed by Section 12‑21‑1020 and Section 12‑21‑1030. The brewery must also remit appropriate sales and use taxes and local hospitality taxes.

 (C) A person who violates the provisions of this section must be assessed a fine of one hundred dollars for each violation in addition to other applicable fines and penalties. The revenue from the one hundred dollar fine must be directed to the Department of Revenue for supplementing funds required for the department’s activities concerning licensure and regulation of alcohol.”

 SECTION 3. Article 9, Chapter 4, Title 61 of the 1976 Code is amended by adding:

 “Section 61‑4‑960. (A) Notwithstanding another provision of law or regulation, the holder of a retail permit authorizing the sale of beer for off‑premises consumption whose primary product is beer or wine may conduct, in accordance with department rulings or regulations, not more than twenty‑four beer tastings at any one retail location in a calendar quarter, provided that:

 (1) at least ten days before the tasting, a notice detailing the specific date and hours of the tasting must be sent by first class mail or by electronic mail to the State Law Enforcement Division;

 (2) the tastings must be conducted by the retailer or an agent or independent contractor of the retailer and may not be conducted by a wholesaler or manufacturer or an employee, agent, or independent contractor of a wholesaler or manufacturer. Nothing in this subsection prohibits a manufacturer or employee, agent, or independent contractor of a manufacturer from attending a tasting to provide information and offer educational material on the products to be sampled. For purposes of this subsection, a wholesaler is not considered an employee, agent, or independent contractor of a manufacturer;

 (3) the products must be supplied by the retailer and may not be donated or otherwise supplied at no or reduced cost by the manufacturer or wholesaler;

 (4) a sample may not be offered from more than eight products at any one tasting;

 (5) no more than one container of each of the products to be sampled may be open at any time. Open containers must be visible at all times and must be removed at the conclusion of a tasting;

 (6) the tasting must be held in a designated tasting area of the retail store;

 (7) samples must be no more than two ounces for each product sampled as defined in Section 61‑4‑10(1);

 (8) samples must be no more than one ounce for each product sampled as defined in Section 61‑4‑10(2), provided that no more than two of the total eight samples may contain more than ten percent of alcohol by weight;

 (9) a person shall not be served more than one sample of each product;

 (10) a sample shall not be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty‑one years. A person tasting a sample may not be allowed to loiter on the store premises;

 (11) a sampling may not be offered for more than four hours;

 (12) the tasting may not be held in conjunction with a wine tasting pursuant to Section 61‑4‑737;

 (13) a retailer, pursuant to this section, may not offer more than one sampling per day; and

 (14) the tasting may not be held in conjunction with a tasting in a retail alcoholic liquor store pursuant to Section 61‑6‑1035 that is adjacent to and licensed in the same name of the retail permit authorizing the sale of beer.

 (B) A person who violates the provisions of this section must be assessed a fine of one hundred dollars for each violation in addition to other applicable fines and penalties. The revenue from the one hundred dollar fine must be directed to the Department of Revenue for supplementing funds required for the department’s activities concerning licensure and regulation of alcohol.”

 SECTION 4. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Article III, Section 17 of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of beer provisions concerning retail dealers, wholesalers, and breweries as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

 SECTION 5. The provisions of this act are severable. If any section, subsection, paragraph, item, subitem, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

 SECTION 6. This act becomes effective upon signature of the Governor. /

 Renumber sections to conform.

 Amend title to conform.

 Senator HUTTO explained the amendment.

 The amendment was adopted.

 The Committee on Judiciary proposed the following amendment (JUD4572.001), which was adopted:

 Amend the bill, as and if amended, page 2, by striking lines 19-24 in their entirety and inserting the following:

 / (9) a person shall not be served more than one sample of each product;

 (10) a sample shall not be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty‑one years. A person tasting a sample may not be allowed to loiter on the store premises; /

 Amend the bill further, as and if amended, page 2, by striking line 40 in its entirety and inserting the following:

 / SECTION 2. Article 15, Chapter 4, Title 61 of the 1976 Code is amended by adding:

 “Section 61‑4‑1515. (A) Notwithstanding another provision of law, a brewery in this State is authorized to offer samples of beer brewed in this State on its licensed premises, with or without cost, to consumers under the following conditions:

 (1) tastings by consumers must be held in conjunction with a tour by the consumer of the licensed premises and the entire brewing process utilized at the licensed premises;

 (2) a sample may not be offered to, or allowed to be consumed by, an intoxicated person or a person who is under the age of twenty‑one;

 (3) a sample may be no more than two ounces per brand of beer with over eight percent alcohol by weight and no more than four ounces of beer with under eight percent alcohol by weight brewed at the licensed premises; and

 (4) no more than four brands of beer brewed at the licensed premises may be sampled by a consumer in a twenty‑four hour period.

 (B) A brewery located in this State is authorized to sell beer on its licensed premises provided that the beer was brewed on the licensed premises with an alcohol content of fourteen percent by weight or less, subject to the following restrictions:

 (1) the maximum amount of beer that may be sold to an individual per day shall be equivalent to two hundred eighty‑eight ounces in total;

 (2) the beer may only be sold in conjunction with a tour by the consumer of the licensed premises and the entire brewing process utilized at the licensed premises;

 (3) the beer sold is for personal use only and cannot be resold;

 (4) the beer cannot be sold to anyone holding a retail beer and wine license for the purpose of resale in their establishment;

 (5) the brewery must sell the beer at the licensed premises at a price approximating retail prices generally charged for identical beverages in the county where the licensed premises are located; and

 (6) the brewery must remit taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for taxes assessed by Section 12‑21‑1020 and Section 12‑21‑1030. The brewery must also remit appropriate sales and use taxes and local hospitality taxes.”

 SECTION 3. Section 61‑4‑940(B), (C), and (F) of the 1976 Code is amended to read:

 “(B) Except as provided in subsection (C), a manufacturer, brewer, importer, or wholesaler of beer, or a person acting on his behalf, must not furnish, give, rent, lend, or sell, directly or indirectly, to the holder of a retail permit any equipment, fixtures, free beer, or service. The holder of a retail permit, or a person acting on his behalf, must not accept, directly or indirectly, any equipment, fixtures, free beer, or service referred to in this subsection from a manufacturer, brewer, importer, or wholesaler of beer, except as provided in subsection (C). With the consent of a holder of a retail permit, the wholesaler may store for a temporary period at the permit holder’s licensed location equipment primarily utilized by the wholesaler in delivery and stocking of beer including, but not limited to, pallets, carts, and hand trucks.

 (C) A wholesaler may furnish at no charge to the holder of a retail permit draft beer equipment replacement parts of nominal value, including washers, gaskets, hoses, hose connectors, clamps, and tap markers, party wagons for temporary use, and point of sale advertising specialties. A wholesaler may furnish at no charge to the holder of a retail permit product displays pursuant to the provisions of 27 Code of Federal Regulations, Section 6.83, excluding electronic refrigeration equipment. A wholesaler may also furnish the following services to a retailer: cleaning draught lines, setting boxes, rotating stock, affixing price tags to beer products, and building beer displays.

 (F) No person or entity in the beer business on one tier may require a person or entity in the beer business on another tier to advertise or participate in a discount or special promotion or furnish the items delineated in subsection (C).”

 SECTION 4. This act takes effect upon approval by the Governor./

 Renumber sections to conform.

 Amend title to conform.

 The committee amendment was adopted.

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

**AMENDMENT PROPOSED, OBJECTION**

 H. 4005 -- Reps. Sellers, Bingham, Ott, A.D. Young and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑13‑1335 SO AS TO MAKE IT UNLAWFUL FOR AN INDIVIDUAL SEEKING ELECTION TO MEMBERSHIP ON THE GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER LEARNING FILLED BY A VOTE OF THE GENERAL ASSEMBLY TO MAKE OR OFFER TO MAKE A CONTRIBUTION TO A CANDIDATE FOR THE GENERAL ASSEMBLY OR HOST OR SPONSOR ANY FUNDRAISING EVENT FOR SUCH A CANDIDATE FROM THE TIME THE INDIVIDUAL FILES THE NOTICE OF INTENTION TO SEEK MEMBERSHIP ON THE BOARD THROUGH THE DATE THE OFFICE IS FILLED.

 The Senate proceeded to a consideration of the Bill, the question the adoption of the previously proposed amendment and printed as follows.

 Senator BRIGHT proposed the following amendment (4005R001.LB), which was tabled:

 Amend the bill, as and if amended, in Section 8‑13‑915, by adding a new sentence at the end to read:

 / During his term in office, an individual elected office that is filled by an election by the General Assembly pursuant to the provisions of Chapter 20, Title 2 shall not contribute to or host or otherwise sponsor any fundraising event for any member of the General Assembly or any candidate for election to the General Assembly.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator BRIGHT explained the amendment.

 Senator LARRY MARTIN moved to lay the amendment on the table.

 The amendment was laid on the table.

 Senator BRIGHT proposed the following amendment (4005R002.LB):

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

 / SECTION 1. Article 9, Chapter 13, Title 8 of the 1976 Code is amended by adding:

 “Section 8-13-915. (A) A person running for an office that is filled by an election by the General Assembly pursuant to the provisions of Chapter 20, Title 2 shall not: (1) make or offer to make a contribution to a member of the General Assembly or a candidate for election to the General Assembly; nor (2) host or otherwise sponsor any fundraising event for a member of the General Assembly or a candidate for election to the General Assembly. This prohibition begins from the time the person files the notice with the joint screening committee pursuant to Section 2-20-20 through the date the office is filled by a vote of the General Assembly or until the candidate withdraws his name for consideration for the office.”

 (B)(1) During his term in office, an individual elected to an office that is filled by an election by the General Assembly pursuant to the provisions of Chapter 20, Title 2 shall not contribute to or host or otherwise sponsor any fundraising event for any member of the General Assembly or any candidate for election to the General Assembly.

 (2) A person convicted of a violation of this subsection must immediately resign from office and is subject to the penalties in Section 8-13-1520.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator BRIGHT explained the amendment.

**PRESIDENT *Pro Tempore* PRESIDES**

 At 3:36 P.M., Senator McCONNELL assumed the Chair.

**Point of Order**

 Senator SCOTT raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT *Pro Tempore* overruled the Point of Order.

 Senator COURSON objected to further consideration of the Bill.

**OBJECTION**

 H. 4606 -- Reps. Duncan, Willis, M.A. Pitts, Bowen, Hardwick, Bedingfield, Rice, Forrester, Owens, Clemmons, Viers and Loftis: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS TO ADOPT LEGISLATION THAT WOULD POSTPONE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY’S (EPA) EFFORT TO REGULATE GREENHOUSE GAS (GHG) EMISSIONS FROM STATIONARY SOURCES USING EXISTING CLEAN AIR ACT AUTHORITY UNTIL CONGRESS ADOPTS A BALANCED APPROACH TO ADDRESS CLIMATE AND ENERGY SUPPLY ISSUES WITHOUT CRIPPLING THE ECONOMY.

 Senator CAMPBELL explained the Concurrent Resolution.

 Senator LEVENTIS objected to further consideration of the Concurrent Resolution.

**ADOPTED**

 S. 1454 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PINEVIEW ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 48 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 76/378 “JULIUS MURRAY HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “JULIUS MURRAY HIGHWAY”.

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

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

**MADE SPECIAL ORDER**

 H. 3489 -- Reps. Harrell, Cato, Sandifer, Cooper, Duncan, Owens, White, Bingham, A.D. Young, Huggins, E.H. Pitts, Edge, Toole, Kirsh, J.R. Smith, G.R. Smith, Brady, Crawford, Barfield, Bedingfield, Erickson, Loftis, Pinson, Rice, Hiott, Littlejohn, Allison, Chalk, Daning, Bowen, Gambrell, Hamilton, Wylie, Sottile, Nanney, Parker, Forrester, Haley, Millwood, Battle, Frye, Simrill, Spires, Thompson, Whitmire, Horne, Clemmons, Skelton and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2009” BY AMENDING ARTICLE 1, CHAPTER 32, TITLE 15, PREVIOUSLY RESERVED, SO AS TO PROVIDE DEFINITIONS FOR PURPOSES OF THE CHAPTER; TO AMEND SECTION 15‑32‑220, AS AMENDED, RELATING TO LIMITS ON NONECONOMIC DAMAGES, AND ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, BOTH SO AS TO PROVIDE LIMITS ON THE AWARD OF NONECONOMIC AND PUNITIVE DAMAGES IN ALL PERSONAL INJURY ACTIONS AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTION 1‑7‑750 SO AS TO ENACT THE “PRIVATE ATTORNEY RETENTION SUNSHINE ACT” TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES; TO AMEND SECTION 15‑3‑670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS; BY ADDING SECTION 15‑3‑160 SO AS TO PROVIDE A REBUTTABLE PRESUMPTION THAT A MANUFACTURER OR SELLER IS NOT LIABLE FOR A PRODUCT IF IT IS MANUFACTURED OR SOLD IN A MANNER APPROVED BY A GOVERNMENT AGENCY; BY ADDING SECTION 15‑5‑10 SO AS TO PROVIDE REQUIREMENTS AND PROCEDURES TO BRING, MAINTAIN, AND CERTIFY CLASS ACTIONS; TO AMEND SECTION 15‑73‑10, RELATING TO LIABILITY OF THE SELLER FOR A DEFECTIVE PRODUCT, SO AS TO PROVIDE THAT THE SELLER IS NOT LIABLE FOR DAMAGE CAUSED ONLY TO THE PRODUCT ITSELF; TO AMEND SECTION 18‑9‑130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; TO AMEND SECTIONS 33‑6‑220 AND 33‑44‑303, RELATING TO CORPORATIONS AND LIMITED LIABILITY COMPANIES, SO AS TO PROVIDE THAT A JUDGMENT AGAINST A CORPORATION OR LIMITED LIABILITY COMPANY IS A PREREQUISITE TO AN ALTER EGO CLAIM TO PIERCE THE CORPORATE VEIL; TO AMEND SECTION 39‑5‑20, RELATING TO UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, SO AS TO PROVIDE ACTIONS OR TRANSACTIONS OTHERWISE PERMITTED OR REGULATED BY THE FEDERAL TRADE COMMISSION OR ANOTHER REGULATORY BODY OR OFFICE ACTING UNDER STATUTORY AUTHORITY OF THIS STATE OR THE UNITED STATES ARE NOT COVERED BY THE ACT; TO AMEND SECTION 39‑5‑140, RELATING TO AN ACTION FOR DAMAGES ARISING OUT OF AN UNFAIR OR DECEPTIVE TRADE PRACTICE, SO AS TO PROVIDE THAT A PERSON SEEKING DAMAGES SHALL PAY “OUT‑OF‑POCKET EXPENSES” AND TO DEFINE THIS TERM; TO AMEND SECTION 56‑5‑6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO PROVIDE THAT A VIOLATION MAY BE CONSIDERED IN A CIVIL ACTION AS EVIDENCE OF COMPARATIVE NEGLIGENCE OR AS EVIDENCE OF FAILURE TO MITIGATE DAMAGES; AND TO REPEAL SECTIONS 15‑32‑200, 15‑32‑210, AND 15‑32‑240 ALL RELATING TO NONECONOMIC DAMAGES AND PROCEDURES REGARDING THE LIMITATION AND COLLECTION OF NONECONOMIC DAMAGES.

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

**Point of Order**

 Senator MALLOY 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 and, therefore, could not be set for Special Order.

 The PRESIDENT *Pro Tempore* overruled the Point of Order.

 The question then was the motion to make the Bill a Special Order.

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

**Ayes 29; Nays 10**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Grooms

Hayes Knotts *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Mulvaney O’Dell

Peeler Rankin Rose

Ryberg Setzler Shoopman

Verdin Williams

**Total--29**

**NAYS**

Anderson Hutto Jackson

Land Lourie Malloy

Nicholson Reese Scott

Sheheen

**Total--10**

 The Bill was made a Special Order.

**MOTION ADOPTED**

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

**Expression of Personal Interest**

 Senator CAMPBELL rose for an Expression of Personal Interest.

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**CARRIED OVER**

 (R182, S481) -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE; TO PROVIDE FOR ITS COMPOSITION, FOR THE FILLING OF VACANCIES, FOR THE ELECTION OF A CHAIRMAN, AND FOR MEMBER COMPENSATION; TO ALLOW THE FOUNDATION TO ACCEPT CERTAIN FUNDS; AND TO PROVIDE FOR THE DISTRIBUTION OF FUNDS.

 On motion of Senator LARRY MARTIN, the veto was carried over.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

S. 932 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 50‑16‑25 OF THE 1976 CODE, RELATING TO THE RELEASE OF PIGS FOR HUNTING PURPOSES, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, BUY, SELL, OFFER FOR SALE, TRANSFER, RELEASE, OR TRANSPORT FOR THE PURPOSE OF RELEASE A MEMBER OF THE SUIDAE FAMILY FOR HUNTING OR TO SUPPLEMENT A FREE ROAMING POPULATION, TO PROVIDE THAT IT IS UNLAWFUL TO REMOVE A LIVE HOG FROM A TRAP OR FROM THE WOODS, FIELDS, OR MARSHES OF THIS STATE, AND TO CLARIFY THAT THIS SECTION DOES NOT APPLY TO ACCEPTED FARMING PRACTICES RELATED TO MEMBERS OF THE SUIDAE FAMILY.

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

**THE SENATE PROCEEDED TO THE ADJOURNED DEBATE.**

**CARRIED OVER**

 S. 1 -- Senators McConnell, Peeler, Leatherman, Sheheen, Rose, Courson, Elliott, Massey, Hayes, Davis, Bright, Campsen, Campbell, L. Martin, Knotts, Alexander, S. Martin, Shoopman and Rankin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE REQUIREMENT FOR THE STATE AND ITS POLITICAL SUBDIVISIONS TO HAVE BUDGET PROCESSES DESIGNED TO KEEP REVENUES AND EXPENDITURES IN BALANCE, THE LIMITATION ON STATE APPROPRIATIONS, AND THE LIMITATIONS ON STATE EMPLOYEES, SO AS TO DELETE THE EXISTING STATE SPENDING LIMITATION AND REQUIRE THE GENERAL ASSEMBLY TO REPLACE IT BY A LAW IMPOSING AN ANNUAL LIMIT ON THE APPROPRIATION OF STATE GENERAL FUND REVENUES BY ADJUSTING SUCH REVENUES BY A ROLLING TEN‑YEAR AVERAGE IN ANNUAL CHANGES IN GENERAL FUND REVENUES; TO ALLOW THE CREATION OF A BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT; AND TO PROVIDE BY GENERAL LAW FOR THE APPROPRIATIONS TO WHICH THE LIMIT APPLIES, THE METHOD OF AND SOURCES FOR CALCULATING THE LIMIT; AND TO PROVIDE FOR THE DISBURSEMENTS FROM THE BUDGET STABILIZATION FUND.

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

 On motion of Senator LARRY MARTIN, the Joint Resolution was carried over.

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

**AMENDMENT PROPOSED, DEBATE INTERRUPTED**

 S. 642 -- Senators Alexander, Ford and Knotts: 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 Amendment No. 1 (JUD0642.006) proposed by Senator MALLOY and previously printed in the Journal of February 25, 2010. The amendment was tabled.

 Senator MALLOY moved to carry over the Bill.

 Senator LARRY MARTIN moved to table the motion to carry over the Bill.

 The motion to carry over was laid on the table.

 Senator MALLOY proposed the following amendment (JUD0642.006), which was tabled:

 Amend the bill, as and if amended, by striking SECTIONS 1 and 2 in their entirety 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, a ‘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 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) summoning medical or other emergency assistance;

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

 (4) using a global positioning system 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 must 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 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 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 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 while operating a motor vehicle …………1.”/

 Renumber sections to conform.

 Amend title to conform.

 Senator MALLOY explained the amendment.

 Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 37; Nays 3**

**AYES**

Alexander Anderson Bright

Campbell Campsen Cleary

Courson Cromer Davis

Elliott Fair Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

*Martin, Larry Martin, Shane* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Shoopman Verdin

Williams

**Total--37**

**NAYS**

Bryant Ford Malloy

**Total--3**

 The amendment was laid on the table.

**Amendment No. 2**

 Senator MALLOY proposed the following Amendment No. 2 (JUD0642.009):

 Amend the bill, as and if amended, by striking SECTIONS 1 and 2 in their entirety 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) ‘Hand-held personal digital audio player’ means an electronic device, including, but not limited to, a MP3 player or an iPod, that allows a person to store and play digital audio files using at least one hand and does not include the use of a hands-free feature, function, attachment, or additional device.

 (3) ‘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.

 (4) ‘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 or to use a hand-held personal digital audio player to play digital audio files 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) using a personal digital audio player’s hands-free feature or function, or an attachment or additional device that makes the personal digital audio player hands-free;

 (6) summoning medical or other emergency assistance;

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

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

 (9) 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 or using a hand-held personal digital audio player to play digital audio files 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 or personal digital audio player 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 or using a hand-held personal digital audio player to play digital audio files 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 or using a hand-held personal digital audio player to play digital audio files 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 or using personal digital audio players 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 or a hand-held personal digital

 audio player to play digital audio files

 while operating a motor vehicle 1.”/

 Renumber sections to conform.

 Amend title to conform.

 Senator SHANE MARTIN spoke on the amendment.

 Senator SHANE MARTIN moved to carry over the Bill.

 Senator KNOTTS moved to table the motion to carry over the Bill.

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

**Ayes 19; Nays 22**

**AYES**

Alexander Anderson Campbell

Campsen Courson Cromer

Davis Elliott Hayes

Knotts Leatherman *Martin, Larry*

Massey McConnell O’Dell

Peeler Rankin Rose

Setzler

**Total--19**

**NAYS**

Bright Bryant Cleary

Coleman Fair Ford

Grooms Hutto Land

Leventis Malloy *Martin, Shane*

McGill Mulvaney Nicholson

Pinckney Reese Ryberg

Scott Shoopman Verdin

Williams

**Total--22**

 The Senate refused to table the motion to carry over.

 The question then was the motion to carry over the Bill.

 Senator LARRY MARTIN moved that the Senate stand adjourned.

 A roll call vote was ordered.

 Senator MULVANEY asked unanimous consent to make a motion to change his vote on H. 4562 from “aye” to “no”.

 There was no objection.

 Senator BRIGHT asked unanimous consent to make a motion to change his vote on H. 4562 from “aye” to “no”.

 There was no objection.

**Objection**

 Senator SHANE MARTIN asked unanimous consent to make a motion to change his vote on H. 4562 from “aye” to “no”.

 Senator KNOTTS objected.

 The revised roll call vote on the second reading of H. 4562 is as follows:

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

**Ayes 37; Nays 3**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O’Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--37**

**NAYS**

Bright McConnell Mulvaney

**Total--3**

 Having voted on the prevailing side, Senator SHANE MARTIN moved to reconsider the vote whereby H. 4562 was given a second reading.

 The PRESIDENT *Pro Tempore* stated that the pending matter was the motion to adjourn, therefore a reconsideration motion would require unanimous consent.

**Objection**

 Senator SHANE MARTIN asked unanimous consent to make a motion to reconsider the vote whereby H. 4562 was given a second reading.

 Senator CLEARY objected.

**Objection**

 Senator RYBERG asked unanimous consent to make a motion to rescind the roll call vote on the motion to adjourn and take a voice vote on the motion.

 Senator FORD objected.

**Objection**

 Senator SHANE MARTIN asked unanimous consent to make a motion to change his vote on H. 4562 from “aye” to “no”.

 Senator KNOTTS objected.

**Statement by Senator SHANE MARTIN**

 I asked unanimous consent to have my vote changed from “aye” to “no” on H.4562 as the Senator from Lancaster and the Senator from Spartanburg requested.  The Senator from Lancaster and the Senator from Spartanburg were granted the opportunity to change their vote.  However, the Senator from Lexington, Senator KNOTTS, objected to only my unanimous consent, thus denying me the same right given to the other two Senators.  This blatant disregard for another Senator’s rights is totally uncalled for and should be unacceptable in this Senate.

 I was given information before the vote earlier today that H.4562 would be a net fee decrease.  I found out later that it was a net fee increase.  That is why I asked for my vote to be changed.  I would like the record to show my NO vote to this Bill since I found out it was a net fee increase.

**Statement by Senator ROSE**

     I voted in favor of second reading of H. 4562 in error.  I would have voted “No” had I understood it would have caused a net fee increase.

 The question then was the motion to adjourn.

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

**Ayes 26; Nays 15**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Fair

Hayes Hutto Land

Leatherman Leventis Malloy

*Martin, Larry* McConnell McGill

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Ryberg Scott Setzler

Verdin Williams

**Total--26**

**NAYS**

Bright Bryant Campsen

Courson Cromer Davis

Elliott Ford Grooms

Knotts *Martin, Shane* Massey

Mulvaney Rose Shoopman

**Total--15**

 Debate was interrupted by adjournment.

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

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

James A. McLaurin, Jr., 224 McDaniel Drive, Trenton, SC 29847 *VICE* Davis Parkman

**MOTION ADOPTED**

 On motion of Senators ELLIOTT, RANKIN and McGILL , with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Sylvia A. Conwell of Conway, S.C. Mrs. Conwell was very active in local politics in Horry County.

and

**MOTION ADOPTED**

 On motion of Senator LEVENTIS, with unanimous consent, the Senate stood adjourned in honor of Technical Sergeant (TSGT) Elizabeth Leigh Richardson, beloved sister of Mr. David Brunson, upon the occasion of her retirement from the United States Air Force and to commend her for 22 years of dedicated military service and to wish her best wishes in all her future endeavors.

**ADJOURNMENT**

 At 6:10 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*