**Thursday, June 3, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

 The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT *Pro Tempore*.

 A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

In the writings of Joshua we read that:

 “They took twelve stones from the middle of the Jordan. . .and they carried them over with them to their camp. . .Joshua set up the twelve stones.” (Joshua 4:8b, 9a)

 Once again, good friends, bow with me in prayer, if you will:

 Dear God, as we reflect upon how Joshua created a simple stone monument to help his people remember, we inevitably find ourselves wondering: what will people remember here at the close of this legislative session? How will the actions of this Senate be remembered? Time alone will really answer those questions, of course. But it is our prayer on this final regular-session day that the actions of these Senators will be recalled in positive ways, and that the people of South Carolina will find themselves greatly blessed in the months and years to come due to the faithfulness and the diligence of these servants. In Your loving and hopeful name we pray, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Tessa C. Cartwright, 3756 Highway 1 South, Cheraw, SC 29520 *VICE* Ronald David Cundiff

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

Gary R. Faulkenberry, P.O. Box 133, Pageland, SC 29728

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

Sarah Frances Lisenby, 113 Green Street, Chesterfield, SC 29709

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

Vivian Le-Nette Patrick, 519 Sandpiper Circle, Cheraw, SC 29520 *VICE* Elizabeth E. Burch

**Doctor of the Day**

 Senator COURSON introduced Dr. Thomas W. Bannister of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

 At 2:55 P.M., Senator THOMAS requested a leave of absence until 5:00 P.M. today.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 1503 -- 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 TO EXPRESS THE APPRECIATION OF THE MEMBERS OF THE SOUTH CAROLINA SENATE TO MR. MELVIN D. "BUTCH" THOMPSON, LEGISLATIVE COPY ROOM DIRECTOR FOR THE SENATE, FOR HIS THIRTY-THREE YEARS OF DISTINGUISHED SERVICE TO THE STATE OF SOUTH CAROLINA AND UPON HIS RETIREMENT FROM THE SOUTH CAROLINA SENATE, AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

l:\s-jud\bills\mcconnell\jud0062.hla.docx

 Whereas, on June 3, 2010, Mr. Melvin D. Thompson, affectionately known as “Butch”, will retire after thirty-three years of dedicated and distinguished service as an employee of the South Carolina Senate; and

 Whereas, Butch graduated from Battery Creek High School in Beaufort, South Carolina, in 1974, and completed his studies at the University of South Carolina in 1979, receiving a Bachelor of Arts in Political Science and attended the law school at the University of South Carolina; and

 Whereas, Butch’s career in the political arena began as a Page in the South Carolina Senate in 1978 through June 1980; In 1981, he was promoted to the position of Director of the Senate Copy Room where he has continued to serve in this capacity; and

 Whereas, Butch, during his tenure as Director of Senate Duplicating, established a reputation of working diligently as a public servant with all the members of the Senate, staff, and any other persons who needed his assistance; and

 Whereas, since 1981, Butch has served as Director of the Senate Copy Room and has effectively and successfully assisted members and staff with their copying needs in a friendly and professional manner; and

 Whereas, Butch Thompson was Chief Editor of the Legislative News Summary for twenty years, with his assistant Kathleen Burns; and

 Whereas, Butch Thompson, skillfully pitched for the Senate softball team for many years; and

 Whereas, Butch Thompson, without question, is one of the nicest and most personable individuals ever to work in the State Capitol complex, and he will be sorely missed by his many friends throughout state government; and

 Whereas, Butch will remain active in retirement with his keen interests in reading, listening to music, wine tasting, creating board games for family and friends, and building sand forts at the beach; and

 Whereas, the members of the Senate, say goodbye to one of its most likeable staff members. Now, therefore,

 Be it resolved by the Senate:

 That the members of the Senate by resolution recognize his many years of service to the State of South Carolina and wish him the best in all his future endeavors.

 Be it further resolved that a copy of this resolution be forwarded to Butch Thompson.

 The Senate Resolution was adopted.

**Privilege of the Chamber**

 On motion of Senator LARRY MARTIN, the Privilege of the Chamber, to that area behind the rail, was extended to Mr. Melvin D. “Butch” Thompson upon the occasion of his retirement from the Senate and to wish him well in his future endeavors.

 Senators LARRY MARTIN, COURSON, CROMER and CAMPSEN were recognized to address the Senate with brief remarks.

 S. 1504 -- Senator Shoopman: A SENATE RESOLUTION TO HONOR THE MANY ACHIEVEMENTS AND COMMUNITY LEADERSHIP OF NORTH GREENVILLE UNIVERSITY CRUSADER BASEBALL COACH TRAVIS HENSON.

l:\s-res\pws\004hens.ebd.pws.docx

 The Senate Resolution was adopted.

 S. 1505 -- Senators Cromer and Coleman: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JAMES WILDON RUTLAND OF LEXINGTON AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

l:\council\bills\rm\1321htc10.docx

 The Senate Resolution was adopted.

 S. 1506 -- Senator Jackson: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE LOWER RICHLAND HIGH SCHOOL TRACK AND FIELD TEAM FOR ANOTHER OUTSTANDING SEASON, AND TO CONGRATULATE THESE ATHLETES AND COACHES FOR GARNERING THE 2010 CLASS AAA STATE CHAMPIONSHIP TITLE.

l:\council\bills\gm\24581ac10.docx

 The Senate Resolution was adopted.

 S. 1507 -- Senator Malloy: A SENATE RESOLUTION TO HONOR CLAYTON RICHARDSON OF HARTSVILLE FOR HIS MANY AND VARIED CONTRIBUTIONS TO HIS STATE AND LOCAL COMMUNITY, AND TO RECOGNIZE HIS EXEMPLARY COMMUNITY SERVICE WORK, CULMINATING IN THE PEOPLE TO PEOPLE APPRECIATION EVENT TO BE HELD ON SATURDAY, JUNE 5, 2010, AT CENTENARY UNITED METHODIST CHURCH IN HARTSVILLE.

l:\council\bills\rm\1317htc10.docx

 The Senate Resolution was adopted.

 S. 1508 -- Senator Hutto: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE TAYLOR FAMILY REUNION AND TO COMMEND THE FAMILY MEMBERS FOR THEIR EFFORTS TO CELEBRATE AND SECURE THEIR FAMILY LEGACY.

l:\council\bills\rm\1323cm10.docx

 The Senate Resolution was adopted.

 S. 1509 -- Senator Elliott: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ALBERT E. WHELESS, UPON THE OCCASION OF HIS RETIREMENT FROM THE PRACTICE OF LAW IN HORRY COUNTY, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

l:\council\bills\gm\24585bh10.docx

 The Senate Resolution was adopted.

 H. 5072 -- Rep. Limehouse: A CONCURRENT RESOLUTION TO DESIGNATE THE FIRST THURSDAY IN MAY OF EACH YEAR AS THE "STATE DAY OF PRAYER".

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

**Privilege of the Chamber**

 On motion of Senator LAND, the privilege of the Chamber, to that area behind the rail, was extended to Mr. Temus C. “Tem” Miles, Jr., staff attorney for Senate Research and Counsel to the Minority Caucus, upon the occasion of his departure from the Senate and to wish him well in his future endeavors.

 Senator LAND was recognized to address brief remarks to the Senate.

**Message from the House**

Columbia, S.C., June 2, 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. 1054 -- Senators Pinckney, Malloy, Matthews, Anderson and Nicholson: A BILL TO AMEND CHAPTER 1, TITLE 4 OF THE 1976 CODE, RELATING TO EXTRAORDINARY COMMERCIAL FACILITIES, BY ADDING SECTION 4‑1‑180 TO ALLOW COUNTIES THAT CREATE A MULTICOUNTY BUSINESS PARK TO DESIGNATE A PORTION OR ALL OF THAT PARK AS A DESIGNATED ECONOMIC DEVELOPMENT SITE FOR EXTRAORDINARY COMMERCIAL FACILITIES.

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., June 2, 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. 1372 -- 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; TO PROVIDE THAT THE SUPERINTENDENT OF THE CONSOLIDATED SCHOOL DISTRICT SHALL SELECT AND APPOINT AN ASSISTANT SUPERINTENDENT; AND TO AUTHORIZE THE BOARDS OF TRUSTEES OF SUMTER SCHOOL DISTRICTS 2 AND 17 TO ISSUE GENERAL OBLIGATION BONDS OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES UP TO THE CONSTITUTIONAL DEBT LIMIT OF THE RESPECTIVE DISTRICTS FOR SCHOOL OPERATING PURPOSES, TO PROVIDE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF BONDS.

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., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.222, S. 836 by a vote of 79 to 1:

 (R222, S836) -- Senator Cromer: AN ACT 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 DELETE PROVISIONS THAT AUTHORIZE THE RIVERBANKS PARKS COMMISSION TO ADOPT RULES AND REGULATIONS REGARDING PARK PROPERTY AND AUTHORIZE THE COMMISSION TO EMPLOY POLICE OFFICERS, TO PROHIBIT CERTAIN ACTIVITIES WHILE ON PARK PROPERTY, AND TO DELETE THE PROVISION THAT FINES AND FORFEITURES COLLECTED PURSUANT TO SECTIONS 51‑13‑50 THROUGH 51‑13‑80 BE FORWARDED TO THE RIVERBANKS PARKS COMMISSION.

Very respectfully,

Speaker of the House

 Received as information.

**HOUSE CONCURRENCES**

 S. 1478 -- Senators Campsen, Campbell, Elliott, Rankin, Land, Setzler, Cromer, McGill, Rose, Cleary, Leventis, Grooms, Davis and L. Martin: A CONCURRENT RESOLUTION CALLING UPON THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF NATURAL RESOURCES, IN COORDINATION WITH THE GOVERNOR, TO IMMEDIATELY BEGIN DEVELOPING A CONTINGENCY PLAN IN THE EVENT THE OIL LEAKING FROM THE DEEPWATER HORIZON IN THE GULF OF MEXICO IS SWEPT BY CURRENTS UP THE SOUTHEASTERN SEABOARD; IN DEVELOPING THIS PLAN THEY SHOULD ASSESS THE ACTIONS BEING TAKEN TO COMBAT THIS CRISIS AND DETERMINE WHAT SOLUTIONS ARE SUCCESSFUL AND WHAT ARE NOT AND IDENTIFY THE BEST PRACTICES AVAILABLE TO ADDRESS THIS PROBLEM AND THE RESOURCES NECESSARY TO CARRY OUT THIS PLAN.

 Returned with concurrence.

 Received as information.

 S. 1501 -- Senators Knotts, Cromer and Courson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAY 378 AND INTERSTATE HIGHWAY 26 IN LEXINGTON COUNTY “SENATOR NIKKI SETZLER INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “SENATOR NIKKI SETZLER INTERCHANGE”.

 Returned with concurrence.

 Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

 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.

 Senator MALLOY asked unanimous consent to take the Bill up for immediate consideration.

 There was no objection.

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

 On motion of Senator NICHOLSON the Bill was given a third reading and ordered enrolled for Ratification.

**H. 3835--Recorded Vote**

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

 H. 4172 -- Reps. Forrester and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4‑1‑180 SO AS TO PROVIDE FOR THE MANNER IN WHICH A COUNTY GOVERNING BODY MAY INSTITUTE AN EMPLOYEE FURLOUGH PROGRAM, AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION DO NOT PRECLUDE A COUNTY FROM IMPLEMENTING OTHER FURLOUGH PROGRAMS NOT IN CONFORMITY WITH THE REQUIREMENTS OF THIS SECTION.

 H. 4051 -- Reps. Pinson, M.A. Pitts and Parks: A BILL TO AUTHORIZE THE TRANSFER FROM THE SINKING FUND OF GREENWOOD SCHOOL DISTRICT 52 TO ITS GENERAL FUND A SPECIFIED SUM OF MONEY TO REIMBURSE THE DISTRICT FOR AMOUNTS PAID BY IT FROM ITS GENERAL FUND FOR DEBT SERVICE ON A GENERAL OBLIGATION BOND OF THE DISTRICT.

 On motion of Senator NICHOLSON the Bill was given a third reading and ordered enrolled for Ratification.

**HOUSE BILLS RETURNED**

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

 H. 3541 -- Reps. Hiott, Frye, Duncan, M.A. Pitts, Whitmire and Rice: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑9‑525 SO AS TO ESTABLISH THE REQUIREMENT AND PROCEDURES FOR OBTAINING BEAR TAGS; BY ADDING SECTION 50‑9‑537 SO AS TO REQUIRE A TEN DOLLAR BEAR DRAW HUNT APPLICATION FEE; BY ADDING SECTION 50‑11‑435 SO AS TO PROHIBIT TAKING OR ATTEMPTING TO TAKE BEAR WEIGHING LESS THAN ONE HUNDRED POUNDS AND PROVIDE APPLICABLE PENALTIES; TO AMEND SECTION 50‑9‑920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, SO AS TO DEFINE THE USES FOR REVENUE GENERATED FROM THE SALE OF BEAR TAGS; TO AMEND SECTION 50‑11‑310, AS AMENDED, RELATING TO THE OPEN SEASON FOR ANTLERED DEER, SO AS TO DESIGNATE WHEN CERTAIN EQUIPMENT MAY BE USED IN GAME ZONE 1; AND TO AMEND SECTION 50‑11‑430, RELATING TO BEAR HUNTING, SO AS TO REDESIGNATE THE OPEN SEASON AND PROVIDE ADDITIONAL PENALTIES.

 Senator CROMER asked unanimous consent to take the Bill up for immediate consideration.

 There was no objection.

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

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

**Ayes 43; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

Mulvaney

**Total--1**

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

 H. 4478--Reps. Harrell, Cato, Cooper, Duncan, Harrison, Owens, Sandifer, White, Bingham, Barfield, D.C. Moss, Horne, Skelton, V.S. Moss, Bannister, Whitmire, Toole, J.R. Smith, Merrill, Hamilton, Thompson, Bedingfield, Stewart, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Battle, Bowen, Bowers, Brady, Branham, Brantley, G.A. Brown, Chalk, Clemmons, Clyburn, Cole, Crawford, Daning, Delleney, Dillard, Erickson, Forrester, Gambrell, Govan, Hardwick, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Hutto, Hosey, Jefferson, Kelly, Huggins, Kennedy, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Mack, McEachern, Miller, Millwood, Nanney, J.M. Neal, Norman, Ott, Parker, Parks, Pinson, M.A. Pitts, Rice, Scott, Simrill, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Spires, Stavrinakis, Stringer, Umphlett, Vick, Viers, Weeks, Willis, Wylie, A.D. Young, T.R. Young, Mitchell, Lucas and Jennings: A BILL TO ENACT THE “SOUTH CAROLINA ECONOMIC DEVELOPMENT COMPETITIVENESS ACT OF 2010”, TO FURTHER PROVIDE FOR THE PROCESS AND PROCEDURES FOR AWARDING ENDOWMENTS AND FOR THE APPLICABILITY OF MATCHING REQUIREMENTS; TO AMEND SECTION 4‑12‑30, TO INCREASE THE NUMBER OF YEARS A FEE IS AVAILABLE AND TO DELETE A PROVISION THAT REQUIRES THE FAIR MARKET VALUE OF THE PROPERTY ESTABLISHED FOR THE FIRST YEAR OF THE FEE TO REMAIN THE FAIR MARKET VALUE OF THE REAL PROPERTY FOR THE LIFE OF THE FEE; TO AMEND SECTION 4‑29‑68, TO SPECIFY THAT ONE OF THE PURPOSES FOR THE ISSUANCE OF THESE BONDS IS TO PAY FOR THE COST OF PERSONAL PROPERTY INCLUDING MACHINERY AND EQUIPMENT; BY ADDING CHAPTER 18 TO TITLE 11 SO AS TO ESTABLISH MECHANISMS AND PROCEDURES FOR FEDERAL RECOVERY ZONE BONDS; TO AMEND SECTION 12‑6‑530, TO REDUCE THE RATE OF THE CORPORATE INCOME TAX FROM FIVE PERCENT ANNUALLY TO ZERO BEGINNING IN 2011 OVER A TEN‑YEAR PERIOD IN INTERVALS OF ONE‑HALF PERCENT PER YEAR; AND TO REPEAL SECTIONS 12‑6‑3450, 12‑10‑88, 12‑14‑30, 12‑14‑40, 12‑14‑50, AND 12‑14‑70.

(ABBREVIATED TITLE)

**H. 4478--Recorded Vote**

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

 **Statement by Senators McCONNELL and BRIGHT**

 Unfortunately, we were forced to vote against H. 4478. We voted against it even though we believe in what the Bill attempts to do and help with economic development in South Carolina. However, the Bill became a Christmas tree on which many amendments were added on varied subjects such as grease and algae biodiesel, dredging of canals, changes to the State’s hospitality tax, and nuclear power plants. Our State Constitution is very clear that each Bill relate but to one subject. This Bill, as amended, clearly does not. We have all sworn to uphold the Constitution of this State even when it means voting against Bills that are popular and that we support. All this Bill would do, as drafted, is get the State sued, costing our taxpayers money and make some trial lawyers rich. For that reason, we voted “no.”

**OBJECTION**

 H. 4260 -- Reps. R.L. Brown and Whipper: A BILL TO AMEND SECTION 57‑9‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETITIONING A COURT TO ABANDON OR CLOSE A STREET, ROAD, OR HIGHWAY, SO AS TO PROVIDE THAT NOTICE OF INTENTION TO FILE A PETITION MUST BE POSTED ALONG THE STREET, ROAD, OR HIGHWAY.

 Senator PINCKNEY asked unanimous consent to take the Bill up for immediate consideration.

 Senator LEATHERMAN objected.

**ADOPTED**

 H. 4855 -- Reps. Sandifer, Skelton, Hayes and Hiott: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 93 AND PERIMETER ROAD IN THE CITY OF CLEMSON “BILL MCLELLAN INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “BILL MCLELLAN INTERSECTION”.

**RECESS**

 At 11:18 A.M., on motion of Senator GROOMS, the Senate receded from business subject until 12:30 P.M.

**AFTERNOON SESSION**

 The Senate reassembled at 12:56 P.M. and was called to order by the PRESIDENT *Pro Tempore*.

**Point of Quorum**

 At 12:56 P.M., Senator LARRY MARTIN made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

**READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

 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.

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

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Malloy *Martin, Larry* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Rankin Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

 The Bill was read the third time and ordered returned to the House.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

 H. 3845 -- Reps. T.R. Young, Allen and Kelly: A BILL TO AMEND SECTION 22‑3‑1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME FOR A MOTION FOR NEW TRIAL AND APPEAL IN MAGISTRATES COURT, SO AS TO INCREASE THE TIME PERIOD IN WHICH A MOTION FOR A NEW TRIAL MAY BE MADE FROM FIVE TO TEN DAYS.

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

**Motion Under Rule 26B**

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

 There was no objection.

 Senator ALEXANDER proposed the following amendment (3845R005.TCA), which was adopted:

 Amend the bill, as and if amended, by striking all after the enacting words and inserting:

 / SECTION 1.  Section 9-11-27 of the 1976 Code is amended by adding subsection (C) to read:

 “(C) Should a county senatorial delegation certify and report to the System that a magistrate serving in the county has retired from the System without resigning from his seat and making the separation from service required by Section 9-11-60(1)(c), the magistrate’s retirement allowance shall cease, his retirement election shall be voided, and he shall again become an active member of the System.  Any magistrate whose retirement is voided pursuant to this section must repay all benefits received from the System and make a contribution to the System equal to the amount he would have contributed had he been an active member during the period of the voided retirement, if such contribution has not already been made.  The magistrate must also receive full credit for all service performed and compensation earned during the period of the voided retirement. A magistrate for whom a certification is made pursuant to this subsection is deemed to not have a break in service that would trigger increased educational requirements for the magistrate pursuant to Section 22‑1‑10.”

 SECTION 2. This act takes effect upon approval of the Governor./

 Renumber sections to conform.

 Amend title to conform.

 The amendment was adopted.

 The question then was third reading of the Bill, as amended.

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

**Ayes 43; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

Massey

**Total--1**

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

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE AS AMENDED**

 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.

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

**Motion Under Rule 26B**

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

 There was no objection.

 Senator MASSEY proposed the following amendment (JUD4256.002), which was adopted:

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

 / SECTION 1. Section 17‑30‑125 of the 1976 Code is amended to read:

 “Section 17‑30‑125. (A) For purposes of this section:

 (1) ‘Attorney General’ means the Attorney General of the State of South Carolina or the Attorney General’s designee who is employed by the Attorney General and is an officer of the court.

 (2) ‘SLED’ means the South Carolina Law Enforcement Division.

 (B) The supervising agent of ~~the South Carolina Law Enforcement Division~~ SLED or the supervising law enforcement officer of a political subdivision of this State at the scene of an incident where there is reasonable cause to believe that:

 (1) the incident involves immediate danger of death or serious ~~physical~~ bodily injury to ~~any~~ a person or the danger ~~of escape~~ of a ~~prisoner~~ prisoner’s escape;

 (2) ~~that~~ a person is holding one or more hostages;

 (3) ~~that there is~~ the probability exists that a subject about to be arrested will resist with the use of weapons; ~~or~~

 (4) ~~that~~ a person has barricaded himself, ~~and~~ is armed, and is threatening to commit suicide; or

 (5) a threat has been made against a critical infrastructure in South Carolina as defined by federal law, pursuant to 42 U.S.C. 5195c(e); may order law enforcement or telephone company personnel to cut, reroute, or divert telephone lines solely for the purpose of preventing telephone communications between the suspect and any person other than a law enforcement officer or the law enforcement officer’s designee, if the cutting, rerouting, or diverting of telephone lines is technically feasible and can be performed without endangering the lives of telephone company or other utility personnel.

 ~~(B)~~(C) An officer of the court who is employed by SLED may issue an administrative subpoena to a telephone company, Internet service provider, or communications entity for the production of subscriber or customer information as described in subsection (F), not including the contents of any communications, if

 (1) SLED has reasonable cause to believe that the information is material to an active emergency incident involving at least one of the following situations:

 (a) a threat of death or serious bodily injury to a person;

 (b) the danger of a prisoner’s escape;

 (c) a person who is holding one or more hostages;

 (d) the probability exists that a person about to be arrested will resist arrest with the use of weapons;

 (e) a person who has barricaded himself, is armed, and is threatening to commit suicide; or

 (f) a threat against a critical infrastructure in South Carolina as defined by federal law, pursuant to 42 U.S.C. Section 5195c(e); and

 (2) SLED is not otherwise able to obtain a warrant or subpoena for the information from a court due to:

 (a) the court not being able to issue a warrant or subpoena in a timely fashion and the immediate need to obtain the information; or

 (b) SLED having reasonable cause to believe that obtaining a warrant or subpoena from the court could result in perpetuating an emergency incident that the warrant or subpoena is intended to prevent.

 (D)(1) An administrative subpoena must be made in writing upon oath or affirmation of the officer of the court who is employed by SLED. The officer must sign the administrative subpoena affirming that SLED has reasonable cause to believe that the information is material to an active emergency incident involving at least one of the situations listed in subsection (C)(1), and that SLED is not otherwise able to obtain a warrant or subpoena for the information from a court due to one of the reasons listed in subsection (C)(2).

 (2) The officer must submit the administrative subpoena to the Attorney General for review prior to issuing the administrative subpoena to a telephone company, Internet service provider, or communications entity. The officer must not issue the administrative subpoena without authorization by the Attorney General, pursuant to subsection (E). The officer may submit the administrative subpoena with signature to the Attorney General in person, by mail, by facsimile, or by other electronic means. If the officer, after a good faith effort, is not able to submit the administrative subpoena with signature to the Attorney General in person, by mail, by facsimile, or by other electronic means, the officer may orally or electronically explain and affirm the administrative subpoena to the Attorney General.

 (E)(1) The Attorney General must authorize an officer of the court who is employed by SLED to issue an administrative subpoena to a telephone company, Internet service provider, or communications entity, if, after review, the Attorney General determines that SLED has reasonable cause to believe that the information is material to an active emergency incident involving at least one of the situations listed in subsection (C)(1), and that SLED is not otherwise able to obtain a warrant or subpoena for the information from a court due to one of the reasons listed in subsection (C)(2).

 (2) If the Attorney General authorizes the officer of the court who is employed by SLED to issue the administrative subpoena, the Attorney General must sign and return the administrative subpoena to SLED. The Attorney General may return the administrative subpoena with signature to SLED in person, by mail, by facsimile, or by other electronic means.

 (3) If the Attorney General, after a good faith effort, is not able to return the administrative subpoena with signature to SLED in person, by mail, by facsimile, or by other electronic means, or the officer of the court employed by SLED was not able to submit the administrative subpoena with signature to the Attorney General and had to orally or electronically explain and affirm the administrative subpoena, the Attorney General may orally or electronically confirm authorization of the administrative subpoena. The Attorney General must return the administrative subpoena with signature to SLED within forty-eight hours after the Attorney General authorizes the administrative subpoena, or by the next business day if the time period falls on a weekend or holiday, whichever is later.

 (4) The good faith reliance by the Attorney General as to the information affirmed by SLED to obtain an administrative subpoena constitutes a complete defense to any civil, criminal, or administrative action arising out of the administrative subpoena. The Attorney General is not responsible for any costs related to the defense of any civil, criminal, or administrative action arising out of the administrative subpoena.

 (F)(1) Upon receipt of an administrative subpoena from SLED, a telephone company, Internet service provider, or communications entity shall disclose, as applicable, the subscriber’s or customer’s:

 (a) name;

 (b) address;

 (c) local and long distance telephone connection or electronic communication records, or records of session times and durations;

 (d) length of service, including the start date, and types of service utilized;

 (e) telephone or instrument number or other customer or subscriber number of identity, including any temporarily assigned network addresses; and

 (f) means and source of payment for such service, including any credit card or bank account numbers.

 (2) If a telephone company, Internet service provider, or communications entity fails to obey an administrative subpoena without lawful excuse, SLED may apply to a circuit court having jurisdiction for an order compelling compliance. The telephone company, Internet service provider, or communications entity may object to the administrative subpoena on the grounds that the administrative subpoena fails to comply with this section, or upon any constitutional or other legal right or privilege. The court may issue an order modifying or setting aside the administrative subpoena or directing compliance with the original administrative subpoena.

 (G) Information obtained by SLED pursuant to an administrative subpoena must not be made public and is not subject to the Freedom of Information Act.

 (H)(1) SLED is authorized to promulgate permanent regulations, pursuant to the Administrative Procedures Act in Chapter 23, Title 1, to define the procedures and guidelines needed to issue an administrative subpoena as provided in this section.

 (2) Pursuant to Section 1-23-130, SLED is authorized to promulgate emergency regulations to define the procedures and guidelines needed to issue an administrative subpoena as provided in this section until such time as permanent regulations are promulgated. The provisions of Section 1-23-130(A), (B), (D), and (E) are applicable to emergency regulations promulgated pursuant to this subitem. The provisions of Section 1-23-130(C) are not applicable to emergency regulations promulgated pursuant to this subitem. An emergency regulation promulgated pursuant to this subitem becomes effective upon issuance and continues for one year unless terminated sooner by SLED or concurrent resolution of the General Assembly.

 (I) An administrative subpoena must comply with the provisions of federal law 18 U.S.C. Section 2703(c)(2).

 (J) The good faith reliance by a telephone company on an oral or written order to cut, reroute, divert, or intercept telephone lines given by a supervising law enforcement officer ~~under~~ pursuant to subsection ~~(A)~~(B), or the good faith reliance by a telephone company, Internet service provider, or communications entity to provide information to SLED pursuant to an administrative subpoena, constitutes a complete defense to any civil, criminal, or administrative action arising out of the order or administrative subpoena.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator MASSEY explained the amendment.

 The amendment was adopted.

 Senator RYBERG proposed the following amendment (4256R002.WGR), which was adopted:

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

 / SECTION \_\_\_. Section 17‑30‑20 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

 “( ) intentionally uses, attempts to use, or procures any other person to use any electronic, mechanical, or other device or service that causes the telephone network to display a telephone number on a phone call recipient’s caller identification display that is not the number of the originating device. This provision shall not apply to:

 (a) the legitimate law enforcement use of this procedure by the South Carolina Law Enforcement Division;

 (b) a person or entity that places a call and blocks or otherwise prevents the delivery of a telephone number to a call recipient’s caller identification display;

 (c) a person or entity that places an authorized call on behalf of another person or entity and inserts a telephone number identified with the person or entity on behalf of whom the call is being placed; or

 (d) a communications service provider that delivers a call originated by another person or entity.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator RYBERG explained the amendment.

 The amendment was adopted.

 Senator KNOTTS proposed the following amendment (4256R003.JMK), which was ruled out of order:

 Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

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

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

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

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

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

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

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

 (1) lawfully parked or stopped;

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

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

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

 (5) summoning medical or other emergency assistance;

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

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

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

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

 (E) A law enforcement officer must not:

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

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

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

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

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

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

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

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

 SECTION \_\_\_. Section 56‑1‑720 of the 1976 Code is amended to read:

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

 VIOLATION POINTS

 Reckless driving 6

 Passing stopped school bus 6

 Hit‑and‑run, property damages only 6

 Driving too fast for conditions, or speeding:

 (1) No more than 10 m.p.h. above the

 posted limits…… 2

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

 m.p.h. above the posted limits 4

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

 Disobedience of any official traffic control

 device ……………….. 4

 Disobedience to officer directing traffic 4

 Failing to yield right of way 4

 Driving on wrong side of road 4

 Passing unlawfully 4

 Turning unlawfully 4

 Driving through or within safety zone 4

 Failing to give signal or giving improper

 signal for stopping, turning, or suddenly

 decreased speed 4

 Shifting lanes without safety precaution 2

 Improper dangerous parking 2

 Following too closely 4

 Failing to dim lights 2

 Operating with improper lights 2

 Operating with improper brakes 4

 Operating a vehicle in unsafe condition 2

 Driving in improper lane 2

 Improper backing 2

 Using a wireless electronic communication

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

 communication while operating a motor vehicle ……………1.”/

 Renumber sections to conform.

 Amend title to conform.

 **Motion Under Rule 26B**

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

 There was no objection.

 Senator KNOTTS explained the amendment.

**Point of Order**

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

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

 The amendment was ruled out of order.

**RECESS**

 At 11:13 A.M., on motion of Senator LARRY MARTIN, the Senate receded from business subject to the Call of the Chair.

 At 11:15 A.M., the Senate resumed.

 Senator MASSEY proposed the following amendment (JUD4256.003), which was adopted:

 Amend the bill, as and if amended, page 3, after line 31, by adding an appropriately numbered SECTION to read:

 / SECTION \_\_\_. If any section, subsection, paragraph, 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 this act, the General Assembly hereby declaring that it would have passed this chapter, and each and every section, subsection, 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. /

 Renumber sections to conform.

 Amend title to conform.

 Senator MASSEY explained the amendment.

 The amendment was adopted.

 Senator KNOTTS spoke on the Bill.

 The Bill was read the third time and returned to the House with amendments.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

 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.

 Senator HUTTO asked unanimous consent to take the Bill up for immediate consideration.

 There was no objection.

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

 Senator MASSEY proposed the following amendment (JUD4261.003), which was adopted:

 Amend the bill, as and if amended, page 3, by striking lines 17-28, and inserting:

 / (3) If the Attorney General, after a good faith effort, is not able to return the administrative subpoena with signature to SLED in person, by mail, by facsimile, or by other electronic means, or the officer of the court employed by SLED was not able to submit the administrative subpoena with signature to the Attorney General and had to orally or electronically explain and affirm the administrative subpoena, the Attorney General may orally or electronically confirm authorization of the administrative subpoena. The Attorney General must return the administrative subpoena with signature to SLED within forty-eight hours after the Attorney General authorizes the administrative subpoena, or by the next business day, if the time period falls on a weekend or holiday, whichever is later. /

 Renumber sections to conform.

 Amend title to conform.

 Senator MASSEY explained the amendment.

 The amendment was adopted.

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

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

 H. 4413 -- Reps. Chalk, Gunn, Hardwick, Clemmons, Lowe, Crawford, Long, J.M. Neal, G.R. Smith, Harrison, A.D. Young, Horne, Brady, Erickson, Herbkersman, Millwood, Allison, Parker, Duncan, M.A. Pitts, Harvin, Williams, Neilson, Battle, Miller, Huggins, Spires, Willis, Hearn, Scott, Daning, J.E. Smith, Vick and H.B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 44 TO ENACT THE “LICENSURE OF IN‑HOME CARE PROVIDER ACT” SO AS TO REQUIRE A BUSINESS TO BE LICENSED TO PROVIDE, OR TO MAKE PROVISIONS FOR, IN‑HOME CARE SERVICES THROUGH ITS EMPLOYEES OR AGENTS OR THROUGH CONTRACTUAL ARRANGEMENTS; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS FOR LICENSURE IN ACCORDANCE WITH REQUIREMENTS PROVIDED FOR IN THIS ACT, INCLUDING, BUT NOT LIMITED TO, CRIMINAL BACKGROUND CHECKS; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR IN‑HOME CAREGIVERS EMPLOYED BY IN‑HOME CARE PROVIDERS; AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN ALL FEES COLLECTED PURSUANT TO THIS CHAPTER TO BE USED EXCLUSIVELY TO CARRY OUT THE DEPARTMENT’S RESPONSIBILITIES UNDER THIS CHAPTER.

 Senator CLEARY asked unanimous consent to take the Bill up for immediate consideration.

 There was no objection.

**Motion Under Rule 26B**

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

 There was no objection.

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

 Senator RYBERG proposed the following amendment (H-4413 RYBERG), which was adopted:

 Amend the bill, as and if amended, page 4, after line 13 by adding:

 / “Section 44-70-90. Non-Medicaid providers who provide the following services are exempt from licensure under this chapter: companion-sitting, transportation, meal preparation, medicinal reminders (to exclude sorting or dispensation), household chores, errands, bathing, dressing, pet care, or other non-medical services that a family member or friend could perform without medical supervision or training.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator CLEARY explained the amendment.

 The amendment was adopted.

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

**Recorded Vote**

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

**Statement by Senators McCONNELL and BRIGHT**

 We voted against H. 4413 on third reading because it would allow an agency to set fees by regulation.  This is a bad practice since decisions to set fees should be done by elected officials and not by bureaucrats especially since no affirmative vote of the General Assembly is needed in order for those fees to take effect.  For that reason, we voted no.

**THIRD READING FAILED**

 S. 1257--Senator Rose: A BILL TO AMEND CHAPTER 5, TITLE 43 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE DIRECTORY OF NEW HIRES AND NEW HIRE REPORTING PROGRAM TO REPEAL SECTION 43‑5‑598; TO AMEND SECTION 63‑17‑1210, RELATING TO THE STATE DIRECTORY OF NEW HIRES AND THE NEW HIRE REPORTING PROGRAM, TO REQUIRE THAT BY JULY 1, 2010, THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE DEPARTMENT OF SOCIAL SERVICES CREATE AN EMPLOYER NEW HIRE REPORTING PROGRAM AND A STATE DIRECTORY OF NEW HIRES. (Abbreviated Title)

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

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

**Ayes 8; Nays 30**

**AYES**

Alexander Campbell Elliott

Fair Hayes *Martin, Larry*

Massey Rose

**Total--8**

**NAYS**

Anderson Bright Bryant

Campsen Cleary Coleman

Cromer Davis Grooms

Hutto Knotts Land

Leatherman Malloy McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Reese Ryberg

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--30**

 Having failed to receive the necessary vote, third reading of the Bill failed.

**Expression of Personal Interest**

 Senator ROSE rose for an Expression of Personal Interest.

**SECOND READING BILL**

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

 H. 5047 -- Reps. Parks, M.A. Pitts and Pinson: A BILL TO VEST TITLE IN GREENWOOD COUNTY OF CERTAIN PROPERTY FORMERLY BELONGING TO THE GREENWOOD RECREATION COMMISSION WHICH WAS CREATED BY ACT 338 OF 1949 AND DISSOLVED BY ACT 1352 OF 1968, AND TO DIRECT THE CLERK OF COURT FOR GREENWOOD COUNTY TO EXECUTE DEEDS OF CONVEYANCE ON BEHALF OF THE GREENWOOD RECREATION COMMISSION.

 On motion of Senator NICHOLSON, the Bill was given a second reading.

**H. 5047--Ordered to a Third Reading**

 On motion of Senator NICHOLSON, H. 5047 was ordered to receive a third reading on the next legislative day.

**OBJECTION**

 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.

 Senator HAYES asked unanimous consent to take the Bill up for immediate consideration.

 There was no objection.

 Senator HAYES explained the Bill.

 Senator RYBERG objected to further consideration of the Bill.

**AMENDED, AMENDMENT PROPOSED, OBJECTION**

 H. 4506 -- Reps. Lucas, Harrison, J.E. Smith, Harrell, Battle and Rutherford: A JOINT RESOLUTION 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.

 Senator KNOTTS asked unanimous consent to take the Joint Resolution up for immediate consideration.

 There was no objection.

**Motion Under Rule 26B**

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

 There was no objection.

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

 Senator KNOTTS proposed the following amendment (4506R001.JMK), which was adopted:

 Amend the joint resolution, as and if amended, by striking the joint resolution in its entirety and inserting:

 / 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.

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

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

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

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

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

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

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

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

 (1) lawfully parked or stopped;

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

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

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

 (5) summoning medical or other emergency assistance;

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

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

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

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

 (E) A law enforcement officer must not:

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

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

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

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

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

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

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

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

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

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

 VIOLATION POINTS

 Reckless driving ……6

 Passing stopped school bus 6

 Hit‑and‑run, property damages only 6

 Driving too fast for conditions, or speeding:

 (1) No more than 10 m.p.h. above the

 posted limits…… 2

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

 m.p.h. above the posted limits 4

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

 Disobedience of any official traffic control

 device ……………….. 4

 Disobedience to officer directing traffic 4

 Failing to yield right of way 4

 Driving on wrong side of road 4

 Passing unlawfully 4

 Turning unlawfully 4

 Driving through or within safety zone 4

 Failing to give signal or giving improper

 signal for stopping, turning, or suddenly

 decreased speed 4

 Shifting lanes without safety precaution 2

 Improper dangerous parking 2

 Following too closely 4

 Failing to dim lights 2

 Operating with improper lights 2

 Operating with improper brakes 4

 Operating a vehicle in unsafe condition 2

 Driving in improper lane 2

 Improper backing 2

 Using a wireless electronic communication

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

 communication while operating a motor vehicle ……………1.”

 SECTION 3. This act takes effect upon approval by the Governor./

 Renumber sections to conform.

 Amend title to conform.

 The amendment was adopted.

 Senator JACKSON proposed the following amendment (4506R002.DJ):

 Amend the joint resolution, as and if amended, by striking the joint resolution in its entirety and inserting:

 / 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 TO USE A WIRELESS COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE UNLESS THE PERSON IS USING A HANDS-FREE DEVICE OR PURSUANT TO ADDITIONAL EXCEPTIONS.

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

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

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

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

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

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

 (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) 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;

 (5) summoning medical or other emergency assistance;

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

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

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

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

 (E) A law enforcement officer must not:

 (1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer’s clear and unobstructed view of a person who is using a wireless electronic communication device 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.”

 SECTION 3. This act takes effect upon approval by the Governor./

 Renumber sections to conform.

 Amend title to conform.

 Senator ELLIOTT objected to further consideration of the Joint Resolution, as amended.

**THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

 S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50‑11‑770 TO ENACT THE “RENEGADE HUNTER ACT”, TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

Very respectfully,

Speaker of the House

 Received as information.

 **S. 1027--SENATE ENROLLED FOR RATIFICATION**

 S. 1027 -- Senator McGill: A BILL TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50‑11‑770 TO ENACT THE “RENEGADE HUNTER ACT”, TO PROHIBIT USING DOGS TO HUNT ON PROPERTY WITHOUT PERMISSION OF THE LANDOWNER, AND TO PROVIDE APPROPRIATE PENALTIES.

 The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

 A message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

 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.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

 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.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

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

 S. 1025 -- Senator Cromer: A BILL TO AMEND SECTION 38‑73‑737 OF THE 1976 CODE, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, TO REDUCE THE INITIAL COURSE FROM EIGHT TO SIX HOURS, TO ALLOW FOR A FOUR HOUR REFRESHER COURSE EVERY THREE YEARS, AND TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS FOR FIFTY‑FIVE YEARS AND OLDER DRIVER SAFETY INTERNET COURSES.

asks for a Committee of Conference, and has appointed Reps. Sandifer, Brady and Anderson to the committee on the part of the House.

Very respectfully,

Speaker of the House

 Received as information.

**S. 1025--CONFERENCE COMMITTEE APPOINTED**

 S. 1025 -- Senator Cromer: A BILL TO AMEND SECTION 38‑73‑737 OF THE 1976 CODE, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, TO REDUCE THE INITIAL COURSE FROM EIGHT TO SIX HOURS, TO ALLOW FOR A FOUR HOUR REFRESHER COURSE EVERY THREE YEARS, AND TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS FOR FIFTY‑FIVE YEARS AND OLDER DRIVER SAFETY INTERNET COURSES.

 Whereupon, Senators SETZLER, THOMAS and CROMER were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it refuses to concur in the amendments proposed by the Senate to:

 S. 912 -- Senator Land: A BILL TO AMEND SECTION 17‑22‑950 OF THE 1976 CODE, AS ADDED BY ACT 36 OF 2009, RELATING TO PROCEDURES FOR EXPUNGEMENT OF CRIMINAL CHARGES WHICH HAVE BEEN BROUGHT IN SUMMARY COURT, TO REMOVE THE REQUIREMENT THAT THE COMPLETED EXPUNGEMENT ORDER BE FILED WITH THE CLERK OF COURT.

Very respectfully,

Speaker of the House

 Received as information.

**S. 912--SENATE INSISTS ON THEIR AMENDMENTS**

**CONFERENCE COMMITTEE APPOINTED**

 S. 912 -- Senator Land: A BILL TO AMEND SECTION 17‑22‑950 OF THE 1976 CODE, AS ADDED BY ACT 36 OF 2009, RELATING TO PROCEDURES FOR EXPUNGEMENT OF CRIMINAL CHARGES WHICH HAVE BEEN BROUGHT IN SUMMARY COURT, TO REMOVE THE REQUIREMENT THAT THE COMPLETED EXPUNGEMENT ORDER BE FILED WITH THE CLERK OF COURT.

 On motion of Senator HUTTO, the Senate insisted upon its amendments to S. 912 and asked for a Committee of Conference.

 Whereupon, Senators HUTTO, SHOOPMAN and MASSEY were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

 S. 337 -- Senators Cleary and Peeler: A BILL TO AMEND SECTION 44‑1‑60 OF THE SOUTH CAROLINA CODE, TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS. (ABBREVIATED TITLE)

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

 S. 337 -- Senators Cleary and Peeler: A BILL TO AMEND SECTION 44‑1‑60 OF THE SOUTH CAROLINA CODE, TO FURTHER PROVIDE PROCEDURES FOR REVIEW OF CERTIFICATE OF NEED DECISIONS AND CONTESTED CASE HEARINGS. (ABBREVIATED TITLE)

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it has appointed Reps. Kelly, McLeod and Cole to the Committee of Conference on the part of the House 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.

Very respectfully,

Speaker of the House

 Received as information.

**H. 4215--FREE CONFERENCE POWERS GRANTED**

**FREE CONFERENCE COMMITTEE APPOINTED**

**REPORT OF THE COMMITTEE**

**OF FREE CONFERENCE ADOPTED**

 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.

 On motion of Senator HUTTO, with unanimous consent, the Report of the Committee of Free Conference was taken up for immediate consideration.

 Senator HUTTO spoke on the report.

 On motion of Senator HUTTO, Free Conference Powers were requested.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--44**

**NAYS**

**Total--0**

 Free Conference Powers were granted.

 Whereupon, Senators HUTTO, MASSEY and DAVIS were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

 On motion of Senator HUTTO, the Report of the Committee of Free Conference to H. 4215 was adopted as follows:

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

**Ayes 44; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--44**

**NAYS**

**Total--0**

 The Free Conference Report was adopted as follows.

**H. 4215--Free Conference Report**

The General Assembly, Columbia, S.C., June 2, 2010

 The Committee of Free Conference, to whom was referred:

 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.

 Beg leave to report that they have duly and carefully considered the same and recommend:

 That the same do pass with the following amendments:

 Amend the bill, as and if amended, by striking all after the enacting words and inserting:

 / SECTION 1. Section 18‑3‑30 of the 1976 Code is amended to read:

 “Section 18‑3‑30. (A) The appellant ~~shall~~, within ten days after sentence, shall file notice of appeal with the clerk of circuit court and shall serve notice of appeal upon the magistrate who tried the case and upon the designated agent for the prosecuting agency or attorney who prosecuted the charge, stating the grounds upon which the appeal is founded.

 (B) ~~Any~~ A person convicted in ~~a magistrate’s~~ magistrates court who pays a fine assessed by the court does not ~~thereby~~ waive his right of appeal and, upon proper notice, may appeal his conviction within the time allotted in this section.”

 SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

 SECTION 3. This act takes effect upon approval by the Governor./

 Amend title to conform.

/s/Sen. C. Bradley Hutto /s/Rep. R. Keith Kelly

/s/Sen. A. Shane Massey /s/Rep. Walton J. McLeod

/s/Sen. Thomas C. Davis /s/Rep. J. Derham Cole, Jr.

 On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**S. 382--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

 S. 382 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62‑2‑805 SO AS TO PROVIDE FOR A PRESUMPTION THAT A DECEDENT AND THE DECEDENT’S SPOUSE HELD TANGIBLE PERSONAL PROPERTY IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, FOR EXCEPTIONS TO THE PRESUMPTION, AND FOR THE STANDARD OF PROOF TO OVERCOME THE PRESUMPTION.

 On motion of Senator HAYES, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

 Senator HAYES spoke on the report.

 On motion of Senator HAYES, the Report of the Committee of Conference to S. 382 was adopted as follows:

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

**Ayes 39; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Cleary Coleman

Courson Cromer Davis

Elliott Fair Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

Massey McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--39**

**NAYS**

**Total--0**

The Conference Report was adopted as follows.

**S. 382--Conference Report**

The General Assembly, Columbia, S.C., June 2, 2010

 The Committee of Conference, to whom was referred:

 S. 382 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-2-805 SO AS TO PROVIDE FOR A PRESUMPTION THAT A DECEDENT AND THE DECEDENT'S SPOUSE HELD TANGIBLE PERSONAL PROPERTY IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, FOR EXCEPTIONS TO THE PRESUMPTION, AND FOR THE STANDARD OF PROOF TO OVERCOME THE PRESUMPTION.

 Beg leave to report that they have duly and carefully considered the same and recommend:

 That the same do pass with the following amendments:

 Amend the bill, as and if amended, by striking all after the enacting words and inserting the following:

 / SECTION 1. Section 62-2-804 of the 1976 Code is amended to read:

 “Section 62-2-804. When any person is seized or possessed of any ~~estate of~~ real property held in joint tenancy at the time of his death, the joint tenancy is deemed to have been severed by the death of the joint tenant and the ~~estate~~ real property is distributable as a tenancy in common unless the instrument which creates the joint tenancy in real property, including any instrument in which one person conveys to himself and one or more other persons, or two or more persons convey to themselves, or to themselves and another or others, expressly provides for a right of survivorship, in which case the severance does not occur. While other methods for the creation of a joint tenancy in real property may be utilized, an express provision for a right of survivorship is conclusively ~~deemed~~ considered to have occurred if the will or instrument of conveyance contains the names of the devisees or grantees followed by the words ‘as joint tenants with right of survivorship and not as tenants in common’.”

 SECTION 2. Part 8, Article 2, Title 62 of the 1976 Code is amended by adding:

 “Section 62‑2‑805. (A) For purposes of this article, tangible personal property in the joint possession or control of the decedent and the surviving spouse at the time of the decedent’s death is presumed to be owned by the decedent and the decedent’s spouse in joint tenancy with right of survivorship if ownership is not evidenced otherwise by a certificate of title, bill of sale, or other writing. This presumption does not apply to property:

 (1) acquired by either spouse before marriage;

 (2) acquired by either spouse by gift or inheritance during the marriage;

 (3) used by the decedent spouse in a trade or business in which the surviving spouse has no interest;

 (4) held for another; or

 (5) devised in a written statement or list disposing of tangible personal property pursuant to Section 62‑2‑512.

 (B) The presumption created in this section may be overcome by a preponderance of the evidence demonstrating that ownership was held other than in joint tenancy with right of survivorship.”

 SECTION 3. If any section, subsection, paragraph, 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 this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, 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 4. This act takes effect upon approval by the Governor./

 Amend title to conform.

/s/Sen. Robert W. Hayes /s/Rep. Bruce W. Bannister

/s/Sen. Gerald Malloy /s/Rep. George M. Hearn

/s/Sen. A. Shane Massey /s/Rep. Leonidas E. “Leon” Stavrinakis

 On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

 S. 981 -- Senators Rose and Knotts: A BILL TO AMEND SECTION 63‑3‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF THE FAMILY COURT, INCLUDING JURISDICTION TO ORDER VISITATION FOR GRANDPARENTS, SO AS TO PROVIDE THAT THE COURT MAY ORDER GRANDPARENT VISITATION IF THE COURT FINDS THAT THE CHILD’S PARENTS ARE DEPRIVING THE GRANDPARENT VISITATION WITH THE CHILD AND THAT THE PARENTS ARE UNFIT OR THAT THERE ARE COMPELLING CIRCUMSTANCES TO OVERCOME THE PRESUMPTION THAT THE PARENTAL DECISION IS IN THE CHILD’S BEST INTEREST.

 The House returned the Bill with amendments.

 The question then was concurrence in the House amendments.

**Amendment No. 1**

 Senator SETZLER proposed the following Amendment No. 1 (JUD0981.003), which was adopted:

 Amend the bill, as and if amended, SECTION 1, beginning on page 1, lines 40-42, and page 2, lines 1-5, by striking the lines in their entirety and inserting the following:

 / ~~the filing of the petition or complaint;~~ to order visitation for the grandparent of a minor child where either or both parents of the minor child is or are deceased, or are divorced, or are living separate and apart in different habitats, if the court finds that:

 (1) the child’s parents or guardians are unreasonably depriving the grandparent of the opportunity to visit with the child, including denying visitation of the minor child to the grandparent for a period exceeding ninety days; and

 (2) the grandparent maintained a relationship similar to a parent-child relationship with the minor child; and

 (3) that awarding grandparent visitation would not interfere with the parent-child relationship; and: /

 Renumber sections to conform.

 Amend title to conform.

 Senator SETZLER explained the amendment.

 The question then was the adoption of the amendment.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--44**

**NAYS**

**Total--0**

 The amendment was adopted.

 The Bill was ordered returned to the House of Representatives with amendments.

 **CONCURRENCE**

S. 1148 -- Senator Cleary: A BILL TO AMEND CHAPTER 65, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS, SO AS TO CONFORM THIS CHAPTER TO THE ORGANIZATIONAL STATUTORY FRAMEWORK ESTABLISHED FOR PROFESSIONS AND OCCUPATIONS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE THAT PERSONS ENGAGING IN PROFESSIONAL SOIL CLASSIFICATION MUST BE LICENSED, RATHER THAN REGISTERED; TO REVISE QUALIFICATIONS FOR LICENSURE; TO PROVIDE GRANDFATHERING PROVISIONS FOR REGISTERED PROFESSIONAL SOIL CLASSIFIERS TO BECOME LICENSED PROFESSIONAL SOIL CLASSIFIERS UPON THE NEXT RENEWAL OF THE PERSON’S REGISTRATION; AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS.

 The House returned the Bill with amendments.

 The question then was concurrence with the House amendments.

 Senator CLEARY explained the amendments.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--44**

**NAYS**

**Total--0**

 The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED**

**H. 4657--GENERAL APPROPRIATIONS BILL**

 On motion of Senator LEATHERMAN, the Report of the Committee of Conference was taken up for immediate consideration.

 The question then was the adoption of the Report of the Committee of Conference on H. 4657 incorporated herein by reference in Doc. No. P:Legwork\Senate\amend\nbd\12432HTC10.docx.

 Senator LEATHERMAN explained the Report of the Committee of Conference.

**Point of Order**

 Senator CAMPSEN raised a Point of Order under Rule 24B that inasmuch as Proviso 1.80 is contained in the Report of the Committee of Conference which amends permanent law in Section 59-20-20(3) of the S.C. Code of Laws, it would require a 3/5 vote in order to be included in the report.

 Senator SHEHEEN spoke on the Point of Order.

 Senator LEATHERMAN spoke on the Point of Order.

 Senator HUTTO spoke on the Point of Order.

 Senator CLEARY spoke on the Point of Order.

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

 The question then was whether Proviso 1.80 should be included in Report of the Committee of Conference.

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

**Ayes 29; Nays 13**

**AYES**

Alexander Anderson Bright

Campbell Coleman Fair

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

Massey McGill Nicholson

O’Dell Peeler Pinckney

Reese Ryberg Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--29**

**NAYS**

Bryant Campsen Cleary

Courson Cromer Davis

Elliott Ford Grooms

McConnell Mulvaney Rankin

Rose

**Total--13**

 Pursuant to the provisions of Rule 24B, Proviso 1.80 would be included in the Report of the Committee of Conference.

**Point of Order**

 Senator SCOTT raised a Point of Order that Proviso 89.146 was out of order inasmuch as it was violative of Rule 24B.

 Senator FAIR spoke on the Point of Order.

 Senator SCOTT spoke on the Point of Order.

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

**Point of Order**

 Senator HUTTO raised a Point of Order that Proviso 65.14 was out of order inasmuch as it was violative of Rule 24B.

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

 The question then was the adoption of the Report of the Committee of Conference on H. 4657 incorporated herein by reference in Doc. No. P:Legwork\Senate\amend\nbd\12432HTC10.docx.

 Senator DAVIS argued contra to the adoption of the Report of the Committee of Conference on H. 4657, the General Appropriations Bill.

 Senator BRIGHT argued contra to the adoption of the Report of the Committee of Conference.

**RECESS**

 At 4:03 P.M., with Senator BRIGHT retaining the floor, on motion of Senator LEATHERMAN, with unanimous consent, the Senate receded from business not to exceed three minutes.

 At 4:08 P.M., the Senate resumed

 Senator BRIGHT argued contra to the adoption of the Report of the Committee of Conference.

**Objection**

 Senator BRIGHT asked unanimous consent to make a motion to revert to the language regarding the State Health Plan not paying for abortions contained in the House Passed Version of the General Appropriations Bill.

 Senator PINCKNEY objected.

 Senator BRIGHT argued contra to the adoption of the Report of the Committee of Conference.

**Objection**

With Senator BRIGHT retaining the floor, Senator GROOMS asked unanimous consent to make a motion to take up H. 4855 for immediate consideration.

 Senator LEATHERMAN objected.

 Senator BRIGHT argued contra to the adoption of the Report of the Committee of Conference.

**Motion Under Rule 15A Failed**

 At 4:22 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H. 4657.

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

**Ayes 11; Nays 28**

**AYES**

Alexander Campbell Coleman

Fair Hayes Land

Leatherman *Martin, Larry* McConnell

O’Dell Ryberg

**Total--11**

**NAYS**

Anderson Bright Bryant

Campsen Cleary Courson

Cromer Davis Elliott

Grooms Hutto Jackson

Knotts Lourie Malloy

Massey McGill Mulvaney

Nicholson Peeler Pinckney

Reese Rose Scott

Setzler Shoopman Verdin

Williams

**Total--28**

 Having failed to receive the necessary vote, the motion under Rule 15A failed.

**RECESS**

 At 4:28 P.M., with Senator BRIGHT retaining the floor, on motion of Senator GROOMS, unanimous consent, the Senate receded from business not to exceed three minutes.

 At 4:31 P.M., the Senate resumed.

 Senator BRIGHT argued contra to the adoption of the Report of the Committee of Conference.

 The question then was the adoption of the Report of the Committee of Conference.

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

**Ayes 20; Nays 20**

**AYES**

Alexander Campbell Coleman

Courson Cromer Elliott

Fair Hayes Jackson

Land Leatherman Lourie

*Martin, Larry* McGill Nicholson

O’Dell Peeler Reese

Setzler Williams

**Total--20**

**NAYS**

Anderson Bright Bryant

Campsen Cleary Davis

Grooms Hutto Knotts

Malloy Massey McConnell

Mulvaney Pinckney Rose

Ryberg Scott Sheheen

Shoopman Verdin

**Total--20**

 Adoption of the Report of the Committee of Conference failed.

 Having voted on the prevailing side, Senator KNOTTS moved to reconsider the vote whereby the adoption of the Report of the Committee of Conference failed.

**Point of Order**

 Senator MULVANEY raised a Point of Order that inasmuch as the vote was a tie, the Senator could not be on the prevailing side.

 The PRESIDENT *Pro Tempore* overruled the Point of Order and stated that inasmuch as the adoption of the Report of the Committee of Conference failed, the Senator would be considered as having voted on the prevailing side.

 Senator GROOMS moved to carry over the motion to reconsider.

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

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

**Ayes 26; Nays 14**

**AYES**

Alexander Anderson Campbell

Coleman Courson Cromer

Elliott Fair Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

*Martin, Larry* McConnell McGill

Nicholson O’Dell Pinckney

Reese Ryberg Setzler

Sheheen Williams

**Total--26**

**NAYS**

Bright Bryant Campsen

Cleary Davis Grooms

Malloy Massey Mulvaney

Peeler Rose Scott

Shoopman Verdin

**Total--14**

 The motion to table the motion to carry over the motion to reconsider was adopted.

 The question then was the motion to reconsider the vote whereby adoption of the Report of the Committee of Conference failed.

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

**Ayes 24; Nays 15**

**AYES**

Alexander Anderson Campbell

Courson Cromer Elliott

Fair Hayes Hutto

Jackson Knotts Land

Leatherman Lourie *Martin, Larry*

McConnell McGill Nicholson

O’Dell Peeler Reese

Ryberg Setzler Williams

**Total--24**

**NAYS**

Bright Bryant Campsen

Cleary Davis Grooms

Malloy Massey Mulvaney

Pinckney Rose Scott

Sheheen Shoopman Verdin

**Total--15**

 The motion to reconsider the vote whereby adoption of the Report of the Committee of Conference failed was adopted.

 The question then was the adoption of the Report of the Committee of Conference.

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

**Ayes 22; Nays 16**

**AYES**

Alexander Anderson Campbell

Coleman Courson Cromer

Elliott Fair Hayes

Jackson Knotts Land

Leatherman Lourie *Martin, Larry*

McGill Nicholson O’Dell

Peeler Reese Setzler

Williams

**Total--22**

**NAYS**

Bright Bryant Campsen

Cleary Davis Grooms

Malloy Massey McConnell

Mulvaney Pinckney Rose

Scott Sheheen Shoopman

Verdin

**Total--16**

 The Report of the Committee of Conference was adopted.

**Statement by Senator RYBERG**

 I was outside the Senate Chamber at the time of the second vote on the Appropriations Conference Report. I voted against the Conference Report the first time that it was considered, and I would have voted against it the second time.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

**H. 4657--GENERAL APPROPRIATIONS BILL**

Very respectfully,

Speaker of the House

 Received as information.

**H. 4657--SENATE ENROLLED FOR RATIFICATION**

**H. 4657--GENERAL APPROPRIATIONS BILL**

 The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for ratification.

 , and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 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 SECTION 58‑5‑380 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO AUTHORIZE GAS UTILITIES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE GAS UTILITIES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; TO AMEND CHAPTER 27, TITLE 58 OF THE CODE OF LAWS, SO AS TO AUTHORIZE ELECTRIC UTILITIES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE UTILITIES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; TO AMEND CHAPTER 31, TITLE 58 OF THE CODE OF LAWS, SO AS TO AUTHORIZE THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE PUBLIC SERVICE AUTHORITY TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; TO AMEND CHAPTER 49, TITLE 33 OF THE CODE OF LAWS, SO AS TO AUTHORIZE ELECTRIC COOPERATIVES TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE ELECTRIC COOPERATIVES TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO; AND TO AMEND CHAPTER 31, TITLE 5 OF THE CODE OF LAWS, SO AS TO AUTHORIZE MUNICIPAL ELECTRIC AND GAS SYSTEMS TO IMPLEMENT PREPAYMENT PROGRAMS FOR RESIDENTIAL CUSTOMERS IN SUCH A MANNER THAT WILL PROMOTE ENERGY EFFICIENCY AND CONSERVATION BY FACILITATING CONSUMER AWARENESS OF ENERGY USE AND THE CONSERVATION OF ENERGY RESOURCES AND TO ALLOW THE SYSTEMS TO INTERRUPT SERVICE WHEN THE PREPAID ACCOUNT BALANCE IS ZERO.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 S. 1348 -- Senator Campsen: A BILL TO AMEND CHAPTER 16, TITLE 12 OF THE 1976 CODE, RELATING TO THE ESTATE TAX, BY ADDING SECTION 12‑16‑1960 TO PROVIDE THAT THE WILL OR TRUST OF A DECEDENT WHO DIES IN 2010 THAT CONTAINS CERTAIN FORMULAE SHALL BE DEEMED TO REFER TO THE FEDERAL ESTATE TAX LAW AS IT APPLIED ON DECEMBER 31, 2009.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 H. 3779 -- Reps. Hearn, Weeks, Bannister, Erickson, Clemmons and Viers: A BILL TO AMEND SECTION 63‑7‑1620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LEGAL REPRESENTATION OF CHILDREN AND THE APPOINTMENT OF GUARDIANS AD LITEM, SO AS TO CLARIFY WHEN AN ATTORNEY MAY BE APPOINTED TO REPRESENT A GUARDIAN AD LITEM IN A CHILD ABUSE OR NEGLECT PROCEEDING AND TO CLARIFY WHO THE COURT MAY APPOINT TO REPRESENT A CHILD IN SUCH A PROCEEDING.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 H. 4516 -- Rep. M.A. Pitts: A BILL TO AMEND SECTIONS 61-4-550 AND 61-6-2000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL PERMITS FOR THE SALE OF BEER AND WINE AND FOR THE SALE OF ALCOHOLIC LIQUORS, RESPECTIVELY, BOTH SO AS TO ALLOW NONPROFIT ORGANIZATIONS TO ACQUIRE PERMITS FOR A LIMITED DURATION UNDER CERTAIN CIRCUMSTANCES AND LIMITATIONS; AND TO REPEAL SECTION 61-6-510 RELATING TO TEMPORARY PERMITS FOR THE SALE OF ALCOHOLIC LIQUORS FOR NONPROFIT ORGANIZATIONS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 H. 4837 -- Reps. J.E. Smith, Miller and McLeod: A BILL TO AMEND SECTION 12‑21‑3940, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BINGO LICENSE REQUIRED FOR NONPROFIT ORGANIZATIONS, SO AS TO ELIMINATE THE PROHIBITION ON ISSUING SUCH A LICENSE TO A NONPROFIT ORGANIZATION THAT IS A NONPUBLIC, LIMITED MEMBERSHIP ORGANIZATION ESTABLISHED FOR SOCIAL, BENEVOLENT, PATRIOTIC, RECREATIONAL, OR FRATERNAL PURPOSES WHICH HOLDS A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 H. 4129 -- Reps. Funderburk, Umphlett, Hodges, Clemmons, Whipper, R.L. Brown and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑11‑780 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO WILFULLY, KNOWINGLY, OR MALICIOUSLY ENTER UPON THE LANDS OF ANOTHER OR THE POSTED LANDS OF THE STATE AND INVESTIGATE, DISTURB, OR EXCAVATE A PREHISTORIC OR HISTORIC SITE FOR THE PURPOSE OF DISCOVERING, UNCOVERING, MOVING, REMOVING, OR ATTEMPTING TO REMOVE AN ARCHAEOLOGICAL RESOURCE; TO PROVIDE PENALTIES AND CIVIL REMEDIES; AND TO PROVIDE EXCEPTIONS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 2, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 H. 4239 -- Reps. Miller, Wylie, J.E. Smith and Anderson: A BILL TO AMEND SECTION 8‑21‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SCHEDULE OF FEES AND COSTS COLLECTED BY COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS, SO AS TO WAIVE THE RECORDING FEE OTHERWISE REQUIRED FOR A POWER OF ATTORNEY FILED BY A MEMBER OF ARMED FORCES OF THE UNITED STATES PREPARATORY TO DEPLOYMENT TO A COMBAT ZONE UPON PRESENTATION OF COPIES OF THE DEPLOYMENT ORDER, AND TO DEFINE “COMBAT ZONE”.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 S. 1298 -- Senator McGill: A BILL TO AMEND SECTION 56‑5‑70 OF THE 1976 CODE, RELATING TO THE REGULATION OF TRAFFIC ON HIGHWAYS, TO PROVIDE GUIDELINES FOR RELIEF FROM REGULATIONS DURING TIMES OF EMERGENCY.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 H. 4107 -- Reps. White and Bowen: A JOINT RESOLUTION TO REQUIRE ALL ROAD IMPROVEMENTS NECESSITATED BY SCHOOL CONSTRUCTION PROJECTS IN ANDERSON COUNTY SCHOOL DISTRICT FIVE FUNDED BY THE DISTRICT’S APRIL 2007 ONE HUNDRED FORTY MILLION DOLLAR BOND ISSUE REFERENDUM TO BE PAID FOR SOLELY FROM PROCEEDS OF THAT BOND ISSUE.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 S. 217 -- Senator Fair: A BILL TO AMEND SECTION 24‑3‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PLACES OF CONFINEMENT FOR INMATES, SO AS TO SUBSTITUTE THE TERM “REGIONAL COUNTY OR MUNICIPAL JAIL” FOR THE TERM “COUNTY JAIL”, AND TO INCLUDE FACILITY MANAGERS OF THE COUNTY, MUNICIPAL ADMINISTRATORS, OR THEIR EQUIVALENT AS PERSONS WHO THE STATE MUST OBTAIN CONSENT FROM TO HOUSE AS AN INMATE IN A LOCAL GOVERNMENTAL FACILITY; TO AMEND SECTION 24‑3‑27, RELATING TO THE ESTABLISHMENT OF LOCAL REGIONAL CORRECTIONAL FACILITIES, SO AS TO PROVIDE THAT THE DECISION TO ASSIGN WORK OR DISQUALIFY A PERSON FROM WORK IN A FACILITY IS IN THE SOLE DISCRETION OF THE OFFICIAL IN CHARGE OF THE FACILITY AND MAY NOT BE CHALLENGED; TO AMEND SECTION 24‑3‑30, RELATING TO DESIGNATION OF PLACES OF CONFINEMENT, SO AS TO REVISE THE LIST OF PERSONS FROM WHICH THE STATE MUST OBTAIN CONSENT BEFORE AN INMATE MAY BE PLACED IN A FACILITY MAINTAINED BY A LOCAL GOVERNMENTAL ENTITY; TO AMEND SECTION 24‑3‑50, RELATING TO THE PENALTY FOR A PRISONER WHO FAILS TO REMAIN WITHIN THE EXTENDED LIMITS OF HIS CONFINEMENT, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO A PRISONER CONFINED IN A LOCAL FACILITY, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑3‑60, RELATING TO THE CLERKS OF COURT PROVIDING NOTICE TO THE DEPARTMENT OF CORRECTIONS OF THE NUMBER OF CONVICTS SENTENCED TO IMPRISONMENT IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑70, RELATING TO ALLOWABLE EXPENSES INCURRED FOR THE TRANSPORTATION OF CONVICTS TO THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑80, RELATING TO THE DETENTION OF A PRISONER BY COMMITMENT AUTHORIZED BY THE GOVERNOR, SO AS TO SUBSTITUTE THE TERM “STATE PRISON SYSTEM” FOR THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑81, RELATING TO CONJUGAL VISITS WITHIN THE STATE PRISON SYSTEM, SO AS TO PROVIDE THAT NO PRISONER IN THE STATE PRISON SYSTEM OR WHO IS BEING DETAINED IN A LOCAL GOVERNMENTAL FACILITY IS PERMITTED TO HAVE CONJUGAL VISITS; TO AMEND SECTION 24‑3‑130, RELATING TO THE USE OF INMATE LABOR ON PUBLIC WORKS PROJECTS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑3‑131, RELATING TO THE SUPERVISION OF INMATES USED ON PUBLIC PROJECTS, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑140, RELATING TO THE USE OF CONVICT LABOR AT THE STATE HOUSE, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑160, RELATING TO THE COST OF MAINTAINING CONVICTS BY STATE INSTITUTIONS, SO AS TO SUBSTITUTE THE TERM “INMATES” FOR THE TERM “CONVICTS”, AND THE TERM “PRISON SYSTEM” FOR THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑170, RELATING TO THE USE OF CONVICTS BY CLEMSON UNIVERSITY, SO AS TO SUBSTITUTE THE TERMS “FEE” FOR THE TERM “HIRE”, “INMATES” FOR THE TERM “CONVICTS”, “EMPLOYEES” FOR THE TERM “GUARDS”, AND “PRISON” FOR THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑180, RELATING TO THE PROVISION OF TRANSPORTATION AND CLOTHING FOR CONVICTS WHO HAVE BEEN DISCHARGED, SO AS TO SUBSTITUTE THE TERMS “INMATE” FOR THE TERM “CONVICT” AND THE TERM “STATE PRISON” FOR THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑190, RELATING TO APPROPRIATION OF CLOSE OF THE YEAR BALANCES FOR THE SUPPORT OF THE PENITENTIARY, SO AS TO SUBSTITUTE THE TERM “DEPARTMENT” FOR THE TERM “PENITENTIARY” AND THE TERM “INMATES” FOR THE TERM “CONVICTS”; TO AMEND SECTION 24‑3‑310, RELATING TO THE GENERAL ASSEMBLY’S INTENT FOR ESTABLISHING A PRISON INDUSTRIES PROGRAM, SO AS TO SUBSTITUTE THE TERM “PRISON” FOR THE TERM “CONVICT”, AND “INMATES” FOR THE TERM “CONVICTS”; TO AMEND SECTION 24‑3‑320, RELATING TO THE PURCHASE OF EQUIPMENT AND MATERIALS AND EMPLOYMENT OF PERSONNEL FOR THE ESTABLISHMENT AND MAINTENANCE OF PRISON INDUSTRIES, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM “INMATES” FOR THE TERM “CONVICTS” AND TO DELETE THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑330, RELATING TO THE PURCHASE OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑340, RELATING TO THE STATE’S PURCHASE OF PRODUCTS THAT ARE NOT PRODUCED BY CONVICT LABOR, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑37‑370, RELATING TO THE PRIORITY OF DISTRIBUTION OF PRODUCTS PRODUCED BY CONVICT LABOR, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑400, RELATING TO THE PRISON INDUSTRIES ACCOUNT, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑420, RELATING TO PENALTIES FOR VIOLATIONS OF THE PROVISIONS RELATING TO THE PRISON INDUSTRIES PROGRAM, SO AS TO DELETE THE TERM “JAIL”; TO AMEND SECTION 24‑3‑520, RELATING TO THE TRANSPORTATION OF A PERSON SENTENCED TO DEATH, SO AS TO REVISE THIS PROVISION AND PROVIDE THAT THE FACILITY MANAGER WHO HAS CUSTODY OF THE INMATE HAS THE AUTHORITY TO TRANSFER HIM TO THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 24‑3‑540, RELATING TO THE DEATH CHAMBER AND THE TRANSPORTING OF A PERSON TO A PLACE TO BE ELECTROCUTED, SO AS TO SUBSTITUTE THE TERM “PRISON SYSTEM” FOR THE TERM “PENITENTIARY”, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑550, RELATING TO WITNESSES THAT MAY BE PRESENT DURING AN EXECUTION, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑560, RELATING TO THE CERTIFICATION OF THE EXECUTION OF A PERSON, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑570, RELATING TO THE DISPOSITION OF THE BODY OF A PERSON WHO HAS BEEN EXECUTED, SO AS TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM “INMATES” FOR THE TERM “CONVICTS”, AND “PRISON SYSTEM” FOR THE TERM “PENITENTIARY”; TO AMEND SECTION 24‑3‑710, RELATING TO THE INVESTIGATION OF THE MISCONDUCT THAT OCCURS IN THE PENITENTIARY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM “PRISON SYSTEM” FOR THE TERM “PENITENTIARY”, AND PROVIDE THAT THE DIRECTOR OF THE STATE PRISON SYSTEM’S AUTHORITY TO INVESTIGATE MISCONDUCT IN THE STATE PRISON SYSTEM IS THE SAME AUTHORITY THAT AN OFFICIAL IN CHARGE OF A LOCAL FACILITY MAY EXERCISE; TO AMEND SECTION 24‑3‑720, RELATING TO ENLISTING THE AID OF CITIZENS TO SUPPRESS PRISON RIOTS AND DISORDERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑3‑740, RELATING TO THE COMPENSATION OF A PERSON WHO ASSISTS THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑3‑750, RELATING TO PROVIDING IMMUNITY TO A PERSON WHO ASSISTS THE DEPARTMENT OF CORRECTIONS IN SUPPRESSING DISORDER, RIOT, OR INSURRECTION, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑760, RELATING TO THE POWERS OF THE KEEPER WHEN THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IS ABSENT, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑920, AS AMENDED, RELATING TO REWARDS FOR THE CAPTURE OF AN ESCAPED CONVICT, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “CONVICT”; TO AMEND SECTION 24‑3‑930, RELATING TO EXEMPTING CERTAIN PERSONS EMPLOYED BY THE PENITENTIARY FROM SERVING ON JURIES AND MILITARY OR STREET DUTY, SO AS TO SUBSTITUTE THE TERM “STATE PRISON SYSTEM” FOR THE TERM “PENITENTIARY” AND THE TERM “OTHER EMPLOYEES” FOR THE TERM “OTHER OFFICERS”; TO AMEND SECTION 24‑3‑940, RELATING TO PROHIBITING PRISONERS FROM GAMBLING, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑3‑951, RELATING TO THE POSSESSION OR USE OF MONEY BY PRISONERS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 24‑3‑965, RELATING TO THE TRIAL OF CERTAIN OFFENSES RELATED TO CONTRABAND IN MAGISTRATES COURT, SO AS TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “PRISONER”, TO PROVIDE THAT THIS PROVISION APPLIES TO REGIONAL DETENTION FACILITIES AND PRISON CAMPS, AND TO DEFINE THE TERM CONTRABAND; TO AMEND SECTION 24‑5‑10, RELATING TO A SHERIFF’S RESPONSIBILITIES AS THE CUSTODIAN OF A JAIL, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “JAILER” AND MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑5‑12, RELATING TO COUNTIES THAT ASSUME CERTAIN RESPONSIBILITIES WITH REGARD TO THE CUSTODY OF COUNTY JAILS, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “JAILER”, AND TO PROVIDE THE CIRCUMSTANCES IN WHICH A COUNTY CAN DEVOLVE ITS POWER TO OPERATE A JAIL UPON A SHERIFF; TO AMEND SECTION 24‑5‑20, RELATING TO THE EMPLOYMENT OF A JAILER, SO AS TO DELETE THE PROVISION THAT ALLOWS A SHERIFF WHO DOES NOT LIVE IN A JAIL TO APPOINT A JAILER, TO PROVIDE THAT A SHERIFF WHO HAS CONTROL OF A JAIL SHALL APPOINT A FACILITY MANAGER WHO HAS CONTROL AND CUSTODY OF THE JAIL UNDER THE SUPERVISION OF THE SHERIFF, AND TO PROVIDE THAT IN CASES WHERE THE SHERIFF DOES NOT CONTROL A JAIL, THE COUNTY’S GOVERNING BODY SHALL APPOINT THE FACILITY MANAGER; TO AMEND SECTION 24‑5‑50, RELATING TO A SHERIFF’S KEEPING OF PRISONERS COMMITTED BY A CORONER, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGERS” FOR THE TERM “JAILERS”, AND TO PROVIDE THIS PROVISION ALSO APPLIES TO GOVERNING BODIES THAT HAVE CUSTODY OF A JAIL TECHNICAL CHANGE; TO AMEND SECTION 24‑5‑60, RELATING TO SHERIFFS AND JAILERS KEEPING PRISONERS COMMITTED BY THE UNITED STATES GOVERNMENT, SO AS TO SUBSTITUTE THE TERM “GOVERNING BODIES” FOR THE TERM “JAILERS”, AND TO PROVIDE THAT A SHERIFF OR FACILITY MANAGER MAY CHARGE A FEE FOR KEEPING THESE PRISONERS; TO AMEND SECTION 24‑5‑80, RELATING TO PROVIDING BLANKETS AND BEDDING TO PRISONERS, SO AS TO REVISE THE ITEMS THAT A PRISONER MUST BE FURNISHED TO INCLUDE SUFFICIENT FOOD, WATER, CLOTHING, HYGIENE PRODUCTS, BEDDING, AND SHELTER; TO AMEND SECTION 24‑5‑90, RELATING TO THE UNLAWFUL DISCRIMINATION IN THE TREATMENT OF PRISONERS, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “JAILER”, AND TO REVISE THE PENALTY FOR A VIOLATION OF THIS PROVISION; TO AMEND SECTION 24‑5‑110, RELATING TO THE RETURN TO COURT BY A SHERIFF OF THE NAMES OF PRISONERS WHO ARE CONFINED ON THE FIRST DAY OF THE TERM OF GENERAL SESSIONS COURT, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “SHERIFF”, AND TO PROVIDE THAT THE USE OF ELECTRONIC RECORDS SATISFIES THIS REQUIREMENT; TO AMEND SECTION 24‑5‑120, RELATING TO A SHERIFF’S ANNUAL REPORT ON THE CONDITION OF A JAIL, SO AS TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “SHERIFF”; TO AMEND SECTION 24‑5‑170, RELATING TO THE REMOVAL OF PRISONERS FROM A JAIL THAT MAYBE DESTROYED, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO A JAIL THAT IS RENDERED UNINHABITABLE, AND TO REVISE THE PROCEDURES TO TRANSFER THESE PRISONERS TO ANOTHER FACILITY; TO AMEND SECTIONS 24‑5‑300, 24‑5‑310, 24‑5‑320, AS AMENDED, 24‑5‑330, 24‑5‑350, 24‑5‑360, AS AMENDED, 24‑5‑370, 24‑5‑380, AND 24‑5‑390, ALL RELATING TO DEFINITIONS, AND THE APPOINTMENT, TRAINING, PHYSICAL COMPETENCE, DUTIES, IDENTIFICATION CARDS, UNIFORMS, AND WORKERS’ COMPENSATION BENEFITS FOR RESERVE DETENTION OFFICERS, SO AS TO DELETE THE TERM “JAILER”; TO AMEND SECTION 24‑7‑60, RELATING TO THE CARE OF CONVICTS SENTENCED TO LABOR ON A COUNTY PUBLIC WORKS PROJECT, SO AS TO MAKE TECHNICAL CHANGES, AND TO SUBSTITUTE THE TERM “INMATES” FOR THE TERM “CONVICTS”, AND THE TERM “GENERAL FUND” FOR THE TERM “ROAD FUND”; TO AMEND SECTION 24‑7‑110, RELATING TO THE HEALTH OF CONVICTS IN A COUNTY’S CUSTODY, SO AS TO MAKE TECHNICAL CHANGES, SUBSTITUTE THE TERM “MEDICAL PERSONNEL” FOR THE TERM “PHYSICIAN”, “INMATES” FOR THE TERM “CONVICTS”, “COUNTY JAIL, DETENTION FACILITY, PRISON CAMP, OR OTHER LOCAL FACILITIES” FOR THE TERM “CHAIN GANG”, AND TO REVISE THE PROCEDURE TO PROVIDE AND PAY FOR HEALTH CARE SERVICES FOR INMATES IN A COUNTY’S CUSTODY; TO AMEND SECTION 24‑7‑120, RELATING TO THE INCARCERATION OF CONVICTS BY MUNICIPAL AUTHORITIES, SO AS TO PROVIDE STANDARDS THAT A MUNICIPAL AUTHORITY MUST MAINTAIN WHEN IT SUPERVISES PERSONS SENTENCED TO A PUBLIC WORK DETAIL, OR OPERATES A JAIL, AND TO REVISE THIS PROVISION TO ALLOW A MUNICIPALITY TO ENTER INTO AGREEMENTS TO HOUSE THEIR PRISONERS IN COUNTY FACILITIES; TO AMEND SECTION 24‑7‑155, RELATING TO THE PROHIBITION OF CONTRABAND IN A COUNTY OR MUNICIPAL PRISON, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO MULTI‑JURISDICTIONAL FACILITIES, TO SUBSTITUTE THE TERM “INMATE” FOR THE TERM “PRISONER”, TO DELETE A REFERENCE TO THE TERM “SUPERINTENDENT OF THE FACILITY”, AND TO PROVIDE THAT THE FACILITY MAY DESIGNATE ADDITIONAL ITEMS OF CONTRABAND THAT ARE PROHIBITED; TO AMEND SECTION 24‑9‑30, RELATING TO MINIMUM STANDARDS THAT MUST BE MET BY FACILITIES THAT HOUSE PRISONERS OR PRETRIAL DETAINEES, SO AS TO DELETE THE PROVISION THAT REQUIRES A COPY OF CERTAIN INSPECTION REPORTS BE SENT TO CERTAIN JUDGES OF THE JUDICIAL CIRCUIT IN WHICH THE FACILITY IS LOCATED, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 24‑9‑35, RELATING TO REPORTS OF DEATHS OF INCARCERATED PERSONS, SO AS TO MAKE TECHNICAL CHANGES, PROVIDE THAT THIS PROVISION APPLIES TO MULTI-JURISDICTIONAL FACILITIES AND TO SUBSTITUTE THE TERM “FACILITY MANGER” FOR THE TERM “JAILER”; TO AMEND SECTION 24‑9‑40, RELATING TO THE CERTIFICATION OF ARCHITECTURAL PLANS BEFORE A CONFINEMENT FACILITY IS CONSTRUCTED, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO THE RENOVATION OF CONFINEMENT FACILITIES; TO AMEND SECTIONS 24‑13‑10, 24‑13‑20, 24‑13‑30, 24‑13‑40, 24‑13‑50, 24‑13‑80, 24‑13‑125, 24‑13‑150, 24‑13‑210, 24‑13‑230, 24‑13‑235, 24‑13‑260, 24‑13‑410, 24‑13‑420, 24‑13‑430, 24‑13‑440, 24‑13‑450, 24‑13‑460, 24‑13‑470, 24-13-640, 24‑13‑660, 24‑13‑910, 24‑13‑915, 24‑13‑940, AND 24‑13‑1540, ALL RELATING TO THE INCARCERATION OF PRISONERS, THE REDUCTION IN A PRISONER’S SENTENCE, PRISONER OFFENSES, THE PRISON WORK RELEASE PROGRAM, FURLOUGHS, THE SHOCK INCARCERATION PROGRAM, AND THE HOME DETENTION PROGRAM, SO AS TO SUBSTITUTE THE TERM “LOCAL DETENTION FACILITIES” FOR THE TERM “CHAIN GANGS”, SUBSTITUTE THE TERMS “INMATES” AND “CONVICTS” FOR THE TERM “PRISONERS”, TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM “FACILITY MANAGER” FOR THE TERM “OFFICIAL”, TO REVISE THE DEFINITION OF THE TERM “DETENTION FACILITY”, TO REVISE THE TYPE AND COST OF MEDICAL SERVICES THAT MAYBE PAID FROM AN INMATE’S ACCOUNT, TO PROVIDE THAT IT IS UNLAWFUL FOR A PRISONER TO ESCAPE FROM CUSTODY OR TO POSSESS ITEMS THAT MAY BE USED TO FACILITATE AN ESCAPE, AND TO DELETE A REFERENCE TO THE TERM “LOCAL CORRECTIONAL FACILITY”; TO AMEND SECTION 16‑7‑140, RELATING TO PENALTIES FOR VIOLATING PROVISIONS THAT PROHIBIT THE WEARING OF MASKS AND PLACING A BURNING CROSS ON A PROPERTY WITHOUT ITS OWNER’S PERMISSION, SO AS TO DELETE A REFERENCE TO THE TERM “COUNTY JAIL”; TO AMEND SECTION 63-3-620, AS AMENDED, RELATING TO PENALTIES FOR A PERSON’S FAILURE TO OBEY CERTAIN ORDERS OF A COURT AND STATUTES RELATING TO THE CHILDREN’S CODE OF LAW, SO AS TO SUBSTITUTE THE TERM “DETENTION FACILITY” FOR THE TERM “CORRECTIONAL FACILITY”, AND TO DELETE A PROVISION THAT PLACES RESTRICTIONS ON WHO MAY PARTICIPATE IN A WORK/PUNISHMENT PROGRAM; TO REPEAL SECTIONS 24‑3‑150, 24‑3‑200, 24‑5‑30, 24‑5‑70, 24‑5‑100, 24‑5‑140, 24‑5‑150, 24‑5‑160, 24‑7‑70, 24‑7‑80, 24‑7‑130, 24‑7‑140, AND 24‑7‑150 RELATING TO THE TRANSFER OF CONVICTS TO A COUNTY CHAIN GANG, THE TRANSFER OF A PRISONER TO A COUNTY OTHER THAN THE COUNTY WHERE HE WAS SENTENCED, THE APPOINTMENT OF A JAILER BY A SHERIFF, THE USE OF FEDERAL PRISONERS BY A COUNTY, A SHERIFF’S IMPRESSING A SUFFICIENT NUMBER OF GUARDS TO SECURE A PRISONER WHO IS ACCUSED OF A CAPITAL OFFENSE, THE HOUSING OF FEMALE CONVICTS, THE CONFINEMENT OF PERSONS CHARGED WITH A CRIME IN A PRISON LOCATED IN AN INDUSTRIAL COMMUNITY, THE LEASE OF COUNTY CONVICTS, THE DIETING AND CLOTHING AND MAINTENANCE OF CERTAIN PRISONERS BY LOCAL GOVERNMENTAL AUTHORITIES, AND THE COLLECTION AND DISPOSITION OF MONEY BY A COUNTY FOR THE HIRING OF CONVICTS; BY ADDING ARTICLE 2 TO CHAPTER 5, TITLE 24 SO AS TO ENACT THE LOCAL DETENTION FACILITY MUTUAL AID AND ASSISTANCE ACT TO ALLOW LOCAL DETENTION FACILITIES TO ASSIST EACH OTHER IN PROVIDING SAFE AND SECURE HOUSING OF INMATES UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 24-21-560, RELATING TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES COMMUNITY SUPERVISION PROGRAM, SO AS TO REVISE THE MAXIMUM AGGREGATE AMOUNT OF TIME A PRISONER MAY BE REQUIRED TO BE INCARCERATED WHEN SENTENCED FOR SUCCESSIVE COMMUNITY SUPERVISION PROGRAM REVOCATIONS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 S. 319 -- Senators Leventis, Rose, Malloy, Davis, Lourie and Hayes: A BILL TO AMEND TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 46 SO AS TO ENACT THE “INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN”, TO PROVIDE THAT THE GOVERNOR MAY EXECUTE THE COMPACT WITH OTHER COMPACT STATES, TO PROVIDE THAT THE STATE SUPERINTENDENT OF EDUCATION IS THE COMPACT COMMISSIONER OF THIS STATE, TO ESTABLISH A COUNCIL ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, TO PROVIDE FOR THE COUNCIL’S MEMBERSHIP, APPOINTMENTS, TERMS, QUORUM, LEADERSHIP, FILLING OF VACANCIES, AND POWERS AND DUTIES, AND TO PROVIDE THE TERMS OF THE COMPACT.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 S. 452 -- Senators Campbell, Leatherman, Reese, Shoopman, Williams, Mulvaney, Pinckney, O’Dell, Ford, Knotts, Bryant, Land, Grooms, Hutto, Fair, Peeler, Sheheen, Ryberg, Massey, Elliott, Alexander, McGill, Bright, L. Martin, Matthews, Setzler, Rose, Hayes and Campsen: A BILL TO AMEND CHAPTER 4, TITLE 49 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA SURFACE WATER WITHDRAWAL AND REPORTING ACT, TO PROVIDE THAT SUBJECT TO CERTAIN EXCEPTIONS, SURFACE WATER WITHDRAWALS MUST BE MADE PURSUANT TO A PERMIT, TO PROVIDE FOR COMPLETE EXEMPTIONS FROM THE PERMITTING REQUIREMENT, TO PROVIDE THAT REGISTERED SURFACE WATER WITHDRAWERS MAY WITHDRAW SURFACE WATER WITHOUT A PERMIT BUT SUBJECT TO CERTAIN RESTRICTIONS, TO PROVIDE FOR NONCONSUMPTIVE SURFACE WATER WITHDRAWAL PERMITS, TO PROVIDE FOR AN APPLICATION PROCEDURE FOR SURFACE WATER WITHDRAWERS THAT OWN AND OPERATE A LICENSED IMPOUNDMENT OR NEW SURFACE WATER WITHDRAWERS THAT WITHDRAW WATER FROM A LICENSED IMPOUNDMENT, TO PROVIDE FOR REPORTS TO THE DEPARTMENT OF NATURAL RESOURCES FROM PERMITTED AND REGISTERED WATER WITHDRAWERS AND THE CONTENTS OF THOSE REPORTS, TO PROVIDE THAT REGISTERED AND EXEMPT SURFACE WATER WITHDRAWERS MAY APPLY FOR A SURFACE WATER WITHDRAWAL PERMIT, TO AUTHORIZE NONRIPARIAN USE OF SURFACE WATER, TO PROVIDE FOR A PERMITTING PROCESS FOR NEW SURFACE WATER WITHDRAWERS, TO PROVIDE FOR THE CONTENTS OF THE APPLICATION, TO PROVIDE FOR THE DEPARTMENT’S DETERMINATION CONCERNING THE PERMIT, TO PROVIDE FOR PUBLIC HEARINGS CONCERNING NEW PERMIT APPLICATIONS FOR INTERBASIN TRANSFERS, TO PROVIDE FOR THE CONTENTS OF ISSUED PERMITS AND THE RIGHTS CONFERRED BY A PERMIT, TO PROVIDE FOR CIRCUMSTANCES UNDER WHICH A PERMIT MAY BE MODIFIED, SUSPENDED, OR REVOKED, TO PROVIDE FOR NOTICE TO THE DEPARTMENT CONCERNING CERTAIN NEW WATER INTAKES, TO PROVIDE FOR TEMPORARY PERMITS, TO PROVIDE AUTHORIZED WITHDRAWAL AMOUNTS, TO PROVIDE FOR OPERATIONAL AND CONTINGENCY PLANS, TO PROVIDE FOR POWERS AND DUTIES OF THE DEPARTMENT OF NATURAL RESOURCES CONCERNING IMPLEMENTATION OF THE CHAPTER, TO PROVIDE APPROPRIATE PENALTIES FOR VIOLATIONS, TO PROVIDE FOR PERMIT APPLICATION FEES; AND TO REPEAL CHAPTER 21, TITLE 49, RELATING TO THE INTERBASIN TRANSFER OF WATER, TO PROVIDE THAT CHAPTER 1, TITLE 49, RELATING TO GENERAL PROVISIONS CONCERNING WATER, WATER RESOURCES, AND DRAINAGE IS NOT AFFECTED BY AND SUPERCEDED BY CHAPTER 4, TITLE 49 AND TO PROVIDE APPROPRIATE DEFINITIONS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 H. 3814 -- Reps. Allison, Cole, Forrester, Kelly and Parker: A BILL TO AMEND SECTION 57-1-740(D)(1) AND (2)(A) OF THE 1976 CODE, RELATING TO VACANCIES ON THE DEPARTMENT OF TRANSPORTATION COMMISSION, TO PROVIDE THAT THE JOINT TRANSPORTATION REVIEW COMMITTEE MUST REOPEN THE NOTICE OF INTENTION FILING PERIOD IF ONLY ONE PERSON FILES A NOTICE OF INTENTION DURING THE INITIAL FILING PERIOD AND THAT THE REVIEW COMMITTEE MUST REOPEN THE SCREENING PROCESS IF THE COMMITTEE’S TENTATIVE FINDINGS RESULT IN THE DETERMINATION THAT ONLY ONE CANDIDATE OR NONE OF THE CANDIDATES ARE QUALIFIED AND MEET THE REQUIREMENTS PROVIDED BY LAW TO SERVE ON THE COMMISSION; AND TO AMEND 57-1-740(D)(2)(C), RELATED TO CANDIDATE SCREENING, TO PROVIDE THAT NO CANDIDATE MAY DIRECTLY OR INDIRECTLY SEEK THE PLEDGE OF A VOTE FROM A MEMBER OF THE CANDIDATE’S CONGRESSIONAL DELEGATION OR, DIRECTLY OR INDIRECTLY, CONTACT A STATEWIDE CONSTITUTIONAL OFFICER, A MEMBER OF THE GENERAL ASSEMBLY, OR THE JOINT TRANSPORTATION REVIEW COMMITTEE REGARDING SCREENING FOR THE COMMISSION UNTIL THE REVIEW COMMITTEE HAS FORMALLY RELEASED ITS REPORT AS TO THE QUALIFICATIONS OF ALL CANDIDATES IN A PARTICULAR CONGRESSIONAL DISTRICT.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., June 3, 2010

Mr. President and Senators:

 The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

 H. 4747 -- Reps. Mack, Gilliard, Hutto, Whipper, Stavrinakis, R.L. Brown, Harrell, Limehouse and Sottile: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION TO NAME THE INTERCHANGE LOCATED AT EXIT 219 A IN CHARLESTON COUNTY “FLOYD BREELAND INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS EXIT THAT CONTAIN THE WORDS “FLOYD BREELAND INTERCHANGE”.

and has ordered the Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Tessa C. Cartwright, 3756 Highway 1 South, Cheraw, SC 29520 *VICE* Ronald David Cundiff

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

Gary R. Faulkenberry, P.O. Box 133, Pageland, SC 29728

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

Sarah Frances Lisenby, 113 Green Street, Chesterfield, SC 29709

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

Vivian Le-Nette Patrick, 519 Sandpiper Circle, Cheraw, SC 29520 *VICE* Elizabeth E. Burch

**MOTION ADOPTED**

 On motion of Senator PINCKNEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Ramona Wilborn of Hilton Head, S.C.

**ADJOURNMENT**

 At 5:00 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet at Noon on Tuesday, June 15, 2010, pursuant to the provisions of S. 1435, the *Sine Die* Resolution.

\* \* \*

**RATIFICATION OF ACTS**

 Pursuant the provisions of S. 1435, the *Sine Die* Resolution, the Honorable Speaker of the House of Representatives appeared in the Senate Chamber on June 3, 2010, at 6:30 P.M. and the following Act was ratified:

 (R293, H. 4657) -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

L:\COUNCIL\ACTS\4657HTC10.DOCX

\* \* \*