**Tuesday, March 29, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Ezekiel, there in the middle of a valley full of bones, declares:

“...as I was prophesying, there was a noise, a rattling sound, and the bones came together, bone to bone.” (Ezekiel 37:7b)

Let us pray:

Holy God, we are struck by the obedience of Ezekiel when he faced a seemingly impossible task. Your servant did what he was expected to do. Here in our own day, Lord, we cannot help but reflect upon the many challenges these servants face. Strengthen each of these Senators, Lord, that they might not only act in ways that show their true faithfulness to You, but also in ways which bring blessings to the good people of South Carolina. Grant these leaders wisdom and courage. In Your loving name we pray, O Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointment**

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

Edward Freeman, 1810 Carolina Highway, Denmark, SC 29042

**Doctor of the Day**

Senator GROOMS introduced Dr. Bill Hueston of Charleston, S.C., Doctor of the Day.

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

**Remarks by Senator COURSON**

Thank you, Mr. PRESIDENT. It is the rare occasion when I request recognition on a Point of Personal Interest. The last time was in celebration of the Centennial of Ronald Reagan’s birthday in February of this year. Prior to 2011, I don’t believe I addressed the Senate on a Point of Personal Interest more than twice in the last five years.

Ms. Darla Moore telephoned me Friday and we had an extensive conversation concerning education. She called *me* because of my position as Chair of the Senate Education Committee and Chair of the subcommittee on Finance for Higher Education. The University of South Carolina is located in the Senate District which I am honored to represent. I am a Gamecock through and through. I met my wife of 38 years at the University of South Carolina, what a lucky lady -- excuse me, what a lucky guy. I live in the Shandon area of Columbia where many of my neighbors and friends are associated with the University of South Carolina. I met the Senator from Clarendon, Senator LAND, at Carolina. We were fraternity brothers although he is much older than I. One of the highlights of my life was three years ago when Senator LAND and I received honorary doctorates from the University of South Carolina on the same day, and we were asked to give co-commencement addresses to the graduating students.

I will now share two points in particular which Darla Moore wishes to be clarified. One is S.713, introduced by the Senator from Lexington, Senator KNOTTS, which would increase the representation of the Board of Trustees at the University of South Carolina from 20 to 21. The legislation would allow her the possibility of being elected by the General Assembly of South Carolina if she wanted to remain on the board of trustees at Carolina. She is absolutely not interested and she opposes the legislation, as I do, on the premise that increasing the number of trustees at USC would make it even more cumbersome. She is grateful for the gratitude expressed by many South Carolinians.

Secondly, the gift that she pledged to the Ronald McNair Aerospace Center of $5 million dollars is totally unencumbered; there are no strings attached to the gift -- none. I hope, and she hopes, that this new gift will be a catalyst for the State of South Carolina to help provide funding for a very worthwhile and worthy project. Again, let me repeat, there are no strings attached to the Ronald McNair pledge.

I initially met Darla Moore in 1998, when she addressed the South Carolina Senate. Her address was primarily centered on K-12 education in the Palmetto State and was not complimentary of our efforts. I was critical of her remarks. I later realized I was wrong and she was right. I subsequently apologized to her. I’ve been invited to her home twice for meetings. She invited the Senate Republican Caucus for a dinner a few years ago. I spent a very pleasant evening talking to her late father, Gene. We talked baseball. I didn’t realize he was such a great baseball player at Clemson and played professional baseball. Last fall the leadership of the Senate Education Committee went to her home for a presentation on Teach for America. Senators SETZLER and MATTHEWS joined me in attending. Senator HAYES was out of state.

She is currently involved in a K-12 project called Teach for America. TFA currently includes five Pee Dee counties: Orangeburg, Florence, Darlington, Clarendon and Chesterfield. They are in the process now of hiring 30 teachers through a grant of three and one-half million dollars. They will work with public school teachers in these counties. Darla Moore is very interested in education at all levels in our State.

Let me share with you the financial commitment she has made. It is truly unprecedented in scope. She has given or pledged up to $75 million to the University of South Carolina, our flagship institution. She also has given or pledged $10 million to Clemson University which was the alma mater of her late father. This is truly remarkable and is indicative of the passion she has for our State. Frankly, our current public funding for higher education is unsustainable. The appropriations for higher education four years ago were $1.2 billion including scholarships. The Budget Bill for 2011-2012 we received from the House of Representatives appropriates $755 million. Enrollment has gone from 170,000 South Carolinians in Higher Education to over 200,000 today. The model is just not sustainable. We know the reduction is based on the lingering effects of the “great economic recession” and we all wish we could do more.

We need more private gifts from alumni and friends of our higher educational institutions. Her $85 million commitment has had a very positive effect on private giving. For example, the University of South Carolina received $25 million in private gifts in 1998. Today USC receives annually over $100 million. This is exclusive of her commitment. What she has done by her unprecedented gift of $85 million has established a threshold that we are worth investing our private dollars in education. Her action has served as a catalyst for others to step up to the plate. It is analogous to the positive business message of BMW and Boeing locating in South Carolina. She is a champion of the University of South Carolina and Clemson University. She is a true heroine of education in the Palmetto State.

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

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 125 Sen. Ford

S. 224 Sen. Ford

S. 295 Sen. Ford

S. 586 Sen. Ford

S. 588 Sen. Ford

S. 713 Sen. Elliott

**MOTION ADOPTED**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed that, when the Senate adjourned today, it stand adjourned to meet tomorrow at 11:00 A.M.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 740 -- Senators Rose and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976, BY ADDING SECTION 11-11-250 SO AS TO PROVIDE THAT IN ANY FISCAL YEAR, ANY OTHER FUNDS RECEIVED BY ANY STATE AGENCY IN EXCESS OF THE FUNDS AUTHORIZED FOR EXPENDITURE IN THE ANNUAL APPROPRIATIONS ACT SHALL BE REMITTED TO THE GENERAL FUND.

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

S. 741 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING PROHIBITIONS AND EXCEPTIONS, TO ALLOW THE USE OF LASER SIGHTING AND OTHER DEVICES WHEN HUNTING COYOTES AT NIGHT DURING MAY AND JUNE PURSUANT TO AUTHORIZATION GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES THROUGH ITS DEPREDATION PERMIT PROGRAM.

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

S. 742 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “HEALTHCARE SHARING MINISTRIES FREEDOM TO SHARE ACT” BY ADDING CHAPTER 131 TO TITLE 44 SO AS TO PROVIDE THAT A HEALTHCARE SHARING MINISTRY IS A FAITH-BASED, NONPROFIT, TAX-EXEMPT ORGANIZATION THAT ESTABLISHES CRITERIA AND PROCEDURES TO FACILITATE MATCHING PARTICIPANTS HAVING FINANCIAL OR MEDICAL NEEDS WITH OTHER PARTICIPANTS WHO ARE ABLE TO ASSIST IN MEETING THOSE NEEDS OR THAT HELPS PROVIDE FOR THE FINANCIAL OR MEDICAL NEEDS OF A PARTICIPANT THROUGH CONTRIBUTIONS OF ANOTHER PARTICIPANT AND TO FURTHER PROVIDE THAT SUCH A HEALTHCARE SHARING MINISTRY IS NOT ENGAGING IN THE BUSINESS OF INSURANCE.

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Read the first time and referred to the Committee on Medical Affairs.

**HOUSE CONCURRENCES**

S. 701 -- Senators Setzler and Lourie: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ED BARNES OF LEXINGTON COUNTY, AND TO CONGRATULATE HIM UPON THE OCCASION OF HIS INDUCTION INTO THE NATIONAL BARBER HALL OF FAME.

Returned with concurrence.

Received as information.

S. 737 -- Senator Ford: A CONCURRENT RESOLUTION TO WELCOME DELTA SIGMA THETA SORORITY, INC. TO CHARLESTON, SOUTH CAROLINA, ON THE OCCASION OF ITS SOUTH ATLANTIC REGIONAL CONFERENCE, AND TO THANK THE MEMBERS FOR THEIR MANY YEARS OF SERVICE TO THEIR VARIOUS COMMUNITIES.

Returned with concurrence.

Received as information.

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

**THIRD READING BILLS**

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

S. 520 -- Senators Cleary, Rankin and Elliott: A BILL TO AMEND SECTION 48‑39‑290 OF THE 1976 CODE, RELATING TO CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND SETBACK LINE, TO PROVIDE THAT FISHING PIERS AND THEIR RELATED STRUCTURES, WHICH ARE OPEN TO THE PUBLIC AND APPROVED BY THE LOCAL ZONING AND PLANNING AUTHORITY, MAY BE CONSTRUCTED.

S. 295 -- Senators Hutto, Fair, Jackson, Rankin and Ford: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA SUMMER CAMP STUDY COMMITTEE TO STUDY THE SUMMER CAMPS IN THE STATE AND MAKE RECOMMENDATIONS TO THE LEGISLATURE RELATED TO LICENSING AND REGULATION OF SUMMER CAMPS, PROVIDE FOR THE MEMBERSHIP AND METHOD OF APPOINTMENT FOR THE MEMBERSHIP, PROVIDE FOR THE DUTIES OF THE STUDY COMMITTEE, PROVIDE FOR THE STAFFING OF THE STUDY COMMITTEE, AND TO DISSOLVE THE STUDY COMMITTEE AFTER A REPORT OF ITS FINDINGS IS PROVIDED TO THE LEGISLATURE AND THE GOVERNOR.

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

S. 512 -- Senator Grooms: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING THE PROTECTION OF GAME, BY ADDING SECTION 50‑11‑36 TO PROHIBIT HUNTING MIGRATORY WATERFOWL ON LAKE MOULTRIE WITHIN TWO HUNDRED YARDS OF A DWELLING, AND TO PROVIDE PENALTIES.

**S. 512--Recorded Vote**

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

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

**S. 636--Recorded Vote**

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

S. 590 -- Senators McGill and Ford: A JOINT RESOLUTION TO ESTABLISH A PILOT PROJECT AT TWO CRITICAL ACCESS HOSPITALS TO ASSESS THE PROVISION OF CARE FOR A DEFINED POPULATION OF PATIENTS AT LEAST SIXTY-FIVE YEARS OLD AND IN NEED OF PSYCHIATRIC CRISIS STABILIZATION SERVICES, TO PROVIDE THE PURPOSE OF THE STUDY, AND TO PROVIDE CERTAIN REQUIREMENTS.

S. 629 -- Senators Sheheen, Setzler, Lourie, Coleman, Malloy, Reese, Anderson, Hayes, Courson, Matthews, Land, Nicholson and Ford: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2011‑2012 SCHOOL YEAR BY MAY 15, 2011; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 36 -- Senators McConnell, McGill, Setzler and Ford: A BILL TO AMEND ACT 99 OF 2007, RELATING TO THE SALES TAX EXEMPTION FOR DURABLE MEDICAL EQUIPMENT AND SUPPLIES, BY REPEALING SECTIONS 1B AND 1C, WHICH STATE THAT THE SALES TAX RATE ON DURABLE MEDICAL EQUIPMENT IS FIVE AND ONE-HALF PERCENT SUBJECT TO FURTHER REDUCTION BASED ON GENERAL FUND REVENUE GROWTH.

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

The Committee on Finance proposed the following amendment (NBD\11448DG11), which was adopted:

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

/SECTION 1. A. SECTION 1B of Act 99 of 2007 is amended to read:

“B. (A) Notwithstanding the sales and use rates imposed pursuant to Chapter 36, Title 12 of the 1976 Code, the rate of tax imposed pursuant to that chapter on the gross proceeds of sales of items described in subsection A of this section is five and one‑half percent for such sales from July 1, 2007.

(B) Notwithstanding the sales and use rates imposed pursuant to Chapter 36, Title 12 of the 1976 Code, the rate of tax imposed pursuant to that chapter on the gross proceeds of sales of items described in subsection A of this section is three and one-half percent for such sales from July 1, 2011.

(C) Notwithstanding the sales and use rates imposed pursuant to Chapter 36, Title 12 of the 1976 Code, the rate of tax imposed pursuant to that chapter on the gross proceeds of sales of items described in subsection A of this section is one and three-quarters percent for such sales from July 1, 2012.

(D) Effective January 1, 2013, the sales tax exemption on the gross proceeds of sales of items described in subsection A is fully implemented and no sales and use tax may be imposed on the items described in subsection A.”

SECTION 2. Act 99 of 2007 is amended by repealing SECTION 1C which reads:

“C. Beginning with the February 15, 2008, forecast by the Board of Economic Advisors of annual general fund revenue growth for the upcoming fiscal year, and annually thereafter, if the forecast of that growth equals at least five percent of the most recent estimate by the board of general fund revenues for the current fiscal year, then the applicable state sales and use tax rate imposed on items described in subsection A of this section is reduced, effective the following July first, by one and one‑half percent in the first year and by one percent every year thereafter. That reduced rate applies until a subsequent reduction takes effect. If the February fifteenth forecast meets the requirement for a rate reduction, the board promptly shall certify this result in writing to the Department of Revenue. On the July first that the rate attains zero, the provisions of subsections B and C of this section no longer apply.”

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

Renumber sections to conform.

Amend title to conform.

Senator O’DELL explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 33; Nays 2; Abstain 1**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Elliott Fair Ford

Grooms Hayes Hutto

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill O’Dell Peeler

Pinckney Rose Ryberg

Scott Setzler Sheheen

Thomas Verdin Williams

**Total--33**

**NAYS**

Bright Davis

**Total--2**

**ABSTAIN**

Bryant

**Total--1**

**S. 36--Statement by Senator BRYANT**

Pursuant to Section 8-13-700(B), which prohibits me from participating in a decision in which I have an economic interest, I abstained from voting on this matter because I am a Durable Medical Equipment provider.

**S. 36--Statement by Senator KNOTTS**

Had I been present in the Chamber at the time the vote was taken, I would have voted in favor of second reading. I was meeting with candidates for the Commission on Higher Education and the Board of the Department of Natural Resources.

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

**AMENDED, READ THE SECOND TIME**

H. 3374 -- Reps. Hixon, D.C. Moss, Frye, Ott, J.R. Smith, Atwater, Tallon, Brannon, Thayer, McCoy, Corbin, Crosby, Murphy, V.S. Moss, Pinson, G.R. Smith, Chumley, Butler Garrick, Clemmons, Clyburn, Govan, Hardwick, Munnerlyn, Pitts, Pope, Ryan, Taylor, Young, Vick and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 50 SO AS TO ENACT THE “INTERSTATE WILDLIFE VIOLATOR COMPACT”, TO PROVIDE THAT THE GOVERNOR SHALL EXECUTE THE COMPACT WITH OTHER COMPACT STATES, AND TO PROVIDE THAT THE CHAIRMAN OF THE BOARD OF THE DEPARTMENT OF NATURAL RESOURCES SHALL APPOINT THE COMPACT ADMINISTRATOR FOR THIS STATE.

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

Senator CROMER proposed the following amendment (3374R002.REC), which was adopted:

Amend the bill, as and if amended, page 10, by striking lines 3 and 4 and inserting:

/ (C) The Department of Natural Resources shall promulgate regulations necessary to carry out the purposes of this chapter. /

Renumber sections to conform.

Amend title to conform.

Senator McGILL explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 32; Nays 2**

**AYES**

Alexander Anderson Bright

Campbell Cleary Coleman

Davis Elliott Fair

Ford Grooms Hayes

Hutto Land Leatherman

Lourie Malloy *Martin, Larry*

Massey McConnell McGill

O’Dell Peeler Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--32**

**NAYS**

Bryant *Martin, Shane*

**Total--2**

**H. 3374--Statement by Senator KNOTTS**

Had I been present in the Chamber at the time the vote was taken, I would have voted in favor of second reading. I was meeting with candidates for the Commission on Higher Education and the Board of the Department of Natural Resources.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3625 -- Reps. J.R. Smith, Hixon and Taylor: A BILL TO AMEND SECTION 8‑13‑735, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITION AGAINST A PERSON, WHO AT THE SAME TIME SERVES ON THE GOVERNING BODY OF A STATE OR LOCAL POLITICAL SUBDIVISION BOARD OR COMMISSION AND AS AN EMPLOYEE OF THE SAME BOARD OR COMMISSION OR IN A POSITION WHICH IS SUBJECT TO THE CONTROL OF THE BOARD OR COMMISSION, MAKING OR PARTICIPATING IN A DECISION AFFECTING HIS ECONOMIC INTERESTS, SO AS TO PROHIBIT A PERSON FROM SERVING IN BOTH POSITIONS AT THE SAME TIME.

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

The Committee on Judiciary proposed the following amendment (JUD3625.009), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 29-36, in Section 8‑13‑735, as contained in SECTION 1, and inserting therein the following:

/ “Section 8-13-735. (A) ~~No~~ Except as provided in subsection (B), no person who serves at the same time ~~on~~:

(1) on the governing body of a state, county, municipal, or political subdivision board or commission, and

(2) as an employee of the same board or commission or ~~serves~~ in a position ~~which is~~ subject to the control of that board or commission may make or participate in making a decision ~~which~~ that affects his economic interests.

(B) No person shall serve at the same time as:

(1) a non-appointed member of the governing body of the board or commission for a water or sewer district or a nonprofit water or sewer corporation or company organized pursuant to the provisions of state law; and

(2) (a) an employee of the same board, commission, corporation, or company; or

(b) in a position subject to the control of that board, commission, corporation, or company; or

(c) in a decision-making position concerning the operation and functions of that board, commission, corporation, or company.

(C)(1) Any person violating the provisions of subsection (B) may be assessed a civil penalty of fifty dollars per day to be remitted to the general fund of the board, commission, corporation, or company.

(2) If a lawsuit is brought to force the person to vacate either his position held pursuant to subitem (B)(1) or subitem (B)(2), and the person is found in circuit court to have violated subsection (B), the person must pay the civil penalty in subitem (C)(1) plus court costs, attorney’s fees, and any damages required by the court.

(3) Any individual or entity served by the board, commission, corporation, or company has standing to bring a lawsuit in the circuit court pursuant to this subsection.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman Courson Davis

Elliott Fair Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**OBJECTION**

H. 3303 -- Reps. J.E. Smith, Harrison, Pinson, Vick, Agnew, Williams, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G.A. Brown, H.B. Brown, R.L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, J.H. Neal, J.M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Viers, Weeks, Whipper, White, Whitmire, Willis and Young: A JOINT RESOLUTION TO PROMOTE MAJOR GENERAL STANHOPE S. SPEARS TO THE RANK OF LIEUTENANT GENERAL OF THE SOUTH CAROLINA ARMY NATIONAL GUARD EFFECTIVE JANUARY 11, 2011.

Senator ALEXANDER objected to the Joint Resolution.

**CARRIED OVER**

H. 3344 -- Reps. Brady, Erickson, Sandifer, Allison, Dillard, Butler Garrick, Munnerlyn, Funderburk, Horne, Long, Nanney, Bowers, Bales, Anderson, Pinson, Weeks and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “UNFAIR DISCRIMINATION AGAINST SUBJECTS OF ABUSE IN INSURANCE ACT” BY ADDING SECTION 38‑57‑115 SO AS TO PROVIDE THAT IT IS UNFAIR DISCRIMINATION FOR AN INSURER TO DENY, REFUSE TO ISSUE OR RENEW, CANCEL, RESTRICT OR EXCLUDE COVERAGE, DENY A CLAIM OR LIMIT PAYMENTS, OR ADD A PREMIUM DIFFERENTIAL TO A POLICY OR CERTIFICATE OF COVERAGE ON THE BASIS THAT AN APPLICANT OR INSURED HAS BEEN OR IS PERCEIVED TO HAVE BEEN ABUSED OR MAY BE A SUBJECT OF ABUSE AND TO PROVIDE PENALTIES, INCLUDING FINES UP TO TWO HUNDRED THOUSAND DOLLARS.

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

S. 568 -- Senators L. Martin and Ford: A BILL TO AMEND SECTION 16‑3‑740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TESTING OF CERTAIN OFFENDERS FOR HEPATITIS B AND HUMAN IMMUNODEFICIENCY VIRUS (HIV), SO AS TO FURTHER CLARIFY OFFENDERS WHO MUST BE TESTED AND THE TIME FRAME THAT TESTING MUST BE CONDUCTED AND PROVIDE FOR FOLLOW‑UP TESTING FOR HIV WHEN MEDICALLY APPROPRIATE.

Senator SHANE MARTIN explained the Bill.

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

S. 473 -- Senators Lourie, Setzler and Ford: A BILL TO AMEND CHAPTER 102, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATHLETE AGENTS AND STUDENT AGENTS, SO AS TO REVISE DEFINITIONS, TO INCLUDE DEFINITIONS FOR “ADMINISTRATOR”, “DEPARTMENT”, AND “FINANCIAL SERVICES CONTRACT”, TO REVISE THE POWERS OF THE DEPARTMENT OF CONSUMER AFFAIRS WITH RESPECT TO ATHLETE AGENTS AND STUDENT ATHLETES, TO PROVIDE FOR INSPECTION OF OUT‑OF‑STATE RECORDS, TO REQUIRE AN APPLICANT TO UNDERGO A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK AND TO PROVIDE FINGERPRINTS, TO PROVIDE FOR REPORTING AND MAINTENANCE OF CRIMINAL HISTORY RECORDS CHECK RESULTS, TO REVISE CONSIDERATIONS THE DEPARTMENT MAY MAKE WHEN ISSUING A CERTIFICATE OF REGISTRATION, TO REVISE THE TIME IN WHICH A CERTIFICATE OF REGISTRATION IS VALID AND TO PROVIDE THAT THE CERTIFICATE IS NONTRANSFERABLE AND NONASSIGNABLE, TO PROVIDE THAT IF A PERSON AGGRIEVED BY DEPARTMENT ACTION FAILS TO REQUEST A CONTESTED CASE THE ADMINISTRATIVE ACTION IS FINAL, TO PROVIDE THAT FUNDS COLLECTED BY THE DEPARTMENT MUST BE USED TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER, TO REQUIRE THAT THE ADDRESS OF THE ATHLETE AGENT BE INCLUDED IN AN AGENCY CONTRACT, TO REVISE WHAT THE CONTRACT MUST CONTAIN, TO PROVIDE ADDITIONAL PROHIBITED ACTS OF ATHLETE AGENTS, TO ALLOW THE DEPARTMENT TO ISSUE A CEASE AND DESIST ORDER AND IMPOSE A PENALTY UPON FINDING OF MISCONDUCT, TO PROVIDE REPORTING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS, AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS CHAPTER.

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

S. 225 -- Senators Knotts, Ford and Alexander: 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 WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION; AND TO AMEND SECTION 56‑1‑720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON’S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT ONE POINT MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF USING A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION WHILE OPERATING A MOTOR VEHICLE.

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

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

**MOTION ADOPTED**

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

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

**DEBATE INTERRUPTED**

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

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

Senator McCONNELL spoke on the Bill.

Senator RANKIN spoke on the Bill.

On motion of Senator McCONNELL, with unanimous consent, debate was interrupted by adjournment, with Senator RANKIN retaining the floor.

**LOCAL APPOINTMENT**

**Confirmation**

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

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

Edward Freeman, 1810 Carolina Highway, Denmark, SC 29042

**ADJOURNMENT**

At 2:32 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senators BRIGHT and BRYANT desired to be recorded as voting against adjournment.

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