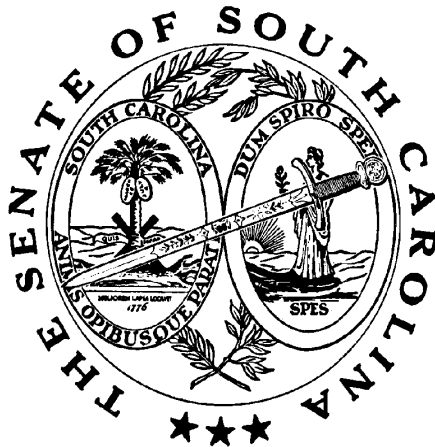


NO. 54

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

WEDNESDAY, APRIL 29, 2009

Wednesday, April 29, 2009
(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.

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

In Psalm 23 we are reminded that:

“The Lord is my shepherd, I shall not want.” (Psalm 23:1)

Let us pray:

We have virtually all learned, dear God, that every single one of us needs Your shepherding, Your care, and Your guidance in everything that we do. For it is when we forget this truth that we often find ourselves lost and drifting. O Lord, bless each of these Senators as they serve You here in this place. Give them assurance of Your constant guidance as they wrestle with problems of all sorts. May they each feel Your presence and the comfort that You alone can grant. This we pray in Your holy name, dear Lord.

Amen.

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

Doctor of the Day

Senator CAMPSSEN introduced Dr. William Simpson of Charleston, S.C., Doctor of the Day.

CO-SPONSORS ADDED

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

S. 484 Sen. Ford

S. 454 Sen. Ford

S. 607 Sens. Matthews, Lourie

S. 168 Sen. Hutto

Expression of Personal Interest

Senator ELLIOTT rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator L. MARTIN rose for an Expression of Personal Interest.

[SJ]

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RECALLED

H. 3914 -- Rep. White: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF SOCIAL SERVICES TO SUSPEND THE ENFORCEMENT OF CERTAIN CHILDCARE CENTER STAFF-CHILD RATIO REGULATIONS.

Senator ALEXANDER asked unanimous consent to make a motion to recall the Resolution from the General Committee.

There was no objection and the Resolution was recalled from the General Committee and ordered placed on the Calendar for consideration tomorrow.

RECALLED

S. 756 -- Senator Hayes: A BILL TO AMEND SECTION 7-7-530, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN YORK COUNTY, SO AS TO REVISE AND RENAME CERTAIN VOTING PRECINCTS OF YORK COUNTY AND REDESIGNATE A MAP NUMBER FOR THE MAP ON WHICH LINES OF THESE PRECINCTS ARE DELINEATED AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD.

Senator McCONNELL asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

There was no objection and the Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED AND READ THE SECOND TIME

S. 696 -- Senator Matthews: A BILL TO AMEND SECTION 59-18-930 OF THE 1976 CODE, RELATING TO THE REQUIRED ADVERTISEMENT OF THE RESULTS OF A SCHOOL'S REPORT CARD IN A LOCAL NEWSPAPER, TO ALLOW REQUIRED ADVERTISEMENT TO BE WAIVED IF AN AUDITED NEWSPAPER OF GENERAL CIRCULATION IN A SCHOOL DISTRICT'S GEOGRAPHIC AREA HAS PREVIOUSLY PUBLISHED THE ENTIRE SCHOOL REPORT CARD RESULTS AS A NEWS ITEM.

Senator MATTHEWS asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

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There was no objection and the Bill was recalled from the Committee on Education.

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

There was no objection.

On motion of Senator MATTHEWS, with unanimous consent, the Bill was read the second time, passed and ordered to a third reading.

RECALLED AND COMMITTED

S. 487 -- Senators Bright, Reese and S. Martin: A BILL TO AMEND ACT 612 OF 1984, RELATING TO THE METHOD OF CONDUCTING ELECTIONS FOR MEMBERS OF THE SCHOOL DISTRICT BOARDS OF TRUSTEES IN SPARTANBURG COUNTY, TO REDUCE THE NUMBER OF QUALIFIED ELECTORS THAT MUST SIGN A PETITION FOR A PERSON TO PLACE HIS NAME AS A CANDIDATE ON THE BALLOT.

Senator S. MARTIN asked unanimous consent to make a motion to recall the Bill from Legislative Council.

There was no objection and the Bill was recalled from Legislative Council.

On motion of Senator S. MARTIN, with unanimous consent, the Bill was committed to the local delegation.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 764 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND HONOR WESTMINSTER BAPTIST CHURCH IN WESTMINSTER, SOUTH CAROLINA, IN OCONEE COUNTY ON THE OCCASION OF ITS ONE HUNDRED TWENTY-FIFTH ANNIVERSARY, AND TO WISH ITS FAITHFUL CONGREGATION AND PASTOR MANY MORE YEARS OF SERVICE TO GOD AND THEIR CHURCH.

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The Senate Resolution was adopted.

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S. 765 -- Senator Ryberg: A SENATE RESOLUTION TO CONGRATULATE SERGEANT SAMMY L. DAVIS, RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR, FOR HIS SERVICE TO HIS COUNTRY.

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The Senate Resolution was adopted.

S. 766 -- Senators Alexander, Thomas, Knotts, L. Martin, S. Martin, Nicholson, Land, Setzler, Fair and Peeler: A BILL TO AMEND TITLE 23 OF THE 1976 CODE, BY ADDING CHAPTER 52, THE "NOVELTY LIGHTER PROHIBITION ACT", TO PROVIDE FOR THE DEFINITIONS AND THE PROHIBITION OF THE SALE OR DISTRIBUTION OF NOVELTY LIGHTERS AND TO PROVIDE PENALTIES.

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Senator ALEXANDER spoke on the Bill.

Senator KNOTTS spoke on the Bill.

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

S. 767 -- Senators S. Martin, Reese, Peeler and Bright: A SENATE RESOLUTION TO JOIN CAROLINA HOME HEALTH CARE IN SPARTANBURG, SOUTH CAROLINA, IN RECOGNIZING ITS STAFF ON MAY 6, 2009, HEART OF GENTIVA DAY.

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The Senate Resolution was adopted.

H. 3971 -- Reps. Hart, Gunn, King, Allen, Bannister, H. B. Brown, Dillard, Hearn, E. H. Pitts, Spires, Agnew, Alexander, Allison, Anderson, Anthony, Bales, Ballentine, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Haley, Hamilton, Hardwick, Harrell, Harrison, Harvin, Hayes, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, M. A. Pitts, Rice,

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Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO MEMORIALIZE THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) TO CHOOSE COLUMBIA AS A HOST CITY FOR AN NCAA BASKETBALL TOURNAMENT REGIONAL GAME OR THE FINAL FOUR.

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

H. 3995 -- Reprs. White, Agnew, Bowen, Gambrell, Thompson, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Toole, Umphlett, Vick, Viers, Weeks, Whipper, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO EXPRESS THE DEEPEST SYMPATHY OF THE MEMBERS OF THE GENERAL ASSEMBLY TO THE FAMILY AND MANY FRIENDS OF M. J. "DOLLY" COOPER OF PIEDMONT, A DECORATED WORLD WAR II VETERAN, SUCCESSFUL BUSINESSMAN, AND A FORMER MEMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES, UPON HIS DEATH, AT THE AGE OF EIGHTY-EIGHT.

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

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REPORTS OF STANDING COMMITTEES

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

S. 481 -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

S. 612 -- Senators Setzler and O'Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39-41-235 TO REQUIRE MOTOR FUEL TERMINALS TO OFFER FOR SALE PRODUCTS THAT ARE SUITABLE FOR SUBSEQUENT BLENDING EITHER WITH ETHANOL OR BIODIESEL; TO PROHIBIT A PERSON OR ENTITY FROM TAKING AN ACTION TO DENY A MOTOR FUEL DISTRIBUTOR OR RETAILER FROM BEING THE BLENDER OF RECORD; TO REQUIRE MOTOR FUEL DISTRIBUTORS, RETAILERS, AND REFINERS TO UTILIZE THE RENEWABLE IDENTIFICATION NUMBER; AND TO DECLARE VIOLATIONS AN UNFAIR TRADE PRACTICE.

Ordered for consideration tomorrow.

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

ORDERED ENROLLED FOR RATIFICATION

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

H. 3721 -- Rep. Kirsh: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE TAX LAWS, SO AS TO UPDATE

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THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2008; TO AMEND SECTION 12-6-50, AS AMENDED, RELATING TO INTERNAL REVENUE CODE SECTIONS NOT ADOPTED BY STATE LAW, SO AS TO MAKE ADDITIONS; AND TO PROVIDE THAT A TAXPAYER WHO FOLLOWS SECTION 3094 OF THE FEDERAL HOUSING ECONOMIC RECOVERY ACT OF 2008, FOR SOUTH CAROLINA PURPOSES MUST NOT BE PENALIZED.

Recorded Vote

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

THIRD READING BILLS

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

S. 153 -- Senators Campsen, Leventis and Knotts: A BILL TO AMEND THE 1976 CODE TO ENACT THE "HOME INVASION PROTECTION ACT", BY ADDING SECTION 16-11-395 TO ESTABLISH THE OFFENSES OF HOME INVASION IN THE FIRST, SECOND, AND THIRD DEGREES, AND TO PROVIDE GRADUATED PENALTIES; TO AMEND SECTION 16-1-60, RELATING TO VIOLENT OFFENSES, TO INCLUDE HOME INVASION, FIRST AND SECOND DEGREE; AND TO AMEND SECTION 16-3-20, RELATING TO THE PUNISHMENT FOR MURDER, TO INCLUDE AS A SEPARATE STATUTORY AGGRAVATING CIRCUMSTANCE WHICH MAY BE CONSIDERED IN THE DETERMINATION OF WHETHER THE DEATH PENALTY SHOULD BE IMPOSED, A MURDER COMMITTED WHILE IN THE COMMISSION OF THE OFFENSE OF HOME INVASION IN THE FIRST DEGREE.

Recorded Vote

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

S. 412 -- Senators Thomas and Knotts: A BILL TO AMEND SECTION 56-19-290 OF THE 1976 CODE, RELATING TO THE CONTENTS OF A CERTIFICATE OF TITLE ISSUED BY THE

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DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT THE TITLE AND BILL OF SALE FOR A MOBILE HOME MUST CONTAIN A STATEMENT ADVISING A PURCHASER OF A MOBILE HOME TO CONSULT WITH THE COUNTY ASSESSOR'S OFFICE TO DETERMINE IF THERE ARE BACK TAXES DUE ON THE MOBILE HOME, AND THE SELLER MUST CERTIFY, UNDER PENALTY OF PERJURY, THAT HE HAS MADE THE PURCHASER AWARE OF ANY TAXES THAT ARE DUE ON THE MOBILE HOME; AND TO AMEND CHAPTER 45, TITLE 12, RELATING TO THE COLLECTION OF TAXES, BY ADDING SECTION 12-45-440, TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY BY RESOLUTION MAY WAIVE BACK TAXES DUE ON A MOBILE HOME, INCLUDING LATE PAYMENT PENALTIES, FOR PROPERTY TAX YEARS BEGINNING AFTER 2009.

Recorded Vote

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

S. 593 -- Senator S. Martin: A BILL TO AMEND SECTION 16-23-430 OF THE 1976 CODE, RELATING TO THE CARRYING OF WEAPONS ON SCHOOL PROPERTY, TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A PERSON WHO IS AUTHORIZED TO CARRY A CONCEALED WEAPON WHEN THE WEAPON IS INSIDE A MOTOR VEHICLE.

Recorded Vote

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

S. 690 -- Senators Peeler, Shoopman, S. Martin, Mulvaney, L. Martin, Courson, Alexander, Massey, Campbell, Bryant, Fair, Rose, Cromer, Hayes, Anderson, Ryberg, Bright, Setzler, Leatherman, Davis, McConnell and Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3760, SO AS TO ALLOW A STATE TAX CREDIT FOR EMPLOYERS HIRING AN UNEMPLOYED INDIVIDUAL RECEIVING UNEMPLOYMENT COMPENSATION BENEFITS, TO PROVIDE THE AMOUNT OF THE CREDIT, THOSE TAXES

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AGAINST WHICH THE CREDIT IS ALLOWED, AND THE ELIGIBILITY REQUIREMENTS FOR CREDITABLE EMPLOYEES, TO PROVIDE FOR THE ADMINISTRATION OF THE CREDIT, AND TO PROVIDE THAT THE CREDIT IS ALLOWED FOR ELIGIBLE INDIVIDUALS HIRED AFTER JUNE 30, 2009, AND BEFORE JULY 1, 2010, AND EXTENDS FOR TWENTY-FOUR MONTHS FOR EACH CREDITABLE EMPLOYEE.

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

There was no objection.

Recorded Vote

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

S. 374 -- Senator L. Martin: A BILL TO AMEND SECTION 41-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POSTING NOTICES CONCERNING THE EMPLOYMENT OF ADULTS AND CHILDREN IN PLACES OF EMPLOYMENT, SO AS TO DELETE THE PROVISION REQUIRING NOTICE TO BE POSTED IN EVERY ROOM WHERE FIVE OR MORE PERSONS ARE EMPLOYED; TO AMEND SECTION 41-3-10, AS AMENDED, RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO THE APPOINTMENT AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, SO AS TO DELETE THE PROVISION ESTABLISHING THE DIVISION OF LABOR; TO AMEND SECTION 41-3-40, AS AMENDED, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO DELETE THE REFERENCE TO REGULATIONS PERTAINING TO THE DIVISION OF LABOR; TO AMEND SECTIONS 41-3-50, 41-3-60, 41-3-100, AND 41-3-120, ALL AS AMENDED, ALL RELATING TO VARIOUS DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, SO AS TO MAKE TECHNICAL CORRECTIONS; AND TO REPEAL SECTIONS 41-1-40, 41-1-50, 41-3-80, 41-15-10, AND 41-15-50; ARTICLE 5, CHAPTER 3, TITLE 41; CHAPTER 21, TITLE 41; AND CHAPTER 23, TITLE 41 ALL

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RELATING TO VARIOUS OBSOLETE PROVISIONS
PERTAINING TO THE DEPARTMENT OF LABOR, LICENSING
AND REGULATION.

Senator RYBERG explained the Bill.

Recorded Vote

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

S. 377 -- Senators Scott, Williams, Campsen, Cleary, Sheheen,
Coleman, Rose, Campbell, Cromer, Shoopman, Verdin, Reese,
Anderson, Grooms, Hutto, McGill, Bryant, Matthews, Nicholson,
Land, Lourie, Rankin and Ford: A BILL TO AMEND THE CODE OF
LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION
59-103-200 SO AS TO REQUIRE A PUBLIC INSTITUTION OF
HIGHER LEARNING TO DEVELOP A CREDIT CARD
MARKETING AND SOLICITATION POLICY, TO REQUIRE THE
POLICY TO BE FILED WITH THE COMMISSION ON HIGHER
EDUCATION, TO PROVIDE CONSIDERATIONS FOR THE
POLICY, AND TO PROHIBIT A PUBLIC INSTITUTION OF
HIGHER LEARNING THAT HAS NOT ADOPTED A POLICY
FROM ALLOWING A CREDIT CARD MARKETER TO
DISTRIBUTE APPLICATIONS OR PROMOTIONAL OR
MARKETING MATERIALS.

Recorded Vote

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

Recorded Vote

Senator BRYANT desired to be recorded as voting in favor of the
third reading of the Bill.

S. 406 -- Senator Grooms: A BILL TO AMEND SECTION
40-60-35 OF THE 1976 CODE, RELATING TO CONTINUING
EDUCATION REQUIREMENTS FOR ASSESSORS, TO REDUCE
THE NUMBER OF HOURS OF INSTRUCTION EACH YEAR FOR
ASSESSORS WITH AN ACTIVE LICENSE OR CERTIFICATION
FROM NINE HOURS TO SEVEN HOURS, AND TO MAKE
TECHNICAL CHANGES.

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Recorded Vote

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

S. 636 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 64 TO TITLE 38 SO AS TO ENACT THE "LIFE SETTLEMENTS ACT"; TO PROVIDE FOR THE REGULATION OF A LIFE SETTLEMENT CONTRACT; TO PROVIDE FOR THE PROTECTION OF PERSONS ENTERING INTO THESE AGREEMENTS REGARDING CONTRACTUAL AND PROPERTY RIGHTS OF A LIFE INSURANCE POLICY OWNER AND AUTHORIZE THE DIRECTOR OF INSURANCE TO ENFORCE THE PROVISIONS OF THIS CHAPTER; TO PROVIDE FOR THE LICENSING OF A BROKER OR PRODUCER TO ENTER INTO LIFE SETTLEMENT CONTRACTS; TO PROVIDE FOR THE SUSPENSION, REVOCATION, OR REFUSAL TO RENEW THESE LICENSES; TO PROVIDE FOR CONTRACT REQUIREMENTS, REPORTING AND PRIVACY REQUIREMENTS; TO AUTHORIZE THE DIRECTOR TO EXAMINE THE BUSINESS AND AFFAIRS OF A LICENSEE OR APPLICANT, PROVIDE FOR EXAMINATION REPORTS AND CONFIDENTIALITY OF EXAMINATION INFORMATION, PROHIBIT CONFLICT OF INTEREST BY AN EXAMINER, AND PROVIDE FOR IMMUNITY FROM LIABILITY; TO PROVIDE FOR ADVERTISING REQUIREMENTS OF A BROKER OR LICENSED PROVIDER; TO PROVIDE FOR CERTAIN DISCLOSURES TO AN OWNER; TO PROVIDE DISCLOSURE BY A PROPOSED OWNER OF A LIFE INSURANCE POLICY IF THE OWNER INTENDS TO PAY PREMIUMS WITH THE ASSISTANCE OF FINANCING FROM A LENDER THAT WILL USE THE POLICY AS COLLATERAL TO SUPPORT THE FINANCING; TO REQUIRE A PROVIDER ENTERING INTO A LIFE SETTLEMENT CONTRACT WITH AN OWNER OF THE POLICY WHERE THE INSURED IS TERMINALLY OR CHRONICALLY ILL TO OBTAIN CERTAIN INFORMATION; TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS TO IMPLEMENT AND EFFECTUATE THE PROVISIONS OF THIS CHAPTER; TO PROVIDE FOR PROHIBITIVE PRACTICES, FRAUD

[SJ]

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PREVENTION, AND CONTROL; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Recorded Vote

Senator RYBERG desired to be recorded as voting in favor of the third reading of the Bill.

SECOND READING BILLS

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

S. 758 -- Senator Land: A BILL TO AMEND ACT 355 OF 2004, RELATING TO THE ONE PERCENT SALES AND USE TAX WITHIN CLARENDON COUNTY, TO ALLOW PROCEEDS FROM THE TAX TO BE USED TO ENSURE THE DELIVERY OF ACADEMIC AND ART INSTRUCTION DURING THE 2009-2010 SCHOOL YEAR.

S. 758--Ordered to a Third Reading

On motion of Senator LAND, S. 758 was ordered to receive a third reading on Thursday, April 30, 2009.

S. 759 -- Senator Hayes: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 OF YORK COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT FOR THE PURPOSE OF PAYING COSTS OF OPERATION AND MAINTENANCE OF CERTAIN ELEMENTARY SCHOOLS, TO REQUIRE THESE BONDS TO MATURE IN NO MORE THAN FIVE YEARS, TO REQUIRE THAT THE BONDS BE AUTHORIZED BY RESOLUTION OF THE BOARD OF TRUSTEES AFTER AN AUTHORIZATION BY A FAVORABLE VOTE OF THE QUALIFIED ELECTORS OF THE DISTRICT, TO PROVIDE THAT THE BONDS MAY BE SOLD BY PUBLIC OR PRIVATE SALE, AND TO PROVIDE OTHER MATTERS RELATED TO THE AUTHORIZATION AND SALE OF THE BONDS.

S. 759--Ordered to a Third Reading

On motion of Senator HAYES, S. 759 was ordered to receive a third reading on Thursday, April 30, 2009.

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AMENDMENT WITHDRAWN, READ THE SECOND TIME

S. 188 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 44-34-60 AND SECTION 44-34-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AGE RESTRICTIONS ON TATTOOING, SO AS TO PROVIDE THAT PERSONS EIGHTEEN OR OLDER ARE ELIGIBLE TO RECEIVE A TATTOO.

Senator LEVENTIS 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 second reading of the Bill.

Senator LEVENTIS proposed the following amendment (NBD\11409AC09), which was withdrawn:

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

/SECTION 1. Chapter 34, Title 44 of the 1976 Code is repealed.

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

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

Senator LEVENTIS asked unanimous consent to withdraw the amendment.

There was no objection and the amendment was withdrawn.

Senator LEVENTIS moved to table the Bill.

The question then was the tabling of the Bill.

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

Ayes 4; Nays 40

AYES

Fair

Leventis

Thomas

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Verdin

Total--4

NAYS

Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Courson	Cromer
Davis	Elliott	Ford
Grooms	Hayes	Hutto
Jackson	Knotts	Land
Leatherman	Lourie	Malloy
<i>Martin, L.</i>	<i>Martin, S.</i>	Massey
Matthews	McConnell	McGill
Mulvaney	Nicholson	O'Dell
Peeler	Rankin	Reese
Rose	Ryberg	Scott
Setzler	Sheheen	Shoopman
Williams		

Total--40

The Senate refused to table the Bill. The question then was the second reading of the Bill.

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 416 -- Senators Lourie, Knotts, Land, Leatherman, Hutto, Pinckney, Elliott, O'Dell, Massey, Peeler, Leventis, Hayes, Anderson, Sheheen, Rankin, Malloy, Scott, Williams, Setzler, Nicholson, Reese, L. Martin and Thomas: A BILL TO ENACT THE "HEALTH CARE ACCESSIBILITY FOR YOUNG AMERICANS ACT", INCLUDING PROVISIONS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-295 SO AS TO PROVIDE HEALTH INSURANCE COVERAGE UNDER A PARENT'S POLICY FOR CERTAIN MILITARY PERSONNEL ON TERMINATION OF ACTIVE DUTY STATUS, AMONG OTHER

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THINGS; BY ADDING SECTION 38-71-300 SO AS TO DEFINE THE TERMS "DEPENDENT" AND "ELIGIBLE DEPENDENT" FOR HEALTH INSURANCE POLICIES ISSUED IN THIS STATE; TO AMEND SECTION 38-71-350, RELATING TO THE REQUIRED CONTINUATION OF COVERAGE FOR HANDICAPPED CHILDREN UNDER A PARENT'S INDIVIDUAL POLICY, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 38-71-360, RELATING TO THE REQUIRED CONTINUATION OF COVERAGE FOR NONHANDICAPPED CHILDREN UNDER A PARENT'S INDIVIDUAL POLICY, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 38-71-780, RELATING TO THE REQUIRED CONTINUATION OF COVERAGE TO HANDICAPPED AND DEPENDENT CHILDREN UNDER A PARENT'S GROUP POLICY, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 38-71-1330, AS AMENDED, RELATING TO DEFINITIONS CONCERNING SMALL EMPLOYER HEALTH INSURANCE, SO AS TO MAKE CONFORMING CHANGES.

Senator LOURIE 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 adoption of the amendment proposed by the Committee on Banking and Insurance.

The Committee on Banking and Insurance proposed the following amendment (DKA\3727DW09), which was adopted:

Amend the bill, as and if amended, Section 38-71-300(A), SECTION 3, page 2, line 41, by striking the item number

/ (1) / only; and page 3, lines 22-26, by striking item (2) in its entirety.

Amend further, page 6, beginning on line 1, by striking SECTION 9 in its entirety and inserting:

/ SECTION 9. Upon approval by the Governor, this act takes effect January 1, 2010, except that it is effective for the State Health Plan January 1, 2011. /

Re-number sections to conform.

Amend title to conform.

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Senator LOURIE explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

Ayes 29; Nays 10

AYES

Alexander	Anderson	Cleary
Courson	Cromer	Elliott
Fair	Hayes	Hutto
Jackson	Knotts	Land
Leatherman	Leventis	Lourie
Malloy	<i>Martin, L.</i>	Massey
Matthews	McConnell	Nicholson
O'Dell	Peeler	Reese
Scott	Setzler	Sheheen
Thomas	Williams	

Total--29

NAYS

Bright	Bryant	Campbell
Campsen	Davis	<i>Martin, S.</i>
Mulvaney	Rose	Ryberg
Shoopman		

Total--10

The Bill was read the second time, passed and ordered to a third reading.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 455 -- Senators Thomas and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING

[SJ]

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CHAPTER 60 TO TITLE 38 SO AS TO ENACT THE “SOUTH CAROLINA HEALTHNET PROGRAM”; TO PROVIDE FOR THE CREATION OF A FIVE-YEAR PILOT PROGRAM TO PROMOTE THE AVAILABILITY OF HEALTH INSURANCE COVERAGE TO EMPLOYEES OF SMALL EMPLOYER GROUPS AND HEALTH GROUP COOPERATIVES REGARDLESS OF HEALTH STATUS OR CLAIMS EXPERIENCE, ESTABLISH RULES REGARDING RENEWAL OF COVERAGE, LIMITATIONS ON THE USE OF PREEXISTING CONDITIONS EXCLUSIONS, ASSURE FAIR ACCESS TO HEALTH PLANS AND IMPROVE OVERALL FAIRNESS AND EFFICIENCY OF THE SMALL GROUP HEALTH INSURANCE MARKET; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE COMPOSITION AND AUTHORITY OF THE BOARD OF DIRECTORS; TO PROVIDE FAIR MARKETING STANDARDS; TO PROVIDE FOR THE ESTABLISHMENT OF CRITERIA FOR PLAN ADMINISTRATION IN THE PLAN OF OPERATION; TO PROVIDE FOR RATES; TO PROVIDE FOR PROVIDER PARTICIPATION; TO PROVIDE FOR THE APPLICABILITY AND SCOPE OF THE CHAPTER; TO PROVIDE THAT SMALL GROUP HEALTH INSURERS SHALL OFFER AND MARKET PLANS DEVELOPED BY THE SOUTH CAROLINA HEALTHNET PROGRAM; TO PROVIDE FOR HEALTH BENEFIT PLAN STANDARDS; TO PROVIDE FOR ELIGIBILITY STANDARDS AND PROVIDE EXCEPTIONS; TO PROVIDE FOR TERMINATION AND NONRENEWAL OF COVERAGE; TO PROVIDE FOR CLAIMS DATA TO BE REPORTED TO THE PROGRAM; TO REQUIRE THE BOARD TO SUBMIT A REPORT REGARDING THE IMPLEMENTATION OF THE PROGRAM; AND TO AUTHORIZE THE DIRECTOR OF THE STATE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF CHAPTER 60, TITLE 38 ADDED BY THIS ACT.

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.

The Committee on Banking and Insurance proposed the following amendment (DKA\3725DW09), which was adopted:

Amend the bill, as and if amended, page 11, by striking Section 38-60-150 as contained in SECTION 1, and inserting:

[SJ]

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/ Section 38-60-150. (A) Before termination of the program, participating insurers shall:

(1) offer to continue the South Carolina HealthNet plan coverage for a maximum of one additional year to allow the participant the opportunity to find alternative coverage; or

(2) offer to replace the South Carolina HealthNet plan with a policy underwritten by the insurer that provides coverage similar to or greater than the South Carolina HealthNet plan at applicable rates offered by the insurer.

(B) An individual insured by a South Carolina HealthNet plan at the time of termination of the program shall have the right to transfer or continue coverage as provided for in subsection (A). A transfer or continuation of coverage is not subject to medical underwriting nor increased premiums based on actual or expected health-status related factors. Creditable coverage must be provided for any waiting period or preexisting condition period specified in the policy to which the transfer is made.

(C) The provisions of this section apply to the transfer or continuation of coverage so long as the coverage is provided through any other plan offered by the same insurer." /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the committee amendment.

The committee amendment was adopted.

The question then was the second reading of the Bill.

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

Ayes 35; Nays 0

AYES

Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Coleman	Cromer
Davis	Fair	Hayes
Hutto	Knotts	Land
Leatherman	Leventis	Lourie

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Malloy	<i>Martin, L.</i>	<i>Martin, S.</i>
Massey	McConnell	Mulvaney
Nicholson	O'Dell	Peeler
Reese	Rose	Ryberg
Scott	Setzler	Shoopman
Thomas	Williams	

Total--35

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

Statement by Senator ELLIOTT

I was momentarily out of the Chamber when the roll call on the HealthNet Bill was taken. Had I been present, I would have voted in favor of the Bill.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 673 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA MORTGAGE LENDING ACT", BY ADDING CHAPTER 22 TO TITLE 37 SO AS TO REQUIRE THE LICENSING OF A MORTGAGE LENDER, LOAN ORIGINATOR, OR SOMEONE ACTING AS A MORTGAGE LENDER; PROVIDE DEFINITIONS; ESTABLISH QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR REVOCATION, SUSPENSION, RENEWAL, AND TERMINATION; DESCRIBE PROHIBITED ACTIVITIES; PROVIDE FOR RECORD-KEEPING, TRUST AND ESCROW ACCOUNTS, AND ANNUAL REPORTS; PROVIDE FOR ENFORCEMENT THROUGH ADMINISTRATIVE ACTION BY THE COMMISSIONER OF THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS AND THROUGH CRIMINAL PENALTIES, AND TO PROVIDE FOR PARTICIPATION IN A NATIONAL MORTGAGE REGISTRY; TO AMEND SECTION 34-1-20, AS AMENDED, RELATING TO

[SJ]

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APPOINTMENT OF MEMBERS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS, SO AS TO PROVIDE FOR A REPRESENTATIVE OF THE MORTGAGE BANKERS ASSOCIATION; TO AMEND SECTION 34-1-110, AS AMENDED, RELATING TO AUTHORITY OF CERTAIN FINANCIAL INSTITUTIONS TO ENGAGE IN BUSINESS, SO AS TO PROVIDE FOR MORTGAGE LENDERS AND LOAN ORIGINATORS; TO AMEND SECTIONS 37-1-301, 37-3-105, 37-3-501, AND 37-23-20, ALL RELATING TO DEFINITIONS IN CONNECTION WITH MORTGAGE LENDING AND BROKERING AND HIGH-COST AND CONSUMER HOME LOANS, SO AS TO CONFORM DEFINITIONS, AND TO ADD A DEFINITION FOR "ADJUSTABLE RATE MORTGAGE"; TO AMEND SECTIONS 37-23-40, 37-23-45, AND 37-23-75, ALL RELATING TO PROTECTIONS FOR THE BORROWER IN A HIGH-COST OR CONSUMER HOME LOAN TRANSACTION, SO AS TO REQUIRE CERTAIN DISCLOSURES IN CONNECTION WITH AN ADJUSTABLE RATE MORTGAGE; TO AMEND SECTION 29-4-20, RELATING TO THE DEFINITION OF "REVERSE MORTGAGE", SO AS TO CONFORM THE DEFINITION; AND TO AMEND CHAPTER 58, TITLE 40, RELATING TO THE REGISTRATION OF MORTGAGE LOAN BROKERS, SO AS TO CHANGE THE REGISTRATION REQUIREMENTS TO LICENSING REQUIREMENTS, TO CONFORM DEFINITIONS TO THOSE SET FORTH IN THE SOUTH CAROLINA MORTGAGE LENDING ACT, REQUIRE CERTAIN PROFESSIONAL COURSES, AN ADDITIONAL YEAR OF EXPERIENCE, AND A FINGERPRINT CHECK FOR MORTGAGE BROKERS AND LOAN ORIGINATORS, REQUIRE CERTAIN RECORDS BE KEPT AND MADE ACCESSIBLE, ADD CERTAIN PROHIBITIONS IN CONNECTION WITH A REAL ESTATE APPRAISAL, REQUIRE AND PRESCRIBE MORTGAGE BROKER AGREEMENTS, AUTHORIZE ENFORCEMENT BY THE DEPARTMENT OF CONSUMER AFFAIRS AND PRESCRIBE ADMINISTRATIVE PENALTIES INCLUDING FINES AND INJUNCTIONS AND A CRIMINAL PENALTY, REQUIRE CERTAIN REPORTS AND FILINGS, AND PROVIDE FOR PARTICIPATION IN A NATIONWIDE MORTGAGE REGISTRY.

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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.

The Committee on Banking and Insurance proposed the following amendment (AGM\19429MM09), which was adopted:

Amend the bill, as and if amended, Section 37-22-110(17)(h)-(i), as found in SECTION 2, by deleting subitems (h) - (i) on page 5 in their entirety and inserting:

/ (h) an attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a mortgage lender, a mortgage broker, or other mortgage loan originator or by an agent of the mortgage lender, mortgage broker, or other mortgage loan originator;

(i) an attorney who works for a mortgage lender, pursuant to a contract, for loss mitigation efforts or third party independent contractor who is HUD-certified, Neighborworks-certified, or similarly certified, who works for a mortgage lender, pursuant to a contract, for loss mitigation efforts; or

(j) A manufactured home retailer and its employees if performing only administrative or clerical tasks in connection with the sale or lease of a manufactured home and the manufactured home retailer and its employees receive no compensation or other gain from a mortgage lender or a mortgage broker for the performance of the administrative or clerical tasks. Administrative or clerical tasks do not include taking an application, assisting or advising a prospective borrower in the completion of an application, submitting an application to a mortgage lender, or conveying or discussing the terms of a loan with a borrower. /;

Amend the bill further, Section 37-22-140(L)(1) as found in SECTION 2, page 14, lines 32 and 33, by deleting / or exclusively affiliated by contract with /;

Amend the bill further, Section 37-22-140(L)(3) as found in SECTION 2, page 15, lines 27 and 28, by deleting / or exclusively contract with /;

Amend the bill further, Section 37-22-210(C)(2) as found in SECTION 2, by deleting lines 15 through 19 on page 24 and inserting / (2) Beginning on January 1, 2010, in addition to the records required to be maintained by licensees pursuant to subitem (1), each licensee

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shall maintain a mortgage log that contains these specific data elements: (i) credit score of the borrower, (ii) adjustable or fixed type of the loan, (iii) term of the loan, (iv) annual percentage rate of the loan, and (v) appraised value of the collateral. Each /;

Amend the bill further, Section 37-3-501(1) as found in SECTION 4.C., line 16 on page 31, by deleting / (28) / and inserting / (29) /;

Amend the bill further, Section 40-58-20(12) as found in SECTION 5, line 36 on page 37, by deleting / lender / and inserting / broker /;

Amend the bill further, Section 40-58-20(15)(h) - (i), as found in SECTION 5, by deleting subitems (h) - (i) on pages 38-39 in their entirety and inserting:

/ (h) an attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a mortgage lender, a mortgage broker, or other mortgage loan originator or by an agent of the mortgage lender, mortgage broker, or other mortgage loan originator;

(i) an attorney who works for a mortgage lender, pursuant to a contract, for loss mitigation efforts or third party independent contractor who is HUD-certified, Neighborworks-certified, or similarly certified, who works for a mortgage lender, pursuant to a contract, for loss mitigation efforts; or

(j) a manufactured home retailer and its employees if performing only administrative or clerical tasks in connection with the sale or lease of a manufactured home and the manufactured home retailer and its employees receive no compensation or other gain from a mortgage lender or a mortgage broker for the performance of the administrative or clerical tasks. Administrative or clerical tasks do not include taking an application, assisting or advising a prospective borrower in the completion of an application, submitting an application to a mortgage lender, or conveying or discussing the terms of a loan with a borrower./

Amend the bill further, Section 40-58-20(22) as found in SECTION 5, line 5 on page 40, by deleting / lender / and inserting / broker /;

Amend the bill further, Section 40-58-20(31)(c) as found in SECTION 5, page 41, line 43, by deleting / 37-22-270 / and inserting / 40-58-100 /;

Amend the bill further, Section 40-58-50(B)(2) as found in SECTION 5, line 24 on page 45, by deleting / In lieu / and inserting / Instead /, and line 35 on page 45, by inserting / / before / economics /;

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Amend the bill further, Section 40-58-65(A) as found in SECTION 5, by deleting on page 48, line 43, the word / provides / and by deleting lines 1-4 on page 49 and inserting / contains these specific data elements: (i) credit score of the borrower, (ii) adjustable or fixed type of the loan, (iii) term of the loan, (iv) annual percentage rate of the loan, and (v) appraised value of the collateral. Each licensee shall /;

Amend the bill further, Section 40-58-80 as found in SECTION 5, by adding an appropriately lettered subsection after line 20 on page 60 to read:

/() Nothing in this chapter limits a statutory or common law right of a person to bring an action in a court for an act or the right of the State to punish a person for a violation of a law. /;

Amend the bill, further, SECTION 7 as found on page 64, by inserting at the end of line 40 the words / and Section 40-58-20(19) /.

Renumber sections to conform.

Amend title to conform.

Senator L. MARTIN explained the committee amendment.

The committee amendment was adopted.

Senator THOMAS asked unanimous consent to give the Bill a second reading, as amended.

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

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

H. 3187 -- Reprs. Chalk and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-5-26 SO AS TO DEFINE THE TERM "LANDSCAPE SERVICE" AND TO PROVIDE THAT A PERSON WHO PROVIDES A LANDSCAPE SERVICE ON A PARCEL OR REAL ESTATE BY VIRTUE OF AN AGREEMENT WITH THE OWNER OF THE REAL ESTATE, AND TO WHOM A DEBT IS DUE FOR HIS PERFORMANCE OF THE LANDSCAPING SERVICE, HAS A MECHANICS' LIEN ON THE REAL ESTATE TO SECURE PAYMENT OF DEBT DUE TO HIM.

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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.

The Committee on Banking and Insurance proposed the following amendment (GGS\22332AB09), which was adopted:

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

/ SECTION __. Chapter 5, Title 29 of the 1976 Code is amended by adding:

“Section 29-5-15. (A) To file a mechanics’ lien, a contractor must provide the county clerk of court or register of deeds proof that he is licensed or registered if he is required by law to be licensed or registered. As proof of licensure or registration, the contractor must record his contractor license number or registration number on the lien document when the lien document is filed.

(B) A contractor who files a frivolous lien is subject to a fine up to five thousand dollars, the loss of his registration or contractor license, or both.”

SECTION __. Section 29-5-120 of the 1976 Code is amended to read:

“Section 29-5-120. (A) Unless a suit for enforcing the lien is commenced, and notice of pendency of the action is filed, within six months after the person desiring to avail himself thereof of it ceases to labor on or furnish labor or material for ~~such the building or structures~~ structure, the lien ~~shall~~ must be dissolved.

(B) A mechanics’ lien and associated bonds may be released by a court order, a written affidavit of the bond holder’s attorney, or by a written affidavit from the defendant’s attorney stating:

(1) six months has passed since the lien was attached and no suit or notice of pendency has been filed; or

(2) the failure of the filing party to take some other timely action required by this chapter. This affidavit must be in the form approved by the appropriate local office where the mechanics’ lien was filed and must reference the lien’s recording information.”

SECTION __. Section 40-59-30 of the 1976 Code is amended to read:

“Section 40-59-30. (A) A person or firm who engages or offers to engage in the business of residential building or residential specialty contracting without first having registered with the commission or

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procured a license from the commission, which has not expired or been revoked, suspended, or restricted or who knowingly presents to, or files with, the commission false information for the purpose of obtaining a license or registering with the commission is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars or more than ten thousand dollars or imprisoned for not less than thirty days, or both.

(B) Notwithstanding Section 29-5-10, or another provision of law, a person or firm who first has not first procured a license or registered with the commission and is required to do so by law may not file a mechanics' lien or bring an action at law or in equity to enforce the provisions of a contract for residential building or residential specialty contracting which the person or firm entered into in violation of this chapter.

~~(C) If it appears to the commission that a person or firm has violated, or is about to violate, a provision of this chapter, the commission may in its own name petition an administrative law judge, as provided under Article 5 of Chapter 23 of Title 1, to issue a temporary restraining order enjoining the violation of this chapter, pending a full hearing to determine whether or not the injunction must be made permanent. Pursuant to Article 5, Chapter 23, Title 1, the commission may petition an administrative law judge to issue a temporary restraining order enjoining a violation of this chapter, pending a full hearing to determine whether the injunction must be made permanent.” /~~

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the committee amendment.

The committee amendment was adopted.

Senator HAYES proposed the following amendment (GGS\22334MM09), which was adopted:

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

/ SECTION 1. Chapter 5, Title 29 of the 1976 Code is amended by adding:

“Section 29-5-26. (A) A person who provides a landscape service on a parcel of real estate, which service exceeds five thousand dollars,

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by virtue of a written agreement with the owner of the real estate and to whom a debt is due for his performance of the landscaping service has a mechanics' lien on the real estate to secure payment of debt due to him as provided by Section 29-5-10 and Section 29-5-20. The lien attaches to the land and a building, structure, or other improvement on the land.

(B) As used in this chapter, a landscape service includes:

(1) land clearing, grading, filling, plant removal, natural obstruction removal, or other preparation of land;

(2) provision or installation, or both of them, of a landscaping item including plant material, mulch, paving, walkway, swimming pool, fountain, retaining wall, bulkhead, deck, patio, lightscaping system, irrigation system, drainage structure, drainage system, underground utility, or other feature incidental and necessary to a landscape plan and/or site design; or

(3) both.

(C) A landscaping service does not depend on whether the service is related to the construction, erection, alteration, or repair of a building or other structure.”

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

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

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. 3616 -- Rep. Simrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 53, TITLE 59 SO AS TO PROVIDE FOR THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS, AND TO PROVIDE FOR ITS POWERS AND DUTIES.

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

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The Committee on Education proposed the following amendment (NBD\11451BH09), which was adopted:

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

/SECTION 1. The General Assembly finds that:

(1) the State Board for Technical and Comprehensive Education (state board) and its colleges are in a unique position to be active and full participants in the state's effort to promote and enhance the economic development of this State through the location and development of high technology businesses and industries;

(2) the role of the state board and the colleges to provide educational and job training opportunities for citizens complements and enhances the ability of the state's research universities to pursue and engage the high technology community;

(3) the state board and the colleges can better utilize their resources if necessary powers and flexibility are granted by the General Assembly for the state board and the colleges to fulfill their role in a high technology economy;

(4) it is in the best interest of the State to provide the powers and flexibility for the state board, and the best method for accomplishing this is through the creation and establishment of separate and distinct instrumentalities of the State;

(5) the state board shall carefully review and approve each individual project brought to it by these colleges and instrumentalities and shall approve projects based on the best interest of the State; and

(6) authorizations contained in this act are in the public interest, serve a public purpose, and promote the health, safety, welfare, and convenience of the people of the State.

SECTION 2. This act may be cited as the "State Board for Technical and Comprehensive Education Enterprise Campus Authority Act".

SECTION 3. Chapter 53, Title 59 of the 1976 Code is amended by adding:

“Article 27

Technical College Enterprise Campus Authority

Section 59-53-2400. As used in this article:

(1) ‘Authority’ means a technical college Enterprise Campus Authority.

(2) ‘Board’ means the governing body of an authority.

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(3) 'Commission' means an area commission as defined by Section 59-53-52.

(4) 'Enterprise campus' means the real and personal property subject to the management and control of an authority. The enterprise campus may consist of one or more tracts or parcels of real property and none of the tracts or parcels must be contiguous with other properties constituting the enterprise campus.

Section 59-53-2410. (A) There are created bodies politic and corporate known as the Aiken Technical College Enterprise Campus Authority, the Greenville Technical College Enterprise Campus Authority, the Orangeburg-Calhoun Technical College Enterprise Campus Authority, the Spartanburg Community College Enterprise Campus Authority, and the York Technical College Enterprise Campus Authority. The authorities are public instrumentalities of the State and the exercise by them of a power conferred in this article is the performance of an essential public function. The authorities are governed by a board, which consists of members of the respective commissions. All members serve ex officio. Persons serving as chairman, vice chairman, treasurer, and secretary of the respective commissions shall serve in the same capacity on their respective board. Members of a board shall receive per diem as provided for members of boards, commissions, and committees and actual expenses incurred in the performance of their duties.

(B) A board shall exercise the powers of an authority.

(C) The purpose of an authority is to provide for the management, development, and operation of an enterprise campus.

Section 59-53-2420. (A) In addition to the powers contained elsewhere in this article, a board has power necessary, useful, or appropriate to operate and administer an authority, to effectuate the purposes of an authority, and to perform its other functions including, but not limited to, the power to:

(1) have perpetual succession;

(2) sue and be sued in its own name;

(3) adopt, promulgate, amend, and repeal bylaws, not inconsistent with provisions in this article for the administration of an authority's affairs and the implementation of its functions;

(4) have a seal and alter it at its pleasure, although the failure to affix the seal does not affect the validity of an instrument executed on behalf of an authority;

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(5) make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions;

(6) buy, purchase, or otherwise acquire real and personal property and other assets and sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or part of its real and personal property and other assets, upon terms and conditions determined by the board;

(7) employ agents, advisors, consultants, engineers, architects, attorneys, accountants, construction and financial experts, land planners, superintendents, managers, and other employees and agents as necessary in the board's judgment in connection with any aspect of the enterprise campus and determine their duties and to fix their compensation;

(8) procure insurance against any loss in connection with its property, assets, or activities, including insurance against liability for its acts or the acts of its employees or agents;

(9) procure insurance, guarantees, letters of credit, and other forms of collateral or security or credit support from public or private entities, including a department, agency, or instrumentality of the United States or the State of South Carolina, for the payment of any bonds issued by it, including the power to pay premiums or fees on any insurance, guarantees, letters of credit, and other forms of collateral or security or credit support;

(10) receive, accept, and expend from any source including a federal, state, or other public agency and a private agency, person, or other entity appropriated funds, donations, loans, grants, aid, or contributions of money, property, labor, or other things of value;

(11) invest or reinvest its funds as provided in Section 11-9-660;

(12) make contracts and guarantees, incur liabilities, issue its notes, bonds, and other obligations, and secure its obligations by mortgage or pledge of its property, or income in a manner determined to be in the best interest of an authority. A guarantee or indebtedness of an authority does not create an obligation of the State or commission, nor must the guarantee or indebtedness be considered a debt against the general revenue of the State or commission;

(13) fix and revise when necessary and charge and collect rates, fees, rents, and charges for the use of, and for the services furnished by it, for all or any portion of the enterprise campus;

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(14) determine the character of an enterprise campus, and acquire, develop, construct, and provide for an enterprise campus, and maintain, repair, and operate, and enter into contracts for the management, lease, use, or operation of all or any portion of an enterprise campus;

(15) establish and enforce, and agree through a resolution or trust agreement authorizing or securing bonds, notes, other obligations, or indebtedness of an authority to make and enforce rules and regulations for the use of and services rendered by an authority for the enterprise campus;

(16) appoint and provide for advisory committees;

(17) establish nonprofit corporations in accordance with applicable corporate law and with the powers provided by the applicable corporate law; and

(18) do all other things necessary or convenient to exercise the powers granted or reasonably implied by this article.

(B) The powers contained in this article include the power to enter into contracts and other agreements with public or private entities for the lease of authority property, the construction, occupancy, use, and ownership by the public or private entity of buildings or other facilities on authority property, and the conveyance of the public or private entity's property to an authority at the end of an applicable contract or agreement.

Section 59-53-2430. (A) An authority must comply with the provisions of Chapter 47 of Title 2, but only State Budget and Control Board approval is required for leases and lease purchase agreements, including ground lease agreements, the terms and conditions thereof, and the consideration involved, for the construction or use of facilities on an enterprise campus. Upon the expiration of the lease purchase agreements, including ground lease agreements, the private entity shall surrender to an authority the premises with the existing buildings, other structures, and improvements constructed and located on an enterprise campus, in the same condition as when the construction of the buildings, other structures, and improvements were completed, only natural and normal wear and tear excepted. Subject to the provisions of this article, the approval of the State Budget and Control Board required for leases and lease purchase agreements, including ground lease agreements, is in lieu of or a substitute for any other approval required by another provision of law or regulation. The full faith and credit of the State toward the lease obligations may not be pledged, and a statement to the contrary is void as a matter of public policy.

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(B) Notwithstanding another provision of this chapter, all powers granted to an authority must be exercised in a manner consistent with the provisions of Title 11, Chapter 35 and Section 1-11-65. Approval by the State Budget and Control Board is not a substitute for the requirements of Title 11, Chapter 35. An authority shall adhere to fire, life, and safety codes as required by the Office of State Engineer.

Section 59-53-2440. (A) An authority may issue bonds in the same manner and for the same purposes, including the purposes of an authority, pursuant to the provisions of the Higher Education Revenue Bond Act, as provided in Chapter 147, Title 59.

(B) The issuance by an authority of bonds, notes, other obligations, or indebtedness is subject to approval by resolution of the State Budget and Control Board.

(C) Bonds, notes, other obligations, or indebtedness of an authority do not constitute a debt or a pledge of the faith and credit of the State of South Carolina, the commission, or any of the state's political subdivisions other than an authority, but are payable only from the revenue, money, or property of an authority as provided in this article. The bonds, notes, other obligations, or indebtedness of an authority do not constitute an indebtedness of the State within the meaning of any state constitutional or statutory limitation. A member of the board or a person executing bonds, notes, other obligations, or indebtedness of an authority is not liable personally on the bonds, notes, other obligations, or indebtedness by reason of their issuance or execution. Each bond, note, other obligation, or indebtedness must contain on its face a statement to the effect that:

(1) the State, the commission, the state's political subdivisions, or an authority is not obligated to pay the principal of or interest on the bond or other costs incident to the bond except from the revenue, money, or property of an authority pledged;

(2) the full faith and credit, and the taxing power of the State and its political subdivisions, is not pledged to the payment of the principal of or interest on the bond, note, other obligation, or indebtedness; and

(3) an authority does not have taxing power.

Section 59-53-2450. An authority shall submit an annual report on the development and use of the enterprise campus to the State Board for Technical and Comprehensive Education, the Governor, the State Budget and Control Board, the Chairman of the Ways and Means Committee of the House of Representatives, and the Chairman of the

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Finance Committee of the Senate. The report must be submitted not later than six months after the end of each fiscal year.

Section 59-53-2460. In performing an essential governmental function in the exercise of the powers conferred upon it, an authority is not required to pay taxes or assessments upon property or upon its activities or operations or the income from them, or taxes or assessments upon property acquired or used by an authority or upon the income from them. Bonds, notes, other obligations, or indebtedness issued by an authority and the income from them are free from taxation and assessment of every kind by the State and by the local governments and other political subdivisions of the State.

Section 59-53-2470. (A) A commission must designate with specificity the area or areas that comprise the enterprise campus and the purpose of the enterprise campus. This information must be submitted to the State Board for Technical and Comprehensive Education. The state board shall have final approval over the areas designated as part of a Technical College Enterprise Campus Authority and the projects to be undertaken.

(B) A commission may provide for the management, development, and operation of part or all of the enterprise campus property by an authority.

(C) An area commission is authorized to enter into contracts with the Enterprise Campus Authority for the provision of executive and administrative services to an authority.

(D) In the fulfillment of the power contained in this section, the commission is authorized to sell, convey, lease, exchange, transfer, or give all or part of its real and personal property and other assets constituting the enterprise campus to the Enterprise Campus Authority upon such terms and conditions as the commission determines. The commission may sell, convey, lease, exchange, transfer, or give all or part of its real and personal property and other assets constituting the enterprise campus, other than the property defined pursuant to paragraph (A), only upon approval by the State Board for Technical and Comprehensive Education. The commission may buy, purchase, or otherwise acquire and accept real and personal property and other assets from the Enterprise Campus Authority only in accordance with all regulations and general laws applicable to state supported technical institutions in the acquisition and acceptance of real and personal property and other assets.”

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SECTION 4. Nothing in the article may be construed to alter, amend, or otherwise affect an existing technical or community college enterprise campus or Enterprise Campus Authority currently in existence.

SECTION 5. 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 6. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

The committee amendment was adopted.

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

ADOPTED

S. 343 -- Senators Lourie and Knotts: A CONCURRENT RESOLUTION TO REQUEST THE SOUTH CAROLINA BUDGET AND CONTROL BOARD TO REQUIRE ALL AGENCIES WITH INVESTIGATIVE AUTHORITY PURSUANT TO THE OMNIBUS ADULT PROTECTION ACT, OR ANY FEDERAL STATUTE, TO MAKE THEIR CASES OF ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS WHICH WERE SUBSTANTIATED OR RESULTED IN CRIMINAL CONVICTIONS AVAILABLE ON THE STATE'S WEBSITE IN A FORMAT TO BE DEVELOPED BY THE ADULT PROTECTION COORDINATING COUNCIL.

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

CARRIED OVER

S. 454 -- Senators Peeler and Ford: A BILL TO AMEND CHAPTER 56, TITLE 40, CODE OF LAWS OF SOUTH

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CAROLINA, 1976, RELATING TO THE STATE BOARD OF PYROTECHNIC REGULATIONS, SO AS TO REVISE THE CHAPTER TITLE, TO PROVIDE STATE POLICY CONCERNING PYROTECHNICS, TO INCREASE THE STATE BOARD OF PYROTECHNIC SAFETY FROM SIX TO SEVEN MEMBERS, TO DEFINE TERMS, TO REQUIRE LICENSURE FOR THE MANUFACTURING, SALE, OR STORAGE OF FIREWORKS, TO AUTHORIZE THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, FIRE CHIEFS, AND LAW ENFORCEMENT OFFICERS TO INVESTIGATE COMPLAINTS, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION, TO REQUIRE LIABILITY INSURANCE, TO REQUIRE REPORTING OF FIRES AND EXPLOSIONS, TO PROVIDE CRIMINAL AND CIVIL PENALTIES FOR VIOLATIONS, AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PERSONS HANDLING FIREWORKS.

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

S. 484 -- Senators Sheheen and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-68-95 SO AS TO PROVIDE DE MINIMIS OPERATIONS LICENSURE REQUIREMENTS FOR NONRESIDENT PROFESSIONAL EMPLOYER ORGANIZATIONS AND GROUPS; TO AMEND SECTION 40-68-30, AS AMENDED, RELATING TO LICENSURE REQUIREMENTS FOR PROFESSIONAL EMPLOYER ORGANIZATIONS, SO AS TO INCREASE APPLICATION FEES AND TO REQUIRE AN APPLICATION FEE FOR EACH COMPANY IN A PROFESSIONAL EMPLOYER ORGANIZATION GROUP; TO AMEND SECTION 40-68-40, AS AMENDED, RELATING TO QUALIFICATIONS TO BE LICENSED AS A PROFESSIONAL EMPLOYER ORGANIZATION AND QUALIFICATIONS TO SERVE AS A CONTROLLING PERSON OF A LICENSEE, SO AS TO DELETE A PROVISION AUTHORIZING ISSUANCE OF A NONRESIDENT RESTRICTED LICENSE WITHOUT THE REQUISITE TWO YEARS' EXPERIENCE, TO MAKE TECHNICAL CORRECTIONS, AND TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 40-68-45, RELATING TO CONTINUING EDUCATION, SO AS TO PROVIDE THAT THE HOLDER OF A DE MINIMIS OPERATIONS LICENSE IS NOT

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REQUIRED TO TAKE CONTINUING EDUCATION, TO REVISE THE DEFINITION OF "KEY PERSONNEL" FOR CERTAIN PURPOSES, AND TO DELETE OBSOLETE LANGUAGE; TO AMEND SECTION 40-68-50, AS AMENDED, RELATING TO LICENSURE AND RENEWAL FEES, SO AS TO REVISE INITIAL AND RENEWAL LICENSE FEES, TO DELETE NONRESIDENT PROFESSIONAL EMPLOYER ORGANIZATION LICENSE AND RENEWAL LICENSE FEES, AND TO DELETE PROVISIONS STATING MAXIMUM LICENSURE FEES; TO AMEND SECTION 40-68-90, AS AMENDED, RELATING TO RESTRICTED LICENSURE OF NONRESIDENT COMPANIES AND GROUPS, SO AS TO REVISE THE REQUIREMENTS FOR A RESTRICTED LICENSE AND TO AUTHORIZE THE DEPARTMENT OF CONSUMER AFFAIRS TO WAIVE THE AUDITED FINANCIAL STATEMENT REQUIREMENT FOR SUCH APPLICANTS; TO AMEND SECTION 40-68-100, AS AMENDED, RELATING TO ISSUANCE AND VALIDITY OF LICENSES, SO AS TO CLARIFY THE INITIAL LICENSURE PERIOD; TO AMEND SECTION 40-68-120, AS AMENDED, RELATING TO REQUIREMENTS FOR VARIOUS BENEFIT PROGRAMS FOR LICENSEES, INCLUDING WORKERS' COMPENSATION PLANS AND HEALTH BENEFIT PLANS, SO AS TO REQUIRE BOTH PLANS TO BE LICENSED WITH THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 40-68-140, AS AMENDED, RELATING TO REQUIREMENTS FOR LICENSEE NAME AND LOCATION CHANGES, SO AS TO ALSO REQUIRE A LICENSEE TO PROVIDE THE DEPARTMENT WITH OTHER CHANGES IN STATUS AS MAY BE REQUIRED; TO AMEND SECTION 40-68-160, AS AMENDED, RELATING TO GROUNDS FOR DISCIPLINARY ACTION AND DISCIPLINARY PROCEDURES, SO AS TO FURTHER SPECIFY PROCEDURES FOR PURSUING A CONTESTED CASE; TO AMEND SECTION 40-68-165, AS AMENDED, RELATING TO THE DEPARTMENT OF CONSUMER AFFAIRS OR THE ATTORNEY GENERAL ENFORCING THIS CHAPTER BY FILING AN ACTION IN THE CIRCUIT COURT, SO AS TO ALSO AUTHORIZE FILING AN ACTION IN THE ADMINISTRATIVE LAW COURT; AND TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO THE PROHIBITION AGAINST DISCLOSING RECORDS OF AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE AND EXCEPTIONS TO

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THIS PROHIBITION, SO AS TO INCLUDE IN THIS EXCEPTION THE DISCLOSURE OF INFORMATION RELATED TO PAYROLL WITHHOLDING TAXES TO THE DEPARTMENT OF CONSUMER AFFAIRS IN CONJUNCTION WITH THE DEPARTMENT LICENSING AND REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS.

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

H. 3562 -- Reps. Brady and Sandifer: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 PERTAINING TO INSURANCE, SO AS TO ADD THE DEFINITIONS OF "GENERAL APPOINTMENT", "LOCAL APPOINTMENT", "SPECIAL APPOINTMENT", "CROP INSURANCE", AND "TRAVEL INSURANCE", CORRECT ARCHAIC LANGUAGE, AND MAKE CONFORMING AMENDMENTS; TO AMEND SECTION 38-39-20, RELATING TO PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE THAT THE FEE FOR LICENSURE TO ENGAGE IN SERVICING INSURANCE PREMIUMS IN THIS STATE IS DUE ON A BIENNIAL BASIS RATHER THAN ON AN ANNUAL BASIS; TO AMEND SECTION 38-43-80, AS AMENDED, RELATING TO LICENSE FEES FOR INSURANCE PRODUCERS AND AGENCIES, SO AS TO PROVIDE FOR A BIENNIAL PRODUCER LICENSE RENEWAL FEE OF TWENTY-FIVE DOLLARS, INCREASE THE INITIAL PRODUCER LICENSE RENEWAL FEE FROM TWENTY DOLLARS TO TWENTY-FIVE DOLLARS, AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE PAYMENT OF APPOINTMENT FEES; TO AMEND SECTION 38-43-106, AS AMENDED, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS, SO AS TO PROVIDE THAT THE BIENNIAL COMPLIANCE PERIOD IS BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH; TO AMEND SECTION 38-43-110, AS AMENDED, RELATING TO THE DURATION OF AN INSURANCE PRODUCER'S LICENSE, SO AS TO PROVIDE THAT INDIVIDUAL LICENSES MUST BE RENEWED BIENNIALLY BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH AND PROVIDE FOR THE REQUIREMENTS RELATING TO RENEWAL; TO AMEND SECTION 38-43-200, AS AMENDED,

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RELATING TO THE PROHIBITION ON SPLITTING COMMISSIONS WITH AN UNLICENSED PERSON BY AN INSURANCE PRODUCER, SO AS TO DELETE THE EXISTING PROVISIONS AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE SPLITTING AND SHARING OF COMMISSIONS; TO AMEND SECTION 38-45-10, RELATING TO THE DEFINITIONS OF AN INSURANCE BROKER, SO AS TO PROVIDE FOR THE QUALIFYING DUTIES AND PROVIDE FOR EXCEPTIONS; AND TO AMEND SECTION 38-45-20, AS AMENDED, RELATING TO THE REQUIREMENTS FOR LICENSURE AS AN INSURANCE BROKER, SO AS TO DELETE THE REQUIREMENTS THAT A BROKER HOLD AT LEAST ONE APPOINTMENT.

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

**AMENDED, COMMITTEE AMENDMENT WITHDRAWN
CARRIED OVER**

S. 248 -- Senators L. Martin, Shoopman, Fair, Verdin, Thomas, Lourie, Williams and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-95 SO AS TO CREATE THE OFFENSE OF UNLAWFULLY PROVIDING BEER OR WINE TO A PERSON UNDER THE AGE OF TWENTY-ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY-ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61-6-4083 SO AS TO CREATE THE OFFENSE OF UNLAWFULLY PROVIDING ALCOHOLIC LIQUORS TO A PERSON UNDER THE AGE OF TWENTY-ONE WHEN GREAT BODILY INJURY OR DEATH RESULTS TO THE PERSON UNDER THE AGE OF TWENTY-ONE OR TO ANOTHER PERSON AND TO PROVIDE PENALTIES.

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

Senator L. MARTIN asked unanimous consent to take up the following amendment.

There was no objection.

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Senators L. MARTIN, CAMPSSEN and SCOTT proposed the following amendment (S248ACTOR21C), which was adopted:

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

/ SECTION 1. Article 1, Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61-4-95. (A) A person twenty-one years of age or older who knowingly and unlawfully sells to, transfers to, distributes to, or purchases beer or wine for consumption by a person under the age of twenty-one pursuant to the prohibitions provided in Section 61-4-50, 61-4-80, or 61-4-90, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury to or the death of the person under the age of twenty-one or another person, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(B) A person under the age of twenty-one who knowingly and unlawfully sells to, transfers to, distributes to, or purchases beer or wine for consumption by a person under the age of twenty-one pursuant to the prohibitions provided in Section 61-4-50, 61-4-80, or 61-4-90, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury to the person under the age of twenty-one or another person, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than three years, or both.

(C) A person under the age of twenty-one who knowingly and unlawfully sells to, transfers to, distributes to, or purchases beer or wine for consumption by a person under the age of twenty-one pursuant to the prohibitions provided in Section 61-4-50, 61-4-80, or 61-4-90, and that sale, transfer, distribution, or purchase is the proximate cause of death to the person under the age of twenty-one or another person, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(D) Failure of a person who sells beer or wine to require identification to verify a person’s age is prima facie evidence of a violation of this section.

(E) The provisions of this section do not apply to a person who is permitted to transfer or distribute beer or wine to a person under the age of twenty-one pursuant to Section 61-4-90.”

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SECTION 2. Article 13, Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61-6-4083. (A) A person twenty-one years of age or older who knowingly and unlawfully sells to, transfers to, distributes to, or purchases alcoholic liquors for consumption by a person under the age of twenty-one pursuant to the prohibitions provided in Section 61-6-4070, 61-6-4075, or 61-6-4080, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury to or the death of the person under the age of twenty-one or another person, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(B) A person under the age of twenty-one who knowingly and unlawfully sells to, transfers to, distributes to, or purchases alcoholic liquors for consumption by a person under the age of twenty-one pursuant to the prohibitions provided in Section 61-6-4070, 61-6-4075, or 61-6-4080, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury of the person under the age of twenty-one or another person, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than three years, or both.

(C) A person under the age of twenty-one who knowingly and unlawfully sells to, transfers to, distributes to, or purchases alcoholic liquors for consumption by a person under the age of twenty-one pursuant to the prohibitions provided in Section 61-6-4070, 61-6-4075, or 61-6-4080, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury of the person under the age of twenty-one or another person, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(D) Failure of a person who sells alcoholic liquors to require identification to verify a person’s age is prima facie evidence of a violation of this section.

(E) The provisions of this section do not apply to a person who is permitted to transfer or distribute alcoholic liquors to a person under the age of twenty-one pursuant to Section 61-6-4070.”

SECTION 3. 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

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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 4. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

Senator L. MARTIN explained the amendment.

The amendment was adopted.

Senator L. MARTIN asked unanimous consent to withdraw the amendment proposed by the Committee on Judiciary and printed below.

There was no objection and the amendment proposed by the Committee on Judiciary was withdrawn.

The Committee on Judiciary proposed the following amendment (JUD0248.001), which was withdrawn:

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

/ SECTION 1. Article 1, Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61-4-95. (A) A person seventeen years of age or older who knowingly and unlawfully sells to, transfers to, distributes to, or purchases beer or wine for consumption by a person under the age of twenty-one pursuant to the prohibitions provided in Section 61-4-50, 61-4-80, or 61-4-90, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury to or the death of the person under the age of twenty-one or another person, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(B) A person under the age of seventeen who knowingly and unlawfully sells to, transfers to, distributes to, or purchases beer or wine for consumption by a person under the age of twenty-one pursuant

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to the prohibitions provided in Section 61-4-50, 61-4-80, or 61-4-90, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury to or the death of the person under the age of twenty-one or another person, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than three years, or both.

(C) Failure of a person who sells beer or wine to require identification to verify a person's age is prima facie evidence of a violation of this section.

(D) The provisions of this section do not apply to a person who is permitted to transfer or distribute beer or wine to a person under the age of twenty-one pursuant to Section 61-4-90."

SECTION 2. Article 13, Chapter 6, Title 61 of the 1976 Code is amended by adding:

"Section 61-6-4083. (A) A person seventeen years of age or older who knowingly and unlawfully sells to, transfers to, distributes to, or purchases alcoholic liquors for consumption by a person under the age of twenty-one pursuant to the prohibitions provided in Section 61-6-4070, 61-6-4075, or 61-6-4080, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury to or the death of the person under the age of twenty-one or another person, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(B) A person under the age of seventeen who knowingly and unlawfully sells to, transfers to, distributes to, or purchases alcoholic liquors for consumption by a person under the age of twenty-one pursuant to the prohibitions provided in Section 61-6-4070, 61-6-4075, or 61-6-4080, and that sale, transfer, distribution, or purchase is the proximate cause of great bodily injury to or the death of the person under the age of twenty-one or another person, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than three years, or both.

(C) Failure of a person who sells alcoholic liquors to require identification to verify a person's age is prima facie evidence of a violation of this section.

(D) The provisions of this section do not apply to a person who is permitted to transfer or distribute alcoholic liquors to a person under the age of twenty-one pursuant to Section 61-6-4070."

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SECTION 3. 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 4. This act takes effect upon approval by the Governor./
Re-number sections to conform.
Amend title to conform.

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

Motion to Ratify Adopted

At 11:36 A.M., Senator L. MARTIN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time on Thursday, April 30, 2009.

There was no objection and a message was sent to the House accordingly.

Motion Adopted

On motion of Senator L. MARTIN, with unanimous consent, the Senate agreed that, at the conclusion of the Joint Assembly, the Senate would stand in recess until 2:00 P.M.

RECESS

At 11:59 A.M., on motion of Senator McCONNELL, the Senate recessed from business for the purpose of attending the Joint Assembly.

JOINT ASSEMBLY

Elections

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

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

S. 659 -- Senators Knotts, Alexander, Rose, S. Martin, Elliott, McConnell, Williams, Malloy, Peeler, Leatherman, Grooms, Campbell, Cromer, Cleary, Scott, Shoopman, Bryant, Ryberg, Bright, Davis, Setzler and Ford: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 29, 2009, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR COASTAL CAROLINA UNIVERSITY, COLLEGE OF CHARLESTON, SOUTH CAROLINA STATE UNIVERSITY, WIL LOU GRAY OPPORTUNITY SCHOOL, AND WINTHROP UNIVERSITY TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE IN 2009, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION; IMMEDIATELY FOLLOWING ELECTION OF BOARDS OF TRUSTEE MEMBERS, THE HOUSE OF REPRESENTATIVES AND THE SENATE SHALL ELECT ONE MEMBER-AT-LARGE TO THE OLD EXCHANGE BUILDING COMMISSION TO SUCCEED THE MEMBER WHOSE TERM IS EXPIRING.

**Election to the Board of Trustees for
Coastal Carolina University, First Congressional District, Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University from the First Congressional District, Seat #1.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Ms. Natasha M. Hanna had been screened and found qualified to serve and placed her name in nomination.

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

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Whereupon, the PRESIDENT announced that the Honorable Natasha M. Hanna was elected to a position on the Board of Trustees for Coastal Carolina University, First Congressional District, Seat #1 for the term prescribed by law.

**Election to the Board of Trustees for
Coastal Carolina University, First Congressional District, Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University from the First Congressional District, Seat #2.

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

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

Whereupon, the PRESIDENT announced that the Honorable Larry Biddle was elected to a position on the Board of Trustees for Coastal Carolina University, First Congressional District, Seat #2 for the term prescribed by law.

**Election to the Board of Trustees for
Coastal Carolina University
Second Congressional District, Seat #4**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University from the Second Congressional District, Seat #4.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. Robert G. Templeton had been screened and found qualified to serve and placed his name in nomination.

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

Whereupon, the PRESIDENT announced that the Honorable Robert G. Templeton was elected to a position on the Board of Trustees for Coastal Carolina University, Second Congressional District, Seat #4 for the term prescribed by law.

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**Election to the Board of Trustees for
Coastal Carolina University
Third Congressional District, Seat #6**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University from the Third Congressional District, Seat #6.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. William L. Lyles, Jr. had been screened and found qualified to serve and placed his name in nomination.

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

Whereupon, the PRESIDENT announced that the Honorable William L. Lyles, Jr. was elected to a position on the Board of Trustees for Coastal Carolina University, Third Congressional District, Seat #6 for the term prescribed by law.

**Election to the Board of Trustees for
Coastal Carolina University
Fourth Congressional District, Seat #8**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University from the Fourth Congressional District, Seat #8.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. D. Wyatt Henderson and Mr. Brad Spink had been screened and found qualified to serve.

On motion of Senator KNOTTS, the name of Mr. Brad Spink was withdrawn from consideration.

Senator KNOTTS placed the name of Mr. D. Wyatt Henderson in nomination.

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

Whereupon, the PRESIDENT announced that the Honorable D. Wyatt Henderson was elected to a position on the Board of Trustees for Coastal Carolina University, Fourth Congressional District, Seat #8 for the term prescribed by law.

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Election to the Board of Trustees for

Coastal Carolina University, Fifth Congressional District, Seat #10

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University from the 5th Congressional District, Seat #10.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. Robert D. Brown had been screened and found qualified to serve and placed his name in nomination.

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

Whereupon, the PRESIDENT announced that the Honorable Robert D. Brown was elected to a position on the Board of Trustees for Coastal Carolina University, 5th Congressional District, Seat #10 for the term prescribed by law.

Election to the Board of Trustees for

Coastal Carolina University, Sixth Congressional District, Seat #12

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University from the 6th Congressional District, Seat #12.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. J. Wayne George had been screened and found qualified to serve and placed his name in nomination.

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

Whereupon, the PRESIDENT announced that the Honorable J. Wayne George was elected to a position on the Board of Trustees for Coastal Carolina University, 6th Congressional District, Seat #12 for the term prescribed by law.

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**Election to the Board of Trustees for
Coastal Carolina University
At-Large Position, Seat #14**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for Coastal Carolina University, At-Large Position, Seat #14.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. William H. Alford had been screened and found qualified to serve and placed his name in nomination.

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

Whereupon, the PRESIDENT announced that the Honorable William H. Alford was elected to a position on the Board of Trustees for Coastal Carolina University, At-Large Position, Seat #14 for the term prescribed by law.

**Election to the Board of Trustees for the
College of Charleston, At-Large Position, Seat #13**

The PRESIDENT announced that nominations were in order to elect a successor to a position on the Board of Trustees for the College of Charleston, At-Large Position, Seat #13.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. Daniel Ravenel had been screened and found qualified to serve and placed her name in nomination.

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

Whereupon, the PRESIDENT announced that the Honorable Daniel Ravenel was elected to a position on the Board of Trustees for the College of Charleston, At-Large Position, Seat #13 for the term prescribed by law.

**Election to the Board of Trustees for
South Carolina State University, Fifth District, Seat #5**

The PRESIDENT announced that nominations were in order to elect a successor to the Board of Trustees for South Carolina State University, Fifth District, Seat #5.

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Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Ms. Linda Edwards-Duncan had been screened and found qualified to serve and placed her name in nomination.

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

Whereupon, the PRESIDENT announced that the Honorable Linda Edwards-Duncan was elected to a position on the Board of Trustees for South Carolina State University, Fifth District, Seat #5 for the term prescribed by law.

**Election to the Board of Trustees for
South Carolina State University, Sixth District, Seat #6**

The PRESIDENT announced that nominations were in order to elect a successor to the Board of Trustees for South Carolina State University, Sixth District, Seat #6.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. Maurice G. Washington and Ms. Patricia Lott had been screened and found qualified to serve.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Mr. Washington:

Alexander	Bright	Bryant
Campbell	Campsen	Cleary
Cromer	Davis	Elliott
Fair	Ford	Grooms
Jackson	Knotts	Malloy
<i>Martin, S.</i>	Massey	McConnell
Peeler	Rose	Shoopman
Thomas	Williams	

Total--23

The following named Senators voted for Ms. Lott:

Anderson	Coleman	Courson
Hayes	Hutto	Land

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Leatherman	Leventis	Lourie
<i>Martin, L.</i>	Matthews	McGill
Nicholson	O'Dell	Rankin
Reese	Scott	Setzler
Sheheen	Verdin	

Total--20

On motion of Senator KNOTTS, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Mr. Washington:

Agnew	Allison	Barfield
Bedingfield	Bingham	Bowen
Brady	R. L. Brown	Cato
Chalk	Clemmons	Cole
Crawford	Daning	Delleney
Duncan	Erickson	Frye
Gambrell	Gilliard	Gullick
Haley	Hamilton	Harrell
Harrison	Herbkersman	Horne
Jefferson	King	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	McEachern
Millwood	Moss	Nanney
Owens	Parker	M. A. Pitts
Rice	Rutherford	Scott
Simrill	D. C. Smith	G. R. Smith
J. R. Smith	Sottile	Stavrinakis
Stewart	Thompson	Umphlett
Williams	Willis	Wylie
A. D. Young	T. R. Young	

Total--59

The following named Representatives voted for Ms. Lott:

Allen	Anderson	Anthony
Bales	Ballentine	Bannister
Battle	Bowers	Branham
Brantley	G. A. Brown	H. B. Brown

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Clyburn	Cobb-Hunter	Dillard
Edge	Forrester	Funderburk
Govan	Gunn	Hardwick
Hart	Harvin	Hayes
Hearn	Hiott	Hodges
Hosey	Howard	Huggins
Jennings	Kelly	Kennedy
Kirsh	Knight	Mack
McLeod	Merrill	Miller
J. H. Neal	J. M. Neal	Neilson
Ott	Parks	E. H. Pitts
Sandifer	Sellers	Skelton
J. E. Smith	Spires	Toole
Vick	Viers	Weeks
White	Whitmire	

Total--56

RECAPITULATION

Total number of Senators voting	43
Total number of Representatives voting.....	<u>115</u>
Grand Total.....	158
Necessary to a choice	80
Of which Mr. Washington received.....	82
Of which Ms. Lott received	76

Whereupon, the PRESIDENT announced that the Honorable Maurice G. Washington was elected to a position on the Board of Trustees for South Carolina State University, Sixth District, Seat #6 for the term prescribed by law.

**Election to the Board of Trustees for
South Carolina State University, At-Large Position, Seat #8**

The PRESIDENT announced that nominations were in order to elect a successor to the Board of Trustees for South Carolina State University, At-Large Position, Seat #8.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Dr. Shirley Portee

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Martin, Mr. Bill Goodwin, Jr., Mr. James C. Hampton and Mr. Matthew T. Richardson had been screened and found qualified to serve.

On motion of Senator KNOTTS, the names of Dr. Shirley Portee Martin and Mr. Bill Goodwin, Jr. were withdrawn from consideration.

Senator KNOTTS placed the names of Mr. James C. Hampton and Mr. Matthew T. Richardson in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

No Senators voted for Mr. Hampton:

Total--0

The following named Senators voted for Mr. Richardson:

Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Coleman	Courson
Cromer	Davis	Elliott
Fair	Grooms	Hayes
Hutto	Jackson	Knotts
Land	Leatherman	Leventis
Lourie	Malloy	<i>Martin, L.</i>
<i>Martin, S.</i>	Massey	Matthews
McConnell	McGill	Mulvaney
Nicholson	O'Dell	Peeler
Rankin	Reese	Rose
Scott	Setzler	Sheheen
Shoopman	Thomas	Verdin
Williams		

Total--43

On motion of Senator KNOTTS, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Mr. Hampton:

Barfield	Clemmons	Gilliard
Horne	Mack	E. H. Pitts

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Willis

Total--7

The following named Representatives voted for Mr. Richardson:

Agnew	Allen	Allison
Anderson	Anthony	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Brantley	G. A. Brown	H. B. Brown
R. L. Brown	Cato	Chalk
Clyburn	Cobb-Hunter	Cole
Crawford	Daning	Delleney
Dillard	Duncan	Erickson
Forrester	Frye	Funderburk
Gambrell	Govan	Gunn
Haley	Hamilton	Hardwick
Harrell	Harrison	Hart
Harvin	Hayes	Hearn
Herbkersman	Hiott	Hodges
Hosey	Howard	Hutto
Jefferson	Jennings	Kelly
Kennedy	King	Kirsh
Knight	Limehouse	Littlejohn
Loftis	Long	Lowe
Lucas	McEachern	McLeod
Merrill	Miller	Millwood
Moss	Nanney	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	Parks
M. A. Pitts	Rice	Rutherford
Sandifer	Scott	Sellers
Simrill	Skelton	D. C. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Stavrinakis	Stewart
Stringer	Thompson	Toole
Umphlett	Vick	Viers
Weeks	White	Whitmire
Williams	Wylie	A. D. Young

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T. R. Young

Total--106

RECAPITULATION

Total number of Senators voting	43
Total number of Representatives voting.....	<u>113</u>
Grand Total.....	156
Necessary to a choice	79
Of which Mr. Hampton received.....	7
Of which Mr. Richardson received.....	149

Whereupon, the PRESIDENT announced that the Honorable Matthew T. Richardson was elected to a position on the Board of Trustees for South Carolina State University, At-Large Position, Seat #8 for the term prescribed by law.

Election to the Board of Trustees for

South Carolina State University, At-Large Position, Seat #10

The PRESIDENT announced that nominations were in order to elect a successor to the Board of Trustees for South Carolina State University, At-Large Position, Seat #10.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. Jonathan Pinson, Mrs. Carolyn M. Govan and Mr. Lemeul C. Stephens had been screened and found qualified to serve.

On motion of Senator KNOTTS, the names of Mrs. Carolyn M. Govan and Mr. Lemeul C. Stephens were withdrawn from consideration.

Senator KNOTTS placed the name of Mr. Jonathan Pinson in nomination.

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

Whereupon, the PRESIDENT announced that the Honorable Jonathan Pinson was elected to a position on the Board of Trustees for South Carolina State University, At-Large Position, Seat #10 for the term prescribed by law.

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Statement by Senator MULVANEY

I abstained from voting on the nomination of Mr. Jonathan Pinson.

**Election to the Board of Trustees for the
Wil Lou Gray Opportunity School
Four At-Large Positions**

The PRESIDENT announced that nominations were in order to elect successors to four At-Large positions on the Board of Trustees for the Wil Lou Gray Opportunity School.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. Stewart Cooner, Mr. Russell E. Hart, Mr. Wayne Sims and Mrs. Elizabeth Thraikill had been screened and found qualified to serve.

Senator KNOTTS placed the names of Mr. Stewart Cooner, Mr. Russell E. Hart, Mr. Wayne Sims and Mrs. Elizabeth Thraikill in nomination and moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Stewart Cooner, the Honorable Russell E. Hart, the Honorable Wayne Sims and the Honorable Elizabeth Thraikill were elected to the four At-Large positions on the Board of Trustees for the Wil Lou Gray Opportunity School for the terms prescribed by law.

**Election to the Board of Trustees for
Winthrop University, First Congressional District**

The PRESIDENT announced that nominations were in order to elect a successor to the Board of Trustees of Winthrop University, First Congressional District.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. Timothy Sease had been screened and found qualified to serve.

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

Whereupon, the PRESIDENT announced that the Honorable Timothy Sease was elected to the Board of Trustees of Winthrop University, First Congressional District for the term prescribed by law.

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**Election to the Board of Trustees for
Winthrop University, At-Large Position, Seat #9**

The PRESIDENT announced that nominations were in order to elect a successor to the Board of Trustees of Winthrop University, At-Large Position, Seat #9.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for State Colleges and Universities, indicated that Mr. Dalton B. Floyd, Jr. had been screened and found qualified to serve.

Senator KNOTTS placed the name of Mr. Dalton B. Floyd, Jr. in nomination and moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Dalton B. Floyd, Jr. was elected to the Board of Trustees of Winthrop University, At-Large Position, Seat #9 for the term prescribed by law.

**Election to the Old Exchange Building Commission
At-Large Position**

The PRESIDENT announced that nominations were in order to elect a successor to an At-Large position on the Old Exchange Building Commission.

Senator KNOTTS, Chairman of the Committee to Screen Candidates for the Old Exchange Building Commission, indicated that Mr. C. Steven Moskos and Mr. Greg Ohanesian had been screened and found qualified to serve.

On motion of Senator KNOTTS, the name of Mr. C. Steven Moskos was withdrawn from consideration.

Senator KNOTTS placed the name of Mr. Greg Ohanesian in nomination and moved that the nominations be closed.

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

Whereupon, the PRESIDENT announced that the Honorable Greg Ohanesian was elected to a position on the Old Exchange Building Commission, At-Large position for the term prescribed by law.

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

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RECESS

At 12:40 P.M., on motion of Senator McCONNELL, the Senate recessed from business until 2:00 P.M.

AFTERNOON SESSION

The Senate reassembled at 2:19 P.M. and was called to order by the PRESIDENT *Pro Tempore*.

**THE SENATE PROCEEDED TO A CONSIDERATION OF
H. 3560, THE GENERAL APPROPRIATIONS BILL.**

**AMENDED, READ THE THIRD TIME
RETURNED TO THE HOUSE WITH AMENDMENTS**

H. 3560--GENERAL APPROPRIATIONS BILL

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

Senator BRIGHT spoke on the Bill.

PRESIDENT PRESIDES

At 2:21 P.M., the PRESIDENT assumed the Chair.

Senator BRIGHT spoke on the Bill.

With Senator BRIGHT retaining the floor, Senator PEELER asked unanimous consent to make a motion to address the Senate.

There was no objection.

Expression of Personal Interest

Senator PEELER rose for an Expression of Personal Interest.

With Senator BRIGHT retaining the floor, Senator COURSON asked unanimous consent to make a motion to address the Senate.

There was no objection.

Expression of Personal Interest

Senator COURSON rose for an Expression of Personal Interest.

Point of Order

Senator MULVANEY raised a Point of Order that Proviso 39.12 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

39.12. (PRT: Gift Shops) The Governor's Mansion Gift Shop located in the basement of the Caldwell-Boylston House shall close effective July 1, 2009. At the discretion of the Department of Parks, Recreation and Tourism, the State House Gift Shop may close on weekends.

The PRESIDENT overruled the Point of Order.

Point of Order

Senator MULVANEY raised a Point of Order that Proviso 37.17 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

37.17. (DNR: Watercraft Title and Registration Fees) The Department of Natural Resources shall be authorized to charge application fees for watercraft certificate of title, watercraft registration, and watercraft registration transfer on a sliding scale based on the length of the watercraft. The below fee schedule is established for Fiscal Year 2009-10 and the fee must accompany each application:

A. Watercraft Certificate of Title

(1) For a watercraft with a length less than sixteen feet..... \$12.00;

(2) For a watercraft with a length of sixteen feet but less than twenty-six feet..... \$15.00;

(3) For a watercraft with a length of twenty-six feet or longer..... \$18.00;

B. Watercraft Registration

(1) For a watercraft with a length less than sixteen feet..... \$35.00;

(2) For a watercraft with a length of sixteen feet but less than twenty-six feet..... \$45.00;

(3) For a watercraft with a length of twenty-six feet or longer..... \$55.00;

(4) For a permitted marine dealer demonstration number..... \$30.00;

C. Watercraft Registration Transfer

(1) For a watercraft with a length less than sixteen feet..... \$ 8.00;

(2) For a watercraft with a length of sixteen feet but less than twenty-six feet..... \$10.00; and

(3) For a watercraft with a length of twenty-six feet or longer..... \$12.00.

The above fees are effective September 1, 2009. To the extent fees collected pursuant to this provision in connection with titling or registering a boat, are attributable to the fee increases prescribed above, revenues from those increases must be allocated as follows: twenty-five percent to department law enforcement activities; seventy percent to department land and water resources programs and the balance for the general operation of the Boat Titling and Registration Program. Unexpended revenue must be retained by the department and carried forward from the prior fiscal year into the current fiscal year and used for the same purpose.

The PRESIDENT sustained the Point of Order.

Proviso 37.17 was ruled out of order.

Point of Order

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Senator MULVANEY raised a Point of Order that Proviso 47.14 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

47.14. (INDEF: Defense of Indigents Civil Action Application Fee) (A) A person to whom counsel has been provided in any termination of parental rights (TPR), abuse and neglect, or any other civil court action in this state shall execute an affidavit that the person is financially unable to employ counsel and that affidavit shall set forth all of the person's assets. If it appears that the person has some assets but they are insufficient to employ private counsel, the court, in its discretion, may order the person to pay these assets or a portion thereof to the Commission on Indigent Defense.

(B) A forty dollar application fee for appointed counsel services must be collected from every person who executes an affidavit that they are financially unable to employ counsel. The person may apply to the court, the clerk of court, or other appropriate official for a waiver or reduction in the application fee. If it is determined that the person is unable to pay the application fee, the fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived or reduced to the trial judge and the trial judge shall order the remainder of the fee paid by a time payment method or such method as the trial judge deems appropriate. The clerk of court or other appropriate official shall collect the application fee imposed by this section and remit the proceeds to the Commission on Indigent Defense on a monthly basis. The monies must be deposited in an interest-bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be administered by the Commission on Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all persons applying for representation and the disposition of the application and shall provide this information to the Commission on Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.

(C) In matters in which a juvenile is brought before a court, the parents or legal guardian of such juvenile shall execute the above affidavit based upon their financial status and shall be responsible for paying any fee. In matters concerning juveniles, the parents or legal guardians of said juvenile, shall be advised in writing of this requirement at the earliest stage of the proceedings against said juvenile.

(D) Nothing contained above shall restrict or hinder a court from appointing counsel in any emergency proceedings or where existing statutes do not provide sufficient time for an individual to complete the application process.

(E) The appointment of counsel, as herein before provided, creates a claim against the assets and estate of the person who is provided counsel or the parents or legal guardians of a juvenile in an amount equal to the costs of representation as determined by a voucher submitted by the appointed counsel and approved by the court, less that amount that the person pays to the appointed counsel.

(F) Such claim shall be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all of such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by this provision.

The PRESIDENT overruled the Point of Order.

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Point of Order

Senator MULVANEY raised a Point of Order that Proviso 23.16 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

23.16. (DMH: Veterans' Nursing Home Death Investigations) In the event that a coroner rules that the death of an individual in a veterans' nursing home under the authority of the Department of Mental Health results from natural causes, then the State Law Enforcement Division is not required to conduct an investigation regarding the individual's death.

The PRESIDENT sustained the Point of Order.

Proviso 23.16 was ruled out of order.

Point of Order

Senator MULVANEY raised a Point of Order that Proviso 80A.29 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

80A.29. (BCB: Grants Review Committee) On and after January 1, 2006, there is created within the Budget and Control Board the Grants Review Committee for the purpose of awarding competitive community grants to counties and municipalities. The committee shall consist of five members with one member appointed by each of the following officials: the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the Finance Committee of the Senate, and the Chairman of the Ways and Means Committee of the House of Representatives. The officials may make initial appointments to the committee and the committee members may organize prior to January 1, 2006. Members shall serve two-year terms coterminous with the appointing official. The committee must adopt rules of procedure and elect a chairman from the membership of the committee.

The committee must meet at least twice annually to review applications for grants submitted by counties and municipalities. All applications must conform to and all grants must be awarded pursuant to criteria established by the committee. Grants must be awarded in amounts determined by the committee from funds appropriated by the General Assembly. Staff for the committee must be provided by the Budget and Control Board.

The committee shall establish guidelines, which shall include but not be limited to:

(1) Priorities for funding, to include but not be limited to, Department of Health and Environmental Control orders and consent decrees, the ability to match grant funds, and a focus on community festivals;

(2) A signature of sponsorship on each application by a member of the General Assembly who represents the county or municipality applying for the grant or the signature of the Governor;

(3) Applications for consideration must be in the form prescribed herein and adopted by the committee for any award made effective July 1, 2008;

(4) Counties and municipalities must report annually on the expenditure of the funds received until the funds are expended;

(5) Final financial reports must be received by the committee within ninety days of the completion of the project along with a description of the results achieved in the interest of the community; and

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(6) The Budget and Control Board Office of Internal Audit shall have access to all Grants Review Committee records as it deems appropriate.

The committee should ensure that its process is efficient and minimizes unnecessary or duplicative paperwork.

The PRESIDENT sustained the Point of Order.

Proviso 80A.29 was ruled out of order.

Senator BRIGHT resumed speaking on the Bill.

Motion to Recommit Tabled

Senator BRIGHT moved to recommit the Bill to the Committee on Finance.

Senator LEATHERMAN moved to table the motion to recommit.

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

Ayes 34; Nays 11

AYES

Alexander	Anderson	Campbell
Campsen	Cleary	Coleman
Courson	Cromer	Elliott
Fair	Ford	Hayes
Hutto	Jackson	Knotts
Land	Leatherman	Leventis
Lourie	Malloy	<i>Martin, L.</i>
Massey	Matthews	McConnell
McGill	Nicholson	O'Dell
Peeler	Rankin	Scott
Setzler	Sheheen	Thomas
Williams		

Total--34

NAYS

Bright	Bryant	Davis
Grooms	<i>Martin, S.</i>	Mulvaney
Reese	Rose	Ryberg
Shoopman	Verdin	

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Total--11

The motion to recommit was laid on the table.

Amendment No. 49

Senators SETZLER, COURSON and MATTHEWS proposed the following Amendment No. 49 (3560 ECONOMIC EDUCATION.DOCX), which was adopted (#9):

Amend the bill, as and if amended, Part IB, Section 1A, (DEPARTMENT OF EDUCATION-EIA), page 361, paragraph 1A.37, by striking lines 20-21 and inserting:

/ purposes. The Education Oversight Committee is permitted to utilize the funds appropriated to it to fund programs promoting the teaching of economic education in South Carolina. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

Amendment No. 44

Senators McCONNELL, KNOTTS and FORD proposed the following Amendment No. 44 (DG CENTERS), which was adopted (#10):

Amend the bill, as and if amended, Part IB, Section 24, DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, page 406, after line 9, by adding an appropriately numbered new paragraph to read:

/ (DDSN: Child Daycare Centers) Of the funds appropriated to the department, the department shall provide reimbursement for services provided to department eligible children at daycare centers previously under contract prior to December 31, 2008. The reimbursement shall not be less than eighty percent of the amount reimbursed in the previous fiscal year. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McCONNELL explained the amendment.

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The amendment was adopted.

Amendment No. 45

Senator LEATHERMAN proposed the following Amendment No. 45 (DAD DEVINE ST BLDG), which was adopted (#11):

Amend the bill, as and if amended, Part IB, Section 31, STATE MUSEUM COMMISSION, page 414, paragraph 31.9, line 4, by inserting at the end:

/ The Budget and Control Board, Division of General Services is directed to surplus and sell at auction by December 31, 2009, the building located at 2221 Devine Street to offset the loss of rent herein required. State Budget and Control Board approval for this transaction is not required. Proceeds derived from the sale of the building shall first be used to pay all costs related to the State Museum's occupancy of the Columbia Mills Building. Remaining funds, if any, shall be set aside solely for use on the capitol complex for maintenance, repairs, operations, or construction as necessary. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

Amendment No. 22

Senators GROOMS and MCGILL proposed the following Amendment No. 22 (KW MOTION PICTURE RATINGS), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 39, DEPARTMENT OF PARKS, RECREATION & TOURISM, page 422, paragraph 39.10, line 12, by inserting at the end:

/ In order to receive any of the rebates described in this provision, a motion picture may not receive a rating of "R" or higher from the Motion Picture Association. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

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ACTING PRESIDENT PRESIDES

At 3:45 P.M., Senator L. MARTIN assumed the Chair.

Senator GROOMS explained the amendment.

Point of Order

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

The ACTING PRESIDENT sustained the Point of Order.

Amendment No. 22 was ruled out of order.

Point of Order

Senator BRYANT raised a Point of Order that Proviso 39.10 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

39.10. (PRT: Motion Picture Rebate) From the amount set aside pursuant to Section 12-62-50, the South Carolina Film Commission may rebate to a motion picture production company, up to twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. From the amount set aside pursuant to Section 12-62-60, the South Carolina Film Commission may rebate to a motion picture production company up to thirty percent of the expenditures made by the motion picture production company in the State. Motion picture production companies that have previously been approved at the lower percentages may reapply for the higher percentages only if the project that was approved is still in production in South Carolina as of the effective date of this proviso.

The ACTING PRESIDENT sustained the Point of Order.

Proviso 39.10 was ruled out of order.

Amendment No. 23

Senator LEVENTIS proposed the following Amendment No. 23(DG CIVILAIR), which was adopted (#12):

Amend the bill, as and if amended, Part IB, Section 40, DEPARTMENT OF COMMERCE, page 428, after line 12, by adding an appropriately numbered new proviso to read:

/ () Of the funds appropriated to or authorized for the Department of Commerce, the department shall transfer \$50,000 to the Adjutant's General Office for the Civil Air Patrol. /

Re-number sections to conform.

Amend sections, totals and title to conform.

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Senator LEVENTIS explained the amendment.

The amendment was adopted.

Amendment No. 30

Senator FAIR proposed the following Amendment No. 30 (DC CAP POLICE CARRY FORWARD), which was adopted (#13):

Amend the bill, as and if amended, Part IB, Section 49A, CAPITOL POLICE FORCE, page 444, after line 8, by adding an appropriately numbered new proviso to read:

/(CPF: Carry Forward Authority) The Capitol Police Force is authorized to carry forward any unexpended funds from the prior fiscal year into the current fiscal year to be expended at the discretion of the Capitol Police Force Committee./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

Senator LEATHERMAN moved that the amendment be adopted.

The amendment was adopted.

Amendment No. 51

Senators LOURIE, MALLOY, SHEHEEN and FORD proposed the following Amendment No. 51 (3560R024.JL.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 63, STATE BOARD OF FINANCIAL INSTITUTIONS, by adding an appropriately numbered new proviso to read:

/63. . (FI: Deferred Presentment Assessment) The Board of Financial Institutions shall levy on each deferred presentment licensee a one-time assessment of \$1,500 for every location the licensee is conducting business under a deferred presentment services license. From the funds collected from the assessment, the board may retain \$20,000 to cover the costs associated with levying and collecting the assessment, \$100,000 must be credited to the Consumer Affairs Department for credit counseling and consumer financial literacy programs, and the remainder must be credited to the State Law Enforcement Division./

Renumber sections to conform.

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Amend sections, totals and title to conform.

Senator LOURIE explained the amendment.

Point of Order

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

Senator McCONNELL spoke on the Point of Order.

Senator LOURIE spoke on the Point of Order.

Senator SHEHEEN spoke on the Point of Order.

Senator MULVANEY spoke on the Point of Order.

On motion of Senator McCONNELL, with unanimous consent, the Point of Order was withdrawn.

Senator LOURIE resumed speaking in favor of the adoption of the amendment.

Senator LAND moved to lay the amendment on the table.

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

Ayes 28; Nays 12

AYES

Alexander	Bright	Bryant
Campbell	Campsen	Cromer
Davis	Fair	Grooms
Jackson	Knotts	Land
Leatherman	<i>Martin, L.</i>	<i>Martin, S.</i>
Massey	McConnell	McGill
Mulvaney	Peeler	Reese
Rose	Ryberg	Setzler
Shoopman	Thomas	Verdin
Williams		

Total--28

NAYS

Anderson	Coleman	Courson
Ford	Hayes	Hutto

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Leventis
Rankin

Lourie
Scott

Malloy
Sheheen

Total--12

The amendment was laid on the table.

Statement of Senator CAMPBELL

I voted against the Amendment No. 51 proposed by Senator LOURIE because I believe that it would have created a dangerous precedent. I fear that we would have opened a Pandora's Box of back door tax increases on our state's businesses. Let me be clear, I do not support the payday loan industry and think that we need to institute tough reforms on the industry. However, I do not think that it is good public policy to single out one industry for a tax that is used to pay for popular government programs and services that we cannot otherwise pay for with general tax revenue.

Amendment No. 50

Senator ROSE proposed the following Amendment No. 50 (3560R032.MTR), which was withdrawn:

Amend the bill as and if amended, by striking Proviso 65.11, DEPARTMENT OF LABOR, LICENSING AND REGULATION and inserting:

/ 65.11. (LLR: Immigration Bill Funding) Notwithstanding any other provision of this act, prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose, \$2,000,000 must be retained by the Department of Labor, Licensing, and Regulation to fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. /

Renumber sections to conform.

Amend title to conform.

Senator ROSE explained the amendment.

PRESIDENT Pro Tempore PRESIDES

At 5:07 P.M., Senator McCONNELL assumed the Chair.

Senator ROSE resumed explaining the amendment.

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On motion of Senator ROSE, Amendment No. 50 was withdrawn.

Objection

At 5:12 P.M., Senator LEATHERMAN asked unanimous consent to make a motion that no further amendments to the General Appropriations Bill be received on the Desk for consideration after 6:30 P.M.

Senator BRIGHT objected.

Amendment No. 18A

Senators JACKSON, McCONNELL and KNOTTS proposed the following Amendment No. 18A (DC LEESBURG RD EXPANSION), which was adopted (#14):

Amend the bill, as and if amended, Part IB, Section 68A, DEPARTMENT OF TRANSPORTATION, page 463, paragraph 68A.13, line 36, by striking /same purpose/ and inserting /matching requirement for the widening and expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I). Any balance remaining after the match requirement is satisfied shall be transferred to the Capitol Police Force to be used for operating purposes./

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON explained the amendment.

Senator JACKSON moved that the amendment be adopted.

The amendment was adopted.

Recorded Vote

Senators PEELER, RYBERG, MULVANEY, BRYANT, BRIGHT, SETZLER and VERDIN desired to be recorded as voting against the adoption of the amendment.

Amendment No. 34

Senator ROSE proposed the following Amendment No. 34 (3560R019.MTR), which was adopted (#15):

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Amend the bill, as and if amended, by adding an appropriately numbered new Proviso to Section 86, AID TO SUBDIVISIONS, to read:

/ 86. (AS-TREAS: Flexibility) For current fiscal year, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the last completed fiscal year. /

Renumber sections to conform.

Amend title to conform.

Senator ROSE explained the amendment.

The amendment was adopted.

Amendment No. 46

Senator LEATHERMAN proposed the following amendment (DG ARRA), which was adopted (#16):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 533, by striking paragraph 89.118 and inserting:

/ 89.118. (GP: ARRA Oversight) In order to provide transparency and accountability, and to maintain the separation of duties as provided by our Constitution, the State Treasurer and Comptroller General shall organize and co-chair a committee for monitoring funds associated with the American Recovery and Reinvestment Act of 2009. This committee shall collect information from state agencies and institutions regarding funds received from the American Recovery and Reinvestment Act of 2009. Information collected shall include, but not be limited to, the name of state agency or institution, the program designation, the purpose for which the funds were received and expended, and the amount of funds received and expended. The information shall also include data and documentation on job creation resulting from receipt of the federal stimulus funds and any other data or explanation as required by the American Recovery and Reinvestment Act of 2009. The co-chairs may also require local government entities to provide any information deemed relevant to provide disclosure of the American Recovery and Reinvestment Act of 2009 funds to the public, including audit reports. /

Renumber sections to conform.

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Amend sections, totals and title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

Amendment No. 37

Senator THOMAS proposed the following Amendment No. 37 (CL PRINTED REPORT REQUIREMENTS), which was adopted (#17):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 533, paragraph 89.121, line 29, by striking /Submission of the plans or reports required by Sections 2-47-55, 59-101-350, 59-103-30, 59-103-45, and 59-103-160(D) shall/ and inserting /Submission of the plans or reports required by Sections 2-47-55, 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator THOMAS explained the amendment.

The amendment was adopted.

Point of Order

Senator DAVIS raised a Point of Order that Provisos 80A.56 through 80A.65 of Part 1B were out of order inasmuch as they were violative of Rule 24A.

80A.56. (BCB: Aeronautics - Reimbursement for Services Carry Forward) The Division of Aeronautics may retain and expend reimbursements derived from charges to other government agencies for service and supplies for operating purposes and that a reserve not to exceed \$300,000 may be carried forward to the current fiscal year for the replacement of time limit aircraft components.

80A.57. (BCB: Aeronautics - Office Space Rental) Revenue received from rental of Division of Aeronautics office space may be retained and expended to cover the cost of building operations.

80A.58. (BCB: Aeronautics - Funding Sequence) All General Aviation Airports will receive funding prior to the four air carrier airports (i.e. Columbia, Charleston, Greenville-Spartanburg, Myrtle Beach Jetport) as these qualify for special funding under the DOT/FAA appropriations based on enplanements in South Carolina. This policy may be waived to provide matching state funds for critical FAA safety or capacity projects at air carrier airports.

80A.59. (BCB: Aeronautics - Hangar/Parking Facilities) The Division of Aeronautics will provide hangar/parking facilities for government owned and/or operated aircraft on a first come basis. Funds shall be retained by the division for the

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purpose of hangar and parking facility maintenance. The Hangar Fee Schedule shall be determined by the division and shall not exceed local average market rates.

Personnel from the agencies owning and/or operating aircraft will be responsible for ground movement of their aircraft.

80A.60. (BCB: Aeronautics - Airport Development) Any line item appropriation for airports shall be disbursed for eligible airport development items as approved by the Division of Aeronautics.

80A.61. (BCB: Aeronautics - Clothing Allowance) The Division of Aeronautics is hereby authorized to provide pilots with an annual clothing allowance (on a pro rata basis) not to exceed \$400 per pilot for required clothing used in the performance of their primary duty.

80A.62. (BCB: Grant Funds Carry Forward) Any unexpended balance on June 30, of the prior fiscal year, for Matching National Grant Funds, may be carried forward to the current fiscal year and used for matching committed and/or unanticipated grant funds.

80A.63. (BCB: Carry Forward Sale of Aircraft Proceeds) The Budget and Control Board, Division of Aeronautics may carry forward proceeds from the sale of aircraft to be used for replacement aircraft and for required Federal Aviation Administration upgrades to existing aircraft.

80A.64. (BCB: Aviation Grants) The funds appropriated for Aviation Grants, in this bill or any bill supplemental thereto, shall be credited to the State Aviation Fund within the Division of Aeronautics of the Budget and Control Board for the following purposes:

(1) to allow the maximization of grant funds available through the Federal Aviation Administration for capital improvement projects; this does not include administration or operational projects;

(2) for maintenance projects of general aviation airports; and or

(3) for aviation education related programs including, but not limited to, educating young people about careers in the aviation industry and/or the promotion of aviation in general.

Sponsors of publicly owned airports for public use are eligible to receive grants pursuant to this provision, but the airport must have a current development plan that meets the planning requirements of the National Plan of Integrated Airports Systems.

The Executive Director of the Budget and Control Board shall promulgate regulations establishing the grants program that, at a minimum, address: (1) priorities among improvements qualifying for grants; (2) an airport selection process to ensure an equitable distribution of funds among eligible airports; and (3) the criteria for distribution of funds among eligible airports.

Enabling airport sponsors to meet basic Federal Aviation Administration safety guidelines for obstruction clearance must be a major factor in the priority guidelines established by the Executive Director of the Budget and Control Board pursuant to this provision. The Executive Director also shall have discretion consistent with Section 55-5-170 of the 1976 Code to establish a program to grant Aviation Fund dollars for these purposes at the ratio of eighty percent from the fund to twenty percent from the local airport sponsor, or any ratio with a smaller relative contribution from the fund.

A report on the expenditure of these funds shall be submitted to the Senate Finance Committee and the House Ways and Means Committee.

Unspent funds from the prior fiscal year may be carried forward to the current fiscal year and spent for like purposes.

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80A.65. (BCB: Aeronautics Grant Match Funds) The funds appropriated to the Division of Aeronautics for FAA grant matching, may be used to match state and local aviation airports projects whether or not they have received FAA funding. Any funds must be approved by the Aeronautics Commission prior to being awarded.

The PRESIDENT *Pro Tempore* took the Point of Order under advisement, but subsequently, the Point of Order regarding Provisos 80A.56 through 80A.65 was overridden.

Amendment No. 33

Senator MCGILL proposed the following Amendment No. 33 (DAD 89.128 FORESTRY COMM), which was adopted (#18):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 535, paragraph 89.128, line 13, after / Division, /by inserting:

/ Forestry Commission, /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator MCGILL explained the amendment.

The amendment was adopted.

Amendment No. 36

Senator KNOTTS proposed the following Amendment No. 36 (3560R015.JMK.DOCX), which was adopted (#19):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, by adding an appropriately numbered new proviso to read:

/ 89. . . (GP: Mandatory Furlough) In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, and agency heads institute a mandatory employee furlough program, in determining which employees must participate in the program, agency heads should give consideration to furloughs for contract employees, post-TERI employees, and TERI employees before other employees. During this mandatory furlough, the state employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits which require employer and employee contributions, the state agencies, institution, and

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departments will be responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions. In the event an agency's reduction is due solely to the General Assembly transferring or deleting a program, this provision does not apply. /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, by adding an appropriately numbered new proviso to read:

/ 89. . (GP: Reduction In Force) In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements a midyear across-the-board budget reduction, and agency heads must make reductions in force in determining which employees must participate in the program, agency heads should give consideration to furloughs for contract employees, post-TERI employees, and TERI employees before other employees. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator KNOTTS explained the amendment.

The amendment was adopted.

Decision of the PRESIDENT *Pro Tempore*

The PRESIDENT *Pro Tempore* took up the Point of Order raised by Senator DAVIS that Provisos 80A.56, 80A.57, 80A.58, 80A.59, 80A.60, 80A.61, 80A.62, 80A.63, 80A.64 and 80A.65 were out of order inasmuch as they were violative of Rule 24A.

The PRESIDENT *Pro Tempore* overruled the Point of Order regarding Provisos 80A.56 through 80A.65.

Objection

At 6:32 P.M., Senator LEATHERMAN asked unanimous consent to make a motion that no further amendments to the General Appropriations Bill be received on the Desk for consideration with the exception of two amendments by Senator BRIGHT, one amendment by Senator GROOMS, one amendment by Senator BRYANT, one

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amendment by Senator MALLOY and the necessary technical and balancing amendments to be delivered and certified by the Clerk and to be adopted upon his certification for inclusion in the Bill.

Senator RYBERG objected.

Amendment No. 63

Senators RYBERG and DAVIS proposed the following Amendment No. 63 (3560R033.WGR.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 544, proviso 90.13, by striking lines 30-34 and inserting:

/ There is created with the State Treasurer's Office the Health Care Annualization and Maintenance of Effort Fund which shall be separate and distinct from the General Fund and shall be used exclusively for health care purposes. All agencies, unless specifically exempt by another provision contained in this act, shall transfer unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage to the State Treasurer to be deposited into the Health Care Annualization and Maintenance of Effort Fund. As funds become available and are deposited into the Health Care Annualization and Maintenance of Effort Fund, the department is directed to disburse the first \$105,093,605 in the following manner: \$4,713,641 to the State Law Enforcement Division, \$10,482,887 to the Department of Protective Services, \$3,782,120 to the Department of Juvenile Justice, \$36,410,607 to the Department of Corrections, \$2,486,778 to the Department of Probation, Parole and Pardon Services, \$5,217,582 to the Prosecution Coordination Commission, \$2,000,000 to the Department of Labor, Licensing and Regulation for enforcement related to Act 280 of 2008, and \$40,000,000 to the Department of Education for Aid to School Districts. The disbursements directed in this paragraph are listed in priority order. Each successive item must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

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Senator ALEXANDER argued contra to the adoption of the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

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

Ayes 29; Nays 15

AYES

Alexander	Anderson	Campbell
Coleman	Cromer	Elliott
Fair	Ford	Hayes
Hutto	Jackson	Knotts
Land	Leatherman	Leventis
Lourie	Malloy	<i>Martin, L.</i>
Matthews	McConnell	McGill
Nicholson	O'Dell	Rankin
Scott	Setzler	Sheheen
Thomas	Williams	

Total--29

NAYS

Bright	Bryant	Campsen
Cleary	Courson	Davis
Grooms	<i>Martin, S.</i>	Massey
Mulvaney	Peeler	Rose
Ryberg	Shoopman	Verdin

Total--15

The amendment was laid on the table.

Motion Under Rule 15A Adopted

At 7:11 P.M., Senator MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H. 3560, the General Appropriations Bill.

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

Ayes 28; Nays 16

AYES

Alexander	Anderson	Cleary
Coleman	Courson	Cromer
Elliott	Fair	Ford
Hayes	Hutto	Jackson
Knotts	Land	Leatherman
Leventis	Lourie	<i>Martin, L.</i>
Matthews	McConnell	McGill
Nicholson	O'Dell	Peeler
Rankin	Scott	Setzler
Williams		

Total--28

NAYS

Bright	Bryant	Campbell
Campsen	Davis	Grooms
Malloy	<i>Martin, S.</i>	Massey
Mulvaney	Rose	Ryberg
Sheheen	Shoopman	Thomas
Verdin		

Total--16

Having received the necessary votes, the motion under Rule 15A was adopted, with proponents and opponents having ten minutes each for discussion, totaling 20 minutes.

Amendment No. 64

Senators RYBERG and DAVIS proposed the following Amendment No. 64 (3560R031.KLB.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 544, proviso 90.13, by striking lines 30-34 and inserting:

/ There is created with the State Treasurer's Office the Health Care Annualization and Maintenance of Effort Fund which shall be separate

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and distinct from the General Fund and shall be used exclusively for health care purposes. All agencies, unless specifically exempt by another provision contained in this act, shall transfer unobligated state match funds resulting from the receipt of the increased Federal Medical Assistance Percentage to the State Treasurer to be deposited into the Health Care Annualization and Maintenance of Effort Fund. As funds become available and are deposited into the Health Care Annualization and Maintenance of Effort Fund, the department is directed to disburse the first \$65,093,605 in the following manner: \$4,713,641 to the State Law Enforcement Division, \$10,482,887 to the Department of Protective Services, \$3,782,120 to the Department of Juvenile Justice, \$36,410,607 to the Department of Corrections, \$2,486,778 to the Department of Probation, Parole and Pardon Services, \$5,217,582 to the Prosecution Coordination Commission, and \$2,000,000 to the Department of Labor, Licensing and Regulation for enforcement related to Act 280 of 2008. The disbursements directed in this paragraph are listed in priority order. Each successive item must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available./

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

Senator L. MARTIN spoke on the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

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

Ayes 28; Nays 16

AYES

Alexander	Anderson	Campbell
Coleman	Cromer	Elliott
Ford	Hayes	Hutto
Jackson	Knotts	Land
Leatherman	Leventis	Lourie
Malloy	<i>Martin, L.</i>	Matthews
McConnell	McGill	Nicholson
O'Dell	Rankin	Scott

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Setzler
Williams

Sheheen

Thomas

Total--28

NAYS

Bright
Cleary
Fair
Massey
Rose
Verdin

Bryant
Courson
Grooms
Mulvaney
Ryberg

Campsen
Davis
Martin, S.
Peeler
Shoopman

Total--16

The amendment was laid on the table.

Statement by Senator McCONNELL

I agree with the Senator from Beaufort that we should fund law enforcement and prisons but I am concerned about taking Medicaid funds if these will leave the State short. The Senator from Oconee argued the State needs about \$204 million to operate and another \$100 million for maintenance of effort. He further argued that the needs of law enforcement are covered by the federal stimulus funds in Part III of the Bill. I find the remarks of the Senator from Oconee very persuasive and, therefore, I voted to table the amendment.

Amendment No. 72

Senator LEATHERMAN proposed the following Amendment No. 72 (DAD ACCEPT STIMULUS), which was adopted (#20):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 544, proviso 90.15, by striking line 36 and inserting / 90.15. (SR: State Budget Stabilization Fund) It is the intent of the General Assembly to accept all available funds from the State Budget Stabilization Fund contained within the American Recovery and Reinvestment Act of 2009 and to authorize expenditure of such funds as delineated in this act. /

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 545, proviso 90.16, by striking line 1 and inserting / 90.16. (SR: ARRA Fund Authorization) It is the intent

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of the General Assembly to accept all available funds from the State Budget Stabilization Fund contained within the American Recovery and Reinvestment Act of 2009. The Office of State Budget is directed to increase agency federal fund authorizations for funds from the State Budget Stabilization Fund allocated by the General Assembly. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN explained the amendment.

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

Ayes 33; Nays 11

AYES

Alexander	Anderson	Campbell
Cleary	Coleman	Courson
Cromer	Elliott	Fair
Ford	Hayes	Hutto
Jackson	Knotts	Land
Leatherman	Leventis	Lourie
Malloy	<i>Martin, L.</i>	Massey
Matthews	McConnell	McGill
Nicholson	O'Dell	Peeler
Rankin	Scott	Setzler
Sheheen	Thomas	Williams

Total--33

NAYS

Bright	Bryant	Campsen
Davis	Grooms	<i>Martin, S.</i>
Mulvaney	Rose	Ryberg
Shoopman	Verdin	

Total--11

The amendment was adopted.

PRESIDENT PRESIDES

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At 7:35 P.M., the PRESIDENT assumed the Chair.

Amendment No. 67

Senator RANKIN proposed the following Amendment No. 67 (DAD 90.21 FORESTRY), which was adopted (#21):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 546, paragraph 90.21, line 7, by inserting at the end:

/ The next \$500,000 of excess revenue shall be transferred to Forestry Commission. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

Amendment No. 68

Senators O'DELL, LAND, MATTHEWS, MCGILL, NICHOLSON and SETZLER proposed the following Amendment No. 68 (DAD 90.21 BIOTECH INCUBATION), which was adopted (#22):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 546, paragraph 90.21, line 7, by inserting at the end:

/ The next \$285,000 of excess revenue shall be transferred to Clemson University-PSA for the South Carolina Biotechnology Incubation Facility. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator O'DELL explained the amendment.

The amendment was adopted.

Amendment No. 41

Senator THOMAS proposed the following Amendment No. 41 (DG IDFONCE), which was adopted (#23):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 545, paragraph 90.21, by deleting lines 33 and 34.

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Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 546, paragraph 90.21, by striking line 11 and inserting:

/ The funds in this account shall be appropriated for the purposes herein and disbursed quarterly on a pro rata basis unless otherwise stated. However. /

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 545, paragraph 90.21, after line 26, by adding:

/ For the fiscal year beginning July 1, 2009 and ending June 30, 2010, on the first date that funds are disbursed from the account, the State Treasurer shall disburse \$4,140,418 to the Commission on Indigent Defense for the Indigent Defense Act Annualization. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator THOMAS explained the amendment.

The amendment was adopted.

Amendment No. 76

Senator FAIR proposed the following Amendment No. 76 (DG UCG), which was adopted (#24):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 546, paragraph 90.21, by striking line 7 and inserting:

/ 90.20 of this act. The next \$500,000 of excess revenue shall be transferred to the Commission on Higher Education - University Center of Greenville. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

Recorded Vote

Senator MULVANEY desired to be recorded as voting against the adoption of the amendment.

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Amendment No. 56

Senator RYBERG proposed the following Amendment No. 56 (3560R038.WGR.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 546, by adding an appropriately numbered new proviso to read:

/ 90. . (SR: Sale of Tempo Building) The Budget and Control Board is directed to sell the 1401 Senate Street Office Building located in Columbia, South Carolina. It is anticipated that the property shall be sold for at least \$2,000,000 and the net proceeds of the sale are to be transferred to the Department of Social Services to be expended for adoption subsidy. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RYBERG explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

Ayes 27; Nays 15

AYES

Alexander	Anderson	Campbell
Cleary	Courson	Cromer
Elliott	Fair	Hayes
Hutto	Jackson	Knotts
Land	Leatherman	Leventis
Lourie	Malloy	<i>Martin, L.</i>
<i>Martin, S.</i>	McConnell	McGill
Nicholson	O'Dell	Peeler
Scott	Setzler	Williams

Total--27

NAYS

Bright	Bryant	Campsen
Coleman	Davis	Ford
Grooms	Massey	Mulvaney

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Rankin
Sheheen

Rose
Shoopman

Ryberg
Verdin

Total--15

The amendment was laid on the table.

Point of Order

Senator DAVIS raised a Point of Order that Provisos 49A.1, 49A.2, 49A.3, 89.131 and 89.132 were out of order inasmuch as they were violative of Rule 24A.

49A.1. (CPF: Retention of Private Detective Fees) The Capitol Police Force is hereby authorized to receive, expend, retain, and carry forward all funds transmitted from SLED related to fees charged and collected by SLED from license and registration fees for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises. The funds transferred are to be used to provide security for the Capitol Complex.

49A.2. (CPF: Commissioned Officers' Physicals) The Capitol Police Force is authorized to pay for the cost of physical examinations for agency personnel who are required to receive such physical examinations prior to or after receiving a law enforcement commission.

49A.3. (CPF: Meals in Emergency Operations) The Capitol Police Force may provide meals to employees of the agency who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises and when the Governor declares a state of emergency.

89.131. (GP: Capitol Police Force Training) The Law Enforcement Training Council, Criminal Justice Academy shall provide basic or advanced training to Capitol Police Force officers, as requested, without charge.

89.132. (GP: Capitol Police Force Storage and Maintenance) The State Law Enforcement Division, the Department of Public Safety, and the Budget and Control Board shall provide the Capitol Police Force with support as requested for the storage of evidence, ammunition, and weapons, for the maintenance of vehicles and other equipment, and for other operations as necessary.

The ACTING PRESIDENT took the Point of Order under advisement. The PRESIDENT subsequently overruled the Point of Order.

Adoption of Amendment No. 45 Reconsidered

Having voted on the prevailing side, Senator RYBERG moved to reconsider the vote whereby Amendment No. 45 was adopted (#11).

The motion was adopted.

Point of Order

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Senator JACKSON raised a Point of Order that the motion to reconsider is out of order in as much as Rule 15A had been invoked.

Senator ROSE spoke on the Point of Order.

Senator KNOTTS spoke on the Point of Order.

Senator GROOMS spoke on the Point of Order.

Senator CAMPSER spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Amendment No. 57

Senator RYBERG proposed the following Amendment No. 57 (3560R039.WGR.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 546, by adding an appropriately numbered new proviso to read:

/ 90. . (SR: Sale of Tempo Building) The Budget and Control Board is directed to sell the 1401 Senate Street Office Building located in Columbia, South Carolina. It is anticipated that the property shall be sold for at least \$2,000,000 and the net proceeds of the sale are to be transferred to the State Law Enforcement Division. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RYBERG explained the amendment.

Senator LEVENTIS argued contra to the adoption of the amendment.

Senator KNOTTS spoke on the amendment.

Senator LEVENTIS moved to lay the amendment on the table.

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

Ayes 34; Nays 9

AYES

Alexander	Anderson	Campbell
Campsen	Cleary	Coleman
Courson	Cromer	Elliott
Fair	Ford	Hayes
Hutto	Jackson	Knotts
Land	Leatherman	Leventis
Lourie	Malloy	<i>Martin, L.</i>

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Martin, S.	McConnell	McGill
Nicholson	O'Dell	Peeler
Rankin	Scott	Setzler
Sheheen	Thomas	Verdin
Williams		

Total--34

NAYS

Bright	Bryant	Davis
Grooms	Massey	Mulvaney
Rose	Ryberg	Shoopman

Total--9

The amendment was laid on the table.

Amendment No. 45

Senator LEATHERMAN proposed the following Amendment No. 45 (DAD DEVINE ST BLDG), which was previously adopted (#11), reconsidered and laid on the table:

Amend the bill, as and if amended, Part IB, Section 31, STATE MUSEUM COMMISSION, page 414, paragraph 31.9, line 4, by inserting at the end:

/ The Budget and Control Board, Division of General Services is directed to surplus and sell at auction by December 31, 2009, the building located at 2221 Devine Street to offset the loss of rent herein required. State Budget and Control Board approval for this transaction is not required. Proceeds derived from the sale of the building shall first be used to pay all costs related to the State Museum's occupancy of the Columbia Mills Building. Remaining funds, if any, shall be set aside solely for use on the capitol complex for maintenance, repairs, operations, or construction as necessary. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator KNOTTS asked unanimous consent to take up Amendment No. 45 for immediate consideration.

There was no objection.

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Senator RYBERG moved to table Amendment No. 45.

The amendment was laid on the table.

Recorded Vote

Senators KNOTTS and S. MARTIN desired to be recorded as voting in favor of the motion to table the amendment.

Amendment No. 78

Senator BRIGHT proposed the following Amendment No. 78 (3560R052.LB), which was tabled:

Amend the bill as and if amended, Part IB, Page 546, line 19, by adding an appropriately numbered new Proviso to Section 90, STATEWIDE REVENUE, to read:

/ 90. (SP: DOE Revenue Transfer) From the \$3,308,400 appropriated to the Department of Education in Part IA, Section 1, VII Finance & Operations, Classified Positions, \$1,000,000 must be transferred to the School for the Deaf and Blind for general operating purposes and \$1,500,000 must be transferred to the Department of Public Safety to fund State Troopers. /

Re-number sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

Senator SCOTT moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 79

Senator BRIGHT proposed the following Amendment No. 79 (3560R053.LB), which was tabled:

Amend the bill as and if amended, Part IB, Page 546, line 19, by adding an appropriately numbered new Proviso to Section 90, STATEWIDE REVENUE, to read:

/ 90. (SP: DOE Revenue Transfer) From the \$3,308,400 appropriated to the Department of Education in Part IA, Section 1, VII Finance & Operations, Classified Positions, \$2,500,000 must be transferred to the Prosecution Coordination Commission to fund Solicitor's offices. /

Re-number sections to conform.

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Amend title to conform.

Senator BRIGHT explained the amendment.

Senator PEELER moved to lay the amendment on the table.

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

Ayes 33; Nays 9

AYES

Alexander	Anderson	Campbell
Cleary	Coleman	Courson
Cromer	Elliott	Fair
Hayes	Hutto	Knotts
Land	Leatherman	Leventis
Lourie	Malloy	<i>Martin, L.</i>
<i>Martin, S.</i>	Massey	Matthews
McConnell	McGill	Nicholson
O'Dell	Peeler	Rankin
Reese	Scott	Setzler
Sheheen	Thomas	Williams

Total--33

NAYS

Bright	Bryant	Davis
Grooms	Mulvaney	Rose
Ryberg	Shoopman	Verdin

Total--9

The amendment was laid on the table.

Decision of the PRESIDENT

The PRESIDENT took up the Point of Order raised by Senator DAVIS that Provisos 49A.1, 49A.2, 49A.3, 89.131 and 89.132 were out of order insofar as they were violative of Rule 24A.

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The PRESIDENT overruled the Point of Order.

Amendment No. 70

Senator BRYANT proposed the following Amendment No. 70 (3560R048.KLB.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, by adding an appropriately numbered new proviso to read:

/ 90. . (SR: Unobligated General Fund Revenue from Sustained Vetoes) The amount of unobligated general fund revenue that occurs as a result of sustaining Gubernatorial vetoes of portions of this act must be appropriated to the Department of Corrections./

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator BRYANT explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator KNOTTS argued contra to the adoption of the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

Ayes 33; Nays 8

AYES

Alexander	Anderson	Campbell
Cleary	Coleman	Courson
Cromer	Elliott	Fair
Hayes	Hutto	Jackson
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	<i>Martin, S.</i>	Matthews
McConnell	McGill	Nicholson
O'Dell	Peeler	Rankin
Reese	Scott	Setzler
Sheheen	Thomas	Williams

Total--33

NAYS

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Bright	Bryant	Davis
Grooms	Massey	Mulvaney
Rose	Ryberg	

Total--8

The amendment was laid on the table.

Amendment No. 47

Senators LEATHERMAN, McCONNELL, LAND, SETZLER, SHEHEEN, LOURIE, MALLOY, LEVENTIS, RANKIN, McGILL, NICHOLSON, ELLIOTT, COLEMAN, HUTTO, WILLIAMS, KNOTTS, FORD, L. MARTIN, ALEXANDER, ANDERSON and JACKSON proposed the following amendment (3560R028.HKL), which was adopted (#25):

Amend the bill, as and if amended, Part III, by striking Section 1 and inserting:

/ SECTION 1. Pursuant to Title XVI of the American Recovery and Reinvestment Act of 2009 (ARRA), the Governor has certified that (1) the State will request and use funds provided by the ARRA, and (2) the funds will be used to create jobs and promote economic growth. As a result of the Governor's action, the General Assembly recognizes \$694,060,272 of federal funds pursuant to the State Fiscal Stabilization Fund established by Title XIV of the ARRA and that these funds are authorized for appropriation pursuant to the provisions of this Part. In order to fund the appropriations provided by this Part, the Governor and the State Superintendent of Education shall take all action necessary and required by the ARRA and the U.S. Secretary of Education in order to secure the receipt of the funds recognized and authorized for appropriation pursuant to this section. /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

Objection

Senator MASSEY asked unanimous consent to make a motion to take up an amendment for immediate consideration.

Senator KNOTTS objected.

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Point of Order

Senator MULVANEY raised a Point of Order that the amendment was out of order inasmuch as there is no authority to spend revenue that had not been certified.

Senator DAVIS spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator DAVIS argued contra to the adoption of the amendment.

Senator DAVIS moved to lay the amendment on the table.

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

Ayes 12; Nays 31

AYES

Bright	Bryant	Campsen
Cleary	Davis	Grooms
Massey	Mulvaney	Rose
Ryberg	Shoopman	Verdin

Total--12

NAYS

Alexander	Anderson	Campbell
Coleman	Courson	Cromer
Elliott	Fair	Ford
Hayes	Hutto	Jackson
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	Matthews	McConnell
McGill	Nicholson	O'Dell
Peeler	Rankin	Reese
Scott	Setzler	Sheheen
Williams		

Total--31

Statement by Senator ROSE

I voted to table Amendment 3560R028.HKL because the Governor's applying for "stimulus" funds pursuant to the ARRA is a

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discretionary act by the Governor which, by federal statute and our state Constitution, cannot be compelled by our state Legislature. Therefore, passage of this amendment is invalid. Litigation has been threatened and likely will result due to this attempt by the Legislature to force the Governor to commit an act that is solely within his discretion.

The Senate refused to table the amendment. The question then was the adoption of the amendment.

The amendment was adopted.

Recorded Vote

Senator RYBERG desired to be recorded as voting against adoption of the amendment.

Motion to Reconsider the Adoption of Amendment No. 76 Tabled

Having voted on the prevailing side, Senator RYBERG moved to reconsider the vote whereby Amendment No. 76 was adopted (#24).

Senator RYBERG spoke on the motion.

Senator FAIR argued contra to the motion.

Senator FAIR moved to table the amendment to reconsider.

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

Ayes 33; Nays 11

AYES

Alexander	Anderson	Campbell
Cleary	Coleman	Courson
Cromer	Elliott	Fair
Ford	Grooms	Hayes
Hutto	Knotts	Land
Leatherman	Leventis	Lourie
<i>Martin, L.</i>	<i>Martin, S.</i>	McConnell
McGill	Nicholson	O'Dell
Peeler	Rankin	Reese
Setzler	Sheheen	Shoopman

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Thomas Verdin Williams

Total--33

NAYS

Bright Bryant Campsen
Jackson Malloy Massey
Matthews Mulvaney Rose
Ryberg Scott

Total--11

The motion to reconsider was tabled.

Amendment No. 21

Senator LEATHERMAN proposed the following amendment (DAD PT3 SPOL WLFXP), which was adopted (#26):

Amend the bill, as and if amended, Part III, SECTION 2, page 550, after line 15, by adding appropriately numbered new subsections to read:

/ () Of the funds transferred to the Arts Commission in this section, the commission must utilize \$100,000 of the funds for Spoleto.

() Of the funds transferred to the Department of Natural Resources in this section, the department must utilize \$100,000 of the funds for the Southeastern Wildlife Exposition. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

Amendment No. 53

Senators MASSEY and DAVIS proposed the following Amendment No. 53 (3560R036.ASM), which was tabled:

Amend the bill, as and if amended, Part III, page 550, line 22, by adding subsection (F) to read:

/ (F) Notwithstanding any provision of this Part, the amounts appropriated by this Part may only be used to fund nonrecurring expenditures. /

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Renumber sections to conform.
Amend title to conform.

Senator MASSEY explained the amendment.
Senator SHEHEEN spoke on the amendment.

Senator DAVIS argued in favor of the adoption of the amendment.
Senator L. MARTIN argued contra to the adoption of the amendment.

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

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

Ayes 33; Nays 12

AYES

Alexander	Anderson	Campbell
Cleary	Coleman	Courson
Cromer	Elliott	Fair
Ford	Hayes	Hutto
Jackson	Knotts	Land
Leatherman	Leventis	Lourie
Malloy	<i>Martin, L.</i>	Matthews
McConnell	McGill	Nicholson
O'Dell	Peeler	Rankin
Reese	Scott	Setzler
Sheheen	Thomas	Williams

Total--33

NAYS

Bright	Bryant	Campsen
Davis	Grooms	<i>Martin, S.</i>
Massey	Mulvaney	Rose
Ryberg	Shoopman	Verdin

Total--12

The amendment was laid on the table.

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Amendment No. 54

Senators MASSEY and DAVIS proposed the following Amendment No. 54 (3560R035.ASM), which was adopted (#27):

Amend the bill, as and if amended, Part III, line 22, by adding subsection (F) to read:

/ (F) The General Assembly recognizes that the receipt of the funds appropriated in this Part is designed to address a precipitous drop in revenue due to the pending economic crisis and the use of this money to fund recurring expenses is a means to address this shortfall in recurring funds until the economy improves. The General Assembly further recognizes that these funds are temporary in nature and may not be sufficient to address a shortfall in recurring revenue if the current economic crisis extends beyond the period currently contemplated. As a result, the General Assembly strongly encourages state agencies and institutions and school districts receiving these funds to limit the reliance on these funds and make contingency plans that include savings necessary to meet future recurring obligations. /

Re-number sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Amendment No. 28

Senators LAND, THOMAS, HAYES, KNOTTS, PEELER, LEATHERMAN, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSER, CLEARY, COLEMAN, COURSON, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GROOMS, HUTTO, JACKSON, LEVENTIS, LOURIE, MALLOY, L. MARTIN, S. MARTIN, MASSEY, MATTHEWS, MCCONNELL, MCGILL, MULVANEY, NICHOLSON, O'DELL, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SETZLER, SHEHEEN, SHOOPMAN, VERDIN and WILLIAMS proposed the following amendment (3560 Land003.DOCX), which was adopted (#28):

Amend the bill, as and if amended, Part IA, Section 46, PROSECUTION COORDINATION COMMISSION, page 0188, line 26,

by:

COLUMN 7 COLUMN 8

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/STRIKING: 1,642,168 1,642,168
and

INSERTING: 4,033,164 4,033,164/

Amend the bill further, as and if amended, Part IA, Section 46, PROSECUTION COORDINATION COMMISSION, page 0188, by inserting on line 34 in columns 7 and 8 the following:

	COLUMN 7	COLUMN 8
/	924,300	924,300/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LAND explained the amendment.

The amendment was adopted.

Amendment No. 77

Senator BRIGHT proposed the following Amendment No. 77 (3560R047.LB.DOCX), which was tabled:

Amend the bill, as and if amended, Part IA, Section 54, HUMAN AFFAIRS COMMISSION, page 220, by striking Section 54 in its entirety.

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 201, line 34, by:

	COLUMN 7	COLUMN 8
/ STRIKING:	40,229,995	34,448,292

and

INSERTING: 42,721,975 36,940,272/

Amend the bill further, as and if amended, Part IB, Section 54, HUMAN AFFAIRS COMMISSION, page 453, by striking Section 54 in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator SCOTT moved to lay the amendment on the table.

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

Ayes 37; Nays 6

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AYES

Alexander	Anderson	Campbell
Campsen	Cleary	Courson
Cromer	Elliott	Fair
Grooms	Hayes	Hutto
Jackson	Knotts	Land
Leatherman	Leventis	Lourie
Malloy	<i>Martin, L.</i>	<i>Martin, S.</i>
Massey	Matthews	McConnell
McGill	Nicholson	O'Dell
Peeler	Rankin	Reese
Rose	Scott	Setzler
Sheheen	Thomas	Verdin
Williams		

Total--37

NAYS

Bright	Bryant	Davis
Ford	Mulvaney	Ryberg

Total--6

The amendment was laid on the table.

Amendment No. 39

Senator GROOMS proposed the following Amendment No. 39 (BBM9365HTC09), which was adopted (#29):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 331, after line 24, by inserting a new paragraph to read:

/ 1.3A (SDE-South Carolina Public Charter School District Funding) In addition to amounts appropriated for the operations of the South Carolina Public Charter School District in Section 1, Part IA of this act, an amount equal to the difference between the per pupil equivalent amount appropriated in that section and the average per pupil state funding for the current fiscal year of \$4,160 must be distributed per weighted pupil unit to that district from funds appropriated for the EFA. Total EFA funding must be adjusted as provided in the penultimate paragraph of 1.3 of this Part. /

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Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

Senator KNOTTS moved to lay the amendment on the table.

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

Ayes 13; Nays 32

AYES

Alexander	Coleman	Elliott
Land	Leatherman	Leventis
Lourie	Matthews	McGill
Peeler	Reese	Scott
Williams		

Total--13

NAYS

Anderson	Bright	Bryant
Campbell	Campsen	Cleary
Courson	Cromer	Davis
Fair	Ford	Grooms
Hayes	Hutto	Jackson
Knotts	Malloy	<i>Martin, L.</i>
<i>Martin, S.</i>	Massey	McConnell
Mulvaney	Nicholson	O'Dell
Rankin	Rose	Ryberg
Setzler	Sheheen	Shoopman
Thomas	Verdin	

Total--32

The Senate refused to table the amendment. The question then was the adoption of the amendment.

Senator LEVENTIS argued contra to the adoption of the amendment.

Senator LEVENTIS moved to lay the amendment on the table.

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

Ayes 7; Nays 37

AYES

Leventis	Lourie	Matthews
McGill	Reese	Scott
Williams		

Total--7

NAYS

Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Coleman	Courson
Cromer	Davis	Elliott
Fair	Ford	Grooms
Hayes	Hutto	Jackson
Knotts	Land	Malloy
<i>Martin, L.</i>	<i>Martin, S.</i>	Massey
McConnell	Mulvaney	Nicholson
O'Dell	Peeler	Rankin
Rose	Ryberg	Setzler
Sheheen	Shoopman	Thomas
Verdin		

Total--37

The Senate refused to table the amendment. The question then was the adoption of the amendment.

Point of Order

Senator LEATHERMAN raised a Point of Order that the amendment was out of order in that it was violative of Rule 24.

The ACTING PRESIDENT overruled the Point of Order.

The amendment was adopted.

Motion to Reconsider Tabled

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Having voted on the prevailing side, Senator ANDERSON moved to reconsider the vote whereby Amendment No. 39 was adopted.

Senator VERDIN moved to table the motion to reconsider.

The motion to reconsider was tabled.

Recorded Vote

Senator ANDERSON desired to be recorded as voting against the motion to table the motion to reconsider.

Amendment No. 52

Senator LAND proposed the following Amendment No. 52 (3560 ALCOHOL.DOCX), which was adopted (#30):

Amend the bill, as and if amended, Part IB, Section 25, DEPARTMENT OF ALCOHOL & OTHER DRUG ABUSE SERVICES, page 406, after line 17, by adding an appropriately numbered new proviso to read:

/ 25.--. (DAODAS: Eligibility for Treatment Services) Upon the payment of all applicable fees, any resident of South Carolina is eligible to take part in the treatment programs offered by the Department of Alcohol and Other Drug Abuse Services during the 2009-10 fiscal year. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LAND explained the amendment.

The amendment was adopted.

Amendment No. 69

Senators MCGILL, CROMER, GROOMS and ANDERSON proposed the following Amendment No. 69 (DAD 37. WATER REC FUND), which was withdrawn:

Amend the bill, as and if amended, Part IB, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 420, after line 8, by adding an appropriately numbered new proviso to read:

/ (DNR: Water Recreation Resources Fund) In order to provide the Department of Natural Resources with maximum flexibility, the department is authorized to utilize that portion of Water Recreation Resources funds allocated in Fiscal Year 2009-10 and designated as

county funds, for department operational purposes. County account balances brought forward from the prior fiscal year are not affected by this provision. If at any time during Fiscal Year 2009-10, the department receives federal stimulus funds from the American Recovery and Reinvestment Act of 2009, the department must provide to counties an equivalent amount of the funds withheld that would ordinarily have been distributed to counties, up to the amount of stimulus funds received. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MCGILL explained the amendment.

Point of Order Withdrawn

Senator MULVANEY asked unanimous consent to make a motion to withdraw the Point of Order relative to Proviso 37.17 of Section 1B whereby the proviso was violative of Rule 24A and the PRESIDENT had ruled the proviso out of order.

37.17. (DNR: Watercraft Title and Registration Fees) The Department of Natural Resources shall be authorized to charge application fees for watercraft certificate of title, watercraft registration, and watercraft registration transfer on a sliding scale based on the length of the watercraft. The below fee schedule is established for Fiscal Year 2009-10 and the fee must accompany each application:

A. Watercraft Certificate of Title

(1) For a watercraft with a length less than sixteen feet..... \$12.00;

(2) For a watercraft with a length of sixteen feet but less than twenty-six feet..\$15.00;

(3) For a watercraft with a length of twenty-six feet or longer..... \$18.00;

B. Watercraft Registration

(1) For a watercraft with a length less than sixteen feet..... \$35.00;

(2) For a watercraft with a length of sixteen feet but less than twenty-six feet.. \$45.00;

(3) For a watercraft with a length of twenty-six feet or longer..... \$55.00;

(4) For a permitted marine dealer demonstration number..... \$30.00;

C. Watercraft Registration Transfer

(1) For a watercraft with a length less than sixteen feet..... \$ 8.00;

(2) For a watercraft with a length of sixteen feet but less than twenty-six feet . \$10.00; and

(3) For a watercraft with a length of twenty-six feet or longer..... \$12.00.

The above fees are effective September 1, 2009. To the extent fees collected pursuant to this provision in connection with titling or registering a boat, are attributable to the fee increases prescribed above, revenues from those increases must be allocated as follows: twenty-five percent to department law enforcement activities; seventy percent to department land and water resources programs and the balance for the general operation of the Boat Titling and Registration Program. Unexpended

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revenue must be retained by the department and carried forward from the prior fiscal year into the current fiscal year and used for the same purpose.

There was no objection and the Point of Order was withdrawn.

Proviso 37.17 was reinstated in the General Appropriations Bill.

On motion of Senator MCGILL, Amendment No. 69 was withdrawn.

Amendment No. 55

Senators CAMPSER, COURSON and DAVIS proposed the following Amendment No. 55 (DAD CONSV BK FUNDING), which was adopted (#31):

Amend the bill, as and if amended, Part IB, Section 43, CONSERVATION BANK, page 428, after line 17, by adding an appropriately numbered new proviso to read:

/ (CB: General Fund Transfer to Conservation Bank) The State Treasurer's Office is directed to transfer to the South Carolina Conservation Bank, \$2,000,000 of the increased general fund revenue resulting from the motion picture wage rebate of fifteen percent as required by Section 12-62-50 of the 1976 Code, rather than twenty percent as authorized in prior appropriation acts. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSER explained the amendment.

Senator CAMPSER moved that the amendment be adopted.

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

Ayes 46; 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, L.	Martin, S.	Massey

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Matthews	McConnell	McGill
Mulvaney	Nicholson	O'Dell
Peeler	Pinckney	Rankin
Reese	Rose	Ryberg
Scott	Setzler	Sheheen
Shoopman	Thomas	Verdin
Williams		

Total--46

The amendment was adopted.

Amendment No. 74

Senator MALLOY proposed the following Amendment No. 74 (3560R042.GM.DOCX), which was withdrawn:

Amend the bill, as and if amended, Part IB, Section 63, STATE BOARD OF FINANCIAL INSTITUTIONS, Page 457, by adding an appropriately numbered new proviso to read:

/63. _____. (FI: Title Lender Assessment) For Fiscal Year 2009-10, the Board of Financial Institutions shall levy on each licensed supervised lender that makes non-purchase money loans secured by a motor vehicle title a one-time assessment of \$2,000 for every location the licensee is conducting business. From the funds collected from the assessment, the board may retain \$5,000 to cover the costs associated with levying and collecting the assessment, \$100,000 must be credited to the Consumer Affairs Department for credit counseling and consumer financial literacy programs, and the remainder must be credited in equal amounts to the Prosecution Coordination Commission and the Office of Indigent Defense. /

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

On motion of Senator MALLOY, the amendment was withdrawn.

Point of Order

Senator BRIGHT raised a Point of Order that Proviso 37.17 was out of order inasmuch as it was violative of Rule 24A.

Senator MARTIN spoke on the Point of Order.

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The PRESIDENT took the Point of Order under advisement, but the Point of Order was subsequently withdrawn.

Amendment No. 62

Senator BRIGHT proposed the following Amendment No. 62 (3560R037.LB.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 65, DEPARTMENT OF LABOR, LICENSING AND REGULATION, page 459 , paragraph 65.14, by striking lines 27 - 32, and inserting:

/ (LLR: Transfer of Funds) For Fiscal Year 2009-10, the Department of Labor, Licensing, and Regulation is directed to transfer \$1,300,000 to the State Law Enforcement Division and \$1,062,265 to the South Carolina School for the Deaf and the Blind from the funds carried forward in Subfund 3135. The department must use an additional \$2,000,000 from Subfund 3135 for activities related to Act 280 of 2008. In order to provide maximum flexibility to maintain critical programs, the department may, in lieu of the specific account identified herein, opt to transfer an equal amount of funds from any agency earmarked or restricted account designated as "special revenue funds" as defined by the Comptroller General's records for this purpose. Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

The amendment was laid on the table.

Amendment No. 59

Senator ROSE proposed the following Amendment No. 59 (3560R041.MTR), which was adopted (#32):

Amend the bill, as and if amended, Part IB, Page 459, by striking Proviso 65.11, DEPARTMENT OF LABOR, LICENSING AND REGULATION and inserting:

/ 65.11. (LLR: Immigration Bill Funding) Notwithstanding any other provision of this act, prior to any funds carried forward from the prior fiscal year in Subfund 3135 being transferred to fund any other purpose, \$750,000 must be retained by the Department of Labor,

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Licensing, and Regulation to fund the department's responsibilities under the South Carolina Illegal Immigration Reform Act. /

Re-number sections to conform.
Amend title to conform.

Senator LEATHERMAN moved that the amendment be adopted.

The amendment was adopted.

Amendment No. 65

Senator MASSEY proposed the following Amendment No. 65 (3560R043.ASM), which was withdrawn:

Amend the bill, as and if amended, Part IB, Page 462, line 15, EMPLOYMENT SECURITY COMMISSION, by adding an appropriately numbered new Proviso to read:

/ 67. (ESC: Unemployed Tax Credit) (A) The General Assembly finds that the acceptance of stimulus funds provided in Part III of this act demonstrates an immediate and crucial need to provide real and substantial incentives to employers to hire new employees and adding these employees will assist the State in generating revenue sufficient to return the State to self-sustainability.

(B) As used in this section, 'creditable employee' means an employee of a taxpayer employer who (1) was unemployed for four consecutive weeks immediately before being hired by the employer, (2) is first employed by the employer before December 1, 2009, and (3) the employer executes and provides a notarized affidavit swearing or affirming that the employee is eligible to work in the United States because the person is either a United States citizen or a lawfully present alien according to federal law.

(C) An employer who has one or more creditable employees and who provides a notarized affidavit attesting to use of the federal employment verification system now known as 'E-Verify' or any future federal employment verification system is eligible to apply for and receive a credit against these taxes as provided in subsection (D) of this section. The amount of the credit is one thousand dollars for each creditable employee. Eligibility for the credit must be established as of the time the creditable employee completes thirty consecutive days of employment and the credit must be claimed for the 2009 taxable year.

(D) The credit allowed pursuant to subsection (C) of this section may be taken against the income taxes imposed pursuant to this

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chapter, the bank tax imposed pursuant to Chapter 11 of this title, the savings and loan association tax imposed pursuant to Chapter 13 of this title, the corporate license tax imposed pursuant to Chapter 20 of this title, and insurance premium taxes imposed pursuant to Chapter 7, Title 38.

(E) The total amount of any tax credit for the 2009 taxable year may not exceed the taxpayer's tax liability. Any unused tax may not be carried over to apply to the taxpayer's succeeding year's liability./

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Point of Order

Senator SCOTT raised a Point of Order that Amendment No. 65 was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

On motion of Senator MASSEY, with unanimous consent, Amendment No. 65 was withdrawn.

Amendment No. 60A

Senators MULVANEY proposed the following Amendment No. 60A (DAD LEESBURG RD EXPAN), which was tabled:

Amend the bill, as and if amended, Part IB, Section 68A, DEPARTMENT OF TRANSPORTATION, page 463, paragraph 68A.13, line 36, by striking /same purpose/ and inserting /matching requirement for the widening and expansion of Leesburg Road from Fairmont to Wildcat Road (Lower Richland roads-Phase I). Any balance remaining after the match requirement is satisfied shall be transferred to the Department of Corrections to be used for operating purposes./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MULVANEY explained the amendment.

Senator McCONNELL argued contra to the adoption of the amendment.

ACTING PRESIDENT PRESIDES

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At 11:32 P.M., Senator L. MARTIN assumed the Chair.

Senator McCONNELL moved to lay the amendment on the table.

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

Ayes 36; Nays 5

AYES

Alexander	Campbell	Cleary
Coleman	Courson	Cromer
Elliott	Fair	Grooms
Hayes	Hutto	Jackson
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	<i>Martin, S.</i>	Massey
Matthews	McConnell	McGill
Nicholson	O'Dell	Peeler
Rankin	Rose	Scott
Setzler	Sheheen	Shoopman
Thomas	Verdin	Williams

Total--36

NAYS

Bright	Bryant	Davis
Mulvaney	Ryberg	

Total--5

The amendment was laid on the table.

Amendment No. 48

Senators McCONNELL and FORD proposed the following Amendment No. 48 (DG ALCFEE), which was adopted (#33):

Amend the bill, as and if amended, Part IB, Section 71, ADMINISTRATIVE LAW COURT, page 470, by adding a new paragraph to read:

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/ (ALJ: Fee Increase) For Fiscal Year 2009-2010, the Administrative Law Court may not charge or increase filing fees beyond the amounts charged on January 1, 2009. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

Amendment No. 81

Senator RYBERG proposed the following Amendment No. 81 (3560R045.WGR.DOCX), which was adopted (#34):

Amend the bill, as and if amended, Part IB, Section 81, DEPARTMENT OF REVENUE, by adding an appropriately numbered new proviso to read:

/ 81. (DOR: Candidate Tax Return Programs) (A) From the funds appropriated in this act, the department must develop a program to process inquiries from a candidate for an office of this State or its political subdivisions or any gubernatorial appointee concerning whether that candidate or appointee has filed annual state income tax returns that he was required to file during the past ten years, regardless of the source of income, has paid all income taxes due during that time period, and has satisfied all judgments, liens, or other penalties for failure to pay income taxes when due. The department may only respond to an inquiry if the inquiry is made by a candidate or appointee concerning that candidate's or appointee's own income tax returns.

(B) Unless a candidate or appointee requests otherwise, the department must post the results of all inquiries from candidates or appointees in a prominent place on its internet website. The information must be organized in the following manner: (1) the candidates name as it will appear on the ballot or the appointee's name as it appears on his income tax returns; (2) identify the years that the candidate or appointee was required to file income tax returns and identify the years, if any, that the candidate or appointee was not required to file income tax returns; (3) state whether the candidate or appointee filed income tax returns in each year that the candidate or appointee was required to file income tax returns; (4) state whether the candidate or appointee paid income taxes due each year that the

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candidate or appointee was required to file income tax returns; and (5) state whether the candidate or appointee had a judgment, lien, or other penalty levied against him for failure to pay income taxes when due, the year of the levy, and whether that judgment, lien, or other penalty has been satisfied. The department may not post a candidate's complete income tax return when fulfilling its obligations under this proviso.

(C)(1) Participation in this program by a candidate or appointee is voluntary.

(2) A candidate's or appointee's inquiry constitutes a waiver of confidentiality with the department concerning the information posted.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RYBERG explained the amendment.

Point of Order

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

The ACTING PRESIDENT overruled the Point of Order.

Senator LEVENTIS moved to table the amendment.

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

Ayes 10; Nays 32

AYES

Coleman	Hutto	Land
Leventis	McGill	Nicholson
O'Dell	Reese	Scott
Williams		

Total--10

NAYS

Alexander	Bright	Bryant
Campbell	Campsen	Cleary
Courson	Cromer	Davis
Elliott	Fair	Grooms
Hayes	Jackson	Knotts

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Lourie	Malloy	<i>Martin, L.</i>
<i>Martin, S.</i>	Massey	Matthews
McConnell	Mulvaney	Peeler
Rankin	Rose	Ryberg
Setzler	Sheheen	Shoopman
Thomas	Verdin	

Total--32

The Senate refused to table the amendment. The question then was the adoption of the amendment.

Senator LEVENTIS argued contra to the adoption of the amendment.

The amendment was adopted.

Recorded Vote

Senators SHEHEEN, MASSEY and MALLOY desired to be recorded as voting against the adoption of Amendment No. 73.

Amendment No. 42

Senator FAIR proposed the following Amendment No. 42 (DAD 89.128 COMMUTING), which was adopted (#36):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 535, paragraph 89.128 (Commuting Costs), lines 10-14, by striking the proviso in its entirety.

Re-number sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

Amendment No. 31

Senator FAIR proposed the following Amendment No. 31 (DC DELETE VEHICLE ID), which was adopted (#37):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 535, paragraph 89.129, line 15, by striking the proviso in its entirety.

Re-number sections to conform.

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Amend sections, totals and title to conform.

The amendment was adopted.

Point of Order Withdrawn

On motion of Senator BRIGHT, with unanimous consent, the Point of Order relative to Proviso 37.17 of Part 1B being out of order inasmuch as it was violative of Rule 24A was withdrawn.

Amendment No. 75

Senator LEATHERMAN proposed the following Amendment No. 75 (3560R050.HKL.DOCX), which was adopted (#38):

Amend the bill, as and if amended, to allow necessary technical and balancing amendments to be delivered and certified by the Clerk and to be adopted upon his certification for inclusion in the Bill.

Renumber sections to conform.

Amend sections, totals and title to conform.

The amendment was adopted.

Amendment No. 90

Senator LEATHERMAN proposed the following Amendment No. 90, which was adopted (#39):

Amend the bill, as and if amended, Part IA, Section 80C, B&C BD-EMPLOYEE BENEFITS, page 307, line 25, by:

	COLUMN 7	COLUMN 8
/ STRIKING:	5,620,878	5,620,878
and		
INSERTING:	2,605,582	2,605,582/

Renumber sections to conform.

Amend sections, totals and title to conform.

The amendment was adopted.

The question then was the third reading of the Bill.

A roll call vote was ordered.

Point of Order

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Senator ROSE raised a Point of Order that the General Appropriations Bill was out of order as it was out of balance inasmuch as it was dependent on stimulus money.

Senator L. MARTIN spoke on the Point of Order.

Point of Order

Senator SETZLER raised a Point of Order that the Point of Order raised by Senator ROSE was out of order inasmuch as a roll call vote had been ordered and the Point came too late.

The PRESIDENT stated that the Point of Order by Senator SETZLER was sustained.

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

Ayes 31; Nays 12

AYES

Alexander	Campbell	Cleary
Coleman	Courson	Cromer
Elliott	Fair	Hayes
Hutto	Jackson	Knotts
Land	Leatherman	Leventis
Lourie	Malloy	<i>Martin, L.</i>
Matthews	McConnell	McGill
Nicholson	O'Dell	Peeler
Rankin	Reese	Scott
Setzler	Sheheen	Thomas
Williams		

Total--31

NAYS

Bright	Bryant	Campsen
Davis	Grooms	<i>Martin, S.</i>
Massey	Mulvaney	Rose
Ryberg	Shoopman	Verdin

Total--12

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

Statement by Senator LAND

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission, Probation, Parole and Pardon Services and the Employment Security Commission.

Statement by Senator HUTTO

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission, the Department of Motor Vehicles, the Probation, Parole and Pardon Services, the Employment Security Commission, the Administrative Law Court, DHEC, Public Service Commission and the Election Commission.

Statement by Senator RANKIN

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission.

Statement by Senator HAYES

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission.

Statement by Senator MALLOY

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission, the Department of Motor Vehicles, the Probation, Parole and Pardon Services, the Employment Security Commission, the Administrative Law Court and DHEC. I also abstained from the vote on the Insurance Reserve Fund.

Statement by Senator SHEHEEN

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission, the Department of Motor

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Vehicles, the Dept. of Probation, Parole and Pardon Services, the Employment Security Commission, the Administrative Law Court and DHEC. I also abstained from the Guardian ad Litem Program.

Statement by Senator THOMAS

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on any matters pertaining to the Workers' Compensation Commission each year since obtaining a law license.

Statement by Senator MASSEY

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission.

Statement by Senator COLEMAN

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission. I also abstained from the vote on Aid to Subdivisions.

Statement by Senator DAVIS

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission, the Department of Motor Vehicles, the Department of Probation, Parole and Pardon Services, the Employment Security Commission, the Administrative Law Court, DHEC, Public Service Commission and the Election Commission.

Statement by Senator SETZLER

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to DHEC, the Administrative Law Court, Department of Motor Vehicles, Employment Security Commission, Labor, Licensing and Regulation, the Workers' Compensation Commission and Department of Revenue.

Statement by Senators S. MARTIN

I voted against the General Appropriations Bill because I believe that the Bill relies too heavily on the receipt of State Fiscal Stabilization Funds to fund the necessary functions of state government. I have

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sincere reservations about whether the funds will ever become available because of the Governor's indication that he will not apply for the funds and the various opinions from both state and federal officials that the General Assembly lacks the authority to require him to apply for the funds. As a result, I cannot risk voting for a budget that does not ensure that our core functions of government are funded.

**Statement by Senators RYBERG, BRYANT, BRIGHT
DAVIS and VERDIN**

We voted against H. 3560, the General Appropriations Bill, for several reasons. First, the bill reflects a complete lack of prioritization. Public Safety agencies including SLED, DPS and Corrections are gutted while local projects and secondary or even tertiary government functions, receive adequate funding. Public education suffers an unnecessary cut that truly reflects a false choice between classroom teachers and other functions of government. The falsehood of the premise that teachers must lose their jobs because of the current level of state revenue offends the sensibility of those who truly view public education as a core mission of state government.

Second, the plethora of amendments offered to shore up Public Safety with surplus money in reserve funds or other bureaucracies were tabled by overwhelming votes which reflected the absolute indifference of the Senate toward the first priority of a democratic government, the safety of its citizens.

Third, amendments to this budget which espouse, invite and demand the acceptance of the outstanding stimulus money do nothing less than usurp not only the Constitution of South Carolina but also the organic sensibilities of a free people. The decision in this budget of the Senate of South Carolina to demand that the Governor exercise a right that both state and federal law, along with more than one legal opinion, leave solely to his discretion, leaves all who believe in the separation of powers in dismay.

Thomas Paine noted in 1776 that, "Tyranny, like hell, is not easily conquered." The destruction of the wall between the legislative and executive branches, a wall not very high and not very strong in the beginning, simply reveals that the status of South Carolina as a legislatively-dominated state lives on with the passage of this budget—indeed that status is cemented. The tyranny of the majority lives on in South Carolina, but we stand in defiance.

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**Statement by Senators CAMPSSEN, DAVIS, VERDIN, ROSE
CLEARY, GROOMS, BRYANT, SHOOPMAN and MULVANEY**

We voted against budget amendments 47 and 72 because the General Assembly does not have the authority to apply for and accept funds from the federal State Fiscal Stabilization Fund. Only the governor has the prerogative to apply for and accept funds from the State Fiscal Stabilization Fund. This conclusion was drawn by Attorney General McMaster in a March 31, 2009 opinion, the Congressional Research Service in memoranda dated February 23, 2009, and March 25, 2009, and Peter Orszag, Director of the Office of Management and Budget, in a letter to Senator Lindsey Graham dated March 31, 2009. Director Orszag concluded in part:

... for a State to access its allocation of the State Fiscal Stabilization Fund, the Governor must submit an application to the Secretary of Education, and there currently is no provision in the Recovery Act for the State legislature to make such an application in lieu of the Governor for a State's allocation of the State Fiscal Stabilization Fund.

We did not support passage of the federal stimulus legislation because it is a massive expansion of the federal debt. However, since it did pass, we believe the funds from the Budget Stabilization Fund should be applied for, accepted, and spent in South Carolina. We draw this conclusion because if it is not accepted, it will be spent in another state, yet South Carolinians will remain liable to service the debt associated with the Fund. Finally, if accepted, we believe these funds should be used to fund nonrecurring items to the greatest extent possible, so as not to dramatically increase annualizations when the federal stimulus money dries up.

In conclusion, we voted against amendments 47 and 72 because it is clear that only the Governor can apply for and accept these funds. This is not only our opinion. It is the opinion of Attorney General McMaster, the Congressional Research Service, and Peter Orszag, Director of the federal Office of Management and Budget.

Statement by Senator SHOOPMAN

H.3560, the General Appropriations Bill, that was put up for third reading was the culmination of much discussion and adopted amendments. In its final form, it contained the restoration of significant funds to our prosecutors, as well as, financial assistance to public charter school students. However, the bill contained several appropriations that gave me great cause for concern. Some specific issues that I had philosophical differences are summarized below.

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I remain convinced that the alternative budget did a better job of prioritizing government expenditures. It provided more money for education and for corrections, two of the most critical functions of state government. It would have provided for no teacher layoffs, and no prison closures. And it did so without relying on the receipt of the federal stimulus funds. Yes, other government services would have been cut, some dramatically, but those are the difficult choices that must be made in difficult times. Education and public safety must take priority for state government.

Regarding the stimulus funds, and its relationship to the budget, my greatest fear is that we are in a state of denial. First, H. 3560 assumes the federal funds will be available, which is far from certain and which almost everyone except this body acknowledges lies within the sole authority of the Governor to request. More importantly perhaps, I am concerned about our refusal to recognize that, unless dramatic changes are made to the way we prioritize our spending, we are only delaying an even more dramatic fiscal reckoning two years from now when the stimulus ends.

I do not consider H. 3560 to be totally devoid of merit. Indeed, as noted above, in many instances the proposed budget does an admirable job of allocating funds, and of giving local governments more control over their own spending. However, in the final analysis the concerns I have mentioned above compelled my vote against.

Statement by Senator MULVANEY

I voted against H. 3560, the General Appropriations Bill, for several reasons.

I remain convinced that the alternative budget offered by Senators Ryberg and Davis did a better job of prioritizing government expenditures. It provided dramatically more money for public education and for corrections, two of the most critical functions of state government. It would have provided for no teacher layoffs, and no prison closures. And it did so without relying on the receipt of the federal stimulus funds. Yes, other government services would have been cut, some dramatically, but those are the difficult choices that must be made in difficult times. Education and public safety must take priority for state government.

I was also dismayed that literally dozens of amendments that would have buttressed public safety were soundly defeated; including my o

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wn that would have moved money from the state farmers market to the State Law Enforcement Division.

Regarding the stimulus funds, and its relationship to the budget, my greatest fear is that we are in a state of denial. First, H. 3560 assumes the federal funds will be available, which is far from certain and which almost everyone except this body acknowledges lies within the sole authority of the Governor to request. More importantly perhaps, I am concerned about our refusal to recognize that, unless dramatic changes are made to the way we prioritize our spending, we are only delaying an even more dramatic fiscal reckoning two years from now when the stimulus ends.

H. 3560 represents a tremendous amount of work by many dedicated lawmakers and staff. I do not consider it to be devoid of merit. Indeed, in many instances the proposed budget does an admirable job of allocating funds. In its final form it contained the restoration of significant funds for prosecutors, additional funding for public charter schools, and it also gave local governments more control over their own spending. However, in the final analysis the larger concerns I have mentioned above compelled my vote against.

Statement by Senator GROOMS

I voted against H.3560 because the bill spends more money than we can reasonably expect to collect. There is no doubt that this short-sighted approach will be harmful to our State.

At a time when our State faces incredibly high unemployment, shrinking tax revenues, and record budget shortfalls, I cannot support a plan that relies on two uncertain assumptions: first, that South Carolina will enjoy a quick economic turnaround, and secondly, that the Governor will accept a massive state bailout from Washington.

This budget also fails to adequately fund public safety and education, both of which are essential government functions.

In order to pass to the next generation the great blessings of liberty and freedom, we must first get our financial house in order.

MOTION ADOPTED

On motion of Senator SCOTT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Harriet Gardin Fields of Columbia, S.C., political activist, community leader and former member of Richland County

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Council. She was a devoted mother and grandmother and will be missed by relatives and friends.

ADJOURNMENT

At 12:12 A.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

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