**Tuesday, March 30, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

David cried out to God—as did the Lord’s people in Egypt, and even as we might cry out today:

“Save me, O God, for the waters have come up to my neck.”

(Psalm 69:1)

Let us pray:

Holy God, here at the start of this Passover season we cannot help but reflect upon Your promises of hope to Your people. And the only price You have asked is for them to be faithful to You in every regard. O Lord, help all of us to be willing to pay the price as well: to labor as Your dedicated servants, striving to accomplish good things in the manner You would have us do them. May that always be so here in this Senate Chamber, whatever the dilemmas are that face these leaders, no matter how great the challenges. In Your loving name we pray, O Lord.

Amen.

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

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 4081

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-75-10 et seq.

SUBJECT: Athletic Trainers

Received by Lieutenant Governor January 12, 2010

Referred to Medical Affairs Committee

Legislative Review Expiration May 12, 2010

Withdrawn and resubmitted March 25, 2010

Document No. 4108

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Section 44-7-250

SUBJECT: Standards for Licensing Community Residential Care Facilities

Received by Lieutenant Governor January 28, 2010

Referred to Medical Affairs Committee

Legislative Review Expiration May 28, 2010

Withdrawn and resubmitted March 25, 2010

**Doctor of the Day**

Senator GROOMS introduced Dr. Val Smetka of Walterboro, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator CAMPBELL, at 2:15 P.M., Senator CAMPSEN was granted a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator LOURIE, at 2:15 P.M., Senator SHEHEEN was granted a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

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

S. 903 Sen. Cromer

S. 1154 Sen. Pinckney

S. 1267 Sen. Bryant

S. 1290 Sen. Rose

S. 1308 Sen. Rose

S. 1322 Sen. Rose

S. 1328 Sen. Land

S. 1330 Sen. Land

**Statement for the Journal**

Senators LOURIE, GROOMS and BRYANT were recognized to address the Senate with the joyous news that Shawna and Ken Moffitt were the proud parents of Marshall Barnett Moffitt who was born today at 12:04 P.M. and weighing 7 lbs. and 20” in length. Hannah Grace is the very proud big sister of the new arrival.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1326 -- Senator McConnell: A BILL TO AMEND SECTION 9-8-65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONTINUED RECEIPT OF RETIREMENT BENEFITS PAID BY THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS TO A RETIRED JUDGE OR JUSTICE WHILE EMPLOYED BY A PUBLIC INSTITUTION OF EDUCATION, SO AS TO EXTEND THE CONTINUED RECEIPT OF THOSE BENEFITS TO A RETIRED JUSTICE OR JUDGE WHILE THAT RETIREE HOLDS ELECTED OFFICE UNDER THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

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

S. 1327 -- Senator L. Martin: A BILL TO AMEND SECTION 12-6-3385 OF THE 1976 CODE, RELATING TO REFUNDABLE STATE INCOME TAX CREDITS, TO PROVIDE THAT A STUDENT IS DEFINED AS A PERSON WHO HAS COMPLETED AT LEAST TWENTY-FOUR CREDIT HOURS.

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

S. 1328 -- Senator Peeler: A BILL TO AMEND SECTION 56-3-2330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANUFACTURER LICENSE PLATES FOR MOTOR VEHICLES, SO AS TO INCREASE FROM FOUR TO FIVE HUNDRED THE NUMBER OF THESE PLATES THAT MAY BE ISSUED TO A MANUFACTURER AND TO INCREASE FROM TEN TO TWENTY DAYS THE MAXIMUM NUMBER OF CONSECUTIVE DAYS THAT VEHICLES WITH THESE PLATES MAY BE USED IN CONNECTION WITH CIVIC AND SPORTING EVENTS.

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

S. 1329 -- Senator Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 138 TO TITLE 59 SO AS TO ESTABLISH THE SOUTH CAROLINA COLLEGE AND UNIVERSITY BOARD OF REGENTS AND PROVIDE FOR ITS MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE FOR THE SERVICE OF TRUSTEES OR MEMBERS OF THE GOVERNING BODY OF "CONSTITUENT INSTITUTIONS", DEFINED AS ALL TWO-YEAR AND FOUR-YEAR COLLEGES AND UNIVERSITIES IN THIS STATE INCLUDING TECHNICAL COLLEGES; TO PROVIDE THAT ON THE EFFECTIVE DATE OF THIS ACT, THE POWERS, DUTIES, AND RESPONSIBILITIES OF THE STATE COMMISSION ON HIGHER EDUCATION AND THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION NOT INCONSISTENT WITH CHAPTER 138 OF TITLE 59 ARE DEVOLVED UPON THE SOUTH CAROLINA COLLEGE AND UNIVERSITY BOARD OF REGENTS; AND TO REPEAL SECTION 59-103-10 RELATING TO THE STATE COMMISSION ON HIGHER EDUCATION AND SECTION 59-53-10 RELATING TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION.

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Senator MALLOY spoke on the Bill.

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

S. 1330 -- Senator Peeler: A JOINT RESOLUTION TO PROVIDE THAT IN 2011 AND 2012, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN SUCH MANUFACTURER'S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SIX HUNDRED NINETY-NINE DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

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

S. 1331 -- Senator Pinckney: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JAMES ROLAND RHODES, JR. OF RIDGELAND AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

H. 3047 -- Reps. Haley, Ballentine, Wylie, Stringer, R. L. Brown, Kirsh, E. H. Pitts, Miller, G. R. Smith, Whipper, Huggins, Frye, Knight, Daning, J. E. Smith, Rice, Anderson, G. M. Smith, Phillips, Clyburn, Hart, Bowen, T. R. Young, Simrill, Duncan, Gunn, Agnew, Viers, Cobb-Hunter, King, Allison, Nanney, Bingham, Hamilton, Toole, Hiott, Millwood, Stavrinakis, Funderburk, Battle, Neilson, Erickson, Cole, Hutto, Pinson, Jefferson, Stewart, Bedingfield, D. C. Moss, Herbkersman, V. S. Moss, Horne and McLeod: A BILL TO ENACT THE "SPENDING ACCOUNTABILITY ACT OF 2009"; AND TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-7-125 SO AS TO REQUIRE CERTAIN BILLS AND JOINT RESOLUTIONS TO RECEIVE A RECORDED ROLL CALL VOTE AT VARIOUS STAGES OF THEIR PASSAGE BY THE HOUSE OF REPRESENTATIVES AND THE SENATE.

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

**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. 4048 -- Reps. M.A. Pitts, Duncan and Willis: A BILL TO AMEND SECTION 22‑2‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY JURY AREA DESIGNATIONS FOR USE IN MAGISTRATES COURTS, SO AS TO REVISE THE JURY AREAS FOR LAURENS COUNTY TO PROVIDE FOR ONE JURY AREA COUNTYWIDE.

Senator MALLOY spoke on the Bill.

**H. 4048--Recorded Vote**

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

**HOUSE BILL RETURNED**

The following Joint Resolution was read the third time and ordered returned to the House with amendments:

H. 4299 -- Reps. Cooper and Owens: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER CERTAIN FUNDS AMONG APPROPRIATED REVENUES, EDUCATION IMPROVEMENT ACT FUNDS, EDUCATION LOTTERY ACT FUNDS, AND FUNDS RECEIVED FROM THE CHILDREN’S EDUCATION ENDOWMENT FUND IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING FISCAL YEAR 2010‑2011 AND TO PROVIDE THAT A SCHOOL DISTRICT MAY NOT TRANSFER FUNDS REQUIRED FOR DEBT SERVICE OR BONDED INDEBTEDNESS, TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEAR 2010‑2011 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS AND EXPENDITURE REGULATIONS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, TO NEGOTIATE SALARIES FOR CERTAIN RETIRED TEACHERS BELOW THE SCHOOL DISTRICT SALARY SCHEDULE, AND TO FURLOUGH TEACHERS FOR UP TO FIVE NONINSTRUCTIONAL DAYS, PROVIDED THAT DISTRICT ADMINISTRATORS ARE FURLOUGHED FOR TWICE THE NUMBER OF DAYS, TO PROVIDE FURTHER MEASURES SCHOOL DISTRICTS AND EDUCATION‑RELATED ENTITIES ARE ENCOURAGED TO TAKE TO MAXIMIZE RESOURCES, TO PROVIDE DISTRICT REPORTING REQUIREMENTS FOR COST‑SAVING MEASURES UNDERTAKEN BY THE DISTRICT, TO REQUIRE SCHOOL DISTRICTS TO PROVIDE TO PUBLIC CHARTER SCHOOLS PUPIL ALLOCATION FOR EACH CATEGORICAL PROGRAM BEFORE IMPLEMENTING THESE FLEXIBILITY PROVISIONS, TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS, TO ALLOW SCHOOL DISTRICTS TO SUSPEND TEXTBOOK ADOPTIONS, AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR FISCAL YEAR 2010‑2011, TO REQUIRE SCHOOL DISTRICTS FOR FISCAL YEAR 2010‑2011 TO UTILIZE AT LEAST SIXTY‑FIVE PERCENT OF THEIR PER PUPIL EXPENDITURES WITHIN PROVIDED CATEGORIES OF INSTRUCTION WITH CERTAIN CONDITIONS AND TO PROVIDE REPORTING REQUIREMENTS, TO REQUIRE SCHOOL DISTRICTS FOR FISCAL YEAR 2010‑2011 TO MAINTAIN A TRANSACTION REGISTER THAT RECORDS CERTAIN EXPENDED FUNDS, TO PROVIDE WHAT THE REGISTER MUST INCLUDE, TO REQUIRE SCHOOL DISTRICTS TO PUBLISH THEIR CREDIT CARD STATEMENTS ON THEIR WEBSITES, AND TO REQUIRE THE COMPTROLLER GENERAL TO PUBLISH ON ITS WEBSITE CREDIT CARD INFORMATION OF SCHOOL DISTRICTS THAT DO NOT MAINTAIN THEIR OWN WEBSITES; AND TO SUSPEND SECTION 59‑21‑1030 OF THE 1976 CODE FOR THE 2010‑2011 FISCAL YEAR.

**H. 4299--Recorded Vote**

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

**THIRD READING BILLS**

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

S. 876 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑45‑17 SO AS TO PROVIDE MINIMUM CONTINUING EDUCATION COURSE REQUIREMENTS FOR COUNTY TAX COLLECTORS AND PROVIDE EXCEPTIONS; BY ADDING SECTION 12‑59‑85 SO AS TO ALLOW A COUNTY FORFEITED LAND COMMISSION TO REFUSE TO ACCEPT TITLE TO PROPERTY WHEN REFUSAL IS IN THE PUBLIC INTEREST; TO AMEND SECTION 12‑37‑2725, RELATING TO CANCELLATION OF A LICENSE PLATE AND REGISTRATION CERTIFICATE WHEN A VEHICLE OWNER MOVES OUT OF STATE AND THE PRORATED PROPERTY TAX REFUND DUE ON THAT CANCELLATION, SO AS TO ALLOW THE APPROPRIATE RECEIPT ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES TO SUBSTITUTE FOR THE ACTUAL LICENSE PLATE AND CERTIFICATE; TO AMEND SECTION 12‑37‑3150, AS AMENDED, RELATING TO ASSESSABLE TRANSFERS OF INTEREST FOR PURPOSES OF DETERMINING THE VALUE OF REAL PROPERTY FOR PROPERTY TAXATION, SO AS TO PROVIDE A CIVIL PENALTY FOR FAILURE TO PROVIDE NOTICE TO THE ASSESSOR OF OWNERSHIP TRANSFERS OF CERTAIN BUSINESS REAL PROPERTY; TO AMEND SECTION 12‑39‑220, RELATING TO THE DISCOVERY OF UNTAXED PROPERTY FOR PURPOSES OF PROPERTY TAXES, SO AS TO PROVIDE THE DUTIES OF THE ASSESSOR WITH RESPECT TO THIS PROPERTY; TO AMEND SECTIONS 12‑51‑50, AS AMENDED, AND 12‑51‑70, RELATING TO DELINQUENT TAX SALES, SO AS TO PROVIDE FOR THE SALES DATE AND TO INCREASE FROM THREE HUNDRED TO ONE THOUSAND DOLLARS THE DAMAGES FOR WHICH A DEFAULTING BIDDER IS LIABLE; AND TO AMEND SECTION 12‑54‑85, AS AMENDED, RELATING TO THE TIME LIMITS APPLICABLE FOR ASSESSING DELINQUENT TAXES, SO AS TO MAKE A CONFORMING AMENDMENT.

**S. 876--Recorded Vote**

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

S. 1024 -- Senators O’Dell, Knotts and Setzler: A BILL TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO ALLOW THE SURVIVING SPOUSE OF A DECEDENT WHO WAS ELIGIBLE FOR THE EXEMPTION OF THE DWELLING OWNED BY A PERSON WITH CERTAIN SPECIFIC ILLNESSES CAUSING THE SAME AMBULATORY DIFFICULTIES AS PERSONS WITH PARAPARESIS OR HEMIPARESIS.

Senator HAYES explained the Bill.

**S. 1024--Recorded Vote**

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

S. 1270 -- Senator Rose: A BILL TO AMEND SECTIONS 12-60-1750 AND 12-43-220 OF THE 1976 CODE, RELATING TO REFUNDS OF PROPERTY TAXES, TO PROVIDE THAT NO REFUND MUST BE GIVEN FOR A CHANGE IN ASSESSMENT RATIOS TO THE SPECIAL FOUR PERCENT ASSESSMENT RATIO UNLESS THE APPLICATION WAS TIMELY FILED; AND TO FURTHER AMEND SECTION 12-43-220, RELATING TO THE SPECIAL FOUR PERCENT ASSESSMENT RATIO, TO PROVIDE THAT THE PROPERTY MAY ONLY BE CLAIMED AT THE FOUR PERCENT ASSESSMENT RATIO FOR THE PRO-RATA PORTION OF THE YEAR IN WHICH THE PROPERTY WAS THE LEGAL RESIDENCE.

**S. 1270--Recorded Vote**

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

**AMENDED, READ THE THIRD TIME**

S. 1154 -- Senators Malloy, Knotts, Campsen, McConnell, Fair, Cromer, Ford, Elliott, Scott, Nicholson, Coleman, Massey, Cleary, Hutto, Peeler, Williams, Land, Rose, Campbell, L. Martin, Leventis, Leatherman, Setzler, O’Dell and Hayes: A BILL TO ENACT THE OMNIBUS CRIME REDUCTION AND SENTENCING REFORM ACT OF 2010, RELATING TO CRIMINAL OFFENSES, CORRECTIONS, PROBATION, AND PAROLE PROVISIONS, SO AS TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT RECOMMENDATIONS PROPOSED BY THE SENTENCING REFORM COMMISSION REPORT OF FEBRUARY 2010.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator HUTTO spoke on the Bill.

Senators HUTTO and KNOTTS proposed the following amendment (JUD1154.007), which was adopted:

Amend the bill, as and if amended, by striking SECTION 25 in its entirety and inserting the following:

/ SECTION 25. Article 5, Chapter 23, Title 16 of the 1976 Code is amended by adding:

“Section 16‑23‑500. (A) It is unlawful for a person who has been convicted of a violent crime, as defined by Section 16-1-60, that is classified as a felony offense, to possess a firearm or ammunition within this State.

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

(C) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition or any other equipment approved by the agency, or destroy it. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm or ammunition, the division may keep the firearm or ammunition for use by its forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies under the provisions of this section.

(D) The judge that hears the case involving the violent offense, as defined by Section 16-1-60, that is classified as a felony offense, shall make a specific finding on the record that the offense is a violent offense, as defined by Section 16-1-60, and is classified as a felony offense.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator MALLOY spoke on the amendment.

Senator KNOTTS spoke on the amendment.

The amendment was adopted.

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

**S. 1154--Recorded Vote**

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

**SECOND READING BILLS**

The following Joint Resolution and Bill, having been read the second time, were ordered placed on the Third Reading Calendar:

S. 134 -- Senators Sheheen, Verdin, Fair and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑1‑435 SO AS TO ENACT THE “RELIGIOUS VIEWPOINTS ANTIDISCRIMINATION ACT”, WHICH PROHIBITS A SCHOOL DISTRICT FROM DISCRIMINATING AGAINST A STUDENT BASED ON RELIGIOUS VIEWPOINT, ALLOWS A STUDENT TO EXPRESS HIS RELIGIOUS VIEWPOINT, ALLOWS A STUDENT TO EXPRESS HIS RELIGIOUS BELIEFS IN HOMEWORK AND CLASSROOM ASSIGNMENTS, AND ALLOWS STUDENTS TO ORGANIZE AND PARTICIPATE IN RELIGIOUS STUDENT GATHERINGS TO THE SAME EXTENT AS SECULAR NONCURRICULAR GROUPS.

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

There was no objection.

Senator VERDIN explained the Bill.

S. 1312 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4117, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HAYES explained the Joint Resolution.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 613 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71‑732 SO AS TO REQUIRE HEALTH INSURANCE COVERAGE, INCLUDING COVERAGE UNDER THE STATE HEALTH PLAN, FOR AN INSURED WHO PARTICIPATES IN AN APPROVED CANCER CLINICAL TRIAL.

The Senate proceeded to a consideration of the committee amendment, 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\19894AB10), which was adopted:

Amend the bill, as and if amended, Section 38‑71‑732(A)(2), as contained in SECTION 1, page 1, line 36, by inserting / and Section 38‑71‑840(14) / after / 38‑71‑670(6) /.

Amend the bill further, SECTION 1, by deleting Section 38‑71‑732(A)(4) in its entirety and inserting:

/ (4) ‘Health insurance plan’ means an individual health plan, a group health plan, or a health benefit plan, including the State Health Plan, that is delivered, issued for delivery, or renewed in this State and provides health insurance coverage. /

Amend the bill further, Section 38‑71‑732(A), as contained in SECTION 1, page 2, line 7, by inserting an appropriately numbered item to read:

/ ( ) ‘Routine patient care costs’ means a physician fee, laboratory expense, or other expense associated with the hospitalization, administration of treatment, and evaluation of a patient during the course of treatment that are consistent with usual and customary patterns and standards of care incurred when an enrollee, subscriber, or insured receives medical care associated with an approved cancer clinical trial, and that would be covered if these items and services were provided other than in connection with an approved cancer clinical trial. /

Amend the bill further, Section 38‑71‑732(B)(1), page 2, lines 9‑10 by deleting / an insured / and inserting / a covered person / and on line 11 by deleting / insured / and inserting / covered person /.

Amend the bill further, Section 38‑71‑732(B)(2), page 2, by deleting line 18 in its entirety and inserting / restrict coverage on a covered person solely because he has /.

Amend the bill further, Section 38‑71‑732(C), page 2, line 22, by deleting / an insured / and inserting / a covered person /.

Amend the bill further, SECTION 2, page 3, line 4, by deleting / July 1, 2010 / and inserting / December 31, 2010 /.

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee 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**

S. 670 -- Senators Malloy and Ford: A BILL TO AMEND SECTION 63‑11‑710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCAL FOSTER CARE REVIEW BOARDS AND THE APPOINTMENT OF MEMBERS TO THESE BOARDS BY THE LEGISLATIVE DELEGATION OF THE REGION SERVED BY THE BOARD, SO AS TO DELETE THE PROVISION REQUIRING THE DELEGATION TO BE NOTIFIED OF VACANCIES BY CERTIFIED MAIL.

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

The Judiciary Committee proposed the following amendment (JUD0670.002), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 34 in its entirety and inserting therein the following:

/ being notified by ~~certified mail~~ regular mail or by electronic communication that the vacancy exists, ~~then~~ the /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 953 -- Senator Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑19‑117 SO AS TO REQUIRE AN INDIVIDUAL HIRED BY A SCHOOL DISTRICT TO SERVE IN ANY CAPACITY IN A PUBLIC SCHOOL WHICH REQUIRES DIRECT INTERACTION WITH STUDENTS TO UNDERGO A CRIMINAL RECORD SEARCH, TO REQUIRE EACH SCHOOL DISTRICT TO DEVELOP A WRITTEN POLICY ON THE CRIMINAL RECORD SEARCH, TO PROVIDE WHAT THE POLICY MUST INCLUDE, AND TO REQUIRE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROVIDE TRAINING TO APPROPRIATE SCHOOL DISTRICT PERSONNEL; AND TO AMEND SECTION 23‑3‑115, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO FIX THE FEE AT EIGHT DOLLARS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

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

Senator HAYES proposed the following amendment (AGM\  
19971BH10), which was adopted:

Amend the committee report, as and if amended, by deleting in its entirety Section 59‑19‑117(A), as contained in SECTION 1, pages 953‑1 ‑ 953‑2 and inserting:

/ “Section 59‑19‑117. (A) An individual hired by a local school district board of trustees to serve in any capacity in a public school in this State shall undergo a name‑based South Carolina criminal record search conducted by the local school district using records maintained by the State Law Enforcement Division pursuant to regulations contained in subarticle 1, Article 3, Chapter 73 of the Code of Regulations. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts hiring decisions. The district policy must stipulate whether the district assumes the cost of the criminal record search or that the applicant assumes the cost. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 and hiring recommendations relative to felony convictions and relevant just‑cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in criminal record searches. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the perfecting amendment.

The perfecting amendment was adopted.

The Education Committee proposed the following amendment (AGM\19964BH10), which was adopted:

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

/ SECTION 1. Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑117. (A) An individual hired by a local school district board of trustees to serve in any capacity in a public school in this State shall undergo a criminal record search by the State Law Enforcement Division pursuant to regulations contained in subarticle 1, Article 3, Chapter 73 of the Code of Regulations. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts hiring decisions. The district policy must stipulate whether the district assumes the cost of the criminal record search or that the applicant assumes the cost. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 and hiring recommendations relative to felony convictions and relevant just‑cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel on the understanding and appropriate uses of the information provided in criminal record searches.

(B) Each school district of this State shall perform a National Sex Offender Registry check on all district employees hired to serve in any capacity in a public school and all volunteers who work in a school on an interim or regular basis as mentors, coaches, or any other capacity, or volunteers who serve as student chaperones or any other capacity having direct interaction with students. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate district personnel on the appropriate uses of the database. By August 1, 2010, the district board of trustees shall adopt a written policy that specifies the sex offender registry check as well as how information received from the search impacts hiring decisions. The policy must include, at a minimum, a prohibition of hiring individuals required to register as sex offenders pursuant to Section 23‑3‑430.”

SECTION 2. Section 23‑3‑115 of the 1976 Code, as last amended by Act 353 of 2008, is further amended by adding:

“(C) The fee allowed in subsection (A) is waived if the criminal record search is conducted on a substitute teacher on behalf of a school district.”

SECTION 3. 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.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 4248 -- Reps. Horne, Allison, Daning, Long, Littlejohn, Wylie, Gunn, Ballentine, Clemmons and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑19‑115 SO AS TO REQUIRE A SUBSTITUTE TEACHER HIRED BY A LOCAL SCHOOL DISTRICT TO UNDERGO A CRIMINAL RECORD SEARCH, TO REQUIRE EACH SCHOOL DISTRICT TO DEVELOP A WRITTEN POLICY ON THE CRIMINAL RECORD SEARCH, TO PROVIDE WHAT THE POLICY MUST INCLUDE, AND TO REQUIRE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROVIDE TRAINING TO APPROPRIATE SCHOOL DISTRICT PERSONNEL; AND TO AMEND SECTION 23‑3‑115, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO FIX THE FEE AT EIGHT DOLLARS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

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

Senator HAYES proposed the following amendment (AGM\  
19970BH10), which was adopted:

Amend the committee report, as and if amended, by deleting in its entirety Section 59‑19‑117, as contained in SECTION 1, pages 4248-1 - 4248-2 and inserting:

/ “Section 59‑19‑117. (A) An individual hired by a local school district board of trustees to serve in any capacity in a public school in this State shall undergo a name‑based South Carolina criminal record search conducted by the local school district using records maintained by the State Law Enforcement Division pursuant to regulations contained in subarticle 1, Article 3, Chapter 73 of the Code of Regulations. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts hiring decisions. The district policy must stipulate whether the district assumes the cost of the criminal record search or that the applicant assumes the cost. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 and hiring recommendations relative to felony convictions and relevant just‑cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel regarding appropriate use of the information provided in criminal record searches.

(B) Each school district of this State shall perform a National Sex Offender Registry check on all district employees hired to serve in any capacity in a public school and all volunteers who work in a school on an interim or regular basis as mentors, coaches, or any other capacity, or volunteers who serve as student chaperones or any other capacity having direct interaction with students. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate district personnel on the appropriate uses of the database. By August 1, 2010, the district board of trustees shall adopt a written policy that specifies the sex offender registry check as well as how information received from the search impacts hiring decisions. The policy must include, at a minimum, a prohibition of hiring individuals required to register as sex offenders pursuant to Section 23‑3‑430.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the perfecting amendment.

The perfecting amendment was adopted.

The Education Committee proposed the following amendment (AGM\19963BH10), which was adopted:

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

/ SECTION 1. Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑117. (A) An individual hired by a local school district board of trustees to serve in any capacity in a public school in this State shall undergo a criminal record search by the State Law Enforcement Division pursuant to regulations contained in subarticle 1, Article 3, Chapter 73 of the Code of Regulations. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts hiring decisions. The district policy must stipulate whether the district assumes the cost of the criminal record search or that the applicant assumes the cost. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 and hiring recommendations relative to felony convictions and relevant just‑cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel on the understanding and appropriate uses of the information provided in criminal record searches.

(B) Each school district of this State shall perform a National Sex Offender Registry check on all district employees hired to serve in any capacity in a public school and all volunteers who work in a school on an interim or regular basis as mentors, coaches, or any other capacity, or volunteers who serve as student chaperones or any other capacity having direct interaction with students. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate district personnel on the appropriate uses of the database. By August 1, 2010, the district board of trustees shall adopt a written policy that specifies the sex offender registry check as well as how information received from the search impacts hiring decisions. The policy must include, at a minimum, a prohibition of hiring individuals required to register as sex offenders pursuant to Section 23‑3‑430.”

SECTION 2. Section 23‑3‑115 of the 1976 Code, as last amended by Act 353 of 2008, is further amended by adding:

“(C) The fee allowed in subsection (A) is waived if the criminal record search is conducted on a substitute teacher on behalf of a school district.”

SECTION 3. 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.

**PREVIOUSLY PROPOSED AMENDMENT TABLED**

**CARRIED OVER**

H. 4514 -- Rep. Cooper: A BILL TO AMEND SECTION 12‑44‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE THE DEFINITION OF “TERMINATION DATE”; AND TO AMEND SECTION 12‑6‑590, AS AMENDED, RELATING TO TREATMENT OF “S” CORPORATIONS FOR TAX PURPOSES, SO AS TO PROVIDE THAT A SPECIFIED AMOUNT OF INCOME TAXES PAID BY RESIDENT AND NONRESIDENT SHAREHOLDERS OF CERTAIN “S” CORPORATIONS MUST BE DEPOSITED INTO A SPECIAL FUND AND DISTRIBUTED BY THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT AS GRANTS FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS, WHICH DIRECTLY SUPPORT THE PROJECTS, AND TO PROVIDE FOR GUIDELINES TO ADMINISTER THE FUND AND APPLICATIONS FOR THE GRANTS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment as follows:

Senator LEVENTIS proposed the following amendment (l:\s-resmin\4514), which was tabled:

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

/ SECTION . Section 12-44-40 of the 1976 Code is amended by adding:

(K) Economic development property must be reassessed every ten years. /

termination date is the date the agreement is terminated.”

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

Senator O'DELL moved to lay the amendment on the table.

The amendment was laid on the table.

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

**CARRIED OVER**

H. 4511 -- Reps. Clyburn, Harrison, Wylie, Bales, Brantley, Cobb‑Hunter, Ott, Hosey, Hodges, Battle, Whipper, Alexander, Gilliard, Kennedy, Skelton, Jefferson, Merrill, Frye, King, Anderson, J.R. Smith, McEachern, Mitchell, Rice, A.D. Young, J.H. Neal, Allen, Hardwick, Williams, Harrell, Clemmons, G.M. Smith, Vick, Bingham, Branham, H.B. Brown, R.L. Brown, Cooper, Dillard, Duncan, Gunn, Hart, Hayes, Hearn, Littlejohn, V.S. Moss, J.M. Neal, Neilson, Rutherford, Thompson, Weeks, White, Willis, T.R. Young and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 50 TO TITLE 11 SO AS TO ENACT THE “SOUTH CAROLINA RURAL INFRASTRUCTURE ACT”, TO ESTABLISH THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, AND TO PROVIDE FOR ITS GOVERNANCE, POWERS, AND DUTIES; TO AUTHORIZE THE AUTHORITY TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE TO A MUNICIPALITY, COUNTY, SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT, AND A PUBLIC WORKS COMMISSION TO FINANCE RURAL INFRASTRUCTURE FACILITIES; TO ALLOW STATE APPROPRIATIONS, GRANTS, LOAN REPAYMENTS, AND OTHER AVAILABLE AMOUNTS TO BE CREDITED TO THE FUND OF THE AUTHORITY; TO AUTHORIZE LENDING TO AND BORROWING BY ELIGIBLE ENTITIES THROUGH THE AUTHORITY.

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

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

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

S. 1268 -- Senators Matthews, Scott and Williams: A BILL TO AMEND SECTION 59‑127‑20 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES, TO REMOVE TWO AT‑LARGE SEATS AND REPLACE THEM WITH TWO SEATS TO BE ELECTED BY THE SOUTH CAROLINA STATE UNIVERSITY NATIONAL ALUMNI ASSOCIATION.

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

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

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

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

**MADE SPECIAL ORDER**

S. 1057 -- Senators Alexander, Courson, Davis, Knotts, Grooms and McGill: A BILL TO AMEND SECTION 12‑6‑3622 OF THE 1976 CODE, RELATING TO TAX CREDITS FOR A FIRE SPRINKLER SYSTEM, TO CREATE A STUDY COMMITTEE TO DEVELOP AND EXPAND THE TAX CREDIT PROGRAM; TO AMEND SECTION 6‑9‑60, RELATING TO THE ADOPTION OF CERTAIN BUILDING CODES, TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ADOPT BY REFERENCE A BUILDING CODE FOR RESIDENCES; AND TO REPEAL SECTION 6‑9‑135.

Senator LARRY MARTIN moved that the Bill be made a Special Order.

The Bill was made a Special Order.

**MOTION ADOPTED**

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

**MOTION ADOPTED**

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

**PRESIDENT *Pro Tempore* PRESIDES**

At 1:27 P.M., Senator McCONNELL assumed the Chair.

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

**RESOLUTION FAILED TO RECEIVE NECESSARY VOTE**

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

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

Senator HUTTO argued contra to the third reading of the Joint Resolution.

**Motion Adopted**

Senator O’DELL asked unanimous consent to make a motion that Senators ELLIOTT, REESE, PEELER, FAIR and O’DELL be granted leave to attend a subcommittee meeting and be granted leave to vote from the balcony.

Senator HUTTO resumed arguing contra to the third reading of the Joint Resolution.

The question then was the third reading of the Joint Resolution.

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

**Ayes 28; Nays 13**

**AYES**

Alexander Bright Bryant

Campbell Cleary Courson

Cromer Davis Elliott

Fair Grooms Hayes

Knotts Leatherman *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Mulvaney O’Dell

Peeler Rose Ryberg

Setzler Shoopman Thomas

Verdin

**Total--28**

**NAYS**

Anderson Coleman Hutto

Land Leventis Lourie

Malloy Matthews Nicholson

Pinckney Reese Scott

Williams

**Total--13**

The Joint Resolution failed to receive the vote required by Article XVI, Section 1 of the S. C. Constitution.

**Statement by Senator RANKIN**

Had I been in the Chamber at the time the vote was taken, I would have voted in favor of third reading of the Resolution.

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

**READ THE THIRD TIME, SENT TO THE HOUSE**

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

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

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

**MOTION TO RECONSIDER ADOPTED**

**RESOLUTION CARRIED OVER**

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

Senator LARRY MARTIN moved to reconsider the vote whereby the Joint Resolution failed to receive the necessary vote pursuant to Article XVI, Section 1 of the S. C. Constitution.

The motion to reconsider was adopted.

On motion of Senator LARRY MARTIN, the Joint Resolution was carried over in the status of Adjourned Debate.

**READ THE THIRD TIME, SENT TO THE HOUSE**

S. 2 -- Senators McConnell, Peeler, Leatherman, Sheheen, Rose, Courson, Elliott, Massey, Hayes, Davis, Bright, L. Martin and Rankin: A BILL TO AMEND SECTION 11‑11‑410, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IMPLEMENTATION OF THE LIMIT ON STATE SPENDING IMPOSED PURSUANT TO SECTION 7(C), ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, SO AS TO REVISE THIS LIMIT BY IMPOSING AN ANNUAL LIMIT ON THE APPROPRIATION OF STATE GENERAL FUND REVENUES BY ADJUSTING SUCH REVENUES BY A ROLLING TEN‑YEAR AVERAGE IN ANNUAL CHANGES IN GENERAL FUND REVENUES AND THE CREATION OF A SEPARATE BUDGET STABILIZATION FUND IN THE STATE TREASURY TO WHICH MUST BE CREDITED ALL GENERAL FUND REVENUES IN EXCESS OF THE ANNUAL LIMIT, THE REVENUES OF WHICH MUCH FIRST BE USED TO STABILIZE GENERAL FUND REVENUES AVAILABLE FOR APPROPRIATION, TO DEFINE EMERGENCIES AND TO PROVIDE FOR SUSPENSION OF THIS APPROPRIATIONS LIMIT IN EMERGENCIES, TO PROVIDE THAT A CASH BALANCE IN THE BUDGET STABILIZATION FUND IN EXCESS OF FIFTEEN PERCENT OF GENERAL FUND REVENUES OF THE MOST RECENT COMPLETED FISCAL YEAR MAY BE APPROPRIATED IN SEPARATE LEGISLATION FOR VARIOUS NONRECURRING PURPOSES, AND TO DEFINE SURPLUS GENERAL FUND REVENUES.

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

**Expression of Personal Interest**

Senator SHANE MARTIN rose for an Expression of Personal Interest.

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

**MOTION ADOPTED**

On motion of Senators PEELER, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, COURSON, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GROOMS, HAYES, HUTTO, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McCONNELL, McGILL, MULVANEY, NICHOLSON, O'DELL, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Corporal D. Kevin Cusack of Clover, S.C. Corporal Cusack, known for his easy-going manner and respect from peers wearing the badge, died early Saturday, March 27, 2010, after an automobile accident while on duty in Lancaster County. He was a devoted father to Sarah, Casey and Richard and he will be greatly missed by family, friends and colleagues of the S. C. Highway Patrol.

and

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Joseph William "Bill" Black of Pickens, S.C., who passed peacefully Friday, March 26, 2010, at Foothills Presbyterian Home in his 92nd year.   Mr. Black will be remembered as a selfless and loving husband, father and grandfather who dedicated his life to his family, church and service to others.

**ADJOURNMENT**

At 2:30 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senators BRIGHT and BRYANT desired to be recorded as voting against the motion to adjourn.

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