**Wednesday, January 19, 2011**

**(Statewide Session)**

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## Indicates New Matter

The Senate assembled at 2:00 P.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:

The Lord God commands:

“You shall put these words of mine in your heart and soul.”

(Deuteronomy 11:18)

Please bow with me as we pray, friends:

Gracious and loving Lord, we know how obviously important words happen to be and how each individual should work toward the wise use of them. Your own words, O God, we cherish and hold in our hearts; we value them. But we especially ask You to be with us when we strive to use our own words to build up, to instruct, to clarify, to affirm. May each Senator be a diligent wordsmith, choosing his words wisely and with care. And may that be true this evening for our Governor Nikki Haley, as well, as she directs and inspires this State with words rightly chosen. In Your loving name we pray, Lord.

Amen.

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

**Doctors of the Day**

Senator BRYANT introduced Dr. Marshall Meadors of Anderson, S.C., Doctor of the Day.

Senators COURSON and LOURIE introduced Drs. Patricia Witherspoon and Justin Mullner of Columbia, S.C., as Doctors of the Day.

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

**Remarks by Senator COURSON**

Mr. PRESIDENT, I will be brief. First, I want to thank this body and the House of Representatives for passing the Concurrent Resolution last week authorizing February 6th as Ronald Reagan Day in the Palmetto State to honor his centennial birthday. Particularly, I would like to express my gratitude to the Senator from Clarendon, JOHN LAND, the Senator from Cherokee, HARVEY PEELER, and the President Pro Tempore, GLENN McCONNELL.

I have sent copies of the Resolution to Mrs. Reagan, the Reagan Presidential Library in Simi Valley, California, and to the Reagan Ranch in Santa Barbara, California - from which I have just returned.

January 20, 1981, was a historic day for those of us who are conservatives in this body. I know the Senator from Charleston, GLENN McCONNELL, was involved in the Reagan revolution as a delegate to the Republican National Convention in 1980 and 1984. Thirty years ago on January 20th, Ronald Reagan was inaugurated President of the United States. It was a most memorable day for me because I had the opportunity to be in Washington, D.C. Lisa and I went to the office of Senator Strom Thurmond who had just been elected President Pro Tempore of the United States Senate. It was a cold, dreary day like we had this morning. When we arrived at 11:30, they announced that the hostages had been released from Iran, were flying back to the United States and at noon just before President Reagan was sworn in the skies opened to a beautiful blue sky. It turned out just to be a very lovely day in Washington.

The Senator from Charleston and I were Reagan Delegates to the Republican National Convention. I was also honored to be a Presidential Elector for Ronald Reagan in 1980. That afternoon during the parade, Lisa and I were seated across from the Presidential Reviewing Staff on Pennsylvania Avenue. President Reagan and Vice President Bush were sitting across from us during the parade which lasted roughly three hours. The Mormon Tabernacle Choir, whose music I really enjoy, preformed during a portion of the parade. They stopped the float and sang the Battle Hymn of the Republic. There wasn’t a dry eye at the reviewing stand. It was one of the most emotional moments I’ve ever experienced.

When we left the reviewing stand for that evening’s festivities, I looked at Lisa and said that I will never ever come back to another inaugural. Nothing will ever top this. And I have never returned to another. I didn’t go back to President Reagan’s inauguration of 1985 even though I was a Presidential Elector and delegate to the convention.

The time period from November of 1980 to Reagan’s Inaugural Day in 1981 - especially the day when I cast my vote as a member of the Electoral College - was probably the highlight of my political career.

Frankly, I became involved in the conservative movement as a freshman at the University of South Carolina. I must tell you that there are two of us in this body who actually voted for Barry Goldwater in 1964. Senator from Orangeburg, I’m not going to tell you who the other one is. I’ll let him tell you later. In Georgia, we could vote when we were 18 and the Goldwater campaign was the catalyst that got me involved in politics and that led to the Reagan movement.

Before that, I was a strong supporter of President Kennedy. I drove all night in 1963, as we didn’t have the interstate back then, to attend his funeral in Washington, D.C. You had to take Highway 1 through downtown Raleigh and downtown Richmond. When I got to Washington, I went to the Greyhound Bus Depot to change clothes and put on a coat and tie to go to his funeral, which I will never forget.

If you come by my office, I have black and white pictures taken of the funeral. It was a different world in 1963, when President Kennedy was assassinated. Everybody was out in the open without security. Heads of State, Harold McMillan, the Prime Minister of the U.K., Charles DeGaulle, the President of France, and Haile Selassie, the Emperor of Ethiopia, were all out walking in the open along with the Kennedy family.

I wanted to share this with you because the celebration that will take place on February 6th is not a partisan celebration. It is being coordinated through the Reagan Library in Simi Valley. The Reagan Library is actually operated by the federal government. In June of 2009, President Barack Obama signed a proclamation that said we would honor Ronald Reagan this year, the centennial of his birth. President Obama stated that Ronald Reagan was a transformational President, with which I totally agree.

Again, I want to thank this body and the people of this State for allowing us to honor Ronald Reagan on his centennial birthday, February 6, 2011.

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

**Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator PEELER rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 6 Sen. Setzler

S. 245 Sens. Cromer, Shane Martin

S. 326 Sens. Cromer and Alexander

S. 327 Sen. Shane Martin, Bright, Bryant and Grooms

**MOTION ADOPTED**

On motion of Senator McCONNELL, the Senate agreed that, when the Senate recedes from business today, it stand in recess until 6:40 P.M., for the sole purpose of attending the Joint Assembly; and, further, that, at the conclusion of the Joint Assembly, the Senate would stand adjourned.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 384 -- Senator Pinckney: A BILL TO AUTHORIZE THE JASPER COUNTY BOARD OF EDUCATION TO IMPOSE AN IMPACT FEE ON ANY DEVELOPER FOR EACH NEW RESIDENTIAL DWELLING UNIT CONSTRUCTED BY THE DEVELOPER WITHIN THE JASPER COUNTY SCHOOL DISTRICT, TO PROVIDE THAT THE FUNDS MAY BE USED ONLY FOR THE CONSTRUCTION OF PUBLIC EDUCATION FACILITIES FOR GRADES KINDERGARTEN THROUGH TWELVE WITHIN THE DISTRICT AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON EXISTING OR NEW BONDS ISSUED BY THE DISTRICT, AND TO PROVIDE THAT THE IMPACT FEE MUST BE SET AT AN AMOUNT NOT TO EXCEED THE COST THAT EACH ADDITIONAL DWELLING UNIT IMPOSES ON THE SCHOOL DISTRICT FOR PUBLIC EDUCATION FACILITIES.

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

S. 385 -- Senator Fair: A BILL TO AMEND CHAPTER 1, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF CORRECTIONS, SO AS TO DEVOLVE ITS DUTIES, FUNCTIONS, AND RESPONSIBILITIES UPON THE DEPARTMENT OF INSTITUTIONAL AND COMMUNITY CORRECTIONS; AND TO AMEND CHAPTER 21, TITLE 24, RELATING TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO DEVOLVE ITS DUTIES, FUNCTIONS, AND RESPONSIBILITIES UPON THE DEPARTMENT OF INSTITUTIONAL AND COMMUNITY CORRECTIONS.

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Read the first time and referred to the Committee on Corrections and Penology.

S. 386 -- Senator Cromer: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, AND 12, 2011, BY THE STUDENTS OF SCHOOL DISTRICT 5 OF LEXINGTON AND RICHLAND COUNTIES, LEXINGTON SCHOOL DISTRICT 1, AND THE SCHOOL DISTRICT OF NEWBERRY COUNTY, AND SALUDA COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS OF THE DISTRICTS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

S. 387 -- Senator Pinckney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10 TO CHAPTER 10, TITLE 4 SO AS TO ENACT THE “LOCAL OPTION EXTRAORDINARY COMMERCIAL FACILITIES FEE ACT”, TO DEFINE NECESSARY TERMS, TO SPECIFY WHICH STORMWATER ORDINANCES APPLY, TO PROVIDE THAT A MUNICIPALITY MAY IMPOSE A FEE NOT TO EXCEED TWO PERCENT ON RETAILERS WITHIN A DESIGNATED ECONOMIC DEVELOPMENT SITE, TO PROVIDE THAT THE REVENUE FROM THE FEE SHALL BE USED TO OFFSET INFRASTRUCTURE COSTS, TO PROVIDE THE MANNER IN WHICH THE FEE MAY BE IMPOSED, TO PROVIDE THE MANNER IN WHICH THE FEE SHALL BE COLLECTED; AND BY ADDING ARTICLE 11 TO CHAPTER 10, TITLE 4 SO AS TO ENACT THE “ALTERNATE LOCAL OPTION TOURISM DEVELOPMENT FEE ACT”, TO DEFINE NECESSARY TERMS, TO PROVIDE THAT A MUNICIPALITY MAY IMPOSE A FEE NOT TO EXCEED ONE PERCENT FOR TOURISM ADVERTISEMENT AND PROMOTION DIRECTED AT NON‑SOUTH CAROLINA RESIDENTS, AND TO PROVIDE THE MANNER IN WHICH THE FEE MAY BE IMPOSED.

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

S. 388 -- Senator Reese: 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 EXEMPT FROM PROPERTY TAX THE VALUE OF IMPROVEMENTS TO REAL PROPERTY CONSISTING OF A NEWLY CONSTRUCTED CONDOMINIUM, TOWNHOUSE, OR COTTAGE THROUGH THE EARLIER OF THE PROPERTY TAX IN WHICH THE IMPROVEMENT IS OCCUPIED, OR THE PROPERTY TAX YEAR ENDING THE THIRD DECEMBER THIRTY-FIRST AFTER THE IMPROVEMENT IS COMPLETED AND A CERTIFICATE OF OCCUPANCY IS ISSUED ON IT.

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

S. 389 -- Senator Cromer: A BILL TO AMEND SECTION 12‑37‑250, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE HOMESTEAD TAX EXEMPTION, SO AS TO PROVIDE THAT WHEN A PERSON WHO IS ENTITLED TO THE EXEMPTION REQUIRES DAILY MEDICAL ATTENTION, AND IT IS NECESSARY FOR THE PERSON TO RESIDE ELSEWHERE, THE PERSON MUST BE GRANTED THE HOMESTEAD TAX EXEMPTION; AND TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO ASSESSMENT RATIOS, SO AS TO PROVIDE THAT WHEN A PERSON WHO IS ENTITLED TO THE SPECIAL FOUR PERCENT ASSESSMENT RATIO REQUIRES DAILY MEDICAL ATTENTION, AND IT IS NECESSARY FOR THE PERSON TO RESIDE ELSEWHERE, THE PERSON MUST BE GRANTED THE SPECIAL ASSESSMENT RATIO.

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

S. 390 -- Senators Lourie, Jackson, Reese, Knotts, Alexander, Matthews, Campsen, McConnell, Cleary and Cromer: A BILL TO AMEND SECTION 23-3-115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO CLARIFY THE DEFINITION OF CHARITABLE ORGANIZATIONS WHICH PAY A REDUCED FEE TO INCLUDE LOCAL PARK AND RECREATION VOLUNTEERS THROUGH A COMMISSION, MUNICIPALITY, OR COUNTY.

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

S. 391 -- Senators Campsen and Scott: A BILL TO AMEND SECTION 7-13-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7-13-40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES' QUALIFICATIONS, AND THE FILING FEE, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7-13-190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7-13-350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

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

S. 392 -- Senator Ford: A BILL TO AMEND SECTION 42-11-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESUMPTION THAT CERTAIN DISEASES SUSTAINED BY A FIREFIGHTER ARE OCCUPATIONAL DISEASES FOR THE PURPOSES OF WORKERS’ COMPENSATION, SO AS TO PROVIDE CERTAIN ADDITIONAL MEDICAL CONDITIONS ALSO MUST BE PRESUMED TO BE OCCUPATIONAL DISEASES FOR THE PURPOSES OF WORKERS’ COMPENSATION, TO DELETE A MINIMUM AGE FOR THE APPLICABILITY OF THIS SECTION, TO DELETE A REQUIREMENT THAT ELIGIBILITY FOR THIS PRESUMPTION BE CONDITIONED UPON THE MEDICAL CONDITION HAVING DEVELOPED WHILE THE FIREFIGHTER WAS ACTIVELY ENGAGED IN FIREFIGHTING OR WITHIN TWENTY-FOUR HOURS FROM THE LAST DATE HE ENGAGED IN FIREFIGHTING, TO PROVIDE THAT A PERSON IS CONSIDERED TO HAVE PASSED THE REQUISITE PHYSICAL EXAMINATION IF THE FIRE DEPARTMENT FAILS TO REQUIRE OR OBTAIN THIS EXAMINATION UPON HIS ENTRY OF SERVICE, TO PROVIDE A FIREFIGHTER WITH TEN YEARS OF SERVICE WHO SUSTAINS AN IMPAIRMENT OR INJURY CAUSED BY CANCER IS ENTITLED TO A REBUTTABLE PRESUMPTION THAT THIS IMPAIRMENT OR INJURY AROSE FROM AND IN THE COURSE OF HIS EMPLOYMENT AS A FIREFIGHTER, TO PROVIDE THIS PRESUMPTION IS CONDITIONED UPON CERTAIN MEDICAL EXAMINATIONS AND REPORTING REQUIREMENTS, AND TO PROVIDE A PERSON IS CONSIDERED TO HAVE PASSED THE REQUISITE PHYSICAL EXAMINATION IF THE FIRE DEPARTMENT FAILS TO REQUIRE OR OBTAIN THIS EXAMINATION UPON HIS ENTRY OF SERVICE.

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

S. 393 -- Senator Jackson: A BILL TO AMEND ARTICLE 9, CHAPTER 22, TITLE 17 OF THE 1976 CODE, RELATING TO THE UNIFORM EXPUNGEMENT OF CRIMINAL RECORDS, BY ADDING SECTION 17-22-935 TO PROVIDE THAT CERTAIN NON-VIOLENT OFFENSES MAY BE EXPUNGED AND TO ESTABLISH THE CIRCUMSTANCES UNDER WHICH THE EXPUNGEMENT MAY OCCUR.

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

S. 394 -- Senator Rose: A BILL TO AMEND SECTION 14-11-10, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE ESTABLISHMENT OF THE MASTER-IN-EQUITY COURT, SO AS TO PERMIT A COUNTY WITH A POPULATION OF MORE THAN THIRTY THOUSAND BUT LESS THAN ONE HUNDRED THIRTY THOUSAND TO HAVE A PART-TIME OR A FULL-TIME MASTER-IN-EQUITY AS DETERMINED BY THE GOVERNING BODY OF THE COUNTY OR COUNTIES IN WHICH THE A MASTER-IN-EQUITY SERVES; AND TO AMEND SECTION 14‑11-30, RELATING TO THE COMPENSATION OF MASTER-IN-EQUITY, SO AS TO ALLOW A PART-TIME MASTER-IN-EQUITY IN CITIES OR COUNTIES WITH POPULATIONS OF ONE HUNDRED THIRTY THOUSAND OR GREATER.

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

S. 395 -- Senator Ford: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO MISCELLANEOUS MATTERS, BY ADDING SECTION 16 SO AS TO PROVIDE THAT CASINO BOATS OR GAMBLING VESSELS EMBARKING AND RETURNING TO AN ANCHORAGE IN THIS STATE WITHOUT AN INTERVENING STOP AS PERMITTED BY THE LAWS OF THIS STATE WHILE ON THE OPEN OCEAN, WITHIN OR WITHOUT THE TERRITORIAL WATERS OF THIS STATE, MAY CONDUCT GAMBLING ACTIVITIES WITHOUT BEING DEEMED IN VIOLATION OF ANY CRIMINAL LAW OF THIS STATE PROHIBITING GAMBLING OR LOTTERIES.

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

S. 396 -- Senator Peeler: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON EL BETHEL ROAD OVER THICKETTY CREEK IN CHEROKEE COUNTY AS THE “COLONEL JAMES STEEN MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS “COLONEL JAMES STEEN MEMORIAL BRIDGE”.

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

S. 397 -- Senator Sheheen: A SENATE RESOLUTION TO HIGHLY COMMEND AND CONGRATULATE WILLIAM T. GRAVES, ESQ. FOR HIS MILESTONE LABORS IN HISTORICALLY DOCUMENTING OUR PAST THROUGH THE WORDS AND VOICES OF THE MANY SOLDIERS WHO WON OUR INDEPENDENCE AND LIBERTY DURING THE AMERICAN REVOLUTIONARY WAR.

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The Senate Resolution was adopted.

S. 398 -- Senator Sheheen: A SENATE RESOLUTION TO HIGHLY COMMEND AND CONGRATULATE DR. C. LEON HARRIS OF MT. PLEASANT FOR HIS MILESTONE LABORS IN HISTORICALLY DOCUMENTING OUR PAST THROUGH THE WORDS AND VOICES OF THE MANY SOLDIERS WHO WON OUR INDEPENDENCE AND LIBERTY DURING THE AMERICAN REVOLUTIONARY WAR.

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The Senate Resolution was adopted.

S. 399 -- Senator Peeler: A CONCURRENT RESOLUTION TO RECOGNIZE AND CELEBRATE THE TWENTIETH ANNIVERSARY OF THE BROAD RIVER BASIN HISTORICAL SOCIETY IN YORK COUNTY.

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

S. 400 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE THE CHAPIN HIGH SCHOOL COMPETITIVE CHEER TEAM ON WINNING THE 2010 CLASS AAA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM AND HEAD COACH VICKI WILLIAMS ON A SUPERLATIVE SEASON.

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The Senate Resolution was adopted.

S. 401 -- Senators Sheheen, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO COMMEND THE HONORABLE JOHN M. SPRATT, JR. OF YORK COUNTY FOR HIS TWENTY-EIGHT YEARS OF COMMITTED SERVICE AS A MEMBER OF THE U.S. HOUSE OF REPRESENTATIVES, REPRESENTING SOUTH CAROLINA’S 5TH CONGRESSIONAL DISTRICT, AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

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

S. 402 -- Senators Courson, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE UNIVERSITY OF SOUTH CAROLINA BASEBALL TEAM, UPON GARNERING THE 2010 COLLEGE WORLD SERIES TITLE, AND TO COMMEND THE TEAM MEMBERS, COACHES, AND SCHOOL OFFICIALS FOR A STUPENDOUS WINNING SEASON.

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The Senate Resolution was adopted.

H. 3254 -- Rep. Daning: A BILL TO AMEND SECTION 57‑23‑815, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ROADSIDE VEGETATION MANAGEMENT AT EXIT 199 ALONG INTERSTATE HIGHWAY 26 IN BERKELEY COUNTY, SO AS TO PROVIDE THAT BOTH THE DEPARTMENT OF TRANSPORTATION AND THE TOWN OF SUMMERVILLE MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 26 AT THIS LOCATION.

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

H. 3286 -- Rep. Bingham: A BILL TO AMEND SECTION 41‑35‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF EXTENDED UNEMPLOYMENT BENEFITS WHEN FEDERALLY FUNDED, SO AS TO CHANGE THE METHOD FOR CALCULATING CERTAIN FUNDING INDICATORS BY BASING THE CALCULATION ON ONE OR MORE THREE-MONTH PERIODS ENDING THE PRECEDING THREE CALENDAR YEARS.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 3290 -- Rep. Branham: A BILL TO AMEND ACT 806 OF 1952, AS AMENDED, RELATING TO ANNUAL MEETINGS OF THE SCHOOL DISTRICTS OF FLORENCE COUNTY, SO AS TO REQUIRE FLORENCE COUNTY SCHOOL DISTRICT TWO TO CALL A CITIZENS' MEETING ON THE PROPOSED DISTRICT BUDGET BEFORE JUNE THIRTIETH OF EACH YEAR AND ADDITIONAL MEETINGS AS MAY BE REQUIRED.

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

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

Read the first time and referred to the General Committee.

H. 3321 -- Rep. J. R. Smith: A BILL TO AMEND ACT 1006 OF 1958, RELATING TO THE BATH WATER AND SEWER DISTRICT, THE CLEARWATER WATER AND SEWER DISTRICT, AND THE LANGLEY WATER AND SEWER DISTRICT IN AIKEN COUNTY AND THE ELECTION OF COMMISSIONERS FOR THESE DISTRICTS, SO AS TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER OF THESE DISTRICTS AND ALSO SERVE AS AN OFFICER OR EMPLOYEE OF THE SAME DISTRICT, AND TO REQUIRE PRESENT COMMISSIONERS IN VIOLATION OF THIS PROVISION TO MAKE A WRITTEN ELECTION AS TO WHICH POSITION WILL BE RETAINED AND WHICH POSITION BY THAT ELECTION IS BEING RESIGNED.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 6 -- Senators Leatherman, McGill, Rose, McConnell, Campsen, Fair and Setzler: A BILL TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, TO PROVIDE THAT MONIES IN THE CAPITAL RESERVE FUND, IN ANY YEAR THE GENERAL RESERVE FUND DOES NOT HAVE THE REQUIRED PERCENTAGE OF GENERAL FUND REVENUE, FIRST MUST BE USED TO FULLY REPLENISH THE APPLICABLE PERCENTAGE AMOUNT IN THE GENERAL RESERVE FUND BEFORE BEING USED FOR OTHER AUTHORIZED PURPOSES WHICH DO NOT INCLUDE OFFSETTING MIDYEAR BUDGET REDUCTIONS.

Ordered for consideration tomorrow.

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

S. 255 -- Senators Cleary, McConnell, Hutto and Rose: A BILL TO AMEND TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 57, SO AS TO AUTHORIZE QUALIFIED RELIGIOUS, CHARITABLE, EDUCATIONAL, AND OTHER ELEEMOSYNARY ORGANIZATIONS TO OPERATE AND CONDUCT RAFFLES AND CASINO NIGHT CHARITY GAMES THROUGH REGISTRATION WITH THE SOUTH CAROLINA SECRETARY OF STATE, TO PROVIDE STANDARDS FOR THESE EVENTS; TO REQUIRE PROCEEDS TO BE USED FOR RELIGIOUS, CHARITABLE, EDUCATIONAL, OR OTHER ELEEMOSYNARY PURPOSES; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Ordered for consideration tomorrow.

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

S. 256 -- Senators Cleary, McConnell, Hutto and Rose: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY AUTHORIZE RAFFLES TO BE OPERATED AND CONDUCTED BY RELIGIOUS, CHARITABLE, OR NONPROFIT ORGANIZATIONS FOR RELIGIOUS, CHARITABLE, OR ELEEMOSYNARY PURPOSES, AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION AUTHORIZED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THEIR CONDUCT AND MANAGEMENT, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ASSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

Ordered for consideration tomorrow.

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

**THIRD READING BILL**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 321 -- Senators O’Dell and Nicholson: A BILL TO AMEND ACT 595 OF 1994, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF GREENWOOD SCHOOL DISTRICT 50 IN GREENWOOD COUNTY, SO AS TO PROVIDE THAT IF THE NUMBER OF CANDIDATES FOR THE BOARD OF TRUSTEES IS EQUAL TO OR LESS THAN THE NUMBER OF POSITIONS TO BE FILLED, THE COUNTY ELECTION COMMISSION SHALL DECLARE THOSE CANDIDATES ELECTED.

On motion of Senator NICHOLSON, the Bill was given a third reading and sent to the House.

**AMENDED, ADOPTED**

S. 162 -- Senators Shoopman and Rose: A SENATE RESOLUTION TO AMEND RULE 35A, RULES OF THE SENATE, RELATING TO THE ADMISSION TO THE FLOOR OF THE SENATE, TO PROVIDE THAT A SENATOR’S IMMEDIATE FAMILY MEMBERS SHALL BE ALLOWED ADMISSION TO THE SENATE FLOOR INSIDE THE RAIL.

The Senate proceeded to a consideration of the Senate Resolution, the question being the adoption of the Senate Resolution.

Senators KNOTTS and SHOOPMAN proposed the following amendment (AGM\18320BH11), which was adopted:

Amend the resolution, as and if amended, page 2, line 7, by adding immediately after / rail / / for the purposes of introductions /.

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

The question then was adoption of the Resolution, as amended.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O’Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Williams

**Total--41**

**NAYS**

**Total--0**

The Resolution was adopted, as amended.

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 326 -- Senators Hayes, Peeler, Rose, Campsen, Cromer and Alexander: A SENATE RESOLUTION TO AMEND RULE 44, RELATING TO THE SENATE ETHICS COMMITTEE’S DUTIES AND PROCEDURES, SO AS TO PROVIDE ADDITIONAL DUTIES, COMPLAINT PROCEDURES, AND PROCEDURES FOR FINDINGS OF PROBABLE CAUSE, AND TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO ADD PROVISIONS REGARDING THE RECEIPT OF DOCUMENTS RELATING TO PROCEEDINGS IN ACTIONS TAKEN AGAINST A MEMBER; AND TO AMEND RULE 44.1, RELATING TO THE RULES GOVERNING ACTIONS TAKEN AGAINST A MEMBER, SO AS TO PROVIDE PROVISIONS FOR SUSPENSION AND REINSTATEMENT.

The Senate proceeded to a consideration of the Senate Resolution, the question being the adoption of the Senate Resolution.

The Committee on Rules proposed the following amendment (S326COMMITTEE), which was adopted:

Amend the resolution, as and if amended, by striking all after the title and inserting:

/ Be it resolved by the Senate:

That Rule 44 of the Rules of the Senate is amended to read:

“RULE 44.

A.

Ethics Committee ~~Procedures~~ Duties

(a) In the Senate there shall be a Committee on Ethics, consisting of ten (10) members. ~~and the~~ The committee has the following powers and duties:

(1)(a) To receive complaints or charges concerning conduct alleged to be unethical from any citizen of this State or member of the Senate against Senate:

(i) members;

(ii) former members, provided the allegations are related to the former member’s service in the Senate;

(iii) candidates;

(iv) former candidates, provided the allegations are related to the former candidate’s bid for Senate;

(v) officers and employees;

(vi) staff and independent contractors of a legislative caucus committee.

~~of the Senate concerning conduct alleged to be unethical.~~ Only sworn written complaints or charges may be considered.

(b) To file a complaint upon concurrence of at least six members of the Senate Ethics Committee when alleged violations are identified.

Unethical conduct may include, but is not limited to, a:

(i) violation of Chapter 13 of Title 8;

(ii) violation of Chapter 17 of Title 2; or

(iii) breach of this Rule by a person designated in (A)(1)(a) above or as designated by statute.

(2) To investigate such complaints and charges and, if warranted, to report the results of such investigation to the Senate with recommendations for further appropriate action as authorized by law.

(3) Upon request of any member, officer, or employee of the Senate to render advisory opinions with regard to legislative ethics when, in their judgment, such opinions would serve the public interest, and to act as an advisory body to the Senate and to individual members of or candidates for the Senate on questions pertaining to the disclosure and filing requirements.

(4) To make available annually to the Senate a compilation of the principles set forth in advisory opinions rendered.

(5) To administer or recommend appropriate sanctions or dismiss charges.

(6) To ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of Chapter 13 of Title 8 and promptly notify the person to file the necessary notices and reports to satisfy the requirements.

(7) To recommend any rule or statutory change relating to ethics as the committee deems appropriate.

(b) All papers, documents, complaints, charges, requests for advisory opinions, and any other material required to be filed with or received by the committee~~, and all such documents or materials are to repose in the office of the Clerk of the Senate and as necessary or appropriate are to be handled by the Clerk as~~ shall be strictly confidential ~~unless made public by the committee in a report to the Senate~~ prior to a finding of probable cause, or a waiver of confidentiality by the respondent. No persons involved with a complaint before the committee, including complainant, respondent, counsel, counsel’s secretaries, committee members and staff, and investigators shall mention the existence of any such proceeding nor disclose any information pertaining thereto, unless otherwise permitted by the Rules. Disclosure of confidential information is a misdemeanor pursuant to Section 8‑13‑540. If the Senate Ethics Committee finds that a person has violated the provisions of this item, it must report its findings to the Attorney General.

~~All proceedings of the Ethics Committee are strictly confidential and only those actions or decisions of the committee which it authorizes may be disclosed or made public. Provided, that the committee may vote to disclose certain confidential information to the membership of the Senate in Executive Session and the committee must disclose in Executive Session, any confidential final determination or action of the committee as is necessary for the members to make a fully informed vote on any matter before the Senate. If a member or former member of the Senate is appointed to an office which is subject to confirmation by the Senate and an ethics complaint has been filed against such member or former member before the receipt or during the pendency of the appointment, then the Senate may not consider the appointment until the Chairman of the Senate Ethics Committee notifies the Senate and any appropriate Standing Committee, in Executive Session, of the existence and nature of the pending complaint if the committee after a preliminary investigation finds that probable cause exists to support an alleged violation.~~

(c) Information that must be made public following a finding of probable cause or waiver of confidentiality by the respondent are: (i) the complaint; (ii) the response by the respondent; (iii) any exhibits introduced at a public hearing, subject to redaction of information of a personal nature where public disclosure would constitute unreasonable invasion of personal privacy; and (iv) the final order issued by the committee.

B.

Senate Ethics Committee Procedures

Complaint

(a) All investigations, inquiries, hearings, and accompanying documents must remain strictly confidential until a finding of probable cause, unless the respondent waives the right to confidentiality. However, the committee may vote before a finding of probable cause to disclose certain confidential information to the membership of the Senate in Executive Session and the committee must only disclose in Executive Session any action of the committee as is necessary for the members to make a fully informed decision on any matter before the Senate. In addition, the committee may vote before a finding of probable cause to disclose certain confidential information to the membership of the Senate if a member or former member of the Senate is appointed to an office which is subject to confirmation by the Senate and an ethics complaint has been filed and is pending against such member or former member. The Chairman of the Senate Ethics Committee must notify any Standing Committee with jurisdiction over the appointment, in Executive Session, of the existence and nature of the pending complaint if the committee, after a preliminary investigation, finds evidence to support an alleged violation. If the appointment is then brought before the Senate, the Senate may not consider the appointment until the Chairman of the Senate Ethics Committee notifies the Senate, in Executive Session, of the existence and nature of the pending complaint.

(b)(1) ~~The rules of the Ethics Committee shall provide as a matter of right that a~~ A certified copy of the sworn statement of charges against ~~a~~ ~~member~~ the respondent must be given to him or her within ten days of the time the statement of charges is received by the Chairman of the Ethics Committee. The respondent ~~and that the accused member~~ has the right to file a response to the complaint within fifteen calendar days after receipt of the complaint and to face and cross‑examine his or her accusers and the witnesses against him or her at any hearing called by the Ethics Committee. ~~Any hearing on the merits of a complaint is confidential and must be held in Executive Session unless the person charged requests a public hearing in writing.~~ All hearings following a finding of probable cause must be conducted in open session. The Ethics Committee must call a hearing if a majority of the membership of the Ethics Committee feels that the charges have merit or if the ~~accused~~ respondent formally requests a hearing.

(2) No complaint may be accepted by the Ethics Committee concerning a member of or candidate for the Senate during the fifty‑day period before an election in which the member or candidate is participating. During this fifty‑day time period, a person may petition the court of common pleas alleging the violations complained of pursuant to the provisions of Section 8‑13‑530. Action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the Ethics Committee at least thirty days before the election must be postponed until after the election.

~~(c)~~ ~~In conjunction with the proceedings specified in Rule 44.1 of the Rules of the Senate, the President Pro Tempore, and the Senate Ethics Committee on behalf of the entire Senate, may receive:~~

~~(1)~~ ~~certified copies of any indictment or information for a felony or offense against the election laws filed or returned against any member of the Senate;~~

~~(2)~~ ~~certified copies of any plea of guilty or nolo contendere to the felony entered by any member of the Senate;~~

~~(3)~~ ~~certified copies of any conviction of a member for the felony;~~

~~(4)~~ ~~certified copies of any opinion, order, or judgment of any court, state or federal, trial or appellate, relating to any of the aforementioned matters;~~

~~(d)~~ ~~No member may vote on the question of his or her expulsion from the Senate.~~

(c) If the Ethics Committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint must be dismissed and the complainant and respondent notified. If the Ethics Committee finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General. If the Ethics Committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation and may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers. The subpoena must be signed by the Chairman of the Senate Ethics Committee.

(d) No complaint shall be accepted which is filed later than four years after the violation is alleged to have occurred.

Findings of Probable Cause and Subsequent Actions

(a) All ethics committee investigations and records relating to the preliminary investigation are confidential unless otherwise permitted by the Rules.

(b) If the Ethics Committee finds that probable cause exists to support an alleged violation after a preliminary investigation, it shall, as appropriate:

(1) render an advisory opinion to the respondent and require the respondent’s compliance within a reasonable time; or

(2) convene a formal hearing on the matter.

If the Ethics Committee renders an advisory opinion and the respondent fails to comply, the committee must convene a formal hearing on the matter within thirty days of the respondent’s failure to comply.

(c) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the Ethics Committee’s possession relating to the charges. The Committee must establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses. All hearings must be conducted in open session.

(d) After the hearing, the Ethics Committee shall determine its findings of fact. If the Committee, based on competent and substantial evidence, finds the respondent has violated Chapter 13, Title 8, or Chapter 17, Title 2, or violated this Rule, it shall:

(1) administer a public reprimand;

(2) require the respondent to pay a civil penalty not to exceed two thousand dollars for each non‑technical violation that is unrelated to the late filing of a required statement or report or failure to file a required statement or report;

(3) require the forfeiture of gifts, receipts, or profits, or the value thereof, obtained in violation of Chapter 13, Title 8 or Chapter 17, Title 2;

(4) recommend expulsion of the member;

(5) in the case of an alleged criminal violation, refer the matter to the Attorney General for investigation; or

(6) require a combination of items (1) through (5), as necessary and appropriate.

If the Ethics Committee finds the respondent has not violated a statutory provision or Rule or engaged in unethical behavior, it shall dismiss the charges.

(e) The Ethics Committee shall report its findings in writing to the President Pro Tempore of the Senate. If the Committee finds a violation of a statutory provision or Rule or finds unethical behavior, the report must be accompanied by an order of punishment that is supported and signed by a majority of the Ethics Committee members.

(f) The respondent has ten calendar days from the date of the notification of the Ethics Committee’s action to appeal the action to the full Senate.

(g) No Ethics Committee member may participate in any matter in which he is involved as a respondent.

(h) Upon receipt of a recommendation of expulsion or an appeal from an order of the Ethics Committee, the President Pro Tempore shall call the Senate into open session at a time to be determined at his discretion to consider the action of the Ethics Committee. The Senate shall either sustain or overrule the Ethics Committee’s action or order other action consistent with these Rules as otherwise permitted by statute. The consideration and results of a Senate Ethics Committee report are a matter of public record.

(i) No member may vote on the question of his or her expulsion from the Senate.

(j) Failure to fully comply with a final ethics order is a separate violation that may be considered by the Ethics Committee.

Penalty for Failure to File Statements or Reports as Required

If the Senate Ethics Committee finds the respondent has failed to file or was late in filing a required statement of economic interest or campaign disclosure report, the Senate Ethics Committee must order the respondent to pay a fine according to the provisions in Section 8‑13‑1510.

Technical Violations

The Senate Ethics Committee may, in its discretion, determine that errors or omissions on statements of economic interests and campaign disclosure reports are inadvertent and unintentional and not an effort to violate a requirement of Chapter 13, Title 8 and may be handled as technical violations not subject to the provisions of Chapter 13, Title 8 pertaining to ethical violations. The Senate Ethics Committee may assess a penalty for technical violations not exceeding fifty dollars.

C.

Receipt of Documents

In conjunction with the proceedings specified in Rule 44.1, the President Pro Tempore, and the Senate Ethics Committee on behalf of the entire Senate, may receive:

(1) certified copies of any indictment or information for a felony or offense against the election laws filed or returned against any member of the Senate;

(2) certified copies of any plea of guilty or nolo contendere to the felony entered by any member of the Senate;

(3) certified copies of any conviction of a member for the felony; and

(4) certified copies of any opinion, order, or judgment of any court, state or federal, trial or appellate, relating to any of the aforementioned matters.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

**Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting in favor of the adoption of the committee amendment.

On motion of Senator HUTTO, with unanimous consent, the Senate Resolution was carried over, as amended.

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

**MOTION ADOPTED**

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

**CARRIED OVER**

(R329, H4542) -- Reps. Harrison, Weeks and McLeod: AN ACT TO AMEND SECTION 8‑13‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO DELETE THE PROHIBITION OF THE RELEASE OF INFORMATION UNTIL FINAL DISPOSITION OF AN ETHICS INVESTIGATION AND REQUIRE THAT THE INFORMATION MAY NOT BE RELEASED UNTIL A FINDING OF PROBABLE CAUSE HAS BEEN MADE; AND TO AMEND SECTION 8‑13‑1372, AS AMENDED, RELATING TO THE AUTHORITY OF STATE ETHICS COMMISSION TO DETERMINE THAT ERRORS OR OMISSIONS ON CAMPAIGN REPORTS ARE INADVERTENT AND MAY BE HANDLED AS TECHNICAL VIOLATIONS, SO AS TO CHANGE REFERENCES OF THE STATE ETHICS COMMISSION TO THE APPROPRIATE SUPERVISORY OFFICE.

On motion of Senator HAYES, the veto of the Governor was carried over.

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

**Message from the House**

Columbia, S.C., June 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.329, H. 4542 by a vote of 102 to 2:

(R329, H4542) -- Reps. Harrison, Weeks and McLeod: AN ACT TO AMEND SECTION 8‑13‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO DELETE THE PROHIBITION OF THE RELEASE OF INFORMATION UNTIL FINAL DISPOSITION OF AN ETHICS INVESTIGATION AND REQUIRE THAT THE INFORMATION MAY NOT BE RELEASED UNTIL A FINDING OF PROBABLE CAUSE HAS BEEN MADE; AND TO AMEND SECTION 8‑13‑1372, AS AMENDED, RELATING TO THE AUTHORITY OF STATE ETHICS COMMISSION TO DETERMINE THAT ERRORS OR OMISSIONS ON CAMPAIGN REPORTS ARE INADVERTENT AND MAY BE HANDLED AS TECHNICAL VIOLATIONS, SO AS TO CHANGE REFERENCES OF THE STATE ETHICS COMMISSION TO THE APPROPRIATE SUPERVISORY OFFICE.

Respectfully submitted,

Speaker of the House

Received as Information

**VETO OVERRIDDEN**

(R329, H4542) -- Reps. Harrison, Weeks and McLeod: AN ACT TO AMEND SECTION 8‑13‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO DELETE THE PROHIBITION OF THE RELEASE OF INFORMATION UNTIL FINAL DISPOSITION OF AN ETHICS INVESTIGATION AND REQUIRE THAT THE INFORMATION MAY NOT BE RELEASED UNTIL A FINDING OF PROBABLE CAUSE HAS BEEN MADE; AND TO AMEND SECTION 8‑13‑1372, AS AMENDED, RELATING TO THE AUTHORITY OF STATE ETHICS COMMISSION TO DETERMINE THAT ERRORS OR OMISSIONS ON CAMPAIGN REPORTS ARE INADVERTENT AND MAY BE HANDLED AS TECHNICAL VIOLATIONS, SO AS TO CHANGE REFERENCES OF THE STATE ETHICS COMMISSION TO THE APPROPRIATE SUPERVISORY OFFICE.

The veto of the Governor, having been carried over from 2010, was taken up for immediate consideration.

Senator HAYES spoke on the veto.

Senator HAYES moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 39; Nays 2**

**AYES**

Alexander Bright Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Jackson Knotts Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--39**

**NAYS**

Bryant *Martin, Shane*

**Total--2**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

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

**ADOPTED**

S. 327 -- Senators Davis, McConnell, Campsen, Shoopman, Verdin, Rose, Peeler, S. Martin, Bright, Bryant and Grooms: A SENATE RESOLUTION TO AMEND RULE 27, RULES OF THE SENATE, TO PROVIDE FOR A SEVENTY‑TWO HOUR BUDGET REVIEW.

The Senate proceeded to a consideration of the Senate Resolution, the question being the adoption of the amendment (327R003.WGR) proposed by Senator RYBERG and previously printed in the Journal of Tuesday, January 18, 2011.

On motion of Senator RYBERG, with unanimous consent, the amendment was withdrawn.

The question then was the adoption of the Senate Resolution.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Bright Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Jackson Knotts Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

**NAYS**

**Total--0**

The Senate Resolution was adopted, as amended.

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

**POINT OF ORDER**

H. 3278 -- Rep. Harrison: A JOINT RESOLUTION TO PROVIDE THAT UNTIL JUNE 30, 2011, THERE ARE NO LIMITATIONS AS TO TYPES OF APPLICANTS OR ORGANIZATIONS WHO MAY APPLY FOR A SPECIAL FIFTEEN‑DAY BEER AND WINE PERMIT AUTHORIZED BY SECTION 61‑4‑550 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, IN ORDER TO TEMPORARILY CORRECT AN IMPROVIDENTLY ENACTED PROVISION IN 2010 RESTRICTING THE ISSUANCE OF THESE PERMITS TO ONLY NONPROFIT ORGANIZATIONS UNTIL SUCH TIME AS THE GENERAL ASSEMBLY CONSIDERS AND ENACTS PERMANENT GENERAL LAW CHANGES TO EFFECTUATE THIS CORRECTION.

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

**Point of Order**

Senator THOMAS raised a Point of Order under Rule 39 that the Joint Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**RECESS**

At 3:19 P.M., on motion of Senator McCONNELL, the Senate receded from business until 6:40 P.M.

**NIGHT SESSION**

The Senate reassembled at 6:40 P.M. and was called to order by the PRESIDENT.

**Committee to Escort**

The PRESIDENT appointed Senators SETZLER, LEATHERMAN, McCONNELL, PEELER, WILLIAMS and DAVIS to escort the Honorable Nikki R. Haley, Governor of South Carolina, and members of her party to the House of Representatives for the Joint Assembly.

**RECESS**

At 6:55 P.M., on motion of Senator McCONNELL, the Senate receded from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

At 7:00 P.M., the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of H. 3279, a Concurrent Resolution adopted by both Houses.

The Honorable Nikki Randhawa Haley and members of her party were escorted to the rostrum by Senators SETZLER, LEATHERMAN, McCONNELL, PEELER, WILLIAMS and DAVIS and Representatives Atwater, Daning, Allen, Anthony and Brady.

The PRESIDENT of the Senate introduced the Honorable Nikki Randhawa Haley, Governor of the State of South Carolina.

The Governor addressed the Joint Assembly as follows:

**2011 State of the State Address  
Governor Nikki Randhawa Haley**

Mr. Speaker, Mr. President, Ladies and Gentlemen of the General Assembly, Constitutional Officers and my fellow South Carolinians:

Let me start tonight with a tradition established by my predecessor, who recognized the certain truth that nothing said in this Chamber tonight or done in this Chamber tomorrow would be possible without the sacrifices and commitment of the men and women in uniform who bravely serve our nation.

And so now let us pay tribute to those South Carolinians, those true heroes, who in the past year made the ultimate sacrifice in the service of our state and of our country:

Private First Class Geoffrey A. Whitsitt

Sergeant Jeremiah T. Wittman

Sergeant Aaron M. Arthur

Staff Sergeant Steven M. Theobald

Captain Michael P. Cassidy

Specialist David W. Thomas

Sergeant First Class Kristopher D. Chapleau

Private First Class David A. Jefferson

Staff Sergeant Sheldon L. Tate

Sergeant First Class John H. Jarrell

Staff Sergeant Willie J. Harley, Jr.

Sergeant Luther W. Rabon, Jr.

Corporal J. Chad Young

Staff Sergeant Andrew S. Bubacz

Staff Sergeant Vincent W. Ashlock

Lance Corporal William H. Crouse IV

Sergeant Michael J. Beckerman

Thank you.

Before we move on, there is one individual with us tonight who played an important role in the mobilization and support of some of the soldiers I just mentioned and many others who protect our State and country.

And as of this past month, she has been promoted to the rank of Brigadier General, the first female general in the history of the South Carolina National Guard.

I ask you to join me in acknowledging the service of a great South Carolinian and a great friend, Brigadier General Marie Goff.

I’d also like to thank our former Speaker and our nation’s Ambassador, David Wilkins, for agreeing to chair my transition team. Ambassador, what a pleasure to work with you again, and what service you have provided to South Carolina. You truly are a statesman.

Ladies and gentlemen, the state of our State is challenged but optimistic.

My question tonight to every South Carolinian, is that you embrace our challenges for the opportunities they must be and that you join me in my optimism for the future of our State.

If you do, we will transform South Carolina in ways that have long been imagined but never realized--ways that will make our State the envy of the nation and ways that will ensure our pride in the South Carolina we pass along to my children and yours.

One week ago today, I stood not too far from where I stand tonight and pledged, in front of God and each of you, to “exercise the duties of the office to which I have been elected, and that I will, to the best of my ability, discharge the duties thereof …”

The words of that promise will drive me each and every day.

But words are only as good as the definitions we ascribe to them, and so let me take this moment to lay out my answer to what may be the most important question facing us going forward: what is the role of our government?

For eighteen months I traveled our State and I told our citizens what I tell you now: government was intended to secure the rights and freedoms of the people; it was never intended to be all things to all people.

We have drifted far from that principle, that idea so critical to the future of our State and of our people.

So as we move forward tonight in discussion of the challenges and opportunities that lie in front of us, let’s not forget the words of our 40th President, Ronald Reagan, who said: “There’s a clear cause and effect here that is as neat and predictable as a law of physics: As government expands, liberty contracts.”

It is time that we restore to the people of South Carolina a government that both knows and performs its intended role.

Our current budgetary situation demands it. Our commitment to best serving this State requires it. And most importantly, our citizens deserve it.

An editorial published this past Sunday was reflecting on the week we’ve had and closed with the observation that South Carolina is “faced with mountains that may seem unconquerable”.

I disagree. My life, my experiences, and my faith have taught me that no challenge is unconquerable.

We are blessed to live in the best State in the best country on earth.

I believe in the will of the people. I believe that it is our duty to follow that will and to engage the people of South Carolina in the governance of our State.

And I believe that if we do that, if we move forward together with one vision, we can climb any mountain and prosper through every challenge, no matter how high, no matter how hard.

The responsibility to get there is a shared one, one that is in large part mine but is not mine alone. The legislature, the people, the governor – we must be committed, together, to moving South Carolina forward.

Abraham Lincoln once said, “The people will save their government, if the government itself will let them.”

To the legislature seated before me, who have been given such honor and responsibility by the constituency we serve, I ask that you let the people save us.

Let them in. They have spoken loud and clear.

They want us to remember that we work for them. They don’t want to watch in-fighting with no real results. They want to feel our successes in their wallets and regain confidence in the role government plays in our State.

Let’s give that to the public this year. They deserve to know what it’s like to feel good about their government.

And to the people of South Carolina, from whom I have drawn great comfort and strength, I ask you to remember the words of India’s Prime Minister, Indira Gandhi, who said, “People tend to forget their duties but remember their rights.”

The energy and enthusiasm you displayed throughout the last campaign inspires me. It inspires us all. What I would charge you with tonight is to not let it go away.

Don’t get complacent. Don’t complain about those things that bother you, continue to do something about them. Stay involved in your government. Let your will be known so that those of us you have sent to Columbia might follow it.

I pledge that I will remember your rights. I ask that you remember your duties.

For me, I will do my part to encourage constant communication between the elected officials and the people of South Carolina.

I will be strong in passing along what goes on in this State Capitol. You may think you hear from me too much. I think that’s a good thing.

This administration will hold town halls, in which we will visit every region in our State and talk about our agenda. We will keep a report card of legislative votes that we will distribute when session is over. This will empower every citizen in this State to see exactly how their legislator votes on the issues important to them.

My promise is that these votes will not be partisan, just as the good‑government, pro-business issues we must embrace are not partisan.

But we have an opportunity to do things no other state has done: to open our doors, bring down boundaries, and refuse to accept that we have no options.

With commitment from the public, creativity from our cabinet heads, courage from our legislature, and a chief executive willing to lead the charge and make the tough decisions, there is no limit to where we can take South Carolina.

Our State has a tremendous opportunity and I have a wonderful partner in Bobby Hitt as our new Secretary of Commerce. As I said when announcing him as my choice to run this crucial agency, with Bobby Hitt, there is no learning curve.

And with this administration, you will find no greater priority than economic development and job creation.

I am spending time daily on the phone with companies interested in coming to South Carolina. Our focus will not be on the quantity of companies we recruit but on the quality of companies that call our State home.

We want partners, those who are willing to invest in South Carolina, create jobs in our State, and utilize the small businesses already here.

As I have said many times, Boeing was not just a win for our State for the jobs it directly created but for the auxiliary jobs and the economic activity it will bring to South Carolina.

When I met with Boeing executives a few months back, they told me that 91 percent of their contracts were going to South Carolina businesses.

That is economic development.

My pledge to you is that we will not wait another twenty years for the next Boeing or BMW. I am impatient by nature, and I’ve learned, happily, that Bobby Hitt is too. We will continue to work, day in and day out, to bring the type of companies to our State that make all of our citizens proud.

We will strengthen services for our small businesses so that we can take care of the businesses we already have. Commerce needs to be a resource for small business owners whenever they need help navigating the red tape of government. And when government requires something of businesses, we should make those requests as easy on them as possible.

As we focus on lowering our unemployment rate in South Carolina, we will hone in on ways to improve the business environment in our State.

Every one of my cabinet directors understands that his or her job is to reduce the amount of red-tape placed on our businesses. In the business-world, time is money – if government is costing our small businesses time, it is costing them money.

That’s unacceptable.

The heart of our economy is and always will be our small businesses. If we give them cash flow, if we give them profit margins, they aren’t going on vacation – they will use those dollars to hire people, to invest back in our State. And it will be our people, and South Carolina’s economy, that benefit.

We have spoken some, both tonight and on Inauguration day, about moving forward with one vision. To the great credit of those in this room, in the seven short days I have been Governor, we have made great progress.

As a new governing coalition we have had many accomplishments in our first week, and I take great pride and comfort in the fact that we made these strides together for the people of our State.

The Senate swiftly approved two of our cabinet appointments, Bobby Hitt at Commerce and Catherine Templeton at LLR. I want to thank the Senate and especially Senator Greg Ryberg for moving so quickly on these agencies, setting a great tone right off the bat, and letting these two talented individuals get to work.

We have twelve appointments outstanding, and all of these candidates need to be confirmed quickly as we deal with a budget situation that requires all hands on deck. I would ask that the committee chairs follow Senator Ryberg’s lead and that the full Senate get all of my agency heads confirmed by the first week in February.

As we go into a budget knowing we’ll have to sacrifice, we must do so with consistency. We are trusted to spend the people’s money, and we’re all aware that nothing we do each year is as important as our budget. It is the most honest expression of our priorities as the leaders of South Carolina.

I believe that in order for the public to trust us, as we make decisions that may be seen by some as unfair or even callous, we must be honest with them: this budget year is going to hurt.

My pledge to you is that if you will work with me to make the right decisions – right, not for the next year or the next election, but right for the long-term future of South Carolina – you will find a partner willing to stand with you in front of the people of our State and defend our choices.

While we will continue to offer solutions to get us out of this hole, tonight and in the weeks to follow, I claim no monopoly on good ideas. In this budget year, I’d be foolish to. If any of you in this room has a thought on how we can close this gap, rein in our spending, and get our government back on track, I’m all ears. Pick up the phone. Or better yet, come downstairs and knock on my door. It’s always open.

Because if we do right by our people this year, we can create a South Carolina that never finds itself in this position again.

We will never again have such an opportunity to reform and correct the spending habits and processes that have brought us to this dire situation. This year has to be the year we make the tough but right decisions so that, going forward, this process doesn’t hurt as much as it does today.

We must analyze every agency – cabinet or otherwise – to see what its core mission is and whether or not the dollars we spend are contributing to that mission.

We must start our budgetary process at zero and ask, “What do we have to have?”, as we work our way up.

We must statutorily cap spending so that South Carolina’s government, like its businesses and its citizens, will live within its means. And we must do so based on the spending levels of the previous year.

Spending caps don’t mean anything if we are using, as their basis, the years we have spent the most. If this is worth doing, which it is, it’s worth doing right.

We must implement, in permanent law, a three-day wait from when the final budget is produced to when it is voted on, and by final budget, I mean after conference committee. I’d like to thank Representative Dan Hamilton and Senator Tom Davis for leading this charge.

Legislators and citizens alike have the right to see how we plan to fund their government, and to do so before it becomes law. We saw on the federal level, with both the Stimulus and Health Care Bills, the pitfalls that come with rushing massive spending Bills through a legislature. Let the last two years in Washington not be the example on which we choose to model our legislative process.

Time and time again you’ve heard me say that I plan to involve myself in the budget, not just at the beginning with an executive budget or at the end with a veto pen, but throughout the committee process.

I think we owe it to each other to communicate from start to finish, so there are no surprises on either side, and most importantly, so that the decisions we make are in the best interests of the citizens we’ve all sworn to serve.

To that end, let me offer to you a sample of the proposals that we hope to partner with you on to help ease our budgetary crisis without gutting core services.

Last week our administration physically moved the Department for Alcohol and Other Drug Abuse Services from a privately-leased space to offices sitting empty in a government-owned building. This simple act will save the people of South Carolina $700,000 over the next four years.

And it’s just the beginning of the common sense savings you’ll see as we analyze the property that the State owns and leases. As we downsize the spending of government, we must also consolidate properties, equipment, and administrative services. You will continue to see measures like this one in the coming weeks.

We will not please everyone with the decisions we make but we must make decisions that do the least amount of harm and have the best long-term effect.

And the reality is the role of South Carolina’s government in the year 2011 can no longer be to fund an arts commission that costs us $2.5 million. It cannot be one that funds ETV, costing taxpayers $4.5 million. And it cannot be one that pays taxpayer dollars to lobbyists, costing us $1.2 million a year.

When you release government from the things it should not be responsible for, you allow the private sector to be more creative and cost efficient. And you allow government dollars to go to the places and people they should.

The majority of prescription drugs issued by Medicaid are generic with three large exceptions: AIDS, cancer, and mental health. We propose, following the lead of Senator Kevin Bryant, a pharmacist himself, that we remove the proviso prohibiting the use of generic medications to treat those three afflictions.

I realize that this may sting pharmaceutical companies, and some lobbyists, but it is an option that will allow us to realize real savings without compromising the quality of care for our patients.

I searched far and wide and am proud to have found one of the brightest healthcare minds in the country to help us navigate our current HHS deficit and the looming disaster that is the federal health care plan.

I am thrilled Tony Keck is joining us in South Carolina – we need the best, and he is certainly that. I ask that we strike the proviso prohibiting the HHS Director from setting rates paid to providers through Medicaid.

South Carolina is the only State in the nation that doesn’t give our Medicaid Director that flexibility, and with all due respect, we can’t be the only State that has it right. We need to allow Tony to do his job.

Tonight I am also announcing that my cabinet will stop the practice of working the system to get increases in federal funding simply for the sake of expanding our budgets.

South Carolina cannot continue to chase federal dollars without studying the larger impact of how accepting those dollars affects our spending and financial stability. We know all too well that with federal money comes strings, and with those strings come limitations, unaccounted for costs, and in many cases, unsustainable spending.

The days are over when Washington tells South Carolina, “If you want the money-jump.” And South Carolina responds, “How high?”

We cannot jump without first considering where we are going to land. And South Carolina cannot afford to follow the federal government, which has thrown itself into a pit of growing deficits, irresponsible budgeting, and uncontrollable spending.

Starting tonight, South Carolina is a State that is focused on establishing our financial independence, controlling our own destiny, and empowering our people with the knowledge that their state government doesn’t jump for anyone.

We can’t talk about the federal government or our budget without acknowledging the financial challenges that face us with the new Health Care Bill.

I had the pleasure of meeting with the President last month and asked him if he would consider repealing this law, as South Carolina citizens can’t afford it. He quickly told me “no”.

Our founding fathers always intended that we empower families first, then communities, then states, and last federal. Constitutionally, our states do and should have the ability to decide what is best for our citizens. And so I will continue to support the Attorney General’s legal action against this intrusion.

But as I told the President, my job is to look for every avenue I can to deal with a situation that South Carolina can’t afford. I asked him, respectfully, if he would allow South Carolina an exemption from this Bill. I appreciate his willingness to have an open dialogue, and his statement to me that if South Carolina met certain criteria, he would be open to allowing us to opt out.

I am working with members of my cabinet to find a solution that is economically sensible, conservative, and beneficial for the people of our State. The reality is that the federal Health Care Bill will cost this State $2.7 billion more by the year 2020.

We can’t afford or sustain those numbers. We must find an alternative.

It is also incumbent upon us to deliver each year measures that make South Carolina more efficient, more effective, and better conditioned to tackle the challenges of the 21st Century.

The good news is restructuring is past the debate stage in this Chamber. We all agree we need a more accountable government. We all agree that we must move forward with the changing times. And we all agree that we don’t have any more time to waste.

I appreciate the leadership of Representative Bakari Sellers and Senator Mike Fair on the issue of consolidating the Department of Probation, Parole and Pardon Services into the Department of Corrections.

In Judge Bill Byars, we have one of the most talented and effective corrections administrators in the country. What he did for the Department of Juvenile Justice is nothing short of a miracle. And now, to my delight and his enduring credit, he has accepted a new challenge – reforming our adult corrections system and pulling us out of that deficit.

Over the last eight years, Jon Ozmint did a tremendous job running our prisons at the lowest cost per prisoner in the nation. My challenge to the judge is to take Mr. Ozmint’s reforms and move them one step further. His goal will not be just to produce the cheapest meals, but to reduce the number of meals he serves each day. And we can’t do that unless we lower the number of inmates that come back into the system.

The cost savings to the taxpayers of this State would be substantial. The immediate savings would be approximately $6 million in administrative costs alone. But the real dollars will come on the back end, when the judge fulfils his ultimate goal, the reduction of our recidivism rate.

The State of South Carolina pays more than $16,000 annually to incarcerate a single prisoner. We spend more each year on a prisoner than we do on a student. Think of the savings we’ll realize if we aren’t constantly welcoming back behind bars those prisoners who finish out their initial terms.

And think of the cultural impact. It’s immeasurable.

As I mentioned earlier, this administration last week physically moved the Department of Alcohol and Other Drug Services to Mental Health. Let’s go a step further and follow the recommendation of the Legislative Audit Council by consolidating similar health and human service agencies into the cabinet, a move the council says will both save money and provide better service for our constituents.

We should also take this opportunity to allow our Governor and Lt. Governor to run on the same ticket. It simply does not make sense to have two people with two different agendas at the top of our executive branch. Lt. Governor Ken Ard and I will spend the next four years showing what we can accomplish when we work together as a team – but let’s start letting the people of this State choose what that team looks like.

We should also allow the voters to decide if future governors will appoint other cabinet heads like the Superintendent of Education.

It is crucial that the superintendent and Governor partner in priorities, spending, graduation rates, and the workforce we produce. Education is almost 40 percent of our budget – how can we justify having those dollars flow through a completely isolated part of government? We can’t.

Our teachers deserve better, our parents deserve better, and most of all, our children deserve better.

Finally, our end game in restructuring must be a Department of Administration. A state that holds its governor accountable is one that doesn’t just empower the governor but empowers the people.

What is now important is not only that we create a Department of Administration, but what that department looks like.

Thanks to a unanimous vote by my fellow members, this week the Budget and Control Board received the fresh eyes it desperately needs so that we can better define its mission, its assets, and its faults.

I have complete faith in Eleanor Kitzman and Marcia Adams as they embrace the daunting but necessary task of streamlining this 1,000 person agency, all the while making it more open and transparent for the people to see.

I want to express my gratitude to my fellow Budget and Control Board Members – Chairman Hugh Leatherman, Chairman Dan Cooper, General Richard Eckstrom, and Treasurer Curtis Loftis – for recognizing the importance of moving the board in a new direction and for joining me in supporting change in the board’s leadership.

It is my hope and expectation that the 5-0 vote the people of South Carolina were treated to last week is the first of many. We have serious issues and tough decisions ahead of us, and the communication lines opened during the last two weeks give me great confidence that we will continue to make those decisions thoughtfully and together.

But here is where I draw the line – a restructuring plan that takes the important functions of the Budget and Control Board and assigns them to the legislature is not restructuring our government in a manner that better serves the people. We must make our government more open, more accountable, and more accessible to the citizens of South Carolina – not less.

More than two years ago, I first asked you to support putting all legislative votes on the record and both Chambers have passed rules putting that into effect. I appreciate that effort, and your recognition of the fact that the key to a strong democracy is when we have openness and true representation.

I want to thank Representative Nathan Ballentine for continuing the fight he and I started together as deskmates, as well of the rest of the House for following his lead and passing his On-The-Record Voting Bill unanimously the first week.

And I want to thank Senator Larry Martin for his work on this issue this year and Senator Harvey Peeler for continuing his efforts to make sure that this absolute right of the people becomes a reality.

I have long believed that rules protect legislators; laws protect the people. The people of this State have the right to know how their legislators vote, and we must complete this task, and complete it soon. And so I ask that the Senate move swiftly forward on making on-the-record voting permanent law this year.

It is time that we, collectively, do right by the people of this State.

I briefly mentioned education earlier, but a conversation about the role of state government would be incomplete without talking more about the state’s responsibility to educate our children.

It is perhaps the most important duty of our State to give South Carolina’s children the preparation they need to be successful contributors to our society. Not only for their sake, but for ours.

Our children are our future workforce, our future business owners, our future legislators, and even our future governors. The quality we give them now is the quality they will return back to South Carolina, the quality that will define our State long after we’re gone.

Last year, the people gave our children a tremendous champion when they elected Mick Zais as our State Superintendent of Education. And standing together, General Zais and I will reform the Department of Education.

We’ll start with the funding formula. As we said during the campaign, we need to educate our children not based on where they happen to be born and raised, but on the fact that they deserve a good, quality education, and they are our future workforce.

We must also privatize our school bus system. We are one of the last states in the nation to do so, and our government just doesn’t need to be in the school bus maintenance business.

Making this change would deliver our State a check for our old buses. It would deliver our children a new fleet of buses. It would keep our school bus drivers employed while transferring our mechanics to the private sector. And it would put the focus of our Education Department where it needs to be: teaching our kids.

I want each of you to know how very proud I am of South Carolina – it’s a great State, with great people and a brilliant future. I want every citizen in this State to share in my pride. It is our job to continue to give the people of South Carolina something to feel good about.

At the next State of the State, we will be talking about our first year. My goal tonight was to lay out a vision that ensures when we come together next year, we are talking about the next set of challenges, not the same ones we are talking about now.

At this time next year, we should not be talking about on the record votes. We should not be talking about spending caps. We should not be talking about deficits in our budget. We should not be talking about government restructuring. Those should be success stories delivered to the people this year.

Results matter. The wins we shared this first week should be the pace our administration continues to have.

The wins this legislature feels should not be defined by half-year sessions but by weekly and monthly goals achieved.

The chatter among the people of our State should be positive.

We have old challenges in a new year. It is up to the people in this room to decide whether we will continue our old ways or whether we too will turn the page.

I believe you have seen in the months since my election that I have made every effort to demonstrate my eagerness in getting things done for the people of this State in our first year.

But I can't do it alone. You hold the key.

We have a lot of challenges, but one of the greatest is our culture. We must change the way we think and proceed in this State House. I know this process and have lived it. It’s slow. It’s political. And it doesn't have to be.

I can redefine the habits of the Governor’s office. I am willing to do so. I have every faith that each of you can redefine the way this legislature has functioned.

And I know the people of this State will be better, every day, when you do so.

As many of you will come to know in the weeks and months ahead, the door to my office has a sign for all to see every time they walk through my doorway.

The sign says, “Can’t Is Not An Option.”

For too long, we have approached the problems facing South Carolina with the question, “Can we get this done?” It’s the wrong question, and predictably, almost always leads us to the wrong answer.

If we approach our challenges with the mindset that can’t is not an option, and begin to instead ask ourselves the question “How do we get to where we need to go?”, we will give the people of South Carolina a state that every other state in the country looks at and says, “That’s how you do it.”

That’s my South Carolina.

I know that together, we can make it happen.

Thank you, may God bless, and may He continue to smile on South Carolina.

The purpose 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.

**MOTION ADOPTED**

On motion of Senator LEVENTIS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Rev. Bishop Edward Neufville, who passed away on Monday, January 10, 2011, at the age of 73.  Bishop Neufville and his family fled persecution and war in his home nation of Liberia in 1991, finding peace and safety in Sumter, South Carolina.  In January 1991, prior to his coming to Sumter, he and his wife sent their son, Eddie Jr., to live with the Rev. Charles Walton, the former Director of the Church of the Holy Comforter and a friend of Neufville's during their time at Virginia Theological Seminary.  Eddie Jr., a Sumter High graduate, ran for the Liberian track team in the 1996 Olympic Games and was inducted into the Sumter High Hall of Fame last year. When the elder Neufville finally arrived to be with his family, Walton said the community rallied around him.  During his time in Sumter, Neufville worked with residents to send supplies and food back to people in Liberia. He served at St. Christopher's Episcopal Church for about three years before returning to Liberia for some time. Bishop Neufville was well-loved by the Sumter community and will be missed deeply.

**ADJOURNMENT**

At 7:46P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

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