**Thursday, March 24, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Our loving Lord declared:

“ ‘Blessed are the peacemakers...’ ” (Matthew 5:9a)

Join me as we pray:

Dear God above, how greatly do we seek peace in this day and time. And how terribly aware are we that true security comes only from You. Be with us all, Lord, and grant Your peace—peace within this Senate Chamber, peace among all who serve You in this State House, peace for all of the citizens of South Carolina, and peace in every land around the globe. Moreover, we pray that You will not only grant Your peace to each of these Senators, but that You will be with and bless all of the members of our Armed Forces who serve You during these perilous days. Indeed, blessed are the peacemakers. We pray this in Your holy name, Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointments**

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

William R. Chumley, 905 Fowler Rd., Woodruff, SC 29388

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Vicki Rae Smith, 1074 Cross Anchor Road, Woodruff, SC 29388

**Doctor of the Day**

Senator LARRY MARTIN introduced Dr. Larry Winn of Easley, S.C., Doctor of the Day.

**Leave of Absence**

At 11:05 A.M., Senator CROMER requested a leave of absence for Tuesday, March 29, 2011, and lasting until 10:00 A.M the following day.

**Leave of Absence**

At 11:05 A.M., Senator ROSE requested a leave of absence beginning at 2:00 P.M. today.

**Leave of Absence**

On motion of Senator SHEHEEN, at 11:05 A.M., Senators JACKSON and LOURIE was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator CROMER, at 11:05 A.M., Senator CAMPBELL was granted a leave of absence for today.

**Leave of Absence**

At 2:00 P.M., Senator SHOOPMAN requested a leave of absence until 3:30 P.M.

**Status Report on Subcommittee Progress**

Senator MASSEY was recognized to present a report to the Senate regarding the deficit problems in state agencies.

**Expression of Personal Interest**

Senator ROSE rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 271 Sen. Knotts

S. 522 Sen. Alexander

S. 586 Sen. Coleman

S. 590 Sen. Ford

S. 629 Sen. Ford

S. 630 Sen. Elliott

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 727 -- Senators Elliott, Williams and Ford: A JOINT RESOLUTION TO PROVIDE THAT THE WHOLESALE GASOLINE FOR EACH OCTANE SOLD IN THIS STATE MAY NOT EXCEED THE AVERAGE PRICE IT SELLS FOR ON APRIL 15, 2011, AND TO PROVIDE THAT PRICE SHALL REMAIN CAPPED FROM APRIL 15, 2011, UNTIL APRIL 15, 2012.

l:\council\bills\nbd\11498dg11.docx

Senator ELLIOTT spoke on the Joint Resolution.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 728 -- Senator Pinckney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-71-295 SO AS TO DEFINE THE TERM “SMOKING CESSATION PROGRAM”, TO REQUIRE THAT CERTAIN HEALTH INSURANCE POLICIES INCLUDE COVERAGE FOR SMOKING CESSATION TREATMENT, TO PERMIT A PROVIDER OF THIS INSURANCE TO IMPOSE COPAYMENTS, DEDUCTIBLES, OR BOTH, AND TO PROVIDE EXCEPTIONS.

l:\council\bills\ms\7111ab11.docx

Read the first time and referred to the Committee on Banking and Insurance.

S. 729 -- Senator Rose: A BILL TO AMEND CHAPTER 112, TITLE 59 OF THE 1976 CODE, RELATING TO TUITION AND FEES FOR STATE POST-SECONDARY EDUCATIONAL INSTITUTIONS, BY ADDING SECTION 59-112-140 TO REQUIRE ALL REVENUE FROM OUT-OF-STATE TUITION IN EXCESS OF IN-STATE TUITION RATES TO BE REMITTED TO THE STATE'S GENERAL FUND.

l:\s-res\mtr\051outo.rem.mtr.docx

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

S. 730 -- Senator S. Martin: A BILL TO AMEND SECTION 7-27-415 OF THE 1976 CODE, RELATING TO THE SPARTANBURG COUNTY ELECTION COMMISSION AND SPARTANBURG COUNTY BOARD OF REGISTRATION, TO PROVIDE THAT MEMBERS ARE APPOINTED TO FOUR YEAR TERMS.

l:\s-res\srm\010sbur.kmm.srm.docx

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

S. 731 -- Senators Scott and Jackson: A BILL TO AMEND SECTION 5-7-200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GROUNDS FOR FORFEITURE OF THE OFFICE OF MAYOR OR COUNCILMAN AND THE FILLING OF A VACANCY IN EITHER OFFICE, SO AS TO PROVIDE AN ADDITIONAL PERIOD OF TIME THAT MAY BE UTILIZED TO FILL A VACANCY IN EITHER OFFICE.

l:\council\bills\ggs\22062zw11.docx

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

S. 732 -- Senators Pinckney, Knotts, Scott, Peeler, Fair, Cleary, Ford, Nicholson, Williams, Hutto, Elliott, Alexander, Matthews, Land, Setzler, Campbell, Hayes, McConnell, Davis and Thomas: A BILL TO AMEND SECTION 16-11-523, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OBTAINING NONFERROUS METALS UNLAWFULLY, SO AS TO REVISE THE PENALTIES FOR VIOLATIONS OF THIS PROVISION; TO AMEND SECTION 16-17-680, AS AMENDED, RELATING TO THE PURCHASE OF NONFERROUS METALS, PROCEDURES AND REQUIREMENTS FOR PURCHASE OF NONFERROUS METALS, AND EXCEPTIONS, SO AS TO PROVIDE ADDITIONAL RESTRICTIONS RELATED TO THE SALE OF COPPER; TO AMEND SECTION 16-17-685, RELATING TO THE UNLAWFUL TRANSPORTATION OF NONFERROUS METALS, SO AS TO INCREASE THE PENALTIES FOR CERTAIN VIOLATIONS OF THIS PROVISION; AND BY ADDING CHAPTER 40 TO TITLE 40 SO AS TO REQUIRE SECONDARY METALS RECYCLERS TO REGISTER WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, AND TO PROVIDE REGISTRATION AND RENEWAL REQUIREMENTS.

l:\council\bills\swb\6108cm11.docx

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

S. 733 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑1-65 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE PUBLIC WITHIN FORTY-EIGHT HOURS OF A SPILL OF DOMESTIC SEWAGE INTO THE WATERS OF THIS STATE THAT EXCEEDS FIVE THOUSAND GALLONS; TO STIPULATE THE FORM AND CONTENT OF THE NOTICE; TO PROVIDE AN EXEMPTION; AND TO PROVIDE PENALTIES.

l:\council\bills\nbd\11504ac11.docx

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

S. 734 -- Senator Pinckney: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 601 IN JASPER COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO ITS INTERSECTION WITH THE JASPER/HAMPTON COUNTY LINE THE “EUNICE HOLMAN DOE HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "EUNICE HOLMAN DOE HIGHWAY".

l:\council\bills\swb\5064cm11.docx

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

S. 735 -- Senator Reese: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 221 IN THE CITY OF CHESNEE FROM ITS INTERSECTION WITH MANNING STREET TO ITS INTERSECTION WITH GREENWOOD STREET “MAYOR CLIFF EDWARDS HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS "MAYOR CLIFF EDWARDS HIGHWAY".

l:\council\bills\swb\5052cm11.docx

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

S. 736 -- Senator Pinckney: A SENATE RESOLUTION TO CONGRATULATE MRS. BEULAH PEOPLES BRISTOW ON THE OCCASION OF HER EIGHTIETH BIRTHDAY AND TO WISHHER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

l:\council\bills\rm\1136bh11.docx

The Senate Resolution was adopted.

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

l:\council\bills\rm\1138ab11.docx

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

S. 738 -- Senators Cleary and Alexander: A SENATE RESOLUTION TO COMMEND THE REPUBLIC OF CHINA (TAIWAN) FOR ITS RELATIONS WITH THE UNITED STATES AND FOR OTHER PURPOSES.

l:\council\bills\rm\1139htc11.docx

The Senate Resolution was adopted.

S. 739 -- Senator Cleary: A SENATE RESOLUTION TO WELCOME TO SOUTH CAROLINA SID L. SCRUGGS III, PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF LIONS CLUBS, ON THE OCCASION OF THE 87TH ANNUAL SOUTH CAROLINA LIONS MULTIPLE DISTRICT 32 STATE CONVENTION, AND TO RECOGNIZE THE LIONS CLUB FOR ITS MANY YEARS OF COMMUNITY SERVICE.

l:\council\bills\rm\1141dg11.docx

The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator COURSON from the Committee on Education submitted a majority favorable with amendment and Senator RANKIN a minority unfavorable report on:

H. 3241 -- Reps. Owens, Stringer, G.R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D.C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59‑40‑175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; TO AMEND SECTION 59‑40‑20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59‑40‑40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59‑40‑50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO ALLOW FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL, REVISE PRIORITY ENROLLMENT LIMITS, PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, PROVIDE FOR BOARD MEETING NOTICE REQUIREMENTS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION; TO AMEND SECTION 59‑40‑100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS PROVIDING FOR PAPER BALLOTS, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, AND TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59‑40‑190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59‑40‑230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP; AND TO AMEND SECTION 59‑40‑130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

Ordered for consideration tomorrow.

**Appointments Reported**

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

**Statewide Appointments**

Initial Appointment, South Carolina State Commission on Higher Education, with the term to commence July 1, 2010, and to expire July 1, 2012

Public University Representative:

Natasha M. Hanna, 874 Denali Drive, Conway, SC 29526 *VICE* Mr. Kenneth Jackson

Received as information.

Initial Appointment, South Carolina State Commission on Higher Education, with the term to commence July 1, 2008, and to expire July 1, 2012

At-Large:

Elizabeth Jackson, 102 Tadpole Court, Lexington, SC 29072 *VICE* Dr. Douglas Forbes

Received as information.

Initial Appointment, South Carolina State Commission on Higher Education, with the term to commence July 1, 2010, and to expire July 1, 2012

Research Institutions:

Leah B. Moody, 840 Brunswick Drive, Rock Hill, SC 29730 *VICE* Dr. Charles Thomas, Jr.

Received as information.

Initial Appointment, South Carolina State Commission on Higher Education, with the term to commence July 1, 2010, and to expire July 1, 2012

Technical School:

Charles Munns, 123 Trippi Lane, Aiken, SC 29803 *VICE* Mr. J. Neal Workman, Jr.

Received as information.

Initial Appointment, South Carolina State Commission on Higher Education, with the term to commence June 30, 2010, and to expire June 30, 2014

Private College Presidents:

Rodney A. Smolla, 1209 Roe Ford Road, Greenville, SC 29617 *VICE* Dr. Mitchell Zais (resigned)

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 3373 -- Reps. Sandifer, Bowers, Bales, Anderson and Pinson: A BILL TO AMEND SECTION 38‑77‑112, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF AN AUTOMOBILE INSURER FROM THE REQUIREMENT TO WRITE AUTOMOBILE INSURANCE COVERAGE FOR AN APPLICANT OR EXISTING POLICYHOLDER, SO AS TO REMOVE CERTAIN EXEMPTIONS FROM THE APPLICABILITY OF THIS SECTION.

**Recorded Vote**

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

H. 3397 -- Reps. Lowe and Crawford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑674 SO AS TO DESIGNATE THE SOUTH CAROLINA PECAN FESTIVAL IN FLORENCE COUNTY AS THE OFFICIAL STATE PECAN FESTIVAL.

**Recorded Vote**

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

H. 3668 -- Rep. Bannister: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 56‑1‑745 RELATING TO THE DRIVER’S LICENSE SUSPENSION OF A PERSON CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION.

Senators LARRY MARTIN and MALLOY explained the Bill.

H. 3806 -- Reps. Toole, Bingham, Quinn, Frye, Huggins, Atwater, Spires, McLeod, Ballentine and Ott: A JOINT RESOLUTION TO PROVIDE A PROPERTY TAX CREDIT FOR PROPERTY TAX YEAR 2011 FOR OWNER‑OCCUPIED RESIDENTIAL PROPERTY SITUATED IN LEXINGTON COUNTY SCHOOL DISTRICT NOS. 1 AND 4 AS THE SOLE REMEDY FOR REFUNDING OVERPAYMENTS OF PROPERTY TAX ON SUCH PROPERTY FOR PROPERTY TAX YEARS 2007 AND 2008 AS A RESULT OF THE OPINION OF THE SOUTH CAROLINA SUPREME COURT IN THE CASE OF *BERKELEY COUNTY SCHOOL DISTRICT ET AL. V. SOUTH CAROLINA DEPARTMENT OF REVENUE*, AND TO PROVIDE FOR THE CALCULATION OF THE CREDIT AND OTHER REFUNDS RESULTING FROM THE CASE, AND TO PROVIDE THOSE ELIGIBLE TO RECEIVE THE CREDIT.

Senator KNOTTS explained the Resolution.

**THIRD READING BILLS**

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

S. 172 -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts, O’Dell, S. Martin, Ford and McGill: A BILL TO AMEND ARTICLE 2, CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO PUBLIC INSTITUTIONS OF HIGHER LEARNING, BY ADDING SECTION 59‑101‑670 TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE, AND TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST POST ONLINE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO PUBLIC OFFICIALS AND EMPLOYEES FOR PUBLIC USE; AND TO AMEND ARTICLE 15, CHAPTER 1, TITLE 1, RELATING TO REPORTING OF EXPENDITURES OF STATE APPROPRIATED FUNDS BY STATE AGENCIES, PERSONAL DATA AND THE LIKE, BY ADDING SECTION 1‑1‑1040 TO PROVIDE THAT ALL STATE AGENCIES MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS INTERNET WEBSITE THE AGENCY’S, DEPARTMENT’S, OR INSTITUTION’S MONTHLY STATE PROCUREMENT CARD STATEMENTS OR MONTHLY REPORTS CONTAINING ALL OR SUBSTANTIALLY ALL THE SAME INFORMATION CONTAINED IN THE MONTHLY STATE PROCUREMENT CARD STATEMENTS.

S. 724 -- Senator McGill: A BILL TO AMEND ACT 1095 OF 1962, AS AMENDED, RELATING TO THE LOWER FLORENCE COUNTY HOSPITAL DISTRICT, SO AS TO PROVIDE A PROCESS BY WHICH THE FLORENCE COUNTY COUNCIL MAY LEVY MILLAGE WITHIN THE DISTRICT FOR PURPOSES OF CONSTRUCTING, EQUIPPING, AND MAINTAINING HOSPITAL FACILITIES WITHIN THE DISTRICT.

S. 522 -- Senators Leatherman, O’Dell, Setzler and Alexander: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2010.

S. 607 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS; AND STANDARDS FOR PERFORMANCE FOR ASBESTOS PROJECTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4130, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 620 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO PALMETTO FELLOWS SCHOLARSHIP AND PALMETTO FELLOWS SCHOLARSHIP ENHANCEMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4149, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**Recorded Vote**

Senator McCONNELL desired to be recorded as voting against the third reading of the Resolution.

S. 621 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA NEED-BASED GRANTS PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4148, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator COURSON explained the Joint Resolution.

S. 622 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO LIFE SCHOLARSHIP & LIFE SCHOLARSHIP ENHANCEMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4146, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 623 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO LOTTERY TUITION ASSISTANCE PROGRAM FOR TWO-YEAR PUBLIC AND INDEPENDENT INSTITUTIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4147, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 624 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA HOPE SCHOLARSHIP, DESIGNATED AS REGULATION DOCUMENT NUMBER 4145, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 232 -- Senators Cleary and Ford: A BILL TO AMEND SECTION 44‑7‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE STATE CERTIFICATION OF NEED AND HEALTH CARE FACILITY ACT, SO AS TO REVISE THE DEFINITION OF HEALTH CARE FACILITY.

Senator CLEARY explained the Bill.

The question then was third reading of the Bill.

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

**Ayes 31; Nays 11**

**AYES**

Alexander Anderson Cleary

Coleman Courson Cromer

Elliott Hayes Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Ryberg Scott

Setzler Sheheen Verdin

Williams

**Total--31**

**NAYS**

Bright Bryant Campsen

Davis Fair Grooms

*Martin, Shane* McConnell Rose

Shoopman Thomas

**Total--11**

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

S. 271 -- Senators Cleary, Ford and Knotts: A BILL TO AMEND SECTION 15‑41‑30 OF THE 1976 CODE, RELATING TO AN INDIVIDUAL RETIREMENT ACCOUNT BEING EXEMPT FROM ATTACHMENT, LEVY, AND SALE, TO DELETE THE PROVISION THAT THE EXEMPTION ONLY APPLIES TO THE EXTENT REASONABLY NECESSARY FOR THE SUPPORT OF THE DEBTOR AND ANY DEPENDENT OF THE DEBTOR AND TO INCREASE THE ALLOWABLE AMOUNTS TO CONFORM TO THOSE ALLOWABLE UNDER FEDERAL BANKRUPTCY LAW.

Senator CLEARY explained the Bill.

S. 523 -- Senators Leatherman and McGill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 23, TITLE 4 SO AS TO ALLOW JOINT COUNTY FIRE DISTRICTS TO UTILIZE THE PROCEDURES CONTAINED IN ARTICLE 5, CHAPTER 11, TITLE 6 TO ISSUE GENERAL OBLIGATION BONDS.

**Recorded Vote**

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

S. 241 -- Senators Rose and Leventis: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA DYSLEXIA TASK FORCE, TO PROVIDE FOR THE COMPOSITION OF THE TASK FORCE, AND TO PROVIDE THAT THE TASK FORCE SHALL REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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

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

The Committee on Agriculture and Natural Resources proposed the following amendment (520R001.DBV)WWA:

Amend the bill, as and if amended, page 1, by striking all after the enacting words and inserting:

/ SECTION 1. Section 48‑39‑290(A)(3) of the 1976 Code is amended to read:

“(3) fishing piers and associated amenity structures which are open to the public. Those fishing piers with their associated amenity structures including, but not limited to, baitshops, restrooms, restaurants, and arcades which existed September 21, 1989, may be rebuilt if they are constructed to the same dimensions and utilized for the same purposes and remain open to the public. In addition, those fishing piers with their associated amenity structures which existed on September 21, 1989, that were privately owned, privately maintained, and not open to the public on this date also may be rebuilt and used for the same purposes if they are constructed to the same dimensions;”

SECTION 2. Section 48‑39‑290(A)(8)(e)(ii) of the 1976 Code is amended to read:

“(ii) restoration of the adversely affected beach and adjacent real estate through renourishment pursuant to subsection (c).

An adjacent or downdrift property owner that claims a groin has caused or is causing an adverse impact shall notify the department of such impact. The department shall render an initial determination within sixty ~~(60)~~ days of such notification. Final agency action shall be rendered within twelve months of notification. An aggrieved party may appeal the decision pursuant to the Administrative Procedures Act.

A permit must be obtained from the department for items (2) through (8). However, no permit is required pursuant to this chapter for associated amenity structures constructed on fishing piers if local governmental bodies are responsible for the planning and zoning to authorize construction of the amenity structures. Associated amenity structures do not include those employed as overnight accommodations or those consisting of more than two stories above the pier decking. Associated amenity structures, excluding restrooms, handicapped access features, and observation decks, may occupy no more than thirty‑five percent of the total surface area of the fishing pier or be constructed at a location further seaward than one‑half the length of the fishing pier as measured from the baseline.”

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

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 1**

**AYES**

Alexander Bryant Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

Bright

**Total--1**

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

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

The Committee on Education proposed the following amendment (AGM\18881BH11), which was adopted

Amend the joint resolution, as and if amended, by deleting in its entirety SECTION 1(B), as contained in SECTION 1, pages 1-2, and inserting:

/ (B) The study committee must be composed of the following members:

(1) the Director of the Department of Social Services, or his designee, who shall serve as the chairperson for the study committee;

(2) the Commissioner of the Department of Health and Environmental Control, or his designee, who shall serve as the co‑chairperson of the study committee;

(3) the Director of the South Carolina Law Enforcement Division, or his designee;

(4) one member of the Joint Citizens and Legislative Committee on Children (JCLCC), chosen by the Chairperson of the JCLCC;

(5) one member representing the YMCA, chosen by the chairperson upon the recommendation of the YMCA;

(6) one member representing the South Carolina Recreation and Parks Association (SCRPA), chosen by the chairperson upon the recommendation of the SCRPA;

(7) one member representing the South Carolina Afterschool Care Alliance (SCACA), chosen by the chairperson upon the recommendation of the SCACA;

(8) three members appointed by the Governor, of which at least two members must be from religious‑affiliated groups that operate summer camp programs in South Carolina; and

(9) one member appointed by the Chairman of the Commission on Higher Education. /

Amend the bill further by deleting in its entirety SECTION 1(E), as contained in SECTION 1, page 2, and inserting:

/ (E) Members of the study committee shall serve without compensation and may not receive mileage or per diem. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the Joint Resolution.

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

**Ayes 34; Nays 10**

**AYES**

Alexander Anderson Cleary

Coleman Courson Cromer

Elliott Fair Ford

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Ryberg Scott

Setzler Sheheen Thomas

Williams

**Total--34**

**NAYS**

Bright Bryant Campsen

Davis Grooms *Martin, Shane*

McConnell Rose Shoopman

Verdin

**Total--10**

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

**READ THE SECOND TIME**

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.

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

Senators LEVENTIS and CROMER explained the Joint Resolution.

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

**Ayes 38; Nays 2**

**AYES**

Alexander Anderson Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--38**

**NAYS**

Bright Bryant

**Total--2**

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

**READ THE SECOND TIME**

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

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

Senator DAVIS explained the Bill.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Massey

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 590 -- Senators McGill and Ford: A JOINT RESOLUTION TO EXEMPT THE ESTABLISHMENT OF A GEROPSYCHIATRIC DISTINCT PART UNIT FOR PROSPECTIVE PAYMENT SYSTEM EXCLUSION OF UP TO TEN BEDS FROM THE REQUIREMENT OF OBTAINING A CERTIFICATE OF NEED.

The Senate proceeded to a consideration of the Resolution, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

The Medical Affairs Committee proposed the following amendment (NBD\11483DG11), which was adopted:

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

/A JOINT RESOLUTION

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

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

SECTION 1. (A) Notwithstanding any other provision of law, there is established a pilot project to assess the provision of care for a defined population of patients at least sixty-five years old and in need of psychiatric crisis stabilization services. The pilot project shall be conducted at two Critical Access Hospitals (CAHs) in the State and must be coordinated between the South Carolina Department of Health and Environmental Control (DHEC) and the South Carolina Department of Mental Health. To the extent practicable, the CAHs must be located in different regions of the State with differing racial and socioeconomic demographics.

(B)(1) A CAH desiring to participate in this pilot project shall apply to the DHEC by July 1, 2012. The Director of DHEC shall select the two CAHs that participate. In determining the location of the project, the director shall consider population trends, access to services for elderly patients in rural communities in a state of psychiatric crisis, the resources required to provide these services, the impact of increased accessibility on the target population, and the economics of the health care delivery system. The target population shall be patients at least sixty-five years old who present to a study hospital in need of psychiatric crisis stabilization.

(2) The ten beds designated to participate in the project shall be licensed by July 1, 2013. The project must conclude no later than July 1, 2016.

(C) Upon completion of the projects, DHEC and the Department of Mental Health, in consultation with the participating CAHs, shall submit a report with its findings and recommendations to the State Health Planning Committee, established pursuant to Section 44-7-180. The results of the pilot project shall be utilized by the State Health Planning Committee to advise the Board of Health and Environmental Control whether new standards and criteria should be established in the South Carolina Health Plan to change the manner in which the accessibility of psychiatric services is determined for patients at least sixty-five years old who are in a psychiatric crisis situation.

(D) Prior to and throughout the project’s duration, if a participating CAH de-licensed beds prior to the commencement of the project in order to qualify as a CAH, the CAH may re-license up to ten of the original general bed complement in order to establish a Geropsychiatric Distinct Part Unit for Prospective Payment System Exclusion, as defined by the Federal Centers for Medicare and Medicaid Services for the purpose of conducting this project. The CAHs must request a written exemption from DHEC but a certificate of need is not required for participation in the study. The Geropsychiatric District Part Unit must meet all applicable state and federal laws and regulations, including all licensing and certification requirements, and the requirements pertaining to the Emergency Medical Treatment and Active Labor Act.

(E) If the beds established by this pilot project are decertified or the pilot project is closed, the CAH must not operate the beds for any other use. The pilot project beds must not be interchanged or combined with beds of other units and must be physically located on the same site as the hospital.

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

Renumber sections to conform.

Amend title to conform.

Senator McGILL explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Resolution.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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

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

The Committee on Fish, Game and Forestry proposed the following amendment (512R001.REC), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 28 and inserting:

/ section, Lake Moultrie means all waters impounded by the /

Renumber sections to conform.

Amend title to conform.

Senator McGILL explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 5**

**AYES**

Alexander Anderson Bryant

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Malloy *Martin, Larry* Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Ryberg

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--36**

**NAYS**

Bright Campsen *Martin, Shane*

Massey Verdin

**Total--5**

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

**AMENDED AND READ THE SECOND TIME**

**OBJECTION TO THIRD READING**

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

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

Senator SHEHEEN proposed the following amendment (AGM\18943BH11), which was adopted:

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

/ SECTION \_\_\_. Notwithstanding regulation 43‑205.1, a continuing‑contract teacher who is being recommended for formal evaluation the following school year must be notified in writing on or before the date the school district issues the written offer of employment or reemployment. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHHEN explained the amendment.

Senator RYBERG proposed the following amendment (629R003.WGR), which was adopted:

Amend the joint resolution, as and if amended, by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. Notwithstanding another provision of law, school districts uniformly may negotiate salaries below the school district salary schedule for the 2011‑2012 school year for retired teachers./

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

The question then was second reading of the Resolution.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson Peeler Pinckney

Rankin Reese Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

**S. 629--Objection to Third Reading of the Resolution**

Senator COURSON asked unanimous consent to give the Resolution a third reading on the next legislative day.

Senator RYBERG objected.

**READ THE SECOND TIME**

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

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

Senator KNOTTS explained the Bill.

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

**Ayes 37; Nays 4**

**AYES**

Alexander Bryant Cleary

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--37**

**NAYS**

Bright Campsen *Martin, Shane*

Thomas

**Total--4**

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

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

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

Senators McGILL and CROMER explained the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (3374R001.REC), which was adopted:

Amend the bill, as and if amended, page 10, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. The Department of Natural Resources is authorized to take all actions necessary to prepare for the implementation of this act including, but not limited to, the promulgation of regulations.

SECTION 3. This act takes effect one year after approval by the Governor, except Section 2 takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**OBJECTION**

H. 3287 -- Reps. Hardwick and Hodges: A BILL TO AMEND SECTION 50‑21‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ABANDONMENT OF WATERCRAFT AND OUTBOARD MOTORS, SO AS TO PROVIDE THAT AN ABANDONED WATERCRAFT MAY BE REMOVED AND DISPOSED OF BY ANY GOVERNMENT AGENCY THAT HAS JURISDICTION OVER THE AREA WHERE THE ABANDONED WATERCRAFT IS LOCATED, AND TO PROVIDE THAT A WATERCRAFT ABANDONED FOR AT LEAST NINETY DAYS MAY BE CLAIMED BY ANY PERSON OR ENTITY AS ABANDONED PROPERTY.

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

The Committee on Fish, Game and Forestry proposed the following amendment (3287R001.REC), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 3-8 and inserting:

/ (C) An abandoned watercraft ~~must~~ as identified by the department may be removed at the risk and expense of the owner and disposed of by any governmental agency that has jurisdiction over the area where the abandoned watercraft is located.

(D) A watercraft identified by the department as abandoned for at least ninety days may be claimed by any person or entity as abandoned property.” /

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the amendment.

Senator SHEHEEN objected to further consideration of the Bill.

**AMENDMENT ADOPTED**

**OBJECTION**

S. 225 -- Senators Knotts, Ford and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION; AND TO AMEND SECTION 56‑1‑720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON’S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT ONE POINT MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF USING A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION WHILE OPERATING A MOTOR VEHICLE.

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

Senators CROMER, KNOTTS and LEVENTIS proposed the following amendment (MS\7311AHB11), which was adopted:

Amend the bill, as and if amended, by deleting in its entirety Section 56‑5‑3890(D), as contained in SECTION 1, beginning on page 2, beginning on line 37, and inserting:

/ (D)(1) A person who violates this section is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined twenty dollars and pay a twenty‑five dollar Trauma Care Fund surcharge. The twenty dollar fine is subject to all applicable court costs, assessments, and surcharges, except as provided in item (2);

(b) for a second offense within five years of a prior offense, must be fined twenty‑five dollars, pay a twenty‑five dollar Trauma Care Fund surcharge, and have two points assessed against the person’s motor vehicle operating record, no part of which may be waived, reduced, or suspended. The twenty‑five dollar fine is subject to all applicable court costs, assessments, and surcharges; and

(c) for a third offense or subsequent offense within five years of a prior offense, must be fined seventy‑five dollars, pay a twenty‑five dollar Trauma Care Fund surcharge, and have four points assessed against the person’s motor vehicle operating record, no part of which may be waived, reduced, or suspended. The seventy‑five dollar fine is subject to all applicable court costs, assessments, and surcharges.

(2)(a) For a first offense, instead of the penalty provided in subsection (D)(1)(a), the person may successfully complete a driver’s education program within sixty days of the person’s conviction date, which specifically contains, in whole or in part, education regarding distracted or inattentive driving.

(b) The person shall select a program approved by the Department of Public Safety’s Office of Highway Safety. The Office of Highway Safety may approve more than one program, and such programs may be conducted by classroom, computer, or Internet. The Office of Highway Safety shall post information regarding the approved programs on its website.

(c) The person shall indicate to the judge at the time of conviction that the person intends to successfully complete a program instead of the penalty. The judge shall instruct the person as to how the person is to comply with the requirements of this item. Notwithstanding Section 56-7-30, the court shall retain the records and audit copy of the traffic ticket for the violation until the judge has made a determination as to whether the person has successfully completed the program.

(d) The person shall return to the court within sixty days of the conviction date. At that time, the person shall present an original certificate from the program indicating that the person has successfully completed the program. Also, the person shall sign an affidavit provided by the court swearing or affirming that the person has successfully completed the program.

(e) If the judge determines that the person has successfully completed the program, the judge shall waive the fine, the Trauma Care Fund surcharge, and all applicable court costs, assessments, and surcharges, except ten dollars that shall be used exclusively by the court to offset the costs associated with administering the person’s compliance with this item. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section without any points assessed against the person’s motor vehicle operating record. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record without any points assessed.

(f) If the judge determines that the person has failed to successfully complete the program, the judge shall impose the fine, the Trauma Care Fund surcharge, and all other applicable court costs, assessments, and surcharges. The court shall remit the records and audit copy of the traffic ticket to the Department of Motor Vehicles within ten days indicating a violation of this section. The Department of Motor Vehicles shall indicate a violation of this section on the person’s motor vehicle operating record.

(g) A person is not permitted to complete a program instead of the penalty if the person has been convicted of a prior violation of this section. Only those violations that occurred within a period of five years, including and immediately preceding the date of the last violation, constitute prior violations within the meaning of this subsection.

(3) If the person does not subsequently violate this section within one year from the date of conviction, the Department of Motor Vehicles shall remove the points assessed against the person’s motor vehicle operating record. However, the Department of Motor Vehicles shall not remove an indication of the violation of this section from the person’s motor vehicle operating record. For purposes of this section, if the Department of Motor Vehicles has not received a ticket or some other notice from a court one year from the date of conviction indicating that the person has subsequently violated this section, the Department of Motor Vehicles shall remove the points assessed.

(4) The Trauma Care Fund surcharge must be deposited with the city or county treasurer, as applicable, for remittance to the State Treasurer. The State Treasurer shall deposit the Trauma Care Fund surcharge in the South Carolina State Trauma Care Fund. The Trauma Care Fund surcharge must not be used by the Department of Health and Environmental Control for the payment of the department’s administrative or operating expenses or for any purpose other than providing financial aid to participating trauma care providers and grants related to trauma care in this State. The Trauma Care Fund surcharge is not subject to the provisions of Section 44‑61‑520(G).

(5) During the first one hundred eighty days after this section’s effective date, law enforcement officers shall issue only warnings for violations of this section. /

Amend the bill further, Section 56-1-720, as contained in SECTION 2, by deleting lines 42 and 43 on page 6 and line 1 on page 7, and inserting:

/ Using a wireless electronic communication

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

communication while operating a motor vehicle,

second offense………………………………………..2

Using a wireless electronic communication

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

communication while operating a motor vehicle,

third or subsequent offense …………………………..4.” /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

Senator BRIGHT argued contra to the Bill.

Senator HAYES objected to further consideration of the Bill.

**CARRIED OVER**

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

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

**CARRIED OVER**

S. 722 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, LIMITS, METHODS OF TAKE, AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS; AND TURKEY HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4141, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CAMPSEN explained the Resolution.

On motion of Senator CAMPSEN, the Joint Resolution was carried over.

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER AS AMENDED**

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

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

The Committee on Education proposed the following amendment (AGM\18759BH11), which was adopted:

Amend the bill, as and if amended, by deleting in its entirety Section 59‑102‑90(2), as contained in SECTION 1, page 9, lines 12‑13, and inserting:

/ (2) three hundred dollars for an application for renewal of registration. /

Renumber sections to conform.

Amend title to conform.

Senator LOURIE explained the committee amendment.

The committee amendment was adopted.

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

**ADOPTED**

H. 3715 -- Reps. Crawford, Agnew, 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, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, 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, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE ON FRIDAY, JUNE 17, 2011, FROM 11:30 A.M. TO 1:00 P.M. FOR ITS ANNUAL STATE HOUSE MEETING.

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

**OBJECTION**

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

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

Senator RYBERG objected.

**OBJECTION**

H. 3399 -- Reps. Rutherford and Owens: A BILL TO AMEND JOINT RESOLUTION 263 OF 1998 RELATING TO THE GRANTING OF CONCURRENT FEDERAL LAW ENFORCEMENT JURISDICTION OVER THE NATIONAL ADVOCACY CENTER LOCATED ON THE COLUMBIA CAMPUS OF THE UNIVERSITY OF SOUTH CAROLINA IN RICHLAND COUNTY, SO AS TO EXTEND THAT CONCURRENT FEDERAL JURISDICTION TO ADJACENT FEDERALLY OCCUPIED PROPERTY AND TO THE INN AT USC AND THE KIRKLAND APARTMENT BUILDING LOCATED RESPECTIVELY AT 1619 PENDLETON STREET AND 1611 PENDLETON STREET IN THE CITY OF COLUMBIA, SOUTH CAROLINA AND TO DESIGNATE THE TEXT OF JOINT RESOLUTION 263 OF 1998, AS AMENDED BY THIS ACT, AS SECTION 3‑3‑350 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976.

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

Senator SHANE MARTIN proposed the following amendment (3399R002.SRM), which was ruled out of order:

Amend the bill, as and if amended, page 2, by striking line 18 and inserting:

/ Columbia, South Carolina.

(C) United States law enforcement agents must exercise the concurrent jurisdiction granted pursuant to this section to enforce federal immigration laws, must take into custody any illegal aliens located within the area delineated in this section, and immediately transport them to the nearest federal detention center. Illegal aliens must be housed in the properties referred to in subsection (B) pending transmission to the nearest federal detention center.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

**Point of Order**

Senator HUTTO raised a Point of Order that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

Amendment No. 1 was ruled out of order.

Senator SHANE MARTIN proposed the following amendment (3399R001.SRM), which was ruled out of order:

Amend the bill, as and if amended, page 2, by striking line 18 and inserting:

/ Columbia, South Carolina.

(C) United States law enforcement agents must exercise the concurrent jurisdiction granted pursuant to this section to enforce federal immigration laws, take into custody any illegal aliens located within the area delineated in this section, and immediately transport them to the nearest federal detention center.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

**Point of Order**

Senator HUTTO raised a Point of Order that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

Amendment No. 2 was ruled out of order.

Senator SHANE MARTIN objected to further consideration of the Bill.

**POINT OF ORDER**

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

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

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

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

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

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

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

**MOTION FAILED**

Senator LARRY MARTIN moved that the Senate dispense with the Motion Period.

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

**Ayes 14; Nays 24**

**AYES**

Alexander Anderson Campsen

Cleary Courson Cromer

Fair Grooms Hayes

*Martin, Larry* Massey Peeler

Ryberg Verdin

**Total--14**

**NAYS**

Bright Coleman Davis

Elliott Ford Hutto

Knotts Land Leatherman

Leventis Malloy *Martin, Shane*

Matthews McConnell McGill

Nicholson Pinckney Rankin

Reese Scott Setzler

Sheheen Shoopman Williams

**Total--24**

The Senate refused to dispense with the Motion Period.

**MADE SPECIAL ORDER**

S. 630 -- Senators Knotts, Massey, Peeler, Reese, Davis, Hutto, Fair, Hayes, Sheheen, Leventis, Malloy, Rose, McConnell, L. Martin, Rankin, Scott, Setzler, Coleman, Ford, Campbell, Land, Courson, McGill, Jackson, Williams, Matthews, Lourie, O’Dell, Cleary, Nicholson, Alexander, Anderson, Leatherman, Pinckney, Thomas, Campsen, Shoopman and Elliott: A SENATE RESOLUTION TO AMEND THE RULES OF THE SENATE BY ADDING RULE 54, THE “PROHIBITION ON NONCANDIDATE COMMITTEES”, SO AS TO PROHIBIT A MEMBER OF THE SENATE FROM, DIRECTLY OR INDIRECTLY, ESTABLISHING, FINANCING, MAINTAINING, OR CONTROLLING A NONCANDIDATE COMMITTEE.

Senator KNOTTS moved to make the Resolution a Special Order.

Senator GROOMS moved to table the motion to make the Resolution a Special Order.

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

**Ayes 11; Nays 28**

**AYES**

Bright Bryant Cromer

Fair Grooms *Martin, Larry*

*Martin, Shane* Massey Peeler

Ryberg Verdin

**Total--11**

**NAYS**

Alexander Anderson Campsen

Coleman Courson Davis

Elliott Ford Hayes

Hutto Knotts Land

Leatherman Leventis Malloy

Matthews McConnell McGill

Nicholson Pinckney Rankin

Reese Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--28**

The motion to table the motion to make the Resolution a Special Order failed.

The question then was the motion to make the Resolution a Special Order.

A roll call vote was ordered.

**Parliamentary Inquiry**

Senator GROOMS made a Parliamentary Inquiry as to whether or not the motion to make the Resolution a Special Order was debatable.

The PRESIDENT stated that under Rule 33, one opponent and one proponent had an equal amount of time subject to the thirty-minute limitation allowed in the Motion Period.

Senator GROOMS spoke on the motion.

The PRESIDENT stated that time had expired for opponents.

Senator SHEHEEN spoke on the motion.

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

**Ayes 28; Nays 11**

**AYES**

Alexander Anderson Campsen

Cleary Coleman Courson

Davis Elliott Fair

Ford Hayes Hutto

Knotts Land Leatherman

Leventis Malloy Matthews

McConnell McGill Nicholson

Pinckney Rankin Reese

Scott Setzler Sheheen

Williams

**Total--28**

**NAYS**

Bright Bryant Cromer

Grooms *Martin, Larry Martin, Shane*

Massey Peeler Ryberg

Thomas Verdin

**Total--11**

The Resolution was made a Special Order.

**Statement by Senator THOMAS**

I voted against setting S. 630 for Special Order because as a supporter of Governor Haley’s initiatives I wanted to give Special Order status to Governor Haley’s proposals such as creation of a Department of Administration, Income Disclosure, Spending Caps, Merger of PPP into Corrections and Appointment of the Superintendent of Education by the Governor.  I will vote in favor of S. 630 but the occupation of that Special Order spot means that most likely one or more of the Governor’s initiatives will not take place given the lateness in the session as we move into the Budget and Reapportionment.

The Motion Period had expired.

**Motion Adopted**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed to go into Executive Session.

**EXECUTIVE SESSION**

On motion of Senator McCONNELL, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

**STATEWIDE APPOINTMENT**

**Confirmation**

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

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2010, and to expire June 30, 2016

3rd Congressional District:

Robert C. Hubbard III, 115 Lewis Road, Clemson, SC 29631 *VICE* W. Allen Toole

**LOCAL APPOINTMENTS**

**Confirmations**

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

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

William R. Chumley, 905 Fowler Rd., Woodruff, SC 29388

Reappointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Vicki Rae Smith, 1074 Cross Anchor Road, Woodruff, SC 29388

At 2:34 P.M., Senator McCONNELL moved that the Senate stand adjourned.

The Senate adjourned.

**MOTION ADOPTED**

On motion of Senator LAND, with unanimous consent, the Senate stood adjourned out of respect to the memory of Chief of Police Capers Wannamaker, Jr., 60, of St. Matthews, S.C. He served in the U. S. Army, S. C. National Guard and also worked at Carolina Eastman. He had been in law enforcement since 1989 and was the first African-American to be named Chief of Police of the St. Matthews Police Department. He was a loving husband to Willie Dean Fredrick Wannamaker, devoted father and doting grandfather. He was a dedicated public servant and active in his community affairs.

**ADJOURNMENT**

At 2:34 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

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

\* \* \*