**Thursday, March 15, 2012**

**(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:

Nahum, the prophet, writes:

“The Lord is good, a refuge in time of trouble. He cares for those who trust in him.” (Nahum 1:7)

Let us pray:

Loving Lord, Your mercies and blessings come to us all in such marvelous fashion. As our Scripture today declares, You indeed are good, O God, and we praise You all the more for Your wondrous gifts. Moreover, Lord, we ask boldly and confidently that You bestow rich and meaningful blessings upon each of these Senators and upon all others who serve You here in the Senate of South Carolina. May the hard work of all of these servants benefit our State in meaningful ways. In Your name we pray, Lord.

Amen.

**Point of Quorum**

At 11:07 A.M., Senator LEATHERMAN made the point that a quorum was not present. It was ascertained that a quorum was not present.

**RECESS**

At 11:07 A.M., on motion of Senator LEATHERMAN, the Senate receded from business pending the presence of a quorum.

At 11:16 A.M., a quorum being present, the Senate resumed.

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

**Doctor of the Day**

Senator FAIR introduced Dr. John P. Evans of Greenville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator CAMPBELL, at 11:00 A.M., Senator CAMPSEN was granted a leave of absence until 12:00 Noon.

**Expression of Personal Interest**

Senator FORD rose for an Expression of Personal Interest.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1342 -- Senator L. Martin: A CONCURRENT RESOLUTION TO CONGRATULATE THE LIBERTY HIGH SCHOOL COMPETITIVE CHEER TEAM OF PICKENS COUNTY UPON WINNING THE 2011 SOUTH CAROLINA HIGH SCHOOL CLASS AA STATE CHEER CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM AND HEAD COACH MISSY RICKEN ON A SUPERLATIVE SEASON.

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

S. 1343 -- Senator Knotts: A CONCURRENT RESOLUTION TO FIX TUESDAY, APRIL 17, 2012, AT 12:30 P.M., AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS OF TRUSTEES FOR THE CITADEL, CLEMSON UNIVERSITY, UNIVERSITY OF SOUTH CAROLINA, AND WIL LOU GRAY OPPORTUNITY SCHOOL TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE ON JUNE 30, 2012, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; AND TO ESTABLISH A PROCEDURE REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

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On motion of Senator KNOTTS, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 1344 -- Senators Cleary, Alexander, Campbell and Leventis: A SENATE RESOLUTION TO COMMEND AND SUPPORT THE DEMOCRATIZATION EFFORTS OF TAIWAN AND THE NATION’S MEANINGFUL PARTICIPATION IN THE WORLD HEALTH ORGANIZATION, THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, AND THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE, AS WELL AS OTHER INTERNATIONAL ORGANIZATIONS.

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The Senate Resolution was introduced and referred to the General Committee.

S. 1345 -- Senator Ford: A SENATE RESOLUTION TO EXPRESS THE SENSE OF THE SENATE THAT FORMER PRESIDENT PRO TEMPORE OF THE SENATE, GLENN MCCONNELL, SHOULD BE ALLOWED TO RETAIN HIS SENATE SENIORITY IF HE IS REELECTED TO THE SENATE.

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The Senate Resolution was introduced and referred to the Committee on Rules.

S. 1346 -- Senator Rose: A BILL TO AMEND SECTION 63-7-310 OF THE 1976 CODE, RELATING TO PERSONS REQUIRED TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT, TO INCLUDE IN THE LIST OF PERSONS REQUIRED TO REPORT SCHOOL OR COLLEGE ADMINISTRATORS, COACHES, AND VOLUNTEERS WHO WORK WITH CHILDREN AS CAMP COUNSELORS, SCOUT LEADERS, OR MENTORS.

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

H. 4813 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

H. 4814 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2011-2012, TO PROVIDE REPORTING REQUIREMENTS WITH RESPECT TO A SPECIFIC APPROPRIATION, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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

H. 5018 -- Reps. Herbkersman, 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, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, 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, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE TOWN OF BLUFFTON, ITS CITIZENS, AND TOWN OFFICIALS FOR A VISION THAT HAS PRODUCED PAST AND CONTINUED EFFORTS TO PROTECT THE HISTORY, CULTURE, AND NATURAL RESOURCES OF THE COMMUNITY AND SURROUNDING AREA AND THAT SETS THE HIGHEST STANDARDS IN PROVIDING SUSTAINABLE GROWTH FOR THE FUTURE.

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

H. 5023 -- Reps. Govan, Ott, Cobb-Hunter, Hosey, Sellers, Clyburn, 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, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MRS. BESSIE BOWMAN ABRAHAM FOR HER YEARS OF FAITHFUL SERVICE IN THE FIELD OF SOCIAL WORK, AND TO CONGRATULATE HER FOR BEING HONORED BY THE GIRL SCOUTS OF THE USA AS A WOMAN OF DISTINCTION.

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

**HOUSE CONCURRENCE**

S. 1341 -- Senator Courson: A CONCURRENT RESOLUTION TO CONGRATULATE SOUTH CAROLINA’S 2012 DISTRICT TEACHERS OF THE YEAR UPON BEING SELECTED TO REPRESENT THEIR RESPECTIVE SCHOOL DISTRICTS, TO EXPRESS APPRECIATION FOR THEIR DEDICATED SERVICE TO CHILDREN, AND TO WISH THEM CONTINUED SUCCESS IN THE FUTURE.

Returned with concurrence.

Received as information.

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

**SECOND READING BILL**

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

S. 1337 -- Senator Leatherman: A BILL TO AMEND ACT 239 OF 1981, AS AMENDED, RELATING TO FLORENCE COUNTY SCHOOL DISTRICT NO. 1, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE FLORENCE COUNTY SCHOOL DISTRICT NO. 1 MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

On motion of Senator LEATHERMAN

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

**MOTION ADOPTED**

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

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

**VETO CARRIED OVER**

(R135, H4723) -- Reps. Loftis, Corbin, Allen, Dillard, Hamilton, Henderson, Nanney, G.R. Smith, Stringer, Willis and Bannister: AN ACT TO AMEND ACT 848 OF 1954, RELATING TO THE CREATION OF THE BEREA WATER AND SEWER DISTRICT IN GREENVILLE COUNTY, SO AS TO ADD TWO ADDITIONAL MEMBERS TO THE GOVERNING COMMISSION AND PROVIDE FOR STAGGERING THEIR TERMS.

On motion of Senator LARRY MARTIN, the veto was carried over.

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

**AMENDED, AMENDMENT PROPOSED**

**DEBATE INTERRUPTED**

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 CHAPTER 40, TITLE 59 OF THE 1976 CODE RELATED TO CHARTER SCHOOLS, TO PROVIDE FOR AMENDED DEFINITIONS, SPONSORSHIP, APPLICATION AND CONVERSION PROCEDURES, POWERS, DUTIES, REGULATIONS, ENROLLMENT LIMITS, LIABILITY, AND RETIREMENT SYSTEM AVAILABILITY FOR CERTAIN EMPLOYEES; AND TO REVISE THE MEMBERSHIPS OF THE CHARTER SCHOOL ADVISORY COMMITTEE AND THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL. *(ABBREVIATED TITLE)*

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

**Amendment No. 24**

Senator SHEHEEN proposed the following Amendment No. 24 (NBD\122227DG12), which was adopted:

Amend the bill, as and if amended, by deleting in its entirety Section 59‑40‑100(A), as contained in SECTION 9, page 17, lines 5‑25, and inserting:

/ (A)(1) Subject to item (2), an ~~An~~ existing public school may be converted into a charter school if two‑thirds of the faculty and instructional staff employed at the school and two‑thirds of all voting parents or legal guardians of students enrolled in the school agree to the filing of an application with the local school board of trustees for the conversion and formation of that school into a charter school. Parents or legal guardians of students enrolled in the school must be given the opportunity to vote on the conversion. Parents or guardians of a student shall have one vote for each student enrolled in the school seeking conversion. The application must be submitted pursuant to Section 59‑40‑70(A)(5) by the principal of that school or his designee who must be considered the applicant. The application must include all information required of other applications pursuant to this chapter. The local school board of trustees shall approve or disapprove this application in the same manner it approves or disapproves other applications. The existence of another charter granting authority must not be grounds for disapproving a school desiring to convert to a charter school.

(2) In addition to the vote requirements required in item (1), if a proposed conversion school has outstanding general obligation bond debt owed on it and that debt is resulting from an ordinance or referendum originally authorizing the bonds, and the original authorization was no more than ten years prior to the proposed conversion, and the bonds were specifically issued for the construction or improvement of the proposed conversion school, the school may be converted into a charter school only upon a majority vote of the local school board of trustees. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

**Objection**

Senator SHEHEEN asked unanimous consent to make a motion to amend the amendment.

Senator RYBERG objected.

The amendment was adopted.

**Amendment No. 25**

Senator MATTHEWS proposed the following Amendment No. 25 (NBD\12232DG12), which was carried over:

Amend the bill, as and if amended, by deleting in its entirety Section 59‑40‑100(A), as contained in SECTION 9, page 17, lines 5‑25, and inserting:

/ (A)(1) Subject to item (2), an ~~An~~ existing public school may be converted into a charter school if two‑thirds of the faculty and instructional staff employed at the school and two‑thirds of all voting parents or legal guardians of students enrolled in the school agree to the filing of an application with the local school board of trustees for the conversion and formation of that school into a charter school. Parents or legal guardians of students enrolled in the school must be given the opportunity to vote on the conversion. Parents or guardians of a student shall have one vote for each student enrolled in the school seeking conversion. The application must be submitted pursuant to Section 59‑40‑70(A)(5) by the principal of that school or his designee who must be considered the applicant. The application must include all information required of other applications pursuant to this chapter. The local school board of trustees shall approve or disapprove this application in the same manner it approves or disapproves other applications. The existence of another charter granting authority must not be grounds for disapproving a school desiring to convert to a charter school.

(2) In addition to the vote requirements required in item (1), if a proposed conversion school has outstanding general obligation bond debt owed on it as determined by the local school board of trustees, and that debt is resulting from an ordinance or referendum originally authorizing the bonds, and the original authorization was no more than ten years prior to the proposed conversion, and the bonds were specifically issued for the construction or improvement of the proposed conversion school, the school may be converted into a charter school only upon a two-thirds vote of the local school board of trustees. /

Renumber sections to conform.

Amend title to conform.

Senator MATTHEWS explained the amendment.

Senator RYBERG argued contra to the adoption of the amendment.

Senator RYBERG moved to lay the amendment on the table.

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

**Ayes 20; Nays 23**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Cromer Davis Fair

Gregory Grooms *Martin, Larry*

*Martin, Shane* Massey Peeler

Rose Ryberg Shoopman

Thomas Verdin

**Total--20**

**NAYS**

Anderson Coleman Courson

Ford Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy Matthews McGill

Nicholson O'Dell Rankin

Reese Scott Setzler

Sheheen Williams

**Total--23**

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

On motion of Senator HAYES, with unanimous consent, the amendment was carried over.

**Amendment No. 26**

Senator RANKIN proposed the following amendment (3241R013.LAR), which was adopted:

Amend the bill, as and if amended, page 11, by striking lines 5-13 and inserting:

/ (F) The provisions contained in this section apply to traditional public schools and local public school districts as determined by the district school board. However, teachers employed in core areas in traditional public schools and local public school districts, as determined by the district school board, must be highly qualified, which requires state certification, excludes the provision of subsection (B)(9) of this section, and these teachers must maintain state grievance rights. For purposes of this subsection, ‘core areas’ are as defined by applicable federal law.” /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

**Amendment No. 27**

Senators MALLOY and SHOOPMAN proposed the following Amendment (3241R014.PWS), which was adopted:

Amend the bill, as and if amended, page 9, by striking lines 1-2 and inserting:

/ ~~already~~ currently enrolled ~~or previously enrolled,~~ and attending, or who, within the last six years, attended the school for at least one complete academic /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Amendment No. 10**

Senator LEVENTIS proposed the following amendment (DKA\3889SD12):

Amend the bill, as and if amended, Section 59‑40‑60(F) as contained in SECTION 7, page 13, beginning on line 8, by striking item (12) in its entirety and inserting:

/ (12) a description of a reasonable grievance and termination procedure, as required by this chapter, including notice and a hearing before the governing body of the charter school~~. The application must state whether or not the provisions of Article 5, Chapter 25 of, Title 59 apply to the employment and dismissal of teachers at the charter school~~, provided, that employment and dismissal procedures as they apply to teachers at the charter school must be substantially comparable to the employment and dismissal procedures applicable to public school teachers as provided in Article 5, Chapter 25, Title 59; /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

With Senator LEVENTIS retaining the floor, on motion of Senator HAYES, with unanimous consent, debate was carried over in the status of Interrupted Debate.

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

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

H. 3631 -- Reps. Harrison, Clemmons, Funderburk, Pitts, Anderson, R.L. Brown, Govan, Hodges, Allen, White, Edge, Whipper, Hiott, Limehouse, Horne, Vick, Herbkersman, Agnew, Viers, Hardwick, Harrell, Sellers, Skelton, Gambrell, Young and Taylor: A BILL TO AMEND SECTION 48‑34‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO FURTHER SPECIFY SUPERVISION REQUIREMENTS FOR A PRESCRIBED FIRE MANAGER AND TO REFERENCE SPECIFIC REGULATORY AND STATUTORY PROVISIONS APPLICABLE TO CONDUCTING A PRESCRIBED FIRE; AND TO AMEND SECTION 48‑34‑50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT A PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE IS NOT LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN.

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

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

**Recorded Vote**

Senator HAYES desired to be recorded as voting in favor of the third reading of H. 3631.

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

S. 102 -- Senators Grooms, Fair, Verdin and Campsen: A BILL TO AMEND ARTICLE 1, CHAPTER 71, TITLE 38 OF THE 1976 CODE, RELATING TO ACCIDENT AND HEALTH INSURANCE, BY ADDING SECTION 38‑71‑238 TO PROHIBIT QUALIFIED HEALTH PLANS OFFERED THROUGH A HEALTH CARE EXCHANGE REQUIRED BY THE FEDERAL “PATIENT PROTECTION AND AFFORDABLE CARE ACT” FROM OFFERING ABORTION COVERAGE, AND TO PROVIDE FOR CERTAIN EXCEPTIONS.

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

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

**Recorded Vote**

Senator HUTTO desired to be recorded as voting against the third reading of S. 102.

**Recorded Vote**

Senator HAYES desired to be recorded as voting in favor of the third reading of S. 102.

**ADJOURNMENT**

At 12:23 P.M., on motion of Senator COURSON, 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.

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