**Wednesday, January 20, 2010**

**(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:

In the Book of Exodus we read:

 “But Moses said to the Lord, ‘O my Lord, I have never been eloquent ... I am slow of speech and slow of tongue.’ ” (Exodus 4:10)

 Let us pray:

 Holy God, we do recall how insecure Moses felt before his confrontations with Pharaoh. Yet, with Your promises of assistance, Moses did become an advocate for righteousness and justice. In a similar manner, O Lord, allow the members of this Senate also to draw strength from You as they labor faithfully to bless all of the women and men and children of this State. Likewise, be with the Honorable Mark Sanford this evening as he addresses both the House and Senate. Together may all of these leaders speak well and effectively, and may their decisions and actions ultimately “speak” even louder. This we pray in Your blessed name, dear Lord.

Amen.

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

**Doctor of the Day**

 Senator JACKSON introduced Dr. Thomas Rowland of Columbia, S.C., Doctor of the Day.

**Leave of Absence Rescinded**

 At 11:05 A.M., the leave of absence granted to Senator S. MARTIN from 11:00 A.M. until 1:30 P.M. today was rescinded.

**Expression of Personal Interest**

 Senator SHEHEEN rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 151 Sen. Fair

S. 1032 Sen. Verdin

**CO-SPONSOR REMOVED**

The following co-sponsor was removed from the respective Bill:

S. 1031 Sen. McGill

**MOTION ADOPTED**

 On motion of Senator McCONNELL, the Senate agreed that, when the Senate recedes from business today, it stand in recess until 6:45 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.

**Motion Adopted**

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 1065 -- Senators Hayes, Malloy, Lourie, Thomas, Sheheen, Fair and Anderson: A BILL TO AMEND SECTION 37-3-501, AS AMENDED, OF THE 1976 CODE, RELATING TO THE DEFINITION OF SUPERVISED LOAN, TO PROVIDE THAT CERTAIN CLOSED-END CREDIT TRANSACTIONS ARE NOT SUPERVISED LOANS; AND TO AMEND SECTION 37-3-503, RELATING TO A LICENSE TO MAKE SUPERVISED LOANS, TO PROVIDE THAT CERTAIN LICENSED DEFERRED PRESENTMENT PROVIDERS MAY NOT CONDUCT THE BUSINESS OF MAKING SUPERVISED LOANS, TO PROVIDE PENALTIES, AND TO PROVIDE NECESSARY DEFINITIONS.

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 Senator HAYES spoke on the Bill.

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

 S. 1066 -- Senator O'Dell: A BILL TO AMEND CHAPTER 6, TITLE 12 OF THE 1976 CODE, BY ADDING SECTION 12-6-3595 TO PROVIDE A TAX CREDIT EQUAL TO ONE HUNDRED PERCENT OF AN AMOUNT CONTRIBUTED TO THE SOUTH CAROLINA EXISTING MANUFACTURERS' RETENTION AND GROWTH FUND, TO PROVIDE THAT THE CREDIT MAY NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS FOR A SINGLE TAXPAYER AND NOT TO EXCEED AN AGGREGATE OF FOUR MILLION DOLLARS FOR EACH TAX YEAR, AND TO PROVIDE THE PROCESS AND REQUIREMENTS FOR CLAIMING THE CREDIT.

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

 S. 1067 -- Senators Peeler and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-5-267 SO AS TO REQUIRE AS PART OF THE FILING OF A PROPOSED NEW OR REVISED RATE SCHEDULE FOR WATER OR SEWER SERVICE PROVIDED BY A PRIVATELY OWNED PUBLIC UTILITY, THAT THE UTILITY SHALL MAKE CERTAIN INDEPENDENTLY PREPARED AND AUDITED FINANCIAL STATEMENTS REGARDING INDIVIDUAL AND SEPARABLE OPERATING ENTITIES OF THE UTILITY.

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

 S. 1068 -- Senator Rose: A BILL TO AMEND CHAPTER 35, TITLE 58 OF THE 1976 CODE, RELATING TO UNDERGROUND UTILITIES, TO INCLUDE THE WORD "SAFETY" IN THE ACT NAME, TO DEFINE TERMS USED IN THE ACT, TO PROVIDE SAFETY REGULATIONS FOR THE USE AND MAINTENANCE OF UNDERGROUND FACILITIES, TO PROVIDE FOR FACILITY NOTIFICATION REQUIREMENTS PRIOR TO EXCAVATION, TO REQUIRE FACILITY OPERATORS TO FORM AND OPERATE A NOTIFICATION CENTER, TO PROVIDE FOR REQUIRED ACTIONS ON THE PART OF THE NOTIFICATION CENTER AFTER THE CENTER HAS RECEIVED NOTIFICATION, TO PROVIDE THAT OPERATORS MUST FOLLOW CERTAIN SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION POLICIES, TO PROVIDE PROCEDURES FOR NEW UTILITY INSTALLATIONS, TO PROVIDE RESTRICTIONS ON CERTAIN TYPES OF EXCAVATION EQUIPMENT, TO PROVIDE FOR ACTIONS THAT MUST BE TAKEN BY AN OPERATOR IN THE EVENT OF DAMAGE TO A FACILITY, TO PROVIDE PROCEDURES FOR DESIGN LOCATE REQUESTS, TO CREATE THE SOUTH CAROLINA UNDERGROUND UTILITY SAFETY AND DAMAGE PREVENTION BOARD AND TO PROVIDE FOR THE DUTIES AND POWERS OF THE BOARD, TO PROVIDE COMPLAINT PROCEDURES, TO PROVIDE FOR THE RECOVERY OF DAMAGES DUE TO VIOLATIONS OF THE ACT, AND TO PROVIDE EXCEPTIONS.

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

 S. 1069 -- Senators Jackson, Ford, Williams, Pinckney, Bryant, Anderson and Matthews: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 22-2-45 SO AS TO ALLOW THE APPROPRIATE LEGISLATIVE DELEGATION TO DESIGNATE THE CHIEF MAGISTRATE FOR ADMINISTRATIVE PURPOSES FOR THAT COUNTY IF THE DELEGATION CHOOSES TO EXERCISE THIS OPTION; AND TO AMEND SECTION 22-8-10, RELATING TO DEFINITIONS FOR PURPOSES OF MAGISTRATES' COMPENSATION, SO AS TO REVISE THE DEFINITION OF THE TERM "CHIEF MAGISTRATE" ACCORDINGLY.

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

 S. 1070 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING PART VII TO ARTICLE 5, TITLE 62 SO AS TO ENACT THE "UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT", TO DEFINE NECESSARY TERMS, PROVIDE A UNIFORM PROCEDURE FOR JURISDICTION OVER ADULT GUARDIANSHIPS, CONSERVATORSHIPS, AND OTHER PROTECTIVE PROCEEDINGS TO ENSURE ONLY ONE STATE HAS JURISDICTION AT A GIVEN TIME.

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

 S. 1071 -- Senator Alexander: A BILL TO AMEND SECTION 40-2-20 OF THE 1976 CODE, RELATING TO PUBLIC ACCOUNTANTS, TO INCLUDE ENGAGEMENTS PERFORMED IN ACCORDANCE WITH INTERNATIONAL ACCOUNTING BOARD STANDARDS WITHIN THE MEANING OF "ATTEST"; TO AMEND SECTION 40-2-250, RELATING TO LICENSE RENEWALS, TO REQUIRE ANNUAL APPLICATION RENEWALS BY FEBRUARY FIRST; TO AMEND SECTION 40-2-255, RELATING TO OUT-OF-STATE REGISTRANTS, TO REQUIRE RENEWAL APPLICATIONS TO BE FILED BIENNIALLY; AND TO AMEND CHAPTER 20, TITLE 40, RELATING TO LICENSE RENEWAL OF ACCOUNTING PRACTITIONERS, BY ADDING SECTION 40-2-565 TO SET FORTH RENEWAL AND REINSTATEMENT PROVISIONS.

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

 S. 1072 -- Senator Elliott: A CONCURRENT RESOLUTION TO DESIGNATE JUNE 12, 2010, AS ANNUAL NATIONAL MARINA DAY IN SOUTH CAROLINA IN ORDER TO HONOR SOUTH CAROLINA'S MARINAS FOR THEIR CONTRIBUTIONS TO THE COMMUNITY AND MAKE CITIZENS, POLICYMAKERS, AND EMPLOYEES MORE AWARE OF THE OVERALL CONTRIBUTIONS OF MARINAS TO THEIR WELL-BEING, AND TO REQUEST THAT OUR STATE JOIN HANDS WITH OTHER STATES AND THOUSANDS OF WATERFRONT COMMUNITIES ACROSS THE UNITED STATES IN CELEBRATING THIS DAY.

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 Senator ELLIOTT spoke on the Resolution.

 On motion of Senator ELLIOTT, with unanimous consent, the Concurrent Resolution was adopted and ordered sent to the House.

 H. 4290 -- Rep. Kirsh: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE CLARENCE HILL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:30 P.M. ON TUESDAY, FEBRUARY 23, 2010.

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

 H. 4303 -- Reps. Bingham, Battle, Merrill, J. H. Neal, Ott, M. A. Pitts, Rice, A. D. Young, Sandifer, Cobb-Hunter, Bedingfield, Nanney, G. R. Smith, Hamilton, Stringer, Wylie, Horne, Harrell, Lowe, Ballentine and Clemmons: A JOINT RESOLUTION TO IMPOSE CERTAIN ENFORCEMENT REQUIREMENTS ON THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION RELATED TO DISQUALIFICATION PARAMETERS FOR UNEMPLOYMENT BENEFITS, TO REQUIRE THE COMMISSION TO INSTITUTE CERTAIN ADMINISTRATIVE MEASURES, AND TO PROVIDE THIS JOINT RESOLUTION EXPIRES ON JULY 1, 2011, AMONG OTHER THINGS.

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

 H. 4361 -- Reps. Sellers, Scott, Erickson, Govan, G. A. Brown, Mitchell, Allison, Parker, Forrester, Kelly, Limehouse, Sottile, Gilliard, Hutto, Stavrinakis, A. D. Young, Horne, Clemmons, T. R. Young, King, Norman, Kirsh, Wylie, Stringer, Chalk, Brantley, J. R. Smith, D. C. Smith, Stewart, Parks and Dillard: A CONCURRENT RESOLUTION TO EXPRESS SINCERE SYMPATHY FOR THE PEOPLE OF HAITI IN THE DEVASTATION AND LOSS OF LIFE FROM THE RECENT CATASTROPHIC EARTHQUAKE THERE, AND TO SEEK ENCOURAGEMENT FROM ALL SOUTH CAROLINIANS TO ASSIST IN THE RESCUE AND REBUILDING OF THAT NATION.

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

**REPORTS OF STANDING COMMITTEES**

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

 S. 728 -- Senators Hayes and Fair: A BILL TO AMEND SECTION 12‑65‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENTITLEMENT TO TAX CREDITS UNDER THE TEXTILES COMMUNITIES REVITALIZATION ACT, SO AS TO FURTHER PROVIDE FOR THE APPLICABILITY OF SPECIFIC REQUIREMENTS FOR TEXTILE MILL SITES ACQUIRED BEFORE AND AFTER 2007, TO REVISE THE ALLOWABLE AMOUNT OF THE CREDITS IN CERTAIN INSTANCES, TO PROVIDE THAT THE TAX CREDITS ALLOWED INCLUDE CREDITS AGAINST INSURANCE PREMIUM TAXES, TO MAKE A TECHNICAL CORRECTION, AND TO FURTHER PROVIDE FOR THE MANNER IN WHICH THESE CREDITS ARE VESTED IN A TAXPAYER AND MAY BE ALLOCATED TO PARTNERS OR MEMBERS; BY ADDING SECTION 12‑65‑50 SO AS TO PROVIDE TRANSITION RULES APPLICABLE TO SPECIFIC MILL SITES; AND BY ADDING SECTION 12‑65‑60 SO AS TO FURTHER PROVIDE FOR THE ELIGIBILITY CERTIFICATION PROCESS.

 Ordered for consideration tomorrow.

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

 S. 910 -- Senator Land: A BILL TO AMEND SECTION 6‑21‑185 OF THE 1976 CODE, RELATING TO A SPECIAL PURPOSE DISTRICT MORTGAGE TO SECURE CERTAIN BONDS OR LOANS, TO REMOVE LIMITATIONS FROM THE AUTHORITY OF SUCH DISTRICT TO MORTGAGE ITS PROPERTY UNDER THE REVENUE BOND ACT FOR UTILITIES; TO ADD SECTION 6‑17‑95 TO AUTHORIZE A SPECIAL PURPOSE DISTRICT PROVIDING HOSPITAL, NURSING HOME, OR CARE FACILITIES TO BORROW MONEY IN A MANNER THAT IS CONSISTENT WITH SECTION 44‑7‑60; TO ADD SECTION 6‑11‑101 TO CLARIFY THE POWERS OF HOSPITAL DISTRICTS.

 Ordered for consideration tomorrow.

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

 S. 1034 -- Senator Leatherman: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH THE TAXATION REALIGNMENT COMMISSION MUST PREPARE AND DELIVER ITS REPORT AND RECOMMENDATION UNTIL NOVEMBER 15, 2010.

 Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

 S. 1060 -- Senator Scott: A CONCURRENT RESOLUTION TO COMMEND WOMEN HONORING VALOR FOR THEIR WORK TO RECOGNIZE AND CELEBRATE AMERICA’S LIVING RECIPIENTS OF THE MEDAL OF HONOR.

 Returned with concurrence.

 Received as information.

 S. 1062 -- Senators Campsen, Cleary and Grooms: A CONCURRENT RESOLUTION TO CONGRATULATE LUCY BECKHAM, PRINCIPAL OF WANDO HIGH SCHOOL IN CHARLESTON, UPON RECEIVING THE 2010 METLIFE SECONDARY SCHOOL PRINCIPAL OF THE YEAR AWARD BY THE NATIONAL ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS.

 Returned with concurrence.

 Received as information.

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

 Senator L. MARTIN explained the Bill.

**S. 929--Recorded Vote**

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

**MINORITY REPORT REMOVED**

S. 391 -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman, Campbell, Rose and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑29‑300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS’ TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES. (ABBREVIATED TITLE)

 Senator LEVENTIS asked unanimous consent to remove the minority report on the Bill.

 There was no objection and the minority report was removed from the Bill and the proper notation was made.

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

**MOTION FOR SPECIAL ORDER FAILED**

 H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G.R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G.M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T.R. Young, Clemmons, Owens, Parker, Toole, M.A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL TO AMEND SECTION 7‑13‑710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESENTATION OF A PERSON’S PROOF OF HIS RIGHT TO VOTE, SO AS TO REQUIRE THE ELECTOR TO PRODUCE A VALID PHOTO IDENTIFICATION CARD AT THE TIME OF COSTING HIS BALLOT, TO REQUIRE A POLL MANAGER TO COMPARE THE PHOTOGRAPH ON THE REQUIRED IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE.

 Senator L. MARTIN moved to make the bill a Special Order.

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

**Ayes 26; Nays 17**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms Hayes

Knotts Leatherman *Martin, L.*

*Martin, S.* Massey McConnell

Mulvaney O’Dell Peeler

Rose Ryberg Shoopman

Thomas Verdin

**Total--26**

**NAYS**

Anderson Coleman Elliott

Ford Hutto Jackson

Land Leventis Lourie

Malloy Matthews McGill

Nicholson Pinckney Scott

Setzler Sheheen

**Total--17**

 Having failed to receive the necessary vote, the motion to make the Bill a Special Order failed.

**MOTION FOR SPECIAL ORDER FAILED**

 S. 391 -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman, Campbell, Rose and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑29‑300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS’ TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41‑29‑310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1‑30‑10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41‑29‑10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41‑29‑20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41‑29‑30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8‑17‑370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41‑27‑10, 41‑27‑30, 41‑27‑150, 41‑27‑160, 41‑27‑190, 41‑27‑210, AS AMENDED, 41‑27‑230, 41‑27‑235, AS AMENDED, 41‑27‑260, AS AMENDED, 41‑27‑360, 41‑27‑370, AS AMENDED, 41‑27‑380, 41‑27‑390, 41‑27‑510, 41‑27‑550, 41‑27‑560, 41‑27‑570, 41‑27‑580, 41‑27‑600, 41‑27‑610, 41‑27‑620, 41‑27‑630, 41‑27‑670, 41‑29‑40, 41‑29‑50, 41‑29‑60, 41‑29‑70, 41‑29‑80, 41‑29‑90, 41‑29‑100, 41‑29‑110, 41‑29‑120, AS AMENDED, 41‑29‑130, 41‑29‑140, 41‑29‑150, 41‑29‑170, AS AMENDED, 41‑29‑180, 41‑29‑190, 41‑29‑200, 41‑29‑210, 41‑29‑220, 41‑29‑230, 41‑29‑240, 41‑29‑250, 41‑29‑270, 41‑29‑280, 41‑29‑290, 41‑33‑10, 41‑33‑20, 41‑33‑30, 41‑33‑40, 41‑33‑45, 41‑33‑80, AS AMENDED, 41‑33‑90, 41‑33‑100, 41‑33‑110, 41‑33‑120, 41‑33‑130, 41‑33‑170, 41‑33‑180, 41‑33‑190, 41‑33‑200, 41‑33‑210, 41‑33‑430, 41‑33‑460, 41‑33‑470, 41‑33‑610, 41‑33‑710, 41‑35‑10, 41‑35‑30, 41‑35‑100, 41‑35‑110, AS AMENDED, 41‑35‑115, AS AMENDED, 41‑35‑120, AS AMENDED, 41‑35‑125, 41‑35‑126, 41‑35‑130, AS AMENDED, 41‑35‑140, 41‑35‑330, 41‑35‑340, 41‑35‑410, 41‑35‑420, AS AMENDED, 41‑35‑450, 41‑35‑610, 41‑35‑630, 41‑35‑640, AS AMENDED, 41‑35‑670, 41‑35‑680, AS AMENDED, 41‑35‑690, 41‑35‑700, 41‑35‑710, AS AMENDED, 41‑35‑720, 41‑35‑730, 41‑35‑740, 41‑35‑750, AS AMENDED, 41‑37‑20, 41‑37‑30, 41‑39‑30, 41‑39‑40, 41‑41‑20, AS AMENDED, 41‑41‑40, AS AMENDED, 41‑41‑50, 41‑42‑10, 41‑42‑20, 41‑42‑30, AND 41‑42‑40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41‑29‑260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

 Senator SETZLER moved that the Bill be made a Special Order.

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

**Ayes 18; Nays 23**

**AYES**

Anderson Coleman Elliott

Ford Hutto Jackson

Land Leventis Lourie

Malloy Matthews McGill

Nicholson Pinckney Ryberg

Scott Setzler Sheheen

**Total--18**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms Hayes

Knotts *Martin, L. Martin, S.*

Massey McConnell Mulvaney

Peeler Rose Shoopman

Thomas Verdin

**Total--23**

 Having failed to receive the necessary vote, the motion to make the Bill a Special Order failed.

**MOTION ADOPTED**

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

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

 S. 202 -- Senator Thomas: A BILL TO AMEND SECTION 38‑1‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF “ADMITTED ASSETS” TO INCLUDE THOSE ON THE INSURER’S MOST RECENT STATUTORY FINANCIAL STATEMENT FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38‑13‑80 INSTEAD OF THOSE ADMITTED UNDER THE PROVISIONS OF SECTION 38‑11‑100; TO AMEND SECTION 38‑9‑10, RELATING TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38‑10‑40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38‑33‑130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38‑55‑80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

 The Bill was returned from the House with amendments.

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

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

**AMENDMENT PROPOSED, CARRIED OVER**

**BILL REMAINS IN THE STATUS OF SPECIAL ORDER**

 H. 3272 -- Reps. Cooper, Merrill, Erickson, Herbkersman, Chalk, Duncan, Long, Sottile, Daning, Lowe, Bowen, Harrison, Horne, A.D. Young, Limehouse, R.L. Brown, Clemmons, Edge and Wylie: A BILL TO AMEND SECTION 12‑37‑3140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DETERMINING THE FAIR MARKET VALUE OF REAL PROPERTY FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO POSTPONE THE IMPLEMENTATION OF THE TRANSFER VALUE OF A PARCEL OF REAL PROPERTY UNIMPROVED SINCE THE LAST COUNTYWIDE REASSESSMENT PROGRAM UNTIL THE TIME OF IMPLEMENTATION OF THE NEXT COUNTYWIDE REASSESSMENT PROGRAM AND TO REQUIRE THE FIFTEEN PERCENT LIMIT ON INCREASES IN VALUE TO BE CALCULATED SEPARATELY ON LAND AND IMPROVEMENTS; TO AMEND SECTION 12‑37‑3150, AS AMENDED, RELATING TO THE TIME AN ASSESSABLE TRANSFER OF INTEREST OCCURS, SO AS TO REVISE THE PENALTY FOR FAILURE TO PROVIDE NOTICE OR FAILURE TO PROVIDE ACCURATE NOTICE TO THE ASSESSING AUTHORITY OF BUSINESS ENTITY TRANSFERS; TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO THE CLASSIFICATION AND VALUATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE RESIDENTIAL REAL PROPERTY HELD IN TRUST DOES NOT QUALIFY AS A LEGAL RESIDENCE UNLESS A NAMED INDIVIDUAL BENEFICIARY UNDER THE TRUST OCCUPIES THE RESIDENCE AS THAT NAMED BENEFICIARY’S LEGAL RESIDENCE AND THAT INDIVIDUAL BENEFICIARY’S NAME APPEARS ON THE DEED TO THE RESIDENCE AND REQUIRE SOCIAL SECURITY NUMBERS OF APPLICANTS FOR THE LEGAL RESIDENCE ASSESSMENT RATIO; AND TO AMEND SECTION 40‑60‑35, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR ASSESSORS, SO AS TO REVISE THE REQUIREMENT.

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

**PRESIDENT *Pro Tempore* PRESIDES**

 At 11:44 A.M., Senator McCONNELL assumed the Chair.

**Amendment No. P-2A**

 Senators ALEXANDER and HAYES proposed the following Amendment No. P-2A (3272FIN005):

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

 / SECTION 1. A. Article 25, Chapter 37, Title 12 of the 1976 Code is amended by adding:

 “Section 12‑37‑3135. (A)(1) When a parcel of real property and improvements thereon subject to the six percent assessment ratio provided pursuant to Section 12‑43‑220(e) and which is currently subject to property tax undergoes an assessable transfer of interest after property tax year 2009, there is allowed an exemption of an amount of the increase in fair market value of that parcel as determined in the assessor’s appraisal at the time of the assessable transfer of interest over the fair market value of the parcel as previously carried on the books of the property tax assessor equal to the percentages provided pursuant to item (2) of this subsection. The fair market value to which the cap on increases in fair market value imposed pursuant to Section 12‑37‑3140(B) applies is the fair market value as it may be reduced by the exemption allowed by this section. The exemption allowed by this section applies at the time the value as determined by an assessable transfer of interest first applies.

 (2)(a) Property tax year of assessable Amount of increase

 transfer of interest of fair

 market value

 exempted

 2010 100 percent

 2011 60 percent

 After 2011 20 percent

 (b) If countywide reassessment values are implemented for the year in which the assessable transfer of interest occurs, the fair market value to which the exemption applies is the fair market value of the parcel as determined in that reassessment and as that value may be limited pursuant to Section 12‑37‑3140(B).

 (B) The exemption allowed by this section continues to apply until the parcel next undergoes an assessable transfer of interest. However, the parcel remains subject to changes in value as determined in a periodic countywide appraisal and equalization program and the limit on the increases in such values pursuant to Section 12‑37‑3140(B). If a parcel undergoes a subsequent assessable transfer of interest, the owner of the parcel may claim any exemption remaining allowed by this section.

 (C) The exemption allowed by this section does not apply to the fair market value of additions or improvements made to the parcel not previously subject to property tax.”

 B. Section 12‑37‑3140(A)(1)(b) of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

 “(b) subject to any exemption allowed pursuant to Section 12‑37‑3135, December thirty‑first of the year in which an assessable transfer of interest has occurred;”

 SECTION 2. A. Section 12‑37‑3150(B) of the 1976 Code, as last amended by Act 57 of 2007, is further amended to read:

 “(B) An assessable transfer of interest does not include:

 (1) transfers not subject to federal income tax in the following circumstances:

 (a) 1033 (Conversions‑Fire and Insurance Proceeds to Rebuild);

 (b) 1041 (Transfers of Property Between Spouses or Incident to Divorce);

 (c) 351 (Transfer to a Corporation Controlled by Transferor);

 (d) 355 (Distribution by a Controlled Corporation);

 (e) 368 (Corporate Reorganizations); or

 (f) 721 (Nonrecognition of Gain or Loss on a Contribution to a Partnership).

 Number references in the above subitems are to sections of the Internal Revenue Code of 1986, as defined in Section 12‑6‑40;

 (2) a transfer of that portion of property subject to a life estate or life lease retained by the transferor, until expiration or termination of the life estate or life lease;

 (3) a transfer through foreclosure or forfeiture of a recorded instrument or through deed or conveyance in lieu of a foreclosure or forfeiture, until the redemption period has expired;

 (4) a transfer by redemption by the person to whom taxes are assessed of property previously sold for delinquent taxes;

 (5) a conveyance to a trust if the settlor or the settlor’s spouse, or both, convey the property to the trust and the sole present beneficiary of the trust is the settlor or the settlor’s spouse, or both;

 (6) a transfer for security or an assignment or discharge of a security interest;

 (7) a transfer of real property or other ownership interests among members of an affiliated group. As used in this item, ‘affiliated group’ is as defined in Section 1504 of the Internal Revenue Code as defined in Section 12‑6‑40. Upon request of the applicable property tax assessor, a corporation shall furnish proof within forty‑five days that a transfer meets the requirements of this item. A corporation that fails to comply with this request is subject to a civil penalty as provided in Section 12‑37‑3160(B);

 (8) a transfer of real property or other ownership interests among corporations, partnerships, limited liability companies, limited liability partnerships, or other legal entities if the entities involved are commonly controlled. Upon request by the applicable property tax assessor, a corporation, partnership, limited liability company, limited liability partnership, or other legal entity shall furnish proof within forty‑five days that a transfer meets the requirements of this item. A corporation, partnership, limited liability company, limited liability partnership, or other legal entity that fails to comply with this request is subject to a civil penalty as provided in Section 12‑37‑3160(B); ~~or~~

 (9) a transfer of an interest in a timeshare unit by deed or lease; or

 (10)(a) a conveyance by deed, distribution under a will, or by intestate succession to a lineal descendent of the grantor or decedent;

 (b) a conveyance to a trust and the sole present beneficiary or beneficiaries of the trust are lineal descendents of the settlor.

 (11) a transfer of an undivided, fractional ownership interest in real estate in a single transaction or as a part of a series of related transactions, if the ownership interest or interests conveyed, or otherwise transferred, in the single transaction or series of related transactions within a twenty‑five year period, is not more than fifty percent of the entire fee simple title to the real estate;

 (12) a transfer to a single member limited liability company, not taxed separately as a corporation, by its single member or a transfer from a single member limited liability company, not taxed separately as a corporation, to its single member, as provided in Section 12‑2‑25(B)(1);

 (13) a conveyance, assignment, release or modification of an easement, including but not limited to:

 (a) a conservation easement, as defined in Chapter 8 of Title 27;

 (b) a utility easement; or

 (c) an easement for ingress, egress, or regress;

 (14) a transfer or renunciation by deed, release, or agreement of a claim of interest in real property for the purpose of quieting and confirming title to real property in the name of one or more of the existing owners of the real property or for the purpose of confirming or establishing the location of an uncertain or disputed boundary line; or

 (15) the execution or recording of a deed to real property for the purpose of creating or terminating a joint tenancy with rights of survivorship, provided the grantors and grantees are the same.”

 B. Section 12-37-3150(A)(8) of the 1976 Code is amended to read:

 “(8) a transfer of an ownership interest in a single transaction or as a part of a series of related transactions within a twenty‑five year period in a corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity if the ownership interest conveyed is more than fifty percent of the corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity. This provision does not apply to transfers that are not subject to federal income tax, as provided in subsection (B)(1), including, but not limited to, transfers of interests to spouses. The corporation, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity shall notify the applicable property tax assessor on a form provided by the Department of Revenue not more than forty‑five days after a conveyance of an ownership interest that constitutes an assessable transfer of interest or transfer of ownership under this item;”

 C. This section applies for real property transfers after 2009.

 SECTION 3. Section 6‑1‑320(A), as last amended by Act 116 of 2007 of the 1976 Code, is further amended to read:

 “(A)(1) Notwithstanding Section 12‑37‑251(E), a local governing body may increase the millage rate imposed for general operating purposes above the rate imposed for such purposes for the preceding tax year only to the extent of the increase in the average of the twelve monthly consumer price indices for the most recent twelve‑month period consisting of January through December of the preceding calendar year, plus, beginning in 2007, the percentage increase in the previous year in the population of the entity as determined by the Office of Research and Statistics of the State Budget and Control Board. If the average of the twelve monthly consumer price indices experiences a negative percentage, the average is deemed to be zero. If an entity experiences a reduction in population, the percentage change in population is deemed to be zero. However, in the year in which a reassessment program is implemented, the rollback millage, as calculated pursuant to Section 12‑37‑251(E), must be used in lieu of the previous year’s millage rate.

 (2) There may be added to the operating millage increase allowed pursuant to item (1) of this section any such increase, allowed but not previously imposed, for the three property tax years preceding the year to which the current limit applies.”

 SECTION 4. A. Section 12‑37‑251(E) of the 1976 Code is amended to read:

 “(E) Rollback millage is calculated by dividing the prior year property ~~tax revenues~~ taxes levied as adjusted by abatements, additions, and nulla bona returns by the adjusted total assessed value applicable in the year the values derived from a countywide equalization and reassessment program are implemented. This amount of assessed value must be adjusted by deducting assessments added for property or improvements not previously taxed, for new construction, ~~and~~ for renovation of existing structures, and assessments attributable to increases in value due to an assessable transfer of interest.”

 B. This section takes effect for rollback millage calculated for property tax years beginning after 2009.

 SECTION 5. (A) There is created the Index of Taxpaying Ability Study Committee. The committee shall be composed of eight members, all appointed pursuant to subsection (B). The committee shall examine the index of taxpaying ability and its relationship to Education Finance Act resources available to the individual school districts in support of the education foundation program required by the State. The committee shall also examine the manner in which the index is calculated and the impact of this act and other property tax measures on the calculation.

 (B) The committee shall be composed of:

 (1) four members appointed by the President Pro Tempore of the Senate; and

 (2) four members appointed by the Speaker of the House of Representatives.

 (C) No later than January 1, 2011, the committee shall prepare and deliver a report and recommendation to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Education Committee, and the Chairman of House Education and Public Works Committee.

 (D) Members of the study committee shall serve without compensation for per diem, mileage, and subsistence.

 SECTION 6. Except where otherwise provided, this act takes effect upon approval by the Governor. /

 Renumber sections to conform.

 Amend title to conform.

 Senator ALEXANDER explained the amendment.

**PRESIDENT PRESIDES**

 At 12:47 P.M., the PRESIDENT assumed the Chair.

 Senator ALEXANDER explained the amendment.

 With Senator ALEXANDER retaining the floor, Senator LARRY MARTIN asked unanimous consent to make a motion to carry over the Bill.

 There was no objection and the Bill was carried over in the status of Special Order, with Senator ALEXANDER retaining the floor.

 Senator DAVIS asked unanimous consent to make a motion to take up S. 517 for immediate consideration.

 There was no objection.

**AMENDMENT PROPOSED, CARRIED OVER**

 S. 517 -- Senators Davis, Bright, Shoopman, Ryberg, Bryant, Mulvaney, Fair, Peeler, Rose, Campsen and S. Martin: A JOINT RESOLUTION TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL NOT AUTHORIZE A STATE AGENCY, DEPARTMENT, OR ENTITY TO INCREASE OR IMPLEMENT A FEE, PENALTY, OR FINE IN THE STATE GENERAL APPROPRIATIONS ACT OR OTHER ACTS SUPPLEMENTAL TO THAT ACT; TO PROVIDE THAT ANY INCREASE OR IMPLEMENTATION OF A FEE OR FINE MAY ONLY BE AUTHORIZED BY AN ACT SEPARATE FROM AN APPROPRIATIONS ACT; TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY MAY INCREASE OR IMPLEMENT BY REGULATION OR ADMINISTRATIVE ACTION A FEE, PENALTY, OR FINE; AND TO PROVIDE EXCEPTIONS FOR INTERNAL CHARGES BETWEEN STATE AGENCIES AND FOR FEES, INCLUDING TUITION, IMPOSED BY SCHOOLS AND COLLEGES ON STUDENTS; AND TO PROVIDE FOR THE EXPIRATION OF THIS JOINT RESOLUTION JULY 1, 2010, UNLESS REAUTHORIZED BY LAW.

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

 Senator DAVIS explained the Resolution.

**Amendment No. 1**

 Senator LEVENTIS proposed the following Amendment No. 1 (517FIN006):

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

 / SECTION \_\_\_. (A) There is established the Other Funds Study Committee to review, study, and make recommendations concerning agency earmarked and restricted fund accounts to include a review of all sources of other fund revenue retained and expended for agency operations.

 (B) The study committee must be composed of ten members. Notwithstanding Section 8-13-770, the committee shall be composed of:

 (1) five members of the Senate appointed by the Chairman of the Senate Finance Committee; and

 (2) five members of the House of Representative appointed by the Chairman of the House Ways and Means Committee.

 (C) The study committee shall make a preliminary report of its findings and recommendations to the General Assembly no later than January 15, 2011, at which time the study committee must be abolished. The study committee may make recommendations it considers appropriate including, but not limited to, licensing and regulation of debt collection and recovery agencies. /

 Renumber sections to conform.

 Amend title to conform.

 Senator DAVIS explained the amendment.

 Senator LEVENTIS explained the amendment.

 On motion of Senator McCONNELL, with unanimous consent, the Resolution was carried over.

**EXECUTIVE SESSION**

 On motion of Senator McCONNELL, with unanimous consent, the Senate agreed to go into Executive Session and, upon lifting of the veil of secrecy, stand in recess.

 On motion of Senator McCONNELL, the seal of secrecy was removed and the Senate stood in recess.

**RECESS**

 At 1:30 P.M., on motion of Senator McCONNELL, the Senate receded from business until 6:45 P.M.

**NIGHT SESSION**

 The Senate reassembled at 6:45 P.M. and was called to order by the PRESIDENT.

**Committee to Escort**

 The PRESIDENT appointed Senators JACKSON, KNOTTS, PEELER, CAMPBELL and McGILL to escort the Honorable Marshall Clement (Mark) Sanford, Governor of South Carolina, and members of his 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. 4289, a Concurrent Resolution adopted by both Houses.

 The Honorable Marshall Clement (Mark) Sanford and members of his party were escorted to the rostrum by Senators JACKSON, KNOTTS, PEELER, CAMPBELL and McGILL and Representatives G. Brown, Stringer, A.D. Young, T.R. Young and Gilliard.

 The PRESIDENT of the Senate introduced the Honorable Mark C. Sanford, Governor of the State of South Carolina.

 The Governor addressed the Joint Assembly as follows:

**2010 State of the State Address**

**Governor Mark Sanford**

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

 It’s an honor to be with you tonight to deliver my view on the state of our State, but as I’ve done in the past, I’d first ask that we pay tribute to the South Carolinians who died fighting in the Middle East and Afghanistan over the last year. Their deaths are a reminder to every one of us how short and fragile life can be – and beg of us the larger question of what are we doing to both honor their sacrifice, and to live the gift of life each of us has been granted?

 Their service is also a reminder to all of us, particularly in these trying economic times, of how important it is that we look for ways to serve others. There are little things that we can do here that can make a big difference.

 For instance, as one of their initiatives this year Seacoast Church decided to make a difference with a community in Kenya where one of the biggest obstacles to life comes in what we take for granted – clean water. Each member of the congregation was given a bottle of what looked to be dirty water and the challenge to empty it and refill it with coins saved by simply forgoing soft drinks or coffee and instead drinking water over the couple of weeks leading up to Christmas. Fifty cents here and seventy-five cents there doesn’t seem a big service or sacrifice, but cumulatively enabled the church to provide five water purification machines through Water Missions International in Charleston that will give 15,000 people clean drinking water.

 Or take more locally what Wayne Fields and his team at the Oliver Gospel Mission are doing in the lives of homeless men just a couple of blocks from where we are now. If every person in this State volunteered one day a month at institutions like this, it would dwarf anything that government might do in the way of social service.

 So here in the New Year let’s all recognize that many families across our State and nation are indeed hurting in these economic times – that there is a lot of need out there – in some cases unimaginable levels of need as we see the tragedy of Haiti unfolding – and it all begs one question. Can we follow these soldiers’ examples in looking for ways to serve?

 In fact, under the category of service from men and women in this Chamber, Representative Ted Pitts is bound for Afghanistan. His wife, Christina – and father Ed – are here and I’d ask you not only offer a round of applause for his service to our country, but that you match it with a prayer for his safety.

 Finally, the fact that each of the soldiers I alluded to earlier died in service to their country is again a reminder that freedom isn’t free. This year’s list of heroes is as follows:

 Private First Class Jason Watson

 Staff Sergeant Ralph Futrell

 Corporal Ryan McGhee

 Specialist Abraham Wheeler III

 Lance Corporal Christopher Fowlkes

 Specialist Demetrius Void

 Specialist Gary Gooch, Jr.

 Private First Class Geoffrey Whitsitt

 While on the topic of thanking I have historically asked a state worker, someone in the private sector, and often times the First Lady – to stand while we thanked them for their different efforts. Tonight, for one last time, let me continue that tradition.

 First, I’d like to recognize a state worker who is representative of so many who do their work without recognition. Barry Franco works at Trident Tech down in North Charleston and will train workers to take on roles at the new Boeing plant. Will you join me in thanking him for that important work – and for representing those who work in state government?

 We’ve also been joined tonight by Maxine White. She is an artist in the Upstate and a reminder of the creative talents and the innovative spirit found in the private sector. She reminds me of the ways in which every one of us can make a difference in South Carolina if we so choose. We don’t have to wait for a government program – we can just do it – as she does, and so will you please join me in welcoming her as well?

 Never losing the taxpayers’ perspective, let me underscore that the savings Jenny created at the Lace House, the Waring House, and the Mansion, is a reminder of how every one of us tied to government can follow the lead of working South Carolinians in being creative in finding ways to do more with less. Doing more with less is what families across our State are doing everyday – and those of us who work in government should find ways to honor these daily decisions being made by the people who pay for government.

 So with all that being said – the State of our State is that we have both enormous challenges and opportunities before us.

 Our economic challenges for instance are in some ways historic in nature, but with every great challenge in life comes an opportunity. The opportunity in this moment is that many changes are possible in tough economic times that would not be possible in good times. Few people, few companies, few states and few nations change until they have to. We have an environment for change we have never had in the last seven years I have been with you.

 Some things are going to change by virtue of the world economy whether we like them or not, and in much of this, the question will be whether or not we make the change – or change simply happens to us. For the sake of future generations I think it’s important we be as deliberate as possible in making changes I believe will accrue to the people of this State.

 I ask for the people of South Carolina to make loud, but respectful, noise for change. And I need to be a better messenger because if the people push for these changes, and we’re not too tone deaf in hearing, they will happen – if the people don’t, they won’t.

 As the people need to do their part, we need to do ours. Not only in my conversations with the public, but in my work with you, I need to be a humble messenger, and take joy in the fact that our Maker can use imperfect people in all walks of life. This very imperfection underscores the importance of both the grace of God and the grace of others.

 Though at times we may try to cover it or forget it, the imperfections of any of us underscore the degree to which we really are of the people, and by the people – and my simple hope this year is that we be for the people in the results we produce.

 So it is with that spirit that I hope we can come together.

 It doesn’t mean we won’t have our differences. We always will as we come from differing political ideologies, parties, parts of this State and more, but we can bridge them by committing to work alongside each other to make meaningful changes in this legislative session.

 Toward that end, this year we decided to narrow our focus to that which we believed was specific, measurable and achievable in this term. I still have strong opinions on the need to do something about unfunded liabilities at the state level, on the need for school choice, on capping higher education costs and more, but this final year we want to suggest just a few things in the hope this focus by you, me and the people more greatly insures their passage.

 Accordingly, could we make this the year that we add just a couple of tools to the tool kit of economic development and jobs, that we put in place spending limits so that we avoid otherwise inevitable harm to both those who pay for government and those served by it – and finally could we make just three changes to the structure of our government that will pay tremendous dividends over time in both the efficiency and the effectiveness of South Carolina state government?

 Boeing’s announcement this fall was indeed great news for the 3800 permanent jobs, 2000 construction jobs – and supplier and support jobs that will come with it.

 It is the single largest economic development announcement in the history of the State – and it has been named the economic deal of the year in the country. It is again an example of the success that can come our way when we work together – as so many at all levels of government, and the private sector, worked collaboratively on this project.

 But as great as those efforts were, if our soil conditions for the germination of the business that they would plant here in South Carolina were not better than other choices available to them, they wouldn’t have come here.

 It’s a reminder of how every one of us need to work to improve the business soil conditions of this State each year, and the item most immediately before us on this front is long overdue reform to the Employment Security Commission. This change is the tool we could add this year to the tool kit of job growth in South Carolina.

 The Employment Security Commission is yet another separate island of government in South Carolina, and it in some ways seemed accountable to no one as their trust fund was bled from a positive of $500 million to a negative of $800 million. If nothing is done here, taxes will go up on every small, mid-sized, and large business in our State – and I believe that tax increases would hurt job creation in South Carolina. I am joined in that belief by Kenny Bingham and Greg Ryberg – and I thank both of them for leading the charge this year on ESC Reform.

 Separate islands of government are not only bad for the taxpayer and harmful to the business soil conditions of our State – they also in this case hurt those searching for a job. By linking the Employment Security Commission to the efforts of the Department of Commerce in the creation of a Department of Workforce, the ESC would move from in too many ways simply processing claims for those unemployed to more actively coordinating with the Department of Commerce and others to connect those seeking jobs with job opportunities.

 We continue to believe that there are other things we could do to improve the economy like raising our lowest-in-the-nation cigarette tax and swapping this with an equal dollar cut to the corporate income tax. The net effect of the change we have proposed here is that South Carolina’s ranking on the state business tax climate index would move from 25th to the 6th most competitive state in the country – and changes like this would produce jobs.

 But regardless of these merits, in picking just one legislative change that would maximize economic prospects this year – it is ESC reform, and I ask for its passage.

 Concurrent with these legislative efforts, I am committed to working with each of you, those spearheading local economic development efforts – and the Department of Commerce – to maximize every possibility in recruiting jobs and investment to our State. The success that came in Boeing’s landing in Charleston is a reminder of how South Carolina can win in these economic development contests.

 Secondly, can we make this the year we get off the spending and budget roller coaster? To do so, we ask that the General Assembly enact spending limits. In fairness, measures aimed in this direction have passed the House several times, and once looked to come close in the Senate. Senator McConnell has committed to constitutional change as the most lasting way to make this concrete, and I applaud those efforts.

 I would ask for your passage of a Bill that limits government’s growth to population plus inflation, and then allocates everything beyond this to first paying down our state’s huge unfunded liabilities – which now amount to more than $20 billion – and when this is done, to then either set money aside for a rainy day or return it to the taxpayer.

 The importance of addressing spending and our unfunded liabilities can’t be underscored enough. It is the reason I got into politics, and I realize my convictions on these things can get old, but history has consistently shown how governments spend their way into oblivion – and pain for the people they supposedly represent. As a starting point I would simply ask you look at what we proposed in our budget in addressing unfunded liabilities.

 On spending limits, if your political persuasion is from the right, then they make sense for the way that they protect the taxpayer in the good times. They help to avoid money going into wants and wishes rather than core needs – as when an additional $1.5 billion comes into our state government as it did just three years ago. If your political persuasion is from the left, spending limits make sense for the way that they avoid us cutting past muscle and right into bone when times aren’t so good.

 Financial restraint is in many ways impossible without them, because as I’ve said repeatedly this fall at Rotary Club talks across the State, it’s as if over the last seven years’ worth of budgets we’ve been having parallel universe conversations, much like that described in the book, *Men Are from Mars, Women Are from Venus*. On the one hand I was over here pointing out that our spending was in no way sustainable. I pointed that out in each of the previous States of the State and literally a thousand other places as well.

 Just last year, I noted I didn’t have a crystal ball on economic trends; I simply heard from a lot of South Carolinians on common sense principles that they believed ought to apply to government. Trees don’t grow to the sky, winter follows summer, and economies go through cycles – these things represent thinking that has been around for a very long time. Unfortunately as a nation, and as a state government, this idea had been forgotten by too many for too long.

 The unsustainable debt march we were on has now come to an end, and so as a nation, and again by extension as a state, we will face a tremendous de-leveraging. I said then, and still believe, there is no way to avoid this reality.

 In last year’s State of the State I said that anybody who said that this economic slowdown would be short-lived was missing what I was hearing across the State – and that I believed that anyone who suggested that things wouldn’t get a whole lot worse before they got better had missed how high the forest of debt and spending had indeed grown over these 20 years.

 Unfortunately, I’ve been proven right – but in fairness to every one of you as legislators that was not the decision most immediately before you as each budget year approached. I say this because the reality that we all know of any dollar that comes into the political system is not whether or not it will be spent, but where it will be spent. Whether the spending of that dollar was sustainable or not becomes a purely intellectual exercise for you at budget time when the question before each one of you was at that point, “Do I fight for my district – and some of that money coming to the people that I serve – or do I simply let others spend it?”

 I don’t begrudge any one of you for doing that which you were elected to do in trying to watch out for the people of your district, and so if we do nothing we will be left at the impasse that we have found ourselves at for seven years. This means future governors – if they choose to try and hold the line on spending will simply burn bridges and large amounts of political capital with less than commensurate results – or they may punt on the issue as many have done with consequential results to the taxpayer.

 Doing nothing will leave every one of you in the less than ideal position of voting for spending that you know is unsustainable as the only way of getting a portion of that money back to your district and the people you represent.

 Doing nothing would perpetuate the peaks and valleys approach to government spending that we have seen for far too long.

 Doing nothing locks in a spending track that can almost guarantee future tax increases.

 People are hurting in our State, and they rightly expect action to be taken. But what we do in addressing the jobs and spending issues is very important for the way unsustainable spending can bring even greater harm to the economy and job prospects. Spending money we don’t have will never be the key to economic prosperity – this is true of bailouts from Washington just as it is true of our own approach to spending in this State.

 So we have a second opportunity in these trying economic times – and that is to pass spending limits. I don’t know when it will ever happen if it doesn’t happen in this kind of budget year – and so I join thousands across our State in asking that you pass meaningful and real spending limits this year.

 While on this topic of spending there is one other thing we need to do – make our voices heard in Washington. Everyone well knows my opinions on the fallacy of stimulus money – and my belief that lasting jobs and economic growth can never come from a government bailout. I won’t restate my beliefs on how damaging those efforts are to future generations, the American dollar and the long term viability of the American and South Carolina economies. But there is a new threat to each one of us, the dollar and the financial stability of this country as debts are spiraling in Washington.

 So-called healthcare reform will bring immediate damages to our State and nation, as for instance in South Carolina alone it would expand South Carolina Medicaid roles by over 500,000 people – costing our state’s taxpayers more than $1 billion over the next ten years. It would also mean Medicaid would grow to almost 40 percent of the state budget in five years, and in so doing effectively place about one-third of the state’s population on Medicaid.

 All this means is that unless people across this State really make their voices heard, significant cuts to other parts of state government – or substantial raises in taxes – are coming our way. If you take but one pearl from this talk it is that now is the time to make your voice heard – whether in correcting the path Washington is now on, or in bettering our State.

 Finally, in this last year of office I backed away from some of our more ambitious proposals in changing our government structure – and by extension the way things are done in Columbia – and instead we’re just asking for three changes that we, again, believe will be specific, measurable and achievable in moving us toward a more balanced – and thereby more efficient and effective state government.

 It is important to remember that government in South Carolina costs about 140 percent of the national average. Our governmental structure leads in mighty ways to this cost and this is something that hurts business and job prospects – as well as the taxpayer.

 Three things that we believe would move us in a different direction are a Department of Administration, having the Governor and Lt. Governor run together on a ticket and allowing the people to decide whether a host of constitutional officers should be elected or appointed.

 Last year, a Department of Administration bill passed the House unanimously before stalling in the Senate. Its premise is that we don’t need to continue to be the only state in the country that does not allow its Governor to administer the laws administered by the other 49 Governors in the United States. You would not be giving this power to me; I’m gone in 11 months – but for the sake of good government please give this power to whomever follows me, whether they are Republican or Democrat – male or female – please give them the tools by which they may succeed or fail, and then hold them accountable.

 Two, put the Governor and Lt. Governor together as a team. To me it makes no sense to have a governor elected by the people, and yet have his first check on delivering promises made by, not the legislative or judicial branches of government – but the Lieutenant Governor, who in our State could be of opposite political persuasion and party. Would it make any sense to have the President and Vice President in Washington elected with opposing agendas and wanting to go in opposition directions? I don’t believe it would, and I respectfully ask we make this change.

 Finally, can we let the people of South Carolina decide on whether a host of constitutional officers should be appointed rather than elected. We are for instance the only state in the country where the Adjutant General is elected. We are not asking that any of you take a position for or against change in any of these changes, just that you let the people of South Carolina decide.

 We are asking you do what was done at the time of the lottery when many in this chamber said they were against a lottery – but felt it was such an important issue that they would vote to allow the people to decide. If this reasoning can be good enough for a lottery, can it be good enough for the taxpayers chance to make decisions on our constitutional framework?

 This is the case particularly in South Carolina when that framework was handed to us in the 1800’s based on fears of black men in politics that are wrong and long outdated. These truths on the need for change have been recognized by Democrats like Anton Gunn or Vincent Sheheen along with Republicans like Garry Smith or Tom Young – and I think it is vital we all do something *this year* about these truths.

 So these are our simple requests for this legislative term. I ask for your work in their passage, and hope that you will call on me as I am committed to doing anything in your respective districts that might help toward that end.

 I am tempted to end here, but as this is my last State of the State let me add a few other words of thanks, as together we have effected some changes over these last seven years that have made, and will continue to make, a difference in people’s lives. In fact when I ran for this office eight years ago, I pledged to work to make South Carolina a better place to call home. While this work is never done, and never complete in today’s global competition for jobs, capital and way of life, we have made changes in each of the areas talked about in that now distant campaign.

 We talked about the need to improve the chance for a job, the chance to better what we brought home in building a life or a family, how even a job was key to using one’s talents, and therefore how important it was that we do things each year to make our business climate more competitive.

 That’s why I thank you for passing the first cut to the marginal income tax rate in South Carolina’s history. As a result of this change, $292 million has already stayed in the hands of small business people that would have gone to government. It has made a difference in how many of those small businesses could add a job to their payroll – or even survive in these economic times.

 I thank you for passing the largest recurring tax cut in South Carolina history. Already $260 million has stayed in the hands of taxpayers and for the difference this will make in their lives – I again thank you.

 I thank you for passing the first tort reform bill of its kind. That bill took us off the list of “judicial hell holes” and is the kind of change instrumental to bettering our state’s business climate and the prospect of jobs.

 I thank you for passing our state’s first reform to the workers’ compensation system. A change like that one is also just the kind of thing that a business from afar looking at South Carolina takes into consideration. And I thank you for passing things like the small business healthcare bill.

 The byproduct of these changes is in part evident in the record setting more than $4 billion in capital investment brought to our State last year, which followed the year before in record setting investment. It is borne in the more than $19 billion invested in our State over the last seven years, or the 64,000 *more* people working today than in 2003.

 These job numbers are not where we would like them to be, but it is important to remember that we rank 14th in the nation in employment growth – and 9th in labor force growth – which means a lot of people are voting with their feet in leaving the Northeast or Upper Midwest and coming to South Carolina to seek opportunity.

 It is evident in the decision of companies like Boeing, Google, Starbucks or Adidas to put down roots in South Carolina.

 It is evident in the expansions of companies like BMW, GE Aviation or Husqvarna.

 It is evident in the efforts of unsung heroes out working to grow and sustain small business like Southern Aluminum in Clinton, JVS Roofing in Simpsonville, or Elliott Sawmilling in Estill.

 We talked about changing the way Columbia works, and once again we haven’t reached the promised land on where we would like to end, but we have made real changes and for your efforts I thank you.

 For too long too many votes were never recorded in these chambers and there can be no accountability without transparency. Thank you for what all of you did to change this.

 We now have on-line transparency to allow a taxpayer to see more directly how their money is spent in state government.

 We ended the Competitive Grants program.

 We ended pass-throughs and bobtailing – and I thank you here too.

 When even the Ethics Committee said it couldn’t be done back in 2005, we found a way to begin on-line disclosure so that citizens could better see where money was coming from and going to in campaigns.

 We passed campaign finance reform. It had been vetoed twice during the previous administration, and its passage ended the Wild West practice that had prevailed in South Carolina that allowed unlimited and undisclosed amounts to go to a political party or caucus.

 Thank you for passing steps toward improving governmental structure that in turn yields better results. The Department of Transportation had not been changed since 1919, and changes there mean more money will go to the place where congestion and need exist rather than to the places of few cars but greater political power.

 You know the DMV story and its impact in people’s lives. We only have so much time here on earth and you can spend it doing something you love or instead wait in a DMV line. The change you made has meant that wait times have on average gone from 66 minutes to 16. That kind of time matters, and so accordingly I’d thank the staff at DMV that has been remarkable in the way they have embraced and fostered change.

 We talked about improving quality of life.

 For me and so many others this is in part measured in the look and feel of this State, and that is why I am particularly proud of the fact that more land has been set aside during this governorship than any other in state history. These 153,000 acres will pay dividends economically in attracting and retaining people in our State, and in giving them a glimpse of the splendor that keeps so many of us here.

 Quality of life begins with life itself, and so I want to thank each of you for your work in passing DUI reforms. Over the course of this administration fatalities due to drinking and driving have decreased by about one-third, and this means over 100 people each year continue in this gift called life. That would not have been the case without these changes.

 Did you know we passed one of the toughest immigration reform bills in the country? It was based on the simple notion that if you are going to have rules we all ought to play by those rules, and has made a real difference for families across this State.

 If you live on, or near, the coast, some would define quality of life as being able to get insurance for your home. The Coastal Insurance Bill protected taxpayers in the Midlands and Upstate from paying the bill for storm damages as is now the case in the state government-run Florida program.

 Just as when we walk into Walmart they never give us the exact price we would love – we still get a better price than if there was no competition. This bill has allowed the private sector and the marketplace to work.

 We talked about improving education. As a result of all that back and forth on this administration’s core belief that parents ought to have every opportunity to decide what school works best for their child – for a choice – more have been offered.

 We now have virtual schools and classrooms that allow someone in rural South Carolina to be taught by an expert in a different corner of the State.

 We passed a statewide charter school bill that was the first of its kind in the nation. I don’t believe we would have gotten that bill through – or other choices that now come in education – without the larger debate on full-scale choice in education.

 Whether in the additional $2.7 billion that has gone to education above and beyond the level of funding that came at this administration’s start in 2003 – or with the Education and Economic Development Act that offered a tech-prep choice to students – or in physical fitness programs offered as a result of the South Carolina Health and Fitness Act – or even in outright full choice in education now offered in early childhood education, I know that a long list of people deserve credit for work here that is making a difference in the minds of students across our State.

 Finally, I said I’d watch out for the taxpayer. I have always believed that money was a close proxy for freedom – and freedom at the end of the day is what the American political system was designed to perpetuate. It is economic freedom that unleashes the very initiative that drives our economy. It is freedom that empowers us to strive toward our respective dreams that individually define what “the pursuit of happiness” means to each one of us.

 Yet when you spend a third, or half, your year working just to pay taxes, you are, in essence, indentured to government part of that time. And we ought to always get to the heart of what drives taxes – what we spend in government.

 As mentioned earlier, this conviction is to the core. At times I wasn’t as diplomatic as I should have been in expressing my thoughts on this – but the good news is that as a result of all that fussing and fighting – the taxpayer was recognized at the table of our government in ways that would have not been the case.

 Though the pigs are still remembered, what is forgotten about that chapter was the way we faced a $155 million unconstitutional deficit. We set precedent back then for the next 100 years on the sanctity of our balanced budget in this State – and for your work I thank you.

 Did you know we are the second state in the nation to offer Health Savings Accounts for all state workers and retirees, and with this health and budget initiative millions will be saved?

 Did you know those changes we instituted at the front end of this administration with Corrections producing their own eggs and growing their own corn for grits, Commerce selling jets, PRT consolidating programs – millions more have been saved – and will continue to be saved?

 Did you know $110 million has been saved with the proviso you put into the budget with the preferred drug list, or that we have saved $1.8 billion over the last six years with our first in the nation Community Long-Term Care Program?

 I could go down a lot of “did you knows” on taxpayer savings, but I’ll spare you that laundry list of savings, and simply thank you for your part in all those little, and at times unseen, efforts to save the taxpayer money. I have always believed in the notion that the ultimate measure of government was found in what it spends – and that all too often it spends at a rate that surpasses the taxpayer’s ability to keep up with it.

 All those conversations, and even consternations, have been worthwhile for the way they served to force people in government to follow the lead of the people paying for government in looking for ways to do more with less.

 Lest the length of this talk of mine lead you to the conclusion that I will ask for legislative change beyond the three things I mentioned, I will call it quits. But I will leave you with two parting thoughts.

 The first is from our family minister Greg Surratt. In the prayer service before my second inaugural he encouraged me to live by Micah 6:8 which simply asks that we love mercy, do justice and walk humbly. I never got that charge quite right over the following four years, I don’t know that I ever will – but I do know that I will be trying and would pass his charge to each of you who bear the pressures and responsibilities of elected leadership.

 Under the category of life beyond politics, I’d ask you to focus on the things that matter most. Many of you are far ahead of me on this journey, but I heard a story a few months ago that has helped me in refocusing – and in the hope it might help you too, I offer it.

 In early December I was at the grand opening of Red Ventures in Lancaster, where I ended up in an amazing conversation with its CEO, Ric Elias, who had found himself in seat 1A of the plane that went down in the Hudson River.

 The plane lifted off from LaGuardia, and a short time after takeoff the captain came on mentioning a bird strike and matter-of-factly said that they would have to be heading back to the airport to re-land. Ric’s position was interesting because he sat cattycorner to the flight attendant and saw no fear in her eyes as the captain said what he said.

 Another couple minutes go by and the captain comes back on announcing just three words, “prepare for impact.” At that point, he could see the absolute sheer horror in the flight attendant’s eyes as she knew what that meant. They were fully loaded with fuel and you don’t put down a jet of that size on a street in Queens, Brooklyn or Manhattan.

 Ric did the mental calculation and figured he would be dying in about 40 to 45 seconds and his whole life went rolling by. He said though he had previously had the natural fears of death, he was not afraid of death as it was so near. What he did think about was the time he had wasted – the time he had spent arguing about petty things, about things that didn’t matter with people who did, the times he had let little things get to him. He said it was the most amazing process of letting go of all these things in those 45 seconds. In essence, he died to himself and to those previous aggravations in the short window of time that he had left on earth.

 But he didn’t die, and he now likened life to playing on bonus time in a video game – that he shouldn’t be here, but he was, and therefore he was going to fully live each day. In profoundly positive ways he would try and make a difference in the lives of those around him and the world at large. He would invest in things that truly matter – those things that you can’t see, you can’t touch, you can’t feel – but are the things that will have lasting value.

 I don’t know if I will ever see Ric again, but I do know I’ll be trying to follow his lead. As we work together over the next 11 months and as we go different ways after that, I hope you will too. If we all strive in this direction I suspect it will make a difference in bringing all of us – Republicans and Democrats, as representatives from the Coast, Midlands, and Upstate – as South Carolinians – together to better the lives of people in our State. That’s my prayer.

 Thank you and good night.

 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 PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Mose Louis “Butch” Manini, Jr. of Columbia, S.C., beloved father of Ms. Lisa Manini Sox, Senate Republican Caucus Director. Mr. Manini was the owner/operator of Columbia Granite Company until 1976 and later joined the S. C. Department of Commerce, retiring after 25 years of service.

**ADJOURNMENT**

 At 8:00 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

 Senator BRIGHT desired to be recorded as voting against the motion to adjourn.

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