**Tuesday, January 18, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

The prophet Isaiah tells us:

“Maintain justice, and do what is right,” so says the Lord.

(Isaiah 56:1a)

Let us pray:

Holy God, we know that God’s command to establish justice is clearly echoed in the words of the late Martin Luther King, Jr., as he proclaimed, “Now is the time to make justice a reality for all of God’s people.” May all of us continue to hold fast to that goal, O Lord. May the desires and actions of this body and of each Senator reinforce such an important and noble end, and may all of the people of South Carolina benefit marvelously. Guide these leaders as they bring rich blessings to Your people. And to You, O God, be the glory, now and forevermore. In Your loving name we pray, dear Lord.

Amen.

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

**Doctor of the Day**

Senator FAIR introduced Dr. Ted Watson of Anderson, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

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

S. 1 Sen. Davis S. 118 Sen. Rose

S. 8 Sen. Rose S. 120 Sen. Rose

S. 27 Sen. Rose S. 122 Sen. Rose

S. 29 Sen. Rose S. 124 Sen. Rose

S. 48 Sen. Rose S. 126 Sen. Rose

S. 56 Sen. Rose S. 127 Sen. Rose

S. 73 Sen. Peeler S. 167 Sen. Rose

S. 111 Sen. Rose S. 170 Sen. Rose

S. 172 Sen. Leatherman S. 327 Sen. Peeler

S. 207 Sen. Peeler S. 328 Sen. Peeler

S. 208 Sen. Peeler S. 345 Sens. Alexander,

Pinckney, Malloy

S. 231 Sen. Rose S. 348 Sen. Rose

S. 239 Sen. Peeler S. 357 Sen. Rose

S. 289 Sen. Rose S. 326 Sen. Campsen

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 369 -- Senator Leatherman: A SENATE RESOLUTION TO HONOR AND CONGRATULATE MRS. BECKY COOPER OF FLORENCE ON BEING NAMED THE 2011 VETERANS OF FOREIGN WARS NATIONAL CITIZENSHIP EDUCATION TEACHER OF THE YEAR.

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The Senate Resolution was adopted.

S. 370 -- Senator Sheheen: A BILL TO AMEND SECTION 1‑11‑495(B) OF THE 1976 CODE, AS AMENDED, RELATING TO MONITORING APPROPRIATIONS AND EXPENDITURES TO DETERMINE YEAR-END DEFICITS, TO PROHIBIT AGENCIES, DEPARTMENTS, AND INSTITUTIONS OF THIS STATE FROM RUNNING A DEFICIT FOR THE FISCAL YEAR AND TO REQUIRE AGENCIES, DEPARTMENTS, AND INSTITUTIONS OF THIS STATE TO EXPEND APPROPRIATIONS IN A MANNER THAT WILL NOT PREDICT OR PROJECT A DEFICIT; AND TO AMEND SECTION 1-11-495(C), TO REQUIRE AN AGENCY THAT PREDICTS OR PROJECTS A DEFICIT MUST REQUEST A SUPPLEMENTAL APPROPRIATION FROM THE GENERAL ASSEMBLY, TO PROVIDE FOR THE CONTENTS OF THE REQUEST, TO PROVIDE THAT THE GENERAL ASSEMBLY DOES NOT HAVE TO ACT ON THE REQUEST, TO PROVIDE FOR CONSEQUENCES IF THE GENERAL ASSEMBLY DOES NOT ACT ON THE REQUEST, AND TO PROVIDE THAT THE GENERAL ASSEMBLY MAY HOLD THE MANAGEMENT OF AN AGENCY, DEPARTMENT, OR INSTITUTION RESPONSIBLE FOR DEFICITS ARISING AS A RESULT OF MISMANAGEMENT.

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

S. 371 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27‑1-65 SO AS TO DEFINE THE TERM “CLOSING AGENT”, AND TO REQUIRE A CLOSING AGENT WHEN DETERMINING THE CHAIN OF TITLE FOR REAL PROPERTY BEING SOLD TO VERIFY AND DISCLOSE IN WRITING TO THE BUYER WHETHER A STRUCTURE EXISTING ON THE PROPERTY WAS BUILT BY AN OWNER OF THE PROPERTY WITHOUT A LICENSED CONTRACTOR PURSUANT TO SECTION 40-59-260; AND TO AMEND SECTION 27-50-40, AS AMENDED, RELATING TO THE CONTENTS OF RESIDENTIAL PROPERTY CONDITION DISCLOSURE STATEMENTS, SO AS TO PROVIDE THESE STATEMENTS MUST INCLUDE WHETHER THE SUBJECT PROPERTY INCLUDES A STRUCTURE BUILT BY AN OWNER OF THE PROPERTY FOR HIS OWN USE WITHOUT A LICENSED CONTRACTOR PURSUANT TO SECTION 40-59-260.

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

S. 372 -- Senator McConnell: A BILL TO AMEND THE CODE OF LAWS SOUTH CAROLINA, 1976, TO ENACT THE “STATE AGENCY DEFICIT PREVENTION AND RECOGNITION ACT” BY ADDING CHAPTER 79 TO TITLE 2 SO AS TO PROVIDE THAT A STATE AGENCY, DEPARTMENT, OR INSTITUTION MAY NOT OPERATE IN A MANNER THAT RESULTS IN A YEAR-END DEFICIT UNLESS THE DEFICIT IS RECOGNIZED BY THE GENERAL ASSEMBLY, TO PROVIDE THE MANNER IN WHICH THE GENERAL ASSEMBLY MAY RECOGNIZE A DEFICIT, TO PROVIDE THAT AN OFFICER OR EMPLOYEE OF THIS STATE MAY NOT MAKE OR AUTHORIZE AN EXPENDITURE OR OBLIGATION EXCEEDING THE AMOUNT AVAILABLE IN AN EXISTING STATE APPROPRIATION, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES; AND TO AMEND SECTION 1-11-495, AS AMENDED, RELATING TO YEAR END DEFICITS, SO AS TO ELIMINATE THE BUDGET AND CONTROL BOARD AUTHORITY TO RECOGNIZE AN AGENCY DEFICIT.

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

S. 373 -- Senator Sheheen: A BILL TO AMEND ARTICLE 1, CHAPTER 15, TITLE 63 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING CHILD CUSTODY AND VISITATION, BY ADDING SECTION 63-15-70 TO DEFINE JOINT CUSTODY.

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

S. 374 -- Senator Sheheen: A BILL TO AMEND ARTICLE 1, CHAPTER 53, TITLE 44 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING POISONS, DRUGS, AND OTHER CONTROLLED SUBSTANCES, BY ADDING SECTION 44-53-60 TO PROHIBIT THE IMPORTATION, PRODUCTION, MANUFACTURE, DISTRIBUTION, OR SALE OF SYNTHETIC CANNABINOIDS AND SUBSTANCES TO WHICH SYNTHETIC CANNABINOIDS HAVE BEEN APPLIED, TO ALLOW USE FOR LABORATORY RESEARCH PURPOSES, TO DEFINE SYNTHETIC CANNABINOIDS, AND TO PROVIDE PENALTIES.

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

S. 375 -- Senator Sheheen: A BILL TO AMEND ARTICLE 1, CHAPTER 4, TITLE 61 OF THE 1976 CODE, BY ADDING SECTION 61-4-280 TO PROHIBIT THE IMPORTATION, PRODUCTION, MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC ENERGY DRINKS AND CAFFEINATED MALT BEVERAGES AND TO PROVIDE PENALTIES.

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

S. 376 -- Senator Bryant: A BILL TO AMEND SECTION 16‑3‑1750 OF THE 1976 CODE, RELATING TO THE DURATION OF A RESTRAINING ORDER AGAINST A PERSON ENGAGED IN HARASSMENT OR STALKING, TO PROVIDE THAT THE ORDER MAY NOT BE LIFTED WITHOUT THE CONSENT OF THE VICTIM; TO AMEND SECTION 16-3-1780, RELATING TO THE MODIFICATION OF RESTRAINING ORDERS, TO PROVIDE THAT THE COURT MAY NOT TERMINATE THE FIXED PERIOD OR TERMINATE A RESTRAINING ORDER WITHOUT THE PRIOR CONSENT OF THE PLAINTIFF; TO AMEND SECTION 16‑25-120, RELATING TO THE ISSUANCE OF A RESTRAINING ORDER, TO PROVIDE THAT THE COURT MAY NOT SHORTEN THE FIXED PERIOD OR TERMINATE A RESTRAINING ORDER OR PROTECTIVE ORDER WITHOUT PRIOR CONSENT OF THE VICTIM; AND TO AMEND SECTION 20-4-70, RELATING TO THE DURATION OF THE TERM OF A PROTECTIVE ORDER AND THE MODIFICATION OF ITS TERMS, TO PROVIDE THAT EITHER PARTY MAY EXTEND THE LENGTH OF AN ORDER, AND TO PROVIDE THAT THE LENGTH OF THE ORDER MAY NOT BE SHORTENED OR TERMINATED WITHOUT THE CONSENT OF THE PETITIONER.

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

S. 377 -- Senator Thomas: A BILL TO AMEND SECTION 4‑9‑1210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFIED ELECTORS OF A COUNTY BY INITIATIVE PETITION PROPOSING CERTAIN ORDINANCES, SO AS TO REVISE THE SIGNATURE REQUIREMENTS ON THE INITIATIVE PETITION AND TO PROVIDE THAT UPON RECEIPT OF A PROPOSED ORDINANCE MEETING THE REQUIREMENTS OF THIS SECTION, THE COUNTY GOVERNING BODY SHALL CAUSE IT TO BE PLACED ON THE BALLOT AT THE NEXT ENSUING COUNTYWIDE ELECTION; AND TO AMEND SECTION 5-17-10, RELATING TO QUALIFIED ELECTORS OF A MUNICIPALITY BY INITIATIVE PETITION PROPOSING CERTAIN ORDINANCES, SO AS TO REVISE THE SIGNATURE REQUIREMENTS ON THE INITIATIVE PETITION AND TO PROVIDE THAT UPON RECEIPT OF A PROPOSED ORDINANCE MEETING THE REQUIREMENTS OF THIS SECTION, THE MUNICIPAL GOVERNING BODY SHALL CAUSE IT TO BE PLACED ON THE BALLOT AT THE NEXT ENSUING MUNICIPAL-WIDE ELECTION.

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

S. 378 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 108 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ISSUE COMBAT-RELATED DISABLED VETERAN SPECIAL LICENSE PLATES.

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

S. 379 -- Senator Pinckney: A SENATE RESOLUTION TO CONGRATULATE MRS. LIZZIE BELL WOODS OF JASPER COUNTY ON THE OCCASION OF HER ONE HUNDRED FOURTH BIRTHDAY, TO HONOR HER AS GRAND MARSHAL OF THE 2010 GOPHER HILL FESTIVAL, AND TO WISH HER CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 380 -- Senators O'Dell and Bryant: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SADNESS OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON LEARNING OF THE LOSS OF MR. GARNET HANLEY, A DECORATED WORLD WAR II VETERAN, RETIRED ANDERSON COUNTY SHERIFF'S DEPUTY, AND VOLUNTEER CHAPLAIN FOR THE RICHARD CAMPBELL VETERANS HOME, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 381 -- Senators Setzler, Knotts, Courson and Cromer: A SENATE RESOLUTION TO CONGRATULATE LEXINGTON MEDICAL CENTER ON THE OCCASION OF ITS FORTIETH ANNIVERSARY, AND, ON BEHALF OF THE PEOPLE OF SOUTH CAROLINA, TO EXPRESS THE APPRECIATION OF THE SOUTH CAROLINA SENATE FOR THE CENTER'S MANY YEARS OF DEDICATED SERVICE TO THIS GREAT STATE.

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The Senate Resolution was adopted.

S. 382 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE COLUMBIA URBAN LEAGUE FOR RECEIVING THE WHITNEY M. YOUNG, JR. LEADERSHIP AWARD FOR ADVANCING RACIAL EQUALITY AND JAMES T. MCLAWHORN, ITS PRESIDENT AND CHIEF EXECUTIVE OFFICER, FOR BEING NAMED THE CENTENNIAL PUBLIC POLICY CHAMPION BY THE NATIONAL URBAN LEAGUE.

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

S. 383 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND AUDREY L. WILLIAMSON OF RICHLAND COUNTY FOR HER PROFESSIONAL ACCOMPLISHMENTS AND COMMUNITY SERVICE.

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

H. 3004 -- Reps. Ballentine, Norman, Viers, Lucas, Simrill, Huggins, G. M. Smith, G. R. Smith, Loftis, Bedingfield, Hamilton, Stringer, Nanney, Lowe, Young, Willis, Bowen, D. C. Moss, Agnew, Pope, Daning, Thayer, Harrison, Allison, Taylor, Ryan, McCoy, Hixon, Bingham, Long, Whipper, R. L. Brown, Atwater, Henderson, Horne and Harrell: A BILL TO ENACT THE “SPENDING ACCOUNTABILITY ACT OF 2011”; AND TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-7-125 SO AS TO REQUIRE CERTAIN BILLS AND JOINT RESOLUTIONS TO RECEIVE A RECORDED ROLL CALL VOTE AT VARIOUS STAGES OF THEIR PASSAGE BY THE HOUSE OF REPRESENTATIVES AND THE SENATE.

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

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

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

**H. 3278--Recalled**

Senator CAMPSEN asked unanimous consent to make a motion to recall the Resolution from the Committee on Judiciary.

The Resolution was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., January 18, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sent the following veto to the Senate:

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

Respectfully submitted,

Speaker of the House

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

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

**SECOND READING BILLS**

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

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

On motion of Senators O’DELL and NICHOLSON, the Bill was read the second time, passed and ordered to a third reading.

S. 337 -- Senator Coleman: A BILL TO AMEND ACT 525 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF MEMBERS OF THE CHESTER COUNTY COUNCIL AND THE CHESTER COUNTY SCHOOL BOARD OF TRUSTEES, SO AS TO REVISE THE DATE BY WHICH A PERSON SHALL FILE A STATEMENT OF CANDIDACY IN ORDER TO RUN FOR A SEAT ON THE CHESTER COUNTY SCHOOL BOARD OF TRUSTEES.

On motion of Senator COLEMAN, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**SENATE RESOLUTION ADOPTED AS AMENDED**

S. 9 -- Senators L. Martin, Peeler, Rose, Campsen, Verdin and Cromer: A SENATE RESOLUTION TO AMEND RULE 16 OF THE RULES OF THE SENATE, RELATING TO VOTES BY AYES AND NOES AND THE REQUIREMENT THAT SENATORS PRESENT MUST VOTE, TO PROVIDE THAT RECORDED VOTES MUST BE TAKEN ON SECOND READING OF ALL BILLS AND RESOLUTIONS HAVING THE FORCE AND EFFECT OF LAW AND ON CERTAIN OTHER MATTERS.

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

Senator LARRY MARTIN spoke on the Resolution.

**RECESS**

At 12:15 P.M., on motion of Senator LARRY MARTIN, the Senate receded from business subject to the Call of the Chair.

At 12:50 P.M., the Senate resumed.

Senator LARRY MARTIN explained the Senate Resolution.

**Amendment No. P-1A**

Senators McCONNELL and DAVIS proposed the following amendment (9R005.GFM), which was adopted:

Amend the committee amendment, as and if amended, by striking the committee amendment in its entirety and inserting:

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

/ Be it resolved by the Senate:

That Rule 16 of the Rules of the Senate is amended to read:

“RULE 16.

Vote by Ayes and Noes

Senators Present Must Vote

Except as otherwise provided, the decision of the Senate on any question other than unanimous consent shall be taken by all members voting ‘viva voce’ or electronically when a roll call is required, if an electronic voting system is available. Votes on the following matters shall be taken by roll call and the names of the Senators voting shall be recorded in the Journal:

(1) Second reading of Joint Resolutions proposing amendments to the South Carolina Constitution and third reading of such Joint Resolutions that are substantively amended on third reading;

(2) The question on any act returned from the Governor with his or her objections;

(3) Second reading of ~~the General Appropriations Bill and any other Bill or Resolution authorizing the expenditure of funds~~ Bills and Resolutions having the force and effect of law and third reading of such Bills and Resolutions that are substantively amended on third reading;

~~(4)~~ ~~Second reading of any state or congressional reapportionment plan and third reading of any such plan that is substantively amended on third reading;~~

~~(5)~~ ~~Second reading of contested Bills and Joint Resolutions and third reading of such Bills and Resolutions that are substantively amended on third reading;~~

~~(6)~~ ~~Second reading of any Bill or Resolution that impacts the pay, benefits, or retirement of members of the General Assembly, the Executive Branch, the Judicial Branch, or the provisions of the Ethics Act or the Campaign Finance Act and third reading of such Bills and Resolutions that are substantively amended on third reading;~~

~~(7)~~ ~~Second reading of Bills or Resolutions that contain provisions that would create a fee or tax, raise the amount of an existing fee or tax, or reduce an existing fee or tax and third reading of such Bills and Resolutions that are substantively amended on third reading;~~

~~(8)~~ ~~Second reading of any Bill or Resolution that has a fiscal impact statement greater than $10,000 and third reading of such Bills and Resolutions that are substantively amended on third reading;~~

~~(9)~~(4) Adoption of reports of conference committees and free conference committees and the granting of free conference powers;

~~(10)~~(5) The question on concurrence or the adoption of a substantive amendment proposed to Bills or Resolutions returned from the House of Representatives; and

~~(11)~~(6) Any vote on the main question of ~~a Bill, Joint Resolution, or~~ an amendment for which there is a request for a roll call by three (3) Senators and the vote on any other motion for which there is a request for a roll call by five (5) Senators.

Prior to third reading of the annual general appropriations bill, each section of Part IA with the corresponding proviso must be considered individually and receive a roll call vote.

Upon a call of the Senate and unless a division is ordered, the Senators present shall vote alphabetically, unless voting electronically when a roll call is required and every Senator present must give his or her vote as aye, no, or abstain unless excused by the Senate. No Senator who is absent when the vote is taken and the result announced by the President shall be allowed to vote without leave of the Senate. A Senator who is absent from a vote may not be recorded as voting on that matter.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN spoke on the Resolution.

Senator McCONNELL explained the perfecting amendment.

The perfecting amendment was adopted.

**Amendment No. P-2**

Senator LEVENTIS proposed the following amendment (9R001.PPL), which was ruled out of order:

Amend the committee amendment, as and if amended, page [9-2], by striking line 43 and inserting:

/ vote may not be recorded as voting on that matter.

Be it further resolved by the Senate of the State of South Carolina:

That Rule 19 of the Rules of the Senate is amended by adding:

“I.

Testimony

No committee or subcommittee of the Senate may receive material for use in the consideration of a bill or other matter referred to the committee or subcommittee unless proffered through the sworn testimony of the person appearing before the committee and no person may offer oral testimony, materials, reports, or information of any kind in any form or medium to any committee or subcommittee of the Senate unless any of the oral testimony, material, report, or information of any kind in any form or medium is given under oath.

A person that willfully gives false, misleading, or incomplete testimony, or willfully provides materials, reports, or information of any kind in any form or medium under oath in violation of this rule is guilty of perjury and is subject to the penalties provided at law for committing perjury.” /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the perfecting amendment.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the Resolution pertained to Rule 16 and not Rule 19 and the amendment was out of order inasmuch as it was violative of Rule 24.

Senator LEVENTIS spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Amendment No. P-2 was ruled out of order.

The Committee on Rules proposed the following amendment (S9COMMITTEE), which was adopted:

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

/ Be it resolved by the Senate:

That Rule 16 of the Rules of the Senate is amended to read:

“RULE 16.

Vote by Ayes and Noes

Senators Present Must Vote

Except as otherwise provided, the decision of the Senate on any question other than unanimous consent shall be taken by all members voting ‘viva voce’ or electronically when a roll call is required, if an electronic voting system is available. Votes on the following matters shall be taken by roll call and the names of the Senators voting shall be recorded in the Journal:

(1) Second reading of Joint Resolutions proposing amendments to the South Carolina Constitution and third reading of such Joint Resolutions that are substantively amended on third reading;

(2) The question on any act returned from the Governor with his or her objections;

(3) Second reading of ~~the General Appropriations Bill and any other Bill or Resolution authorizing the expenditure of funds~~ Bills and Resolutions having the force and effect of law and third reading of such Bills and Resolutions that are substantively amended on third reading;

~~(4)~~ ~~Second reading of any state or congressional reapportionment plan and third reading of any such plan that is substantively amended on third reading;~~

~~(5)~~ ~~Second reading of contested Bills and Joint Resolutions and third reading of such Bills and Resolutions that are substantively amended on third reading;~~

~~(6)~~ ~~Second reading of any Bill or Resolution that impacts the pay, benefits, or retirement of members of the General Assembly, the Executive Branch, the Judicial Branch, or the provisions of the Ethics Act or the Campaign Finance Act and third reading of such Bills and Resolutions that are substantively amended on third reading;~~

~~(7)~~ ~~Second reading of Bills or Resolutions that contain provisions that would create a fee or tax, raise the amount of an existing fee or tax, or reduce an existing fee or tax and third reading of such Bills and Resolutions that are substantively amended on third reading;~~

~~(8)~~ ~~Second reading of any Bill or Resolution that has a fiscal impact statement greater than $10,000 and third reading of such Bills and Resolutions that are substantively amended on third reading;~~

~~(9)~~(4) Adoption of reports of conference committees and free conference committees and the granting of free conference powers;

~~(10)~~(5) The question on concurrence or the adoption of a substantive amendment proposed to Bills or Resolutions returned from the House of Representatives; and

~~(11)~~(6) Any vote on the main question of ~~a Bill, Joint Resolution, or~~ an amendment for which there is a request for a roll call by three (3) Senators and the vote on any other motion for which there is a request for a roll call by five (5) Senators.

Upon a call of the Senate and unless a division is ordered, the Senators present shall vote alphabetically, unless voting electronically when a roll call is required and every Senator present must give his or her vote as aye, no, or abstain unless excused by the Senate. No Senator who is absent when the vote is taken and the result announced by the President shall be allowed to vote without leave of the Senate. A Senator who is absent from a vote may not be recorded as voting on that matter.

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The question being the adoption of the committee amendment as perfected.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

The committee amendment was adopted, as amended.

**Amendment No. 1**

Senator ROSE proposed the following amendment (9R003.MTR), which was tabled:

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

/ ( ) Matters for which a statute requires a roll call vote. /

Renumber sections to conform.

Amend title to conform.

Senator ROSE explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

**Ayes 30; Nays 14**

**AYES**

Alexander Anderson Campbell

Campsen Coleman Fair

Ford Grooms Hayes

Hutto Jackson Land

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O’Dell Pinckney Rankin

Reese Scott Setzler

Sheheen Verdin Williams

**Total--30**

**NAYS**

Bright Bryant Cleary

Courson Cromer Davis

Knotts Leventis *Martin, Shane*

Peeler Rose Ryberg

Shoopman Thomas

**Total--14**

The amendment was tabled.

**Statement by Senator MCCONNELL**

I voted against this amendment because I believed this amendment attempted to amend the State Constitution in a manner that is not permitted by the Constitution. The State Constitution says that each house of the legislature shall determine its own rules of procedure. Just last year, some members of Congress passed a health care law that I and many others believed was unconstitutional. Those members of Congress believed that the federal constitution did not mean what it plainly says, but rather is a living document whose meaning changes with time. They simply wanted to pass something they wanted and interpreted the Constitution as no hindrance to obtaining the greater good of the moment. The amendment offered today similarly sought a good result.

However, Article III, Section 12 of our Constitution limits the power of the General Assembly by specifically granting to each house the sole authority to determine its rules of procedure. I reject the liberal interpretation that we can exceed the specific limits of our Constitution, even if we believe the action is worthy.

I have and will continue to support recorded votes, but in a manner that follows our State Constitution. The last thing we need to do here in South Carolina is get away from the wisdom of our founding fathers and disregard the Constitution in order to achieve a result. The best we can do for our constituents is to adhere to our oaths of office and follow the Constitution. I believe the amendment would violate the Constitution and for this reason I voted against it.

**Amendment No. 2**

Senator LEVENTIS proposed the following amendment (9R001.PPL), which was ruled out of order:

Amend the committee amendment, as and if amended, page [9-2], by striking line 43 and inserting:

/ vote may not be recorded as voting on that matter.

Be it further resolved by the Senate of the State of South Carolina:

That Rule 19 of the Rules of the Senate is amended by adding:

“I.

Testimony

No committee or subcommittee of the Senate may receive material for use in the consideration of a bill or other matter referred to the committee or subcommittee unless proffered through the sworn testimony of the person appearing before the committee and no person may offer oral testimony, materials, reports, or information of any kind in any form or medium to any committee or subcommittee of the Senate unless any of the oral testimony, material, report, or information of any kind in any form or medium is given under oath.

A person that willfully gives false, misleading, or incomplete testimony, or willfully provides materials, reports, or information of any kind in any form or medium under oath in violation of this rule is guilty of perjury and is subject to the penalties provided at law for committing perjury.” /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the Resolution pertained to Rule 16 and not Rule 19 and the amendment was out of order inasmuch as it was violative of Rule 24.

Senator LEVENTIS spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Amendment No. 2 was ruled out of order.

The question then was the adoption of the Resolution.

Senator LEVENTIS spoke on the Resolution.

Senator HUTTO spoke on the Resolution.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--44**

**NAYS**

**Total--0**

The Senate Resolution was adopted, as amended.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDMENT PROPOSED, DEBATE INTERRUPTED**

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

Senator LARRY MARTIN asked unanimous consent to take the Resolution up for immediate consideration.

There was no objection.

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

**Amendment No. P-1A**

Senators McCONNELL and DAVIS proposed the following amendment (327R001.LAM), which was adopted:

Amend the committee amendment, as and if amended, by striking the amendment in its entirety and inserting:

/ Be it resolved by the Senate:

That the Rules of the Senate are amended by adding:

“Rule 53

Seventy-Two Hour Budget Review

Except for explanatory remarks by the chairman and subcommittee chairmen of the Senate Finance Committee, the Senate may not consider the General Appropriation Bill, any Supplemental Appropriation Bill, any Joint Resolution appropriating revenues from the state’s reserve funds, any bond bill, or any revenue raising measure as described in Section 11‑11‑440 until the Bill or Joint Resolution and any Committee Report on the Bill or Joint Resolution have been made publicly available in a conspicuous location on the General Assembly’s website for seventy‑two (72) hours.

The time periods provided above may be waived by agreement of two-thirds (2/3) of the Senators present and voting.”

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Rules proposed the following amendment (S327COMMITTEE), which was adopted:

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

/ Be it Resolved by the Senate:

That Rule 27 of the Rules of the Senate is amended to read:

“Rule 27.

~~Presentation of Papers~~

Seventy‑Two Hour Budget Review

~~Senators, when presenting petitions, memorials or reports, or introducing Bills or Resolutions, may make a brief statement on the subject matter of such report, Bill or Resolution as the President in his or her discretion shall deem appropriate, or send it to the President, when it shall be read by the Reading Clerk, unless otherwise ordered.~~

Except for explanatory remarks by the chairman and subcommittee chairmen of the Senate Finance Committee, the Senate may not consider the General Appropriation Bill, any Supplemental Appropriation Bill, any Joint Resolution appropriating revenues from the state’s reserve funds, any bond bill, or any revenue raising measure as described in Section 11‑11‑440 until the Bill or Joint Resolution and any Committee Report on the Bill or Joint Resolution have been made publicly available in a conspicuous location on the General Assembly’s website for seventy‑two (72) hours.

This seventy‑two (72) hour requirement also applies to concurrence in a House amendment, the adoption of the report of a committee of conference or free conference and the veto of the Governor on the General Appropriation Bill, any Supplemental Appropriation Bill, any Joint Resolution appropriating revenues from the state’s reserve funds, any bond bill, or any revenue raising measure as described in Section 11‑11‑440.

The time periods provided above may be waived by agreement of two-thirds (2/3) of the Senators present and voting. However, during the final six (6) statewide legislative days prior to the date set for sine die adjournment, the time periods provided above may be waived by agreement of a majority of the membership of the Senate in a roll call vote.”

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted, as perfected.

**Amendment No. 1A**

Senators RYBERG and DAVIS proposed the following amendment (327R003.WGR):

Amend the bill, as and if amended, by adding the following paragraph:

/ No amendment to the General Appropriation Bill, any Supplemental Appropriation Bill, any Joint Resolution appropriating revenues from the state’s reserve funds, any bond bill, or any revenue raising measure as described in Section 11‑11‑440 that strikes all and inserts, except for the Senate Finance Committee Report, may be received until three-fifths of the Senators present and voting give leave for the amendment to be received.

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

On motion of Senator RYBERG, debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator PEELER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Clyde Medley of Gaffney, S.C., former Highway Commissioner from the 7th Judicial Circuit (1976-1980; 1984-1988). Mr. Medley was the owner/operator of Medley’s Concrete for over 30 years. He was a beloved husband, devoted father and doting grandfather and great‑grandfather.

**ADJOURNMENT**

At 2:40 P.M., on motion of Senator RYBERG, the Senate adjourned to meet tomorrow at 2:00 P.M.

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