**Tuesday, January 25, 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:

In Genesis we read:

“Abraham fell face down; he laughed and said to himself, ‘Will a son be born to a man a hundred years old? Will Sarah bear a child at the age of ninety?’ ” (Genesis 17:17)

Bow with me as we pray, please:

Truly, dear God, the situation that Abraham of old faced was preposterous, hard to comprehend, almost impossible to believe. And in the same manner, some aspects of the circumstances that South Carolina finds herself in now seem equally impossible to overcome. Yet Abraham never lost his sense of perspective: hence, he laughed. And may these Senators, also, O Lord, not lose their sense of what is significant, either. May these leaders at times even laugh; may they sense Your presence here in their midst; may they celebrate Your promises. And, eventually, may wondrous and grand results unfold anew for this State we all love. In Your holy name we pray, dear Lord. Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Initial Appointment, Director of Department of Corrections, with term coterminous with Governor

William Robert Byars, 200 Hunt Trace, Camden, SC 29020 *VICE* Jon Ozmit

Referred to the Committee on Corrections and Penology.

Initial Appointment, Director of Department of Insurance, with term coterminous with Governor

Robert David Black, 227 McDaniel Avenue, Greenville, SC 29601 *VICE* Scott Richardson

Referred to the Committee on Banking and Insurance.

Initial Appointment, Director of Department of Juvenile Justice, with term coterminous with Governor

Margaret H. Barber, 600 Sutton Rd., Fort Mill, SC 29715 *VICE* William R. Byars, Jr.

Referred to the Committee on Judiciary.

Initial Appointment, Director of Department of Revenue and Taxation, with term coterminous with Governor

James F. Etter, 120 Tam O Shanter Drive, Blythewood, SC 29016 *VICE* Ray N. Stevens

Referred to the Committee on Finance.

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committees for consideration:

Document No. 4137

Agency: Public Service Commission

Chapter: 103

Statutory Authority: 1976 Code Section 58-3-140

SUBJECT: Customer Deposits and Deposit Retention

Received by Lieutenant Governor January 24, 2011

Referred to Judiciary Committee

Legislative Review Expiration May 24, 2011

Document No. 4138

Agency: Public Service Commission

Chapter: 103

Statutory Authority: 1976 Code Section 58-3-140

SUBJECT: Regulation Governing Telephone Utilities Offering Regulated Prepaid Local Exchange Services and Bonds or Other Security Mechanisms

Received by Lieutenant Governor January 24, 2011

Referred to Judiciary Committee

Legislative Review Expiration May 24, 2011

Document No. 4145

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-149-10

SUBJECT: South Carolina HOPE Scholarship

Received by Lieutenant Governor January 24, 2011

Referred to Education Committee

Legislative Review Expiration May 24, 2011

Document No. 4146

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-149-10

SUBJECT: LIFE Scholarship and LIFE Scholarship Enhancement

Received by Lieutenant Governor January 24, 2011

Referred to Education Committee

Legislative Review Expiration May 24, 2011

Document No. 4147

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-150-360

SUBJECT: Lottery Tuition Assistance Program for Two-Year Public and Independent Institutions

Received by Lieutenant Governor January 24, 2011

Referred to Education Committee

Legislative Review Expiration May 24, 2011

Document No. 4148

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-142-20

SUBJECT: South Carolina Need-based Grants Program

Received by Lieutenant Governor January 24, 2011

Referred to Education Committee

Legislative Review Expiration May 24, 2011

Document No. 4149

Agency: Commission on Higher Education

Chapter: 62

Statutory Authority: 1976 Code Section 59-104-20

SUBJECT: Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement

Received by Lieutenant Governor January 24, 2011

Referred to Education Committee

Legislative Review Expiration May 24, 2011

Document No. 4156

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-24-40

SUBJECT: Program for Assisting, Developing, and Evaluating Principal Performance (PADEPP)

Received by Lieutenant Governor January 24, 2011

Referred to Education Committee

Legislative Review Expiration May 24, 2011

Document No. 4158

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-25-110

SUBJECT: Requirements for Certification at the Advanced Level

Received by Lieutenant Governor January 24, 2011

Referred to Education Committee

Legislative Review Expiration May 24, 2011

Document No. 4162

Agency: Environmental Certification Board

Chapter: 51

Statutory Authority: 1976 Code Sections 40-1-70, 40-23-70, and 40‑23‑305

SUBJECT: Applications for Certification; Renewal of License and Permit, Continuing Education; and Operator-in-Training Licenses

Received by Lieutenant Governor January 21, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 21, 2011

Document No. 4163

Agency: Board of Landscape Architectural Examiners

Chapter: 76

Statutory Authority: 1976 Code Sections 40-1-70 and 40-28-90

SUBJECT: Board of Landscape Architectural Examiners

Received by Lieutenant Governor January 21, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 21, 2011

Document No. 4164

Agency: Division of Labor

Chapter: 71

Statutory Authority: 1976 Code Sections 41-3-40 and 41-13-20

SUBJECT: Child Labor

Received by Lieutenant Governor January 21, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 21, 2011

**Doctor of the Day**

Senator HAYES introduced Dr. Terry Dodge of Chester, S.C., Doctor of the Day.

**Leave of Absence**

At 12:05 P.M., Senator THOMAS requested a leave of absence from 10:00 A.M. until 4:00 P.M. on Wednesday, January 26, 2011.

**Leave of Absence**

On motion of Senator SETZLER, at 12:10 P.M., Senator LOURIE was granted a leave of absence for today and lasting until 2:00 P.M. tomorrow.

**Expression of Personal Interest**

Senator McCONNELL rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator ELLIOTT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator GROOMS rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 17 Sen. Leventis

S. 18 Sen. Leventis

S. 27 Sen. Leventis

S. 30 Sen. Leventis

S. 32 Sen. Leventis

S. 48 Sen. Leventis

S. 53 Sen. Leventis

S. 74 Sen. Leventis

S. 76 Sen. Leventis

S. 85 Sen. Leventis

S. 92 Sen. Leventis

S. 93 Sen. Leventis

S. 105 Sen. Leventis

S. 120 Sen. Leventis

S. 135 Sen. Leventis

S. 138 Sen. Leventis

S. 139 Sen. Leventis

S. 149 Sen. Leventis

S. 152 Sen. Leventis

S. 168 Sen. Leventis

S. 171 Sen. Leventis

S. 178 Sen. Leventis

S. 181 Sen. Leventis

S. 200 Sen. Leventis

S. 201 Sen. Leventis

S. 241 Sen. Leventis

S. 254 Sen. Ford

S. 255 Sen. Ford

S. 256 Sen. Ford

S. 281 Sen. Leventis

S. 293 Sen. Leventis

S. 294 Sen. Leventis

S. 318 Sen. Leventis

S. 323 Sen. Leventis

S. 345 Sen. O’Dell

S. 370 Sen. Rose

S. 372 Sen. Rose

S. 377 Sen. Rose

S. 378 Sen. Rose

S. 385 Sen. Rose

S. 389 Sen. Rose

S. 390 Sen. Rose

S. 391 Sen. Rose

**CO-SPONSOR REMOVED**

The name of the respective Senator was removed from the following Bills:

S. 329 Sen. Leventis

S. 338 Sen. Leventis

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 416 -- Senators Cromer, Knotts and Setzler: A SENATE RESOLUTION TO CELEBRATE THE OCCASION OF THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF LEXINGTON, AND TO CONGRATULATE AND COMMEND MAYOR RANDY HALFACRE AND THE CITIZENS OF LEXINGTON FOR ONE AND A HALF CENTURIES OF SHOWCASING BOTH THE BEAUTY AND PROGRESS OF THIS GREAT SOUTH CAROLINA TOWN.

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The Senate Resolution was adopted.

S. 417 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 77, TITLE 38 SO AS TO REQUIRE AUTOMOTIVE REPAIR FACILITIES AND INSURERS TO PROVIDE CERTAIN DISCLOSURES REGARDING THE USE OF AFTERMARKET CRASH PARTS, AND TO PROVIDE DEFINITIONS, EXEMPTIONS, AND PENALTIES.

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

S. 418 -- Senator Leatherman: A BILL TO ENACT THE PROVISO CODIFICATION ACT OF 2011, TO PROVIDE FOR THE CODIFICATION IN THE SOUTH CAROLINA CODE OF LAWS OF CERTAIN PROVISOS CONTAINED IN THE ANNUAL GENERAL APPROPRIATIONS ACT, AND TO PROVIDE FOR OTHER PROVISIONS RELATED TO THE ANNUAL GENERAL APPROPRIATIONS ACT EFFECTIVE FOR FISCAL YEAR 2011‑2012 ONLY.

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

S. 419 -- Senators Setzler, Thomas, Fair and Bryant: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-240 SO AS TO CREATE THE OTHER FUNDS OVERSIGHT COMMITTEE TO REVIEW AND EXAMINE THE SOURCE OF OTHER FUNDS IN THIS STATE AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY, TO PROVIDE FOR ITS MEMBERSHIP, TO PROVIDE THAT ALL AGENCIES MUST COOPERATE WITH THE COMMITTEE, AND TO REQUIRE THE STATE BUDGET OFFICE TO NOTIFY THE COMMITTEE OF ANY REQUEST FOR AN INCREASE IN INTERIM BUDGET AUTHORIZATION.

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

S. 420 -- Senators McConnell and Peeler: A BILL TO AMEND SECTION 1-23-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL ASSEMBLY REVIEW OF REGULATIONS, INCLUDING, AMONG OTHER THINGS, GROUNDS FOR EXEMPTION FROM REVIEW, SO AS TO PROVIDE THAT A REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW BECAUSE IT WAS PROMULGATED TO COMPLY WITH FEDERAL LAW HAS THE SAME LEGAL STATUS AS THE FEDERAL LAW, SUCH THAT IF THE FEDERAL LAW IS VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT THE STATE REGULATION IS SIMILARLY VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT.

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

S. 421 -- Senator Rankin: A BILL TO AMEND ARTICLE 5, CHAPTER 3, TITLE 15 OF THE 1976 CODE, BY ADDING SECTION 15-3-645, TO PROVIDE A PROVISION IN AN INSURANCE CONTRACT ISSUED TO A CONSTRUCTION PROFESSIONAL EXCLUDING OR LIMITING COVERAGE FOR ONE OR MORE CLAIMS FOR PERSONAL INJURY, DEATH, OR DAMAGE TO PROPERTY BASED UPON OR ARISING OUT OF THE DEFECTIVE OR UNSAFE CONDITION OF AN IMPROVEMENT TO REAL PROPERTY THAT OCCURS PRIOR TO A POLICY'S INCEPTION DATE AND CONTINUES, WORSENS, OR PROGRESSES WHILE THE POLICY IS IN EFFECT IS VOID AND UNENFORCEABLE UNLESS THE EXCLUSION OR LIMITATION APPLIES ONLY IF THE INSURED HAD ACTUAL KNOWLEDGE OF THE INJURY OR DAMAGE PRIOR TO THE POLICY'S INCEPTION DATE.

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

S. 422 -- Senator Cromer: A BILL TO AMEND SECTION 56‑1‑180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL RESTRICTED DRIVER’S LICENSES TO CERTAIN MINORS, SO AS TO PROVIDE THAT THE RESTRICTIONS PLACED ON A HOLDER OF THIS LICENSE MAY BE WAIVED OR MODIFIED TO ALLOW THE LICENSE HOLDER TO TRAVEL BETWEEN HIS HOME AND A CHURCH-RELATED OR SPONSORED ACTIVITY.

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

S. 423 -- Senator Malloy: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE JUDICIAL DEPARTMENT BY ADDING SECTION 28 SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY, IN THE ANNUAL GENERAL APPROPRIATIONS ACT, SHALL APPROPRIATE, OUT OF THE ESTIMATED REVENUE OF THE GENERAL FUND FOR THE FISCAL YEAR FOR WHICH THE APPROPRIATIONS ARE MADE, TO THE JUDICIAL DEPARTMENT AN AMOUNT EQUAL TO TWO PERCENT OF THE GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR, AND TO PROVIDE FOR RELATED PROCEDURAL PROVISIONS IN REGARD TO THIS REQUIREMENT.

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Senator MALLOY spoke on the Resolution.

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

S. 424 -- Senators Hayes, Hutto, Grooms, Land and O'Dell: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF PROPERTY AND THE APPLICABLE ASSESSMENT RATIOS FOR THE VARIOUS CLASSES OF PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO REQUIRE AN APPLICANT FOR THE SPECIAL FOUR PERCENT ASSESSMENT RATIO ALLOWED ON OWNER-OCCUPIED RESIDENTIAL PROPERTY TO PROVIDE THE SOCIAL SECURITY NUMBERS OF THE OWNERS AND MEMBERS OF THEIR HOUSEHOLD, TO CLARIFY THE LEGAL RESIDENT CERTIFICATION REQUIRED IN THAT APPLICATION, TO DEFINE “LEGALLY SEPARATED” FOR PURPOSES OF THAT CERTIFICATE, TO PROVIDE THAT THE SPECIAL FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER-OCCUPIED RESIDENTIAL PROPERTY APPLIES TO THE VALUE REPRESENTING THE TAXPAYER'S OWNERSHIP INTEREST IN THE RESIDENCE WHEN THAT INTEREST WAS ACQUIRED BY DEED AND PROVIDE EXCEPTIONS FOR MARRIED PERSONS AND PERSONS LEGALLY SEPARATED, TO PROVIDE THAT THE HOMESTEAD EXEMPTION FROM PROPERTY TAX MILLAGE IMPOSED FOR SCHOOL OPERATIONS ALLOWED OWNER-OCCUPIED RESIDENTIAL PROPERTY APPLIES ONLY TO THE VALUE ATTRIBUTABLE TO THE TAXPAYER’S OWNERSHIP INTEREST SUBJECT TO THE EXCEPTION FOR MARRIED PEOPLE AND SURVIVING SPOUSES, AND TO ALLOW A COUNTY ASSESSOR TO REQUIRE TAXPAYERS OWNING RESIDENTIAL PROPERTY RECEIVING THE SPECIAL FOUR PERCENT ASSESSMENT RATIO TO REQUALIFY THE PROPERTY PERIODICALLY, BUT NOT MORE THAN ONCE IN THREE YEARS.

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

S. 425 -- Senator Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑7‑67 SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY, IN THE ANNUAL GENERAL APPROPRIATIONS ACT, SHALL APPROPRIATE, OUT OF THE ESTIMATED REVENUE OF THE GENERAL FUND FOR THE FISCAL YEAR FOR WHICH THE APPROPRIATIONS ARE MADE, TO THE JUDICIAL DEPARTMENT AN AMOUNT EQUAL TO TWO PERCENT OF THE GENERAL FUND REVENUE OF THE LATEST COMPLETED FISCAL YEAR, AND TO PROVIDE FOR RELATED PROCEDURAL PROVISIONS IN REGARD TO THIS REQUIREMENT.

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

S. 426 -- Senators Hayes, Hutto, Grooms, Land and O'Dell: A BILL TO AMEND SECTION 12-37-2725, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CANCELLATION OF A LICENSE PLATE AND REGISTRATION CERTIFICATE WHEN A VEHICLE OWNER MOVES OUT OF STATE AND THE PRORATED PROPERTY TAX REFUND DUE ON THAT CANCELLATION, SO AS TO ALLOW THE APPROPRIATE RECEIPT ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES TO SUBSTITUTE FOR THE ACTUAL LICENSE PLATE AND CERTIFICATE; TO AMEND SECTION 12-39-220, RELATING TO THE DISCOVERY OF UNTAXED PROPERTY FOR PURPOSES OF PROPERTY TAXES, SO AS TO PROVIDE THE DUTIES OF THE ASSESSOR WITH RESPECT TO THIS PROPERTY; AND TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO THE TIME LIMITS APPLICABLE FOR ASSESSING DELINQUENT TAXES, SO AS TO MAKE A CONFORMING AMENDMENT.

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

S. 427 -- Senators Hayes, Hutto, Grooms, Land and O'Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-45-17 SO AS TO PROVIDE MINIMUM CONTINUING EDUCATION COURSE REQUIREMENTS FOR COUNTY TAX COLLECTORS AND PROVIDE EXCEPTIONS; BY ADDING SECTION 12-59-85 SO AS TO ALLOW A COUNTY FORFEITED LAND COMMISSION TO REFUSE TO ACCEPT TITLE TO PROPERTY WHEN REFUSAL IS IN THE PUBLIC INTEREST; AND TO AMEND SECTIONS 12-51-50, AS AMENDED, AND 12-51-70, RELATING TO DELINQUENT TAX SALES, SO AS TO PROVIDE FOR THE SALES DATE AND TO INCREASE FROM THREE HUNDRED TO ONE THOUSAND DOLLARS THE DAMAGES FOR WHICH A DEFAULTING BIDDER IS LIABLE.

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

S. 428 -- Senators Hayes, Hutto, Grooms, Land and O'Dell: A BILL TO AMEND SECTION 12-37-251, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CALCULATION OF ROLLBACK MILLAGE USED IN THE YEAR OF IMPLEMENTATION OF A COUNTYWIDE REASSESSMENT PROGRAM, SO AS TO REVISE THE METHOD OF CALCULATING ROLLBACK MILLAGE AND TO PROVIDE FOR THE IMPOSITION OF AN “EQUIVALENT MILLAGE” FOR MUNICIPAL PROPERTY TAX WHEN MUNICIPAL BOUNDARIES EXTEND INTO MULTIPLE COUNTIES ON DIFFERENT REASSESSMENT SCHEDULES.

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

S. 429 -- Senator Hayes: A BILL TO AMEND SECTION 62-7-918, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNIFORM PRINCIPLE AND INCOME ACT, SO AS TO PROVIDE FOR THE PROCESS TO DETERMINE THE ALLOCATION OF PAYMENT MADE FROM A SEPARATE FUND TO CERTAIN TRUSTS AND TO PROVIDE COMMENT; AND TO AMEND SECTION 62-7-929, SO AS TO PROVIDE THE SOURCE OF FUNDS THAT MUST PAY FOR A TAX ON A TRUST'S SHARE OF THE TAXABLE INCOME OF THE ENTITY AND TO PROVIDE COMMENT.

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

S. 430 -- Senator L. Martin: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY STUDENTS ATTENDING DANIEL HIGH SCHOOL IN THE PICKENS COUNTY SCHOOL DISTRICT ON AUGUST 18, 2010, DUE TO A WATER MAIN BREAK, IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 3329 -- Rep. Hayes: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, AND 12, 2011, BY THE STUDENTS OF DILLON SCHOOL DISTRICTS 1, 2, AND 3 OF DILLON COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 3340 -- Reps. Hiott, Gambrell, Skelton, Owens and Bikas: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, AND 12, 2011, BY THE STUDENTS OF THE SCHOOL DISTRICT OF PICKENS COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 3343 -- Reps. Agnew and Gambrell: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, AND 12, 2011 BY THE STUDENTS OF ABBEVILLE COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 3364 -- Reps. Cooper, Agnew, Bowen, Gambrell, Thayer and White: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED DURING THE PERIOD OF JANUARY 10, 2011 THROUGH JANUARY 14, 2011, BY THE STUDENTS OF THE SCHOOL DISTRICTS IN ANDERSON COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW OR INCLEMENT WEATHER ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 3366 -- Rep. Whitmire: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 12, 13, AND 14, 2011, BY THE STUDENTS OF THE SCHOOL DISTRICT OF OCONEE COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

H. 3367 -- Rep. D. C. Moss: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAYS MISSED ON JANUARY 10, 11, 12, AND 13, 2011, BY THE STUDENTS OF THE CHEROKEE COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

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

**ORDERED ENROLLED FOR RATIFICATION**

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

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

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

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

**Ayes 4; Nays 0**

**AYES**

Land Leatherman McGill

Williams

**Total--4**

**NAYS**

**Total--0**

The Bill was ordered enrolled for Ratification.

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

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

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

**Ayes 3; Nays 0**

**AYES**

Massey Ryberg Setzler

**Total--3**

**NAYS**

**Total--0**

The Bill was enrolled for Ratification.

**THIRD READING BILL**

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

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

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

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Jackson Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

The Bill was read the third time and ordered sent to the House.

**AMENDED, READ THE SECOND TIME**

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

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

Senator RYBERG proposed the following amendment (3286R002.WGR), which was withdrawn:

Amend the amendment bearing document number (3286R001.KLB), as and if amended, by striking SECTION 14 and inserting the following:

/ SECTION 14. Section 41-35-615 of the 1976 Code is amended to read:

“Section 41-35-615. All notices given to an employer concerning a request for determination of insured status, a request for initiation of a claim series in a benefit year, a notice of unemployment, a certification for waiting‑week credit, a claim for benefits, and any reconsideration of a determination must be made by United States mail or electronic mail. The employer may designate with the department its preferred method of notice. If an employer does not make a designation, then notices must be made by United States mail. The employer may not be required to respond to the notice until ~~twelve business~~ ten calendar days after the postmark on notices sent via United States Mail or ten ~~business~~ calendar days after the date a notice is sent via electronic mail.” /

Renumber sections to conform.

Amend title to conform.

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

Senators RYBERG, SETZLER and CAMPSEN proposed the following amendment (3286R003.GEC), which was adopted:

Amend the amendment bearing document number (3286R001.KLB), as and if amended, by striking SECTION 14 and inserting the following:

/ SECTION 14. Section 41-35-615 of the 1976 Code is amended to read:

“Section 41-35-615. All notices given to an employer concerning a request for determination of insured status, a request for initiation of a claim series in a benefit year, a notice of unemployment, a certification for waiting‑week credit, a claim for benefits, and any reconsideration of a determination must be made by United States mail or electronic mail. The employer may designate with the department its preferred method of notice. If an employer does not make a designation, then notices must be made by United States mail. The employer may not be required to respond to the notice until ~~twelve business~~ ten calendar days, or the next business day if the tenth day falls on a Saturday, Sunday, or state holiday, after the postmark on notices sent via United States Mail or ten ~~business~~ calendar days after the date a notice is sent via electronic mail.” /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator KNOTTS desired to be recorded as voting in favor of the adoption of the amendment.

Senators BRYANT, REESE, WILLIAMS, MASSEY and BRIGHT proposed the following amendment (3286R001.KLB), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting the following:

/ SECTION 1. Section 41‑27‑260(13) and (14) of the 1976 Code is amended to read:

“(13) service performed by an individual for an employer as an insurance agent or as an insurance solicitor, if this service is performed by the individual for his employer for remuneration solely by way of ~~the~~ commission;

(14) service ~~other than service~~ performed ~~as defined in Section 41‑27‑230(3)~~ by an individual for an employer as a real estate salesman or agent, if this service is performed by the individual for his employer for remuneration solely by way of ~~the~~ commission;”

SECTION 2. Section 41‑27‑410 of the 1976 Code is amended to read:

“Section 41‑27‑410. Effective January 1, 1986, the ~~employment security~~ departmental administrative contingency assessment is an assessment of six one‑hundredths of one percent to be assessed upon the wages as defined in Section 41‑27‑380(2) of all employers except those who have either elected to make payments in lieu of contributions as defined in Section 41‑31‑620 or are liable for the payment of contributions as defined in Section 41‑31‑620 or are liable for the payment of contributions and are classified as a state agency or any political subdivision or any instrumentality of the political subdivision as defined in Section 41‑27‑230(2) ~~or have been assigned a contribution base rate of five and four‑tenths percent~~.”

SECTION 3. Section 41‑27‑610 of the 1976 Code is amended to read:

“Section 41‑27‑610. The failure to do an act required ~~pursuant to a provision~~ by or under the provisions of Chapters 27 through 41 of this title ~~is considered~~ shall be deemed an act committed in part at the office of the department in Columbia.”

SECTION 4. Section 41‑29‑150 of the 1976 Code is amended to read:

“Section 41‑29‑150. An employing unit must keep true and accurate work records containing information the department prescribes. These records must be open to inspection and subject to being copied by the department or its authorized representative at a reasonable time and as often as necessary. The department and the chairman of an appeal tribunal may require from an employing unit a sworn or unsworn report with respect to persons employed by it that he or it considers necessary for the effective administration of Chapters 27 through 41 of this title. Information obtained in this manner or from an individual pursuant to the administration of these chapters, except to the extent necessary for the proper administration of such chapters, shall be held confidential and may not be published or be open to public inspection, other than to the public employees in the performance of their public duties, in any manner revealing the individual’s or employing unit’s identity. However, a claimant or his legal representative at a hearing before an appeal tribunal must be supplied information from these records to the extent necessary for the proper presentation of his claim. An employee or member of the department who violates a provision of this section must be fined not less than twenty dollars or more than ~~two~~ five hundred dollars, imprisoned for not longer than ninety days, or both.”

SECTION 5. Section 41‑29‑170 of the 1976 Code is amended to read:

“Section 41‑29‑170. (A) A claimant or his legal representative must be supplied with information from the records, to the extent necessary for the proper presentation of his claim in a proceeding pursuant to Chapters 27 through 41, subject to restrictions the department may prescribe by regulation.

(B)(1) Upon written request, the department may furnish information obtained through the administration of Chapters 27 through 42 including, but not limited to, the name, address, ordinary occupation, wages, and employment status of a covered worker or recipient of benefits and the recipient’s rights to additional benefits pursuant to Chapters 27 through 41, to:

(a) an agency or agent of the United States charged with the administration of public works or assistance through public employment;

(b) a state agency similarly charged or charged with workforce development or training or with jobs recruitment; ~~and~~

(c) an agency or entity to which disclosure is permitted or required by federal statute or regulation or by state law~~.~~; and

(d) any private or public person or organization when the disclosure is necessary to permit private or public contracting parties to assist in the operation and management of the department in instances where certain departmental functions may be delegated to private or public parties to increase the department’s efficiency or quality of service to the public. The private or public person or organization shall use the information or records solely for the purpose for which the information was disclosed and shall be bound by the same rules of privacy and confidentiality as department employees.

(2) This disclosure is subject to restrictions the department may prescribe by regulation.

(C)(1) The State Employment Office must furnish, upon request of a public agency administering the Temporary Assistance to Needy Families (TANF) or child support programs, a state agency administering food stamp coupons, a state or federal agency administering the new hire directory, or a public housing authority, information in its possession relating to:

(a) an individual who is receiving, has received, or has applied for unemployment insurance;

(b) the amount of benefits being received;

(c) the current home address of these individuals;

(d) whether an offer of work has been refused and, if so, a description of the job and the terms, conditions, and rate of pay;

(e) in the case of requests from a public housing authority, a listing of the current employer and previous employers for the available preceding six calendar quarters;

(f) in the case of requests from the state or federal agency that issues food stamp coupons or the new hire directory, a listing of the current employer and address and previous employers and their addresses, including wage information, for the available preceding six calendar quarters.

The requesting agency is responsible for reimbursing the department for actual costs incurred in supplying the information. This information must be provided in the most useful and economical format possible.”

SECTION 6. Section 41‑29‑180 of the 1976 Code is amended to read:

“Section 41‑29‑180. The department shall endeavor, both for the relief of the clerical work of employers and its own office, to confine reporting to the minimum necessary for the proper administration of the law, and, except for necessary separation, low earnings, special reports or notices, or wage and employment reports required pursuant to Section 41‑29‑140~~, it shall not require reports as to the earnings of individual employees more frequently than quarterly~~.”

SECTION 7. Section 41‑29‑250 of the 1976 Code is amended to read:

“Section 41‑29‑250. The department must:

(A) print and make available for public distribution the text of Chapters 27 through 41 of this title and its:

(1) regulations;

(2) annual reports to the Governor and General Assembly; and

(3) other material the department considers relevant and suitable; ~~and~~ or

(B) ~~furnish this material to a person on request and~~ make ~~it~~ the information required by subsection (A) available on its Internet website.”

SECTION 8. Section 41‑29‑270 of the 1976 Code is amended to read:

“Section 41‑29‑270. Notwithstanding the provisions of Chapters 27 through 41 of this title, the department ~~must~~ may promulgate regulations necessary for the operation of an emergency unemployment compensation system in the event of an enemy attack or natural disaster, as declared by the President of the United States, that disrupts or endangers the department’s usual procedures or facilities.”

SECTION 9. Section 41‑31‑10(A) of the 1976 Code is amended to read:

“Section 41‑31‑10. (A) Each employer shall pay contributions equal to ~~five and four‑tenths percent of wages paid by him during each year~~ the tax rate assigned to rate class twenty except as may be otherwise provided in Chapters 27 through 41 of this title. The department must promulgate regulations regarding the methodology by which the allowed prepayment amounts will be calculated and the manner in which they will be credited to the employer’s account.”

SECTION 10. Section 41‑31‑30 of the 1976 Code is amended to read:

“Section 41‑31‑30. The department shall annually classify employers in accordance with their actual experience ~~in the payment of contributions on their own behalf and~~ of the total taxable wages reported and with respect to benefits charged against their accounts to set contribution rates that reflect the employer’s experience. The department shall determine the contribution rate of each employer in accordance with the requirements of Sections 41‑31‑20 to 41‑31‑70.”

SECTION 11. Section 41‑31‑55 of the 1976 Code is amended to read:

“Section 41‑31‑55. (A) In any calendar year in which the State Unemployment Insurance Trust Fund is insolvent, the State shall impose additional surcharges on all contributory employers to pay interest on the outstanding debt. The estimated amount of interest to be paid in the upcoming year will be divided by the estimated taxable payroll for the calendar year. The result rounded to the next higher one-hundredth of one percent is the statewide average surcharge.

(B) The rate for class twenty will be set so that the entire schedule raises the income required to pay interest surcharges for the year, subject to the structure defined in subsection (A). The rate for each preceding benefit rate class shall be equal to ninety percent of the rate calculated for the succeeding class, except that the rate class twelve shall be set at one-fourth the rate calculated for rate class twenty.

(C) These funds shall be deposited in a special account as provided in Section 41‑33‑810.”

SECTION 12. Articles 3 and 5, Chapter 33, Title 41 of the 1976 Code is amended to read:

“ARTICLE 3.

DEPARTMENT OF EMPLOYMENT AND WORKFORCE SECURITY ADMINISTRATION FUND

Section 41‑33‑410. There is hereby created in the State Treasury a special fund to be known as the ~~employment security~~ Department of Employment and Workforce administration fund. The fund shall consist of any money appropriated by this State in accordance with Section 41‑33‑460; all money received from the United States, or any agency thereof, and all money received from any other source for the administration of Chapters 27 through 41 of this ~~Title~~ title; all money received from any agency of the United States or any other state as compensation for services or facilities supplied to such agency; all amounts received pursuant to any surety bond or insurance policy or from other sources for losses sustained by the ~~employment security~~ Department of Employment and Workforce administration fund or by reason of damage to property, equipment, or supplies purchased from money in such fund; and all proceeds realized from the sale or disposition of any such property, equipment, or supplies which may no longer be necessary for the proper administration of Chapters 27 through 41 of this ~~Title~~ title. Notwithstanding any provision of this section, all money requisitioned and deposited in this fund pursuant to Section 41‑33‑160 shall remain part of the unemployment compensation fund and shall be used only in accordance with the conditions specified in Sections 41‑33‑130 to 41‑33‑160.

Section 41‑33‑420. All money in the ~~employment security~~ Department of Employment and Workforce administration fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury, except that money in this fund shall not be commingled with other ~~State~~ state funds, but shall be maintained in a separate account on the books of a depository bank. They shall be secured by such bank or banks by such securities or surety bond as required by law of depositories of ~~State~~ state funds.

Section 41‑33‑430. Money deposited or paid into the fund are appropriated and made available to the department. Money in this fund must be expended solely for the purpose of defraying the cost of the administration of Chapters 27 through 41 of this title and for no other purpose. A balance in the fund may not lapse at any time but continuously must be available to the department for expenditure consistent with Chapters 27 through 41 of this title. The department shall issue its requisition approved by the ~~chairman~~ director or a designated ~~member~~ individual, officer, or agent for payment of the costs of administration to the Comptroller General who shall draw his warrant in the usual form provided by law on the State Treasurer, who shall pay it by check on the ~~employment security~~ Department of Employment and Workforce administration fund.

Section 41‑33‑440. All moneys in the ~~employment security~~ ~~employment security~~ Department of Employment and Workforce administration fund except money received pursuant to Section 41‑33‑160 shall be expended solely for the purposes and in the amounts found necessary by the Secretary of Labor, or his successors, for the proper and efficient administration of Chapters 27 through 41 of this ~~Title~~ title.

Section 41‑33‑450. The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the ~~employment security~~ Department of Employment and Workforce administration fund.

Section 41‑33‑460. Money in the ~~employment security~~ Department of Employment and Workforce administration fund, paid to this State under Title III of the Social Security Act and the Wagner‑Peyser Act, found by the Secretary of Labor, or his successors, because of an action or contingency, to have been lost or expended for a purpose other than, or in an amount in excess of, those found necessary by the Secretary of Labor, for the proper administration of the department’s employment ~~security~~ and workforce program, it is the policy of this State that the money must be replaced by money appropriated for this purpose from the general funds of this State to the ~~employment security~~ Department of Employment and Workforce administration fund for expenditures as provided in Section 41‑33‑430. Funds that have been expended by the department or its agents pursuant to a budget approved by the Secretary of Labor, pursuant to the general standards and limitations promulgated by the Secretary of Labor, before this expenditure, when proposed expenditures have not been specifically disapproved by the Secretary of Labor, must not be considered to require replacement.

Section 41‑33‑470. The department shall report to the State Budget and Control Board in the same manner as is required generally for the submission of financial requirements for the ensuing year and the board shall include in its request for general appropriations presented to the General Assembly at its next regular session a statement of the amounts required for any replacement required by Section 41‑33‑460.

ARTICLE 5.

DEPARTMENT OF EMPLOYMENT ~~SECURITY~~ AND WORKFORCE SPECIAL ADMINISTRATION FUNDS

Section 41‑33‑610. (A) There is created in the State Treasury a special fund to be known as the ~~employment security~~ Department of Employment and Workforce special administration fund, which must consist of all penalties and interest collected on contributions due pursuant to Sections 41‑31‑330 and 41‑31‑350 and interest collected on unpaid contributions pursuant to Section 41‑31‑370. Money in the fund must be deposited, administered, and disbursed pursuant to the provisions of Section 41‑33‑420 applicable to the ~~employment security~~ Department of Employment and Workforce

administration fund.

(B) Money deposited in the special administration fund is appropriated and made available to the department. Money in the fund must be expended solely for:

(1) replacements in the ~~employment security~~ Department of Employment and Workforce administration fund as provided in Section 41‑33‑460;

(2) refunds pursuant to Section 41‑31‑360 of interest erroneously collected; and

(3) special, extraordinary, and incidental expenses incurred in the administration of Chapters 27 through 41 of this title not provided for in the ~~employment security~~ Department of Employment and Workforce administration fund and for which federal funds are not granted by the federal government through the Secretary of Labor or its other agencies.

(C) A balance in the fund shall not lapse at any time, but must be continuously available to the department for expenditure consistent with Chapters 27 through 41 of this title. The department shall issue its requisition approved by its director or his designated officer or agent for the purposes set forth in this section to the Comptroller General who shall draw his warrant in the usual form provided by law on the State Treasurer, who shall pay it by check on the fund.

Section 41‑33‑710. (A) There is created in the State Treasury a special fund to be known as the ~~employment security~~ Department of Employment and Workforce administrative contingency fund, which consists of all assessments collected pursuant to Section 41‑27‑410. Money in the ~~employment security~~ Department of Employment and Workforce administrative contingency fund must be deposited, administered, and disbursed in accordance with the provisions of Section 41‑33‑420 applicable to the ~~employment security~~ Department of Employment and Workforce administration fund.

(B) Money deposited in the ~~employment security~~ Department of Employment and Workforce administrative contingency fund is appropriate and made available to the department. Money in the fund must be expended to:

(1) assist with the reemployment of unemployed workers using the most efficient and effective means of service delivery;

(2) undertake a program or activity that furthers the goal of the department as provided in Chapter 42 of this title;

(3) supplement basic employment security services with special job search and claimant placement assistance designed to assist unemployment insurance claimants to obtain employment;

(4) provide employment services, like recruitment, screening, and referral of qualified workers to agricultural areas where those services have in the past contributed to positive economic conditions for the agricultural industry; and

(5) provide otherwise unobtainable information and analysis to the legislature and program managers about issues related to employment and unemployment.

(C) A balance in the fund does not lapse, but is continuously available to the department for expenditure consistent with Chapter 42 of this title. The department must issue its requisition approved by its director or his designated officer or agent for the purposes set forth in this section to the Comptroller General who shall draw his warrant in the usual form provided by law on the State Treasurer, who shall pay it by check on the fund.

Section 41‑33‑810. (A) There is hereby created in the State Treasury a special fund to be known as the Department of Employment and Workforce interest assessment fund.

(B) The fund shall consist of all assessments collected pursuant to Section 41‑31‑55(A).

(C) All money in the interest assessment fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury, except that money in this fund shall not be commingled with other state funds, but shall be maintained in a separate account on the books of a depository bank. They shall be secured by such bank or banks by such securities or surety bond as required by law of depositories of state funds.

(D) All moneys which are deposited or paid into the fund are appropriated and made available to the department. All moneys in this fund shall be expended solely for the purpose of defraying the cost of interest on advances from the federal Unemployment Trust Fund as provided in the Social Security Act, Section 1202(b)(3)(A).

(E) Any balances in the fund shall not lapse at any time but shall be continuously available to the department for expenditure consistent with Chapters 27 through 41 of this title. The department shall issue its requisition approved by the executive director or any designated individual, officer, or agent for payment of such costs of interest to the Comptroller General who shall draw his warrant in the usual form provided by law on the State Treasurer, who shall pay it by check on the interest assessment fund.”

SECTION 13. Section 41‑35‑320 of the 1976 Code is amended to read:

“Section 41‑35‑320. (1) For a week in which one hundred percent federal sharing funding is available, there is an ‘on’ indicator for a week:

(a) beginning after March 7, 2009; and

(b) ending four weeks before the last week of unemployment for which one hundred percent federal sharing is available under Section 2005(a) of Public Law No. 111‑5, or an amendment of this provision, without regard to the extension of federal sharing for certain claims as provided under Section 2005(c) of this law.

(2) There is a state ‘on’ indicator for this State for a week in which the United States Secretary of Labor determines that for the period consisting of the most recent three months, the rate of total unemployment, seasonally adjusted, equaled or exceeded six and a half percent, and the average rate of total unemployment for the State, seasonally adjusted, as determined by the United States Secretary of Labor for this period equals or exceeds one hundred ten percent of the average unemployment for the State ~~for either or both~~ in one or more of the corresponding three‑month periods ending in the ~~two~~ three preceding calendar years.

(3)(a) Effective with respect to weeks beginning in a ‘high unemployment period’, Section 41‑35‑440 must be applied by substituting:

(i) ‘eighty percent’ for ‘fifty percent’ in item (1)(a) of that section; and

(ii) ‘twenty’ for ‘thirteen’ in item (1)(b) of that section.

(b) For the purpose of this section, a ‘high unemployment period’ exists during a period in which an extended benefit period would be in effect by substituting ‘eight percent’ for ‘six and a half percent’ in subsection (2).

(4) There is a state ‘off’ indicator for the purpose of this section when a condition of subsection (2) is not satisfied.

(5) Notwithstanding a provision of Section 41‑35‑380, an individual’s ‘eligibility period’ must include an eligibility period provided in Section 2005(b) of Public Law 111‑5 and an amendment of this provision.

(6) The ~~commission~~ department shall implement procedures to allow retroactive claims, but these procedures must conform to conditions of federal funding.”

SECTION 14. Section 41‑35‑615 of the 1976 Code is amended to read:

“Section 41‑35‑615. All notices given to an employer concerning a request for determination of insured status, a request for initiation of a claim series in a benefit year, a notice of unemployment, a certification for waiting‑week credit, a claim for benefits, and any reconsideration of a determination must be made by United States mail or electronic mail. The employer may designate with the department its preferred method of notice. If an employer does not make a designation, then notices must be made by United States mail. The employer may not be required to respond to the notice until ~~twelve business~~ twelve calendar days after the postmark on notices sent via United States Mail or ~~ten business~~ twelve calendar days after the date a notice is sent via electronic mail.”

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator KNOTTS desired to be recorded as voting in favor of the adoption of the amendment.

The question was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

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

**MOTION ADOPTED**

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

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

**DEBATE INTERRUPTED**

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

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

Senator CLEARY was recognized to speak on the Bill.

On motion of Senator LARRY MARTIN, with unanimous consent, debate was interrupted by adjournment, with Senator CLEARY retaining the floor.

**STATEWIDE APPOINTMENT**

**Confirmation**

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

Initial Appointment, Director of Department of Health & Human Services, with term coterminous with Governor

Anthony Edward Keck, 10305 Oakline Drive, Baton Rouge, LA 70809 *VICE* Emma Forkner

On motion of Senator PEELER, the question was confirmation of Mr. Keck.

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

**Ayes 41; Nays 0**

The following named Senators voted for Mr. Keck:

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**Statement by Senator COURSON**

I was out of the Chamber at the time the confirmation vote was taken on Mr. Keck and had I been present, I would have voted in favor of his confirmation.

The appointment of Mr. Keck was confirmed.

**ADJOURNMENT**

At 2:01 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 2:00 P.M.

\* \* \*