**Wednesday, April 27, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

 The Senate assembled at 9:00 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 I Corinthians Paul describes “the body” in a particular way, yet we all understand his intent as he writes:

 “The body is a unit, though it is made up of many parts; and though all its parts are many, they form one body.” (I Corinthians 12:12a)

 Let us pray:

 Gracious God, how richly diverse is South Carolina. Indeed, the slogan on the Seal of the United States applies so aptly to us: *E pluribus unum*—“Out of many, one.” For we South Carolinians are also many people, of many races, religions, and ancestries. Yet we, though many “parts,” are indeed “one.” Therefore, O Lord, guide these Senators and their staff members as they seek to serve and care for all of the people of this State. And may their leadership lead to rich blessings. This we pray in Your loving name, dear Lord.

Amen.

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

**Doctor of the Day**

 Senator LARRY MARTIN introduced Dr. Lori Carnsew of Liberty, S.C., Doctor of the Day, along with 3rd year medical student, Annie Trent.

**Leave of Absence**

 On motion of Senator THOMAS, at 9:00 A.M., Senator COURSON was granted a leave of absence until 10:30 A.M.

**Leave of Absence**

 At 9:30 A.M., Senator VERDIN requested a leave of absence beginning at 5:30 P.M. on Thursday, and lasting until Noon on Tuesday, May 3, 2011.

**Leave of Absence**

 At 9:30 A.M., Senator CLEARY requested a leave of absence beginning at 5:30 P.M. on Thursday, and lasting until Noon on Tuesday, May 3, 2011.

**Leave of Absence**

 At 10:15 A.M., Senator ROSE requested a leave of absence beginning at 11:00 A.M. and lasting until 1:00 P.M. today.

**CO-SPONSORS ADDED**

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

S. 262 Sen. Malloy

S. 693 Sen. Bright

S. 848 Sen. Knotts

**Expression of Personal Interest**

 Senator HUTTO rose for an Expression of Personal Interest.

**Motion Adopted**

 On motion of Senator MATTHEWS, with unanimous consent, the birth certificate of President Barack Obama, as released by the White House today, was ordered printed in the Journal as follows:



**RECALLED AND ADOPTED**

 H. 4034 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BUNKER HILL ROAD IN THE TOWN OF LITTLE ROCK FROM ITS INTERSECTION WITH WEST MAIN STREET TO ITS INTERSECTION WITH HARLLEES BRIDGE ROAD “MAXIE ROWELL ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS “MAXIE ROWELL ROAD”.

 Senator WILLIAMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

 The Resolution was recalled from the Committee on Transportation.

 On motion of Senator WILLIAMS, with unanimous consent, the Concurrent Resolution was taken up for immediate consideration.

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

**RECALLED**

 S. 831 -- Senators Massey and Ryberg: A BILL TO AMEND SECTION 22‑2‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MAGISTRATES’ JURY AREAS, SO AS TO PROVIDE FOR REVISED JURY AREAS AND THE LOCATION OF THE MAGISTRATES’ OFFICES AND TO REPEAL ACT 79 OF 1977 AND ACT 758 OF 1988 RELATING TO MAGISTRATES IN AIKEN COUNTY.

 Senator MASSEY asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 850 -- Senator Elliott: A JOINT RESOLUTION TO PROVIDE THAT THE WHOLESALE PRICE OF GASOLINE FOR EACH OCTANE SOLD IN THIS STATE MAY NOT EXCEED THE AVERAGE WHOLESALE PRICE IT SELLS FOR ON JUNE 1, 2011, TO PROVIDE THAT PRICE SHALL REMAIN CAPPED FROM JUNE 1, 2011, UNTIL JUNE 1, 2012, AND TO PROVIDE THAT ANY PERSON, COMPANY, OR WHOLESALER WHO RECEIVES REVENUE FROM THE SALE IN THIS STATE OF GASOLINE AT WHOLESALE ABOVE THE WHOLESALE PRICE PERMITTED BY THIS JOINT RESOLUTION MUST REMIT THE EXCESS TO THE DEPARTMENT OF REVENUE WHICH SHALL HOLD THESE FUNDS IN A TRUST ACCOUNT TO BE DISTRIBUTED TO OR USED FOR THE BENEFIT OF THE CITIZENS OF SOUTH CAROLINA AS THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW.

l:\council\bills\dka\3619sd11.docx

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

 S. 851 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑101-156 SO AS TO PROVIDE THAT EACH FOUR-YEAR PUBLIC INSTITUTION OF HIGHER LEARNING SHALL REQUIRE ALL STUDENTS TO TAKE A ONE CREDIT HOUR COURSE EACH SEMESTER FOR EIGHT CONSECUTIVE SEMESTERS WHICH TEACHES STUDY SKILLS, ALLOCATION OF TIME, GOAL SETTING, POSITIVE THINKING, MOTIVATION, LIFE SKILLS, AND RELATED SUBJECTS, AND TO PROVIDE THAT THESE COURSES MUST BE TAUGHT ON A PASS/FAIL BASIS AND MUST BE SUCCESSFULLY COMPLETED BEFORE THE STUDENT MAY EARN HIS DEGREE FROM THE INSTITUTION OF HIGHER LEARNING.

l:\council\bills\agm\19035bh11.docx

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

 S. 852 -- Senator Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 22‑3-555 SO AS TO PROVIDE THAT MAGISTRATES COURT MUST DISPOSE OF CRIMINAL CASES WITHIN SIX MONTHS OF ARREST AND TO PROVIDE AN EXCEPTION; AND TO AMEND SECTION 14-25-45, RELATING TO THE JURISDICTION OF MUNICIPAL COURTS, SO AS TO PROVIDE THAT MUNICIPAL COURTS MUST DISPOSE OF CRIMINAL CASESWITHIN SIX MONTHS OF ARREST AND TO PROVIDE AN EXCEPTION.

l:\council\bills\ms\7367ahb11.docx

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

 S. 853 -- Senator Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 17‑23-155 SO AS TO REQUIRE A SOLICITOR TO CALL CASES FOR TRIAL WITHIN ONE YEAR OF INDICTMENT, TO PROVIDE THAT THE STATE MUST PRESENT AN INDICTMENT WITHIN NINETY DAYS AFTER A WARRANT HAS BEEN ISSUED, AND TO REQUIRE EXCEPTIONS.

l:\council\bills\ms\7366ahb11.docx

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

 S. 854 -- Senator Malloy: A BILL TO AMEND SECTION 16-3-600 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSAULT AND BATTERY OFFENSES, SO AS TO SUBSTITUTE THE TERM “A PERSON” FOR THE TERM “AN ADULT”.

l:\s-jud\bills\malloy\jud0108.jjg.docx

 Senator MALLOY spoke on the Bill.

 Read the first time and, on motion of Senator MALLOY, with unanimous consent, S. 854 was ordered placed on the Calendar without reference.

 S. 855 -- Senators Pinckney, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO CELEBRATE THE OCCASION OF THE ONE HUNDREDTH ANNIVERSARY OF THE FOUNDING OF THE CITY OF HARDEEVILLE, AND TO CONGRATULATE AND COMMEND MAYOR BRONCO BOSTICK, THE CITY COUNCIL, AND THE CITIZENS OF HARDEEVILLE FOR A CENTURY OFDISPLAYING THE CHARM AND DIGNITY OF THIS SOUTH CAROLINA JEWEL.

l:\council\bills\gm\24758cm11.docx

 The Senate Resolution was adopted.

 H. 4116 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 25, 2011, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2019; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2016; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2019.

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

 H. 4123 -- Rep. White: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2011 AS “MENTAL HEALTH MONTH” IN SOUTH CAROLINA AND TO ENCOURAGE COMMUNITY AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

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

**HOUSE CONCURRENCE**

 S. 849 -- Senators Lourie, Courson and Leventis: A CONCURRENT RESOLUTION TO THANK ATTORNEY BENJAMIN A. JOHNSON OF YORK COUNTY FOR HIS TWELVE YEARS OF DEDICATED SERVICE AS SOUTH CAROLINA’S COMMISSIONER AND CHAIRMAN OF THE ATLANTIC LOW‑LEVEL RADIOACTIVE WASTE COMPACT COMMISSION, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

 Returned with concurrence.

 Received as information.

**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 an Act and enrolled for Ratification:

 H. 3012 -- Reps. Horne, H.B. Brown and Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 44 TO ENACT THE “LICENSURE OF IN‑HOME CARE PROVIDER ACT” SO AS TO REQUIRE A BUSINESS TO BE LICENSED TO PROVIDE, OR TO MAKE PROVISIONS FOR, IN‑HOME CARE SERVICES THROUGH ITS EMPLOYEES OR AGENTS OR THROUGH CONTRACTUAL ARRANGEMENTS; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS FOR LICENSURE IN ACCORDANCE WITH REQUIREMENTS PROVIDED FOR IN THIS ACT, INCLUDING, BUT NOT LIMITED TO, CRIMINAL BACKGROUND CHECKS; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR IN‑HOME CAREGIVERS EMPLOYED BY IN‑HOME CARE PROVIDERS; AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN ALL FEES COLLECTED PURSUANT TO THIS CHAPTER TO BE USED EXCLUSIVELY TO CARRY OUT THE DEPARTMENT’S RESPONSIBILITIES PURSUANT TO THIS CHAPTER; AND TO AMEND SECTION 44‑7‑2910, AS AMENDED, RELATING TO CRIMINAL RECORD CHECKS FOR CAREGIVERS, SO AS TO INCLUDE IN-HOME CARE PROVIDERS.

**H. 3012--Recorded Vote**

 Senator BRIGHT desired to be recorded as voting against the third reading of the Bill.

 H. 3276 -- Reps. White, Owens, Bikas, Sellers, Ott and Clemmons: A BILL TO RATIFY AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE’S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE’S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE; TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PROMOTING SOUND WILDLIFE CONSERVATION AND MANAGEMENT AS PRESCRIBED BY THE GENERAL ASSEMBLY; AND TO SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING STATE LAWS OR REGULATIONS, OR THE STATE’S SOVEREIGNTY OVER ITS NATURAL RESOURCES.

**HOUSE BILL RETURNED**

 The following House Bill was read the third time and ordered returned to the House with amendments:

 H. 3562 -- Reps. Ott, Hardwick, Brady, Spires, Butler Garrick, Vick, Jefferson, McEachern, Munnerlyn, Knight, Sabb, Gambrell, Anderson, Hiott, Hodges, Dillard, Allen, Battle, Hosey, Weeks and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT “CHANDLER’S LAW” SO AS TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL‑TERRAIN VEHICLES INCLUDING MINIMUM AGE REQUIREMENTS FOR THE OPERATION OF ALL‑TERRAIN VEHICLES, SAFETY COURSE COMPLETION REQUIREMENTS, SAFETY EQUIPMENT REQUIREMENTS, AND PASSENGER RIDING REQUIREMENTS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS CONTAINED IN THIS CHAPTER, TO PROVIDE THAT ALL‑TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL‑TERRAIN VEHICLES.

**H. 3562--Recorded Vote**

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

**Statement by Senator McCONNELL**

 I voted against H. 3562 because it would make it unlawful to act in contradiction to a label placed on an ATV. A person in South Carolina could be criminally liable based on a decision made by a bureaucrat in Washington that can be changed at any time. We may agree with the labeling requirements, but we don’t know what they may be in a year or two.

 Also, the Bill would make it unlawful to act in contravention of a local regulation. I believe this requirement may make this Bill unconstitutional since criminal laws must be uniform statewide. I cannot vote for a Bill that I believe is unconstitutional. For those reasons, I voted “no”.

**Statement by Senator ROSE**

 I voted against the third reading of H. 3562 for the reasons Senator McConnell stated in the Senate Journal that he voted against H. 3562 on second reading.  If I had realized yesterday the points made by Senator McConnell, I would have voted against H. 3562 on second reading also.

**THIRD READING BILLS**

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

 S. 824 -- Senators Land, Leatherman, Setzler, Nicholson, Hutto, Jackson and Ford: A JOINT RESOLUTION TO DESIGNATE THE SOUTH CAROLINA JOBS‑ECONOMIC DEVELOPMENT AUTHORITY AS THE AUTHORIZED AGENCY TO IMPLEMENT THE STATE SMALL BUSINESS CREDIT INITIATIVE WITHIN AND ON BEHALF OF THE STATE OF SOUTH CAROLINA; TO AUTHORIZE THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY TO EXECUTE AND DELIVER THE REQUISITE APPLICATION AND THE STATE SMALL BUSINESS CREDIT INITIATIVE ALLOCATION AGREEMENT FOR PARTICIPATING STATES, AND ALL OTHER RELATED AGREEMENTS, DOCUMENTS, CERTIFICATES, AND UNDERTAKINGS, ON BEHALF OF THE STATE OF SOUTH CAROLINA; AND TO AUTHORIZE THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY TO CONTRACT WITH THE BUSINESS DEVELOPMENT CORPORATION OF SOUTH CAROLINA TO ADMINISTER THE PROGRAMS PERMITTED UNDER AND SUPPORTED BY THE STATE SMALL BUSINESS CREDIT INITIATIVE.

**S. 824--Recorded Vote**

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

 S. 262 -- Senators Sheheen, Rose, Scott, Ford and Malloy: A BILL TO AMEND SECTION 1‑30‑10 OF THE 1976 CODE, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, TO MAKE TECHNICAL CORRECTIONS AND TO REQUIRE CERTAIN REPORTS FROM THE VARIOUS DEPARTMENTS; TO AMEND SECTION 8‑27‑10, RELATING TO THE DEFINITION OF REPORT FOR THE PURPOSES OF THE EMPLOYMENT PROTECTION FOR REPORTS OF VIOLATIONS OF STATE OR FEDERAL LAW OR REGULATION, BY PROVIDING THAT A REPORT MAY BE A WRITTEN OR ORAL ALLEGATION OR TESTIMONY TO A LEGISLATIVE COMMITTEE; TO AMEND CHAPTER 27 OF TITLE 8, RELATING TO EMPLOYMENT PROTECTION FOR REPORTS OF VIOLATIONS OF STATE OR FEDERAL LAW OR REGULATION, BY ADDING SECTION 8‑27‑60 TO PROVIDE THAT A SUMMARY OF THE PROVISIONS CONTAINED IN CHAPTER 27 ARE POSTED ON THE INTERNET WEBSITE OF EACH PUBLIC BODY SUBJECT TO THE PROVISIONS OF THAT CHAPTER; AND BY ADDING CHAPTER 2 TO TITLE 2, RELATING TO LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS, TO PROVIDE THAT THE STANDING COMMITTEES OF THE GENERAL ASSEMBLY HAVE A DUTY TO REVIEW AND STUDY THE OPERATIONS OF THE STATE AGENCIES WITHIN THE COMMITTEE’S JURISDICTION, TO ESTABLISH COMMITTEE OVERSIGHT JURISDICTION, TO PROVIDE FOR THE PROCESS BY WHICH A COMMITTEE MAY INITIATE AN OVERSIGHT STUDY OR INVESTIGATION, TO PROVIDE FOR THE MANNER IN WHICH AN INVESTIGATING COMMITTEE MAY ACQUIRE EVIDENCE OR INFORMATION RELATED TO THE STUDY OR INVESTIGATION, TO PROVIDE FOR PROGRAM EVALUATION REPORTS, THE MANNER IN WHICH THEY ARE REQUESTED, AND THE CONTENTS OF THE REPORTS, TO PROVIDE THAT ALL TESTIMONY GIVEN TO AN INVESTIGATING COMMITTEE MUST BE GIVEN UNDER OATH, TO PROVIDE THAT WITNESSES TESTIFYING IN FRONT OF AN INVESTIGATING COMMITTEE MAY BE REPRESENTED BY COUNSEL, AND TO PROVIDE THAT WITNESSES ARE GIVEN THE BENEFIT OF ANY PRIVILEGE WHICH HE COULD HAVE CLAIMED IN COURT AS A PARTY TO A CIVIL ACTION.

 S. 687 -- Senators Scott, Knotts and Ford: A BILL TO AMEND SECTION 43‑7‑460, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RECOVERY OF FUNDS FROM ESTATES OF PERSONS WHO RECEIVED MEDICAID, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMENDED SECTION 44-7-130, AS AMENDED, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO SUBSTITUTE, IN RELEVANT DEFINITIONS, “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMEND SECTION 44‑7-260, AS AMENDED, RELATING TO HEALTH FACILITY LICENSURE REQUIREMENTS, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “MENTALLY RETARDED”; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL REGARDING HEALTH CARE FACILITIES, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED” TO AMEND SECTION 44-7-320, AS AMENDED, RELATING TO THE DENIAL, REVOCATION, OR SUSPENSION OF A HEALTH FACILITY LICENSE, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMEND CHAPTER 20, TITLE 44, RELATING TO THE SOUTH CAROLINA MENTAL RETARDATION, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, INCLUDING THE CREATION, GOVERNANCE, AND OPERATION OF THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, CHAPTER 21, TITLE 44, RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FAMILY SUPPORT SERVICES, SECTION 44‑23‑10, AND ARTICLES 3 AND 5 OF CHAPTER 23, TITLE 44, RELATING TO PROVISIONS APPLICABLE TO BOTH MENTALLY ILL AND MENTALLY RETARDED PERSONS, CHAPTER 26, TITLE 44, RELATING TO THE RIGHTS OF MENTAL RETARDATION CLIENTS, ALL SO AS TO CHANGE THE TERM “MENTAL RETARDATION” TO “INTELLECTUAL DISABILITY” AND THE TERM “MENTALLY RETARDED” TO “PERSON WITH INTELLECTUAL DISABILITY”; TO PROVIDE THAT THE TERMS “INTELLECTUAL DISABILITY” AND “PERSON WITH INTELLECTUAL DISABILITY” HAVE REPLACED AND HAVE THE SAME MEANINGS AS THE FORMER TERMS “MENTAL RETARDATION” AND “MENTALLY RETARDED”; AND TO DIRECT STATE AGENCIES, BOARDS, COMMITTEES, AND COMMISSIONS AND POLITICAL SUBDIVISIONS OF THE STATE AND THE CODE COMMISSIONER TO SUBSTITUTE THE TERM “INTELLECTUAL DISABILITY” FOR “MENTAL RETARDATION” AND THE TERM “PERSON WITH INTELLECTUAL DISABILITY” FOR “MENTALLY RETARDED” IN RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, AND PUBLICATIONS WHEN THESE RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, OR PUBLICATIONS ARE AMENDED, REVISED, OR REPUBLISHED.

 S. 823 -- Senators Knotts, Ford, Williams, Setzler, Campbell, O’Dell, Bryant, Rankin, Cleary, McConnell, McGill, Land, Campsen and Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑681 SO AS TO DESIGNATE COLLARD GREENS AS THE OFFICIAL STATE VEGETABLE.

**S. 823--Recorded Vote**

 Senator BRIGHT desired to be recorded as voting against the third reading of the Bill.

**AMENDED, READ THE THIRD TIME**

 S. 741 -- Senator S. Martin: A BILL TO AMEND SECTION 50‑11‑710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING PROHIBITIONS AND EXCEPTIONS, TO ALLOW THE USE OF LASER SIGHTING AND OTHER DEVICES WHEN HUNTING COYOTES AT NIGHT DURING MAY AND JUNE PURSUANT TO AUTHORIZATION GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES THROUGH ITS DEPREDATION PERMIT PROGRAM.

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

**Motion Under Rule 26B**

 Senator COLEMAN asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

 There was no objection.

 Senator COLEMAN proposed the following amendment (741R003.CC), which was adopted:

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

 Renumber sections to conform.

 Amend title to conform.

 Senator COLEMAN explained the amendment.

 The amendment was adopted.

 There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**Motion Adopted**

 On motion of Senator RYBERG, with unanimous consent, Senators RYBERG and MASSEY were granted leave to attend a meeting and were granted leave to vote from the balcony.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

 S. 693 -- Senators Bryant and Bright A BILL TO AMEND SECTION 23‑9‑70 OF THE 1976 CODE, RELATING TO ORDER AND APPEALS FROM A STATE FIRE MARSHAL, TO INCREASE THE AMOUNT OF TIME THAT AN OCCUPANT OR OWNER MAY APPEAL THE DECISION OF A DEPUTY OR RESIDENT FIRE MARSHAL FROM TWENTY‑FOUR HOURS TO FOURTEEN DAYS, AND TO PROVIDE THAT THE STATE FIRE MARSHAL’S DECISION MUST BE FILED WITHIN TEN DAYS OF RECEIVING THE NOTICE OF APPEAL.

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

 There was no objection.

 The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Labor, Commerce and Industry.

 Senator ALEXANDER proposed the following amendment (693R001.WGR), which was adopted:

 Amend the committee amendment, as and if amended, by striking SECTION 1 and SECTION 2 in their entirety and inserting:

 / SECTION 1. Section 23‑9‑70 of the 1976 Code is amended to read:

 “Section 23‑9‑70. Whenever the State Fire Marshal, deputy or resident fire marshal shall find, pursuant to examination as provided in Section 23‑9‑50 of this chapter, any building or other structure which, for any cause, is especially liable to fire and which is so situated as to endanger lives or other property, or is deficient in fire or life protection, an order shall issue in writing directing the defect to be removed or remedied, service of such order shall be made as provided in this chapter and such occupant or owner shall forthwith comply with the terms thereof. If such order is issued by any deputy or resident fire marshal, such occupant or owner may, within ~~twenty‑four hours~~ thirty days, appeal to the State Fire Marshal, who shall, within ten days of receiving notice of the appeal, during which time the order appealed from shall be stayed, review the order and file his decision. The appeal period shall not be allowed if the building or any other structure is deemed to be an imminent danger pursuant to Section 23-9-160. ~~Provided, however, that any~~ A person who feels himself aggrieved by any order or affirmed order of the State Fire Marshal may, within five days after the making or affirming of such order, appeal to an administrative law judge, as provided under Article 5 of Chapter 23 of Title 1, for review of such order and it shall be heard at the first convenient day. In the event a final order entered pursuant to this chapter is not complied with within a period of thirty days from date of service of such final order then the State Fire Marshal shall cause the hazard to be remedied by repair or demolition, and all offensive materials and dangerous conditions removed, at the joint and several expense of the occupant or owner of such building or premises. An itemized statement of costs and expenses shall be furnished the occupant or owner of the premises and the statement shall be satisfied within a period of thirty days, failing which, upon ten days further notice the State Fire Marshal may assess such costs and expenses. Any party aggrieved by an assessment order may appeal to an administrative law judge, as provided under Article 5 of Chapter 23 of Title 1, within a period of ten days from service of such order of assessment. Failing appeal, the order of assessment herein provided shall be filed with the clerk of court of the county wherein such property is located and shall be satisfied by execution and levy as a final judgment duly entered. Provided, however, that in addition to the enforcement procedures authorized in this section, the State Fire Marshal may, when a final order has been issued directing a defect to be removed or remedied and such order is not complied with within thirty days or a greater time if specified in such order, apply to an administrative law judge, as provided under Article 5 of Chapter 23 of Title 1, for an injunction to compel the defect to be removed or remedied and an administrative law judge, if it shall find, that such defect constitutes a dangerous hazard to life or property as set forth in this section, may exercise its injunctive powers to obtain compliance with the order of the State Fire Marshal.”/

 Renumber sections to conform.

 Amend title to conform.

 Senator BRYANT explained the amendment.

 The amendment was adopted.

 The Committee on Labor, Commerce and Industry proposed the following amendment (AGM\18958AB11), which was adopted:

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

 / SECTION 1. Chapter 9, Title 23 of the 1976 Code is amended by adding:

“Article 6

Fire and Life Safety Panel

 Section 23‑9‑610. The policy of this State and purpose of this article are to ensure that the laws of this State governing emergency response and readiness for fire suppression and rescue operations are executed faithfully.

 Section 23‑9‑620. There is created the Fire and Life Safety Panel which must exercise the powers and fulfill the duties described in this article.

 Section 23‑9‑630. (A)(1)(a) The panel must be composed of seven members who must have a background or specialty in fire suppression and rescue operations, including:

 (i) one fire chief or fire marshal from a volunteer department appointed by the Governor for a three‑year term;

 (ii) one fire chief or fire marshal from a paid or combination department appointed by the Governor for a three‑year term;

 (iii) one at large member of the general public as appointed by the President Pro Tempore of the Senate for a three‑year term;

 (iv) one at large member of the general public as appointed by the Speaker of the House of Representatives for a two‑year term;

 (v) the Executive Director of the South Carolina State Firefighters Association, whose term is coterminous with his tenure as executive director of that association;

 (vi) the Chairman of the Joint Council of Fire Service Association, whose term is coterminous with his tenure as chairmanship of that association; and

 (vii) the Chair of the South Carolina Fire Academy Advisory Council, whose term is coterminous with his tenure as executive director of that council.

 (b) In addition to the members specified in subitem (a), the State Fire Marshal shall serve on the panel in a nonvoting, ex officio capacity, for a term coterminous with his tenure as State Fire Marshal.

 (2) The Executive Director of the State Firefighters Association shall serve as chairman of the panel.

 (B) The chairman must call a meeting of the panel as practicable after appointment, and the panel may organize itself by electing its members as other officers of the panel or developing rules as it considers necessary. Afterward, the panel shall meet at the call of the chairman or a majority of the members.

 (C) A quorum must exist to conduct a meeting of the panel. A quorum consists of five members of the panel.

 (D) A vacancy must be filled in the manner of the original appointment for the unexpired portion of the term.

 (E) The Office of State Fire Marshal shall provide administrative support as required by the panel to perform its prescribed duties.

 (F) The members of the panel shall serve without compensation.

 Section 23‑9‑640. The State Fire Marshal, in agreement with the panel, shall initiate, promulgate, and regulate minimum general industry standards concerning functions of the Division of Fire and Life Safety of State Fire Marshal and the State Fire Academy. These standards must ensure the safety and well‑being of emergency response personnel and the citizens of this State.

 Section 23‑9‑650. (A) Notwithstanding another provision of law, the panel shall serve as the appellate forum for review of orders of the State Fire Marshal under Section 23‑9‑70.

 (B) A decision of the panel must be based on and make appropriate references to the most recently published versions of the National Fire Protection Association code and standards, Occupational Safety and Health Administration regulations, and the laws of this State.

 (C) The panel may request and receive fiscal impact information if necessary from the South Carolina State Budget and Control Board, Office of State Budget.”

 SECTION 2. Section 23‑9‑70 of the 1976 Code is amended to read:

 “Section 23‑9‑70. ~~Whenever~~ When the State Fire Marshal, deputy, or resident fire marshal ~~shall find~~ finds, pursuant to an examination ~~as~~ provided in Section 23‑9‑50 ~~of this chapter~~, ~~any~~ that a building or other structure ~~which, for any cause,~~ is especially liable to fire and ~~which~~ is ~~so~~ situated so as to endanger ~~lives~~ a life or other property, or is deficient in fire or life protection, ~~an order~~ it shall issue ~~in writing~~ a written order directing the defect ~~to be~~ removed or remedied~~,~~. Service of ~~such~~ this order ~~shall~~ must be made as provided in this chapter and ~~such~~ the occupant or owner shall ~~forthwith~~ comply with the terms ~~thereof~~ of it. If ~~such~~ the order is issued by ~~any~~ a deputy or resident fire marshal, ~~such~~ the occupant or owner may, within ~~twenty‑four hours~~ thirty days afterward, appeal to the ~~State Fire Marshal, who~~ Fire and Life Safety Panel, which shall, within ten days~~, during which time the order appealed from shall be stayed~~ after receipt of this appeal, review the order and file his decision, during which time the appealed order must be stayed. The appeal must not be allowed if the building or any other structure is deemed to be an imminent danger pursuant to Section 23‑9‑160. ~~Provided, however, that any~~ A person who feels ~~himself~~ aggrieved by ~~any~~ an order or affirmed order of the State Fire Marshal may, within five days after the making or affirming of ~~such~~ this order, appeal to ~~an~~ the Administrative Law ~~judge~~ Court, as provided under Article 5 ~~of~~, Chapter 23 ~~of~~, Title 1~~,~~ for review of ~~such~~ the order and it ~~shall~~ must be heard at the first convenient day. In the event a final order entered pursuant to this chapter is not complied with within a period of thirty days from date of service of ~~such~~ the final order ~~then~~, the ~~State Fire Marshal~~ Fire and Life Safety Panel shall cause the hazard to be remedied by repair or demolition~~,~~ and all offensive materials and dangerous conditions removed~~,~~ at the joint and several expense of the occupant or owner of ~~such~~ the building or premises. An itemized statement of costs and expenses ~~shall~~ must be furnished to the occupant or owner of the premises and the statement ~~shall~~ must be satisfied within a period of thirty days, failing which, upon ten days’ further notice the State Fire Marshal may assess ~~such~~ costs and expenses. ~~Any~~ A party aggrieved by an assessment order may appeal to ~~an~~ the Administrative Law ~~judge~~ Court, as provided under Article 5 ~~of~~, Chapter 23 ~~of~~, Title 1~~,~~ within a period of ten days from service of ~~such~~ this order of assessment. Failing appeal, ~~the~~ this order of assessment ~~herein provided shall~~ must be filed with the clerk of court of the county ~~wherein such~~ in which the property is located and ~~shall~~ must be satisfied by execution and levy as a final judgment duly entered. Provided, however, that in addition to the enforcement procedures authorized in this section, the State Fire Marshal may, when a final order has been issued directing a defect to be removed or remedied and ~~such~~ the order is not complied with within thirty days afterward or a greater time if specified in ~~such~~ the order, apply to ~~an~~ the Administrative Law ~~judge~~ Court, as provided under Article 5 ~~of~~, Chapter 23 ~~of~~, Title 1~~,~~ for an injunction to compel the defect to be removed or remedied, and ~~an~~ if the Administrative Law ~~judge, if it shall find, that such~~ Court finds that the defect constitutes a dangerous hazard to life or property as ~~set forth~~ provided in this section, the court may exercise its injunctive powers to obtain compliance with the order of the State Fire Marshal.”

 SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

 SECTION 4. This act takes effect upon approval by the Governor. /

 Renumber sections to conform.

 Amend title to conform.

 Senator ALEXANDER explained the committee amendment.

 The committee amendment was adopted.

 The question then was second reading of the Bill.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Cromer Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill O'Dell

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

 S. 694 -- Senator Bryant: A BILL TO AMEND SECTION 41‑15‑520 OF THE 1976 CODE, RELATING TO REMEDIES FOR EMPLOYEES CHARGING DISCRIMINATION, TO PROVIDE FOR REFERRAL TO THE UNITED STATES DEPARTMENT OF LABOR ALLEGATIONS MADE BY A PRIVATE SECTOR EMPLOYEE OF A VIOLATION OF SECTION 41‑15‑510 AND TO PROVIDE FOR CIVIL REMEDIES.

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

 There was no objection.

 Senator BRYANT explained the Bill.

 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 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Cromer Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

 S. 841 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4157, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

 Senator HAYES explained the Joint Resolution.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill O'Dell

Peeler Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

 The Joint Resolution was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

 S. 842 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROGRAM FOR ASSISTING, DEVELOPING, AND EVALUATING PRINCIPAL PERFORMANCE (PADEPP), DESIGNATED AS REGULATION DOCUMENT NUMBER 4156, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

 Senator HAYES explained the Joint Resolution.

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

**Ayes 34; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Grooms Hayes Knotts

Land Leatherman Leventis

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

O'Dell Peeler Rose

Ryberg Scott Sheheen

Shoopman Thomas Verdin

Williams

**Total--34**

**NAYS**

**Total--0**

 The Joint Resolution was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

 S. 843 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR CERTIFICATION AT THE ADVANCED LEVEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4158, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

 Senator HAYES explained the Joint Resolution.

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

**Ayes 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

O'Dell Peeler Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

 The Joint Resolution was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

 S. 844 -- Senators Land, Grooms, Campbell, Matthews, Leventis and McGill: A BILL TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX ALL LEASEHOLD INTERESTS IN REAL PROPERTY OWNED BY THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY.

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

 Senator LAND explained the Bill.

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

**Ayes 31; Nays 3**

**AYES**

Alexander Anderson Bryant

Campbell Cleary Coleman

Cromer Elliott Fair

Gregory Grooms Hayes

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

O'Dell Peeler Reese

Rose Ryberg Setzler

Shoopman Thomas Verdin

Williams

**Total--31**

**NAYS**

Bright Campsen Davis

**Total--3**

 The Bill was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

 S. 848 -- Senators Scott, Land, Setzler, Leventis, Matthews, McGill, Reese, Elliott, Ford, Jackson, Hutto, Anderson, Pinckney, Malloy, Sheheen, Lourie, Williams, Coleman, Nicholson and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑13‑25 SO AS TO ESTABLISH EARLY VOTING PROCEDURES; TO AMEND SECTION 7‑3‑20, AS AMENDED, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO FURTHER DEFINE HIS DUTIES; AND TO AMEND SECTION 7‑15‑320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE VOTING DURING THE EARLY VOTING PERIOD.

 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 35; Nays 1**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Cromer Davis

Elliott Fair Grooms

Hayes Hutto Knotts

Land Leventis Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

O'Dell Peeler Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Bright

**Total--1**

 The Bill was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

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

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

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

**Ayes 33; Nays 3**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

Massey Matthews McConnell

McGill O'Dell Peeler

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

 The Bill was read the second time and ordered placed on the Third Reading Calendar.

**AMENDED AND READ THE SECOND TIME**

 S. 494 -- Senators Cleary, Bryant and Cromer: A BILL TO AMEND SECTION 40‑15‑110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 15 OF TITLE 40 REGULATING DENTISTS AND DENTAL HYGIENISTS, SO AS TO FURTHER SPECIFY THE SCOPE OF ACTIVITIES OF INTERNS AND RESIDENTS WHO ARE EXEMPT FROM LICENSURE; AND TO AMEND SECTION 40‑15‑360, RELATING TO THE AUTHORIZATION OF PHARMACISTS TO FILL PRESCRIPTIONS FOR DENTISTS, SO AS TO EXTEND THIS AUTHORIZATION TO INTERNS AND RESIDENTS UNDER CERTAIN CONDITIONS.

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

 Senator CLEARY proposed the following amendment (AGM\19048AB11), which was adopted:

 Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

 / SECTION 1. Chapter 15, Title 40 of the 1976 Code is amended by adding:

 “Section 40‑15‑265. An intern or a resident enrolled in an oral surgery training program at an accredited institution of higher education is authorized to treat conditions required by the training program under the supervision of a licensed physician or licensed dentist. This treatment may include prescribing appropriate drugs or services, as provided by law, under the supervision of a licensed physician or dentist. A pharmacist licensed in this State may fill a prescription issued by an intern or resident during the course of a training program provided in this section.”

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

 Renumber sections to conform.

 Amend title to conform.

 Senator CLEARY explained the amendment.

 The amendment was adopted.

 The question then was second reading of the Bill.

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

**Ayes 34; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill O'Dell Peeler

Rose Ryberg Scott

Sheheen Shoopman Verdin

Williams

**Total--34**

**NAYS**

Thomas

**Total--1**

 The Bill was read the second time and ordered placed on the Third Reading Calendar.

**AMENDMENT PROPOSED, OBJECTION TO THE BILL**

 S. 79 -- Senators Hayes, Rose, McConnell and Campsen: A BILL TO AMEND SECTION 8-13-1320 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTRIBUTIONS WITHIN A SPECIFIED PERIOD AFTER PRIMARY, SPECIAL, OR GENERAL ELECTION ATTRIBUTED TO THE PRIMARY OR ELECTION, SO AS TO PROVIDE SPECIFIC PROVISIONS FOR CONTRIBUTIONS MADE IN A PRIMARY RUNOFF.

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

 Senators KNOTTS and SHEHEEN proposed the following amendment (JUD0079.001):

 Amend the bill, as and if amended, by striking SECTION 2, line 32 on page 1, and inserting:

 / SECTION 2. Chapter 13, Title 8 of the 1976 Code is amended by adding:

 “Section 8‑13‑1339. A political action committee organized by or on behalf of the Governor, the Lieutenant Governor, any other statewide constitutional officer, a member of the General Assembly, or a director or deputy director of a state department appointed by the Governor is prohibited. Any political action committee prohibited by this section in existence on the effective date of this act must distribute all unexpended contributions in the manner provided for in Section 8‑13‑1370(C). A political action committee does not include a candidate committee.”

 SECTION 3. Section 8‑13‑1340 of the 1976 Code is amended to read:

 “Section 8‑13‑1340. (A) Except as provided in ~~subsections~~ subsection (B) ~~and (E)~~, a candidate or public official shall not make a contribution to another candidate or make an independent expenditure on behalf of another candidate or public official from the candidate’s or public official’s campaign account or through a committee, except legislative caucus committees~~, directly or indirectly established, financed, maintained, or controlled by the candidate or public official~~.

 (B) This section does not prohibit a candidate from:

 (1) making a contribution from the candidate’s own personal funds on behalf of the candidate’s candidacy or to another candidate for a different office; or

 (2) providing the candidate’s surplus funds or material assets upon final disbursement to a legislative caucus committee or party committee in accordance with the procedures for the final disbursement of a candidate under Section 8‑13‑1370 of this article.

 (C) Assets or funds which are the proceeds of a campaign contribution and which are held by or under the control of a public official or a candidate for public office on January 1, 1992, are considered to be funds held by a candidate and subject to subsection (A).

 ~~(D)~~ ~~A committee is considered to be directly or indirectly established, financed, maintained, or controlled by a candidate or public official if any of the following are applicable:~~

 ~~(1)~~ ~~the candidate or public official, or an agent of either, has signature authority on the committee’s checks;~~

 ~~(2)~~ ~~funds contributed or disbursed by the committee are authorized or approved by the candidate or public official;~~

 ~~(3)~~ ~~the candidate or public official is clearly identified on either the stationery or letterhead of the committee;~~

 ~~(4)~~ ~~the candidate or public official signs solicitation letters or other correspondence on behalf of the entity;~~

 ~~(5)~~ ~~the candidate, public official, or his campaign staff, office staff, or immediate family members, or any other agent of either, has the authority to approve, alter, or veto the committee’s solicitations, contributions, donations, disbursements, or contracts to make disbursements; or~~

 ~~(6)~~ ~~the committee pays for travel by the candidate or public official, his campaign staff or office staff, or any other agent of the candidate or public official, in excess of one hundred dollars per calendar year.~~

 ~~(E)~~ ~~The provisions of subsection (A) do not apply to a committee directly or indirectly established, financed, maintained, or controlled by a candidate or public official if the candidate or public official directly or indirectly establishes, finances, maintains, or controls only one committee in addition to any committee formed by the candidate or public official to solely promote his own candidacy and one legislative caucus committee.~~

 ~~(F)~~ ~~No committee operating under the provisions of Section 8‑13‑1340(E) may:~~

 ~~(1)~~ ~~solicit or accept a contribution from a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election; or~~

 ~~(2)~~ ~~transfer anything of value to any other committee except as a contribution under the limitations of Section 8‑13‑1314(A) or the dissolution provisions of Section 8‑13‑1370.~~” /

 SECTION 4. This act takes effect upon approval by the Governor.

 Renumber sections to conform.

 Amend title to conform.

 Senator SHEHEEN explained the amendment.

 Senator GROOMS objected to further consideration of the Bill.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 3700, THE GENERAL APPROPRIATIONS BILL.**

**AMENDED, DEBATE INTERRUPTED**

**H. 3700--GENERAL APPROPRIATIONS BILL**

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

**Point of Order**

 Senator McCONNELL raised a Point of Order that proviso 81.9 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **81.9.** (DOR: Bingo Licenses) The provisions of Section 12‑21‑3940(D) of the 1976 Code are suspended for the current fiscal year.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator McCONNELL raised a Point of Order that proviso 82.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 ***82.2.*** *(ETHICS: Lobbying Fee Increase) In addition to the lobbyist and lobbyist’s principal registration fees currently authorized by law, the**State Ethics Commission is authorized to charge a one hundred dollar administrative fee to each lobbyist and lobbyist’s principal. The increased revenue shall be retained by the commission to be used to offset costs associated with the administration and enforcement of Chapter 17 of Title 2 and Chapter 13 of Title 8 of the South Carolina Code of Laws, 1976, as amended. Any excess funds may be carried forward into the current fiscal year to be used for the same purpose.*

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator McCONNELL raised a Point of Order that proviso 86.5 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **86.5.** (AS-TREAS: Property Tax Relief Reimbursement) The amount to be deducted from state individual and corporate income tax revenues and credited to the Trust Fund for Tax Relief to fund the reimbursement required by Section 12-37-251, is suspended to the extent that the amount to be deducted would exceed the amount deducted in the prior fiscal year.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator McCONNELL raised a Point of Order that proviso 89.7 of Part 1B was out of order inasmuch as it was violative of Rule 24A and Section 11-1-40 of S.C. Code of Laws, 1976, as amended.

 **89.7.** (GP: Federal Program Expenses, Lag Time) After July first, of the current fiscal year, the Department of Health and Environmental Control, Department of Mental Health, Department of Disabilities and Special Needs, Department of Social Services, Department of Health and Human Services, Division on Aging, Division of Foster Care, Department of Corrections, and Department of Juvenile Justice may expend if necessary, state appropriated funds for the current fiscal year to cover fourth quarter federal programs expenses incurred in the prior fiscal year necessitated by the time lag of federal reimbursement.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator McCONNELL raised a Point of Order that proviso 89.46 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **89.46.** (GP: Accommodations Tax) For the current fiscal year the word ‘tourist’, as used in Section 6-4-10, does not apply to museums or to festivals, arts and cultural events, or the sponsoring organization of these events.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator SHEHEEN raised a Point of Order that proviso 28.3 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 ***28.3.*** *(AH: Disposal of Materials) For the current fiscal year, the Department of Archives and History, upon prior approval of the commission, may sell certain record and non-record materials from its collections in a manner most advantageous to the department and shall not be required to sell such items at public auction.*

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator SHEHEEN raised a Point of Order that proviso 51.30 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 ***51.30.*** *(CORR: Credited Jail Time; DNA Sample Collection) Inmates committed to the Department of Corrections for sentences greater than 90 days, but who have credit for jail time in excess of their sentence to incarceration are not required to be transported to the Reception and Evaluation Center of the Department of Corrections. Cities and counties housing inmates who have credit for jail time in excess of their sentence may, through written agreement with the Department of Corrections, transfer required commitment records to the department electronically or by other means. The Department of Corrections must establish reasonable documentation requirements to facilitate the implementation of this cost savings measure. Employees of the Department of Probation, Parole and Pardon Services assigned to the court or employees of the Department of Corrections, as applicable, shall obtain DNA samples from the offenders who are required to submit DNA samples. This provision does not exempt the above referenced inmates from the $250 DNA fee as required by Section 23-3-670 of the 1976 Code. The $250 fee shall be collected in the same manner as other fines and fees and submitted to the State Treasurer for remittance to SLED.*

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator SHEHEEN raised a Point of Order that proviso 51.32 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 ***51.32.*** *(CORR: Criminal Illegal Alien Rapid Repatriation) The Director of the Department of Corrections may release a prisoner to the custody and control of the United States Immigration and Customs Enforcement, provided:*

 *a) the department has received an order of deportation for the prisoner from the United States Citizenship and Immigration Services,*

 *b) the prisoner has served at least one-third (1/3) of the total amount of incarceration imposed by the court, and*

 *c) the prisoner has not been convicted of an offense as provided in the following Sections of the 1976 Code: Section 16-3-10 (murder); Section 16-3-29 (attempted murder); Sections 16-3-652 and 16-3-653 (criminal sexual conduct in the first and second degree); Section 16-3-655 (criminal sexual conduct with minors, first and second degree); Section 16-3-600(B) (assault and battery of a high and aggravated nature); Section 16-3-910 (kidnapping); Section 16-11-330(A) (armed robbery); Section 16-11-330(B) (attempted armed robbery); drug trafficking as defined in Section 44-53-370(e) or trafficking in methamphetamine or cocaine base as defined in Section 44-53-375(C); Section 16-11-311 (burglary in the first degree); Section 16-3-85(A)(1) (homicide by child abuse); Section 16-25-65 (criminal domestic violence of a high and aggravated nature); Section 16-15-140 (lewd act upon a child under sixteen); Section 16-15-395 (sexual exploitation of a minor first degree); Section 16-15-405 (sexual exploitation of a minor second degree); Section 16-15-415 (promoting prostitution of a minor); Section 16-15-425 (participating in prostitution of a minor); Section 56-5-2945(A)(2) (felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death)*

 *The director shall consider all sentences being served when calculating the total amount of incarceration, but shall not consider the suspended portion of any sentence.*

 *If a prisoner released pursuant to this provision returns illegally to the United States, upon notice from any federal or state law enforcement agency that the prisoner is incarcerated, the director shall revoke the release of the prisoner and the prisoner shall serve the remainder of the incarceration originally imposed by the court. The prisoner shall not thereafter be eligible for parole on any sentence affected by the release provided above.*

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator SHEHEEN raised a Point of Order that proviso 75.7 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 ***75.7.*** *(CG: Federal Expanded 1099 Reporting Mandate) In the event the provision in the Patient Protection and Affordable Care Act of 2010, as amended, requiring (1) the issuance of IRS Form 1099 for vendors that are corporations and (2) the IRS Form 1099 include payments for property is enacted into law and implemented by the Federal Government, the Comptroller General’s Office may assess charges against state agencies for their pro rata share of the costs of the implementation and operation of the program to comply with this federal mandate. The total costs of the program assessed against agencies during the first fiscal year of the program shall not exceed $255,000. The methodology for the pro rata assessment shall be based on each agency’s number of vendors to which the expanded Form 1099 reporting mandate would have applied during the last completed fiscal year. These revenues may be retained and expended by the Comptroller General’s Office to support implementation and operation of the program. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose.**The Comptroller General’s Office shall provide the Chairman of the House Ways and Means Committee and the Senate Finance Committee with an explanation of the assessment methodology and the assessment to be charged to each agency at least fifteen (15) days before the issuance of the assessments. The assessment shall be paid by each agency to the Comptroller General’s Office within thirty (30) days of the issuance of the assessment.*

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator SHEHEEN raised a Point of Order that proviso 79.14 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 ***79.14.*** *(ELEC: Presidential Preference Primary Contract) The State Election Commission is authorized to enter into a contract with the state committee of a certified political party for the purpose of conducting the 2012 Presidential Preference Primaries. The political party’s candidate for President must have received at least five percent of the popular vote in South Carolina during the most recent election for President. The State Election Commission must bill each political party for expenses associated with conducting the presidential preference primary. The State Election Commission must conduct the presidential preference primary in accordance with the provisions of Title 7 of the 1976 Code and party rules, provided that a registered elector may cast a ballot in only one presidential preference primary. However, notwithstanding any other provision of Title 7, (a) the State Election Commission and the authorities responsible for conducting the elections in each county shall provide for cost-effective measures in conducting the presidential preference primaries including, but not limited to, combining polling places, while ensuring that voters have adequate notice and access to the polling places; and (b) the state committee of the party shall set the date and the filing requirements, including a certification fee. Political parties must verify the qualifications of candidates prior to certifying to the State Election Commission the names of candidates to be placed on primary ballots. The written certification required by this section must contain a statement that each certified candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications in the United States Constitution, statutory law, and party rules to participate in the presidential preference primary for which he has filed. Political parties must not certify any candidate who does not or will not by the time of the general election meet the qualifications in the United States Constitution, statutory law, and party rules for the presidential preference primary for which the candidate desires to file, and such candidate's name must not be placed on a primary ballot. Political parties may charge a certification fee to persons seeking to be candidates in the presidential preference primary for the political party. A filing fee not to exceed twenty thousand dollars, as determined by the State Election Commission, for each candidate certified by a political party must be transmitted by the respective political party to the State Election Commission and must be used for conducting the presidential preference primaries.*

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator SHOOPMAN raised a Point of Order that proviso 1A.31 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **1A.31.** (SDE-EIA: One Year Suspension of EIA Programs) The following program funded with EIA revenues will be temporarily suspended for Fiscal Year ~~2010-11~~ *2011-12* ~~and funds appropriated to this program allocated to teacher salaries and fringe benefits, National Board Certification Incentive salary supplements, teacher supplies, Science PLUS, and the Teaching Fellows Program administered by CERRA to hold the funding level to maintain fellowships for existing cohorts of participants in the Teacher Fellows Program~~: ~~the~~ Palmetto Gold and Silver program. Schools may still be recognized as Palmetto Gold and Silver recipients in Fiscal Year ~~2010-11~~ *2011-12* but will not receive financial compensation. *Savings generated from the suspension of this program shall be allocated to the districts based on the number of weighted pupil units.*

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator SHOOPMAN raised a Point of Order that proviso 2.3 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **2.3.** (LEA: Higher Education Excellence Enhancement Program) All funds appropriated for the Higher Education Excellence Enhancement Program shall be allocated equally among the eligible institutions as defined in Section 2-77-15. The Commission on Higher Education is authorized to retain and carry forward funds not allocated in the prior fiscal year and to allocate those funds in the current fiscal year equally among the eligible institutions as defined in Section 2‑77‑15.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator SHOOPMAN raised a Point of Order that proviso 80A.31 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **80A.31.** (BCB: Insurance Contracts Bid Process) The Insurance Reserve Fund may utilize a competitive process to obtain reinsurance coverage with respect to property insurance written by the Insurance Reserve Fund in the State of South Carolina. The competitive process under this proviso shall be governed exclusively by rules established by the Insurance Reserve Fund for this procurement and shall not be governed by the Consolidated Procurement Code. The Budget and Control Board can comply with the provision by utilizing a competitive process to obtain a broker to provide reinsurance coverage. Bids shall be presented at a meeting of the Budget and Control Board for review and the board shall make their decision on those bids by their next board meeting.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator SHOOPMAN raised a Point of Order that proviso 89.51 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **89.51.** (GP: Sole Source Procurements) The Budget and Control Board shall evaluate and determine that the written determinations, explanations, and basis for sole source procurements, pursuant to S.C. Code Section 11-35-1560, and emergency procurements, pursuant to S.C. Code Section 11-35-1570, are legitimate and valid reasons for awarding non-competitive contracts.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator SHOOPMAN raised a Point of Order that proviso 89.106 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **89.106.** (GP: Reduction in Compensation) For the current fiscal year, no state agency or political subdivision of this state may decrease the compensation of an employee, including dismissal, suspension, or demotion, solely because the employee gave sworn testimony regarding alleged wrongdoing to a standing committee, subcommittee of a standing committee, or study committee of the Senate or the House of Representatives. This proviso shall apply regardless of when the alleged wrongdoing occurred.

 The PRESIDENT took the Point of Order under advisement.

**Amendment No. 10**

 Senator HAYES proposed the following amendment (DG WPU CALC), which was adopted (#1), which was subsequently reconsidered:

 Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 346, proviso 1.97, by striking the proviso in its entirety, lines 24 - 31 and inserting:

 / *1.97. (SDE: Weighted Pupil Units Calculation) Of the funds appropriated to the Education Oversight Committee (EOC), the EOC shall calculate and publish the number of the weighted pupil units per weighting category in each district based upon the most recent 135-day average daily membership in each district and the weights as recommended in the most recent funding model developed by the Education Oversight Committee and suggested modifications made during Fiscal Year 2010-11 and make projections on how the revised weightings impact school districts for Fiscal Year 2011-12. In making its calculations, the EOC must use the Index of Taxpaying Ability and projected base student cost as adopted by the General Assembly for the current fiscal year. The EOC must report its findings electronically to the Chairman of the Senate Finance Committee and Chairman of the House Ways and Means Committee by November 1 2011.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator HAYES explained the amendment.

 The amendment was adopted. The adoption of the amendment was subsequently reconsidered.

**Amendment No. 17**

 Senator MASSEY proposed the following amendment (3700R012.SRM.DOCX), which was adopted (#2):

 Amend the bill, as and if amended, Part IB, Section 6, COMMISSION ON HIGHER EDUCATION, page 375, paragraph 6.6, by striking lines 20-21 and inserting:

 / American Loan Program.  Of the funds allocated according to this proviso, no more than ~~10%~~ *7%* shall be used for administrative purposes. /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator MASSEY explained the amendment.

 Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 9; Nays 30**

**AYES**

Alexander Campbell Cleary

Coleman Cromer Elliott

Land Leatherman *Martin, Larry*

**Total--9**

**NAYS**

Anderson Bright Bryant

Campsen Courson Davis

Fair Gregory Grooms

Hutto Knotts Leventis

Malloy *Martin, Shane* Massey

Matthews McConnell McGill

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--30**

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

 The amendment was adopted.

**Amendment No. 30**

 Senator MATTHEWS proposed the following amendment (3700 MATTHEWS -- NEED-BASED.DOCX), which was withdrawn:

 Amend the bill, as and if amended, Part IB, Section 6, COMMISSION ON HIGHER EDUCATION, page 379, immediately after line 2, by adding an appropriately numbered new proviso to read:

 /  *6.*  *(CHE: Need-based Grants) Public four-year higher education institutions shall deposit fifty percent of non-resident of South Carolina student tuition and fees in excess of educational and general expenses into a separate account to fund a need-based grants program. This requirement does not apply to institutions whose non-resident of South Carolina enrollment comprises twenty percent or less of the total enrollment. The required funding shall be based on the number of full-time equivalent, non-resident students that exceeds twenty percent of the institution’s total enrollment. The higher education institution must use the funding for need-based grants within the college or university. Higher education institutions must award the need-based grants to South Carolina residents who meet the eligibility requirements of the need-based grants program administered by the Commission on Higher Education. Funds provided pursuant to this provision are to be retained by the higher education institution in a separate account. Each institution shall make an annual report on the use of the funds to the Commission on Higher Education, the Senate Finance Committee and the House Ways and Means Committee. The report shall include, among other items, the number of grants awarded, the average amount of award per recipient and the number of need-eligible students at the institution. Unexpended funds provided pursuant to this provision may be carried forward to succeeding fiscal years and shall be expended for the same purpose.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator MATTHEWS explained the amendment.

**Point of Order**

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

 On motion of Senator MATTHEWS, with unanimous consent, Amendment No. 30 was withdrawn.

**Amendment No. 21**

 Senator MASSEY proposed the following amendment (3700R013.SRM.SRM.DOCX), which was withdrawn:

 Amend the bill, as and if amended, Part IB, Section 15, UNIVERSITY OF SOUTH CAROLINA, page 379, paragraph 15.4, by striking lines 31 and inserting:

 / *when instructed by the Budget and Control Board to reduce funds by a certain percentage, the university /*

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator MASSEY explained the amendment.

 On motion of Senator MASSEY, with unanimous consent, Amendment No. 21 was withdrawn.

**Amendment No. 19**

 Senators MASSEY and RYBERG proposed the following amendment (3700R014.SRM.SRM.DOCX), which was adopted (#3):

 Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 383, paragraph 21.11, by striking lines 31 - 32 and inserting:

 / 21.11. (DHHS: Chiropractic Services) ~~From the funds appropriated herein, the department is directed to provide coverage for medically necessary chiropractic services for Medicaid eligible recipients.~~ /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator MASSEY explained the amendment.

 The amendment was adopted.

**Amendment No. 32**

 Senator ALEXANDER proposed the following amendment (3700R030.TCA.DOCX), which was adopted (#4):

 Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 384, proviso 21.16, by striking line 27 and inserting:

 / Assembly during the 2002 Session are suspended ~~July 1, 2002~~./

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator ALEXANDER explained the amendment.

**Point of Order Withdrawn**

 On motion of Senator McCONNELL, the Point of Order raised on proviso 21.16 of Part 1B on April 26, 2011, was withdrawn.

**Amendment No. 18**

 Senator MASSEY proposed the following amendment (3700R019.SRM.DOCX), which was adopted (#5):

 Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 389, paragraph 21.37, by striking line 4 and inserting:

 / Medicaid provider fraud. The department shall report to the General Assembly before April 1, ~~2010~~ *2012,* on the results of these efforts, /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator MASSEY explained the amendment.

 The amendment was adopted.

**Amendment No. 8B**

 Senators THOMAS and BRYANT proposed the following amendment (DAD 21.49 THOMAS NON-GEN), which was carried over:

 Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 390, proviso 21.49, by striking the proviso in its entirety, lines 29 - 33 and inserting:

 / *21.49. (DHHS: Non-Generic Prescriptions) Initial prescriptions for medications for clients who receive drugs through the Department of Mental Health must be generic. A client who is currently receiving a non-generic prescription medication through the department, or who is receiving non-generic drugs for the treatment of HIV/AIDS through the Medicaid program must have their prescription changed to generic, if such drug is available. In the event a physician determines that the generic drug does not maintain the client’s condition in a stable manner, a non-generic prescription may be offered.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator THOMAS explained the amendment.

 Senator BRYANT spoke on the amendment.

 On motion of Senator BRYANT, with unanimous consent, Amendment No. 8B was carried over.

**Statement by Senator THOMAS**

 I offered Amendment No. 8B which would require that DHHS have a “generic first” policy even for existing Medicaid patients.  I voted against Amendment No. 9 because the adoption of that amendment allows existing Medicaid patients to receive brand psychotic drugs to continue doing so.  This is called “grandfathering.”  So the excessive use of these expensive brand drugs rather than generics would continue for those now on them and the monetary bleeding from DHHS continues.  We already know how abusive this matter is because of the law suit won in Spartanburg County and in Louisiana this past year.  Hundreds of millions of dollars are being lost by non use of generics.  DHHS officials showed me their “Medicaid Bulletin” issued yesterday which laid out their policy.  The bulletin would grandfather existing practices of using non-generic drugs and for new Medicaid patients would establish a panel to study this issue.  Under recently passed S. 434, prior authorization is only “allowed” but not mandated.  Thus, we have not helped the outflow of state funds going to pay for non-generics and have not definitively changed the system to require non-generics for future users in the Medicaid system.

 On motion of Senator LEATHERMAN, debate was interrupted by recess.

**RECESS**

 At 12:13 P.M., on motion of Senator LEATHERMAN, the Senate receded from business until 1:15 P.M.

**AFTERNOON SESSION**

 The Senate reassembled at 1:20 P.M. and was called to order by the PRESIDENT.

**AMENDED, DEBATE INTERRUPTED**

**H. 3700--GENERAL APPROPRIATIONS BILL**

 The Senate resumed consideration of the Bill, the question being the second reading of the Bill.

**Point of Order**

 Senator HUTTO raised a Point of Order that proviso 26.22 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **26.22.** (DSS: Teen Pregnancy Prevention) From the monies appropriated for the Continuation of Teen Pregnancy Prevention, the department must award two contracts to separate private entities to provide teen pregnancy prevention programs and services within the State. *Contracts must be awarded utilizing a competitive approach in accordance with the South Carolina Procurement Code.* The monies appropriated must be divided equally between the contracts *and paid over a twelve month basis for services rendered*. *Unexpended funds shall be carried forward for the purpose of fulfilling the department’s contractual agreement.* Entities that have a proven and public history of having effectively implemented abstinence programs in this State may be given a preference during the contract evaluation and awarding process. One contract must be awarded to an entity that utilizes an abstinence first, age appropriate comprehensive approach to health and sexuality education with a goal of preventing adolescent pregnancy throughout South Carolina. One contract must be awarded to an entity that uses a National Abstinence Clearinghouse (NAC) approved curricula for a minimum of one year prior to their application. NAC is the agency the federal Department of Health and Human Services has chosen to provide a comprehensive, national list of approved abstinence-only education curricula that is consistent with the A through H legislative requirements defined in Title V, Section 510(b)(2). Any entity that is awarded one of the above contracts must agree to provide data to verify the program effectiveness. ~~A five-member committee shall oversee the contract award process. The committee’s first meeting shall be on or before August 1, 2009. The five member committee shall be composed as follows: the President Pro Tempore of the Senate shall appoint two members of the committee, the Speaker of the House shall appoint two members of the committee and the Governor shall appoint one member of the committee. Members of the committee shall serve without compensation.~~

 The PRESIDENT took the Point of Order under advisement.

**Amendment No. 9**

 Senators ALEXANDER and SHOOPMAN proposed the following amendment (DAD 21.49 NONGEN PRESCR), which was adopted (#6):

 Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 390, paragraph 21.49, line 29-33, by striking the paragraph in its entirety and by inserting:

 / *21.49. (DHHS: Non-Generic Prescriptions)* DELETED /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator ALEXANDER explained the amendment.

 Senator THOMAS argued contra to the adoption of the amendment.

 Senator BRYANT spoke on the amendment.

**Remarks by Senator BRYANT**

 Thank you, Mr. PRESIDENT and members of Senate.

 When I’m not doing this, I’m doing this -- counting pills. I have an illustration y’all will find interesting. This is a name brand called Prevacid. If you have heartburn, reflux, or an ulcer, you need something like this. As a matter of fact, when I first got out of pharmacy school, folks were getting operations on ulcers all the time. They don’t do that because of drugs like this. Prevacid is manufactured by Tekeda. When you open the container, there are black and fuchsia capsules which have the name Prevacid on each one. If Medicaid pays for 30 capsules, the reimbursement would be in the neighborhood of $187. There is a generic for Prevacid labeled Sandos, but, the fine print says manufactured by, guess who? Tekeda and the name Prevacid is on the generic capsule. If Medicaid covers for 30 generic capsules, it would be $52.

 Nobody in their right mind, if I showed them this -- nobody in their right mind would say I would rather spend $187. Nobody would. They would say give me the generic. I see this a lot where brand name companies will put their drug out. Then, when the patent expires, they still have the brand name with high-dollar prices and they manufacture the generic and put it in a different bottle. Not all the time, but it happens very often.

 The Senator from Oconee, Senator ALEXANDER, has an amendment and I will put up something which strikes the proviso altogether. I think that is the best way to go and here is why. There are certain times when a manufacturer will come to Medicaid and offer a rebate. Sometimes these rebates make it cheaper to get the brand name. Tekeda may say if we will give you a rebate to cut this $52 down to $45 sometimes they do that.

 You have heard of the cancer patches? It is a strong narcotic. If you need that, you need the relief. Medicaid covers the patch because the rebate makes it cheaper than the generic patch. If we delete the proviso altogether, that is probably the best way to go so Medicaid can take these into consideration.

 So, Mr. PRESIDENT, I would like to move that we carry over this amendment and take up Senator ALEXANDER’s amendment. I think his amendment gets us to where we all want to go. I got into the race for the Senate because I want to see these things that waste money in the pharmacy subside and so we can use that that money to provide more services and to make our dollar be spent more wisely in the Medicaid system.

 Thank you.

 On motion of Senator BRIGHT, with unanimous consent, the remarks of Senator BRYANT were ordered printed in the Journal.

 Senator THOMAS moved to lay the amendment on the table.

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

**Ayes 1; Nays 36**

**AYES**

Thomas

**Total--1**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Cromer Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

Peeler Rankin Reese

Rose Ryberg Setzler

Sheheen Shoopman Williams

**Total--36**

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

 The amendment was adopted.

**Amendment No. 15B**

 Senators MASSEY and SHEHEEN proposed the following amendment (3700R033.SRM.DOCX), which was adopted (#7):

 Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 390, paragraph 21.48, by striking lines 23 - 28 and inserting:

 / *21.48. (DHHS: Medicaid Reporting) Within fifteen days of the end of each month in FY 2011-2012, the department shall report each cost-savings measure implemented. By county, the department shall report the number of enrolled and active providers by provider type, provider specialty and sub-specialty, the number of recipients, the number of recipients by provider type, the expenditures by provider type and specialty, and service level utilization trends. The department shall continue to annually report HEDIS measures, noting where measures improve or decline. Each report shall be submitted to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, and be prominently displayed on the department’s website.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator MASSEY explained the amendment.

 The amendment was adopted.

**Point of Order**

 On motion of Senator SHOOPMAN, the Point of Order raised on proviso 21.49 of Part 1B on April 26, 2011, was withdrawn.

**Adoption of Amendment No. 10 Reconsidered**

 Having voted on the prevailing side, Senator HUTTO moved to reconsider the vote whereby Amendment No. 10 was adopted (#1).

 There was no objection and the adoption of Amendment No. 10 was reconsidered.

**Amendment No. 34**

 Senators McCONNELL, MASSEY, SHANE MARTIN, CROMER, ROSE, BRIGHT and ELLIOTT proposed the following amendment (DG MCO LOBBY), which was adopted (#8):

 Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 391, after line 5, by adding an appropriately numbered new proviso to read:

 / *21.\_\_\_. (DHHS: MCO Lobbying) For the current fiscal year, no South Carolina Medicaid Managed Care Organization (MCO) Program may use administrative costs received from the State of South Carolina for lobbying activities. The Department of Health and Human Services shall notify the MCO of the prohibition at the time the MCO applies for a contract. A violation of this requirement constitutes grounds for termination of the contract.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator McCONNELL explained the amendment.

 The amendment was adopted.

**Amendment No. 1**

 Senator THOMAS proposed the following amendment (DAD DONATELIFESC), which was not adopted:

 Amend the bill, as and if amended, Part IB, Section 22, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 398, after line 5, by adding an appropriately numbered new proviso to read:

 */ (DHEC: Donate Life SC) Of the funds appropriated and/or authorized to the department for the current fiscal year, the department shall provide $100,000 to Donate Life SC. /*

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator THOMAS explained the amendment.

**Point of Order**

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

 The PRESIDENT overruled the Point of Order.

 Senator THOMAS resumed explaining the amendment.

 Senator BRIGHT spoke on the amendment.

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

**Ayes 6; Nays 35**

**AYES**

Elliott Land Nicholson

Setzler Sheheen Thomas

**Total--6**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Coleman

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Knotts

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill O'Dell Peeler

Pinckney Rankin Rose

Ryberg Scott Shoopman

Verdin Williams

**Total--35**

 The amendment was not adopted.

**Statement by Senator THOMAS**

 I introduced Amendment No. 1 which would give $100,000 to the organ data base entity called “Donate Life South Carolina” which is a nonprofit and authorized by Section 44-33-1410, Article 14 which created “The South Carolina Organ and Tissue Donor Registry.”  This registry was to be administered by Donate Life South Carolina.  Donations from contributors at the time of license renewal are given by the SC DMV.  The “donor” data is downloaded every night into Donate Life South Carolina and made available to “Life Point” an organization that interfaces with hospitals who are in need of transplants.

  Donate Life had existed on donations but its gifts have fallen in 2007 of $160,000 to less than $65,000 in 2010.  Despite layoffs Donate Life believes it may have to close its doors.

  I produced three letters for the entire Senate to demonstrate the dire consequences of seeing Donate Life close down.  I believe lives are at stake.  Letters from Life Point, The South Carolina Hospital Association and The Greenville Hospital System were delivered to all Senators that showed the need to keep Donate Life operational.  My amendment was defeated.

**Point of Order**

 Senator McCONNELL raised a Point of Order that proviso 89.85 of Part 1B was out of order inasmuch as it was violative of Rule 24A. **89.85.** (GP: Implementation of Access to Justice Post-Conviction DNA Testing Act) The provisions of the “Access to Justice Post‑Conviction DNA Testing Act” (Act 413 of 2008) are not required to be implemented until such time as general funds are appropriated or federal or other funds are received to begin implementation of the act.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator McCONNELL raised a Point of Order that proviso 89.146 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***89.146.*** *(GP: Tobacco Settlement Trust Fund Distribution) For Fiscal Year 2011-12, that portion of the Tobacco Settlement Trust Fund that the State Treasurer is directed to transfer to the Department of Agriculture for marketing and branding of agricultural products or produce pursuant to the provisions of Section 11-49-55 must be transferred to the Department of Agriculture as the funds are accrued in $250,000 increments up to one million dollars.*

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator McCONNELL raised a Point of Order that proviso 89.158 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 ***89.158.*** *(GP: DOC & PPP Potential Consolidation Plan) From the funds appropriated to the Department of Corrections and the Department of Probation, Parole and Pardon Services, the directors of the departments may collaborate and develop a plan to consolidate the functions of the departments. In the event the respective directors identify functions which could be immediately implemented to enable the departments to operate more efficiently and effectively during the current fiscal year, they may implement such actions upon approval of the Governor and notification, including an estimate of cost savings and anticipated efficiencies, to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Chairman of the Senate Corrections and Penology Committee and the Chairman of the House Judiciary Committee.*

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator McCONNELL raised a Point of Order that proviso 1.40 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **1.40.** (SDE: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year-old programs.

 In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the In$ite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the *current* school year ending June 30~~, 2011~~. Salaries of on-site principals must be included in the calculation of the district’s per pupil expenditures.

 “In$ite” means the financial analysis model for education programs utilized by the Department of Education.

 School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

 School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

 Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

 Quarterly throughout the ~~2010-11~~ *current* fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the Internet website maintained by the school district.

 For ~~Fiscal Year 2010-11~~ *the current fiscal year*, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list ~~must~~ *may* be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

 For ~~Fiscal Year 2010-11~~ *the current fiscal year*, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

 School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district’s internet website and made available for public viewing and downloading. The register must include for each expenditure:

 (i) the transaction amount;

 (ii) the name of the payee; and

 (iii) a statement providing a detailed description of the expenditure.

 The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

 Each school district must also maintain on its Internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the Internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

 The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own Internet website. The Internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

 School districts that do not maintain an Internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the Internet website.

 The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

 The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator McCONNELL raised a Point of Order that proviso 1A.22 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **1A.22.** (SDE-EIA: School Districts and Special Schools Flexibility) All school districts and special schools of this State may transfer and expend funds among appropriated state general fund revenues, Education Improvement Act funds, Education Lottery Act funds, and funds received from the Children's Education Endowment Fund for school facilities and fixed equipment assistance, to ensure the delivery of academic and arts instruction to students. However, a school district may not transfer funds required for debt service or bonded indebtedness. All school districts and special schools of this State may suspend professional staffing ratios and expenditure regulations and guidelines at the sub-function and service area level, except for four-year old programs.

 In order for a school district to take advantage of the flexibility provisions, at least seventy percent of the school district's per pupil expenditures must be utilized within the In$ite categories of instruction, instructional support, and non-instruction pupil services. No portion of the seventy percent may be used for business services, debt service, capital outlay, program management, and leadership services, as defined by In$ite. The school district shall report to the Department of Education the actual percentage of its per pupil expenditures used for classroom instruction, instructional support, and non-instruction pupil services for the *current* school year ending June 30~~, 2011~~. Salaries of on-site principals must be included in the calculation of the district’s per pupil expenditures.

 “In$ite” means the financial analysis model for education programs utilized by the Department of Education.

 School districts are encouraged to reduce expenditures by means, including, but not limited to, limiting the number of low enrollment courses, reducing travel for the staff and the school district's board, reducing and limiting activities requiring dues and memberships, reducing transportation costs for extracurricular and academic competitions, and expanding virtual instruction.

 School districts and special schools may carry forward unexpended funds from the prior fiscal year into the current fiscal year.

 Prior to implementing the flexibility authorized herein, school districts must provide to Public Charter Schools the per pupil allocation due to them for each categorical program.

 Quarterly throughout the ~~2010-11~~ *current* fiscal year, the chairman of each school district's board and the superintendent of each school district must certify where non-instructional or non-essential programs have been suspended and the specific flexibility actions taken. The certification must be in writing, signed by the chairman and the superintendent, delivered electronically to the State Superintendent of Education, and an electronic copy forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee. Additionally, the certification must be presented publicly at a regularly called school board meeting, and the certification must be posted on the Internet website maintained by the school district.

 For ~~Fiscal Year 2010-11~~ *the current fiscal year*, Section 59-21-1030 is suspended. Writing assessments in grades three, four, six, and seven, formative assessments for grades one, two, and nine, the foreign language program assessment, financial literacy, and the physical education assessment must be suspended. Textbook purchases beyond that required for replacement of instructional material currently on the state adopted textbook list ~~must~~ *may* be suspended. School districts and the Department of Education are granted permission to purchase the most economical type of bus fuel.

 For ~~Fiscal Year 2010-11~~ *the current fiscal year*, savings generated from the suspension of the writing assessments and the suspension of new textbooks adoptions enumerated above must be allocated to school districts based on the Education Finance Act formula.

 School districts must maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source, for whatever purpose. The register must be prominently posted on the district’s internet website and made available for public viewing and downloading. The register must include for each expenditure:

 (i) the transaction amount;

 (ii) the name of the payee; and

 (iii) a statement providing a detailed description of the expenditure.

The register must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include any information that can be used to identify an individual employee. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure. The register must be searchable and updated at least once a month.

 Each school district must also maintain on its Internet website a copy of each monthly statement for all of the credit cards maintained by the entity, including credit cards issued to its officers or employees for official use. The credit card number on each statement must be redacted prior to posting on the Internet website. Each credit card statement must be posted not later than the thirtieth day after the first date that any portion of the balance due as shown on the statement is paid.

 The Comptroller General must establish and maintain a website to contain the information required by this section from a school district that does not maintain its own Internet website. The Internet website must be organized so that the public can differentiate between the school districts and search for the information they are seeking.

 School districts that do not maintain an Internet website must transmit all information required by this provision to the Comptroller General in a manner and at a time determined by the Comptroller General to be included on the Internet website.

 The Comptroller General shall distribute to the districts a methodology and resources for compliance. If a district complies with the methodology, it shall be reimbursed for any documented expenses incurred as a result of compliance. Reimbursement must be from the budget of the Comptroller General.

 The provisions contained herein do not amend, suspend, supersede, replace, revoke, restrict, or otherwise affect Chapter 4, Title 30, the South Carolina Freedom of Information Act.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator MALLOY raised a Point of Order that proviso 89.118 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **89.118.** (GP: Civil Conspiracy Defense Costs) For the current fiscal year, for any claim that has not reached a judgment, if a state or local government employee or former state or local government employee (“government employee”) is personally sued for civil conspiracy based in part upon a personnel or employment action or decision regarding an employee, the court must, prior to trial, make a final determination whether the action or decision giving rise to the suit was made by the government employee within the scope of their official duty. If the court finds that the government employee was acting outside the scope of the employee’s official duties, the government shall not thereafter expend any funds to pay or defend the claim. If the court finds the government employee was acting within the scope of their official duties, the employee is immune from suit, liability, and damages with respect to the civil conspiracy claim. The government may only expend funds to defend the claim if the determination is that the employee was acting within the scope of their official duties. Nothing in this proviso prevents an insurance provider from defending and paying, respectively, any claims that the provider has contractually agreed to defend and pay.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator MALLOY raised a Point of Order that proviso 89.119 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **89.119.** (GP: Sunday Work Law Exemption) For the current fiscal year, in addition to all other business operations exempt from the application of the Sunday work restrictions imposed pursuant to Chapter 1, Title 53 of the 1976 Code, telephone call center operations are exempt from the restrictions imposed on Sunday work pursuant to that chapter. An employee of a business which operates on Sunday pursuant to this provision has the option of refusing to work in accordance with Section 53-1-100 of the 1976 Code and that employee, if dismissed or demoted because of conscientious objection to Sunday work, has the remedies provided pursuant to Section 53-1-150(C) of the 1976 Code.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 39.13 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **39.13**. (PRT: Additional Motion Picture Bonus‑Rebate) In addition to the fifteen percent rebate authorized pursuant to Section 12‑62‑50, the South Carolina Film Commission may provide an additional bonus‑rebate to a motion picture production company of up to five percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. In addition to the fifteen percent rebate authorized pursuant to Section 12‑62‑60, the South Carolina Film Commission may provide an additional bonus‑rebate to a motion picture production company of up to fifteen percent of the expenditures made by the motion picture production company in the State.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 35.3 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **35.3.** (CU-PSA: Nursery/Nursery Dealer Registration Fee) The Division of Regulatory and Public Service Programs is authorized to retain up to $92,000 of revenue collected from the issuance of nursery/nursery dealer fees for the purpose of carrying out nursery/nursery dealer inspections. Revenue collected from this fee above $92,000 shall be deposited into the general fund.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 35.7 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **35.7.** (CU-PSA: Fertilizer Inspection Fee) For the current fiscal year Clemson Public Service Activities is authorized to charge an inspection fee of $1.50 per ton of commercial fertilizer sold or distributed in this State. Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 35.8 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **35.8.** (CU-PSA: Lime Inspection Fee) The Public Service Activities of Clemson University are hereby authorized to charge an inspection fee of $0.50 per ton on Agricultural Liming Materials sold or distributed in this State. Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 35.9 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **35.9.** (CU-PSA: Noncommercial Pesticide Applicator Fee) The Public Service Activities of Clemson University are hereby authorized to charge noncommercial pesticide applicators an annual licensing fee of $50.00. Clemson University-PSA may retain, expend, and carry forward these funds to maintain its programs.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 35.12 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 ***35.12.*** *(CU‑PSA: Landplaster Inspection Fee) For the purpose of regulating its use as applied to land for crop production, landplaster (gypsum), shall be defined as a product consisting chiefly of calcium sulfate with two combined water (CaSO4 2H2O) and is incapable of neutralizing soil acidity. It shall contain not less than seventy percent (70%) CaSO4 2H2O. All registrants of landplaster who sell or distribute in this State that previously were required to pay an inspection fee of $1.50 per ton shall now pay to Clemson University Regulatory Services an inspection fee of fifty cents for each ton sold. Clemson University‑PSA may retain, expend, and carry forward these funds from the prior fiscal year into the current fiscal year to maintain its programs.*

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 34.3 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **34.3.** (AGRI: Commodity Boards Expenditures) Expenditures made for the various Commodity Boards (as budgeted under other funds in Program IV.B. Marketing Services: Commodity Boards) are exempt from regulations under the Procurement Act of 1981.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 34.4 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **34.4.** (AGRI: Warehouse Receipts Guaranty Fund) The Department of Agriculture may retain and expend fifty thousand dollars from the Warehouse Receipts Guaranty Fund established by Section 39-22-150 of the 1976 Code as is necessary for the department to administer the funding of the program.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 34.5 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **34.5.** (AGRI: Weights & Measures Registration) All servicepersons required to be registered with the Department of Agriculture pursuant to the provisions of Section 39-9-65 of the 1976 Code shall pay to the department a registration fee of $25.00. Revenues generated by this provision shall be for use by the Department of Agriculture to offset expenses incurred in administering this registration program.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 48.8 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **48.8.** (SLED: Detective/Security Fee) The State Law Enforcement Division is hereby authorized to charge and collect additional license and registration fees for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises. The funds generated will be transmitted to the Department of Public Safety and used for the purpose of providing additional security in the Capitol Complex area.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 48.12 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **48.12.** (SLED: Private Detective Fees Criminal History Checks) The State Law Enforcement Division is authorized to charge private detective companies, individual private detectives, private security companies, armed security guards, and proprietary security companies an additional fee of twenty-five dollars to process state criminal history checks and fifty dollars for federal fingerprint based criminal history checks. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.

 The PRESIDENT took the Point of Order under advisement.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 26, 2011, that proviso 80A.35 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHEHEEN on April 26, 2011, that proviso 26.28 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHEHEEN on April 26, 2011, that proviso 45.9 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator BRYANT on April 26, 2011, that proviso 89.160 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHOOPMAN on April 26, 2011, that proviso 1.23 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHOOPMAN on April 26, 2011, that proviso 1.95 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator McCONNELL that proviso 81.9 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator McCONNELL that proviso 82.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator McCONNELL that proviso 86.5 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator McCONNELL that proviso 89.7 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator McCONNELL that proviso 89.46 of Part 1B was out of order inasmuch as it was violative of Rule 24A and Section 11-1-40 of the S.C. Code of Laws, 1976, as amended.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHEHEEN that proviso 28.3 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHEHEEN that proviso 51.30 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHEHEEN that proviso 51.32 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHEHEEN that proviso 75.7 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHEHEEN that proviso 79.14 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHOOPMAN that proviso 1A.31 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHOOPMAN that proviso 2.3 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHOOPMAN that proviso 80A.31 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHOOPMAN that proviso 89.51 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator SHOOPMAN that proviso 89.106 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

 The PRESIDENT took up the Point of Order raised by Senator HUTTO that proviso 26.22 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 The PRESIDENT overruled the Point of Order.

**Amendment No. 41A**

 Senator BRIGHT proposed the following amendment (3700R035.LB.DOCX), which was tabled:

 Amend the bill, as and if amended, Part IB, Section 24, DEPARTMENT OF DISABILITIES & SPECIAL NEEDS, page 402, after line 21, by adding an appropriately numbered new proviso to read:

 */ 24.\_\_\_. (DDSN: Additional Funding) The funds appropriated to the Arts Commission and to the Office of First Steps to School Readiness must be transferred to the Department of Disabilities and Special Needs to be used for general operating expenses of the department or for programs administered by the department.* /

Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator BRIGHT explained the amendment.

 Senator FAIR argued contra to the adoption of the amendment.

 Senator ALEXANDER argued contra to the adoption of the amendment.

 Senator FAIR moved to lay the amendment on the table.

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

**Ayes 39; Nays 4**

**AYES**

Alexander Anderson Campbell

Coleman Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright Bryant Ford

Reese

**Total--4**

 The amendment was laid on the table.

**Point of Order**

 Senator KNOTTS raised a Point of Order that proviso 1.70 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **1.70.** (SDE: High School Driver Education) For ~~Fiscal Year 2010-11~~ *the current fiscal year,* the requirement for high schools to provide a course in driver education is suspended however, high schools may continue to offer driver education courses if they choose to do so. ~~The Department of Education is directed to survey school districts and collect information concerning, but not limited to, the costs of delivering the driver education program, the number of students participating in the program, and recommendations regarding continuation of the program. The department shall submit a report outlining the survey findings and recommended changes to the public school driver education course to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 1, 2011. The Department of Education shall work with the Department of Motor Vehicles in collecting and reporting driver education input.~~

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator KNOTTS raised a Point of Order that proviso 1.27 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **1.27.** (SDE: School Bus Driver CDL) From funds provided in Part IA, Section 1, IX.B., local school districts shall request a criminal record history from the South Carolina Law Enforcement Division for past conviction of any crimebefore the initial employment of a school bus driver or school bus aide. The Department of Education and the school districts shall be treated as a charitable organization for purposes of the fee charged for the criminal records search.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator KNOTTS raised a Point of Order that proviso 23.13 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **23.13.** (DMH: Veterans’ Nursing Home Death Investigations) In the event that a coroner rules that the death of an individual in a veterans’ nursing home under the authority of the Department of Mental Health results from natural causes, then the State Law Enforcement Division is not required to conduct an investigation regarding the individual’s death.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator KNOTTS raised a Point of Order that proviso 26.18 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **26.18.** (DSS: Children’s Home Standard Licenses) Standard licenses for children’s residential group homes, child caring institutions and child placing agencies shall be effective for two years from the date of issuance or renewal unless revoked or otherwise terminated before the expiration date. Fire inspections required for licensing or renewal of children’s residential group homes and child caring institutions must be conducted annually.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator KNOTTS raised a Point of Order that proviso 48.13 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **48.13.** (SLED: CWP Instructors Certification) The State Law Enforcement Division is authorized to charge one hundred dollars for the issuance of a Certified Concealable Weapons Permit Instructor certificate, and one hundred dollars every three years for each renewal. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator KNOTTS raised a Point of Order that proviso 48.14 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **48.14.** (SLED: Expungement Requests) The State Law Enforcement Division is authorized to collect a twenty-five dollar expungement fee for each request to expunge criminal records. These funds shall be used to offset the operational and research expenses associated with processing these expungement requests. SLED is authorized to collect, retain, expend, and carry forward these funds. Persons found not guilty by a court of competent jurisdiction or where charges have been dismissed or nolle prossed shall be excluded from the fee requirement.

 The PRESIDENT took the Point of Order under advisement.

**Amendment No. 20**

 Senator MASSEY proposed the following amendment (3700R020.SRM.DOCX), which was adopted (#9):

 Amend the bill, as and if amended, Part IB, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 403, paragraph 26.7 by striking line 35 and inserting:

 / bequests for social services provided under their direct responsibility on the basis of a fee schedule. /

 Amend the bill further, as and if amended, Part IB, Section 26.7, page 404, by striking line 1 and inserting:

 / The fees collected shall be utilized by the Department of Social Services to further develop and administer these /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator MASSEY explained the amendment.

 The amendment was adopted.

**Point of Order**

 Senator SHEHEEN raised a Point of Order that proviso 86.10 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 ***86.10.*** *(AS-TREAS: Speed Camera Citations Restriction)* *The governing body of any political subdivision with jurisdiction over a law enforcement agency that issues uniform traffic citations for traffic violations by the United States mail, a parcel delivery service, electronic means, or by any means other than a law enforcement officer directly giving the uniform traffic citation to the offender incident to and contemporaneous with a traffic stop for the offense or within one hour as provided by Section 56-5-70(E) of the 1976 Code, must report to the State Treasurer by July 1, 2011, that the law enforcement agency issues uniform traffic citations in this manner. Upon receiving a distribution from the Local Government Aid to Subdivisions fund, a political subdivision that has given the required notice must remit an amount equivalent to the distribution to the State Treasurer within ten days. A political subdivision may be relieved of any further requirement to remit the amount required by this provision when the governing body certifies to the State Treasurer that the governing body has prohibited the applicable law enforcement agency from issuing any further uniform traffic citations in the manner implicated by this provision. If the State Treasurer determines that a political subdivision has issued uniform traffic citations in a manner implicated by this provision and has not given the notice required by this provision, the State Treasurer shall notify the political subdivision that it must remit an amount equal to two times the amount of Local Government Aid to Subdivision funds already received by the political subdivision during the current fiscal year. Upon receipt of this notice, the political subdivision shall remit the required amount within ten days. If a political subdivision is delinquent on any payment required by this provision, the State Treasurer shall utilize the authority granted by Section 11-9-75 of the 1976 Code to withhold any additional distributions from any source to the political subdivision.*

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator SHEHEEN raised a Point of Order that proviso 90.20 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 ***90.20.*** *(SR: Prohibits Taxpayer Funded Lobbyists) In order to eliminate taxpayer funded lobbying, the following state agencies and institutions, for Fiscal Year 2011-12, shall transfer the amounts indicated to the General Fund:*

 *Administrative Law Court $ 22,000*

 *The Citadel $ 16,881*

 *Clemson University $ 45,546*

 *Coastal Carolina University $ 20,230*

 *College of Charleston $ 34,000*

 *Department of Health & Environmental Control $ 26,553*

 *State Board for Technical & Comprehensive Education $ 22,431*

 *Florence-Darlington Technical College $ 10,001*

 *Greenville Technical College $ 31,783*

 *Horry-Georgetown Technical College $ 1,183*

 *Tri-County Technical College $ 55,545*

 *Francis Marion University $ 23,500*

 *Judicial Department $ 59,164*

 *Medical University of South Carolina $ 80,380*

 *Department of Natural Resources $ 17,157*

 *Prosecution Coordination Commission $ 19,290*

 *South Carolina State University $ 20,000*

 *University Of South Carolina $ 53,368*

 *University of South Carolina-Upstate $ 11,000*

 *Winthrop University $ 9,300*

 *Lander University $ 25,000*

 *Total $ 604,312.*

 *All state agencies and institutions are prohibited from using general fund appropriations to compensate employees who engage in lobbying on behalf of the state agency or institution. The State Ethics Commission shall require state agencies and institutions that report lobbying activities to the commission to certify that the lobbying activities were not funded by general fund appropriations.*

 *All state agencies and institutions are prohibited from entering into contracts to provide lobbying services to the agency or institution.*

 The PRESIDENT took the Point of Order under advisement.

**Amendment No. 25**

 Senator MASSEY proposed the following amendment (3700R016.SRM.SRM.DOCX), which was adopted (#10):

 Amend the bill, as and if amended, Part IB, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 408, paragraph 26.29, by striking lines 20-22 and inserting:

 / *26.29. (DSS: Restoration of TANF Stipends) If federal revenue maximization efforts produce sufficient federal or state funds in excess of the amount needed for department programs and operations, the department shall apply the excess funds to programs, or for purposes in the best interests of the people served by the department, in the discretion of the director.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator MASSEY explained the amendment.

 The amendment was adopted.

**Recorded Vote**

 Senator FORD desired to be recorded as voting against the adoption of Amendment No. 25.

**Amendment No. 12**

 Senators McCONNELL and HAYES proposed the following amendment (DG CENSUS), which was adopted (#11):

 Amend the bill, as and if amended, Part IB, Section 29, STATE LIBRARY, page 409, paragraph 29.1, line 17, by striking /2000/ and inserting /*2010*/

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator McCONNELL explained the amendment.

 The amendment was adopted.

**Point of Order**

 Senator KNOTTS raised a Point of Order that proviso 89.67 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **89.67.** (GP: Respiratory Syncytial Virus Prescription Sales and Use Tax Exemption) The effective date of the exemption from sales and use tax of prescription medicines used to prevent respiratory syncytial virus shall be January 1, 1999. No refund of sales and use taxes may be claimed as a result of this provision.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator KNOTTS raised a Point of Order that proviso 89.72 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **89.72.** (GP: Viscosupplementation Therapies Sales and Use Tax Exemption) For the current fiscal year only, sales and use taxes on viscosupplementation therapies shall be suspended. No refund or forgiveness of tax may be claimed as a result of this provision.

 The PRESIDENT took the Point of Order under advisement.

**Point of Order**

 Senator KNOTTS raised a Point of Order that proviso 89.115 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **89.115.** (GP: Beach Renourishment Suspension) For Fiscal Year 2010-11, Chapter 40, Title 48 of the 1976 Code is suspended. In the event of a natural disaster that affects the coastline of South Carolina, this suspension shall be lifted.

 The PRESIDENT took the Point of Order under advisement.

**Amendment No. 13**

 Senator MASSEY proposed the following amendment (3700R021.SRM.DOCX), which was not adopted:

 Amend the bill, as and if amended, Part IB, Section 67, DEPT. OF EMPLOYMENT & WORKFORCE, page 449, line 24, by adding an appropriately numbered new proviso to read:

 */* *67. . (ESC: Unemployed Tax Credit) (A) As used in this section, ‘creditable employee’ means an employee of a taxpayer employer who (1) was unemployed for four consecutive weeks immediately before being hired by the employer, (2) is first employed by the employer before December 1, 2011, and (3) the employer executes and provides a notarized affidavit swearing or affirming that the employee is eligible to work in the United States because the person is either a United States citizen or a lawfully present alien according to federal law.*

 *(B) An employer who has one or more creditable employees and who provides a notarized affidavit attesting to use of the federal employment verification system now known as ‘E‑Verify’, or any future federal employment verification system, is eligible to apply for and receive a credit against these taxes as provided in subsection (C) of this section. The amount of the credit is one thousand dollars for each creditable employee. Eligibility for the credit must be established as of the time the creditable employee completes thirty consecutive days of employment and the credit must be claimed for the 2011 taxable year.*

 *(C) The credit allowed pursuant to subsection (B) of this section may be taken against income taxes, the bank tax imposed pursuant to Chapter 11, Title 12, the savings and loan association tax imposed pursuant to Chapter 13, Title 12, the corporate license tax imposed pursuant to Chapter 20, Title 12, and insurance premium taxes imposed pursuant to Chapter 7, Title 38.*

 *(D) The total amount of any tax credit for the 2011 taxable year may not exceed the taxpayer’s tax liability. Any unused tax may not be carried over to apply to the taxpayer’s succeeding year’s liability.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator MASSEY explained the amendment.

**Point of Order**

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

 The PRESIDENT overruled the Point of Order.

**Remarks by Senator MASSEY**

 Gentlemen, this amendment is more substantive than what I talked about so far. But it’s an amendment they offered last year that we talked about at length.  It’s very similar to legislation that the Senator from Cherokee, Senator PEELER, has introduced for a couple years now.  His latest legislation is the jump-start legislation.  It wishes to give back credits to employers for hiring people that are unemployed, which has been limited somewhat more so than Senator PEELER’s jump-start plan.

 We’re dealing only with a budget year.  Basically, what we would do here, is if somebody has been unemployed for four consecutive weeks and one of our employers hires him by December 1st this year, and the employer certifies that the person’s eligible to work here, then the employer can receive a $1,000 tax credit for each employee he hires and meets the criteria and edge -- employs him for 30 consecutive days.  This only applies to this budget year.

 I’d move adoption.

 On motion of Senator SETZLER, with unanimous consent, the remarks of Senator MASSEY were ordered printed in the Journal.

 Senator MASSEY resumed explaining the amendment.

 Senator ELLIOTT moved to lay the amendment on the table.

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

**Ayes 5; Nays 38**

**AYES**

Elliott Ford Leventis

Malloy Sheheen

**Total--5**

**NAYS**

Alexander Anderson Bright

Bryant Campsen Cleary

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--38**

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

 Senator LEVENTIS argued contra to the adoption of the amendment.

 Senator ELLIOTT argued contra to the adoption of the amendment.

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

**Ayes 18; Nays 24**

**AYES**

Bright Bryant Campsen

Cleary Cromer Davis

Grooms Knotts *Martin, Shane*

Massey McConnell Peeler

Rankin Rose Ryberg

Shoopman Thomas Verdin

**Total--18**

**NAYS**

Alexander Coleman Elliott

Fair Ford Gregory

Hayes Hutto Jackson

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Matthews McGill Nicholson

O'Dell Reese Scott

Setzler Sheheen Williams

**Total--24**

 The amendment was not adopted.

**Point of Order**

 Senator BRIGHT raised a Point of Order that proviso 6.12 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

 **6.12.** (CHE: Research Universities Matching Resources) Notwithstanding the provisions of Sections 2-75-05(B)(4) and (6) and 2-75-50 of the 1976 Code, to meet the endowed professorships matching requirement of those provisions, a research university may use funds specifically provided for use in the areas of Engineering, Nanotechnology, Biomedical Sciences, Energy Sciences, Environmental Sciences, Information and Management Sciences, and for other sciences and research that create well-paying jobs and enhanced economic opportunities for the people of South Carolina and that are approved by the Research Centers of Excellence Review Board that are derived from private or federal government sources, excluding state appropriations to the institution, tuition, or fees. The only federal dollars that may be used to meet the endowed professorships matching requirement are those federal dollars received after July 1, 2003.

 The PRESIDENT took the Point of Order under advisement.

**Amendment No. 16**

 Senator MASSEY proposed the following amendment (3700R024.SRM.DOCX), which was ruled out of order:

 Amend the bill, as and if amended, Part IB, Section 71.3, ADMINISTRATIVE LAW COURT, page 459, proviso 71.3, by striking lines 10-11 and inserting:

 */* 71.3. (ALJ: Fee Increase) For the current fiscal year, the Administrative Law Court may not charge or increase filing fees unless otherwise approved by the General Assembly. /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator MASSEY explained the amendment.

**Point of Order**

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

 Senator MASSEY spoke on the Point of Order.

 The PRESIDENT sustained the Point of Order.

 The amendment was ruled out of order.

**Amendment No. 28**

 Senator THOMAS proposed the following amendment (DC GOV ZERO-BASED BUDGETING 2), which was not adopted:

 Amend the bill, as and if amended, Part IB, Section 72, GOVERNOR'S OFFICE, page 462, after line 33, by adding an appropriately numbered new proviso to read:

 */ 72.\_\_\_ (GOV: ECOS - Zero-Based Budgeting) Upon enactment of H.3066, the Governor’s Executive Budget Office shall consider incorporating the recommendations of the State Treasurer’s “Report on Zero-Based Budgeting” dated January 6, 2011, when developing budget recommendations for presentation to the General Assembly.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator THOMAS explained the amendment.

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

**Ayes 15; Nays 25**

**AYES**

Bryant Courson Gregory

Grooms Hayes Lourie

*Martin, Shane* Massey Peeler

Reese Rose Ryberg

Setzler Shoopman Thomas

**Total--15**

**NAYS**

Alexander Anderson Bright

Campbell Campsen Cleary

Coleman Cromer Davis

Elliott Fair Ford

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

McConnell Nicholson O'Dell

Rankin Scott Sheheen

Verdin

**Total--25**

 The amendment was not adopted.

**Amendment No. 6**

 Senators THOMAS and FAIR proposed the following amendment (DC DELETE EXPANDED 1099 REPORTING), which was adopted (#12):

 Amend the bill, as and if amended, Part IB, Section 75, COMPTROLLER GENERAL’S OFFICE, page 465, paragraph 75.7, line 7, by striking the proviso in its entirety.

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator THOMAS explained the amendment.

 The amendment was adopted.

**Amendment No. 7**

 Senator THOMAS proposed the following amendment (DC STO ZERO-BASED BUDGETING), which was adopted (#13):

 Amend the bill, as and if amended, Part IB, Section 76, STATE TREASURER’S OFFICE, page 467, after line 28, by adding an appropriately numbered new proviso to read:

 */ 76.\_\_\_ (TREAS: Zero-Based Budgeting) The State Treasurer shall choose three budget areas of the General or Other funds budget and shall entertain proposals from any certified public accounting firm who may propose a zero-based budget analysis. Zero-based analysis means the analysis by the CPA firm must study the designated areas at the most fundamental level of expenditure and function. The CPA analysis will report possible savings, as well as any determinations of whether savings or efficiencies can be generated by any other method such as merger or elimination of positions, to the Governor, Senate Finance Committee, and House Ways and Means Committee. If the legislature adopts any of the recommendations within two years, the State Auditor shall determine the savings to the State by implementation of the proposal and shall direct the State Treasurer to pay the CPA firm which performed the study and made the proposal ten percent of the savings realized due to the implementation of the proposal.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator THOMAS explained the amendment.

 The amendment was adopted.

**Amendment No. 49**

 Senator LEATHERMAN proposed the following amendment (DAD 78.12 NATL GD READINESS), which was adopted (#14):

 Amend the bill, as and if amended, Part IB, Section 78, ADJUTANT GENERAL’S OFFICE, page 469, proviso 78.12, by striking the proviso in its entirety, lines 6 - 9 and inserting:

 / 78.12. (ADJ: Citadel-S.C. National Guard Readiness Center) The Adjutant General’s Office, during Fiscal Year ~~2010-11~~ *2011-12*, shall repay to the General Fund of the State ~~$1,250,000~~ *$300,000, plus interest,* of the $2,500,000 appropriated by proviso 73.12 of the Fiscal Year 2007-08 Appropriation Act to the Adjutant General’s Office for the Citadel-South Carolina National Guard Readiness Center ~~unless the entire $2,500,000 loan has been repaid, in which case no further payment shall be required~~. *It is the intent of the General Assembly that $300,000, plus interest, shall be repaid annually until the $1,250,000 balance has been repaid to the General Fund.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator LEATHERMAN explained the amendment.

 The amendment was adopted.

**Amendment No. 26**

 Senator MASSEY proposed the following amendment (3700R028.SRM.DOCX), which was ruled out of order:

 Amend the bill, as and if amended, Part IB, Section 80A, BUDGET AND CONTROL BOARD, page 481, after line 26, by adding an appropriately numbered new proviso to read:

 */ 80A.\_\_\_(BCB: 911 Dispatch) For the current fiscal year, a local government that imposes a monthly 911 charge for public safety communications may use the individual PSAP Communications Facility portion of the funds for the lease, purchase, lease-purchase, or maintenance of emergency radios or other communications equipment so long as the radios or equipment are used to dispatch public safety services to the appropriate public safety agency.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator MASSEY explained the amendment.

**Point of Order**

 Senator SETZLER raised a Point of Order that the amendment was out of order inasmuch as it was not germane to the Bill and it amends permanent law.

 Senator LEATHERMAN spoke on the Point of Order.

 Senator KNOTTS spoke on the Point of Order.

 Senator LEVENTIS spoke on the Point of Order.

 The PRESIDENT sustained the Point of Order.

 The amendment was ruled out of order.

**Amendment No. 36A**

 Senators BRYANT and THOMAS proposed the following amendment (3700R034.KLB.KLB.DOCX), which was tabled:

 Amend the bill, as and if amended, Part IB, Section 80C, B&C-EMPLOYEE BENEFITS, Proviso 80C.2, page 481, by striking line 35 and inserting:

 / Insurance Plan may be expended to reimburse the expenses of an abortion, except ~~in cases of rape, incest or~~ where the mother’s /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator BRYANT explained the amendment.

 Senator HUTTO argued contra to the adoption of the amendment.

 Senator LOURIE moved to lay the amendment on the table.

 Senator BRIGHT, with unanimous consent, argued in favor of the adoption of the amendment.

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

**Ayes 21; Nays 20**

**AYES**

Coleman Courson Elliott

Ford Gregory Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Matthews McConnell

McGill Nicholson Peeler

Rankin Scott Williams

**Total--21**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cromer

Davis Fair Grooms

Hayes Jackson *Martin, Shane*

Massey O'Dell Reese

Rose Ryberg Shoopman

Thomas Verdin

**Total--20**

 The amendment was laid on the table.

 Having voted on the prevailing side, Senator McGILL moved to reconsider the vote whereby the amendment was laid on the table.

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

**Ayes 21; Nays 22**

**AYES**

Bright Bryant Campbell

Campsen Cromer Davis

Fair Grooms Hayes

Jackson *Martin, Shane* Massey

McGill O'Dell Reese

Rose Setzler Shoopman

Thomas Verdin Williams

**Total--21**

**NAYS**

Alexander Cleary Coleman

Courson Elliott Ford

Gregory Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Matthews McConnell Nicholson

Peeler Rankin Ryberg

Scott

**Total--22**

 The Senate refused to reconsider the motion whereby Amendment No. 36A was tabled.

**Amendment No. 31**

 Senator RYBERG proposed the following amendment (DG INSINCREASE), which was tabled:

 Amend the bill, as and if amended, Part IB, Section 80C, B&C-EMPLOYEE BENEFITS, page 482, after line 9, by adding an appropriately numbered new proviso to read:

 / *80C.\_\_\_. (BCB/EB: Insurance Increase) From the funds appropriated for Health Insurance - Employer Contributions, the Budget and Control Board shall expend an amount sufficient to pay for one-half of the 4.5% rate increase in the State Health Plan. The employee is responsible for paying for the other one-half of the rate increase. Any funds appropriated in excess of the amount necessary to pay for one-half of the rate increase must be credited to the OPEB Trust Fund.* /

 Renumber sections to conform.

 Amend sections, totals and title to conform.

 Senator RYBERG explained the amendment.

 Senator ALEXANDER spoke on the amendment.

 Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 24; Nays 16**

**AYES**

Alexander Campbell Coleman

Courson Cromer Elliott

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Matthews McConnell McGill

Nicholson O'Dell Reese

Scott Setzler Williams

**Total--24**

**NAYS**

Bright Bryant Campsen

Cleary Davis Fair

Gregory Grooms *Martin, Shane*

Massey Peeler Rose

Ryberg Shoopman Thomas

Verdin

**Total--16**

 The amendment was laid on the table.

**Objection**

 Senator RYBERG asked unanimous consent to make a motion to give the Bill a second reading, carrying over all the amendments to third reading, carrying over all Points of Order, allow amendments to be offered on third reading, not closing out any sections until all amendments had been considered, and then stand adjourned.

 Senator MALLOY objected.

 Senator SHEHEEN spoke on the Bill.

**Remarks by Senator SHEHEEN**

 I know there’s a lot of undercurrent about how long we will meet. I appreciate the attempt to have us adjourn, Senator. Talking to some of the members -- I won’t say older members, but those that have been here longer -- seasoned members, I said to them, “Do you know how long y’all used to spend on the budget?” Pretty much everybody said, “We used to spend a couple of weeks.” In fact, somebody said, “Sometimes we spent three weeks.” I appreciate the work the Senate Finance Committee has done, especially the Chairman.

 I don’t want us to feel like we have to give the budget second reading today. I don’t want us to say for some arbitrary reason we have to finish tomorrow. If we take our time and debate this thing like it should be debated and talk about various amendments, and if we go into next Tuesday and Wednesday and pass a budget or don’t, or whatever, maybe we will get a better product. Maybe we’ll know a little more about the document we passed so that some of us don’t end up sitting on committees next year, looking into what happened and didn’t happen, and people saying they knew this or they didn’t know that.

 I just want to say this very briefly. Yes, let’s work hard. I would urge the body. We started at 9:00 A.M. Nobody is going to say we didn’t put in time today. I’m happy to start at 9:00 A.M. tomorrow morning. Let’s not say we have to be here until midnight or 1:00 A.M. or 2:00 A.M., when we make bad decisions or do things we really probably should be doing. Let’s try to do orderly work and finish in a reasonable amount of time.

 On motion of Senator BRIGHT, with unanimous consent, the remarks of Senator SHEHEEN were ordered printed in the Journal.

**MOTION ADOPTED**

 On motion of Senator McCONNELL, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet tomorrow, April 28, 2011, at 9:00 A.M.

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

**Recorded Vote**

 Senators VERDIN, GROOMS and BRIGHT desired to be recorded as voting against the motion to adjourn.

**MOTION ADOPTED**

 On motion of Senator FAIR, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Jonatan David Torres of Greenville, a sophomore attending Bob Jones University. He was the beloved son of Esteban and Esther Torres.

and

**MOTION ADOPTED**

 On motion of Senators LARRY MARTIN, ALEXANDER and HAYES, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Celia Bryson Gettys, of Easley, SC, wife of the late Dick Gettys, career educator and former member and chairperson of the S.C. State Board of Education, who died on Monday, April 25th.

**ADJOURNMENT**

 At 5:50 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 9:00 A.M.

\* \* \*