**Thursday, May 5, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 9:30 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:

The prophet Micah reminds us:

“And what does the Lord require of you? To act justly and to love mercy and to walk humbly with your God.” (Micah 6:8b, c)

Join me as we pray, if you will:

Holy God, You make Your requirements of us absolutely clear. May it be, Lord, that every servant seeking to honor You here in this State House follows Your admonitions to the letter. And may the women and men who serve You in this place do so because they know that, not only are You honored, but also the people of this State benefit greatly, as well. So continue to guide each of these Senators in everything that they say and do, that all who know of their work and of their contributions to the common good will sing Your praises, dear Lord. In Your loving name we pray. Amen.

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

**Doctor of the Day**

Senator CROMER introduced Dr. Mary Baker of Newberry, S.C., Doctor of the Day.

**Leave of Absence**

At 11:45 A.M., Senator SHEHEEN requested a leave of absence beginning at 12:30 P.M. and lasting until 2:00 P.M.

**Leave of Absence**

On motion of Senator NICHOLSON, at 1:55 P.M., Senator LOURIE was granted a leave of absence until 4:30 P.M.

**Leave of Absence**

At 3:00 P.M., Senator COURSON requested a leave of absence beginning at 8:30 P.M. this evening and lasting until 10:00 A.M. on Wednesday, May 11, 2011.

Senator VERDIN objected.

**COMMUNICATION FROM THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE**

May 5, 2011

South Carolina Department of Health & Environmental Control

Attention: C. Earl Hunter, Commissioner

2600 Bull Street

Columbia, SC 29201

Dear Commissioner Hunter:

Please accept this letter as a formal request from the Senate Agriculture & Natural Resources Committee for Assessment Reports on two proposed DHEC regulation changes, Documents 4132 and 4139. This request comes pursuant to the actions of committee members (see enclosed poll-out sheet) and in accordance with the Code of South Carolina Law, 1-23-115(A).

Thank you for your compliance with this request. Please contact our office if you have any questions.

Sincerely,

/s/ Danny Verdin, Chairman

SC Senate, District 9

Laurens and Greenville Counties

cc: All committee members

Clerk of the Senate

Document No. 4132

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-93-10, et seq. and 48-2-10

SUBJECT: Environmental Protection Fees (Re: Radioactive Material Licenses Fees)

**Poll of the Agriculture and Natural Resources Committee**

**RE: Regulation 4132 - Assessment Report**

**Polled 17; Ayes 17; Nays 0**

**AYES**

Verdin Grooms Leventis

Matthews McGill Hutto

Elliott Knotts Bryant

Campsen Williams Campbell

Sheheen Bright Davis

Rose Gregory

**Total-- 17**

**NAYS**

**Total-- 0**

Document No. 4139

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 48-2-10, et seq.

SUBJECT: Environmental Protection Fees (Re: Drinking Water Fees)

**Poll of the Agriculture and Natural Resources Committee**

**RE: Regulation 4139 - Drinking Water Fees**

**Polled 17; Ayes 17; Nays 0**

**AYES**

Verdin Grooms Leventis

Matthews McGill Hutto

Elliott Knotts Bryant

Campsen Williams Campbell

Sheheen Bright Davis

Rose Gregory

**Total-- 17**

**NAYS**

**Total-- 0**

**CO-SPONSOR REMOVED**

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

S. 832 Sen. O’Dell

**RECALLED**

H. 3897 -- Reps. Stringer and Ballentine: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ENVIRONMENTAL PROTECTION FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4132, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator VERDIN asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Agriculture and Natural Resources.

The Joint Resolution was recalled from the Committee on Agriculture and Natural Resources and ordered placed on the Calendar for consideration tomorrow.

**RECALLED AND COMMITTED**

H. 3342 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 56-1-286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OR DENIAL OF ISSUANCE OF A DRIVER’S LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE TO CERTAIN PERSONS WHO DRIVE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM “ADMINISTRATIVE HEARING” AND REPLACE IT WITH THE TERM “CONTESTED CASE HEARING”, TO PROVIDE THAT A CONTESTED CASE HEARING MUST BE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS PURSUANT TO ITS RULES OF PROCEDURE, AND TO DELETE THE TERM “DIVISION OF MOTOR VEHICLE HEARINGS” AND REPLACE IT WITH THE TERM “OFFICE OF MOTOR VEHICLE HEARINGS”; TO AMEND SECTION 56‑5‑2942, AS AMENDED, RELATING TO VEHICLE IMMOBILIZATION AFTER A CONVICTION FOR DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER ILLEGAL SUBSTANCE, SO AS TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT OF MOTOR VEHICLES MAY RELEASE AN IMMOBILIZED VEHICLE REGISTERED TO A PERSON WHO HAS NOT BEEN CONVICTED OF DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER UNLAWFUL SUBSTANCE; TO AMEND SECTION 56‑5‑2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON’S DRIVER’S LICENSE OR PERMIT FOR HIS REFUSAL TO SUBMIT TO A TEST TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM “ADMINISTRATIVE HEARING” AND REPLACE IT WITH THE TERM “CONTESTED CASE HEARING”, TO PROVIDE THAT ADMINISTRATIVE HEARINGS ARE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS AND NOT THE DEPARTMENT OF MOTOR VEHICLES, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES IS RESPONSIBLE FOR SENDING A HEARING OFFICER’S DECISION TO A PERSON WHO IS ELIGIBLE TO RECEIVE A RESTRICTED LICENSE PURSUANT TO THIS SECTION; AND TO AMEND SECTION 56‑5‑2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS, SO AS TO INCREASE THE FEE, TO DELETE THE TERM “ADMINISTRATIVE LAW COURT” AND REPLACE IT WITH THE TERM “OFFICE OF MOTOR VEHICLE HEARINGS”, AND REVISE THE PROCEDURE FOR DISTRIBUTING FUNDS GENERATED FROM THE COLLECTION OF THESE FEES.

Senator GROOMS asked unanimous consent to make a motion to recall the Bill from the Committee on Transportation.

The Bill was recalled from the Committee on Transportation.

On motion of Senator GROOMS, the Bill was committed to the Committee on Judiciary.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

H. 3035 -- Reps. Erickson, Daning, Clyburn, Long, Lucas, Norman, Owens, Patrick, Herbkersman, Crosby, Brady, Allison, Merrill, Bowen, Pinson, Whipper and R. L. Brown: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BEGINNING AND LENGTH OF SCHOOL TERM AND SCHOOL MAKE-UP DAYS, SO AS TO ALLOW A LOCAL SCHOOL DISTRICT TO ESTABLISH ITS CALENDAR BASED ON A STATUTORY TERM OF ONE HUNDRED EIGHTY DAYS OF INSTRUCTION OR THE EQUIVALENT NUMBER OF INSTRUCTIONAL HOURS.

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

H. 4099 -- Reps. Harrell, R. L. Brown, Crosby, Gilliard, Horne, Mack, McCoy, Murphy, Ryan, Sottile, Stavrinakis, Whipper and Jefferson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 526 AND UNITED STATES HIGHWAY 17 NORTH IN CHARLESTON COUNTY “REPRESENTATIVE H. B. ‘CHIP’ LIMEHOUSE III INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “REPRESENTATIVE H. B. ‘CHIP’ LIMEHOUSE III INTERCHANGE”.

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

H. 4111 -- Rep. Barfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PROPOSED ANYOR OVERPASS THAT WILL CROSS UNITED STATES HIGHWAY 501 IN THE TOWN OF AYNOR THE “JULIUS H. ‘DUKE’ GOODSON OVERPASS” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS OVERPASS THAT CONTAIN THE WORDS “JULIUS H. ‘DUKE’ GOODSON OVERPASS”.

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

H. 4124 -- Rep. V. S. Moss: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON EL BETHEL ROAD THAT CROSSES THICKETTY CREEK IN CHEROKEE COUNTY “COLONEL JAMES STEEN MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “COLONEL JAMES STEEN MEMORIAL BRIDGE”.

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

H. 4143 -- Reps. Gilliard, R. L. Brown, Mack and Whipper: A BILL TO AMEND ACT 1235 OF 1970, AS AMENDED, RELATING TO THE CHARLESTON COUNTY AIRPORT DISTRICT AND ITS GOVERNING BOARD, SO AS TO ADD TWO MEMBERS OF THE CHARLESTON COUNTY LEGISLATIVE DELEGATION, EX OFFICIO, TO THE GOVERNING BOARD OF THE DISTRICT; TO PROVIDE THAT CERTAIN MEMBERS OF THE AUTHORITY MAY SERVE AS ITS CHAIRMAN, AND TO PROVIDE THAT MEMBERS WHO ARE APPOINTED BY THE LEGISLATIVE DELEGATION OR COUNTY COUNCIL SHALL SERVE ONE FOUR-YEAR TERM.

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4176 -- Reps. Harrell, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO CONDEMN THE COMPLAINT FILED BY THE ACTING GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD ASSERTING THAT THE BOEING COMPANY’S SELECTION OF NORTH CHARLESTON FOR ITS NEWEST FINAL ASSEMBLY AND DELIVERY PRODUCTION FACILITY FOR THE 787 DREAMLINER AIRPLANE VIOLATED THE NATIONAL LABOR RELATIONS ACT, AND TO URGE THAT THE COMPLAINT BE DISMISSED BY THE BOARD AS AN UNWARRANTED INTRUSION INTO A BUSINESS DECISION OF THE BOEING COMPANY AND THE ECONOMIC DEVELOPMENT ACTIVITIES OF THE STATE OF SOUTH CAROLINA, AND BECAUSE OF ITS ADVERSE IMPACT ON THE FUTURE ECONOMIC GROWTH OF THE UNITED STATES OF AMERICA.

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

H. 4184 -- Reps. Allison, Anthony, Brannon, Chumley, Cole, Forrester, Mitchell, Parker and Tallon: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. JOHN C. STOCKWELL, CHANCELLOR OF THE UNIVERSITY OF SOUTH CAROLINA UPSTATE, UPON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

H. 4191 -- Reps. Erickson, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ARTHUR L. CUMMINGS, BEAUFORT COUNTY BUILDING CODES DIRECTOR, UPON HIS RETIREMENT, TO THANK HIM FOR THIRTY-THREE YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

**Message from the House**

Columbia, S.C., May 5, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 586 -- Senators Hayes, O’Dell, Verdin, Shoopman, Nicholson, Elliott, L. Martin, Coleman, Ford, Cromer, Alexander and Knotts: A BILL TO AMEND SECTION 1‑11‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES, RETIREES, AND THEIR DEPENDENTS ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO EXTEND THIS ELIGIBILITY TO JOINT AGENCIES ESTABLISHED PURSUANT TO CHAPTER 23, TITLE 6.

Respectfully submitted,

Speaker of the House

Received as information.

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

**Message from the House**

Columbia, S.C., May 4, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 5, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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.

Very respectfully,

Speaker of the House

Received as information.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

April 13, 2011

The Honorable Ken Ard

President of the Senate

State House, First Floor, East Wing

Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am vetoing and returning without my signature S.533, R-17, a Bill which extends an exemption from sales tax on equipment and supplies purchased by a single company that broke ground in South Carolina over a year and a half ago and is in response to the Department of Revenue’s interpretation of Act 280 of 2010 – a Bill designed to provide the same sales tax incentive detailed in this legislation.

**I am vetoing S.533, because I believe that this Bill is unnecessary.** In 2010, the General Assembly enacted Act 280 to grant a sales tax exemption to the Institute for Business and Home Safety (“IBHS”) upon that company’s decision to locate in Chester County. The Department of Revenue’s original interpretation of existing law was such that IBHS - the only company potentially eligible for this incentive - was not eligible because the effective date of the Act conflicted with the start-date of this otherwise qualified investment. The Department of Revenue has since reviewed its interpretation of the Act and believes the clear intent of the General Assembly was to grant a sales tax exemption for IBHS, because it is the only company in the State eligible to receive the benefit. Because the department will apply Act 280, S.533 is unnecessary.

For the reasons stated above, I am vetoing S.533, R-17.

Sincerely,

/s/ Nikki R. Haley

**VETO SUSTAINED**

(R17, S533) -- Senators Coleman, Reese and Ford: AN ACT TO AMEND SECTION 12‑36‑2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR A SALES TAX EXEMPTION OF CERTAIN ITEMS FOR CERTAIN FACILITIES RESEARCHING AND TESTING THE IMPACT OF NATURAL DISASTERS, SO AS TO PROVIDE THAT THE QUALIFYING INVESTMENT OF AT LEAST TWENTY MILLION DOLLARS MAY BEGIN AT ANY TIME PERIOD AFTER DECEMBER 31, 2008, AND ALL OR A PORTION MAY OCCUR BEFORE THE TAXPAYER NOTIFIES THE DEPARTMENT OF REVENUE OF ITS INTENTION.

Senator COLEMAN asked unanimous consent to take the veto up for immediate consideration.

There was no objection.

The veto of the Governor was taken up for immediate consideration.

Senator COLEMAN explained the veto.

Senator COLEMAN moved that the veto of the Governor be sustained.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 0; Nays 35**

**AYES**

**Total--0**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Peeler

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

Having failed to receive the necessary two-thirds vote, the veto of the Governor was sustained, and a message was sent to the House accordingly.

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

**THIRD READING BILL**

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

S. 857 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS; AND TURKEY HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4141, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**OBJECTION**

S. 225 -- Senators Knotts, Ford and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION; AND TO AMEND SECTION 56‑1‑720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON’S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT ONE POINT MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF USING A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION WHILE OPERATING A MOTOR VEHICLE.

Senator LARRY MARTIN objected to the Bill.

**CARRIED OVER**

S. 732 -- Senators Pinckney, Knotts, Scott, Peeler, Fair, Cleary, Ford, Nicholson, Williams, Hutto, Elliott, Alexander, Matthews, Land, Setzler, Campbell, Hayes, McConnell, Davis, Thomas and Rose: A BILL TO AMEND SECTION 16‑11‑523, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OBTAINING NONFERROUS METALS UNLAWFULLY, SO AS TO REVISE THE PENALTIES FOR VIOLATIONS OF THIS PROVISION; TO AMEND SECTION 16‑17‑680, AS AMENDED, RELATING TO THE PURCHASE OF NONFERROUS METALS, PROCEDURES AND REQUIREMENTS FOR PURCHASE OF NONFERROUS METALS, AND EXCEPTIONS, SO AS TO PROVIDE ADDITIONAL RESTRICTIONS RELATED TO THE SALE OF COPPER; TO AMEND SECTION 16‑17‑685, RELATING TO THE UNLAWFUL TRANSPORTATION OF NONFERROUS METALS, SO AS TO INCREASE THE PENALTIES FOR CERTAIN VIOLATIONS OF THIS PROVISION; AND BY ADDING CHAPTER 40 TO TITLE 40 SO AS TO REQUIRE SECONDARY METALS RECYCLERS TO REGISTER WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, AND TO PROVIDE REGISTRATION AND RENEWAL REQUIREMENTS.

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

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

**DEBATE INTERRUPTED**

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

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment (DG ABORTHNAME) proposed by Senator HUTTO and previously printed in the Journal of Wednesday, May 4, 2011.

**Point of Order**

Senator THOMAS raised a Point of Order that in the absence of a quorum yesterday, the motion to adjourn was made and adopted and neither today’s Journal nor Calendar reflected that Senator BRIGHT retained the floor on H. 3700, Amendment No. 149. Senate BRIGHT was at the podium at the time the motion to adjourn was made and, therefore, should have retained the floor on the amendment.

Senator THOMAS spoke on the Point of Order.

Senator LARRY MARTIN spoke on the Point of Order.

The PRESIDENT *Pro Tempore* overruled the Point of Order, stating that the motion to adjourn was made under Rule 2 when a quorum was not present; therefore, no qualifiers as to the Senator retaining the floor could be added to the motion.

Senator LEATHERMAN spoke on the amendment.

**Parliamentary Inquiry**

Senator BRYANT made a Parliamentary Inquiry as to whether a cloture motion would apply to both second and third readings or just one reading.

The PRESIDENT *Pro Tempore* stated that a cloture motion would be considered as it was made by a Senator who was properly recognized to make the motion.

Senator LEATHERMAN spoke on the amendment.

**Expression of Personal Interest**

With Senator LEATHERMAN retaining the floor, Senator HUTTO, with unanimous consent, rose for an Expression of Personal Interest.

**Remarks by Senator HUTTO**

Mr. PRESIDENT, members of the Senate, I want to speak briefly.

I know many of us are not fans of how things get written up in the paper sometimes. But it was brought to my attention yesterday when the Senator from Lexington, Senator KNOTTS, brought up his unanimous consent request relating to the security details of the Governor -- which a lot of people have been talking about, quite frankly -- it was stated in the paper that the law enforcement leaders that were contacted did not have any comment. Well, I believe that is appropriate. I do not think the head of SLED or DNR or DPS has any obligation to talk about internal security related details with the newspaper. That is not their responsibility.

But, that does not mean that the incident did not occur. I was in the presence of leaders of those law enforcement agencies, and they confirmed to me that it did happen. Now, I want to correct a misconception.

Sometimes when the paper says they “would not confirm” it, what is more accurate is that they “could not confirm” it. I do not think they have an obligation to confirm it. Their obligation is to their men and women who serve under them. Their obligation is to do their duty and not necessarily to the press. Because something was not confirmed, does not mean it did not happen.

I was standing there yesterday when this came up outside, and every single one of them confirmed to me that it did happen, assured me that appropriate action had been taken and assured me that it would not happen again. I think that is all that the Senator was trying to do yesterday by putting up a proviso to say that.

Sometimes the way things are reported in the paper is not what actually happened. Then as it gets spun in the political process, can we really believe it happened? It did happen. It was confirmed to me. And that was appropriate.

Senator KNOTTS: Senator, I’d like to ask you a question because I was standing right there with you yesterday when the questions got asked and answered. The way it was portrayed in the paper is absolutely what I want to tell you. I appreciate your standing there and informing the body that the truth was spoken from the podium yesterday. And, you know, I hate that I even had to bring it to the attention the body. I want to thank you for confirming it and knowing that the security forces of the Governor were being misused.

But, I have also been assured that it was not going to happen again.

Senator HUTTO: That’s exactly right. People make mistakes and it should not be happening on both sides -- going both ways. It’s not going to happen again. You were there when all three agencies, the Colonel of Wildlife, the Chief of SLED and the Director of DPS were standing there. They all confirmed to you that it did happen, but that they had handled it. They had a staff meeting with all the security detail and assured us that it will not happen again.

I thank you for bringing this matter to our attention and making sure they were dealing with it appropriately. And they are.

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

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 5, 2011, at 12:15 P.M. and the following Acts and Joint Resolutions were ratified:

(R32, S. 38) -- Senators McConnell, L. Martin and Campsen: AN ACT TO AMEND SECTION 56‑19‑240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FORM AND CONTENT OF APPLICATIONS FOR VEHICLE TITLES, SO AS TO PROVIDE THAT THE APPLICANT MUST PROVIDE WITH THE APPLICATION A VALID DRIVER’S LICENSE OR IDENTIFICATION CARD IF THE APPLICANT IS AN INDIVIDUAL, TO PROVIDE THAT THE APPLICANT MUST PROVIDE A SOCIAL SECURITY NUMBER FOR A SOLE PROPRIETOR OR FEDERAL EMPLOYER IDENTIFICATION NUMBER AND THE PHYSICAL ADDRESS OF THE BONA FIDE PLACE OF BUSINESS IF THE APPLICANT IS A BUSINESS, AND TO PROHIBIT THE TITLING OF VEHICLES PURCHASED FOR OPERATION IN A FOREIGN JURISDICTION.

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(R33, S. 358) -- Senator Grooms: AN ACT TO AMEND SECTION 56‑3‑2335, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF RESEARCH AND DEVELOPMENT LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REVISE THE DEFINITION OF THE TERM “RESEARCH AND DEVELOPMENT BUSINESS”, TO PROVIDE DEFINITIONS FOR THE TERMS “BUSINESS”, “CONTRACTED FLEET OWNER”, “CONTRACTOR”, AND “TIRES”, TO REVISE THE APPLICATION PROCEDURE TO OBTAIN THE LICENSE PLATES, THEIR COST, THE DISTRIBUTION OF MONEY RECEIVED FROM THEIR SALE, AND THE MAXIMUM NUMBER OF LICENSE PLATES THAT MAY BE ISSUED, TO PROVIDE FOR THE ISSUANCE OF FLEET RESEARCH AND DEVELOPMENT LICENSE PLATES, THEIR COST, THE DISTRIBUTION OF THE MONEY RECEIVED FROM THEIR SALE, AND THE MAXIMUM NUMBER OF LICENSE PLATES THAT MAY BE ISSUED, TO PROVIDE THAT THE DEPARTMENT MAY ENTER INTO CERTAIN RECIPROCAL AGREEMENTS WITH OTHER STATES FOR THE PURPOSE OF TESTING AND EVALUATING THE PERFORMANCE OF RESEARCH AND DEVELOPMENT BUSINESS’ TIRES, AND TO PROVIDE THAT A RESEARCH AND DEVELOPMENT BUSINESS, OR CONTRACTED FLEET OWNER IS RESPONSIBLE TO TAKE ANY ACTIONS REQUIRED BY ANOTHER STATE THAT ARE NECESSARY FOR IT TO LEGALLY TEST AND EVALUATE THE PERFORMANCE OF ITS TIRES IN ANOTHER STATE.

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(R34, S. 523) -- Senators Leatherman and McGill: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 11 TO CHAPTER 23, TITLE 4 SO AS TO ALLOW JOINT COUNTY FIRE DISTRICTS TO UTILIZE THE PROCEDURES CONTAINED IN ARTICLE 5, CHAPTER 11, TITLE 6 TO ISSUE GENERAL OBLIGATION BONDS.

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(R35, S. 584) -- Senators Knotts, Setzler, Courson, Cromer and Leatherman: AN ACT TO EXTEND THE ONE CENT SALES TAX IMPOSED BY ACT 378 OF 2004, THE LEXINGTON COUNTY SCHOOL DISTRICT PROPERTY TAX RELIEF ACT, FOR AN ADDITIONAL SEVEN YEARS.

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(R36, S. 686) -- Education Committee: A JOINT RESOLUTION TO CLARIFY THE SCIENCE COURSE REQUIREMENT FOR RECEIVING A SOUTH CAROLINA HIGH SCHOOL DIPLOMA.

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(R37, S. 692) -- Senators Jackson, Courson, Scott and Lourie: AN ACT TO AMEND SECTION 7‑27‑405, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RICHLAND COUNTY ELECTION COMMISSION AND THE RICHLAND COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE RICHLAND COUNTY ELECTION COMMISSION AND THE RICHLAND COUNTY BOARD OF REGISTRATION INTO A SINGLE ENTITY.

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(R38, H. 3012) -- Reps. Horne, H.B. Brown and Lowe: AN ACT 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 PROVIDERS 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 REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS FOR LICENSURE REQUIREMENTS, INCLUDING, BUT NOT LIMITED TO, LICENSE APPLICATION AND RENEWAL REQUIREMENTS, AND DRUG TESTING AND CRIMINAL RECORD CHECKS FOR LICENSURE APPLICANTS; TO REQUIRE CRIMINAL RECORD 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 REQUIRED CRIMINAL RECORD CHECKS FOR CAREGIVERS, SO AS TO ALSO REQUIRE THESE CHECKS FOR IN‑HOME CARE PROVIDERS.

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(R39, H. 3104) -- Rep. Nanney: AN ACT TO AMEND SECTION 29‑3‑330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORD, SO AS TO INCLUDE AN ACKNOWLEDGEMENT FORM IN THE SATISFACTION AFFIDAVIT.

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(R40, H. 3276) -- Reps. White, Owens, Bikas, Sellers, Ott and Clemmons: AN ACT 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.

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(R41, H. 3287) -- Reps. Hardwick and Hodges: AN ACT 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 AS IDENTIFIED BY THE DEPARTMENT OF NATURAL RESOURCES MAY BE REMOVED AT THE RISK AND EXPENSE OF THE OWNER AND DISPOSED OF BY ANY GOVERNMENT AGENCY THAT HAS JURISDICTION OVER THE AREA WHERE THE ABANDONED WATERCRAFT IS LOCATED, TO PROVIDE THAT THE DEPARTMENT MUST CONDUCT AN INVESTIGATION OF A WATERCRAFT SUBJECT TO THIS PROVISION TO DETERMINE ITS STATUS AND ATTEMPT TO NOTIFY THE LAST KNOW OWNER OF THE WATERCRAFT THAT IT HAS BEEN ABANDONED, AND TO PROVIDE THAT A WATERCRAFT ABANDONED FOR AT LEAST NINETY DAYS MAY BE CLAIMED BY ANY PERSON OR ENTITY AS ABANDONED PROPERTY.

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(R42, H. 3438) -- Reps. G.M. Smith and Weeks: AN ACT TO AMEND SECTION 29‑15‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIENS FOR REPAIR OR STORAGE, SO AS TO EXCLUDE FROM THESE LIENS THE CONTENTS OF A TOWED, STORED, OR REPAIRED MOTOR VEHICLE, TRAILER, MOBILE HOME, WATERCRAFT, OR OTHER ITEM OR OBJECT SUBJECT TO TOWING, STORAGE, OR REPAIR.

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(R43, H. 3441) -- Reps. Huggins, Bingham, Ballentine, McLeod and Ott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57‑23‑845 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW AND MAINTAIN ROADSIDE VEGETATION BEYOND THIRTY FEET FROM THE PAVEMENT ADJACENT TO PORTIONS OF INTERSTATE HIGHWAYS 126, 20, 26, AND 77.

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(R44, 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: AN ACT 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.

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(R45, H. 3586) -- Reps. Hardwick, Clemmons, Loftis, Corbin, Barfield, Thayer, Patrick, Hearn, Murphy, Ryan, Viers, Bedingfield, Edge, Herbkersman, Horne and Stringer: AN ACT TO AMEND SECTION 48‑39‑290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST NEW CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE AND EXEMPTIONS FROM THIS PROHIBITION, SO AS TO INCLUDE IN THESE EXEMPTIONS ASSOCIATED AMENITY STRUCTURES ON FISHING PIERS; TO EXEMPT SUCH A STRUCTURE FROM PERMIT REQUIREMENTS IF THE LOCAL GOVERNING BODY FOR PLANNING AND ZONING AUTHORIZED THE CONSTRUCTION OF THE STRUCTURE; TO SPECIFY CERTAIN STRUCTURES THAT ARE NOT ASSOCIATED AMENITY STRUCTURES; AND TO PROVIDE A MAXIMUM AMOUNT OF THE PIER THAT SUCH A STRUCTURE MAY COVER.

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(R46, H. 4040) -- Rep. Hodges: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE MICROENTERPRISE DEVELOPMENT STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM JANUARY 20, 2011, TO JANUARY 20, 2012.

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**RECESS**

At 12:32 P.M., with Senator LEATHERMAN retaining the floor, on motion of Senator PEELER, with unanimous consent, the Senate receded from business subject to the Call of the Chair.

At 1:41 P.M., the Senate resumed.

Senator LEATHERMAN resumed speaking on the amendment.

**Expression of Personal Interest**

With Senator LEATHERMAN retaining the floor, Senator BRIGHT, with unanimous consent, rose for an Expression of Personal Interest.

Senator LEATHERMAN resumed speaking on the amendment.

**Point of Order Withdrawn**

On motion of Senator BRIGHT, with unanimous consent, the Point of Order raised on May 3, 2011, on proviso 18.4 was withdrawn.

Senator LEATHERMAN resumed speaking on the amendment.

Senator LAND spoke on the amendment.

**Objection**

Senator BRIGHT asked unanimous consent to make a motion that he be granted leave to address the Senate following Senator LAND.

Senator SHEHEEN objected.

Senator LAND spoke on the amendment.

**RECESS**

At 3:39 P.M., with Senator LAND retaining the floor, on motion of Senator SETZLER, with unanimous consent, the Senate receded from business subject to the Call of the Chair.

At 4:01 P.M., the Senate resumed.

Senator LAND resumed speaking on the amendment.

**Objection**

With Senator LAND retaining the floor, Senator HUTTO asked unanimous consent to make a motion to (1) take up Amendment No. 87 for immediate consideration, proceed to a voice vote on the adoption of the amendment, with those Senators wishing to have votes recorded noted in the Journal; (2) make a motion to place a further amendment on the Desk, take up that amendment for immediate consideration, proceed to a voice vote on the adoption of the amendment, with those Senators wishing to have votes recorded noted in the Journal; and (3) without filibuster, the Senate would then proceed to a vote on the second reading of the Bill.

Senator MALLOY objected.

**Motion Under Rule 15A Adopted**

At 4:12 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H. 3700.

A roll call vote was ordered.

**Objection**

Senator BRIGHT asked unanimous consent to make a motion to address the Senate for five minutes.

Senator LARRY MARTIN objected.

Senator SHANE MARTIN moved that the Senate stand adjourned.

The PRESIDENT *Pro Tempore* stated that the motion was out of order inasmuch as another Senator retained the floor.

The Senate proceeded to a vote on the motion under Rule 15A.

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

**Ayes 27; Nays 19**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Cromer

Elliott Ford Gregory

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie *Martin, Larry*

Matthews McConnell McGill

Nicholson O'Dell Pinckney

Scott Setzler Williams

**Total--27**

**NAYS**

Bright Bryant Campsen

Courson Davis Fair

Grooms Malloy *Martin, Shane*

Massey Peeler Rankin

Reese Rose Ryberg

Sheheen Shoopman Thomas

Verdin

**Total--19**

Having received the necessary vote, the motion under Rule 15A was adopted, with proponents and opponents having ten minutes each for discussion, totaling 20 minutes.

**Statement by Senator LEATHERMAN**

In order to move the debate forward on H. 3700, the General Appropriations Bill, I asked the Senator from Lexington, Senator KNOTTS, to vote in favor of a motion under Rule 15A. I believed that the adoption of this motion was critical to the Senate’s ability to complete work on the Voter ID conference report and other important issues pending on the Senate’s Calendar. I am aware that Senator KNOTTS rarely supports this motion and believe that his support today is necessary to pass Voter ID.

**Statement by Senators KNOTTS and ROSE**

At the request of Senator LEATHERMAN, we voted in favor of the motion under Rule 15A on H. 3700, the General Appropriations Bill, on second reading to cut off the debate and sit down Senator LEATHERMAN. Voting in favor of this motion is the only way the Senate will be able to move this Bill out of the way and pass the conference report on the Voter ID Bill in a timely manner.

Senator HUTTO was recognized to speak in favor of the adoption of Amendment No. 149.

Senator BRIGHT was recognized to speak contra to the adoption of the amendment.

Senator BRIGHT moved to lay the amendment on the table.

**Point of Order**

Senator HUTTO raised a Point of Order that the motion to table was out of order under the provisions of Rule 15A.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Senator BRYANT was recognized to speak contra to the adoption of the amendment.

Senator GROOMS was recognized to speak contra to the adoption of the amendment.

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

**Ayes 26; Nays 20**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Elliott Ford Gregory

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Matthews

McConnell Nicholson Peeler

Pinckney Rankin Ryberg

Scott Setzler

**Total--26**

**NAYS**

Bright Bryant Campsen

Cromer Davis Fair

Grooms Hayes Jackson

*Martin, Shane* Massey McGill

O'Dell Reese Rose

Sheheen Shoopman Thomas

Verdin Williams

**Total--20**

Amendment No. 149 was adopted.

**Amendment No. 87**

Senators BRIGHT, BRYANT, SHOOPMAN, GROOMS, VERDIN, FAIR, THOMAS, JACKSON and McGILL proposed the following amendment (3700R051.LB.DOCX), which was not adopted:

Amend the bill, as and if amended, Part IB, Section 80C, B&C-EMPLOYEE BENEFITS, by striking Proviso 80C.2 in its entirety on page 481, lines 34-36, and on page 482, lines 1-3, and inserting:

/ 80C.2. (BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except ~~in cases of rape, incest or~~ where the mother’s medical condition is one which, on the basis of ~~the physician’s good faith judgment,~~ *reasonable medical judgment, she has a condition which* so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function, *not including psychological or emotional conditions. No such condition shall be deemed to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function* and the State Health Plan may not offer coverage for abortion services, including ancillary services provided contemporaneously with abortion services. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO argued contra to the adoption of Amendment No. 87.

**Objection**

Senator HUTTO asked unanimous consent to withdraw all the amendments on the Desk.

Senator BRIGHT objected.

Senator HUTTO asked unanimous consent that the Senate be recorded as voting “no” on the adoption of Amendment No. 87.

There was no objection.

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

**Ayes 0; Nays 46**

**AYES**

**Total--0**

**NAYS**

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 *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--46**

Amendment No. 87 was not adopted.

The question then was the second reading of the Bill.

Under Rule 26, Senator BRIGHT argued contra to second reading of the Bill.

Under Rule 26, Senator SHEHEEN argued contra to second reading of the Bill.

At 5:05 P.M., Senator SHEHEEN moved that the Senate stand adjourned.

**Objection**

Senator PEELER asked unanimous consent to make a motion that, when the Senate adjourns today, it stand adjourned to meet at 9:00 A.M. tomorrow.

Senator SHEHEEN objected.

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

**Ayes 29; Nays 16**

**AYES**

Anderson Bright Bryant

Coleman Courson Davis

Elliott Fair Gregory

Grooms Hutto Jackson

Land Leventis Lourie

Malloy *Martin, Shane* Matthews

Nicholson Pinckney Rankin

Reese Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--29**

**NAYS**

Alexander Campbell Campsen

Cleary Cromer Hayes

Knotts Leatherman *Martin, Larry*

Massey McConnell McGill

O'Dell Peeler Rose

Ryberg

**Total--16**

Debate was interrupted by adjournment.

**Statement by Senators CAMPBELL and ROSE**

We voted not to adjourn so we could get second reading on the budget and get to the Voter ID Bill. Voter ID was next on the agenda and we could have gotten to it before third reading on the budget.

**Statement by Senators BRIGHT, BRYANT, DAVIS, GROOMS SHANE MARTIN, SHOOPMAN and VERDIN**

A few minutes ago, a runaway spending train was about to leave the station in the South Carolina Senate.  Senators on both sides of the aisle had successfully used the parliamentary rule of cloture to prematurely stop debate on the budget and to stop our efforts to fix what we think are some very bad spending habits.  They were about to force a premature vote on the most massive budget in our state’s history, without any consideration of the cumulative effect of the hundreds of budget amendments that had passed in the preceding days or, more importantly, without allowing time for taxpayers to be informed as to how their money was being spent.  And so we decided to apply the brakes; we voted to adjourn and to delay the vote on the budget in order to take our case directly to the people of South Carolina.

But while we were able to stop the spending train today, it revs up again next Wednesday.  So between now and next Wednesday we will explain to the people of South Carolina what is wrong with this budget and what reforms are needed on how state government spends their money. And because the cloture invoked today was revoked by adjournment prior to a vote on the budget, we will also be able to continue debate on the budget in the Senate.  Yes, other important Bills must be passed this session -- Voter ID, tort reform and illegal immigration, for example -- and we are prepared to work day and night for the rest of this legislative session to ensure that they are.  But the next few days must be about controlling runaway spending in state government. That is the heart of the problem today in South Carolina, and in America.

**ADJOURNMENT**

At 5:05 P.M., on motion of Senator SHEHEEN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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