**Thursday, May 12, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

 The Senate assembled at 10:00 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:

Once more we hear the Lord say to his servant Joshua:

 “ ‘I hereby command you: Be strong and courageous; do not be frightened or dismayed, for the Lord your God is with you where-ever you go.’ ” (Joshua 1:9)

 Let us pray:

 Gracious and ever-loving God, by the power of Your Spirit guide and bless each member of this Senate as they strive to serve all of the residents of South Carolina. Such a challenge it is to do so! For inevitably situations arise when dissension and even conflict become center stage. In those moments, dear Lord, enable these leaders to remain strong and courageous as they discern Your will and endeavor to achieve the goals that they believe to be best for all of the people. In Your loving name we pray, O Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointment**

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

 Frank White, 3118 Devon Road, Florence, SC 29505 *VICE* Ulysses Frieson

**Doctor of the Day**

 Senator RYBERG introduced Dr. Anthony Harris of Aiken, S.C., Doctor of the Day.

**Statement by Senator GROOMS**

 In performing duties as Chairman of the Review and Oversight Commission of the S.C. Ports Authority, I will be out of the Senate Chamber for several hours today.  The President of the Senate with the consent of the Senate membership has granted leave for this time.

**Leave of Absence**

 At 11:45 A.M., Senator WILLIAMS requested a leave of absence beginning at 5:00 P.M. this evening and lasting until Tuesday at Noon.

**Leave of Absence**

 At 1:10 P.M., Senator LAND requested a leave of absence beginning at 4:30 P.M. this evening and lasting until Tuesday at Noon.

**Leave of Absence**

 At 1:50 P.M., Senator JACKSON requested a leave of absence beginning at 5:00 P.M. this evening and lasting until Tuesday.

**Leave of Absence**

 At 1:55 P.M., Senator RANKIN requested a leave of absence beginning at 5:00 P.M. this evening and lasting until Tuesday.

**Leave of Absence**

 At 5:00 P.M., Senator SHEHEEN requested a leave of absence for Tuesday, May 17.

**CO-SPONSORS ADDED**

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

S. 862 Sen. Bright

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 881 -- Senator Lourie: A BILL TO AMEND SECTION 6-5-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES IN WHICH LOCAL GOVERNMENT UNITS AND POLITICAL SUBDIVISIONS ARE ALLOWED TO INVEST, SO AS TO ALLOW LOCAL GOVERNMENT UNITS AND POLITICAL SUBDIVISIONS TO INVEST IN OBLIGATIONS OF A CORPORATION, STATE, OR POLITICAL SUBDIVISION DENOMINATED IN UNITED STATES DOLLARS, IF THE OBLIGATIONS BEAR AN INVESTMENT GRADE RATING OF AT LEAST TWO NATIONALLY RECOGNIZED RATING SERVICES.

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

 S. 882 -- Senators Leventis and Scott: A BILL TO AMEND SECTION 8-14-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT PUBLIC EMPLOYERS VERIFY THE EMPLOYMENT AUTHORIZATION OF EMPLOYEES, SO AS TO ALLOW THE EMPLOYMENT OF WORKERS WHO POSSESS A VALID UNITED STATES PASSPORT, MILITARY IDENTIFICATION CARD, OR A UNITED STATES MILITARY DEPENDENT IDENTIFICATION CARD; AND TO AMEND SECTION 41-8-20, AS AMENDED, RELATING TO SOUTH CAROLINA EMPLOYMENT LICENSES, SO AS TO PROVIDE THAT A UNITED STATES PASSPORT, MILITARY IDENTIFICATION CARD, OR A UNITED STATES MILITARY DEPENDENT IDENTIFICATION CARD MAY BE USED FOR EMPLOYER VERIFICATION PURPOSES.

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

 S. 883 -- Senator Elliott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 43-31-180 SO AS TO REQUIRE THE DEPARTMENT OF VOCATIONAL REHABILITATION TO PROVIDE CERTAIN MONTHLY CLIENT CONTACT AND SERVICE INFORMATION TO THE GOVERNOR, LIEUTENANT GOVERNOR, PRESIDENT PRO TEMPORE OF THE SENATE, SPEAKER OF THE HOUSE OF REPRESENTATIVES, SENATE FINANCE COMMITTEE MEMBERS, AND THE HOUSE WAYS AND MEANS COMMITTEE MEMBERS.

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 Senator ELLIOTT spoke on the Bill.

 Read the first time and referred to the Committee on Medical Affairs.

 S. 884 -- Senator Pinckney: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF JASPER COUNTY SCHOOL DISTRICT TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

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

 S. 885 -- Senators Nicholson and O'Dell: A SENATE RESOLUTION TO RECOGNIZE THAT JOHN THOMAS NAVE SET AN EXAMPLE OF LEADERSHIP, INTEGRITY, HONOR, DISCIPLINE, AND SPORTSMANSHIP FOR THE CITIZENS OF GREENWOOD COUNTY, ESPECIALLY THE YOUNG BASEBALL PLAYERS WHOSE LIVES HE TOUCHED.

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 The Senate Resolution was adopted.

 S. 886 -- Senator Nicholson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR W. J. CHRISTOPHER, SR., OF GREENWOOD COUNTY, AND TO WISH HIM SUCCESS AS HE RIDES IN THE 2011 TOUR DE CURE.

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 The Senate Resolution was adopted.

 S. 887 -- Senator Setzler: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF THE HONORABLE OLIN THOMAS “TOM” CORBETT, FORMER MAGISTRATE JUDGE FOR THE WAGENER-SALLEY-AIKEN DISTRICT, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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 The Senate Resolution was adopted.

 H. 3226 -- Reps. Bedingfield, Stringer, G. R. Smith, Simrill, Harrison, Allison, G. M. Smith, Bingham, Viers, Ballentine, Harrell, Young, Herbkersman, Hixon, Taylor, Barfield, Loftis, Corbin, Clemmons, Hearn, Owens, Bowen, Norman, Erickson, Pinson and Patrick: A BILL TO ENACT THE “SOUTH CAROLINA REGULATORY REFORM ACT”; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑23-122 SO AS TO PROVIDE THE GENERAL ASSEMBLY OR A COMMITTEE OF THE GENERAL ASSEMBLY MAY NOT AMEND OR OTHERWISE CHANGE AN AMENDMENT UNDER GENERAL ASSEMBLY REVIEW, AND ONLY THE AGENCY THAT SUBMITTED THE REGULATION FOR REVIEW MAY AMEND OR OTHERWISE CHANGE THE LANGUAGE OF A REGULATION IT SUBMITS FOR GENERAL ASSEMBLY REVIEW; TO AMEND SECTION 1-23-120, AS AMENDED, RELATING TO THE APPROVAL OF PROPOSED REGULATIONS, SO AS TO DELETE THE PROVISION OF AN AUTOMATIC APPROVAL AND TO INSTEAD PROVIDE AN AUTOMATIC VOTE IN THE HOUSE AND SENATE; AND TO AMEND SECTION 1-23-125, AS AMENDED, RELATING TO CERTAIN NOTICE REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES.

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

 H. 3488 -- Reps. Bingham, Harrell and Toole: A BILL TO AMEND ACT 99 OF 2007, RELATING TO THE ADDITION OF A SALES TAX EXEMPTION FOR DURABLE MEDICAL EQUIPMENT AND THE PHASE IN OF THAT EXEMPTION, SO AS TO DELETE THE PHASE IN REQUIREMENTS; AND TO AMEND SECTIONS 12-36-90, 12-36-910, 12-36-1310, AND 12-36-2120, ALL AS AMENDED, RELATING TO THE IMPOSITION OF AND EXEMPTIONS FROM THE SALES AND USE TAX, SO AS TO PROVIDE FURTHER FOR THOSE INSTANCES WHERE SALES AND USE TAX APPLIES IN CONNECTION WITH WARRANTIES AND SERVICE MAINTENANCE CONTRACTS SOLD IN CONNECTION WITH THE SALE OF TANGIBLE PERSONAL PROPERTY.

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

 H. 3750 -- Reps. Viers and Vick: A BILL TO AMEND SECTION 17-5-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A CORONER’S DUTIES WHEN A PERSON DIES, INCLUDING WHERE AN AUTOPSY MUST BE PERFORMED IF A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY-FOUR HOURS OF ENTERING THE FACILITY OR WITHIN TWENTY-FOUR HOURS OF UNDERGOING AN INVASIVE SURGICAL PROCEDURE, SO AS TO PROVIDE THAT UNLESS THE CORONER CERTIFIES THAT THERE IS NO REASONABLE ALTERNATIVE, THE AUTOPSY MUST NOT BE PERFORMED AT THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED OR BY A PHYSICIAN WHO TREATED THE PATIENT OR WHO WAS EMPLOYED BY THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED.

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

 H. 4146 -- Reps. Pinson, Parks and Pitts: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON WEST CAMBRIDGE STREET IN THE CITY OF GREENWOOD “CARL JULIEN BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “CARL JULIEN BRIDGE”.

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

 H. 4149 -- Reps. Hodges and R. L. Brown: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

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

 H. 4207 -- Rep. G. A. Brown: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF JAMES E. DAVIS, SR., AND HIS BELOVED WIFE, BESSIE MAE PETERSON DAVIS, BOTH OF SUMTER COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO THEIR FAMILY AND MANY FRIENDS.

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

**REPORTS OF STANDING COMMITTEES**

**Appointments Reported**

 Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

**Statewide Appointments**

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2010, and to expire June 30, 2014

5th Congressional District:

Clyde M. Jones, 1002 Sunnyhill Drive, Camden, SC 29512

 Received as information.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2011, and to expire June 30, 2015

At-Large Doctor:

James William Phillips III, 30 Foot Point Road, Columbia, SC 29209

 Received as information.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2008, and to expire June 30, 2012

4th Congressional District:

Alan Wells, 1107 Edwards Road, Greenville, SC 29615 VICE Mrs. Lynda Leventis-Wells

 Received as information.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2008, and to expire June 30, 2012

At-Large:

Pamela Shealy, 152 E. Selwood Lane, Columbia, SC 29212 VICE Michael Tyler (resigned)

 Received as information.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2008, and to expire June 30, 2012

6th Congressional District:

Steven K. Dean, 601 Periwinkle Court, Sumter, SC 29150 VICE Luther Bradley (deceased)

 Received as information.

**Message from the House**

Columbia, S.C., April 28, 2011

Mr. President and Senators:

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

 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..

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

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

**READ THE SECOND TIME**

 S. 119 -- Senators Campsen, Rose, McConnell and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑21‑705 SO AS TO PROVIDE THAT, UPON RECEIPT OF THE NOTICE OF A PAROLE HEARING, THE VICTIM AND MEMBERS OF THE VICTIM’S IMMEDIATE FAMILY MAY SUBMIT WRITTEN STATEMENTS TO THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, AND TO PROVIDE THAT THE STATEMENTS MUST BE CONSIDERED BY THE BOARD IN MAKING ITS DETERMINATION OF PAROLE, AND TO PROVIDE THAT THE STATEMENTS MUST BE RETAINED BY THE BOARD AND MUST BE SUBMITTED AT SUBSEQUENT PAROLE HEARINGS.

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

 Senator CAMPSEN 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 35; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Courson Cromer Davis

Elliott Fair Grooms

Hayes Hutto Knotts

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Land

**Total--1**

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

**CARRIED OVER**

 H. 3295 -- Rep. Herbkersman: A BILL TO AMEND SECTION 61‑6‑1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNER’S ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

 Senator DAVIS explained the Bill.

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

**CARRIED OVER**

S. 878 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4161, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

 On motion of Senator SETZLER, the Joint Resolution was carried over.

**CONCURRENCE**

S. 431 -- Senators McConnell, Rankin, Setzler, Campbell, Shoopman, Reese, Bright, Alexander, S. Martin, Fair, Cromer, Bryant, Elliott, O’Dell, Campsen, Ford, Rose, Lourie, Cleary, Verdin, McGill, Williams, Nicholson, Knotts, Land and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑61‑70 SO AS TO PROVIDE THAT A LIABILITY INSURANCE POLICY ISSUED BY AN INSURER AND COVERING A CONSTRUCTION PROFESSIONAL IN THIS STATE MUST BE BROADLY CONSTRUED IN FAVOR OF COVERAGE, AND TO PROVIDE THAT WORK OF A CONSTRUCTION PROFESSIONAL RESULTING IN PROPERTY DAMAGE IN CERTAIN CIRCUMSTANCES CONSTITUTES AN OCCURRENCE AS COMMONLY DEFINED IN LIABILITY INSURANCE AND IS NOT THE INTENDED OR EXPECTED CONSEQUENCE OF THE WORK OF THE CONSTRUCTION PROFESSIONAL.

 The House returned the Bill with amendments.

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

 There was no objection.

 Senator RANKIN explained the amendments.

**Motion Adopted**

 On motion of Senator SETZLER, with unanimous consent, members of the Committee on Education were granted leave to attend a meeting and were granted leave to vote from the balcony.

 The question then was concurrence with the House amendments.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Courson Davis Elliott

Fair Gregory Grooms

Hayes Hutto Land

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

 The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO A CONSIDERATION OF H. 3700, THE GENERAL APPROPRIATION BILL.**

**DEBATE INTERRUPTED**

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

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

 The PRESIDENT stated that pursuant to Rule 16, a section by section vote was required on the Bill prior to third reading.

**Parliamentary Inquiry**

 Senator SETZLER made a Parliamentary Inquiry as to whether there were further amendments on the Desk.

 The PRESIDENT stated that there were ten amendments.

**Parliamentary Inquiry**

 Senator BRYANT made a Parliamentary Inquiry as to whether the three-fifths vote would be required to consider each amendment.

 The PRESIDENT stated that to consider each amendment a three-fifths vote would be required pursuant to Rule 26B.

 Senator DAVIS was recognized to speak on the Bill.

**RECESS**

 At 12:18 P.M., with Senator DAVIS retaining the floor, on motion of Senator McCONNELL, with unanimous consent, the Senate receded from business not to exceed thirty minutes.

**AFTERNOON SESSION**

 The Senate reassembled at 1:05 P.M. and was called to order by the PRESIDENT.

**MOTION ADOPTED**

 On motion of Senator McCONNELL, the Senate agreed that, when the Senate adjourns today, under the provisions of Rule 1, it stand adjourned to meet at 10:00 A.M. on Tuesday, May 17, 2011.

 The Senate resumed consideration of H. 3700, the General Appropriations Bill.

 Senator DAVIS was recognized to speak on the Bill.

**Objection**

 Senator FORD asked unanimous consent to make a motion to take up the amendments on the Desk.

 Senator HUTTO objected.

 Senator DAVIS resumed speaking on the Bill.

**Objection**

 Senator FORD asked unanimous consent to make a motion to take up the amendments on the Desk proposed by Senator DAVIS one by one and then proceed to take up any other amendments on the Desk.

 Senator McCONNELL objected.

 Senator DAVIS was recognized to speak on the Bill.

**RECESS**

 At 3:03 P.M., with Senator DAVIS retaining the floor, on motion of Senator MASSEY, with unanimous consent, the Senate receded from business not to exceed three minutes.

 At 3:16 P.M., the Senate resumed.

 Senator DAVIS resumed speaking on the Bill.

**The Senate proceeded to Section 1, Part 1A and 1B, Department of Education.**

 On motion of Senator MALLOY, with unanimous consent, the following letter was ordered printed in the Journal:

State of South Carolina

Department of Education

1429 Senate Street

Columbia, SC 29201

May 12, 2011

The Honorable Michael L. Fair

The Honorable C. Bradley Hutto

Dear Senators Fair and Hutto:

 Thank you for your service to South Carolina in the South Carolina Senate. The purpose of this letter [is] to address concerns regarding Proviso 1.100 contained in the Fiscal Year 2011-2012 Appropriation Act.

 Proviso 1.100 currently states: *(SDE: Common Core Initiative)**No funds shall be expended in the current fiscal year by the Department of Education, the Education Oversight Committee, or the State Board of Education to participate in, implement, or promote the Common Core State Standards Initiative until the State Department of Education issues a report analyzing potential cost increases or cost savings of the Common Core State Standards Initiative. The report must be submitted to the House Ways and Means Committee and the Senate Finance Committee by January 6, 2012. Subsequent to the acceptance and approval of the financial report by the House Ways and Means Committee and the Senate Finance Committee, the State Board of Education, the Department of Education, and the Education Oversight Committee may adopt the Common Core State Standards Initiative.*

 As I have stated publicly since my election, working cooperatively with the General Assembly to improve public education is one of my top priorities. At the request of Sens. Fair and Hutto, I want to give my assurances that if Proviso 1.100 is included in the final Fiscal Year 2011-2012 Appropriations Act, my agency will address the following:

 1. Local costs or savings as well as state costs or savings from adoption.

 2. Comparison of current assessments to proposed assessments under “Core Curriculum” standards to include what changes would be required to current standards to meet proposed standards.

 3. Where S.C. is in the implementation stage compared to other states.

 Thank you for your efforts to clarify this proviso.

 Sincerely,

 /s/ Mick Zais, Ph.D.

 State Superintendent of Education

cc: The Honorable Hugh Leatherman, Sr.

 The Honorable John E. Courson

 The Honorable Robert W. Hayes, Jr.

 The Honorable Nikki G. Setzler

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**Point of Order**

 Senator MALLOY raised a Point of Order that according to the statute, a separate vote on Part 1A and a separate vote on Part 1B would be required.

 Senator HUTTO spoke on the Point of Order.

 Senator LARRY MARTIN spoke on the Point of Order.

 Senator MALLOY spoke on the Point of Order.

 Senator SHEHEEN spoke on the Point of Order.

 Senator SETZLER spoke on the Point of Order.

 Senator CAMPSEN spoke on the Point of Order.

 The PRESIDENT overruled the Point of Order and stated that the roll call vote will include both Parts 1A and 1B for each section.

**Objection**

 Senator JACKSON asked unanimous consent to make a motion to suspend the Senate Rules and follow the provisions of Section 2-7-125.

 Senator LARRY MARTIN objected.

 Senator MALLOY spoke on the section.

 Under Rule 18, Senator MALLOY moved to divide the question to vote on Section 1, Part 1A and then proceed to take a vote on Section 1, Part 1B.

**Point of Order**

 Senator LARRY MARTIN raised a Point of Order that the motion to divide was out of order inasmuch as Rule 16 provides that each section with its corresponding provisos must be considered individually and have a roll call vote.

 Senator SHEHEEN spoke on the Point of Order.

 Senator CAMPSEN spoke on the Point of Order.

 Senator SETZLER spoke on the Point of Order.

 Senator SHEHEEN spoke on the Point of Order.

 Senator HUTTO spoke on the Point of Order.

 The PRESIDENT sustained the Point of Order.

**The Senate proceeded to Sect. 1, Part 1A and 1B, Department of Education.**

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

**Ayes 33; Nays 7**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Courson

Cromer Fair Gregory

Hayes 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--33**

**NAYS**

Bright Bryant Davis

Ford Hutto Malloy

Sheheen

**Total--7**

 Section 1, Part 1A and Part 1B was adopted.

**Parliamentary Inquiry**

 Senator SETZLER made a Parliamentary Inquiry as to when a section was adopted, no further amendments would be accepted.

 The PRESIDENT stated that when a section is adopted, no further amendments would be accepted on the section.

**Expression of Personal Interest**

 Senator SETZLER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

 Senator SCOTT rose for an Expression of Personal Interest.

**The Senate proceeded to Sect. 1A, Part 1B, Department of Education, EIA.**

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

**Ayes 30; Nays 11**

**AYES**

Alexander Anderson Coleman

Courson Cromer Elliott

Fair Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry* Massey

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--30**

**NAYS**

Bright Bryant Campbell

Campsen Davis Ford

*Martin, Shane* McConnell Rose

Ryberg Thomas

**Total--11**

 Section 1A, Part 1B was adopted.

**Statement by Senator SHANE MARTIN**

 I voted “No” on Section 1A, Part 1B because of Section 1A.20 (underperforming schools).  Up to $13,000,000 are appropriated for technical assistance without accountability -- only that they must implement programs.  I would like to see actual performance goals met.

 I also voted “No” because this section appropriates funds for teachers to use for supplies, then gives the school board the ability to take these funds away forcing the teacher to use his/her own monies for supplies.

**Point of Order**

 Senator HUTTO raised a Point of Order that under Rule 16, if a Section includes subparts, then those subparts should be included in the roll call vote on the Section.

 The PRESIDENT sustained the Point of Order.

**The Senate proceeded to Sect. 2, Part 1A and 1B, Lottery Expenditure Account.**

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

**Ayes 32; Nays 10**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Elliott Fair

Ford Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Ryberg Scott Setzler

Sheheen Williams

**Total--32**

**NAYS**

Bright Bryant Campsen

Davis Gregory *Martin, Shane*

Rose Shoopman Thomas

Verdin

**Total--10**

 Section 2, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 3, Part 1A and 1B, Wil Lou Gray Opportunity School.**

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

**Ayes 37; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant Davis

*Martin, Shane*

**Total--4**

 Section 3, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 4, Part 1A and 1B, School for the Deaf and Blind.**

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

**Ayes 36; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Courson Cromer

Elliott Fair Ford

Gregory Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Bright Bryant Davis

Massey

**Total--4**

 Section 4, Part 1A and Part 1B was adopted.

 Senator BRIGHT spoke on Section 4.

 Senator MASSEY spoke on Section 4.

**Statement by Senators SHANE MARTIN and ROSE**

 We voted “yes” to Section 4 because we support the School for the Deaf and Blind.  However, Section 4.1 has a fee that we are not happy with and wish it were removed.

**The Senate proceeded to Sect. 5, Part 1A and 1B, John de La Howe School.**

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

**Ayes 37; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant Davis

*Martin, Shane*

**Total--4**

 Section 5, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 6, Part 1A and 1B, Commission on Higher Education.**

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

**Ayes 36; Nays 5**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Bright Bryant Davis

*Martin, Shane* Rose

**Total--5**

 Section 6, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 7, Part 1A, Higher Education Tuition Grants.**

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

**Ayes 35; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--35**

**NAYS**

Bright Bryant Davis

*Martin, Shane*

**Total--4**

 Section 7, Part 1A was adopted.

**The Senate proceeded to Sect. 8, Part 1A, The Citadel.**

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

**Ayes 37; Nays 3**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant Davis

**Total--3**

 Section 8, Part 1A was adopted.

**The Senate proceeded to Sect. 9, Part 1A and 1B, Clemson University.**

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

**Ayes 35; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Bright Bryant Davis

Rose

**Total--4**

 Section 9, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 10, Part 1A, University of Charleston.**

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

**Ayes 36; Nays 3**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Bright Bryant Davis

**Total--3**

 Section 10, Part 1A was adopted.

**The Senate proceeded to Sect. 11, Part 1A, Coastal Carolina University.**

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

**Ayes 36; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Bright Bryant Davis

Rose

**Total--4**

 Section 11, Part 1A was adopted.

**The Senate proceeded to Sect. 12, Part 1A, Francis Marion University.**

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

**Ayes 37; Nays 3**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant Davis

**Total--3**

 Section 12, Part 1A was adopted.

**The Senate proceeded to Sect. 13, Part 1A, Lander University.**

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

**Ayes 36; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Bright Bryant Davis

Rose

**Total--4**

 Section 13, Part 1A was adopted.

**The Senate proceeded to Sect. 14, Part 1A and Part 1B, South Carolina State University.**

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

**Ayes 36; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Bright Bryant Davis

Rose

**Total--4**

 Section 14, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 15A-H, Part 1A and Part 1B, University of South Carolina.**

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

**Ayes 37; Nays 4**

**AYES**

Alexander Campbell Cleary

Coleman Courson Cromer

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant Campsen

Davis

**Total--4**

 Section 15A-H, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 16 Part 1A, Winthrop University.**

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

**Ayes 37; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Rankin Reese Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant Davis

Rose

**Total--4**

 Section 16, Part 1A was adopted.

**The Senate proceeded to Sect. 17A-B, Part 1A and Part 1B, Medical University of South Carolina.**

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

**Ayes 38; Nays 3**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

Bright Bryant Davis

**Total--3**

 Section 17A-B, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 18, Part 1A and Part 1B, Technical and Comprehensive Education Board.**

 Senator GREGORY spoke on the Bill.

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

**Ayes 39; Nays 2**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright Bryant

**Total--2**

 Section 18, Part 1A and Part 1B was adopted.

 At 5:21 P.M., Senator McCONNELL moved that the Senate stand adjourned.

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

**Ayes 22; Nays 19**

**AYES**

Alexander Coleman Elliott

Ford Hutto Jackson

Leatherman Lourie Malloy

*Martin, Larry* McConnell McGill

Nicholson O'Dell Rankin

Reese Ryberg Scott

Setzler Sheheen Verdin

Williams

**Total--22**

**NAYS**

Bright Bryant Campbell

Campsen Cleary Courson

Cromer Davis Fair

Gregory Grooms Hayes

Knotts *Martin, Shane* Massey

Peeler Rose Shoopman

Thomas

**Total--19**

 The Senate stood adjourned.

**Statement by Senator McCONNELL**

 I moved to adjourn because I understood there was a general agreement to adjourn for the day after the previous roll call. It was 5:15 P.M. and the Senate was about to get into protracted debate on some controversial sections. We had already agreed to come in early on Tuesday to continue work on the budget which had been delayed for hours by extended debate. With 71 more roll calls, we could not get to another Bill such as tort reform today.

**Statement by Senators SHOOPMAN, SHANE MARTIN GROOMS, DAVIS, MASSEY, CLEARY, THOMAS, CAMPBELL and ROSE**

 Regarding the adjournment vote for today, while we voted not to adjourn, after some thought, we believe the better vote would have been to adjourn. There are still nearly 100 sections to vote on in this budget and having time to review those sections once more over the next few days would be beneficial to us and the people of South Carolina. Senator McCONNELL’s motion to adjourn was appropriate for one more thoughtful review of this budget.

 Debate was interrupted by adjournment.

**LOCAL APPOINTMENT**

**Confirmation**

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

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

 Frank White, 3118 Devon Road, Florence, SC 29505 *VICE* Ulysses Frieson

**ADJOURNMENT**

 At 5:21 P.M., on motion of Senator McCONNELL, 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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