**Tuesday, May 24, 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:

We read that David sang to the Lord, saying to him:

“ ‘You are my lamp, O Lord; the Lord turns my darkness into light.’ ”

(II Samuel 29:22)

Please, friends, join me as we pray:

How often, O God, does it seem that heavy clouds and thick darkness hang above us in this Chamber. How frequently do we feel that we’ve lost our way, that we are unable to see which direction to turn. Dear Lord, allow Your light of truth and hope to shine boldly upon these Your servants. May each Senator and every staff person be acutely aware that from Your lamp comes the light so needed by these leaders as they guide the people of South Carolina forward. We also ask, O Lord, that you embrace in Your love and care the many people engulfed by the flood waters of the Mississippi and those in Joplin, Missouri, and elsewhere where their world has been so savaged by tornadoes. Give them all hope for the future, as You alone can. 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 appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointments**

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Beth Gilleland-Prince, Post Office Box 840, Bluffton, SC 29910

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Keith Allen Sherlin, 1305 North Blackstock Road, Landrum, SC 29356 *VICE* Doug Caton

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., May 24, 2011

Mr. President and Senators:

I am vetoing and returning without my approval S. 586, R 50:

(R50, S586) -- Senators Hayes, O’Dell, Verdin, Shoopman, Nicholson, Elliott, L. Martin, Coleman, Ford, Cromer, Alexander and Knotts: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑11‑715 SO AS TO PROVIDE THAT THE EMPLOYEE INSURANCE PROGRAM OF THE BUDGET AND CONTROL BOARD IS DIRECTED TO DEVELOP AND IMPLEMENT, FOR EMPLOYEES AND THEIR SPOUSES WHO PARTICIPATE IN THE HEALTH PLANS OFFERED BY THE EMPLOYEE INSURANCE PROGRAM, AN INCENTIVE PLAN TO ENCOURAGE PARTICIPATION IN PROGRAMS OFFERED BY THE EMPLOYEE INSURANCE PROGRAM THAT PROMOTE HEALTH AND THE PREVENTION OF DISEASE, AND TO PROVIDE THAT THE EMPLOYEE INSURANCE PROGRAM IS FURTHER DIRECTED TO IMPLEMENT A PREMIUM REDUCTION OR OTHER FINANCIAL INCENTIVE, BEGINNING ON JANUARY 1, 2012, FOR THOSE EMPLOYEES AND THEIR SPOUSES WHO PARTICIPATE IN THESE PROGRAMS; AND TO AMEND SECTION 1‑11‑720, AS AMENDED, RELATING TO ENTITIES WHOSE EMPLOYEES, RETIREES, AND THEIR DEPENDENTS ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO REVISE THE ELIGIBILITY PROVISIONS APPLICABLE TO SPECIAL PURPOSE DISTRICTS BY INCLUDING DISTRICTS WHICH PROVIDE SANITATION SERVICES AND TO EXTEND THIS ELIGIBILITY TO JOINT AGENCIES ESTABLISHED PURSUANT TO CHAPTER 23, TITLE 6.

Respectfully submitted,

Nikki R. Haley

Governor

Received as information.

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

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4163

Agency: Board of Landscape Architectural Examiners

Chapter: 76

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

SUBJECT: Board of Landscape Architectural Examiners

Received by Lieutenant Governor January 21, 2011

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 21, 2011

Committee Requested Withdrawal May 18, 2011

120 Day Period Tolled

Withdrawn and Resubmitted May 23, 2011

**Doctor of the Day**

Senator LARRY MARTIN introduced Dr. Jennifer Root of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator DAVIS, at 10:00 A.M., Senator SHOOPMAN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator LARRY MARTIN, at 10:00 A.M., Senator HAYES was granted a leave of absence until 11:15 A.M.

**Leave of Absence**

On motion of Senator GROOMS, at 10:00 A.M., Senator VERDIN was granted a leave of absence until 11:30 A.M.

**Leave of Absence**

At 10:30 A.M., Senator CLEARY requested a leave of absence for beginning at 5:00 P.M. this evening and lasting until next Tuesday.

**Leave of Absence**

At 1:35 P.M., Senator ROSE requested a leave of absence from 5:00‑7:00 P.M. this evening.

**Leave of Absence**

At 1:55 P.M., Senator KNOTTS requested a leave of absence until 3:00 P.M. in order to attend a meeting in the House.

**Leave of Absence**

On motion of Senator CAMPBELL at 6:00 P.M., Senator CAMPSEN was granted a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator LOURIE, at 6:00 P.M., Senator JACKSON was granted a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator LOURIE, at 6:00 P.M., Senator MATTHEWS was granted a leave of absence for the balance of the day.

**Expression of Personal Interest**

Senator CLEARY rose for an Expression of Personal Interest.

**Motion Adopted**

On motion of Senator ROSE, with unanimous consent, Senator ROSE was granted leave to attend a meeting and was granted leave to vote from the balcony.

**CO-SPONSORS ADDED**

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

S. 905 Sens. Courson, Jackson and Lourie

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 906 -- Senator Leatherman: A SENATE RESOLUTION TO CONGRATULATE THE JOHNSONVILLE HIGH SCHOOL GIRLS TRACK TEAM ON CAPTURING THE 2011 CLASS A STATE CHAMPIONSHIP TITLE AND TO HONOR ITS ATHLETES AND COACHES ON AN OUTSTANDING SEASON.

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The Senate Resolution was adopted.

S. 907 -- Senators Lourie, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO COMMEND AND RECOGNIZE VIVIAN BYERLY UPON HER RETIREMENT AS LEGISLATIVE NURSE FOR THE GENERAL ASSEMBLY FOR HER YEARS OF EXEMPLARY SERVICE TO THE GENERAL ASSEMBLY, TO HER STATE, AND TO HER COMMUNITY, AND TO WISH HER WELL IN ALL HER FUTURE ENDEAVORS.

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

S. 908 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE MEMBERS AND PASTORS OF KENNERLY ROAD BAPTIST CHURCH, UPON THE OCCASION OF THEIR TWENTIETH ANNIVERSARY, FOR THEIR SIGNIFICANT MINISTRY IN THE COMMUNITY, AND TO WISH THEM MANY MORE YEARS OF SPIRITUAL PROSPERITY.

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

S. 909 -- Senator Pinckney: A SENATE RESOLUTION TO EXPRESS SINCERE SORROW UPON THE PASSING OF FORMER REPRESENTATIVE JUANITA MITCHELL WHITE OF JASPER COUNTY, AND TO EXTEND DEEPEST SYMPATHY TO HER LOVING FAMILY AND TO HER MANY FRIENDS.

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The Senate Resolution was adopted.

S. 910 -- Senator Pinckney: A SENATE RESOLUTION TO EXPRESS THE SINCERE SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JUNE WELSH GILL OF JASPER COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LOVING FAMILY AND TO HER MANY FRIENDS.

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The Senate Resolution was adopted.

S. 911 -- Senator Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑1-245 SO AS TO PROVIDE THAT A STATE LAW ENFORCEMENT OFFICER ASSIGNED TO SECURITY DETAIL FOR THE GOVERNOR SHALL ONLY PERFORM SERVICES RELATED TO SECURITY DURING THE ASSIGNMENT, AND TO PROVIDE PENALTIES.

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

S. 912 -- Senators Knotts, Ford, Cleary, O'Dell, Pinckney, Nicholson, Campbell, Williams and Matthews: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 33 TO TITLE 56 SO AS TO REQUIRE A MOTOR VEHICLE REPAIR FACILITY TO PROVIDE A CUSTOMER A WRITTEN ESTIMATE, TO REQUIRE CONSENT FROM THE CUSTOMER BEFORE SERVICE OR REPAIR BEGINS, TO PROHIBIT A MOTOR VEHICLE REPAIR FACILITY FROM EXCEEDING ITS APPROVED ESTIMATE, TO REQUIRE DISPLAY OF THESE REGULATIONS IN THE FACILITY, TO REQUIRE NOTICE OF USE OF “AFTER-MARKET” OR USED PARTS, TO GIVE CUSTOMERS THE RIGHT TO INSPECT AND RETAIN REPLACED PARTS, AND TO PROVIDE REMEDIES AND PENALTIES FOR FAILURE TO COMPLY WITH THESE PROVISIONS.

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

S. 913 -- Senator Sheheen: A JOINT RESOLUTION TO ESTABLISH THE KERSHAW COUNTY HOUSING AUTHORITY; TO PROVIDE THAT POWERS AND DUTIES OF THE AUTHORITY ARE VESTED IN THE KERSHAW COUNTY HOUSING AUTHORITY COMMISSION AND TO ESTABLISH TERMS FOR THE COMMISSIONERS; TO PROVIDE FOR THE HOUSING AUTHORITY’S FUNCTIONS, RIGHTS, POWERS, DUTIES, AND LIABILITIES; AND TO PROVIDE THAT THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY SHALL REMAIN THE LOCAL HOUSING AGENCY IN KERSHAW COUNTY FOR THE PURPOSE OF ADMINISTERING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING CHOICE VOUCHER PROGRAM.

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

S. 914 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE ENVIRONMENTAL CERTIFICATION BOARD, RELATING TO APPLICATIONS FOR CERTIFICATION; RENEWAL OF LICENSE AND PERMIT, CONTINUING EDUCATION; AND OPERATOR‑IN-TRAINING LICENSES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4162, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 915 -- Senator Sheheen: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND JOHNNY A. DAVIS OF CHESTERFIELD COUNTY FOR HIS MANY YEARS OF OUTSTANDING COMMUNITY SERVICE, AND TO CONGRATULATE HIM ON RECEIVING THE 2011 GREATER CHESTERFIELD CHAMBER OF COMMERCE LIFETIME ACHIEVEMENT AWARD.

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The Senate Resolution was adopted.

S. 916 -- Senators Thomas, Verdin, Anderson and Fair: A CONCURRENT RESOLUTION TO RECOGNIZE THE OUTSTANDING ATHLETIC ACHIEVEMENTS OF CHRIST CHURCH EPISCOPAL SCHOOL OF GREENVILLE COUNTY IN GARNERING FOUR STATE CHAMPIONSHIP TITLES IN ONE YEAR IN GIRLS TENNIS, BOYS GOLF, BOYS TENNIS, AND BOYS SOCCER; AND TO CONGRATULATE THE TEAMS, COACHES, AND SCHOOL OFFICIALS FOR AN UNMATCHED YEAR OF ATHLETIC PERFORMANCE.

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

S. 917 -- Senators Jackson, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE MATTHEW J. PERRY, JR., FOR HIS YEARS OF SERVICE IN THE PRACTICE AND ADMINISTRATION OF LAW FOR THE CITIZENS OF THE PALMETTO STATE AND OUR NATION.

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The Senate Resolution was adopted.

H. 3028 -- Reps. Clemmons, Taylor, Clyburn and Long: A BILL TO AMEND SECTION 59-26-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUCTION, ANNUAL, AND CONTINUING CONTRACTS FOR TEACHERS, SO AS TO INCREASE THE INDUCTION CONTRACT PERIOD FROM ONE YEAR TO FIVE YEARS.

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

H. 3055 -- Rep. Huggins: A BILL TO AMEND SECTION 12-60-430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FAILURE OF A TAXPAYER TO MAKE A REPORT OR FILE A RETURN REQUIRED BY LAW OR A TAXPAYER WHO FILES A FRIVOLOUS RETURN, SO AS TO FURTHER PROVIDE FOR THE INFORMATION THE DEPARTMENT MUST CONSIDER WHEN MAKING AN ESTIMATE OF THE TAX LIABILITY OF THE TAXPAYER UNDER THESE CIRCUMSTANCES.

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

H. 3083 -- Reps. Pitts, Daning, Toole, G. M. Smith, Clyburn, Bingham, J. R. Smith, Huggins, Young, Taylor, Long, H. B. Brown, Ryan, Whipper and R. L. Brown: A BILL TO ENACT THE “SOUTH CAROLINA CONSERVATION BANK REAUTHORIZATION ACT” BY AMENDING ACT 200 OF 2002, WHICH ENACTED THE “SOUTH CAROLINA CONSERVATION BANK ACT” AND PROVIDED FOR ITS FUNDING, SO AS TO DELETE THE SUNSETTING OF THAT ACT OTHERWISE EFFECTIVE JULY 1, 2013, AND TO MAKE VARIOUS SECTIONS OF THAT ACT PERMANENT LAW BY DESIGNATING SECTIONS 3, 5, 6, 8, 10, AND 11 OF ACT 200 OF 2002, RELATING RESPECTIVELY TO THE PORTION OF THE DEED RECORDING FEE DEDICATED TO THE SOUTH CAROLINA CONSERVATION BANK TRUST FUND, THE SUSPENSION OF DEED RECORDING FEE REVENUE IN CERTAIN CIRCUMSTANCES, CONSERVATION EASEMENTS, BIENNIAL REPORTS TO THE GENERAL ASSEMBLY, USE OF CONSERVATION BANK FUNDS FOR BEACH CONSERVATION, AND USE OF CONSERVATION BANK FUNDS TO ACQUIRE LAND FOR STATE PARKS AS SECTIONS 12-24-96, 48-59-65, 27-8-37, 48-59-150, 48-59-160, AND 48-59-170, ALL OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976.

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

H. 3164 -- Reps. Young, G. R. Smith, Taylor, Forrester, Patrick, Bowers, Brannon and Clemmons: A BILL TO AMEND SECTION 56-1-176, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SCHOOL ATTENDANCE CONDITIONS ASSOCIATED WITH THE ISSUANCE OF CONDITIONAL AND SPECIAL RESTRICTED DRIVER’S LICENSES, SO AS TO PROVIDE THAT THESE AND ADDITIONAL CONDITIONS SHALL APPLY TO THE ISSUANCE OR REINSTATEMENT OF A BEGINNER'S PERMIT, CONDITIONAL DRIVER’S LICENSE, SPECIAL RESTRICTED DRIVER’S LICENSE, AND A REGULAR DRIVER’S LICENSE ISSUED TO A PERSON LESS THAN EIGHTEEN YEARS OF AGE; BY ADDING SECTION 56-1-177 SO AS TO PROVIDE THAT A MINOR’S PRIVILEGE TO DRIVE MUST BE SUSPENDED UNDER CERTAIN CIRCUMSTANCES; AND BY ADDING SECTION 56-1-46 SO AS TO PROVIDE A PENALTY FOR A PERSON WHO DRIVES A MOTOR VEHICLE WHEN HIS LICENSE TO DRIVE HAS BEEN SUSPENDED, CANCELLED, REVOKED, OR DENIED PURSUANT TO CERTAIN PROVISIONS.

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

H. 3266 -- Reps. Owens, Hiott, Whipper and R. L. Brown: A BILL TO AMEND SECTION 57-5-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL COMPOSITION OF THE STATE HIGHWAY SYSTEM, SO AS TO PROVIDE THAT ALL HIGHWAYS IN THE STATE HIGHWAY SYSTEM MUST BE BUILT ACCORDING TO STATE STANDARDS AND TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY USE CERTAIN FUNDS TO MAINTAIN THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57-5-70, RELATING TO ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ADD COUNTY AND MUNICIPAL ROADS TO THE STATE HIGHWAY SYSTEM WHEN NECESSARY FOR THE INTERCONNECTIVITY OF THE STATE HIGHWAY SYSTEM; TO AMEND SECTION 57-5-80, RELATING TO THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO REVISE THE PROCEDURE FOR THE REMOVAL OF ROADS FROM THE STATE HIGHWAY SYSTEM WHEN A GOVERNMENTAL AGENCY AGREES TO ACCEPT THE ROAD INTO ITS OWN HIGHWAY SYSTEM; AND TO REPEAL SECTION 57-5-90 RELATING TO BELT LINES AND SPURS.

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

H. 3630 -- Reps. Bedingfield, Loftis, Hardwick and McLeod: A BILL TO AMEND SECTION 61-4-720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OF WINE BY A LICENSED WINERY LOCATED IN SOUTH CAROLINA, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE; AND TO AMEND SECTION 61-4-730, RELATING TO THE SALE OF WINE BY PERMITTED WINERIES, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE.

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

H. 4042 -- Reps. Harrison, Brady, Pinson, H. B. Brown, Munnerlyn, Viers, Horne and Hardwick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑5-31 SO AS TO MAKE IT AN UNFAIR TRADE PRACTICE FOR A MOTOR VEHICLE GLASS REPAIR BUSINESS THAT ADMINISTERS INSURANCE CLAIMS FOR MOTOR VEHICLE GLASS REPAIRS TO HAVE AN INSURED’S GLASS REPAIR BUSINESS REFERRED TO ITSELF OR TO USE INFORMATION TO SOLICIT BUSINESS.

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

H. 4206 -- Reps. Ryan, Brantley, Hardwick, Hearn, Barfield, Anderson, McCoy, Patrick, Gilliard, Erickson, Hodges, Stavrinakis, Viers, R. L. Brown, Clemmons, Edge, Herbkersman, Limehouse, Sottile and Whipper: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT WITHOUT DELAY S. 632, THE “FLEXIBILITY IN REBUILDING AMERICAN FISHERIES ACT” WHICH, AMONG OTHER PROVISIONS, EXTENDS THE TIME PERIOD FOR REBUILDING CERTAIN OVERFISHED FISHERIES, AND TO REQUEST THE UNITED STATES DEPARTMENT OF COMMERCE TO SET AS A PRIORITY FUNDING FOR FISHERIES DATA NEEDS AND FISHERY STOCK ASSESSMENTS.

The Concurrent Resolution was introduced and referred to the Committee on Fish, Game and Forestry.

H. 4253 -- Reps. King, Delleney, Long, D. C. Moss, Norman, Pope, Simrill and Dillard: A CONCURRENT RESOLUTION TO CELEBRATE THE OCCASION OF THE ONE HUNDRED TWENTY-FIFTH ANNIVERSARY OF THE FOUNDING OF WINTHROP UNIVERSITY, AND TO CONGRATULATE AND COMMEND PRESIDENT ANTHONY DIGIORGIO, THE BOARD OF TRUSTEES, THE FACULTY AND STAFF, AND THE STUDENT BODY FOR A CENTURY AND A QUARTER OF PRODUCING EDUCATORS IN SOUTH CAROLINA.

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

**REPORTS OF STANDING COMMITTEES**

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

S. 510 -- Senator Sheheen: A BILL TO AMEND SECTION 40‑47‑760 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE ACUPUNCTURE ACT OF SOUTH CAROLINA, TO ADD PHYSICIANS TRAINED TO PERFORM ACUPUNCTURE TO THE LIST OF EXEMPTIONS.

Ordered for consideration tomorrow.

Senator McCONNELL from the Committee on Judiciary polled out H. 3183 favorable with amendment:

H. 3183 -- Reps. Young, Daning, Harrison, Simrill, G.R. Smith, Stringer, Hamilton, Hixon, Long, D.C. Moss and Weeks: A BILL TO AMEND SECTION 2‑17‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2‑17‑25, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS’ PRINCIPALS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST’S PRINCIPAL MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2‑17‑50, RELATING TO THE AUTHORITY OF THE STATE ETHICS COMMISSION TO ENFORCE FILING REQUIREMENTS AND ASSESS PENALTIES FOR FAILURE TO FILE, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT; TO AMEND SECTION 8‑13‑100, RELATING TO THE DEFINITION OF “FAMILY MEMBER” FOR THE PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT OF 1991, SO AS TO INCLUDE BROTHERS‑IN‑LAW AND SISTERS‑IN‑LAW; TO AMEND SECTION 8‑13‑700, RELATING TO USE OF ONE’S OFFICIAL POSITION FOR OFFICIAL GAIN, SO AS TO REPLACE CERTAIN REFERENCES TO “IMMEDIATE FAMILY” WITH THE BROADER TERM “FAMILY MEMBER”; AND TO AMEND SECTION 8‑13‑1510, AS AMENDED, RELATING TO PENALTIES FOR EITHER LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT REQUIRED BY CHAPTER 13, TITLE 8, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT.

**Poll of the Judiciary Committee**

**Polled 22; Ayes 19; Nays 2; Not Voting 2**

**AYES**

McConnell Ford *Martin, Larry*

Rankin Knotts Sheheen

Campsen Cleary Lourie

Campbell Bright Coleman

Davis *Martin, Shane* Nicholson

Rose Scott Shoopman

Gregory

**Total--19**

**NAYS**

Hutto Massey

**Total--2**

**NOT VOTING**

Malloy Williams

**Total--2**

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

H. 3378 -- Reps. Crawford and McLeod: A BILL TO AMEND ARTICLE 3, CHAPTER 31, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMITMENT OF TUBERCULOSIS PATIENTS, SO AS TO PROVIDE FOR AN EMERGENCY ORDER ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OR AN ORDER ISSUED BY THE PROBATE COURT FOR THE DETENTION, EXAMINATION, ISOLATION, AND TREATMENT OF A PERSON WITH TUBERCULOSIS WHO POSES A RISK TO THE PUBLIC; TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH AN EMERGENCY ORDER MAY BE ISSUED AND THE SCOPE OF AN EMERGENCY ORDER; TO PROVIDE REVIEW AND APPEAL PROCEDURES FOR AN EMERGENCY ORDER; TO AUTHORIZE THE COURT TO WAIVE NOTICE REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES; TO PROHIBIT STAYING A COMMITMENT ORDER PENDING APPEAL; TO PROVIDE THAT INVOLUNTARY EXAMINATION OF A PERSON WITH SUSPECTED TUBERCULOSIS IS NOT COMPULSORY TREATMENT; AND TO DELETE PROVISIONS PERTAINING TO THE ESTABLISHMENT OF TUBERCULOSIS FACILITIES AT THE STATE PARK HEALTH CENTER AND THAT THE ENFORCEMENT OF THIS ARTICLE IS CONTINGENT UPON THE AVAILABILITY OF FACILITIES FOR HOSPITALIZATION.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 3617 -- Reps. Pitts, R.L. Brown, Allen, Bales, Brady, Knight, Ballentine, McLeod, Willis, Toole, Sellers and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑1‑95 SO AS TO PROVIDE THAT A SEWAGE SYSTEM, OR ITS TREATMENT WORKS, THAT HAS HAD THREE OR MORE SEWAGE SPILLS IN A TWELVE‑MONTH PERIOD MUST COMPLETE A COMPREHENSIVE REVIEW OF THEIR OPERATIONS; TO PROVIDE FOR THE COMPREHENSIVE REVIEW; TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN ACTION PLAN TO ADDRESS ISSUES RAISED IN THE COMPREHENSIVE REVIEW; TO PROVIDE SPENDING PRIORITIES FOR WASTEWATER UTILITIES THAT LACK FUNDS FOR IMPLEMENTING AN ACTION PLAN; TO PROVIDE THAT WASTEWATER UTILITIES THAT DEVELOP AN ACTION PLAN HAVE PRIORITY FOR STATE FUNDS OR STATE‑DIRECTED FEDERAL FUNDS; AND TO PROVIDE THAT REPETITIVE SPILLS MUST BE FORWARDED TO AND RECORDED BY THE SOUTH CAROLINA ENVIRONMENTAL CERTIFICATION BOARD.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources polled out H. 3772 favorable:

H. 3772 -- Reps. Hardwick, Vick and Hixon: A BILL TO AMEND CHAPTER 26, TITLE 46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF AGRICULTURAL LIMING MATERIALS, SO AS TO PROVIDE FOR REGULATION OF LANDPLASTER, TO REVISE CERTAIN REPORTING REQUIREMENTS, AND TO REVISE THE PROVISIONS RELATING TO THE PAYMENT OF ASSESSMENTS LEVIED BY THE STATE CROP PEST COMMISSION.

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

**Polled 14; Ayes 14; Nays 0; Not Voting 3**

**AYES**

Verdin Grooms Leventis

Matthews McGill Elliott

Knotts Bryant Campsen

Campbell Sheheen Bright

Davis Gregory

**Total--14**

**NAYS**

**Total--0**

**NOT VOTING**

Hutto Williams Rose

**Total--3**

Ordered for consideration tomorrow.

Senator McCONNELL from the Committee on Judiciary polled out H. 4119 favorable:

H. 4119 -- Rep. G.A. Brown: A BILL TO AMEND SECTION 39‑5‑38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DECEPTIVE OR MISLEADING ADVERTISEMENT OF A LIVE MUSICAL PERFORMANCE, SO AS TO DEFINE A SOUND RECORDING, AND TO PROVIDE CERTAIN EXEMPTIONS, REMEDIES, AND A FINE.

**Poll of the Judiciary Committee**

**Polled 23; Ayes 22; Nays 1; Not Voting 0**

**AYES**

McConnell Ford *Martin, Larry*

Rankin Hutto Knotts

Malloy Sheheen Campsen

Cleary Lourie Williams

Campbell Bright Coleman

Davis *Martin, Shane* Nicholson

Rose Scott Shoopman

Gregory

**Total--22**

**NAYS**

Massey

**Total--1**

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

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.

Ordered for consideration tomorrow.

**Appointments Reported**

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

**Statewide Appointments**

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2010, and to expire June 30, 2014

5th Congressional District:

Freddie L. Lynn, 409 Hawthorne Drive, Hartsville, SC 29550 *VICE* Dr. Otis Speight

Received as information.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2009, and to expire June 30, 2013

3rd Congressional District:

Christine Sharp, 2404 E. North Avenue, Anderson, SC 29625 *VICE* Susan Lait (resigned)

Received as information.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2011, and to expire June 30, 2017

1st Congressional District:

Carole S. Russell, 339 Muirfield Parkway, Charleston, SC 29414 *VICE* Mr. James R. Bradham

Received as information.

**PLACED ON THE CALENDAR**

S. 36 -- Senators McConnell, McGill, Setzler and Ford: A BILL TO AMEND ACT 99 OF 2007, RELATING TO THE SALES TAX EXEMPTION FOR DURABLE MEDICAL EQUIPMENT AND SUPPLIES, BY REPEALING SECTIONS 1B AND 1C, WHICH STATE THAT THE SALES TAX RATE ON DURABLE MEDICAL EQUIPMENT IS FIVE AND ONE-HALF PERCENT SUBJECT TO FURTHER REDUCTION BASED ON GENERAL FUND REVENUE GROWTH.

The House returned the Bill with amendments.

Senator RYBERG spoke on the Bill.

**Point of Order**

Senator McCONNELL raised a Point of Order that, pursuant to Rule 32C, the Bill, S. 36, had been amended by the House of Representatives to include matter that is not germane to the Bill and, therefore, it should be referred to the Committee on Finance.

Senator SETZLER spoke on the Point of Order.

Senator SETZLER moved to waive the requirement that it be referred to a committee under the provisions of Rule 32C.

Senator LARRY MARTIN spoke on the motion.

Senator COURSON spoke on the motion.

Senator LEATHERMAN spoke on the motion.

**Parliamentary Inquiry**

Senator SHEHEEN made a Parliamentary Inquiry as to whether or not ten minutes debate for opponents and ten minutes debate for proponents was in order.

The PRESIDENT stated that ten minutes debate each for opponents and proponents was in order and that the ten minutes for proponents had just expired.

Senator DAVIS argued contra to the motion.

Senator RYBERG argued contra to the motion.

The time for opponents had expired.

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

**Ayes 31; Nays 14**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Elliott Fair

Ford Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Matthews

McGill Nicholson Peeler

Pinckney Rankin Reese

Scott Setzler Sheheen

Williams

**Total--31**

**NAYS**

Bright Bryant Campsen

Davis Gregory Grooms

*Martin, Shane* Massey McConnell

O'Dell Rose Ryberg

Thomas Verdin

**Total--14**

The referral provisions of Rule 32C were waived and the Bill was placed on the Calendar for consideration tomorrow.

**Statement by Senator McCONNELL**

I voted not to waive the requirements of Rule 32C and to send the Bill to committee. I did so because there are serious problems in the drafting of the Amazon language and that an unconstitutional provision was added to the Bill. When the job requirements were increased in the House amendment to 2000 jobs with health benefits, language was kept in that would allow Amazon to get rid of 1000 jobs and the health benefits for all employees. That needs to be discussed. Also, a section was added to the Bill that does not deal with sales tax exemptions and may be an unconstitutional bobtail. That, too, needs to be discussed. I believe that we need to be consistent in Rule 32C. It was designed to protect the transparency of the process and the interests of the taxpayers. Absent a compelling reason to waive this rule, this Bill’s issues need to be addressed by committee and not steamrolled through. For that reason, I voted “no”.

**Message from the House**

Columbia, S.C., May 24, 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. 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.

Respectfully submitted,

Speaker of the House

Received as information.

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

**HOUSE CONCURRENCES**

S. 899 -- Senators Courson, Cromer and Knotts: A CONCURRENT RESOLUTION TO CONGRATULATE THE CAPITAL CITY/LAKE MURRAY COUNTRY REGIONAL TOURISM BOARD ON THIRTY YEARS IN BUSINESS, AND TO WISH THEM CONTINUED PROSPERITY.

S. 904 -- Senators Hutto, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR WILLIAM DAVID BILTON OF RICHLAND COUNTY, EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION, UPON HIS RETIREMENT, TO THANK HIM FOR HIS TWENTY-NINE YEARS OF DEDICATED SERVICE TO THE PALMETTO STATE, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

S. 905 -- Senators Scott, Courson, Jackson and Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE CAPTAIN ESTELLE YOUNG OF THE COLUMBIA POLICE DEPARTMENT ON THE OCCASION OF HER RETIREMENT, TO THANK HER FOR HER FORTY‑TWO YEARS OF DEDICATED SERVICE TO THE CITY OF COLUMBIA, AND TO WISH HER MUCH SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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

**HOUSE BILL RETURNED**

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

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 HOMEOWNERS 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.

**THIRD READING BILL**

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

S. 896 -- Corrections and Penology Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, RELATING TO SENTENCING REFORM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4159, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**READ THE SECOND TIME**

S. 747 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO UNEMPLOYMENT INSURANCE REFORM (ARTICLE 1), DESIGNATED AS REGULATION DOCUMENT NUMBER 4169, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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

**Ayes 35; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

O'Dell Peeler Rankin

Reese Ryberg Setzler

Sheheen Verdin

**Total--35**

**NAYS**

Thomas

**Total--1**

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

**Statement by Senator ROSE**

If I had been in the Senate Chamber I would have voted for S. 747 on second reading on May 24, 2011.

**TABLED**

S. 889 -- Senators S. Martin, Fair, Thomas, Anderson, Shoopman and Verdin: A BILL TO AMEND ACT 687 OF 1969, RELATING TO THE METROPOLITAN SEWER SUBDISTRICT OF GREENVILLE COUNTY, SO AS TO PROVIDE THAT THE SUBDISTRICT IS GOVERNED BY AN ELECTED RATHER THAN AN APPOINTED COMMISSION AND THAT THE ELECTED COMMISSION MAY LEVY AD VALOREM TAXES WITHOUT THE APPROVAL OF THE GREENVILLE COUNTY COUNCIL.

On motion of Senator SHANE MARTIN, the Bill was laid on the table and proper notation was made on the Bill.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 461 -- Senators Cleary, Sheheen, Lourie, Ford, Reese and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-2-85, SO AS TO PROVIDE THAT A HOLDER OF A PERMIT THAT ALLOWS ON‑PREMISES CONSUMPTION OF BEER, WINE, OR ALCOHOLIC LIQUORS SHALL RECYCLE EACH RECYCLABLE BEVERAGE CONTAINER SOLD ON THE PREMISES IN ACCORDANCE WITH A MODEL RECYCLING PROGRAM DEVELOPED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO AMEND SECTION 61-2-90, RELATING TO REQUIRING AN APPROVED RECYCLING PLAN TO BE INCLUDED IN A PERMIT APPLICATION FOR ON‑PREMISES CONSUMPTION; AND TO AMEND SECTION 6-4-20, RELATING TO THE USE OF ACCOMMODATIONS TAXES, SO AS TO PROVIDE FOR FUNDING FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE MODEL RECYCLING PROGRAM.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the proposed amendment as follows.

Senator CLEARY proposed the following amendment (JUD0461.010), which was adopted:

Amend the committee report, as and if amended, by striking all after the enacting words and inserting the following:

/ SECTION 1. Chapter 2, Title 61 of the 1976 Code is amended by adding:

“Section 61‑2‑85. (A) For purposes of this section:

(1) ‘Financially feasible recycling program’ means a recycling program that does not increase a permit holder’s total cost for solid waste disposal and recycling by more than fourteen percent of a permit holder’s existing annual costs for solid waste disposal.

(2) ‘Model recycling program’ means a recycling program that shall contain at a minimum:

(a) identification of the recyclable materials to be included in the recycling program, such as glass bottles, plastic bottles, aluminum cans, and packing materials;

(b) information on locating a recycling service, including, but not limited to, existing solid waste haulers, local government solid waste departments, or commercial recyclers;

(c) information on the logistics of collecting and disposing of recyclable materials, such as external storage, internal storage, or self‑hauling to drop‑off centers;

(d) information on the sources and kinds of recycling storage units;

(e) information on types of employee education programs, such as basic training on recycling; and

(f) information on strategies that permit holders may use to reduce or control costs.

(3) ‘Permit holder’ means a holder of a permit or license issued by the Department of Revenue that authorizes on-premises consumption of beer, wine, or alcoholic liquor by the drink.

(4) ‘Financially feasible means of glass collection’ means the existence of a commercial or governmental financially feasible recycling program that allows a permit holder to contract for onsite pickup of glass or provides a glass container recycling drop off location that is easily available to a permit holder.

(5) ‘Recycling plan’ means a plan for recycling that provides for the separation, storage, collection, and recycling of recyclable beverage containers and their packaging that are sold on the premises of a permit holder, including, but not limited to, aluminum, plastic, glass containers, and cardboard used to package, ship, or deliver the beverage containers.

(B) A permit holder must certify as part of its permitting process with the Department of Revenue that a site specific recycling plan for the collection and recycling of recyclable beverage containers and packaging sold on the premises by the permit holder has been prepared and will be made available upon demand to the Department of Revenue. Each site specific recycling plan must:

(1) contain all elements included in a model recycling plan that shall be developed by the Department of Health and Environmental Control and made available on its website; or

(2) be at least as comprehensive as the model recycling plan.

(C) A permit holder is exempt:

(1) from the requirement to implement recycling of glass containers if a financially feasible means of glass collection is not available to a permit holder and a permit holder has documentation to support the exemption; or

(2) from the requirement to implement a site specific recycling plan if a financially feasible recycling program is not available to a permit holder and a permit holder has documentation to support the exemption.

(D) The Department of Revenue shall annually perform a random audit of recycling plans to determine compliance with the provisions of this section. All permit holders must have a site specific recycling plan. A permit holder claiming an exemption from implementation of all or part of a recycling plan must provide adequate documentation to support an exemption.

(E) (1) A permit holder may be subject to penalties for:

(a) failure to have a site specific recycling plan;

(b) failure to implement a recycling plan; or

(c) failure to provide adequate documentation supporting an exemption.

(2) Penalties imposed pursuant to this section are as follows:

(a) for a first offense, a warning;

(b) for a second offense, a fine of not less than two hundred fifty dollars nor more than five hundred dollars; or

(c) for a third or subsequent offense, a fine of one thousand dollars.

(F) For purposes of this section, communications and documents that are required to be transmitted in writing may also be transmitted by electronic transmission, if both the sender and receiver agree to electronic transmission.

(G) Failure of a permit holder to comply with the provisions of this section shall not be grounds for denial, revocation, or non‑renewal of a permit authorized under Title 61.”

SECTION 2. Section 61‑2‑90 of the 1976 Code is amended to read:

“Section 61‑2‑90. (A) A person desiring a license or permit under this title must file with the department an application in writing on forms provided by the department containing a statement under oath setting forth:

(1) the name, address, date of birth, race, and nationality of the person applying for the license or permit;

(2) the exact location where the business is proposed to be operated;

(3) a description of the type of business to be operated;

(4) whether the applicant or an owner of the business has been involved in the sale of alcoholic liquors, beer, or wine in this or another state and whether he has had a license or permit suspended or revoked;

(5) whether the applicant has been a legal resident of this State for at least thirty days before the date of application, and has maintained his principal place of abode in the State for at least thirty days before the date of application;

(6) other information required by the department to determine if the application meets all statutory requirements for the license or permit and to determine the true owners of the business seeking the license or permit.

(B) A person applying for or renewing a permit or license to allow on premises consumption of beer, wine, or alcoholic liquor by the drink must include in the application or renewal a written certification that there is a site specific recycling plan for the location on the permit application or renewal as required by Section 61‑2‑85.”

SECTION 3. Section 61‑2‑120 of the 1976 Code is amended to read:

“(A) Biennial licenses and permits issued under this title expire according to the county where the licensed location is situated. The expiration dates are the last day of:

(1) February in years which end in an:

(a) odd number for Allendale, Bamberg, Barnwell, Beaufort, and Berkeley Counties;

(b) even number for Charleston, Clarendon, Colleton, Dorchester, Georgetown, Hampton, Jasper, and Williamsburg Counties;

(2) May in years which end in an:

(a) odd number for Cherokee, Chester, Chesterfield, Darlington, Dillon, Fairfield, Florence, and Horry Counties;

(b) even number for Lancaster, Marion, Marlboro, Union, and York Counties;

(3) August in years which end in an:

(a) odd number for Calhoun, Kershaw, Lee, Orangeburg, and Sumter Counties;

(b) even number for Richland County;

(4) November in years which end in an:

(a) odd number for Abbeville, Aiken, Anderson, Edgefield, Greenville, and Greenwood Counties;

(b) even number for Laurens, Lexington, McCormick, Newberry, Oconee, Pickens, Saluda, and Spartanburg Counties.

(B) For a period of eight years from the issuance of a permit or license requiring certification of a recycling plan, each holder of an on premises consumption permit or license required to implement a recycling plan pursuant to Section 61‑2‑85 and Section 61‑2‑90 shall be allowed a ten percent reduction on its biennial permit or license fee for every two years that the holder uses a required recycling plan that includes recycling of glass containers.”

SECTION 4. The Department of Health and Environmental Control and the Department of Revenue may promulgate regulations to implement these provisions.

SECTION 5. This act takes effect one year after approval by the Governor, except for SECTION 5, which shall be effective immediately upon signature of the Governor in order that the Department of Health and Environmental Control shall have a model recycling plan on its website prior to the effective date, and regulations may be promulgated by the Department of Health and Environmental Control and the Department of Revenue pending the effective date./

Renumber sections to conform.

Amend title to conform

Senator CLEARY explained the perfecting amendment.

The amendment was adopted.

The Committee on Judiciary proposed the following amendment (JUD0461.005), which was adopted:

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

/ SECTION 1. Chapter 2, Title 61 of the 1976 Code is amended by adding:

“Section 61‑2‑85. (A) For the purposes of this section:

(1) ‘Permit holder’ means a holder of a permit or license issued by the Department of Revenue that authorizes on‑premises consumption of beer, wine, or alcoholic liquor by the drink.

(2) ‘Practical means of glass collection’ means the existence of a financially feasible commercial or governmental recycling program or programs that allow a permit holder to contract for onsite pickup of glass or a local and non‑costly drop‑off location that accepts glass containers for recycling and that is easily available to a permit holder.

(3) ‘Recycling plan’ means a plan for recycling that provides for the separation, storage, collection, and recycling of recyclable beverage containers and their packaging that are sold on the premises of a permit holder, including, but not limited to, aluminum, plastic, glass beverage containers, and cardboard used to package, ship, or deliver the beverage containers. Recycling of glass containers shall not be required as part of a recycling plan if, as determined by the Department of Health and Environmental Control, in coordination with the Department of Revenue, no practical means of glass collection exists due to the geographical location of the permit holder.

(B) Each permit holder shall have and use a recycling plan for the collection and recycling of recyclable beverage containers and packaging sold on the premises by the permit holder, except for those permit holders in locations where the Department of Health and Environmental Control and the Department of Revenue have determined that no financially feasible collection of recyclable beverage containers and packaging is available due to the geographical location of a permit holder. Each recycling plan must:

(1) contain all elements included in a model recycling plan that shall be developed by the Department of Health and Environmental Control and made available on its website; or

(2) be at least as comprehensive as the model recycling plan.

(C) A permit holder, unless exempted, must certify as part of its permitting process with the Department of Revenue that a site-specific recycling plan has been prepared and will be made available upon demand to the Department of Revenue and the Department of Health and Environmental Control.

(1) A permit holder is exempted from glass container recycling if the permit holder provides, in writing, substantial evidence to the Department of Health and Environmental Control that no practical means of glass collection exists for the permit holder, and the permit holder has received, in writing, notification from the Department of Health and Environmental Control that the permit holder is exempt. A permit holder exempted from the glass container recycling requirement must certify to the Department of Revenue during the permitting process that the permit holder has and uses a recycling plan that does not include glass container recycling.

(2) A permit holder is exempted from having and using a recycling plan if the permit holder provides, in writing, substantial evidence to the Department of Health and Environmental Control that no financially feasible collection of recyclable beverage containers and packaging is available due to the geographical location of a permit holder, and has received, in writing, notification from the Department of Health and Environmental Control that the permit holder is exempt. A permit holder exempted from having and using a recycling plan must include the notification of exemption from the Department of Health and Environmental Control instead of the certification required in this section.

(3) A determination on a requested exemption shall remain in effect until the expiration date of the permit or license that is held or applied for by a permit holder.

(4) In making the determinations for exemptions, the Department of Health and Environmental Control shall consult with the Department of Revenue, and the Department of Revenue shall provide information that it may possess on the permit holder that is relevant to the determination of a requested exemption, such as the location of a permit holder and the types of permits or licenses held or applied for by a permit holder. The Department of Health and Environmental Control shall notify, in writing, the Department of Revenue on each exemption given to a permit holder.

(D) The Department of Health and Environmental Control shall annually perform a random audit of recycling plans and shall notify the Department of Revenue and the permit holder of a recycling plan that is not in compliance with the provisions of this section.

(E) A permit holder that fails to provide certification of a recycling plan in its permit application or renewal shall be assessed by the Department of Revenue:

(1) for a first offense, a fine of not less than two hundred dollars nor more than five hundred dollars;

(2) for a second offense within three years of the first offense, a fine of not less than five hundred dollars; or

(3) for a third or subsequent offense, a fine of not less than one thousand dollars.

(F) A permit holder whose recycling plan is determined to be noncompliant with the provisions of this section shall be assessed by the Department of Health and Environmental Control:

(1) for a first offense, a fine of not less than two hundred dollars nor more than five hundred dollars;

(2) for a second offense within three years of the first offense, a fine of not less than five hundred dollars; or

(3) for a third or subsequent offense, a fine of not less than one thousand dollars.

(G) For purposes of this section, communications and documents that are required to be transmitted in writing may also be transmitted by electronic transmission, if both the sender and receiver agree to electronic transmission.

(H) Failure of a permit holder to comply with the provisions of this section shall not be grounds for revocation or for non‑renewal of a permit authorized under Title 61.”

SECTION 2. Section 61‑2‑90 of the 1976 Code is amended to read:

“Section 61‑2‑90. (A) A person desiring a license or permit under this title must file with the department an application in writing on forms provided by the department containing a statement under oath setting forth:

(1) the name, address, date of birth, race, and nationality of the person applying for the license or permit;

(2) the exact location where the business is proposed to be operated;

(3) a description of the type of business to be operated;

(4) whether the applicant or an owner of the business has been involved in the sale of alcoholic liquors, beer, or wine in this or another state and whether he has had a license or permit suspended or revoked;

(5) whether the applicant has been a legal resident of this State for at least thirty days before the date of application, and has maintained his principal place of abode in the State for at least thirty days before the date of application;

(6) other information required by the department to determine if the application meets all statutory requirements for the license or permit and to determine the true owners of the business seeking the license or permit.

(B) A person applying for or renewing a permit or license to allow on-premises consumption of beer, wine, or alcoholic liquor by the drink, unless exempt, must include in the application or renewal a written certification of a recycling plan required by Section 61‑2‑85. Written notification of an exemption from this requirement must be included in an application or renewal.

(C) The Department of Revenue shall annually provide by December fifteenth of each year to the Department of Health and Environmental Control an electronic database containing the names and addresses of all permit holders required to have a recycling plan.”

SECTION 3. Section 61-2-120 of the 1976 Code is amended to read:

“(A) Biennial licenses and permits issued under this title expire according to the county where the licensed location is situated. The expiration dates are the last day of:

(1) February in years which end in an:

(a) odd number for Allendale, Bamberg, Barnwell, Beaufort, and Berkeley Counties;

(b) even number for Charleston, Clarendon, Colleton, Dorchester, Georgetown, Hampton, Jasper, and Williamsburg Counties;

(2) May in years which end in an:

(a) odd number for Cherokee, Chester, Chesterfield, Darlington, Dillon, Fairfield, Florence, and Horry Counties;

(b) even number for Lancaster, Marion, Marlboro, Union, and York Counties;

(3) August in years which end in an:

(a) odd number for Calhoun, Kershaw, Lee, Orangeburg, and Sumter Counties;

(b) even number for Richland County;

(4) November in years which end in an:

(a) odd number for Abbeville, Aiken, Anderson, Edgefield, Greenville, and Greenwood Counties;

(b) even number for Laurens, Lexington, McCormick, Newberry, Oconee, Pickens, Saluda, and Spartanburg Counties.

(B) For a period of eight years from the issuance of a permit or license requiring certification of a recycling plan, each holder of an on‑premises consumption permit or license required to implement a recycling plan pursuant to Section 61‑2‑85 and Section 61‑2‑90 shall be allowed:

(1) a ten percent reduction on its biennial permit or license fee for every two years that the holder uses a required recycling plan that exempts the holder from recycling glass containers; or

(2) a twenty-five percent reduction on its biennial permit or license fee for every two years that the holder uses a recycling plan that includes recycling of glass containers.”

SECTION 4. Section 14-1-208(10) of the 1976 Code is amended to read:

“(10) ~~13.61~~ 12.81 percent to the Governor’s Task Force on Litter and in the expenditure of these funds, the provisions of Chapter 35 of Title 11 do not apply, and .8 percent to the Department of Health and Environmental Control and to the Department of Revenue, in equal amounts, for the supervision, implementation, and enforcement of recycling plans required pursuant to Section 61‑2‑85 and Section 61‑2‑90;”

SECTION 5. The Department of Health and Environmental Control and the Department of Revenue may promulgate regulations to implement these provisions.

SECTION 6. This act takes effect one year after approval by the Governor, except for SECTION 5, which shall be effective immediately upon signature of the Governor in order that the Department of Health and Environmental Control shall have a model recycling plan on its website prior to the effective date, and regulations may be promulgated by the Department of Health and Environmental Control and the Department of Revenue pending the effective date. If, as of the effective date of this act, the Department of Health and Environmental Control, in consultation with the Department of Revenue, has determined that no practical means of glass collection exists for a permit holder or no recycling market is financially feasible or geographically available to a permit holder, the provisions of the act concerning these requirements shall not be effective until a practical means of glass collection or a recycling market are readily available to a permit holder. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

Senator BRIGHT spoke on the Bill.

The question then was second reading of the Bill.

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

**Ayes 31; Nays 9**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Elliott

Gregory Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Nicholson O'Dell

Pinckney Rankin Ryberg

Scott Setzler Sheheen

Thomas

**Total--31**

**NAYS**

Bright Bryant Davis

Fair Grooms *Martin, Shane*

Peeler Rose Verdin

**Total--9**

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

**Statement by Senators SHANE MARTIN, BRIGHT, DAVIS**

**BRYANT, VERDIN, GROOMS and ROSE**

While we applaud the efforts of this Bll to improve recycling and reduce waste going into landfills, we cannot vote for a mandate from government to force businesses to comply and incur and bear the additional costs, particularly in this recession.

**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.

**OBJECTION**

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.

Senator SETZLER objected.

**OBJECTION**

H. 3621 -- Reps. Bannister, Rutherford, Herbkersman, Weeks, J.E. Smith and Viers: A BILL TO AMEND SECTION 61‑6‑1035, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SAMPLING OF WINES, SO AS TO PERMIT RETAILERS TO CONDUCT TASTINGS.

Senator THOMAS objected.

**CARRIED OVER**

S. 580 -- Senator Setzler: A BILL TO AMEND SECTION 40‑18‑140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 18 OF TITLE 40 PROVIDING FOR THE LICENSURE AND REGULATION OF PRIVATE SECURITY AND INVESTIGATION AGENCIES, SO AS TO PROVIDE THAT THE CHAPTER MUST NOT APPLY TO A PERSON BASED SOLELY ON HIS BEING ENGAGED IN COMPUTER OR DIGITAL FORENSIC SERVICES, THE ACQUISITION, REVIEW, OR ANALYSIS OF DIGITAL OR COMPUTER‑BASED INFORMATION, OR SYSTEM VULNERABILITY TESTING.

Senator BRYANT explained the Bill.

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

**Motion Adopted**

Senator McCONNELL moved that, when the Senate adjourns today, it stand adjourned to meet at 10:00 A.M. tomorrow.

The motion was adopted.

**Recorded Vote**

Senator SHANE MARTIN desired to be recorded as voting against the motion.

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

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

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

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

**Motion Under Rule 26B Failed**

Senator BRIGHT moved under the provisions of Rule 26B to take up Amendment No. 213 on third reading.

Senator BRIGHT explained the amendment.

Having failed to receive the necessary vote, the motion under Rule 26B failed and Amendment No. 213 was not considered.

Senator FAIR asked unanimous consent to take up Amendment No. 217 for immediate consideration.

There was no objection.

**Amendment No. 217**

Senators FAIR, KNOTTS and SCOTT proposed the following amendment (DAD 90.18 SLED METH), which was adopted (#65):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 535, paragraph 90.18, line 10, by inserting at the end:

/*The next $1,000,000 shall be transferred to the State Law Enforcement Division for cleaning up methamphetamine labs.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

Senator LEATHERMAN moved that the amendment be adopted.

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

**Ayes 21; Nays 17**

**AYES**

Alexander Anderson Campbell

Coleman Cromer Elliott

Fair Hayes Knotts

Leatherman Leventis *Martin, Larry*

Matthews McGill Nicholson

O'Dell Reese Scott

Setzler Thomas Williams

**Total--21**

**NAYS**

Bright Bryant Campsen

Cleary Courson Davis

Gregory Grooms Malloy

*Martin, Shane* Massey McConnell

Peeler Rose Ryberg

Sheheen Verdin

**Total--17**

The amendment was adopted.

Having voted on the prevailing side, Senator BRYANT moved to reconsider the vote whereby Amendment No. 213 was not considered under Rule 26B.

**Parliamentary Inquiry**

Senator SHEHEEN made a Parliamentary Inquiry as to whether or not Senator BRYANT voted against considering Amendment No. 213 under the provisions of Rule 26B.

Senator BRYANT stated that he did not vote during the voice vote.

**Point of Order**

Senator LEVENTIS raised a Point of Order that in order to have voted on the prevailing side, a Senator must have cast a vote on the prevailing side and failure to cast a vote was not voting on the prevailing side.

The PRESIDENT stated that a Senator must have cast a vote on the prevailing side in order to make a motion to reconsider.

Senator LEVENTIS asked unanimous consent to take the amendment up for immediate consideration.

There was no objection.

**Amendment No. 213**

Senator BRIGHT proposed the following amendment (3700R132.LB.DOCX), which was not adopted:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 538, after line 14, by adding an appropriately numbered new proviso to read:

*/ 90.\_\_\_. (SR: Additional Appropriations) In addition to the appropriations made in Part IA of this act and appropriations made in this section, there is appropriated to the Department of Employment and Workforce $105,000,000. The Department of Employment and Workforce must utilize the funds contained in this proviso to provide employers a rebate on premiums paid during Fiscal Year 2011-2012.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

The question then was the adoption of Amendment No. 213.

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

**Ayes 7; Nays 34**

**AYES**

Bright Bryant Davis

Grooms Rose Thomas

Verdin

**Total--7**

**NAYS**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Elliott

Fair Gregory Hayes

Hutto Knotts Land

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Reese Ryberg

Scott Setzler Sheheen

Williams

**Total--34**

The amendment was not adopted.

**Motion Under Rule 26B Adopted**

Senator DAVIS moved under the provisions of Rule 26B to take up Amendment No. 218 on third reading.

Senator DAVIS explained the amendment.

Amendment No. 218 was taken up for immediate consideration.

**Amendment No. 218**

Senators DAVIS, SHOOPMAN and ROSE proposed the following amendment (3700R137.TD.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 538, after line 14, by adding an appropriately numbered new proviso to read:

*/90.\_\_\_. (SR: HHS Appropriation Adjustment) The appropriation of state funds contained in this act to the Department of Health and Human Services are reduced by one hundred million dollars and the corresponding amount of the reduction is transferred to the Contingency Reserve Fund. In order to provide maximum flexibility in absorbing the funding reductions mandated in this proviso, the department is given maximum flexibility to reduce or transfer funds from and between programs or areas within the department.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

Senator ALEXANDER argued contra to the adoption of the amendment.

Senator DAVIS argued in favor of the adoption of the amendment.

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

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

**Ayes 23; Nays 20**

**AYES**

Alexander Anderson Coleman

Elliott Ford Hayes

Hutto Jackson Land

Leatherman Leventis Lourie

*Martin, Larry* Matthews McGill

Nicholson O'Dell Pinckney

Reese Scott Setzler

Sheheen Williams

**Total--23**

**NAYS**

Bright Bryant Campbell

Campsen Cleary Courson

Cromer Davis Fair

Gregory Grooms Knotts

*Martin, Shane* Massey McConnell

Peeler Rose Ryberg

Thomas Verdin

**Total--20**

The amendment was laid on the table.

**Statement by Senators LARRY MARTIN, ALEXANDER**

**and HAYES**

We share the concern about Medicaid spending.  Unfortunately, the idea that the $100 million dollars captured in this amendment can simply be held in the contingency reserve until January defies realistic budgeting.  It fails to recognize the painful cuts that will have to be made by HHS in order to absorb this reduction.  The information listed below was provided to us by the director’s office and reflect the reality of how HHS would address the consequences of this amendment, and that is why we voted “no”.

To: Interested Parties

From: Tony Keck, DHHS

May 2011

**DHHS Estimated Impact of Additional $100 Million State Fund Reduction,**

**Beyond Agency’s Plans to Reduce Expenditures by $200 Million in SFY 2012**

The following estimates **are in addition to**, and do not include, the $200 million in reductions currently under consideration for SFY 2012.

**Hospitals**

* Eliminate Graduate Medical Education
* (GME) payments **$21.2 million**
* 5% Rate Reduction – Fee-For-Service **$14.5 million**
* 5% Rate Reduction - Managed Care **$8.2 million**

*Total Hospitals: $43.9 million*

**Nursing Facilities**

* 10% Additional Permit Day Reduction **$10.4 million**
* 5% Expense Reduction **$9.8 million**

*Total Nursing Facilities: $20.2 million*

**Pharmacy Services**

* Limit Prescriptions to 4/Month –
* Fee-For-Service **$5.7 million**
* Limit Prescriptions to 4/Month –
* Managed Care **$4.4 million**
* Reduce Dispensing Fee to $2.00 –
* Fee-For-Service **$1.1 million**
* Reduce Dispensing Fee to $2.00 –
* Managed Care **$0.8 million**
* 5% Rate Reduction – Fee-For-Service **$3.8 million**
* 5% Rate Reduction – Managed Care **$3.0 million**

*Total Pharmacy Services: $18.8 million*

**Managed Care**

* Reduce Admin Allowance from 10.5% to 9.5% **$4.9 million**

*Total Managed Care Administrative: $4.9 million*

**All Other Providers**

* 5% Rate Reduction – Fee-For-Service **$13.4 million**
* 5% Rate Reduction – Managed Care **$7.1 million**

*Total Other Providers: $20.5 million*

**Grand Total: $108.3 million**

**Motion Under Rule 26B Adopted**

Senator RYBERG moved under the provisions of Rule 26B to take up Amendment No. 220 on third reading.

Senator RYBERG explained the amendment.

Amendment No. 220 was taken up for immediate consideration.

**Amendment No. 220**

Senators RYBERG, BRYANT, BRIGHT and ROSE proposed the following amendment (3700R138.WGR.DOCX), which was adopted (#66):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 538, after line 14, by adding an appropriately numbered new proviso to read:

/ *90.\_\_\_. (SR: Additional Contingent Appropriations) From any excess 2011-2012 fiscal year general fund revenue collected above the amount necessary to fund appropriations in this act, up to $53,000,000 in excess revenue is appropriated to the Office of State Treasurer to reduce the deficit in the Tuition Prepayment Program and all revenue above the first $53,000,000 in excess revenue is appropriated to the Budget and Control Board, Employee Benefits, to be applied to unfunded mandates related to state employee benefits.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

The amendment was adopted.

**Recorded Vote**

Senators BRYANT and SHANE MARTIN desired to be recorded as voting in favor of the adoption of the amendment.

**Motion Under Rule 26B Adopted**

Senator SHEHEEN moved under the provisions of Rule 26B to take up Amendment No. 164A on third reading.

Senator SHEHEEN explained the amendment.

Amendment No. 164A was taken up for immediate consideration.

**Amendment No. 164**

Senators SHEHEEN and KNOTTS proposed the following amendment (3700 90.21.DOCX), which was adopted (#67):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 537, paragraph 90.21, line 15, by striking lines 15-16 and inserting the following:

/ (4) *K05-Department of Public Safety*

*Highway Patrol..................................................$260,000;*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment.

Senator FAIR moved to lay the amendment on the table.

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

**Ayes 11; Nays 32**

**AYES**

Anderson Davis Fair

Gregory Hayes Leatherman

Rose Ryberg Setzler

Thomas Verdin

**Total--11**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Elliott Ford Grooms

Hutto Jackson Knotts

Land Leventis Lourie

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Reese Scott

Sheheen Williams

**Total--32**

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

The amendment was adopted.

**Motion Under Rule 26B Adopted**

Senator MASSEY moved under the provisions of Rule 26B to take up Amendment No. 195 on third reading.

Senator MASSEY explained the amendment.

Amendment No. 195 was taken up for immediate consideration.

**Amendment No. 195**

Senator MASSEY proposed the following amendment (DG DEWINDIGENT), which was adopted (#68):

Amend the bill, as and if amended, Part IA, Section 47, COMMISSION ON INDIGENT DEFENSE, page 185, line 15, by:

COLUMN 7 COLUMN 8

/ STRIKING: 2,061,705

and

INSERTING: 561,705 /

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 535, paragraph 90.18, by striking lines 9 and 10 and inserting:

/ *Of excess Fiscal Year 2010-11 general fund revenue above the amounts appropriated in this provision, there is first transferred up to $1,500,000 to the Commission on Indigent Defense for the Civil Appointment Fund. The next $100,000,000 of any excess Fiscal Year 2010-11 general fund revenue above the amounts appropriated in this provision shall be transferred to the Department of Employment and Workforce and shall be placed in an account to be titled the Department of Employment and Workforce Unemployment Insurance Trust Fund. These funds may only be used by the Department of Employment and Workforce to make payments on outstanding loans from the Unemployment Insurance Trust Fund. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the adoption of the amendment.

**The Senate proceeded to Sect. 90, Part 1B, Statewide Revenue.**

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

**Ayes 29; Nays 13**

**AYES**

Alexander Anderson Campbell

Courson Cromer Elliott

Fair Ford Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Reese Scott Setzler

Sheheen Williams

**Total--29**

**NAYS**

Bright Bryant Campsen

Davis Gregory Grooms

*Martin, Shane* Massey McConnell

Rose Ryberg Thomas

Verdin

**Total--13**

Section 90, Part 1B was adopted.

**Motion Under Rule 15A Adopted**

At 3:32 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H. 3700.

**Parliamentary Inquiry**

Senator MALLOY made a Parliamentary Inquiry as to whether or not two hours had elapsed for debate on the Bill for the motion under Rule 15A to be in order.

The PRESIDENT stated that the Bill had been under debate for two hours and ten minutes and the motion was in order.

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

**Ayes 27; Nays 15; Abstain 1**

**AYES**

Alexander Anderson Campbell

Cleary Courson Cromer

Fair Ford Gregory

Hayes Jackson Land

Leatherman Leventis *Martin, Larry*

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Scott

Setzler Thomas Williams

**Total--27**

**NAYS**

Bright Bryant Campsen

Davis Elliott Grooms

Hutto Lourie Malloy

*Martin, Shane* Massey McConnell

Ryberg Sheheen Verdin

**Total--15**

**ABSTAIN**

Knotts

**Total--1**

Having received the necessary vote, the motion under Rule 15A was adopted.

**The Senate proceeded to Sect. 20, Part 1A and Part 1B, Department of Vocational Rehabilitation.**

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

**Ayes 39; Nays 3**

**AYES**

Alexander 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*

Matthews McConnell McGill

Nicholson O'Dell Peeler

Reese Rose Ryberg

Scott Setzler Sheheen

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright Bryant Massey

**Total--3**

Section 20, Part 1A and Part 1B was adopted.

**Parliamentary Inquiry**

Senator SHEHEEN made a Parliamentary Inquiry as to whether or not limited debate was provided on an amendment, but no debate was provided on the Bill.

The PRESIDENT stated that limited debate was provided on an amendment and no debate was provided on the Bill.

**Parliamentary Inquiry**

Senator MASSEY made a Parliamentary Inquiry as to whether or not there were any provisions in the Rules for debate on the sections.

The PRESIDENT stated that there were no provisions in the Rules for debate on the sections.

**The Senate proceeded to Sect. 21, Part 1A and Part 1B, Department of Health and Human Services.**

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

**Ayes 25; Nays 17**

**AYES**

Alexander Anderson Campbell

Coleman Elliott Ford

Gregory Hayes Hutto

Jackson Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Matthews McGill

Nicholson O'Dell Reese

Scott Setzler Sheheen

Williams

**Total--25**

**NAYS**

Bright Bryant Campsen

Cleary Courson Cromer

Davis Fair Grooms

Knotts *Martin, Shane* Massey

McConnell Peeler Rose

Ryberg Verdin

**Total--17**

Section 21, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 26, Part 1A and Part 1B, Department of Social Services.**

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

**Ayes 25; Nays 15**

**AYES**

Alexander Anderson Campbell

Coleman Elliott Fair

Ford Grooms Hayes

Jackson Land Leatherman

Lourie Malloy *Martin, Larry*

Massey McGill Nicholson

O'Dell Peeler Reese

Scott Setzler Sheheen

Williams

**Total--25**

**NAYS**

Bright Bryant Campsen

Cleary Courson Cromer

Davis Gregory Knotts

*Martin, Shane* McConnell Rose

Ryberg Thomas Verdin

**Total--15**

Section 26, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 30, Part 1A and Part 1B, Arts Commission.**

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

**Ayes 36; Nays 5**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Davis Elliott

Gregory Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Reese Rose Ryberg

Scott Setzler Sheheen

Thomas Verdin Williams

**Total--36**

**NAYS**

Bright Bryant Campsen

Fair Grooms

**Total--5**

**Statement by Senator SHANE MARTIN**

I voted in favor of this section of the budget due to my amendment that passed before 2nd reading.  My amendment forces the commission to spend 70% of its budget directly on children and programs and allows only 30% to be used for salaries.  Currently, the commission spends 77% on salaries and only 23% on children.  This is a step in the right direction in that it puts the money where it needs to be!

Section 30, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 31, Part 1A and Part 1B, State Museum.**

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

**Ayes 35; Nays 4**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Nicholson O'Dell

Peeler Reese Ryberg

Scott Sheheen Thomas

Verdin Williams

**Total--35**

**NAYS**

Bright Bryant *Martin, Shane*

Rose

**Total--4**

**Statement by Senators SHANE MARTIN and ROSE**

We voted against Section 31 of the budget (State Museum) because the total administrative costs increased while funding to exhibits, education, programs & events, etc. decreased.

Section 31, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 34, Part 1A and Part 1B, Department of Agriculture.**

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

**Ayes 41; Nays 2**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Thomas

Verdin Williams

**Total--41**

**NAYS**

Bright Bryant

**Total--2**

Section 34, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 39, Part 1A and Part 1B, Department of Parks, Recreation and Tourism.**

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

**Ayes 40; Nays 2**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Davis Elliott

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Thomas Verdin

Williams

**Total--40**

**NAYS**

Bright Bryant

**Total--2**

Section 39, Part 1A and Part 1B was adopted.

**The Senate proceeded to a consideration of Section 46, Part 1A and Part 1B, Prosecution Coordination Commission.**

Senator MALLOY moved to carry over Section 46.

Senator KNOTTS moved to table the motion to carry over Section 46.

The motion to table the motion to carry over Section 46 failed.

The question then was the adoption of Section 46, Part 1A and Part 1B.

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

**Ayes 34; Nays 6**

**AYES**

Alexander Anderson Campbell

Campsen Coleman Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Jackson Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Sheheen Thomas Verdin

Williams

**Total--34**

**NAYS**

Bright Bryant Courson

Cromer Knotts Lourie

**Total--6**

Section 46, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 47, Part 1A and Part 1B, Commission on Indigent Defense.**

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

**Ayes 30; Nays 4; Abstain 7**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Elliott Fair

Gregory Grooms Jackson

Leatherman Leventis Lourie

*Martin, Larry* Matthews McConnell

McGill Nicholson O'Dell

Peeler Reese Rose

Ryberg Scott Setzler

Thomas Verdin Williams

**Total--30**

**NAYS**

Bright Bryant Cromer

*Martin, Shane*

**Total--4**

**ABSTAIN**

Davis Hayes Land

Malloy Massey Rankin

Sheheen

**Total--7**

Section 47, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 44, Part 1A and Part 1B, Judicial Department.**

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

**Ayes 38; Nays 3**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Elliott

Fair Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Thomas

Verdin Williams

**Total--38**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

Section 44, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 48, Part 1A and Part 1B, State Law Enforcement Division.**

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

**Ayes 39; Nays 2**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright Bryant

**Total--2**

Section 48, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 64, Part 1A and Part 1B, Department of Consumer Affairs.**

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

**Ayes 34; Nays 7**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Elliott

Fair Ford Gregory

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie *Martin, Larry*

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Thomas

Verdin

**Total--34**

**NAYS**

Bright Bryant Davis

Grooms *Martin, Shane* Massey

McConnell

**Total--7**

Section 64, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 68A-D, Part 1A and Part 1B, Department of Transportation.**

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

**Ayes 39; Nays 2; Abstain 1**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Elliott

Fair Ford Gregory

Grooms Hayes Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright Bryant

**Total--2**

**ABSTAIN**

Davis

**Total--1**

Section 68, Part 1A and Part 1B was adopted.

**Motion Under Rule 26B Adopted**

Senator ROSE moved under the provisions of Rule 26B to take up Amendment No. 202 on third reading.

Senator ROSE explained the amendment.

Amendment No. 202 was taken up for immediate consideration.

**Amendment No. 202**

Senator ROSE proposed the following amendment (3700R124.MTR.DOCX), which was adopted (#69):

Amend the bill, as and if amended, Part IB, Section 70, LEGISLATIVE DEPARTMENT, page 458, after line 31, by adding an appropriately numbered new proviso to read:

*/ 70.\_\_\_. (LEG: Exemptions Repeal Committee) There is created the Exemptions Repeal Committee, a joint committee of the Senate and the House of Representatives. The committee shall be composed of eight members as follows: the Chairman of the Senate Finance Committee and three members of the Senate appointed by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee and three members of the House appointed by the Chairman of the House Ways and Means Committee. By August 15, 2011, the Office of Economic Research, Budget and Control Board shall divide all sales tax exemptions contained in Section 12‑36‑2120 into five groups. The Office of Economic Research shall allocate the exemptions into groups so as to maximize diversity among the groups in terms of items and to have a similar revenue impact on the State.*

*Upon conclusion, the Office of Economic Research, Budget and Control Board shall report the groups to the Exemptions Repeal Committee, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. Following the report of the groups, the Exemptions Repeal Committee shall hold public hearings on the contents of the first group. The committee shall accept testimony and written justification from any person seeking to have all or part of the exemptions removed from the group.*

*After public evaluation, the committee may recommend that all or part of a group be excluded from repeal. The committee shall submit its recommendations to the General Assembly by January 1, 2012.* / Renumber sections to conform.

Amend sections, totals and title to conform.

The amendment was adopted.

**The Senate proceeded to Sect. 70A-F, Part 1A and Part 1B, Legislative Agencies.**

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

**Ayes 43; Nays 2**

**AYES**

Alexander Anderson 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 Thomas Verdin

Williams

**Total--43**

**NAYS**

Bright Bryant

**Total--2**

Section 70A-F, Part 1A and Part 1B was adopted.

**Motion Under Rule 26B Failed**

Senator HUTTO moved under the provisions of Rule 26B to take up Amendment No. 180 on third reading.

Senator HUTTO 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.

The PRESIDENT overruled the Point of Order.

Senator HUTTO resumed explaining the amendment.

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

**Ayes 18; Nays 23**

**AYES**

Bright Bryant Davis

Elliott Ford Grooms

Hutto Knotts Leventis

Lourie Malloy *Martin, Shane*

Pinckney Rankin Reese

Scott Sheheen Verdin

**Total--18**

**NAYS**

Alexander Campbell Campsen

Cleary Coleman Courson

Cromer Fair Gregory

Hayes Jackson *Martin, Larry*

Massey McConnell McGill

Nicholson O'Dell Peeler

Rose Ryberg Setzler

Thomas Williams

**Total--23**

Having failed to receive the necessary vote, the motion under Rule 26B failed and the amendment was not considered.

**The Senate proceeded to Sect. 72A-C, Part 1A and Part 1B, Governor’s Office.**

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

**Ayes 38; Nays 4**

**AYES**

Alexander Campbell Campsen

Coleman Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Thomas

Verdin Williams

**Total--38**

**NAYS**

Bright Bryant Leventis

Sheheen

**Total--4**

Section 72A-C, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 75, Part 1A and Part 1B, Comptroller General’s Office.**

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

**Ayes 39; Nays 3**

**AYES**

Alexander Campbell Campsen

Coleman Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

Section 75, Part 1A and Part 1B was adopted.

**RECESS**

At 5:11 P.M., on motion of Senator MALLOY, the Senate receded from business subject to the Call of the Chair.

At 5:58 P.M., the Senate resumed.

**The Senate proceeded to Sect. 77, Part 1A and Part 1B, Retirement System Investment Commission.**

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

**Ayes 34; Nays 3**

**AYES**

Alexander Campbell Coleman

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Ryberg Scott

Setzler Thomas Verdin

Williams

**Total--34**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

Section 77, Part 1A and Part 1B was adopted.

**Statement by Senator ROSE**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of the adoption of Section 77, Part 1A and Part 1B.

**The Senate proceeded to Sect. 79, Part 1A and Part 1B, Election Commission.**

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

**Ayes 32; Nays 3**

**AYES**

Alexander Campbell Coleman

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Knotts

Land Leatherman Leventis

Lourie *Martin, Larry* Massey

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Ryberg

Scott Setzler Thomas

Verdin Williams

**Total--32**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

Section 79, Part 1A and Part 1B was adopted.

**Statement by Senator ROSE**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of the adoption of Section 79, Part 1A and Part 1B.

**Motion Under Rule 26B Adopted**

Senator SHEHEEN moved under the provisions of Rule 26B to take up Amendment No. 161 on third reading.

Senator SHEHEEN explained the amendment.

Amendment No. 161 was taken up for immediate consideration.

**Amendment No. 161**

Senators SHEHEEN, McCONNELL, SHOOPMAN, MALLOY, MASSEY, KNOTTS, DAVIS and BRIGHT proposed the following amendment (3700R105.VAS.DOCX), which was adopted (#70):

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:

*/ 80.A.\_\_\_. (BCB: Agency Deficit Prohibition) All provisions of law permitting an agency deficit to be recognized are suspended. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment.

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

**Ayes 35; Nays 2**

**AYES**

Alexander Bright Bryant

Campbell Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Knotts Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Rankin Reese Ryberg

Setzler Sheheen Thomas

Verdin Williams

**Total--35**

**NAYS**

Land Leatherman

**Total--2**

The amendment was adopted.

**OBJECTION**

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.

Senator LEATHERMAN asked unanimous consent to make a motion to recall the Bill from the Committee on Finance.

Senator RYBERG objected.

**Motion Under Rule 26B Failed**

Senator HUTTO moved under the provisions of Rule 26B to take up Amendment No. 190 on third reading.

Having failed to receive the necessary vote, the motion under Rule 26B failed and the amendment was not considered.

**Motion Under Rule 26B Failed**

Senator BRIGHT moved under the provisions of Rule 26B to take up Amendment No. 219 on third reading.

Senator BRIGHT explained the amendment.

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

**Ayes 16; Nays 22**

**AYES**

Alexander Bright Bryant

Cromer Davis Fair

Grooms Hayes *Martin, Shane*

Massey McGill O'Dell

Reese Thomas Verdin

Williams

**Total--16**

**NAYS**

Campbell Coleman Courson

Elliott Ford Gregory

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* McConnell

Nicholson Peeler Rankin

Ryberg Scott Setzler

Sheheen

**Total--22**

Having failed to receive the necessary vote, the motion under Rule 26B failed and the amendment was not considered.

**The Senate proceeded to Sect. 80A-D, Part 1A and Part 1B, Budget and Control Board.**

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

**Ayes 24; Nays 13**

**AYES**

Alexander Campbell Coleman

Courson Elliott Fair

Ford Hayes Hutto

Knotts Land Leatherman

Leventis Lourie *Martin, Larry*

McGill Nicholson O'Dell

Rankin Reese Ryberg

Scott Setzler Williams

**Total--24**

**NAYS**

Bright Bryant Cromer

Davis Gregory Grooms

*Martin, Shane* Massey McConnell

Peeler Sheheen Thomas

Verdin

**Total--13**

Section 80A-D, Part 1A and Part 1B was adopted.

**Statement by Senator ROSE**

Having been out of the Chamber at the time the vote was taken, I would have voted against the adoption of Section 80A-D, Part 1A and Part 1B.

**Motion Under Rule 26B Failed**

Senator KNOTTS moved under the provisions of Rule 26B to take up Amendment No. 207 on third reading.

Senator KNOTTS explained the amendment.

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

**Ayes 17; Nays 18**

**AYES**

Bright Campbell Courson

Cromer Davis Elliott

Grooms Hutto Knotts

Lourie *Martin, Shane* Reese

Ryberg Scott Setzler

Sheheen Verdin

**Total--17**

**NAYS**

Alexander Bryant Fair

Gregory Hayes Land

Leatherman Leventis *Martin, Larry*

Massey McGill Nicholson

O'Dell Peeler Pinckney

Rankin Thomas Williams

**Total--18**

Having failed to receive the necessary vote, the motion under Rule 26B failed and the amendment was not considered.

**Motion Under Rule 26B Adopted**

Senator GROOMS moved under the provisions of Rule 26B to take up Amendment No. 215A on third reading.

Senator GROOMS explained the amendment.

Amendment No. 215A was taken up for immediate consideration.

**Amendment No. 215A**

Senator GROOMS proposed the following amendment (3700R136.LKG.DOCX), which was adopted (#71):

Amend the bill, as and if amended, Part IB, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 486, after line 23, by adding an appropriately numbered new proviso to read:

*/ 86.\_\_\_. (AS-TREAS: Lawsuits) A political subdivision receiving aid from the Local Government Fund that files a lawsuit in federal court against the State, a state agency, department, institution, or other entity, a state officer, or another political subdivision must remit to the State Treasurer an amount equivalent to each distribution the political subdivision receives from the Local Government Aid to Subdivisions within ten days of receiving a distribution.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

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

**Ayes 26; Nays 11**

**AYES**

Alexander Bright Bryant

Campbell Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Knotts Leatherman *Martin, Larry*

*Martin, Shane* Massey McGill

O'Dell Peeler Rankin

Reese Ryberg Setzler

Thomas Williams

**Total--26**

**NAYS**

Ford Hutto Land

Leventis Lourie Malloy

McConnell Nicholson Pinckney

Scott Sheheen

**Total--11**

The amendment was adopted.

**Statement by Senator ROSE**

Having been out of the Chamber at the time the vote was taken, I would have voted against the adoption of Amendment No. 215A.

**Statement by Senator CAMPSEN**

When Amendment No. 215A  to the General Appropriations Bill was voted upon, I had leave to deal with an important matter out of the Chamber that the President *Pro Tempore* had asked me to address.  Were I not on leave, I would have voted against the amendment.  I oppose the amendment because it punishes North Charleston for attempting to preserve the quality of life of its citizens by asserting its legal and contractual rights regarding the proposed North Charleston Port Facility.

I have consistently fought for North Charleston’s contractual rights to be honored in the Memorandum of Understanding it entered into with the Ports Authority, and will continue to do so.

At 6:59 P.M., Senator BRYANT moved that the Senate stand adjourned.

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

**Ayes 8; Nays 29**

**AYES**

Bright Bryant Coleman

Ford Malloy Pinckney

Ryberg Sheheen

**Total--8**

**NAYS**

Alexander Campbell Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hayes Knotts Land

Leatherman Leventis Lourie

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Thomas Williams

**Total--29**

The Senate refused to adjourn.

**Statement by Senator ROSE**

Having been out of the Chamber at the time the vote was taken, I would have voted against the motion to adjourn.

**The Senate proceeded to Sect. 86 and 86A, Part 1A and Part 1B, Aid to Subdivisions-State Treasurer.**

The question then was the adoption of Section 86 and 86A, Part 1A and Part 1B.

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

**Ayes 25; Nays 12**

**AYES**

Alexander Campbell Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hayes Hutto Knotts

Leatherman Lourie *Martin, Larry*

McGill Nicholson O'Dell

Peeler Rankin Reese

Ryberg Setzler Thomas

Williams

**Total--25**

**NAYS**

Bright Bryant Ford

Land Leventis Malloy

*Martin, Shane* Massey McConnell

Pinckney Scott Sheheen

**Total--12**

Section 86 and Section 86A, Part 1A and Part 1B was adopted.

**The Senate proceeded to Sect. 87, Part 1A, Recapitulation.**

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

**Ayes 23; Nays 11**

**AYES**

Alexander Campbell Courson

Cromer Elliott Fair

Gregory Hayes Hutto

Land Leatherman Leventis

Lourie *Martin, Larry* McGill

Nicholson O'Dell Rankin

Reese Scott Setzler

Thomas Williams

**Total--23**

**NAYS**

Bright Bryant Davis

Grooms Knotts Malloy

*Martin, Shane* Massey McConnell

Peeler Sheheen

**Total--11**

Section 87, Part 1A was adopted.

**Statement by Senator McCONNELL**

I voted “no” on Section 87 because it is meaningless and should not be included in the section-by-section voting on the budget.

**Statement by Senator ROSE**

Having been out of the Chamber at the time the vote was taken, I would have voted against the adoption of Section 87, Part 1A.

**The Senate proceeded to Sect. 88, Part 1A, Revenue.**

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

**Ayes 26; Nays 11**

**AYES**

Alexander Campbell Courson

Cromer Elliott Fair

Gregory Hayes Hutto

Land Leatherman Leventis

Lourie *Martin, Larry* McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Setzler Thomas

Verdin Williams

**Total--26**

**NAYS**

Bright Bryant Davis

Grooms Knotts Malloy

*Martin, Shane* Massey McConnell

Ryberg Sheheen

**Total--11**

Section 88, Part 1A was adopted.

**Statement by Senator McCONNELL**

I voted “no” on Section 88 because it is meaningless and should not be included in the section-by-section voting on the budget.

**Statement by Senator ROSE**

Having been out of the Chamber at the time the vote was taken, I would have voted against the adoption of Section 88, Part 1A.

**The Senate proceeded to Sect. 89, Part 1B, General Provisions.**

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

**Ayes 29; Nays 8**

**AYES**

Alexander Campbell Courson

Cromer Elliott Fair

Gregory Hayes Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Sheheen Thomas

Verdin Williams

**Total--29**

**NAYS**

Bright Bryant Davis

Grooms *Martin, Shane* Massey

McConnell Ryberg

**Total--8**

Section 89, Part 1B was adopted.

**Statement by Senator ROSE**

Having been out of the Chamber at the time the vote was taken, I would have voted against the adoption of Section 89, Part 1B.

**Objection**

Senator LEATHERMAN asked unanimous consent to make a motion that necessary technical and balancing amendments be delivered and certified by the Clerk and to be adopted upon his certification for inclusion in the Bill.

Senator BRIGHT objected.

The question then was the third reading of the Bill.

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

**Ayes 23; Nays 16**

**AYES**

Alexander Campbell Courson

Cromer Elliott Fair

Hayes Knotts Land

Leatherman Leventis Lourie

*Martin, Larry* McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Williams

**Total--23**

**NAYS**

Bright Bryant Campsen

Davis Gregory Grooms

Hutto Malloy *Martin, Shane*

Massey McConnell Rose

Ryberg Sheheen Thomas

Verdin

**Total--16**

The Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**Statement by Senator RYBERG**

I voted against the 2011-2012 Appropriations Bill. The Bill fails to prioritize spending on the core functions of government. The debate on this Bill, moreover, saw efforts to slow the exponential growth of certain funding, such as that at DHHS, turned away.

I cannot support a return to runaway spending that marked the budgeting process prior to the recession. The fact that the General Assembly spent every single dime that came in the door (including the one-time federal money) and failed to create adequate reserves should have been a lesson. I will not support a repeat of that history.

The 2011-2012 Appropriations Bill once again fails to recognize the massive unfunded liability of more than $13 billion in the South Carolina Retirement System. The Senate refused even the simple step of closing for just one year the TERI program to new entrants. The 2011-2012 Appropriations Bill ignores the most important fiscal issue facing South Carolina, and I cannot support it.

**Statement by Senators JACKSON and MATTHEWS**

We were outside the Chamber when the vote on third reading of the Appropriations Bill was taken. Had we been present, we would have voted in favor of third reading of the Bill.

**Statement by Senator COLEMAN**

I was not present for the vote on the third reading of the Appropriations Bill as I was outside the Chamber attending to a constituent issue. Had I been present, I would have voted in favor of third reading of the Bill.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Beaufort County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Beth Gilleland-Prince, Post Office Box 840, Bluffton, SC 29910

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Keith Allen Sherlin, 1305 North Blackstock Road, Landrum, SC 29356 *VICE* Doug Caton

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Goldie Wheeler Moore, 91, of Andrews, S.C. She was the beloved wife of John Decatur “Pete” Moore, who had predeceased her, and the devoted mother of six sons, three daughters, 27 grandchildren, 51 great-grandchildren and one great-great grandchild. One of her sons had also predeceased her.

and

**MOTION ADOPTED**

On motion of Senators O’DELL and VERDIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Austin Timothy Wells, 19, of Ware Shoals, who was killed in a tragic motorcycle accident. He was a beloved son and brother and was currently serving in the S.C. National Guard and employed by Wells Construction.

and

**MOTION ADOPTED**

On motion of Senators O’DELL and NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Marion Avery Carnell, 21, of Ware Shoals, S.C., who was killed in a tragic motorcycle accident. He was a beloved son and brother and was on a full scholarship at Lander University and was to have started as a junior at Clemson University in the fall in a dual engineering program.

**ADJOURNMENT**

At 7:21 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*