**Tuesday, February 14, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Our Lord and Savior declared:

“ ‘This is my command: Love each other.’ ” (John 15:17)

Let us pray:

On this Valentine’s Day, 2012, Holy God, we are bombarded by admonitions “to love.” Merchandisers and restaurants make much of the theme at this time every year. O Lord, we pray, however, that You will move this body itself far beyond the superficial and the commercial elements of this day. Bring each leader here in this Senate and every staff member to focus on Your Scriptural command that we are to love: to love the people of this State, to care for them, and to work unfailingly on their behalf, thereby bringing honor to South Carolina and You. In Your loving name we pray this, Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Initial Appointment, Medical Disciplinary Commission of the State Board of Medical Examiners, with the term to commence July 1, 2011, and to expire July 1, 2014

3rd Congressional District:

Kenneth C. Walker, 110 Streater Lane, Anderson, SC 29625

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2010, and to expire August 15, 2014

At-Large:

Robert E. Thomas, 166 Cassena Circle, Bamberg, SC 29003 *VICE* Mary Thomas (resigned)

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2010, and to expire August 15, 2014

At-Large/Chairman:

Christopher N. Union, 788 Clearview Dr., Charleston, SC 29412 *VICE* T. Scott Smith (resigned)

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Ports Authority, with the term to commence February 13, 2012, and to expire February 13, 2017

At-Large:

Robert Michael Sisk, 718 Charter Lane, Lexington, SC 29072 *VICE* Karen Floyd

Referred to the Committee on Transportation.

**Local Appointment**

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Amanda M. Leviner, 130 East Edgefield Drive, Summerville, SC 29483

**REGULATIONS RECEIVED**

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

Document No. 4261

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-29-100, and 20 U.S.C. 6301 et seq.

SUBJECT: Graduation Requirements

Received by Lieutenant Governor February 13, 2012

Referred to Education Committee

Legislative Review Expiration January 12, 2013

Document No. 4258

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-110, 59-29-10 et seq., 59-29-200, 59-33-30, 59-53-1810, 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq.

SUBJECT: Defined Program, Grades 9-12

Received by Lieutenant Governor February 14, 2012

Referred to Education Committee

Legislative Review Expiration January 13, 2013

**Doctor of the Day**

Senator FORD introduced Dr. William D. Anderson of Columbia, S.C., Doctor of the Day, along with Dr. Tolu Adeyemo (Resident) and Melanie Ciemonz (4th year medical student).

**Leave of Absence**

At 12:05 P.M., Senator COURSON requested a leave of absence beginning at 8:00 P.M. this evening and lasting until 10:00 A.M. in the morning.

**Leave of Absence**

On motion of Senator CAMPBELL, at 12:05 P.M., Senator CAMPSEN was granted a leave of absence until 1:30 P.M.

**Leave of Absence**

At 3:46 P.M., Senator BRYANT requested a leave of absence beginning at 4:00 P.M. until 4:30 P.M.

**Leave of Absence**

At 4:47 P.M., Senator FORD requested a leave of absence at 5:00 P.M. until tomorrow.

**Expression of Personal Interest**

Senator ALEXANDER rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 102 Sen. Verdin

S. 833 Sens. Malloy, Setzler

S. 862 Sens. Fair, Cromer

**CO-SPONSORS REMOVED**

The following co-sponsor was removed as a co-sponsor of the respective Bill:

S. 702 Sen. McConnell

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1209 -- Senator Coleman: A SENATE RESOLUTION TO CONGRATULATE MR. AND MRS. ROBERT DAVIS OF FAIRFIELD COUNTY, UPON THE OCCASION OF THEIR SEVENTY-FIRST WEDDING ANNIVERSARY, AND TO EXTEND BEST WISHES FOR MANY MORE YEARS OF BLESSING AND FULFILLMENT.

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The Senate Resolution was adopted.

S. 1210 -- Senators Hayes and Land: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 60-15-100 AND 60-15-110 SO AS TO PROVIDE AN ANNUAL TRANSFER TO THE SOUTH CAROLINA ARTS COMMISSION OF AN AMOUNT EQUAL TO FIFTEEN PERCENT OF THE GENERAL FUND PORTION OF STATE ADMISSIONS TAX REVENUES IN THE PREVIOUS YEAR AFTER OTHER TRANSFERS REQUIRED FROM THE REVENUE AND TO REQUIRE THE COMMISSION TO EXPEND AT LEAST SEVENTY PERCENT OF ITS STATE APPROPRIATED FUNDS ON GRANTS FOR CHILDREN'S AND COMMUNITY PROGRAMS.

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

S. 1211 -- Senator Alexander: A BILL TO AMEND SECTION 43-31-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE STATE AGENCY OF VOCATIONAL REHABILITATION, SO AS TO INCLUDE IN THE AGENCY'S MEMBERSHIP THE APPOINTMENT OF A MEMBER TO REPRESENT THE SEVENTH CONGRESSIONAL DISTRICT, TO ELIMINATE THE AT-LARGE AGENCY MEMBER, AND TO FURTHER PROVIDE FOR THE AGENCY'S TRANSITION FROM SIX TO SEVEN CONGRESSIONAL DISTRICT MEMBERS.

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Read the first time and referred to the General Committee.

S. 1212 -- Senator Alexander: A BILL TO AMEND SECTION 43-25-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION AND MEMBERSHIP OF THE COMMISSION OF THE BLIND, SO AS TO INCLUDE IN THE COMMISSION’S MEMBERSHIP THE APPOINTMENT OF A MEMBER TO REPRESENT THE SEVENTH CONGRESSIONAL DISTRICT, TO ELIMINATE THE STATE AT-LARGE COMMISSION MEMBER, AND TO FURTHER PROVIDE FOR THE COMMISSION’S TRANSITION FROM SIX TO SEVEN CONGRESSIONAL DISTRICT MEMBERS.

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Read the first time and referred to the General Committee.

S. 1213 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 2 SO AS TO ESTABLISH THE STATE OF SOUTH CAROLINA MEDAL OF VALOR TO RECOGNIZE SOUTH CAROLINIANS, OR INDIVIDUALS WITH CERTAIN TIES TO SOUTH CAROLINA, WHO WERE KILLED IN ACTION WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES OF AMERICA; TO PROVIDE FOR THE SOUTH CAROLINA MEDAL OF VALOR ROLL; AND TO ESTABLISH THE SOUTH CAROLINA MEDAL OF VALOR AWARD CRITERIA.

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Read the first time and referred to the General Committee.

S. 1214 -- Senators Jackson and Ford: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE LEGACY OF DENMARK VESEY, AN AFRICAN AMERICAN FREEDOM FIGHTER WHO LIVED FROM 1767-1822, WHO RISKED HIS OWN PRECIOUS FREEDOM AND MADE THE ULTIMATE SACRIFICE IN THE FIGHT AGAINST SLAVERY FOR OTHERS TO BE FREE.

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The Senate Resolution was adopted.

S. 1215 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE THE BLACK HISTORY TELECONFERENCE, UPON THE OCCASION OF ITS TWENTY-FIFTH ANNIVERSARY, AND TO RECOGNIZE AND HONOR DR. MARIANNA WHITE DAVIS FOR HER VISION IN DEVELOPING THIS OUTSTANDING PROGRAM AND FOR HER TWENTY-FIVE YEARS OF DEDICATED SERVICE AS THE PROGRAM'S EXECUTIVE PRODUCER.

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The Senate Resolution was adopted.

S. 1216 -- Senators Scott, Williams, Anderson, Alexander, Ford, Matthews, McConnell, Jackson, Nicholson, Massey, Coleman, Knotts, Hutto, Cleary, Rose and Gregory: A CONCURRENT RESOLUTION TO AFFIRM SOUTH CAROLINA’S DEDICATION TO THE FUTURE SUCCESS OF ITS YOUNG PEOPLE AND TO THE PREVENTION OF TEEN PREGNANCY AND TO DECLARE MAY 2012 AS TEEN PREGNANCY PREVENTION MONTH IN THE PALMETTO STATE.

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

S. 1217 -- Senator Hutto: A BILL TO AMEND SECTION 7-7-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN ALLENDALE COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

**REPORTS OF STANDING COMMITTEES**

**Appointment Reported**

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2011, and to expire June 30, 2015

South Carolina Bankers Association:

Jim B. Apple, 1109 Enclave Way, Columbia, SC 29223 *VICE* H. Blake Gibbons, Jr.

Received as information.

**Appointment Reported**

Senator THOMAS from the Committee on Banking and Insurance submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence July 1, 2010, and to expire July 1, 2014

South Carolina Bankers Association:

Fleetwood S. Hassell, 30 New Street, Charleston, SC 29401 *VICE* Barry Slider

Received as information.

**Appointment Reported**

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

**Statewide Appointment**

Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2011, and to expire March 20, 2015

Esthetician:

Janice Curtis, 1500 Brentwood Way, Simpsonville, SC 29680 *VICE* Roseanne Kinley

Received as information.

**Appointment Reported**

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

**Statewide Appointment**

Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2011, and to expire March 20, 2015

Cosmetologist:

Cynthia T. Rodgers, 2731 Avalon Lane, Lancaster, SC 29720

Received as information.

**Appointment Reported**

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

**Statewide Appointment**

Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence September 1, 2010, and to expire September 1, 2014

Public:

Stephanie A. Nye, 2452 Hollingshed Road, Irmo, SC 29063 *VICE* Delores Gilmer

Received as information.

**Appointment Reported**

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

**Statewide Appointment**

Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2010, and to expire May 31, 2013

Broker:

Annie R. King, 3901 S. Breck Ridge Circle, Florence, SC 29505

Received as information.

**Appointment Reported**

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

**Statewide Appointment**

Initial Appointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2010, and to expire May 31, 2013

Appraiser:

George E. Knight, Jr., 4013 Kenilworth Road, Columbia, SC 29205 *VICE* Terrence O’Brien

Received as information.

**Appointment Reported**

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

**Statewide Appointment**

Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2012, and to expire May 31, 2015

Appraiser:

Michael B. Dodds, 433 Press Lindler Road, Columbia, SC 29212

Received as information.

**Appointment Reported**

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

**Statewide Appointment**

Initial Appointment, Director of Department of Health and Environmental Control.

Catherine B. Templeton, 34 Saturday Rd., Mt. Pleasant, SC 29464

Received as information.

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

**THIRD READING BILLS**

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

S. 1025 -- Senators Campsen and Scott: A BILL TO AMEND SECTION 5-15-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONVENING OF COUNTY COMMISSIONERS AS COUNTY BOARDS OF CANVASSERS, SO AS TO CHANGE THE DEADLINE FOR CERTIFYING RESULTS FROM ONE DAY TO TWO DAYS; TO AMEND SECTION 7‑17‑10, RELATING TO THE COUNTY BOARD OF CANVASSERS, SO AS TO CHANGE THE MEETING DATE FROM FRIDAY TO MONDAY; TO AMEND SECTION 7‑17‑20, RELATING TO THE CANVASS OF VOTES, SO AS TO CHANGE THE DEADLINE FROM SATURDAY TO TUESDAY; TO ADD SECTION 7‑17‑25, SO AS TO REQUIRE POST‑ELECTION AUDITS TO BE CONDUCTED BY COUNTY ELECTION COMMISSIONS FOR ALL ELECTIONS PURSUANT TO REGULATIONS PROMULGATED BY THE STATE ELECTION COMMISSION; AND TO AMEND SECTION 7-17-510, RELATING TO THE CONVENING OF COUNTY COMMISSIONERS AS COUNTY BOARDS OF CANVASSERS, SO AS TO CHANGE THE DEADLINE FROM SATURDAY TO TUESDAY.

S. 1200 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO AT-RISK STUDENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4208, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1201 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO END-OF-COURSE TESTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4200, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**READ THE SECOND TIME**

S. 833 -- Senators Jackson, Courson, Lourie, Knotts, Anderson, Sheheen, Scott, Hayes, Ford, Nicholson, Leventis, Rose, Setzler and Malloy: A BILL TO AMEND SECTION 59‑112‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO PROVIDE THAT ACTIVE DUTY MILITARY PERSONNEL MAY BE CHARGED LESS THAN THE UNDERGRADUATE TUITION RATE FOR SOUTH CAROLINA RESIDENTS FOR CERTAIN COURSES.

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

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hayes Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McConnell McGill Nicholson

O'Dell Peeler Rose

Ryberg Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4434 -- Reps. White, Gambrell and Thayer: A BILL TO AMEND ACT 794 OF 1966, AS AMENDED, RELATING TO THE PENDLETON DISTRICT HISTORICAL AND RECREATIONAL COMMISSION OF ANDERSON, OCONEE, AND PICKENS COUNTIES, SO AS TO PROVIDE THAT EFFECTIVE MARCH 1, 2012, THE NAME OF THE PENDLETON DISTRICT AGRICULTURAL MUSEUM MUST BE THE “BART GARRISON AGRICULTURAL MUSEUM OF SOUTH CAROLINA”.

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

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

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hayes 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 Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER AS AMENDED**

S. 1001 -- Senators L. Martin, Campsen and Rose: A BILL TO AMEND CHAPTER 17, TITLE 59 OF THE 1976 CODE, RELATING TO SCHOOL DISTRICTS, TO PROVIDE FOR THE EQUAL ACCESS TO INTERSCHOLASTIC ACTIVITIES FOR MILITARY CHILDREN ACT, BY ADDING SECTION 59‑17‑160, TO PROVIDE THAT A CHILD OF A MEMBER OF THE ARMED FORCES ATTENDING SCHOOL IN A SCHOOL DISTRICT WHO LIVES WITH A RESIDENT OF THE DISTRICT OTHER THAN THE CHILD’S PARENT IS ENTITLED TO PARTICIPATE IN ALL INTERSCHOLASTIC ACTIVITIES OFFERED BY THE CHILD’S SCHOOL.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Education.

The Committee on Education proposed the following amendment (1001R001.JEC), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 37 and inserting:

/ court order, or written military family care plan is entitled to participate in /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

On motion of Senators SHOOPMAN and MALLOY, the Bill was carried over, as amended.

**ADOPTED**

S. 1166 -- Senator Verdin: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA’S FFA MEMBERS (FUTURE FARMERS OF AMERICA) AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 18‑25, 2012.

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

**CARRIED OVER**

S. 1031 -- Senators Lourie, L. Martin, Elliott, Setzler and Alexander: A BILL TO AMEND SECTION 56‑5‑5660(E)(1) OF THE 1976 CODE, RELATING TO THE APPLICATION FOR AND ISSUANCE OF DISPOSAL AUTHORITY CERTIFICATES, TO INCREASE THE AGE OF A VEHICLE THAT MAY BE DISPOSED OF BY A DEMOLISHER WITHOUT A CERTIFICATE OF TITLE OR OTHER NOTICE REQUIREMENTS FROM EIGHT TO FIFTEEN YEARS; TO AMEND SECTION 56‑5‑5670(A), RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING A VEHICLE ABANDONED ON A HIGHWAY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH A VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, A DISPOSAL AUTHORITY CERTIFICATE, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION; TO AMEND SECTION 56‑5‑5670(D), RELATING TO PENALTIES FOR DEMOLISHERS THAT BREACH DUTIES ESTABLISHED IN THIS SECTION, TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56‑5‑5670; TO AMEND ARTICLE 39, CHAPTER 5, TITLE 56, RELATING TO THE DISPOSITION OF ABANDONED MOTOR VEHICLES ON HIGHWAYS, BY ADDING SECTION 56‑5‑5680 TO PROVIDE FOR AN AFFIDAVIT OF LAWFUL POSSESSION THAT A DEMOLISHER MAY ACCEPT IN LIEU OF A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, OR A DISPOSAL AUTHORITY CERTIFICATE, TO PROVIDE FOR THE CONTENTS OF THE AFFIDAVIT, TO PROVIDE THAT IT IS A FELONY TO KNOWINGLY PROVIDE FALSE INFORMATION IN THE AFFIDAVIT, TO REQUIRE A DEMOLISHER ACCEPTING AN AFFIDAVIT TO TRANSMIT THE INFORMATION CONTAINED IN THE AFFIDAVIT TO THE DEPARTMENT OF MOTOR VEHICLES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO REPORT THE INFORMATION TRANSMITTED BY THE DEMOLISHER TO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM, AND TO PRESCRIBE THE APPROPRIATE USES OF THE INFORMATION; TO AMEND SECTION 56‑5‑5945, RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING AN ABANDONED OR DERELICT MOTOR VEHICLE FOUND ON PRIVATE PROPERTY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH AN ABANDONED VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, A SALES RECEIPT ISSUED PURSUANT TO SECTION 56‑5‑5850, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION, AND TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56‑5‑5945; AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A MECHANISM FOR THE ELECTRONIC TRANSMISSION OF THE INFORMATION REQUIRED UNDER THIS ACT AT NO CHARGE TO THE DEMOLISHER SUBMITTING THE INFORMATION.

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

**CARRIED OVER**

S. 1199 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ADULT EDUCATION PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4199, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator McCONNELL spoke on the Joint Resolution.

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

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

**MOTION ADOPTED**

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

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**NONCONCURRENCE**

H. 3506 -- Reps. Loftis, Allison, J.R. Smith, White, Bowen, Ott, Cobb‑Hunter, Pitts and Henderson: A BILL TO AMEND SECTION 12‑6‑3360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO REVISE THE DEFINITION OF A “TECHNOLOGY INTENSIVE FACILITY”; TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO THE TAX CREDIT FOR INFRASTRUCTURE IMPROVEMENTS FOR WATER, WASTEWATER, HYDROGEN FUEL, SEWER, GAS, STEAM, ELECTRIC ENERGY, AND COMMUNICATION SERVICES, SO AS TO INCLUDE CERTAIN SITE PREPARATION COSTS WITHIN THE DEFINITION OF INFRASTRUCTURE IMPROVEMENTS WHICH GIVE RISE TO THE CREDIT; AND TO AMEND SECTION 12‑44‑30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO REVISE THE DEFINITION OF “TERMINATION DATE”.

The House returned the Bill with amendments.

Senator LEATHERMAN explained the amendments.

The question then was concurrence in the House amendments.

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

**Ayes 37; Nays 2**

**AYES**

Alexander Anderson Bright

Cleary Coleman Courson

Cromer Davis Fair

Gregory Grooms Hayes

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bryant *Martin, Shane*

**Total--2**

On motion of Senator LEATHERMAN, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**AMENDED, DEBATE INTERRUPTED**

H. 3066 -- Reps. G.R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G.M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D.C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE “SOUTH CAROLINA RESTRUCTURING ACT OF 2011” INCLUDING PROVISIONS TO AMEND SECTION 1‑30‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1‑30‑125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1‑11‑20, AS AMENDED, 1‑11‑22, 1‑11‑55, 1‑11‑56, 1‑11‑58, 1‑11‑65, 1‑11‑67, 1‑11‑70, 1‑11‑80, 1‑11‑90, 1‑11‑100, 1‑11‑110, 1‑11‑180, 1‑11‑220, 1‑11‑225, 1‑11‑250, 1‑11‑260, 1‑11‑270, 1‑11‑280, 1‑11‑290, 1‑11‑300, 1‑11‑310, AS AMENDED, 1‑11‑315, 1‑11‑320, 1‑11‑335, 1‑11‑340, 1‑11‑435, 2‑13‑240, CHAPTER 9, TITLE 3; 10‑1‑10, 10‑1‑30, AS AMENDED, 10‑1‑40, 10‑1‑130, 10‑1‑190, CHAPTER 9, TITLE 10, 10‑11‑50, AS AMENDED, 10‑11‑90, 10‑11‑110, 10‑11‑140, 10‑11‑330; 11‑9‑610, 11‑9‑620, 11‑9‑630, 11‑35‑3810, AS AMENDED, 11‑35‑3820, AS AMENDED, 11‑35‑3830, AS AMENDED, 11‑35‑3840, AS AMENDED, 13‑7‑30, AS AMENDED, 13‑7‑830, AS AMENDED, 44‑53‑530, AS AMENDED, AND 44‑96‑140; 48‑46‑30, 48‑46‑40, 48‑46‑50, 48‑46‑60, 48‑46‑90, 48‑52‑410, 48‑52‑440, AND 48‑52‑460; AND BY ADDING SECTION 1‑11‑185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

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

**Amendment No. 87**

Senators SHEHEEN and SETZLER proposed the following Amendment No. 87 (3066R071.VAS), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 12 - 14.

Amend the bill further, as and if amended, page 4, by striking lines 26 - 29 and inserting:

/ (G) Effective November 1, 2012, the Office of Research and Statistics is transferred to, and incorporated into, the Legislative Fiscal Office. /

Amend the bill further, as and if amended, page 9, by striking lines 5 - 7.

Amend the bill further, as and if amended, page 19, by striking lines 35 - 38 and inserting:

/ (2) the employees of the Office of Research and Statistics./

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

**Amendment No. 88A**

Senators McCONNELL, MASSEY and MALLOY proposed the following Amendment No. 88A (JUD3066.039), which was adopted:

Amend the bill, as and if amended, page 10, by striking lines 23 through 25, in Section 1-11-20(D)(2), as contained in SECTION 2B, and inserting therein the following:

/ (2) All oversight concerning the South Carolina Enterprise Information System must remain as provided in Chapter 53, Title 11./

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

**Amendment No. 89A**

Senators McCONNELL, MASSEY and MALLOY proposed the following Amendment No. 89A (JUD3066.040), which was adopted:

Amend the bill, as and if amended, page 11, by striking lines 20 through 25, in Section 1-11-20(G)(1), as contained in SECTION 2B, and inserting therein the following:

/ the Department of Administration. All classified or unclassified personnel employed by these offices on the effective date of this section, either by contract or by employment at will, shall be transferred to the Department of Administration or the Office of Inspector General, as appropriate, with the same compensation, classification, grade level, and contract or at will status as applicable on the effective date of this section. The Executive /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

**Amendment No. 90B**

Senators McCONNELL, MASSEY and MALLOY proposed the following Amendment No. 90B (JUD3066.041), which was adopted:

Amend the bill, as and if amended, page 12, by striking lines 7 through 11, in Section 1-11-20(J), as contained in SECTION 2B, and inserting therein the following:

/ (J) Any duties to approve statewide policies, procedures, regulations, or other specific actions must be acted upon by the Department of Administration in a timely manner. The Department of Administration must post its decisions on its website within sixty days of the day approval was sought. Except for internal charges between state agencies, departments, or entities, the Department of Administration must not increase or implement a rate or fee by regulation or administrative action for performing a service or function.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 91A**

Senators McCONNELL, MASSEY and MALLOY proposed the following Amendment No. 91A (JUD3066.042), which was adopted:

Amend the bill, as and if amended, page 102, by striking lines 30 and 31, in Section 1-6-110(A)(1), as contained in SECTION 41C, and inserting therein the following:

/ “Section 1‑6‑110. (A)(1) All agencies are subject to audit /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

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

**Ayes 39; Nays 0**

**AYES**

Anderson Bright Bryant

Campbell Cleary Coleman

Courson Cromer Davis

Fair Gregory Grooms

Hayes Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

**Total--0**

The amendment was adopted.

**Amendment No. 92A**

Senators McCONNELL, MASSEY and MALLOY proposed the following Amendment No. 92A (JUD3066.043), which was adopted:

Amend the bill, as and if amended, page 104, by striking lines 24 through 34, in Section 1‑6‑110(I), as contained in SECTION 41C, and inserting therein the following:

/ (I) The Office of State Inspector General must receive funding for audits conducted by that office through a specific line item in the annual general appropriations act.” /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

**Amendment No. 93A**

Senators McCONNELL, MASSEY and MALLOY proposed the following Amendment No. 93A (JUD3066.044), which was adopted:

Amend the bill, as and if amended, page 106, by striking lines 17 through 22, in SECTION 44(A), and inserting therein the following:

/ responsibilities or authority. As provided in SECTION 48 of this act, on or before September 1, 2012, the Code Commissioner shall prepare and deliver a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning appropriate and conforming changes in the South Carolina Code to reflect this devolution. /

Amend the bill further, as and if amended, page 106, by striking lines 30 through 32, in SECTION 44(B), and inserting therein the following:

/ responsibilities, or authority. As provided in SECTION 48 of this act, on or before September 1, 2012, the Code Commissioner shall prepare and deliver a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning appropriate and conforming changes in the South Carolina Code to reflect this devolution. /

Amend the bill further, as and if amended, page 106, by striking lines 37 through 41, as contained in SECTION 44(C), and inserting therein the following:

/ the “Legislative Services Agency” or “LSA”, as appropriate. The Code Commissioner is directed to change references in the 1976 Code to conform to this name change, and such changes must be included in the next printing of replacement volumes of or cumulative supplements to the 1976 Code. As provided in SECTION 48 of this act, on or before September 1, 2012, the Code Commissioner shall prepare and deliver a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives that includes information concerning the conforming name changes made pursuant to this section. /

Amend the bill further, as and if amended, by striking lines 41 and 42 on page 107and lines 1 and 2 on page 108, in SECTION 46, and inserting therein the following:

/ “authority”, as appropriate. As provided in SECTION 48 of this act, on or before September 1, 2012, the Code Commissioner shall prepare and deliver a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning appropriate and conforming changes in the South Carolina Code to reflect this devolution. /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

**Amendment No. 94A**

Senators McCONNELL, MASSEY, MALLOY and KNOTTS proposed the following Amendment No. 94A (JUD3066.045), which was adopted:

Amend the bill, as and if amended, on pages 10 and 11, by striking subsection (E), in Section 1-11-20, as contained in SECTION 2B, and inserting therein the following:

/ (E)(1) Each agency, office, authority, function, power, duty, or responsibility transferred to or devolved up the Department of Administration by Act \_\_\_ of 2012, R. \_\_\_, H. 3066, must be maintained as a distinct component, function, power, duty, or responsibility of the Department of Administration unless a reorganization plan is approved by the General Assembly. Any funds appropriated to a distinct component of the department must not be transferred to another component. Any funds appropriated for a distinct function, power, duty, or responsibility must be exercised by the distinct component to which that function, power, duty, or responsibility was vested. Any funds appropriated to the department, and not to a distinct component of the department or for a distinct function, power, duty, or responsibility, may be used at the discretion of the director.

(2) No later than December 31, 2013, the department’s director shall submit a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives that contains an analysis of and recommendations regarding the most appropriate organizational placement for each current component of the Office of Executive Policy and Programs. The department shall solicit input from and consider the recommendation of affected constituencies while developing its report. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 95**

Senator HUTTO proposed the following Amendment No. 95 (NBD\12119DG12), which was adopted:

Amend the bill, as and if amended, beginning on page 55, by striking line 38 through line 15 on page 56 and inserting:

(b) The political subdivisions of this State, in regard to tort and automobile liability, property and casualty insurance shall procure insurance to cover these risks for which immunity has been waived by (1) the purchase of liability insurance pursuant to Section 1‑11‑140; or (2) the purchase of liability insurance from a private carrier; or (3) self‑insurance; or (4) establishing pooled self‑insurance liability funds, by intergovernmental agreement, which may not be construed as transacting the business of insurance or otherwise subject to state laws regulating insurance. A pooled self‑insurance liability pool is authorized to purchase specific and aggregate excess insurance. A pooled self‑insurance liability fund must provide liability coverage for all employees of a political subdivision applying for participation in the fund. If the insurance is obtained other than pursuant to Section 1‑11‑140, it must be obtained subject to the following conditions:

(1) If the political subdivision does not procure tort liability insurance pursuant to Section 1‑11‑140, it must also procure its automobile liability and property and casualty insurance from other sources and shall not procure these coverages through the ~~Budget and Control Board~~ governing body of the Insurance Reserve Fund; /

Amend the bill, further, on page 57, after SECTION W, by adding an appropriately lettered SECTION to read:

/ SECTION \_\_\_. Section 1-11-140(B) of the 1976 Code is amended to read:

(B) Any political subdivision of the State including, without limitations, municipalities, counties, and school districts, may procure the insurance for itself and for its employees in the same manner provided for the procurement of this insurance for the State, its entities, and its employees, or in a manner provided by Section 15-78-140.”/

Renumber sections to conform.

Amend title to conform.

Senator LAND explained the amendment.

The amendment was adopted.

**Amendment No. 96**

Senator LEVENTIS proposed the following Amendment No. 96 (GGS\22291DG12), which was laid on the table:

Amend the bill, as and if amended, page 4, by striking lines 39 through 41 and inserting:

/ (I) Effective January 1, 2013, the State Energy Office is transferred from the State Budget and Control Board to the Department of Commerce. /

Amend the bill further, as and if amended, Part VII, page 57, by striking lines 37 through 39 and inserting:

/ “Section 13‑7‑860. Staff support for the council shall be provided by the ~~State Energy Office~~ Department of Commerce.” /

Amend the bill further, as and if amended, page 69, by striking lines 27 through 29 and inserting:

/ “Section 48‑52‑410. There is established the State Energy Office within the ~~State Budget and Control Board~~ Department of Commerce which shall serve as the principal energy planning /

Amend the bill further, as and if amended, page 70, by striking line 40 and inserting:

/ Office in the Department of Commerce to be distributed in /

Amend the bill further, as and if amended, page 71, by striking line 32 and inserting:

/ State Energy Office in the Office of Regulatory Staff in /

Amend the bill further, as and if amended, page 71, by striking line 39 and inserting:

/ State Energy Office of the Office of Regulatory Staff must prepare/

Amend the bill further, as and if amended, page 72, by striking line 1 and inserting:

/ (D) There is hereby created in the Department of Commerce/

Amend the bill further, as and if amended, page 72, by striking line 40 and inserting:

/ report to the State Energy Office of the Department of Commerce/

Amend the bill further, as and if amended, page 73, by striking line 1 and inserting:

/ (G) The Director of the Department of Commerce /

Amend the bill further, as and if amended, page 73, by striking lines 11 through 12 and inserting:

/ Office within the ~~State Budget and Control Board~~ Department of Commerce, as provided for in this part, must be evaluated if /

Amend the bill further, as and if amended, page 73, by striking line 31 and inserting:

/ ~~Budget and Control Board~~ Department of Commerce.” /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

Senator ALEXANDER spoke on the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 35; Nays 4**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Fair Grooms

Hayes Jackson Knotts

Leatherman Lourie *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Rankin Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

Land Leventis Malloy

Reese

**Total--4**

The amendment was laid on the table.

**Amendment No. 97**

Senators DAVIS, MASSEY and ROSE proposed the following Amendment No. 97 (3066R080.TD), which was tabled:

Amend the bill, as and if amended, page 3, by striking lines 1 and 2 and inserting:

/ appropriate officials of applicable legislative and judicial agencies or departments as provided in Section 1‑11‑20;

( ) Division of State Information Technology including the Data Center, Telecommunications and Information Technology, and South Carolina Enterprise Information Systems, but not including support of the Joint Strategic Technology Committee;

( ) Information Technology Management Office and the State Engineer’s Office of the Procurement Division; /

Amend the bill further, as and if amended, page 4, by striking lines 35 -43 and inserting:

/ of Regulatory Staff.

(J) Effective January 1, 2013, the Procurement Services Division, except for the Information Technology Management Office and the State Engineer’s Office, is transferred to and incorporated into the Procurement Oversight Board from the Budget and Control Board./

Amend the bill further, as and if amended, page 9, by striking lines 1 and 2 and inserting:

/ for maintenance and support of the Capitol Complex, including the Supreme Court;

( ) Division of State Information Technology including the Data Center, Telecommunications and Information Technology, and South Carolina Enterprise Information Systems, but not including support of the Joint Strategic Technology Committee;

( ) Information Technology Management Office and the State Engineer’s Office of the Procurement Division; /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator MALLOY spoke on the amendment.

Senator MALLOY moved to lay the amendment on the table.

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

**Ayes 21; Nays 22**

**AYES**

Alexander Anderson Coleman

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy Matthews

McConnell McGill Nicholson

O'Dell Rankin Reese

Scott Setzler Williams

**Total--21**

**NAYS**

Bright Bryant Campbell

Campsen Cleary Courson

Cromer Davis Fair

Gregory Grooms Hayes

*Martin, Larry Martin, Shane* Massey

Peeler Rose Ryberg

Sheheen Shoopman Thomas

Verdin

**Total--22**

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

Senator LEATHERMAN argued contra to the adoption of the amendment.

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

Senator McCONNELL spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 24; Nays 20**

**AYES**

Alexander Anderson Campbell

Coleman Ford Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy Matthews McConnell

McGill Nicholson O'Dell

Rankin Reese Scott

Setzler Sheheen Williams

**Total--24**

**NAYS**

Bright Bryant Campsen

Cleary Courson Cromer

Davis Fair Gregory

Grooms Hayes *Martin, Larry*

*Martin, Shane* Massey Peeler

Rose Ryberg Shoopman

Thomas Verdin

**Total--20**

The amendment was laid on the table.

**Statement by Senators McCONNELL and ALEXANDER**

While we agree that procurement is an executive function, we think that the framers of our constitution were correct in having three officers who handled different parts of the financial duties of our State.  Their concern from 200 years ago is still relevant today, that putting tens if not hundreds of millions of dollars under one person is risking disaster and unnecessary waste of taxpayer dollars.  We would support putting procurement review all under the executive and removing the legislative members so that procurement is purely executive and ensuring that our Founders’ safeguards remained in place.  However, we cannot support efforts that would turn South Carolina into Washington, D.C.  The federal government is an example we should be attempting to avoid not embrace.  Therefore, we voted against the amendment.

**ACTING PRESIDENT PRESIDES**

At 3:39 P.M., Senator LARRY MARTIN assumed the Chair.

**Amendment No. 98B**

Senators MALLOY and LEATHERMAN proposed the following Amendment No. 98B (3066R076.HKL), which was tabled:

Amend the bill, as and if amended, page 3, by striking line 11.

Amend the bill further, as and if amended, page 4, by striking line 41 and inserting:

/ of Regulatory Staff.

( ) Effective January 1, 2013, the Insurance Reserve Fund is transferred to and incorporated into the Bond Review Authority from the Budget and Control Board. /

Amend the bill further, as and if amended, page 9 by striking line 15.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 26; Nays 15**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Gregory Grooms

Hayes Knotts *Martin, Larry*

*Martin, Shane* Massey O'Dell

Peeler Rankin Rose

Ryberg Setzler Shoopman

Thomas Verdin

**Total--26**

**NAYS**

Coleman Ford Hutto

Jackson Land Leatherman

Leventis Lourie Malloy

Matthews McGill Nicholson

Reese Scott Williams

**Total--15**

The amendment was laid on the table.

**Amendment No. 99**

Senators DAVIS and ROSE proposed the following Amendment No. 99 (3066R083.TD), which was carried over:

Amend the bill further, as and if amended, by striking SECTION 6 in its entirety and inserting:

/ SECTION 6. Section 11‑9‑890(B) of the 1976 Code is amended to read:

“(B) If at the end of the first, second, or third quarter of any fiscal year quarterly revenue collections are ~~two percent or more~~ below the amount projected for that quarter by the Board of Economic Advisors, the ~~State Budget and Control Board~~ General Assembly, within ~~seven~~ twenty days of convening pursuant to this section ~~days of that determination~~, shall take action to avoid a year‑end deficit. Upon the determination that revenue collections are below the amount projected, each house of the General Assembly shall convene in statewide session at twelve noon on the first Tuesday following the determination of the deficit to take action to avoid a year‑end deficit. ~~Notwithstanding Section 1‑11‑495, if the State Budget and Control Board does not take unanimous action within seven days, the Director of the Office of State Budget must reduce general fund appropriations by the requisite amount in the manner prescribed by law. Upon making the reduction, the Director of the Office of State Budget immediately must notify the State Treasurer and the Comptroller General of the reduction, and upon notification, the appropriations are considered reduced. No agencies, departments, institutions, activity, program, item, special appropriation, or allocation for which the General Assembly has provided funding in any part of this section may be discontinued, deleted, or deferred by the Director of the Office of State Budget. A reduction of rate of expenditure by the Director of the Office of State Budget, under authority of this section, must be applied as uniformly as shall be practicable, except that no reduction must be applied to funds encumbered by a written contract with the agency, department, or institution not connected with state government.~~” /

Amend the bill further, as and if amended, page 14, by striking lines 31 - 42, and on page 15, by striking lines 1 - 2, and inserting:

“(A)(1)There is created the Board of Economic Advisors, an independent agency of state government, comprised of three members appointed by the Governor, with the advice and consent of the Senate. The board members shall receive an annual compensation of ten thousand dollars. Board members may only be removed by the Governor for for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. ~~as follows:~~

~~(1)~~ ~~One member, appointed by, and serving at the pleasure of, the Governor, who shall serve as chairman and shall receive annual compensation of ten thousand dollars;~~

~~(2)~~ ~~One member appointed by, and serving at the pleasure of, the Chairman of the Senate Finance Committee, who shall receive annual compensation of eight thousand dollars;~~

~~(3)~~ ~~One member appointed by, and serving at the pleasure of, the Chairman of the Ways and Means Committee of the House of Representatives, who shall receive annual compensation of eight thousand dollars;~~

~~(4)~~ ~~The Director of the Department of Revenue, who shall serve ex officio, with no voting rights.~~”

Amend the bill further, as and if amended, page 15, by striking lines 10‑42 and inserting:

/ (B) The ~~Chairman of the~~ Board of Economic Advisors shall ~~report directly to the Budget and Control Board to~~ establish policy governing economic trend analysis. The Board of Economic Advisors shall provide for its staffing and administrative support from funds appropriated by the General Assembly.

(C) The Executive Director of the ~~Budget and Control Board~~ Board of Economic Advisors shall ~~assist the Governor, Chairman of the Board of Economic Advisors, Chairman of the Senate Finance Committee, and Chairman of the Ways and Means Committee of the House of Representatives in providing~~ provide for an effective system for compiling and maintaining current and reliable economic data. The Board of Economic Advisors may establish an advisory board to assist in carrying out its duties and responsibilities. All state agencies, departments, institutions and divisions shall provide the information and data the advisory board requires. The Board of Economic Advisors is considered a public body for purposes of the Freedom of Information Act, pursuant to Section 30‑4‑20(a).”

SECTION 4. Section 11‑9‑825 of the 1976 Code is repealed. /

Amend the bill further, as and if amended, page 16, by striking lines 1-23 and inserting:

/ SECTION \_\_\_. Section 11‑9‑830 of the 1976 Code is amended to read:

“Section 11‑9‑830. In order to provide a more effective system of providing advice to the ~~Budget and Control Board~~ Governor and the General Assembly on economic trends, the Board of Economic Advisors shall:

(1) compile and maintain in a unified, concise, and orderly form information about total revenues and expenditures which involve the funding of state government operations, revenues received by the state which comprise general revenue sources of all receipts to include amounts borrowed, federal grants, earnings, and the various activities accounted for in other funds;

(2) continuously review and evaluate total revenues and expenditures to determine the extent to which they meet fiscal plan forecasts/projections;

(3) evaluate federal revenues in terms of impact on state programs;

(4) compile economic, social, and demographic data for use in the publishing of economic scenarios for incorporation into the development of the state budget;

(5) bring to the attention of the Governor and the General Assembly the effectiveness, or lack thereof, of the economic trends and the impact on statewide policies and priorities;

(6) establish liaison with the Congressional Budget Office and the Office of Management and Budget at the national level.” /

Amend the bill further, as and if amended, by striking Part XI, relating to Legislative Oversight, and inserting:

/ Part XI

Legislative Audit Council Oversight of Government Agencies

SECTION \_\_\_. Chapter 15, Title 2 of the 1976 Code is amended by adding:

“Section 2‑15‑130. (A) Beginning January 1, 2013, the Legislative Audit Council must conduct performance audits, oversight studies, and investigations on all agencies, as defined in Section 2‑15‑50, at least once every five years in accordance with a schedule adopted and published by the council. The council shall publish on its internet website its annual audit schedule. New agencies, departments, or other state entities created after the effective date of this section must be added to the five-year audit cycle and appropriate audit schedules.

(B) The purpose of these performance audits, oversight studies, and investigations is to determine if agency laws and programs:

(1) are being implemented and carried out in accordance with the intent of the General Assembly; and

(2) should be continued, curtailed, or eliminated.

(C) The performance audits, oversight studies, and investigations must consider:

(1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction;

(2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction; and

(3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee’s subject matter jurisdiction.

(D) The report of each performance audit, oversight study, or investigation must be published on the council’s webpage and sent to the chairman of the standing committees of the General Assembly with subject matter jurisdiction.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY argued contra to the adoption of the amendment.

At 4:04 P.M., Senator MALLOY moved that the Senate stand adjourned.

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

**Ayes 9; Nays 32**

**AYES**

Coleman Jackson Land

Leatherman Leventis Lourie

Malloy Matthews Nicholson

**Total--9**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Knotts

*Martin, Larry Martin, Shane* Massey

McConnell McGill O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--32**

The Senate refused to adjourn.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

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

On motion of Senator DAVIS, the amendment was carried over.

**Objection**

Senator PEELER asked unanimous consent to make a motion to take up Amendment No. 104 for immediate consideration.

Senator MALLOY objected.

**Amendment No. 101**

Senators ROSE and DAVIS proposed the following Amendment No. 101 (3066R081.MTR), which was tabled:

Amend the bill, as and if amended, by striking SECTION 6 in its entirety and inserting:

/ SECTION \_\_\_. Section 11-9-890(B) of the 1976 Code is amended to read:

“(B) If at the end of the first, second, or third quarter of any fiscal year quarterly revenue collections are ~~two percent or more~~ below the amount projected for that quarter by the Board of Economic Advisors, the ~~State Budget and Control Board~~ General Assembly, within ~~seven~~ twenty days of that determination, shall take action to avoid a year‑end deficit. If the quarterly revenue projections are below the amount projected, the President Pro Tempore of the Senate and the Speaker of the House of Representatives must call each respective house into session to take action to avoid a year-end deficit. ~~Notwithstanding Section 1‑11‑495, if the State Budget and Control Board does not take unanimous action within seven days, the Director of the Office of State Budget must reduce general fund appropriations by the requisite amount in the manner prescribed by law. Upon making the reduction, the Director of the Office of State Budget immediately must notify the State Treasurer and the Comptroller General of the reduction, and upon notification, the appropriations are considered reduced. No agencies, departments, institutions, activity, program, item, special appropriation, or allocation for which the General Assembly has provided funding in any part of this section may be discontinued, deleted, or deferred by the Director of the Office of State Budget. A reduction of rate of expenditure by the Director of the Office of State Budget, under authority of this section, must be applied as uniformly as shall be practicable, except that no reduction must be applied to funds encumbered by a written contract with the agency, department, or institution not connected with state government.~~” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator SHEHEEN argued contra to the adoption of the amendment.

Senator SHEHEEN moved to lay the amendment on the table.

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

**Ayes 27; Nays 16**

**AYES**

Alexander Campbell Cleary

Coleman Courson Cromer

Elliott Ford Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy Massey Matthews

McGill Nicholson O'Dell

Rankin Reese Scott

Setzler Sheheen Williams

**Total--27**

**NAYS**

Bright Bryant Campsen

Davis Fair Gregory

Grooms *Martin, Larry Martin, Shane*

McConnell Peeler Rose

Ryberg Shoopman Thomas

Verdin

**Total--16**

The amendment was laid on the table.

**Amendment No. 103**

Senators ROSE and DAVIS proposed the following Amendment No. 103 (3066R086.MTR), which was tabled:

Amend the bill, as and if amended, page 4, by striking lines 32 ‑ 35 and inserting:

/ (I) Effective January 1, 2013, the State Energy Office is transferred from the State Budget and Control Board to the Department of Administration. /

Amend the bill further, as and if amended, page 9, by striking lines 34‑35 and inserting:

/ Non‑Profit Institutions of Higher Learning;

(18) the South Carolina Resources Authority; and

(19) the State Energy Office. /

Amend the bill further, as and if amended, by striking SECTION 24 in its entirety and inserting:

/ SECTION 24. Section 48‑52‑410 of the 1976 Code is amended to read:

“Section 48‑52‑410. There is established the State Energy Office within the ~~State Budget and Control Board~~ Department of Administration which shall serve as the principal energy planning entity for the State. Its primary purpose is to develop and implement a well‑balanced energy strategy and to increase the efficiency of use of all energy sources throughout South Carolina through the implementation of the Plan for State Energy Policy. The State Energy Office must not function as a regulatory body.” /

Amend the bill further, as and if amended, page 70 by striking lines 34 ‑ 35 and inserting:

/ energy efficiency must be allocated or directed to the State Energy Office in the Department of Administration to be distributed in /

Amend the bill further, as and if amended, page 71, by striking line 27 and inserting:

/ State Energy Office in the Department of Administration in /

Amend the bill further, as and if amended, page 71, by striking line 38 and inserting:

/ (D) There is hereby created in the Department of Administration /

Amend the bill further, as and if amended, page 72, by striking line 34 and inserting:

/ report to the State Energy Office of the Department of Administration /

Amend the bill further, as and if amended, page 73, by striking lines 5 ‑ 6 and inserting:

/ Office within the ~~State Budget and Control Board~~ Department of Administration, as provided for in this part, must be evaluated if /

Amend the bill further, as and if amended, page 73, by striking line 25 and inserting:

/ ~~Budget and Control Board~~ Department of Administration.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator ALEXANDER spoke on the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 26; Nays 14**

**AYES**

Alexander Campbell Coleman

Elliott Ford Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O'Dell Rankin Reese

Ryberg Scott Setzler

Sheheen Williams

**Total--26**

**NAYS**

Bright Bryant Campsen

Cleary Courson Davis

Fair Gregory Hayes

*Martin, Shane* Peeler Rose

Shoopman Thomas

**Total--14**

The amendment was laid on the table.

**Amendment No. P1-104**

Senator DAVIS proposed the following Amendment No. P1-104 (AGM\19443DG12), which was tabled:

Amend the amendment bearing document number BBM/10551HTC12, Section 9‑4‑10(B) on page 3 to read:

/ (B) The board is composed of nine members. The Governor shall appoint all nine members with the advice and consent of the Senate. Of the Governor’s appointments, four members must be representative members, of which:

(1) one must be either an active or retired member of the Police Officers Retirement System;

(2) one must be a retired member of the South Carolina Retirement System;

(3) one member must be a state employee who is an active contributing member of the South Carolina Retirement System; and

(4) one must be an employee of a public school district in South Carolina who is an active member of the South Carolina Retirement System. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator RYBERG argued contra to the adoption of the amendment.

Senator RYBERG moved to lay the amendment on the table.

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

**Ayes 30; Nays 13**

**AYES**

Alexander Campbell Coleman

Courson Cromer Elliott

Ford Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy Massey Matthews

McConnell McGill Nicholson

O'Dell Rankin Reese

Ryberg Scott Setzler

Sheheen Verdin Williams

**Total--30**

**NAYS**

Bright Bryant Campsen

Cleary Davis Fair

Grooms *Martin, Larry Martin, Shane*

Peeler Rose Shoopman

Thomas

**Total--13**

The amendment was laid on the table.

**Amendment No. 104**

Senators ALEXANDER and RYBERG proposed the following Amendment No. 104 (BBM\10551HTC12), which was adopted:

Amend the bill, as and if amended, SECTION 2, Section 1‑11‑10, by striking subsections (J) and (L) and inserting:

/ (J) Effective July 1, 2012, the following offices, divisions, or components of the State Budget and Control Board are transferred to, and incorporated into, an administrative agency of state government to be known as the South Carolina Public Employee Benefit Authority:

(1) the Employee Insurance Program;

(2) the Retirement Division. /

Amend the bill further, as and if amended, SECTION 2, beginning on page 13, by striking line 32 through line 14 on page 14 and inserting:

/ “Section 1‑11‑440. ~~(A)~~ The State must defend the members of the ~~State Budget and Control Board~~ Bond Review Authority, the Public Employee Benefit Authority, and the director of the Department of Administration against a claim or suit that arises out of or by virtue of their performance of official duties on behalf of the ~~board~~ either authority or the department and must indemnify ~~these members~~ them for a loss or judgment incurred by them as a result of the claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. The State must defend officers and management employees of ~~the board~~ either authority, ~~and~~ legislative employees performing duties for ~~board~~ either authority’s members, and management employees of the department against a claim or suit that arises out of or by virtue of the performance of official duties unless the officer, management employee, or legislative employee was acting in bad faith and must indemnify these officers, management employees, and legislative employees for a loss or judgment incurred by them as a result of such claim or suit, without regard to whether the claim or suit is brought against them in their individual or official capacities, or both. This commitment to defend and indemnify extends to members, officers, the director and management employees of the department, and legislative employees after they have left their employment with ~~the board~~ either authority, ~~or~~ the General Assembly, ~~as applicable,~~ or the department, as applicable, if the claim or suit arises out of or by virtue of their performance of official duties on behalf of ~~the board~~ either authority or the department.” /

Amend the bill further, as and if amended, by adding an appropriately numbered part to read:

/ Part \_\_\_

Subpart 1

South Carolina Public Employee Benefit Authority

SECTION 1. A. Title 9 of the 1976 Code is amended by adding:

“CHAPTER 4

South Carolina Public Employee Benefit Authority

Article 1

General Provisions

Section 9‑4‑10. (A) Effective, July 1, 2012, there is created the South Carolina Public Employee Benefit Authority. The authority is comprised of the employee insurance division and the retirement systems division. The governing body of the authority is a board of directors consisting of nine members. The functions of the authority must be performed, exercised, and discharged under the supervision and direction of the board. The board may organize its staff as it considers appropriate to carry out the various duties, responsibilities, and authorities assigned to it and to its various divisions. The board may delegate to one or more officers, agents, or employees the powers and duties it determines are necessary for the effective, efficient, operation of the authority, including the hiring of an executive director of the authority. The executive director must be employed by the authority and compensation of the executive director may be fixed by the board in its judgment and as appropriated by the General Assembly.

(B) The board is composed of:

(1) three members appointed by the Governor;

(2) two representative members, appointed by the President Pro Tempore of the Senate, one who is either an active or retired member of the Police Officers Retirement System and one who is a retired member of the South Carolina Retirement System;

(3) one member appointed by the Chairman of the Senate Finance Committee;

(4) two representative members appointed by the Speaker of the House of Representatives, one of whom must be a state employee who is an active contributing member of the South Carolina Retirement System and an employee of a public school district in South Carolina who is an active member of the South Carolina Retirement System;

(5) one member appointed by the Chairman of the House Ways and Means Committee.

(C)(1) A nonrepresentative member may not be appointed to the board unless the person possesses at least one of the following qualifications:

(a) at least twelve years of professional experience in the financial management of pensions or insurance plans;

(b) at least twelve years academic experience and holds a bachelor’s or higher degree from a college or university as classified by the Carnegie Foundation;

(c) at least twelve years of professional experience as a certified public accountant with financial management, pension, or insurance audit expertise;

(d) at least twelve years as a Certified Financial Planner credential of the Certified Financial Planner Board of Standards; or

(e) at least twelve years membership in the South Carolina Bar and:

(i) wide experience in federal and state tax matters; or

(ii) an advanced legal degree in taxation; or

(iii) a specialization in tax law.

(2) In addition to the requirements of subsections (B)(2) and (4) of this section, a representative member may not be appointed to the board unless the person:

(a) possesses one of the qualifications set forth in item (1); or

(b) has at least twelve years of public employment experience and holds a bachelor’s degree from a college or university as classified by the Carnegie Foundation.

(D) Representative members must be appointed from three nominations jointly made to the appointing official by membership organizations representative of the interests to be represented. The appointing official may request three additional nominations if the official elects not to appoint any of those nominated.

(E) Members of the board shall serve for terms of two years and until their successors are appointed and qualify. Vacancies must be filled in the manner of original appointment for the unexpired portion of the term. Terms commence on July first of even numbered years. Upon a member’s appointment, the appointing official shall certify to the Secretary of State that the appointee meets or exceeds the qualifications set forth in subsections (B) and (C). No person appointed may qualify unless he first certifies that he meets or exceeds the qualifications applicable for their appointment. A member may be removed before the expiration of his term by the applicable appointing official only for the reasons specified in Section 1‑3‑240(C).

(F) The members shall select a nonrepresentative member to serve as chairman and shall select those other officers they determine necessary. Subject to the qualifications for chairman provided in this section, members may set their own policy related to the rotation of the selection of a chairman of the board.

(G)(1) Each member must receive an annual salary of twelve thousand dollars. This compensation must be paid from approved accounts of general funds and retirement system funds based on the proportionate amount of time the board devotes to its various functions. Members may receive the mileage and subsistence authorized by law for members of state boards, commissions, and committees paid from approved accounts funded by general funds and retirement system funds in the proportion that compensation is paid.

(2) Notwithstanding any other provision of law, membership on the board does not make a member eligible to participate in a retirement system administered pursuant to this title and does not make a member eligible to participate in the employee insurance program administered pursuant to Article 5, Chapter 11, Title 1. Any compensation paid on account of the member’s service on the board is not considered earnable compensation for purposes of any state retirement system.

(H) Minimally, the board shall meet monthly. If the chairman considers it more effective, the board may meet by teleconferencing or video conferencing. However, if the agenda of the meeting consists of items that are not exempt from disclosure or the meeting may not be closed to the public pursuant to Chapter 4, Title 30, the provisions of Chapter 4, Title 30 apply, and the meeting must be open to the public.

Section 9‑4‑20. (A) The South Carolina Public Employee Benefit Authority shall operate an employee insurance program division to administer insurance programs pursuant to Article 5, Chapter 11, Title 1.

(B) The board of directors of the authority shall appoint a State Health Plan Advisory Committee (committee) to review and make recommendations to the board on proposed changes to the State Health Plan. Representation on the committee must be equal among health care professionals, the insurance industry, and consumers. The board, by resolution, shall establish the committee, provide for its membership, and provide for its operations. Members shall serve without compensation, but may receive the mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions to be paid from approved accounts of the authority.

Section 9‑4‑30. (A)(1) The South Carolina Public Employee Benefit Authority shall operate a retirement division to administer the various retirement system and retirement programs pursuant to Title 9 and, effective after December 31, 2013, to administer the deferred compensation program pursuant to Chapter 23, Title 8.

(2) Expenses incurred by the retirement division in administering, after December 31, 2013, the deferred compensation plans must be reimbursed to the retirement division from funds generated by the deferred compensation plans available to pay for administrative expenses.

(B)(1)(a) Notwithstanding the provisions of Sections 9‑1‑1020 and 9‑1‑1050, or any other provision of Chapter 1 of this title relating to the setting of employee and employer contributions required for the South Carolina Retirement System either established by statute or administratively, the employer and employee contribution rates for this system for fiscal years 2012‑2013 through 2015‑2016 expressed as a percentage of earnable compensation, are as follows:

Fiscal Year Employer Contribution Employee Contribution

2012‑2013 9.38 6.64

2013‑2014 10.45 7.14

2014‑2015 10.45 7.64

2015‑2016

and after 10.45 7.71

(b) If the scheduled employer and employee contributions provided in subitem (a) of this item are insufficient to maintain a thirty year amortization schedule for the unfunded liabilities of this system, then the board of directors shall increase the contributions as provided in the schedule provided in subitem (a) of this item in equal percentage amounts for employer and employee contributions as necessary to maintain an amortization schedule of no more than thirty years. Such adjustments may be made without regard to the annual limit increase of one half percent of earnable compensation provided pursuant to subitem (c) of this item, but the differentials in the employer and employee contribution rates provided in subitem (a) of this item must be maintained at the rate provided in the schedule for the applicable fiscal year.

(c) After June 30, 2016, and in addition to any increase imposed pursuant to subitem (b) of this item, the board of directors, when it determines it necessary, may impose an increase in the percentage rate in employer and employee contributions for that system, but any such increase may not result in a differential between the employee and employer contribution rate for that system that exceeds 2.74 percent of earnable compensation. An increase in the contribution rate imposed by the board of directors pursuant to this item may not be imposed in an amount of more than one‑half of one percent of earnable compensation in any one year.

(2)(a) Notwithstanding the provisions of Sections 9‑11‑75, 9‑11‑210(1), 9‑11‑220, or any other provision of Chapter 11 of this title relating to the setting of employee and employer contributions required for the South Carolina Police Officer Retirement System established either by statute or administratively, the employer and employee contribution rates for this system for fiscal years 2012‑2013 through 2015‑2016 expressed as a percentage of earnable compensation, are as follows:

Fiscal Year Employer Contribution Employee

Contribution

2012‑2013 11.36 6.73

2013‑2014 11.90 7.23

2014‑2015

and after 11.90 7.27

(b) If the scheduled employer and employee contributions provided in subitem (a) of this item are insufficient to maintain a thirty year amortization schedule for the unfunded liabilities of this system, then the board of directors shall increase the contributions as provided in the schedule provided in subitem (a) of this item in equal percentage amounts for employer and employee contributions as necessary to maintain an amortization schedule of no more than thirty years. Such adjustments may be made without regard to the annual limit increase of one half percent of earnable compensation provided pursuant to subitem (c) of this item, but the differentials in the employer and employee contribution rates provided in subitem (a) of this item must be maintained at the rate provided in the schedule for the applicable fiscal year.

(c) After June 30, 2015, and in addition to any increase imposed pursuant to subitem (b) of this item, the board of directors, when it determines it necessary, may impose an increase in the percentage rate of employer and employee contributions for that system, but any such increase may not result in a differential between the employee and employer contribution rate for that system that exceeds 4.63 percent of compensation. An increase in contributions imposed by the board of directors pursuant to this item may not be imposed in an amount more than one‑half percent of compensation in any one year.

(3) Increases in employer and employee contribution rates above those allowed pursuant to items (1) and (2) of this subsection may be imposed only by an act of the General Assembly.

(C) The South Carolina Public Employee Benefits Authority shall provide copies of annual actuarial valuations of all retirement systems requiring such annual valuations to the General Assembly by the second Tuesday in January of every year.

Section 9‑4‑40. Each year in the general appropriations act, the General Assembly shall appropriate sufficient funds to the Office of the State Inspector General to employ a private audit firm to perform a fiduciary audit on the South Carolina Public Employee Benefit Authority. The audit firm must be selected by the State Inspector General. The report from the previous fiscal year must be completed by January fifteenth. Upon completion, the report must be submitted to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee.

Section 9‑4‑50. (A) The South Carolina Public Employee Benefit Authority shall maintain a transaction register that includes a complete record of all funds expended, from whatever source for whatever purpose. The register must be prominently posted on the authority’s Internet website and made available for public viewing and downloading.

(1)(a) The register must include for each expenditure:

(i) the transaction amount;

(ii) the name of the payee;

(iii) the identification number of the transaction; and

(iv) a description of the expenditure, including the source of funds, a category title, and an object title for the expenditure.

(b) The register must include all reimbursements for expenses, but must not include an entry for:

(i) salary, wages, or other compensation paid to individual employees; and

(ii) retirement benefits, deferred compensation plan distributions, insurance reimbursements, or other payments paid to individual employees, members, or participants, as applicable, pursuant to programs administered by the board.

(c) The register must not include a social security number.

(d) The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.

(e) The register may exclude any information that can be used to identify an individual employee or student.

(f) This section does not require the posting of any information that is not required to be disclosed under Chapter 4, Title 30.

(2) The register must be searchable and updated at least once a month. Each monthly register must be maintained on the Internet website for at least three years.

(B) Any information that is expressly prohibited from public disclosure by federal or state law or regulation must be redacted from any posting required by this section.

(C) If the authority has a question or issue relating to technical aspects of complying with the requirements of this section or the disclosure of public information under this section, it shall consult with the Comptroller General’s Office, which may provide guidance to the authority.

B. This SECTION takes effect July 1, 2012.

Subpart 2

Conforming Amendments for the South Carolina Public Employee Benefit Authority

SECTION 1. Section 1‑11‑703(9) and (10) of the 1976 Code, as added by Act 195 of 2008, is amended to read:

“(9) ‘Board’ means the ~~State Budget and Control Board~~ board of directors of the South Carolina Public Employee Benefit Authority.

(10) ‘Employee insurance program’ or ‘EIP’ means the office of the ~~board~~ South Carolina Public Employee Benefit Authority designated by the board to operate insurance programs pursuant to this article.”

SECTION 2. RESERVED

SECTION 3. RESERVED

SECTION 4. Section 1‑11‑710(A) of the 1976 Code, as last amended by Act 195 of 2008, before the first item, is amended to read:

“(A) The ~~State Budget and Control Board~~ board shall:”

SECTION 5. Section 1‑11‑720(B) of the 1976 Code is amended to read:

“(B) To be eligible to participate in the state health and dental insurance plans, the entities listed in subsection (A) shall comply with the requirements established by the ~~State Budget and Control Board~~ board, and the benefits provided must be the same benefits provided to state and school district employees. These entities must agree to participate for a minimum of four years and the board may adjust the premiums during the coverage period based on experience. An entity which withdraws from participation may not subsequently rejoin during the first four years after the withdrawal date.”

SECTION 6. Section 1‑11‑725 of the 1976 Code, as added by Act 195 of 2008, is amended to read:

“Section 1‑11‑725. The ~~State Budget and Control Board’s~~ board’s experience rating of all local disabilities and special needs providers pursuant to Section 1‑11‑720(A)(3) must be rated as a single group when rating all optional groups participating in the state employee health insurance program.”

SECTION 7. Section 1‑11‑730(A)(2) of the 1976 Code, as last amended by Act 195 of 2008, is amended to read:

“(2) A member of the General Assembly who leaves office or retires with at least eight years’ credited service in the General Assembly Retirement System is eligible to participate in the state health and dental plans by paying the full premium as determined by the ~~State Budget and Control Board~~ board.”

SECTION 8. Sections 1‑11‑740 and 1‑11‑750 of the 1976 Code are amended to read:

“Section 1‑11‑740. The Division of Insurance Services of the ~~State Budget and Control Board~~ board may develop an optional long‑term care insurance program for active and retired members of the various state retirement systems depending on the availability of a qualified vendor. A program must require members to pay the full insurance premium.

Section 1‑11‑750. The ~~Budget and Control Board~~ board shall devise a method of withholding long‑term care insurance premiums offered under Section 1‑11‑740 for retirees if sufficient enrollment is obtained to make the deductions feasible.”

SECTION 9. Section 1‑11‑770(A) of the 1976 Code, before the first item, is amended to read:

“(A) Subject to appropriations, the General Assembly authorizes the ~~State Budget and Control Board~~ board to plan, develop, and implement a statewide South Carolina 211 Network, which must serve as the single point of coordination for information and referral for health and human services. The objectives for establishing the South Carolina 211 Network are to:”

SECTION 10. A. Sections 8‑23‑20 and 8‑23‑30 of the 1976 Code, as last amended by Act 305 of 2008, are amended to read:

“Section 8‑23‑20. ~~A Deferred Compensation Commission is established consisting of eight members including the director of the South Carolina Retirement System, chief investment officer of the State Retirement System Investment Commission, and the executive director of the State Employees’ Association, each of whom serve ex officio, and five other public employees to be appointed by the State Budget and Control Board, at least two of whom must be state employees and one must be a retired public employee. The appointed members shall serve for terms of three years and until their successors are appointed and qualify. The State Budget and Control Board shall designate the chairman.~~

The ~~commission~~ board of directors of the South Carolina Public Employee Benefit Authority shall establish such rules and regulations as it deems necessary to implement and administer the Deferred Compensation Program. The ~~commission~~ board shall make such administrative appointments and contracts as are necessary to carry out the purpose and intent of this chapter and in the administration of account assets. For purposes of administering this program an individual account shall be maintained in the name of each employee.

The ~~commission~~ board shall select, through competitive bidding and contracts, plans for purchase of fixed and variable annuities, savings, mutual funds, insurance and such other investments as the ~~commission~~ board may approve which are not in conflict with the State Constitution and with the advice and approval of the State Treasurer.

Costs of administration may be paid from the interest earnings of the funds accrued as a result of deposits or as an assessment against each account.

Section 8‑23‑30. The State or any political subdivision of the State, by contract, may agree with an employee to defer, a portion of his compensation in an amount as provided for in a plan approved by the ~~commission~~ board of directors of the South Carolina Public Employee Benefit Authority and subsequently with the consent of the employee may contract for purchase or otherwise procure fixed or variable annuities, savings, mutual funds, insurance, or such other investments as the ~~commission~~ board may approve for the purpose of carrying out the objectives of the program with the advice and approval of the State Treasurer. The investments shall be underwritten and offered in compliance with applicable federal and state laws and regulations by persons who are authorized by the ~~commission~~ board in accordance with the provisions of this chapter.”

B. Section 8‑23‑70 of the 1976 Code is amended to read:

“Section 8‑23‑70. The Deferred Compensation Program established pursuant to this chapter shall be in addition to retirement, pension, or benefit systems established by the State, federal government, or political subdivision and no deferral of income under the Deferred Compensation Program shall affect a reduction of any retirement, pension, social security, or other benefit provided by law. Any sum deferred under the Deferred Compensation Program shall not be subject to taxation until distribution is actually made to the employee.

Nothing contained in this chapter shall be construed to prohibit counties, municipalities, school districts, and other political subdivisions of the State and their employees from participation in deferred compensation plans or programs offered independently of the ~~State Deferred Compensation Commission~~ board of directors of the South Carolina Public Employee Benefit Authority by building and loan or savings and loan associations, banks, trust companies, and credit unions chartered by the state or federal governments, and all such political subdivisions shall be empowered with such contractual authority as may be necessary or incident to such participation; provided, however, that (a) such deferred compensation plans or programs shall comply with applicable federal income tax law in providing income deferral, (b) all deferred amounts shall be held in accounts, certificates of deposit, or other forms of savings vehicles which are insured by the Federal Savings and Loan Insurance Corporation in the case of savings and loan associations, the Federal Deposit Insurance Corporation in the case of commercial banks, and the National Credit Union Administration in the case of credit unions.”

C. Section 8‑23‑110 of the 1976 Code, as added by Act 387 of 2000, is amended to read:

“Section 8‑23‑110. (A) The ~~commission~~ board of directors of the South Carolina Public Employee Benefit Authority shall ensure that plan documents governing deferred compensation plans administered by the ~~commission~~ board permit employer contributions to the extent allowed under the Internal Revenue Code.

(B) Political subdivisions of the State, including school districts, participating in deferred compensation plans administered by the ~~commission~~ board or such plans offered by other providers may make matching or other contributions on behalf of their participating employees.

(C) As an additional benefit for state employees, and to the extent funds are appropriated for this purpose, the State shall make matching or other contributions on behalf of state employees participating in the deferred compensation plans offered by the ~~commission~~ board or such plans offered by other providers in an amount and under the terms and conditions prescribed for such contributions by the ~~State Budget and Control Board~~ board.”

D. The amendments to Sections 8‑23‑20, 8‑23‑30, 8‑23‑70, and 8‑23‑110 of the 1976 Code contained in this SECTION take effect January 1, 2014.

SECTION 11. Section 9‑1‑10(6) of the 1976 Code is amended to read:

“(6) ‘Board’ means the ~~State Budget and Control Board~~ board of directors of the South Carolina Public Employee Benefit Authority which shall act under the provisions of this chapter through its Division of Retirement Systems.”

SECTION 12. Section 9‑1‑20 of the 1976 Code is amended to read:

“Section 9‑1‑20. A retirement system is hereby established and placed under the management of the ~~State Budget and Control Board~~ board for the purpose of providing retirement allowances and other benefits for teachers and employees of the State and political subdivisions or agencies or departments thereof. The system so created shall have the power and privileges of a corporation and shall be known as the ‘South Carolina Retirement System’, and by such name all of its business shall be transacted, all of its funds invested and all of its cash, securities, and other property held.”

SECTION 13. Section 9‑1‑210 of the 1976 Code is amended to read:

“Section 9‑1‑210. The general administration and responsibility for the proper operation of the system and for making effective the provisions hereof are hereby vested in the ~~State Budget and Control Board~~ board.”

SECTION 14. Section 9‑1‑310 of the 1976 Code, as last amended by Act 155 of 2005, is amended to read:

“Section 9‑1‑310. The administrative cost of the South Carolina Retirement System, the South Carolina Police Officers Retirement System, the Retirement System for Members of the General Assembly of the State of South Carolina, the Retirement System for Judges and Solicitors of the State of South Carolina, and the National Guard Retirement System must be funded from the interest earnings of the above systems. The allocation of the administrative costs of the systems must be made by the ~~State Budget and Control Board~~ board and must be based upon a proration of the cost in proportion to the assets that each system bears to the total assets of all of the systems for the most recently completed fiscal year.”

SECTION 15. Section 9‑1‑1515(D)(2) of the 1976 Code is amended to read:

“(2) A member taking early retirement may maintain coverage under the State Insurance Benefits Plan until the date his coverage is reinstated pursuant to item (1) of this subsection by paying the total premium cost, including the employer’s contribution, in the manner provided by the Division of Insurance Services of the ~~State Budget and Control Board~~ board.”

SECTION 16. Section 9‑1‑1830 of the 1976 Code, as last amended by Act 309 of 1986, is amended to read:

“Section 9‑1‑1830. Starting July 1, 1981, there must be paid to the system, and credited to the post‑retirement increase special fund, contributions by the employers in an amount equal to two‑tenths of one percent of the earnable compensation of each member employed by each employer. In addition, the ~~State Budget and Control Board shall~~ board, on the recommendation of the actuary, shall transfer a portion of the monies as are received pursuant to Section 9‑1‑1050 that are available due to actuarial gains in the system if the transfers do not adversely affect the funding status of the system. Starting July 1, 1986, all contributions previously credited to the post‑retirement increase special fund must be diverted and credited to the employer annuity accumulation fund.”

SECTION 17. Chapter 2, Title 9 of the 1976 Code, as last amended by Act 170 of 1991, is further amended to read:

“CHAPTER 2

Retirement and Pre‑Retirement Advisory ~~Board~~ Panel

Section 9‑2‑10. There is ~~hereby~~ created the South Carolina Retirement and Pre‑Retirement Advisory ~~Board~~ Panel for the purpose of advising the director of the South Carolina Retirement System and the director of the State Personnel Division on matters relating to retirement and pre‑retirement programs and policies.

Section 9‑2‑20. (a) The ~~board~~ panel shall consist of eight members appointed by the ~~State Budget and Control Board~~ board of directors of the South Carolina Public Employee Benefit Authority and must be constituted as follows:

(1) one member representing municipal employees;

(2) one member representing county employees;

(3) three members representing state employees, one of whom must be retired and one of whom must be an active or retired law enforcement officer who is contributing to or receiving benefits from the Police Officers Retirement System. If this law enforcement member is retired, the other two members representing state employees do not have to be retired;

(4) two members representing public school teachers, one of whom must be retired;

(5) one member representing the higher education teachers. The ~~Budget and Control Board~~ board of directors shall invite the appropriate associations, groups, and individuals to recommend persons to serve on the ~~board~~ panel.

(b) The terms of the members shall be for four years and until their successors have been appointed and qualify. No member shall serve more than two consecutive terms. After serving two consecutive terms a member shall be eligible to serve again four years after the expiration of his second term. Provided, that of those first appointed four of the members shall serve for a term of two years. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment to serve the unexpired term.

(c) A chairman, vice chairman, and secretary shall be elected from among the membership to serve for terms of two years.

Section 9‑2‑30. The ~~board~~ panel shall meet once a year with the director of the South Carolina Retirement System; once a year with the State Personnel Director; and once a year with the ~~State Budget and Control Board~~ executive director of the South Carolina Public Employee Benefit Authority. The chairman may call additional meetings of the ~~board~~ panel at such other times as ~~deemed~~ considered necessary and shall give timely notice of such meetings.

Section 9‑2‑40. The ~~board~~ panel shall review retirement and pre‑retirement programs and policies, propose recommendations, and identify major issues for consideration.

Section 9‑2‑50. The ~~board~~ panel is authorized to seek reasonable staff assistance from the South Carolina Retirement System, the State Personnel Division, and other state agencies which may be concerned with a particular area of study. The ~~board~~ panel is also encouraged to use such resources as faculty and students at public universities, colleges, and technical education schools in South Carolina.”

SECTION 18. Section 9‑8‑10(3) of the 1976 Code is amended to read:

“(3) ‘Board’ means the ~~State Budget and Control Board~~ board of directors of the South Carolina Public Employee Benefit Authority.”

SECTION 19. Section 9‑8‑30(1) of the 1976 Code is amended to read:

“(1) The administration and responsibility for the operation of the system and for making effective the provisions of this chapter are vested in the ~~State Budget and Control Board~~ board.”

SECTION 20. The last undesignated paragraph of Section 9‑8‑60(1) of the 1976 Code, as added by Act 164 of 1993, is amended to read:

“A person receiving retirement allowances under this system who is elected to the General Assembly continues to receive the retirement allowances while serving in the General Assembly and ~~must~~ also must be a member of the General Assembly Retirement System unless the person files a statement with the ~~State Budget and Control Board~~ board on a form prescribed by the board electing not to participate in the General Assembly Retirement System while a member of the General Assembly. A person making this election shall not make contributions to the General Assembly Retirement System nor shall the State make contributions on the member’s behalf and the person is not entitled to benefits from the General Assembly Retirement System after ceasing to be a member of the General Assembly.”

SECTION 21. Section 9‑9‑10(3) of the 1976 Code is amended to read:

“(3) ‘Board’ ~~shall mean~~ means the ~~State Budget and Control Board~~ board of directors of the South Carolina Public Employee Benefit Authority.”

SECTION 22. Section 9‑9‑30(1) of the 1976 Code is amended to read:

“(1) The general administration and responsibility for the proper operation of the system and for making effective the provisions hereof are hereby vested in the ~~State Budget and Control Board~~ board.”

SECTION 23. Section 9‑10‑10(1) of the 1976 Code, as added by Act 155 of 2006, is amended to read:

“(1) ‘Board’ ~~or ‘board’~~ means the ~~State Budget and Control Board~~ board of directors of the South Carolina Public Employee Benefit Authority, acting pursuant to the provisions of this chapter through its Division of Retirement Systems.”

SECTION 24. Section 9‑10‑60(D) of the 1976 Code, as added by Act 155 of 2005, is amended to read:

“(D) The General Assembly annually shall appropriate sums sufficient to establish and maintain the National Guard Retirement System on a sound actuarial basis as determined by the ~~State Budget and Control Board~~ board.”

SECTION 25. Section 9‑11‑10(9) of the 1976 Code is amended to read:

“(9) ‘Board’ means the ~~State Budget and Control Board~~ board of directors of the South Carolina Public Employee Benefit Authority acting through its Division of Retirement Systems.”

SECTION 26. Section 9‑11‑30(1) of the 1976 Code is amended to read:

“(1) The general administration and responsibility for the proper operation of the system and for making effective the provisions hereof are hereby vested in the ~~State Budget and Control Board~~ board.”

SECTION 27. Section 9‑11‑75 of the 1976 Code, as added by Act 424 of 1988, is amended to read:

“Section 9‑11‑75. The ~~State Budget and Control Board~~ board shall adjust the employer contribution paid by employers under the South Carolina Police Officers Retirement System in an amount sufficient to offset the actuarial cost of the provisions of Sections 9‑11‑60 and 9‑11‑70, not to exceed three percent of payroll. If the employer contribution adjustment provided in this section is insufficient to offset the actuarial cost of the provisions of Sections 9‑11‑60, 9‑11‑70, 9‑11‑210, and 9‑11‑300, the board shall adjust employee contributions of the members of the South Carolina Police Officers Retirement System in an amount sufficient to offset the additional actuarial cost. If the contribution rates as set pursuant to Sections 9‑11‑60, 9‑11‑70, 9‑11‑210, and 9‑11‑300 exceed the actuarial cost of the provisions of Sections 9‑11‑60, 9‑11‑70, 9‑11‑120, and 9‑11‑300, the board shall decrease the contribution rate for both employers and employees on a proportional basis.”

SECTION 28. Section 9‑12‑10(1) of the 1976 Code, as added by Act 311 of 2008, is amended to read:

“(1) ‘Board’ means the ~~State Budget and Control Board~~ board of directors of the South Carolina Public Employee Benefit Authority acting as trustee of the retirement systems and acting through its Division of Retirement Systems.”

SECTION 29. Section 9‑18‑10(3) of the 1976 Code, as added by Act 38 of 1995, is amended to read:

“(3) ‘Board’ means the ~~State Budget and Control Board~~ board of directors of the South Carolina Public Employee Benefit Authority.”

SECTION 30. Section 9‑20‑30 of the 1976 Code, as last amended by Act 54 of 2001, is further amended to read:

“Section 9‑20‑30. (A) The South Carolina Retirement System shall provide for the administration of the State Optional Retirement Program under this chapter. The director ~~acting on behalf~~ of the South Carolina Retirement System acting on behalf of the board of directors of the South Carolina Public Employee Benefit Authority shall designate no fewer than ~~four companies~~ two entities to provide annuity contracts, mutual fund accounts, or similar investment products offered through state or national banking institutions, or a combination of them, under the program. In making the designation, selection criteria must include:

(1) the nature and extent of the rights and benefits to be provided by the contracts or accounts, or both, of participants and their beneficiaries;

(2) the relation of the rights and benefits to the amount of contributions to be made;

(3) the suitability of these rights and benefits to the needs of the participants;

(4) the ability and experience of the designated companies in providing suitable rights and benefits under the contracts or accounts, or both;

(5) the ability and experience of the designated companies to provide suitable education and investment options.

(B) If the board deselects a provider, vendor, plan administrator, or other entity, it shall ensure that the deselection and related transition are accomplished with minimal disruption to participants.

(C) Companies participating in the optional retirement program for publicly‑supported four‑year and postgraduate institutions of higher education as of July 1, 2002, or the optional retirement program for teachers and school administrators as of July 1, 2001, may continue to participate in this program and this participation is governed by their existing contracts.”

SECTION 31. Section 9‑21‑20(2) of the 1976 Code, as added by Act 12 of 2003, is amended to read:

“(2) ‘Board’ means the ~~State Budget and Control Board~~ board of directors of the South Carolina Public Employee Benefit Authority.”

SECTION 32. Section 59‑1‑470 of the 1976 Code is amended to read:

“Section 59‑1‑470. Funds appropriated by the General Assembly for a deferred compensation employer matching contribution must be distributed by the State Department of Education to school districts for the purpose of providing an employer matching contribution for eligible school district employees making contributions to deferred compensation plans offered by the South Carolina Deferred Compensation Commission or, after December 31, 2013, the South Carolina Public Employee Benefit Authority, or other approved and qualified plans of other providers. These funds must be distributed in a manner consistent with the provisions of Section 8‑23‑110. The employer matching contribution by the school district may not exceed three hundred dollars for each eligible employee a year. ~~Individuals eligible for the matching contribution must be classified as required in Section 9‑20‑20, the Optional Retirement Program for Teachers and School Administrators.~~”

SECTION 33. This subpart takes effect July 1, 2012.

Subpart 3

Transfer and Dissolution

SECTION 1. Effective July 1, 2012, Section 9‑16‑310 of the 1976 Code, relating to the State Retirement Systems Investment Panel, is repealed. Effective after December 31, 2013, the Deferred Compensation Commission is abolished. All of the functions and duties of the Deferred Compensation Commission are devolved upon the board of directors of the South Carolina Public Employee Benefit Authority as of January 1, 2014.

SECTION 2. (A) Where the provisions of this act transfer portions of the Budget and Control Board to the South Carolina Public Employee Benefit Authority, the employees, authorized appropriations, and assets and liabilities of the transferred portions of the Budget and Control Board are also transferred to and become part of the South Carolina Public Employee Benefit Authority. All classified or unclassified personnel employed by the transferred portions of the Budget and Control Board either by contract or by employment at will, shall become on July 1, 2012, employees of the South Carolina Public Employee Benefit Authority, with the same compensation, classification, and grade level, as applicable. Prior to its abolition, the Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer in accordance with state laws and regulations. Notwithstanding the provisions of Section 9‑4‑10(A) of the 1976 Code as added by this act, on the effective date of this SECTION, the Governor and the Chairmen of the House Ways and Means Committee and the Senate Finance Committee jointly shall appoint the initial and any necessary succeeding executive director of the South Carolina Public Employee Benefit Authority to serve through December 31, 2013, after which the position must be filled by the appointment of the authority board. Notwithstanding the provisions of Section 9‑4‑10(F) of the 1976 Code as added by this act, the Governor shall name a member of the board of directors of the South Carolina Public Employee Benefit Authority to serve as chairman of that board through December 31, 2013.

(B) Regulations promulgated by the transferred portions of the Budget and Control Board are continued and are considered to be promulgated by the South Carolina Public Employee Benefit Authority. Contracts entered into by the Budget and Control Board and the Deferred Compensation Commission are continued and are considered to be devolved upon the South Carolina Public Employee Benefit Authority at the time of the transfer.

(C) The Code Commissioner is directed to change or correct all references to the Employee Insurance Program, the Retirement Division, and the Deferred Compensation Commission to reflect its transfer to the South Carolina Public Employee Benefit Authority. References to the name of the Employee Insurance Program, the Retirement Division, and the Deferred Compensation Commission in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.

Subpart 4

Effective Date of this part

SECTION 1. Except where otherwise provided, this part takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 40; Nays 3**

**AYES**

Alexander Bryant Campbell

Cleary Coleman Courson

Cromer Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O’Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

Bright Campsen Davis

**Total--3**

The amendment was adopted.

Senator RYBERG moved that the Senate stand adjourned.

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

**Ayes 23; Nays 20**

**AYES**

Alexander Coleman Elliott

Ford Hutto Jackson

Knotts Land Leatherman

Lourie Malloy Matthews

McConnell McGill Nicholson

O’Dell Rankin Reese

Ryberg Scott Setzler

Sheheen Williams

**Total--23**

**NAYS**

Bright Bryant Campbell

Campsen Cleary Courson

Cromer Davis Fair

Gregory Grooms Hayes

*Martin, Larry Martin, Shane* Massey

Peeler Rose Shoopman

Thomas Verdin

**Total--20**

Debate was interrupted by adjournment.

**LOCAL APPOINTMENT**

**Confirmation**

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

Reappointment, Dorchester County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Amanda M. Leviner, 130 East Edgefield Drive, Summerville, SC 29483

**MOTION ADOPTED**

On motion of Senators HAYES, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, COURSON, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GREGORY, GROOMS, HUTTO, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McCONNELL, McGILL, NICHOLSON, O’DELL, PEELER, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Julio Valentino “Val” Denning, Jr., husband of Judy Denning, and dedicated Administrative Assistant to the Senate Ethics Committee.

and

**MOTION ADOPTED**

On motion of Senators ALEXANDER, LARRY MARTIN and NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Larry Abernathy, Mayor of Clemson for more than three decades. Mr. Abernathy loved serving people and the City of Clemson. Mr. Abernathy was the beloved husband of Jo Ann Davis Abernathy, devoted father and doting grandfather.

**ADJOURNMENT**

At 5:47 P.M., on motion of Senator RYBERG, the Senate adjourned to meet tomorrow at 2:00 P.M.

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