**Tuesday, June 26, 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:

Once again we turn to the Psalmist, who tells us:

“Because you are my help, I sing in the shadow of your wings. My soul clings to you; your right hand upholds me.” (Psalm 63:7-8)

Please, join me as we pray:

Gracious Lord, here in this Senate Chamber we boldly confess that we are at one of those junctures when we pointedly renew our call for your help, your guidance, and your blessing upon this body. In the midst of significant challenges, may each of these Senators find himself comforted by your presence, and may they join together and boldly move forward -- removing road-blocks and accomplishing good -- knowing in their hearts and minds that your gracious Spirit upholds them. And allow us all to sing once more “in the shadow of your wings.” In your gracious name we pray, Lord.

Amen.

**Point of Quorum**

At 12:02 P.M., Senator KNOTTS made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator KNOTTS moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Grooms Hutto Knotts

Leventis *Martin, Larry Martin, Shane*

Massey Matthews O'Dell

Peeler Scott Setzler

Sheheen Verdin

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators LAND, LOURIE, MALLOYand NICHOLSON recorded their presence subsequent to the Call of the Senate.

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

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

**Statement by the PRESIDENT *Pro Tempore***

Senator FAIR received a unanimous consent request for a Leave of Absence for Wednesday, Thursday and Friday, June 27-29, to attend a NCSL Education meeting to represent our Senate Education Committee and our State Senate. Senator FAIR accepted my invitation to represent us several weeks ago when this extended session was not foreseen.

**Doctor of the Day**

Senator VERDIN introduced Dr. Wendell James III of Greenville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator HUTTO, at 12:05 P.M., Senator RYBERG was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator HAYES, at 12:05 P.M., Senator THOMAS was granted a leave of absence for today.

**Leave of Absence**

At 3:55 P.M., Senator CROMER requested a leave of absence from 4:00 - 9:00 P.M. this evening.

**RECESS**

At 12:21 P.M., on motion of Senator COURSON, the Senate receded from business until 1:00 P.M.

At 1:14 P.M., the Senate resumed.

**Call of the Senate**

At 1:14 P.M., Senator COURSON moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Anderson Bryant

Campbell Cleary Coleman

Courson Cromer Davis

Elliott Fair Gregory

Grooms Hayes Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

Nicholson Peeler Reese

Scott Setzler Sheheen

Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators BRIGHT, HUTTO, LAND, CAMPSEN, VERDIN, O’DELL and FORD recorded their presence subsequent to the Call of the Senate.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 5410, THE *SINE DIE* RESOLUTION.**

**AMENDED AND ADOPTED**

H. 5410 -- Rep. Harrell: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, JUNE 7, 2012, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, JUNE 19, 2012, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, JUNE 21, 2012, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN MONDAY, NOVEMBER 12, 2012, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the Resolution.

**Objection**

Senator PEELER asked unanimous consent to make a motion to take Amendment No. 10 up for immediate consideration.

Senator LEVENTIS objected.

**Amendment No. P1-1A**

Senator HUTTO proposed the following amendment (5410MW34), which was subsequently withdrawn:

Amend the amendment with the document path “5410R011.rwh”, as and if amended, by striking the amendment in its entirety and inserting:

/ (7) receipt, consideration, and confirmation of magistrate appointments; and

(8) House concurrence in H. 3508. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

**Objection**

With Senator MALLOY retaining the floor, Senator PEELER asked unanimous consent to make a motion to take Amendment No. 10 up for immediate consideration.

Senator BRIGHT objected.

Senator MALLOY spoke on the amendment.

**Objection**

With Senator MALLOY retaining the floor, Senator PEELER asked unanimous consent to make a motion to take Amendment No. 10 up for immediate consideration.

Senator BRIGHT objected.

Senator MALLOY spoke on the amendment.

**Objection**

With Senator MALLOY retaining the floor, Senator MALLOY asked unanimous consent to make a motion to take Amendment No. 10 up for immediate consideration on an uncontested basis.

Senator LEVENTIS objected.

With Senator MALLOY retaining the floor, Senator MALLOY asked unanimous consent to make a motion to take Amendment No. 10 up for immediate consideration

There was no objection.

**Amendment No. 10**

Senators COURSON, RANKIN and KNOTTS proposed the following amendment (JUD5410.003), which was adopted:

Amend the concurrent resolution, as and if amended, by striking lines 29-33 on page 2 and inserting:

/ p.m. on June 7, 2012; and

(8) convening of a joint assembly to conduct elections for offices or vacancies in any offices filled by election of the General Assembly. /

To further amend the concurrent resolution, as and if amended, by striking lines 19-21 on page 3 and inserting:

/ Assembly;

(7) receipt, consideration, and confirmation of magistrate appointments; and

(8) concurrence or nonconcurrence in H. 3508, provided that this item shall expire at 5:00 p.m. on June 27, 2012. /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS spoke on the amendment.

**Expression of Personal Interest**

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

**Expression of Personal Interest**

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

**Expression of Personal Interest**

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

Senator LEVENTIS resumed speaking on Amendment No. 10.

The question then was the adoption of Amendment No. 10.

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

**Ayes 34; Nays 3**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie *Martin, Larry Martin, Shane*

Massey Matthews Nicholson

O'Dell Peeler Reese

Scott Setzler Sheheen

Verdin

**Total--34**

**NAYS**

Elliott Leventis Malloy

**Total--3**

The amendment was adopted.

The Senate resumed consideration of Amendment No. P1-1A.

Senator MALLOY was recognized to resume speaking on the amendment.

**Objection**

With Senator MALLOY retaining the floor, Senator CAMPSEN asked unanimous consent to make a motion to take up Amendment No. 11 for immediate consideration.

Senator MALLOY objected.

**Expression of Personal Interest**

With Senator MALLOY retaining the floor, Senator LARRY MARTIN, with unanimous consent, rose for an Expression of Personal Interest.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, Senators LAND, VERDIN and LEATHERMAN were granted leave to attend a meeting of the Committee of Conference on H. 4813.

**OBJECTION**

At 3:52 P.M., with Senator MALLOY retaining the floor, Senator LARRY MARTIN asked unanimous consent to make a motion that the Senate recede from business until 4:15 P.M.

Senator BRIGHT objected.

Senator MALLOY resumed speaking on the amendment.

**OBJECTION**

At 3:56 P.M., with Senator MALLOY retaining the floor, Senator MALLOY asked unanimous consent to make a motion that the Senate recede from business for fifteen minutes.

Senator SHANE MARTIN objected.

Senator MALLOY resumed speaking on the amendment.

**RECESS**

At 4:17 P.M., with Senator MALLOY retaining the floor, Senator MALLOY asked unanimous consent to make a motion that the Senate recede subject to the Call of the Chair.

There was no objection and the Senate receded from business subject to the Call of the Chair.

At 4:50 P.M, the Senate resumed.

With Senator MALLOY retaining the floor, Senator COURSON asked unanimous consent to take up Amendment No. 6A for immediate consideration, withdrawing the perfecting amendments to Amendment No. 6A.

There was no objection.

**Amendment No. 6A**

Senator BRYANT proposed the following amendment (5410R006.KLB), which was not adopted:

Amend the concurrent resolution, as and if amended, page 3, by striking lines 19-21 and inserting:

/ Assembly;

(7) receipt, consideration, and confirmation of magistrate appointments; and

(8) receipt and consideration of S. 1409, concurrence and nonconcurrence and amendments to this bill returned from the other house, and the appointment of members to conference and free conference committees and receipt, consideration, and disposition of conference and free conference reports on the matters identified in this item. /

Renumber sections to conform.

Amend title to conform.

Senator COURSON explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 3; Nays 29**

**AYES**

Bright Bryant Knotts

**Total--3**

**NAYS**

Alexander Anderson Campbell

Campsen Cleary Courson

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Jackson Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

Nicholson O'Dell Peeler

Reese Scott Setzler

Sheheen Williams

**Total--29**

Amendment No. 6A was not adopted.

With Senator MALLOY retaining the floor, Senator COURSON asked unanimous consent to take up Amendment No. 1B for immediate consideration, withdrawing the perfecting amendments to Amendment No. 1B.

There was no objection.

**Amendment No. 1B**

Senator HAYES proposed the following Amendment No. 1B (NBD\  
12787DG12), which was adopted:

Amend the concurrent resolution, as and if amended, by adding an appropriately numbered item to subsection (C) to read:

/ ( ) concurrence or nonconcurrence in S. 1419. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 32; Nays 1**

**AYES**

Alexander Anderson Bright

Campbell Campsen Cleary

Courson Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

Nicholson O'Dell Peeler

Reese Scott Setzler

Sheheen Williams

**Total--32**

**NAYS**

Bryant

**Total--1**

The amendment was adopted.

With Senator MALLOY retaining the floor, Senator COURSON asked unanimous consent to take up Amendment No. 11A for immediate consideration, withdrawing the perfecting amendments to Amendment No. 11A.

**Amendment No. 11A**

Senators CAMPSEN and LARRY MARTIN proposed the following amendment (5410R016.GEC), which was adopted:

Amend the joint resolution, as and if amended, page 3, after line 21 by adding an appropriately numbered new item to read:

/ ( ) concurrence or nonconcurrence in H. 4494. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

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

**Ayes 31; Nays 0; Present 1**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Davis Elliott

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews Nicholson

O'Dell Peeler Reese

Scott Setzler Sheheen

Williams

**Total--31**

**NAYS**

**Total--0**

**PRESENT**

Anderson

**Total--1**

Amendment No. 11A was adopted.

With Senator MALLOY retaining the floor, Senator COURSON asked unanimous consent to take up Amendment No. 9 for immediate consideration, withdrawing the perfecting amendments to Amendment No. 9.

**Amendment No. 9**

Senator LARRY MARTIN proposed the following Amendment No. 9 (5410R012.LAM), which was adopted:

Amend the concurrent resolution, as and if amended, page 3, after line 21 by inserting an appropriately numbered new item to read:

“( ) granting of free conference powers and the consideration of a free conference report on S. 45.”

Renumber sections to conform.

Amend title to conform.

The question then was the adoption of Amendment No. 9.

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

**Ayes 32; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

Nicholson O'Dell Peeler

Reese Scott Setzler

Sheheen Williams

**Total--32**

**NAYS**

**Total--0**

The amendment was adopted.

With Senator MALLOY retaining the floor, Senator SETZLER asked unanimous consent to take up Amendment No. 8 for immediate consideration, withdrawing the perfecting amendments to Amendment No. 8.

**Amendment No. 8**

Senator SHANE MARTIN proposed the following Amendment No. 8 (5410R007.SRM), which was withdrawn:

Amend the concurrent resolution, as and if amended, page 3, by striking lines 19-21 and inserting:

/ Assembly;

(7) receipt, consideration, and confirmation of magistrate appointments; and

(8) receipt and consideration of the H. 4996, concurrence and nonconcurrence and amendments to this bill returned from the other house, and the appointment of members to conference and free conference committees and receipt, consideration, and disposition of conference and free conference reports on the matters identified in this item. /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

On motion of Senator SHANE MARTIN, with unanimous consent, Amendment No. 8 was withdrawn.

Senator MALLOY resumed speaking on Amendment No. P1-1A.

On motion of Senator MALLOY, with unanimous consent, Amendment No. P1-1A and Amendment No. 1 were withdrawn.

With Senator MALLOY retaining the floor, Senator SETZLER asked unanimous consent to take up Amendment No. 12 for immediate consideration, withdrawing the perfecting amendments to Amendment No. 12.

**Amendment No. 12**

Senator LARRY MARTIN proposed the following amendment (5410R015.LAM), which was adopted:

Amend the concurrent resolution, as and if amended, page 3, by striking lines 19-21 and inserting:

/ Assembly;

(7) receipt, consideration, and confirmation of magistrate appointments; and

(8) third reading of S. 1340. /

Renumber sections to conform.

Amend title to conform.

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

**Ayes 32; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

Nicholson O'Dell Peeler

Reese Scott Setzler

Sheheen Williams

**Total--32**

**NAYS**

**Total--0**

The amendment was adopted.

**Clerk’s Conforming Amendment Adopted**

The following Clerk’s Conforming Amendment (5410R017.CLERK) incorporates all previously adopted amendments to H. 5410, which was adopted:

Amend the concurrent resolution, as and if amended, page 2, by striking lines 29-33 and inserting:

/ p.m. on June 7, 2012; and

(8) convening of a joint assembly to conduct elections for offices or vacancies in any offices filled by election of the General Assembly. /

Amend the concurrent resolution, as and if amended, page 3, by striking lines 19 - 21 and inserting:

/ Assembly;

(7) receipt, consideration, and confirmation of magistrate appointments;

(8) concurrence or nonconcurrence in H. 3508, provided that this item shall expire at 5:00 p.m. on June 27, 2012;

(9) concurrence or nonconcurrence in S. 1419;

(10) concurrence or noncurrence in H. 4494;

(11) granting of free conference powers and the consideration of a free conference report on S. 45; and

(12) third reading of S. 1340. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

The question then was the adoption of the Resolution, as amended.

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

**Ayes 32; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

Nicholson O'Dell Peeler

Reese Scott Setzler

Sheheen Williams

**Total--32**

**NAYS**

Leventis

**Total--1**

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

**Statement by Senator MALLOY**

Though I voted in favor of H. 5410, as amended, I am opposed to the approach of using the *Sine Die* Resolution as a vehicle to conduct the state’s business to this extent instead of in the regular legislative session.

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Monte L. Harrelson, Post Office Box 153, Green Sea, SC 29545

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

Douglas W. Sexton, 607 Winding Branch Road, Rock Hill, SC 29732

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1619 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE RICHARD WOODRUFF CHEWNING III, FAMILY COURT JUDGE FOR THE ELEVENTH JUDICIAL CIRCUIT, UPON THE OCCASION OF HIS RETIREMENT FROM THE BENCH, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

l:\council\bills\rm\1663htc12.docx

The Senate Resolution was adopted.

**HOUSE CONCURRENCE**

S. 1609 -- Senator Campsen: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BROOKE MOSTELLER, AN OUTSTANDING STUDENT, ATHLETE, AND ACTIVIST, AND TO CONGRATULATE HER ON THE STATEWIDE SUCCESS AND EFFECTIVENESS OF HER COLLEGE APPLICATION DAY PROGRAM.

Returned with concurrence.

Received as information.

**Session Scheduled**

Under the provisions of H. 5377, the *Sine Die* Resolution, Senator COURSON informed the Senate that, when the Senate adjourned today, it would stand adjourned until 2:00 P.M. tomorrow.

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Monte L. Harrelson, Post Office Box 153, Green Sea, SC 29545

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

Douglas W. Sexton, 607 Winding Branch Road, Rock Hill, SC 29732

**ADJOURNMENT**

At 5:22 P.M., on motion of Senator COURSON, the Senate adjourned under the provisions of H. 5377, the *Sine Die* Resolution, to meet at 9:00 A.M. on Thursday, June 28, 2012.

\* \* \*