**Wednesday, June 19, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Isaiah the prophet puts it into clear focus as he tells us:

“ ‘Come now, let us reason together,’ says the Lord.”

(Isaiah 1:18)

Join me in prayer, please:

Gracious Father, once again we have been called back in session to deal with unfinished business. As always, Lord, we ask You to bless us and our able staff members as we and they continue to carry out the work of our State. Allow these servants to celebrate Your presence here in this Chamber, and may collective wisdom not only lead to the benefit of all South Carolinians, but also to Your glory, O God. Truly, guide us as we reason together. We pray this, Lord, in Your wondrous and loving name.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointment**

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

Ben Johnson, 1771 Abner Creek Road, Greer, SC 29651

**RECESS**

At 11:35 A.M., on motion of Senator COURSON, the Senate receded from business until 11:45 A.M.

At 11:45 A.M., the Senate resumed.

**REGULATION WITHDRAWN**

The following was received:

Document No. 4338

Promulgated by Manufactured Housing Board

Financial Responsibility

Received by Lt. Governor February 27, 2013

Referred to Senate Committee on Labor, Commerce and Industry

Permanently Withdrawn June 14, 2013

**CO-SPONSORS ADDED**

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

S. 300 Sen. Shane Martin

S. 792 Sens. Alexander, Allen, Bennett, Bright, Bryant, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Hayes, Hembree, Hutto, Jackson, Johnson, Leatherman, Lourie, Malloy, Larry Martin, Shane Martin, Massey, Matthews, McElveen, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams, Young

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 796 -- Senator Williams: A SENATE RESOLUTION TO HONOR AND COMMEND MR. CARLEY WIGGINS, A CELEBRATED AUTHOR IN DILLON COUNTY, AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 797 -- Senator Matthews: A SENATE RESOLUTION TO CONGRATULATE RICHARD S. FOWLER, EXECUTIVE DIRECTOR OF THE TRI-COUNTY COMMISSION ON ALCOHOL AND DRUG ABUSE, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 798 -- Senators Malloy and Williams: A BILL TO AMEND ACT 256 OF 1981, AS AMENDED, RELATING TO THE SCHOOL DISTRICT OF MARLBORO COUNTY, SO AS TO REVISE THE MANNER IN WHICH CANDIDATES FOR ELECTION TO THE SCHOOL BOARD ARE DEEMED TO BE ELECTED, TO PROVIDE THE COUNTY SCHOOL BOARD MAY DETERMINE SALARIES AND ALLOWANCES OF BOARD MEMBERS AND APPROVE LOCAL TAX FUNDS NEEDED FOR THESE SALARIES AND ALLOWANCES, AND TO DELETE PROVISIONS REQUIRING THE BOARD MEMBERS TO RECEIVE A PER DIEM AND THE CHAIRMAN TO RECEIVE ADDITIONAL COMPENSATION.

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

**REPORTS OF STANDING COMMITTEE**

**Appointments Reported**

Senator COURSON from the Committee on Education submitted a favorable report on:

**Statewide Appointments**

Initial Appointment, John de la Howe School Board of Trustees, with the term to commence April 1, 2009, and to expire April 1, 2014

At-Large:

Barbara Jeanne Devinney, 170 Tara Drive, McCormick, SC 29835

Received as information.

Initial Appointment, John de la Howe School Board of Trustees, with the term to commence April 1, 2013, and to expire April 1, 2018

At-Large:

Ted O. McGee, 171 Morgan Dr., Lexington, SC 29072 *VICE* W. Joshua Brown

Received as information.

Initial Appointment, John de la Howe School Board of Trustees, with the term to commence April 1, 2013, and to expire April 1, 2018

At-Large:

Felicia Sampson Preston, 1085 Shop Rd., Columbia, SC 29201 *VICE* Ms. Patricia Stoner

Received as information.

Initial Appointment, John de la Howe School Board of Trustees, with the term to commence April 1, 2011, and to expire April 1, 2016

At-Large:

Donna Moore Wesby, 112 Indian Creek Trail, Aiken, SC 29803 *VICE* Mary G. Daniel Wyatt

Received as information.

**THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**H. 3774--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

H. 3774 -- Reps. Loftis, Hardwick, Clemmons, Hamilton, Huggins, J.R. Smith, Goldfinch, Hixon, Ryhal, Sottile and Spires: A JOINT RESOLUTION TO SUSPEND THE RUNNING OF CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2017; AND TO PROVIDE GOVERNMENTAL ENTITIES ISSUING SUCH APPROVALS SHALL PUBLISH NOTICE IN THE STATE REGISTER LISTING THE TYPES OF THESE APPROVALS IT ISSUES AND NOTING THE SUSPENSION OF THE RUNNING OF THE PERIOD OF THE APPROVAL AND TO PROVIDE AN EXCEPTION FOR UNITS OF LOCAL GOVERNMENT.

On motion of Senator HUTTO, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HUTTO spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Grooms

Hayes Hembree Hutto

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Reese

Scott Setzler Shealy

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

The Report of the Committee of Conference was adopted as follows:

**H. 3774--Conference Report**

The General Assembly, Columbia, S.C., June 19, 2013

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3774 -- Reps. Loftis, Hardwick, Clemmons, Hamilton, Huggins, J.R. Smith, Goldfinch, Hixon, Ryhal, Sottile and Spires: A JOINT RESOLUTION TO SUSPEND THE RUNNING OF CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2017; AND TO PROVIDE GOVERNMENTAL ENTITIES ISSUING SUCH APPROVALS SHALL PUBLISH NOTICE IN THE STATE REGISTER LISTING THE TYPES OF THESE APPROVALS IT ISSUES AND NOTING THE SUSPENSION OF THE RUNNING OF THE PERIOD OF THE APPROVAL AND TO PROVIDE AN EXCEPTION FOR UNITS OF LOCAL GOVERNMENT.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. This joint resolution may be cited as the “Permit Extension Joint Resolution of 2013”.

SECTION 2. As used in this joint resolution:

(1) “Department” means the South Carolina Department of Health and Environmental Control.

(2) “Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or facility, or any grading, soil removal or relocation, excavation or landfill, or any use or change in the use of any building or other structure or land or extension of the use of land.

(3) “Development approval” means an approval issued by the State, an agency or subdivision of the State, or a unit of local government, regardless of the form of the approval, that is for the development of land or for the provision of water or wastewater services by a governmental entity, including:

(a) an approval of an erosion and sedimentation control plan, land disturbance permit application, or stormwater management plan granted by a local government or by the department;

(b) a water or wastewater permit issued by the department, including authorization for construction and installation of lines and infrastructure extending water and sewer service and authorization to connect to available or proposed lines and infrastructure;

(c) an NPDES permit issued by the department for the construction, operation, and expansion of a publicly owned treatment works;

(d) a 401 water quality certification issued by the department;

(e) an air quality permit issued by the department;

(f) an approval by a county or its authorized boards and commissions of sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, or a building permit;

(g) an approval by a city or its authorized boards and commissions of sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, or a building permit;

(h) a permit issued by the Office of Coastal Resource Management.

SECTION 3. A governmental entity that issued a building permit that has expired and has not been renewed by the governmental entity for one year, shall issue the building permit at no additional cost; however, the building permit must comply with existing rules and regulations in effect at the time the building permit is reissued.

SECTION 4. This joint resolution is intended to apply retroactively. For development approval that is current and valid on December 31, 2012, the running of the period of the development approval and any associated vested right is suspended during the period beginning January 1, 2013, and ending December 31, 2016.

SECTION 5. This joint resolution may not be construed or implemented to:

(1) extend a permit or approval issued by the United States or its agencies or instrumentalities;

(2) extend a permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to federal law;

(3) shorten the duration that a development approval would have had in the absence of this joint resolution;

(4) prohibit the granting of additional extensions provided by law;

(5) affect an administrative consent order issued by the department in effect or issued at any time from the effective date of this joint resolution to December 31, 2016;

(6) affect the ability of a governmental entity to revoke or modify a development approval pursuant to law;

(7) modify a requirement of law that is necessary to retain federal delegation by the State of the authority to implement a federal law or program; or

(8) affect a Certificate of Need issued pursuant to Article 3, Chapter 7, Title 44 or a Demonstration of Need issued pursuant to Article 2, Chapter 96, Title 44.

SECTION 6. Within thirty days after the effective date of this joint resolution, each agency or subdivision of the State to which this joint resolution applies shall submit a notice for publication to the State Register listing the types of development approvals that the agency or subdivision issues and noting the suspension provided in this joint resolution. This section does not apply to units of local government.

SECTION 7. The provisions of this joint resolution must be liberally construed to effectuate the purposes of this joint resolution.

SECTION 8. This joint resolution takes effect upon approval by the Governor. /

Amend title to read:

/ TO SUSPEND THE RUNNING OF CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2016; AND TO PROVIDE GOVERNMENTAL ENTITIES ISSUING SUCH APPROVALS SHALL PUBLISH NOTICE IN THE STATE REGISTER LISTING THE TYPES OF THESE APPROVALS IT ISSUES AND NOTING THE SUSPENSION OF THE RUNNING OF THE PERIOD OF THE APPROVAL AND TO PROVIDE AN EXCEPTION FOR UNITS OF LOCAL GOVERNMENT. /

/s/Sen. C. Bradley Hutto /s/Rep. Nelson L. Hardwick

/s/Sen. Raymond E. Cleary III /s/Rep. Kenneth F. Hodges

/s/Sen. Greg Hembree /s/Rep. Alan D. Clemmons

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 19, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 3774 -- Reps. Loftis, Hardwick, Clemmons, Hamilton, Huggins, J.R. Smith, Goldfinch, Hixon, Ryhal, Sottile and Spires: A JOINT RESOLUTION TO SUSPEND THE RUNNING OF CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2016; AND TO PROVIDE GOVERNMENTAL ENTITIES ISSUING SUCH APPROVALS SHALL PUBLISH NOTICE IN THE STATE REGISTER LISTING THE TYPES OF THESE APPROVALS IT ISSUES AND NOTING THE SUSPENSION OF THE RUNNING OF THE PERIOD OF THE APPROVAL AND TO PROVIDE AN EXCEPTION FOR UNITS OF LOCAL GOVERNMENT.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 19, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Joint Resolution having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for Ratification:

H. 3774 -- Reps. Loftis, Hardwick, Clemmons, Hamilton, Huggins, J.R. Smith, Goldfinch, Hixon, Ryhal, Sottile and Spires: A JOINT RESOLUTION TO SUSPEND THE RUNNING OF CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2016; AND TO PROVIDE GOVERNMENTAL ENTITIES ISSUING SUCH APPROVALS SHALL PUBLISH NOTICE IN THE STATE REGISTER LISTING THE TYPES OF THESE APPROVALS IT ISSUES AND NOTING THE SUSPENSION OF THE RUNNING OF THE PERIOD OF THE APPROVAL AND TO PROVIDE AN EXCEPTION FOR UNITS OF LOCAL GOVERNMENT.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 18, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has rejected the Conference Report on the following Bill:

H. 3225 -- Reps. J.E. Smith and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 132 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE FOR THE ISSUANCE OF “SC RIVERKEEPERS” SPECIAL LICENSE PLATES.

Very respectfully,

Speaker of the House

Received as information.

**REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED**

**H. 3710--GENERAL APPROPRIATIONS BILL**

The Report of the Committee of Conference was taken up for immediate consideration.

Senator LEATHERMAN moved to adopt the Report of the Committee of Conference.

Senator SCOTT spoke on the Conference Report.

Senator HUTTO spoke on the Conference Report.

Senator LOURIE spoke on the Conference Report.

**RECESS**

At 12:47 P.M., on motion of Senator PEELER, the Senate receded from business until 1:17 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:35 P.M. and was called to order by the PRESIDENT.

The Senate resumed consideration of the Report of the Committee of Conference on H. 3710.

Senator SHEHEEN spoke on the Conference Report.

Senator SETZLER spoke on the Conference Report.

Senator SHANE MARTIN spoke on the Conference Report.

Senator BRIGHT spoke on the Conference Report.

**Remarks by Senator BRIGHT**

Mr. PRESIDENT and members of the Senate.

We have a Bill coming across from the House -- but money for the train victims from Spartanburg County is not in that budget and not in the conference report. That’s the danger when we rely on government. I don’t think that the government should be involved in the charity business. I don’t think the government should be involved in the train business; but, the government was involved in the train business.

I’m sure many of you have been to ribbon cuttings at these amusement parks. It seems we’re going into the park business all over this State. We continue to punish the business property owners with business property taxes, because they didn’t get to 388 relief. They got the 388 bill. But we’ve got these parks going up all over the State that are county parks that we can take credit for, and our county and city councilmen can rave about what they’ve produced with somebody else’s money. Yet, these train victims that were hurt and were injured by -- apparently from everything I’ve read, the state’s negligence -- we’re not going to take care of them.

But, when I look at things on this list, I think about the $2 million for these train victims that we could not secure, and the hypocrisy in it. We can spend $350,000 to educate people, on I don’t know what all goes into that Department of Education. We can spend $650,000 for the Department of Commerce to study these clusters for business development and we’ve got these incubators -- I think it’s about $6 million if I’m not mistaken -- I guess that’s to mitigate the risk for folks that don’t want to have to take a risk in starting a business. The State will take the risk for them at taxpayer expense and I see we’ve got $2 million for beach replenishment; but, yet, we don’t have $2 million for the train victims of that accident happening in Spartanburg.

And that’s how government can be cold and calculating. I don’t want the poorest among us to be dependent on government when we talk about health care. I don’t want folks to be dependent on government to educate their children at 4-year-old kindergartens at the expense of eliminating the private industry -- that is, the day care industry. So, that way when Mom and Dad have to go to work, obviously working past April now just to pay the taxes, but Mom and Dad have to go to work to pay the government just so we can pay for all these projects. I don’t want their only option to be a government K-2 program, which is what comes after K-4, then you get K-3, then you get K-2, and then you get what they do in Cuba. Obviously, the rest of the world is moving away from these types of policies, but here in South Carolina and the United States, we’re moving toward them. They’ve seen these things don’t work in the rest of the world, and economies have collapsed, but we run toward it. And, of course, there are a lot of different arguments about the collapses and who is to gain. I mean, when you spread the wealth around the world, by collapsing the wealth here, obviously there are folks that gained from that. Getting into the microcosm of the state’s ability to help people -- I think that it is pure hypocrisy that we can’t come up with $2 million for these train victims; but, yet, we can do all these other things. I didn’t vote for the Bill, the Capital Reserve Bill, so I’m not voting for this budget.

I do think that there obviously needs to be discussion about raising the caps, you know, when people are injured. I think the bigger discussion is, you know, should the State be in the train business. I mean, we’ve got Carowinds right on our border. You go down to Myrtle Beach and they’ve got a lot of private areas where they’ve got some amusement rides. So, if the private industry can afford the insurance to protect its patrons, then that’s one thing. But, to say to the patrons, “You’re just out of luck. We can’t help you this year and couldn’t help you last year” -- we know you thought you were safe because you were riding this train and obviously it was a park that was owned by the government, so surely, surely, the government’s going to take care of you if you get injured on their property. But, obviously, they don’t.

So, I just want to make sure this body realizes how much hypocrisy we have when we talk about compassion with peoples’ tax dollars because I argue it’s not compassionate at all because it’s not your money to begin with. But, don’t talk about how compassionate you are with these train victims -- and most of them don’t live in my district -- but it happened in my district and it happened in my county, so I think it proves my argument.

Thank you.

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

Senator MALLOY spoke on the Conference Report.

**Remarks by Senator MALLOY**

Thank you, Mr. PRESIDENT, lady and gentlemen of the Senate.

First, I want to thank the people of South Carolina for allowing all of us to be able to serve, to come over here and to bring your interests to Columbia and to, hopefully, take the results they have requested in their respective districts back home to them. I am particularly grateful for the people in my district, District 29, for the trust they have placed in me to represent them, to hold the office that they have in their power, in trust, for them, the people. Hopefully, I will bring results back home to them for those who have chosen to walk with us, that talk to us, that allow us to listen to their ideas and their thoughts as to what kind of South Carolina they would want, and to be able to walk hand-in-hand with them to hopefully carry forth their requests. I know many of you really feel the very same way.

To know that with the 100,000 people we represent in our districts now, there are still the faces you do not see; the voices that you do not hear; and the eyes that really do not see you when you are doing your work. But yet, and still, we represent all of them. I stand before this body now on this, the 19th of June 2013, which is such a wonderful day.

The Senate has done its work, Mr. Chairman. As I go through these comments, I want to thank you for your work -- masterful work in bringing a budget to this State time and time and time again. Most times you have a lot of doubters. They say, “It is not going to be done.” But, what they do not see is the telephone calls you answered during the week -- my telephone calls. You are always a telephone call back from the private number. The only person that calls you besides me is the Senator from Williamsburg. I also want to thank you for the late hours you will put in over here doing the work, even when the Senate is not in Session.

Many of us have a function. I sit here on this side on the back row so I can see everything. Senator from Greenwood and Abbeville counties, you came up to that row right away. But, the reason why some of us choose to sit back there is to be able to end up seeing those things and to look at the room and the work everyone has put into it. There is something to be said for that.

The Senator from Charleston oftentimes talks to me about The Federalist Papers. But what I glean from The Federalist Papers -- and most times what I look at every day -- is the minority view. For the Senator from Spartanburg, Senator SHANE MARTIN -- who is kidded about our relationship as we try to find some things we can support -- operates from the same principle as well because he works a lot of times from the minority view. I always make the comment that the minority does not make policy. The minority makes comments. When the minority makes their comments, basically they are trying to impress a point of view upon the will of the majority. Sometimes that is done. But, I am hopeful that we can make a difference and a change as it relates to the policies to make them more compassionate on the issues. I am not talking about the compassion as it relates to the will of a man or a woman. But, to make a change whenever change is necessary. So, to go through my process for a bit, a good question was asked of me yesterday. While I sat back here in the room a few minutes ago, I was asked, “Where were you on February 20th?” I do not know.

I am going to tell you a short story. I can tell you where was I was on July 8, 1989. That was the day my wife said, “I do.” I can tell you where I was on May 15, 1991. I was in the hospital room at about 8:30 -- 9:30 at night. My first child was born after three days of labor. I can tell you where I was before I went to the hospital. I was sitting in a judge’s office, in his courtroom, saying, “My wife just gone into labor.” He said, “Sit down. No one leaves until I leave.” I remember that. I can tell you where I was on September 27, 1993, at 8:30 in the morning when I got a call that said I have a murder case to try over in a neighboring county. My second child had just been born. I said, “I can’t come.” I hung up the phone. My wife looked at me and said, “Duty calls. You need to go.” I remember going the next day and trying that case. I was at the hospital at night and the courtroom by day. By Friday of the following week my client was acquitted. I remember where I was on January 3rd, 1996. My third child was born. It was a cold day and I was rushing real hard, hopefully, because we knew it had to be an induction. I went to the doctor said, “You cannot do it December 31st.” He said, “It was not plausible.” The Senator from Dorchester knows why I would say that. I know where I was on August 6, 2000. I was driving back from the Trial Lawyers’ Convention in Hilton Head at the Westin Resort -- coming back from the hospital the night my fourth child was born.

Where was I any other day? It does not matter. I can tell you where I was on May 13, 2013 -- sitting in this Senate Chamber when we got a favorable report that came out of committee. I have documents to show that. I know where I am today. Each day in between I have been there to watch you, to agree with you on some, to disagree on some as we proceeded along with a very difficult task of spending over $6 billion in South Carolina for those individuals that are back in our districts, those 100,000 or so in our respective districts that have depended on us to come here and to prioritize the spending needs in the State in the appropriation of a budget.

I would say a couple of general things as I comment on issues that I think need to be brought to your attention. Do personalities matter? Unfortunately, they do. Here, sometimes it depends on who makes the motion whether you get your team’s support. That is part of the process. It is okay. Folks say certain people take it certain ways; that is not true. We all are of the type personality with professional acumen, and whatever brings us to this table to have understood this is not our first stop. And, as my granddaddy would always say, “This is not my first rodeo.”

So, I have been hit before and will get hit again. There is something my friend, the Senator from Cherokee, Senator PEELER, is always fond of saying. I live by this. It is amazing to me that he said this. I know people in my family who will say this as well. The Senator from Cherokee will say, “Son, ain’t no horse that can’t be rode. And, ain’t no rider that can’t be throwed.” So, with all due respect, ain’t nobody in here that important.

What we have is 4.6 million people out there that are important. So, the decisions we make would always be with them in mind. I am absolutely appalled that Proviso 33.31, DHHS, the Community Health Center, FQHC, has language in it to attack a person and that hurts a whole community. My comments are general. I am not saying anything to our conferees. I knew that our conferees were in support of the Senate’s position, Senator from Lexington. You wanted to make it work. I understand that in the greater good the other conferees at some point in time had to prioritize and weigh matters. That does not make it right. Federally Qualified Health Center (FQHC) look-a-likes -- how crazy is that? -- are also included in the distribution of funds. Look-a-likes. If you get cut and I get cut or stuck -- we are going to bleed the same color.

Many of our colleagues and friends, when you are in that hospital room and you need O-positive or A-negative blood, you are not going to go and look for a look-a-like. You are going to go for the need. The healthcare need in my community in Darlington County is still there -- regardless of how much they do not like the person who is the executive that runs the local health center. And the people in my community deserve better than to be excluded from state funding because some lawmakers in Columbia did not like him. To watch people get hurt -- they called it collateral damage. We have some folks that have been hurt. Many of you will sit here. I told you that I have points. I will make them. Senator from Cherokee, I do not answer this often. I am going to sit down, but I will finish my points. That is one. That is wrong. That is wrong.

We talk about affordable healthcare. How many people will die? How many people will be hurt because we do not like one man that is in the center? This proviso is wrong. It is no good. The laws on the books are there for a reason. The Senator from Spartanburg makes a valid point. If we are going to have the funding responsibility, we need to do it. If you are not doing it so that you are not obeying the laws, are you going to change it so you end up fixing it? But, we did not adhere to it. There are laws on the books. I will not belabor this for long. Just because there is a law that is on the books that has not been challenged, does not mean that it is Constitutional.

I think there is a problem with H. 3360 that has a person involved. I thought about that this morning, because I do not think about this a lot. I did not come to the meeting this morning because I had to go to my office and see people. They said this matter has been brought up before for several years. You know why it did not pass? The person standing behind me and is wearing the purple robe, stood up and said this is Unconstitutional. That’s why it did not pass. This year he is gone. He gets a chance to watch and see what happens.

Now, we have a conversation about “caps.” I believe that when folks are hurt they need to have an award. Unfortunately, this is not Desoto Theory for those of you that follow. It is not worth the long conversation -- but taking away from those that have and giving to those that have not. This is not that. You mean to tell me that the mother of my four children, who has been at home, a stay-at-home woman for over 20 years -- that we can put a “cap” on her non-economic loss and this body voted for it? Absolutely. When it comes time to come into our neck of the woods, we say the “caps” should be lifted. But, if something happens to my wife of 20 years, God forbid, there’s a “cap” on the non-economic loss for a person who does not have a job outside of the home.

Senator from Spartanburg, Senator SHANE MARTIN, I look to join you. And I will have a Bill when we come back lifting those caps. I would hope, Senator from Pickens, Senator LARRY MARTIN, that we get a chance to have that discussion. Again, let’s see where the votes are and see where the responsibility is. The camel has his head under the tent. The horse -- in my case the mule -- is out of the barn. My granddaddy, Nathanielle, had two mules on the farm. You heard me talk about them -- Mag and Kate. Mag was a black mule. Kate was a red mule. Mag you could ride. Kate, I dare you not. We had electric fencing around the farm -- not to mention the pigs and hogs, we had. The hogs we would slaughter. What happened is the pigs had a little square fence. If you did not pay much attention to it, eventually they would root out from under it. Then, they would get outside of the pig pen. Soon others would follow and soon they would all be out. Senator from Williamsburg, if you did not fix it, they would keep coming out. You had to go back to where the root of the problem was, to fix the pen before they got out. Mag and Kate would get out of the barn. We knew we had locked the barn. We had to find a way around the pasture to see where they got out. Some say the camel puts its head under the tent.

Folks, what we did in transportation this year -- you can pat yourself on the back, and say we did a good job. We need roads in South Carolina. We need roads in a tremendous way. I voted against it because of this transfer to the person. I really believe that. The other point is this -- for the first time since I have been here, which has not been that long -- a little over a decade -- we have taken money from the General Fund for folks that are conservative. You know, what happened to paying down bond indebtedness? What happened to that? What happened to the rainy day money? How are you going to handle that? I tell you what. The horse is out of the barn. The pigs are out of the pasture. Once you start going there, you are going to always go there. Mr. PRESIDENT, that sets a terrible precedent for this Senate.

South Carolina has one of the lowest gas taxes around in our sister states. It is 16 some-odd cents. I would argue the reason some of my brethren are so happy is they have a chance to get a temporary slap on the back and say, “We did something.” What we did was the band-aid approach, which is not enough. You cannot solve the road problem until you pass a gas tax. It is a band-aid. We are protecting those that do not want to have to vote on a tax increase. That is it. Maybe the executive would veto it. Maybe the executive should do what we are supposed to do. Then, you have to figure it out. Well, we are speculating. That’s one way of doing it. I do not advocate that; but I am one person. I am expressing my minority view. I thank you, for your indulgence because it is important for me.

Let’s talk about our state employees. Please help me out. I am not on the Senate Finance Committee. Was it $15 million? Is that what it would have taken for a 1% pay increase? It’s about priorities. I know we are not on the same page. I know it is not the same dollar. Seriously, what did we trade for vouchers -- $10 million? Close. We are treating it like bubble gum money. I’m not trying to be disrespectful. State employees deserve that. How much of an increase was in the budget? We run in parallels. Was it a 5% or a 6% increase? And, we do not take care of the state employees? The budget did not cover their full cost of living. They have to participate in the co-pay still at 20%. We passed a Bill this year that would increase some at 30%. The House just came in with a very close vote on this budget. I realize folks that have always been advocates against vouchers will end up supporting this because they are balancing it out. I would say at this point in time, that this vote is going to come up and we will have to explain this. This has vouchers in the budget. This use of vouchers. That is why many of the House members voted against it. I realize some of my friends and I are on different sides of this issue. I saw folks that advocate when it comes time to run for this office and they will say, “I am against vouchers and I am for education.” That is what we did. There is $12 million for charter schools, $12 million. That is right. It’s still money. On our base student cost, Senator from Spartanburg, Senator SHANE MARTIN, I am with you. Are we are going to change it some kind of way at some point in time? Let’s see if the formula is ever going to change. Are we going to fund the formula?

It’s the same thing with the Local Government Fund. I want to congratulate the Senator from Cherokee, Senator PEELER, for the same kind of discussion we had yesterday. We had a more substantive discussion one day in the Senator from York’s subcommittee on Education. And the discussion was very substantive about what do we do with the Read to Succeed program. And how do you handle the programs? Where do you start? Out of that meeting, the Senator from Cherokee said, “How do we fix it?” I realize there has been discussion and support for 4-year-old kindergarten before then. I realize what this body did, once they had the equity lawsuits, and I realize what is happening now. We lowered the formula. We go down to 75% as it relates to the poverty index and I realize it helps some in your areas. I know there is parental choice. And in my area in Darlington 1, there is an impact because we have a chance to end up having the benefit of 4-year-old kindergarten. But the Senator from Cherokee said, “Let’s put it together and I will support it.” With everything else, when he said that, we knew we had a good chance to end up getting funding for 4-K. Senator PINCKNEY, Senator from Jasper, you were there. And, Senator from Lexington, you carried the ball in Finance and made it one of our number one issues. I am very thankful for that. That is the budget that we feel like was a positive part. Is that enough?

With some of the items we placed in the budget we say, “The camel’s head is under the tent; the horse is out of the barn.” We are giving private teachers a tax credit here this time. Are we are dealing with people? Yes. We have an increase in funding for instructional materials and that is good. We are trying to support education. On school buses, the minority view became prominent. I was a bit disappointed when the Department of Education came. Department of Education officials said, “We will ask for a certain amount of money for fuel in Part IA, but we can adjust that to come back with another million.” How many millions do we have in the budget that were like that. I am certain the Senator from Richland and the Senator from Clarendon would love to have an additional million dollars as relates to the HEEEP (Higher Education Excellence Enhancement Program) Program this year. But, we did not do it. Senator from Orangeburg, cyber-security -- what a waste. What are we going to do with the money that’s been put aside? We do not know what we are going to use it for. But, I need a little touch over in Darlington County, so people can get some healthcare. We did not like the guy; so, we did not do it.

We’re talking about approximately $10 million. Here’s an additional $10.6 million. That’s $5.8 million recurring and $4.8 million non-recurring, for the Budget and Control Board to begin updating the statewide information security infrastructure. Folks, I am not here to keep you. I’m just here to make my points and let you know where I am on this issue. When it comes to law enforcement officers, I love law enforcement. The husband of my assistant back home is a highway patrolman. He is a lieutenant. I am very fortunate up here to have my very able assistant. Her husband is a Secret Service agent. I have law enforcement around my office every day. They are good folks. They work hard. I like them. I love having their spouses there because they are law and order people. We did well with law enforcement officers in the budget and continue to end up spending money on them. The money that we’re spending on the non-Medicaid expansion initiatives could be better put in another place. We spent $40.1 million on these initiatives and we find ourselves arguing over peanuts to take care of people in other aspects. You have heard us talk about this for a period of time. I am almost done.

But $50 million out of the General Fund for roads? What are you going to do when this thing tanks? In every decade, the economy goes up and down. And, it’s going to be hard to get that money back for those of us who do support it and for those who don’t. It’s a choice you make. Here’s what I think is coming down the road -- $50 million there, could have been for schools. It could have been on the backs of the children who need it. We want to avoid raising the gas tax from 16 cents as opposed to going up to wherever North Carolina is at -- 32 cents or wherever Georgia is at -- 30-some-odd cents. I know Georgia has a hybrid formula.

We take things out of the budget that matter. We took the proviso out to prohibit accepting waste from out of state because of personal and private lobbying interests. That’s wrong. Who’s in the room and where are you? Low and behold, you all know that I am adamant and I don't want to wait until January. I never wanted to wait until January. I don’t want to wait until tomorrow. We are falling down on philosophical differences because of what we think might happen. But, I don’t think for the 100,000 people we represent in our respective districts and the 4.6 million people we represent because we are State Senators -- we can have 300,000 people that could receive health coverage, but are not.

I have a person who has become a very good friend of mine who is a physician. He’s an orthopedic oncologist. He has set up his nonprofit organization. I was taken by what he told me. He said, “I can only do this for a few years.” We had a friend he treated not too long ago that will make it. But, let me tell you about this other person that did not make it. The physician said, “He could not afford to get my treatment. He had this cancer. He could not afford the transportation to get to where my office is. His rent for his place went up. He could not work. His light bill and things and his family had to suffer. You know what happened to him? He died.” Will we have someone that dies? Yes. Yes -- someone in Darlington County. I know you are saying, “Don’t play with my emotions like that.” This is not emotional. It’s people that need the treatment and they are not getting it. But, we did that -- going back to Genesis Healthcare -- because of a personal issue.

But, there are 300,000 people in South Carolina without healthcare and that’s different. Folks, we are not trying to cure world poverty. We are not trying to compromise and fix a tax structure that has been hardened for a period of time. We’re trying to do the things we can do. And, it does not have to do with how we get elected again. The question is, “Will we do what is right? Will we do what is fiscally right and morally right?” We had an opportunity this time and we did not do it. Expanding healthcare coverage in South Carolina would have brought in $11.2 billion and 44,000 jobs to our State. It would have cost us $275 million in 2020 to insure those individuals. That’s the most that there was. Senator from Richland, that’s a whole lot less than we have set aside in the $300 million to go down and dig in the Charleston port. We’re talking about people.

My predecessor, the Senator from Darlington, Senator “SPOT” MOZINGO, was asked about his political affiliation. His response was simply this, “I just like people better than I like buildings.” I like people better than I like material things. When there comes a time and question, I cast my vote for people. I had someone ask me about issues with my law practice not too long ago. They asked, “How do I want to get business from certain companies?” I don’t have any companies in my law practice. My law practice is about individuals. Most of them are hurt, injured, downtrodden and politically incorrect. They are people that need a helping hand. That’s how I end up doing it. My position is if I get a chance to end up helping people, expanding healthcare coverage through the Affordable Healthcare Act was a way I could end up supporting people. I would not put the $120 million in Boeing. You can call it what you want, but you have to pay it back. It’s bonds. I voted for it. But, I’d rather have this additional health coverage for residents. I would not put the $300 million in the port. I’d rather have this. And, I could go on down the list: $10 million here for cyber-security; $40 million with the non-Medicaid expansion. There was some money that came in at the end of the budget deliberations. And, we put it to roads and now we are guiding it against having to raise the gasoline tax. So, folks, we had a chance to expand healthcare coverage and we did not. The Senator from Charleston, my suitemate, a young Senator with a bright future, said, “Senator from Darlington, I think you made your point. What I remember is that you did not want to go down being on the wrong side of history.” I will say again, that you are right.

I had the opportunity to invest in the dignity and the worth of the least of our residents and to do so in a fiscally responsible way. I also think it was morally responsible. And I am a part of the body that said, “No” or, “Maybe, not now”. But, I am not willing when I had an opportunity because of the collateral damage and because of what would happen to my doctor's patient who did not have the opportunity

-- when he has a wife that is missing a husband, children that are missing a father and other relatives that are missing a loved one. I see that picture. I want to be able to say, “Yes” to that issue.

So, to answer some questions that we have tried to answer over a period of time, I have told you the most important days of my life. I can control only one of those. That was whenever I got married. You are born, you marry, you die. You have no control over the first and the last one. So where am I? I am here with you. I got a chance to have my legislative sword and I will get a chance to swing it. When I get a chance to swing it, I am going to speak to those that I think need it and need me most. I hope you are hearing out there from those that had a chance to be insured and are not.

One of my friends told me, “You going to trash the whole budget. You are going to be against the whole budget because of one issue?” There is more than one issue. Would you take any particular rotten peach and put it in the basket of good peaches? They all will go rotten. So, the question is, where are you? Where was I? I told you the most important days of my life. I got to that point. That is the issue as it relates to my family. Not trying to imitate Gail Thayers, but there’s only one thing that is ahead of them, “That is my God.” I come next at the end of that. And, all of you my friends, you come behind that. I have to make a living for my family and take care of them. The votes we cast here are for my family and, therefore, the people of South Carolina. So, I tell you where I am. I just want to know where you are on June 19, 2013. Ask me next year, where I was June 19, 2013, and I will not know. It will not be deep in my memory. But, for today, since I am here, I will tell you for the rest of the time I am here -- the dates that are important in my memory and I would challenge you to be here every step of the way as we try to do what's good for South Carolina. We are not selfish. We know it is not going to go our way. You all are going to hear from us. Today was only a small way that I can. It is the only small way that I can with the length of time given.

You have been good by listening to me. I am humbled by your attention. Mr. Chairman, with some trepidation, I cannot vote for your budget. Too many people will get hurt. You can make the point that some will do better. I will not remember this day, but I will remember what I did on the day that I had the chance to be on what I think was the right side of history. I am going to be on the right side of history for the only opportunity I could get to expand Affordable Healthcare. The only way I can tell my people that I advocated for them, for the ones that do not see me, is to cast my vote, “No”. And I will.

Thank you.

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

The question then was the adoption of the report.

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

**Ayes 39; Nays 5**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Reese Scott Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--39**

**NAYS**

Bright Corbin Malloy

*Martin, Shane* Thurmond

**Total--5**

The Report of the Committee of Conference (as contained in Doc. No. P:Legwork\confreports\nl\3710C001.NL.DG13.docx) was incorporated herein by reference and adopted.

**Message from the House**

Columbia, S.C., June 19, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

**H. 3710--GENERAL APPROPRIATIONS BILL**

Very respectfully,

Speaker of the House

Received as information.

**ENROLLED FOR RATIFICATION**

**H. 3710--GENERAL APPROPRIATIONS BILL**

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**REPORT OF THE COMMITTEE OF CONFERENCE ADOPTED**

H. 3711 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2012‑2013, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The Report of the Committee of Conference was taken up for immediate consideration.

Senator LEATHERMAN moved to adopt the Report of the Committee of Conference.

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

**Ayes 35; Nays 9**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Jackson Johnson Leatherman

Lourie *Martin, Larry* Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Reese Scott Setzler

Shealy Turner Verdin

Williams Young

**Total--35**

**NAYS**

Bright Bryant Corbin

Hutto Malloy *Martin, Shane*

Massey Sheheen Thurmond

**Total--9**

The Report of the Committee of Conference was adopted as follows:

**H. 3711--Conference Report**

The General Assembly, Columbia, S.C., June 19, 2013

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3711 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2012‑2013, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

Amend the joint resolution, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2012-2013 the following amounts:

(1) F03-Budget and Control Board

Consumer Protection and

Statewide Cyber Security

Improvements $ 10,000,000

(2) H63-Department of Education

School Bus Lease and Purchase $ 10,500,000

(3) F03-Budget and Control Board

Division of Information

Security $ 4,840,508

(4) F03-Budget and Control Board

Statehouse Dehumidification

and Heating $ 60,000

(5) H09-The Citadel

Cadet Accountability System $ 1,500,000

(6) H15-University of Charleston

Computer Science Program $ 100,000

(7) H15-University of Charleston

Science Center $ 2,000,000

(8) H17-Coastal Carolina University

Science Center $ 1,500,000

(9) H21-Lander University

National Center for

Montessori Education $ 750,000

(10) H47-Winthrop University

Withers/WTS Building Roof

Replacement Maintenance

and Repairs $ 750,000

(11) H59-State Board for Technical

and Comprehensive Education

CATT Program/Ready SC $ 7,538,694

(12) H59-State Board for Technical

and Comprehensive Education

Manufacturing Skills Standards

Council Initiative $ 2,500,000

(13) H59-State Board for Technical

and Comprehensive Education

Central Carolina Technical

College-Advanced

Manufacturing Technology

Training Center $ 3,500,000

(14) J20-Department of Alcohol and

Other Drug Abuse Services

Keystone Alcohol and Drug

Abuse Capital Improvement

Rock Hill $ 750,000

(15) J20-Department of Alcohol and

Other Drug Abuse Services

McCord Center Fire Safety

-Alcohol and Drug Abuse $ 250,000

(16) J20-Department of Alcohol and

Other Drug Abuse Services

Circle Park Florence County

-Alcohol and Drug Abuse $ 150,000

(17) L04-Department of Social Services

Child Support Enforcement

System Development $ 212,221

(18) P12-Forestry Commission

Firefighting Equipment $ 2,000,000

(19) P20-Clemson University-PSA

Advanced Plant Technology Lab $ 3,000,000

(20) P32-Department of Commerce

Deal Closing Fund $ 3,322,234

(21) P32-Department of Commerce

Business Incubator Program $ 1,000,000

(22) R44-Department of Revenue

Repayment of Loan Authorized

by the Budget and Control

Board on 12/12/12 $ 20,170,000

(23) N20-Law Enforcement Training

Council (Criminal Justice

Academy) HVAC System $ 1,682,032

(24) A17-Legislative Printing and

Information Technology Systems

Data Center and Server Room $ 950,000

(25) K05-Department of Public Safety

Deferred Maintenance

-Roof Replacement $ 300,000

(26) N20-Law Enforcement Training

Council (Criminal Justice

Academy) Replace Water

Supply Lines Oldest Dorms $ 147,492

(27) R44-Department of Revenue

Implement Tax Processing

System Improvements $ 7,533,374

(28) H18-Francis Marion University

Health Sciences Building

(2 to 1 Match) $ 1,750,000

(29) H59-State Board for Technical

and Comprehensive Education

Aiken Technical-Academic

Building in Support of

STEM and Engineering $ 640,000

(30) H59-State Board for Technical

and Comprehensive Education

Denmark Technical-Plant

Funding for Science Building $ 435,750

(31) H59-State Board for Technical

and Comprehensive Education

Greenville Technical

-Enterprise Campus

Development $ 435,750

(32) H59-State Board for Technical

and Comprehensive Education

Horry-Georgetown Technical

-Culinary Arts Academic

Building (1 to 1 Match) $ 435,750

(33) H59-State Board for Technical

and Comprehensive Education

Midlands Technical-Quickjobs

Program-Equipment $ 500,000

(34) H59-State Board for Technical

and Comprehensive Education

Piedmont-Phase II

-Laurens Advanced

Manufacturing Center $ 909,000

(35) H59-State Board for Technical

and Comprehensive Education

Technical College of

Lowcountry-Transitioning

Military Support and

Training $ 318,000

(36) H59-State Board for Technical

and Comprehensive Education

Tri-County Technical

-Oconee Workforce and

Economic Development

Center (1 to 1 Match) $ 750,000

(37) H59-State Board for Technical

and Comprehensive Education

Trident Technical

-Infrastructure/Roads/Ramps

and Information Technology $ 435,750

(38) H59-State Board for Technical

and Comprehensive Education

York Technical-Main Campus

Road-Health and Safety

Traffic Flow $ 640,000

(39) H73-Vocational Rehabilitation

Palmetto Center-Rebuild Facility

-Fire and Life Safety Issues $ 3,000,000

(40) P16-Department of Agriculture

Pee Dee Farmers Market

-Replace Refrigeration Capacity $ 75,000

(41) P16-Department of Agriculture

Farmers Market $ 7,060,000

(42) P28-Department of Parks,

Recreation, and Tourism

Lake Greenwood Campground

Electrical $ 800,000

(43) P28-Department of Parks,

Recreation, and Tourism

State Park Sewer Repairs

-Santee and Table Rock $ 550,000

(44) P28-Department of Parks,

Recreation, and Tourism

Kings Mountain Bridge

Replacement $ 250,000

(45) P28-Department of Parks,

Recreation, and Tourism

Asbestos Abatement and

Mold Removal $ 200,000

$ 112,656,555

SECTION 2. (A) For the current fiscal year, of the funds appropriated to the Budget and Control Board for Statewide Cyber Security and Consumer Protection, the state shall provide at a minimum, one additional year of identity theft protection and identity theft resolution services to each eligible person, as defined in subsection (D), whose personal financial information was compromised as a result of the Department of Revenue Security Breach of 2012. These services must be free of charge and available on or before October 25, 2013. Any funds remaining shall be utilized by the Budget and Control Board to implement state agency cyber security improvements as recommended by Deloitte and Touche.

(B) The Budget and Control Board shall procure services pursuant to subsection (A) in the most cost efficient manner possible. Following the selection of a vendor, the contract shall be executed by the vendor and the Department of Revenue. The Budget and Control Board, with assistance from the Department of Revenue, shall issue a report to the General Assembly by February 1, 2014, containing findings and recommendations concerning the ongoing risk of identity theft to eligible persons, the services the contract or contracts provided, and the need, if any, for extending the period for the contracted services, including the levels of service required beyond the additional one year coverage period. No service provided pursuant to subsection (A) may be procured for a cost if the same service is available to eligible persons for free under state or federal law.

(C) In order to ensure that every eligible person obtains identity theft protection and identity theft resolution services pursuant to subsection (A), to the extent allowed by federal or state law, including Section 30-2-320, the Department of Revenue, working with the contracted vendor, shall develop and implement a policy to make enrollment as simple as possible for each eligible person. The policy may include automatic enrollment, provided that there is an opt-out mechanism for otherwise eligible persons, and enrollment authorization on a tax return filed in this State. By March 15, 2014, the Department of Revenue shall issue a report to the Governor and the General Assembly detailing the number of eligible persons that enrolled and the number of people eligible to enroll in the identity theft protection and identity theft resolution services program procured pursuant to subsection (A). The report also must detail efforts made to encourage enrollment in the programs.

(D) Identity Theft Protection as used herein means a product and/or service designed to prevent an incident of identity fraud or identity theft or otherwise protect the privacy of a person's personal identifying information, as defined in Section 16-13-510 (D), by precluding a third party from gaining unauthorized acquisition of another's personal identifying information to obtain financial resources or other products, benefits, or services.

Identity Theft Resolution Services as used herein means products and services designed to assist persons whose personal identifying information, as defined in Section 16-13-510 (D), was obtained by a third party, whereby minimizing the effects of the identity fraud or identity theft incident and restoring the person's identity to pre-theft status.

Eligible Person used herein means a taxpayer that filed a return with the Department of Revenue for any taxable year after 1997 and before 2013, whether by paper or electronic transmission, or any person whose personally identifiable information was contained on the return of another eligible person, including minor dependents.

(E) Nothing in this section creates a private right of action.

SECTION 3. The $250,000 appropriated in SECTION 1 to J20-Department of Alcohol and Other Drug Abuse Services for McCord Center Fire Safety-Alcohol and Drug Abuse are for the McCord Alcohol and Drug Abuse Treatment Facility operated by the Tri-County Commission on Alcohol and Drug Abuse, and is for the installation of fire safety and suppression equipment only.

SECTION 4. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11‑11‑320(D) of the 1976 Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 5. This joint resolution takes effect thirty days after the completion of the 2012‑2013 fiscal year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11‑11‑320(D)(1) of the 1976 Code. /

Amend title to conform.

/s/Sen. Hugh K. Leatherman, Sr. /s/Rep. W. Brian White

/s/Sen. Harvey S. Peeler, Jr. /s/Rep. J. Gary Simrill

/s/Sen. Nikki G. Setzler /s/Rep. Michael A. Anthony

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., June 19, 2013

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

H. 3711 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2012‑2013, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

**ENROLLED FOR RATIFICATION**

H. 3711 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2012‑2013, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The Report of the Committee of Conference having been adopted by both Houses, ordered that the title be changed to that of an Act, and the Act enrolled for Ratification.

A message was sent to the House accordingly.

**AMENDED, READ THE SECOND TIME**

H. 4205 -- Reps. Munnerlyn and Hayes:  A BILL TO AMEND ACT 256 OF 1981, AS AMENDED, RELATING TO THE SCHOOL DISTRICT OF MARLBORO COUNTY, SO AS TO PROVIDE THE COUNTY SCHOOL BOARD MAY DETERMINE SALARIES AND ALLOWANCES OF BOARD MEMBERS AND APPROVE LOCAL TAX FUNDS NEEDED FOR THESE SALARIES AND ALLOWANCES, AND TO DELETE PROVISIONS REQUIRING THE BOARD MEMBERS TO RECEIVE A PER DIEM AND THE CHAIRMAN TO RECEIVE ADDITIONAL COMPENSATION.

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

Senators MALLOY and WILLIAMS proposed the following amendment (DKA\4205C001.DKA.SD13), which was adopted:

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

/ SECTION \_\_.  Section 4 of Act 256 of 1981, as last amended by Act 611 of 1992, is further amended to read:

“Section 4.  The members of the Marlboro County Board of Education must be elected in a nonpartisan election to be held at the same time as the general election for terms of office of four years each. Successors to members must be elected in a nonpartisan election to be held at the same time as the general election. Members of the board shall serve until their successors are elected and qualify. Members shall take office on the first day of January following their election. In any election, the ~~candidate receiving the highest number of votes is elected to the board~~ results thereof shall be determined in accordance with the nonpartisan election and runoff method provided for in Section 5-15-62 of the 1976 Code.

A vacancy occurring for a reason other than expiration of a term must be filled by election of the board by majority vote until the next scheduled election at which time a successor must be elected for the remainder of the unexpired term or for a full term as the case may be.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

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

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 19, 2013, at 3:10 P.M. and the following Acts and Joint Resolutions were ratified:

(R118, S. 310) -- Senators Alexander and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑29‑95 SO AS TO REQUIRE THE MANUFACTURED HOUSING BOARD TO CONSIDER THE FINANCIAL RESPONSIBILITY OF AN APPLICANT FOR LICENSURE BY THE BOARD, TO PROVIDE THE BOARD SHALL PROMULGATE RELATED REGULATIONS, TO PROVIDE THAT A MANUFACTURED HOUSING RETAIL DEALER WHO FAILS TO MEET CERTAIN FINANCIAL RESPONSIBILITY REQUIREMENTS SHALL APPEAR BEFORE THE BOARD, AND TO PROVIDE THAT THE BOARD MAY RESTRICT OR MODIFY THE ACTIVITIES OF A LICENSEE WHO FAILS TO MEET THESE FINANCIAL RESPONSIBILITY REQUIREMENTS; BY ADDING SECTION 40‑29‑325 SO AS TO PROVIDE A LICENSED MANUFACTURED HOUSING RETAIL DEALER SHALL INCLUDE ITS DEALER LICENSE NUMBER ON CERTAIN ADVERTISEMENTS FOR THE MANUFACTURED HOUSING BY THE DEALER; TO AMEND SECTION 40‑29‑200, RELATING TO APPLICATIONS FOR LICENSURE AND RENEWAL, SO AS TO PROVIDE AN APPLICANT FOR LICENSURE AS A RETAIL DEALER SHALL PROVIDE A FINANCIAL STATEMENT REVIEWED BY A LICENSED CERTIFIED PUBLIC ACCOUNTANT TO THE BOARD, TO PROVIDE THE HOLDER OF A LIEN ON A MANUFACTURED HOME IS NOT SUBJECT TO THE PROVISIONS OF CHAPTER 29, TITLE 40 FOR THE SALE, EXCHANGE, OR TRANSFER BY LEASE‑PURCHASE OF A REPOSSESSED MANUFACTURED HOME MADE THROUGH A LICENSED MANUFACTURED HOME RETAILER OR A SALE MADE THROUGH THE FORECLOSURE PROCESS, AND TO PROVIDE FOR THE DENIAL OF A LICENSE TO AN APPLICANT CONVICTED OF CERTAIN CRIMES, AND TO MAKE A CONFORMING CHANGE; AND TO AMEND SECTION 40‑29‑230, RELATING TO VIOLATIONS OF SURETY BOND, CLAIM, AND RELEASE REQUIREMENTS FOR APPLICANTS FOR LICENSURE BY THE BOARD, SO AS TO INCLUDE THE INABILITY OF AN APPLICANT TO SATISFY REQUISITE FINANCIAL RESPONSIBILITY GUIDELINES AS A BASIS FOR INCREASING THE AMOUNT OF THE REQUIRED SURETY BOND OR OTHER APPROVED SECURITY.

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(R119, H. 3360) -- Reps. Owens, Daning, Hiott, Skelton, Simrill, Anthony, Bedingfield, Clemmons, Delleney, Hardwick, Henderson, Hixon, Limehouse, Nanney, Ott, Pope, G.R. Smith, J.E. Smith, Sottile, Stringer, Tallon, Taylor and Bales: AN ACT TO AMEND SECTIONS 57‑5‑10, 57‑5‑70, AND 57‑5‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE STATE HIGHWAY SYSTEM, ADDITIONS TO THE STATE HIGHWAY SECONDARY SYSTEM, AND THE DELETION AND REMOVAL OF ROADS FROM THE STATE HIGHWAY SECONDARY SYSTEM, SO AS TO PROVIDE THAT ALL HIGHWAYS WITHIN THE STATE HIGHWAY SYSTEM SHALL BE CONSTRUCTED TO THE DEPARTMENT OF TRANSPORTATION STANDARDS, TO PROVIDE THE FUNDING SOURCES THAT THE DEPARTMENT MAY USE TO CONSTRUCT AND MAINTAIN THESE HIGHWAYS, TO REVISE THE PROCEDURE AND ENTITIES TO WHICH THE DEPARTMENT MAY TRANSFER ROADS WITHIN THE STATE HIGHWAY SECONDARY SYSTEM, AND TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT MAY ADD A COUNTY OR MUNICIPAL ROAD TO THE STATE HIGHWAY SYSTEM; BY ADDING SECTION 11‑43‑165 SO AS TO PROVIDE THAT DURING EACH FISCAL YEAR, THE DEPARTMENT OF TRANSPORTATION SHALL TRANSFER FIFTY MILLION DOLLARS FROM NONTAX SOURCES TO THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK TO BE USED TO FINANCE CERTAIN PROJECTS, TO PROVIDE THAT GENERAL REVENUE APPROPRIATED TO THE DEPARTMENT FOR “HIGHWAY ENGINEERING PERMANENT IMPROVEMENTS” IS EXEMPT FROM ACROSS‑THE‑BOARD REDUCTIONS, AND TO PROVIDE THAT THE IMPLEMENTATION OF THIS SECTION IS CONTINGENT UPON FIFTY MILLION DOLLARS BEING APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION IN THE 2013‑2014 GENERAL APPROPRIATIONS ACT FOR THE PURPOSES PROVIDED IN THIS SECTION; BY ADDING SECTION 12‑36‑2647 SO AS TO PROVIDE THAT FIFTY PERCENT OF THE REVENUES OF CERTAIN SALES, USE, AND CASUAL EXCISE TAXES DERIVED ON THE SALE, USE, OR TITLING OF MOTOR VEHICLES REQUIRED TO BE LICENSED AND REGISTERED BY THE DEPARTMENT OF MOTOR VEHICLES MUST BE CREDITED TO THE STATE NON‑FEDERAL AID HIGHWAY FUND AND USED EXCLUSIVELY FOR CERTAIN PURPOSES; AND TO PROVIDE THAT THERE IS TRANSFERRED TO THE DEPARTMENT OF TRANSPORTATION AN AMOUNT NOT TO EXCEED FIFTY MILLION DOLLARS TO BE USED BY THE DEPARTMENT FOR BRIDGE REPLACEMENT AND REHABILITATION WHICH SHALL SERVE AS THE MATCH REQUIREMENT FOR CERTAIN ACTIVE FEDERAL AID ELIGIBLE BRIDGE REPLACEMENT PROJECTS AND PRIORITIZED REHABILITATION PROJECTS.

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(R120, H. 3710) -- Ways and Means Committee: AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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(R121, H. 3711) -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2012‑2013, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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(R122, H. 3717) -- Reps. Quinn, Bannister, Allison, Sandifer, Sellers, Clemmons, Ballentine, Atwater, Toole, Kennedy, Vick, Erickson, Long, Bernstein, Munnerlyn, Horne, Funderburk, Brannon, Henderson, Wood, Dillard, M.S. McLeod, Whipper and R.L. Brown: AN ACT TO AMEND SECTION 16‑3‑1700, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE OFFENSES OF HARASSMENT AND STALKING, SO AS TO INCLUDE IN THE PURVIEW OF THE OFFENSES PERSONS WHO COMMIT THE OFFENSES WHILE SUBJECT TO THE TERMS OF A RESTRAINING ORDER ISSUED BY THE FAMILY COURT; TO AMEND SECTIONS 16‑3‑1710, 16‑3‑1720, AND 16‑3‑1730, ALL AS AMENDED, RELATING TO PENALTIES FOR HARASSMENT IN THE SECOND DEGREE, HARASSMENT IN THE FIRST DEGREE, AND STALKING, RESPECTIVELY, ALL SO AS TO INCLUDE PERSONS SUBJECT TO A RESTRAINING ORDER ISSUED BY THE FAMILY COURT; TO AMEND SECTION 20‑4‑60, AS AMENDED, RELATING TO ORDERS OF PROTECTION FROM DOMESTIC ABUSE, SO AS TO PROVIDE A PROCEDURE FOR VACATING AN ORDER OF PROTECTION AND DESTRUCTION OF THE RECORDS OF THE ORDER WHEN MUTUAL ORDERS OF PROTECTION HAVE BEEN ENTERED THAT DO NOT COMPLY WITH THE PROVISIONS OF THE STATUTE; AND TO AMEND SECTION 16‑3‑1760, AS AMENDED, RELATING TO EMERGENCY HEARINGS FOR TEMPORARY RESTRAINING ORDERS, SO AS TO PROVIDE A PROCEDURE FOR VACATING A TEMPORARY RESTRAINING ORDER AND DESTRUCTION OF THE RECORDS OF THE ORDER WHEN AN ORDER WAS IMPROPERLY ISSUED DUE TO UNKNOWN FACTS.

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(R123, H. 3774) -- Reps. Loftis, Hardwick, Clemmons, Hamilton, Huggins, J.R. Smith, Goldfinch, Hixon, Ryhal, Sottile and Spires: A JOINT RESOLUTION TO SUSPEND THE RUNNING OF CERTAIN GOVERNMENTAL APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE FOR THE PERIOD BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2016; AND TO PROVIDE GOVERNMENTAL ENTITIES ISSUING SUCH APPROVALS SHALL PUBLISH NOTICE IN THE STATE REGISTER LISTING THE TYPES OF THESE APPROVALS IT ISSUES AND NOTING THE SUSPENSION OF THE RUNNING OF THE PERIOD OF THE APPROVAL AND TO PROVIDE AN EXCEPTION FOR UNITS OF LOCAL GOVERNMENT.

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**LOCAL APPOINTMENT**

**Confirmation**

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

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

Ben Johnson, 1771 Abner Creek Road, Greer, SC 29651

**MOTION ADOPTED**

On motion of Senator PINCKNEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Ida Martin of Bluffton, S.C.

**ADJOURNMENT**

At 3:11 P.M., on motion of Senator COURSON, the Senate adjourned pursuant to the provisions of S. 744, the *Sine Die* Resolution.

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