**Wednesday, April 28, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

The Psalmist proclaimed:

“Let the heavens rejoice, let the earth be glad; let the sea resound, and all that is in it; let the fields be jubilant, and everything in them. Then all the trees of the forest will sing for joy.”

(Psalm 96:11-12)

Let us pray:

O God, somehow Earth Day slipped by many of us last week. Yet that doesn’t mean we fail to have a passion for the natural beauty and the incredible resources of this State we love. From the mountains to the seas, from forests and meadows to our rivers and lakes, we are surrounded by precious treasures. During these days when this Senate must understandably focus upon dollars and cents, don’t let any of us, dear God, fail to recall the wondrous resources which already surround us—especially the treasure we have in the good people of South Carolina. Thank You, Lord, for *all* of Your marvelous riches! In Your name we pray.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Mark C. Sanford:

**Statewide Appointment**

Initial Appointment, Director of the Department of Employment and Workforce, with the term to commence April 27, 2010, and to expire March 31, 2011

Director:

Gen. John L. Finan, USAF (Ret.), 220 Holliday Rd., Columbia, SC 29223

Referred to the Committee on Labor, Commerce and Industry.

**Local Appointment**

Initial Appointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Joe Tisdale, 1236 Sumter Highway, Kingstree, SC 29556 *VICE* Vishinsky Chatman

**Doctor of the Day**

Senators ROSE and McCONNELL introduced Dr. Otis Engleman of Summerville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator WILLIAMS, at 11:05 A.M., Senator MALLOY was granted a leave of absence until 3:00 P.M.

**Leave of Absence**

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

**Leave of Absence**

At 5:15 P.M., Senator O'DELL requested a leave of absence beginning at 7:00 P.M. this evening and lasting until Noon on Thursday.

**Leave of Absence**

At 5:45 P.M., Senator FORD requested a leave of absence from 7:30 - 11:30 P.M. tonight.

**Leave of Absence**

At 5:45 P.M., Senator LOURIE requested a leave of absence from 2:00 - 6:00 A.M. in the morning.

**CO-SPONSORS ADDED**

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

S. 1353 Sen. Campsen

S. 1386 Sen. Davis

**RECALLED**

S. 1390 -- Senator Peeler: A BILL TO AMEND SECTION 8‑13‑1308, RELATING TO INFORMATION REGARDING EXPENDITURES THAT MUST BE CONTAINED IN A CERTIFIED CAMPAIGN REPORT, TO DELETE A REFERENCE TO CAMPAIGN FUNDS AND REQUIRE THAT ALL EXPENDITURES BE LISTED IN THE REPORT.

Senator PEELER asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

H. 4771 -- Rep. Cato: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON SOUTH CAROLINA HIGHWAY 253 BETWEEN CAMP CREEK ROAD AND MUSH CREEK ROAD IN GREENVILLE COUNTY “JOHN T. WOOD BRIDGE”, AND NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 253 FROM THIS BRIDGE TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 414 “JOHN T. WOOD ROAD”, ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS “JOHN T. WOOD BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “JOHN T. WOOD ROAD”.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1398 -- Senator Ryberg: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE EDUCATION LEVEL AND YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2009-2010 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT, TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION, TO REQUIRE THAT PAYMENT ACCORDING TO THE 2009-2010 DATA BE APPLIED UNIFORMLY, TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2009-2010, AND TO DEFINE CERTAIN TERMS.

l:\s-financ\drafting\wgr\003step.dag.wgr.docx

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

S. 1399 -- Senator Rose: A JOINT RESOLUTION TO ESTABLISH THE LOCAL EDUCATION FUNDING AND FINANCE STUDY COMMITTEE TO REVIEW, STUDY, AND DETERMINE HOW BEST TO PROVIDE FOR THE STATE'S PORTION OF EDUCATIONAL FUNDING TO FLOW DOWN TO THE SCHOOLS IN A WEIGHTED PUPIL FORMULA OR OTHER FORMULA THE COMMITTEE FINDS APPROPRIATE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, AND TO PROVIDE THAT IT SHALL RENDER ITS REPORT AND RECOMMENDATIONS NO LATER THAN JANUARY 15, 2011, AT WHICH TIME IT SHALL BE DISSOLVED.

l:\s-res\mtr\060efa..ebd.mtr.docx

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

S. 1400 -- Senator Ford: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE BAPTIST EDUCATIONAL AND MISSIONARY CONVENTION OF SOUTH CAROLINA AND ITS MEMBER CHURCHES FOR THE EDUCATIONAL, SPIRITUAL, AND MISSIONARY GUIDANCE AND SUPPORT THEY HAVE PROVIDED TO THE PEOPLE OF SOUTH CAROLINA SINCE 1877.

l:\council\bills\rm\1224cm10.docx

The Senate Resolution was adopted.

**S. 1401--Adopted**

S. 1401 -- Senators Anderson, Reese, Peeler, Scott, Malloy, Leatherman, Ryberg, Ford, Nicholson, Elliott, Setzler, Land, Williams, Jackson, Leventis, L. Martin, Hayes, Cromer, McGill, Rankin, Alexander and Coleman: A CONCURRENT RESOLUTION TO DESIGNATE MAY 5, 2010, AS "SOUTH CAROLINA CLEAN HANDS DAY", AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO RECOGNIZE DAILY THE IMPORTANCE OF PROPER HAND HYGIENE TO REDUCE AND PREVENT THE SPREAD OF INFECTIONS AND TO DISCUSS PROPER HAND HYGIENE WITH FAMILIES, FRIENDS, AND HEALTH CARE PROVIDERS.

l:\council\bills\agm\18012ab10.docx

On motion of Senator ALEXANDER, with unanimous consent, the Concurrent Resolution was adopted, ordered sent to the House.

S. 1402 -- Senator Verdin: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. PEGGY C. PRESCOTT UPON THE OCCASION OF HER RETIREMENT FROM PIEDMONT TECHNICAL COLLEGE, AND TO WISH HER MUCH HAPPINESS IN ALL HER FUTURE ENDEAVORS.

l:\s-res\dbv\017pres.mrh.dbv.docx

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

S. 1403 -- Senators Rose, Grooms and Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF ORANGEBURG ROAD AND CENTRAL AVENUE IN DORCHESTER COUNTY AS "KNIGHT CROSSROADS" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS "KNIGHT CROSSROADS".

l:\s-res\mtr\061knig.ebd.mtr.docx

On motion of Senator ROSE, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 1404 -- Senators Bryant, Alexander, Anderson, Bright, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO CONGRATULATE AND HONOR MISS TORI BETH BLACK OF IVA, SOUTH CAROLINA, FOR WINNING THE AMERICAN LEGION HIGH SCHOOL ORATORICAL CONTEST AND TO WISH HER MUCH SUCCESS IN HER FUTURE ENDEAVORS.

l:\s-res\klb\022tori.ebd.klb.docx

The Senate Resolution was adopted.

H. 4901 -- Reps. Clyburn and Funderburk: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR THE MEMBERS OF THE 1960 GRADUATING CLASS OF JACKSON HIGH SCHOOL IN CAMDEN ON THE OCCASION OF THEIR GOLDEN ANNIVERSARY ON MAY 15, 2010, AND TO COMMEND THEM FOR THEIR MANY ACCOMPLISHMENTS AND CONTRIBUTIONS TO THEIR COMMUNITIES AND TO OUR FINE STATE AND NATION.

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

**REPORTS OF STANDING COMMITTEES**

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

S. 958 -- Senators Knotts, Davis and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47‑1‑45 SO AS TO MAKE IT UNLAWFUL TO KNOWINGLY OR INTENTIONALLY CONFINE OR RESTRAIN AN ANIMAL IN A CRUEL MANNER OR KNOWINGLY OR INTENTIONALLY CAUSE SUCH CRUEL CONFINEMENT OR RESTRAINING OF AN ANIMAL, TO DEFINE CERTAIN TERMS IN REGARD TO THE ABOVE, TO PROVIDE PENALTIES FOR VIOLATION, AND TO PROVIDE THAT LOCAL GOVERNMENTS MAY ADOPT MORE STRINGENT LOCAL ORDINANCES GOVERNING THE CONFINEMENT OR RESTRAINING OF AN ANIMAL WITH CIVIL PENALTIES FOR VIOLATIONS.

Ordered for consideration tomorrow.

Senator ALEXANDER from the General Committee polled out S. 1321 favorable:

S. 1321 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF SEPTEMBER 2010 YOUTH AWARENESS MONTH IN SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS OF THIS GREAT STATE TO PROMOTE STRONG FAMILIES AND PARENTING, ALONG WITH YOUTH PROGRAMS AND JOBS.

**Poll of the General Committee**

**Polled 17; Ayes 17; Nays 0; Not Voting 0**

**AYES**

Alexander O’Dell Larry Martin

Knotts Ford Sheheen

Reese Lourie Bryant

Bright Cleary Coleman

Cromer Hayes Jackson

Scott Shoopman

**Total--17**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

Senator ALEXANDER from the General Committee polled out S. 1322 favorable:

S. 1322 -- Senators O’Dell, Verdin and Rose: A CONCURRENT RESOLUTION TO ADMONISH THE ATTORNEY GENERAL OF SOUTH CAROLINA TO DETERMINE AND CARRY OUT THE MOST EXPEDITIOUS STRATEGY TO ASSURE THAT “BIG RED,” THE CITADEL BATTLE FLAG, SHALL REMAIN IN SOUTH CAROLINA PERMANENTLY AS AN IMPORTANT HISTORICAL ASSET OF SOUTH CAROLINA.

**Poll of the General Committee**

**Polled 17; Ayes 15; Nays 1; Not Voting 1**

**AYES**

Alexander O’Dell Larry Martin

Knotts Ford Reese

Lourie Bryant Bright

Cleary Coleman Cromer

Hayes Jackson Shoopman

**Total--15**

**NAYS**

Scott

**Total--1**

**NOT VOTING**

Sheheen

**Total--1**

Ordered for consideration tomorrow.

Senator ALEXANDER from the General Committee polled out S. 1324 favorable:

S. 1324 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF OCTOBER 2010 AS GANG AWARENESS MONTH IN SOUTH CAROLINA IN ORDER TO RAISE PUBLIC AWARENESS OF THE INCREASING PROBLEM OF CRIMINAL GANG ACTIVITY IN OUR STATE.

**Poll of the General Committee**

**Polled 17; Ayes 17; Nays 0; Not Voting 0**

**AYES**

Alexander O’Dell Larry Martin

Knotts Ford Sheheen

Reese Lourie Bryant

Bright Cleary Coleman

Cromer Hayes Jackson

Scott Shoopman

**Total--17**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry polled out S. 1386 favorable:

S. 1386 -- Senators Campsen, Land, McGill and Davis: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS TO TAKE ANY MEASURE WITHIN ITS POWER TO MITIGATE OR OVERTURN ANY EXECUTIVE ORDER ISSUED TO IMPLEMENT RECOMMENDATIONS BY THE INTERAGENCY OCEAN POLICY TASK FORCE IF THESE RECOMMENDATIONS FAIL TO ENSURE AND PROMOTE RECREATIONAL FISHING AND ACCESS TO PUBLIC WATERS, AND IF THESE RECOMMENDATIONS FAIL TO INCLUDE RESPONSIBLY REGULATED RECREATIONAL BOATING AND FISHING AS NATIONAL PRIORITIES FOR OUR OCEANS, COASTS, AND LAKES.

**Poll of the Fish, Game and Forestry Committee**

**Polled 17; Ayes 17; Nays 0; Not Voting 0**

**AYES**

Cromer Land McGill

Elliott Hutto Campsen

Knotts Fair Williams

Campbell Grooms Verdin

Sheheen Coleman Shane Martin

Rose Shoopman

**Total--17**

**NAYS**

**Total--0**

**S. 1386-- Concurrent Resolution Adopted**

**Sent to the House**

S. 1386 -- Senators Campsen, Land, McGill and DAVIS: A CONCURRENT RESOLUTION TO MEMORIALIZE CONGRESS TO TAKE ANY MEASURE WITHIN ITS POWER TO MITIGATE OR OVERTURN ANY EXECUTIVE ORDER ISSUED TO IMPLEMENT RECOMMENDATIONS BY THE INTERAGENCY OCEAN POLICY TASK FORCE IF THESE RECOMMENDATIONS FAIL TO ENSURE AND PROMOTE RECREATIONAL FISHING AND ACCESS TO PUBLIC WATERS, AND IF THESE RECOMMENDATIONS FAIL TO INCLUDE RESPONSIBLY REGULATED RECREATIONAL BOATING AND FISHING AS NATIONAL PRIORITIES FOR OUR OCEANS, COASTS, AND LAKES.

Senator CAMPSEN asked unanimous consent to take the Concurrent Resolution up for immediate consideration.

There was no objection.

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

The Concurrent Resolution was adopted and ordered sent to the House of Representatives.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable report on:

H. 4563 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑25‑115 SO AS TO REQUIRE THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE TO PROMULGATE REGULATIONS RELATING TO PRESCRIBED CONDITIONS FOR THE ISSUANCE OF PERMITS FOR THE MANUFACTURE, PROCESSING, OR PACKAGING OF FOODS UNDER CERTAIN CONDITIONS, AND TO ALLOW AN OFFICER OR EMPLOYEE OF THE COMMISSIONER TO HAVE ACCESS TO A FACTORY OR ESTABLISHMENT OWNED BY A PERMIT HOLDER TO ASCERTAIN COMPLIANCE WITH THE PERMIT CONDITIONS; BY ADDING SECTION 39‑25‑210 SO AS TO REQUIRE A PERSON ENGAGED IN MANUFACTURING, PROCESSING, OR PACKAGING FOODS TO FIRST OBTAIN A PERMIT FROM THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE RENEWAL OF PERMITS, AND TO PROVIDE PENALTIES FOR FAILURE TO OBTAIN A PERMIT; TO AMEND SECTION 39‑25‑30, RELATING TO PROHIBITED ACTS, SO AS TO INCLUDE OPERATING WITHOUT A VALID PERMIT; TO AMEND SECTION 39‑25‑180, RELATING TO PROMULGATION OF REGULATIONS BY THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE, SO AS TO INCLUDE REGULATIONS RELATING TO GOOD MANUFACTURING PRACTICE, THERMALLY PROCESSED LOW‑ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS, ACIDIFIED FOODS, FISH AND FISHERY PRODUCTS, HAZARD ANALYSIS AND CRITICAL CONTROL POINT SYSTEMS, AND FOOD ALLERGEN AND LABELING; AND TO AMEND SECTION 39‑25‑190, RELATING TO AUTHORITY TO ENTER AND INSPECT A PREMISES, SO AS TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE MAY PERFORM LABORATORY SERVICES, AND TO PROVIDE FOR THE PAYMENT OF FEES FOR THOSE SERVICES.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

The following were returned with concurrence and received as information:

S. 1389 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. LONNIE RANDOLPH, JR. OF COLUMBIA UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA COMMISSION FOR CONSUMER AFFAIRS, AND TO EXPRESS THE GRATITUDE OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR HIS MORE THAN THIRTY YEARS OF TIRELESS SERVICE AS A MEMBER OF THAT COMMISSION.

S. 1394 -- Senators Hutto and Matthews: A CONCURRENT RESOLUTION TO HONOR THE REVEREND SAMMIE T. NELSON, PASTOR OF OAK GROVE MISSIONARY BAPTIST CHURCH IN SANTEE, FOR HIS THIRTY‑FIVE YEARS OF MINISTRY AT OAK GROVE AND TO WISH HIM GOD’S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

S. 1395 -- Senators Rose, Matthews and Grooms: A CONCURRENT RESOLUTION CONGRATULATING THE EDISTO NATCHEZ-KUSSO TRIBE (FOUR HOLES INDIAN ORGANIZATION) ON THE HIGHEST HONOR OF ITS RECOGNITION AS A TRIBE BY THE SOUTH CAROLINA COMMISSION ON MINORITY AFFAIRS.

S. 1396 -- Senators Courson, Setzler, Hayes, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO SUPPORT SOUTH CAROLINA IN SUBMITTING AN APPLICATION FOR A ROUND TWO “RACE TO THE TOP” AWARD, TO ASSIST THROUGH APPROPRIATE LEGISLATIVE REMEDIES TO STRENGTHEN THE STATE’S APPLICATION, AND TO ASSIST WITH IMPLEMENTATION.

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills and Joint Resolution were read the third time and, having received three readings in both Houses, it was ordered that the titles be changed to that of Acts and enrolled for Ratification:

H. 3778 -- Rep. Harvin: A BILL TO AMEND SECTION 44‑7‑2430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLECTION OF DATA PURSUANT TO THE “HOSPITAL INFECTIONS DISCLOSURE ACT”, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COMBINE DATA FROM MULTIPLE REPORTING PERIODS IN COMPILING THE DEPARTMENT’S REPORTS AND TO REQUIRE THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, RATHER THAN THE COMMISSIONER OF THE DEPARTMENT, TO APPOINT AN ADVISORY COMMITTEE ON HOSPITAL ACQUIRED INFECTIONS; TO AMEND SECTION 44‑7‑2440, AS AMENDED, RELATING TO REPORTS COMPILED BY THE DEPARTMENT ON HOSPITAL ACQUIRED INFECTIONS, SO AS TO REQUIRE REPORTS TO THE GENERAL ASSEMBLY TO BE SUBMITTED BEFORE APRIL SIXTEENTH OF EACH YEAR; AND TO AMEND SECTION 44‑7‑2460, RELATING TO THE REQUIREMENT THAT COMPLIANCE WITH THIS ACT IS A CONDITION OF HOSPITAL LICENSURE AND PERMITTING, SO AS TO ALSO AUTHORIZE THE IMPOSITION OF CIVIL MONETARY PENALTIES FOR NONCOMPLIANCE.

**H. 3778--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting against the third reading of the Bill.

H. 3871 -- Reps. Harvin, Hosey and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑29‑15 SO AS TO SPECIFY REPORTING REQUIREMENTS FOR LABORATORIES THAT TEST FOR INFECTIOUS OR OTHER DISEASES REQUIRED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO BE REPORTED AND TO PROVIDE A CIVIL MONETARY PENALTY FOR VIOLATIONS.

**H. 3871--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting against the third reading of the Bill.

H. 4823 -- Reps. Cooper, Owens, J.R. Smith and Loftis: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2010 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE‑FUNDED WORKKEYS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE‑YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT TO CONVENE A TASK FORCE TO CONSIDER END‑OF‑COURSE ASSESSMENTS FOR FEDERAL ASSESSMENT PURPOSES.

**H. 4823--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting against the third reading of the Bill.

**HOUSE BILLS RETURNED**

The following House Bill and Joint Resolution were read the third time and ordered returned to the House with amendments:

H. 4445 -- Reps. Loftis, Norman, Merrill, Hardwick, Erickson, Wylie, Chalk, Stewart, Pinson, Bedingfield, Huggins, Frye, Clemmons, Rice, Parker, G.R. Smith, Lowe, Hiott, Allison, Allen, Anthony, Bales, Ballentine, Bannister, Barfield, Bingham, Bowen, Cato, Cole, Cooper, Crawford, Daning, Delleney, Duncan, Edge, Gambrell, Hamilton, Harrell, Hearn, Horne, Kelly, Limehouse, Littlejohn, Long, Lucas, D.C. Moss, V.S. Moss, Nanney, Owens, M.A. Pitts, Sandifer, Scott, Simrill, D.C. Smith, G.M. Smith, Spires, Stringer, Thompson, Toole, Umphlett, Viers, White, Whitmire, Willis, A.D. Young, T.R. Young and Weeks: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE.

**H. 4445--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting against the third reading of the Bill.

H. 3270 -- Reps. Duncan, Hodges, Allison, Parker, Weeks, Wylie and Whipper: A BILL TO AMEND SECTION 44‑2‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF UNDERGROUND STORAGE TANKS, SO AS TO ESTABLISH NEW ANNUAL RENEWAL FEES AND TO REQUIRE THAT THE ADDITIONAL REVENUE GENERATED FROM THE TANK FEE INCREASES BE DEPOSITED INTO THE SUPERB ACCOUNT.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the third reading of the Bill.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 4093 -- Reps. Loftis, Mitchell, H.B. Brown, Bedingfield, Anthony, G.A. Brown, Crawford, Dillard, Harvin, Hiott, Knight, Lowe, J.R. Smith, Toole, D.C. Moss, Sellers, Brady, Funderburk, Hodges, Horne, Gunn, Bowers, Hutto and Stavrinakis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 60 TO TITLE 48 TO ENACT THE “SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT”; TO PROVIDE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY RELATED TO THE ACT; TO PROVIDE CERTAIN DEFINITIONS RELATED TO THE ACT; TO REQUIRE A MANUFACTURER OF CERTAIN COMPUTING, DISPLAY, OR PRINTING EQUIPMENT TO OFFER A RECOVERY PROGRAM FOR THE COLLECTION OF EQUIPMENT FROM A CONSUMER IN A MANNER CONVENIENT TO THE CONSUMER; TO REQUIRE A MANUFACTURER TO DOCUMENT ITS COMPLIANCE WITH THIS CHAPTER IN AN ANNUAL REPORT TO THE DEPARTMENT; TO LIMIT THE LIABILITY OF A MANUFACTURER FOR DAMAGE SUSTAINED BY A CONSUMER FROM INFORMATION CONTAINED ON EQUIPMENT RETURNED BY THE CONSUMER TO A MANUFACTURER THROUGH THE MANUFACTURER’S RECOVERY PROGRAM; TO REQUIRE A RETAILER TO SELL ONLY EQUIPMENT MANUFACTURED IN COMPLIANCE WITH THIS CHAPTER; TO LIMIT THE LIABILITY OF A RETAILER FOR DAMAGE SUSTAINED BY A CONSUMER FROM INFORMATION CONTAINED ON EQUIPMENT SOLD BY THE RETAILER TO A CONSUMER AND RETURNED TO THE MANUFACTURER OF THE EQUIPMENT THROUGH THE MANUFACTURER’S RECOVERY PROGRAM; TO REQUIRE A MANUFACTURER TO EDUCATE CONSUMERS ABOUT THE MANUFACTURER’S RECOVERY PROGRAM; TO REQUIRE THE DEPARTMENT TO EDUCATE CONSUMERS ABOUT ALL RECOVERY PROGRAMS AVAILABLE IN THIS STATE; TO ENABLE THE DEPARTMENT TO AUDIT A MANUFACTURER TO DETERMINE THE MANUFACTURER’S COMPLIANCE WITH THIS CHAPTER; TO PROVIDE THAT FINANCIAL AND PROPRIETARY INFORMATION SUBMITTED TO THE DEPARTMENT BY A MANUFACTURER OR RETAILER PURSUANT TO THIS CHAPTER IS EXEMPT FROM PUBLIC DISCLOSURE; TO REQUIRE THE DEPARTMENT TO REPORT ANNUALLY INFORMATION PROVIDED BY A MANUFACTURER OR A RETAILER TO THE GENERAL ASSEMBLY; TO REQUIRE THE DEPARTMENT TO DEVELOP STANDARDS FOR RECOVERY PROGRAMS, REPORTING REQUIREMENTS, AND RECOVERER CERTIFICATION THAT COMPLY WITH THE ELECTRONICS RECYCLING OPERATING PRACTICES OF THE INSTITUTE OF SCRAP RECYCLING INDUSTRIES; AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE RULES AND REGULATIONS NEEDED TO IMPLEMENT THIS CHAPTER’S PROVISIONS.

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

There was no objection.

**Motion Under Rule 26B**

Senator VERDIN asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

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

Senator VERDIN proposed the following amendment (4093R002.DBV), which was adopted:

Amend the bill, as and if amended, pages 9-10, by striking Section 48-60-150 and inserting:

/ Section 48‑60‑150. The department shall promulgate regulations needed to implement this chapter’s provisions including, but not limited to, reporting requirements, manufacturers’ plans, manufacturers’ annual reports, and standards for operations of recovery facilities. The department may propose by regulation, which must be submitted to the General Assembly pursuant to the Administrative Procedures Act, an initial registration fee or annual fee, or both, on computer or television manufacturers of covered devices, the proceeds of which must be used solely for the purposes of implementing the provisions of this chapter. Any fee proposed by the department must be graduated based on the computer manufacturer’s volume of sales in this State. Any registration fee or annual fee for television manufacturers must be based on market share as defined in this chapter. A manufacturer of a covered device that sells one thousand or less per year is exempt from any fee.” /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

**H. 4093--Recorded Vote**

Senator McCONNELL desired to be recorded as voting against the third reading of the Bill.

**Statement by Senator McCONNELL**

H. 4093 permits the agency to set fees by regulation. Fees are user taxes and should be affirmatively approved by a vote of the General Assembly. Under regulations, fees can become law without a vote of the General Assembly with time running out for the General Assembly to approve or disapprove the proposed regulation. Taxing the public should be by vote of the elected representatives of the people, not by unelected personnel of the state government executive branch.

**THIRD READING BILLS**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 1185 -- Senators Malloy, Ford, Pinckney, McConnell, Rose and Campsen: A BILL TO AMEND TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 8 ENTITLED THE “SOUTH CAROLINA FAMILY LAW MEDIATION ACT”, SO AS TO MANDATE MEDIATION IN ALL DOMESTIC RELATIONS ACTIONS IN FAMILY COURT; TO PROVIDE FOR DEFINITIONS OF MEDIATION AND MEDIATOR; TO PROVIDE FOR AUTOMATIC EXCEPTIONS WHERE MEDIATION IS NOT REQUIRED; TO INCLUDE CONTEMPT ACTIONS, CHILD ABUSE AND NEGLECT PROCEEDINGS, DEPARTMENT OF SOCIAL SERVICES ADULT PROTECTIVE SERVICES CASES, CASES WHERE THERE HAS BEEN A FINDING OF ABUSE OR NEGLECT, JUVENILE PROCEEDINGS, UNCONTESTED ISSUES, ACTIONS WHERE PARTIES AGREE TO VOLUNTARY MEDIATION, AND THE ENTRY OF DIVORCE OR SEPARATE MAINTENANCE DECREES; TO PROVIDE CIRCUMSTANCES WHERE MEDIATION MAY BE WAIVED BY THE FAMILY COURT; TO INCLUDE GEOGRAPHIC CONSIDERATIONS, INCAPACITY OF ONE OR MORE PARTIES, INCOMPETENCE OF ONE OR MORE PARTIES, CASES WHERE INVOLVING ABUSE OR NEGLECT OCCURRING MORE THAN ONE YEAR FROM THE HEARING, CASES INVOLVING SUBSTANCE ABUSE BY ONE OR MORE PARTIES; TO PROVIDE THAT MEDIATION MUST OCCUR BETWEEN NINETY AND ONE HUNDRED AND EIGHTY DAYS AFTER THE FILING OF THE ACTION; AND TO PROVIDE THAT NO FINAL HEARING IN A DOMESTIC RELATIONS ACTION SHALL BE SCHEDULED UNTIL MEDIATION IS COMPLETED IN THE MATTER, UNLESS IT IS EXEMPTED OR EXCEPTED FROM MEDIATION.

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

There was no objection.

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

The Bill was read the third time and ordered sent to the House of Representatives.

S. 1188 -- Senators Malloy, McConnell, Ford, Pinckney, Rose and Campsen: A BILL TO AMEND TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CHILDREN’S CODE, BY ADDING CHAPTER 6 ENTITLED THE “SOUTH CAROLINA FAMILY COURT HEARING OFFICER ACT”, SO AS TO PROVIDE FOR VOLUNTEER FAMILY COURT HEARING OFFICERS APPOINTED BY THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT AND WHO ARE PROTECTED PURSUANT TO THE SOUTH CAROLINA TORT CLAIMS ACT; TO PROVIDE THAT HEARING OFFICERS MUST BE MEMBERS OF THE SOUTH CAROLINA BAR IN GOOD STANDING WITH A MINIMUM OF TEN YEARS OF FAMILY COURT EXPERIENCE; TO PROVIDE THAT RETIRED JUDGES, EXCEPT SUMMARY COURT JUDGES, MAY BE APPOINTED AS HEARING OFFICERS ABSENT TEN YEARS OF EXPERIENCE IN FAMILY COURT MATTERS, TO REQUIRE HEARING OFFICERS TO RECEIVE AT LEAST SIX HOURS OF FAMILY LAW CONTINUING LEGAL EDUCATION EVERY YEAR; TO PROVIDE THAT HEARING OFFICERS MAY BE ASSIGNED TO ALL UNCONTESTED DOMESTIC RELATIONS MATTERS, THAT THEY MAY MAKE FINDINGS AND RECOMMENDATIONS FOR THE FAMILY COURT JUDGE ON UNIFORM INTERSTATE FAMILY SUPPORT ACT ACTIONS, THAT THEY MAY BE ASSIGNED MOTION HEARINGS FOR TEMPORARY RELIEF IN DOMESTIC RELATIONS MATTERS, WITH THE CONSENT OF THE PARTIES, AND MAY MAKE RECOMMENDATIONS OF FINDINGS OF FACT AND CONCLUSIONS OF LAW TO THE FAMILY COURT JUDGES, THAT THE CHIEF JUSTICE MUST ISSUE DIRECTIVES CONCERNING OTHER TYPES OF CASES THAT MAY BE ASSIGNED ONLY TO RETIRED JUDGE HEARING OFFICERS, TO PROVIDE A LIST OF TYPES OF CASES THAT MAY BE ASSIGNED, THAT THE CLERK OF COURT SHALL MAINTAIN A FAMILY COURT HEARING OFFICER DOCKET, THAT HEARING OFFICERS SHALL HAVE THE SAME AUTHORITY AS A FAMILY COURT JUDGE TO ADMINISTER OATHS, PRESERVE AND ENFORCE ORDER IN THE COURT, HOLD PERSONS IN CONTEMPT AND SANCTION THEM, EXAMINE WITNESSES, ISSUE BENCH WARRANTS, ISSUE ORDERS AND RULINGS ON MOTIONS, ACT AS A FINDER OF FACT AND LAW, TAKE MINORS AND VULNERABLE ADULTS INTO EMERGENCY PROTECTIVE CUSTODY, TO ISSUE TEMPORARY ORDERS RELATING TO EQUITABLE DIVISION OF MARITAL PROPERTY, CHILD SUPPORT, CUSTODY, VISITATION, ATTORNEY’S FEES, DISCOVERY, AND RESTRAINING ORDERS, AND TO APPOINT GUARDIANS AD LITEM AS APPROPRIATE; TO PROVIDE THAT MATTERS DIRECTLY APPEALABLE TO THE SUPREME COURT ARE NOT SUBJECT TO REFERRAL TO A HEARING OFFICER, TO PROVIDE THAT PROCEEDINGS SHALL BE HELD IN THE COUNTY OF APPROPRIATE VENUE UNLESS THE PARTIES CONSENT TO ANOTHER COUNTY; TO PROVIDE THAT ORDERS ISSUED BY RETIRED JUDGE HEARING OFFICERS SHALL BE CONSIDERED FINAL AND SHALL BE APPEALED DIRECTLY TO THE COURT OF APPEALS; TO PROVIDE THAT ORDERS ISSUED BY OTHER HEARING OFFICERS ARE SUBJECT TO REVIEW BY A FAMILY COURT JUDGE; TO PROVIDE THAT HEARING OFFICERS ARE NOT BARRED FROM THE PRACTICE OF LAW IN FAMILY COURT; TO PROVIDE THAT THE FAMILY COURT RULES APPLY IN PROCEEDINGS BEFORE HEARING OFFICERS; AND TO PROVIDE THAT HEARING OFFICERS SHALL RECEIVE CREDIT FOR COURT APPOINTMENTS.

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

There was no objection.

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

Senator CAMPBELL explained the Bill.

The Bill was read the third time and ordered sent to the House of Representatives.

S. 1298 -- Senator McGill: A BILL TO AMEND SECTION 56‑5‑70 OF THE 1976 CODE, RELATING TO THE REGULATION OF TRAFFIC ON HIGHWAYS, TO PROVIDE GUIDELINES FOR RELIEF FROM REGULATIONS DURING TIMES OF EMERGENCY.

**S. 1298--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting against the third reading of the Bill.

S. 749 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 57‑3‑45 AND 57‑3‑55 SO AS TO ESTABLISH THE DIVISION OF RAILROAD TRANSPORTATION AS A COMPONENT OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND PROVIDE FOR ITS FUNCTIONS AND TO REQUIRE RAILROADS AND RAILWAYS ANNUALLY TO REPORT TO THIS DIVISION THEIR ACTIVE, INACTIVE, TO BE ABANDONED, AND ABANDONED RAIL LINES; AND TO AMEND SECTIONS 57‑3‑10, 57‑3‑20, AND 57‑3‑40, RELATING RESPECTIVELY TO THE DIVISIONS COMPRISING THE DEPARTMENT OF TRANSPORTATION, THE RESPONSIBILITIES AND DUTIES OF DIVISION DEPUTY DIRECTORS ADMINISTERING THESE DIVISIONS, AND THE FUNCTIONS OF THE MASS TRANSIT DIVISION, SO AS TO CONFORM THESE PROVISIONS TO REFLECT THE ESTABLISHMENT OF THE DIVISION OF RAILROAD TRANSPORTATION WITHIN THE DEPARTMENT OF TRANSPORTATION.

Senator CLEARY explained the Bill.

**S. 749--Recorded Vote**

Senators RYBERG, BRIGHT and BRYANT desired to be recorded as voting against the third reading of the Bill.

S. 790 -- Senators L. Martin and Bryant: A BILL TO AMEND CHAPTER 3, TITLE 16 OF THE 1976 CODE, BY ADDING ARTICLE 19 TO ESTABLISH A PROCEDURE FOR THE ISSUANCE OF TEMPORARY AND PERMANENT CIVIL NO‑CONTACT ORDERS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE DURATION OF CIVIL NO‑CONTACT ORDERS, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE A PENALTY FOR THE VIOLATION OF CIVIL NO‑CONTACT ORDERS, TO PROVIDE FOR THE ENFORCEMENT OF FOREIGN PROTECTION ORDERS, AND TO PROVIDE FOR THE REQUIREMENTS FOR VALID FOREIGN PROTECTION ORDERS.

**S. 790--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting against the third reading of the Bill.

S. 1171 -- Senator Hutto: A BILL TO AMEND SECTION 56-1-10 OF THE 1976 CODE, RELATING TO DRIVER’S LICENSES, TO MODIFY THE DEFINITION OF CERTAIN TERMS; TO AMEND SECTION 56-1-640, TO INCLUDE CANADA AND MEXICO AS PARTY JURISDICTIONS; TO AMEND SECTION 56-1-2030, TO MODIFY THE DEFINITION OF HAZARDOUS MATERIAL; TO AMEND SECTION 56-1-2100, TO MODIFY THE DESCRIPTION OF A CLASS C VEHICLE; AND TO AMEND SECTION 56-1-2070, TO PROVIDE GRADUATED FINES FOR VIOLATIONS OF OUT-OF-SERVICE ORDERS.

**S. 1171--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting against the third reading of the Bill.

S. 1271 -- Senators Campsen and Knotts: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 50 OF THE 1976 CODE, BY ADDING SECTION 50‑11‑108 TO PROVIDE THAT A PERSON MAY USE A FIREARM TO KILL OR ATTEMPT TO KILL ANY ANIMAL DURING ANY SEASON IN SELF‑DEFENSE, DEFENSE OF ANOTHER, OR DEFENSE OF PROPERTY, AND TO PROVIDE EXCEPTIONS.

**S. 1271--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting against the third reading of the Bill.

S. 1294 -- Senator Peeler: A BILL TO AMEND SECTION 50‑11‑2540 OF THE 1976 CODE, RELATING TO THE TRAPPING SEASON OF FURBEARING ANIMALS, TO PROVIDE THAT IT IS LAWFUL TO TRAP COYOTES FROM NOVEMBER FIRST OF EACH YEAR TO MARCH FIRST OF THE SUCCEEDING YEAR.

**S. 1294--Recorded Vote**

Senators RYBERG and BRYANT desired to be recorded as voting against the third reading of the Bill.

S. 1379 -- Senators Peeler, Campbell and O’Dell: A BILL TO AMEND SECTION 63‑11‑500 OF THE 1976 CODE, RELATING TO CHILDREN’S SERVICES AGENCIES, TO HONOR THE MEMORY OF CASS ELIAS MCCARTER BY NAMING THE SOUTH CAROLINA GUARDIAN AD LITEM PROGRAM AS THE CASS ELIAS MCCARTER GUARDIAN AD LITEM PROGRAM.

**AMENDED, READ THE THIRD TIME**

S. 1073 -- Senators Thomas, Leventis and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 18 TO TITLE 37, SO AS TO REQUIRE THOSE WHO ENGAGE IN COLLATERAL RECOVERY TO APPLY FOR LICENSURE WITH THE DEPARTMENT OF CONSUMER AFFAIRS, TO PROVIDE WHAT MUST BE INCLUDED IN AN APPLICATION, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR THOSE WHO ENGAGE IN COLLATERAL RECOVERY, TO PROVIDE LICENSE FEES, TO PROVIDE FOR THE INVESTIGATION OF LICENSE APPLICANTS, TO PROVIDE FOR THE FORM, VALIDITY PERIOD, AND RENEWAL OF ISSUED LICENSES, TO PROVIDE CANCELLATION REQUIREMENTS OF ISSUED LICENSES, TO PROVIDE FOR THE TRAINING OF INTERN COLLATERAL RECOVERERS, TO PROVIDE FOR VIOLATIONS AND ASSOCIATED PENALTIES OF THE CHAPTER, TO PROVIDE FOR THE CONFIDENTIALITY OF REQUIRED INVESTIGATIONS, TO ALLOW THE DEPARTMENT ACCESS TO CERTAIN RECORDS FOR INVESTIGATIONS, TO REQUIRE THE DEPARTMENT TO MAINTAIN CERTAIN STATISTICS, TO PROVIDE INVENTORY AND TITLE REQUIREMENTS, AND TO DEFINE CERTAIN TERMS.

**Motion Under Rule 26B**

Senator LARRY MARTIN asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

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

Senator THOMAS proposed the following amendment (NBD\  
12282BH10), which was adopted:

Amend the bill, as and if amended, by deleting in its entirety Section 37-18-130, as contained in SECTION 1, page 4, lines 4 through 9, and inserting:

/ Section 37-18-130. The department shall promulgate regulations necessary to administer this chapter. However, a regulation may not be promulgated that unreasonably restricts competition or the availability of services requiring licensure by this chapter or that unnecessarily increases the cost of these services without a corresponding or equivalent public benefit./

Amend the bill, further, by deleting Section 37-18-230(A)(17), as contained on page 11, lines 37-39, and inserting:

/(17) failure to report to the department a person whom the licensee knows to be in violation of this chapter or the regulations of the department;/

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

**S. 1073--Recorded Vote**

Senator RYBERG desired to be recorded as voting against the third reading of the Bill.

**AMENDED, READ THE SECOND TIME**

S. 1088 -- Senators Matthews, O’Dell, Jackson and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑43‑70 SO AS TO DEFINE CERTAIN TERMS, AND TO PROVIDE FOR THE DISPENSING OF CERTAIN DRUGS OR DEVICES AT A FEDERALLY QUALIFIED HEALTH CENTER.

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

There was no objection.

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

Senator CROMER proposed the following amendment (BBM\  
9574AB10), which was adopted:

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

/ SECTION 1. Chapter 43, Title 40 of the 1976 Code is amended by adding:

“Section 40‑43‑70. (A) For the purposes of this section:

(1) ‘Federally qualified health center’ or ‘FQHC’ means an entity funded by the Bureau of Primary Health Care (BPHC) under section 330 of the Public Health Service Act as amended by the Health Centers Consolidation Act of 1996.

(2) ‘Health center delivery site’ means a physical location where a licensed practitioner duly employed by or under contract with an FQHC provides primary and preventative health care services to patients of that FQHC. An FQHC may have multiple health center delivery sites.

(B)(1) This section does not prevent a licensed practitioner, as defined in Section 40‑43‑30(45), from dispensing a drug or device for a patient of a FQHC if:

(a) A drug dispensed by the FQHC is properly labeled in accordance with state and federal law.

(b) As it pertains to an FQHC without a retail pharmacy, the FQHC must obtain and maintain an FQHC permit as designated by this section; and

(i) monthly shall conduct and submit to the Board of Pharmacy self inspections and maintain written checklists that are readily available to the Board of Pharmacy for on‑site visits; and

(ii) designate a pharmacist duly licensed by and in good standing with the Board of Pharmacy as a consultant pharmacist to be responsible for the duties stated in this section at the FQHC permit holder’s location. A consultant pharmacist shall sign a new or renewal application along with the FQHC permit holder and agree in writing to assume the responsibilities of a consultant pharmacist. The consultant pharmacist shall perform and maintain written quarterly inspections that are readily available. The FQHC permit holder and consultant pharmacist shall notify the board in writing within ten days of a change of consultant pharmacist. A designation of an individual as a consultant pharmacist or delegation of duties to a consultant pharmacist by a holder of a FQHC permit may not relieve the permit holder of the FQHC permit holder’s duties under state or federal laws or regulations.

(2)(a) An FQHC that seeks to distribute prescription drugs through its affiliated health care delivery site must have a registered pharmacist or licensed practitioner on the premises of the site or seek to establish with a retail pharmacy operating within a seven‑mile radius of the site a collaborative agreement through which the pharmacy maintains an inventory of 340B drugs for the exclusive use of the site and has a registered pharmacist on premises to fill all 340B prescriptions distributed through the site.

(b) If the FQHC is unsuccessful in establishing this collaborative agreement or no retail pharmacy operates within a seven‑mile radius of the site, the FQHC may certify in a notarized, signed affidavit to the Board of Pharmacy that it contacted every retail pharmacy within a seven‑mile radius of its affiliated health care delivery site in an attempt to establish a collaborative agreement and none of these pharmacies were willing to enter this agreement or that no retail pharmacy operates within a seven‑mile radius of the site. Upon receipt of this affidavit, the board shall issue a permit as provided in item (1) of this subsection to enable the FQHC to distribute prescription drugs from the 340B inventory of a retail pharmacy located more than seven miles from the affiliated health care delivery site, including another pharmacy operated by the FQHC.

(c) This subsection does not apply to an FQHC’s affiliated health care delivery site that distributes prescription drugs on the effective date of this section.

(3) As it pertains to an FQHC with a permitted retail pharmacy:

(a) the FQHC’s retail pharmacy must be permitted pursuant to Section 40‑43‑83;

(b) the FQHC must obtain and maintain a FQHC permit for its affiliated health center delivery sites without an on‑site pharmacy, and

(i) those affiliated delivery sites will be subject to the inspection requirements outlined in item (2) of this subsection; and

(ii) the FQHC pharmacist may serve as the consultant pharmacist for the FQHC’s affiliated delivery sites.

(c) with prior approval of the Board of Pharmacy, the FQHC pharmacist may serve as the pharmacist in charge for more than one pharmacy at a time and need not be physically present in the pharmacy to serve as its pharmacist in charge.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER 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.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 1025 -- Senator Cromer: A BILL TO AMEND SECTION 38‑73‑737 OF THE 1976 CODE, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, TO REDUCE THE INITIAL COURSE FROM EIGHT TO SIX HOURS, TO ALLOW FOR A FOUR HOUR REFRESHER COURSE EVERY THREE YEARS, AND TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS FOR FIFTY‑FIVE YEARS AND OLDER DRIVER SAFETY INTERNET COURSES.

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

There was no objection.

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

Senator CROMER proposed the following amendment (DKA\  
4001DW10), which was adopted:

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

/ SECTION 1. Section 38‑73‑736 of the 1976 Code is amended to read:

“Section 38‑73‑736. ~~Any schedule of rates, rate classifications, or rating plans for automobile insurance as defined in Section 38‑77‑30 filed with the Department of Insurance must provide for an appropriate reduction in premium charges for those insured persons who are fifty‑five years of age and older and who qualify as provided in Section 38‑73‑737.~~

(A) As used in this section:

(1) ‘Approved driver training course’ means a driver’s training course that:

(a) is approved by the Department of Motor Vehicles or exempt pursuant to Chapter 23, Title 56;

(b) is administered by a driver’s training school that is licensed by the Department of Motor Vehicles or exempt pursuant to Chapter 23 of Title 56;

(c) is conducted by a person holding a valid driver’s instructor permit pursuant to Chapter 23, Title 56; and

(d) includes a minimum of six hours of classroom instruction.

(2) ‘Approved driver training refresher course’ means a driver’s training course that:

(a) is approved by the Department of Motor Vehicles or exempt pursuant to Chapter 23, Title 56;

(b) is administered by a driver’s training school that is licensed by the Department of Motor Vehicles or exempt pursuant to Chapter 23, Title 56;

(c) is conducted by a person holding a valid driver’s instructor permit pursuant to Chapter 23, Title 56; and

(d) includes a minimum of four hours of classroom instruction; and

(e) is taken by a person that has previously completed successfully an approved driver training course, an approved driver training refresher course, or an approved driver’s education course as defined in Section 38‑73‑737(1) before the termination of the preceding course’s effective period.

(3) ‘Satisfactory evidence of course completion’ means a certificate signed by an official of the licensed driver’s training school or the Department of Motor Vehicles, which certifies that:

(a) the person has successfully completed the course;

(b) the course is an approved driver training course or approved driver training refresher course and meets the requirements of Chapter 23, Title 56.

(4) ‘Youthful operator’ means a person under the age of twenty‑five for which premium rates charged for liability coverages and collision coverage under a private passenger automobile insurance policy are determined by a youthful driver classification.

(B) Premium rates charged for liability coverages and collision coverage under a private passenger automobile insurance policy are subject to an appropriate driver training course credit once satisfactory evidence of course completion is presented by an applicant for the credit that is the named insured or principal operator of the vehicle and is not a youthful operator. The amount of the credit may be determined by each individual insurer based upon factually or statistically supported data and is subject to prior approval or review by the director. The credit must be afforded for a minimum of thirty‑six months from the date the approved driver training course or approved driver training refresher course was completed. The insurer may require, as a condition of providing and maintaining the credit, that the applicant not be involved in an accident for which the applicant is at fault for a three‑year period after course completion. The credit must be afforded by each insurer in a nondiscriminatory manner to all applicants, other than those considered youthful operators.

(C) Only the vehicle driven by an applicant that has completed successfully an approved driver training course or an approved driver training refresher course qualifies for the insurance credit required by this section. Other vehicles under the private passenger automobile insurance policy do not qualify for the insurance credit required by this section unless the named insured or principal operator of the additional vehicle has successfully completed an approved driver training course or an approved driver training refresher course.

(D) The insurer must provide the driver training course credit upon receipt of satisfactory evidence of course completion. Nothing in this section may be construed so as to require the insurer to provide the credit for any period of time before the date of receipt of satisfactory evidence of course completion.

(E) An applicant qualifying for the insurance credit required by this section may only claim the credit for successful completion of one approved driver training course or one approved driver training refresher course during any private passenger automobile insurance policy period.

(F) Only an approved driver training course or an approved driver training refresher course taken on a voluntary basis qualifies for the insurance credit. Driver training courses taken as a requirement of a driving offense including, but not limited to, ADSAP or driver training courses taken to reduce the number of traffic violation points against a driver’s license, do not qualify for the insurance credit provided in this section.

(G) Any schedule of rates, rate classifications, or rating plans for private passenger automobile insurance must provide for an appropriate reduction in premium charges for those insured persons who are fifty‑five years of age and older and who qualify as provided in this section.”

SECTION 2. Section 38‑73‑737 of the 1976 Code, as last amended by Act 51 of 2003, is further amended to read:

“Section 38‑73‑737. ~~(A)~~ ~~Premium rates charged for liability coverages and collision coverage under a private passenger automobile insurance policy are subject to an appropriate driver training course credit once satisfactory evidence is presented that an applicant for the credit, who is not subject to the youthful operator approved driver training course credit mandated by Regulation 69‑13.2(C), has completed successfully an approved driver training course. The amount of the credit may be determined by each individual insurer based upon factually or statistically supported data and is subject to prior approval by the commissioner. The credit must be afforded to the operator for thirty‑six months from the date the approved driver training course was completed. The insurer may require as a condition of providing and maintaining the credit, that the insured for a three‑year period after course completion not be involved in an accident for which the insured is at fault. The credit must be afforded by each insurer in a nondiscriminatory manner to all applicants, other than those considered within Regulation 69‑13.2(C).~~

~~(B) ‘An approved driver training course’ for purposes of this section is a driver training course which has been approved by the Department of Motor Vehicles and was conducted by:~~

~~(1) a recognized college or university;~~

~~(2) instructors certified by the Department of Motor Vehicles; or~~

~~(3) any other school approved and supervised by the Department of Motor Vehicles.~~

~~(C) The requirements of the course, in order to qualify for the insurance credit, must include the following minimum criteria:~~

~~(1) eight hours of classroom instruction;~~

~~(2) the teaching method must include group discussion, lecture, and visual presentations;~~

~~(3) the course materials must include age‑related physical changes affecting older drivers, accident prevention measures, and a basic review of the rules‑of‑the‑road including, but not limited to, rights of way, backing, entering, and leaving interstate highways; and~~

~~(4) a relevant test on the course material.~~

~~(D) For purposes of this section ‘satisfactory evidence’ is a certificate signed by an official of the school or the Department of Motor Vehicles, which certifies that:~~

~~(1) the person achieved a passing grade on a relevant test on the course material;~~

~~(2) the course was approved by and the instructors were certified by the Department of Motor Vehicles; and~~

~~(3) the school was approved and supervised by the Department of Motor Vehicles.~~

~~(E) Only the vehicle driven by drivers who have completed successfully the driver training course qualifies for the insurance credit. In order for the credit to apply, the certificate must be furnished by the named insured, principal operator of the insured vehicle, and all occasional operators named in the policy as provided in Department of Insurance Regulation 69‑13.1(II)(C). Other vehicles which may be operated by other family members who have not completed the driver training course do not qualify for the insurance credit unless the primary driver of the additional vehicle has successfully completed the driver training course.~~

~~(F) Only driver training courses taken on a voluntary basis qualify for the insurance credit. Driver training courses taken as a requirement of a driving offense including, but not limited to, ADSAP or driver training courses taken to reduce the number of traffic violation points against a driver’s license, do not qualify for the insurance credit provided in this section.~~

(A) As used in this section:

(1) ‘Approved driver’s education course’ means a driver’s training course that:

(a) is approved by the Department of Motor Vehicles pursuant to Chapter 23, Title 56 or is approved by the Department of Education pursuant to Section 59‑39‑320;

(b) is administered by a driver’s training school that is licensed by the Department of Motor Vehicles or a state institution or duly accredited and approved college, private, parochial, or public high school pursuant to Chapter 23, Title 56;

(c) is conducted by a person holding a valid driver’s instructor permit pursuant to Chapter 23, Title 56.

(2) ‘Satisfactory evidence of course completion’ means a certificate signed by an official of the school, the Department of Motor Vehicles, the Department of Education, or other responsible educational entity which certifies that:

(a) the person has successfully completed the course;

(b) the course is an approved driver’s education course and meets the requirements of Chapter 23, Title 56 or Section 59‑39‑320.

(3) ‘Youthful operator’ means a person under the age of twenty‑five for which premium rates charged for liability coverages and collision coverage under a private passenger automobile insurance policy are determined by a youthful driver classification.

(B) Premium rates charged for liability coverages and collision coverage under a private passenger automobile insurance policy are subject to an appropriate driver’s education course credit once satisfactory evidence of course completion is presented by an applicant for the credit that is the named insured or principal operator of the vehicle and is a youthful operator. The amount of the credit may be determined by each individual insurer based upon factually or statistically supported data and is subject to prior approval or review by the director. The credit must be afforded from the date the approved driver’s education course was completed for as long as the premium rates continue to be determined by a youthful driver classification. The insurer may require, as a condition of providing and maintaining the credit, that the applicant not be involved in an accident for which the applicant is at fault or be convicted of, plead guilty to, or plead nolo contendere to a violation of the motor vehicle laws for any moving violation. The credit required by this section must be afforded by each insurer in a nondiscriminatory manner to all applicants.

(C) Only the vehicle driven by an applicant that has completed successfully an approved driver’s education course qualifies for the insurance credit required by this section. Other vehicles under the private passenger automobile insurance policy do not qualify for the insurance credit required by this section unless the named insured or principal operator of the additional vehicle has successfully completed an approved driver’s education course.

(D) The insurer must provide the driver’s education course credit upon receipt of satisfactory evidence of course completion. Nothing in this section may be construed so as to require the insurer to provide the credit for any period of time before the date of receipt of satisfactory evidence of course completion.

(E) An applicant qualifying for the insurance credit required by this section may only claim the credit for successful completion of one approved driver’s education course during any private passenger automobile insurance policy period.

(F) An approved driver’s education course taken on a voluntary basis or taken as a requirement of driver licensing qualifies for the insurance credit. Driver training courses taken as a requirement of a driving offense including, but not limited to, ADSAP or driver training courses taken to reduce the number of traffic violation points against a driver’s license, do not qualify for the insurance credit provided in this section.”

SECTION 3. This act takes effect December 31, 2010./

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Banking and Insurance proposed the following amendment (DKA\3964DW10), which was adopted:

Amend the bill, as and if amended, page 1, beginning on line 24, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 38‑73‑737 of the 1976 Code, as last amended by Act 51 of 2003, is further amended to read:

“Section 38‑73‑737. (A) Premium rates charged for liability coverages and collision coverage under a private passenger automobile insurance policy are subject to an appropriate driver training course credit once satisfactory evidence is presented that an applicant for the credit~~, who is not subject to the youthful operator approved driver training course credit mandated by Regulation 69‑13.2(C),~~ has completed successfully an approved driver training course. The amount of the credit may be determined by each individual insurer based upon factually or statistically supported data and is subject to prior approval by the commissioner. The credit must be afforded to the operator for a minimum period of no less than thirty‑six months from the date the approved driver training course was completed. The insurer may require as a condition of providing and maintaining the credit, that the insured for a three‑year period after course completion not be involved in an accident for which the insured is at fault. The credit must be afforded by each insurer in a nondiscriminatory manner to all applicants~~, other than those considered within Regulation 69‑13.2(C)~~.

(B) ‘An approved driver training course’ for purposes of this section is a driver training course which has been approved by the Department of Motor Vehicles and was conducted by:

(1) a recognized college or university;

(2) instructors certified by the Department of Motor Vehicles; or

(3) any other school approved and supervised by the Department of Motor Vehicles.

(C) The requirements of the course, in order to qualify for the insurance credit, must include the following minimum criteria:

(1) ~~eight~~ six hours of classroom instruction;

(2) the teaching method must include group discussion, lecture, and visual presentations;

(3) the course materials must include age‑related physical changes affecting older drivers, accident prevention measures, and a basic review of the rules‑of‑the‑road including, but not limited to, rights of way, backing, entering, and leaving interstate highways; and

(4) a relevant test on the course material.

(D) For purposes of this section ‘satisfactory evidence’ is a certificate signed by an official of the school or the Department of Motor Vehicles, which certifies that:

(1) the person achieved a passing grade on a relevant test on the course material;

(2) the course was approved by and the instructors were certified by the Department of Motor Vehicles; and

(3) the school was approved and supervised by the Department of Motor Vehicles.

(E) Only the vehicle driven by drivers who have completed successfully the driver training course qualifies for the insurance credit. In order for the credit to apply, the certificate must be furnished by the named insured, principal operator of the insured vehicle~~, and all occasional operators named in the policy as provided in Department of Insurance Regulation 69‑13.1(II)(C)~~. Other vehicles which may be operated by other family members who have not completed the driver training course do not qualify for the insurance credit unless the primary driver of the additional vehicle has successfully completed the driver training course.

(F)(1) An applicant meeting the requirements of this section and receiving a driver training course credit may renew the insurance credit provided in this section by completing a four hour driver training refresher course that has been approved by the Department of Motor Vehicles provided this driver training refresher course is taken within thirty‑eight months from the date the approved driver training course as defined in subsections (B), (C), and (G) was completed by the applicant. The applicant must furnish satisfactory evidence of successfully completing the four hour driver training refresher course to the insurer to renew the insurance credit provided by this section.

(2) An applicant that fails to renew the insurance credit as provided for in item (1) of this subsection shall complete successfully an approved driver training course as provided for in subsection (C) in order to qualify for the insurance credit.

(G) Only driver training courses taken on a voluntary basis qualify for the insurance credit. Driver training courses taken as a requirement of a driving offense including, but not limited to, ADSAP or driver training courses taken to reduce the number of traffic violation points against a driver’s license, do not qualify for the insurance credit provided in this section.

(H) The Department of Motor Vehicles may promulgate regulations pertaining to the requirements of fifty‑five years and older driver safety Internet courses. The regulations shall include, but not be limited to, methods to ensure verification of the:

(1) course enrollee’s identity at the time of registration and throughout the duration of the approved Internet course;

(2) participation of the enrollee throughout the duration of the course;

(3) completion of the course by the enrollee within the time requirements imposed by the course or the Department of Motor Vehicles; and

(4) successful completion of the course by the enrollee.” /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT WITHDRAWN**

**AMENDED, READ THE SECOND TIME**

S. 1051 -- Senator Davis: A BILL TO AMEND SECTION 48‑39‑290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS, EXCEPTIONS, AND SPECIAL PERMITS CONCERNING CONSTRUCTION AND RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND THE SET BACK LINE, SO AS TO REVISE THE DESCRIPTION OF A PRIVATE ISLAND WITH AN ATLANTIC SHORELINE THAT IS EXEMPT FROM THE PROVISIONS OF THIS SECTION AND THE FORTY‑YEAR RETREAT POLICY.

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

There was no objection.

The Committee on Agriculture and Natural Resources proposed the following amendment (1051R001.DBV), which was withdrawn:

Amend the bill, as and if amended, page 1, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 48‑39‑290(B)(2)(e) of the 1976 Code is amended to read:

“(e) ~~Subitem (a) does~~ The provisions of this section and Section 48‑39‑280 do not apply to a private island with an Atlantic Ocean shoreline of twenty thousand, two hundred ten feet ~~of which twenty thousand, ninety feet of shoreline~~ which is entirely revetted with existing erosion control devices ~~and one hundred twenty feet of shoreline is not revetted with existing erosion control devices~~. Nothing contained in this section shall be construed as legislative intent to limit the applicability of the requirements of Section 48‑39‑280 or Section 48‑39‑290 to other coastal barrier islands in this State. Limiting the applicability of Sections 48‑39‑280 and 48‑39‑290 is only appropriate where the island is entirely revetted and armored. The baseline for these islands is at the landward edge of erosion control devices. Nothing contained in this subitem makes this island eligible for beach renourishment funds.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS asked unanimous consent to withdraw the committee amendment.

There was no objection and the committee amendment proposed by Fish, Game and Forestry, was withdrawn.

Senator DAVIS proposed the following amendment (BBM\  
9750AB10), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 48-39-290(B)(2)(e) of the 1976 Code is amended to read:

“(e) ~~Subitem (a) does not apply to a private island with an Atlantic Ocean shoreline of twenty thousand, two hundred ten feet of which twenty thousand, ninety feet of shoreline is revetted with existing erosion control devices and one hundred twenty feet of shoreline is not revetted with existing erosion control devices. Nothing contained in this subitem makes this island eligible for beach renourishment funds~~ For a private island with an Atlantic Ocean shoreline of twenty thousand, two hundred ten feet which is entirely revetted with existing erosion control devices, the baseline for this private island is established at the landward edge of the erosion control device. Nothing contained in this subitem makes this island eligible for beach renourishment funds.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS 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.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 1148 -- Senator Cleary: A BILL TO AMEND CHAPTER 65, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS, SO AS TO CONFORM THIS CHAPTER TO THE ORGANIZATIONAL STATUTORY FRAMEWORK ESTABLISHED FOR PROFESSIONS AND OCCUPATIONS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO PROVIDE THAT PERSONS ENGAGING IN PROFESSIONAL SOIL CLASSIFICATION MUST BE LICENSED, RATHER THAN REGISTERED; TO REVISE QUALIFICATIONS FOR LICENSURE; TO PROVIDE GRANDFATHERING PROVISIONS FOR REGISTERED PROFESSIONAL SOIL CLASSIFIERS TO BECOME LICENSED PROFESSIONAL SOIL CLASSIFIERS UPON THE NEXT RENEWAL OF THE PERSON’S REGISTRATION; AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF PROFESSIONAL SOIL CLASSIFIERS.

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

There was no objection.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Labor, Commerce and Industry.

Senator LEVENTIS proposed the following amendment (1148R004.PPL), which was adopted:

Amend the committee amendment, as and if amended, [1148-2] by striking line 28 and inserting:

/ of such examination. /

(D) An applicant otherwise qualified shall be admitted to registration as a professional soil classifier without examination if he holds a certificate of registration in the practice of soil classifying awarded on the basis of comparable qualifications and issued to him by a proper authority of another state, possession, or territory of the United States and who in the opinion of the department meets the requirements of this chapter. /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

The amendment was adopted.

The Committee on Labor, Commerce and Industry proposed the following amendment (1148R001.REC), which was adopted:

Amend the bill, as and if amended, page 14, by striking lines 12 ‑ 24 and inserting:

/ Section 40‑65‑36. (A)(1) The department shall issue a license upon payment of the license fee, pursuant to subsection (C), to an applicant who in the opinion of the department has met the requirements of this chapter.

(2) The issuance of a license by the department is prima facie evidence that the person named is entitled to all rights and privileges of a professional soil classifier during the term for which the license is valid if the license has not been revoked or suspended.

(B) The department shall issue a certificate as a soil‑classifier‑in‑training upon payment of the certificate fee, pursuant to subsection (C), to an applicant who in the opinion of the department has met the requirements of this chapter.

(C)(1) The application for a license as a professional soil classifier or for certification as a soil‑classifier‑in‑training shall be on a form prescribed and furnished by the department, shall contain statements made under oath showing the applicant’s education, a detailed summary of his experience, and references as required by this chapter, and shall be accompanied by an application fee established by the department of not less than five nor more than twenty‑five dollars.

(2) Licenses shall be established by the department subject to the following limitations:

(a) The license fee for professional soil classifiers shall be in an amount not less than twenty nor more than one hundred dollars.

(b) The certification fee for soil‑classifier‑in‑training certification or enrollment shall be established by the department in an amount not less than ten nor more than fifty dollars.

(c) Should the department deny the issuance of a license to an applicant, the fee paid shall be retained as an application fee.

(3) Examinations shall be held at such times and places as the department shall determine. Examinations required on fundamental soil subjects may be taken at any time prescribed by the department. The final examinations may not be taken until the applicant has completed a period of soil classifying experience as provided in this chapter. The passing grade on any examination shall not be less than seventy percent. A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the department of not less than ten nor more than twenty‑five dollars. Any candidate for registration having an average grade of less than fifty percent may not apply for reexamination for a period of one year from the date of such examination. /

Amend the bill further, as and if amended, page 15, by striking lines 21 ‑ 26 and inserting:

/ Section 40‑65‑60. In addition to the powers provided for in Chapter 1, the department may promulgate regulations pursuant to the Administrative Procedures Act including, but not limited to, a code of ethics for licensees. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1149 -- Senator Cleary: A BILL TO AMEND CHAPTER 28, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSURE AND REGULATION OF LANDSCAPE ARCHITECTS, SO AS TO CONFORM THE CHAPTER TO THE STATUTORY ORGANIZATIONAL FRAMEWORK OF CHAPTER 1, TITLE 40 FOR BOARDS UNDER THE ADMINISTRATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND TO FURTHER PROVIDE FOR THE LICENSURE AND REGULATION OF LANDSCAPE ARCHITECTS.

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

There was no objection.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Labor, Commerce and Industry.

The Committee on Labor, Commerce and Industry proposed the following amendment (1149R001.WGR), which was adopted:

Amend the bill, as and if amended, page 14, by striking line 13 and inserting:

/ department upon the payment of a renewal fee pursuant to Section 40‑28‑80 and evidence of /

Amend the bill further, as and if amended, page 14, by striking lines 21 ‑ 22 and inserting:

/ payment of a reinstatement fee and the current renewal fee, as established by Section 40‑28‑80. /

Amend the bill further, as and if amended, page 14, by striking lines 32 ‑ 33 and inserting:

/ reinstatement fee and the current renewal fee, as established by Section 40‑28‑80. /

Amend the bill further, as and if amended, page 15, by striking lines 17 ‑ 23 and inserting:

/ (D) A firm desiring a certificate of authorization shall file with the board an application on forms provided by the board accompanied by the registration fee as provided in Section 40‑28‑80. A certificate of authorization must be renewed biennially. A renewal form provided by the board must be completed and submitted with the biennial registration fee, the fee being an amount as provided in Section 40‑28‑80. /

Amend the bill further, as and if amended, page 16, by striking lines 8 ‑ 10 and inserting:

/ Section 40‑28‑80. (A) The program for licensure of landscape architects must be administered by the Department of Labor, Licensing and Regulation in accordance with Section 40‑1‑50.

(B) The department annually shall prescribe reasonable fees, not to exceed the following prescribed limits, in an amount sufficient to pay for the costs of administering the provisions of this chapter in the following categories:

(1) Initial license fee $50.00

(2) Annual license renewal fee $100.00

(3) Initial certificate of authorization fee $200.00

(4) Annual certificate of authorization renewal fee $200.00

(5) Temporary license fee $100.00

(6) Initial examination fee - cost of exam $200.00

(7) Examination retake fee - cost of section(s) $100.00

(8) File transfer fee $50.00

(9) Duplicate license/certificate fee $25.00

(10) Late fee $20.00

An additional amount not to exceed one hundred dollars may be charged each out‑of‑state applicant in each of the above categories./

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

S. 1367 -- Senator Cromer: A BILL TO AMEND SECTION 50‑23‑295, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRANSFER OF TITLE TO WATERCRAFT OR OUTBOARD MOTOR ON WHICH PROPERTY TAXES ARE OWED, SO AS TO REMOVE THE PENALTY IMPOSED FOR SELLING A WATERCRAFT WITH PERSONAL PROPERTY TAXES OWED AND TO ADD PROVISIONS REGARDING CIVIL ACTIONS AGAINST SELLERS FOR SELLING A WATERCRAFT OR OUTBOARD MOTOR WITH TAXES OWED.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Fish, Game and Forestry.

The Committee on Fish, Game and Forestry proposed the following amendment (1367R001.RWC), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 28-36 and inserting:

/ “(B) In addition to any applicable criminal penalties, ~~falsely signing such a certification subjects the person signing the certification to a fee of five hundred dollars and suspension of any title issued in the applicant’s name by the department. The title can be reinstated upon proof to the department of payment of all taxes due and payment of the five‑hundred‑dollar fee to the department~~ a seller who falsely signs the certification required by subsection (A) that property taxes are current and paid on a watercraft transferred to the buyer is liable to the buyer for three times the amount of damages directly associated with the false certification, as well as applicable costs and reasonable attorney’s fees.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

Senators KNOTTS and CROMER proposed the following amendment (1367R002.JMK), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 28-36 and inserting:

/ “(B) A person who sells a watercraft on which he owes unpaid and outstanding property taxes, or on which there is a property tax lien, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days. In addition to any applicable criminal penalties, ~~falsely signing such a certification subjects the person signing the certification to a fee of five hundred dollars and suspension of any title issued in the applicant’s name by the department. The title can be reinstated upon proof to the department of payment of all taxes due and payment of the five‑hundred‑dollar fee to the department~~ a seller who falsely signs the certification required by subsection (A) that property taxes are current and paid on a watercraft transferred to the buyer is liable to the buyer for three times the amount of damages directly associated with the false certification, as well as applicable costs and reasonable attorney’s fees.”

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN 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.

**COMMITTEE AMENDMENT ADOPTED**

**CONCURRENT RESOLUTION ADOPTED, AS AMENDED**

H. 4054 -- Rep. Edge: A CONCURRENT RESOLUTION TO URGE THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EDUCATE PARENTS ON THE IMPORTANCE OF ADOLESCENT WELL PHYSICALS TO PREVENT CHRONIC DISEASES, APPROPRIATELY INTERVENE TO BETTER TREAT CHRONIC DISEASE, AND UPDATE IMMUNIZATIONS FOR ADOLESCENTS OF THIS STATE AND NATION.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

The Committee on Medical Affairs proposed the following amendment (H-4054SMARTIN), which was adopted:

Amend the resolution, as and if amended, page 1, by deleting lines 34-38 and inserting:

/ Whereas, the ACIP, American Academy of Pediatrics, American Academy of Family Physicians, and the American Medical Association recommend a routine healthcare visit for adolescents aged eleven to twelve to receive recommended immunizations and other evidence‑based preventative healthcare services; and /

Amend further, page 2 by deleting lines 31-36 and inserting:

/ That the members of the General Assembly of the State of South Carolina, by this resolution, urge the United States Department of Health and Human Services to educate parents on the importance of adolescent well physicals to prevent chronic diseases and obesity; to appropriately intervene to better treat chronic diseases and obesity; and to update immunizations for adolescents of this State and nation. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

There being no further amendments, the Concurrent Resolution was adopted and ordered returned to the House with amendments.

**OBJECTION**

S. 1392 -- Transportation Committee: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, TO PROVIDE FOR CERTAIN SPECIALTY LICENSE PLATES; TO AMEND SECTION 56-3-10810, RELATING TO ‘BOY SCOUTS OF AMERICA’ SPECIAL LICENSE PLATES, TO PROVIDE FOR ‘EAGLE SCOUT’ SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, RELATING TO SPECIAL LICENSE PLATES FOR CERTAIN ELECTED OFFICIALS, TO PROVIDE THAT CORONERS MAY BE PROVIDED WITH TWO LICENSE PLATES; TO AMEND SECTION 56‑3‑1240, RELATING TO THE LOCATION ON VEHICLES WHERE LICENSE PLATES MUST BE ATTACHED, TO PROVIDE THAT A FRAME MAY BE PLACED AROUND A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 56‑3‑10410, RELATING TO A SPECIAL MOTOR VEHICLE LICENSE PLATE FOR VETERANS, TO PROVIDE FOR A DISABLED VETERAN SPECIAL LICENSE PLATE.

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

Senator PEELER objected.

**CARRIED OVER**

S. 1296 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING, TO PROVIDE THAT COYOTES MAY BE HUNTED AT NIGHT, TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES.

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

S. 642 -- Senators Alexander, Ford and Knotts: A BILL TO AMEND ARTICLE 31, CHAPTER 5, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 TO PROVIDE THAT A PERSON UNDER THE AGE OF EIGHTEEN MAY NOT OPERATE A MOTOR VEHICLE WHILE USING A CELL PHONE OR OTHER WIRELESS COMMUNICATIONS DEVICE AND TO PROVIDE FOR PENALTIES AND EXCEPTIONS.

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

H. 3964 -- Reps. Duncan, Ott, Vick, Loftis and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 21, TITLE 46 SO AS TO UPDATE AND CLARIFY SEED ARBITRATION PROCEDURES; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 46, RELATING TO GENERAL PROVISIONS OF SEED AND PLANT CERTIFICATION, SO AS TO REPLACE OBSOLETE DEFINITIONS, TO REVISE ENFORCEMENT MECHANISMS, TO CLARIFY LICENSING PROCEDURES, AND TO PROVIDE EXEMPTIONS; TO AMEND ARTICLE 3, CHAPTER 21, TITLE 46, RELATING TO LABELS AND TAGS REGARDING SEEDS AND PLANTS, SO AS TO REVISE THE LABELING REQUIREMENTS FOR SEED PRODUCTS, AND TO IMPOSE ADDITIONAL PROHIBITIONS; TO AMEND ARTICLE 5, CHAPTER 21, TITLE 46, RELATING TO ANALYSES AND TESTS REGARDING SEEDS AND PLANTS, SO AS TO DELETE REDUNDANT PROVISIONS, TO PROVIDE THAT DEPARTMENT OF AGRICULTURE OFFICIALS SHALL HAVE ACCESS TO SEED RECORDS AND SAMPLES, TO PROVIDE THAT SEED RECORDS SHALL BE MAINTAINED FOR TWO YEARS, AND TO CLARIFY WHO IS ENTITLED TO FREE SEED TESTING AT THE STATE SEED LABORATORY; TO AMEND ARTICLE 7, CHAPTER 21, TITLE 46, RELATING TO WITHDRAWAL, CONFISCATION, AND SALE OF SEEDS REGARDING SEEDS AND PLANTS, SO AS TO INCREASE PENALTIES FOR VIOLATIONS FROM A MAXIMUM OF ONE HUNDRED DOLLARS FOR EACH VIOLATION TO ONE THOUSAND DOLLARS FOR EACH VIOLATION, TO CLARIFY THE ROLE OF THE ATTORNEY GENERAL IN PROSECUTING VIOLATIONS, AND TO PROVIDE FOR INJUNCTIVE RELIEF TO PREVENT VIOLATIONS; TO AMEND ARTICLE 9, CHAPTER 21, TITLE 46, RELATING TO SEED AND PLANT CERTIFICATION, SO AS TO CLARIFY CLEMSON UNIVERSITY’S SEED AND PLANT CERTIFICATION AUTHORITY; AND TO REPEAL ARTICLE 11, CHAPTER 21, TITLE 46 RELATING TO SEED IRISH POTATOES IN CHARLESTON COUNTY.

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

**AMENDED, CARRIED OVER**

S. 1392 -- Transportation Committee: A BILL TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, TO PROVIDE FOR CERTAIN SPECIALTY LICENSE PLATES; TO AMEND SECTION 56-3-10810, RELATING TO ‘BOY SCOUTS OF AMERICA’ SPECIAL LICENSE PLATES, TO PROVIDE FOR ‘EAGLE SCOUT’ SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, RELATING TO SPECIAL LICENSE PLATES FOR CERTAIN ELECTED OFFICIALS, TO PROVIDE THAT CORONERS MAY BE PROVIDED WITH TWO LICENSE PLATES; TO AMEND SECTION 56‑3‑1240, RELATING TO THE LOCATION ON VEHICLES WHERE LICENSE PLATES MUST BE ATTACHED, TO PROVIDE THAT A FRAME MAY BE PLACED AROUND A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 56‑3‑10410, RELATING TO A SPECIAL MOTOR VEHICLE LICENSE PLATE FOR VETERANS, TO PROVIDE FOR A DISABLED VETERAN SPECIAL LICENSE PLATE.

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

Senator GROOMS explained the Bill.

Senator GROOMS proposed the following amendment (1392R001.LKG), which was adopted:

Amend the bill, as and if amended, page 14, after line 5, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘Large Mouth Bass’ Special License Plates

Section 56‑3‑\_\_\_\_. (A) The Department of Motor Vehicles may issue ‘Large Mouth Bass’ special motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles registered in their names. The license plate shall have the image of a large mouth bass imprinted on it. The design of the plate and the large mouth bass image utilized must be selected through a public process conducted by the Department of Parks, Recreation and Tourism. This special license plate must be of the same size and general design of regular motor vehicle license plates. The special license plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month they are issued.

(B) The fees collected pursuant to this section above the cost of the regular motor vehicle registration fee must be distributed to the Department of Parks, Recreation and Tourism, which shall only use the funds to promote bass fishing throughout the State.

(C) The guidelines for the production of a special license plate under this section must meet the requirements of Section 56‑3‑8100.”/

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

On motion of Senator GROOMS, the Bill was carried over, as amended.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4657, THE GENERAL APPROPRIATIONS BILL.**

**AMENDED, DEBATE INTERRUPTED**

**H. 4657--GENERAL APPROPRIATIONS BILL**

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

**Amendment No. 50**

Senator BRIGHT proposed the following Amendment No. 50 (DAD TRANSFER 1ST STEPS $ TO EFA), which was tabled:

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 12, line 8, by:

COLUMN 7 COLUMN 8

/ STRIKING: 1,004,394,001 1,004,394,001

and

INSERTING: 1,016,365,945 1,016,365,945/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 14, line 13, by:

COLUMN 7 COLUMN 8

/ STRIKING: 645,828 348,005

and

INSERTING: 297,823 0/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 14, line 15, by:

COLUMN 7 COLUMN 8

/ STRIKING: 74,336 74,336

and

INSERTING: 0 0/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 14, line 21, by:

COLUMN 7 COLUMN 8

/ STRIKING: 14,549,603 11,549,603

and

INSERTING: 3,000,000 0/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator LOURIE moved to lay the amendment on the table.

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

**Ayes 30; Nays 5**

**AYES**

Alexander Anderson Campsen

Courson Cromer Davis

Elliott Fair Grooms

Hayes Knotts Land

Leatherman Leventis Lourie

*Martin, Larry* Massey McConnell

McGill Nicholson O’Dell

Pinckney Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Williams

**Total--30**

**NAYS**

Bright Bryant *Martin, Shane*

Peeler Ryberg

**Total--5**

The amendment was laid on the table.

**Statement by Senators McCONNELL, CAMPSEN and ROSE**

Amendment No. 50 shifts money from First Steps to the EFA. Under the flawed formula, Charleston County would lose money or gain nothing. Therefore, we voted to table the amendment.

**Amendment No. 53A**

Senator FAIR proposed the following Amendment No. 53A (DG FAIRCHARTREP), which was adopted (#2):

Amend the bill, as and if amended, Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 365, paragraph 1A.37, line 4, by striking / two / and inserting / *three* /

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 365, paragraph 1A.37, by striking lines 4 through 7 and inserting:

/ students must be allocated to districts based on ~~two~~ *three* factors: (1) the number of students served in academic gifted and talented programs based on the prior year’s 135-day count of average daily membership adjusted for the current year’s 45-day count and the number of students identified as artistically gifted and talented; ~~and~~ (2) the number of students taking Advanced Placement or International Baccalaureate (IB) exams in the prior year*; and (3) a per pupil allocation for charter schools serving state-identified artistically and academically high-achieving students in core academic classes with an accelerated curriculum that has been verified by the Department of Education to meet the requirements of State Board of Education Regulation 43-220 and if they are serving state-identified artistically and academically high-achieving students in core academic courses which are included on the prior year’s Commission on Higher Education’s list of transferable courses. The Department of Education shall report to the Senate Education Committee and the House Education and Public Works Committee regarding the allocation and distribution of the funds by June first.* At least eighty-five percent of the funds appropriated for each student

Amend the bill further, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 365, paragraph 1A.37, by striking lines 11-21 in their entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

**RECESS**

At 12:19 P.M., on motion of Senator LEATHERMAN, the Senate receded from business until 1:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:07 P.M. and was called to order by the PRESIDENT *Pro Tempore*.

**Call of the Senate**

At 1:08 P.M., Senator LEATHERMAN moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell Mulvaney Nicholson

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senator McGILL recorded his presence subsequent to the Call of the Senate.

**Amendment No. 54**

Senator BRIGHT proposed the following Amendment No. 54 (DAD LOTTERY 50 50 SPLIT), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 370, paragraph 2.6, by striking lines 10-25 in their entirety and by inserting

/ *(1) Commission on Higher Education--Tuition Assistance Two-Year Institutions $ 23,500,000;*

*(2) Commission on Higher Education--LIFE Scholarships as provided in Chapter*

*149 of Title 59 $ 43,685,458;*

*(3) Commission on Higher Education--HOPE Scholarships as provided* i*n Section*

*59-150-370 $ 3,911,737;*

*(4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in*

*Section 59-104-20 $ 15,138,620;*

*(5) Commission on Higher Education--Need-Based Grants $ 5,815,783;*

*(6) Tuitions Grants Commission--Tuition Grants $ 3,883,302;*

*(7) Commission on Higher Education--National Guard Tuition Repayment Program as*

*provided in Section 59-111-75 $ ,850,000;*

*(8) South Carolina State University $ 1,250,000;*

*(9) Technology--Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges $ 2,077,351;*

*(10) Department of Education--K-5 Reading, Math, Science & Social Studies Program*

*as provided in Section 59-1-525 $ 20,945,899;*

*(11) Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program $ 1,000,000;*

*(12) Commission on Higher Education--Higher Education Excellence Enhancement Program $ 1,500,000;*

*(13) School for the Deaf and the Blind--Technology Replacement $ 100,000; and*

*(14) Department of Education--School District Allocation $ 123,685,150.* /

Amend the bill further, as and if amended, Part IB, Section 2, LOTTERY EXPENDITURE ACCOUNT, page 370, paragraph 2.6, after line 28, by inserting:

/ *For Fiscal Year 2010-11, the Department of Education shall allocate the funds appropriated above for School District Allocation to school districts, including charter schools, based on the Education Finance Act formula.*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

**Point of Order**

Senator LEATHERMAN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Amendment No. 54 was ruled out of order.

**Objection**

At 1:17 P.M., Senator FAIR asked unanimous consent to make a motion that no further amendments to the General Appropriations Bill be received on the Desk for consideration after 4:00 P.M., with the exception of the necessary technical and balancing amendments to be delivered and certified by the Clerk and to be adopted upon his certification for inclusion in the Bill.

Senator SHANE MARTIN objected.

**Point of Order**

Senator SHOOPMAN raised a Point of Order that Proviso 65.11 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***65.11.*** *(LLR: Illegal Immigration Hotline) The responsibility for establishing and maintaining a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal* *immigration laws or related provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal* *immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant shall be transferred from the Commission on Minority Affairs to the Department of Labor, Licensing, and Regulation.*

*Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83 of Title 40 of the 1976 Code relating to* *immigration assistance services, or any regulations enacted governing the operation of* *immigration assistance services, false or fraudulent statements made or documents filed in relation to an* *immigration matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services.*

*The executive director of the Department of Labor, Licensing, and Regulation, or a designee, shall establish and maintain a centralized tracking database consisting of all information received through the twenty-four hour toll free telephone number and electronic website, and shall report all alleged violations to the appropriate law enforcement, administrative, executive, or regulatory agency or political subdivision having law enforcement or regulatory control over the subject matter, including, but not limited to the United States Bureau of* *Immigration and Customs Enforcement, consistent with 8 USC Section 1373.*

The President *Pro Tempore* sustained the Point of Order.

Proviso 65.11 was ruled out of order.

**Amendment No. 46**

Senator CAMPSEN proposed the following Amendment No. 46 (DG DGINSTATE), which was tabled:

Amend the bill, as and if amended, Part IB, Section 6, COMMISSION ON HIGHER EDUCATION, page 374, by striking proviso 6.5 and inserting:

/ 6.5. (CHE: Allowable Tuition and Fees) State funds *and tution paid by in-state students* shall not be used to provide undergraduate out-of-state subsidies to students attending state-supported public institutions of higher learning, as defined in Section 59-103-5. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSEN explained the amendment.

**Point of Order**

Senator LEATHERMAN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT *Pro Tempore* overruled the Point of Order.

Senator CAMPSEN resumed explaining the amendment.

**Objection**

Senator CAMPBELL asked unanimous consent to make a motion to perfect the amendment by adding language excluding athletic scholarships.

Senator HUTTO objected.

Senator CAMPSEN resumed explaining the amendment.

Senator HUTTO moved to lay the amendment on the table.

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

**Ayes 23; Nays 17**

**AYES**

Alexander Anderson Campbell

Courson Cromer Elliott

Fair Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Nicholson

Reese Scott Setzler

Sheheen Williams

**Total--23**

**NAYS**

Bright Bryant Campsen

Cleary Davis Grooms

*Martin, Shane* Massey McConnell

Mulvaney Peeler Rankin

Rose Ryberg Shoopman

Thomas Verdin

**Total--17**

The amendment was laid on the table.

**Amendment No. 45**

Senator ROSE proposed the following Amendment No. 45 (4657R036MTR.MTR.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 6, COMMISSION ON HIGHER EDUCATION, page 378, after line 29, by adding an appropriately numbered new proviso to read:

*/6.\_ (CHE: Transaction Register ) For fiscal year 2010-2011, each public institution of higher learning shall maintain a transaction register that includes a complete record of all funds expended over one hundred dollars, from whatever source for whatever purpose. The register must be prominently posted on the institution’s internet website and made available for public viewing and downloading. The register must include the transaction amount, name of payee, the identification number of the transaction, and a statement providing a detailed description of the expenditure. The description must include* *the source of funds, a category title, and an object title for the expenditure. The register must include all reimbursements for expenses, but must not include an entry for salary, wages, or other compensation paid to individual employees. The register must not include a social security number. At the option of the public institution, the register may exclude any information that can be used to identify an individual employee or student. The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure, and must be searchable and updated at least once a month. Each monthly register must be maintained on the internet during fiscal year 2010-2011.*

*Each public institution of higher learning shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the individual institution, that posts on its Internet website the institution’s monthly state procurement card statements or monthly reports containing all or substantially all of the same information contained in the monthly state procurement card statements. The link must be to the specific webpage or section on the website of the agency where the state procurement card information for the institution can be found. The information posted may not contain the state procurement card number.*

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

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ROSE explained the amendment.

Senator LOURIE argued contra to the adoption of the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator ROSE spoke on the amendment.

Senator BRYANT spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 23; Nays 20**

**AYES**

Alexander Anderson Campbell

Coleman Elliott Fair

Ford Hutto Jackson

Land Leatherman Lourie

Malloy *Martin, Larry* McGill

Nicholson O’Dell Rankin

Reese Scott Setzler

Sheheen Williams

**Total--23**

**NAYS**

Bright Bryant Campsen

Cleary Courson Cromer

Davis Grooms Hayes

Knotts *Martin, Shane* Massey

McConnell Mulvaney Peeler

Rose Ryberg Shoopman

Thomas Verdin

**Total--20**

The amendment was laid on the table.

Senator HAYES asked unanimous consent to make a motion to take up Amendment No. 51 for immediate consideration.

There was no objection.

**Amendment No. 51**

Senators JACKSON, HAYES, KNOTTS, CAMPSEN and SCOTT proposed the following Amendment No. 51(DAD 1A.17 TEACHER SUPPLIES), which was adopted (#3):

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 358, proviso 1A.17, by striking the proviso in its entirety, lines 14 - 34 and inserting

/ 1A.17. (SDE-EIA: XI.C.2-Teacher Supplies) *For FY 2010-2011 a local school board, in a public school board meeting prior to the first contract day of the school year, by majority vote may decide to retain the school district’s allocation for Teacher Supply funds and instead of disbursing the funds to all certified public school teachers, certified special school classroom teachers, certified media specialists, and certified guidance counselors may utilize the school district’s allocation for the purposing of funding teacher salaries either to avoid or decrease the impact of a teacher furlough imposed by the school board or to avoid the elimination of a teaching position as determined by the school board. A school district may not utilize this provision to increase district or school level administrators or teacher salaries. A school board utilizing this provision must notify the certified public school teacher, certified special school classroom teachers, certified media specialists, and certified guidance counselors in written communication on or before the first contract day of the school year of the school board’s decision not to provide the teacher supply reimbursement along with the school board’s purpose in utilizing the reimbursement funds.* ~~From the funds appropriated, all~~ *All* certified public school *teachers*, certified special school classroom teachers, certified media specialists, and certified guidance counselors who are employed by a school district or a charter school as of November 30 of the current fiscal year, *based on the public decision of the school board* ~~shall~~ *may* receive reimbursement of *up to* two hundred seventy-five dollars each school year to offset expenses incurred by them for teaching supplies and materials. Funds shall be disbursed by the department to School districts by July 15 based on the last reconciled Professional Certified Staff (PCS) listing from the previous year. ~~Any~~ *With remaining funds for this program, any* deviation in the PCS and actual teacher count will be reconciled by December 31 or as soon as practicable thereafter. ~~School districts~~ *Based on the public decision of the school district these funds* shall ~~disburse these funds~~ *be disbursed* in a manner separate and distinct from their payroll check on the first day teachers, by contract, are required to be in attendance at school for the current contract year. This reimbursement shall not be considered by the state as taxable income. Special schools include the Governor’s School for Science and Math, the Governor’s School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice, and Palmetto Unified School District. Funds distributed to school districts or allocated to schools must not supplant existing supply money paid to teachers from other sources. If a school district requires receipts for tax purposes the receipts may not be required before December 31. Districts that do not wish to require receipts may have teachers retain the receipts and certify for the district they have received the ~~$275~~ *allocation* for purchase of teaching supplies and/or materials and that they have purchased or will purchase supplies and/or materials during the fiscal year for the amount of ~~$275~~ *the allocation*. Districts shall not have an audit exception related to non-retention of receipts in any instances where a similar instrument is utilized. Any district requiring receipts must notify any teacher from whom receipts have not been submitted between November 25 and December 6 that receipts must be submitted to the district. Districts may not add any additional requirement not listed herein related to this reimbursement. ~~The department must withhold Act 135 funds from any district while in non-compliance with this provision. Any funds not disbursed to teachers may not be retained by the districts and must be returned to the department.~~ /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON explained the amendment.

The amendment was adopted.

**Amendment No. 16A**

Senators LARRY MARTIN, FAIR, CAMPSEN, RANKIN, CAMPBELL and ALEXANDER proposed the following Amendment No. 16A (4657 EXPERSTEP.DOCX), which was adopted (#4):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 353, by inserting an appropriately numbered new Proviso to read:

/ 1xx (SDE: Salary Increase Suspension) For Fiscal Year 2010-11, the requirement that school districts provide a salary step increase pursuant to Section 59-20-50 is suspended, without a negative impact resulting to their experience credit; however, school districts may continue to provide a salary step increase. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

**Point of Order**

Senator SHOOPMAN raised a Point of Order that Proviso 89.90 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**89.90.** (GP: Removal of Notwithstanding) The Code Commissioner is directed to remove the term “notwithstanding any other provision of law” from any paragraph contained in Part IB of this act and re-punctuate the paragraph to read appropriately.

The President *Pro Tempore* sustained the Point of Order.

Proviso 89.90 of Part 1B was ruled out of order.

**Point of Order**

Senator MULVANEY raised a Point of Order that Proviso 1.70 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1.70.** (SDE: Prohibit Advertising on School Buses) The Department of Education and local school districts are prohibited from selling space for or the placement of advertisements on the outside or inside of school buses.

The President *Pro Tempore* overruled the Point of Order.

**Amendment No. 63**

Senator ROSE proposed the following Amendment No. 63 (4657R038MTR.MTR.DOCX), which was adopted (#5):

Amend the bill, as and if amended, Part IB, Section 6, COMMISSION ON HIGHER EDUCATION, page 378, after line 28, by adding an appropriately numbered new proviso to read:

*/6.\_\_\_\_ (CHE: Tuition and Fees) From the funds appropriated or authorized to each institution of higher learning, and for fiscal year 2010-2011, any institution of higher learning that adopts a change to the tuition or fees imposed on students, must issue a public report, no later than thirty days after the change, that includes the identity of the trustees voting for and against the change.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEVENTIS explained the amendment.

Senator LEVENTIS moved that the amendment be adopted.

The amendment was adopted.

**Amendment No. 65A**

Senator MASSEY proposed the following Amendment No. 65A (DG ASMLAW), which was adopted (#6):

Amend the bill, as and if amended, Part IB, Section 6, COMMISSION ON HIGHER EDUCATION, page 378, after line 28, by adding an appropriately numbered new proviso to read:

*/ 6.\_\_\_. (CHE: Law Study) From the funds appropriated to the Commission on Higher Education, for fiscal year 2010-2011, there is created a study committee to examine the governance model of the University of South Carolina School of Law. The committee shall study the law school’s governance model and the models of other public law schools, including the University of Virginia* *School of Law. The committee shall also study the feasibility of creating a Board of Trustees and a Foundation for the law school. No later than June 30, 2011, the committee shall complete its study and report its findings and recommendations to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.*

*The Committee shall be comprised of 11 members. Of the 11 members: 2 shall be appointed by the Governor, 2 members shall be appointed by the Chief Justice of the South Carolina Supreme Court, 2 shall be appointed by the President Pro Tempore of the Senate, 2 shall be appointed by the Speaker of the House of Representatives, 1 member appointed by the President of the University of South Carolina, and 1 member appointed by the Dean of the University of South Carolina School of Law. The final member shall be the Chief Justice of the South Carolina Supreme Court who shall serve as chairman. The committee shall be staffed by the Commission on Higher Education.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 64**

Senator ROSE proposed the following Amendment No. 64 (4657R039MTR.MTR.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 39, DEPARTMENT OF PARKS, RECREATION & TOURISM, page 418, after line 16, by adding an appropriately numbered new proviso to read:

*/39.\_\_\_\_ (PRT: Golf Courses) All profits from golf course operations in state parks shall be transferred to the State Department of Education to be distributed to the school districts based on the formula provided by the Education Finance Act.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ROSE explained the amendment.

Senator MALLOY moved to lay the amendment on the table.

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

**Ayes 24; Nays 19**

**AYES**

Alexander Anderson Campbell

Coleman Elliott Fair

Ford Hutto Jackson

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

McGill Nicholson O’Dell

Rankin Reese Ryberg

Scott Sheheen Williams

**Total--24**

**NAYS**

Bright Bryant Campsen

Cleary Courson Cromer

Davis Grooms Hayes

Knotts Massey McConnell

Mulvaney Peeler Rose

Setzler Shoopman Thomas

Verdin

**Total--19**

The amendment was laid on the table.

**Point of Order**

Senator DAVIS raised a Point of Order that Proviso 22.39 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**22.39.** (DHEC: Beach Renourishment Carry Forward) Of the funds carried forward by the department for beach renourishment, the department is authorized to utilize up to $240,000 to reduce the impact of budget reductions to the Office of Ocean and Coastal Resource Management.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Proviso 22.39 of Part 1B was ruled out of order.

**Point of Order**

Senator BRYANT raised a Point of Order that Proviso 39.8 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**39.8.** (PRT: Motion Picture Rebate Percentage) From the amount set aside pursuant to Section 12-62-50, the South Carolina Film Commission may rebate to a motion picture production company, up to twenty percent of the total aggregate South Carolina payroll for persons subject to South Carolina income tax withholdings employed in connection with the production. From the amount set aside pursuant to Section 12-62-60, the South Carolina Film Commission may rebate to a motion picture production company up to thirty percent of the expenditures made by the motion picture production company in the State. Motion picture production companies that have previously been approved at the lower percentages may reapply for the higher percentages only if the project that was approved is still in production in South Carolina as of the effective date of this proviso.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Proviso 39.8 of Part 1B was ruled out of order.

**Amendment No. 3**

Senator SHANE MARTIN proposed the following Amendment No. 3 (4657R028.SRM.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 51, DEPARTMENT OF CORRECTIONS, page 438, line 31, by deleting proviso 51.29.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

Senator LEVENTIS argued contra to the adoption of the amendment.

Senator LEVENTIS moved to lay the amendment on the table.

The amendment was laid on the table.

**Point of Order**

Senator CAMPSEN raised a Point of Order that Proviso 22.46 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***22.46.*** *(DHEC: Beach Renourishment Carry Forward) Of the funds carried forward for beach renourishment, the department is authorized to restrict $2,500,000 for state funding of coastal renourishment, navigation, and public access improvement projects. The department is further authorized to expend the remaining carry forward balance to reduce the impact of budget reductions to the inspection program for Community Residential Care Facilities.*

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Proviso 22.46 of Part 1B was ruled out of order.

**Point of Order**

Senator SHANE MARTIN raised a Point of Order that Proviso 22.45 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***22.45.*** *(DHEC: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions mandated in this act as compared to the prior fiscal year general fund appropriations, the Department of Health and Environmental Control is authorized for FY 2010-11 to spend no more than 25% of each agency earmarked, restricted, trust, or other agency account, except for federal funds, to maintain critical programs previously funded with general fund appropriations. The department shall not reduce any restricted trust and agency funds designated to be allocated to other entities. Any spending authorization for these purposes must receive the prior approval of the Office of State Budget and must be reported to the Governor, Senate Finance Committee, and the House Ways and Means Committee.*

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Proviso 22.45 of Part 1B was ruled out of order.

**Amendment No. 36**

Senators MASSEY and SHEHEEN proposed the following Amendment No. 36 (4657R029.ASM), which was laid on the table:

Amend the bill, as and if amended, page 456, by striking Proviso 70.15 and inserting:

/ 70.15. (LEG: In-District Compensation) All members of the General Assembly shall receive an in-district compensation of ~~$1,000~~ *$900* per month effective January 1, 1995. *From the funds appropriated to House in Part IA, $12,400 per month must be transferred to the Department of Public Safety to be used specifically for personnel and operating expenses for sworn law enforcement officers of the South Carolina Highway Patrol and State Transport Police. From the funds appropriated to the Senate in Part IA, $4,600 per month must be transferred to the Department of Department of Public Safety to be used specifically for personnel and operating expenses for sworn law enforcement officers of the South Carolina Highway Patrol and State Transport Police. /*

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator LAND moved to lay the amendment on the table.

The amendment was laid on the table.

**Recorded Vote**

Senators BRYANT, MULVANEY, BRIGHT, SHEHEEN and ROSE desired to be recorded as voting against the motion to table the amendment.

**Amendment No. 42**

Senators SHEHEEN and LOURIE proposed the following Amendment No. 42 (4657 CABINETADMIN.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 72, GOVERNOR'S OFFICE, page 463, after line 9, by adding an appropriately numbered new proviso to read:

*/ 72.xx. With funds appropriated in this act, in an effort for cabinet agencies to be more efficient regarding the administrative functions performed by these agencies, there is created the Cabinet Agency Administration program within the Governor’s Office of Executive Policies and Programs (OEPP). OEPP will be responsible for developing and implementing a plan for consolidating administrative functions of all cabinet agencies, to include, but not limited to, finance, budgeting, human resources and procurement within the newly formed program. Within 90 days of the effective date of this act, OEPP must submit an implementation plan for the consolidation to the Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways & Means Committee. The plan must include the amount of funds and the number of positions, by source of funds, for the current fiscal year in each cabinet agency that is allocated for the provision of these identified administrative functions. The plan must also include an estimate of the annual cost savings, identified in the same manner as the current funding & staffing levels that are anticipated to be achieved by the consolidation. The Budget & Control Board’s Office of State Budget and Office of Human Resources must provide assistance in the plan development at the request of OEPP. Permanent employees of the agencies affected by the consolidation will be given first consideration for positions created within the new program. The consolidation must be implemented no later than February 1, 2011. The Budget & Control Board is authorized to transfer funds, positions and assets of the affected agencies to the newly formed program upon the request of OEPP. General fund savings generated from the consolidation must be transferred to the State Department of Education and allocated to school districts based on the Education Finance Act formula. The Office of State Budget is directed to transmit to the Governor, the Chairman of the Senate Finance Committee and the Chairman of the House Ways & Means Committee the amount of projected savings for each cabinet agency by source of funds for the subsequent fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment.

**Point of Order**

Senator DAVIS raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Amendment No. 42 was ruled out of order.

**Amendment No. 52**

Senator SCOTT proposed the following Amendment No. 52 (DG YOUTHC), which was tabled:

Amend the bill, as and if amended, Part IB, Section 78, ADJUTANT GENERAL’S OFFICE, page 469, after line 2, by adding an appropriately numbered new proviso to read:

*/78.\_\_\_ (ADJ: Youth Challenge) From the funds appropriated by this act that are transferred to a school district, a school district must reimburse Youth Challenge $550 for every student who participated in the program. The $550 shall be reimbursed upon written request from Youth Challenge.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SCOTT explained the amendment.

**Point of Order**

Senator HAYES raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT *Pro Tempore* overruled the Point of Order.

Senator SCOTT resumed explaining the amendment.

Senator HAYES moved to lay the amendment on the table.

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

**Ayes 25; Nays 16**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Grooms Hayes

Knotts *Martin, Larry Martin, Shane*

Massey McConnell Mulvaney

O’Dell Peeler Rankin

Rose Ryberg Shoopman

Thomas

**Total--25**

**NAYS**

Anderson Coleman Elliott

Ford Hutto Jackson

Land Lourie Malloy

McGill Nicholson Reese

Scott Setzler Verdin

Williams

**Total--16**

The amendment was laid on the table.

**Point of Order**

Senator SHOOPMAN raised a Point of Order that Proviso 1.25 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1.25.** (SDE: School Building Aid Funds Expenditure) Funds appropriated in Part IA in this act or in a previous Appropriation Act for school building aid may be expended by the school district without approval from the State Board of Education. The Department of Education shall require that school districts include in their annual audit a verification of compliance with all applicable State laws associated with the use of these funds.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Proviso 1.25 of Part 1B was ruled out of order.

**Point of Order**

Senator DAVIS raised a Point of Order that Proviso 37.1 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**37.1.** (DNR: County Funds) Funds belonging to each of the counties of the State, now on hand or hereafter accruing to the counties, shall be expended on approval of a majority of the respective county delegation, including the resident senator or senators, if any. An annual accounting for all such funds and expenditures shall be furnished by the department to each member of each county delegation; it being the intent of the General Assembly that the appropriations made in this section are conditioned upon compliance with this requirement. In addition to the annual accounting required above, the department shall make a proposal for expenditures of such funds in the succeeding fiscal year in each county to the members of the respective county legislative delegation, including the resident senator or senators, if any; and upon approval thereby shall proceed with the use of such funds in compliance with the finalized and approved plan as approved by each legislative delegation. If no plan is approved, the expenditure of such funds is to be administered as determined by the various legislative delegations.

Senator KNOTTS spoke on the Point of Order.

Senator LARRY MARTIN spoke on the Point of Order.

Senator CAMPSEN spoke on the Point of Order.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Proviso 37.1 of Part 1B was ruled out of order.

**Point of Order**

Senator DAVIS raised a Point of Order that Proviso 37.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**37.2.** (DNR: County Game Funds/Equipment Purchase) Any equipment purchased by the department from county game funds on approval of a majority of a county delegation, including the resident senator or senators, if any, shall remain in that county upon the request of a majority of the respective county delegation, including the resident senator or senators, if any, and if sold by the department, the proceeds of such sale shall be credited to such county game fund. Expenditures from the County Game Fund and the Water Recreation Resource Fund which have the approval of the county delegation shall be exempt from the provisions of Act 651 of 1978, as amended.

Senator KNOTTS spoke on the Point of Order.

Senator LARRY MARTIN spoke on the Point of Order.

Senator CAMPSEN spoke on the Point of Order.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Proviso 37.2 of Part 1B was ruled out of order.

**Point of Order**

Senator BRIGHT raised a Point of Order that Proviso 18.5 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**18.5.** (TEC: Caterpillar Dealer Academy) The area commission for the Florence-Darlington Technical College may waive the requirements of Chapter 112 of Title 59 for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College.

Senator LEATHERMAN spoke on the Point of Order.

The PRESIDENT *Pro Tempore* took the Point of Order under advisement, but the Point of Order was subsequently withdrawn.

**Amendment No. 75**

Senator THOMAS proposed the following Amendment No. 75 (4657R050.DLT.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C, DEPARTMENT OF REVENUE, page 482, by amending Proviso 80C.2. to read:

/ 80C.2. (BCB/EB: Funding Abortions Prohibited) No funds appropriated for employer contributions to the State Health Insurance Plan may be expended to reimburse the expenses of an abortion, except in cases ~~of rape, incest or~~ where the life of the mother is ~~in jeopardy~~ *at risk and the termination of the pregnancy is incidental to the lifesaving intervention*, and the State Health Plan may not offer coverage for abortion services *or services incidental to abortion except as permitted by this paragraph*. *The physician shall act in accordance with the standard of care to preserve both the life of the mother and the life of the pre-born child.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator THOMAS explained the amendment.

**Point of Order**

Senator LEVENTIS raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT *Pro Tempore* overruled the Point of Order.

Senator THOMAS explained the amendment.

Senator LOURIE spoke on the amendment.

Senator LOURIE moved to lay the amendment on the table.

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

**Ayes 24; Nays 17**

**AYES**

Alexander Campbell Cleary

Coleman Courson Elliott

Fair Ford Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* McConnell Nicholson

O’Dell Peeler Rankin

Scott Setzler Williams

**Total--24**

**NAYS**

Bright Bryant Campsen

Cromer Davis Grooms

Hayes *Martin, Shane* Massey

McGill Mulvaney Reese

Rose Ryberg Shoopman

Thomas Verdin

**Total--17**

The amendment was laid on the table.

**Motion Adopted**

At 5:42 P.M., Senator RYBERG asked unanimous consent to make a motion that no further amendments to the General Appropriations Bill be received on the Desk for consideration after 6:30 P.M. with the exception of the necessary technical and balancing amendments to be delivered and certified by the Clerk and to be adopted upon his certification for inclusion in the Bill;

and, further, that when the 6:30 P.M. time arrives and a Senator is in the process of having an amendment drafted, the Chairman of the Senate Finance Committee would be notified of subject matter and production;

and, further, if a Point of Order under the provisions of Rule 24A is raised and the ruling is sustained, the author of the amendment may cure the amendment one time only;

and, further, if an amendment under debate needs to be perfected, that would be permitted.

The motion was adopted.

**Amendment No. 69**

Senators LEATHERMAN and RYBERG proposed the following Amendment No. 69 (DG HKLWFAPP), which was adopted (#7):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 497, by striking lines 14 through 28 and inserting:

/ I. No expense shall be allowed an employee either at his place of residence or at the official headquarters of the agency by which he is employed except as provided in paragraph E, of this section. When an employee is assigned to work a particular territory or district, and such territory or district and his official headquarters are in different localities or sections of the State, expenses may be allowed for the necessary travel to his official headquarters. The members of the Workers’ Compensation Commission ~~and the Employment Security Commission~~ may be reimbursed at the regular mileage rate of one round trip each week from their respective homes to Columbia. No subsistence reimbursement shall be allowed to a member of the Workers’ Compensation Commission ~~or the Employment Security Commission~~ while traveling in the county of his official residence. When traveling on official business of the commission outside the county of his official residence, a member of the Workers’ Compensation Commission ~~or the Employment Security Commission~~ shall be allowed subsistence expenses in the amount of $35 per day. When traveling on official business of the commission 50 or more miles outside the county of his official residence, each member shall be allowed a subsistence allowance in the amount as provided in this act for members of the General Assembly. When out-of-state, members of the Workers’ Compensation Commission and the ~~Employment Security Commission~~ *members of the Appellate Panel of the Department of Employment and Workforce* may claim the established amount of per diem, as stated in the General Appropriation Act, or actual expenses as deemed reasonable by the Comptroller General. *The members of the Appellate Panel of the Department of Employment and Workforce may be reimbursed at the regular mileage rate when the member is on official business fifty miles or more outside of Columbia. The members of the Appellate Panel of the Department of Employment and Workforce shall be allowed subsistence allowance in the amount as provided in this act for members of the General Assembly when the member is on official business fifty miles or more outside of Columbia.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN spoke on the amendment.

Senator RYBERG explained the amendment.

The amendment was adopted.

**Amendment No. 57**

Senators PEELER and SETZLER proposed the following Amendment No. 57 (DG HSPARRA), which was adopted (#8):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 515, by striking line 16 and inserting:

/ *directed to assess state agencies with an indirect cost allocation plan an amount of funds equal to their pro rata share of ARRA funds*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator PEELER explained the amendment.

The amendment was adopted.

**Amendment No. 12A**

Senators JACKSON and RYBERG proposed the following Amendment No. 12A (DAD JKSN RYBRG RESTRUCT STDY COM), which was adopted (#9):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 522, after line 10, by adding an appropriately numbered new proviso to read:

/ *(GP: State Agency Restructuring Study Committee) There is created a State Agency Restructuring Study Committee. The committee shall be composed of eight members of the General Assembly appointed as follows: one member appointed by the President Pro Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; one member appointed by the Senate Majority Leader; one member appointed by the Senate Minority Leader; one member appointed by the Speaker of the House of Representatives; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member appointed by the House Majority Leader; and one member appointed by the House Minority Leader. Members of the committee shall receive per diem from the approved accounts of their respective body.*

*The study committee shall review the potential for agencies to collaborate to potentially consolidate functions. This review, including an estimate of cost savings must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee by February 1, 2011. Functional areas to be reviewed are: 1) Education; 2) Health and Social Services; 3) Natural Resources and Environmental Services; 4) Cultural; 5) Regulatory; and 6) Transportation.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON explained the amendment.

The amendment was adopted.

Debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet tomorrow at 10:00 A.M.

**LOCAL APPOINTMENT**

**Confirmation**

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

Initial Appointment, Williamsburg County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Joe Tisdale, 1236 Sumter Highway, Kingstree, SC 29556 *VICE* Vishinsky Chatman

**MOTION ADOPTED**

On motion of Senator LAND, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Connie Clyde “Cotton” Harness III of Clarendon, S.C., who passed away April 25, 2010. Mr. Harness was Senator LAND’s first law partner.

**ADJOURNMENT**

At 6:49 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*