**Thursday, April 29, 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 *Pro Tempore*.

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

In Proverbs we read:

“Gold there is, and rubies in abundance, but lips that speak knowledge are a rare jewel.” (Proverbs 20:15)

Please, let us pray:

We fail to see sacks of gold and rubies stacked up here in this State House, dear Lord. We wish there were plenty of material resources with which to solve many of the problems which face these leaders. But we will settle for knowledge and wisdom on the part of each one of these Senators, O God. Enable them and their able staff members to use that precious gift of knowledge in ways which benefit both South Carolina and her citizens. In Your loving name we pray, dear Lord.

Amen.

The PRESIDENT *Pro Tempore* 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:

**Local Appointments**

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

Jaqueline M. Pope, P.O. Box 66, Kershaw, SC 29067

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

Van K. Richardson, 3611 Kershaw Camden Highway, Heath Springs, SC 29058

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

Fredrick Asgill Thomas, P. O. Box 3222, Lancaster, SC 29721

**Doctor of the Day**

Senator LOURIE introduced Dr. Brian Huff of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 11:25 A.M., Senator THOMAS requested a leave of absence from 12:30 - 2:00 P.M.

**Leave of Absence**

At 3:30 P.M., Senator COURSON requested a leave of absence beginning at 6:00 P.M. and lasting until 10:00 A.M. in the morning.

**Leave of Absence**

At 3:30 P.M., Senator FORD requested a leave of absence from 5:30 - 8:30 P.M.

**Leave of Absence**

At 5:30 P.M., Senator SHOOPMAN requested a leave of absence from 5:40 - 8:40 P.M.

**Leave of Absence**

At 10:10 P.M., Senator RYBERG requested a leave of absence beginning at 4:00 A.M. and lasting until 7:00 P.M. on Friday.

**Leave of Absence Requested, Objection**

At 12:28 A.M., Senator FORD requested a leave of absence until 10:00 A.M.

Senator KNOTTS objected.

**Leave of Absence**

On motion of Senator JACKSON, at 12:30 A.M., Senator FORD was granted a leave of absence until 10:00 A.M. next Tuesday.

**Leave of Absence**

At 4:00 A.M., Senator CLEARY requested a leave of absence until 8:00 A.M.

**Leave of Absence**

At 4:50 P.M., Senator ROSE requested a leave of absence from 12:00 Noon until 3:00 P.M. next Tuesday.

**Leave of Absence**

At 4:50 A.M., Senator LOURIE requested a leave of absence for next Tuesday.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**SENSE OF THE SENATE MOTION ADOPTED**

On motion of Senators LEVENTIS, COURSON and SHEHEEN, with unanimous consent, it was agreed to take up a Sense of the Senate motion for consideration.

Senators LEVENTIS, COURSON and SHEHEEN moved that it be the Sense of the Senate that the Senate must move more aggressively to live up to its self-imposed obligation to the state’s school children by finding additional funds for public education.

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

**Ayes 46; Nays 0**

**AYES**

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

Matthews McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--46**

The Sense of the Senate motion was unanimously adopted.

**RECALLED AND ADOPTED**

H. 4779 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF GARNERS FERRY ROAD BEGINNING AT INTERSTATE 77 INTERCHANGE CONTINUING TO THE INTERSECTION OF PINEVIEW ROAD THE “CAPTAIN L. D. ‘DOUG’ BARDEN MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “CAPTAIN L. D. ‘DOUG’ BARDEN MEMORIAL HIGHWAY”.

Senator LOURIE 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 Education.

Senator LOURIE asked unanimous consent to make a motion 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 then was the adoption of the Concurrent Resolution.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1405 -- Senator Coleman: A BILL TO PROVIDE FOR THE TRANSFER OF QUALIFYING STUDENTS FROM FAIRFIELD COUNTY SCHOOL DISTRICT TO CHESTER COUNTY SCHOOL DISTRICT; TO REQUIRE THE TREASURER OF FAIRFIELD COUNTY TO REMIT CERTAIN FUNDS PER TRANSFERRING PUPIL TO CHESTER COUNTY SCHOOL DISTRICT ON BEHALF OF FAIRFIELD COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE TIMING OF THE PAYMENT, AND TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PAY THE AMOUNT DUE TO CHESTER COUNTY SCHOOL DISTRICT OUT OF FUNDS OTHERWISE ALLOCATED TO THE FAIRFIELD COUNTY SCHOOL DISTRICT PURSUANT TO THE EDUCATION FINANCE ACT IF THE TREASURER OF FAIRFIELD COUNTY FAILS TO PAY CHESTER COUNTY SCHOOL DISTRICT; TO ALLOW THE CHESTER COUNTY SCHOOL DISTRICT TO CONSIDER THESE PAYMENTS ANTICIPATED AD VALOREM TAXATION; TO REQUIRE THE STATE SUPERINTENDENT OF EDUCATION TO SETTLE ANY DISPUTE THAT ARISES BETWEEN THE DISTRICTS UPON THE IMPLEMENTATION AND ADMINISTRATION OF THE PROVISIONS OF THIS ACT; AND TO PROVIDE FOR THE PAYMENT OF MONIES PREVIOUSLY OWED TO CHESTER COUNTY SCHOOL DISTRICT.

l:\council\bills\agm\19999bh10.docx

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

**S. 1405--Recalled**

Senator COLEMAN asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

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

**S. 1405--Ordered to a Second and Third Reading**

On motion of Senator COLEMAN, with unanimous consent, S. 1405 was ordered to receive a second and third reading on the next two consecutive legislative days.

S. 1406 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-1-60 SO AS TO ESTABLISH THE JOINT COUNCIL ON CHILDREN AND ADOLESCENTS, TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES, INCLUDING, BUT NOT LIMITED TO, PROMOTING AND FACILITATING ACTIVITIES TO IMPROVE ACCESS TO SERVICES FOR CHILDREN, ADOLESCENTS, AND THEIR FAMILIES, TO PROVIDE THAT CLIENT RECORDS ARE CONFIDENTIAL AND TO PROVIDECIRCUMSTANCES UNDER WHICH RECORDS MAY BE RELEASED.

l:\council\bills\nbd\12272ac10.docx

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

S. 1407 -- 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 SENATE RESOLUTION TO CONGRATULATE MASTER CHIEF CHARLES N. MCKENZIE, UPON THE OCCASION OF HIS RETIREMENT FROM THE UNITED STATES NAVY, AND TO COMMEND HIM FOR MANY YEARS OF DEDICATED SERVICE TO OUR NATION, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

l:\council\bills\gm\24496ab10.docx

The Senate Resolution was adopted.

S. 1408 -- Senator Coleman: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE WINNSBORO FIRST CHURCH OF THE NAZARENE ON THE OCCASION OF ITS SEVENTY-FIFTH ANNIVERSARY, AND TO COMMEND THE CHURCH FOR THREE QUARTERS OF A CENTURY'S SERVICE TO THE COMMUNITY.

l:\council\bills\rm\1229bh10.docx

The Senate Resolution was adopted.

S. 1409 -- Senator S. Martin: A BILL TO AMEND SECTION 56-15-10 OF THE 1976 CODE, RELATING TO THE REGULATION OF MANUFACTURERS, DISTRIBUTORS, AND DEALERS OF MOTOR VEHICLES, TO PROVIDE THAT BUSINESSES WHICH OPERATE AS WHOLESALE MOTOR VEHICLE AUCTIONS ARE NOT MOTOR VEHICLE DEALERS.

l:\s-res\srm\015car.ebd.srm.docx

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

S. 1410 -- Senators Williams and Elliott: A SENATE RESOLUTION TO HONOR MR. BURNIE BELL, PRINCIPAL OF CREEK BRIDGE HIGH SCHOOL IN MARION, SOUTH CAROLINA, UPON THE OCCASION OF HIS RETIREMENT AND TO EXTEND BEST WISHES FOR MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

l:\s-res\kmw\007bell.mrh.kmw.docx

The Senate Resolution was adopted.

H. 3748 -- Reps. Duncan, Clemmons, Chalk and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-20-24 SO AS TO PROVIDE THAT THE VALUE OF OWNER OCCUPIED PROPERTY MUST BE INCLUDED IN THE CALCULATION OF THE INDEX OF TAXPAYING ABILITY UNTIL A PERMANENT CHANGE IN THE METHOD OF ITS CALCULATION IS ENACTED; AND TO CREATE THE INDEX OF TAXPAYING ABILITY STUDY COMMITTEE, TO PROVIDE FOR ITS MEMBERSHIP AND ITS PURPOSE, AND TO REQUIRE THE COMMITTEE TO REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY BY JANUARY 10, 2010, UPON WHICH DATE THE COMMITTEE SHALL DISSOLVE.

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

H. 3815 -- Rep. Haley: A BILL TO AMEND SECTION 40-13-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS PERTAINING TO THE LICENSURE AND REGULATION OF COSMETOLOGISTS, SO AS TO SPECIFICALLY EXCLUDE FROM THE DEFINITION OF "SALON" A RENTAL BOOTH AND THE SPACE IN A SALON OCCUPIED BY AN INDEPENDENT CONTRACTOR; AND BY ADDING SECTION 40-13-255 SO AS TO PROVIDE THAT A PERSON PRACTICING UNDER AN INDIVIDUAL COSMETOLOGY LICENSE IN A BOOTH RENTAL OR AS AN INDEPENDENT CONTRACTOR MAY NOT BE CHARGED A LICENSURE OR LICENSURE RENEWAL FEE OTHER THAN THE FEE CHARGED FOR INDIVIDUAL LICENSURE OR LICENSURE RENEWAL.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 4049 -- Reps. Nanney and Loftis: A BILL TO AMEND SECTION 29-3-330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORD, SO AS TO INCLUDE A PROBATE AND ACKNOWLEDGEMENT FORM IN THE SATISFACTION AFFIDAVIT.

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

H. 4215 -- Reps. Harrison, McLeod and Weeks: A BILL TO AMEND SECTION 18-3-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPEAL OF A DECISION OF A MAGISTRATE, SO AS TO PROVIDE THAT AN APPELLANT MUST SERVE A NOTICE OF APPEAL OF A DECISION OF A MAGISTRATE UPON THE OFFICER OR ATTORNEY WHO PROSECUTED THE CASE IN ADDITION TO THE MAGISTRATE WHO TRIED THE CASE.

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

H. 4243 -- Reps. Owens, Harrell, Cato, Duncan, Harrison, Sandifer, Whitmire, Allison, Skelton, E. H. Pitts, Bowen, Wylie, Rice, G. R. Smith, Limehouse, Daning, Long, Littlejohn, Hutto, A. D. Young, Simrill, Loftis, Stewart, D. C. Smith, Bedingfield and Haley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59-40-175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM; TO AMEND SECTION 59-40-20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59-40-40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE MUST DETERMINE APPLICATION COMPLIANCE; TO AMEND SECTION 59-40-100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59-40-110, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59-40-140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59-40-210, AS AMENDED, RELATING TO CONVERSION OF A PRIVATE SCHOOL TO A CHARTER SCHOOL, SO AS TO ALLOW A PRIVATE SCHOOL TO DISSOLVE AND IMMEDIATELY SEEK TO FORM A CHARTER SCHOOL; AND TO AMEND SECTION 59-40-230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP.

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

H. 4350 -- Reps. Limehouse, Sottile, Gilliard and Mack: A BILL TO AMEND SECTION 40-29-340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRITERIA REQUIRED FOR A MANUFACTURED HOME, SO AS TO PROVIDE THAT FOR A SALE OF A PREVIOUSLY OWNED MANUFACTURED HOME, THE BUYER MUST CERTIFY HE HAS DETERMINED AT LEAST TWO FUNCTIONING SMOKE DETECTORS ARE IN THE HOME.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 4352 -- Reps. Hodges and Dillard: A JOINT RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING THE NEED TO FOSTER THE DEVELOPMENT OF MICROENTERPRISES IN THIS STATE, TO PROVIDE FOR THE STUDY COMMITTEE'S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 20, 2011, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

Read the first time and, on motion of Senator RYBERG, with unanimous consent, H. 4352 was ordered placed on the Calendar without reference.

H. 4413 -- Reps. Chalk, Gunn, Hardwick, Clemmons, Lowe, Crawford, Long, J. M. Neal, G. R. Smith, Harrison, A. D. Young, Horne, Brady, Erickson, Herbkersman, Millwood, Allison, Parker, Duncan, M. A. Pitts, Harvin, Williams, Neilson, Battle, Miller, Huggins, Spires, Willis, Hearn, Scott, Daning, J. E. Smith, Vick and H. B. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 44 TO ENACT THE "LICENSURE OF IN-HOME CARE PROVIDER ACT" SO AS TO REQUIRE A BUSINESS TO BE LICENSED TO PROVIDE, OR TO MAKE PROVISIONS FOR, IN-HOME CARE SERVICES THROUGH ITS EMPLOYEES OR AGENTS OR THROUGH CONTRACTUAL ARRANGEMENTS; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS FOR LICENSURE IN ACCORDANCE WITH REQUIREMENTS PROVIDED FOR IN THIS ACT, INCLUDING, BUT NOT LIMITED TO, CRIMINAL BACKGROUND CHECKS; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR IN-HOME CAREGIVERS EMPLOYED BY IN-HOME CARE PROVIDERS; AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN ALL FEES COLLECTED PURSUANT TO THIS CHAPTER TO BE USED EXCLUSIVELY TO CARRY OUT THE DEPARTMENT'S RESPONSIBILITIES UNDER THIS CHAPTER.

Read the first time and referred to the Committee on Medical Affairs.

H. 4505 -- Rep. Nanney: A BILL TO AMEND SECTION 14-1-214, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF FINES, FEES, AND COURT COSTS BY CREDIT OR DEBIT CARD, SO AS TO INCLUDE REGISTERS OF DEEDS IN THE LIST OF PERSONS ASSOCIATED WITH THE COURTS WHO MAY ACCEPT PAYMENT BY CREDIT OR DEBIT CARD.

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

H. 4589 -- Reps. Gambrell, D. C. Moss, Frye, V. S. Moss and White: A BILL TO AMEND SECTION 46-7-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ANIMAL FACILITY WASTE MANAGEMENT TRAINING AND CERTIFICATION PROGRAMS, SO AS TO EXEMPT CATTLE STOCKYARD OWNERS AND OPERATORS AND CATTLE PRODUCERS FROM THESE TRAINING AND CERTIFICATION REQUIREMENTS.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 4608 -- Reps. Sandifer and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-90-85 SO AS TO ESTABLISH CERTAIN CONDITIONS UNDER WHICH A PROTECTED CELL MAY BE CREATED AND MAINTAINED; BY ADDING SECTION 38-90-213 SO AS TO AUTHORIZE A CAPTIVE INSURANCE COMPANY TO MAINTAIN ITS RECORDS IN A CERTAIN MANNER; BY ADDING SECTION 38-90-215 SO AS TO AUTHORIZE A PROTECTED CELL TO BE FORMED AS A SEPARATE CORPORATION OR LIMITED LIABILITY COMPANY AND TO PROVIDE CONDITIONS FOR THIS ACTION; BY ADDING SECTION 38-90-455 SO AS TO AUTHORIZE A SPECIAL PURPOSE FINANCIAL CAPTIVE TO MAINTAIN ITS RECORDS IN A CERTAIN MANNER; BY ADDING SECTION 38-90-457 SO AS TO AUTHORIZE A PROTECTED CELL OF A SPECIAL PURPOSE FINANCIAL CAPTIVE TO BE FORMED AS A SEPARATE CORPORATION OR LIMITED LIABILITY COMPANY; TO AMEND SECTION 33-9-100, RELATING TO ARTICLES OF DOMESTICATION, SO AS TO CHANGE REFERENCES OF "STATE" TO "JURISDICTION"; TO AMEND SECTION 38-90-10, AS AMENDED, RELATING TO DEFINITIONS USED IN CHAPTER 90, TITLE 38 PERTAINING TO CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE THE DEFINITION OF "SPECIAL PURPOSE CAPTIVE INSURANCE COMPANY"; TO AMEND SECTION 38-90-60, AS AMENDED, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS, SO AS TO CHANGE THE MANNER IN WHICH VARIOUS TYPES OF CAPTIVE INSURANCE COMPANIES MAY BE INCORPORATED OR ORGANIZED; TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO APPLICATION OF PROVISIONS, DIRECTOR DISCRETION, AND EXEMPTION OF SPECIAL PURPOSE CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT EXEMPTIONS MAY BE EXTENDED ON A CASE BY CASE BASIS AND MAKE A SPECIAL PURPOSE CAPTIVE INSURANCE COMPANY SUBJECT TO PROVISIONS OF CHAPTER 90, TITLE 38 NOT OTHERWISE APPLICABLE TO IT; TO AMEND SECTION 38-90-180, AS AMENDED, RELATING TO APPLICABILITY OF PROVISIONS RELATING TO INSURANCE REORGANIZATIONS, RECEIVERSHIPS, AND INJUNCTIONS, AND SPONSORED CAPTIVE INSURANCE COMPANY ASSETS AND CAPITAL PROVISIONS, SO AS TO PROVIDE THAT THE TERMS AND CONDITIONS OF CHAPTERS 26 AND 27, TITLE 38 APPLY TO EACH OF THE SPONSORED CAPTIVE INSURANCE COMPANY'S PROTECTED CELL, INDEPENDENTLY, OR BOTH, WITHOUT CAUSING OR EFFECTING CERTAIN ACTIONS; TO AMEND SECTION 38-90-210, RELATING TO FORMATION OF A SPONSORED CAPTIVE INSURANCE COMPANY AND ESTABLISHING PROTECTED CELLS, SO AS TO ADD CONDITIONS UNDER WHICH A SPONSORED CAPTIVE INSURANCE COMPANY FORMED OR LICENSED PROVIDED BY CHAPTER 90, TITLE 38 MAY ESTABLISH AND MAINTAIN ONE OR MORE PROTECTED CELLS TO INSURE RISKS OF ONE OR MORE OF ITS PARTICIPANTS; TO AMEND SECTION 38-90-220, AS AMENDED, RELATING TO REQUIREMENTS APPLICABLE TO SPONSORS, SO AS TO PROVIDE THAT THE DIRECTOR MAY APPROVE AN ADDITIONAL ENTITY UNDER CERTAIN CONDITIONS; TO AMEND SECTION 38-90-230, AS AMENDED, RELATING TO PARTICIPANTS IN SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE CONDITIONS UNDER WHICH A PARTICIPANT WHOSE RISKS ARE INSURED THROUGH A PROTECTED CELL ENTITY FORMED PURSUANT TO THE PROVISIONS OF SECTION 38-90-215; TO AMEND SECTION 38-90-235, RELATING TO TERMS, CONDITIONS, AND EXCEPTIONS FOR PROTECTED CELL INSURANCE COMPANIES APPLY TO SPONSORED CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE FOR THE APPLICABILITY OF LAW WHEN A CONFLICT OCCURS; TO AMEND SECTION 38-90-485, RELATING TO THE EFFECT OF CREATION, NAMING, AND MANAGEMENT OF ASSETS OF A PROTECTED CELL, SO AS TO PROVIDE FOR AN EXCEPTION TO PROTECT CELLS FORMED PURSUANT TO THE PROVISIONS OF SECTION 38-90-457; AND TO AMEND SECTION 38-90-830, RELATING TO EXEMPTIONS, POWERS, AND DUTIES OF A SOUTH CAROLINA COASTAL CAPTIVE INSURANCE COMPANY, SO AS TO DELETE THE AUTHORITY OF A SOUTH CAROLINA COASTAL CAPTIVE INSURANCE COMPANY FORMED AS A SPONSORED CAPTIVE INSURANCE COMPANY TO CREATE A PROTECTED CELL AS A LEGAL PERSON SEPARATE FROM THE PROTECTED CELL COMPANY AND DELETE THE AUTHORITY TO ORGANIZE A PROTECTED CELL UNDER AVAILABLE INCORPORATION OR ORGANIZATION OPTIONS.

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

H. 4663 -- Reps. Sandifer, Bales, Cato, McEachern, Hamilton, Loftis, G. R. Smith, Wylie, Stringer, Willis, Clemmons, Barfield, Ballentine, Whitmire, White, Toole, Huggins, Pinson, Gunn, Norman, Millwood, Simrill, Delleney, Owens, Bannister, Rice, Erickson, D. C. Moss, Stewart, Mitchell, Bowen, J. E. Smith, Dillard, Herbkersman, Chalk, Haley, Viers, Anderson, T. R. Young, Nanney and Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-9-55 SO AS TO PROVIDE THAT A BUILDING CODE PROVISION THAT REQUIRES AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM BE INSTALLED IN A NEW ONE-FAMILY OR TWO-FAMILY DWELLING MAY NOT BE ENFORCED, TO PROVIDE CERTAIN PROSPECTIVE HOMEOWNERS MAY CHOOSE WHETHER TO HAVE AN AUTOMATIC SPRINKLER SYSTEM INSTALLED, TO MAKE THE INSTALLATION OF AN AUTOMATIC SPRINKLER SYSTEM APPROVED BY THE INTERNATIONAL RESIDENTIAL CODE AVAILABLE WHERE REQUIRED BY THAT CODE, AND TO PROVIDE WHERE THE PROVISIONS OF THIS SECTION CONTROL EVEN WHEN THEY CONFLICT WITH ANOTHER LAW OR LOCAL ORDINANCE.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 4838 -- Rep. Cooper: 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.

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

H. 4885 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS OF REAL PROPERTY OWNED AND LEASED BY THE DEPARTMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4110, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 4887 -- Rep. Stavrinakis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DISTRICT OF CHARLESTON COUNTY FOR FISCAL YEARS 2010-2011 AND 2011-2012 MAY EXPEND FUNDS GENERATED FROM A GENERAL OBLIGATION DEBT BOND ISSUED FOR SCHOOL OPERATING PURPOSES, IN ORDER TO DEAL WITH A SHORTAGE OF SCHOOL OPERATING FUNDS, IF PERMITTED BY THE FEDERAL LAW APPLICABLE TO THE PARTICULAR TYPES OF BONDS ISSUED AND IF IT DOES NOT VIOLATE ANY PROVISIONS OF THE BOND INDENTURE APPLICABLE TO THE ISSUANCE AND SALE OF THOSE BONDS.

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

H. 4912 -- Rep. McLeod: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2010 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND TO ENCOURAGE COMMUNITY AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

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

H. 4913 -- Rep. Clyburn: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE FIRST PROVIDENCE CHURCH OF NORTH AUGUSTA ON THE OCCASION OF ITS HISTORIC ONE HUNDRED FIFTIETH ANNIVERSARY, AND TO COMMEND THE CHURCH FOR A CENTURY AND A HALF OF SERVICE TO GOD AND THE COMMUNITY.

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

H. 4914 -- Reps. Haley, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE LEXINGTON HIGH SCHOOL GIRLS GOLF TEAM FOR CAPTURING THE 2009 CLASS AAAA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S SUPERLATIVE PLAYERS, COACHES, AND STAFF.

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

H. 4924 -- Reps. Edge, Crawford, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Daning, Delleney, Dillard, Duncan, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: 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.

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

**Message from the House**

Columbia, S.C., April 28, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has reconsidered the vote whereby the House sustained the veto and has overridden the veto by the Governor on R. 140, S. 191 by a vote of 74 to 37:

(R140, S191) -- Senators McConnell, Malloy, Campsen, Sheheen, Rose, Campbell and Knotts: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SOUTH CAROLINA REDUCTION OF RECIDIVISM ACT OF 2010” SO AS TO PROVIDE LAW ENFORCEMENT OFFICERS WITH THE STATUTORY AUTHORITY TO REDUCE RECIDIVISM RATES, APPREHEND CRIMINALS AND PROTECT POTENTIAL VICTIMS FROM CRIMINAL ENTERPRISES BY AUTHORIZING WARRANTLESS SEARCHES AND SEIZURES OF PROBATIONERS AND PAROLEES; TO AMEND SECTION 63‑19‑1820, RELATING TO THE BOARD OF JUVENILE PAROLE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 63‑19‑1850, RELATING TO CONDITIONAL RELEASE, SO AS TO PROVIDE THAT BEFORE A JUVENILE MAY BE CONDITIONALLY RELEASED, THE JUVENILE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑19‑110, RELATING TO THE PROCEDURE FOR CONDITIONAL RELEASE OF YOUTHFUL OFFENDERS, SO AS TO PROVIDE THAT BEFORE A YOUTHFUL OFFENDER MAY BE CONDITIONALLY RELEASED, THE YOUTHFUL OFFENDER MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑13‑710, RELATING TO THE GUIDELINES, ELIGIBILITY CRITERIA, AND IMPLEMENTATION OF A SUPERVISED FURLOUGH PROGRAM, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑13‑720, RELATING TO INMATES WHO MAY BE PLACED WITHIN CERTAIN PROGRAMS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON SUPERVISED FURLOUGH, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑13‑1330, RELATING TO AN ELIGIBLE INMATE’S AGREEMENT TO TERMS AND CONDITIONS, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; TO AMEND SECTION 24‑21‑410, RELATING TO THE COURT BEING AUTHORIZED TO SUSPEND IMPOSITION OF SENTENCE FOR PROBATION AFTER CONVICTION, SO AS TO PROVIDE THAT BEFORE A DEFENDANT MAY BE PLACED ON PROBATION, THE DEFENDANT MUST AGREE TO BE SUBJECT TO SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24‑21‑430, RELATING TO THE CONDITIONS OF PROBATION, SO AS TO PROVIDE THAT THE CONDITIONS IMPOSED MUST INCLUDE THE REQUIREMENT THAT THE PROBATIONER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT BASED ON REASONABLE SUSPICIONS; TO AMEND SECTION 24‑21‑560, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO PROVIDE THAT THE CONDITIONS OF PARTICIPATION MUST INCLUDE THE REQUIREMENT THAT THE OFFENDER MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT; TO AMEND SECTION 24‑21‑640, RELATING TO THE CIRCUMSTANCES WARRANTING PAROLE, SO AS TO PROVIDE THAT BEFORE AN INMATE MAY BE RELEASED ON PAROLE, THE INMATE MUST AGREE TO SEARCH AND SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE; AND TO AMEND SECTION 24‑21‑645, RELATING TO THE ORDER AUTHORIZING PAROLE, SO AS TO PROVIDE THAT THE CONDITIONS OF PAROLE MUST INCLUDE THE REQUIREMENT THAT THE PAROLEE MUST PERMIT SEARCH OR SEIZURE WITH OR WITHOUT A SEARCH WARRANT AND WITH OR WITHOUT CAUSE.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 29, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Frye, Vick and D. Moss to the Committee of Conference on the part of the House on:

S. 328 -- Senators Verdin, Grooms, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47‑5‑60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCE**

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.

Returned with concurrence.

Received as information.

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.

Returned with concurrence.

Received as information.

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

**THIRD READING BILLS**

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

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.

**S. 1296--Recorded Vote**

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

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.

**S. 1051--Recorded Vote**

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

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.

**S. 1025--Recorded Vote**

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

**AMENDED, READ THE THIRD 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.

**Motion Under Rule 26B**

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

There was no objection.

Senator CROMER proposed the following amendment (DKA\  
4002AB10), which was adopted:

Amend the bill, as and if amended, by deleting 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 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.

(3) ‘Board’ means the South Carolina Board of Pharmacy.

(B) 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:

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

(2) the patient is given a choice of receiving the drug or device from the FQHC or from another provider;

(3) 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

(a) 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

(b) 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;

(4) as it pertains to a health center delivery site established after January 1, 2011 by an FQHC without a retail pharmacy, as a condition of permitting by the Board pursuant to section 40‑43‑70(B)(2), this FQHC must certify to the Board that it made a good faith effort but was unable to reach an agreement with an existing retail pharmacy located within five miles of the FQHC health center delivery site pursuant to which the existing retail pharmacy would provide prescription drugs to all FQHC patients at the same cost, convenience, and efficacy provided by the proposed new FQHC health center delivery site;

(5) 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 (3) 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.

(C) The Board of Pharmacy shall issue rules and promulgate regulations needed to effectuate the purposes of this section.”

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

Renumber sections to conform.

Amend title to conform.

Senator HUTTO 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.

**AMENDED, READ THE THIRD 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.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator LEVENTIS proposed the following amendment (1148R005.PPL), which was adopted:

Amend the bill, as and if amended, page 15, on line 16 by inserting:

/ Section 40‑65‑45. 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.

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

**S. 1148--Recorded Vote**

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

**AMENDED, READ THE THIRD 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 third reading of the Bill.

**Motion Under Rule 26B**

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

There was no objection.

Senators KNOTTS and CROMER proposed the following amendment (1367R003.JMK), which was adopted:

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

/ “(B) A person who knowingly sells a watercraft on which he owes unpaid and outstanding property taxes, or on which he knows 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 CROMER 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. 1367--Recorded Vote**

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

**SECOND READING BILLS**

The following Bills, having been read the second time, were ordered placed on the Third Reading Calendar:

S. 1323 -- Senators Matthews, Elliott, Malloy, Leventis, Leatherman, Land, McGill and Williams: A BILL TO AMEND TITLE 11 OF THE 1976 CODE, RELATING TO PUBLIC FINANCE, BY ADDING CHAPTER 54 TO ESTABLISH THE “I‑95 CORRIDOR AUTHORITY ACT” AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

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

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

**S. 1323--Recorded Vote**

Senator DAVIS desired to be recorded as voting against the second reading of the Bill.

**S. 1323--Ordered to a Third Reading**

On motion of Senator LAND, with unanimous consent, S. 1323, was ordered to receive a third reading on Friday, April 30, 2010.

H. 4343 -- Reps. Wylie, Harrell, Cooper, Stringer, Merrill, Allen, Allison, Ballentine, Bannister, Bedingfield, Bowen, Cato, Cole, Daning, Dillard, Erickson, Forrester, Gunn, Hamilton, Hardwick, Hearn, Hiott, Horne, Huggins, Kelly, Kirsh, Littlejohn, Loftis, Millwood, Mitchell, Nanney, Norman, Owens, Parker, Scott, G.R. Smith, Sottile, Umphlett, White, Willis, T.R. Young, Lucas, Neilson, Bales, Clemmons, Weeks, Stavrinakis, Hutto and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 19 TO TITLE 55 SO AS TO ESTABLISH THE SOUTH CAROLINA AIR SERVICE INCENTIVE AND DEVELOPMENT FUND UNDER THE SOUTH CAROLINA AERONAUTICS COMMISSION TO PROVIDE GRANTS TO REGIONAL ECONOMIC DEVELOPMENT ENTITIES OR AIR SERVICE DEVELOPMENT TASK FORCES TO PROVIDE MORE FLIGHT OPTIONS, MORE COMPETITION FOR AIR TRAVEL AND MORE AFFORDABLE AIR FARES FOR THE CITIZENS OF THE REGION AND THIS STATE, AND TO PROVIDE THE SELECTION CRITERIA AND SELECTION PROCESS FOR THESE GRANTS TO BE MADE FROM FUNDS PROVIDED TO OR APPROPRIATED FOR THE FUND BY THE GENERAL ASSEMBLY.

Senator GROOMS 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 GROOMS asked unanimous consent to give the Bill a second reading, carrying over all amendments on third reading.

There was no objection.

The Bill was given a second reading and placed on the third reading Calendar.

**AMENDED, READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Agriculture and Natural Resources.

The Committee on Agriculture and Natural Resources proposed the following amendment (958R001.DBV), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 20 - 23 and inserting:

/ (E) It is the intent of the General Assembly to occupy the field of regulation of cruel restraint of animals. All local laws and ordinances related to the regulation of cruel restraint of animals in this State are preempted and superseded by laws enacted by the General Assembly and regulations promulgated by state agencies pursuant to those laws.”

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.

**S. 958--Ordered to a Third Reading**

On motion of Senator VERDIN, with unanimous consent, S. 958 was ordered to receive a third reading on Friday, April 30, 2010.

**AMENDED, READ THE SECOND TIME**

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 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.

Senators HUTTO, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, COURSON, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GROOMS, HAYES, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McCONNELL, MCGILL, MULVANEY, NICHOLSON, O'DELL, PEELER, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS proposed the following amendment (JUD1390.001), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

SECTION 2. The 1976 Code is amended by adding:

“Section 8‑13‑1339. A political action committee organized by or on behalf of the Governor, the Lieutenant Governor, any other statewide constitutional officer, a member of the General Assembly, a director or deputy director of a state department appointed by the Governor is prohibited. Any political action committee prohibited by this section in existence on the effective date of this act must distribute all unexpended contributions in the manner provided for in Section 8‑13‑1370(C). A political action committee does not include a candidate committee.”

SECTION 3. Section 8‑13‑1340 of the 1976 Code is amended to read:

“Section 8‑13‑1340. (A) Except as provided in ~~subsections~~ subsection (B) ~~and (E)~~, a candidate or public official shall not make a contribution to another candidate or make an independent expenditure on behalf of another candidate or public official from the candidate’s or public official’s campaign account or through a committee, except legislative caucus committees~~, directly or indirectly established, financed, maintained, or controlled by the candidate or public official~~.

(B) This section does not prohibit a candidate from:

(1) making a contribution from the candidate’s own personal funds on behalf of the candidate’s candidacy or to another candidate for a different office; or

(2) providing the candidate’s surplus funds or material assets upon final disbursement to a legislative caucus committee or party committee in accordance with the procedures for the final disbursement of a candidate under Section 8‑13‑1370 of this article.

(C) Assets or funds which are the proceeds of a campaign contribution and which are held by or under the control of a public official or a candidate for public office on January 1, 1992, are considered to be funds held by a candidate and subject to subsection (A).

~~(D)~~ ~~A committee is considered to be directly or indirectly established, financed, maintained, or controlled by a candidate or public official if any of the following are applicable:~~

~~(1)~~ ~~the candidate or public official, or an agent of either, has signature authority on the committee’s checks;~~

~~(2)~~ ~~funds contributed or disbursed by the committee are authorized or approved by the candidate or public official;~~

~~(3)~~ ~~the candidate or public official is clearly identified on either the stationery or letterhead of the committee;~~

~~(4)~~ ~~the candidate or public official signs solicitation letters or other correspondence on behalf of the entity;~~

~~(5)~~ ~~the candidate, public official, or his campaign staff, office staff, or immediate family members, or any other agent of either, has the authority to approve, alter, or veto the committee’s solicitations, contributions, donations, disbursements, or contracts to make disbursements; or~~

~~(6)~~ ~~the committee pays for travel by the candidate or public official, his campaign staff or office staff, or any other agent of the candidate or public official, in excess of one hundred dollars per calendar year.~~

~~(E)~~ ~~The provisions of subsection (A) do not apply to a committee directly or indirectly established, financed, maintained, or controlled by a candidate or public official if the candidate or public official directly or indirectly establishes, finances, maintains, or controls only one committee in addition to any committee formed by the candidate or public official to solely promote his own candidacy and one legislative caucus committee.~~

~~(F)~~ ~~No committee operating under the provisions of Section 8‑13‑1340(E) may:~~

~~(1)~~ ~~solicit or accept a contribution from a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election; or~~

~~(2)~~ ~~transfer anything of value to any other committee except as a contribution under the limitations of Section 8‑13‑1314(A) or the dissolution provisions of Section 8‑13‑1370.~~”

SECTION 4. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then was the second reading of the Bill.

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

**Ayes 46; Nays 0**

**AYES**

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

Matthews McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--46**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**S. 1390--Ordered to a Third Reading**

On motion of Senator PEELER, with unanimous consent, S. 1390 was ordered to receive a third reading on Friday, April 30, 2010.

**AMENDED, READ THE SECOND TIME**

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 SCOTT 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 LARRY MARTIN explained the Bill.

Senator VERDIN proposed the following amendment (1392R002.DBV), which was adopted:

Amend the bill, as and if amended, page 9, by striking lines 31 - 41 and inserting:

/ ‘Coon Hunters’ License Plates

Section 56‑3‑\_\_\_. (A) The Department of Motor Vehicles may issue 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 which must have imprinted on the plate ‘Coon Hunters’. This special license plate must be of the same size and general design of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued./

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

Senator BRIGHT proposed the following amendment (1392R003.LB), 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:

“Article \_\_\_

High School Special License Plates

Section 56‑3‑\_\_\_. (A) The Department of Motor Vehicles may issue to owners of private passenger motor vehicles special motor vehicle license plates which may have imprinted on them an emblem, a seal, or other symbol the department considers appropriate of a public or independent high school located in this State. A school may submit to the department for its approval the emblem, seal, or other symbol it desires to be used for its respective special license plate. A school also may request a change in the emblem, seal, or other symbol once the existing inventory of the license plate has been exhausted. The fee for this special license plate is seventy dollars every two years in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 3 of this title. 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 must be distributed to a separate fund for each of the respective high schools. Each fund must be administered by the school and may be used only for academic scholarships. Funds collected for state schools must be deposited with the State Treasurer. Funds collected for independent institutions must be deposited in an account designated by the respective school. The distribution is thirty dollars to the department and forty dollars to the school for each special license plate sold for the respective school.

(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 BRIGHT explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 25; Nays 14**

**AYES**

Alexander Anderson Bright

Bryant Campbell Courson

Cromer Davis Fair

Grooms Hayes Leatherman

*Martin, Shane* Massey McGill

Mulvaney Nicholson Peeler

Reese Ryberg Setzler

Shoopman Thomas Verdin

Williams

**Total--25**

**NAYS**

Campsen Cleary Coleman

Elliott Knotts Land

Leventis Lourie Malloy

*Martin, Larry* McConnell Rose

Scott Sheheen

**Total--14**

The amendment was adopted.

Senator GROOMS proposed the following amendment (1392R005.LKG), which was adopted:

Amend the bill, as and if amended, page 14, after line 31, by adding an appropriately numbered new SECTION to read:

/ SECTION 15. Chapter 3, Title 56 of the 1976 Code is amended by adding an appropriately numbered new article to read:

“Article \_\_\_

‘South Carolina Wildlife Federation’ Special License Plates

Section 56‑3‑\_\_\_. (A) The Department of Motor Vehicles may issue ‘South Carolina Wildlife Federation’ special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56‑3‑630 registered in their names which may have imprinted on them an emblem, seal, symbol, or design of the South Carolina South Carolina Wildlife Federation. The South Carolina South Carolina Wildlife Federation must submit to the department for its approval the emblem, seal, symbol, or design it wishes to display on the plates. The South Carolina South Carolina Wildlife Federation must submit to the department written authorization for use of any copyrighted or registered logos, trademarks, or designs. The South Carolina South Carolina Wildlife Federation may request a change in the emblem, seal, or symbol not more than once every five years. The plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month they are issued. The fee for the plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of thirty dollars.

(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the department to defray the expenses of the department in producing and administering the plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina South Carolina Wildlife Federation for conservation programs in South Carolina.

(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.

Senator GROOMS proposed the following amendment (1392R004.LKG), which was adopted:

Amend the bill, as and if amended, by striking SECTION 15 in its entirety and inserting:

/ SECTION 15. 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 Natural Resources. 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 Natural Resources, 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.

The amendment was adopted.

There being no further amendments, the question then was the second reading of the Bill.

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

**Ayes 46; Nays 0**

**AYES**

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

Matthews McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--46**

**NAYS**

**Total--0**

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

**S. 1392--Ordered to a Third Reading**

On motion of Senator SCOTT, with unanimous consent, S. 1392 was ordered to receive a third reading on Friday, April 30, 2010.

**ADOPTED**

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.

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

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.

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”.

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

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”.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**OBJECTION**

S. 1353 -- Senators Ryberg, Rose and Campsen: A BILL TO AMEND CHAPTER 31, TITLE 41 OF THE 1976 CODE, RELATING TO CONTRIBUTIONS AND PAYMENTS TO THE UNEMPLOYMENT TRUST FUND, TO PROVIDE FOR CONTRIBUTIONS TO THE UNEMPLOYMENT TRUST FUND AND THE MANNER IN WHICH THOSE CONTRIBUTIONS ARE CALCULATED, TO PROVIDE NECESSARY DEFINITIONS, AND TO MAKE TECHNICAL AND CONFORMING AMENDMENTS.

Senator RYBERG 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 MULVANEY proposed the following amendment (1353R002.WGR), which was adopted:

Amend the committee amendment, as and if amended, page [1353-1] by striking lines 27 - 42, and on page [1353-2], by striking lines 1 - 11 and inserting:

/ (1) ‘Benefit ratio’ means:

(a) for the period of January 1, 2011, through December 31, 2011, the number calculated by dividing the average of all benefits charged to an employer during the forty calendar quarters immediately preceding the calculation date by the employer’s average taxable payroll during the same period. If fewer than forty but more than four calendar quarters of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually on July first to the sixth decimal place;

(b) for the period of January 1, 2012, through December 31, 2014, the number calculated by dividing the average of all benefits charged to an employer during the twenty-four calendar quarters immediately preceding the calculation date by the employer’s average taxable payroll during the same period. If fewer than twenty-four but more than four calendar quarters of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually on July first to the sixth decimal place; and

(c) from January 1, 2015, the number calculated by dividing the average of all benefits charged to an employer during the twelve calendar quarters immediately preceding the calculation date by the employer’s average taxable payroll during the same period. If fewer than twelve but more than four calendar quarters of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually on July first to the sixth decimal place. /

Amend the committee amendment further, as and if amended, page [1353-2], by inserting after line 11:

// Amend the bill further, as and if amended, by striking Section 41-31-45, found on page 3, lines 36-43, page 4, lines 1-43, and on page 5, lines 1-2 and inserting:

/ Section 41-31-45. (A) For the purposes of this section:

(1) ‘Average high cost multiple’ means the number of years the department could pay unemployment compensation, based upon the statewide reserve ratio, if the department paid the compensation at a rate equivalent to the average benefit cost rate in the three calendar years during the previous twenty calendar years, or the last three recessions, in which the benefit cost rates were the highest.

(2) ‘Benefit cost rate’ means the rate determined by dividing the unemployment compensation benefits paid during a calendar year by the total covered wages in the state during that year. The calculation of the benefit cost rate may not include the wages and unemployment compensation paid by employers covered under Section 3309 of the Internal Revenue Code of 1986.

(3) ‘Income needed to pay benefits’ means the estimate of benefit payable in a given calendar year less the estimate of interest to be earned by the unemployment insurance trust fund for that calendar year.

(4) ‘Statewide reserve ratio’ means the ratio determined by dividing the balance in the trust fund reserve at the end of the calendar year by the total covered wages in the State for that year. The calculation of the statewide reserve ratio may not include the wages and unemployment compensation paid by employers covered under Section 3309 of the Internal Revenue Code of 1986.

(5) ‘Fund adequacy target’ means an average high‑cost multiple of one.

(6) ‘Trust fund reserve’ excludes distributions from the federal government pursuant to 42 U.S.C. 1103, commonly referred to as the Reed Act.

(B)(1) For each calendar year during the state Unemployment Insurance Trust Fund is in debt status, the department must estimate the amount of income necessary to pay benefits for that year, the amount of income necessary to avoid automatic FUTA credit reductions, and an amount of income necessary to repay all outstanding federal loans within five years. Additional estimates of interest costs shall be determined concurrently.

(i) Estimates of the revenue needed to pay benefits will be based on Congressional Budget Office projections for the subsequent calendar year’s total unemployment rate. This total unemployment rate will be adjusted for South Carolina based on the historic relationship between the unemployment rate in South Carolina and the national unemployment rate calculated from 1980 to present.

(ii) The historic relationship, calculated from 1980 to present, between the total unemployment rate and the insured unemployment rate in South Carolina will be used to adjust the projected total unemployment rate to the rate of insured unemployment.

(iii) An estimate of the relationship between the amount of benefits paid and the level of the insured rate of unemployment will be used to project the total level of benefits to be paid in the upcoming year.

(iv) Estimates of amounts to pay to avoid FUTA credit reductions and amount of repayments on the loan will be projected through consultation with officials at the US Department of Labor.

(2) The executive director may make reasonable adjustments to the contribution rates set for a calendar year to prevent significant rate variations between calendar years.

(C) After the fund returns to solvency, the department must promulgate regulations concerning the income needed to pay benefits in each year and return the trust fund to an adequate level as defined in 41-35-45(5). /

Amend the bill further, as and if amended, page 9, by striking lines 26 - 37 and inserting:

/ (b) The estimated revenues necessary, as computed in Section 41-35-45(B)(1) must be divided by the estimated taxable wages for the calendar year. The result rounded to the next higher one‑hundredth of one percent is the average required rate needed to pay benefits and achieve solvency targets.

(c) The rate for class twenty will be set by multiplying the statewide average tax rate by twenty and dividing by the sum of the experience factors in the third column in the table provided in this subitem from both sections. To determine the remaining rates, multiply each experience factor in the table by the rate for class twenty.

Rate Class Less than 5.4% Greater than 5.4%

(Section 1)

1 0.000000 0.000000

2 0.348678 0.087170

3 0.387420 0.096855

4 0.430467 0.107617

5 0.478297 0.119574

6 0.531441 0.132860

7 0.590490 0.147623

8 0.656100 0.164025

9 0.729000 0.182250

10 0.810000 0.202500

11 0.900000 0.225000

12 1.000000 0.250000

13 1.200000 0.478297

(Section 2)

14 0.590490 0.531441

15 0.656100 0.590490

16 0.729000 0.656100

17 0.810000 0.729000

18 0.900000 0.810000

19 1.000000 0.900000

20 ---- 1.000000

/

Amend the bill further, as and if amended, page 9, by striking lines 38-42, and on page 10, by striking lines 1-17 and inserting:

/ (2)(a)(i) If the computed rate necessary for class twenty is less than five and four‑tenths percent, then the rate for class twenty shall be set at five and four‑tenths percent.

(ii) The rates for the remaining classes will be calculated by multiplying the statewide average tax rate by 20 and subtracting from this quotient five and four‑tenths percent. This amount shall then be divided by 19. This is the tax rate for class twelve.

(iii) To determine the rates for classes one through thirteen, multiply the experience factors in the second column of first section of the table in subitem (A)(1)(c) by the rate for class twelve.

(iv) To determine the rates for classes fourteen through nineteen, multiply the statewide average tax rate by twenty and subtract five and four‑tenths percent and the sum of the tax rates for classes one through thirteen. Divide this result by nineteen. This is the average tax rate needed for the remaining classes.

(v) The rate for class nineteen is determined by multiplying the result in subitem (iv) by six and dividing by the sum of the experience factors in second column of the second section of the table in subitem (A)(1)(c). The remaining rates are determined by multiplying the appropriate experience factor by the rate for class nineteen.

Section 41-31-55. (A) In any calendar year in which the state Unemployment Insurance trust fund is insolvent, the state shall impose additional surcharges on all employers to pay interest on the outstanding debt. The amount of interest to be paid will be divided by the estimated taxable payroll for the calendar year to determine the statewide average surcharge.

(1) The statewide average surcharge shall be multiplied by twenty and divided by the sum of the experience factors in the second column of the table in subsection (B). This is the surcharge applied to rate class twenty.

(2) The remaining class surcharges shall be calculated by multiplying each experience factor in the second column of the table in subsection (B) by the rate for class twenty.

(3) Funds collected for interest payments shall be deposited in an account separate from regular collections and shall be transferred to the federal government in the manner required by the United States Department of Labor’s regulations.

(B) The table contained in this subsection shall be used for calculations required in subsection (A):

Rate Class Experience Factor

1 0.78453

2 0.087170

3 0.096855

4 0.107617

5 0.119574

6 0.132860

7 0.147623

8 0.164025

9 0.182250

10 0.202500

11 0.225000

12 0.250000

13 0.478297

14 0.531441

15 0.590490

16 0.656100

17 0.729000

18 0.810000

19 0.900000

20 1.000000

Amend the bill further, as and if amended, page 10, by striking lines 42 - 43, and on page 11, by striking lines 1 - 17:

/ Section 41‑31‑70. If the ~~Commission~~ department finds that an employer ceased to render employment solely due to the closing of the business because of the entrance of one or more of the owners, officers, partners, or the majority stockholders into the armed forces of the United States, or any of its allies, or of the United Nations after January 1, 1951, such employer’s account shall not be terminated; and, if the business is resumed and employment rendered within two years after the discharge or release from active duty in the armed forces of ~~such~~ the person or persons, the employer’s experience shall be deemed to have been continuous throughout ~~such~~ that period. The ~~reserve~~ benefit ratio of ~~any such~~ the employer shall be the ~~total contributions paid by such employer minus all benefits~~ average annual benefits charged to the employer during the twenty-four calendar quarters immediately preceding the calculation date, including benefits paid to any individual during the period ~~such~~ the employer was in the armed forces, ~~charged against such employer’s account,~~ divided by his average annual payroll for the most recent year during the whole of which ~~such~~ the employer has been in business and has rendered employment. This provision shall not be construed to authorize cash refunds and any adjustments required hereunder shall be only by credit certificate.

Amend the bill further, as and if amended, page 14, by striking line 9 and inserting:

/ ~~reserve account~~ benefit experience attributable to an identifiable portion of the /

Amend the bill further, as and if amended, page 17, by striking lines 39 - 43, and on page 18, by striking lines 1 - 4 and inserting:

/ Section 41‑31‑170. The ~~Commission~~ department shall report annually to any employer the status of his account showing his ~~reserve balance at the beginning of the period, total contributions he has made~~ and total charges against it for benefits paid during the annual period and the twenty‑four calendar quarters prior to the computation date, as applicable~~,~~ ~~and his reserve balance at the end of such period~~. No employer may contest any charge against his account or the status of his account unless he makes protest within thirty days after such report has been mailed by the ~~Commission~~ department. / //

Renumber sections to conform.

Amend title to conform.

Senator MULVANEY explained the amendment.

The amendment was adopted.

Senators LEVENTIS, RYBERG and SCOTT proposed the following amendment (1353R005.WGR), which was adopted:

Amend the committee amendment, as and if amended, page [1353-4], by striking line 37 and inserting:

/ SECTION 7. Article 5, Chapter 27, Title 41 of the 1976 Code is amended by adding:

“Section 41‑27‑525. (A) A part-time worker is considered to be able and available for work if he is monetarily eligible based on wages that were predominantly earned from part-time work, is actively seeking part-time work, is available for part-time work for at least the number of restrictions on his ability to work or availability for work, and is in a labor market in which a reasonable demand exists for part-time work. A part time worker is not considered to be unemployed, and therefore not entitled to benefits, if the part-time worker is working all hours for which he is available regardless of the amount of money earned.

(B) An individual who is otherwise eligible for benefits under this title may not be considered ineligible for those benefits solely on the basis that he seeks, applies for, or is willing to accept only part‑time employment.”

SECTION 8. Section 41‑27‑150, as last amended by an act bearing ratification number 159 of 2010, is further amended to read:

“Section 41‑27‑150. (A) Except as provided in subsection (B), ‘base period’ means the first four of the last five completed calendar quarters immediately preceding the first day of an individual’s benefit year. However, in the case of a combined wage claim filed by an individual in accord with an arrangement entered into by the department pursuant to the provisions of Section 41‑29‑140(2), the base period is that applicable provided by the law of the paying state.

(B)(1) ‘Alternate base period’ means for benefits years effective after May 31, 2010, if an individual does not have sufficient wages in the base period defined in subsection (A) to qualify for benefits, his base period must be the four calendar quarters completed most recently before the individual’s benefit year if this period qualifies him for benefits, provided these quarters were not previously used to establish a prior valid benefit year.

(2) If the wage information for an individual’s most recently completed calendar quarter is not available to the department from regular quarterly reports of systematically accessible wage information, the department promptly must contact the individual’s employer to establish such wage information. The director shall establish rules necessary to implement this subsection.

(C) Wages that fall within the base period, if claims established under this section, must not be available for use in qualifying for a subsequent benefit year.”

SECTION 9. This act takes effect January 1, 2011. /

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 (1353R001.WGR), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 37 - 42, and on page 2, by striking lines 1 - 3 and inserting:

/ (1) ‘Benefit ratio’ means:

(a) for the period of January 1, 2011, through December 31, 2011, the number calculated by dividing the average of all benefits charged to an employer during the forty calendar quarters immediately preceding the calculation date by the employer’s annual taxable payroll during the same period. If fewer than forty but more than four calendar quarters of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually on July first to the sixth decimal place;

(b) for the period of January 1, 2012, through December 31, 2014, the number calculated by dividing the average of all benefits charged to an employer during the twenty-four calendar quarters immediately preceding the calculation date by the employer’s annual taxable payroll during the same period. If fewer than twenty-four but more than four calendar quarters of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually on July first to the sixth decimal place; and

(c) from January 1, 2015, the number calculated by dividing the average of all benefits charged to an employer during the twelve calendar quarters immediately preceding the calculation date by the employer’s annual taxable payroll during the same period. If fewer than twelve but more than four calendar quarters of data are available, the data from those available calendar quarters shall be used in the calculation. The benefit ratio must be calculated annually on July first to the sixth decimal place. /

Amend the bill further, as and if amended, page 33, by striking SECTION 2 and inserting:

/ SECTION 2. Section 41-27-310 of the 1976 Code is amended to read:

“Section 41-27-310. An ‘insured worker’ is an individual who has been paid wages in his base period for insured work equal to or exceeding one and one‑half times the total of his wages paid in the quarter of such base period in which his wages for insured work were highest; provided, however, that no individual shall qualify as an insured worker unless he has been paid at least ~~nine hundred~~ four thousand four hundred fifty five dollars in his base period for insured work and ~~five hundred forty~~ one thousand ninety-two dollars in that quarter of his base period in which such wages were highest.”

SECTION 3. Section 41-27-380(2) of the 1976 Code is amended to read:

“(2) For the purpose of Chapter 31, Article 1, of this title, ‘wages’ does not include that part of remuneration which, after remuneration equal to ~~seven~~ ten thousand dollars for the period of January 1, 2011, through December 31, 2011, twelve thousand dollars for the period of January 1, 2012, through December 31, 2014, and fourteen thousand dollars from January 1, 2015 has been paid in a calendar year to an individual by an employer or his predecessor or with respect to employment during any calendar year, is paid to the individual by the employer during the calendar year unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. For the purposes of this subsection, employment includes service constituting employment under any unemployment compensation law of another state.”

SECTION 4. Section 41-35-40 of the 1976 Code is amended to read:

“Section 41-35-40. An insured worker’s weekly benefit amount is fifty percent of his weekly average wage, as defined in Section 41‑27‑140, and the weekly benefit amount, if not a multiple of one dollar, must be computed to the next lower multiple of one dollar. However, no insured worker’s weekly benefit amount may be less than ~~twenty~~ forty-two dollars nor greater than sixty‑six and two‑thirds percent of the statewide average weekly wage most recently computed before the beginning of the individual’s benefit year.”

SECTION 5. Article 7, Chapter 27, Title 41 of the 1976 Code, as added by Act 146 of 2010, is amended by adding:

“Section 41-27-760. (A) No candidate for or person intending to become a candidate for the Department of Workforce Appellate Panel may seek, directly or indirectly, the pledge of a member of the General Assembly’s vote or contact, directly or indirectly, a member of the General Assembly or the review committee regarding screening for the Department of Workforce Appellate Panel, until the qualifications of all candidates for that office have been determined by the Department of Workforce Review Committee, and the review committee has formally released its report as to the qualifications of all candidates for the office to the General Assembly. For purposes of this section, ‘indirectly seeking a pledge’ means the candidate, or someone acting on behalf of or at the request of the candidate, requests a person to contact a member of the General Assembly on behalf of the candidate before the review committee has formally released its report as to the qualifications of all candidates to the General Assembly. The prohibitions of this section do not extend to an announcement of candidacy by the candidate or statement by the candidate detailing the candidate’s qualifications.

(B)(1) No member of the General Assembly may pledge or offer his pledge his vote for a candidate until the qualifications of all candidates for the Department of Workforce Appellate Panel have been determined by the Department of Workforce Review Committee, and the review committee has formally released its report as to the qualifications of all candidates to the General Assembly. The formal release of the report of qualifications must occur no earlier than forty‑eight hours after the names of all candidates found qualified by the review committee have been initially released to members of the General Assembly.

(2) No member of the review committee may pledge or offer his pledge to find a candidate qualified prior to the review committee’s determination of qualifications.

(C) No member of the General Assembly may trade anything of value, including pledges to vote for legislation or for other candidates, in exchange for another member’s pledge to vote for a candidate for the Department of Workforce Appellate Panel.

(D)(1) Violations of this section may be considered by the Department of Workforce Review Committee when it considers the candidate’s qualifications.

(2) Violations of this section by members of the General Assembly must be reported by the review committee to the House or Senate Ethics Committee, as may be applicable.

(3) Violations of this section by incumbent appellate panelists seeking reelection must be reported by the Department of Workforce and the Department of Workforce Appellate Panel to the State Ethics Commission. A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days, or both. Cases tried under this section may not be transferred from general sessions court pursuant to Section 22‑3‑545.”

SECTION 6. Section 41-29-40 of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

“Section 41‑29‑40. There are created under the department two coordinate divisions, the South Carolina State Employment Service Division ~~created pursuant to Section 41‑5‑10~~, and a division to be known as the Unemployment Compensation Division. Each division must be administered by a full‑time salaried director, who is subject to the supervision and direction of the department. The department may appoint, fix the compensation of, and prescribe the duties of the directors of these divisions. ~~These appointments must be made on a nonpartisan merit basis in accordance with the provisions of Section 41‑29‑90.~~ The director of each division shall be responsible to the department for the administration of his respective division and has the power and authority as vested in him by the department.”

SECTION 7. This act takes effect January 1, 2011. /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the committee amendment.

The committee amendment was adopted.

Senator O'DELL proposed the following amendment (1353R003.WHO), which was tabled:

Amend the bill, as and if amended, page 9, by striking lines 32 - 42, and on page 10, by striking lines 1 - 17 and inserting:

/ (c) The rate for class twenty will be set such that the entire schedule raises the income required to pay benefits for the year, as well as the income necessary to move the trust fund toward the solvency target, subject to the structure defined in this chapter. However, the rate for class twenty must be a least five and four‑tenths percent. For calendar year 2011, the rate for class one shall not be lower than one percent. For each ensuing year, the director must, when calculating the rate for class one, take into consideration the solvency of the Unemployment Insurance Trust Fund and the funds necessary to cover the claims from unemployed individuals from failed businesses.

(2)(a) If the calculated rate necessary for benefit rate class twenty exceeds five and four‑tenths percent, then the rate for each succeeding benefit rate class shall be equal to ninety percent of the rate calculated for the preceding class.

(b)(i) If the computed rate necessary for class twenty is less than five and four‑tenths percent, then the rate for class twenty shall be set at five and four‑tenths percent.

(ii) The contribution rate for rate classes nineteen through one shall be set at a consistent percentage of the rate of the preceding class so that the entire schedule raises the income required to pay benefits for the year, as well as the income necessary to move the trust fund toward the solvency target, subject to the structure defined in chapter. /

Renumber sections to conform.

Amend title to conform.

Renumber sections to conform.

Amend title to conform.

Senator O'DELL explained the amendment.

Senator RYBERG argued contra to the adoption of the amendment.

Senator RYBERG moved to lay the amendment on the table.

The amendment was laid on the table.

Senator THOMAS objected to further consideration of the Bill.

**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. 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.

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

Senators SHOOPMAN, O'DELL, VERDIN and ROSE proposed the following amendment (1322R001.PWS), which was adopted:

Amend the concurrent resolution, as and if amended, page 1, by striking lines 11-16 and inserting:

/ TO URGE THE ATTORNEY GENERAL OF SOUTH CAROLINA TO TAKE SWIFT AND APPROPRIATE ACTION TO ASSURE THAT “BIG RED,” THE CITADEL BATTLE FLAG AND A SIGNIFICANT ARTIFACT REPRESENTING THIS STATE’S RICH HISTORY, REMAINS PERMANENTLY IN SOUTH CAROLINA. /

Amend the concurrent resolution further, as and if amended, page 2, by striking lines 28-32 and inserting:

/ Be it further resolved that the South Carolina General Assembly urges the Attorney General of South Carolina to take swift and appropriate action to assure that “Big Red,” the Citadel battle flag and a significant artifact representing this state’s rich history, remains permanently in South Carolina. /

Renumber sections to conform.

Amend title to conform.

Senator SHOOPMAN explained the amendment.

Senator LEATHERMAN spoke on the amendment.

The amendment was adopted.

On motion of Senator SHOOPMAN, the Concurrent Resolution was carried over, as amended.

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

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

**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. 27A**

Senators BRYANT and BRIGHT proposed the following Amendment No. 27A (4657R035.KLB.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, by adding an appropriately numbered new proviso to read:

*/ 1. (SDE: Additional Classroom Funding) From the funds appropriated to or carried forward by the Commission on Higher Education for the Endowed Chairs, $108,000,000 must be credited to the Department of Education to be distributed to school districts pursuant to the EFA formula. From the funds appropriated to or carried forward by the University of South Carolina for the Innovista Project, $58, 000,000 must be credited to the Department of Education to be distributed to the school districts pursuant to the EFA formula. From funds carried forward by the Budget and Control Board, $65,777,139 must be credited to the Department of Education to be distributed to the school districts pursuant to the EFA formula.*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRYANT explained the amendment.

**Point of Order**

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

Senator BRYANT spoke on the Point of Order.

Senator MULVANEY spoke on the Point of Order.

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

Amendment No. 27A was ruled out of order.

Senator BRYANT moved to divide the amendment.

**Point of Order**

Senator SETZLER raised a Point of Order that the motion was out of order as the motion came too late inasmuch as the amendment had been ruled out of order and was not before the Senate for consideration.

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

**Objection**

Senator BRYANT asked unanimous consent to make a motion to divide the amendment.

Senator LEATHERMAN objected.

**Point of Order**

Senator MASSEY raised a Point of Order that Proviso 76.14 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***76.14.*** *(TREAS: Assessments & Filing Fees) The State Treasurer shall retain an amount equal to one percent of that portion of assessments in Municipal, Magistrate, Family, and General Sessions Courts and filing fees in courts of record which must be credited to the General Fund of the State and require that those retained revenues must be used for training local governments and to defray the administrative expenses of the collection and distribution of these revenues. Further, the State Treasurer’s Office shall identify any jurisdiction that it believes is not timely transmitting assessments and filing fees required to be paid to the State Treasurer and follow-up with the County Treasurer to determine why the appropriate amounts have not been remitted.*

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

Proviso 76.14 of Part 1B was ruled out of order.

**Point of Order**

Senator MASSEY raised a Point of Order that Proviso 82.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***82.2.*** *(ETHICS: Lobbying Fee Increase) The State Ethics Commission is authorized to increase lobbyist and lobbyist’s principal registration fees to one hundred fifty dollars to be used to offset costs associated with the administration and enforcement of Chapter 17 of Title 2 and Chapter 13 of Title 8 of the South Carolina Code of Laws, 1976, as amended. Any excess funds may be carried forward into the current fiscal year to be used for the same purpose.*

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

Proviso 82.2 of Part 1B was ruled out of order.

**Point of Order**

Senator MULVANEY raised a Point of Order that Proviso 1.41 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1.41.** (SDE: Alternative Certification/Displaced Employees) The Department of Education is directed to give priority in the Program for Alternative Certification for Educators (PACE) to the recruitment of qualified state employees impacted by reduction in force actions of agencies. The Student Loan Corporation is directed to give priority in the Career-Changer Loan program to qualified state employees. The Department of Education shall provide information to the Office of Human Resources and the personnel offices of state agencies instituting a reduction in force to advertise and inform employees of this program and state agencies shall work with the department in this effort.

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

**Amendment No. 58A**

Senator RYBERG proposed the following Amendment No. 58A (4657R048.WGR.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, by adding an appropriately numbered new proviso to read:

*/ 1. . (SDE: \_\_\_) The Department of Education must withhold ten percent of the funds to be distributed pursuant to the EFA formula from school districts that reject a contract from a charter school pursuant Section 59‑40‑50(C)(3).*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RYBERG explained the amendment.

**Point of Order**

Senator LARRY MARTIN 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. 58A was ruled out of order.

**RECESS**

At 12:25 P.M., on motion of Senator LEATHERMAN, the Senate receded from business until 1:15 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:29 P.M. and was called to order by the PRESIDENT *Pro Tempore*.

**THE SENATE RESUMED CONSIDERATION OF H. 4657, THE GENERAL APPROPRIATIONS BILL.**

The Senate resumed consideration of the Bill, the question being the third reading of the Bill.

**Point of Quorum**

At 1:30 P.M., Senator LEATHERMAN made the point that a quorum was not present. It was ascertained that a quorum was present.

**Amendment No. 60**

Senator ROSE proposed the following Amendment No. 60 (4657R040.MTR.DOCX), which was adopted (#10):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 352, after line 29, by adding a new unnumbered paragraph to read:

*/ The commission shall also determine how to best provide for the state’s portion of education funding to flow down to the schools and shall examine all state and local sources of funding K-12 education. The commission shall study a weighted pupil formula or any other formula the committee finds appropriate. The commission shall consider the following specific questions, but may consider other questions it finds appropriate in order to achieve its purpose:*

*(1) how to reform funding for educational programs in South Carolina, mainly in the seventy‑four funding categoricals in the Education Finance Act , in an effort to see that more educational dollars make it to the schools;*

*(2) how to provide for flexibility in spending these dollars;*

*(3) how to emphasize allowing school principals budgetary input for spending in the areas where principals see need, thus matching funds to students’ needs;*

*(4) how to provide for the state’s educators’ use of state funding in ways that produce the best results for students; and*

*(5) how to expend the Education Finance Act’s weighting system to include additional groups of students not currently weighted, including:*

*(a) low income or poverty weightings;*

*(b) gifted and talented program children;*

*(c) special needs children; and*

*(d) a base weight for all children.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ROSE explained the amendment.

The amendment was adopted.

**Amendment No. 97**

Senator MULVANEY proposed the following Amendment No. 97 (DAD AMEND AM16A), which was adopted (#11):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 353,by amending previously adopted Amendment 16A which added a new proviso entitled (SDE: Salary Increase Suspension) to read as follows:

// *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 provided that the school district desiring to suspend the salary step increase provide in their Fiscal Year 2010-11 budget for at least two furlough days for school administrators. Said skip, if implemented, shall not negatively impact the experience credit of teachers to who skip applies. Nothing herein shall be deemed to mandate that step increases be skipped. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MULVANEY explained the amendment.

The amendment was adopted.

**Amendment No. 98**

Senators DAVIS, McCONNELL, CLEARY, ELLIOTT, RANKIN, FORD, CAMPSEN and McGILL proposed the following Amendment No. 98 (DKA\4000BH10), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 353, after line 32, by adding an appropriately numbered new proviso to read:

*/1.\_\_ (SDE: Additional Classroom Funding) From the funds appropriated to or carried forward by the State Budget and Control Board, $21,515,400 must be credited to the Department of Education to be distributed to school districts receiving less than thirty-five percent of state support as computed in Section 59-20-40(1), with each district to receive a pro rata share of said amount determined in accordance with the district’s number of weighted students, which must be subject to adjustment for student attendance.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

Senator HAYES spoke on the amendment.

Senator LEATHERMAN spoke on 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.

Senator DAVIS spoke on the Point of Order.

Senator SETZLER spoke on the Point of Order.

Senator CAMPSEN spoke on the Point of Order.

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

Amendment No. 98 was ruled out of order.

**Amendment No. 108**

Senator SETZLER proposed the following Amendment No. 108 (4657 SETZLEREXCAPP.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 353, after line 32, by adding an appropriately numbered new proviso to read:

*/1.xx Any revenue collections in the current fiscal year that are used as a source of funds for appropriations within any of the Parts contained in this Act, whether recurring or nonrecurring sources of revenue, that are above the level of appropriation for the source shall be transferred to the State Department of Education and distributed to school districts based on the Education Finance Act formula. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SETZLER explained the amendment.

**Point of Order**

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

Senator MASSEY spoke on the Point of Order.

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

Amendment No. 108 was ruled out of order.

**Amendment No. 81**

Senator ROSE proposed the following Amendment No. 81 (4657R049.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 thousand 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 LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

A roll call vote was ordered.

With unanimous consent, Senator RYBERG was recognized to speak

in favor of the adoption of the amendment.

With unanimous consent, Senator BRYANT was recognized to speak in favor of the adoption of the amendment.

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

**Ayes 22; Nays 21**

**AYES**

Alexander Anderson Campbell

Coleman Elliott Fair

Ford Hutto Jackson

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

McGill Nicholson Pinckney

Reese Scott Sheheen

Williams

**Total--22**

**NAYS**

Bright Bryant Campsen

Cleary Courson Cromer

Davis Grooms Hayes

Knotts *Martin, Shane* Massey

McConnell Mulvaney O’Dell

Peeler Rankin Rose

Ryberg Shoopman Verdin

**Total--21**

The amendment was laid on the table.

**Amendment No. 82**

Senators ROSE and BRIGHT proposed the following Amendment No. 82 (4657R047.MTR.DOCX), which was carried over and subsequently 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, institutions of higher learning must 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 instiution’s internet website and made available for public viewing and downloading.  The register must include for each expenditure:*

*(i)    the transaction amount;*

*(ii) the name of the payee; and*

*(iii)  a statement providing a detailed description of the expenditure.*

*The register must not include an entry for salary, wages, or other compensation paid to individual employees.  The register must not include any information that can be used to identify an individual employee.  The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.  The register must be searchable and updated at least once a month.*

*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.

**Objection**

Senator SHEHEEN asked unanimous consent to make a motion to perfect the amendment to reflect an expenditure of $1,000 in lieu of $100.

Senator FORD objected.

Senator ROSE explained the amendment.

**Objection**

Senator ROSE asked unanimous consent to make a motion to withdraw Amendment No. 82.

Senator BRIGHT objected.

On motion of Senator ROSE, the Amendment No. 82 was carried over and subsequently tabled.

**PRESIDENT PRESIDES**

At 3:27 P.M., the PRESIDENT assumed the Chair.

**Point of Order**

Senator CAMPSEN raised a Point of Order that Proviso 51.29 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

*51.29 (CORR: Legal Fees) For the current fiscal year, the Department of Corrections shall submit a report to the Senate Finance Committee and the House Ways and Means Committee detailing the expenditure of all funds, including expenditures from the Insurance Reserve Fund or any prepaid legal account, within the last four fiscal years for private lawyers to defend actions for wrongful termination or other personnel matters against the department’s employees or former employees. At a minimum, the report must provide a detailed accounting of the expenditures to include the names of parties to the lawsuits, the cause(s) of action, the date of the alleged wrongdoing, name of private lawyers engaged, amount paid to each private lawyer, status of all pending lawsuits, and outcome of any order or judgment. The report must be submitted by October 1 of the current fiscal year.*

Senator LEVENTIS spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

**Amendment No. 83**

Senator ROSE proposed the following Amendment No. 83 (4657R045.MTR.DOCX), which was adopted (#12):

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 post on its website the institution’s annual and periodic financial statements.*

*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 ROSE moved that the amendment be adopted.

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

**Ayes 32; Nays 11**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Courson

Cromer Fair Ford

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* McGill Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Williams

**Total--32**

**NAYS**

Bright Bryant Davis

Elliott Grooms *Martin, Shane*

Massey McConnell Mulvaney

Shoopman Verdin

**Total--11**

The amendment was adopted.

**Statement by Senator ROSE**

      I voted for Amendment No. 83 because it would require, for the first time, each institution of higher learning to post on its website a link to what will be the Comptroller General’s website, which will contain all of each institution’s monthly state procurement card statements or reports.  That would enable the public to see, for the first time, on the Internet all credit card expenditures by all higher learning institutions. Further, this amendment requires, for the first time, that each institution post on line all its financial statements. All of that will be a victory for transparency and accountability by institutions of higher learning.  I preferred the passage of two more comprehensive transparency amendments, No. 81 and No. 45, that I introduced previously, but they were tabled.  I requested withdrawal of a third proviso, Amendment No. 82, because it appeared it would not pass and to obtain, in return, the votes necessary to obtain passage of Amendment No. 83.

**Objection**

Senator ROSE asked unanimous consent to make a motion to take up Amendment No. 82 for immediate consideration.

Senator BRIGHT objected.

**Amendment No. 120**

Senator BRYANT proposed the following Amendment No. 120 (4657R064.KLB.DOCX), which was substituted with Amendment No. 120A:

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: ) From the funds appropriated to the Commission on Higher Education, $108,000,000 must be credited to the Department of Education to be distributed to school districts pursuant to the EFA formula. /*

Amend the bill further, as and if amended, Part IB, SECTION 15, UNIVERSITY OF SOUTH CAROLINA, page 379, after line 24, by adding an appropriately numbered new proviso to read:

/*15.\_\_. (USC: ) From the funds appropriated to the University of South Carolina, $58,000,000 must be credited to the Department of Education to be distributed to the school districts pursuant to the EFA formula. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRYANT explained the amendment.

**Point of Order**

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

Senator BRYANT spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator BRYANT explained the amendment.

Senator BRYANT asked unanimous consent to make a motion to perfect the amendment.

There was no objection.

**Amendment No. 120A**

Senator BRYANT proposed the following Amendment No. 120A, which was carried over, but subsequently withdrawn:

Amend the bill, as and if amended, Part IB, SECTION 6, Amend the bill further, as and if amended, Part IB, SECTION 15, UNIVERSITY OF SOUTH CAROLINA, page 379, after line 24, by adding an appropriately numbered new proviso to read:

/*15.\_\_. (USC: ) From the funds appropriated to the University of South Carolina, $58,000,000 must be credited to the Department of Education to be distributed to the school districts pursuant to the EFA formula. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRYANT explained the amendment.

On motion with Senator BRYANT, Amendment No. 120A was carried over.

With unanimous consent, Senator SHANE MARTIN was recognized to speak on Amendment No. 120A.

**Amendment No. 118**

Senator ELLIOTT proposed the following Amendment No. 118 (AS MULTI-STATE DRUG PURCHASING POOL), which was adopted (#13):

Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 390, after line 18, by adding an appropriately numbered new proviso to read:

*/21. (Medicaid Pooling Initiative) The Department of Health and Human Services’ Medicaid Pharmacy and Therapeutics Committee shall conduct a cost-benefit analysis of the National Medicaid Pooling Initiative (NMPI) and the state’s participation in the NMPI. The analysis shall include a review of all other multi-state Medicaid drug purchasing pools that have been approved by the Centers for Medicare and Medicaid Services to compare the NMPI to other available plans to identify the initiative that provides the greatest opportunity to achieve maximum savings for the state. The department shall provide a report on the results of the analysis to the Chairman of the Senate Finance Committee and the Chairman of the House Ways & Means Committee no later than January 14, 2011. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ELLIOTT explained the amendment.

Senator CROMER moved that the amendment be adopted.

The amendment was adopted.

**Amendment No. 92**

Senator BRIGHT proposed the following Amendment No. 92 (DAD 31.9 RENT PAYMENT SUSPENSION), which was tabled:

Amend the bill, as and if amended, Part IB, Section 31, STATE MUSEUM COMMISSION, page 410, paragraph 31.9, by striking lines 8-10, by inserting:

/ 31.9. (MUSM: Rent Payment Suspension) For Fiscal Year ~~2009‑10~~ *2010-11* the State Museum is not required to pay rent or maintenance expenses, including all utilities, operations, maintenance and repairs to General Services for the premises it leases in the Columbia Mills Building. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator KNOTTS moved to lay the amendment on the table.

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

**Ayes 31; Nays 11**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* McGill Nicholson

O’Dell Pinckney Rankin

Ryberg Scott Shoopman

Williams

**Total--31**

**NAYS**

Bryant *Martin, Shane* Massey

McConnell Mulvaney Peeler

Reese Rose Setzler

Sheheen Verdin

**Total--11**

The amendment was laid on the table.

**Point of Order**

Senator MASSEY raised a Point of Order that Proviso 37.14 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***37.14.*** *(DNR: Watercraft Title and Registration Fees Surcharge) For Fiscal Year 2010-11, the Department of Natural Resources shall be authorized to charge a five dollar administrative surcharge on each watercraft and outboard motor title, title transfer and duplicate title, and on each watercraft registration, watercraft registration transfer, and duplicate registration document. The revenue collected must be deposited into the Drew’s Law/Boat Titling Fund of which forty percent must be utilized for law enforcement operations and the balance utilized for administration of the provisions of Title 50. No funds generated from this administrative surcharge may be used to provide pay increases. Unexpended revenue must be retained by the department and carried forward from the prior fiscal year into the current fiscal year and used for the same purposes*

The PRESIDENT took the Point of Order under advisement. The Point of Order was subsequently withdrawn.

**Point of Order**

Senator MASSEY raised a Point of Order that Proviso 37.15 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***37.15.*** *(DNR: Hunting and Fishing License Surcharge) For Fiscal Year 2010-11, the Department of Natural Resources shall be authorized to impose a two dollar administrative surcharge on each license, permit, stamp, and tag issued to engage in any hunting or fishing activity. The surcharge shall not apply where no fee is charged. The revenue collected must be deposited into the Fish & Wildlife Protection Fund and be expended for the purposes of the Fish and Wildlife Protection Fund as defined in statute. No funds generated from this administrative surcharge may be used to provide pay increases. Unexpended funds must be retained by the department and carried forward from the prior fiscal year into the current fiscal year and used for the same purpose.*

The PRESIDENT took the Point of Order under advisement. The Point of Order was subsequently withdrawn.

**Amendment No. 101**

Senator MASSEY proposed the following Amendment No. 101 (4657R052.ASM.DOCX), which was laid on the table:

Amend the bill, as and if amended, Part IB, SECTION 44, JUDICIAL DEPARTMENT, page 424, after line 2, by adding an appropriately numbered new proviso to read:

/ *44.\_\_. (JUD: Rent Payments) The Judicial Department is not required to pay rent to the Budget and Control Board for Fiscal Year 2010-2011. The Judicial Department is entitled to retain those funds to cover the Department’s operating expenses for Fiscal Year 2010-2011.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 31**

Senator MASSEY proposed the following Amendment No. 31 (4657R022.ASM), which was not adopted:

Amend the bill, as and if amended, page 445, by striking Proviso 62.2 and inserting:

/ 62.2. (INS: Reimbursement Carry Forward) Reimbursements received for Data Processing Services, Revenue, Miscellaneous Revenue and Sale of Listings and Labels shall be retained for use by the department. These funds may be carried forward in the current fiscal year. ~~The Department of Insurance is authorized to pay the annual dues, not to exceed $10,000 for the South Carolina Senate and the South Carolina House of Representatives for membership in the National Council of Insurance Legislators from funds collected under this proviso.~~  /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

**PRESIDENT *Pro Tempore* PRESIDES**

At 4:50 P.M., Senator McCONNELL assumed the Chair.

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

Amendment No. 31 was not adopted.

**Amendment No. 31--Recorded Vote**

Senators MASSEY and SHEHEEN desired to be recorded as voting in favor of the adoption of Amendment No. 31.

**Amendment No. 122**

Senator FAIR proposed the following Amendment No. 122 (4657R059.MLF.DOCX), which was adopted (#14):

Amend the bill, as and if amended, Part IB, Section 80C, BUDGET AND CONTROL BOARD, EMPLOYEE BENEFITS, page 482, by striking Proviso 80C.2 in its entirety and inserting:

/ 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~~ *mother’s medical condition is one which, on the basis of the physician’s good faith judgment, so complicates the pregnancy as to necessitate an immediate abortion to avert the risk of her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function*, and the State Health Plan may not offer coverage for abortion services, *including ancillary services provided contemporaneously with abortion services*.  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

**Amendment No. 122--Recorded Vote**

Senator KNOTTS desired to be recorded as voting in favor of the adoption of Amendment No. 122.

**Amendment No. 68**

Senators CLEARY and ROSE proposed the following Amendment No. 68 (4657R043.REC.DOCX), which was adopted (#15):

Amend the bill, as and if amended, Part IB, Section 81, DEPARTMENT OF REVENUE, page 484, after line 8, by adding an appropriately numbered new proviso to read:

*/ 81. . (DOR: Bingo Licenses) The provisions of Section 12‑21‑3940(D) of the 1976 Code are suspended for the current fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

Senator GROOMS asked unanimous consent to make a motion to take up Amendment No. 114A for immediate consideration.

There was no objection.

**Amendment No. 114A**

Senators KNOTTS and SETZLER proposed the following Amendment No. 114A (4657R065.JMK.DOCX), which was adopted (#16):

Amend the bill, as and if amended, Part IB, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 415, after line 30, by adding an appropriately numbered new proviso to read:

*/ 37. . (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 by the department on recommendation 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.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator KNOTTS explained the amendment.

Senator KNOTTS moved that the amendment be adopted.

The amendment was adopted.

Senator GROOMS asked unanimous consent to make a motion to take up Amendment No. 115 for immediate consideration.

There was no objection.

**Amendment No. 115**

Senator KNOTTS proposed the following Amendment No. 115 (4657R062.JMK.DOCX), which was adopted (#17):

Amend the bill, as and if amended, Part IB, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 415, after line 30, by adding an appropriately numbered new proviso to read:

*/ 37. . (DNR: County Game Funds/Equipment Purchase) Any equipment purchased by the department from county game funds upon recommendation 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. /*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator KNOTTS explained the amendment.

The amendment was adopted.

**Amendment No. 19**

Senators ROSE and MULVANEY proposed the following Amendment No. 19 (4657R012.MTR.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 486, after line 8, by adding an appropriately numbered new proviso to read:

*/86.\_(AS-TREAS: Flexibility)  For fiscal year 2010-2011, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the last completed fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ROSE 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.

Senator ROSE spoke on the Point of Order.

Senator LAND spoke on the Point of Order.

Senator MULVANEY spoke on the Point of Order.

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

Amendment No. 19 was ruled out of order.

**Amendment No. 72A**

Senator GROOMS proposed the following Amendment No. 72A (AS COMMUNITY HEALTH PLANS), which was adopted (#18):

Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 390, after line 18, by adding an appropriately numbered new proviso to read:

*/21. (DHHS: Community Health Plan Grants) From funds appropriated to the Department of Health and Human Services, the department shall allocate grants to community health plans approved pursuant to proviso 21.40 of this act and to Access HealthSC community health plans. The total amount of the grants shall not exceed $300,000. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

**Amendment No. 110**

Senator BRIGHT proposed the following Amendment No. 110 (4657R057.LB.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, SECTION 89, GENERAL PROVISIONS, page 517, Proviso 89.104, by striking line 9 and inserting:

/ resources of the Division of Aeronautics in the Department of Commerce are transferred to the ~~Budget and Control Board~~ *Department of Transportation*. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

**Point of Order Withdrawn**

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

Senator LEATHERMAN spoke on the Point of Order.

Senator MULVANEY spoke on the Point of Order.

On motion of Senator LAND, with unanimous consent, the Point of Order was withdrawn.

**Point of Order Withdrawn**

Senator BRIGHT raised a Point of Order that Proviso 89.104 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**89.104.** (GP: Transfer Division of Aeronautics) Effective July 1, 2009, or as soon as practicable, the duties, functions, responsibilities, personnel, equipment, supplies, appropriated and authorized funds, carry forward funds and all other assets and resources of the Division of Aeronautics in the Department of Commerce are transferred to the Budget and Control Board.

**Objection**

Senator SHEHEEN asked unanimous consent to withdraw the Point of Order and withdraw the amendment.

Senator BRIGHT objected.

Senator MULVANEY asked unanimous consent to withdraw the Point of Order.

There was no objection and the Point of Order was withdrawn.

Senator BRIGHT explained the amendment.

Senator BRIGHT moved to carry over the amendment.

Senator SHEHEEN moved to table the motion to carry over the amendment.

**Parliamentary Inquiry**

Senator MASSEY made a Parliamentary Inquiry as to whether or not the Senator who made the motion to carry over the Bill loses the floor after disposal of the motion.

The PRESIDENT *Pro Tempore* stated that the Senator does not lose the floor if the motion to carry over fails.

The motion to carry over the amendment was tabled.

Senator LEATHERMAN moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 7**

Senator ROSE proposed the following Amendment No. 7 (4657R013.MTR.DOCX), which was not adopted:

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:

*/89.\_(GP: Tobacco Funds) With the exception of provisos 89.59 and 90.3 of this appropriations bill, any funds appropriated from the Healthcare Tobacco Settlement Trust Fund, established pursuant to Section 11-11-170, must be appropriated for use by the Department of Health and Human Services to fund programs eligible for federal Medicaid matching assistance.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ROSE explained the amendment.

**Point of Order Withdrawn**

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

On motion of Senator LAND, with unanimous consent, the Point of Order was withdrawn.

Senator ROSE explained the amendment.

The amendment was not adopted.

**Amendment No. 23**

Senator ROSE proposed the following Amendment No. 23 (4657R017.MTR.DOCX), which was adopted (#19):

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

*/89.\_ (GP: Websites) All agencies, departments, and institutions of state government shall be responsible for providing on its Internet website a link to the Internet website of any agency, other than the individual agency, department, or institution, that posts on its Internet website that agency, department, or institution’s monthly state procurement card statements or monthly reports containing all or substantially all 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 state agency, department, or 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 LEATHERMAN moved that the amendment be adopted.

The amendment was adopted.

**Point of Order**

Senator BRIGHT raised a Point of Order that Proviso 89.97 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

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

**Point of Order Withdrawn**

The PRESIDENT *Pro Tempore* took up the Point of Order raised by Senator BRIGHT on Wednesday, April 28, 2010, 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.

On motion of Senator BRIGHT, with unanimous consent, the Point of Order was withdrawn.

**Amendment No. 26**

Senator SCOTT proposed the following Amendment No. 26 (SWB\  
8069CM10), which was adopted (#20):

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:

*/ 89.\_\_(GP: Mayor and Councilman Study Committee)* There is created a study committee to study all relevant provisions of law and make recommendations to the members of the General Assembly regarding the issues of when does a mayor or councilman forfeit his office, and how should a vacancy in the office of mayor or councilman be filled.

The study committee shall be composed of the: Director of the South Carolina Election Commission, or her designee who shall serve as chairperson; President Pro Tempore of the Senate, or his designee; Speaker of the House of Representatives, or his designee; Chairman of the Senate Judiciary Committee, or his designee; Chairman of the House of Representatives Judiciary Committee, or his designee; two members selected by the President of the Association of Counties; two members selected by the President of the Municipal Association; and President of the South Carolina Association of Registration and Election Officials. The study committee shall accept committee staffing and coordination from the appropriate committees of the Senate and House of Representatives. The members of the study committee shall serve without mileage, per diem, and subsistence. The study committee shall meet as often as is necessary, and shall convene no later than sixty days after the effective date of this act.

The study committee shall submit its recommendations to the Chairman of the Senate Judiciary Committee, Chairman of the House of Representatives Judiciary Committee, and the members of the Senate and House of Representatives no later than January 1, 2011, at which point the study committee will dissolve./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

**Amendment No. 49**

Senator MULVANEY proposed the following Amendment No. 49 (DKA\3998DW10), which was adopted (#21):

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:

*/ 89.\_\_ (GP: Regulations) For the current fiscal year, if a state agency proposes a regulation that levies or increases a fee, fine, or that otherwise generates revenues, the title to the Joint Resolution which proposes the regulation must indicate that a fee, fine, or revenue source is being proposed.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved that the amendment be adopted.

The amendment was adopted.

**Amendment No. 55**

Senator MULVANEY proposed the following Amendment No. 55 (DAD SUSPEND ETV2), which was tabled:

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: Suspend Operations of ETV) Operation of the Educational Television Commission shall be suspended for Fiscal Year 2010-11 and all of their general fund appropriation and all other funds carried forward from the prior fiscal year, excluding federal funds and donations or gifts bound by donor stipulation shall be transferred to the Department of Public Safety for law enforcement officers.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MULVANEY explained the amendment.

Senator HAYES spoke on the amendment.

**Point of Order**

Senator PEELER 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 MULVANEY resumed explaining the amendment.

**Remarks by Senator MULVANEY**

Gentlemen, I have one amendment -- one real amendment. We have had some small ones, some less controversial ones, but I want to warn you, this one is controversial. So I want to talk a little bit about why I am doing this, because on its face, it seems fairly hard-hearted. This budget amendment is fairly simple. It takes all of the money from Educational Television this year -- all of it -- every single penny and gives it to the Department of Public Safety for law enforcement officers. That’s about it. What’s the argument in favor? You know what the argument is and I guess we’ll get a chance to talk about it with some questions. The argument is -- what’s the priority? What’s the priority as a State when we’re as short as we are with funding our law enforcement officers? Do we really need to be in the television business? I’ll be happy to take some questions.

Senator LEATHERMAN: Senator, are you aware that ETV supports K-12 beyond belief? Throughout the schools are we proposing that we shut them down for one year and not allow those programs to be broadcast in the classrooms?

Senator MULVANEY: Yes, sir.

Senator LEATHERMAN: Senator, we are trying to improve education. Are you opposed to little Johnny and little Suzy out there getting those ETV programs to help to them learn to read and write? Are you opposed to that?

Senator MULVANEY: I’m not opposed to education, Mr. Chairman. You know that I am not. You also know you may be aware that the next amendment in line actually takes the money from ETV and gives a portion of it to EFA, so we can have more discussions about how to best spend money for education in a few minutes but the bottom line is that we are in the television business -- the State of South Carolina is in the television business. You can go home any night. I do. I watch ETV, and you can’t tell the difference most of the time between ETV and regular television. This amendment has nothing to do with an attack on ETV. It is simply, in my mind, sir, a prioritization. Is ETV more important than putting more law enforcement officers on the roads?

Senator LEATHERMAN: Senator, I thought I heard you say just now “take a part of the money” and transfer it. What I am reading here is that it suspends operation and transfers all of their General Funds and other funds.

Senator MULVANEY: Yes, sir, but, Mr. Chairman, what I had mentioned was that the next amendment in line actually does the same thing. It takes all of the money away from ETV and splits it into three pieces, one of which is for EFA funding.

Senator HAYES: I just wanted to follow up with what the Senator from Florence was telling you. Not only does ETV provide distance learning for K-12, but, also, it is an integral part of higher education and also for law enforcement. They do training for law enforcement as well. So the very people you are trying to help with this, once again, are being hurt. It’s not just your public television or public radio; it’s a very small part. We have invested a great deal of money and effort to get these programs out to the colleges and the K-12 and law enforcement all over the State. Certainly, as well-intentioned as your priorities are, I think this is against some of the priorities that you claim to be seeking.

Senator MULVANEY: I appreciate that Senator. I do accept that reasonable minds can disagree on this, but I would suggest to you that if your interest is really in public safety then the top priority should be officers. While ETV certainly does play a public safety role, it’s a very attenuated role -- it’s not a direct or primary role -- and that the best way to deal with public safety would be with more officers. By the same token, ETV has an attenuated role in education. Certainly the best way to impact education would be to get more teachers in the classroom, which will be in the next amendment. So, I hear what you are saying. I think we will have to respectfully disagree on this one, but, I think your point is well-made.

Senator PINCKNEY: What do you have against Big Bird? I mean, did Elmo do something to you or did Oscar the Grouch say something wrong?

Senator MULVANEY: Senator, you make an excellent point. You can get that on regular television these days. When you and I were young men that was not the case. When ETV was started, it was what? One of three or four channels and there was no outlet for that kind of educational programming.

Senator PINCKNEY: But, now Senator, you can’t get Big Bird on anyplace but public television. Now how am I going to explain to my one-year old that she can no longer watch Barney and I tell her that my seatmate from Lancaster said that public TV is no longer worth funding? How do we tell teachers in the classroom that they can no longer have the science shows. What about Great Performances for our fellow lovers of classical music. How do we not have these wonderful shows that really add to the life of our children and bring families together? I can’t go home and tell my daughter that I cancelled Big Bird. I just can’t do that. Help me explain to her why we are cancelling Big Bird.

Senator MULVANEY: Let me answer this way, Senator. My 10-year old triplets are at the point where they are not watching many -- if not any -- of those shows, but they used to just the same as all the rest of our children did. We were big into *Blues Clues*, that was the big one for us and then there was *Where in the World is Carmen San Diego*, I think, was another one, all right? Those are all available on regular television. The history shows that you talked about are excellent programming which is another part of ETV. There’s the History Channel, there’s a National Geographic Channel, there are literally dozens of channels that are privately owned and not funded by the State.

Senator PINCKNEY: Now Senator, I don’t mind if you cancel Barney and I take away all the funding in the world from Barney. I don’t mind that. Now, if you are going to cancel all of public television, that becomes almost as silly as my questions. I mean public television is a vital part of what we do as a State and, I mean, law enforcement is important but wouldn’t you agree that for preschoolers and their parents and the rest of us -- don’t you see any real benefit for public television?

Senator MULVANEY: Absolutely I do. This is not about whether or not there is a benefit here. Absolutely, that is not the debate. The debate is the priorities. We have heard so much for the last several months about how we are cutting through fat, we’re cutting through muscle, all the way down to the bone. We have heard that we cannot provide the most basic essential services. And my point is simply, that in this circumstance, educational television is not an essential service.

Senator PINCKNEY: Senator from Lancaster, if we don’t fund public television, you are going to need to help me explain it to a six-year old why we cancelled Barney and Sesame Street, and Cailliou and Word Girl, and Between the Lions, and I know all of that because I have young children so I am going to need you to help me understand if we are going to pass your amendment.

Senator MULVANEY: We have been down that road together. This past summer a tremendous series -- Ken Burns’ baseball series -- was available on ETV and regular television. It is almost impossible these days, aside from the pledge drive and the special programming that usually focuses on this Chamber and the House Chamber, to tell the difference in what we are doing in educational television and what you can get on regular TV. Again, this amendment is not about the benefits of ETV, it’s not about the fact that ETV does not provide something valuable to the community; certainly, it does. It’s simply about priorities in an unusually desperate financial situation.

Senator BRYANT: Isn’t it true that there is a lot of private support for Educational Television?

Senator MULVANEY: It is my understanding that there is. I have contributed to it in the past in this State and in other states. My understanding is that there is a lot of private support.

Senator BRYANT: They’ll say brought to you by and they’ll name a corporation or foundation, whatever. So your amendment wouldn’t necessarily shut down ETV, would it? It would just shut down the state portion and it might even increase private investment. And maybe they might want to sponsor “This Week in the Senate,” the President *Pro Tempore* show. I don’t know.

Senator MULVANEY: And maybe the Senator from Jasper would be the first in line to increase his donation so that his child can continue to watch Sesame Street. If it is valuable enough to the community, they will support it. That is the whole concept behind regular television. And, if you do believe that ETV does provide a valuable service, let it stand on its own. What I really think we are saying, what we are hearing in here from folks opposed to this amendment, is that it doesn’t provide enough of a service to stand on its own. We can’t afford that this year. I think it is time for it to go on its own for this year.

Senator BRYANT: And, Senator, if this does pass, I would tell constituents that are disappointed, if they can’t see Big Bird -- and we don’t know that -- but, that we could tell them that the roads are safer because we are putting the funds toward law enforcement. Did you know that if this passes that I plan to tell folks that are disappointed if their favorite shows are discontinued, that the roads are a little bit safer now because we put this money in law enforcement?

Senator MULVANEY: I think that would make sense, yes, sir.

Senator PEELER: Senator from Lancaster, did you know that a group of Representatives meet every Thursday morning about 9:30 in 5-1A Blatt Building to watch “This week in the Senate,” -- the President *Pro Tempore* calls it “The Senate Speaks,” I think, and if this amendment passed, it would be dead on arrival in the House because they have nothing else to do on Thursday morning and it would eliminate this show. I can’t imagine the House going along with you doing away with ETV.

Senator MULVANEY: I would have you know that my first introduction to the Senate -- actually my first two formal introductions to the Senate were thanks to ETV. Number one, I was amongst that group that used to sit in Jimmy Merrill’s office and watch that program -- all five of us in the State who were doing that. And, then my first formal introduction as a member of the Senate was on the President *Pro Tempore’*s show with the Senator from Lexington. I can tell you that was a very interesting introduction to the Senate when you come over from the House.

Senator PEELER: I’ll have to get the archives and look at that one, and, when everyone else gets through with their humor, Mr. PRESIDENT, I remember either you or the other presiding officer ruled yesterday that a similar amendment was ruled out of order because it violated Rule 24 and this would be the same thing. This amendment suspends permanent law and transfers so I would make that Point of Order that it is in violation of Rule 24.

Senator MULVANEY: I think it’s pretty straightforward that it does none of those things. It simply takes, for one year, the money from ETV. It does not change any permanent law in any fashion. It simply takes the funding and then moves it over to other line items and in this case another line item in the budget. It is exactly the type of amendment that I think is well within the lines of Rule 24. There is no permanent law affected in any fashion and it deals with the expenditure of funds.

Senator CAMPSEN: Senator, I applaud your efforts to try to focus the budget on the core functions of government, but, I am sure you would agree, that one core function of government is legislating. Wouldn’t you agree with that? What we do in the General Assembly, that’s a core function of government, isn’t it?

Senator MULVANEY: I would think so, yes sir.

Senator CAMPSEN: And you would also agree that since the House does watch the President *Pro Temporepore*’s show every week, since they began that, that the quality of their legislative product has gone up dramatically has it not? Senator, would you agree with that one?

Senator MULVANEY: *(Laughing)* Can I pass on that one?

Senator CAMPSEN: As a recent former House member, you can pass on that one. But, my concern is that they are not watching it just for entertainment value, but, also to be enlightened. And my only concern, my only concern with your amendment is that if we cut out that show and we have that educational opportunity no longer available to the House that a core function of government, dealing with lawmaking, may go down dramatically -- the quality of the work product.

Senator MULVANEY: Let’s talk about that, because I use this service. In fact, often times I know many of us, we will sit at our desk and watch what’s happening in the House on the ETV link that is available on the website. To that extent, it is used. There is no question. First, I would say that that is easily enough done without ETV. We could simply wire this room up to do a live feed on the Internet without ETV’s intervention and still allow that information to get out. Secondly, with all due respect to the group that watched this on Thursday morning -- and I was one of them -- there were maybe half a dozen of us on a really, really good day.

Senator CAMPSEN: No, I’m trying to be funny.

Senator MULVANEY: The point is that a lot of the things that ETV does, including coverage of the State House, both Chambers, could be done in another fashion without spending the taxpayer’s dollars.

Senator CAMPSEN: I agree with that.

Senator MASSEY: Senator, tell us again how much money we are talking about here from ETV, do you know?

Senator MULVANEY: I do, I think it’s about $9.9 million plus whatever is in the appropriate carry forward funds which, I think, was another $2 or $3 million. It translated, by the way, roughly into someplace between 175 and 190 additional law enforcement officers on the roads next year.

Senator MASSEY: And that was going to be my next question. We’re talking to somewhere between probably $12 and $13 million and how many troopers are we talking about with that?

Senator MULVANEY: 175 to 190 are the numbers I was given by staff.

Senator MASSEY: Senator, my good friend, the birthday boy, over here, asked me if public radio is included in this? Do you know anything about that?

Senator MULVANEY: I believe that it is, but, again, I don’t want to say something that is inaccurate from the dais. I believe that it is a line item from within the ETV section.

Senator MASSEY: So, what you are trying to do is to give more money Public Safety to put troopers on the road, is that right?

Senator MULVANEY: That is the intent of what this amendment does. Yes, sir.

Senator MASSEY: Senator, are you aware that and I hope that everybody will listen to this, because there are probably some people who don’t know this; but, are you aware that there is hidden within the provisos of this budget an increase in registration fees for motor vehicles?

Senator MULVANEY: Would you tell me more about that, please?

Senator MASSEY: Well, every year we have to register our cars, are you aware of that?

Senator MULVANEY: Are you talking about Proviso number 89.135?

Senator MASSEY: Sounds like you are familiar with it.

Senator MULVANEY: This is the proviso that raises the registration fees for automobiles by $6?

Senator MASSEY: That’s right. And are you aware that this fee is being increased in order to give money to troopers, a bunch of it.

Senator MULVANEY: I think that the proviso specifically says that the money that is used from that car registration fee, or the increase in the car registration fee, will be used for law enforcement officers, yes sir.

Senator MASSEY: All right then. Are you aware that what we are talking about with that increase in registration fees is somewhere a little over $22 million?

Senator MULVANEY: I had heard that, yes, sir.

Senator MASSEY: All right, now, Senator, you were here last week, when we had a pretty spirited debate on legislation that the Chief Justice asked for regarding court fees. Do you remember that?

Senator MULVANEY: I was here for that.

Senator MASSEY: Do you remember us having a debate about whether we should raise fees $22 million in order to help the highway patrol?

Senator MULVANEY: I don’t remember any debate as to whether or not we should raise taxes $22 million for the highway patrol.

Senator MASSEY: Do you remember us having any debate at all on this floor about what kind of position the highway patrol was in, the financial position the highway patrol was in and whether we actually need to, let’s call it what it is -- we are raising taxes on everybody across the State pretty much, on people who own cars, isn’t that right?

Senator MULVANEY: We are.

Senator MASSEY: Do you remember hearing any type of debate in this body about what the financial situation was with the patrol and why we needed to raise that amount of money?

Senator MULVANEY: Nope.

Senator MASSEY: Are you aware, Senator, that there are several people in here who believe that that proviso potentially violates the Rules of the Senate?

Senator MULVANEY: I am aware of that, yes sir.

Senator MASSEY: Now tell us, Senator, what happens, if that Point of Order is made and sustained -- as I believe that it probably would be -- and the patrol loses that amount of money and they are not getting the $9 million that you are asking for here. What’s going to happen to the patrol?

Senator MULVANEY: They are going to lose several hundred positions. What you are talking about is *Proviso* 89.135 which proposes to raise registration fees on automobiles by about $22 million. There has been some discussion, I have been aware of some discussion, as whether that proviso violates Rule 24. If it goes away, wouldn’t it be nice to have the additional money here to keep those officers on the road? If that is what you are getting at, I tend to agree with you Senator.

Senator MASSEY: Now tell me, I know you are not opposed to education. You probably even like Big Bird. Is that right?

Senator MULVANEY: I was a Grover fan, myself. But, that probably is getting more information than most people need, but, I was a big Grover fan.

Senator MASSEY: Senator, do you believe like I do that at some point this State is going to have to make responsible budget decisions and going to have to start prioritizing the things that are core essentials for government as opposed to the things that we want?

Senator MULVANEY: Well, let’s talk about that. Why would somebody, by the way, who is running for Congress get up and do something as unpopular as this? Why would I do that? Because I believe that we are making some mistakes here in this process. What I have not seen -- and with all due respect to the Finance Committee -- what I have not seen are the really, really difficult cuts. I know that there have been cuts. I know that there have been cuts through fat, through muscle, down to the bone. But, when I see a budget that still has ETV services in it, what that tells me is that we are in a state of denial.

Senator MASSEY: How about the Arts Commission, Senator?

Senator MULVANEY: And the Human Rights Commission and the various other groups? What that tells me is that we have not come to grips with what is going to happen next year when the stimulus money is gone. We are simply kicking the can down the road for another year saying that,   
“Well, we hope it gets better next year.” We really are in a position to make the really, really unpopular decisions this year by looking at things that are very popular like the Arts Commission and like Educational Television. So, yes, sir. That is the root of what is getting ready to happen here.

Senator MASSEY: So when that Point of Order is made and it is sustained and we lose that money and then we also don’t have the $9 million or actually $12 or $13 million from here, then we are talking about the patrol having some real problems because this body, and lets include the House in this, failed to budget in a responsible manner, isn’t that right?

Senator MULVANEY: I tend to agree, yes, sir.

Senator MASSEY: I appreciate your amendment. Thank you.

Senator RANKIN: Is this a sincere amendment where you genuinely want to take the money that is operating ETV away from them and let them rest solely on sponsorships?

Senator MULVANEY: Well, Senator, I have not been in the body very long -- you and I don’t know each other extraordinarily well -- but I think it would be entirely consistent with everything you have seen out of me for the last year and a half to say that I am very interested as to what the core function of government is. So, I think that, yes, it is absolutely a sincere motion. In fact, I am at somewhat of a loss as what you think it might be other than that.

Senator RANKIN: Well, I wonder. Do you have an educational radio or television satellite within Lancaster? Do they broadcast in Lancaster?

Senator MULVANEY: I think that the nearest broadcast is in Rock Hill.

Senator RANKIN: Is that part of your district?

Senator MULVANEY: It’s not. I believe that the actual facility itself lies in the other Senator from York’s district, but, it is very close to the boundary between my district and his. My guess is that I probably have folks in my district who work for educational television.

Senator RANKIN: OK. Are you aware of what the State appropriated to modernize the technology for ETV? Perhaps, when you were in the House? Do you recall?

Senator MULVANEY: That number does not ring a bell for me, Senator. I’m sorry.

Senator RANKIN: OK. We appropriated a huge expense of money that we as a State advanced to modernizing the satellites and the broadcast and broadband.

Senator MULVANEY: Wasn’t there something there for broadband as well? Yes, I remember that.

Senator RANKIN: And so, would you have that money and that expense effectively shut down or were you just saying you can exist, but you are not going to exist with state dollars.

Senator MULVANEY: I don’t think it’s wasted, if that’s your point. I mean it is certainly an asset. It can still function. Again, if ETV offers something worthwhile to the public, it would strike me that the public would support it and it would continue to work and that the money we have expended as a State would not go to waste. You could see it being privatized possibly and sold off.

Senator RANKIN: So, you would want to sell ETV?

Senator MULVANEY: I would want ETV to make its own decisions. What I am trying to do is to simply say, “Listen, we can no longer afford in this economic environment to make ETV a priority.”

Senator RANKIN: Do you know that they are actually making money, when they produce locally within South Carolina, both music and television programming? Are you aware that they make money?

Senator MULVANEY: I have no reason to believe that is false, no, sir.

Senator RANKIN: Are you a listener, by chance, of either the radio or do you watch ETV?

Senator MULVANEY: I listen to more public radio than folks on my side of the aisle would probably be comfortable with.

Senator RANKIN: Are you aware of the fundraising efforts that they have where they will give you a cup, give you music, give you a T-shirt if you give $100 or higher?

Senator MULVANEY: Yes, sir.

Senator RANKIN: Have you ever contributed to that?

Senator MULVANEY: You probably can tell from my political philosophy that I am a big fan of the Prairie Home Companion, which I do listen to religiously on Saturday.

Senator RANKIN: Have you ever contributed to ETV as a member?

Senator MULVANEY: I don’t know if I gave to the channel in North Carolina when I lived in North Carolina, or if I do now.

Senator RANKIN: You know, in fact, there is talk about people like you. I’m not talking about North Carolina ETV, I’m talking about your own State. You are a taker and not a giver.

Senator MULVANEY: The point is there were several gentlemen who got beat up last week for telling things that were not exactly 100% accurate from the dais, but what I’m telling you is that I have supported public television and public radio in the past. In my district we get both TV and radio from North Carolina, and I am not precisely sure to which I have given.

Senator RANKIN: Is that with your heart or with your pocketbook?

Senator MULVANEY: There were checks, there was no question about that.

Senator RANKIN: All right, is that SC ETV or is that North Carolina?

Senator MULVANEY: Where I live, it is always hard to tell.

Senator RANKIN: I am genuinely concerned because it is not just about what we have spent and the federal money that is also appropriated that we get as a result of a product that we generate here. Marian McPartland’s show is made here. It is a product produced out of South Carolina. She is a world-renowned pianist. Have you ever heard of her?

Senator MULVANEY: I have, yes.

Senator RANKIN: And there are others, many others, that they produce that are making money for us. I wonder for not just the Barney’s and the other great programs that are now leaving my mind because my children now are ages 9 and 12 -- I wonder for the young families who not only are getting the benefit of all this, but also, for those in the classroom -- whether you would tell the teachers that this is positive for them? That we are going to shut the lights off at ETV.

Senator MULVANEY: Absolutely I would. I would not hesitate to tell teachers that this is good for them. Because what I would tell them is, “Listen, we had a choice in Columbia between continuing ETV and putting 180 additional police officers on the streets.” Now, I could have that conversation straight in the face with any teacher in this State. So, yes, sir. I could not be up here making this amendment in good faith if I could not have that exact conversation.

Senator RANKIN: So, you are taking this money and putting this to hiring more police officers for the streets and highway patrolmen?

Senator MULVANEY: That’s exactly right.

Senator RANKIN: And your support -- and I don’t know if there are efforts to increase within the budget by the agency responsible for that or the subcommittee -- are you saying that you are taking ETV off the TV and putting more cars and troopers on the road and that’s for one year?

Senator MULVANEY: Yes, I can only do it for one year without violating Rule 24.

Senator RANKIN: And you would hire somebody and you as a potential employee would take a job that you knew had a shelf life of only one year?

Senator MULVANEY: I think I took a job like that in the House, didn’t I?

Senator RANKIN: That’s a two-year job.

Senator MULVANEY: OK. Is that what it was?

Senator RANKIN: And sincerely, there is no way you are going to train, the police academy is going to train these folks…

Senator MULVANEY: This body can see the benefit of having the additional 180 officers on the road. Actually we can do this again next year, can’t we? This a recurring line at ETV. So we can be right back up again next year and have this same conversation and you can vote for it again next year if you want to.

Senator RANKIN: To delete ETV, but increase law enforcement?

Senator MULVANEY: Yes, sir.

Senator RANKIN: Now, that is a great argument and I hope you get to make that somewhere beyond the Senate. Perhaps you’ll get to make that in Congress. I am curious though, in all sincerity, with all that you’ve got that are the benefits of ETV and you have heard smatterings of the offerings that they have -- radio, television, broadcasting, production -- I guess, perhaps, if there is one show that you might not like, perhaps not the Senate or the House, but maybe you would like to delete the State of the State Address? Because, surely there are fewer people watching that than watch the ….

Senator MULVANEY: You are barking up the wrong tree on that one, Senator. I would have no difficulty cutting out the State of the State Address.

Senator RANKIN: And I am curious, have you ever, after the State of the State Address, gotten in the line-up as a House member, Senator, to speak about the comments of the Governor?

Senator MULVANEY: No, sir.

Senator RANKIN: You have not?

Senator MULVANEY: No, sir.

Senator RANKIN: You ought to try it. You get a lot of points at home if you do.

Senator MULVANEY: No, sir. I don’t have the patience for that.

Senator SHEHEEN: Mr. PRESIDENT, has the PRESIDENT ruled on the Point of Order?

Senator McCONNELL: No, I am getting ready to.

Senator SHEHEEN: I would love to hear it before we have a lot more dialogue.

Senator McCONNELL: Alright, I have looked very carefully at this. It was probably one of the most difficult Points of Order, Senator from Cherokee. And, at first glance it raises serious questions under Rule 24. We looked at the statute on ETV. The statute on ETV is loosely drawn and only uses precatory language regarding decision-making. The amendment has been carefully worded to use the word “spend” for the fiscal year and the appropriation and then has excepted out from coverage all the funds that are otherwise directed in the statute. For that reason, it appears to fit. It does not conflict with, amend or add to the permanent law. It very neatly fits into an exception to suspend for a year. So for that reason we will have to overrule the Point of Order. But, I tell you it was a very difficult Point of Order.

Senator FAIR: Senator, did the Senator from Aiken when he was questioning you ask if you knew that there was a proviso hidden in the budget? Did he say “hidden” in the budget.

Senator MULVANEY: No. What I heard was there was a tax increase hidden in the budget. If he had said there was a proviso hidden in this budget, obviously -- we don’t “hide” provisos in the budget.

Senator FAIR: He was referring to the $6 tag saying that you subsequently talked about?

Senator MULVANEY: Yes, sir.

Senator FAIR: Did you have any trouble finding it?

Senator MULVANEY: No, sir. I sat down to read it.

Senator FAIR: Would you say that it was hidden?

Senator MULVANEY: As a tax, yes, sir, I think that it is. Because it doesn’t use the word “tax.” It doesn’t pass nearly, for example, the level of debate that we had last week on something that was one tenth the size.

Senator FAIR: Putting semantics aside, wouldn’t you agree that it was not hidden? And, did you know Senate Finance and maybe three subcommittees debated that with the leadership with the public present? To suggest to the public that it was hidden I think is an attack really on what we were trying to get done --what we are trying to get done with that and we will have to live with the consequences of what comes in the hours ahead. But, one of the questions that you asked, I have the answers to. What will happen if that $6 additional tax -- although it is not a tax -- on tags, doesn’t come to fruition? The House, by the way -- with the House version of the budget when it came over here had already cut the Highway Patrol by 90 officers without any further reductions, the Department of Public Safety has to lay off an additional 152 officers and not all of those are highway patrolmen.

Anyway, without this money, it gets down to 654 which is roughly half of what the highway patrol will be. Do you know which counties they are coming to Senator, to do away with the third shift first? I’m just kidding. There are a lot of us -- I have a smile on my face -- but I am very, very concerned about what is going to happen to Public Safety of South Carolina. Now, we have the option in the Senate, did you know, to pull the trigger on what we think is an “ought to be” situation and override a circumstance that we refer to as “what is”? And we are talking about “what is”. We are looking at a reduction in force in the Highway Patrol, did you know that? Let me suggest something. You may get some more votes if you were to carry this over. Because if the attack on the Highway Patrol continues, and that funding source is removed, then eliminating ETV becomes an option along with eliminating libraries in Clarendon County and other things because we have to have the Highway Patrol.

Senator MULVANEY: Well, it’s not true, because what you are getting ready to say is that the funding source we have is the tax, and it’s not true. The funding source we have is the General Fund. And we made a decision not to fund the officers fully.

Senator FAIR: That’s correct, and you are trying to offer something by replacing it. At least that is better than what some will do and I am suggesting to you that you don’t have a chance of passage, in my opinion, with this right now. And, whereas later, if the attack on the Highway Patrol continues and if successful, then you might have a chance in passing your desire.

Senator MULVANEY: Thank you, Senator.

Senator MASSEY: Senator, I want to see if you heard what I just heard? Did you just hear that if we actually follow the rules, imagine that, if we actually follow the rules, that we will actually be responsible and find money to fund the Highway Patrol? Did you just hear that?

Senator MULVANEY: I could see how you could have heard that, yes, sir.

Senator MASSEY: That if we actually follow the rules, that we will start prioritizing in funding the core essentials of government. By cutting things like -- unfortunately and I would hate to do this -- but if we have to start ranking the Highway Patrol and ETV, the patrol is going to win out for me. But that we will start ranking things and we are going to start funding the core essentials of government.

Senator MULVANEY: That’s what this is. This is ranking. Face it. That’s what we’re doing. That’s what this entire process is about. How are we going to rank the priorities of the State of South Carolina? I think this amendment simply looks at the budget and says, I think, that a small piece of it is out of whack. $9 million is not properly spent. It has nothing to do with ETV. Gentlemen, I appreciate your time. I also appreciate your questions and I move adoption.

\*\*\*

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

Senator HAYES moved to lay the amendment on the table.

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

**Ayes 28; Nays 14**

**AYES**

Alexander Campbell Coleman

Cromer Elliott Fair

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* McConnell McGill

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Scott Setzler Sheheen

Williams

**Total--28**

**NAYS**

Anderson Bright Bryant

Campsen Cleary Davis

Grooms *Martin, Shane* Massey

Mulvaney Rose Ryberg

Thomas Verdin

**Total--14**

The amendment was laid on the table.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Remarks by Senator LEVENTIS**

Mr. PRESIDENT, I ask that the remarks of Senator MULVANEY, the Senator from Lancaster, be placed in the Journal and, when I finish, I will ask that my remarks be placed there as well.  I do this not as a tete-a-tete--mine against his--not at all.

I consider the Senator from Lancaster to be a friend.  But I see an emerging pattern that goes into two camps.  One being that the reason we are not funding education properly is because we are squandering money in other areas.  The other I see is that the reason we are not funding education properly is because we have not prioritized matters.

Senator from Lancaster, I have always been against--and will remain against--fiscal autonomy for school districts because the school boards are charged with a very serious and important matter of education that, by nature, is fairly narrow.  We, on the other hand, are charged with shaping a budget that balances all of the demands of 4.6 million South Carolinians and education.

While I believe education is an absolute priority, I believe just as strongly that quality of life is a priority that reflects directly upon whether business, industry and individuals come and/or remain in South Carolina. Therefore, I cannot be forced to say that we could take all those small agencies at the bottom and eliminate them in order to fund education or law enforcement, and then, at the end of the day, say that I’ve done a good day’s work.

If we eliminate parts--and no one is suggesting that, nor am I suggesting that they have--but if we eliminate agencies such as  SCETV (which has been suggested), Vocational Rehabilitation and a lot of the agencies that are not too large just because they are not our priorities, then our actions virtually impact the quality of life in South Carolina in a way that will undermine our efforts to grow the state’s economy, population and the young citizens we will look toward to take care of us in our later years.

To sum up, we need for people to know not only what we end up with as a budget based on the leadership of our Finance Chairman, Senator LEATHERMAN, and members of this Senate; but, we also need them to understand some of these proposals so that they can make up their minds as to whether or not we have secured a legitimate way to fund the core functions of government--and one of those core functions is providing a quality of life for all of our citizens that will help South Carolina grow and prosper.

Thank you.

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

**Expression of Personal Interest**

Senator MULVANEY rose for an Expression of Personal Interest.

**Point of Order**

Senator CLEARY raised a Point of Order that Proviso 90.5 of Part 1B was out of order inasmuch as it was a revenue raising measure and must originate in the House of Representatives.

**90.5.** (SR: Criminal Justice Academy Funding) (A) In addition to all other assessments and surcharges, during the current fiscal year, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates’ or municipal court for misdemeanor traffic offenses or for nontraffic violations. No portion of the surcharge may be waived, reduced, or suspended.

(B) The revenue collected pursuant to subsection (A) must be retained by the jurisdiction, which heard or processed the case and paid to the State Treasurer within thirty days after receipt. The State Treasurer shall transfer the revenue quarterly to the South Carolina Criminal Justice Academy.

(C) The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B). The State Auditor is further authorized to conduct these examinations and the local jurisdiction is required to participate in and cooperate fully with the examination.

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

**RECESS**

At 7:15 P.M., on motion of Senator LEATHERMAN, the Senate receded from business until 8:15 P.M.

**NIGHT SESSION**

The Senate reassembled at 8:34 P.M. and was called to order by the PRESIDENT *Pro Tempore*.

**THE SENATE RESUMED CONSIDERATION OF H. 4657, THE GENERAL APPROPRIATIONS BILL.**

The Senate resumed consideration of the Bill, the question being the third reading of the Bill.

**Amendment No. 56**

Senator MULVANEY proposed the following Amendment No. 56 (DAD SUSPEND ETV), which was tabled:

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: Suspend Operations of ETV) Operation of the Educational Television Commission shall be suspended for Fiscal Year 2010-11. Of their general fund appropriation and all other funds carried forward from the prior fiscal year, excluding federal funds and donations or gifts bound by donor stipulation, one-third of the funds shall be transferred to the Department of Public Safety for law enforcement officers, one-third of the funds shall be transferred to the Department of Disabilities and Special Needs for in-home services, and one-third of the funds shall be transferred to the Department of Education to be distributed to local school districts based on the Education Finance Act formula.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MULVANEY explained the amendment.

Senator LOURIE moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 61**

Senators MASSEY and BRIGHT proposed the following Amendment No. 61 (DG ASMBILLFEE), which was tabled:

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:

*/ 89.\_\_\_ (GP: Bill Fee) For fiscal year 2010-2011, each member of the General Assembly shall pay a fee of $50 for every bill or resolution introduced in which the member is the primary sponsor. The fee shall be paid to the member’s respective house. The revenue raised pursuant to this proviso shall be transferred to the Department of Education to be transferred to school districts based on the Education Finance Act formula.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

**Objection**

Senator LOURIE asked unanimous consent to make a motion to perfect the amendment by charging $100 per amendment to be offered on the General Appropriations Bill.

Senator MULVANEY objected.

Senator MASSEY resumed explaining the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 88**

Senators PEELER, KNOTTS and ROSE proposed the following Amendment No. 88 (DG HSPSUSPREN), which was adopted (#22):

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:

*/* /89.\_\_\_. (GP: Beach Renourishment Suspension) For fiscal year 2010-2011, Chapter 40 of Title 48 of the 1976 Code is suspended. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator PEELER explained the amendment.

**Remarks by Senator PEELER**

Yesterday, there was a Point of Order on a proviso on residential care homes and their inspections. Our committee, two or three months ago, rejected a request to increase fees to inspect residential homes and facilities. This was a way to pay for that without a fee increase, but it was ruled out of order under Rule 24. This kind of surprised me--that it was ruled out of order under Rule 24. It wasn’t a Rule 24 violation to stop funding ETV and shift the money to DPS? I understand that was a tough ruling, but I thought it was about the same. Anyway, this amendment I have before you now just suspends the beach nourishment program for one year and here’s why. I’m serious about this when I tell you about this. Don’t let this be you in a few years:

“Granddaddy,”

“Yes son.”

“My teacher tells me that you were a South Carolina State Senator.”

“Well, yes son, I was.”

“I understand you were a Senator in 2010.”

“Yes, son, I was.”

“Our teacher told us that it was the toughest economic time in the State of South Carolina since the War and since a thing called the Great Depression.”

“Yes, son, it was a very, very tough time in the State of South Carolina. It was a terrible recession. People were out of work. School teachers were losing their jobs. Sick, hungry children were left unattended. Mean people were walking the streets.”

“Well, Granddaddy, what did you do when you were in the Senate?”

“Well, let me tell you what I did, son. I paid millions of dollars to dump sand into the ocean.”

“You did what, Granddaddy?”

“I spent millions of dollars of hard earned, tax payers’ money to dump sand into the ocean.”

“Granddaddy, you mean like when we go to the beach and we make this thing called a sandcastle and it’s so pretty and then after a few hours, no matter how hard we work and no matter how hard we try to protect that castle, that ocean comes up and washes that sand away?”

“Millions of dollars, in the toughest economic time in the State and we dumped sand into the ocean.”

“Well, Granddaddy, why aren’t you still in the Senate?”

“Well, son, I think I just gave you the answer.”

Now, you’re going to hear how great dumping sand in the ocean is and what it’s going to do to our tourism in the State of South Carolina. I don’t care how pretty a sandcastle you build tonight; that ocean’s going to wash it away. I’ve put that just as plain as I can put it. If you can vote against this amendment and get re-elected, I’ll worry about your constituents.

Thank you.

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

**Objection**

Senator LOURIE asked unanimous consent to make a motion to perfect the amendment by directing any funds realized by the adoption of this amendment to the Education Finance Act funding formula.

Senator CAMPSEN objected.

**Objection**

Senator LOURIE asked unanimous consent to make a motion to perfect the amendment by directing any funds realized by the adoption of this amendment to the Education Improvement Act funding formula.

Senator HUTTO objected.

**Objection**

Senator LOURIE asked unanimous consent to make a motion to perfect the amendment by directing any funds realized by the adoption of this amendment to the Department of Public Safety.

Senator KNOTTS objected.

**Objection**

Senator KNOTTS asked unanimous consent to make a motion to perfect the amendment by directing any funds realized by the adoption of this amendment to the Criminal Justice Academy.

Senator LOURIE objected.

**Objection**

Senator BRIGHT asked unanimous consent to make a motion to perfect the amendment by directing any funds realized by the adoption of this amendment to the Department of Disability and Special Needs.

Senator MALLOY objected.

**Objection**

Senator ALEXANDER asked unanimous consent to make a motion to perfect the amendment by directing $790,000 realized by the adoption of this amendment to the Residential Care Facilities Inspection Program.

Senator CAMPSEN objected.

Senator PEELER resumed explaining the amendment.

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

**Ayes 28; Nays 14**

**AYES**

Alexander Anderson Bright

Bryant Cleary Coleman

Courson Hayes Jackson

Knotts Land Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Mulvaney Nicholson

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--28**

**NAYS**

Campbell Campsen Cromer

Davis Elliott Fair

Ford Grooms Hutto

Leventis McConnell McGill

Pinckney Rankin

**Total--14**

The amendment was adopted.

**Amendment No. 131**

Senators MALLOY, CAMPSEN and KNOTTS proposed the following Amendment No. 131 (4657R066.GM.DOCX), which was adopted (#23):

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

*/ 89. . (GP: Drug Court Program Funds) (A) During the current fiscal year, a Drug Court Program Fund is established within the State Treasurer’s Office separate and distinct from the State’s General Fund for the purpose of funding drug court programs.*

*(B) Solicitors who received drug court funds during prior fiscal years pursuant to Section 14-1-213, Section 8-21-320, or a General Appropriations bill who have not used the funds to establish or administer a drug court program by January 1, 2011, shall transfer such funds to the State Treasurer’s Office by February 1, 2011, to be deposited in the Drug Court Program Fund.*

*(C) Solicitors who receive drug court funds during the current fiscal year pursuant to Section 14-1-213, Section 8-21-320, or the General Appropriations bill who are not using the funds for the establishment or operation of a drug court program shall transfer such funds to the State Treasurer’s Office within thirty days of receipt, to be deposited in the Drug Court Program Fund.*

*(D) A person who is convicted, pleads guilty, or pleads nolo contendere for a drug offense in general sessions court, magistrates court, or municipal court during the current fiscal year must pay a fifty dollar drug court fee. No portion of the fee may be waived, reduced, or suspended, except in cases of indigency. If the court determines that a person is indigent, the court may partially or totally waive, reduce, or suspend the fee. The revenue collected pursuant to this provision must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer’s Office within thirty days of receipt, to be deposited in the Drug Court Program Fund. If the drug surcharge established by Section 14-1-213 is increased by a separate act of the General Assembly, this provision is null and void.*

*(E) Before a person may be discharged and the proceedings dismissed during the current fiscal year pursuant to Section 44-53-450, the person must pay a three hundred fifty dollar fee if the person is in a general sessions court and a one hundred fifty dollar fee if the person is in a summary court. No portion of the fee may be waived, reduced, or suspended, except in cases of indigency. If the court determines that a person is indigent, the court may partially or totally waive, reduce, or suspend the fee. The revenue collected pursuant to this provision must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer’s Office within thirty days of receipt, to be deposited in the Drug Court Program Fund. If a fee is established by a separate act of the General Assembly for a conditional discharge as contained in Section 44-53-450, this provision is null and void.*

*(F) The funds and revenue deposited in the Drug Court Program Fund during the current fiscal year pursuant to this proviso may be distributed pursuant to a resolution of the General Assembly passed during the current fiscal year. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator MALLOY moved that the amendment be adopted.

The amendment was adopted.

**Amendment No. 76**

Senator BRIGHT proposed the following Amendment No. 76 (DG LBARTDB), which was tabled:

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:

*/ 89.\_\_\_ (Art Commission Suspension) For fiscal year 2010-2011, state funding for the Arts Commission is suspended. The state funds that otherwise would have been appropriated to the Arts Commission shall be transferred to the School for the Deaf and the Blind. The Department of Education shall administer any grant program that the Arts Commission otherwise would have administered. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

**Objection**

Senator RYBERG asked unanimous consent to make a motion to consider Amendment Nos. 76, 77, 78, 84, 85, 86 and 87 *en banc*.

Senator BRIGHT objected.

Senator BRIGHT explained Amendment No. 76.

Senator HAYES moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 77**

Senator BRIGHT proposed the following Amendment No. 77 (DG LBARTDPS), which was tabled:

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:

*/ 89.\_\_ (Art Commission Suspension) For fiscal year 2010-2011, state funding for the Arts Commission is suspended. The state funds that otherwise would have been appropriated to the Arts Commission shall be transferred to the Department of Public Safety for the Highway Patrol. The Department of Education shall administer any grant program that the Arts Commission otherwise would have administered./*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator SHEHEEN moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 78**

Senator BRIGHT proposed the following Amendment No. 78 (DG LBARTDDSN), which was tabled:

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:

*/ 89.\_\_\_ (Art Commission Suspension) For fiscal year 2010-2011, state funding for the Arts Commission is suspended. The state funds that otherwise would have been appropriated to the Arts Commission shall be transferred to the Department of Disabilities and Special Needs. The Department of Education shall administer any grant program that the Arts Commission otherwise would have administered./*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator SHEHEEN moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 84**

Senator BRIGHT proposed the following Amendment No. 84 (DAD SUSPEND COMM ON WOMEN FOR DDSN), which was tabled:

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:

/ *(Suspend Commission on Women State Funds) For Fiscal Year 2010-11, state funding for the Commission on Women is suspended. The state funds that otherwise would have been appropriated to the Commission on Women shall be redirected to the Department of Disabilities and Special Needs.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator HUTTO moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 85**

Senator BRIGHT proposed the following Amendment No. 85 (DAD SUSPEND MINORITY AFF FOR DDSN), which was tabled:

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:

/ *(Suspend Commission for Minority Affairs State Funds) For Fiscal Year 2010-11, state funding for the Commission for Minority Affairs is suspended. The state funds that otherwise would have been appropriated to the Commission for Minority Affairs shall be redirected to the Department of Disabilities and Special Needs.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator PINCKNEY moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 86**

Senator BRIGHT proposed the following Amendment No. 86 (DAD SUSPEND CONSUMER AFFAIRS FOR DDSN), which was tabled:

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:

/ *(Suspend Department of Consumer Affairs State Funds) For Fiscal Year 2010-11, state funding for the Department of Consumer Affairs is suspended. The state funds that otherwise would have been appropriated to the Department of Consumer Affairs shall be redirected to the Department of Disabilities and Special Needs.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator HUTTO moved to lay the amendment on the table.

The amendment was laid on the table.

**Statement by Senators RYBERG, ROSE, BRIGHT, DAVIS**

**VERDIN, BRYANT and MULVANEY**

We voted against tabling Amendment Nos. 76, 77, 78, 84, 85 and 86. Senator BRIGHT offered good faith proposals to move money from certain state agencies into services for the children and the disabled. While each of the agencies in question provides a service of value, we believe that services to children and the disabled reflect the core mission of government. This budget calls for prioritization, and these amendments made the right priorities with taxpayer dollars.

**Amendment No. 87**

Senator BRIGHT proposed the following Amendment No. 87 (DAD SUSPEND HUMAN AFF FOR DDSN), which was tabled:

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:

/ *(Suspend Human Affairs Commission State Funds) For Fiscal Year 2010-11, state funding for the Human Affairs Commission is suspended. The state funds that otherwise would have been appropriated to the Human Affairs Commission shall be redirected to the Department of Disabilities and Special Needs.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator PINCKNEY spoke on the amendment.

Senator PINCKNEY moved to lay the amendment on the table.

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

**Ayes 30; Nays 12**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Courson

Cromer Elliott Fair

Grooms Hayes Hutto

Jackson Knotts Land

Leventis Lourie Malloy

*Martin, Larry* McConnell McGill

Nicholson O’Dell Pinckney

Rankin Scott Setzler

Sheheen Shoopman Williams

**Total--30**

**NAYS**

Bright Bryant Davis

*Martin, Shane* Massey Mulvaney

Peeler Reese Rose

Ryberg Thomas Verdin

**Total--12**

The amendment was laid on the table.

**Point of Order**

Senator MULVANEY raised a Point of Order that Proviso 64.1 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**64.1.** (CA: Consumer Protection Code Violations Revenue) Funds, paid to the department in settlement of cases involving violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended within the agency’s budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these violations, may be carried forward and expended for the same purposes in the current fiscal year.

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

**Point of Order**

Senator MULVANEY raised a Point of Order that Proviso 64.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**64.2.** (CA: Student Athlete/Agents Registration) Funds received by the department of Consumer Affairs pursuant to registrations under Chapter 102 of Title 59 of the 1976 Code may be retained by the department for its enforcement duties relating to athlete agents and student athletes under that chapter.

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

**Point of Order**

Senator MULVANEY raised a Point of Order that Proviso 64.3 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**64.3.** (CA: Expert Witness/Assistance Carry Forward) Unexpended encumbered appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the next fiscal year to meet contractual obligations existing at June 30 and not paid by July 31.

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

**Point of Order**

Senator MULVANEY raised a Point of Order that Proviso 64.4 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**64.4.** (CA: Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention) The Department of Consumer Affairs may retain all Consumer Credit Grantor Notification filing fees collected under Section 37-6-203 and all Maximum Rate Schedules filing fees collected under Section 37-2-305 and Section 37-3-305. These fees shall be used to offset the cost of administering and enforcing Chapters 2 and 3 of Title 37 of the 1976 Code and may be applied to the cost of operations. Unexpended balances may be carried forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.

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

**Point of Order**

Senator MULVANEY raised a Point of Order that Proviso 64.5 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***64.5. (****CA: Retention of Fees)* *For Fiscal Year 2010-11, the department may retain all fees collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of the 1976 Code. The funds retained shall be utilized to implement the requirements of the programs mandated by those sections of the code.*

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

**Amendment No. 89**

Senator FAIR proposed the following Amendment No. 89 (DC JOINT CHILDREN'S COMMITTEE), which was adopted (#24):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 522, after line 11, by adding an appropriately numbered new proviso to read:

*/ 89.\_\_\_ (GP: Joint Children’s Committee) For the current fiscal year, the Department of Revenue is directed to reduce the rate of interest paid on eligible refunds by one percentage point. Of the revenue resulting from this reduction, $250,000 shall be transferred to the Senate for the Joint Citizens and Legislative Committee on Children to provide the report, research, and other operating expenses as directed in Section 63-1-50 of the 1976 Code. The remaining revenue resulting from this reduction shall be transferred to the Department of Juvenile Justice to be used for mentoring or alternatives to incarceration programs. Unexpended funds authorized by this provision may be retained and carried forward by the Senate or the Department of Juvenile Justice, respectively, and used for the same purposes. The rate of reduction authorized in this provision shall be in addition to the reduction authorized in Proviso 72.17.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

**Recorded Vote**

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

**Amendment No. 96**

Senator MULVANEY proposed the following Amendment No. 96 (DG MMOFFROAD), which was ruled out of order:

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

/ *89.\_\_\_. (GP: Off-Road Diesel) For fiscal year 2010-2011, political subdivisions of this state may purchase "off-road diesel" for the purpose of operating fire service vehicles.*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MULVANEY 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. 96 was ruled out of order.

**Amendment No. 28**

Senator MASSEY proposed the following Amendment No. 28 (4657R026.ASM), which was adopted (#25):

Amend the bill, as and if amended, pages 523-524, by striking Proviso 90.5 and inserting:

/ 90.5. (SR: Criminal Justice Academy Funding) (A) In addition to all other assessments and surcharges, during the current fiscal year, a five dollar surcharge to fund training at the South Carolina Criminal Justice Academy is also levied on all fines, forfeitures, escheatments, or other monetary penalties imposed in the general sessions court or in magistrates’ or municipal court for misdemeanor traffic offenses or for nontraffic violations. No portion of the surcharge may be waived, reduced, or suspended. *The additional surcharge imposed by this section does not apply to parking citations.* /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 67**

Senators BRIGHT and BRYANT proposed the following Amendment No. 67 (4657R037.LB.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, SECTION 90, by adding an appropriately numbered new proviso to read:

/ *90.\_\_\_. (SR: Business Tax Relief) (A) The source of the revenue to fund the suspensions in subsection (B) and the tax credit established in subsection (C) is:*

*(1) Office of the State Treasurer 7,629,566*

*(2) Office of the Attorney General 7,347,697*

*(3) The Budget and Control Board 65,777,139*

*(4) The Commission on Higher Education 126,006,811*

*(5) Higher Education Tuition Grants Commission 1,872,348*

*(6) University of South Carolina 206,987,199*

*(7) University of South Carolina - Salkehatchie Campus 2,426,959*

*(8) Medical University of South Carolina 43,023,796*

*(9) State Board for Technical and Comprehensive Education 6,508,376*

*(10) Educational Television Commission 6,084,514*

*(11) Department of Health and Environmental Control 39,758,780*

*(12) Commission for the Blind 642,511*

*(13) Clemson University 7,200,991*

*(14) Division of Aeronautics 995,595*

*(B) The taxes levied in the following code sections are suspended for tax year 2010:*

*(1) Section 12-6-530, related to corporate income tax;*

*(2) Chapter 20, Title 12, related to corporate license fees;*

*(3) Chapter 11, Title 12, related to income tax on banks;*

*(4) Chapter 21, Title 12, related to stamp and business license tax;*

*(5) Chapter 7, Title 38, related to insurance fees and taxes;*

*(6) Chapter 13, Title 12, related to income tax on building and loan associations;*

*(7) Article 16, Chapter 37, Title 12, related to taxes levied against the assessed value of cars in private car line companies; and*

*(8) Article 5, Chapter 36 of Title 12, related to retail license taxes.*

*(C) Funds remaining after the suspension in subsection (B) must be used to fund a tax credit pass through businesses, as defined in Section 12-6-545(A)(2). The tax credit shall be equal to the amount of available revenue divided by the number of pass through businesses filing income tax returns.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

**Point of Order**

Senator LOURIE 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. 67 was ruled out of order.

**Amendment No. 106**

Senators BRIGHT and BRYANT proposed the following Amendment No. 106 (4657R042.LB.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, SECTION 90, by adding an appropriately numbered new proviso to read:

/ *90.\_\_\_. (SR: Business Tax Relief) (A) The source of the revenue to fund the tax credit established in subsection (B) is:*

*(1) Office of the State Treasurer 7,629,566*

*(2) Office of the Attorney General 7,347,697*

*(3) The Budget and Control Board 65,777,139*

*(4) The Commission on Higher Education 126,006,811*

*(5) Higher Education Tuition Grants Commission 1,872,348*

*(6) University of South Carolina 206,987,199*

*(7) University of South Carolina - Salkehatchie Campus 2,426,959*

*(8) Medical University of South Carolina 43,023,796*

*(9) State Board for Technical and Comprehensive Education 6,508,376*

*(10) Educational Television Commission 6,084,514*

*(11) Department of Health and Environmental Control 39,758,780*

*(12) Commission for the Blind 642,511*

*(13) Clemson University 7,200,991*

*(14) Division of Aeronautics 995,595*

*(B) There is created a refundable income tax credit for pass through businesses, as defined in Section 12-6-545(A)(2). The tax credit shall be equal to the amount of available revenue divided by the number of pass through businesses filing income tax returns during the previous year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

**Point of Order**

Senator LOURIE 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. 106 was ruled out of order.

**Amendment No. 104B**

Senators REESE, DAVIS and RANKIN proposed the following Amendment No. 104B (4657 REESE.FTE.2.DOCX), which was adopted (#26):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 353, after line 32, by adding an appropriately numbered new proviso to read:

*/ 1.\_\_*  *From the funds appropriated, all certified public school teachers, certified special school classroom teachers, certified media specialists, certified guidance counselors, certified full time athletic directors, certified principals, certified assistant principals, certified school district administrators that are employed by a school district must teach at least two classes per week within the school district they are employed.*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator REESE explained the amendment.

**PRESIDENT PRESIDES**

At 10:28 P.M., the PRESIDENT assumed the Chair.

Senator REESE resumed explaining the amendment.

Senator LEATHERMAN spoke on the amendment.

The amendment was adopted.

**Amendment No. 82**

Senators ROSE and BRIGHT proposed the following Amendment No. 82 (4657R047.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, institutions of higher learning must 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 instiution’s internet website and made available for public viewing and downloading.  The register must include for each expenditure:*

*(i)    the transaction amount;*

*(ii) the name of the payee; and*

*(iii)  a statement providing a detailed description of the expenditure.*

*The register must not include an entry for salary, wages, or other compensation paid to individual employees.  The register must not include any information that can be used to identify an individual employee.  The register must be accompanied by a complete explanation of any codes or acronyms used to identify a payee or an expenditure.  The register must be searchable and updated at least once a month.*

*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 BRIGHT explained the amendment.

Senator KNOTTS moved to lay the amendment on the table.

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

**Ayes 24; Nays 20**

**AYES**

Alexander Anderson Campbell

Coleman Fair Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

McGill Nicholson O’Dell

Pinckney Rankin Scott

Setzler Sheheen Williams

**Total--24**

**NAYS**

Bright Bryant Campsen

Cleary Cromer Davis

Elliott Ford Grooms

*Martin, Shane* Massey McConnell

Mulvaney Peeler Reese

Rose Ryberg Shoopman

Thomas Verdin

**Total--20**

The amendment was laid on the table.

**Statement by Senators LARRY MARTIN and ALEXANDER**

 We support the move toward greater transparency with the expenditure of public funds.   There is, however, a cost associated with complying with Senator ROSE’s Amendment No. 82, and the colleges and universities have asked for a year to ramp up to meet these requirements.  We sat in on a Higher Education Subcommittee meeting where Senator ROSE’s separate legislation was considered.  We are convinced that the colleges and universities will take steps to address this issue over the coming year and for that reason cannot support these amendments.

**Amendment No. 1**

Senator CAMPBELL proposed the following Amendment No. 1 (DG DNREXPO50), which was adopted (#27):

Amend the bill, as and if amended, Part IB, Section 37, DEPARTMENT OF NATURAL RESOURCES, page 415, after line 30, by adding an appropriately numbered proviso to read:

/ *37.\_\_\_. (DNR: Wildlife Expo) For the current fiscal year, from the funds appropriated to the Department of Natural Resources, the department shall expend fifty thousand dollars on the Southeastern Wildlife Expo.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPBELL explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators MASSEY and MULVANEY desired to be recorded as voting against the adoption of the amendment.

**Recorded Vote**

Senator LEVENTIS desired to be recorded as voting in favor of the adoption of the amendment.

**Amendment No. 132**

Senator MALLOY proposed the following Amendment No. 132 (DAD DEPOSITION FEE), which was adopted (#28):

Amend the bill, as and if amended, Part IB, Section 44, JUDICIAL DEPARTMENT, page 424, after line 2, by adding an appropriately numbered new proviso to read:

/ *44.\_\_\_ (JUD: Deposition Fee) For the current fiscal year, there is assessed a fee of fifty dollars for every deposition conducted as part of any proceeding in a Family Court or Circuit Court in this State. No later than ten days after the taking of a deposition, the attorney who initiated a deposition must file notice of the deposition with the clerk of court in the county in which the proceeding is pending and pay the fee with the filing of the notice. The revenue from this fee must be collected by the clerk of court in each county and remitted to the State Treasurer and credited to a separate judicial department support fund for the exclusive use of the Judicial Department for court administration.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to carry over the amendment.

Senator MALLOY moved to table the motion to carry over the amendment.

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

**Ayes 23; Nays 21**

**AYES**

Anderson Campbell Cleary

Coleman Ford Hutto

Jackson Knotts Land

Leventis Lourie Malloy

McConnell McGill Nicholson

O’Dell Pinckney Rankin

Reese Scott Setzler

Sheheen Williams

**Total--23**

**NAYS**

Alexander Bright Bryant

Campsen Cromer Davis

Elliott Fair Grooms

Hayes Leatherman *Martin, Larry*

*Martin, Shane* Massey Mulvaney

Peeler Rose Ryberg

Shoopman Thomas Verdin

**Total--21**

The motion to carry over the amendment was tabled.

Senator KNOTTS spoke on the amendment.

Senator MALLOY moved that the amendment be adopted.

Senator MASSEY argued contra to the adoption of the amendment.

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

**Ayes 27; Nays 15**

**AYES**

Alexander Campbell Coleman

Cromer Elliott Ford

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* McConnell McGill

Nicholson O’Dell Pinckney

Rankin Reese Scott

Setzler Sheheen Williams

**Total--27**

**NAYS**

Bright Bryant Campsen

Cleary Davis Fair

*Martin, Shane* Massey Mulvaney

Peeler Rose Ryberg

Shoopman Thomas Verdin

**Total--15**

The amendment was adopted.

**Expression of Personal Interest**

Senator FORD rose for an Expression of Personal Interest.

**Remarks by Senator FORD**

Mr. PRESIDENT, I do not like the way that we treated Senator MASSEY, the Senator from Aiken, when he had the floor. Under the Rules of the Senate, he has a right to speak. Now, after four hours, then we have the right to sit him down if we choose to do so. To take his rights away like that, I disagree and I don’t like that at all. Senator MARTIN from Pickens and other Senators told him to sit down when he was not ready. He has a right to speak if he chooses to and I do not like anyone messing with another’s Constitutional right and that’s what we did. We violated the man’s rights and we were totally wrong for doing so and that’s not the Senate. You do not question a man -- saying the Senate has decided on what their position might be. Anyone can change their position on an issue. He might have changed my vote, because I don’t like the fact that we are using fees to fund all of these different things in the first place. So, in the future let people speak and if we want to vote to sit them down, then we can vote to sit them down. But don’t force the man to sit down. I do not like that. He’s a Senator just like the rest of us. I know some you feel you have the right to do whatever you want to do, but everyone has the same rights and I resent the fact that you all did that to this young man. Now he may disagree--and he has the right to do so--but I think it was totally unfair for us to do that.

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

**Expression of Personal Interest**

Senator PEELER rose for an Expression of Personal Interest.

Senator MASSEY moved that the Senate stand adjourned.

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

**Ayes 4; Nays 39**

**AYES**

Bryant Ford Massey

Sheheen

**Total--4**

**NAYS**

Alexander Bright Campbell

Campsen Cleary Coleman

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--39**

The Senate refused to adjourn.

**Objection**

Senator JACKSON asked unanimous consent to make a motion that the pages be compensated at time and a half their hourly wage from midnight until the Senate adjourns today.

Senator McCONNELL objected.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**Amendment No. 94**

Senator MASSEY proposed the following Amendment No. 94 (4657R054.), which was tabled:

Amend the bill, as and if amended, page 424, by striking Proviso 45.6 and inserting:

/ 45.6. (AG: Auction Rate Securities Settlement/Water Rights) The Attorney General’s Office is authorized to ~~utilize up to $2,200,000 of~~ *retain and expend* funds *received in Fiscal Year 2009-10 and in Fiscal Year 2010-11* from the “Auction Rate Securities Settlement” to pay for expenses and fees associated with the South Carolina vs. North Carolina water lawsuit (United States Supreme Court original Jurisdiction Case Number 138.) ~~The $2,200,000 shall not include the $750,000 the Attorney General’s Office currently allocates for securities enforcement expenses.~~ The Attorney General’s Office is authorized to use a portion of ~~the $2,200,000~~ *these funds* to reimburse Water Litigation expenses incurred in the prior fiscal year. *These funds may be carried forward from the prior fiscal year into the current fiscal year and be utilized for the same purpose. Upon satisfaction of the South Carolina vs. North Carolina water lawsuit, any remaining Auction Rate Securities Settlement funds shall be transferred to the Judicial Department to fund nonrecurring expenses. This paragraph takes effect on the earlier of July 1, 2010, or the date on which Auction Rate Securities Settlement funds in Fiscal Year 2009-10 exceeded $2,200,000.* /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator SHEHEEN moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 95**

Senator GROOMS proposed the following Amendment No. 95 (4657R044.LKG.DOCX), which was withdrawn:

Amend the bill, as and if amended, Part IB, Section 81, DEPARTMENT OF REVENUE, by adding an appropriately numbered new proviso to read:

*/ 81.\_\_\_. (DOR: Illegal Alien Registration Fee) Each person in South Carolina that is in the United States illegally must register with the Department of Revenue. The department must collect a fifty dollar registration fee and provide proof that the person has paid the fee. All state and local law enforcement agencies are authorized to question people in South Carolina for whom there is a reasonable suspicion that the person is in the United States illegally to determine whether the person has paid the registration fee. A person that cannot produce proof that the registration fee has been paid or that the person is legally present in the United States must be detained for a period not to exceed ten days or until proof is presented to the detaining law enforcement agency that the fee has been paid. A person may be released prior to the expiration of ten days and prior to the presentment of proof that the registration fee has been paid if the person or someone on the person’s behalf posts a $5,000 cash bond with the magistrate having jurisdiction over the area where the person is detained. The person then has five days to provide proof to the magistrate that the fee has been paid. If proof is not provided within five days, then the bond is forfeit and must be transferred to the detaining law enforcement agency. The authority to question and detain a person pursuant to this section expires June 15, 2011. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

**Point of Order**

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

Senator GROOMS spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator HUTTO moved to lay the amendment on the table.

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

**Ayes 9; Nays 32**

**AYES**

Coleman Hutto Jackson

Land Leventis Malloy

Nicholson Pinckney Scott

**Total--9**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Cromer Davis Elliott

Fair Grooms Hayes

Knotts Leatherman Lourie

*Martin, Larry Martin, Shane* Massey

McConnell McGill Mulvaney

O’Dell Peeler Rankin

Reese Rose Ryberg

Setzler Shoopman Thomas

Verdin Williams

**Total--32**

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

Senator LEVENTIS argued contra to the adoption of the amendment.

On motion of Senator GROOMS, with unanimous consent, Amendment No. 95 was withdrawn.

**Amendment No. 130**

Senator ROSE proposed the following Amendment No. 130 (4657R067.MTR.DOCX), which was adopted (#29):

Amend the bill, as and if amended, Part IB, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 486, after line 8, by adding an appropriately numbered new proviso to read:

*/86.\_\_(AS-TREAS: Flexibility)  For fiscal year 2010-2011, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, for which a specific level or amount of support or funding is not provided by law, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the last completed fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ROSE explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 20; Nays 22**

**AYES**

Alexander Campbell Coleman

Elliott Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* McConnell Pinckney

Rankin Reese Scott

Setzler Williams

**Total--20**

**NAYS**

Bright Bryant Campsen

Cleary Cromer Davis

Fair Grooms Hayes

*Martin, Shane* Massey McGill

Mulvaney Nicholson O’Dell

Peeler Rose Ryberg

Sheheen Shoopman Thomas

Verdin

**Total--22**

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

The amendment was adopted.

**Recorded Vote**

Senators MULVANEY and SHOOPMAN desired to be recorded as voting in favor of the adoption of the amendment.

**Amendment No. 62**

Senator MASSEY proposed the following Amendment No. 62 (DG ASMDEPO), which was tabled:

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:

*/ 89.\_\_\_ (GP: Suspend Deposition Fee) For fiscal year 2010-2011, Section 8-21-330 as contained in H. 3161 of 2009, is suspended.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

Senator MALLOY moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 66**

Senators LEATHERMAN and LAND proposed the following Amendment No. 66 (DG HKL95), which was adopted (#30):

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

/ *89.\_\_. (GP: I-95 Corridor) For the current fiscal year, from the funds available in the Healthcare Tobacco Settlement Trust Fund, there is appropriated three million dollars to the South Carolina Research Authority. The funds shall be used for a grant program to promote health related issues, pursuant to Section 11-11-170(B)(1)(g), along the I-95 Corridor. Any grant awarded pursuant to this proviso shall be matched on a two-to-one basis by the grant recipient.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN explained the amendment.

By a division vote of 26-10, the amendment was adopted.

**Recorded Vote**

Senators CROMER and ROSE desired to be recorded as voting against the adoption of Amendment No. 66.

**Point of Order**

Senator MULVANEY raised a Point of Order that Amendment No. 66 was out of order inasmuch as it was violative of Rule 24A.

**Point of Order**

Senator LAND raised a Point of Order that the Point of Order comes too late.

The PRESIDENT sustained the Point of Order of Senator LAND and stated that the Point of Senator MULVANEY came too late.

**Parliamentary Inquiry**

Senator MULVANEY made a Parliamentary Inquiry as to whether or not an adopted amendment would still be considered a proviso within the General Appropriations Bill and subject to Points of Order.

Senator LARRY MARTIN stated that the custom and practice of the Senate has been that an amendment is not subject to further Points of Order once it has been disposed of.

**Amendment No. 90**

Senator BRIGHT proposed the following Amendment No. 90 (DG LBSECTOR), which was tabled:

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:

*/ 89.\_\_\_. (GP: University Funding Redistribution) Notwithstanding the appropriation of state funds in Part 1A of this act, no institution of higher learning within the comprehensive university sector shall receive less than the sector’s average level of funding as determined by the Mission Resource Requirement Calculation of Need calculated in the preceding fiscal year by the Commission on Higher Education. To the extent necessary, funds shall be redistributed to and among the institutions to accomplish the provisions of this paragraph. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator LEATHERMAN 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 30; Nays 12**

**AYES**

Alexander Campbell Campsen

Coleman Cromer Fair

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* McConnell

McGill Nicholson O’Dell

Pinckney Rankin Rose

Scott Setzler Sheheen

Thomas Verdin Williams

**Total--30**

**NAYS**

Bright Bryant Cleary

Davis Elliott *Martin, Shane*

Massey Mulvaney Peeler

Reese Ryberg Shoopman

**Total--12**

The amendment was laid on the table.

**Amendment No. 99A**

Senators DAVIS, McCONNELL, CLEARY, ELLIOTT, RANKIN, FORD, CAMPSEN, McGILL and PINCKNEY proposed the following amendment (DAD DAVIS FILLED VACANT 40%), which was adopted (#31):

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: Additional Classroom Funding) Agencies are directed to determine the amount of unencumbered funds, as of September 1, 2010, resulting from the difference between the number of filled and authorized FTE’s funded by general funds existing within their budget as delineated in this act. Agencies shall report their findings to the Budget and Control Board, Office of State Budget by September 15, 2010. Based on these findings the Office of State Budget shall direct agencies to transfer, on a pro-rata basis, up to $21,515,400 of these identified funds to the Department of Education to be distributed to school districts receiving less than forty percent of state support as computed in Section 59-20-40(1) of the 1976 Code, with each district to receive a pro-rata share of said amount determined in accordance with the district’s number of weighted students, which must be subject to adjustment for student attendance.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved that the amendment be adopted.

The amendment was adopted.

**Point of Order**

Senator BRYANT raised a Point of Order that Proviso 89.135 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***89.135.*** *(GP: Public Safety Service Charge) At the time of collection of the registration fee for a motor vehicle, the Department of Motor Vehicles shall collect a six dollar annual public safety service charge on all vehicles required to be registered in this state, in addition to the registration fees prescribed by law. Of the funds collected pursuant to this provision for property carrying vehicles, two dollars shall be deposited into a special restricted account of the Department of Transportation to be used for operating expenses of commercial motor vehicle rest areas. The remaining funds collected pursuant to this provision for property carrying vehicles and all service charges collected for other motor vehicles required to be registered shall be deposited into a special restricted account for 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. All unexpended funds collected under this provision may be retained and carried forward by the Department of Transportation or the Department of Public Safety and used for the same purposes.*

Senator FAIR spoke on the Point of Order.

Senator MASSEY spoke on the Point of Order.

Senator LAND spoke on the Point of Order.

Senator McCONNELL spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement. The Point of Order was subsequently sustained. The Decision of the PRESIDENT was appealed and the Point of Order was overridden.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Amendment No. 113**

Senators CAMPSEN, McCONNELL, LAND, LEATHERMAN, RANKIN, McGILL, HUTTO, PINCKNEY, SETZLER, LARRY MARTIN, NICHOLSON, CROMER, CLEARY, REESE, CAMPBELL, KNOTTS, O’DELL, DAVIS, ALEXANDER and MALLOY proposed the following Amendment No. 113 (DAD CONSERV BNK MPWR), which was adopted (#32):

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: General Fund Transfer to Conservation Bank) The Department of Revenue is directed to transfer to the South Carolina Conservation Bank, $1,500,000 of the increased general fund revenue resulting from the motion picture wage rebate of fifteen percent as required by Section 12-62-50 of the 1976 Code, rather than twenty percent as authorized in prior appropriation acts.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPSEN explained the amendment.

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

**Ayes 31; Nays 11**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* McConnell McGill

Nicholson O’Dell Pinckney

Rankin Reese Scott

Setzler Sheheen Verdin

Williams

**Total--31**

**NAYS**

Bright Bryant Fair

*Martin, Shane* Massey Mulvaney

Peeler Rose Ryberg

Shoopman Thomas

**Total--11**

The amendment was adopted.

**Amendment No. 41**

Senator MASSEY proposed the following Amendment No. 41 (DG DGASMJUDTRANS), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 534, after line 23, by adding an appropriately numbered proviso to read:

/ *90.\_\_\_. (SR: Judicial Transfer) The Educational Television Commission and the Department of Natural Resources shall transfer $500,000 to the Judicial Department. The Department of Health and Human Services, the Department of Parks, Recreation and Tourism, The Department of Alcohol and Other Drug Abuse Services, and the Forestry Commission shall transfer $250,000 to the Judicial Department. The Department of Health and Human Service’s transfer must be from its administration budget. The Department of Health and Environmental Control and the Budget and Control Board shall transfer $1,000,000 to the Judicial Department. The Department of Archives and History, the State Museum Commission, the Commission on Human Affairs, the Public Service Commission, the Office of Regulatory Staff, the Department of Consumer Affairs, the Department of Motor Vehicles, and the Department of Insurance shall transfer $125,000 to the Judicial Department.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

The amendment was laid on the table.

**Recorded Vote**

Senator RYBERG desired to be recorded as voting against the motion to table the amendment.

**Amendment No. 133**

Senator BRIGHT proposed the following Amendment No. 133 (4657R068.LB.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, SECTION 90, by adding an appropriately numbered new proviso to read:

/ *90.\_\_\_. (SR: Business Tax Relief) (A) The source of the revenue to fund the suspensions in subsection (B) and the tax credit established in subsection (C) is:*

*(1) Office of the State Treasurer 1,596,170*

*(2) Office of the Attorney General 3,700,380*

*(3) The Budget and Control Board 25,234,009*

*(4) The Commission on Higher Education 118,942,833*

*(5) Higher Education Tuition Grants Commission 1,872,348*

*(6) University of South Carolina 101,531,435*

*(7) University of South Carolina - Salkehatchie Campus 1,302,879*

*(8) Medical University of South Carolina 43,023,796*

*(9) State Board for Technical and Comprehensive Education 6,508,376*

*(10) Educational Television Commission 6,084,514*

*(11) Department of Health and Environmental Control 39,758,780*

*(12) Commission for the Blind 642,511*

*(13) Clemson University 7,200,991*

*(14) Division of Aeronautics 995,595*

*(B) The taxes levied in the following code sections are suspended for tax year 2010:*

*(1) Section 12-6-530, related to corporate income tax;*

*(2) Chapter 20, Title 12, related to corporate license fees;*

*(3) Chapter 11, Title 12, related to income tax on banks;*

*(4) Chapter 21, Title 12, related to stamp and business license tax;*

*(5) Chapter 13, Title 12, related to income tax on building and loan associations;*

*(6) Article 16, Chapter 37, Title 12, related to taxes levied against the assessed value of cars in private car line companies; and*

*(7) Article 5, Chapter 36 of Title 12, related to retail license taxes.*

*(C) Funds remaining after the suspension in subsection (B) must be used to fund a tax credit pass through businesses, as defined in Section 12-6-545(A)(2). The tax credit shall be equal to the amount of available revenue divided by the number of pass through businesses filing income tax returns.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator BRIGHT 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 39; Nays 2**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bright Bryant

**Total--2**

The amendment was laid on the table.

**Motion Under Rule 15A Adopted**

At 2:13 A.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of H.4657, the General Appropriations Bill.

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

**Ayes 30; Nays 12**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Cromer

Elliott Fair Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie *Martin, Larry*

McConnell McGill Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Scott Setzler Williams

**Total--30**

**NAYS**

Bright Bryant Davis

Malloy *Martin, Shane* Massey

Mulvaney Ryberg Sheheen

Shoopman Thomas Verdin

**Total--12**

Having received the necessary vote, the motion under Rule 15A was adopted, with proponents and opponents each being allowed ten minutes to debate the amendments currently on the desk.

**Amendment No. 74**

Senator BRIGHT proposed the following Amendment No. 74 (DAD TRANSFER 1ST STEPS $ TO DDSN), which was tabled:

Amend the bill, 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/

Amend the bill further, as and if amended, Part IA, Section 24, DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, page 108, line 3 by:

COLUMN 7 COLUMN 8

/ STRIKING: 33,843,258 11,374,997

and

INSERTING: 37,833,906 15,365,645/

Amend the bill further, as and if amended, Part IA, Section 24, DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, page 109, line 9 by:

COLUMN 7 COLUMN 8

/ STRIKING: 15,580,669 952,499

and

INSERTING: 19,571,317 4,943,147/

Amend the bill further, as and if amended, Part IA, Section 24, DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, page 110, line 4 by:

COLUMN 7 COLUMN 8

/ STRIKING: 200,607,765 31,854,595

and

INSERTING: 204,598,413 35,845,243/

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 38; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Davis

Elliott Fair Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

Bright Bryant Cromer

*Martin, Shane*

**Total--4**

The amendment was laid on the table.

**Amendment No. 79**

Senator BRIGHT proposed the following amendment (DAD TRANSFER 1ST STEPS $ TO DPS), which was tabled:

Amend the bill, 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/

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 199, line 23 by:

COLUMN 7 COLUMN 8

/ STRIKING: 45,596,435 31,447,232

and

INSERTING: 52,596,435 38,447,232

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 199, line 33 by:

COLUMN 7 COLUMN 8

/ STRIKING: 20,166,517 177,660

and

INSERTING: 23,166,517 3,177,660

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 201, line 16 by:

COLUMN 7 COLUMN 8

/ STRIKING: 26,953,594 14,600,684

and

INSERTING: 28,925,538 16,572,628

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator KNOTTS moved to lay the amendment on the table.

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

**Ayes 37; Nays 4**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Cromer

Davis Fair Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant *Martin, Shane*

Peeler

**Total--4**

The amendment was laid on the table.

**Amendment No. 117B**

Senators ROSE and DAVIS proposed the following Amendment No. 117B (DG MTRTRANS70B), which was tabled:

Amend the bill, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 186, line 14, by:

COLUMN 7 COLUMN 8

/ STRIKING: 6,597,914 4,817,177

and

INSERTING: 7,237,230 5,456,493/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 6, line 5, by:

COLUMN 7 COLUMN 8

/ STRIKING: 136,163,204 0

and

INSERTING: 136,802,520 639,316/

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 199, line 23, by:

COLUMN 7 COLUMN 8

/ STRIKING: 45,596,435 31,447,232

and

INSERTING: 46,235,751 32,086,548/

Amend the bill further, as and if amended, Part IA, Section 70A, LEG. DEPT.-THE SENATE, page 254, line 7, by:

COLUMN 7 COLUMN 8

/ STRIKING: 7,003,610 7,003,610

and

INSERTING: 5,085,662 5,085,662/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ROSE explained the amendment.

**Remarks by Senator ROSE**

Members of the Senate, last year this Senate’s budget was $8.43 million in recurring funds. This year’s budget for the Senate has been increased 46% to $12.3 million. So, we’re going to go up in this agency -- the SC Senate -- $3.89 million at 46% according to the Senate Finance Committee, while all these other agencies are being cut. An agency losing $75 million this year may lose $175 million next year. Other agencies have been using reserve funds to fund current operations -- like the Department of Juvenile Justice and the Department of Public Safety.

I have received some explanation as to why the State Senate’s budget has to go up so much this year -- that it was underfunded in past years and its reserves last year. What I have here is a list of our Senate budgeted funds for the last ten years. In 1999, the Senate had $10.6 million, and in successive years had $10 million, $11million, $9 million, $9 million, $10 million, $11 million, and, last year, $8.6 million. So within the last ten years last year’s $8.6 million has been the Senate’s lowest budget amount. But now we’re going to spike up this budget again -- 46% to $12.3 million. What I propose instead is that we take the amount of the increase, $3.89 million, and cut it in half so that the Senate budget increases by 23% not 46%. Frankly, I’m going to have to go home to auditoriums filled with parents of disabled children, people in the PTA and teachers whose budgets are being cut, and try to justify to them why the Senate’s budget is going up and everyone else is being cut. But at least this is a compromise. Instead of going up 46%, which is $3.89 million, under my proposed amendment we will go up 23%, which is $1.94 million. I figure that the Senate will just have to learn to do with some cuts just like everyone else.

I’m directing in this proviso that this $1.94 million saved go in three directions, a third, a third, a third -- $600 something thousand each, to the judiciary, $600 something thousand to the EIA and a third to the Department of Public Safety. So, there will be to each of those three agencies $648,570.30 of new money -- by the Senate giving up half of its 46% increase.

Thank you.

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

Senator McCONNELL spoke on the amendment.

**Remarks by Senator McCONNELL**

Mr. PRESIDENT, ladies and gentlemen of the Senate, I know it’s late, and I will be brief. You only got a piece of the picture. Let me go back and tell you the history of the Senate and what the Senate has done budgetarily and the challenges that are ahead.

First of all, our budget back in 2008 was $12,295,008. Our adjusted base right now is down to $7,693,171. We have been through almost all of our reserves to make up the deficit. Rather than take new money last year, like the House did, we went into our reserves, tightened our belt and didn’t ask for money so as to keep this Senate as frugal as we could be. Ninety percent or thereabouts of our costs are personnel costs. There’s very little in operating costs here in the South Carolina Senate.

So, what the Senator from Dorchester, Senator ROSE, and his allies would propose is that we cut staff. Because the personnel expenses in this body right now are $12,213,234, it won’t take you long to understand. We cannot cut the Senators’ pay. I could go through all of the expenses here today. I am not going to go through all of that. That’s a very small part of this budget. This Senate is driven by employee cost -- the staff that we have. If you think we have too much staff here, if you want the staff cut, if you want to furlough them -- and to furlough all of the staff, it will amount to $24,000 per day. If we furlough them for about one hundred and something days, the budget can be balanced. Senator from Dorchester, you are one of the biggest demands on the staff. I think you would starve for information if we started furloughing the staff or cutting back.

Let me give you some of the other challenges ahead. The Senator from Florence, Senator LEATHERMAN, can tell you. Most of you know, and I’m not going to go into too much public detail about the challenges facing the Gressette Building. We are in the process now of engineers testing over there. We are going to have to make some changes over there. The question is whether we can make them or whether or not we will have to find another place to do business. The building may require seismic changes in addition to new walls being erected up five stories into the building in order to secure it. We are meeting with those engineers and taking the tests on it.

The House, last year, added, I think it was close to about $5 million to their budget, and I didn’t hear a peep over here about it. Now, when the Senate has gone through its reserves and asks to restore the monies, there is opposition. All I’ve heard this week is core function, core function, core function. The legislative branch is a core function of government. Why would you on one hand say we need to fund core function and then on the next hand tell me we need to cut it?

On top of that, reapportionment is coming. I have been in reapportionment now since I’ve served on the Judiciary Committee close to 30 years. Every time we get sued. Every time we are in federal court. We have to have computers and we have to have personnel to handle that. We have to have lawyers to represent us. There will be costs in advice going forward. So the Senator from Dorchester wants to cut the budget right as our expenses are going up -- not of our own making but because of the cyclical spot that we are in trying to balance reapportionment with the other challenges ahead.

I’m not going to take long except to tell you that all we are doing is trying to keep this Senate about where it is, and that is to keep the personnel on board and maintain our ability to pay our bills to cover reapportionment and other things. There is no fat in this budget. We have been able to economize. The Clerk has done an excellent job with technology by reducing our telephone costs. I think it was once way, way over what it is today. We have cut, and we have cut, and we have cut. There is nowhere else to cut except the staff.

Let me give you an example. I’ve heard complaints this year. We have not gotten a hearing in the Judiciary Committee on this Bill, and we haven’t gotten a hearing on that Bill. Why can’t we have hearings? Because we didn’t have the money last year to have the subcommittees of the Judiciary Committee meet in the interim, take up Bills, and bring them back to this General Assembly. We had to cram it all into this Session. In past years, we have been able to go out and have public hearings, have subcommittee meetings and get major pieces of legislation ready to come to this floor. I suspect the Finance Committee and similar other committees are in similar shape. So, in a nutshell, there is not surplus money. There is no bloated budget. We have coasted on surplus reserve. This is not an increase. It’s putting back into the line what is needed to pay the personnel here.

I will close by saying this Senate has always prided itself in having a good legislative product. We have tried to hire the best people. The people of South Carolina deserve that. Every one of you in here knows we cannot function without staff. Look at it this week with all of us asking them questions. Where does this money come from? How do I fashion an amendment? On Judiciary Committee Bills, ask the Senator from Darlington, the Senator from Orangeburg, the Senator from Charleston, etc. about the technical things that need to be asked on Constitutional matters. You have to have good lawyers. You have to have good staff. You have to have people you can depend on. The quality of life of the people of this State is affected by what we do.

I’ll close by telling you, in addition to that, we have to make do as best we can with this budget in covering our legal expenses when this Senate gets sued for some of the Bills that passed. We have money that we have to set aside in other funds for the education lawsuit and for reapportionment but there is no more reserve. There is no more coasting on the reserves. So, you can vote it up or down. You are not voting for a fat budget, you’re voting for a lean operating budget for a core function; and I would urge you to vote with me to table this amendment, and I move to table the amendment.

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

Senator McCONNELL moved to lay the amendment on the table.

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

**Ayes 33; Nays 7**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Cromer

Fair Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* McConnell McGill

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

Bright Bryant Davis

Massey Mulvaney Rose

Sheheen

**Total--7**

The amendment was laid on the table.

**Amendment No. 70**

Senators LEATHERMAN, McCONNELL, LAND, SETZLER, MALLOY, KNOTTS and SCOTT proposed the following Amendment No. 70 (DG JUDINC), which was adopted (#33):

Amend the bill, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 186, line 14, by:

COLUMN 7 COLUMN 8

/ STRIKING: 6,597,914 4,817,177

and

INSERTING: 8,378,651 6,597,914/

Amend the bill further, as and if amended, Part IA, Section 44, JUDICIAL DEPARTMENT, page 188, line 16, by:

COLUMN 7 COLUMN 8

/ STRIKING: 15,880,462 0

and

INSERTING: 17,599,725 1,719,263/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LAND explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator KNOTTS desired to be recorded as voting in favor of the adoption of the amendment.

**Point of Order**

Senator BRIGHT raised a Point of Order that Proviso 2.6 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***2.6.*** *(LEA: FY 10-11 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.*

*The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.*

*All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.*

*For Fiscal Year 2010-11 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:*

*(1) Commission on Higher Education--Tuition Assistance Two-Year Institutions 47,000,000;*

*(2) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149 of Title 59 $ 87,370,916;*

*(3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370 $ 7,823,474;*

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

*Section 59-104-20 $ 30,277,240;*

*(5) Commission on Higher Education--Need-Based Grants $11,631,566;*

*(6) Tuitions Grants Commission--Tuition Grants $ 7,766,604;*

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

*provided in Section 59-111-75 $ 1,700,000;*

*(8) South Carolina State University $ 2,500,000;*

*(9) Technology--Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges $ 4,154,702;*

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

*provided in Section 59-1-525 $ 41,891,798;*

*(11) Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program $ 2,000,000;*

*(12) Commission on Higher Education--Higher Education Excellence Enhancement Program $ 3,000,000; and.*

*(13) School for the Deaf and the Blind--Technology Replacement 200,000.*

*Fiscal Year 2010-11 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and 2-year institutions as provided in Section 59‑150-360.*

*Of the funds appropriated to South Carolina State University, $250,000 may be used for the BRIDGE Program.*

*The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.*

*The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least $996 per student per term for full time students.*

*Fiscal Year 2010-11 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2010-11 are fully funded.*

*If the lottery revenue received for Fiscal Year 2010-11 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.*

*The Commission on Higher Education is authorized to use up to $260,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process.*

*For Fiscal Year 2010-11, $8,400,000 certified from unclaimed prizes shall be appropriated as follows: $5,722,729 to the Department of Education for K-5 Reading, Math, Science & Social Studies Program as provided in Section 59-1-525 and $2,677,271 for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The allocations of Section 59-150-230(I) of the 1976 Code are suspended for the current fiscal year.*

*Of any unclaimed prize funds available in excess of the Board of Economic Advisors estimate, the first $7,618,477 shall be directed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships. The next $100,000 shall be directed to the Department of Alcohol and Other Drug Abuse Services for Prevention/Treatment of Gambling Disorders. The next $2,000,000 shall be directed to the State Library for Aid to County Libraries. The next $1,500,000 shall be directed to the Commission on Higher Education for the Partnership Among South Carolina Academic Libraries (PASCAL) Program. The next $1,000,000 shall be directed to the Commission on Higher Education for the Higher Education Excellence Enhancement Program. The next $4,000,000 shall be directed to the State Board for Technical and Comprehensive Education for the Allied Health Initiative. The next $5,470,093 shall be directed for Technology: Public 4-Year Universities, 2-Year Institutions, and State Technical Colleges. The next $1,000,000 shall be directed to the Commission on Higher Education for the Critical Needs Nursing. All additional revenue in excess of the amount certified by the Board of Economic Advisors for unclaimed prizes shall be distributed to the Commission on Higher Education for LIFE, HOPE, and Palmetto Fellows Scholarships.*

*Notwithstanding the provisions of Section 59-150-355 of the 1976 Code or any other provision of law, the Budget and Control Board may distribute funds from the Education Lottery Account on a monthly basis during the final quarter of the fiscal year.*

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

**Point of Order Withdrawn**

The PRESIDENT took up the Point of Order raised by Senator MASSEY that Proviso 37.14 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***37.14.*** *(DNR: Watercraft Title and Registration Fees Surcharge) For Fiscal Year 2010-11, the Department of Natural Resources shall be authorized to charge a five dollar administrative surcharge on each watercraft and outboard motor title, title transfer and duplicate title, and on each watercraft registration, watercraft registration transfer, and duplicate registration document. The revenue collected must be deposited into the Drew’s Law/Boat Titling Fund of which forty percent must be utilized for law enforcement operations and the balance utilized for administration of the provisions of Title 50. No funds generated from this administrative surcharge may be used to provide pay increases. Unexpended revenue must be retained by the department and carried forward from the prior fiscal year into the current fiscal year and used for the same purposes*

On motion of Senator MASSEY, with unanimous consent, the Point of Order was withdrawn.

**Point of Order Withdrawn**

The PRESIDENT took up the Point of Order raised by Senator MASSEY that Proviso 37.15 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***37.15.*** *(DNR: Hunting and Fishing License Surcharge) For Fiscal Year 2010-11, the Department of Natural Resources shall be authorized to impose a two dollar administrative surcharge on each license, permit, stamp, and tag issued to engage in any hunting or fishing activity. The surcharge shall not apply where no fee is charged. The revenue collected must be deposited into the Fish & Wildlife Protection Fund and be expended for the purposes of the Fish and Wildlife Protection Fund as defined in statute. No funds generated from this administrative surcharge may be used to provide pay increases. Unexpended funds must be retained by the department and carried forward from the prior fiscal year into the current fiscal year and used for the same purpose.*

On motion of Senator MASSEY, with unanimous consent, the Point of Order was withdrawn.

**Decision of the PRESIDENT Appealed and Overruled**

The PRESIDENT took up the Point of Order raised by Senator BRYANT that Proviso 89.135 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

***89.135.*** *(GP: Public Safety Service Charge) At the time of collection of the registration fee for a motor vehicle, the Department of Motor Vehicles shall collect a six dollar annual public safety service charge on all vehicles required to be registered in this state, in addition to the registration fees prescribed by law. Of the funds collected pursuant to this provision for property carrying vehicles, two dollars shall be deposited into a special restricted account of the Department of Transportation to be used for operating expenses of commercial motor vehicle rest areas. The remaining funds collected pursuant to this provision for property carrying vehicles and all service charges collected for other motor vehicles required to be registered shall be deposited into a special restricted account for 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. All unexpended funds collected under this provision may be retained and carried forward by the Department of Transportation or the Department of Public Safety and used for the same purposes.*

The PRESIDENT sustained the Point of Order.

Proviso 89.135 was ruled out of order.

Senator FAIR appealed the Decision of the PRESIDENT.

**PRESIDENT *Pro Tempore* PRESIDES**

At 3:21 A.M., Senator McCONNELL assumed the Chair.

The PRESIDENT *Pro Tempore* stated that under the provisions of Rule 7, proponents and opponents would have a total of one-half hour to debate the Decision of the PRESIDENT, fifteen minutes each for proponents and opponents.

Senator LAND was recognized to speak in favor of overriding the Decision of the PRESIDENT.

Senator MASSEY was recognized to argue contra to overriding the Decision of the PRESIDENT.

The question then was “Shall the ruling of the PRESIDENT be overridden?”

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

**Ayes 28; Nays 14**

**AYES**

Alexander Campbell Campsen

Cleary Coleman Cromer

Elliott Fair Hayes

Hutto Jackson Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* McConnell

McGill Nicholson O’Dell

Pinckney Rankin Reese

Scott Setzler Sheheen

Williams

**Total--28**

**NAYS**

Bright Bryant Davis

Grooms Knotts *Martin, Shane*

Massey Mulvaney Peeler

Rose Ryberg Shoopman

Thomas Verdin

**Total--14**

The decision of the PRESIDENT was overridden.

**Statement by Senators GROOMS, SHOOPMAN, MULVANEY**

**SHANE MARTIN, ROSE, BRYANT, BRIGHT and VERDIN**

We voted to sustain the PRESIDENT’s decision that Proviso 89.135 was out of order. It was argued that this proviso did not violate Senate Rule 24 as there was no increase in the current registration fee for motor vehicles. It was our position that this assumption was wrong because the registration fee was increased by six dollars per vehicle. Just because the fee increase was called a “public safety service charge” does not change the fact that the motor vehicle registration was increased. This fee will look like a registration fee. It will be billed like a registration fee and will be collected like a registration fee. When exercising common sense, one can only conclude that this proviso is a fee increase and that it did violate Senate Rule 24.

**Amendment No. 71**

Senators LEATHERMAN, LAND and SCOTT proposed the following Amendment No. 71 (DG HKLDRUGCT), which was adopted (#34):

Amend the bill, as and if amended, Part IA, Section 46, PROSECUTION COORDINATION COMMISSION, page 190, line 27, by:

COLUMN 7 COLUMN 8

/ STRIKING: 0 0

and

INSERTING: 56,436 56,436/

Amend the bill further, as and if amended, Part IA, Section 46, PROSECUTION COORDINATION COMMISSION, page 190, line 28, by:

COLUMN 7 COLUMN 8

/ STRIKING: 0 0

and

INSERTING: 52,965 52,965/

Amend the bill further, as and if amended, Part IA, Section 46, PROSECUTION COORDINATION COMMISSION, page 190, line 29, by:

COLUMN 7 COLUMN 8

/ STRIKING: 0 0

and

INSERTING: 38,000 38,000/

Amend the bill further, as and if amended, Part IA, Section 46, PROSECUTION COORDINATION COMMISSION, page 190, line 38, by:

COLUMN 7 COLUMN 8

/ STRIKING: 0 0

and

INSERTING: 150,000 150,000/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LAND explained the amendment.

The amendment was adopted.

**Amendment No. 105**

Senator MASSEY proposed the following Amendment No. 105 (DG ASM3CJ), which was tabled:

Amend the bill, as and if amended, Part III, Section 2, page 537, by striking lines 16 and 17 and inserting:

/ (40) K05 - Department of Public Safety -

Highway Patrol $500,000 /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

Senator HAYES spoke on the amendment.

Senator HAYES moved to lay the amendment on the table.

The amendment was laid on the table.

On motion of Senator MALLOY, with unanimous consent, Amendment No. 116 was taken up for immediate consideration.

**Amendment No. 116**

Senator MASSEY proposed the following Amendment No. 116 (4657R063.ASM.DOCX), which was tabled:

Amend the bill as and if amended, Part IB, Page 450, DEPARTMENT OF EMPLOYMENT AND WORKFORCE, by adding an appropriately numbered new Proviso to read:

/ *67. . (ESC: Unemployed Tax Credit (A) As used in this section, ‘creditable employee’ means an employee of a taxpayer employer who (1) was unemployed for four consecutive weeks immediately before being hired by the employer, (2) is first employed by the employer before December 1, 2010, and (3) the employer executes and provides a notarized affidavit swearing or affirming that the employee is eligible to work in the United States because the person is either a United States citizen or a lawfully present alien according to federal law.*

*(B) An employer who has one or more creditable employees and who provides a notarized affidavit attesting to use of the federal employment verification system now known as ‘E‑Verify’ or any future federal employment verification system is eligible to apply for and receive a credit against these taxes as provided in subsection (C) of this section. The amount of the credit is one thousand dollars for each creditable employee. Eligibility for the credit must be established as of the time the creditable employee completes thirty consecutive days of employment and the credit must be claimed for the 2010 taxable year.*

*(C) The credit allowed pursuant to subsection (C) of this section may be taken against income taxes, the bank tax imposed pursuant to Chapter 11 of Title 12, the savings and loan association tax imposed pursuant to Chapter 13 of Title 12, the corporate license tax imposed pursuant to Chapter 20 of Title 12, and insurance premium taxes imposed pursuant to Chapter 7 of Title 38.*

*(E) The total amount of any tax credit for the 2010 taxable year may not exceed the taxpayer’s tax liability. Any unused tax may not be carried over to apply to the taxpayer’s succeeding year’s liability.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

**Point of Order**

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

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

Senator MASSEY resumed explaining the amendment.

Senator MASSEY resumed explaining 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 15**

**AYES**

Alexander Fair Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

McConnell McGill Nicholson

O’Dell Pinckney Rankin

Reese Scott Setzler

Sheheen Williams

**Total--23**

**NAYS**

Bright Bryant Campbell

Campsen Cromer Davis

Grooms *Martin, Shane* Massey

Mulvaney Peeler Rose

Shoopman Thomas Verdin

**Total--15**

The amendment was laid on the table.

On motion of Senator MALLOY, with unanimous consent, Amendment No. 119 was taken up for immediate consideration.

**Amendment No. 119**

Senator JACKSON proposed the following Amendment No. 119 (DAD 1A.17 TCHR SPLY2), which was adopted (#35):

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 358, by amending previously adopted amendment #3 (Amendment 51) which amended proviso 1A.17, by adding the following at the end of the proviso:

/ *School districts utilizing this provision to retain the teaching supplies funding for purposes other than reimbursement to the teacher must publicly display on the school district’s website the number of jobs saved through the use of these funds and to electronically forward the report on jobs saved to the Department of Education no later than December 31 of the current fiscal year to be compiled in a report for electronic presentation to the General Assembly by January 15 of the current fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator JACKSON explained the amendment.

Senator LEATHERMAN moved that the amendment be adopted.

The amendment was adopted.

On motion of Senator MALLOY, with unanimous consent, Amendment No. 134 was taken up for immediate consideration.

**Amendment No. 134**

Senator BRYANT proposed the following Amendment No. 134 (4657R069.KLB), which was tabled:

Amend the bill, as and if amended, Page 500, GENERAL PROVISIONS, by striking lines 28-34 and inserting:

/ Violation of the above provisions of this section is prima facie evidence of a violation of Section 8-13-410(1) of the 1976 Code and shall subject a violating member of the General Assembly to the ethics procedure of his appropriate house and shall subject a violating member of a state board, commission or committee, or a state official to the applicable ethics procedure relating to them as provided by law. The above provisions do not apply ~~to aircraft of the Division of Aeronautics when used by the Medical University of South Carolina, nor to aircraft of the athletic department or the educational foundations of any state-supported institution of higher education~~  *to law enforcement officers when flying on state owned aircraft in pursuit of fugitives, missing persons, or felons or for investigation of gang, drug, or other violent crimes.* /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT 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 BRYANT explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

The amendment was laid on the table.

**Recorded Vote**

Senator MULVANEY desired to be recorded as voting against the motion to table the amendment.

**Amendment No. 150**

Senator LEATHERMAN proposed the following Amendment No. 150 (DAD BALAMEND), which was adopted (#36):

Amend the bill, as and if amended, Part IA, Section 80C, B&C BD-EMPLOYEE BENEFITS, page 304, line 26, by:

COLUMN 7 COLUMN 8

/ STRIKING: 53,855,589 53,855,589

and

INSERTING: 50,058,188 50,058,188/

Renumber sections to conform.

Amend sections, totals and title to conform.

The question then was the third reading of the Bill.

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

**Ayes 29; Nays 9**

**AYES**

Alexander Campbell Campsen

Cromer Elliott Fair

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Verdin Williams

**Total--29**

**NAYS**

Bright Bryant Davis

*Martin, Shane* Massey Mulvaney

Rose Sheheen Shoopman

**Total--9**

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

**Statement by Senator LAND**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission, Probation, Parole and Pardon Services, and the Employment Security Commission.

**Statement by Senator HUTTO**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission, the Department of Motor Vehicles, the Probation, Parole and Pardon Services, the Employment Security Commission, the Administrative Law Court, DHEC, Public Service Commission, Department of Transportation and the Election Commission.

**Statement by Senator RANKIN**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission.

**Statement by Senator HAYES**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission.

**Statement by Senator MALLOY**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission, the Department of Motor Vehicles, the Probation, Parole and Pardon Services, the Public Service Commission, the Employment Security Commission, the Administrative Law Court and DHEC. I also abstained from the vote on the Insurance Reserve Fund.

**Statement by Senator SHEHEEN**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission, the Department of Motor Vehicles, the Department of Probation, Parole and Pardon Services, the Employment Security Commission, the Administrative Law Court and DHEC. I also abstained from the Guardian ad Litem Program.

**Statement by Senator THOMAS**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on any matters pertaining to the Workers' Compensation Commission each year since obtaining a law license.

**Statement by Senator MASSEY**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission.

**Statement by Senator COLEMAN**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission. I also abstained from the vote on Aid to Subdivisions.

**Statement by Senator DAVIS**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to the Workers' Compensation Commission, the Department of Motor Vehicles, the Department of Probation, Parole and Pardon Services, the Employment Security Commission, the Administrative Law Court, DHEC, Public Service Commission, S.C. Department of Transportation, the Department of Health and Human Services and the Election Commission.

**Statement by Senator SETZLER**

Under the provisions of Section 8-13-745, S. C. Code of Laws, I abstained from consideration of and voting on matters pertaining to DHEC, the Administrative Law Court, Department of Motor Vehicles, Employment Security Commission, Labor, Licensing and Regulation, the Workers’ Compensation Commission and Department of Revenue.

**Statement by Senator COURSON**

Due to physical therapy necessitated by rotator cuff surgery, I requested and received leave from the Senate for the late evening of April 29, 2010, and early morning of April 30, 2010. I would have voted in favor of third reading of the 2010-2011 Appropriations Bill.

**Statement by Senator RYBERG**

Had I been present in the Chamber when the vote was taken, I would have voted against the 2010-2011 Appropriations Bill. The Bill fails to prioritize spending for the core functions of government. The debate on this Bill, moreover, saw efforts to reorient funding to the core functions denied and dismissed on an interpretation of Senate rules that merely avoided the tough decisions required to fund schools and law enforcement.

This budget, moreover, raises a bevy of fees that not only fund something other than the services from which they arise but also received very little debate and in some cases none at all. This method of budgeting is not only unfair to the citizens of South Carolina but also is unsustainable.

The 2010-2011 Appropriations Bill denies South Carolinians the full funding of core services that they deserve. We must do things differently and more transparently.

**Statement by Senator MALLOY**

I have serious misgivings related to the spending priorities set in H.4657, the General Appropriations Bill. The Bill contains an unprecedented amount of fee increases, which must be paid by the citizens of South Carolina. I feel strongly that essential functions of government must be funded through our appropriations instead of relying on the ability of the branch of government or agency to impose fees on its users to cover its operations. All citizens of South Carolina, regardless of the level of direct use or interaction with state government, benefit from having a functioning government. Furthermore, not all departments and agencies are equal in their abilities to impose fees; however, they all need additional funding. Moreover, these fees are even less appealing given their regressive nature.

We, as members of the General Assembly, have a duty to appropriate the funds of this State to ensure that government is able to function properly. I can think of no greater dereliction of our duties as a General Assembly than failing to properly fund the Judiciary and, instead, relying on fee increases to fill the gap between needs and haves in order to keep the Judiciary functioning. These increases jeopardize the ability of the most needy in South Carolina to avail themselves of rights and protections that are only available inside of the court house doors. Despite these concerns, I am cognizant of the dire financial condition and extreme need for additional funding of the Judiciary and agencies and departments that provide other core governmental functions.

Our current budget crises and the urgency with which additional funds must be made available have prevented in-depth considerations of options for new means of appropriations to fully fund essential functions of government without relying on fee increases. In order to keep government operating and performing its essential functions, I am reluctantly voting for this budget as written because it is the best option given the circumstances we face. However, I call on all members of the General Assembly to apply all means of thought and deliberation during the next year toward new approaches for taxation and appropriating funds to essential governmental functions. I hope, and strongly believe, that we can avoid a repeat of our current situation by timely, thoughtful deliberation and consideration of new taxation and appropriation systems.

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet Friday, April 30, 2010, at 11:00 A.M., under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**STATEWIDE APPOINTMENT**

**Confirmation**

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointment was taken up for immediate consideration in open session:

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

The question then was the confirmation of the appointment.

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

**Ayes 46; Nays 0**

**AYES**

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

Matthews McConnell McGill

Mulvaney Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--46**

**NAYS**

**Total--0**

The appointment was confirmed.

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Fredrick Asgill Thomas, P. O. Box 3222, Lancaster, SC 29721

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

Van K. Richardson, 3611 Kershaw Camden Highway, Heath Springs, SC 29058

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

Jaqueline M. Pope, P.O. Box 66, Kershaw, SC 29067

**ADJOURNMENT**

At 4:50 A.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

\* \* \*