**Thursday, April 28, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

You may recall that Boaz says encouragingly to Ruth,

“ ‘May you be richly rewarded by the Lord.’ ” (Ruth 2:12b)

Please, bow in prayer with me:

Truly, O God, we do know that we have been richly blessed. We ask You to guide us as we strive here in South Carolina to make wise use of all of our resources—natural and human. And may each of these Senators also continue to serve this State faithfully and with intelligence, for we count these leaders as being among our special resources here, as well. We are grateful for them, and we ask Your blessings upon each Senator as he labors to bring meaningful rewards to our people—and for Your glory. We pray this in Your loving name, dear Lord.

Amen.

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

**Doctor of the Day**

Senators SCOTT and LOURIE introduced Dr. Chris Yeakel of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator DAVIS, at 9:00 A.M., Senator SHOOPMAN was granted a leave of absence until Noon.

**Leave of Absence**

At 9:15 A.M., Senator CROMER requested a leave of absence beginning at 4:00 P.M today and lasting until Monday at Noon.

**Leave of Absence**

On motion of Senator HUTTO, at 10:30 A.M., Senator RANKIN was granted a leave of absence until 8:00 P.M.

**Leave of Absence**

On motion of Senator CROMER, at 12:00 P.M., Senators COURSON and SHEHEEN were granted a leave of absence until 1:00 P.M.

**Leave of Absence**

At 12:15 P.M., Senator MATTHEWS requested a leave of absence from 12:30 - 3:30 P.M.

**CO-SPONSORS ADDED**

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

S. 478 Sen. Rose

S. 746 Sen. O’Dell

**RECALLED**

S. 806 -- Senator Jackson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF BLUFF ROAD IN RICHLAND COUNTY FROM ITS INTERSECTION WITH DRY BRANCH ROAD TO ITS INTERSECTION WITH SIMS ROAD “DEACON THOMAS MYERS MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “DEACON THOMAS MYERS MEMORIAL HIGHWAY”.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 856 -- Senator Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑11-735 SO AS TO PROVIDE THAT LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, PARAMEDICS, EMERGENCY MEDICAL TECHNICIANS, AND MEMBERS OF URBAN SEARCH AND RESCUE TEAMS EMPLOYED IN THIS STATE BY AN EMPLOYER WHOSE PRINCIPAL OFFICE IS LOCATED IN SOUTH CAROLINA, WHO ARE NOT OTHERWISE COVERED BY THE STATE OF SOUTH CAROLINA EMPLOYEE HEALTH INSURANCE PROGRAM OR ANOTHER COMPARABLE PLAN OF THEIR EMPLOYER WITH AT LEAST THE SAME BENEFITS AND COVERAGES AS DETERMINED BY THE DIRECTOR OF THE STATE EMPLOYEE INSURANCE PROGRAM AND WHO CONTRACT HUMAN IMMUNODEFICIENCY VIRUS (HIV) OR ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) AFTER THE EFFECTIVE DATE OF THIS SECTION AS A RESULT OF A JOB-RELATED ACTIVITY, SHALL RECEIVE FROM THE STATE OF SOUTH CAROLINA THE SAME BENEFITS AND COVERAGES FOR HIV OR AIDS TREATMENT AS WOULD A STATE EMPLOYEE COVERED BY THE STANDARD HEALTH PLAN OF THE STATE EMPLOYEE HEALTH INSURANCE PROGRAM.

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

S. 857 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS; AND TURKEY HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4141, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 858 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RESPECTFULLY REQUEST AND URGE CONGRESS TO ENACT SUCH LEGISLATION AS NECESSARY TO CREATE THE CAMDEN BATTLEFIELD AND HISTORIC CAMDEN REVOLUTIONARY WAR SITE AS A UNIT OR UNITS OF THE NATIONAL PARK SYSTEM FOR THE ENJOYMENT, EDUCATION, AND INSPIRATION OF THIS AND FUTURE GENERATIONS.

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Senator SHEHEEN spoke on the Resolution.

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

S. 859 -- Senators Rose and Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 44-7-272, 44-7-274, 44-7-276, and 44-7-278 SO AS TO ESTABLISH PROVISIONS FOR RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN AND ADOLESCENTS TO PROHIBIT LICENSURE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OF A FACILITY UNLESS IT IS AT LEAST ONE THOUSAND FEET FROM A SCHOOL, CHILDCARE FACILITY, PARK, PUBLIC SWIMMING POOL, AND MASS TRANSPORTATION STOPS; THAT REQUIRES A FACILTY TO NOTIFY LAW ENFORCEMENT OF THE ADMISSION OF A CHILD WHO HAS CHARGES FOR A VIOLENT CRIME PENDING OR WHO HAS BEEN CONVICTED OF A VIOLENT CRIME WITHIN THE PREVIOUS FIVE YEARS, TO PROVIDE SANCTIONS FOR FACILITIES IN VIOLATION OF THIS REQUIREMENT, AND TO REQUIRE A CHILD TO REGISTER AS A SEX OFFENDER IF THE PROVISIONS OF REGISTRATION APPLY TO THAT CHILD’S OFFENSE; THAT REQUIRE THE DEPARTMENT TO DEVELOP LEVELS OF FACILITY LICENSURE, AND LEVELS OF LICENSURE FOR PROGRAMS WITHIN A FACILITY, BASED UPON CLIENT DISORDERS AND BEHAVIOR AND SUPERVISION, SAFETY, AND SECURITY FACTORS WITHIN EACH FACILITY OR PROGRAM LEVEL; AND THAT REQUIRE THESE FACILITIES TO NOTIFY LAW ENFORCEMENT UPON A CLIENT LEAVING THE FACILITY WITHOUT PERMISSION AND TO MAINTAIN RECORDS OF THESE MATTERS, WHICH ARE SUBJECT TO INSPECTION BY THE DEPARTMENT.

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

S. 860 -- Senator Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑19-130 SO AS TO ADOPT THE “AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE”, AND FOR OTHER PURPOSES; AND TO REPEAL SECTIONS 7-19-70, 7-19-80, 7-19-90, 7-19-100, AND 7-19-120 ALL RELATING TO PRESIDENTIAL ELECTORS.

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

H. 3163 -- Reps. Tallon, Cole, Allison, G. R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND SECTION 56-5-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERM “MOTOR VEHICLE” SO AS TO INCLUDE “MOPEDS” IN THE TERM'S DEFINITION.

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

H. 3470 -- Reps. Pitts, Knight, Loftis and Toole: A BILL TO AMEND SECTION 44-53-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST USING, SELLING, OR MANUFACTURING CLEANING AGENTS CONTAINING PHOSPHATES, SO AS TO INCLUDE HOUSEHOLD DISHWASHING DETERGENTS IN THIS PROHIBITION; TO FURTHER SPECIFY CRITERIA FOR AND TYPES OF CLEANING AGENTS EXEMPT FROM THIS PROHIBITION; TO PROVIDE A CRIMINAL OFFENSE FOR SECOND AND SUBSEQUENT VIOLATIONS; TO AUTHORIZE THE SALE OF PROHIBITED CLEANING AGENTS THAT ARE IN A RETAILER'S INVENTORY ON JULY 1, 2011; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO REPORT ON THE AVAILABILITY, EFFECTIVENESS, AND COST OF NONPHOSPHATE COMMERCIAL DISHWASHING DETERGENT.

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

H. 3657 -- Reps. Cooper and Ott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-45-17 SO AS TO PROVIDE MINIMUM CONTINUING EDUCATION COURSE REQUIREMENTS FOR COUNTY TAX COLLECTORS AND PROVIDE EXCEPTIONS; BY ADDING SECTION 12-59-85 SO AS TO ALLOW A COUNTY FORFEITED LAND COMMISSION TO REFUSE TO ACCEPT TITLE TO PROPERTY WHEN REFUSAL IS IN THE PUBLIC INTEREST; AND TO AMEND SECTIONS 12-51-50, AS AMENDED, AND 12‑51-70, RELATING TO DELINQUENT TAX SALES, SO AS TO PROVIDE FOR THE SALES DATE AND TO INCREASE FROM THREE HUNDRED TO ONE THOUSAND DOLLARS THE DAMAGES FOR WHICH A DEFAULTING BIDDER IS LIABLE.

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

H. 3663 -- Reps. Cooper, Harrell, Ott, Bingham, Allison, Owens, Anthony, Bales and McLeod: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2011 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2011 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE-FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE-YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT TO CONVENE A TASK FORCE TO CONSIDER END-OF-COURSE ASSESSMENTS FOR FEDERAL ASSESSMENT PURPOSES.

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

H. 3730 -- Reps. Munnerlyn, Sabb, Vick, Hayes, Tribble and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-450 SO AS TO PROVIDE THAT A COMMERCIAL FUR LICENSE, IN ADDITION TO A STATE HUNTING LICENSE IS REQUIRED OF ALL PERSONS WHO SELL OR TAKE FURBEARING ANIMALS BY ANY MEANS, EXCEPT A PROCESSOR, MANUFACTURER, OR RETAILER, AND TO PROVIDE THAT A PERSON UNDER THE AGE OF SIXTEEN MAY PURCHASE A COMMERCIAL FUR LICENSE WITHOUT HAVING TO PURCHASE A STATE HUNTING LICENSE AFTER COMPLETING THE TRAPPERS EDUCATION COURSE; TO AMEND SECTION 50-11-40, RELATING TO THE UNLAWFUL USE OF RECORDED SOUNDS OR AMPLIFIED IMITATIONS OF CALLS OR SOUNDS BY A PERSON TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO HUNT, CATCH, TAKE, OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS, SO AS TO DELETE THE PROVISION THAT MAKES IT UNLAWFUL TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL OR ATTEMPT TO CATCH OR KILL A GAME BIRD OR GAME ANIMAL BY USE OF THESE MEANS AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO THE HUNTING AND TAKING OF COYOTES; TO AMEND SECTION 50-11-1080, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES DECLARING OPEN SEASON ON COYOTES, SO AS TO PROVIDE THAT THERE IS NO CLOSED SEASON FOR HUNTING OR TAKING COYOTES WITH WEAPONS; TO AMEND SECTION 50-11-2400, RELATING TO DEFINITIONS OF CERTAIN TERMS THAT PERTAIN TO THE TRAPPING OF FURBEARING ANIMALS, SO AS TO REVISE THE DEFINITION OF THE TERMS “FURBEARING ANIMAL” AND “COMMERCIAL PURPOSES”, AND TO PROVIDE DEFINITIONS FOR THE TERMS “OWNER” AND “AGENT”; TO AMEND SECTION 50-11-2430, RELATING TO REQUIRING A FUR TRAPPER TO CARRY PROOF THAT HE IS THE OWNER OF THE PROPERTY ON WHICH HE SETS HIS TRAPS, OR HAS PERMISSION FROM THE OWNER OF THE PROPERTY UPON WHICH HIS TRAPS ARE SET, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 50-11-2440, RELATING TO REQUIRING A TRAPPER TO VISIT HIS TRAPS DAILY, SO AS TO MODIFY THE FREQUENCY THAT A TRAPPER MUST VISIT HIS TRAPS; TO AMEND SECTION 50-11-2445, RELATING TO THE REMOVAL OF TRAPPED WILDLIFE BY THE OWNERS OF TRAPS, SO AS TO ALLOW A TRAP OWNER’S DESIGNEE TO REMOVE WILDLIFE FROM HIS TRAPS, AND TO PROVIDE THAT A DESIGNEE MUST POSSESS WRITTEN PERMISSION FROM THE TRAP’S OWNER TO ACT ON HIS BEHALF AND MUST MEET ALL COMMERCIAL FUR LICENSING REQUIREMENTS OR BE LISTED ON A VALID DEPREDATION PERMIT; TO AMEND SECTION 50-11-2460, RELATING TO CERTAIN TRAPS THAT ARE ALLOWED FOR TRAPPING, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT RESTRICTS THE TYPES OF TRAPS THAT ARE ALLOWED TO THOSE THAT ARE IN ACCORDANCE WITH APPROVED COMMERCIAL FUR LICENSES, TO ALLOW FOR THE USE OF LIVE TRAPS TO CAPTURE CERTAIN FERAL ANIMALS, TO REVISE THE SIZE OF FOOT-HOLD TRAPS THAT ARE ALLOWABLE, TO PROVIDE THAT SMALL SNAP, BOX, AND OTHER TRAPS ARE ALLOWED FOR TRAPPING; TO AMEND SECTION 50-11-2475, RELATING TO THE ISSUANCE OF A FUR PROCESSOR’S LICENSE, SO AS TO REVISE THE COST OF THE LICENSE, TO REQUIRE A TAXIDERMIST TO KEEP A DAILY REGISTER OF THE NAME AND ADDRESS OF EACH PERSON FROM WHOM A FURBEARING ANIMAL IS RECEIVED ALONG WITH OTHER INFORMATION ABOUT THE ANIMAL, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTIONS 50-11-1060, 50-11-1070, AND 50-11-2420 RELATING TO THE ISSUANCE OF A COMMERCIAL FUR LICENSE, THE ISSUANCE OF A PERMIT TO POISON PREDATORY ANIMALS, AND THE KILLING OF BOBCATS.

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

H. 3744 -- Reps. Erickson and Sandifer: A BILL TO AMEND SECTION 40-65-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PROVISIONS CONCERNING SOIL CLASSIFIERS, SO AS TO REVISE THE EXEMPTIONS.

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

H. 3772 -- Reps. Hardwick, Vick and Hixon: A BILL TO AMEND CHAPTER 26, TITLE 46, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF AGRICULTURAL LIMING MATERIALS, SO AS TO PROVIDE FOR REGULATION OF LANDPLASTER, TO REVISE CERTAIN REPORTING REQUIREMENTS, AND TO REVISE THE PROVISIONS RELATING TO THE PAYMENT OF ASSESSMENTS LEVIED BY THE STATE CROP PEST COMMISSION.

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

H. 3792 -- Rep. Rutherford: A BILL TO AMEND SECTION 50-21-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONDITIONS UPON WHICH A PERSON MAY OPERATE A VESSEL DISPLAYING, REFLECTING, OR FLASHING A BLUE LIGHT, SO AS TO REVISE THE CIRCUMSTANCES IN WHICH A PERSON MAY OPERATE A VESSEL WHILE DISPLAYING A BLUE LIGHT, AND TO REVISE THE PENALTY PROVISION.

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

H. 3865 -- Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Ballentine, D. C. Moss, Mitchell, J. H. Neal, Hodges, G. M. Smith, Pinson, Herbkersman, Hiott, R. L. Brown, Whipper, Forrester, Toole, Hayes, Butler Garrick, Chumley, J. E. Smith, Atwater, Huggins, Clemmons, Pitts, Edge, Dillard, Ryan, Vick, J. R. Smith, Knight, Long, Crosby, Hixon, Murphy, Stringer, Owens, Bikas, Viers, Ott and Weeks: A BILL TO AMEND ARTICLE 1, CHAPTER 1, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GENERAL FISH AND GAME PROVISIONS, BY ADDING SECTION 50-1-160 SO AS TO PERMIT THE DEPARTMENT TO RELEASE A SEIZED VEHICLE, BOAT, MOTOR, OR FISHING DEVICE UNDER CERTAIN CONDITIONS; TO AMEND ARTICLE 3, CHAPTER 13, TITLE 50, RELATING TO USE OF SEINES, TRAPS, AND LIKE DEVICES, SO AS TO REVISE AND FURTHER PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEVICES MAY BE USED AND TO PROVIDE PENALTIES FOR VIOLATIONS; BY ADDING ARTICLE 5 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN UNLAWFUL FRESHWATER ACTIONS AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 6, CHAPTER 13, TITLE 50, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO FURTHER PROVIDE FOR THE USE OF NONGAME FISHING DEVICES AND THE TAKING OF NONGAME FISH IN THE FRESHWATERS OF THIS STATE, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS AND FOR SPECIFIED EXCEPTIONS TO THESE PROVISIONS; TO AMEND ARTICLE 11, CHAPTER 13, TITLE 50, RELATING TO THE SALE AND TRAFFIC IN FISH, SO AS TO REVISE CERTAIN PROVISIONS IN THE ARTICLE PERTAINING TO PROHIBITED PRACTICES IN REGARD TO THE SALE OR TRAFFICKING IN FISH AND ADD OTHER PROVISIONS WITH PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES AND PROPAGATION, SO AS TO REVISE AND FURTHER PROVIDE FOR ACTIONS THE DEPARTMENT MAY TAKE IN REGARD TO FISH HATCHERIES, SANCTUARIES, AND THE PROPAGATION OF FISH AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 50, RELATING TO THE HORRY COUNTY FISH AND GAME COMMISSION, SO AS TO DELETE THE PROVISIONS OF THE ARTICLE AND INSTEAD PROVIDE FOR THE PERMITTED USE OF NONGAME DEVICES ON THE LITTLE PEE DEE RIVER FOR A PERIOD OF THREE YEARS; AND TO REPEAL SECTIONS 50‑13-1450 RELATING TO PRIMA FACIE EVIDENCE OF USING EXPLOSIVES TO TAKE FISH; 50-13-385 RELATING TO MINIMUM SIZE FOR LARGE MOUTH BASS IN LAKE WYLIE; 50-13-390 RELATING TO DAILY LIMIT ON ARKANSAS BLUE CATFISH; AND 50-13-400 RELATING TO LAKE MURRAY CRAPPIE CREEL AND SIZE LIMITS.

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

H. 3873 -- Rep. Vick: A BILL TO AMEND SECTION 50-5-1507, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ZONES, SEASONS, TIMES, CATCH AND SIZE LIMITS, METHODS, AND EQUIPMENT FOR TAKING HERRING, SO AS TO REVISE THE SEASONS, TIMES, AND SIZE AND TAKE LIMITS FOR HERRING, AND THE METHODS AND EQUIPMENT WHICH APPLY AND TO PROVIDE FOR THE AREAS IN WHICH CERTAIN OF THESE PROVISIONS APPLY.

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

H. 3986 -- Reps. Hayes and Bingham: A JOINT RESOLUTION TO ALLOW A SCHOOL DISTRICT THAT HAS RECEIVED FUNDS PURSUANT TO SECTION 59-21-430 THAT ARE SET TO LAPSE ON OR BEFORE JUNE 30, 2011, TO RETAIN THOSE FUNDS AND USE THEM FOR THE SAME PURPOSES UNTIL JUNE 30, 2012.

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

H. 4084 -- Reps. Tallon, Bannister, Brannon, Cole, Dillard, Forrester, Mitchell and G. R. Smith: A BILL TO AMEND ARTICLE 3, CHAPTER 11, TITLE 55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GREENVILLE-SPARTANBURG AIRPORT DISTRICT AND COMMISSION, BY ADDING SECTION 55-11-240 SO AS TO PROVIDE THAT A BUSINESS ESTABLISHMENT LOCATED WITHIN A BUILDING ON THE GROUNDS OF THE GREENVILLE-SPARTANBURG INTERNATIONAL AIRPORT WHERE THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK IS PERMITTED ON ITS LICENSED PREMISES MAY APPLY FOR AND RECEIVE A TEMPORARY PERMIT AUTHORIZED BY SECTION 61-6-2010 TO ALLOW THE POSSESSION, SALE, AND CONSUMPTION OF ALCOHOLIC LIQUORS BY THE DRINK FOR A PERIOD NOT TO EXCEED TWENTY-FOUR HOURS ON ITS LICENSED PREMISES IF ANY COUNTY WITHIN THE TERRITORY OF THE GREENVILLE-SPARTANBURG AIRPORT DISTRICT OR ANY MUNICIPALITY LOCATED WITHIN THE TERRITORY OF THE DISTRICT HAS APPROVED, BY REFERENDUM, THE ISSUANCE OF THESE TEMPORARY PERMITS.

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

H. 4097 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4157, 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 Education.

**Message from the House**

Columbia, S.C., April 27, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3441 -- Reps. Huggins, Bingham, Ballentine, McLeod and Ott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57‑23‑845 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 126 IN RICHLAND COUNTY AND INTERSTATE HIGHWAYS 20 AND 26 IN BOTH LEXINGTON AND RICHLAND COUNTIES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 27, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3784 -- Reps. Gilliard and King: A CONCURRENT RESOLUTION TO REQUEST PRESIDENT BARACK H. OBAMA TO INCLUDE IN HIS 2012 FEDERAL BUDGET FUNDING FOR THE U. S. ARMY CORPS OF ENGINEERS TO CONDUCT A FEASIBILITY STUDY REGARDING THE DEEPENING OF CHARLESTON HARBOR TO AT LEAST FIFTY FEET SO THAT IT CAN ACCOMMODATE LARGER CONTAINER SHIPS EXPECTED TO CALL AT THE PORT WHEN THE EXPANSION OF THE PANAMA CANAL OPENS IN 2014.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 27, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3586 -- Reps. Hardwick, Clemmons, Loftis, Corbin, Barfield, Thayer, Patrick, Hearn, Murphy, Ryan, Viers, Bedingfield, Edge, Herbkersman, Horne and Stringer: A BILL TO AMEND SECTION 48-39-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST NEW CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE AND EXEMPTIONS FROM THIS PROHIBITION, SO AS TO DELETE FROM THE EXEMPTIONS CERTAIN PIERS AND ASSOCIATED STRUCTURES, PUBLIC AND PRIVATE, EXISTING ON SEPTEMBER 21, 1989.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

**HOUSE BILL RETURNED**

The following House Bill was read the third time and ordered returned to the House with amendments:

H. 3287 -- Reps. Hardwick and Hodges: A BILL TO AMEND SECTION 50‑21‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ABANDONMENT OF WATERCRAFT AND OUTBOARD MOTORS, SO AS TO PROVIDE THAT AN ABANDONED WATERCRAFT MAY BE REMOVED AND DISPOSED OF BY ANY GOVERNMENT AGENCY THAT HAS JURISDICTION OVER THE AREA WHERE THE ABANDONED WATERCRAFT IS LOCATED, AND TO PROVIDE THAT A WATERCRAFT ABANDONED FOR AT LEAST NINETY DAYS MAY BE CLAIMED BY ANY PERSON OR ENTITY AS ABANDONED PROPERTY.

**THIRD READING BILLS**

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

S. 693 -- Senators Bryant and Bright: A BILL TO AMEND SECTION 23‑9‑70 OF THE 1976 CODE, RELATING TO ORDER AND APPEALS FROM A STATE FIRE MARSHAL, TO INCREASE THE AMOUNT OF TIME THAT AN OCCUPANT OR OWNER MAY APPEAL THE DECISION OF A DEPUTY OR RESIDENT FIRE MARSHAL FROM TWENTY‑FOUR HOURS TO FOURTEEN DAYS, AND TO PROVIDE THAT THE STATE FIRE MARSHAL’S DECISION MUST BE FILED WITHIN TEN DAYS OF RECEIVING THE NOTICE OF APPEAL.

S. 694 -- Senator Bryant: A BILL TO AMEND SECTION 41‑15‑520 OF THE 1976 CODE, RELATING TO REMEDIES FOR EMPLOYEES CHARGING DISCRIMINATION, TO PROVIDE FOR REFERRAL TO THE UNITED STATES DEPARTMENT OF LABOR ALLEGATIONS MADE BY A PRIVATE SECTOR EMPLOYEE OF A VIOLATION OF SECTION 41‑15‑510 AND TO PROVIDE FOR CIVIL REMEDIES.

S. 494 -- Senators Cleary, Bryant, Cromer and Ford: A BILL TO AMEND SECTION 40‑15‑110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 15 OF TITLE 40 REGULATING DENTISTS AND DENTAL HYGIENISTS, SO AS TO FURTHER SPECIFY THE SCOPE OF ACTIVITIES OF INTERNS AND RESIDENTS WHO ARE EXEMPT FROM LICENSURE; AND TO AMEND SECTION 40‑15‑360, RELATING TO THE AUTHORIZATION OF PHARMACISTS TO FILL PRESCRIPTIONS FOR DENTISTS, SO AS TO EXTEND THIS AUTHORIZATION TO INTERNS AND RESIDENTS UNDER CERTAIN CONDITIONS.

S. 841 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4157, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 842 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROGRAM FOR ASSISTING, DEVELOPING, AND EVALUATING PRINCIPAL PERFORMANCE (PADEPP), DESIGNATED AS REGULATION DOCUMENT NUMBER 4156, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 843 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR CERTIFICATION AT THE ADVANCED LEVEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4158, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 844 -- Senators Land, Grooms, Campbell, Matthews, Leventis and McGill: A BILL TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX ALL LEASEHOLD INTERESTS IN REAL PROPERTY OWNED BY THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY.

S. 848 -- Senators Scott, Land, Setzler, Leventis, Matthews, McGill, Reese, Elliott, Ford, Jackson, Hutto, Anderson, Pinckney, Malloy, Sheheen, Lourie, Williams, Coleman, Nicholson and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7‑13‑25 SO AS TO ESTABLISH EARLY VOTING PROCEDURES; TO AMEND SECTION 7‑3‑20, AS AMENDED, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO FURTHER DEFINE HIS DUTIES; AND TO AMEND SECTION 7‑15‑320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE VOTING DURING THE EARLY VOTING PERIOD.

**READ THE SECOND TIME**

S. 854 -- Senator Malloy: A BILL TO AMEND SECTION 16‑3‑600 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSAULT AND BATTERY OFFENSES, SO AS TO SUBSTITUTE THE TERM “A PERSON” FOR THE TERM “AN ADULT”.

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

Senator MALLOY explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 34; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Cromer Davis

Elliott Fair Grooms

Hayes Hutto Knotts

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O’Dell Peeler Rose

Ryberg Scott Setzler

Sheheen Thomas Verdin

Williams

**Total--34**

**NAYS**

**Total--0**

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

**S. 854--Ordered to a Third Reading**

On motion of Senator MALLOY, with unanimous consent, S. 854 was ordered to receive a third reading on Friday, April 29, 2011.

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

H. 3642 -- Reps. Cooper, Bingham, Allison, Harrell and Owens: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2010‑2011 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2010‑2011 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 2010‑2011; TO REQUIRE A LOCAL SCHOOL DISTRICT TO PAY TEACHERS AND SCHOOL ADMINISTRATORS FOR CHANGES IN THEIR EDUCATION LEVELS; AND TO DEFINE CERTAIN TERMS.

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

The Committee on Education proposed the following amendment (AGM\19041BH11), which was adopted:

Amend the joint resolution, as and if amended, by deleting SECTION 1.A., as contained on page 1, lines 30‑37, and inserting:

/ SECTION 1.A. For Fiscal Year 2011‑2012 a local school district board of trustees may determine that all teachers employed by the district must be paid based on the step they were paid in the prior fiscal year, without a negative impact resulting to their experience credit. This decision must be voted on by the local school district board of trustees in a public school board meeting with public notice posted on the school district website. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The committee amendment was adopted.

Senator RYBERG proposed the following amendment (3642R001.WGR), which was adopted:

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

/ B. Application of this provision must be applied uniformly for all teachers within the school district. If a local school district board of trustees takes advantage of the provisions of SECTION 1.A. of this joint resolution, it may not provide for an increase in salary for district administrators and school administrators and their compensation may not be higher than the actual amount received in Fiscal Year 2010‑2011. A local school district board of trustees may, however, return the salary of a district or school administrator to the previous year’s base salary if he was subject to a furlough or increase the salary of a district or school administrator if he changed his position within the district in the prior academic year. /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

The amendment was adopted.

The question then was second reading of the Joint Resolution.

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

**Ayes 33; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Cromer Davis

Elliott Fair Grooms

Hayes Hutto Knotts

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

Peeler Rose Ryberg

Scott Setzler Sheheen

Thomas Verdin Williams

**Total--33**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

S. 831 -- Senators Massey and Ryberg: A BILL TO AMEND SECTION 22‑2‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MAGISTRATES’ JURY AREAS, SO AS TO PROVIDE FOR REVISED JURY AREAS AND THE LOCATION OF THE MAGISTRATES’ OFFICES AND TO REPEAL ACT 79 OF 1977 AND ACT 758 OF 1988 RELATING TO MAGISTRATES IN AIKEN COUNTY.

Senator MASSEY 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 MASSEY and RYBERG proposed the following amendment (JUD0831.001), which was adopted:

Amend the bill, as and if amended, page 2, in Section 22-2-190(2), as contained in SECTION 1, by inserting before line 12:

/ The districts comprise the area in the precincts in existence on the effective date of this subsection, even if the precincts are later redesignated. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY 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 2; Nays 1; Present 32**

**AYES**

Massey Ryberg

**Total--2**

**NAYS**

Setzler

**Total--1**

**PRESENT**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* McConnell

McGill Nicholson Peeler

Reese Scott Shoopman

Thomas Williams

**Total--32**

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

**S. 831--Ordered to a Third Reading**

On motion of Senator MASSEY, with unanimous consent, S. 831 was ordered to receive a third reading on Friday, April 29, 2011.

**AMENDED, ADOPTED**

H. 4116 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 25, 2011, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2019; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2016; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2019.

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

Senator McCONNELL proposed the following amendment (4116R001.GFM), which was adopted:

Amend the concurrent resolution, as and if amended, page 2, by inserting a new paragraph after line 4 to read:

/ Be it further resolved that immediately following the judicial elections held pursuant to this Concurrent Resolution, the Senate and the House of Representatives shall elect three members to fill vacancies or expired terms on the Legislative Audit Council pursuant to Section 2-15-10 from among the candidates nominated by the Legislative Audit Council Nominating Committee pursuant to Section 2-15-20. /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

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

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 3700, THE GENERAL APPROPRIATIONS BILL.**

**AMENDED, DEBATE INTERRUPTED**

**H. 3700--GENERAL APPROPRIATIONS BILL**

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

Senator LEATHERMAN spoke on the Bill.

**Amendment No. 14**

Senators SHANE MARTIN, BRYANT and KNOTTS proposed the following amendment (3700R027.ASM.DOCX), which was carried over:

Amend the bill, as and if amended, Part IB, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 486, after line 23, by adding an appropriately numbered new proviso to read:

*/ 86.\_\_. A political subdivision receiving aid from the Local Government Fund may not donate funds to a non-profit organization unless the amounts donated are appropriated on a separate and distinct line item in the political subdivision’s budget that includes the names of the entities to which the donations are being made.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

Senator HUTTO spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

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

**Ayes 14; Nays 26**

**AYES**

Alexander Anderson Elliott

Hutto Land Leatherman

Leventis *Martin, Larry* Matthews

McGill Nicholson O'Dell

Scott Williams

**Total--14**

**NAYS**

Bright Bryant Campbell

Campsen Cleary Courson

Cromer Davis Fair

Gregory Grooms Hayes

Knotts Malloy *Martin, Shane*

Massey McConnell Peeler

Reese Rose Ryberg

Setzler Sheheen Shoopman

Thomas Verdin

**Total--26**

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

On motion of Senator SHEHEEN, Amendment No. 14 was carried over.

**Amendment No. 56A**

Senator SHANE MARTIN proposed the following amendment (3700R054.ASM.DOCX), which was adopted (#15):

Amend the bill, as and if amended, Part IB, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 486, after line 23, by adding an appropriately numbered new proviso to read:

*/ 86.\_\_. (AS-TREAS: Transparency) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any person not providing services to the political subdivision without the requirement that the person provide a detailed description of the purposes for which the money was used at the end of the fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

Senators HUTTO and SHEHEEN spoke on the amendment.

The amendment was adopted.

**Amendment No. 43**

Senators McCONNELL, KNOTTS, SHEHEEN and SCOTT proposed the following amendment (DG PLANE CONF), which was adopted (#16):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 499, paragraph 89.25, by striking line 23, and inserting:

/ routine transportation to and from meetings of the General Assembly or committee meetings for which mileage is authorized. Official business also does not include attending a press conference, bill signing, or political function. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McCONNELL 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.

**Amendment No. 50**

Senator McCONNELL proposed the following amendment (DG BCB SOLE), which was adopted (#17):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 504, paragraph 89.51, line 16, by striking /that/ and inserting /*whether*/.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

**Amendment No. 48**

Senator SHOOPMAN proposed the following amendment (DAD 89.112 RESTR STDY COM), which was adopted (#18):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 520, paragraph 89.112, line 5, by striking the line in its entirety and by inserting:

/ 89.112. (GP: State Agency Restructuring Study Committee) ~~There is created a~~ *The* State Agency Restructuring Study Committee *created in Act 291 of 2010 shall continue to review and recommend methods to streamline state government operations*. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHOOPMAN explained the amendment.

The amendment was adopted.

**Point of Order**

Senator BRIGHT raised a Point of Order that proviso 1.61 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1.61.** (SDE: Career Cluster Industry Partnerships) From the funds appropriated to the Department of Education, $800,000 must be provided as direct grants to the private sector statewide trade association or educational foundation providing nationally certified programs in career and technology education representing the automotive, construction, engineering, healthcare, mechanical contracting/construction, and hospitality tourism career clusters. Organizations applying for a grant must do so by July first and the Department of Education must award a minimum of one grant of at least $150,000 in at least four of these specified career clusters to be used exclusively for career and technology education. The recipient industry organization must conduct end-of-course exams graded by a national industry organization and must include in their grant request how the money will be spent to further industry-specific career technology education; a description and history of their program nationally and within South Carolina; estimates of future employment growth in their industry; and the national scope of their program. By August first of the following year, the organization must submit to the department a report detailing how the grant increased industry/employer awareness; the number of increased schools using the industry-based curriculum and partnered with the industry organization; the increased number of students in the program; and an overview and analysis of the organization's statewide student competition. The grant must be used for career awareness programs for that industry cluster; statewide student competitions leading to national competitions; teacher development and training; post‑secondary scholarships in industry-specific degree programs; student recruitment into that career cluster programs; programs to educate middle and high school Career or Guidance Counselors about the industry; service to disadvantaged youth; and administering business/employer awareness and partnerships which help lead to experience-based, career-oriented experiences including internships, apprenticeships, mentoring, co-op education and service learning. The Office of Career and Technology Education of the department will develop goals with each career cluster on the number of new schools using the industry-based curriculum and partnered with that career cluster organization. These funds may not be used to supplant or replace, in whole or in part, other existing resources/assets sourced outside the present grant being used to provide the same services or programs. Organizations may carry over grants for up to three years when a large project is identified in the grant application to be used at a future date; otherwise excess funds must be returned to the state.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator SHEHEEN raised a Point of Order that proviso 26.26 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**26.26.** (DSS: Child Care Center Provisional License Extension) If a licensed child care center is not in full compliance with Regulation 114-507 item ~~A.6(b)~~ *A.12(d)* related to the provision of hot water, the center may have their provisional license extended until June 30, ~~2011~~ *2012*.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator McCONNELL raised a Point of Order that proviso 1.20 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1.20.** (SDE: Defined Program Personnel Requirements) Administrative positions requiring State Board of Education teacher or administrator certification, may only be filled by individuals receiving a W-2 (or other form should the Internal Revenue Service change the individual reporting form to another method) from the hiring school district. Any public school district or special school that hires a corporation, partnership, or any other entity other than an individual to fill such positions will have its EFA and or EIA allocation reduced by the amount paid to that corporation, partnership, or other entity. Compliance with this requirement will be made part of the single audit process of local public school districts as monitored by the State Department of Education. Temporary instructional positions for special education, art, music, critical shortage fields as defined by the State Board of Education, as well as temporary positions for grant writing and testing are excluded from this requirement.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator McCONNELL raised a Point of Order that proviso 1A.18 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**1A.18.** (SDE-EIA: XI-State of Emergency District) Funds may be used for retired educators serving as teacher specialists, principal specialists, principal leaders, or curriculum specialists on site in districts in which a state of emergency is declared. These educators may be hired as a principal specialist in a state of emergency district for up to four years.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator McCONNELL raised a Point of Order that proviso 2.2 of Part 1B was out of order inasmuch as it was violative of Section 11-1-40 of the S.C. Code of Laws, 1976, as amended.

**2.2.** (LEA: SDE Lottery Carry Forward) The Department of Education is authorized to carry forward and expend any unexpended balances of lottery funds from the prior fiscal year into the current fiscal year for expenditures incurred in the prior fiscal year or to be expended for the same purpose.

The PRESIDENT took the Point of Order under advisement.

**Points of Order Withdrawn**

On motion of Senator KNOTTS, with unanimous consent, the Points of Order raised on provisos 48.13 and 48.14 of Part 1B on April 27, 2011, were withdrawn.

**Amendment No. 3A**

Senators HUTTO, REESE, SCOTT and McCONNELL proposed the following amendment (3700R060.CBH..DOCX), which was adopted (#19):

/Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 527, after line 12, by adding an appropriately numbered Proviso to read:

/  *89.\_\_\_. (GP: Privatization Approval) In the current fiscal year, without approval of a majority of the Budget and Control Board, a state agency, department, board, or commission shall not expend or contract to expend more than $500,000 to privatize a service or staffing position performed by the entity and its employees in the previous fiscal year. Further, an entity shall not expend or contract to expend more than $1,000,000 to privatize a service or staffing position performed by the entity and its employees in the previous fiscal year without approval, by joint resolution, of the General Assembly.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Amendment No. 11**

Senator THOMAS proposed the following amendment (NBD\11613DG11), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 527, after line 12, by adding an appropriately numbered new proviso to read:

/ *89.\_\_\_. (GP: Disclosures) For the current fiscal year, and from the funds appropriated to the State Ethics Commission, the Senate, and the House of Representatives, the commission may expend up to $1,000, and the Senate and the House of Representatives each may expend up to $500, to require and enforce, a statement of economic interest to disclose the major source or sources of income of more than $200 including, but not limited to, office, directorships, and salaried employments of the person making disclosure, and the person’s spouse. However, no dollar amounts need be stated. The disclosure must state the name and address of any entity that provides a source of income of more than $200. This requirement must not be construed to require the disclosure of any client list or customer list, nor the address of any investment property. When reporting private income received from a security listed on the New York Stock Exchange, American Stock Exchange, or the Nasdaq, the disclosure may state only the name of the entity, in lieu of disclosing the name and address of the entity. If the reporting individual’s or spouse’s ownership of a business enterprise’s securities provides income of more than $200, then the business enterprise must be named in lieu of any investment brokerage firm or other fiduciary that may possess or manage the securities on behalf of the member or spouse. If the reporting individual’s or spouse’s ownership of shares of a mutual fund provides income of more than $200, then the mutual fund must be named in lieu of the business enterprises whose securities are owned by the mutual fund. For purposes of this requirement, income received in the current fiscal year must be reported for the calendar year in which it is received. When reporting income received from investments with a federal or state chartered bank, the disclosure may state only the name of the bank, in lieu of stating the name and address of the bank. Also, the appropriate supervisory office shall use the funds permitted by this proviso, to require and enforce, a statement of economic interest to disclose positions held during the applicable reporting period including, but not limited to, those of an officer, director, trustee, general partner, proprietor, or representative of any corporation, firm, partnership, or other business enterprise, or any nonprofit organization or educational institution. Both the year and month must be reported for the period of time the position was held. Positions with religious, social, fraternal, or political entities, and those solely of any honorary nature do not require disclosure. In addition to all other penalties, a person who fails to disclose the information required by this paragraph, must be assessed a civil penalty of $100, which must be credited to the appropriate supervisory office. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator THOMAS explained the amendment.

**Point of Order**

Senator HUTTO raised a Point of Order that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator HUTTO spoke on the Point of Order.

Senators BRYANT and THOMAS spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator THOMAS resumed explaining the amendment.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

Amendment No. 11 was ruled out of order.

**Expression of Personal Interest**

Senator FORD rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**Remarks by Senator KNOTTS**

Mr. PRESIDENT and Members of the Senate,

I am not going to be very long, but I want to say some things about the Senator from Charleston, Senator FORD.

When I first got elected to the Senate, I was assigned to share a suite with Senator FORD in the Gressette Building. I have always found Senator FORD to be a person I could talk to and someone you could reason with. He is a person who respects you for who you are.

Everyone believed because I supported of the Confederate flag and its heritage, that Senator FORD and I were not going to get along. We fooled everybody. Remember that Senator?

We got along the first day and still get along today because of our respect for each other. Senator FORD has always been a Senator who gave respect to everyone, and certainly deserves respect himself. I don’t know of anybody that he has ever disrespected, or failed to communicate with, or failed to sit down and reason things out with, even if they were things that he did not agree with. He always was willing to sit down and work things out, compromise where compromise was needed, and stand steadfast when he needed to take a stand. He has always been a person of integrity.

Over the years, since I have been here, this body has always gone to him when we have needed his help, and he has always come to us when he needed our help. We need to remember that. I know it has been a long week, and I am glad we are not staying until the wee hours of the morning for debate. Everyone gets contentious and we get gripey, sleepy, and tired during this process of the budget.

I have always admired Senator FORD for his beliefs and his ability to go after what he believes in -- whether you agree with it or not. Remember gentlemen, he has that right just like we do and deserves the respect of this body and especially by all members.

I enjoy working with him.

Thank you.

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

On motion of Senator McCONNELL, with unanimous consent, debate was interrupted by recess.

**RECESS**

At 12:05 P.M., on motion of Senator McCONNELL, the Senate receded from business until 12:50 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 12:58 P.M. and was called to order by the PRESIDENT.

**AMENDED, DEBATE INTERRUPTED**

**H. 3700--GENERAL APPROPRIATIONS BILL**

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

**Amendment No. 66**

Senators DAVIS, BRYANT and BRIGHT proposed the following amendment (DG EXCESS REF), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 538, after line 14, by adding an appropriately numbered new proviso to read:

/ *90.\_\_\_. (SR: Refund) There is appropriated an amount to the Income Tax Rebate Fund an amount equal to any amount of general fund revenue in excess of the state general funds appropriated in Part 1A of this act. Although the money is appropriated on the effective date of this act, the money shall be credited to the fund upon the closing of the books for the fiscal year. The fund shall be created in the State Treasury and is separate and distinct from the general fund of the State, the Capital Reserve Fund, and all other funds. Revenues credited to this fund may be appropriated or used to offset revenue reductions, in priority order:*

*(1) if the balance in the general reserve fund established pursuant to Section 36, Article III of the Constitution of this State and Section 11‑11‑310 is less than the required balance, there must be appropriated to it all amounts in the Income Tax Rebate Fund up to the total necessary to replenish the general reserve fund. This amount does not replace or supplant the minimum replenishment amount otherwise required to be made to the general reserve fund; and*

*(2) for expenses incurred by this State as a result of natural or other disasters declared by the President of the United States.*

*After any appropriations or offsets in subsection (1) or (2), any remaining balance must be used as an offset for general fund revenue not collected resulting from an income tax credit, which is hereby enacted, against the state individual and corporate income tax liability of taxpayers. This income tax credit for each such taxpayer is the result produced when multiplying a fraction in which the taxpayer’s income tax liability is the numerator and the denominator is the net state income tax revenues in the most recently completed tax year, multiplied by the balance in the Income Tax Rebate Fund available to offset the collective credits. The credit is allowed against the liability on returns due to be filed for tax year 2012.*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

**Point of Order**

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

Senators HUTTO and DAVIS spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Amendment No. 76**

Senator LEATHERMAN proposed the following amendment (DAD EFFECTIVE DATE), which was adopted (#20):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 538, line 26, by striking:

/ immediately upon its approval by the Governor. / and by inserting: / July 1, 2011. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

**Amendment No. 46**

Senators SHEHEEN, MASSEY, MALLOY and ANDERSON proposed the following amendment (DAD RESTORE ETV GFS), which was adopted (#21):

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 12, line 5, opposite ETV - K‑12 TEACHER TRAINING by:

COLUMN 7 COLUMN 8

/ STRIKING: 4,829,281 4,829,281/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 77, lines 3-4, opposite PRESIDENT & GENERAL MGR. by:

COLUMN 7 COLUMN 8

/ INSERTING: 107,119

(1.00)/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 77, lines 5-6, opposite CLASSIFIED POSITIONS by:

COLUMN 7 COLUMN 8

/ INSERTING 900,000

(25.00)/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 77, line 7, opposite OTHER PERSONAL SERVICES by:

COLUMN 7 COLUMN 8

/ INSERTING: 145,000/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 77, lines 18-19, opposite CLASSIFIED POSITIONS by:

COLUMN 7 COLUMN 8

/ INSERTING: 2,170,555

(64.00)/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 77, line 23, opposite OTHER OPERATING EXPENSES by:

COLUMN 7 COLUMN 8

/ INSERTING: 483,309/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 77, lines 29-30, opposite CLASSIFIED POSITIONS by:

COLUMN 7 COLUMN 8

/ INSERTING: 285,510

(7.00)/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 77, line 33, opposite OTHER OPERATING EXPENSES by:

COLUMN 7 COLUMN 8

/ INSERTING 75,000/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 78, line 5, opposite OTHER OPERATING EXPENSES by:

COLUMN 7 COLUMN 8

/ INSERTING: 10,000/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 78, lines 13-14, opposite CLASSIFIED POSITIONS by:

COLUMN 7 COLUMN 8

/ INSERTING: 369,577

(8.00)/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 78, line 17, opposite OTHER OPERATING EXPENSES by:

COLUMN 7 COLUMN 8

/ INSERTING: 100,000/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 78, lines 27-28, opposite CLASSIFIED POSITIONS by:

COLUMN 7 COLUMN 8

/ INSERTING: 722,484

(21.00)/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 78, line 29, opposite OTHER PERSONAL SERVICES by:

COLUMN 7 COLUMN 8

/ INSERTING: 100,000/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 78, line 32, opposite OTHER OPERATING EXPENSES by:

COLUMN 7 COLUMN 8

/ INSERTING: 100,000/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 78, lines 38-39, opposite CLASSIFIED POSITIONS by:

COLUMN 7 COLUMN 8

/ INSERTING: 633,298

(16.20)/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 79, line 1, opposite OTHER PERSONAL SERVICES by:

COLUMN 7 COLUMN 8

/ INSERTING: 65,000/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 79, line 4, opposite OTHER OPERATING EXPENSES by:

COLUMN 7 COLUMN 8

/ INSERTING: 75,000/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 79, lines 10-11, opposite CLASSIFIED POSITIONS by:

COLUMN 7 COLUMN 8

/ INSERTING: 548,371

(12.00)/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 79, line 12, opposite OTHER PERSONAL SERVICES by:

COLUMN 7 COLUMN 8

/ INSERTING: 5,000/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 79, line 15, opposite OTHER OPERATING EXPENSES by:

COLUMN 7 COLUMN 8

/ INSERTING: 75,000/

Amend the bill further, as and if amended, Part IA, Section 19, EDUCATIONAL TELEVISION COMMISSION, page 79, line 25, opposite EMPLOYER CONTRIBUTIONS by:

COLUMN 7 COLUMN 8

/ STRIKING 2,440,000 2,440,000

and

INSERTING: 2,427,571 2,036,571/

Amend the bill further, as and if amended, Part IA, Section 50, LAW ENFORCEMENT TRAINING COUNCIL, page 197, lines 21-22, opposite ETV-STATE AND LOCAL TRAINING OF LAW ENFORCEME by:

COLUMN 7 COLUMN 8

/ STRIKING 574,244 574,244/

Amend the bill further, as and if amended, Part IA, Section 80A, BUDGET AND CONTROL BOARD, page 284, line 18, opposite ETV COVERAGE by:

COLUMN 7 COLUMN 8

/ STRIKING 513,269 513,269/

Amend the bill further, as and if amended, Part IB, Section 80A, BUDGET AND CONTROL BOARD, page 473, proviso 80A.4, (Wireless Communications Tower) by striking lines 2 - 5 and inserting / contracts after July 1, 2001 must be remitted to a separate fund established by the Board to create and support a statewide public safety communications system. These funds shall be retained and carried forward and used for the same purpose. Agencies /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 518, proviso 89.104, (Broadband Spectrum Lease) by striking lines 8 - 12 and inserting / recapture provisions would result in a decrease in payments received by the State for deposit into the State General Fund. /

Amend the bill further, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 522, proviso 89.121 (Funds Transfer to ETV), lines 17-24, by striking the proviso in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment.

Senator HAYES spoke on the amendment.

Senator HAYES moved to lay the amendment on the table.

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

**Ayes 16; Nays 24**

**AYES**

Alexander Bryant Cromer

Davis Fair Gregory

Hayes Leatherman *Martin, Larry*

McGill O'Dell Peeler

Ryberg Setzler Thomas

Verdin

**Total--16**

**NAYS**

Anderson Bright Campbell

Campsen Cleary Coleman

Courson Elliott Grooms

Jackson Knotts Land

Leventis Lourie Malloy

*Martin, Shane* Massey McConnell

Nicholson Reese Scott

Sheheen Shoopman Williams

**Total--24**

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

Senator HAYES spoke on the amendment.

Senator SHEHEEN spoke on the amendment.

Senator HUTTO spoke on the amendment.

Senator COURSON moved to lay the amendment on the table.

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

**Ayes 17; Nays 25**

**AYES**

Alexander Bryant Campbell

Courson Cromer Fair

Ford Hayes Leatherman

*Martin, Larry* McGill O'Dell

Peeler Ryberg Setzler

Verdin Williams

**Total--17**

**NAYS**

Anderson Bright Campsen

Cleary Coleman Davis

Elliott Gregory Grooms

Hutto Jackson Knotts

Land Leventis Lourie

Malloy *Martin, Shane* Massey

McConnell Nicholson Reese

Scott Sheheen Shoopman

Thomas

**Total--25**

The Senate refused to table 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 18**

**AYES**

Anderson Bright Campsen

Cleary Coleman Davis

Elliott Gregory Grooms

Hutto Jackson Knotts

Land Leventis Lourie

Malloy *Martin, Shane* Massey

McConnell Nicholson Pinckney

Reese Scott Sheheen

Shoopman

**Total--25**

**NAYS**

Alexander Bryant Campbell

Courson Cromer Fair

Ford Hayes Leatherman

*Martin, Larry* McGill O'Dell

Peeler Ryberg Setzler

Thomas Verdin Williams

**Total--18**

The amendment was adopted.

**Points of Order Withdrawn**

On motion of Senator KNOTTS, with unanimous consent, the Points of Order raised on provisos 89.67 and 89.72 of Part 1B on April 27, 2011, were withdrawn.

**Objection**

Senator LEATHERMAN asked unanimous consent to make a motion that no further amendments to the General Appropriations Bill be received on the Desk after 5:30 p.m. today.

Senator BRIGHT objected.

**Amendment No. 78**

Senator LARRY MARTIN proposed the following amendment (DAD ARTS PRT), which was tabled:

Amend the bill, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, lines 3-4, by striking opposite:

COLUMN 7 COLUMN 8

DIRECTOR / 91,664 91,664

(1.00) (1.00)/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 5-6, by striking opposite:

COLUMN 7 COLUMN 8

CLASSIFIED POSITIONS / 197,303 197,303

(9.52) (9.52)/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 7, by striking opposite:

COLUMN 7 COLUMN 8

OTHER PERSONAL SERVICES / 12,950 12,950/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 10, by striking opposite:

COLUMN 7 COLUMN 8

OTHER OPERATING EXPENSES / 272,872 272,872/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, lines 17-18, by striking opposite:

COLUMN 7 COLUMN 8

CLASSIFIED POSITIONS / 667,231 587,371

(20.04) (17.35)/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 19, by striking opposite:

COLUMN 7 COLUMN 8

OTHER PERSONAL SERVICES / 10,500 10,500/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 22, by striking opposite:

COLUMN 7 COLUMN 8

OTHER OPERATING EXPENSES / 231,784 71,554/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 24, by striking opposite:

COLUMN 7 COLUMN 8

ALLOC MUN-RESTRICTED / 162,671 /

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 25, by striking opposite:

COLUMN 7 COLUMN 8

ALLOC CNTY-RESTRICTED / 26,775 /

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 26, by striking opposite:

COLUMN 7 COLUMN 8

ALLOC SCHOOL DIST/ 297,454 /

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 27, by striking opposite:

COLUMN 7 COLUMN 8

ALLOC OTHER STATE AGENCIES / 146,492 /

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 28, by striking opposite:

COLUMN 7 COLUMN 8

ALLOC-PRIVATE SECTOR/ 709,837 /

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 29, by striking opposite:

COLUMN 7 COLUMN 8

ALLOC - PRIVATE SECTOR / 29,494 /

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 30, by striking opposite:

COLUMN 7 COLUMN 8

AID MUN-RESTRICTED/ 13,296 13,296/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 31, by striking opposite:

COLUMN 7 COLUMN 8

AID CNTY-RESTRICTED / 106 106/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 32, by striking opposite:

COLUMN 7 COLUMN 8

AID SCHOOL DISTRICTS / 60,890 60,890/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 33, by striking opposite:

COLUMN 7 COLUMN 8

AID OTHER STATE AGENCIES / 104,520 104,520/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 34, by striking opposite:

COLUMN 7 COLUMN 8

AID TO PRIVATE SECTOR / 217,595 217,595/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 132, line 35-36, by striking opposite:

COLUMN 7 COLUMN 8

AID TO PRIVATE SECTOR-

REPORTABLE / 3,168 3,168/

Amend the bill further, as and if amended, Part IA, Section 30, ARTS COMMISSION, page 133, line 6, by striking opposite:

COLUMN 7 COLUMN 8

EMPLOYER CONTRIBUTIONS/ 348,964 284,006/

Amend the bill further, as and if amended, Part IA, Section 39, DEPARTMENT OF PARKS, RECREATION & TOURISM, page 167, by inserting after line 15,

/ III. STATEWIDE ARTS SERVICES

PERSONAL SERVICE

COLUMN 7 COLUMN 8

CLASSIFIED POSITIONS 249,164 249,164

(4.00) (4.00)

OTHER OPERATING EXPENSES 150,000 71,554

COLUMN 7 COLUMN 8

DISTRIBUTION TO SUBDIVISIONS

ALLOC MUN-RESTRICTED 162,671

ALLOC CNTY-RESTRICTED 26,775

ALLOC SCHOOL DIST 362,412

ALLOC OTHER STATE AGENCIES 146,492

ALLOC PRIVATE SECTOR 871,481

ALLOC PRIVATE SECTOR 29,494

AID MUN-RESTRICTED 13,296 13,296

AID CNTY-RESTRICTED 106 106

AID SCHOOL DISTRICTS 560,890 560,890

AID OTHER STATE AGENCIES 104,520 104,520

AID TO PRIVATE SECTOR 837,889 837,889

AID TO PRIVATE SECTOR-

REPORTABLE 3,168 3,168/

Amend the bill further, as and if amended, Part IA, Section 39, DEPARTMENT OF PARKS, RECREATION & TOURISM, page 167, line 19, by:

COLUMN 7 COLUMN 8

/ STRIKING: 3,714,822 2,139,142

and

INSERTING: 3,802,030 2,226,350/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LARRY MARTIN explained the amendment.

Senator SHEHEEN moved to lay the amendment on the table.

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

**Ayes 32; Nays 8**

**AYES**

Anderson Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Gregory

Hayes Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Shane* Massey

McConnell McGill Nicholson

Peeler Pinckney Reese

Scott Setzler Sheheen

Thomas Williams

**Total--32**

**NAYS**

Alexander Grooms Hutto

*Martin, Larry* O'Dell Ryberg

Shoopman Verdin

**Total--8**

The amendment was laid on the table.

**Amendment No. 75**

Senators HUTTO and KNOTTS proposed the following amendment (DC DPS ILLEGAL IMMIGRATION REDUCTION), which was adopted (#22):

Amend the bill, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 194, lines 1-2, opposite “DIVISION DIRECTOR” by:

COLUMN 7 COLUMN 8

/ STRIKING: 85,000 85,000

(1.00) (1.00)

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 194, by inserting after line 02:

COLUMN 7 COLUMN 8

/Law Enforcement Officer IV 63,000 63,000

(1.00) (1.00)/

Amend the bill further, as and if amended, Part IA, Section 49, DEPARTMENT OF PUBLIC SAFETY, page 195, line 37, by:

COLUMN 7 COLUMN 8

/ STRIKING: 23,864,946 17,873,739

and

INSERTING: 23,855,674 17,864,467/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 27, 2011, that proviso 89.85 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 27, 2011, that proviso 89.146 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 27, 2011, that proviso 89.158 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 27, 2011, that proviso 1.40 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 27, 2011, that proviso 1A.22 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator MALLOY on April 27, 2011, that proviso 89.118 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator MALLOY on April 27, 2011, that proviso 89.119 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 35.3 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 35.7 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 35.8 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 35.9 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 35.12 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 34.3 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 34.4 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 34.5 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 48.8 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 48.12 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator KNOTTS on April 27, 2011, that proviso 1.70 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator KNOTTS on April 27, 2011, that proviso 1.27 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator KNOTTS on April 27, 2011, that proviso 26.18 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator SHEHEEN on April 27, 2011, that proviso 86.10 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator SHEHEEN on April 27, 2011, that proviso 90.20 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator KNOTTS on April 27, 2011, that proviso 89.115 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 27, 2011, that proviso 6.12 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Point of Order**

Senator McCONNELL raised a Point of Order that proviso 39.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**39.2.** (PRT: PARD Prior Year Expenditures) The Department of Parks, Recreation and Tourism shall be authorized to expend restricted funds in the current fiscal year, for Parks and Recreation Development Fund (PARD) grant reimbursement payment expenditures incurred in the prior fiscal year.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator McCONNELL raised a Point of Order that proviso 53.3 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**53.3.** (DJJ: Educational Funds Audit) Notwithstanding the provisions of the Education Finance Act, the South Carolina Department of Juvenile Justice shall have its educational funds audited by the Office of the State Auditor pursuant to a schedule established by the State Auditor, and said audit shall be sufficient to satisfy the timetable for audits required in Regulation 43175.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator McCONNELL raised a Point of Order that proviso 53.6 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**53.6.** (DJJ: Juvenile Justice Parole Board Compensation) The department is authorized to pay the Juvenile Justice Parole Board member up to $200 per day for services rendered to the agency in the performance of their official duties. The total amount of agency funds which can be utilized in this manner cannot exceed $48,000 per year and is subject to base budget reductions.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator McCONNELL raised a Point of Order that proviso 65.7 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

**65.7.** (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and OSHA Voluntary Programs, the Department of Labor, Licensing and Regulation shall be authorized to spend agency earmarked and restricted accounts to maintain thesecritical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget.

The PRESIDENT took the Point of Order under advisement.

**Amendment No. 38**

Senator HUTTO proposed the following amendment (3700 HUTTO‑SDE.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 347, proviso 1.100, by striking proviso 1.100 in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

Senator FAIR spoke on the amendment.

Senator FAIR moved to lay the amendment on the table.

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

**Ayes 23; Nays 14**

**AYES**

Alexander Bright Bryant

Campsen Cleary Courson

Davis Fair Gregory

Grooms Hayes Knotts

Leatherman *Martin, Larry Martin, Shane*

Massey McConnell McGill

O'Dell Peeler Shoopman

Thomas Williams

**Total--23**

**NAYS**

Anderson Campbell Coleman

Cromer Hutto Jackson

Land Leventis Malloy

Nicholson Reese Scott

Setzler Sheheen

**Total--14**

The amendment was laid on the table.

**Expression of Personal Interest**

Senator PEELER rose for an Expression of Personal Interest.

**Point of Order**

Senator HUTTO raised a Point of Order that proviso 1.100 of Part 1B was out of order inasmuch as it was violative of Sections 59-18-300 and 59-18-350 of the S. C. Code of Laws, 1976, as amended.

***1.100.*** *(SDE: Common Core Initiative)**No funds shall be expended in the current fiscal year by the Department of Education, the Education Oversight Committee, or the State Board of Education to participate in, implement, or promote the Common Core State Standards Initiative until the State Department of Education issues a report analyzing potential cost increases or cost savings of the Common Core State Standards Initiative. The report must be submitted to the House Ways and Means Committee and the Senate Finance Committee by January 6, 2012. Subsequent to the acceptance and approval of the financial report by the House Ways and Means Committee and the Senate Finance Committee, the State Board of Education, the Department of Education, and the Education Oversight Committee may adopt the Common Core State Standards Initiative.*

The PRESIDENT took the Point of Order under advisement.

**Objection**

Senator RYBERG asked unanimous consent to make a motion that no further amendments to the General Appropriations Bill be received on the Desk after 5:00 P.M. on Tuesday, May 3, 2011.

Senator LEATHERMAN objected.

**Objection**

Senator BRIGHT asked unanimous consent to make a motion that no further amendments to the General Appropriations Bill be received on the Desk after 5:00 P.M. on Wednesday, May 4, 2011.

Senator KNOTTS objected.

**Motion Adopted**

Senator McCONNELL asked unanimous consent to make a motion that when the Senate adjourns today, it stand adjourned to meet at 11:00 A.M. on Tuesday, May 3, 2011; that no further amendments would be received on the Desk after 3:00 P.M. on Tuesday, May 3, 2011; and, further, that if an amendment is subject to a Point of Order and is sustained, the author would be granted leave to submit one further amendment to attempt to correct the defect.

There was no objection and the motion was adopted.

On motion of Senator McCONNELL, debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of of Lt. Col. Paden Eskew Woodruff, Jr. (USMC - Ret.), 87, of Pickens, S.C., who died Wednesday, April 20, 2011.  Colonel Woodruff was a career United States Marine Corps officer, attended Clemson University and graduated from the US Naval Academy, Class of ’47, and a wonderful Christian husband, father, and grandfather..

**ADJOURNMENT**

At 4:42 P.M., on motion of Senator McCONNELL, 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.

\* \* \*