**Thursday, May 19, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

Joshua instructed his people:

“ ‘Now therefore revere the Lord, and serve him in sincerity and in faithfulness.’ ” (Joshua 24:14a)

Let us pray:

Gracious Lord, we willingly give You our heartfelt thanks and praise. Continue to shower Your blessings upon this Senate and these Senators, O God, leading them to honor You in everything they say and do. And through the sincere goodwill, the faithful-ness, and the diligence of these leaders, may the people of South Carolina experience many of the rewards and benefits that they so desperately desire. Also, Lord, continue to care for our women and men in uniform and keep them safe. In Your loving name we pray, dear Savior.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Angel C. Underwood, 2240 Colvin Road, Chester, SC 29706 *VICE* Benjamin Thomas Murdock

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

Charlene C. Snowden, 203 Bamert Street, Summerville, SC 29483 *VICE* Judges Bryngelson, Stephens, Murphy (10 hrs. ea.)

Initial Appointment, Dorchester County Master-in-Equity, with the term to commence June 30, 2010, and to expire June 30, 2016

Maite Murphy, 167 Oak Bluff Road, Summerville, SC 29485

**Doctor of the Day**

Senator McCONNELL introduced Dr. George Simon of Charleston, S.C., Doctor of the Day.

**Leave of Absence**

At 1:45 P.M., Senator CLEARY requested a leave of absence beginning at 5:00 P.M. this evening and lasting until 8:30 A.M. in the morning.

**Leave of Absence**

At 2:30 P.M., Senator CAMPSEN requested a leave of absence beginning at 4:00 P.M. this evening and lasting until 10:00 A.M. in the morning.

**Leave of Absence**

At 2:45 P.M., Senator CROMER requested a leave of absence beginning at 8:00 A.M. in the morning and lasting until 3:00 P.M. on Monday.

**CO-SPONSORS ADDED**

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

S. 461 Sen. Scott

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 900 -- Senators Rose, Matthews and Grooms: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE NAVY JUNIOR ROTC PROGRAM OF SUMMERVILLE HIGH SCHOOL, AND TO CONGRATULATE THE CADETS, INSTRUCTORS, AND SCHOOL OFFICIALS FOR BEING NAMED THE 2011 OUTSTANDING NAVY JUNIOR ROTC PROGRAM IN THE STATES OF SOUTH CAROLINA AND NORTH CAROLINA.

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The Senate Resolution was adopted.

S. 901 -- Senators Knotts, Ryberg, Ford, Bright, Grooms, Fair, Bryant, Jackson, Campbell, Campsen, Rose, McConnell, Shoopman, Verdin, O'Dell, Rankin and Massey: A BILL TO AMEND SECTION 9-1-2210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEACHER AND EMPLOYEE RETENTION INCENTIVE PROGRAM (TERI), SO AS TO PROVIDE THAT EMPLOYEES FIRST PARTICIPATING IN THE TERI PROGRAM AFTER JUNE 30, 2011, MAY NOT BE REEMPLOYED AFTER ENDING TERI PARTICIPATION BY ANY EMPLOYER PARTICIPATING IN THE SOUTH CAROLINA RETIREMENT SYSTEM AND TO PROVIDE DEFINITIONS.

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Senator KNOTTS spoke on the Bill.

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

**Expression of Personal Interest**

Senator CROMER rose for an Expression of Personal Interest.

S. 902 -- Senator Cromer: A BILL TO AMEND SECTION 56-5-1520 OF THE 1976 CODE, RELATING TO SPEED LIMITS, TO CLARIFY THE ENUMERATED SPEED THRESHOLDS.

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

S. 903 -- Senator Malloy: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ROBERT GARY ERVIN OF DARLINGTON COUNTY, PRINCIPAL OF WEST LEE ELEMENTARY SCHOOL IN REMBERT, UPON HIS RETIREMENT, TO THANK HIM FOR HIS EIGHTEEN YEARS OF DEDICATED SERVICE AS AN EDUCATOR, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 904 -- Senators Hutto, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR WILLIAM DAVID BILTON OF RICHLAND COUNTY, EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION, UPON HIS RETIREMENT, TO THANK HIM FOR HIS TWENTY-NINE YEARS OF DEDICATED SERVICE TO THE PALMETTO STATE, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

S. 905 -- Senator Scott: A CONCURRENT RESOLUTION TO CONGRATULATE CAPTAIN ESTELLE YOUNG OF THE COLUMBIA POLICE DEPARTMENT ON THE OCCASION OF HER RETIREMENT, TO THANK HER FOR HER FORTY-TWO YEARS OF DEDICATED SERVICE TO THE CITY OF COLUMBIA, AND TO WISH HER MUCH SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

H. 3713 -- Reps. Merrill, J. R. Smith, Ryan, Hamilton, G. R. Smith, Bedingfield, Barfield, Sandifer, McCoy, Horne, Stavrinakis, Clemmons, Loftis, Lucas, Herbkersman, Patrick, Erickson, G. M. Smith, Hixon, Pinson, Viers and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-3135 SO AS TO PROVIDE THAT WHEN A PARCEL OF REAL PROPERTY AND IMPROVEMENTS THEREON PREVIOUSLY SUBJECT TO PROPERTY TAX UNDERGOES AN ASSESSABLE TRANSFER OF INTEREST AND THE VALUE OF THE PARCEL AS DETERMINED AT THE TIME OF THE ASSESSABLE TRANSFER OF INTEREST IS GREATER THAN THE VALUE OF THE PARCEL USED IN THE PROPERTY TAX ASSESSMENT ON THE PARCEL FOR THE MOST RECENTLY COMPLETED PROPERTY TAX YEAR, THERE IS ALLOWED AN EXEMPTION OF AN AMOUNT OF THE FAIR MARKET VALUE OF THE PARCEL SUFFICIENT TO ELIMINATE ANY INCREASE IN THE VALUE OF THE PARCEL; TO AMEND SECTION 12-37-3140, AS AMENDED, RELATING TO DETERMINING FAIR MARKET VALUE, SO AS TO MAKE A CONFORMING CHANGE; AND TO AMEND SECTION 12-60-30, AS AMENDED, RELATING TO DEFINITIONS IN THE REVENUE PROCEDURES ACT, SO AS TO CLARIFY THE DEFINITION OF PROPERTY TAX ASSESSMENT.

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

H. 3871 -- Rep. Mitchell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST HENRY STREET IN THE CITY OF SPARTANBURG FROM ITS INTERSECTION WITH SOUTH CHURCH STREET TO ITS INTERSECTION WITH JOHN B. WHITE BOULEVARD “J. C. STROBLE BOULEVARD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “J. C. STROBLE BOULEVARD”.

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

H. 3921 -- Rep. Hardwick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 25 SO AS TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THE UNCLAIMED CREMATED REMAINS OF A VETERAN MAY BE INTERRED WITHOUT LIABILITY TO THE FUNERAL DIRECTOR, UNDERTAKER, FUNERAL HOME, OR OTHERS INVOLVED IN THE INTERMENT.

Read the first time and referred to the General Committee.

H. 4225 -- Reps. Ballentine, Cobb-Hunter, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Clyburn, Cole, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO SUPPORT ALL EFFORTS OF THE STEWARDS OF DECEASED AMERICAN INDIANS TO RETURN THE REMAINS OF THESE INDIVIDUALS TO THEIR DESCENDANTS AS QUICKLY AS POSSIBLE.

The Concurrent Resolution was introduced and referred to the General Committee.

**REPORTS OF STANDING COMMITTEES**

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 580 -- Senator Setzler: A BILL TO AMEND SECTION 40‑18‑140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 18 OF TITLE 40 PROVIDING FOR THE LICENSURE AND REGULATION OF PRIVATE SECURITY AND INVESTIGATION AGENCIES, SO AS TO PROVIDE THAT THE CHAPTER MUST NOT APPLY TO A PERSON BASED SOLELY ON HIS BEING ENGAGED IN COMPUTER OR DIGITAL FORENSIC SERVICES, THE ACQUISITION, REVIEW, OR ANALYSIS OF DIGITAL OR COMPUTER‑BASED INFORMATION, OR SYSTEM VULNERABILITY TESTING.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

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.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

H. 3864 -- Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Herbkersman, Hiott, Hodges, G.M. Smith, Pinson, Ballentine, D.C. Moss, Mitchell, J.H. Neal, R.L. Brown, Whipper, Toole, Forrester, Butler Garrick, Hayes, Chumley, J.E. Smith, Atwater, Owens, Bikas, Crosby, Hixon, Murphy, Stringer, Clemmons, Pitts, Edge, Viers, Dillard, Ryan, Vick, J.R. Smith, Knight, Long, Huggins, Ott and Weeks: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON FISHING GENERALLY, SO AS TO REVISE THE PROVISIONS OF THE ARTICLE TO GOVERN CERTAIN FISHING ACTIVITIES IN THE FRESHWATERS OF THIS STATE AND TO PROVIDE PENALTIES FOR SPECIFIC VIOLATIONS; BY ADDING ARTICLE 2 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN REGULATION OF AND THE PROTECTION FOR FRESHWATER GAME FISH; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES, BY ADDING SECTION 50‑13‑1995 SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY PERMIT THE FEDERAL GOVERNMENT TO CONDUCT FISH AND SCIENTIFIC INVESTIGATIONS IN THE WATERS OF THIS STATE IN CONNECTION WITH HATCHERY OPERATIONS OR MANAGEMENT OF THOSE SPECIES UNDER FEDERAL JURISDICTION; AND TO REPEAL SECTIONS 50‑13‑610 RELATING TO LAWFUL TAKING OF FISH IN GAME ZONE NO. 1; 50‑13‑620 RELATING TO PENALTIES APPLICABLE TO FISHING VIOLATIONS IN GAME ZONE NO. 1; 50‑13‑680 RELATING TO PERMITS REQUIRED FOR TAKING FISH IN CERTAIN PONDS IN MARLBORO COUNTY; 50‑13‑690 RELATING TO THE USE OF NETS OR OTHER DEVICES TO TAKE NONGAME FISH FROM PRIVATE PONDS IN CHESTERFIELD COUNTY; 50‑13‑730 RELATING TO THE USE OF NETS TO TAKE NONGAME FISH IN THE FRESHWATERS OF THIS STATE; AND 50‑13‑2010 RELATING TO THE SHELLEY LAKE FISH SANCTUARY IN MARION COUNTY.

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 748 -- Judiciary Committee: A CONCURRENT RESOLUTION TO APPROVE THE AMENDMENTS TO THE RULES OF PROCEDURE OF THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT, AS PROMULGATED BY THE ADMINISTRATIVE LAW COURT AND SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO THE PROVISIONS OF SECTION 1‑23‑650 OF THE 1976 CODE AND SECTION 4A, ARTICLE V OF THE CONSTITUTION OF THIS STATE.

Returned with concurrence.

Received as information.

S. 753 -- Judiciary Committee: A CONCURRENT RESOLUTION TO APPROVE THE AMENDMENTS TO RULE 4 AND RULE 10 OF THE OFFICE OF MOTOR VEHICLE HEARINGS OF THE ADMINISTRATIVE LAW COURT, AS PROMULGATED BY THE CHIEF JUDGE OF THE ADMINISTRATIVE LAW COURT AND SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO THE PROVISIONS OF SECTION 1‑23‑660 OF THE 1976 CODE AND SECTION 4A, ARTICLE V OF THE CONSTITUTION OF THIS STATE.

Returned with concurrence.

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

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.

**HOUSE BILL RETURNED**

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

H. 3587 -- Reps. Edge, Viers, Hardwick, Hearn, Clemmons, Barfield, Hayes and Loftis: A BILL TO AMEND SECTION 48‑39‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PERMITS REQUIRED TO UTILIZE CRITICAL AREAS, SO AS TO ADD AN EXEMPTION FOR MAINTENANCE DREDGING BY COUNTIES OR MUNICIPALITIES OF CERTAIN CANALS IF THE DREDGING IS AUTHORIZED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT ALL OTHER DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CERTIFICATIONS FOR SUCH DREDGING ARE WAIVED.

**THIRD READING BILLS**

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

S. 18 -- Senators McConnell, McGill, Rose, Campsen, Verdin, Ryberg, Leventis, Rankin and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA TEACHER PROTECTION ACT OF 2011”, BY ADDING SECTION 59‑25‑900, SO AS TO PROVIDE THAT A TEACHER MAY BRING A CIVIL ACTION AGAINST A STUDENT WHO COMMITS A CRIMINAL OFFENSE AGAINST THE TEACHER IF THE OFFENSE OCCURS ON SCHOOL GROUNDS OR AT A SCHOOL‑RELATED EVENT, OR IF THE OFFENSE IS DIRECTLY RELATED TO THE TEACHER’S PROFESSIONAL RESPONSIBILITIES, AND TO PROVIDE THAT NO TEACHER HAS CIVIL LIABILITY TO A STUDENT OR TO A PARTY ACTING IN THE INTEREST OF THE STUDENT FOR AN ACT OR OMISSION BY THE TEACHER THAT OCCURS WHILE THE TEACHER IS ACTING ON BEHALF OF THE SCHOOL.

S. 877 -- Senator Pinckney: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF HAMPTON COUNTY SCHOOL DISTRICT NO. 2 OF HAMPTON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

By prior motion of Senator PINCKNEY

S. 884 -- Senator Pinckney: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF JASPER COUNTY SCHOOL DISTRICT TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

By prior motion of Senator PINCKNEY

S. 890 -- Senators L. Martin and Alexander: A BILL TO AMEND ACT 260 OF 1981, AS AMENDED, RELATING TO THE PICKENS COUNTY SCHOOL BOARD OF TRUSTEES, TO PROVIDE THAT THE ELECTORS RESIDING IN THE DELLWOOD SUBDIVISION OF ANDERSON COUNTY SHALL BE ELIGIBLE TO VOTE IN THE ELECTION OF, AND HOLD OFFICE FOR, THE MEMBER OF THE BOARD OF TRUSTEES IN THE CLOSEST CONTIGUOUS SCHOOL DISTRICT IN PICKENS COUNTY.

By prior motion of Senator LARRY MARTIN

**READ THE SECOND TIME**

S. 896 -- Corrections and Penology Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, RELATING TO SENTENCING REFORM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4159, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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

**Ayes 40; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

Peeler Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Verdin

Williams

**Total--40**

**NAYS**

Thomas

**Total--1**

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

**COMMITTEE AMENDMENT TABLED, AMENDED**

**READ THE SECOND TIME**

H. 3295 -- Rep. Herbkersman: A BILL TO AMEND SECTION 61‑6‑1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNERS ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

Senator DAVIS asked unanimous consent to take Amendment No. 4A up for immediate consideration.

There was no objection.

Senator DAVIS proposed the following amendment (JUD3295.003), which was adopted:

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

/ SECTION 1. Section 61-6-20 of the 1976 Code, as last amended by Act 320 of 2008, is further amended to read:

“Section 61-6-20. As used in the ABC Act, unless the context clearly requires otherwise:

(1)(a) ‘Alcoholic liquors’ or ‘alcoholic beverages’ means any spirituous malt, vinous, fermented, brewed (whether lager or rice beer), or other liquors or a compound or mixture of them by whatever name called or known which contains alcohol and is used as a beverage, but does not include:

(i) wine when manufactured or made for home consumption and which is not sold by the maker of the wine or by another person; or

(ii) a beverage declared by statute to be nonalcoholic or nonintoxicating.

(b) ‘Alcoholic liquor by the drink’ or ‘alcoholic beverage by the drink’ means a drink poured from a container of alcoholic liquor, without regard to the size of the container for consumption on the premises of a business licensed pursuant to Article 5 of this chapter.

(2) ‘Bona fide engaged primarily and substantially in the preparation and serving of meals’ means a business that provides facilities for seating not fewer than forty persons simultaneously at tables for the service of meals and that:

(a) is equipped with a kitchen that is utilized for the cooking, preparation, and serving of meals upon customer request at normal meal times;

(b) has readily available to its guests and patrons either menus with the listings of various meals offered for service or a listing of available meals and foods, posted in a conspicuous place readily discernible by the guest or patrons; and

(c) prepares for service to customers, upon the demand of the customer, hot meals at least once each day the business establishment chooses to be open.

(3) ‘Homeowners association chartered as a nonprofit by the Secretary of State’ means an organization that has been recognized as a nonprofit by the Secretary of State, that contains, within the residential community, a business ‘bona fide engaged primarily and substantially in the preparation and serving of meals’, as defined by Section 61-6-20(2), whose membership is limited to individuals who own property in the residential community, and whose affairs are governed by a board of directors elected by the membership. No member, officer, agent, or employee of the association may be paid a salary or other form of compensation from any of the profit of the sale of alcoholic beverages, except as may be voted on at a meeting of the governing body, nor shall the salaries or compensation be in excess of reasonable compensation for the services actually performed. Additionally, a ‘homeowners association chartered as a nonprofit by the Secretary of State’ must abide by all alcoholic liquor regulations that apply to a nonprofit organization, as defined by Section 61-6-20(7), except that upon dissolution of the ‘homeowners association chartered as a nonprofit by the Secretary of State’, the remaining assets, if any, may be distributed to its members. A ‘homeowners association chartered as a nonprofit by the Secretary of State’ that receives a license or licenses pursuant to this chapter shall use these licenses only in businesses ‘bona fide engaged primarily and substantially in the preparation and serving of meals’ within the boundaries of the homeowners association.

(4) ‘Manufacturer’ means a person operating a plant or place of business in this State for distilling, rectifying, brewing, fermenting, blending, or bottling alcoholic liquors.

~~(4)~~(5) ‘Furnishing lodging’ means those businesses which rent accommodations for lodging to the public on a regular basis consisting of not less than twenty rooms.

~~(5)~~(6) ‘Minibottle’ means a sealed container of fifty milliliters or less of alcoholic liquor.

~~(6)~~(7) ‘Nonprofit organization’ means an organization not open to the general public, but with a limited membership and established for social, benevolent, patriotic, recreational, or fraternal purposes.

~~(7)~~(8) ‘Producer’, as used in the ABC Act, means a manufacturer, distiller, rectifier, blender, or bottler of alcoholic liquors and includes an importer of alcoholic liquors engaged in importing alcoholic liquors into the United States.

~~(8)~~(9) ‘Producer representative’ means a person who is a citizen of this State, who maintains his principal place of abode in this State, and who is registered with the department pursuant to Article 7 of this chapter as the South Carolina representative of a registered producer.

~~(9)~~(10) ‘Registered producer’ means a producer who is registered with the department pursuant to Article 7 of this chapter.

~~(10)~~(11) ‘Retail dealer’ means a holder of a license issued under the provisions of Article 3 of this chapter, other than a manufacturer or wholesaler.

~~(11)~~(12) ‘Wholesaler’ means a person who purchases, acquires, or imports from outside this State or who purchases or acquires from a manufacturer in the State alcoholic liquors for resale.”

SECTION 2. Section 61-6-1820(1) of the 1976 Code, as last amended by Act 70 of 2003, is further amended to read:

“(1) The applicant is a bona fide nonprofit organization, a homeowners association chartered as a nonprofit organization by the Secretary of State, or the applicant conducts a business bona fide engaged primarily and substantially in the preparation and serving of meals or furnishing of lodging.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators VERDIN and BRIGHT desired to be recorded as voting against the adoption of the amendment.

**Committee Amendment Tabled**

Senator DAVIS asked unanimous consent that the amendment proposed by the Committee on Judiciary, and printed as follows, be laid on the table.

There was no objection and the committee amendment was tabled.

The Committee on Judiciary proposed the following amendment (JUD3295.002), which was tabled:

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

/ SECTION 1. Section 61-6-20 of the 1976 Code, as last amended by Act 320 of 2008, is further amended to read:

“Section 61-6-20. As used in the ABC Act, unless the context clearly requires otherwise:

(1)(a) ‘Alcoholic liquors’ or ‘alcoholic beverages’ means any spirituous malt, vinous, fermented, brewed (whether lager or rice beer), or other liquors or a compound or mixture of them by whatever name called or known which contains alcohol and is used as a beverage, but does not include:

(i) wine when manufactured or made for home consumption and which is not sold by the maker of the wine or by another person; or

(ii) a beverage declared by statute to be nonalcoholic or nonintoxicating.

(b) ‘Alcoholic liquor by the drink’ or ‘alcoholic beverage by the drink’ means a drink poured from a container of alcoholic liquor, without regard to the size of the container for consumption on the premises of a business licensed pursuant to Article 5 of this chapter.

(2) ‘Bona fide engaged primarily and substantially in the preparation and serving of meals’ means a business that provides facilities for seating not fewer than forty persons simultaneously at tables for the service of meals and that:

(a) is equipped with a kitchen that is utilized for the cooking, preparation, and serving of meals upon customer request at normal meal times;

(b) has readily available to its guests and patrons either menus with the listings of various meals offered for service or a listing of available meals and foods, posted in a conspicuous place readily discernible by the guest or patrons; and

(c) prepares for service to customers, upon the demand of the customer, hot meals at least once each day the business establishment chooses to be open.

(3) ‘Homeowners association chartered as a nonprofit by the Secretary of State’ means an organization that has been recognized as a nonprofit by the Secretary of State and whose membership is limited to individuals who own property in the residential community and whose affairs are governed by a board of directors elected by the membership. No member, officer, agent, or employee of the association may be paid a salary or other form of compensation from any of the profit of the sale of alcoholic beverages, except as may be voted on at a meeting of the governing body, nor shall the salaries or compensation be in excess of reasonable compensation for the services actually performed. Additionally, a ‘homeowners association chartered as a nonprofit by the Secretary of State’ must abide by all alcoholic liquor regulations that apply to a nonprofit organization, as defined by Section 61-6-20(7), except that upon dissolution of the ‘homeowners association chartered as a nonprofit by the Secretary of State’, the remaining assets, if any, may be distributed to its members.

(4) ‘Manufacturer’ means a person operating a plant or place of business in this State for distilling, rectifying, brewing, fermenting, blending, or bottling alcoholic liquors.

~~(4)~~(5) ‘Furnishing lodging’ means those businesses which rent accommodations for lodging to the public on a regular basis consisting of not less than twenty rooms.

~~(5)~~(6) ‘Minibottle’ means a sealed container of fifty milliliters or less of alcoholic liquor.

~~(6)~~(7) ‘Nonprofit organization’ means an organization not open to the general public, but with a limited membership and established for social, benevolent, patriotic, recreational, or fraternal purposes.

~~(7)~~(8) ‘Producer’, as used in the ABC Act, means a manufacturer, distiller, rectifier, blender, or bottler of alcoholic liquors and includes an importer of alcoholic liquors engaged in importing alcoholic liquors into the United States.

~~(8)~~(9) ‘Producer representative’ means a person who is a citizen of this State, who maintains his principal place of abode in this State, and who is registered with the department pursuant to Article 7 of this chapter as the South Carolina representative of a registered producer.

~~(9)~~(10) ‘Registered producer’ means a producer who is registered with the department pursuant to Article 7 of this chapter.

~~(10)~~(11) ‘Retail dealer’ means a holder of a license issued under the provisions of Article 3 of this chapter, other than a manufacturer or wholesaler.

~~(11)~~(12) ‘Wholesaler’ means a person who purchases, acquires, or imports from outside this State or who purchases or acquires from a manufacturer in the State alcoholic liquors for resale.”

SECTION 2. Section 61-6-1820(1) of the 1976 Code, as last amended by Act 70 of 2003, is further amended to read:

“(1) The applicant is a bona fide nonprofit organization, a homeowner’s association chartered as a nonprofit organization by the Secretary of State, or the applicant conducts a business bona fide engaged primarily and substantially in the preparation and serving of meals or furnishing of lodging.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was tabled.

Senator PEELER proposed the following amendment (AGM\  
19082AB11), which was adopted:

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

/ SECTION \_\_\_. Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑2015. (A) A temporary permit to sell beer and wine for on‑premises consumption for a period not to exceed twenty‑four hours without regard to the days or hours of these sales is hereby authorized. This permit may be issued by the department for the same fees provided in Section 61‑4‑500 for a retail beer and wine permit, including an application fee. This permit shall be considered a biennial temporary permit, and may be issued to those holders of a permit to sell beer and wine for off‑premises consumption during periods other than Sunday who have within the licensed premises a separate food service establishment serving prepared food for on‑premises consumption. The permit to sell beer and wine for on‑premises consumption during the twenty‑four hour period shall apply only to this separate food service establishment.

(B) The department may require such proof of qualifications for the issuance of these permits as it considers necessary, and these permits may be issued only to qualified applicants located in a county or municipality which pursuant to Section 61‑6‑2010 has successfully held a referendum allowing the possession, sale, and consumption of alcoholic liquors by the drink for a period not to exceed twenty‑four hours.” /

Renumber sections to conform.

Amend title to conform.

Senator PEELER explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators VERDIN and BRIGHT desired to be recorded as voting against the adoption of the amendment.

Senator PEELER proposed the following amendment (DKA\3660SD11), which was adopted:

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

/ SECTION \_. Section 61-6-2010 of the 1976 Code, as last amended by Act 353 of 2008, is further amended by adding:

“(G) A business establishment located within a building on the grounds of an international airport in this State 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 this section, notwithstanding any other requirements of this section to the contrary, 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 airport district which operates the international airport or any municipality located within the territory of the district has approved, by referendum, the issuance of these temporary permits.” /

Renumber sections to conform.

Amend title to conform.

Senator PEELER explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senators VERDIN and BRIGHT desired to be recorded as voting against the adoption of the amendment.

The question then was second reading of the Bill.

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

**Ayes 40; Nays 2**

**AYES**

Alexander Bryant Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

Anderson Bright

**Total--2**

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

**OBJECTION**

S. 878 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4161, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SETZLER objected.

**OBJECTION**

S. 461 -- Senators Cleary, Sheheen, Lourie, Ford, Reese and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-2-85, SO AS TO PROVIDE THAT A HOLDER OF A PERMIT THAT ALLOWS ON-PREMISES CONSUMPTION OF BEER, WINE, OR ALCOHOLIC LIQUORS SHALL RECYCLE EACH RECYCLABLE BEVERAGE CONTAINER SOLD ON THE PREMISES IN ACCORDANCE WITH A MODEL RECYCLING PROGRAM DEVELOPED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO AMEND SECTION 61-2-90, RELATING TO REQUIRING AN APPROVED RECYCLING PLAN TO BE INCLUDED IN A PERMIT APPLICATION FOR ON-PREMISES CONSUMPTION; AND TO AMEND SECTION 6-4-20, RELATING TO THE USE OF ACCOMMODATIONS TAXES, SO AS TO PROVIDE FOR FUNDING FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE MODEL RECYCLING PROGRAM.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the proposed amendment.

Senator CLEARY proposed the following amendment (JUD0461.010):

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

/ SECTION 1. Chapter 2, Title 61 of the 1976 Code is amended by adding:

“Section 61‑2‑85. (A) For purposes of this section,

(1) ‘Financially feasible recycling program’ means a recycling program that does not increase a permit holder’s total cost for solid waste disposal and recycling by more than fourteen percent of a permit holder’s existing annual costs for solid waste disposal.

(2) ‘Model recycling program’ means a recycling program that shall contain at a minimum:

(a) identification of the recyclable materials to be included in the recycling program, such as glass bottles, plastic bottles, aluminum cans, and packing materials;

(b) information on locating a recycling service, including but not limited to existing solid waste haulers, local government solid waste departments, or commercial recyclers;

(c) information on the logistics of collecting and disposing of recyclable materials, such as external storage, internal storage, or self‑hauling to drop‑off centers;

(d) information on the sources and kinds of recycling storage units;

(e) information on types of employee education programs, such as basic training on recycling; and

(f) information on strategies that permit holders may use to reduce or control costs.

(3) ‘Permit holder’ means a holder of a permit or license issued by the Department of Revenue that authorizes on premises consumption of beer, wine, or alcoholic liquor by the drink.

(4) ‘Financially feasible means of glass collection’ means the existence of a commercial or governmental financially feasible recycling program that allows a permit holder to contract for onsite pickup of glass or provides a glass container recycling drop off location that is easily available to a permit holder.

(5) ‘Recycling plan’ means a plan for recycling that provides for the separation, storage, collection, and recycling of recyclable beverage containers and their packaging that are sold on the premises of a permit holder, including, but not limited to, aluminum, plastic, glass containers, and cardboard used to package, ship, or deliver the beverage containers. (B) A permit holder must certify as part of its permitting process with the Department of Revenue that a site specific recycling plan for the collection and recycling of recyclable beverage containers and packaging sold on the premises by the permit holder has been prepared and will be made available upon demand to the Department of Revenue. Each site specific recycling plan must:

(1) contain all elements included in a model recycling plan that shall be developed by the Department of Health and Environmental Control and made available on its website; or

(2) be at least as comprehensive as the model recycling plan.

(C) A permit holder is exempt:

(1) from the requirement to implement recycling of glass containers if a financially feasible means of glass collection is not available to a permit holder and a permit holder has documentation to support the exemption; or

(2) from the requirement to implement a site specific recycling plan if a financially feasible recycling program is not available to a permit holder and a permit holder has documentation to support the exemption.

(D) The Department of Revenue shall annually perform a random audit of recycling plans to determine compliance with the provisions of this section. All permit holders must have a site specific recycling plan. A permit holder claiming an exemption from implementation of all or part of a recycling plan must provide adequate documentation to support an exemption.

(E) (1) A permit holder may be subject to penalties for:

(a) failure to have a site specific recycling plan;

(b) failure to implement a recycling plan; or

(c) failure to provide adequate documentation supporting an exemption.

(2) Penalties imposed pursuant to this section are as follows:

(a) for a first offense, a warning;

(b) for a second offense, a fine of not less than two hundred fifty dollars nor more than five hundred dollars; or

(c) for a third or subsequent offense, a fine of one thousand dollars.

(F) For purposes of this section, communications and documents that are required to be transmitted in writing may also be transmitted by electronic transmission, if both the sender and receiver agree to electronic transmission.

(G) Failure of a permit holder to comply with the provisions of this section shall not be grounds for denial, revocation or non‑renewal of a permit authorized under Title 61.”

SECTION 2. Section 61‑2‑90 of the 1976 Code is amended to read:

“Section 61‑2‑90. (A) A person desiring a license or permit under this title must file with the department an application in writing on forms provided by the department containing a statement under oath setting forth:

(1) the name, address, date of birth, race, and nationality of the person applying for the license or permit;

(2) the exact location where the business is proposed to be operated;

(3) a description of the type of business to be operated;

(4) whether the applicant or an owner of the business has been involved in the sale of alcoholic liquors, beer, or wine in this or another state and whether he has had a license or permit suspended or revoked;

(5) whether the applicant has been a legal resident of this State for at least thirty days before the date of application, and has maintained his principal place of abode in the State for at least thirty days before the date of application;

(6) other information required by the department to determine if the application meets all statutory requirements for the license or permit and to determine the true owners of the business seeking the license or permit.

(B) A person applying for or renewing a permit or license to allow on premises consumption of beer, wine, or alcoholic liquor by the drink must include in the application or renewal a written certification that there is a site specific recycling plan for the location on the permit application or renewal as required by Section 61‑2‑85.”

SECTION 3. Section 61‑2‑120 of the 1976 Code is amended to read:

“(A) Biennial licenses and permits issued under this title expire according to the county where the licensed location is situated. The expiration dates are the last day of:

(1) February in years which end in an:

(a) odd number for Allendale, Bamberg, Barnwell, Beaufort, and Berkeley Counties;

(b) even number for Charleston, Clarendon, Colleton, Dorchester, Georgetown, Hampton, Jasper, and Williamsburg Counties;

(2) May in years which end in an:

(a) odd number for Cherokee, Chester, Chesterfield, Darlington, Dillon, Fairfield, Florence, and Horry Counties;

(b) even number for Lancaster, Marion, Marlboro, Union, and York Counties;

(3) August in years which end in an:

(a) odd number for Calhoun, Kershaw, Lee, Orangeburg, and Sumter Counties;

(b) even number for Richland County;

(4) November in years which end in an:

(a) odd number for Abbeville, Aiken, Anderson, Edgefield, Greenville, and Greenwood Counties;

(b) even number for Laurens, Lexington, McCormick, Newberry, Oconee, Pickens, Saluda, and Spartanburg Counties.

(B) For a period of eight years from the issuance of a permit or license requiring certification of a recycling plan, each holder of an on premises consumption permit or license required to implement a recycling plan pursuant to Section 61‑2‑85 and Section 61‑2‑90 shall be allowed a ten percent reduction on its biennial permit or license fee for every two years that the holder uses a required recycling plan that includes recycling of glass containers.”

SECTION 4. The Department of Health and Environmental Control and the Department of Revenue may promulgate regulations to implement these provisions.

SECTION 5. This act takes effect one year after approval by the Governor, except for SECTION 5, which shall be effective immediately upon signature of the Governor in order that the Department of Health and Environmental Control shall have a model recycling plan on its website prior to the effective date, and regulations may be promulgated by the Department of Health and Environmental Control and the Department of Revenue pending the effective date. /

Renumber sections to conform.

Amend title to conform

Senator CLEARY explained the perfecting amendment.

Senator LARRY MARTIN ojected to further consideration of the Bill.

**Message from the House**

Columbia, S.C., May 19, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

LOCAL APPOINTMENT

Appointment, Dorchester County Master-in-Equity, with term to commence June 30, 2010, and to expire June 30, 2016:

The Honorable Maite Murphy, 167 Oak Bluff Road, Summerville, SC 29485

Very respectfully,

Speaker of the House

Received as information.

**MOTION ADOPTED**

Senator PEELER asked unanimous consent to make a motion that the Senate go into Executive Session and, upon lifting of the veil, confirm any appointments and at the conclusion of the confirmations, the Senate would stand in recess until 1:30 P.M.

**EXECUTIVE SESSION**

On motion of Senator PEELER, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

**STATEWIDE APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Corrections and Penology Committee, the following appointments were confirmed in open session:

Initial Appointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2009, and to expire March 15, 2015

3rd Congressional District:

Beverly R. McAdams, 508 Cathey Road, Anderson, SC 29621 *VICE* James H. Williams (resigned)

Reappointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2011, and to expire March 15, 2017

6th Congressional District:

Marvin Stevenson, 3768 Marvins Court, Marion, SC 29571

Initial Appointment, South Carolina Board of Probation, Parole and Pardon Services, with the term to commence March 15, 2011, and to expire March 15, 2017

2nd Congressional District:

Norris G. Ashford, 437 North Royal Tower Drive, Irmo, SC 29063 *VICE* Mr. James A. Gordon (resigned)

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

Initial Appointment, South Carolina State Commission on Higher Education, with the term to commence July 1, 2008, and to expire July 1, 2012

At-Large:

Jennifer B. Settlemyer, 773 Harbor View Drive, Prosperity, SC 29127 *VICE* Dr. Douglas Forbes

Reappointment, South Carolina Commission on Archives and History, with term coterminous with Governor

At-Large:

William L. Kinney, Jr., 100 Fayetteville Ave., Bennettsville, SC 29512

Initial Appointment, South Carolina Commission on Archives and History, with term coterminous with Governor

At-Large:

Christopher M. Curtis, 3124 Jackson Drive, Orangeburg, SC 29118 *VICE* William Bauer

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointments were confirmed in open session:

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2008, and to expire June 30, 2012

6th Congressional District:

Steven K. Dean, 601 Periwinkle Court, Sumter, SC 29150 *VICE* Luther Bradley (deceased)

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2008, and to expire June 30, 2012

At-Large:

Pamela Shealy, 152 E. Selwood Lane, Columbia, SC 29212 *VICE* Michael Tyler (resigned)

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2011, and to expire June 30, 2015

At-Large Doctor:

James William Phillips III, 30 Foot Point Road, Columbia, SC 29209

Reppointment, South Carolina State Athletic Commission, with the term to commence June 30, 2010, and to expire June 30, 2014

5th Congressional District:

Clyde M. Jones, 1002 Sunnyhill Drive, Camden, SC 29512

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2008, and to expire June 30, 2012

4th Congressional District:

Alan Wells, 1107 Edwards Road, Greenville, SC 29615 *VICE* Mrs. Lynda Leventis-Wells

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

Initial Appointment, South Carolina State Board of Pharmacy, with term coterminous with Governor

At-Large Pharmacist:

Rebecca E. Long, 159 South Bull Street, Columbia, SC 29205 *VICE* David Banks

Reappointment, South Carolina State Board of Pharmacy, with term coterminous with Governor

Lay Member:

Leo Richardson, 241 King Charles Road, Columbia, SC 29209

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

Initial Appointment, South Carolina Aeronautics Commission, with term coterminous with Governor

At-Large:

Delphin Gantt, 136 Inverness Drive, Lexington, SC 29072 *VICE* Gregg Malphus

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Charlene C. Snowden, 203 Bamert Street, Summerville, SC 29483 *VICE* Judges Bryngelson, Stephens, Murphy (10 hrs. ea.)

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

Angel C. Underwood, 2240 Colvin Road, Chester, SC 29706 *VICE* Benjamin Thomas Murdock

Initial Appointment, Dorchester County Master-in-Equity, with the term to commence June 30, 2010, and to expire June 30, 2016

Maite Murphy, 167 Oak Bluff Road, Summerville, SC 29485

**RECESS**

At 11:55 A.M., on motion of Senator PEELER, the Senate receded from business until 1:30 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:41 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 adoption of the amendment (3700R110.TD.DOCX) proposed by Senators DAVIS, SHOOPMAN and ROSE and previously printed in the Journal of Wednesday, May 18, 2011.

**Point of Quorum**

At 1:42 P.M., Senator RYBERG made the point that a quorum was not present.

A quorum being present, the Senate resumed.

**Amendment No. 173**

Senators DAVIS, SHOOPMAN and ROSE proposed the following amendment (3700R110.TD.DOCX), which was tabled:

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: Income Tax Rebate Fund) (A) There is created a separate and distinct fund in the State Treasury known as the Income Tax Rebate Fund. The fund is comprised of monies directed to the fund by this act. The fund must be used to provide an income tax rebate to all South Carolina income taxpayers. The rebate shall be the amount produced when multiplying a fraction in which the income taxpayer’s income tax liability is the numerator and the denominator is the projected net state income tax revenues in the most completed tax year, multiplied by the balance in the Income Tax Rebate Fund.*

*(B) The rebate must be made to each South Carolina income taxpayer as soon as practicable after the taxpayer files a South Carolina income tax return for the 2011 tax year and may be combined with any rebate due to the taxpayer. The taxpayer’s income tax liability for purposes of calculating the rebate is the filer’s Total South Carolina Tax as indicated on the filer’s income tax form or tax computation worksheet if the filer requests an extension. An income taxpayer who files an income tax form or requests an extension after the filing deadline is not eligible for the rebate provided by this section.*/

Senator DAVIS explained the amendment.

Senator LEATHERMAN spoke on the Bill.

**Objection**

Senator LEATHERMAN asked unanimous consent to make a motion that no further amendments on the Bill would be received on the Desk after 4:00 P.M. today.

Senator RYBERG objected.

Senator LARRY MARTIN spoke on the amendment.

**Motion Under Rule 15A Out of Order**

At 2:45 P.M., Senator HAYES moved under the provisions of Rule 15A to vote on the entire matter of H. 3700.

**Point of Order**

Senator MALLOY raised a Point of Order that the Bill had not been under debate for two hours and the motion under Rule 15A was out of order.

Senator LEVENTIS spoke on the Point of Order.

The PRESIDENT sustained the Point of Order and stated that the Bill had been under debate for an hour and ten minutes.

Senator LARRY MARTIN resumed speaking on the amendment.

Senator ROSE spoke on the amendment.

**Motion Under Rule 15A Failed**

At 3:42 P.M., Senator HAYES moved under the provisions of Rule 15A to vote on the entire matter of H. 3700.

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

**Ayes 20; Nays 22**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Ford

Hayes Jackson Land

Leatherman Leventis Lourie

*Martin, Larry* Matthews McGill

Nicholson O'Dell Pinckney

Scott Williams

**Total--20**

**NAYS**

Bright Bryant Campsen

Courson Cromer Davis

Gregory Grooms Hutto

Knotts Malloy *Martin, Shane*

Massey McConnell Peeler

Rankin Reese Rose

Ryberg Shoopman Thomas

Verdin

**Total--22**

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Senator LEATHERMAN spoke on the amendment.

**RECESS**

At 4:18 P.M., with Senator LEATHERMAN retaining the floor, on motion of Senator PEELER, with unanimous consent, the Senate receded from business not to exceed five minutes.

At 4:25 P.M., the Senate resumed.

Senator LEATHERMAN resumed speaking on the amendment.

**Motion Adopted**

At 4:25 P.M. Senator LEATHERMAN asked unanimous consent to make a motion that no further amendments be received on the Desk after 4:30 P.M. and that the Senate would consider standing adjourned at 6:00 P.M.

There was no objection and the motion was adopted.

**Motion Adopted**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet tomorrow under the provisions of Rule 1 for local and uncontested matters that have unanimous consent to be taken up and that when the Senate adjourns tomorrow, it stand adjourned to meet in Statewide Session on Tuesday, May 24, 2011, at 10:00 A.M.

Senator LEATHERMAN resumed speaking on the amendment.

Senator LAND moved to lay the amendment on the table.

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

**Ayes 23; Nays 17**

**AYES**

Alexander Campbell Coleman

Elliott Ford Hayes

Hutto Jackson Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Matthews

McGill Nicholson O'Dell

Pinckney Reese Scott

Sheheen Williams

**Total--23**

**NAYS**

Bright Bryant Courson

Cromer Davis Gregory

Grooms *Martin, Shane* Massey

McConnell Peeler Rose

Ryberg Setzler Shoopman

Thomas Verdin

**Total--17**

The amendment was laid on the table.

**Statement by Senator KNOTTS**

Had I been present in the Chamber at the time the vote was taken, I would have voted against the motion to table Amendment No. 173.

**Expression of Personal Interest**

Senator RYBERG rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LEVENTIS rose for an Expression of Personal Interest.

**Amendment No. 165**

Senators DAVIS, ROSE, SHANE MARTIN and BRIGHT proposed the following amendment (DAD REFUND), which was tabled:

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 to the Department of Employment and Workforce for repayment on outstanding federal loans associated with the Unemployment Insurance Trust Fund, an amount equal to any amount of general fund revenue collected through the third quarter of the fiscal year in excess of the amount projected to be available to fund appropriations made with general funds in this act or any supplemental appropriations act for the first three quarters of the fiscal year. 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, the excess revenue collected must instead be deposited in 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. Any amount remaining after the general reserve fund is replenished must be used to provide the refund established by this paragraph.*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

**ACTING PRESIDENT PRESIDES**

At 4:48 P.M., Senator LARRY MARTIN assumed the Chair.

Senator DAVIS explained the amendment.

Senator SHANE MARTIN asked unanimous consent to take the amendment up for immediate consideration, waiving the provisions of Rule 26B.

There was no objection.

Senator DAVIS explained the amendment.

Senator LEVENTIS 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 21; Nays 17**

**AYES**

Alexander Ford Hutto

Jackson Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey Matthews

McGill Nicholson Pinckney

Reese Ryberg Scott

Setzler Sheheen Williams

**Total--21**

**NAYS**

Bright Bryant Campbell

Courson Cromer Davis

Gregory Grooms Hayes

*Martin, Shane* McConnell O'Dell

Peeler Rose Shoopman

Thomas Verdin

**Total--17**

The amendment was laid on the table.

**Statement by Senator KNOTTS**

Had I been present in the Chamber at the time the vote was taken, I would have voted against the motion to table Amendment No. 165.

**Amendment No. 182A**

Senators CROMER, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, COURSON, DAVIS, ELLIOTT, FAIR, FORD, GREGORY, GROOMS, HAYES, HUTTO, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McCONNELL, McGILL, NICHOLSON, O’DELL, PEELER, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS proposed the following amendment (DAD CONTINGENCY), which was adopted (#63):

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:

/ *SR: Contingency Reserve Fund Transfers) Any excess Fiscal Year 2010-11general fund revenue above the amounts appropriated in Proviso 90.18 shall be transferred to the Contingency Reserve Fund. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CROMER explained the amendment.

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

There was no objection.

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 Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--46**

**NAYS**

**Total--0**

The amendment was adopted.

**Motion Under Rule 26B Failed**

Senator ROSE moved under the provisions of Rule 26B to take up an additional amendment on third reading.

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

**Ayes 16; Nays 22**

**AYES**

Bright Bryant Courson

Cromer Davis Gregory

Grooms *Martin, Shane* McConnell

O'Dell Peeler Rose

Ryberg Shoopman Thomas

Verdin

**Total--16**

**NAYS**

Alexander Campbell Ford

Hayes Hutto Jackson

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey Matthews McGill

Nicholson Pinckney Reese

Scott Setzler Sheheen

Williams

**Total--22**

Having failed to receive the necessary vote, the motion under Rule 26B failed and Amendment No. 188 was not considered.

Senator MASSEY asked unanimous consent to take up an additional amendment on third reading.

There was no objection.

**Amendment No. 203**

Senators MASSEY, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, COURSON, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GREGORY, GROOMS, HAYES, HUTTO, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MATTHEWS, McCONNELL, McGILL, NICHOLSON, O’DELL, PEELER, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS proposed the following amendment (3700R125.ASM.DOCX), which was adopted (#64):

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: Agency Deficit Notice) The Comptroller General or the Office of State Budget shall (1) provide written notice to each member of the General Assembly when it makes a report to the Budget and Control Board concerning an agency, department, or institution that is expending authorized appropriations at a rate which predicts or projects a general fund deficit for the agency, department, or institution, and (2) make monthly progress reports concerning an agency’s, department’s, or institution’s plan to reduce or eliminate the deficit.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

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 Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--46**

**NAYS**

**Total--0**

The amendment was adopted.

Senator LOURIE asked unanimous consent to take up Amendment No. 212 for immediate consideration.

There was no objection.

**Amendment No. 212**

Senator BRIGHT proposed the following amendment (3700R133.LB.DOCX), which was tabled:

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: Transfer of Funds to Department of Employment and Workforce) One hundred million dollars from the appropriation to the Department of Health and Human Services for Medicaid must be transferred to the Department of Employment and Workforce. The Department of Employment and Workforce must utilize the funds contained in this proviso to provide employers a rebate on premiums paid during Fiscal Year 2011 -2012. /*

Amend the bill further, 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: Additional Appropriations) In addition to the appropriations made in Part IA of this act and appropriations made in this section, there is appropriated to the Department of Employment and Workforce $105,000,000. The Department of Employment and Workforce must utilize the funds contained in this proviso to provide employers a rebate on premiums paid during Fiscal Year 2011 -2012.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LAND moved to lay the amendment on the table.

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

**Ayes 24; Nays 13**

**AYES**

Alexander Campbell Courson

Cromer Ford Hayes

Hutto Jackson Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

Matthews McGill Nicholson

O'Dell Pinckney Ryberg

Scott Setzler Sheheen

**Total--24**

**NAYS**

Bright Bryant Davis

Gregory Grooms *Martin, Shane*

McConnell Peeler Reese

Rose Shoopman Thomas

Verdin

**Total--13**

The amendment was laid on the table.

**Statement by Senator KNOTTS**

Had I been present in the Chamber at the time the vote was taken, I would have voted against the motion to table Amendment No. 212.

**Expression of Personal Interest**

Senator SHANE MARTIN rose for an Expression of Personal Interest.

Senator SHANE MARTIN asked unanimous consent to take up an additional amendment on third reading.

There was no objection.

**Amendment No. 221**

Senator BRIGHT proposed the following amendment (3700R140.LB.DOCX), which was tabled:

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: Transfer of Funds to Department of Employment and Workforce) One hundred million dollars from the appropriation to the Department of Health and Human Services for Medicaid must be transferred to the Department of Employment and Workforce. The Department of Employment and Workforce must utilize the funds contained in this proviso to provide employers a rebate on premiums paid during Fiscal Year 2011 -2012. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

Senator ALEXANDER explained the amendment.

Senator LEVENTIS 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 Campbell Ford

Hayes Hutto Jackson

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

Matthews McGill Nicholson

O'Dell Pinckney Reese

Ryberg Scott Setzler

Sheheen Williams

**Total--23**

**NAYS**

Bright Bryant Courson

Cromer Davis Grooms

*Martin, Shane* Massey McConnell

Peeler Rose Shoopman

Thomas Verdin

**Total--14**

The amendment was laid on the table.

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

**MOTION ADOPTED**

On motion of Senators LEVENTIS and LAND, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Kay Harmon of Sumter, S.C., beloved wife of Fred and devoted mother who will be missed greatly by all who knew and loved her.

**ADJOURNMENT**

At 6:02 P.M., on motion of Senator LEATHERMAN, 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.

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