**Thursday, May 26, 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:

In the Book of Proverbs we read that:

“The teaching of the wise is a fountain of life, turning a man from the snares of death.” (Proverbs 13:14)

Let us pray:

Holy God, we know that the wisdom of our elders is a priceless asset. Portraits which surround us in this Chamber and recollections of many who have gone before us should be more than enough to remind everyone how poor we are when we ignore their lessons. May the “teachings of the wise” truly enhance the decisions of each of these Senators in the remaining days of this Legislative Session. Also, O God, with the Memorial Day weekend now stretching before us, we remember our women and men in uniform, and we honor their sacrificial service to this Nation we love. In Your blessed name we pray, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointment**

Initial Appointment, Director of Employment and Workforce, with term coterminous with Governor

Abraham J. Turner, 1985 Culpepper Lane, Fayetteville, NC 28304 *VICE* John L. Finan

Referred to the Committee on Labor, Commerce and Industry.

**Doctor of the Day**

Senator SHOOPMAN introduced Dr. Don Vaughan of Greenville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator BRIGHT, at 10:00 A.M., Senator BRYANT was granted a leave of absence until 1:00 P.M.

**Leave of Absence**

On motion of Senator KNOTTS, at 10:00 A.M., Senator CAMPBELL was granted a leave of absence until 6:00 P.M.

**Leave of Absence**

At 12:30 P.M., Senator RANKIN requested a leave of absence until convening for redistricting on June 14, 2011.

**Leave of Absence**

At 3:30 P.M., Senator PEELER requested a leave of absence beginning at 4:30 P.M. and lasting until Noon tomorrow.

**Leave of Absence**

At 3:55 P.M., Senator SHANE MARTIN requested a leave of absence beginning at 4:30 P.M. and lasting until Noon on Tuesday.

**Objetion to Leave of Absence**

At 7:32 P.M., Senator BRYANT requested a leave of absence beginning at 12:15 A.M tonight and lasting until Tuesday.

Senator SHEHEEN objected.

**Leave of Absence**

At 9:15 P.M., Senator COURSON requested a leave of absence until Tuesday.

**Expression of Personal Interest**

Senator ALEXANDER rose for an Expression of Personal Interest.

**Remarks by Senator ALEXANDER**

Thank you, Mr. PRESIDENT and members of the Senate.

This Thursday, hopefully, we will be going home. We’ll have the opportunity to celebrate Memorial Day weekend back in our districts. As the Chaplain said in his special prayer and as he talked about those that have gone before us, I can’t help but think here on this Thursday before Memorial Day that we owe a special debt of gratitude to our veterans and to those who have served and are serving in uniform -- the men and women who are giving so many sacrifices. We need to remember especially on Memorial Day those who gave the ultimate sacrifice -- those who gave the ultimate sacrifice for the freedoms we enjoy.

There are a couple of things I wanted to say in conjunction with Memorial Day and to those that we'll be recognizing this weekend. The first item is from Red Skelton. Looking around this Chamber, most of us are old enough to remember Red Skelton and his being a comedian. What you may not realize, and I didn’t realize, was that he was a great artist, a colorful artist as well -- until our family had some clowns that he’d actually drawn. He did some portraits and writings that I want to share with you. We recite our Pledge of Allegiance and take it very seriously. I thought it would be appropriate to read you something that Red Skeleton wrote or at least commented on.

Mr. Skelton said, “I remember this one teacher. To me, he was the greatest teacher, a real sage of my time. He had such wisdom. We were all reciting the Pledge of Allegiance, and he walked over. Mr. Lasswell was his name… he said, “I’ve been listening to you boys and girls recite the Pledge of Allegiance all semester and it seems as though it is becoming monotonous to you. If I may, may I recite it and try to explain to you the meaning of each word?

**I** -- me, an individual, a committee of one.

**Pledge** -- dedicate all of my worldly goods to give without self-pity.

**Allegiance** -- my love and my devotion.

**To the Flag** -- our standard, Old Glory, a symbol of freedom. Wherever she waves, there is respect because your loyalty has given her a dignity that shouts freedom is everybody’s job.

**Of the United** -- that means that we have all come together.

**States** -- individual communities that have united into 48 great states. 48 individual communities with pride and dignity and purpose, all divided with imaginary boundaries, yet united to a common purpose, and that’s love for country.

**Of America**.

**And to the Republic** -- a state in which sovereign power is invested in representatives chosen by the people to govern. And government is the people and it’s from the people to the leaders, not from the leaders to the people.

**For which it stands**.

**One nation** -- meaning, so blessed by God.

**Indivisible** -- incapable of being divided.

**With liberty** -- which is freedom and the right of power to live one’s own life without threats or fear or some sort of retaliation.

**And Justice** -- the principle or quality of dealing fairly with others.

**For all** -- which means it’s as much your country as it is mine.

Since I was a small boy, two states have been added to our country and two words have been added to the Pledge of Allegiance -- ‘Under God’.” [Red Skelton]

I thought that would be appropriate because it is our military that serves under our flag that represents America -- our individual states but united as one. I would like to conclude my remarks by reading this poem to show my appreciation to those who have served, who are serving, who will serve and who gave that ultimate sacrifice. I do not know the author.

“It is the veteran

Not the preacher

That has given us freedom of religion.

It is the veteran

Not the reporter

That has given us freedom of press.

It is the veteran

Not the poet

That has given us the freedom of speech.

It is the veteran

Not the campus organizer

That has given us the freedom to assemble.

It is the veteran

Not the lawyer

That has given us the right to a fair trial.

It is the veteran

Not the politician

That has given us the right to vote.

It is the veteran

That salutes the flag

And it is the veteran

Who serves under the flag.”

So, as we go about doing our work, may we give thanks for all the veterans and those that gave the ultimate sacrifice for their willingness to stand for America, for the great love we love and care about as we go into this Memorial Day weekend.

Thank you, Mr. PRESIDENT.

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

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator THOMAS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CROMER rose for an Expression of Personal Interest.

**Presentation of Service Pins**

In commemoration of continuous service with the State of South Carolina, Senator McCONNELL, PRESIDENT *Pro Tempore* of the Senate, presented certificates and awarded service pins to the following Senate staff for their respective years of state service:

10 Year Pins

Susan Blue

Joseph “J.J” Gentry

Mike Hitchcock

Senator McCONNELL also presented certificates and service pins to the following Senator for his valuable years of service:

40 Year Pin

Senator John Land

All were highly commended for their years of devoted and loyal service.

**Expression of Personal Interest**

Senators McGILL, McCONNELL and LAND rose for an Expression of Personal Interest to congratulate and extend the Senate’s best wishes to Senator RANKIN upon the occasion of his upcoming wedding on Saturday, June 28, 2011.

**RECESS**

At 11:27 A.M., on motion of Senator McGILL, the Senate receded from business subject to the Call of the Chair.

At 12:00 P.M., the Senate resumed.

**RECALLED**

S. 734 -- Senator Pinckney: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 601 IN JASPER COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO ITS INTERSECTION WITH THE JASPER/HAMPTON COUNTY LINE THE “EUNICE HOLMAN DOE HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “EUNICE HOLMAN DOE HIGHWAY”.

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

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

**RECALLED AND ADOPTED**

H. 4209 -- Reps. Clemmons, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G.A. Brown, H.B. Brown, R.L. Brown, Butler Garrick, Chumley, Clyburn, Cobb‑Hunter, 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 HONOR AND RECOGNIZE COUNTRY MUSIC LEGEND DOLLY PARTON FOR HER CONTRIBUTIONS TO THE MUSIC INDUSTRY, TO THE ECONOMIC HEALTH OF THE PALMETTO STATE, AND TO CHARITABLE CAUSES WORLDWIDE, AND WELCOME HER BACK TO SOUTH CAROLINA FOR THE GRAND OPENING OF PIRATES VOYAGE IN MYRTLE BEACH ON JUNE 3, 2011, AND TO DECLARE THIS DAY “DOLLY PARTON DAY” IN SOUTH CAROLINA.

Senator ALEXANDER asked unanimous consent to make a motion to recall the Resolution from the General Committee.

The Resolution was recalled from the General Committee.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 927 -- Senator Ford: A CONCURRENT RESOLUTION TO URGE THE GOVERNOR OF THE STATE OF SOUTH CAROLINA TO PROMOTE THE CREDIBILITY AND BALANCE OF THE SOUTH CAROLINA HEALTH PLANNING COMMITTEE BY ENSURING THE MEMBERSHIP OF THE COMMITTEE REPRESENTS THE BROAD SPECTRUM OF STATE RESIDENTS WHO WOULD BE SERVED BY THE STATE HEALTH INSURANCE EXCHANGE CREATED BY THE COMMITTEE.

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The Concurrent Resolution was introduced and referred to the Committee on Finance.

S. 928 -- Senator L. Martin: A BILL TO AMEND SECTION 1-7-30 OF THE 1976 CODE, RELATING TO THE APPOINTMENT OF ASSISTANT ATTORNEYS GENERAL, TO PROVIDE FOR THE APPOINTMENT OF INVESTIGATORS AND TO PROVIDE THAT ANY INVESTIGATOR EMPLOYED BY THE ATTORNEY GENERAL WITH A CLASS 1 LAW ENFORCEMENT CERTIFICATION SHALL HAVE FULL STATEWIDE POLICE POWER IN THE STATE OF SOUTH CAROLINA AND IS REQUIRED TO POST BOND AND TAKE AN OATH TO FAITHFULLY PERFORM AND EXECUTE HIS DUTIES.

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

S. 929 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-18-170 TO ENACT “BENJI'S LAW” SO AS TO SPECIFY PERMIT REQUIREMENTS FOR MINIATURE TRAINS OPERATED FOR THE USE OF THE PUBLIC AS AN AMUSEMENT DEVICE IN AN AMUSEMENT PARK.

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

S. 930 -- Senator Scott: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF OCTOBER 2011, AS GANG AWARENESS MONTH IN SOUTH CAROLINA IN ORDER TO RAISE PUBLIC AWARENESS OF THE INCREASING PROBLEM OF CRIMINAL GANG ACTIVITY IN OUR STATE.

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

S. 931 -- Senator Scott: A CONCURRENT RESOLUTION TO DECLARE THE MONTH OF SEPTEMBER 2011, YOUTH AWARENESS MONTH IN SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS OF THIS GREAT STATE TO PROMOTE STRONG FAMILIES AND PARENTING, ALONG WITH YOUTH PROGRAMS AND JOBS.

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

S. 932 -- Senator Hutto: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE ORANGEBURG PREPARATORY SCHOOL SPORTING CLAYS TEAM FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THE TEAM AND COACHES FOR CAPTURING THE 2011 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

H. 4198 -- Reps. Bingham, Cooper, White, Cobb-Hunter, Ott, Whipper, Erickson and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑31-35 SO AS TO PROVIDE THAT FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS, IF AN EMPLOYER HAS A POSITIVE FUND BALANCE FOR A PERIOD OF AT LEAST ONE YEAR IN ITS ACCOUNT, IT MAY NOT BE CLASSIFIED IN RATE CLASS 13 OR HIGHER AND TO PROVIDE THAT ALL NEW EMPLOYERS FOR PURPOSES OF UNEMPLOYMENT COMPENSATION BENEFIT CONTRIBUTIONS REQUIRED OF EMPLOYERS MUST BE CLASSIFIED IN RATE CLASS 12; BY ADDING SECTION 41-31-36 SO AS TO PROVIDE THAT NO NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODE 5613 EMPLOYER BASE RATE MAY BE LESS THAN THE RATE APPLICABLE FOR RATE CLASS THIRTEEN UNTIL THERE HAVE BEEN TWELVE CONSECUTIVE MONTHS OF COVERAGE AFTER FIRST BECOMING LIABLE FOR CONTRIBUTIONS; BY ADDING SECTION 41-31-41 SO AS TO PROVIDE THAT FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, THE STATE SHALL REDUCE STATE UNEMPLOYMENT TAX BASE RATES FOR EMPLOYERS IN TIERS 13 THROUGH 20 BY A SPECIFIED PERCENT, TO PROVIDE THE METHOD TO BE USED TO FUND SUCH REDUCTIONS, AND TO ALSO PROVIDE FOR THE PREMIUMS TO BE PAID BY EMPLOYERS IN TIERS 1 THROUGH 12 FOR CALENDAR YEARS 2011 AND 2012; TO AMEND SECTION 41-31-45, RELATING TO ESTIMATES OF THE INCOME NECESSARY TO PAY UNEMPLOYMENT COMPENSATION BENEFITS DURING A CALENDAR YEAR WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS IN DEBT STATUS, SO AS TO PROVIDE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED FOR CALENDAR YEARS 2011 AND 2012, AND TO REVISE THE MANNER IN WHICH SUCH ESTIMATES ARE DETERMINED BEGINNING IN JANUARY 2013 AND THEREAFTER WHILE THE TRUST FUND IS IN DEBT STATUS; TO AMEND SECTION 41-31-50, RELATING TO THE MANNER IN WHICH EMPLOYER RATE COMPUTATIONS ARE DETERMINED, SO AS TO PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS FOR CALENDAR YEARS 2011 AND 2012, RETROACTIVE TO JANUARY 2011, NOT INCLUDING THE ACHIEVEMENT OF SOLVENCY TARGETS, TO FURTHER PROVIDE FOR THE DETERMINATION OF THE RATES NEEDED TO PAY BENEFITS AND ACHIEVE SOLVENCY TARGETS BEGINNING IN JANUARY 2013, AND TO PROVIDE FOR THE MANNER IN WHICH THE RATE FOR CLASS TWENTY MUST BE SET; BY ADDING SECTION 41-31-52 SO AS TO PROVIDE FOR THE MANNER IN WHICH BENEFITS FOR SEASONAL WORKERS SHALL BE DETERMINED, CALCULATED, AND PAID; TO AMEND SECTION 41-31-55, RELATING TO ADDITIONAL SURCHARGES WHEN THE STATE UNEMPLOYMENT INSURANCE TRUST FUND IS INSOLVENT, SO AS TO PROVIDE FOR WHAT PROVISIONS OF LAW THE STATE SHALL FOLLOW TO SET RATES FOR CLASS TWENTY BEGINNING IN JANUARY 2013 AND TO PROVIDE FOR CERTAIN CREDITS FOR EMPLOYERS IN TIERS 1 THROUGH 12; AND BY ADDING SECTION 41-31-65 SO AS TO PROVIDE THAT THE DEPARTMENT SHALL ALLOCATE ALL CREDITS DUE TO ANY EMPLOYER THAT HAS PAID IN EXCESS OF THEIR BALANCE DUE BY JULY 31, 2011.

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

H. 4292 -- Rep. Battle: A CONCURRENT RESOLUTION TO COMMEND SALLEY B. DAVIDSON, DIRECTOR OF THE MARION COUNTY LIBRARY, UPON HER RETIREMENT, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

**REPORTS OF STANDING COMMITTEES**

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 3124 -- Reps. Pitts and G.R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, AND 124 TO CHAPTER 3, TITLE 56, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “DISTINGUISHED SERVICE MEDAL” SPECIAL LICENSE PLATES, “SECOND AMENDMENT” SPECIAL LICENSE PLATES, “DISTINGUISHED SERVICE CROSS” SPECIAL LICENSE PLATES, “DEPARTMENT OF NAVY” SPECIAL LICENSE PLATES, “PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS” SPECIAL LICENSE PLATES, “STATE FLAG” SPECIAL LICENSE PLATES, “SOUTH CAROLINA HIGHWAY PATROL‑RETIRED” LICENSE PLATES, “I SUPPORT LIBRARIES” SPECIAL LICENSE PLATES, “SOUTH CAROLINA EDUCATOR” SPECIAL LICENSE PLATES, “COON HUNTERS” LICENSE PLATES, “BEACH MUSIC” SPECIAL LICENSE PLATES, “CITADEL ALUMNI ASSOCIATION ‘BIG RED’” SPECIAL LICENSE PLATES, “LARGE MOUTH BASS” SPECIAL LICENSE PLATES, “HIGH SCHOOL” SPECIAL LICENSE PLATES, “SOUTH CAROLINA WILDLIFE FEDERATION” SPECIAL LICENSE PLATES AND “HISTORIC” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑7330, RELATING TO THE ISSUANCE OF “BOY SCOUTS OF AMERICA” SPECIAL LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE FOR THE ISSUANCE OF “EAGLE SCOUTS OF AMERICA” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER ELECTED OFFICIALS AND JUDICIAL OFFICERS, SO AS TO INCREASE THE NUMBER OF SPECIAL LICENSE PLATES THAT A CORONER MAY BE ISSUED FROM ONE TO TWO; TO AMEND SECTION 56‑3‑1240, AS AMENDED, RELATING TO THE DISPLAY OF A LICENSE PLATE, SO AS TO PROVIDE THAT A FRAME MAY BE PLACED ON A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑3‑10410, RELATING TO THE ISSUANCE OF “VETERAN” SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE PLACEMENT OF THE WHEELCHAIR SYMBOL ON CERTAIN “VETERAN” LICENSE PLATES; TO AMEND SECTION 56‑3‑3310, AS AMENDED, RELATING TO THE ISSUANCE OF “PURPLE HEART” SPECIAL LICENSE PLATES, SO AS TO INCREASE THE NUMBER OF LICENSE PLATES THAT MAY BE ISSUED TO A PERSON FROM ONE TO THREE AND TO PROVIDE A FEE FOR THE THIRD LICENSE PLATE; TO AMEND SECTION 56‑3‑8000, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES THAT CONTAIN THE EMBLEM OF A TAX EXEMPT ORGANIZATION, SO AS TO SPECIFY THEIR SIZE, GENERAL DESIGN, PERIOD OF VALIDITY, TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALE, TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED, AND TO PROVIDE THAT THE ORGANIZATION MUST GIVE ITS LEGAL AUTHORITY TO THE DEPARTMENT FOR THE DEPARTMENT’S USE OF THE ORGANIZATION’S LOGO, TRADE MARK, OR DESIGN; AND TO AMEND SECTION 56‑3‑8100, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY SO AS TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED AND TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALES.

Ordered for consideration tomorrow.

Senator McCONNELL from the Committee on Judiciary polled out H. 3249 favorable with amendment:

H. 3249 -- Reps. G.M. Smith, Taylor and G.R. Smith: A BILL TO AMEND SECTION 61‑6‑4020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSPORTATION OF ALCOHOLIC LIQUORS IN A MOTOR VEHICLE, SO AS TO CLARIFY THAT THE LUGGAGE COMPARTMENT OR CARGO AREA IN WHICH ONE MAY LAWFULLY TRANSPORT A CONTAINER OF ALCOHOLIC LIQUOR WITH A BROKEN OR OPENED SEAL OR CAP IS NOT LIMITED TO A CLOSED TRUNK THAT IS ACCESSIBLE ONLY FROM THE EXTERIOR OF THE VEHICLE SO LONG AS THE LUGGAGE COMPARTMENT OR CARGO AREA IS SEPARATE AND DISTINCT FROM THE DRIVER’S AND PASSENGERS’ COMPARTMENTS; AND TO PROVIDE THAT A PERSON’S DRIVER’S LICENSE MAY NOT BE SUSPENDED FOR A VIOLATION OF THIS SECTION.

**Poll of the Judiciary Committee**

**Polled 23; Ayes 20; Nays 0; Not Voting 3**

**AYES**

McConnell Ford *Martin, Larry*

Rankin Hutto Knotts

Malloy Sheheen Campsen

Lourie Williams Campbell

Massey Coleman Davis

Nicholson Rose Scott

Shoopman Gregory

**Total--20**

**NAYS**

**Total--0**

**NOT VOTING**

Cleary Bright *Martin, Shane*

**Total--3**

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 3259 -- Reps. Herbkersman and Forrester: A BILL TO AMEND SECTION 56‑3‑115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF GOLF CARTS ALONG THE STATE’S HIGHWAYS, SO AS TO PROVIDE THAT WHEN A GOLF CART OWNER’S RESIDENCE IS LOCATED WITHIN A GATED COMMUNITY THE TWO‑MILE LIMIT WITHIN WHICH A GOLF CART OWNER MAY OPERATE HIS GOLF CART MUST BE MEASURED FROM THE COMMUNITY’S PRIMARY ENTRANCE AND NOT FROM THE OWNER’S RESIDENCE, TO PROVIDE FOR THE OPERATION OF A GOLF CART ALONG A SECONDARY HIGHWAY OR STREET ON CERTAIN SEA ISLANDS, TO PROVIDE A DEFINITION FOR THE TERM “GATED COMMUNITY”, AND TO PROVIDE THAT A GOLF CART MAY CROSS CERTAIN SECONDARY HIGHWAYS.

Ordered for consideration tomorrow.

Senator McCONNELL from the Committee on Judiciary polled out H. 3582 favorable:

H. 3582 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 17‑22‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELIGIBILITY FOR A TRAFFIC EDUCATION PROGRAM, SO AS TO PROVIDE THAT A PERSON MAY BE CONSIDERED FOR THE PROGRAM IF HE HAS NO SIGNIFICANT HISTORY OF TRAFFIC VIOLATIONS.

**Poll of the Judiciary Committee**

**Polled 23; Ayes 21; Nays 0; Not Voting 2**

**AYES**

McConnell Ford *Martin, Larry*

Rankin Hutto Knotts

Malloy Sheheen Campsen

Lourie Williams Campbell

Massey Bright Coleman

Davis Nicholson Rose

Scott Shoopman Gregory

**Total--21**

**NAYS**

**Total--0**

**NOT VOTING**

Cleary *Martin, Shane*

**Total--2**

Ordered for consideration tomorrow.

Senator McCONNELL from the Committee on Judiciary polled out H. 3630 favorable:

H. 3630 -- Reps. Bedingfield, Loftis, Hardwick and McLeod: A BILL TO AMEND SECTION 61‑4‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OF WINE BY A LICENSED WINERY LOCATED IN SOUTH CAROLINA, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE; AND TO AMEND SECTION 61‑4‑730, RELATING TO THE SALE OF WINE BY PERMITTED WINERIES, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE.

**Poll of the Judiciary Committee**

**Polled 23; Ayes 20; Nays; Not Voting 3**

**AYES**

McConnell Ford *Martin, Larry*

Rankin Hutto Knotts

Campsen Lourie Williams

Campbell Massey Bright

Coleman Davis *Martin, Shane*

Nicholson Rose Scott

Shoopman Gregory

**Total--20**

**NAYS**

**Total--0**

**NOT VOTING**

Malloy Sheheen Cleary

**Total--3**

Ordered for consideration tomorrow.

Senator McCONNELL from the Committee on Judiciary polled out H. 3895 favorable:

H. 3895 -- Reps. Tallon, Bannister, Brantley, Allison, Parker, Chumley, Knight, Brannon, Hearn, Allen, Sellers, Bowen, Corbin, Patrick, Cole, Dillard, Erickson, Forrester, Henderson, Herbkersman, McCoy, Mitchell, V.S. Moss, Pinson, Rutherford, Sabb, G.R. Smith, Thayer, Tribble, Willis and King: A BILL TO AMEND SECTION 17‑15‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEARANCE BONDS, SO AS TO PROVIDE THAT AN APPEARANCE BOND IS VALID FOR A CERTAIN TIME PERIOD IN CIRCUIT AND MAGISTRATES OR MUNICIPAL COURTS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE A PROCEDURE TO RELIEVE THE SURETY OF LIABILITY WHEN THE TIME PERIOD HAS RUN.

**Poll of the Judiciary Committee**

**Polled 23; Ayes 17; Nays 0**

**AYES**

McConnell Ford *Martin, Larry*

Rankin Hutto Knotts

Malloy Sheheen Campsen

Lourie Williams Massey

Coleman Davis Nicholson

Scott Gregory

**Total--17**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 3947 -- Reps. Rutherford and Bales: A BILL TO AMEND SECTION 55‑11‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE RICHLAND‑LEXINGTON AIRPORT COMMISSION, SO AS TO REVISE THE PROCEDURE TO APPOINT THE MEMBERS SELECTED BY THE RICHLAND COUNTY LEGISLATIVE DELEGATION.

Ordered for consideration tomorrow.

Senator McCONNELL from the Committee on Judiciary polled out H. 4192 favorable:

H. 4192 -- Reps. Pitts and Harrison: A BILL TO AMEND SECTION 1‑30‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN AGENCIES, BOARDS, AND COMMISSIONS THAT WERE TRANSFERRED TO, INCORPORATED IN, AND ADMINISTERED AS PART OF THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO DELETE THE LAW ENFORCEMENT TRAINING COUNCIL.

**Poll of the Judiciary Committee**

**Polled 23; Ayes 21; Nays 0; Not Voting 2**

**AYES**

McConnell Ford *Martin, Larry*

Rankin Hutto Knotts

Malloy Sheheen Campsen

Lourie Williams Campbell

Massey Bright Coleman

Davis Nicholson Rose

Scott Shoopman Gregory

**Total--21**

**NAYS**

**Total--0**

**NOT VOTING**

Cleary *Martin, Shane*

**Total--2**

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Fish, Game and Forestry polled out H. 4206 favorable:

H. 4206 -- Reps. Ryan, Brantley, Hardwick, Hearn, Barfield, Anderson, McCoy, Patrick, Gilliard, Erickson, Hodges, Stavrinakis, Viers, R.L. Brown, Clemmons, Edge, Herbkersman, Limehouse, Sottile and Whipper: A CONCURRENT RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO ENACT WITHOUT DELAY S. 632, THE “FLEXIBILITY IN REBUILDING AMERICAN FISHERIES ACT” WHICH, AMONG OTHER PROVISIONS, EXTENDS THE TIME PERIOD FOR REBUILDING CERTAIN OVERFISHED FISHERIES, AND TO REQUEST THE UNITED STATES DEPARTMENT OF COMMERCE TO SET AS A PRIORITY FUNDING FOR FISHERIES DATA NEEDS AND FISHERY STOCK ASSESSMENTS.

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

**Polled 21; Ayes 14; Nays 0; Not Voting 4**

**AYES**

Cromer Land McGill

Hutto Campsen Knotts

Williams Campbell Grooms

Verdin Coleman *Martin, Shane*

Rose Gregory

**Total--14**

**NAYS**

**Total--0**

**NOT VOTING**

Elliott Fair Sheheen

Gregory

**Total--4**

Ordered for consideration tomorrow.

**Appointments Reported**

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

**Statewide Appointments**

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

2nd Congressional District:

William O. Boyte III, 156 Royal Creek Drive, Lexington, SC 29072 *VICE* Mr. Robert Williams

Received as information.

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

Anthony Quinn Eubanks, 107 Hillandale Road, Pendleton, SC 29670 *VICE* Mr. Paul Kennemore

Received as information.

Initial Appointment, Director of Employment and Workforce, with term coterminous with Governor

Abraham J. Turner, 1985 Culpepper Lane, Fayetteville, NC 28304 *VICE* John L. Finan

Received as information.

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

1st Congressional District:

William Edward Lawson, 1220 Pinewood Circle, Conway, SC 29526 *VICE* George Cox, Jr.

Received as information.

**Message from the House**

Columbia, S.C., May 25, 2011

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 20 -- Senators Grooms, McConnell, Thomas, Alexander, Leatherman, Knotts, Bryant, Hayes, Rose, Verdin, S. Martin, Peeler, L. Martin, Fair, Ryberg, Cromer, Campsen, Davis, Shoopman, Rankin and Bright: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, BY ADDING SECTION 23‑1‑250 TO PROVIDE THAT WHERE A LAW ENFORCEMENT OFFICER HAS REASONABLE SUSPICION THAT A PERSON STOPPED, DETAINED, OR ARRESTED BY LAW ENFORCEMENT IS AN ALIEN UNLAWFULLY IN THE UNITED STATES, THE OFFICER OR HIS AGENCY MUST FOLLOW CERTAIN PROCEDURES TO VERIFY HIS IMMIGRATION STATUS; AND TO AMEND ARTICLE 5, CHAPTER 9, TITLE 16, BY ADDING SECTION 16‑9‑480 TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON UNLAWFULLY IN THE UNITED STATES TO SOLICIT OR ATTEMPT TO SOLICIT WORK, AND TO PROVIDE PROCEDURES FOR VERIFYING IMMIGRATION STATUS.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 26, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 241 -- Senators Rose and Leventis: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA DYSLEXIA TASK FORCE, TO PROVIDE FOR THE COMPOSITION OF THE TASK FORCE, AND TO PROVIDE THAT THE TASK FORCE SHALL REPORT ITS FINDINGS TO THE GENERAL ASSEMBLY.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 26, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 705 -- Senators Rankin, Campbell, Rose, Verdin, Hutto, Ford and Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 36 TO TITLE 58, SO AS TO CREATE THE “UNDERGROUND FACILITY DAMAGE PREVENTION ACT”; TO ADD SECTION 58-36-20, RELATING TO DEFINITIONS; TO ADD SECTION 58-36-30, RELATING TO THE STATE AUTHORITY TO REGULATE; TO ADD SECTION 58-36-40, RELATING TO THE COSTS ASSOCIATED WITH COMPLIANCE OF THIS CHAPTER; TO ADD SECTION 58-36-50, RELATING TO THE NOTIFICATION CENTER RESPONSIBILITIES; TO ADD SECTION 58-36-60, RELATING TO EXCAVATOR RESPONSIBILITIES; TO ADD SECTION 58-36-70, RELATING TO OPERATOR RESPONSIBILITIES; TO ADD SECTION 58-36-80, RELATING TO NOTICE FOR AN EMERGENCY EXCAVATION OR DEMOLITION; TO ADD SECTION 58-36-90, RELATING TO NOTIFICATION WHEN DAMAGE OCCURS; TO ADD SECTION 58-36-100 RELATING TO DESIGN REQUESTS; TO ADD SECTION 58‑36‑110, RELATING TO EXEMPTIONS FROM THE REQUIREMENT TO CONTACT THE NOTIFICATION CENTER; TO ADD SECTION 58‑36‑120 RELATING TO PENALTIES FOR VIOLATION OF THIS CHAPTER; AND TO REPEAL CHAPTER 35 OF TITLE 58.

Respectfully submitted,

Speaker of the House

Received as information.

**CONCURRENCE IN HOUSE AMENDMENTS**

**ENROLLED FOR RATIFICATION**

S. 705 -- Senators Rankin, Campbell, Rose, Verdin, Hutto, Ford and Grooms: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 36 TO TITLE 58, SO AS TO CREATE THE “UNDERGROUND FACILITY DAMAGE PREVENTION ACT”; TO ADD SECTION 58-36-20, RELATING TO DEFINITIONS; TO ADD SECTION 58-36-30, RELATING TO THE STATE AUTHORITY TO REGULATE; TO ADD SECTION 58-36-40, RELATING TO THE COSTS ASSOCIATED WITH COMPLIANCE OF THIS CHAPTER; TO ADD SECTION 58-36-50, RELATING TO THE NOTIFICATION CENTER RESPONSIBILITIES; TO ADD SECTION 58-36-60, RELATING TO EXCAVATOR RESPONSIBILITIES; TO ADD SECTION 58-36-70, RELATING TO OPERATOR RESPONSIBILITIES; TO ADD SECTION 58-36-80, RELATING TO NOTICE FOR AN EMERGENCY EXCAVATION OR DEMOLITION; TO ADD SECTION 58-36-90, RELATING TO NOTIFICATION WHEN DAMAGE OCCURS; TO ADD SECTION 58-36-100 RELATING TO DESIGN REQUESTS; TO ADD SECTION 58‑36‑110, RELATING TO EXEMPTIONS FROM THE REQUIREMENT TO CONTACT THE NOTIFICATION CENTER; TO ADD SECTION 58‑36‑120 RELATING TO PENALTIES FOR VIOLATION OF THIS CHAPTER; AND TO REPEAL CHAPTER 35 OF TITLE 58.

The House returned the Bill with amendments.

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

There was no objection.

Senator RANKIN explained the amendments.

The question then was concurrence with the House amendments.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Anderson Bright

Campsen Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Land

Leatherman 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--39**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**Message from the House**

Columbia, S.C., May 26, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 30 -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22‑5‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES’ POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 26, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 172 -- Senators Rose, Fair, Leatherman, Bright, Bryant, Campsen, Knotts, O’Dell, S. Martin, Ford and McGill: A BILL TO AMEND ARTICLE 2, CHAPTER 101, TITLE 59 OF THE 1976 CODE, RELATING TO PUBLIC INSTITUTIONS OF HIGHER LEARNING, BY ADDING SECTION 59‑101‑670 TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE, AND TO PROVIDE THAT EACH PUBLIC INSTITUTION OF HIGHER LEARNING MUST POST ONLINE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO PUBLIC OFFICIALS AND EMPLOYEES FOR PUBLIC USE; AND TO AMEND ARTICLE 15, CHAPTER 1, TITLE 1, RELATING TO REPORTING OF EXPENDITURES OF STATE APPROPRIATED FUNDS BY STATE AGENCIES, PERSONAL DATA AND THE LIKE, BY ADDING SECTION 1‑1‑1040 TO PROVIDE THAT ALL STATE AGENCIES MUST HAVE A LINK ON THEIR INTERNET WEBSITE TO THE STATE AGENCY RESPONSIBLE FOR POSTING ON ITS INTERNET WEBSITE THE AGENCY’S, DEPARTMENT’S, OR INSTITUTION’S MONTHLY STATE PROCUREMENT CARD STATEMENTS OR MONTHLY REPORTS CONTAINING ALL OR SUBSTANTIALLY ALL THE SAME INFORMATION CONTAINED IN THE MONTHLY STATE PROCUREMENT CARD STATEMENTS.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 26, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 391 -- Senators Campsen, Scott and Rose: A BILL TO AMEND SECTION 7‑13‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NOTICE OF GENERAL, MUNICIPAL, SPECIAL, AND PRIMARY ELECTIONS, SO AS TO CHANGE THE TIME IN WHICH ABSENTEE BALLOTS MAY BE OPENED FROM 2:00 P.M. TO 9:00 A.M., AND TO PROVIDE FOR A DATE ON WHICH AN ELECTION WILL BE HELD IN THE EVENT THAT IT IS POSTPONED; TO AMEND SECTION 7‑13‑40, RELATING TO THE TIME OF PARTY PRIMARY, CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES’ QUALIFICATIONS, AND THE FILING FEE, SO AS TO CHANGE THE DATE FROM APRIL NINTH TO APRIL FIFTH; TO AMEND SECTION 7‑13‑190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADD A SUBSECTION THAT PROVIDES FOR THE DATE OF AN ELECTION WHEN THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR A JURISDICTION; AND TO AMEND SECTION 7‑13‑350, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO CHANGE THE CERTIFICATION DATE FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT FROM SEPTEMBER TENTH TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF SEPTEMBER.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 26, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 588 -- Senators Jackson, Hayes, O’Dell, Rose, Ford and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “STROKE PREVENTION ACT OF 2011” BY ADDING ARTICLE 6 TO CHAPTER 61, TITLE 44 SO AS TO ESTABLISH A STATEWIDE SYSTEM OF STROKE CARE, WHICH REQUIRES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO RECOGNIZE AND DESIGNATE HOSPITALS THAT ARE CERTIFIED TO BE PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS, TO DISTRIBUTE A LIST OF PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS TO EACH EMERGENCY MEDICAL SERVICES PROVIDER AND TO POST THIS LIST ON ITS WEBSITE, TO ADOPT AND DISTRIBUTE A NATIONALLY STANDARDIZED STROKE‑TRIAGE ASSESSMENT TOOL TO EACH EMERGENCY MEDICAL SERVICES PROVIDER, TO ESTABLISH PRE‑HOSPITAL CARE PROTOCOLS FOR THE CARE AND TRANSPORT OF STROKE PATIENTS BY EMERGENCY MEDICAL SERVICE PROVIDERS, TO ESTABLISH A STROKE REGISTRY TASK FORCE TO ANALYZE AND IMPROVE STROKE CARE IN THIS STATE, AND TO ENSURE CONFIDENTIALITY IN SHARING HEALTH CARE INFORMATION; AND TO PROVIDE THAT THE DEPARTMENT’S RESPONSIBILITIES PURSUANT TO THIS ARTICLE ARE CONTINGENT UPON ADEQUATE FUNDING.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 26, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 592 -- Senators Hayes, Leventis, Cromer, Rose, Scott, Knotts, Alexander and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑3067 SO AS TO CREATE THE OFFENSE OF FRATERNIZATION; TO AMEND SECTION 25‑1‑10, RELATING TO THE STATE MILITARY CODE’S DEFINITIONS, SO AS TO DEFINE THE TERM “ORGANIZED MILITIA”; TO AMEND SECTION 25‑1‑40, RELATING TO THE APPLICABILITY OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO DELETE AN UNNECESSARY REFERENCE TO CAPITAL SENTENCES; TO AMEND SECTION 25‑1‑60, RELATING TO THE COMPOSITION AND CLASSES OF THE STATE MILITIA, SO AS TO CLARIFY THAT ACTIVE MEMBERS OF THE NATIONAL GUARD ARE NOT PART OF THE ORGANIZED MILITIA; TO AMEND SECTION 25‑1‑70, RELATING TO THE COMPOSITION OF THE NATIONAL GUARD, SO AS TO CLARIFY THE ADJUTANT GENERAL’S AUTHORITY TO ORGANIZE UNITS FOR STATE RECOGNIZED AND ORGANIZED POSITIONS; TO AMEND SECTION 25‑1‑120, RELATING TO MILITARY CORPORATIONS, SO AS TO CLARIFY THAT MILITARY CORPORATIONS ARE EXEMPT FROM FILING RETURNS WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO THE SAME EXTENT THEY ARE EXEMPT FROM FILING RETURNS WITH THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 25‑1‑340, RELATING TO VACANCIES IN THE OFFICE OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT AN INTERIM APPOINTEE SHALL HOLD THE RANK OF COLONEL OR HIGHER; TO AMEND SECTION 25‑1‑635, RELATING TO LEGAL ASSISTANCE SERVICES, SO AS TO CLARIFY THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTION 25‑1‑830, RELATING TO OFFICER SELECTION BOARDS, SO AS TO INCLUDE REFERENCES TO FEDERAL PERSONNEL ACTS; TO AMEND SECTION 25‑1‑1370, RELATING TO MAINTENANCE ALLOWANCES, SO AS TO PROVIDE THAT THESE FUNDS MUST BE DEPOSITED IN STATE ACCOUNTS FOR MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE; TO AMEND SECTION 25‑1‑2420, RELATING TO CODE OF MILITARY JUSTICE DEFINITIONS, SO AS TO PROVIDE THAT THE TERM “STATE JUDGE ADVOCATE” MEANS A FEDERALLY RECOGNIZED NATIONAL GUARD JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2450, RELATING TO THE APPOINTMENT OF THE STATE JUDGE ADVOCATE, SO AS TO PROVIDE THAT THE STATE JUDGE ADVOCATE MUST BE FEDERALLY RECOGNIZED AS A JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2455, RELATING TO THE APPOINTMENT OF THE STATE MILITARY JUDGE, SO AS TO REQUIRE MEMBERSHIP AND GOOD STANDING IN THE SOUTH CAROLINA BAR; TO AMEND SECTION 25‑1‑2520, RELATING TO NONJUDICIAL DISCIPLINARY PUNISHMENT, SO AS TO ALLOW THE DELEGATION OF NONJUDICIAL PUNISHMENT AUTHORITY IN CERTAIN SITUATIONS; TO AMEND SECTION 25‑1‑2550, RELATING TO GENERAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2560, RELATING TO SPECIAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2570, RELATING TO SUMMARY COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2580, RELATING TO THE APPOINTMENT OF GENERAL COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED TO THE ADJUTANT GENERAL UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2600, RELATING TO THE APPOINTMENT OF SUMMARY COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2630, RELATING TO THE DETAIL OF TRIAL AND DEFENSE COUNSEL, SO AS TO CLARIFY THE STATE JUDGE ADVOCATE’S APPOINTMENT AUTHORITY; TO AMEND SECTION 25‑1‑2640, RELATING TO THE RECORDING OF PROCEEDINGS, SO AS TO PROVIDE THAT A QUALIFIED COURT REPORTER MAY BE HIRED TO RECORD COURT‑MARTIAL PROCEEDINGS; TO AMEND SECTION 25‑1‑2910, RELATING TO FRAUDULENT ENLISTMENTS, APPOINTMENTS, OR SEPARATIONS, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT WILFUL MISCONDUCT TO INTENTIONALLY CAUSE THEIR SEPARATION; TO AMEND SECTION 25‑1‑3025, RELATING TO THE OFFENSE OF MALINGERING, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT, PERFORM, OR UNDERTAKE SERVICE DISQUALIFYING ACTIVITIES; TO AMEND SECTION 25‑1‑3065, RELATING TO THE OFFENSE OF CONDUCT UNBECOMING AN OFFICER, SO AS TO DELETE THE ELEMENT THAT THE ACCUSED BE A COMMISSIONED OFFICER; AND TO AMEND SECTION 25‑1‑3160, RELATING TO CONSTRUCTION OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO ALLOW THE ADJUTANT GENERAL TO ESTABLISH PROCEDURES TO CONFORM STATE MILITARY JUDICIAL PROCEEDINGS WITH STATE CIRCUIT COURT PROCEEDINGS.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 26, 2011

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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.

Respectfully submitted,

Speaker of the House

Received as information.

The Bill was ordered placed on the Calendar for consideration tomorrow.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

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.

H. 3183 -- Reps. Young, Daning, Harrison, Simrill, G.R. Smith, Stringer, Hamilton, Hixon, Long, D.C. Moss and Weeks: A BILL TO AMEND SECTION 2‑17‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2‑17‑25, RELATING TO THE REGISTRATION AND REREGISTRATION OF LOBBYISTS’ PRINCIPALS, SO AS TO REQUIRE THE PAYMENT OF ALL OUTSTANDING PENALTIES BEFORE A LOBBYIST’S PRINCIPAL MAY RESUME LOBBYING ACTIVITIES; TO AMEND SECTION 2‑17‑50, RELATING TO THE AUTHORITY OF THE STATE ETHICS COMMISSION TO ENFORCE FILING REQUIREMENTS AND ASSESS PENALTIES FOR FAILURE TO FILE, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT; TO AMEND SECTION 8‑13‑100, RELATING TO THE DEFINITION OF “FAMILY MEMBER” FOR THE PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT OF 1991, SO AS TO INCLUDE BROTHERS‑IN‑LAW AND SISTERS‑IN‑LAW; TO AMEND SECTION 8‑13‑700, RELATING TO USE OF ONE’S OFFICIAL POSITION FOR OFFICIAL GAIN, SO AS TO REPLACE CERTAIN REFERENCES TO “IMMEDIATE FAMILY” WITH THE BROADER TERM “FAMILY MEMBER”; AND TO AMEND SECTION 8‑13‑1510, AS AMENDED, RELATING TO PENALTIES FOR EITHER LATE FILING OF OR FAILURE TO FILE A REPORT OR STATEMENT REQUIRED BY CHAPTER 13, TITLE 8, SO AS TO CAP CERTAIN FINES AT FIVE THOUSAND DOLLARS, AND TO PROVIDE THAT FIRST AND SECOND OFFENSES MAY BE TRIED IN MAGISTRATES COURT.

Senator HAYES explained the Bill.

**HOUSE BILL RETURNED**

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

H. 3748 -- Reps. Owens, Bowen, Erickson, Daning, Whitmire, Spires, McCoy, Loftis, Gambrell, Lucas, Skelton, Bingham, Thayer, Hardwick, Harrell, Crosby, Battle, Sottile, Patrick, Clemmons, Cole, Forrester, Hamilton, Henderson, Hixon, Huggins, Murphy, J.M. Neal, Pinson, Pope, G.R. Smith, Stringer, Tallon, White, Willis and Taylor: A BILL TO AMEND SECTION 59‑59‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPLEMENTATION OF THE EDUCATION AND ECONOMIC DEVELOPMENT ACT, SO AS TO EXTEND THE DATE BY WHICH THE ACT MUST BE IMPLEMENTED FULLY.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE AS AMENDED**

H. 4119 -- Rep. G.A. Brown: A BILL TO AMEND SECTION 39‑5‑38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DECEPTIVE OR MISLEADING ADVERTISEMENT OF A LIVE MUSICAL PERFORMANCE, SO AS TO DEFINE A SOUND RECORDING, AND TO PROVIDE CERTAIN EXEMPTIONS, REMEDIES, AND A FINE.

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

There was no objection.

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

**Motion Under Rule 26B**

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

There was no objection.

Senator LARRY MARTIN proposed the following amendment (JUD4119.002), which was adopted:

Amend the bill, as and if amended, by striking lines 18 through 28 on page 2 and inserting the following:

/ (D)(1) A court of this State may issue a temporary or permanent injunction for a violation or attempted violation of this chapter where the court believes an injunction would best serve the public interest.

(2) A court that issues a permanent injunction to restrain and prevent a violation of this section may order the enjoined party to restore to its legal owner money or property acquired by the enjoined party through a violation of this section.

(E) A person who violates the provisions of this section is subject to a penalty of at least five thousand dollars and not more than fifteen thousand dollars for each violation. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

**Ayes 36; Nays 2; Present 1**

**AYES**

Alexander Anderson Campsen

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Jackson Land

Leatherman Lourie Malloy

*Martin, Larry* Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Verdin Williams

**Total--36**

**NAYS**

Bright Massey

**Total--2**

**PRESENT**

*Martin, Shane*

**Total--1**

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

**THIRD READING BILLS**

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

S. 913 -- Senator Sheheen: A JOINT RESOLUTION TO ESTABLISH THE KERSHAW COUNTY HOUSING AUTHORITY; TO PROVIDE THAT POWERS AND DUTIES OF THE AUTHORITY ARE VESTED IN THE KERSHAW COUNTY HOUSING AUTHORITY COMMISSION AND TO ESTABLISH TERMS FOR THE COMMISSIONERS; TO PROVIDE FOR THE HOUSING AUTHORITY’S FUNCTIONS, RIGHTS, POWERS, DUTIES, AND LIABILITIES; AND TO PROVIDE THAT THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY SHALL REMAIN THE LOCAL HOUSING AGENCY IN KERSHAW COUNTY FOR THE PURPOSE OF ADMINISTERING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING CHOICE VOUCHER PROGRAM.

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.

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.

S. 914 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE ENVIRONMENTAL CERTIFICATION BOARD, RELATING TO APPLICATIONS FOR CERTIFICATION; RENEWAL OF LICENSE AND PERMIT, CONTINUING EDUCATION; AND OPERATOR‑IN‑TRAINING LICENSES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4162, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**AMENDED, READ THE THIRD TIME**

S. 119 -- Senators Campsen, Rose, McConnell and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑21‑705 SO AS TO PROVIDE THAT, UPON RECEIPT OF THE NOTICE OF A PAROLE HEARING, THE VICTIM AND MEMBERS OF THE VICTIM’S IMMEDIATE FAMILY MAY SUBMIT WRITTEN STATEMENTS TO THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, AND TO PROVIDE THAT THE STATEMENTS MUST BE CONSIDERED BY THE BOARD IN MAKING ITS DETERMINATION OF PAROLE, AND TO PROVIDE THAT THE STATEMENTS MUST BE RETAINED BY THE BOARD AND MUST BE SUBMITTED AT SUBSEQUENT PAROLE HEARINGS.

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

**Motion Under Rule 26B**

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

There was no objection.

Senators LAND and CAMPSEN proposed the following amendment (NBD\11747DG11), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 1, by striking lines 37 through 41 and inserting:

/ (C) The statements must be retained by the board. At subsequent parole hearings, the statements must be submitted again if the department verifies that it has contacted the submitting person since the prisoner’s most recent parole hearing and that the submitting person declares that the statement still represents the person’s present position./

Renumber sections to conform.

Amend title to conform.

Senator LAND explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

**Ayes 35; Nays 0**

**AYES**

Alexander Bright Campsen

Coleman Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell Nicholson

O'Dell Peeler Reese

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**OBJECTION**

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010‑2011.

Senator RYBERG asked unanimous consent to take the Joint Resolution up for immediate consideration.

There was no objection.

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

Senator LEATHERMAN proposed the following amendment (3701R002.HKL), which was adopted:

Amend the committee amendment, as and if amended, by deleting item (7).

Amend the committee amendment further, as and if amended, page [3701-4], after line 30, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. From the funds appropriated to the Budget and Control Board in H. 3700, R. \_\_\_, Act \_\_\_, for capital improvement, the board is directed to implement and complete the SCEIS Budget Module. /

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the amendment.

The amendment was adopted.

The Committee on Finance proposed the following amendment (NBD\11599HTC11), which was adopted:

Amend the joint resolution, as and if amended, by striking SECTION 1, beginning on page 1, and inserting:

/ SECTION 1. In accordance with the provisions of Article III, Section 36(B)(2) and (3), Constitution of South Carolina, 1895, and Section 11‑11‑320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2010‑2011 the following amounts:

(1) P32‑Department of Commerce

Deal Closing Fund $ 5,000,000

(2) H59‑State Board for Technical and Comprehensive Education

CATT Program $13,000,000

(3) J02‑Department of Health and Human Services

Medicaid Technology Federal Mandates $ 1,771,692

(4) P28‑Department of Parks, Recreation and Tourism

Destination Specific $ 5,400,000

(5) J12‑Department of Mental Health Bryan Psychiatric

Roof Replacement $ 6,572,388

(6) P12‑Forestry Commission

Forestry Equipment Replacement $ 3,000,000

(7) F03‑Budget and Control Board

SCEIS Budget Module $ 1,000,000

(8) E28‑Election Commission

2012 Statewide Primary Election $ 3,800,000

(9) H73‑Vocational Rehabilitation

Durable Medical Equipment $ 2,500,000

(10) B04‑Judicial Department Statewide Implementation of

Electronic Filing $ 5,000,000

(11) H75‑School for the Deaf and the Blind

Vocational Education Center Renovation $ 4,401,240

(12) H71‑Wil Lou Gray Opportunity School

Bus Replacement and Computer Replacement $ 195,000

(13) E23‑Commission on Indigent Defense

Technology for Docket Management, Electronic Filing

and Case Management $ 450,000

(14) D17‑Governor’s Office of Executive Policy and Programs

Veterans’ Cemetery $ 750,000

(15) H63‑Department of Education

Governor’s School for the Arts and the Humanities

Desktop Computer Replacement $ 75,000

(16) H63‑Department of Education

Governor’s School for the Arts and the Humanities

Replacement of Classroom

Equipment and Furnishings $ 85,000

(17) A17‑Legislative Printing and Information Technology Systems

Information Technology $ 900,000

(18) H75‑School for the Deaf and the Blind

Technology Infrastructure $ 1,600,000

(19) U30‑Division of Aeronautics

Aeronautics Parts and Fuel $ 600,000

(20) P28‑Department of Parks, Recreation and Tourism

Regional Tourism Promotion $ 100,000

(21) J12‑Department of Mental Health

Campbell Veterans Nursing Home

Deferred Maintenance $ 750,000

(22) J12‑Department of Mental Health

Stone Veterans Nursing Home

Deferred Maintenance $ 1,330,000

(23) D10‑State Law Enforcement Division

Law Enforcement Equipment $ 1,000,000

(24) K05‑Department of Public Safety

Law Enforcement Equipment $ 1,000,000

(25) E20‑Office of Attorney General

Information Technology $ 1,000,000

(26) H59‑State Board for Technical and Comprehensive Education

Training Equipment‑Trident

Technical College $ 500,000

(27) N08‑Department of Probation, Parole and Pardon Services

Agent Equipment $ 500,000

(28) P24‑Department of Natural Resources

Law Enforcement Equipment $ 1,000,000

(29) R44‑Department of Revenue

Increased Enforcement $ 2,200,000

(30) P32‑Department of Commerce Economic Development

Organizations $ 5,000,000

(31) H59‑State Board for Technical and Comprehensive Education

Deferred Maintenance $ 9,593,651

(32) H75‑School for the Deaf and the Blind

Deferred Maintenance $ 1,550,000

(33) H09‑The Citadel

Deferred Maintenance $ 811,439

(34) H12‑Clemson University

Deferred Maintenance $ 6,195,597

(35) H15‑University of Charleston

Deferred Maintenance $ 1,712,207

(36) H17‑Coastal Carolina University

Deferred Maintenance $ 831,612

(37) H18‑Francis Marion University

Deferred Maintenance $ 965,801

(38) H21‑Lander University

Deferred Maintenance $ 547,427

(39) H24‑South Carolina State University

Deferred Maintenance $ 1,073,693

(40) H27‑University of South Carolina Columbia Campus

Deferred Maintenance $ 9,115,505

(41) H29‑University of South Carolina Aiken Campus

Deferred Maintenance $ 560,133

(42) H34‑University of South Carolina Upstate Campus

Deferred Maintenance $ 730,319

(43) H36‑University of South Carolina Beaufort Campus

Deferred Maintenance $ 131,893

(44) H37‑University of South Carolina Lancaster Campus

Deferred Maintenance $ 139,228

(45) H38‑University of South Carolina Salkehatchie Campus

Deferred Maintenance $ 118,639

(46) H39‑University of South Carolina Sumter Campus

Deferred Maintenance $ 220,518

(47) H40‑University of South Carolina Union Campus

Deferred Maintenance $ 53,817

(48) H47‑Winthrop University

Deferred Maintenance $ 1,174,145

(49) H51‑Medical University of South Carolina

Deferred Maintenance $ 4,877,511

Total $110,883,455/

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

Senator BRIGHT objected to the further consideration of the Bill.

**READ THE SECOND TIME**

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.

Senator VERDIN 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.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Cromer Davis Elliott

Fair Grooms Hayes

Jackson Knotts Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O'Dell

Reese Rose Ryberg

Scott Setzler Shoopman

Verdin

**Total--31**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3957 -- Reps. Harrison, Bales, McLeod and Funderburk: A BILL TO DESIGNATE SECTION 3 OF ACT 292 OF 1985, RELATING TO THE RICHLAND‑LEXINGTON COUNTY AIRPORT COMMISSION’S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN‑TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN‑TRADE ZONES AS SECTION 55‑11‑430 OF THE 1976 CODE; AND TO AMEND SECTION 55‑11‑430, RELATING TO THE RICHLAND‑LEXINGTON COUNTY AIRPORT COMMISSION’S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN‑TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN‑TRADE ZONES, SO AS TO EXPAND THE AREA WITHIN THE STATE IN WHICH THE COMMISSION MAY ESTABLISH FOREIGN‑TRADE ZONES.

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

There was no objection.

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

Senator GROOMS explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 29; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Coleman Cromer

Davis Elliott Fair

Grooms Hayes Jackson

Knotts Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

Nicholson O'Dell Reese

Rose Ryberg Scott

Setzler Shoopman

**Total--29**

**NAYS**

**Total--0**

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

**H. 3957--Ordered to a Third Reading**

On motion of Senator SCOTT, H. 3957 was ordered to receive a third reading on Friday, May 27, 2011.

**READ THE SECOND TIME**

**ORDERED TO A THIRD READING**

S. 920 -- Senator McGill: A BILL RELATING TO THE FLORENCE COUNTY SCHOOL DISTRICT NUMBER THREE BOARD OF TRUSTEES, SO AS TO PROVIDE THAT MEMBERS OF THE BOARD MUST BE ELECTED ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER EACH YEAR; TO PROVIDE THAT THE TERMS OF THE MEMBERS MUST BE THREE YEARS AND SHALL COMMENCE ON THE FIRST DAY OF JANUARY FOLLOWING THE ELECTION; TO PROVIDE FOR A CHANGE IN THE EXPIRATION OF TERMS OF MEMBERS WHOSE TERMS EXPIRE IN 2012 AND 2013; TO PROVIDE FOR THE CONDUCT OF THE ELECTIONS AND THE SETTING OF FILING DATES; TO MODIFY THE PROCEDURE FOR THE APPROVAL OF THE DISTRICT BUDGET AND PROVIDE FOR GREATER PUBLIC PARTICIPATION; AND TO REPEAL ACT 367 OF 2004.

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

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

**Ayes 3; Nays 0**

**AYES**

Land McGill Williams

**Total--3**

**NAYS**

**Total--0**

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

**S. 920--Ordered to a Third Reading**

On motion of Senator McGILL, S. 920 was ordered to receive a third reading on Friday, May 27, 2011.

**READ THE SECOND TIME**

**ORDERED TO A THIRD READING**

H. 4149 -- Reps. Hodges and R.L. Brown: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF THE SCHOOL DISTRICT OF COLLETON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS 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.

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

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

**Ayes 2; Nays 1**

**AYES**

Matthews Pinckney

**Total--2**

**NAYS**

Grooms

**Total--1**

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

**H. 4149--Ordered to a Third Reading**

On motion of Senator PINCKNEY, H. 4149 was ordered to receive a third reading on Friday, May 27, 2011.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

Senator LARRY MARTIN moved to dispense with the balance of the Motion Period.

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

**Ayes 37; Nays 3**

**AYES**

Alexander Anderson Campsen

Coleman Courson Cromer

Davis Elliott Fair

Ford Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--37**

**NAYS**

Bright Grooms Verdin

**Total--3**

The Senate agreed to dispense with the Motion Period.

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**CARRIED OVER**

(R47, S232) -- Senators Cleary and Ford: AN ACT TO AMEND SECTION 44‑7‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE STATE CERTIFICATION OF NEED AND HEALTH CARE FACILITY ACT, SO AS TO REVISE THE DEFINITION OF HEALTH CARE FACILITY.

On motion of Senator McCONNELL, the veto was carried over.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 36 -- Senators McConnell, McGill, Setzler and Ford: A BILL TO AMEND ACT 99 OF 2007, RELATING TO THE SALES TAX EXEMPTION FOR DURABLE MEDICAL EQUIPMENT AND SUPPLIES, BY REPEALING SECTIONS 1B AND 1C, WHICH STATE THAT THE SALES TAX RATE ON DURABLE MEDICAL EQUIPMENT IS FIVE AND ONE-HALF PERCENT SUBJECT TO FURTHER REDUCTION BASED ON GENERAL FUND REVENUE GROWTH.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. 15 (BBM/10328HTC.11) proposed by Senator VERDIN and previously printed in the Journal of Wednesday, May 25, 2011.

Senator SETZLER was recognized to speak on the Bill.

Senator KNOTTS was recognized to speak on the Bill.

Senator ELLIOTT was recognized to speak on the Bill.

**Remarks by Senator ELLIOTT**

Thank you, Mr. PRESIDENT.

Members of the Senate, I suppose I live further from the Midlands than anybody in this Senate Chamber. But I recognize that down in Horry County I have a county with about 10% unemployment. In Marion County, we have about 18% unemployment and in Dillon County it is about 14% unemployment. I suppose that I have listened very well to the folks from the Midlands. I understand how important this is to the Midlands of South Carolina. If it helps the Midlands, it helps all of South Carolina and I am prepared, as one that lives far, far from here to help the Midlands grow and prosper. We all talk about creating new jobs. This is an opportunity when we can create new jobs. I hope at the end of the day, Senator SETZLER, I’m going to stay here and I’m going to work with other people who want to see South Carolina move forward and bring this issue to a vote. I want to give this State the opportunity to create 2,000 new jobs. Having said that, I hope that those detractors will give us a chance to vote on this matter, so that we can move forward and do what we promised the people of this State -- to use our very best judgment to create a better economy, a better job for all of our people and a better future for South Carolina.

Thank you very much.

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

Senator GROOMS was recognized to speak on the amendment.

**RECESS**

At 1:19 P.M., with Senator GROOMS retaining the floor, on motion of Senator SETZLER, with unanimous consent, the Senate receded from business until 2:30 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 2:45 P.M. and was called to order by the PRESIDENT.

The Senate resumed consideration of the Bill, the question being the adoption of Amendment No. 15 (BBM/10328HTC.11) proposed by Senator VERDIN and previously printed in the Journal of Wednesday, May 25, 2011. Amendment No. 15 was tabled.

Senator GROOMS was recognized to speak on the amendment.

**Objection**

With Senator GROOMS retaining the floor, Senator SHANE MARTIN asked unanimous consent to make a motion to take up Amendment No. 32 for immediate consideration.

Senator SETZLER objected.

Senator GROOMS argued in favor of the adoption of the amendment.

**Point of Order**

Senator KNOTTS raised a Point of Order that the Senator was filibustering an amendment in which he was in favor.

Senator VERDIN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator GROOMS argued in favor of the adoption of the amendment.

Senator KNOTTS spoke on the amendment.

**Motion Under Rule 15A Failed**

At 6:01 P.M., Senator LAND moved under the provisions of Rule 15A to vote on the entire matter of S. 36.

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

**Ayes 15; Nays 22**

**AYES**

Anderson Campbell Coleman

Courson Cromer Hayes

Jackson Knotts Land

Leatherman Lourie *Martin, Larry*

Matthews Nicholson Setzler

**Total--15**

**NAYS**

Alexander Bright Bryant

Campsen Davis Elliott

Fair Ford Gregory

Grooms Malloy Massey

McConnell McGill O'Dell

Pinckney Reese Rose

Ryberg Scott Shoopman

Verdin

**Total--22**

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

Senator KNOTTS spoke on the amendment.

Senator KNOTTS moved to lay the amendment on the table.

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

**Ayes 23; Nays 13**

**AYES**

Alexander Campbell Coleman

Courson Cromer Elliott

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie *Martin, Larry* Matthews

McConnell McGill Nicholson

Pinckney Reese Rose

Scott Setzler

**Total--23**

**NAYS**

Bright Bryant Campsen

Davis Fair Gregory

Grooms Massey O'Dell

Ryberg Shoopman Thomas

Verdin

**Total--13**

Amendment No. 15 was laid on the table.

**Amendment No. 16**

Senator VERDIN proposed the following amendment (BBM\10330HTC11), which was not adopted:

Amend the bill, as and if amended, in Section 12-36-2691(D) as contained in SECTION 4, page 5, line 9, by striking /2016/ and inserting / 2014 /.

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

**Point of Quorum**

At 7:25 P.M., Senator O’DELL made the point that a quorum was not present. It was ascertained that a quorum was not present.

Senator GROOMS moved that the Senate stand adjourned.

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

**Ayes 10; Nays 26**

**AYES**

Bryant Campsen Davis

Fair Grooms O’Dell

Ryberg Shoopman Thomas

Verdin

**Total--10**

**NAYS**

Alexander Bright Campbell

Coleman Courson Cromer

Elliott Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Pinckney

Reese Rose Scott

Setzler Sheheen

**Total--26**

The Senate refused to adjourn.

Senator VERDIN resumed explaining the amendment.

**Motion Under Rule 15A Adopted**

At 7:33 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of S. 36.

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

**Ayes 21; Nays 14**

**AYES**

Alexander Campbell Coleman

Courson Cromer Elliott

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie *Martin, Larry* Matthews

McConnell McGill Pinckney

Reese Scott Setzler

**Total--21**

**NAYS**

Bright Bryant Campsen

Davis Fair Grooms

Malloy Massey O’Dell

Rose Ryberg Shoopman

Thomas Verdin

**Total--14**

Having received the necessary vote, the motion under Rule 15A was adopted.

The PRESIDENT stated that proponents and opponents had ten minutes each to debate each amendment.

Senator VERDIN resumed explaining Amendment No. 16.

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

**Ayes 13; Nays 24**

**AYES**

Bright Bryant Campsen

Davis Fair Grooms

Hutto O’Dell Rose

Ryberg Shoopman Thomas

Verdin

**Total--13**

**NAYS**

Alexander Campbell Coleman

Courson Cromer Elliott

Hayes Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

Nicholson Pinckney Reese

Scott Setzler Sheheen

**Total--24**

Amendment No. 16 was not adopted.

**Amendment No. 17**

Senator GROOMS proposed the following amendment (BBM\10331HTC11), which was not adopted:

Amend the bill, as and if amended, in Section 12-36-2691(D) as contained in SECTION 4, page 5, line 9, by striking /2016/ and inserting / 2013 /.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order under Section 180 of Mason’s Manual of Legislative Procedure, that the Senator was being dilatory in submitting the voluminous box of amendments on the Desk during the call of the roll on the cloture motion.

Senator MALLOY spoke on the Point of Order.

Senator VERDIN spoke on the Point of Order.

Senator GROOMS spoke on the Point of Order.

Senator CAMPSEN spoke on the Point of Order.

Senator ROSE spoke on the Point of Order.

Senator SHOOPMAN spoke on the Point of Order.

Senator SETZLER spoke on the Point of Order.

Senator LARRY MARTIN spoke on the Point of Order.

Senator LEATHERMAN spoke on the Point of Order.

Senator HAYES spoke on the Point of Order.

Senator BRIGHT spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

Senator GROOMS resumed explaining the amendment.

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

**Ayes 10; Nays 25**

**AYES**

Bright Bryant Campsen

Davis Fair Grooms

O'Dell Ryberg Shoopman

Verdin

**Total--10**

**NAYS**

Alexander Campbell Coleman

Courson Cromer Elliott

Hayes Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

Pinckney Reese Rose

Scott Setzler Sheheen

Thomas

**Total--25**

Amendment No. 17 was not adopted.

**Amendment No. 18**

Senator VERDIN proposed the following amendment (BBM\10332HTC11), which was not adopted:

Amend the bill, as and if amended, in Section 12‑36‑2691, as contained in SECTION 4, page 5, by adding a new subsection at the end appropriately lettered to read:

/ ( ) The chief executive office of a distribution facility that is exempt from the sales and use tax under this section shall provide a quarterly report to the Department of Revenue, the Department of Commerce, the Governor, and the General Assembly on any sales and use tax that the distribution center was not required collect as a result of the exemption provided in this section. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

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

**Ayes 16; Nays 19**

**AYES**

Alexander Bright Bryant

Campsen Courson Davis

Fair Grooms Hayes

McConnell O'Dell Rose

Ryberg Shoopman Thomas

Verdin

**Total--16**

**NAYS**

Campbell Coleman Cromer

Elliott Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McGill Nicholson Pinckney

Reese Scott Setzler

Sheheen

**Total--19**

Amendment No. 18 was not adopted.

**Amendment No. 19**

Senator GROOMS proposed the following amendment (NBD\11689AC11), which was not adopted:

Amend the bill, as and if amended, Section 12-36-2691 page 5, immediately after line 15 by inserting an appropriately lettered subsection to read:

/ ( ). Notwithstanding another provision of this section, a business, corporation or other entity that owns or operates a distribution facility, as defined in this section, that begins collecting sales or use tax in any other state, must begin collecting sales and use tax in this State within ninety days of when the business, corporation, or other entity begins collecting in another state. /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

Senator LARRY MARTIN argued contra to the adoption of the amendment.

A roll call vote was ordered.

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

**Ayes 12; Nays 24**

**AYES**

Bright Bryant Campsen

Davis Fair Grooms

O'Dell Rose Ryberg

Shoopman Thomas Verdin

**Total--12**

**NAYS**

Alexander Campbell Coleman

Courson Cromer Elliott

Hayes Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

Nicholson Pinckney Reese

Scott Setzler Sheheen

**Total--24**

Amendment No. 19 was not adopted.

**Amendment No. 20**

Senator GROOMS proposed the following amendment (NBD\11691AC11), which was not adopted:

Amend the bill, as and if amended, Section 12-36-2691(C)(3) on page 5, by striking lines 3-5, and inserting:

/ 31, 2010, and before December 31, 2013. For purposes of this item, ‘full-time’ and ‘new job’ mean a job that provides thirty four hours per week or employment averaged annually; and /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

**Point of Quorum**

At 9:01 P.M., Senator BRIGHT made the point that a quorum was not present. It was ascertained that a quorum was present.

The Senate resumed.

Senator GROOMS argued in favor of the adoption of the amendment.

Senator BRYANT argued contra to the adoption of the amendment.

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

**Ayes 0; Nays 34**

**AYES**

**Total--0**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Elliott Fair Hayes

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O'Dell Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin

**Total--34**

Amendment No. 20 was not adopted.

**Amendment No. 22**

Senator GROOMS proposed the following amendment (NBD\11693AC11), which was not adopted:

Amend the bill, as and if amended, Section 12-36-2691(D) on page 5, before line 8, by inserting:

/ (5) has been operating a distribution facility in this State for at least twenty years. /

Renumber sections to conform.

Amend title to conform.

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

**Ayes 8; Nays 26**

**AYES**

Bryant Campsen Davis

O'Dell Ryberg Shoopman

Thomas Verdin

**Total--8**

**NAYS**

Alexander Bright Campbell

Coleman Cromer Elliott

Fair Hayes Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson Pinckney

Reese Rose Scott

Setzler Sheheen

**Total--26**

Amendment No. 22 was not adopted.

**ACTING PRESIDENT PRESIDES**

At 9:30 P.M., Senator LARRY MARTIN assumed the Chair.

**Amendment No. 24**

Senator GROOMS proposed the following amendment (MS\7408AHB11), which was not adopted:

Amend the bill, as and if amended, Section 12‑36‑2691, as contained in SECTION 4, page 5, line 5, after /Section 12‑6‑3360 / by inserting /A taxpayer that places a ‘distribution facility’ in service after December 31, 2010, and before December 31, 2013, which creates at least two thousand full‑time jobs which include a comprehensive health plan for those employees, may only count workers from the state of South Carolina for purposes of the two thousand jobs stipulated in this section. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS argued in favor of the adoption of the amendment.

**RECESS**

At 9:37 P.M., with Senator GROOMS retaining the floor, on motion of Senator LAND, with unanimous consent, the Senate receded from business not to exceed five minutes.

At 10:07 P.M., the Senate resumed.

Senator GROOMS resumed arguing in favor of the adoption of the amendment.

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

**Ayes 10; Nays 22**

**AYES**

Bright Bryant Campsen

Davis Fair Grooms

O'Dell Rose Ryberg

Shoopman

**Total--10**

**NAYS**

Alexander Campbell Coleman

Cromer Elliott Hayes

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McGill Nicholson Pinckney

Reese Scott Setzler

Sheheen

**Total--22**

Amendment No. 24 was not adopted.

**Amendment No. 29**

Senator VERDIN proposed the following amendment (36R010.DBV), which was not adopted:

Amend the bill, as and if amended, by striking SECTION 4 in its entirety and inserting:

/ SECTION 4. Article 25, Chapter 36, Title 12 of the 1976 Code is amended by adding:

“Section 12‑36‑2691. A seller otherwise subject to the requirements of Section 12-36-1340 and Section 12-36-1350 is not required to collect and remit the sales and use tax for a retail sale of tangible personal property if the sale is made through the internet or other electronic means and the sale does not involve the physical delivery of the item to the purchaser at a retail location or other place of business in this State maintained by the seller.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS argued in favor of the adoption of the amendment.

Senator LEATHERMAN spoke on the amendment.

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

**Ayes 11; Nays 21**

**AYES**

Bright Bryant Campsen

Davis Fair Grooms

O'Dell Rose Ryberg

Shoopman Verdin

**Total--11**

**NAYS**

Alexander Campbell Coleman

Cromer Elliott Hayes

Jackson Knotts Leatherman

Lourie Malloy *Martin, Larry*

Matthews McConnell McGill

Nicholson Pinckney Reese

Scott Setzler Sheheen

**Total--21**

Amendment No. 29 was not adopted.

**Amendment No. 30**

Senator VERDIN proposed the following amendment (36R013.DBV), which was not adopted:

Amend the bill, as and if amended, SECTION 4, by adding an appropriately numbered new subsection to Section 12-36-2691(D) to read:

/ ( ) This section does not apply to a shipment of tangible personal property from the distribution facility if the delivery to the purchaser will occur on the same day that the retail sale of the tangible personal property is made. A delivery of the tangible personal property to the purchaser on the same day the retail sale is made is sufficient to establish nexus with South Carolina for sales and use tax purposes and the provisions of this chapter requiring the seller to collect and remit the sales and use tax applies to these types of transactions.” /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN argued in favor of the adoption of the amendment.

**RECESS**

At 10:37 P.M., with Senator VERDIN retaining the floor, on motion of Senator MALLOY, with unanimous consent, the Senate receded from business subject to the call of the Chair.

At 10:48 P.M., the Senate resumed.

Senator VERDIN argued in favor of the adoption of the amendment.

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

**Ayes 9; Nays 23**

**AYES**

Bright Bryant Campsen

Davis Fair Grooms

Rose Ryberg Verdin

**Total--9**

**NAYS**

Alexander Campbell Coleman

Cromer Elliott Hayes

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McGill Nicholson Pinckney

Reese Scott Setzler

Sheheen Shoopman

**Total--23**

Amendment No. 30 was not adopted.

**Amendment No. 31**

Senator VERDIN proposed the following amendment (36R002.DBV), which was not adopted:

Amend the bill, as and if amended, by striking SECTION 4 in its entirety and inserting:

/ SECTION 4. Article 25, Chapter 36, Title 12 of the 1976 Code is amended by adding:

“Section 12‑36‑2691. (A) Notwithstanding another provision of this chapter, owning or utilizing a distribution facility within South Carolina is not considered in determining whether the person has a physical presence in South Carolina sufficient to establish nexus with South Carolina for sales and use tax purposes.

(B)(1) For purposes of this section, ‘distribution facility’ means an establishment where only shipments of tangible personal property are processed for delivery to customers and no retail sales are made. The definition of ‘distribution facility’, provided in Section 12‑6‑3360(M)(8) for purposes of the targeted jobs tax credit and its provisions allowing limited retail sales at such a facility, specifically does not apply with respect to a ‘distribution facility’ as defined for purposes of this section.

(C) This section only applies to a taxpayer that:

(1) places a distribution facility in service;

(2) makes, or causes to be made through a third party, a capital investment of at least one hundred twenty‑five million dollars;

(3) initially creates at least two thousand full‑time jobs which include a comprehensive health plan for those employees and maintains at least one thousand jobs for five years after the date upon which the distribution facility was placed in operation. For purposes of this item, ‘full‑time’ and ‘new job’ have the same meaning as provided in Section 12‑6‑3360; and

(4) has operated the distribution facility for five years after the date upon which the distribution facility was placed in operation.

(D) This section no longer applies on the earlier of:

(1) the expiration of five years after the date upon which this section became applicable to the taxpayer;

(2) when the company fails to meet the requirements provided in subsection (C) of this section during the time that this section is applicable to the taxpayer; or

(3) the effective date of a law enacted by the United States Congress that allows a state to require that its sales tax be collected and remitted even if the taxpayer does not have substantial nexus with that state.” /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN argued in favor of the adoption of the amendment.

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

**Ayes 11; Nays 20**

**AYES**

Bright Bryant Campsen

Davis Fair Grooms

O'Dell Rose Ryberg

Shoopman Verdin

**Total--11**

**NAYS**

Alexander Campbell Coleman

Cromer Elliott Hayes

Jackson Knotts Land

Lourie Malloy *Martin, Larry*

Massey Matthews McGill

Pinckney Reese Scott

Setzler Sheheen

**Total--20**

Amendment No. 31 was not adopted.

**Amendment No. 34**

Senator O’DELL proposed the following amendment (NBD\11734DG11), which was withdrawn:

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

/ SECTION \_\_\_\_. Section 12-37-220(B), as last amended by Act 279 of 2010, is further amended by adding an appropriately numbered item at the end to read:

“( ) Ten percent of the value of all real and personal property owned by a business that has been in operation in this State for at least fifty years.” /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL argued in favor of the adoption of the amendment.

Senator LEATHERMAN spoke on the amendment.

**Point of Order**

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

Senator DAVIS spoke on the Point of Order.

Senator LEATHERMAN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

On motion of Senator O’DELL, Amendment No. 34 was withdrawn.

**Amendment No. 36**

Senator VERDIN proposed the following amendment (NBD\11765AC11), which was not adopted:

Amend the bill, as and if amended, Section 12-36-2691 on page 5 after line 31 by adding an appropriately lettered subsection to read:

/ ( ) If a distribution facility in this State has a distribution facility, or a facility that serves substantially the same purpose, in another state and the out of state facility has received substantially the same sales tax status that has been afforded to the facility in this State, pursuant to this section, and this tax status is removed from the out of state facility requiring that facility to collect and remit sales tax to the state in which it is located, the provisions of this section no longer apply to the facility in this State sixty days after the tax status of the out of state facility has been removed and the facility in this State shall begin collecting and remitting sales tax pursuant to Chapter 36, Title 12./

Renumber sections to conform.

Amend title to conform.

Senator GROOMS argued in favor of the adoption of the amendment.

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

**Ayes 11; Nays 18**

**AYES**

Bright Bryant Campsen

Davis Fair Grooms

O'Dell Rose Ryberg

Shoopman Verdin

**Total--11**

**NAYS**

Alexander Campbell Coleman

Elliott Hayes Jackson

Land Leatherman Malloy

*Martin, Larry* Massey Matthews

McGill Nicholson Reese

Scott Setzler Sheheen

**Total--18**

Amendment No. 36 was not adopted.

**Amendment No. 38**

Senator VERDIN proposed the following amendment (NBD\11771AC11), which was not adopted:

Amend the bill, as and if amended, Section 12-36-2691 on page 5 after line 31 by adding an appropriately lettered subsection to read:

/ ( ) If a distribution facility in this State has a distribution facility, or a facility that serves substantially the same purpose, in Tennessee and that facility has received substantially the same sales tax status that has been afforded to the facility in this State, pursuant to this section, and this tax status is removed from the Tennessee facility requiring that facility to collect and remit sales tax to the State of Tennessee, the provisions of this section no longer apply to the facility in this State sixty days after the tax status of the Tennessee facility has been removed and the facility in this State shall begin collecting and remitting sales tax pursuant to Chapter 36, Title 12./

Renumber sections to conform.

Amend title to conform.

Senator DAVIS argued in favor of the adoption of the amendment.

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

**Ayes 10; Nays 22**

**AYES**

Bright Bryant Campsen

Davis Fair O'Dell

Rose Ryberg Shoopman

Verdin

**Total--10**

**NAYS**

Alexander Campbell Coleman

Cromer Elliott Grooms

Hayes Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

Reese Scott Setzler

Sheheen

**Total--22**

Amendment No. 38 was not adopted.

Senator GROOMS asked unanimous consent to make a motion to take up Amendment No. 230 for immediate consideration, and after Amendment No. 230 was adopted, all remaining amendments, with the exception of Amendment No. 5 by Senator FAIR, would be withdrawn.

There was no objection and the motion was adopted.

**Amendment No. 230**

Senators SETZLER, MASSEY, HUTTO and RYBERG proposed the following amendment (36R026.ASM), which was adopted:

Amend the bill, as and if amended, page 5, by striking line 31 and inserting:

/ with that state.

(E)(1) A person to whom this section applies who makes a sale through the person’s internet website shall notify a purchaser in a confirmation email that the purchaser may owe South Carolina use tax on the total sales price of the transaction and include in the email an Internet link to the Department of Revenue’s website that allows the purchaser to pay the use tax. The notice must include language that is substantially similar to the following:

YOU MAY OWE SOUTH CAROLINA USE TAX ON THIS PURCHASE BASED ON THE TOTAL SALES PRICE OF THE PURCHASE. YOU MAY VISIT WWW.SCTAX.ORG TO PAY THE USE TAX OR YOU MAY REPORT AND PAY THE TAX ON YOUR SOUTH CAROLINA INCOME TAX FORM.

(2) The Department of Revenue shall cooperate with any person to whom this section applies and provide the person with the information and assistance necessary to comply with the provisions of this subsection and the means to link to the applicable portion of the department’s website. The department shall develop the webpage required by item (1) and develop a means to allow the purchaser to pay any required tax through the webpage. The department shall include on the webpage a table of the various sales tax rates of the State by location that permits the person to calculate the tax based on the total sales price and delivery location.

(3)(a) A person to whom this section applies shall also by February first of each year provide to each purchaser to whom tangible goods were delivered in this State a statement of the total sales made to the purchaser during the preceding calendar year. The statement must contain language substantially similar to the following:

YOU MAY OWE SOUTH CAROLINA USE TAX ON PURCHASES YOU MADE FROM US DURING THE PREVIOUS TAX YEAR. THE AMOUNT OF TAX YOU MAY OWE IS BASED ON THE TOTAL SALES PRICE OF [INSERT TOTAL SALES PRICE] THAT MUST BE REPORTED AND PAID WHEN YOU FILE YOUR SOUTH CAROLINA INCOME TAX RETURN UNLESS YOU HAVE ALREADY PAID THE TAX.

The statement must not contain any other information that would indicate, imply, or identify the class, type, description, or name of the products purchased. Any information that would indicate, imply, or identify the class, type, description, or name of the products purchased is considered strictly confidential.

(b) The statement may be provided by first class mail or email. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 5**

Senators FAIR and THOMAS proposed the following amendment (BBM\10337HTC11), which was withdrawn:

Amend the bill, as and if amended, in Section 12‑36‑2691, as contained in SECTION 4, page 5, by striking subsection (D) beginning on line 8, and inserting:

/ (D) Before a business may avail itself of the ‘safe harbor’ provisions of this section, it shall enter into a written agreement with the Attorney General of this State agreeing to exercise due diligence to prohibit the use of the distribution center for the sale, distribution, or transshipment of material harmful to minors as prohibited pursuant to Section 16‑15‑385 and as defined pursuant to Section 16‑15‑375. The agreement must contain those methods by which the company must conduct the required due diligence. The Attorney General shall review compliance annually and report any failure of compliance to the General Assembly, Governor, the Secretary of Commerce, and the Director of the Department of Revenue.

(E) This section no longer applies on the earlier of:

(1) January 1, 2016;

(2) when the company fails to meet the requirements provided in subsection (C) of this section;

(3) the effective date of a law enacted by the United States Congress that allows a state to require that its sales tax be collected and remitted even if the taxpayer does not have substantial nexus with that state; or

(4) the date of the Attorney General’s report of failure of compliance with the provisions of subsection (D) of this section. /

Renumber sections to conform.

Amend title to conform.

Senator FAIR explained the amendment.

On motion of Senator FAIR, the amendment was withdrawn.

There being no further amendments, the Bill was ordered returned to the House of Representatives with amendments.

**Statement by Senators RYBERG and DAVIS**

The Rules of the South Carolina Senate do not allow for a final vote on S. 36 in its status as a “Bill Returned from the House.” We do not support S. 36 as returned to the House. The amendments offered and passed strengthened the Bill, but we continue to oppose the special exemption offered in the Bill. We oppose incentives for retail, and we will continue to oppose them at any time in the future.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**MOTION ADOPTED**

Senator McCONNELL asked unanimous consent to make a motion that when the Senate adjourns on Friday, May 27, 2011, it stand adjourned to meet in Statewide Session on Tuesday, May 31, 2011, at 10:00 A.M.

The motion was adopted.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE**

S. 588 -- Senators Jackson, Hayes, O’Dell, Rose, Ford and Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “STROKE PREVENTION ACT OF 2011” BY ADDING ARTICLE 6 TO CHAPTER 61, TITLE 44 SO AS TO ESTABLISH A STATEWIDE SYSTEM OF STROKE CARE, WHICH REQUIRES THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO RECOGNIZE AND DESIGNATE HOSPITALS THAT ARE CERTIFIED TO BE PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS, TO DISTRIBUTE A LIST OF PRIMARY STROKE CENTERS AND ACUTE STROKE CAPABLE CENTERS TO EACH EMERGENCY MEDICAL SERVICES PROVIDER AND TO POST THIS LIST ON ITS WEBSITE, TO ADOPT AND DISTRIBUTE A NATIONALLY STANDARDIZED STROKE‑TRIAGE ASSESSMENT TOOL TO EACH EMERGENCY MEDICAL SERVICES PROVIDER, TO ESTABLISH PRE‑HOSPITAL CARE PROTOCOLS FOR THE CARE AND TRANSPORT OF STROKE PATIENTS BY EMERGENCY MEDICAL SERVICE PROVIDERS, TO ESTABLISH A STROKE REGISTRY TASK FORCE TO ANALYZE AND IMPROVE STROKE CARE IN THIS STATE, AND TO ENSURE CONFIDENTIALITY IN SHARING HEALTH CARE INFORMATION; AND TO PROVIDE THAT THE DEPARTMENT’S RESPONSIBILITIES PURSUANT TO THIS ARTICLE ARE CONTINGENT UPON ADEQUATE FUNDING.

The House returned the Bill with amendments.

The question then was concurrence in the House amendments.

**Amendment No. 1**

Senators McCONNELL and JACKSON proposed the following amendment (588R001.DJ), which was adopted:

Amend the bill, as and if amended, page 7, by striking lines 8 - 11 and inserting:

/ Section 44‑61‑690. (A) The department has the authority to promulgate regulations to carry out the purposes of this article. /

Renumber sections to conform.

Amend title to conform.

Senator JACKSON explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 30; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Cromer Davis Elliott

Fair Grooms Hayes

Jackson Knotts Leatherman

Lourie Malloy *Martin, Larry*

Massey Matthews McConnell

McGill Nicholson O'Dell

Reese Rose Ryberg

Scott Setzler Shoopman

**Total--30**

**NAYS**

**Total--0**

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**CONCURRENCE IN HOUSE AMENDMENTS**

**ENROLLED FOR RATIFICATION**

S. 592 -- Senators Hayes, Leventis, Cromer, Rose, Scott, Knotts, Alexander and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑3067 SO AS TO CREATE THE OFFENSE OF FRATERNIZATION; TO AMEND SECTION 25‑1‑10, RELATING TO THE STATE MILITARY CODE’S DEFINITIONS, SO AS TO DEFINE THE TERM “ORGANIZED MILITIA”; TO AMEND SECTION 25‑1‑40, RELATING TO THE APPLICABILITY OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO DELETE AN UNNECESSARY REFERENCE TO CAPITAL SENTENCES; TO AMEND SECTION 25‑1‑60, RELATING TO THE COMPOSITION AND CLASSES OF THE STATE MILITIA, SO AS TO CLARIFY THAT ACTIVE MEMBERS OF THE NATIONAL GUARD ARE NOT PART OF THE ORGANIZED MILITIA; TO AMEND SECTION 25‑1‑70, RELATING TO THE COMPOSITION OF THE NATIONAL GUARD, SO AS TO CLARIFY THE ADJUTANT GENERAL’S AUTHORITY TO ORGANIZE UNITS FOR STATE RECOGNIZED AND ORGANIZED POSITIONS; TO AMEND SECTION 25‑1‑120, RELATING TO MILITARY CORPORATIONS, SO AS TO CLARIFY THAT MILITARY CORPORATIONS ARE EXEMPT FROM FILING RETURNS WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO THE SAME EXTENT THEY ARE EXEMPT FROM FILING RETURNS WITH THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 25‑1‑340, RELATING TO VACANCIES IN THE OFFICE OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT AN INTERIM APPOINTEE SHALL HOLD THE RANK OF COLONEL OR HIGHER; TO AMEND SECTION 25‑1‑635, RELATING TO LEGAL ASSISTANCE SERVICES, SO AS TO CLARIFY THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTION 25‑1‑830, RELATING TO OFFICER SELECTION BOARDS, SO AS TO INCLUDE REFERENCES TO FEDERAL PERSONNEL ACTS; TO AMEND SECTION 25‑1‑1370, RELATING TO MAINTENANCE ALLOWANCES, SO AS TO PROVIDE THAT THESE FUNDS MUST BE DEPOSITED IN STATE ACCOUNTS FOR MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE; TO AMEND SECTION 25‑1‑2420, RELATING TO CODE OF MILITARY JUSTICE DEFINITIONS, SO AS TO PROVIDE THAT THE TERM “STATE JUDGE ADVOCATE” MEANS A FEDERALLY RECOGNIZED NATIONAL GUARD JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2450, RELATING TO THE APPOINTMENT OF THE STATE JUDGE ADVOCATE, SO AS TO PROVIDE THAT THE STATE JUDGE ADVOCATE MUST BE FEDERALLY RECOGNIZED AS A JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2455, RELATING TO THE APPOINTMENT OF THE STATE MILITARY JUDGE, SO AS TO REQUIRE MEMBERSHIP AND GOOD STANDING IN THE SOUTH CAROLINA BAR; TO AMEND SECTION 25‑1‑2520, RELATING TO NONJUDICIAL DISCIPLINARY PUNISHMENT, SO AS TO ALLOW THE DELEGATION OF NONJUDICIAL PUNISHMENT AUTHORITY IN CERTAIN SITUATIONS; TO AMEND SECTION 25‑1‑2550, RELATING TO GENERAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2560, RELATING TO SPECIAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2570, RELATING TO SUMMARY COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2580, RELATING TO THE APPOINTMENT OF GENERAL COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED TO THE ADJUTANT GENERAL UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2600, RELATING TO THE APPOINTMENT OF SUMMARY COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2630, RELATING TO THE DETAIL OF TRIAL AND DEFENSE COUNSEL, SO AS TO CLARIFY THE STATE JUDGE ADVOCATE’S APPOINTMENT AUTHORITY; TO AMEND SECTION 25‑1‑2640, RELATING TO THE RECORDING OF PROCEEDINGS, SO AS TO PROVIDE THAT A QUALIFIED COURT REPORTER MAY BE HIRED TO RECORD COURT‑MARTIAL PROCEEDINGS; TO AMEND SECTION 25‑1‑2910, RELATING TO FRAUDULENT ENLISTMENTS, APPOINTMENTS, OR SEPARATIONS, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT WILFUL MISCONDUCT TO INTENTIONALLY CAUSE THEIR SEPARATION; TO AMEND SECTION 25‑1‑3025, RELATING TO THE OFFENSE OF MALINGERING, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT, PERFORM, OR UNDERTAKE SERVICE DISQUALIFYING ACTIVITIES; TO AMEND SECTION 25‑1‑3065, RELATING TO THE OFFENSE OF CONDUCT UNBECOMING AN OFFICER, SO AS TO DELETE THE ELEMENT THAT THE ACCUSED BE A COMMISSIONED OFFICER; AND TO AMEND SECTION 25‑1‑3160, RELATING TO CONSTRUCTION OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO ALLOW THE ADJUTANT GENERAL TO ESTABLISH PROCEDURES TO CONFORM STATE MILITARY JUDICIAL PROCEEDINGS WITH STATE CIRCUIT COURT PROCEEDINGS.

Senator HAYES 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 concurrence in the House amendments.

Senator HAYES explained the amendments.

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

**Ayes 27; Nays 2**

**AYES**

Alexander Campbell Campsen

Coleman Cromer Davis

Elliott Fair Grooms

Hayes Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

Reese Rose Ryberg

Scott Setzler Shoopman

**Total--27**

**NAYS**

Bright Bryant

**Total--2**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CONCURRENCE IN HOUSE AMENDMENTS**

**ENROLLED FOR RATIFICATION**

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.

Senator BRYANT 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 concurrence in the House amendments.

Senator BRYANT explained the amendments.

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

**Ayes 30; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Cromer Davis Elliott

Fair Grooms Hayes

Jackson Knotts Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O'Dell Pinckney Reese

Rose Ryberg Scott

Setzler Shoopman Verdin

**Total--30**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**READ THE SECOND TIME**

**CARRYING OVER ALL AMENDMENTS TO THIRD READING**

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010‑2011.

Senator RYBERG asked unanimous consent to take the Joint Resolution up for immediate consideration.

There was no objection.

Senator RYBERG asked unanimous consent to give the Resolution a second reading carrying over all amendments to third reading.

There was no objection.

The Joint Resolution was read the second time, passed and ordered to a third reading carrying over all amendments to third reading.

**H. 3701--Objection**

H. 3701 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2010‑2011.

Having voted on the prevailing side, Senator MASSEY asked unanimous consent to make a motion to reconsider the vote whereby the Senate gave second reading to the Resolution.

Senator MALLOY objected.

**H. 3701--Recorded Vote**

Senators MASSEY, BRIGHT, BRYANT and DAVIS desired to be recorded as voting against the second reading of the Resolution.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE AS AMENDED**

H. 3762 -- Reps. Cooper, White, Bowen, Gambrell, Thayer, Sandifer, D.C. Moss, McLeod, Viers and Clemmons: A BILL TO AMEND SECTION 41‑31‑5 OF THE 1976 CODE, RELATING TO DEFINITIONS CONCERNING THE RATE OF CONTRIBUTIONS TO THE UNEMPLOYMENT TRUST FUND AND TO MODIFY THE METHOD OF COMPUTATION (ABBREVIATED TITLE).

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

There was no objection.

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

**Motion Under Rule 26B**

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

There was no objection.

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

Senator ALEXANDER proposed the following amendment (3762R007.TCA), which was adopted:

Amend the bill, as and if amended, page 17, after line 25, by adding a new SECTION to read:

/ SECTION \_\_\_. Section 41‑31‑330(A) of the 1976 Code is amended to read:

“Section 41‑31‑330. (A)(1) If the department finds that an additional contribution is due, that the report was made in good faith, that the understatement of the contribution is not deliberate, then no penalty shall be added because of the understatement. However, except for the time period contained in item (2), the amount of the deficiency shall bear interest at the rate of one percent for each month or fraction of a month that it remains unpaid.

(2) For calendar year 2011, retroactive to January 1, 2011, for months January through June 30 of that year, the amount of deficiency that arises under the circumstances provided in item (1) shall bear interest at the rate of 0.25 percent for each month or fraction of a month that it remains unpaid. However, if the department finds that the understatement is due to the circumstances provided in subsection (B) or (C) then the employer is not entitled to the 0.25 percent interest rate.” /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

Senators RYBERG, RANKIN, and SETZLER proposed the following amendment (3762R006.WGR), which was adopted:

Amend the bill, as and if amended, page 17, after line 25, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. Section 41‑29‑300(B)(2) of the 1976 Code is amended to read:

“(2) The members of the appellate panel must be elected by the General Assembly, in joint session, for terms of four years and until their successors have been elected and qualified, commencing on the first day of July in each presidential election year. Initial elections for members of the appellate panel must be held before May 22, 2010. The seats on the appellate panel are designated as Seat 1, Seat 2, and Seat 3.” /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

**Ayes 32; Nays 0; Abstain 1**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Cromer Davis Elliott

Fair Grooms Hayes

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O'Dell Reese Rose

Ryberg Scott Setzler

Shoopman Verdin

**Total--32**

**NAYS**

**Total--0**

**ABSTAIN**

Pinckney

**Total--1**

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

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Steve Edward “Wezel” Harrington, 60, of Kingstree, S.C., beloved husband of Margaret Reardon Harrington and devoted father and grandfather.

and

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Susan Elizabeth “Lib” Bodiford Watford of Andrews, S.C., beloved wife of Robert “Bob” Cleveland Watford, Sr. and devoted mother, grandmother and great-grandmother.

**ADJOURNMENT**

At 12:49 A.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.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against adjournment.

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