**Thursday, January 20, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

The Psalmist declares:

“How good it is to sing praises to our God, how pleasant and fitting to praise him!” (Psalm 147:1)

Join me as we pray:

Holy God, may we never forget how richly blessed is the State of South Carolina! O, yes, there are always things we wish to improve upon, aspects of life which need to be better. But how wonderful are the resources which surround us: our woodlands, rivers, lakes, mountains, coastal stretches—so lovely are they, indeed. And the people of this State, as well: women and men and young people and children, so richly talented and capable and caring. Continue to keep each Senator and every staff member attuned to the blessings which already surround us. We pray this in Your wondrous name, holy 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 Department of Health & Human Services, with term coterminous with Governor

Anthony Edward Keck, 10305 Oakline Drive, Baton Rouge, LA 70809 *VICE* Emma Forkner

Referred to the Committee on Medical Affairs.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 6 Sen. Alexander S. 299 Sen. Knotts

S. 292 Sen. Knotts S. 300 Sen. Knotts

S. 296 Sen. Knotts S. 302 Sen. Knotts

S. 297 Sen. Knotts S. 303 Sen. Knotts

S. 298 Sen. Knotts S. 327 Sen. Setzler

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 403 -- Senators Ryberg and Massey: A SENATE RESOLUTION TO CONGRATULATE ROGER LEDUC, AIKEN CITY MANAGER, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS TWENTY-FIVE YEARS OF DEDICATED SERVICE TO THE CITY OF AIKEN, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 404 -- Senators Campsen, McConnell, Land, Peeler, Alexander, Bryant, Campbell, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Grooms, Hayes, Hutto, Jackson, Knotts, Leventis, Matthews, L. Martin, Massey, McGill, O'Dell, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Thomas, Verdin and Williams: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT”; TO AMEND SECTION 7-15-400, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPLICATIONS AND ISSUANCE OF WRITE-IN ABSENTEE BALLOTS, SO AS TO ALLOW A VOTER TO MAKE A STATEMENT ON A FEDERAL WRITE-IN ABSENTEE BALLOT THAT HE IS UNABLE TO VOTE BY REGULAR ABSENTEE BALLOT OR IN PERSON DUE TO THE REQUIREMENTS OF MILITARY SERVICE, LIVING IN AN ISOLATED AREA, OR AN EXTREMELY REMOTE AREA OF THE WORLD, AND TO ADD THAT A QUALIFIED ABSENTEE ELECTOR MAY ALTERNATIVELY SUBMIT A FEDERAL WRITE-IN ABSENTEE BALLOT FOR ANY FEDERAL, STATE, OR LOCAL OFFICE OR BALLOT INITIATIVE; TO ADD SECTION 7-15-406 TO ARTICLE 5, CHAPTER 13, TITLE 7, SO AS TO REQUIRE ALL ABSENTEE BALLOTS MUST BE MAILED TO THE ELECTOR AT LEAST FORTY-FIVE DAYS PRIOR TO ANY ELECTION; TO AMEND SECTION 7-15-460, RELATING TO ABSENTEE BALLOTS AS PROVIDED BY THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT, SO AS TO MAKE THE PROVISIONS APPLICABLE TO FEDERAL, STATE, AND LOCAL OFFICES, AND TO REQUIRE THAT AN ELECTRONIC FREE ACCESS BALLOT TRACKING SYSTEM IS AVAILABLE TO ELECTORS; AND TO AMEND SECTION 7‑15‑220, RELATING TO THE SIGNING AND WITNESSING OF THE OATH BY THE ABSENTEE BALLOT APPLICANT, SO AS TO PROVIDE AN EXCEPTION FOR WITNESS REQUIREMENTS FOR VOTERS QUALIFIED UNDER THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTERS ACT.

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

S. 405 -- Senator Cromer: A BILL TO AMEND SECTION 56‑3‑860, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES' ACCEPTANCE OF UNCERTIFIED CHECKS AS PAYMENT FOR FEES CHARGED FOR THE ISSUANCE OF LICENSE PLATES, SO AS TO PROVIDE THAT THE DEPARTMENT MAY ACCEPT UNCERTIFIED CHECKS AS PAYMENT FOR ANY SERVICE THAT IT PROVIDES; AND TO AMEND SECTION 56-3-870, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES' SUSPENSION OR CANCELLATION OF THE REGISTRATION AND LICENSE OF A PERSON WHO PURCHASED THESE ITEMS WITH AN UNCERTIFIED CHECK THAT WAS RETURNED TO THE DEPARTMENT UNPAID, SO AS TO PROVIDE THAT A PERSON'S LICENSE PLATE AND REGISTRATION AND DRIVER'S LICENSE MUST BE SUSPENDED OR CANCELED BY THE DEPARTMENT WHEN AN UNCERTIFIED CHECK IT HAS ACCEPTED FOR PAYMENT FOR ANY SERVICE CONTAINED IN CHAPTER 10, TITLE 56 IS RETURNED TO THE DEPARTMENT UNPAID, AND MAY TAKE THIS ACTION WHEN AN UNCERTIFIED CHECK IT HAS ACCEPTED FOR PAYMENT FOR ANY OTHER SERVICE IS RETUNED TO THE DEPARTMENT UNPAID.

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

S. 406 -- Senators Rose, McConnell, Thomas, Cleary, S. Martin, Davis, Bright, Peeler, O'Dell and McGill: A BILL TO AMEND SECTION 1-11-497 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACROSS-THE-BOARD REDUCTION IN EXPENDITURES, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROHIBITED BY LAW, ANY ACROSS-THE-BOARD REDUCTION MUST BE APPLIED TO ALL APPROPRIATED FUNDS INCLUDING STATE FUNDS, FEDERAL FUNDS, AND “OTHER FUNDS”; TO AMEND SECTION 2-7-75, RELATING TO APPROPRIATING OF FUNDS, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROHIBITED BY LAW, IF THE GENERAL ASSEMBLY MANDATES ANY ACROSS-THE-BOARD PERCENTAGE REDUCTION OF ANY APPROPRIATED FUNDS, THE REDUCTION APPLIES IN THE SAME PERCENTAGE TO “OTHER FUNDS”; TO AMEND SECTION 2‑65‑40, RELATING TO, OVERSIGHT AND EXPENDITURE OF “OTHER FUNDS”, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROHIBITED BY LAW, IF THE GENERAL ASSEMBLY MANDATES ANY ACROSS-THE-BOARD PERCENTAGE REDUCTION OF ANY APPROPRIATED FUNDS, THE REDUCTION APPLIES IN THE SAME PERCENTAGE TO “OTHER FUNDS”; AND TO AMEND SECTION 11-11-160, RELATING TO TRANSFERS OF APPROPRIATIONS AND REDUCTION OF AUTHORIZED SPENDING, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROHIBITED BY LAW, IF THE GENERAL ASSEMBLY MANDATES ANY ACROSS-THE-BOARD PERCENTAGE REDUCTION OF ANY APPROPRIATED FUNDS, THE REDUCTION APPLIES IN THE SAME PERCENTAGE TO “OTHER FUNDS”.

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Senator ROSE spoke on the Bill.

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

S. 407 -- Senators Rose, McConnell, Thomas, Cleary, S. Martin, Davis, Bright, Peeler, O'Dell and McGill: A BILL TO AMEND ACT 291 OF 2010, AN ACT TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, SO AS TO PROVIDE THAT, UNLESS OTHERWISE PROHIBITED BY LAW AND NOTWITHSTANDING THE AMOUNTS OF “OTHER FUNDS” APPROPRIATED BY ACT 291, AN AMOUNT EQUAL TO TEN PERCENT OF “OTHER FUNDS” IS TRANSFERRED TO THE STATE GENERAL FUND, AND TO SPECIFY HOW THE TRANSFERRED FUNDS ARE TO BE APPROPRIATED.

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Senator ROSE spoke on the Bill.

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

S. 408 -- Senators Courson and Lourie: A CONCURRENT RESOLUTION TO CONGRATULATE DR. GREGORY OWINGS, PRINCIPAL OF SPRING VALLEY HIGH SCHOOL, ON BEING NAMED 2011 SOUTH CAROLINA SECONDARY PRINCIPAL OF THE YEAR, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED SERVICE AND OUTSTANDING CONTRIBUTIONS TO EDUCATION IN SOUTH CAROLINA, AND TO WISH HIM MUCH SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

S. 409 -- Senators Courson and Coleman: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE TAMMY GRAHAM UPON THE OCCASION OF HER BEING NAMED THE 2011 SOUTH CAROLINA ELEMENTARY SCHOOL ASSISTANT PRINCIPAL OF THE YEAR, AND TO COMMEND HER FOR HER OUTSTANDING CONTRIBUTIONS TO EDUCATION IN SOUTH CAROLINA.

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

S. 410 -- Senators Courson and Knotts: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE MR. THOMAS RIVERS, ASSISTANT PRINCIPAL OF GILBERT HIGH SCHOOL, UPON THE OCCASION OF HIS BEING NAMED THE 2011 SOUTH CAROLINA SECONDARY ASSISTANT PRINCIPAL OF THE YEAR, AND TO COMMEND HIM FOR HIS DEDICATED SERVICE TO EDUCATION IN SOUTH CAROLINA.

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

S. 411 -- Senators Courson and Lourie: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. ROBIN HARDY FOR HER SIGNIFICANT CONTRIBUTIONS TO THE FIELD OF EDUCATION AND TO HONOR HER FOR BEING NAMED 2011 MIDDLE LEVEL ASSISTANT PRINCIPAL OF THE YEAR BY THE SOUTH CAROLINA ASSOCIATION OF SCHOOL ADMINISTRATORS.

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

S. 412 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND MS. INGRID DUKES FOR HER OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION, AND TO COMMEND HER FOR BEING NAMED THE 2011 MIDDLE LEVEL PRINCIPAL OF THE YEAR BY THE SOUTH CAROLINA ASSOCIATION OF SCHOOL ADMINISTRATORS.

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

S. 413 -- Senators Courson, Reese, Bright, S. Martin and Peeler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. CYNTHIA PRIDGEN FOR HER OUTSTANDING WORK AS AN EDUCATOR, AND TO CONGRATULATE HER FOR BEING NAMED 2011 ELEMENTARY PRINCIPAL OF THE YEAR BY THE SOUTH CAROLINA ASSOCIATION OF SCHOOL ADMINISTRATORS.

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

S. 414 -- Senators Grooms, McConnell, Ford, Ryberg, Bryant, Campsen, Davis, Fair, Rose, Shoopman, Verdin, Thomas and Bright: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “EDUCATIONAL OPPORTUNITY ACT” BY ADDING ARTICLE 6 TO CHAPTER 63, TITLE 59 SO AS TO PROVIDE THAT A QUALIFYING STUDENT IS ELIGIBLE TO RECEIVE A SCHOLARSHIP TO ATTEND AN INDEPENDENT SCHOOL IF HE MEETS CERTAIN CONDITIONS, AND TO PROVIDE THE VALUE OF THOSE SCHOLARSHIPS; TO ALLOW A TAX CREDIT TO BE TAKEN BY A PERSON WHO FILES STATE INCOME TAX FOR TUITION PAID FOR A QUALIFYING STUDENT TO ATTEND AN INDEPENDENT SCHOOL UPON CERTAIN CONDITIONS, TO PROVIDE THE VALUE OF THE TAX CREDIT, TO PROVIDE THAT THE TAX CREDIT MAY BE TAKEN IN FUTURE YEARS UPON CERTAIN CONDITIONS, TO REQUIRE A RECEIPT TO CLAIM THE TAX CREDIT, AND TO PROVIDE THAT A TAX CREDIT MAY NOT BE TAKEN IF THE STUDENT’S ENROLLMENT IN THE INDEPENDENT SCHOOL IS TERMINATED; TO REQUIRE THE STATE BUDGET AND CONTROL BOARD TO CALCULATE THE SAVINGS TO THE STATE GENERAL FUND DERIVED FROM THE PROVISIONS OF THIS ARTICLE, TO PROVIDE THE MECHANISM FOR THAT CALCULATION, TO PROVIDE FOR TAX CREDITS TO BE TAKEN FOR TUITION PAID FOR OTHER STUDENTS TO ATTEND INDEPENDENT SCHOOLS, AND TO PROVIDE FOR THE TOTAL AND INDIVIDUAL AMOUNTS OF THOSE TAX CREDITS; TO PROVIDE FOR A TAX CREDIT FOR A PERSON WHO TEACHES A QUALIFYING STUDENT AT HOME, AND TO PROVIDE THAT THE TAX CREDIT MAY BE TAKEN IN FUTURE YEARS UPON CERTAIN CONDITIONS; TO ALLOW A CORPORATION OR PERSON TO CLAIM A CREDIT AGAINST STATE INCOME TAX OR FRANCHISE FEES FOR A CONTRIBUTION MADE TO A STUDENT SCHOLARSHIP ORGANIZATION; TO PROVIDE DUTIES FOR INDEPENDENT SCHOOLS AND STUDENT SCHOLARSHIP ORGANIZATIONS WITH REGARD TO THIS ARTICLE; TO PROVIDE TESTING REQUIREMENTS; TO ALLOW THE DEPARTMENT OF REVENUE TO PROMULGATE NECESSARY REGULATIONS AND TO CONDUCT NECESSARY EXAMINATIONS AND INVESTIGATIONS; TO PROVIDE REPORTING REQUIREMENTS BY THE STATE BUDGET AND CONTROL BOARD AND THE LEGISLATIVE AUDIT COUNCIL; TO PROVIDE DUTIES OF THE EDUCATION OVERSIGHT COMMITTEE AND THE DEPARTMENT OF EDUCATION WITH REGARD TO THIS ARTICLE; TO PROVIDE THAT AN INDEPENDENT SCHOOL IS NOT AN AGENT OR ARM OF THE STATE OR FEDERAL GOVERNMENT WITH RESPECT TO THIS ARTICLE; TO PROVIDE THAT OTHER STATE AGENCIES MAY NOT REGULATE THE EDUCATIONAL PROGRAM OF AN INDEPENDENT SCHOOL; AND BY ADDING SECTION 12-6-3383 SO AS TO ALLOW AN INDIVIDUAL TO CLAIM AN INCOME TAX CREDIT PURSUANT TO THE PROVISIONS OF ARTICLE 6, CHAPTER 63, TITLE 59.

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Senator GROOMS spoke on the Bill.

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

S. 415 -- Senators Knotts, McConnell, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO COMMEND AND CONGRATULATE PERSONNEL SUPPORT DETACHMENT PERSONNEL SPECIALIST 1ST CLASS JAMES R. LONG, JR. ON BEING NAMED 2010 NAVAL SUPPORT ACTIVITY’S SAILOR OF THE YEAR ON JOINT BASE CHARLESTON-WEAPONS STATION.

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The Senate Resolution was adopted.

**REPORT OF STANDING COMMITTEE**

Senator RYBERG from the Committee on Labor, Commerce and Industry polled out H. 3286 favorable:

H. 3286 -- Rep. Bingham: A BILL TO AMEND SECTION 41‑35‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYMENT OF EXTENDED UNEMPLOYMENT BENEFITS WHEN FEDERALLY FUNDED, SO AS TO CHANGE THE METHOD FOR CALCULATING CERTAIN FUNDING INDICATORS BY BASING THE CALCULATION ON ONE OR MORE THREE‑MONTH PERIODS ENDING THE PRECEDING THREE CALENDAR YEARS.

**Poll of the Labor, Commerce and Industry Committee**

**Polled 16; Ayes 16; Nays 0**

**AYES**

Ryberg Setzler Leventis

McConnell O’Dell Reese

Ford Alexander Leatherman

Bryant Bright Cleary

Lourie Massey Nicholson

Williams

**Total--16**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 382 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE COLUMBIA URBAN LEAGUE FOR RECEIVING THE WHITNEY M. YOUNG, JR. LEADERSHIP AWARD FOR ADVANCING RACIAL EQUALITY AND JAMES T. MCLAWHORN, ITS PRESIDENT AND CHIEF EXECUTIVE OFFICER, FOR BEING NAMED THE CENTENNIAL PUBLIC POLICY CHAMPION BY THE NATIONAL URBAN LEAGUE.

Returned with concurrence.

Received as information.

S. 383 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND AUDREY L. WILLIAMSON OF RICHLAND COUNTY FOR HER PROFESSIONAL ACCOMPLISHMENTS AND COMMUNITY SERVICE.

Returned with concurrence.

Received as information.

S. 399 -- Senator Peeler: A CONCURRENT RESOLUTION TO RECOGNIZE AND CELEBRATE THE TWENTIETH ANNIVERSARY OF THE BROAD RIVER BASIN HISTORICAL SOCIETY IN YORK COUNTY.

Returned with concurrence.

Received as information.

S. 401 -- Senators Sheheen, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO COMMEND THE HONORABLE JOHN M. SPRATT, JR., OF YORK COUNTY FOR HIS TWENTY‑EIGHT YEARS OF COMMITTED SERVICE AS A MEMBER OF THE U.S. HOUSE OF REPRESENTATIVES, REPRESENTING SOUTH CAROLINA’S 5TH CONGRESSIONAL DISTRICT, AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

Returned with concurrence.

Received as information.

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

**SECOND READING BILLS**

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

S. 6 -- Senators Leatherman, McGill, Rose, McConnell, Campsen, Fair, Setzler and Alexander: A BILL TO RATIFY AN AMENDMENT TO SECTION 36(A), ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE GENERAL RESERVE FUND, TO INCREASE FROM THREE TO FIVE PERCENT THE AMOUNT OF STATE GENERAL FUND REVENUE IN THE LATEST COMPLETED FISCAL YEAR REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND; AND TO RATIFY AN AMENDMENT TO SECTION 36(B) OF ARTICLE III, RELATING TO THE CAPITAL RESERVE FUND, TO PROVIDE THAT MONIES IN THE CAPITAL RESERVE FUND, IN ANY YEAR THE GENERAL RESERVE FUND DOES NOT HAVE THE REQUIRED PERCENTAGE OF GENERAL FUND REVENUE, FIRST MUST BE USED TO FULLY REPLENISH THE APPLICABLE PERCENTAGE AMOUNT IN THE GENERAL RESERVE FUND BEFORE BEING USED FOR OTHER AUTHORIZED PURPOSES WHICH DO NOT INCLUDE OFFSETTING MIDYEAR BUDGET REDUCTIONS.

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

Senator LEATHERMAN explained the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Ford Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 3290 -- Rep. Branham: A BILL TO AMEND ACT 806 OF 1952, AS AMENDED, RELATING TO ANNUAL MEETINGS OF THE SCHOOL DISTRICTS OF FLORENCE COUNTY, SO AS TO REQUIRE FLORENCE COUNTY SCHOOL DISTRICT TWO TO CALL A CITIZENS’ MEETING ON THE PROPOSED DISTRICT BUDGET BEFORE JUNE THIRTIETH OF EACH YEAR AND ADDITIONAL MEETINGS AS MAY BE REQUIRED.

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

**Parliamentary Inquiry**

Senator SHEHEEN made a Parliamentary Inquiry as to whether or not the local Bills have the full force and effect of law and, if so, would a roll call vote be required?

Senator LARRY MARTIN spoke on the Parliamentary Inquiry.

The PRESIDENT stated that a roll call vote of the affected local delegations would be in order.

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

**Ayes 4; Nays 0**

**AYES**

Land Leatherman McGill

Williams

**Total--4**

**NAYS**

**Total--0**

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

**SECOND READING BILL**

H. 3321 -- Rep. J.R. Smith: A BILL TO AMEND ACT 1006 OF 1958, RELATING TO THE BATH WATER AND SEWER DISTRICT, THE CLEARWATER WATER AND SEWER DISTRICT, AND THE LANGLEY WATER AND SEWER DISTRICT IN AIKEN COUNTY AND THE ELECTION OF COMMISSIONERS FOR THESE DISTRICTS, SO AS TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER OF THESE DISTRICTS AND ALSO SERVE AS AN OFFICER OR EMPLOYEE OF THE SAME DISTRICT, AND TO REQUIRE PRESENT COMMISSIONERS IN VIOLATION OF THIS PROVISION TO MAKE A WRITTEN ELECTION AS TO WHICH POSITION WILL BE RETAINED AND WHICH POSITION BY THAT ELECTION IS BEING RESIGNED.

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**

Massey Ryberg Setzler

**Total--3**

**NAYS**

**Total--0**

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

**AMENDED, ADOPTED**

S. 326 -- Senators Hayes, Peeler, Rose, Campsen, Cromer and Alexander: A SENATE RESOLUTION TO AMEND RULE 44, RELATING TO THE SENATE ETHICS COMMITTEE’S DUTIES AND PROCEDURES, SO AS TO PROVIDE ADDITIONAL DUTIES, COMPLAINT PROCEDURES, AND PROCEDURES FOR FINDINGS OF PROBABLE CAUSE, AND TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO ADD PROVISIONS REGARDING THE RECEIPT OF DOCUMENTS RELATING TO PROCEEDINGS IN ACTIONS TAKEN AGAINST A MEMBER; AND TO AMEND RULE 44.1, RELATING TO THE RULES GOVERNING ACTIONS TAKEN AGAINST A MEMBER, SO AS TO PROVIDE PROVISIONS FOR SUSPENSION AND REINSTATEMENT.

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

Senators LARRY MARTIN and HAYES proposed the following amendment (326CONFID), which was adopted:

Amend the resolution, as and if amended, page 3, by striking line 6 and inserting:

/ information must be punished in a manner provided by the Ethics, Government Accountability, and Campaign Reform Act. If the

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

The question then was adoption of the Resolution, as amended.

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

**Ayes 45; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--45**

**NAYS**

**Total--0**

There being no further amendments, the Senate Resolution was adopted, as amended.

**POINT OF ORDER**

S. 255 -- Senators Cleary, McConnell, Hutto and Rose: A BILL TO AMEND TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 57, SO AS TO AUTHORIZE QUALIFIED RELIGIOUS, CHARITABLE, EDUCATIONAL, AND OTHER ELEEMOSYNARY ORGANIZATIONS TO OPERATE AND CONDUCT RAFFLES AND CASINO NIGHT CHARITY GAMES THROUGH REGISTRATION WITH THE SOUTH CAROLINA SECRETARY OF STATE, TO PROVIDE STANDARDS FOR THESE EVENTS; TO REQUIRE PROCEEDS TO BE USED FOR RELIGIOUS, CHARITABLE, EDUCATIONAL, OR OTHER ELEEMOSYNARY PURPOSES; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

**Point of Order**

Senator BRIGHT raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 256 -- Senators Cleary, McConnell, Hutto and Rose: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY AUTHORIZE RAFFLES TO BE OPERATED AND CONDUCTED BY RELIGIOUS, CHARITABLE, OR NONPROFIT ORGANIZATIONS FOR RELIGIOUS, CHARITABLE, OR ELEEMOSYNARY PURPOSES, AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION AUTHORIZED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THEIR CONDUCT AND MANAGEMENT, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ASSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

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

**Point of Order**

Senator BRIGHT raised a Point of Order under Rule 39 that the Joint Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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

**Motion Adopted**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed to go into Executive Session.

**EXECUTIVE SESSION**

On motion of Senator McCONNELL, the seal of secrecy was removed and the Senate reconvened.

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, the Senate agreed to dispense with the Motion Period.

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

**AMENDED, READ THE SECOND TIME**

H. 3278 -- Rep. Harrison: A JOINT RESOLUTION TO PROVIDE THAT UNTIL JUNE 30, 2011, THERE ARE NO LIMITATIONS AS TO TYPES OF APPLICANTS OR ORGANIZATIONS WHO MAY APPLY FOR A SPECIAL FIFTEEN‑DAY BEER AND WINE PERMIT AUTHORIZED BY SECTION 61‑4‑550 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, IN ORDER TO TEMPORARILY CORRECT AN IMPROVIDENTLY ENACTED PROVISION IN 2010 RESTRICTING THE ISSUANCE OF THESE PERMITS TO ONLY NONPROFIT ORGANIZATIONS UNTIL SUCH TIME AS THE GENERAL ASSEMBLY CONSIDERS AND ENACTS PERMANENT GENERAL LAW CHANGES TO EFFECTUATE THIS CORRECTION.

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

Senator CAMPSEN explained the Resolution.

Senator THOMAS spoke on the Resolution.

On motion of Senator FAIR, with unanimous consent, Senators HUTTO, JACKSON and FAIR were granted leave to attend a subcommittee meeting.

Senator THOMAS spoke on the Resolution.

On motion of Senator THOMAS, with unanimous consent, Amendment No. 1 was taken up for immediate consideration.

**Amendment No. 1**

Senator THOMAS proposed the following amendment (3278R001.DLT), which was adopted:

Amend the joint resolution, as and if amended, in SECTION 1, by striking subsection (3) and inserting:

/ (3) The General Assembly now believes that this 2010 statutory change regarding the types of applicants was done in error and by this joint resolution seeks to temporarily rectify this problem until the General Assembly, through the legislative process, enacts permanent general law changes to effectuate this correction. /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

The amendment was adopted.

Senator MALLOY spoke on the Resolution.

The question then was the second reading of the Joint Resolution.

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

**Ayes 29; Nays 2**

**AYES**

Alexander Bryant Campbell

Campsen Cleary Courson

Davis Elliott Ford

Hayes Knotts Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Shoopman

Verdin Williams

**Total--29**

**NAYS**

Bright Thomas

**Total--2**

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

**Statement by Senators MALLOY and SHANE MARTIN**

We supported this Resolution, H.3278, because it corrected the unintended consequences of Act 259 of 2010 that severely impacted temporary licenses. Without support of this Resolution, the impact would have been tremendously adverse to the events held in our State, such as the NASCAR race at Darlington. This treasured event is necessary and has significant economic impact in our State. We are proud to offer our support.

**H. 3278--Ordered to a Third Reading**

On motion of Senator CAMPSEN, with unanimous consent, H. 3278 was ordered to receive a third reading on Friday, January 21, 2011.

**ADJOURNMENT**

At 1:45 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against adjournment.

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