**Thursday, May 17, 2012**

**(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:

We are reminded in the book of Genesis that:

“The Lord God took the man and put him in the garden of Eden to till it and keep it.” (Genesis 2:18)

Join me as together we bow in prayer:

Dear God, we are so blessed in this State; our natural resources are plentiful. Our forest industry and agribusiness is significant, and individuals who depend on these enterprises need all the ongoing support and encouragement this body can give. May each Senator continue to have a passion for the well-being of our farmers and for those who manage our woodlands, O God. Among its many other interests, lead this Senate to advocate for a healthy and prosperous economy which makes wise use of our state’s resources. In Your loving 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 appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointments**

Initial Appointment, Greenville County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Jonathan Daniel Anders, 107 South Pliney Circle, Simpsonville, SC 29681 *VICE* Ed Taylor

Initial Appointment, Pickens County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Michael A. Baker, 112 Groose Court, Easley, SC 29642 *VICE* David Forrest (resigned)

**Doctor of the Day**

Senator ROSE introduced Dr. Otis Engleman of Summerville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator BRYANT, at 10:05 A.M., Senator VERDIN was granted a leave of absence until 1:00 P.M.

**Leave of Absence**

On motion of Senator ALEXANDER, at 10:05 A.M., Senator SHOOPMAN was granted a leave of absence until 11:00 A.M.

**Leave of Absence**

At 10:30 A.M., Senator CROMER requested a leave of absence beginning at 11:45 A.M. for the balance of the day, in order to attend a funeral.

**Leave of Absence**

At 1:00 P.M., Senator O’DELL requested a leave of absence beginning at 2:30 P.M. and lasting until 9:00 A.M. in the morning.

**Leave of Absence**

On motion of Senator BRYANT, at 1:00 P.M., Senator RYBERG was granted a leave of absence until 2:30 P.M. Sunday.

**Expression of Personal Interest**

Senator ROSE rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1538 -- Senators Williams and Leatherman: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF NATURAL RESOURCES NAME THE BLACK CREEK BOAT LANDING, ON HIGHWAY 327 IN FLORENCE COUNTY AS “JAMES R. HARWELL LANDING”, AND TO INSTALL APPROPRIATE SIGNS CONTAINING “JAMES R. HARWELL LANDING” ON THE PROPERTY.

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

S. 1539 -- Senator Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 1, TITLE 26 SO AS TO ENACT THE “SOUTH CAROLINA ELECTRONIC NOTARY PUBLIC ACT”, TO DEFINE NECESSARY TERMS, TO PROVIDE PROCEDURES FOR ELECTRONIC NOTARIAL ACTS, ESTABLISH FEES THAT MAY BE CHARGED FOR CERTAIN ELECTRONIC NOTARIAL ACTS, TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS OF THE ELECTRONIC NOTARIAL ACT, TO ALLOW THE SECRETARY OF STATE TO PROMULGATE AND ENFORCE RELATED REGULATIONS, AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 1, TITLE 26 AS ARTICLE 1 AND ENTITLE IT “GENERAL PROVISIONS”.

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

S. 1540 -- Senator Lourie: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE CARDINAL NEWMAN SCHOOL VARSITY GIRLS SOCCER TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE 2012 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

H. 4243 -- Reps. Quinn, Bingham, Toole, Huggins, Atwater and McLeod: A BILL TO AMEND SECTION 7-27-365, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION AND ELECTIONS COMMISSION FOR LEXINGTON COUNTY, SO AS TO INCREASE THE COMMISSION’S MEMBERSHIP FROM NINE TO ELEVEN MEMBERS.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 1505 -- Senator McGill: A BILL TO AMEND SECTION 50‑11‑520, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WILD TURKEY HUNTING SEASONS, SO AS TO PROVIDE THAT THE SEASON FOR HUNTING AND TAKING A MALE WILD TURKEY IN GAME ZONE 5 IS MARCH 15 THROUGH MAY 1 INCLUSIVE.

Ordered for consideration tomorrow.

Senator O’DELL from the Committee on Invitations polled out S. 1524 favorable:

S. 1524 -- Senators Fair, Hutto, Jackson and Leventis: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM AND TO DECLARE WEDNESDAY, MAY 23, 2012, AS “CHILDREN’S ADVOCACY DAY” IN SOUTH CAROLINA.

**Poll of the Invitations Committee**

**Polled 11; Ayes 11; Nays 0; Not Voting 0**

**AYES**

O’Dell Knotts Alexander

McGill Reese Elliott

Ford Verdin Campsen

Cromer Malloy

**Total--11**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

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

H. 4054 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑36 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT MIGRATORY WATERFOWL ON LAKE KEOWEE WITHIN TWO HUNDRED YARDS OF A DWELLING, AND TO PROVIDE A PENALTY.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 15, 2012

Mr. President and Senators:

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

H. 3256 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF NATURAL RESOURCES RENAME THE BUCKINGHAM LANDING LOCATED ON STATE ROAD S‑7‑242 IN BEAUFORT COUNTY “WILLIAM F. MARSCHER II MEMORIAL LANDING” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LANDING THAT CONTAIN THE WORDS “WILLIAM F. MARSCHER II MEMORIAL LANDING”.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 15, 2012

Mr. President and Senators:

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

H. 3152 -- Reps. Young, Daning, Harrison, Allison, G.R. Smith, Stringer, Taylor, Forrester, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Weeks, Pope, Simrill, Clemmons, Harrell, Bedingfield and Edge: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE THAT THE LIEUTENANT GOVERNOR MUST BE ELECTED JOINTLY WITH THE GOVERNOR IN A MANNER PRESCRIBED BY LAW; TO ADD SECTION 37 TO ARTICLE III OF THE CONSTITUTION OF THIS STATE, SO AS TO PROVIDE THAT THE SENATE SHALL ELECT FROM AMONG ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; TO DELETE SECTIONS 9 AND 10 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE LIEUTENANT GOVERNOR BEING PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, SO AS TO REMOVE INCONSISTENT PROVISIONS; AND TO AMEND SECTION 12 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DISABILITY OF THE GOVERNOR, SO AS TO CONFORM APPROPRIATE REFERENCES.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 5181 -- Reps. White, Anderson and Gambrell: A BILL TO AMEND SECTION 7‑7‑80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN ANDERSON COUNTY, SO AS TO ADD THE “TOWN CREEK” PRECINCT, TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

**HOUSE BILLS RETURNED**

The following House Bills were read the third time and ordered returned to the House with amendments:

H. 4967 -- Ways and Means Committee: A BILL TO AMEND SECTION 9‑1‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM (SCRS), SO AS TO PROVIDE FOR “CLASS THREE” MEMBERS OF SCRS WITH “CLASS THREE” MEMBERS MEANING AN EMPLOYEE MEMBER OF SCRS WITH AN EFFECTIVE DATE OF MEMBERSHIP AFTER JUNE 30, 2012; TO AMEND SECTIONS 9‑1‑10 FURTHER AND 9‑1‑1550, RELATING TO RETIREMENT BENEFITS UNDER THE SCRS, SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCRS MEMBERS ARE COMPUTED AFTER JUNE 30, 2012, AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCRS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE MEMBER’S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9‑1‑1815 SO AS TO PROVIDE FOR THE MANNER IN WHICH RETIRED SCRS MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9‑1‑1810 RELATING TO INCREASES IN SCRS RETIREMENT ALLOWANCES BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9‑1‑1020, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCRS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF CLASS ONE SCRS MEMBERS TO SIX PERCENT OF EARNABLE COMPENSATION FROM FIVE AND ONE‑HALF PERCENT AND THE REQUIRED DEDUCTIONS OF SCRS CLASS TWO AND CLASS THREE MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE‑HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE-HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013, AND MAKE CONFORMING CHANGES; TO AMEND SECTION 9‑1‑1080, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCRS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TEN AND SIX‑TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; TO AMEND SECTION 9‑1‑1140, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCRS, SO AS TO PROVIDE THAT THE REQUIRED COST IS THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE SCRS MEMBER’S CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9‑1‑1510, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A SCRS RETIREMENT ALLOWANCE, SO AS TO PROVIDE THAT A SCRS CLASS THREE MEMBER MUST HAVE AT LEAST THIRTY YEARS OF CREDITABLE SERVICE TO BE ELIGIBLE TO RETIRE AT ANY AGE WITHOUT A BENEFIT REDUCTION; TO AMEND SECTION 9‑1‑1515, AS AMENDED, RELATING TO THE REQUIREMENTS FOR EARLY RETIREMENT IN SCRS, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS CLASS THREE MEMBERS; TO AMEND SECTION 9‑1‑1660, AS AMENDED, RELATING TO THE REQUIREMENTS FOR A NOMINEE OF A DECEASED ACTIVE SCRS MEMBER TO RECEIVE A RETIREMENT ALLOWANCE, SO AS TO CONFORM THE REQUIREMENTS OF THAT SECTION AS IT APPLIES FOR SCRS CLASS THREE MEMBERS; TO AMEND SECTION 9‑1‑2210, AS AMENDED, RELATING TO THE TEACHER AND EMPLOYEE RETENTION INCENTIVE (TERI) PROGRAM, SO AS TO CLOSE THE PROGRAM FOR SCRS CLASS THREE MEMBERS AND TO CONFORM THE CALCULATION OF RETIREMENT BENEFITS FOR TERI PARTICIPANTS; TO AMEND SECTION 9‑9‑60, AS AMENDED, RELATING TO RETIREMENT AND RETIREMENT ALLOWANCES FOR MEMBERS OF THE RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA (GARS), SO AS PROSPECTIVELY TO ELIMINATE PROVISIONS ALLOWING MEMBERS OF THE GENERAL ASSEMBLY WHO MEET CERTAIN AGE OR CREDITED SERVICE REQUIREMENTS OR WITH AGE AND CREDITED SERVICE REQUIREMENTS TO RECEIVE A GARS RETIREMENT BENEFIT WHILE CONTINUING TO SERVE IN THE GENERAL ASSEMBLY; TO AMEND SECTIONS 9‑11‑10 AND 9‑11‑60, BOTH AS AMENDED, RELATING TO DEFINITIONS AND ELIGIBILITY FOR RETIREMENT UNDER THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM (SCPORS), SO AS TO REVISE THE MANNER IN WHICH RETIREMENT BENEFITS FOR SCPORS MEMBERS RETIRING AFTER JUNE 30, 2012, ARE COMPUTED AND TO PROVIDE FOR AN ALTERNATE CALCULATION OF BENEFITS FOR SCPORS MEMBERS AS OF JUNE 30, 2012, WHICH APPLIES IF THE SCPORS MEMBER’S BENEFIT CALCULATED ON RETIREMENT AFTER JUNE 30, 2012, WOULD RESULT IN A LESSER AMOUNT; BY ADDING SECTION 9‑11‑312 SO AS TO PROVIDE FOR THE MANNER IN WHICH SCPORS RETIRED MEMBERS AND THEIR SURVIVING ANNUITANTS MAY RECEIVE INCREASED ALLOWANCES AND THE METHOD OF CALCULATING THAT INCREASE; AND TO REPEAL SECTION 9‑11‑310 RELATING TO COST OF LIVING ADJUSTMENTS UNDER SCPORS BASED ON THE CONSUMER PRICE INDEX; TO AMEND SECTION 9‑11‑50, AS AMENDED, RELATING TO THE PURCHASE OF ADDITIONAL SERVICE CREDIT UNDER SCPORS, SO AS TO PROVIDE THAT THE REQUIRED COST MUST BE THE GREATER OF AN ACTUARIALLY NEUTRAL PAYMENT BASED ON THE MEMBERS CURRENT AGE AND CREDITABLE SERVICE OR A SET PERCENTAGE OF SALARY AND TO ELIMINATE THE ADDITION OF UNUSED SICK LEAVE IN THE CALCULATION OF CREDITABLE SERVICE AFTER JUNE 30, 2012; TO AMEND SECTION 9‑11‑210, AS AMENDED, RELATING TO DEDUCTIONS FROM THE COMPENSATION OF MEMBERS OF SCPORS TO FUND BENEFITS, THE TAX TREATMENT THEREOF, AND OTHER RELATED PROVISIONS, SO AS TO INCREASE ON JULY 1, 2012, THE REQUIRED DEDUCTIONS OF SCPORS CLASS TWO MEMBERS TO SEVEN PERCENT OF EARNABLE COMPENSATION FROM SIX AND ONE‑HALF PERCENT AND TO INCREASE SUCH CONTRIBUTIONS BY AN ADDITIONAL ONE-HALF OF ONE PERCENT EFFECTIVE JULY 1, 2013; TO AMEND SECTION 9‑11‑220, AS AMENDED, RELATING TO EMPLOYER CONTRIBUTIONS FOR SCPORS, SO AS TO PROVIDE FOR A MINIMUM EMPLOYER CONTRIBUTION RATE OF TWELVE AND THREE-TENTHS PERCENT OF EARNABLE COMPENSATION WHILE AN ACCRUED LIABILITY CONTRIBUTION IS REQUIRED; BY ADDING SECTION 9‑16‑335 SO AS TO PROVIDE THAT THE ASSUMED ANNUAL RATE OF RETURN ON THE INVESTMENTS OF THE RETIREMENT SYSTEM MUST BE ESTABLISHED BY THE GENERAL ASSEMBLY AND EFFECTIVE JULY 1, 2012, THE ASSUMED ANNUAL RATE OF RETURN ON RETIREMENT SYSTEM INVESTMENTS IS SEVEN AND ONE‑HALF PERCENT; AND TO AMEND SECTIONS 9‑1‑1135, 9‑8‑185, 9‑9‑175, AND 9‑11‑265, RELATING TO INTEREST ON MEMBER’S CONTRIBUTIONS IN SCRS, GARS, THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, AND SCPORS, SO AS TO PROVIDE THAT INTEREST IS NOT PAID ON INACTIVE ACCOUNTS, AND TO DEFINE “INACTIVE ACCOUNT”.

H. 5026 -- Rep. J.E. Smith: A BILL TO AMEND SECTION 1‑23‑600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW COURT, SO AS TO DELETE AN OBSOLETE REFERENCE EXEMPTING APPEALS FROM THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE TO THE COURT.

**THIRD READING BILL**

The following Joint Resolution was read the third time and ordered sent to the House of Representatives:

S. 1526 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BUILDING CODES COUNCIL, RELATING TO DUTIES AND RESPONSIBILITIES OF DEPARTMENT, AND MODULAR BUILDINGS CONSTRUCTION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4226, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**READ THE SECOND TIME**

H. 3111 -- Reps. Young, Sandifer, Hayes and D.C. Moss: A BILL TO AMEND SECTION 38‑73‑525, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT AN INSURER WRITING A WORKERS’ COMPENSATION POLICY SHALL FILE CERTAIN INFORMATION ON WHICH IT RELIES TO SUPPORT ITS RATE REQUEST, SO AS TO REQUIRE THE INSURER TO ADOPT THE MOST RECENT LOSS COST WITHIN ONE HUNDRED TWENTY DAYS OF APPROVAL OF THE LOSS COSTS; AND TO AMEND SECTION 38‑73‑1210, RELATING TO THE REQUIREMENT THAT ITS OBLIGATION TO MAKE CERTAIN FILINGS MAY BE SATISFIED BY MAKING FILINGS AS A MEMBER OF, OR SUBSCRIBER TO, A LICENSED RATING ORGANIZATION THAT MAKES FILINGS, SO AS TO REQUIRE THESE FILINGS BE RULE AND FORM FILINGS AND NOT LOSS COST ADOPTION FILINGS, AND REQUIRE THE INSURER TO FILE FOR CERTAIN APPROVAL IF THE RATING ORGANIZATION TO WHICH IT SUBSCRIBES HAS A RATE INCREASE WITHIN TWELVE MONTHS AFTER THE INSURER BECOMES A MEMBER.

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 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Fair Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Thomas Williams

**Total--36**

**NAYS**

**Total--0**

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

**AMENDED, READ THE THIRD TIME**

S. 1516 -- Judiciary Committee: A BILL TO AMEND SECTION 8‑13‑1356, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FILING OF A STATEMENT OF ECONOMIC INTERESTS BY A CANDIDATE, TO PROVIDE THAT A CANDIDATE WHO IS NOT A PUBLIC OFFICIAL AND A CANDIDATE WHO IS A PUBLIC OFFICIAL SHALL ELECTRONICALLY FILE OR UPDATE A STATEMENT OF ECONOMIC INTERESTS, AS APPLICABLE, PRIOR TO FILING A STATEMENT OF INTENTION OF CANDIDACY OR NOMINATION FOR PETITION; TO AMEND SECTIONS 7‑11‑15, 7‑11‑50 7‑11‑90, 7‑11‑210, 7‑13‑40, 7‑13‑45, 7‑13‑350, AND 7‑13‑370, RELATING TO THE QUALIFICATIONS TO RUN AS A CANDIDATE IN AN ELECTION, TO PROVIDE THAT THE COUNTY ELECTION COMMISSIONS AND STATE ELECTION COMMISSION ACCEPT CANDIDATE FILINGS AND BE RESPONSIBLE FOR CANDIDATE VERIFICATION AND CERTIFICATION; AND TO REPEAL SECTION 7‑11‑220.

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

**Motion Under Rule 26B**

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

There was no objection.

Senators CAMPSEN, LARRY MARTIN and KNOTTS proposed the following amendment (JUD1516.007), which was adopted:

Amend the bill, as and if amended, by striking lines 33-35 on page 2.

To further amend the bill, as and if amended, by striking line 31 on page 3 and inserting:

/ intention of candidacy unless the county election commission verifies that /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

Senator LARRY MARTIN spoke on the Bill.

Senators BRYANT, HUTTO, KNOTTS and LARRY MARTIN proposed the following amendment (JUD1516.009), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION after SECTION 9 to read:

/ “Section 7-11-16. Each county election commission must, no later than the close of the business day in which the county election commission accepts a declaration of candidacy, update its website with the candidate’s name and office sought, and notify the State Election Commission of the candidate’s name and office sought. The State Election Commission must update its website with each candidate’s name and office sought no later than the close of the business day in which the information is received from the county election commission.” /

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 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Davis

Elliott Fair Grooms

Hutto Jackson Knotts

Land Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas 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.

**CARRIED OVER**

H. 4451 -- Reps. Bowen, Whipper, Bikas, Sottile, Herbkersman, D.C. Moss, Allison, Parker, Huggins, Bowers and Hearn: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56‑5‑3890, 56‑5‑3895, AND 56‑5‑3897 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO USE AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY, AND TO PROVIDE FOR THE DISTRIBUTION OF MONIES COLLECTED FROM FINES ASSOCIATED WITH VIOLATIONS OF THESE PROVISIONS; AND TO AMEND SECTION 56‑1‑720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON’S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT POINTS MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF IMPROPER USE OF AN ELECTRONIC COMMUNICATION DEVICE WHILE DRIVING A MOTOR VEHICLE.

On motion of Senator MALLOY, the Bill was carried over.

**OBJECTION**

S. 1353 -- Senators Rose and Knotts: A BILL TO AMEND SECTION 8‑13‑1140 OF THE 1976 CODE, RELATING TO THE DISCLOSURE OF ECONOMIC INTERESTS BY PUBLIC OFFICERS AND EMPLOYEES, TO REQUIRE A PERSON THAT IS REQUIRED TO FILE THE STATEMENT TO FILE FOR ANY YEAR IN WHICH THAT PERSON HOLDS OFFICE FOR ANY PORTION OF THE YEAR.

Senator LEATHERMAN objected to the Bill.

**OBJECTION**

Senator ROSE objected to consideration of any remaining Bills on the Uncontested Statewide Second Reading Calendar.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 4813, THE GENERAL APPROPRIATIONS BILL.**

**AMENDED, AMENDMENT PROPOSED**

**DEBATE INTERRUPTED**

**H. 4813--GENERAL APPROPRIATIONS BILL**

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

**Amendment No. 64**

Senator HAYES proposed the following amendment (DAD SDE CORRECTIVE), which was adopted (#17):

Amend the bill, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 4, line 28, opposite “AID SCH DIST-DRVRS SLRY/F” by:

COLUMN 7 COLUMN 8

/ STRIKING: 14,693,553 14,693,553

and

INSERTING: 30,348,900 30,348,900/

Amend the bill further, as and if amended, Part IA, Section 1, DEPARTMENT OF EDUCATION, page 11, line 2, opposite “AID SCH DIST - DRIVER SLRY” by:

COLUMN 7 COLUMN 8

/ STRIKING: 20,484,628

and

INSERTING: 4,829,281 /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

**Amendment No. 50**

Senator HAYES proposed the following amendment (DAD 1.88 DISTRIBUTION), which was adopted (#18):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 346, paragraph 1.88, line 5, by striking / *for* / and inserting: / *from* /

Amend the bill further, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 346, lines 6-7, by striking / *Each school district shall receive funds based upon the district’s proportionate share of the Education Finance Act funds.* / and inserting / *Each school district shall receive funds in the same manner as Teacher Salaries Supplement funds are distributed.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

**Amendment No. 29**

Senators HAYES and SETZLER proposed the following amendment (DAD 1A.31 READING), which was adopted (#19):

Amend the bill, as and if amended, Part IB, Section 1a, DEPARTMENT OF EDUCATION - EIA, page 357, proviso 1A.31, by striking the proviso in its entirety, lines 4 - 19 and inserting:

/ 1A.31. (SDE-EIA: Reading) Of the funds appropriated for reading/literacy, the Department of Education, schools, and districts shall ensure that resources are utilized to improve student achievement in reading/literacy. To focus on the importance of early reading and writing skills and to ensure that all students acquire reading/literacy skills by the end of grade three, fifty percent of the appropriation shall be directed toward acquisition of reading proficiency to include, but not be limited to, strategies in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Forty percent of the appropriation shall be directed toward classroom instruction and intervention to focus on struggling readers and writers in grades four through eight. Ten percent of the appropriation should be directed toward acceleration to provide additional opportunities for deepening and refinement of literacy skills.

Fifty percent of the funds shall be allocated to school districts based on the number of weighted pupil units in each school district in proportion to the statewide weighted pupil units using the one hundred thirty-five day count of the prior school year. Fifty percent of the funds shall be allocated to the Department of Education to provide districts with research-based strategies and professional development and to work directly with schools and districts to assist with implementation of research-based strategies. When providing professional development the department and school districts must use the most cost effective method and when able utilize ETV to provide such services throughout the state. The department shall provide for an evaluation to review first year implementation activities and to establish measurements for monitoring impact on student achievement. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

**Amendment No. 30**

Senators HAYES and SETZLER proposed the following amendment (DAD 1A.32 RESTORE), which was adopted (#20):

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 357, paragraph 1A.32, lines 31-32, by reinserting / Up to $500,000 of the funds may be retained by the Department of Education for teacher endorsement activities. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

**Amendment No. 31**

Senators HAYES and SETZLER proposed the following amendment (DAD 1A.34 RESTORE), which was adopted (#21):

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 358, paragraph 1A.34, line 22, by striking / *ten* / and reinserting / twenty-five /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

**Amendment No. 49**

Senators HAYES, SETZLER and MATTHEWS proposed the following amendment (DAD 1A.56 STEP), which was adopted (#22):

Amend the bill, as and if amended, Part IB, Section 1A, DEPARTMENT OF EDUCATION - EIA, page 367, proviso 1A.56, lines 25 - 35 and page 368, lines 1-2, by striking the proviso in its entirety and inserting:

/  *1A.56. (SDE-EIA: XII.C.2.-Teacher Salaries/SE Average) For Fiscal year 2012-13, a local school district board of trustees must increase the salary compensation for all certified teachers employed by the district by no less than one year of experience credit. Application of this provision must be applied uniformly for all teachers within the school district. For purposes of this provision teachers are defined by the Department of Education using the Professional Certified Staff (PCS) System. A local school district board of trustees shall continue to pay teachers for changes in their education level. Steps are limited to eligible certified teachers. If a school district believes it will be unable to provide one additional step on the teacher salary schedule without incurring a deficit, it may apply to the State Board of Education for a waiver from the requirements of this step increase. No waivers may be granted if the school district shows a deficit as a result of granting salary increases to anyone other than certified teachers. Upon approval of the waiver requirement by the state board, the district is exempt from providing this step increase for Fiscal Year 2012-2013. The state board shall report to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee by September 1, 2012, regarding those districts which requested a waiver and the waivers that were granted to particular districts. Application of this step provision must be applied uniformly for all eligible certified teachers within the school district.*

*The projected Southeastern average teacher salary shall be the average of the average teachers salaries of the southeastern states as projected by the Division of Budget and Analyses. For the current school year the Southeastern average teacher salary is projected to be $49,319. The Department of Education is directed to increase by two percent the salaries of teachers as reflected on the 2008-2009 statewide minimum teacher salary schedule which shall continue to be used for Fiscal Year 2012-2013 as adjusted. The General Assembly remains desirous of raising the average teacher salary in South Carolina through incremental increases over the next few years so as to make such equivalent to the national average teacher salary. With the additional funds made available, in Fiscal Year 2012-13, including Teacher Salary Support - State Share, school districts shall give at least a two percent increase in instructional staff salaries regardless of years of experience. This requirement is additive to other legislative directives regarding increases in teacher salaries. Each school district shall receive funds under the Teacher Salary Support - State Share line item in the same manner as Teacher Salaries Supplement funds are distributed.*

*Funds appropriated in Part IA, Section 1, XII.C.2. for Teacher Salaries must be used to increase salaries of those teachers eligible pursuant to Section 59-20-50 (b), to include classroom teachers, librarians, guidance counselors, psychologists, social workers, occupational and physical therapists, school nurses, orientation/mobility instructors, and audiologists in the school districts of the state.*

*Waivers may not be granted relative to the two percent salary adjustment provided herein.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

**Amendment No. 53**

Senators BRYANT and SETZLER proposed the following amendment (DAD DEW NEGOTIATION), which was adopted (#23):

Amend the bill, as and if amended, Part IB, Section 67, DEPT. OF EMPLOYMENT & WORKFORCE, page 449, after line 6, by adding an appropriately numbered new proviso to read:

/ *(DEW: Negotiation of Interest) By October 1, 2012, the Department of Employment and Workforce must develop and implement a plan to seek a waiver of interest on the state’s FUA loan debt in order to mitigate the impact of the interest payments on South Carolina employers.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRYANT explained the amendment.

The amendment was adopted.

**Expression of Personal Interest**

Senator RYBERG rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**Amendment No. 51**

Senators SHEHEEN and CROMER proposed the following amendment (DG UPDATETRANSTUDY), which was adopted (#24):

Amend the bill, as and if amended, Part IB, Section 68a, DEPARTMENT OF TRANSPORTATION, page 450, after line 3, by adding an appropriately numbered new proviso to read:

*/ 68A.\_\_\_ (DOT: Utilities Relocation) (A) From the funds appropriated to the Department of Transportation, there is established the Utilities Relocation Study Committee to review, study, and make recommendations concerning the need for improved coordination and funding of the relocation of water and sewer facilities located within the public rights‑of‑way when such relocation is required due to the construction or improvement of roads and bridges in the state.*

*(B) The Utilities Relocation Study Committee is to:*

*(1) identify and categorize a statewide estimate of the historical, current and anticipated costs associated with the relocation of utilities inside and outside the rights‑of‑way owned by state agencies, counties, municipalities, or local water or sewer districts resulting from highway projects;*

*(2) determine as accurately as possible the percentage of the statewide cost estimate attributable to South Carolina Department of Transportation projects, State Transportation Infrastructure Bank projects, local‑option sales tax projects involving state roads, local road projects, and County Transportation Committee projects;*

*(3) identify potential sources of sustainable funds that may be used by state agencies, counties, municipalities, or local water or sewer districts for utility relocation costs including, but not limited to, existing state and federal loan and grant programs, appropriations from the state general fund, contributions from public utilities, and other sustainable sources;*

*(4) identify any legal obstacles that impact the ability of state agencies, counties, municipalities, or local water or sewer districts to fund the relocation of utilities;*

*(5) investigate the creation of a utilities relocation trust fund to assist in relocation costs either through loans, grants, matching funds, or other means, and recommend the appropriate entity to house and administer the trust fund, the terms and conditions under which funding might be provided, and the general criteria used for evaluating funding applications;*

*(6) identify ways to improve coordination and reduce impacts through the use of communication, technology and improved management techniques; and*

*(7) recommend changes to public policy, regulations, or statutes that would improve funding or reduce costs associated with utility relocations resulting from road and bridge projects.*

*(C) The Utilities Relocation Study Committee must be composed of fifteen members. Notwithstanding the provisions of Section 8‑13‑770, the committee is composed of:*

*(1) one member appointed by the President Pro Tempore of the Senate;*

*(2) one member appointed by the Speaker of the House of Representatives;*

*(3) one member appointed by the Majority Leader of the Senate;*

*(4) one member appointed by the Majority Leader of the House of Representatives;*

*(5) one member appointed by the Minority Leader of the Senate;*

*(6) one member appointed by the Minority Leader of the House of Representatives;*

*(7) one member appointed by the Governor;*

*(8) the Secretary of Transportation, or his designee;*

*(9) the Chairman of the South Carolina Department of Transportation Commission, or his designee;*

*(10) one member representing the South Carolina Rural Water Association;*

*(11) one member representing the Water Utility Council of South Carolina;*

*(12) one member representing the South Carolina Water Quality Association;*

*(13) one member representing the Municipal Association of South Carolina;*

*(14) one member representing the South Carolina Association of Counties; and*

*(15) one member representing the South Carolina Association of Special Purpose Districts.*

*(D) The members of the study committee shall serve without compensation and may not receive mileage or per diem.*

*(E) The Utilities Relocation Study Committee shall make a report of its findings and recommendations to the General Assembly no later than June 30, 2013, at which time the study committee terminates.*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

**Amendment No. 45**

Senator DAVIS proposed the following amendment (DAD 69.5 DREDGE), which was tabled:

Amend the bill, as and if amended, Part IB, Section 69, STATE PORTS AUTHORITY, page 452, paragraph 69.5 (Dredge Disposal Material), lines 5-11, by striking the proviso in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

Senator GROOMS was recognized.

On motion of Senator COURSON, with unanimous consent, debate was interrupted by Recess, with Senator GROOMS retaining the floor.

**RECESS**

At 12:10 P.M., with Senator GROOMS retaining the floor, on motion of Senator COURSON, with unanimous consent, the Senate receded from business until 12:45 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 12:45 P.M. and was called to order by the PRESIDENT.

**Call of the Senate**

Senator GROOMS moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Davis

Fair Ford Grooms

Hutto Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson O'Dell

Peeler Reese Rose

Scott Setzler Sheheen

Thomas Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators ELLIOTT, LAND, MATTHEWS and SHOOPMAN recorded their presence subsequent to the Call of the Senate.

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

**OBJECTION**

H. 3163 -- Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE 1976 CODE, RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, BY ADDING SECTION 56-5-2905 TO INCLUDE MOPEDS IN THE DEFINITION OF MOTOR VEHICLES FOR THE PURPOSES OF THE ARTICLE.

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

Senator LEATHERMAN objected.

**AMENDED, DEBATE INTERRUPTED**

**H. 4813--GENERAL APPROPRIATIONS BILL**

The Senate resumed consideration of Amendment No. 45, the question being the adoption of the amendment.

Senator GROOMS spoke on the amendment.

Senator DAVIS spoke on the amendment.

Senator GROOMS moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 46**

Senator DAVIS proposed the following amendment (DAD 69.4 JPO), which was tabled:

Amend the bill, as and if amended, Part IB, Section 69, STATE PORTS AUTHORITY, page 452, proviso 69.4 (Joint Project Office Funding Approval), lines 1-4, by striking the proviso in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

Senator GROOMS spoke on the amendment.

Senator GROOMS moved to lay the amendment on the table.

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

**Ayes 23; Nays 16**

**AYES**

Alexander Cleary Coleman

Courson Fair Grooms

Hayes Knotts Land

Leatherman *Martin, Larry Martin, Shane*

Matthews McGill Nicholson

O'Dell Peeler Rankin

Reese Setzler Shoopman

Thomas Verdin

**Total--23**

**NAYS**

Anderson Bright Bryant

Campbell Campsen Davis

Ford Gregory Hutto

Jackson Lourie Malloy

Massey Rose Scott

Williams

**Total--16**

The amendment was laid on the table.

**Amendment No. 43**

Senators MASSEY, BRYANT and BRIGHT proposed the following amendment (4813R020.ASM.DOCX), which was adopted (#25):

Amend the bill, as and if amended, Part IB, Section 70, LEGISLATIVE DEPARTMENT, pages 455-457, paragraph 70.21, by striking Proviso 70.21 in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 63**

Senator SCOTT proposed the following amendment (DG UPDATEDECREV), which was adopted (#26):

Amend Amendment #25, which was adopted on 5/16/12, bearing document number N:\S-FINANC\AMEND\DG ECODEV.DOCX, by striking the amendment in its entirety and inserting:

Amend the bill, as and if amended, Part IB, Section 70, LEGISLATIVE DEPARTMENT, page 459, after line 3, by adding an appropriately numbered paragraph to read:

/ *70.\_\_\_ (LEG: Economic Development Research) (A) From the funds appropriated to the Senate and the House of Representatives, there is created the Economic Development Research Committee. This committee shall review, examine, and make recommendations regarding steps that should be taken to improve the economy of this State and to restore a substantially greater sense of financial security to the citizens of this State.*

*(B) The twenty‑seven member committee is composed of:*

*(1) two members appointed by the Lieutenant Governor, one of which must be a majority party member of the Senate and one of which must be a minority party member of the Senate;*

*(2) one member appointed by the Speaker of the House of Representatives;*

*(3) the Secretary of Commerce, or his designee;*

*(4) the Director of the Department of Parks, Recreation and Tourism, or his designee;*

*(5) a county economic development director from each Congressional district chosen by the economic development person or his designee from the office of the member of Congress representing each district;*

*(6) the Dean of the Moore School of Business at the University of South Carolina, the Dean of the Francis Marion University School of Business, the Dean of the South Carolina State University School of Business, the Dean of the College of Charleston School of Business and Economics, the Dean of the Clemson University College of Business, the Dean of the Winthrop University College of Business Administration, and the Dean of the Voorhees College of Business Administration;*

*(7) the Chairman of the Board of Economic Advisors;*

*(8) the Secretary of Agriculture, or his designee;*

*(9) the Director of the Department of Employment and Workforce;*

*(10) the Chairman of the State Ports Authority, or his designee;*

*(11) the Director of the Office of Small and Minority Business Assistance;*

*(12) the President of the South Carolina Chamber of Commerce, or his designee;*

*(13) the President of the South Carolina Manufacturers’ Alliance, or his designee;*

*(14) the South Carolina Technical College System Vice President for Economic and Workforce Competitiveness; and*

*(15) the President of the South Carolina Economic Developers’ Association, or his designee.*

*(C) The Lieutenant Governor shall serve as the chairperson of the committee.*

*(D) A vacancy occurring on the committee must be filled in the same manner as the original appointment.*

*(E) The staffing for the committee must be provided by the appropriate committees of the Senate and House of Representatives that oversee legislation affecting economic development and finance in this State.*

*(F) Members of the committee shall not receive subsistence, mileage, or per diem.*

*(G) The committee shall submit its report to the General Assembly and Governor before June 30, 2013, at which time the Economic Development Research Committee is abolished.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

**Amendment No. 89**

Senators CAMPBELL, COLEMAN, KNOTTS, SETZLER, O’DELL, ALEXANDER and GROOMS proposed the following amendment (4813R026.PGC.DOCX), which was adopted (#27):

Amend the bill, as and if amended, Part IB, Section 76, OFFICE OF THE STATE TREASURER, page 466, after line 28, by adding an appropriately numbered new proviso to read:

/ *76.\_\_\_. (TREAS: Unclaimed Property) The General Assembly finds that the Unclaimed Property Act does not permit the Treasurer to hire third party auditors on a contingency basis or any other basis other than an hourly basis. The State Treasurer may not expend funds to retain a third party, private sector auditor, or auditing firms to fulfill his duties pursuant to the South Carolina Uniform Unclaimed Property Act on a contingency basis or any basis other than an hourly basis. The Office of State Treasurer shall retain $200,000 from the Unclaimed Property Program for the sole purpose of employing internal compliance auditors to enforce the Unclaimed Property Act.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPBELL explained the amendment.

The amendment was adopted.

**Amendment No. 55**

Senator RYBERG proposed the following amendment (DAD INVESTMENT REVIEW 2), which was tabled:

Amend the bill, as and if amended, Part IB, Section 77, RETIREMENT SYSTEM INVESTMENT COMMISSION, page 466, after line 29, by adding a new Section and an appropriately numbered new proviso to read:

/ SECTION 77 - E19-RETIREMENT SYSTEM INVESTMENT COMMISSION

*(RSIC: Investment Review) From the funds authorized for the Retirement System Investment Commission in this act, the commission is directed to review the investments made on behalf of the South Carolina Retiree Health Insurance Trust Fund and the South Carolina Long Term Disability Insurance Trust Fund for the prior two fiscal years. From the funds authorized for the Retirement System Investment Commission, a report on the findings of the review shall be submitted by November 1, 2012, to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee along with recommendations on future investments in order to maximize earnings on investments and on any statutory changes that would be necessary to accomplish these objectives. The commission may not utilize any third party for this review.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator ALEXANDER explained the amendment.

Senator MALLOY moved to lay the amendment on the table.

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

**Ayes 16; Nays 19**

**AYES**

Campsen Coleman Ford

Jackson Land Lourie

Malloy *Martin, Larry* McGill

Nicholson O’Dell Reese

Scott Setzler Thomas

Williams

**Total--16**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Cleary

Courson Davis Fair

Gregory Hayes Hutto

*Martin, Shane* Massey Peeler

Rankin Rose Shoopman

Verdin

**Total--19**

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

Senator MALLOY spoke on the amendment.

Senator ALEXANDER spoke on the amendment.

Senator MALLOY moved to lay the amendment on the table.

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

**Ayes 28; Nays 9**

**AYES**

Anderson Bright Campbell

Campsen Cleary Coleman

Courson Fair Ford

Hutto Jackson Knotts

Land Lourie Malloy

*Martin, Larry Martin, Shane* McGill

Nicholson Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--28**

**NAYS**

Alexander Bryant Davis

Gregory Grooms Hayes

Massey Peeler Verdin

**Total--9**

The amendment was laid on the table.

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

**LOCAL APPOINTMENTS**

**Confirmations**

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

Initial Appointment, Pickens County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Michael A. Baker, 112 Groose Court, Easley, SC 29642 *VICE* David Forrest (resigned)

Initial Appointment, Greenville County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Jonathan Daniel Anders, 107 South Pliney Circle, Simpsonville, SC 29681 *VICE* Ed Taylor

**MOTION ADOPTED**

On motion of Senators CROMER, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, COURSON, DAVIS, ELLIOTT, FAIR, FORD, GREGORY, GROOMS, HAYES, HUTTO, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McGILL, NICHOLSON, O’DELL, PEELER, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Eugene H. Willard, 88 of Lexington, S.C. Mr. Willard was a U.S. Navy Veteran of WWII and was retired from SCE&G. He was a loving husband of 56 years to Eloise Cooper Willard, devoted father and doting grandfather. Mr. Willard was the beloved father of Amy Hendrix, administrative assistant to Senator CROMER and the Fish, Game and Forestry Committee.

and

**MOTION ADOPTED**

On motion of Senator WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Hazel “Butch” Richardson from Marion County.

**ADJOURNMENT**

At 2:50 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

Senators FAIR, BRYANT and BRIGHT desired to be recorded as voting against the motion to adjourn.

\* \* \*