**Wednesday, May 23, 2012**

**(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 writes:

“Commit your way to the Lord; trust in him and he will do this: He will make your righteousness shine like the dawn, the justice of your cause like the noonday sun.” (Psalm 37:5-6)

Let us pray:

Glorious God, bless these Senators and their staff members in all of their deliberations. As they consciously strive to “make Your righteousness shine like the dawn,” dear Lord, may great results come from their efforts. Indeed, fill the hearts of everyone who serves You in this State House, whatever their role, whatever their assigned duties. May this place be the shining source of meaning and hope for every woman, man, and child in this State. In Your loving name we pray, O 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:

**Statewide Appointment**

Reappointment, South Carolina Forestry Commission, with the term to commence June 30, 2012, and to expire June 30, 2018

Public - Senate:

James Bradford Thompson, 1416 Briarwood Road, Greenwood, SC 29646

Referred to the Committee on Fish, Game and Forestry.

**Local Appointments**

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

Stephen P. Wilson, 6 Red Maple Road, Hilton Head Island, SC 29928 *VICE* Orville Chase

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Priscilla B. Baldwin, P. O. Box 262, McClellanville, SC 29458

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Alvin E. Bligen, 1305 Joshua Dr., Charleston, SC 29407

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Francis Cain-Lofton, P. O. Box 459, McClellanville, SC 29458

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

David W. Coker, 4322 Patricia Street, North Charleston, SC 29408

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

James B. Gosnell, Jr., 1233 Bamboo Drive, Charleston, SC 29407

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Henry W. Guerard, 1535 Wakendaw Rd., Mt. Pleasant, SC 29464

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Bonnie L. Koontz, 2357 Brevard Road, Charleston, SC 29414

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Leroy Linen, 6113 Judge Linen Lane, Wadmalaw Island, SC 29487

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

Richard W. Lingenfelter, 731 Windward Rd., Charleston, SC 29412 *VICE* Patricia A. Henley

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Linda S. Lombard, 63 Rebellion Road, Charleston, SC 29407

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Thomas E. Lynn, 857 Detyens Road, Mt. Pleasant, SC 29464

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Stephanie Pasley-Ganaway, 8102 Sardis Court, North Charleston, SC 29406

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Sheryl M. Perry, Post Office Box 961, Hollywood, SC 29449

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Marshal B. Rawl, 2568 River Road, Johns Island, SC 29455

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

JoAnna E. Summey-Fuller, 5051 Spaniel Drive, North Charleston, SC 29405 *VICE* Deborah Summey

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

James A. Turner, 351 Confederate Circle, Charleston, SC 29407

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4265

Agency: Board of Barber Examiners

Chapter: 17

Statutory Authority: 1976 Code Sections 40-1-70 and 40-7-190

SUBJECT: Fees

Received by Lieutenant Governor February 6, 2012

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 5, 2012

Withdrawn and Resubmitted May 23, 2012

**Leave of Absence**

At 11:05 A.M., Senator CROMER requested a leave of absence from 5:00 - 7:30 P.M. this evening.

**Leave of Absence**

On motion of Senator VERDIN, at 11:05 A.M., Senator GROOMS was granted a leave of absence until 2:00 P.M.

**Point of Quorum**

At 11:10 A.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Fair Hayes

Hutto Land Leatherman

*Martin, Larry Martin, Shane* McGill

Nicholson Peeler Reese

Ryberg Scott Setzler

Thomas Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators O’DELL, ROSE, MATTHEWS and SHEHEEN recorded their presence subsequent to the Call of the Senate.

**CO-SPONSORS ADDED**

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

S. 1338 Sen. Rose

S. 1397 Sen. Rose

S. 1456 Sen. Rose

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1549 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR TIMOTHY M. JAMES OF LEXINGTON COUNTY FOR HIS YEARS OF PROFESSIONAL LEADERSHIP IN LAW ENFORCEMENT, PUBLIC SAFETY, HEALTH CARE, AND IN MANY LEXINGTON COMMUNITY AND CIVIC ORGANIZATIONS.

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The Senate Resolution was adopted.

S. 1550 -- Senators Rose, Matthews and Grooms: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE ASHLEY RIDGE HIGH SCHOOL VARSITY BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE 2012 CLASS AAAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 1551 -- Senator Grooms: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ADDISON AND RUBY MOULTRIE GREENE UPON THE OCCASION OF THEIR BIRTHDAYS, AND TO WISH THEM MANY YEARS OF HEALTH AND HAPPINESS AS THEY CONTINUE TO SHARE THEIR HOME AND THEIR LOVE.

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The Senate Resolution was adopted.

H. 5306 -- Rep. Barfield: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR CARSON ANDREW OF AYNOR FOR HIS HARD WORK IN RAISING MORE MONEY THAN ANY OTHER PARTICIPANT IN THE NATION FOR THE AMERICAN HEART ASSOCIATION'S JUMP ROPE FOR HEART CHARITY.

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

H. 5312 -- Reps. G. M. Smith, Weeks, Lowe, 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, Clemmons, Clyburn, Cobb-Hunter, Cole, 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, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, 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, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. C. LESLIE CARPENTER OF SUMTER COUNTY UPON THE OCCASION OF HIS RETIREMENT AS DEAN OF THE UNIVERSITY OF SOUTH CAROLINA SUMTER AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

H. 5318 -- Reps. Hosey, Clyburn, G. A. Brown, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Cobb-Hunter, Cole, 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, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, 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, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR CORPORAL JOSEPH ERIC PATSOURAKOS FOR OVER TWENTY YEARS OF OUTSTANDING SERVICE IN LAW ENFORCEMENT AND TO COMMEND HIM FOR HIS ACTS OF VALOR FOR WHICH HE WAS THE FIRST RECIPIENT OF THE LAW ENFORCEMENT CROSS OF EXCEPTIONAL HEROISM.

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

H. 5319 -- Rep. Barfield: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE STUDENTS, FACULTY, AND PARENTS OF AYNOR HIGH SCHOOL IN HORRY COUNTY FOR THEIR COMMITMENT TO EXCELLENCE AND TO CONGRATULATE THEM FOR THEIR HIGH ACADEMIC RANKING BY U.S. NEWS & WORLD REPORT MAGAZINE.

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

**Message from the House**

Columbia, S.C., May 22, 2012

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 22, 2012

Mr. President and Senators:

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

H. 5130 -- Reps. Alexander, Branham and Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF TV ROAD IN FLORENCE COUNTY FROM ITS INTERSECTION WITH ASHBY ROAD TO ITS INTERSECTION WITH WILSON ROAD “DR. WILLIAM P. DIGGS ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “DR. WILLIAM P. DIGGS ROAD”.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 22, 2012

Mr. President and Senators:

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

H. 3934 -- Reps. Bingham, Lowe, Atwater, Huggins, Bales, Pinson, Toole, Barfield, Clemmons, Norman, Owens, Lucas, Delleney, Loftis, Corbin, Simrill, Hixon, Taylor, D.C. Moss, J.R. Smith, Limehouse, Sottile, Bikas, Hiott, Parker, Allison, Long, Erickson, Patrick, Herbkersman, Merrill, Cole, Sellers, Ott, Hardwick, Hearn, Tallon, Stringer, Ryan, White, Pope, Henderson, Nanney, Sandifer, V.S. Moss, Horne, Neilson, Edge, Crawford, Viers, Quinn, Tribble, Willis, Parks, King, Ballentine, Bannister, Butler Garrick, J.E. Smith, Brannon, Bowen and Mitchell: A BILL TO AMEND SECTION 12‑43‑224, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ASSESSMENT OF UNDEVELOPED ACREAGE SUBDIVIDED INTO LOTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, AND TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATE COMES AFTER MAY FIRST BUT BEFORE JUNE FIRST, THE OWNER SHALL RECEIVE THE DISCOUNTED RATE BUT THE DISCOUNT SHALL BE REDUCED; AND TO AMEND SECTION 12‑43‑225, AS AMENDED, RELATING TO MULTIPLE LOT DISCOUNTS, SO AS TO PROVIDE THAT THE DISCOUNT APPLIES TO A DEVELOPER THAT HAS FIVE LOTS INSTEAD OF TEN LOTS, TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATES COMES AT A CERTAIN TIME AFTER MAY FIRST, THE ASSESSOR STILL SHALL GRANT THE DISCOUNT IF ALL OTHER REQUIREMENTS ARE MET, TO PROVIDE THAT APPLICATION FOR THE DISCOUNTED RATE ONLY MUST BE MADE IN THE FIRST YEAR, AND TO TOLL TIME LIMITATIONS FOR CERTAIN PROPERTY.

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 17, 2012

Mr. President and Senators:

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

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCES**

S. 1524 -- Senators Fair, Hutto, Jackson, Leventis and Ford: 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.

Returned with concurrence.

Received as information.

S. 1544 -- Senator L. Martin: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE PICKENS COUNTY CULTURAL COMMISSION, AND TO CELEBRATE THE FIRST ANNUAL SOUTH CAROLINA STATE FIDDLING CHAMPIONSHIP AT HAGOOD MILL’S SIXTEENTH ANNUAL OLE TIME FIDDLIN’ CONVENTION.

Returned with concurrence.

Received as information.

S. 1548 -- Senators L. Martin and Alexander: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR DR. HENRY H. HUNT, SUPERINTENDENT OF PICKENS COUNTY SCHOOL DISTRICT, ON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 4904 -- Reps. Bingham, Allison, Anthony and G.R. Smith: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2012 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2012 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE‑FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS USING SPECIFIED FUNDS APPROPRIATED FOR FISCAL YEAR 2012‑2013, OR FOR THESE PURPOSES IN PRIOR YEARS; TO PROVIDE FOR FISCAL YEAR 2012‑2013 A ONE‑YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; AND TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT.

H. 5027 -- Reps. Hodges, Bowers and R.L. Brown: A BILL TO AMEND SECTION 7‑7‑200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN COLLETON COUNTY, SO AS TO ADD THE “WALTERBORO NO. 5” PRECINCT, TO DESIGNATE 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 BILL RETURNED**

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

H. 4763 -- Reps. Sandifer, King, Butler Garrick and Parks: A BILL TO AMEND SECTION 32‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRENEED FUNERAL CONTRACT LICENSES, SO AS TO FURTHER PROVIDE FOR THE TERM OF THE LICENSE AND FOR THE USE OF LICENSE RENEWAL FEES; AND TO AMEND SECTION 32‑7‑100, AS AMENDED, RELATING TO UNLAWFUL VIOLATIONS OF LAW PERTAINING TO PRENEED FUNERAL CONTRACTS, SO AS TO FURTHER PROVIDE FOR THE PENALTIES FOR VIOLATIONS BASED ON THE AMOUNT OF MONEY OBTAINED OR SOUGHT TO BE OBTAINED WITH CERTAIN OFFENSES DECLARED TO BE MISDEMEANORS AND CERTAIN OFFENSES DECLARED TO BE FELONIES.

H. 5051 -- Reps. Limehouse, Barfield, Tribble, Sabb, Hosey, Southard, J.H. Neal, Crawford, Parker, Brantley, Neilson, Erickson, Clemmons, Hearn, Hardwick, Loftis, Murphy, Ryan, McCoy, Anderson, Butler Garrick, Whitmire, Williams, Sottile, Alexander, Allen, Bowen, Pinson, Brannon, Johnson, Huggins, Spires, Sellers, Agnew, Anthony, Atwater, Bales, Bannister, Battle, Bedingfield, Bingham, Bowers, Branham, G.A. Brown, H.B. Brown, R.L. Brown, Chumley, Clyburn, Cobb‑Hunter, Cole, Corbin, Crosby, Daning, Delleney, Dillard, Edge, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Harrell, Harrison, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Howard, Jefferson, King, Long, Lowe, Lucas, Mack, McEachern, McLeod, D.C. Moss, V.S. Moss, Munnerlyn, J.M. Neal, Norman, Ott, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Rutherford, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Stringer, Tallon, Taylor, Toole, Vick, Weeks, Whipper, White and Willis: A BILL TO AMEND SECTION 59‑103‑15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HIGHER EDUCATION MISSION AND GOALS FOR ALL PUBLIC HIGHER EDUCATION INSTITUTIONS IN THIS STATE, SO AS TO INCLUDE IN THE MISSION OF FOUR YEAR COLLEGES AND UNIVERSITIES UNIQUE DOCTORAL DEGREE PROGRAMS THAT ARE NOT DUPLICATIVE OF ANY RESEARCH UNIVERSITY DOCTORAL PROGRAMS IN THAT REGION, AND TO DEFINE “THAT REGION”.

**THIRD READING BILL**

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

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.

**READ THE SECOND TIME**

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

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

Senator HAYES explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 31; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Fair Gregory Hayes

Land Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McGill O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Sheheen Thomas Verdin

Williams

**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. 4886 -- Rep. Willis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 17, 2012, BY THE STUDENTS OF FOUNTAIN INN ELEMENTARY SCHOOL OF GREENVILLE COUNTY SCHOOL DISTRICT, WHEN THE SCHOOL WAS CLOSED DUE TO BAT INFESTATION, IS EXEMPT FROM THE REQUIREMENT THAT FULL SCHOOL DAYS MISSED TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

Senator RYBERG explained the Joint Resolution.

The question then was second reading of the Joint Resolution.

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

**Ayes 29; Nays 2**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Courson

Cromer Davis Fair

Gregory Hayes Jackson

Land Leatherman Malloy

*Martin, Larry Martin, Shane* Matthews

McGill Nicholson O'Dell

Peeler Reese Rose

Scott Sheheen Thomas

Verdin Williams

**Total--29**

**NAYS**

Bright Bryant

**Total--2**

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

**ADOPTED**

S. 1517 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 267 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 15 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 “REVEREND DR. SAMUEL MARSHALL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “REVEREND DR. SAMUEL MARSHALL HIGHWAY”.

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

**AMENDED, CARRIED OVER**

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.

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

Senator CAMPSEN proposed the following amendment (JUD1353.002), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 2 in its entirety and inserting the following:

/ on which the person left public office or employment.

(C) A statement of economic interests required by this section must be filed electronically in accordance with the provisions of Section 8-13-365.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

On motion of Senator SCOTT, the Bill was carried over, as amended.

**CARRIED OVER**

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.

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

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.

On motion of Senator SCOTT, the Bill was 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.

Senator CAMPSEN explained the Bill.

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

H. 4814 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2011‑2012, TO PROVIDE REPORTING REQUIREMENTS WITH RESPECT TO A SPECIFIC APPROPRIATION, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

On motion of Senator BRIGHT, the Resolution was carried over.

H. 4614 -- Reps. Pitts, Lucas, Hearn, Brannon, Weeks, Spires, Loftis and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2 TO CHAPTER 15, TITLE 63 SO AS TO SPECIFY CERTAIN PROCEDURES AND REQUIREMENTS FOR COURT‑ORDERED CHILD CUSTODY, INCLUDING, BUT NOT LIMITED TO, DEFINING “JOINT CUSTODY” AND “SOLE CUSTODY”, REQUIRING PARENTS TO JOINTLY PREPARE AND SUBMIT A PARENTING PLAN, WHICH THE COURT MUST CONSIDER BEFORE ISSUING TEMPORARY AND FINAL CUSTODY ORDERS; REQUIRING THE COURT TO MAKE FINAL CUSTODY DETERMINATIONS IN THE BEST INTEREST OF THE CHILD BASED UPON THE EVIDENCE PRESENTED, REQUIRING THE COURT TO CONSIDER JOINT CUSTODY IF EITHER PARENT SEEKS IT, STATING FINDINGS OF FACT AS TO WHY OR WHY NOT JOINT CUSTODY WAS AWARDED, PROVIDING MATTERS THAT MAY BE INCLUDED IN A CUSTODY ORDER, PROVIDING FACTORS THE COURT MAY CONSIDER IN ISSUING OR MODIFYING A CUSTODY ORDER WHEN CONSIDERING THE BEST INTEREST OF THE CHILD, AND AUTHORIZING A PARENT TO SEEK ARBITRATION OF AN ISSUE THAT CANNOT BE RESOLVED BETWEEN THE PARENTS; AND TO AMEND SECTION 63‑5‑30, RELATING TO THE RIGHTS AND DUTIES OF PARENTS TO THEIR CHILDREN, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROVIDED BY AN ORDER OF THE COURT, PARENTS HAVE EQUAL POWERS, RIGHTS, AND DUTIES CONCERNING ALL MATTERS AFFECTING THEIR CHILDREN.

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

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

**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.

**Adoption of Amendment No. 95 Reconsidered and Withdrawn**

Having voted on the prevailing side, Senator CROMER moved to reconsider the vote whereby Amendment No. 95 was adopted.

There was no objection and the adoption of Amendment No. 95 was reconsidered.

On motion of Senator CROMER, with unanimous consent, Amendment No. 95 was withdrawn.

**Objection**

Senator RYBERG asked unanimous consent to make a motion that no further amendments to the General Appropriations Bill be received on the Desk for consideration after 2:00 P.M. with the exception of the necessary technical and balancing amendments to be delivered and certified by the Clerk and to be adopted upon his certification for inclusion in the Bill.

Senator SHANE MARTIN objected.

**Objection**

Senator RYBERG asked unanimous consent to make a motion that no further amendments to the General Appropriations Bill be received on the Desk for consideration after 2:30 P.M. with the exception of the necessary technical and balancing amendments to be delivered and certified by the Clerk and to be adopted upon his certification for inclusion in the Bill.

Senator BRIGHT objected.

On motion of Senator COURSON, debate was interrupted by the Joint Assembly.

**RECESS**

At 11:55 A.M., on motion of Senator COURSON, the Senate receded from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Elections**

At 12:00 P.M., the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses, S. 1411.

**Election to the Position of Judge, Family Court**

**10th Judicial Circuit, Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court Court, 10th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that Ms. Karen Ballenger and Mr. R. Scott Sprouse had been screened and found qualified to serve.

On motion of Representative Delleney, the name of Mr. R. Scott Sprouse was withdrawn from consideration.

Representative Delleney placed the name of the Honorable Karen Ballenger in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Karen Ballenger was elected to the position of Judge, Family Court, 10th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Judge, Family Court**

**11th Judicial Circuit, Seat #3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, 11th Judicial Circuit, Seat #3.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Robert E. Newton had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Robert E. Newton in nomination.

Senator SETZLER seconded the nomination of Judge Newton.

Representative Delleney moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Robert E. Newton was elected to the position of Judge, Family Court, 11th Judicial Circuit, Seat #3 for the term prescribed by law.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

**RECESS**

At 12:08 P.M., pursuant to the motion of Senator COURSON, the Senate receded from business until 1:30 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 1:30 P.M. and was called to order by the PRESIDENT.

**Point of Quorum**

At 1:37 P.M., Senator KNOTTS made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 23, 2012, at 1:35 P.M. and the following Acts and Joint Resolutions were ratified:

(R199, S. 220) -- Senators Jackson and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976, BY ADDING SECTION 44‑1‑148 SO AS TO PROHIBIT THE RESALE FOR HUMAN CONSUMPTION OF MEAT AND MEAT PRODUCTS THAT HAVE BEEN SOLD TO AND RETURNED BY A CONSUMER.

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(R200, S. 1149) -- Senators Campsen, Campbell, Massey, Shoopman, Bright, Gregory, Alexander, Peeler, Grooms, Bryant, S. Martin, Davis, Knotts, L. Martin, Rose, Hayes and Thomas: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “BORN ALIVE INFANT PROTECTION ACT”; TO AMEND SECTION 2‑7‑30, RELATING TO CONSTRUCTION OF WORDS IN LEGISLATIVE ENACTMENTS, SO AS TO PROVIDE FOR CONSTRUCTION OF THE TERM “BORN ALIVE”.

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(R201, S. 1213) -- Senators Alexander, L. Martin, Scott, Knotts, Peeler, Cromer, Setzler, Leventis, Hayes, Nicholson, Ryberg and Ford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 2 SO AS TO ESTABLISH THE STATE OF SOUTH CAROLINA MEDAL OF VALOR TO RECOGNIZE SOUTH CAROLINIANS, OR INDIVIDUALS WITH CERTAIN TIES TO SOUTH CAROLINA, WHO WERE KILLED IN ACTION WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES OF AMERICA; TO PROVIDE FOR THE SOUTH CAROLINA MEDAL OF VALOR ROLL; AND TO ESTABLISH THE SOUTH CAROLINA MEDAL OF VALOR AWARD CRITERIA.

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(R202, S. 1268) -- Senators Peeler, Shoopman and Ford: A JOINT RESOLUTION TO PROVIDE THAT IN 2013 AND 2014, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN THE MANUFACTURER’S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SEVEN HUNDRED TWO DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

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(R203, S. 1307) -- Senators Courson, Setzler, Matthews, Hayes and Ford: AN ACT TO AMEND SECTION 59‑7‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑47‑10, RELATING TO THE SOUTH CAROLINA SCHOOL FOR THE DEAF AND THE BLIND BOARD OF COMMISSIONERS, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑48‑20, RELATING TO THE SPECIAL SCHOOL OF SCIENCE AND MATHEMATICS BOARD OF TRUSTEES, SO AS TO ADD A BOARD MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO ELIMINATE THE SEAT HELD BY THE CHAIRMAN OF THE JOINT LEGISLATIVE COMMITTEE TO STUDY THE STATE’S PUBLIC EDUCATION SYSTEM; TO AMEND SECTION 59‑50‑20, AS AMENDED, RELATING TO THE SOUTH CAROLINA GOVERNOR’S SCHOOL FOR ARTS AND HUMANITIES BOARD OF DIRECTORS, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑53‑10, RELATING TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION, SO AS TO ADD A BOARD MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑103‑10, RELATING TO THE STATE COMMISSION ON HIGHER EDUCATION, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑123‑40, RELATING TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SO AS TO ADD TWO MEMBERS TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑123‑50, RELATING TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA BOARD OF TRUSTEES, SO AS TO PROVIDE FOR THE ELECTION OF A MEMBER OF THE MEDICAL PROFESSION AND A MEMBER OF A NONMEDICAL PROFESSION FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑125‑20, AS AMENDED, RELATING TO THE WINTHROP UNIVERSITY BOARD OF TRUSTEES, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT; TO AMEND SECTION 59‑125‑30, AS AMENDED, RELATING TO THE ELECTION OF THE WINTHROP UNIVERSITY BOARD OF TRUSTEES, SO AS TO DESIGNATE THE SEAT NUMBER FOR THE NEWLY ESTABLISHED BOARD MEMBER FROM THE SEVENTH CONGRESSIONAL DISTRICT FOR THE WINTHROP UNIVERSITY BOARD OF TRUSTEES AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑127‑20, RELATING TO THE SOUTH CAROLINA STATE UNIVERSITY BOARD OF TRUSTEES, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT, TO REMOVE AN AT‑LARGE MEMBER, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑130‑10, AS AMENDED, RELATING TO THE COLLEGE OF CHARLESTON BOARD OF TRUSTEES, SO AS TO ADD TWO MEMBERS TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑133‑10, AS AMENDED, RELATING TO THE FRANCIS MARION UNIVERSITY BOARD OF TRUSTEES, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT‑LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑135‑10, RELATING TO THE LANDER UNIVERSITY BOARD OF TRUSTEES, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT‑LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 59‑136‑110, RELATING TO THE COASTAL CAROLINA UNIVERSITY BOARD OF TRUSTEES, SO AS TO REDUCE THE NUMBER OF BOARD MEMBERS FOR EACH CONGRESSIONAL DISTRICT FROM TWO TO ONE, TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT, TO MOVE FIVE TRUSTEES TO NEWLY CREATED AT‑LARGE SEATS, AND TO ADJUST THE BOARD MEMBER SEAT NUMBERS ACCORDINGLY; TO AMEND SECTION 60‑1‑10, RELATING TO THE SOUTH CAROLINA STATE LIBRARY BOARD, SO AS TO ADD A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT AND TO ELIMINATE ONE AT‑LARGE SEAT; TO AMEND SECTION 60‑13‑10, RELATING TO THE SOUTH CAROLINA MUSEUM COMMISSION, SO AS TO INCREASE THE NUMBER OF COMMISSION MEMBERS FOR THE SOUTH CAROLINA MUSEUM COMMISSION AND BY ADDING A MEMBER TO BE APPOINTED FROM THE NEWLY CREATED SEVENTH CONGRESSIONAL DISTRICT; TO PROVIDE THAT ANY PERSON ELECTED OR APPOINTED TO SERVE, OR SERVING, AS A MEMBER OF ANY BOARD OR COMMISSION TO REPRESENT A CONGRESSIONAL DISTRICT WHOSE RESIDENCY IS TRANSFERRED TO ANOTHER DISTRICT BY A CHANGE IN THE COMPOSITION OF THE DISTRICT MAY CONTINUE TO SERVE THE TERM OF OFFICE FOR WHICH HE WAS ELECTED OR APPOINTED; TO PROVIDE THAT THE APPOINTING OR ELECTING AUTHORITY SHALL APPOINT OR ELECT AN ADDITIONAL MEMBER ON THAT BOARD OR COMMISSION FROM THE DISTRICT WHICH LOSES A RESIDENT MEMBER AS A RESULT OF THE TRANSFER TO SERVE UNTIL THE TERM OF THE TRANSFERRED MEMBER EXPIRES; TO REQUIRE THAT WHEN A VACANCY OCCURS IN THE DISTRICT TO WHICH A MEMBER HAS BEEN TRANSFERRED, THE VACANCY MUST NOT BE FILLED UNTIL THE FULL TERM OF THE TRANSFERRED MEMBER EXPIRES; AND TO ALLOW FOR RETENTION OF CURRENT MEMBERS OF THE VARIOUS BOARDS OF TRUSTEES IN THE EVENT ELECTIONS ARE NOT HELD BEFORE JUNE 30, 2012.

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(R204, 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; BY ADDING 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 SERVICE OF THE LIEUTENANT GOVERNOR AS PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, SO AS TO DELETE INCONSISTENT PROVISIONS; TO AMEND SECTION 11 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DEATH, RESIGNATION, OR REMOVAL OF THE GOVERNOR UNDER CERTAIN CIRCUMSTANCES, SO AS TO INCLUDE THE LIEUTENANT GOVERNOR IN THE PURVIEW OF THE SECTION; 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 TO PROVIDE THAT THE PROPOSED AMENDMENTS TO ARTICLE IV OF THE CONSTITUTION OF THIS STATE BECOME EFFECTIVE FOR THE 2018 GENERAL ELECTION.

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(R205, H. 3259) -- Reps. Herbkersman and Forrester: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑2‑105 SO AS TO DEFINE THE TERM “GATED COMMUNITY”, TO PROVIDE THAT AN OWNER OF A GOLF CART MUST OBTAIN A PERMIT DECAL AND REGISTRATION FROM THE DEPARTMENT OF MOTOR VEHICLES TO OPERATE THE GOLF CART DURING DAYLIGHT HOURS, TO PROVIDE CERTAIN RESTRICTIONS UPON A PERSON WHO OPERATES A GOLF CART, TO PROVIDE THAT A POLITICAL SUBDIVISION MAY REDUCE THE AREA IN WHICH A GOLF CART MAY BE OPERATED, AND TO PROVIDE THAT CERTAIN RESTRICTIONS UPON THE OPERATION OF A GOLF CART CONTAINED IN THIS SECTION DO NOT APPLY TO A PUBLIC SAFETY AGENCY IN CONNECTION WITH THE PERFORMANCE OF ITS DUTIES; AND TO REPEAL SECTION 56‑3‑115 RELATING TO THE ISSUANCE OF PERMITS BY THE DEPARTMENT OF MOTOR VEHICLES THAT ALLOW A GOLF CART TO BE OPERATED ON A SECONDARY HIGHWAY.

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(R206, H. 3417) -- Rep. Funderburk: AN ACT TO AMEND SECTION 6‑11‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY TO ESTABLISH SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICTS, SO AS TO CLARIFY THAT THE PROVISION OF FIRE PROTECTION SERVICES MAY OR MAY NOT INCLUDE RESCUE RESPONSE SERVICES AS AN AUTHORIZED PURPOSE FOR WHICH A SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT MAY BE ESTABLISHED.

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(R207, H. 3934) -- Reps. Bingham, Lowe, Atwater, Huggins, Bales, Pinson, Toole, Barfield, Clemmons, Norman, Owens, Lucas, Delleney, Loftis, Corbin, Simrill, Hixon, Taylor, D.C. Moss, J.R. Smith, Limehouse, Sottile, Bikas, Hiott, Parker, Allison, Long, Erickson, Patrick, Herbkersman, Merrill, Cole, Sellers, Ott, Hardwick, Hearn, Tallon, Stringer, Ryan, White, Pope, Henderson, Nanney, Sandifer, V.S. Moss, Horne, Neilson, Edge, Crawford, Viers, Quinn, Tribble, Willis, Parks, King, Ballentine, Bannister, Butler Garrick, J.E. Smith, Brannon, Bowen and Mitchell: AN ACT TO AMEND SECTION 12‑43‑225, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MULTIPLE LOT DISCOUNTS, SO AS TO PROVIDE THAT APPLICATION FOR THE DISCOUNTED RATE ONLY MUST BE MADE IN THE FIRST YEAR, TO PROVIDE THAT IF APPLICATION FOR THE DISCOUNTED RATE IS LATE, THE ASSESSOR STILL SHALL GRANT THE DISCOUNT IF ALL OTHER REQUIREMENTS ARE MET AND A LATE APPLICATION PENALTY IS PAID, AND TO PROVIDE AN ADDITIONAL THREE YEARS OF ELIGIBILITY IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 12‑43‑224, RELATING TO THE ASSESSMENT OF UNDEVELOPED ACREAGE SUBDIVIDED INTO LOTS, SO AS TO PROVIDE THAT LOTS NOT RECEIVING THE DISCOUNT ON DECEMBER 31, 2011, MAY NOT RECEIVE THE DISCOUNT; TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO QUALIFICATIONS FOR THE SPECIAL FOUR PERCENT ASSESSMENT RATIO, SO AS TO REQUIRE THE TAXPAYER TO CERTIFY THAT THE TAXPAYER NOR ANY MEMBER OF THE TAXPAYER’S HOUSEHOLD CLAIMS TO BE A RESIDENT OF ANOTHER JURISDICTION OR CLAIMS THE SPECIAL FOUR PERCENT ASSESSMENT RATIO ON ANOTHER RESIDENCE, AND TO PROVIDE FOR AN APPORTIONMENT OF THE SPECIAL FOUR PERCENT ASSESSMENT RATIO IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 12‑37‑3150, AS AMENDED, RELATING TO ASSESSABLE TRANSFERS OF INTEREST, SO AS TO PROVIDE THAT A TRANSFER OF A FRACTIONAL INTEREST BETWEEN FAMILY MEMBERS FOR ZERO OR DE MINIMIS CONSIDERATION IN CERTAIN CIRCUMSTANCES IS NOT AN ASSESSABLE TRANSFER OF INTEREST.

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(R208, H. 4761) -- Reps. Hiott, D.C. Moss, Agnew, Skelton, Frye, Spires, Owens, Atwater, Bowen, Gambrell, Corbin, Hardwick, Whitmire, Branham, Thayer, Crosby, Allison, Southard, J.R. Smith, Daning, Delleney, Harrison, Hayes, Hixon, V.S. Moss, Pitts, Putnam, Taylor, White and Loftis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑225 SO AS TO DEFINE THE TERM “FARM TRUCK”; BY ADDING SECTION 56‑5‑363 SO AS TO PROVIDE WHICH COMMERCIAL MOTOR VEHICLES AND THEIR DRIVERS MUST MEET THE REQUIREMENTS OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS; TO AMEND SECTION 56‑3‑670, AS AMENDED, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO PROVIDE THAT THE DEFINITION OF “FARM TRUCK” DOES NOT INCLUDE CERTAIN VEHICLES THAT TRANSPORT HAZARDOUS MATERIALS OR SIXTEEN OR MORE PEOPLE; TO AMEND SECTION 56‑5‑4010, RELATING TO SIZE, WEIGHT, AND SPEED LIMITATIONS PLACED ON CERTAIN VEHICLES, SO AS TO PROVIDE THAT THE TRANSPORT POLICE DIVISION HAS THE EXCLUSIVE AUTHORITY TO ENFORCE THE COMMERCIAL MOTOR VEHICLE CARRIER LAWS WHICH INCLUDE FEDERAL MOTOR CARRIER SAFETY REGULATIONS, HAZARDOUS MATERIAL REGULATIONS, AND SIZE AND WEIGHT LAWS AND REGULATIONS; AND TO AMEND SECTION 56‑5‑4150, RELATING TO THE REGISTRATION OF CERTAIN VEHICLES, SO AS TO PROVIDE THAT CERTAIN “FARM TRUCKS” ARE NOT REQUIRED TO HAVE THE NAME OF THE REGISTERED OWNER, LESSOR, OR LESSEE MARKED ON THE VEHICLE.

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(R209, H. 5029) -- Reps. Thayer, Owens, Simrill, Brantley, Murphy, Gambrell, McCoy, Stavrinakis, Brannon, J.M. Neal, Agnew, Atwater, Daning, Long, Putnam, Erickson, Herbkersman, Patrick, Stringer, Ryan, Hamilton, Bedingfield, Anderson, Forrester, Sellers, Brady, Bowen, G.A. Brown, Clemmons and Toole: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑15‑315 SO AS TO PROVIDE FOR OFF‑SITE DISPLAYS OF AUTOMOBILES AND CERTAIN TRUCKS UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS PROVISION.

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(R210, H. 5181) -- Reps. White, Anderson and Gambrell: AN ACT 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.

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**AMENDED, DEBATE INTERRUPTED**

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

The Senate resumed consideration of the Bill, the question being the third reading of the Bill.

**Amendment No. 54**

Senators COLEMAN and HUTTO proposed the following amendment (DG LOCGOVFUND), which was tabled:

Amend the bill, as and if amended, Part IA, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 312, line 3, by:

COLUMN 7 COLUMN 8

/ STRIKING: 182,619,411 182,619,411

and

INSERTING: 213,447,249 213,447,249/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

Senator HUTTO moved that the amendment be adopted.

Senator LEATHERMAN moved to lay the amendment on the table.

The amendment was laid on the table.

**Objection**

At 1:56 P.M., Senator RYBERG asked unanimous consent to make a motion that no further amendments to the General Appropriations Bill be received on the Desk for consideration after 2:30 P.M. with the exception of the necessary technical and balancing amendments to be delivered and certified by the Clerk and to be adopted upon his certification for inclusion in the Bill; and, further, that if any amendments are in the process of being prepared prior to the 2:30 P.M. deadline, that the Senator notify the Clerk in writing of the details of such amendment; and, further, that if an amendment is found to be ruled out of order, that the author would have one additional time to perfect the amendment and resubmit it for consideration.

Senator KNOTTS objected.

**Motion Adopted**

At 2:06 P.M., Senator RYBERG asked unanimous consent to make a motion that no further amendments to the General Appropriations Bill be received on the Desk for consideration after 2:30 P.M. with the exception of the necessary technical and balancing amendments to be delivered and certified by the Clerk and to be adopted upon his certification for inclusion in the Bill; and, further, that if any amendments are in the process of being prepared prior to the 2:30 P.M. deadline, that the Senator notify the Clerk in writing of the details of such amendment; and, further, that if an amendment is found to be ruled out of order, that the author would have one additional time to perfect the amendment and resubmit it for consideration.

There was no objection and the motion was adopted.

**Amendment No. 111**

Senator HUTTO proposed the following amendment (4813 WATER2.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 45, OFFICE OF THE ATTORNEY GENERAL , page 423, proviso 45.5, by striking the proviso in its entirety, and inserting:

/ 45.5. (AG: Water Litigation) The Office of the Attorney General is authorized to expend Water Litigation funds in the current fiscal year ~~to reimburse Water Litigation expenditures incurred in the prior fiscal year. A record of Water Litigation expenses from the prior fiscal year shall be made available to the Senate Finance Committee and the House Ways and Means Committee. During the current fiscal year the Attorney General must use the remaining Water Litigation funds only as follows: twenty-five percent of the balance on July first must be transferred to the Commission on Indigent Defense for the Civil Appointment Fund, twenty-five percent of the balance on July first must be used~~ only for legal expenses incurred by the Attorney General regarding *litigation related to the Savannah River Harbor Expansion Project*~~Federal litigation and litigation with other states, and fifty percent of the balance on July first must be transferred to the Department of Natural Resources by September first for law enforcement operations~~. *Unexpended Water Litigation funds may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose.*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

**Ayes 24; Nays 17**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Gregory Grooms

Hayes Knotts *Martin, Larry*

*Martin, Shane* Massey O'Dell

Peeler Rose Ryberg

Shoopman Thomas Verdin

**Total--24**

**NAYS**

Anderson Coleman Hutto

Jackson Land Leventis

Lourie Malloy Matthews

McGill Nicholson Rankin

Reese Scott Setzler

Sheheen Williams

**Total--17**

The amendment was laid on the table.

**Amendment No. 103**

Senator ELLIOTT proposed the following amendment (DG DEWPAY), which was ruled out of order:

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:

/ *67\_\_\_. (DEW: Benefit Amount) In the current fiscal yea**r, benefits paid to an eligible individual shall be charged, in the amounts provided in Chapter 27 through 41 of Title 41, against the accounts of the individual’s three most recent employers in proportion to the wages earned at each of the employers.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RANKIN explained the amendment.

**Point of Order**

Senator SCOTT raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator RYBERG spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Amendment No. 103 was ruled out of order.

**Amendment No. 112**

Senator COLEMAN proposed the following amendment (DG DOTRELOC), which was adopted (#35):

Amend page 450, as and if amended, bearing document number N:\S-FINANC\AMEND\DG UPDATETRANSTUDY, by striking the amendment in its entirety and inserting:

/ *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, and the facilities of public utilities as defined in Title 58 of the 1976 Code, 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 water and sewer and public 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, local water or sewer districts, or public utilities 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 COLEMAN explained the amendment.

The amendment was adopted.

**Amendment No. 105**

Senators BRIGHT and BRYANT proposed the following amendment (4813R030.LB), which ws tabled:

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

/ *70.\_\_\_ (LEG: Legislative Manual) For fiscal year 2012‑2013, Section 2‑1‑130 of the 1976 Code is suspended.* /

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

/ *70.\_\_\_\_ (LEG: Transfer to Department of Education) From the funds appropriated to the Department of Legislative Printing, Information and Technology Systems, the department shall transfer $51,458 to the Department of Education. The Department of Education shall equally divide the amount transferred amongst the school districts of this State to be used by each district to purchase teacher supplies.* /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 23; Nays 18**

**AYES**

Anderson Campbell Cleary

Coleman Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Matthews McGill

Nicholson Rankin Reese

Ryberg Scott Setzler

Sheheen Williams

**Total--23**

**NAYS**

Alexander Bright Bryant

Campsen Courson Davis

Fair Gregory Grooms

Hayes *Martin, Shane* Massey

O'Dell Peeler Rose

Shoopman Thomas Verdin

**Total--18**

The amendment was laid on the table.

**Amendment No. 106**

Senators BRIGHT and SHEHEEN proposed the following amendment (DG PYRAISE100EB), which was not adopted:

Amend the bill, as and if amended, Part IB, Section 80a, BUDGET AND CONTROL BOARD, page 476, paragraph 80a.25, by adding an undesignated paragraph after line 18 to read:

/ *Notwithstanding the provisions of this section, any compensation increase authorized by this proviso shall only apply to employees whose annual compensation does not exceed one hundred thousand dollars as of June 30, 2012.* /

Amend the bill, as and if amended, Part IB, Section 80a, BUDGET AND CONTROL BOARD, page 478, by adding an appropriately numbered proviso to read:

/ *80A.\_\_\_ The Budget and Control Board, Employee Benefits, shall transfer $6,190,486 to the Department of Education for teacher supplies. Notwithstanding the two hundred seventy-five dollar limitation set forth in Proviso 1A.16, the transferred money shall be divided evenly amongst the teachers, specialists, and counselors authorized to receive reimbursements for teaching supplies. This additional funding is meant to supplement, and not supplant, the funding provided for teacher supplies in program (XII)(C)(2).* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator COURSON spoke on the amendment.

The question then was the adoption of the amendment.

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

**Ayes 10; Nays 33**

**AYES**

Bright Bryant Campbell

Campsen Fair *Martin, Shane*

Matthews Reese Setzler

Sheheen

**Total--10**

**NAYS**

Alexander Anderson Cleary

Coleman Courson Cromer

Davis Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Nicholson O'Dell

Peeler Rankin Rose

Ryberg Scott Shoopman

Thomas Verdin Williams

**Total--33**

The amendment was not adopted.

**Amendment No. 107**

Senator CLEARY proposed the following amendment (DG DELETEFEESTUDY), which was adopted (#36):

Amend Amendment #44 (on page 522), as and if amended, bearing document number N:\S-FINANC\AMEND\DG AMENDFEESTUDY\

DOCX, by deleting the amendment in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

On motion of Senator HUTTO, with unanimous consent, Amendment No. 108 was taken up for immediate consideration.

**Amendment No. 108**

Senator HUTTO proposed the following amendment (DG CBHPERF), which was adopted (#37):

Amend Amendment #23, as and if amended, bearing document number N:\S-FINANC\AMEND\DG 90.20SUTA by striking the amendment in its entirety and inserting:

/ Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 530, by striking paragraph 90.20 in its entirety and inserting:

*90.20. (SR: Non-recurring Revenue) (A) The source of revenue appropriated in this provision is $514,784,450 of non-recurring revenue generated from the following sources and transferred to the State Treasurer. This revenue is deemed to have occurred and is available for use in Fiscal Year 2012-13 after September 1, 2012, following the Comptroller General’s close of the state’s books on Fiscal Year 2011-12.*

*(1) $122,333,689 from Fiscal Year 2010-11 Contingency Reserve Fund; and*

*(2) $392,450,761 from Fiscal Year 2011-12 unobligated general fund revenue as certified by the Board of Economic Advisors.*

*Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. The above agency transfers shall occur no later than thirty days after the close of the books on Fiscal Year 2011-12 and shall be available for use in Fiscal year 2012-13.*

*(B) The appropriations in this provision are listed in priority order. Item (1) must be funded first and each remaining item must be fully funded before any funds are allocated to the next item. Provided, however, that any individual item may be partially funded in the order in which it appears to the extent that revenues are available.*

*The State Treasurer shall disburse the following appropriations by September 30, 2012, for the purposes stated:*

*(1) General Reserve Fund*

*Full 5% Funding $ 98,175,036;*

*(2) Y14-State Ports Authority*

*Harbor Deepening Reserve Fund $ 180,000,000;*

*(3) H59-State Board for Technical and Comprehensive*

*Education CATT Program/ReadySC $ 11,250,000;*

*(4) P32-Department of Commerce*

*Research Funds $ 3,542,592;*

*(5) H63-Department of Education*

*(a) EFA Hold Harmless (Education Foundation*

*Supplement) $ 19,985,951;*

*(b)EFA-IDEA Contingency Reserve $ 36,202,909;*

*(6) L04-Department of Social Services*

*Child Support Enforcement System $ 3,500,000;*

*(7) A20-Legislative Audit Council*

(*a) Information Technology Upgrade (Servers,*

*Computers, Software $ 45,000;*

*(b) Peer Review Audit - Government Auditing*

*Standards $ 15,000;*

*(8) B04-Judicial Department*

*Supreme Court Building Renovation $ 3,200,000;*

*(9) C05-Administrative Law Court*

*Staff Attorney/Hearing Officer/Business*

*Associate Equipment $ 6,900;*

*(10) P32-Department of Commerce*

*Deal Closing Fund $ 2,000,000;*

*(11) F03-Budget and Control Board*

*South Carolina Enterprise Information System-*

*Statewide Program*

*SCEIS Program Sustainment $ 2,458,843;*

*(12) D10-State Law Enforcement Division*

*(a)Personal Service and Operating $ 1,701,000;*

*(b)Forensic Equipment $ 1,134,994;*

*(c)Law Enforcement Operating $ 150,000;*

*(d)CJIS/IT Equipment $ 4,777,000;*

*(e)Vehicles $ 840,000;*

*(f)Computer Equipment $ 138,500;*

*(g)Lieutenant Governor’s Security*

*Detail Equipment $ 151,200;*

*(13) K05-Department of Public Safety*

*(a) Emergency Communications*

*Equipment $ 3,250,000;*

*(b) Bureau of Protective Services Officers*

*Equipment $ 44,700;*

*(c) Capitol Complex Garage Security*

*Equipment $ 75,000;*

*(d) Vehicles $ 2,000,000;*

*(14) H63-Department of Education*

*Governor’s School for the Arts and Humanities*

*Administration Building Construction $ 1,250,000;*

*(15) L12-John de la Howe School*

*(a) Deferred Maintenance on Seven*

*Cottages $ 400,000;*

*(b) Information Technology Upgrade $ 200,014;*

*(16) H71-Wil Lou Gray Opportunity School*

*Window Replacement $ 750,000;*

*(17) H75-School for the Deaf and Blind*

*Robertson Hall Construction $ 1,477,550;*

*(18) J02-Department of Health and Human Services*

*Medicaid Management*

*Information System $ 3,918,676;*

*(19) N04-Department of Corrections*

*(a) Wateree Radium Drinking Water*

*Compliance $ 6,000,000;*

*(b) Statewide Roof Replacement $ 2,500,000;*

*(c) Statewide Major Maintenance*

*Projects $ 2,500,000;*

*(d) Victim Services Web Based Case*

*Management System $ 500,000;*

*(e) SC SAVIN Court Notification*

*System $ 500,000;*

*(f ) Allendale CI Pre-Treatment Wastewater*

*Plant Closing $ 350,000;*

*(g) Statewide Infirmary*

*Consolidation $ 300,000;*

*(h) Farm Irrigation - Wateree $ 100,000;*

*(i) Training Academy - Weapons*

*Replacement $ 40,000;*

*(20) P24-Department of Natural Resources*

*(a ) Replacement of IT Equipment and*

*Maintenance $ 1,260,505;*

*(b) Water Resources Other Operating $ 1,000,000;*

*(21) E08-Secretary of State*

*Information Technology Upgrade $ 500,000;*

*(22) E20-Attorney General*

*(a) Information Technology Upgrade $ 500,000;*

*(b) Operating Expenses $ 500,000;*

*(23) E23-Commission on Indigent Defense*

*Information Technology Upgrade $ 101,000;*

*(24) P12-Forestry Commission*

*Firefighting Equipment $ 3,500,000;*

*(25) P28-Department of Parks, Recreation, and Tourism*

*Destination Specific - 2 for 1 Match $ 4,000,000;*

*(25.1) (Destination Specific Match ) Each state dollar of the above appropriation for Destination Specific must be matched with two dollars of private funds.*

*(26) J04-Department of Health and Environmental Control*

*AIDS Drug Assistance*

*Program (ADAP) $ 200,000;*

*(27) H63-Department of Education*

*(a) Palmetto Priority Schools $ 500,000;*

*(b) SC School Improvement Council $ 35,000;*

*(28) R52-State Ethics Commission*

*Information Technology Upgrade $ 25,000;*

*(29) X22-Local Government Fund-State Treasurer*

*Local Government Fun $ 40,000,000;*

*(30) P20-Clemson University-PSA*

*(a) Advanced Plant Technology Lab $ 4,000,000;*

*(b) Operating $ 100,000;*

*(31) H27-University of South Carolina-Columbia Campus*

*Child Abuse Medical*

*Response Program $ 250,000;*

*(32) H37-University of South Carolina-Lancaster Campus*

*Deferred Maintenance $ 400,000;*

*(33) E24-Adjutant General’s Office*

*(a) State Guard $ 59,000;*

*(b) Armory Maintenance $ 1,000,000;*

*(34) P16-Department of Agriculture*

*(a) Marketing and Branding $ 500,000;*

*(b) State Farmer’s Market Infrastructure $ 400,000;*

*(c) Market Operations $ 600,000;*

*(35) P21-South Carolina State University-PSA*

*LAC Audit $ 80,142;*

*(36) P24-Department of Natural Resources*

*Drill Rig for Geological Survey and*

*Strengthened Services $ 200,000;and*

*(37) R44-Department of Revenue*

*Implementation of SCITS $ 4,374,496.*

*Unexpended funds appropriated pursuant to this provision may be carried forward to succeeding fiscal years and expended for the same purposes.*

*(C) From the escrow account established pursuant to Proviso 90.13 of Act 310 of 2008, the remaining funds shall be used to offset any operating shortfalls resulting from the Barnwell Low Level Waste Facility operations in order to preserve the economic viability of the facility. The amount distributed to offset any operating shortfalls shall be determined by calculating the difference between the allowable operating costs plus adjustments as approved by the Public Service Commission, and the access fees paid by the Atlantic Compact generators. Funds remaining in the account to offset operating shortfalls shall also be used to maintain access fees to the facility for Fiscal Year 2012-13 at the Fiscal Year 2009-10 level. There shall also be paid from the escrow account the annual dues of the Southern States Energy Board.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

Senator HUTTO moved that the amendment be adopted.

The amendment was adopted.

**Amendment No. 23**

Senator PEELER proposed the following amendment (DG 90.20SUTA), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 530, paragraph 90.20, line 25, by striking /3,009,350/ and inserting /5,859,350/.

Amend the bill further, Part IB, Section 90, STATEWIDE REVENUE, page 533, paragraph 90.20, by striking line 31 in its entirety.

Amend the bill further, Part IB, Section 90, STATEWIDE REVENUE, page 534, paragraph 90.20, by striking lines 4 through 16 in their entirety.

Amend the bill further, Part IB, Section 90, STATEWIDE REVENUE, page 534, paragraph 90.20, by striking lines 26 and 27 in their entirety.

Amend the bill further, Part IB, Section 90, STATEWIDE REVENUE, page 535, paragraph 90.20, by striking lines 9 and 10 in their entirety.

Amend the bill further, Part IB, Section 90, STATEWIDE REVENUE, page 535, paragraph 90.20, by striking lines 24 through 33 in their entirety.

Amend the bill further, Part IB, Section 90, STATEWIDE REVENUE, page 536, paragraph 90.20, by striking line 13 in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO argued contra to the adoption of the amendment.

Senator LAND moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 88**

Senator SHEHEEN proposed the following amendment (DG OTHERINJSC), which was adopted (#38):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 533, after line 17, by adding an appropriately numbered proviso to read:

/ *89.\_\_\_ (GP: Other Injured South Carolinians Fund) (A) There is created the Other Injured South Carolinians Fund, that must be separate and distinct from the general fund. The purpose of the fund is to compensate victims injured anywhere in this State due to negligence on behalf of the State, or an agent of the State, for medical costs not covered by insurance or other means which exceed the individual victim’s share of the maximum amount recoverable from a governmental entity for a single occurrence pursuant to Section 15-78-120 of the Tort Claims Act.*

*(B) The Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee shall jointly appoint an administrator for the fund. The administrator shall serve without compensation and until all claims to the fund have been processed. The administrator shall establish a sixty day period to receive claims to the fund. For two weeks prior to the opening of the claims period, the administrator must publish a notice in a newspaper of general circulation in the State the procedure by which claims may be submitted. The State Office of Victim Assistance shall provide administrative and logistical assistance to the administrator. The administrator may use up to $50,000 from the fund to defray the costs associated with managing the fund and to reimburse the State Office of Victim Assistance for any costs associated with providing support.*

*(C) At the close of the claims period, the administrator shall pay to each claimant the actual amount of their verifiable medical expenses if the aggregate amount of claims to the fund does not exceed the amount available in the fund. If the aggregate amount of claims exceeds the amount in the fund, the administrator shall pay each claimant a percentage of the fund equal to the percentage of the uncompensated medical expenses incurred by the claimant in relation to the total amount of uncompensated medical expenses incurred by all claimants to the fund. Funds may only be used to pay victims directly for uncompensated medical expenses and must not be used to pay subrogation claims or attorneys fees.* /

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, paragraph 90.20, after line 32, by adding an appropriately lettered subsection to read:

/ *( ) Of any excess funds collected above the amount identified in subsection (A)(2), the first $2,000,000 shall be transferred to the Other Injured South Carolinians Fund.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

**Amendment No. 38**

Senator SHANE MARTIN proposed the following amendment (4813R019.SRM.DOCX), which was withdrawn:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, paragraph 90.20, after line 32, by inserting:

*/ (\_\_) Notwithstanding the provisions of this paragraph, the amounts appropriated in subsection (B)(3) through subsection (B)(63) are reduced by twenty‑five percent, and the amounts reduced by this subsection shall be deposited in the Department of Transportation State Non-Federal Aid Highway Fund.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

**Point of Order**

Senator KNOTTS raised a Point of Order that the amendment was out of order inasmuch as it amended the Bill in the third degree.

The PRESIDENT overruled the Point of Order.

Senator LEATHERMAN spoke on the amendment.

On motion of Senator SHANE MARTIN, Amendment No. 38 was withdrawn.

**Amendment No. 62**

Senators DAVIS, ROSE and BRIGHT proposed the following amendment (DG TDREF), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, after line 32, by adding an appropriately numbered new proviso to read:

/ *90.\_\_\_.  (SR: Tax Relief Reserve Fund)  There is created the Tax Relief Reserve Fund, which shall be separate and distinct from the General Fund.  Interest accrued by the fund must remain in the fund.  On December 31, 2012, the Director of the Office of State Budget must reduce General Fund appropriations by $78,196,000.  Upon making the reduction, the Director of the Office of State Budget immediately must notify the State Treasurer and the Comptroller General of the reduction, and upon notification, the appropriations are considered reduced.  The State Treasurer shall transfer $78,196,000 from the General Fund to the Tax Relief Reserve Fund within ten days of receiving this notice.  No agencies, departments, institutions, activity, program, item, special appropriation, or allocation for which the General Assembly has provided funding in any part of this section may be discontinued, deleted, or deferred by the Director of the Office of State Budget. A reduction of rate of expenditure by the Director of the Office of State Budget, under authority of this section, must be applied as uniformly as shall be practicable, except that no reduction must be applied to funds encumbered by a written contract with the agency, department, or institution not connected with state government.  Funds within the Tax Relief Trust Fund may only be used to provide tax relief to businesses and individuals as provided by law.  Funds within the Tax Relief Reserve Fund shall be retained and carried forward to be used for the same purpose. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 24; Nays 18**

**AYES**

Alexander Anderson Campbell

Ford Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Matthews

McGill Nicholson Rankin

Reese Ryberg Scott

Setzler Sheheen Williams

**Total--24**

**NAYS**

Bright Bryant Campsen

Cleary Courson Cromer

Davis Fair Gregory

Grooms *Martin, Shane* Massey

O'Dell Peeler Rose

Shoopman Thomas Verdin

**Total--18**

The amendment was laid on the table.

**Amendment No. 104**

Senator SHANE MARTIN proposed the following amendment (4813R031.SRM.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, paragraph 90.20, after line 32, by inserting an appropriately numbered subsection:

*/ (\_\_) Notwithstanding the provisions of this paragraph, the amounts appropriated in subsection (B)(3) through subsection (B)(63) are reduced by thirty-three percent, and the amounts reduced by this subsection shall be deposited in the Tax Relief Reserve Fund.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

Senator SHANE MARTIN moved that the amendment be adopted.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 30; Nays 13**

**AYES**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Ford Gregory

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Matthews McGill

Nicholson Rankin Reese

Ryberg Scott Setzler

Sheheen Shoopman Williams

**Total--30**

**NAYS**

Bright Bryant Campsen

Davis Fair Grooms

*Martin, Shane* Massey O'Dell

Peeler Rose Thomas

Verdin

**Total--13**

The amendment was laid on the table.

**Amendment No. 109A**

Senators HUTTO and COURSON proposed the following amendment (4813 SAK.USC.3.DOCX), which was adopted (#39):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, paragraph 90.20, line 23, by inserting: //

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Amendment No. 113**

Senators HAYES, LAND, COURSON, O’DELL, HUTTO and SETZLER proposed the following amendment (DAD 90.20 ARTS 500K2), which was adopted (#40):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, paragraph 90.20, after line 23, by inserting an appropriately numbered item to read:

/ *( ) H91-Arts CommissionGrants $500,000; /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator MASSEY desired to be recorded as voting against the adoption of Amendment No. 113.

**Amendment No. 124**

Senators GROOMS and ANDERSON proposed the following amendment (DG DNRRIVBAS), which was adopted (#41):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, paragraph 90.20, after line 32, by adding an appropriately lettered subsection to read:

/ *( ) Of any excess funds collected above the amount identified in subsection (A)(2), there is appropriated $2,000,000 to the Department of Natural Resources for the State River Basin Study Project-Water Resource Planning. The funds must be used for water data collection to provide scientific information on water resources in the state’s eight major river basins.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator MASSEY desired to be recorded as voting against the adoption of Amendment No. 124.

**Amendment No. 130**

Senator BRIGHT proposed the following amendment (DG LBREFHWY), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, after line 32, by adding an appropriately numbered new proviso to read:

/ *90.\_\_\_.  (SR: Non-Federal Highway)  On December 31, 2012, the Director of the Office of State Budget must reduce general fund appropriations by $78,196,000.  Upon making the reduction, the Director of the Office of State Budget immediately must notify the State Treasurer and the Comptroller General of the reduction and, upon notification, the appropriations are considered reduced.  The State Treasurer shall transfer $78,196,000 from the general fund to State Non-Federal Aid Highway Fund within ten days of receiving this notice.  No agencies, departments, institutions, activity, program, item, special appropriation, or allocation for which the General Assembly has provided funding in any part of this section may be discontinued, deleted, or deferred by the Director of the Office of State Budget. A reduction of rate of expenditure by the Director of the Office of State Budget, under authority of this section, must be applied as uniformly as shall be practicable, except that no reduction must be applied to funds encumbered by a written contract with the agency, department, or institution not connected with state government*.  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 115**

Senators MALLOY and LEATHERMAN proposed the following amendment (DAD 90.20 DARL WATERSHED), which was adopted (#42):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, paragraph 90.20, line 9, opposite item (59)(d) Darlington County Watershed Project, by striking /$200,000;/ and inserting /$600,000;/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

Senator MALLOY moved that the amendment be adopted.

The amendment was adopted.

**Recorded Vote**

Senators BRIGHT and MASSEY desired to be recorded as voting against the adoption of Amendment No. 115.

**Amendment No. 114A**

Senator CLEARY proposed the following amendment (DG OCEAN2), which was adopted (#43):

Amend the bill, as and if amended, Part IA, Section 11, COASTAL CAROLINA UNIVERSITY, page 43, by inserting after line 14:

COLUMN 7 COLUMN 8

/IV. NON-RECURRING APPROPRIATIONS

Scientific Equipment for Research

Vessel 198,000 198,000/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN spoke on the amendment.

The amendment was adopted.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the adoption of Amendment No. 114A.

**Amendment No. 123A**

Senators CLEARY, CAMPBELL and McGILL proposed the following amendment (DG FLIGHTNONREC), which was adopted (#44):

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, proviso 90.20, after line 23, by adding an appropriately numbered item to subsection (B) to read:

/ *( ) P36 - Patriots Point Development Authority*

*National Flight Academy $393,000* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator CAMPBELL explained the amendment.

Senator CLEARY spoke on the amendment.

Senator THOMAS spoke on the amendment.

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

**Ayes 27; Nays 12; Abstain 1**

**AYES**

Alexander Campbell Cleary

Coleman Courson Ford

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Matthews McGill

Nicholson O'Dell Rankin

Reese Rose Ryberg

Scott Shoopman Williams

**Total--27**

**NAYS**

Bright Bryant Davis

Fair Gregory *Martin, Shane*

Massey Peeler Setzler

Sheheen Thomas Verdin

**Total--12**

**ABSTAIN**

Campsen

**Total--1**

The amendment was adopted.

**Amendment No. 116A**

Senator RANKIN proposed the following amendment (DG SPEIR2), which was adopted (#45):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, proviso 90.20, after line 23, by adding an appropriately numbered item to subsection (B) to read:

/ *( ) H59 - State Board for Technical and Comprehensive Education*

*Horry Georgetown Tech Speir Allied Health $200,000* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator MASSEY desired to be recorded as voting against the adoption of Amendment No. 116.

**Amendment No. 119**

Senator MALLOY proposed the following amendment (DG LEEBUS), which was adopted (#46):

Amend the bill, as and if amended, Part IB, Section 1, DEPARTMENT OF EDUCATION, page 346, after line 24, by adding an appropriately numbered new proviso to read:

/ *1.\_\_\_ (SDE: Lee County Bus Shop) From the funds appropriated in program XB, Bus Shops, in the current fiscal year, the department must fund the Lee County School District Bus Shop and the Kershaw County School District Bus Shop at the same level as they were funded in the previous fiscal year.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

The amendment was adopted.

**Recorded Vote**

Senator MASSEY desired to be recorded as voting against the adoption of Amendment No. 119.

**Amendment No. 126**

Senator MALLOY proposed the following amendment (DG WALLACE), which was adopted (#47):

Amend the bill, as and if amended, Part 1B, SECTION 37, DEPARTMENT OF NATURAL RESOURCES, page 415, after line 24, by adding an appropriately numbered proviso to read:

/ *37.\_\_\_ (DNR: Lake Paul Wallace Authority) (A) From the funds appropriated to the department and the Lake Wallace Special Purpose District, there is created the Lake Paul A. Wallace Authority.*

*(1) The function of the authority is to:*

*(a) to manage, maintain, and operate the Lake Paul A. Wallace;*

*(b) ensure that the primary purpose of the lake is for public fishing and recreation in compliance with the federal law under which the lake was established; and*

*(c) provide that the wildlife habitat remain a protected area as long as this function does not contravene with the provisions contained in subitem (a) of this subsection.*

*(2) The Authority has the power granted to it in item (1) and subsections (E) and (F) for the current fiscal year.*

*(3) The Authority is dissolved on June 30 of the current fiscal year.*

*(B)(1) The authority shall be composed of seven members appointed by the Marlboro County Legislative Delegation, as follows:*

*(a) two members nominated by the city council of Bennettsville;*

*(b) two members nominated by the county council of Marlboro County; and*

*(c) three members at‑large who reside near or have a demonstrable history of recreational use of Lake Paul A. Wallace.*

*(2) The members shall serve for the current fiscal year.*

*(3) One of the at‑large members must be designated by the Marlboro County Legislative Delegation to serve as the chairman of the authority.*

*(4) A vacancy must be filled in the same manner as the appointment for the vacant position is made, and the successor appointed to fill the vacancy shall hold office for the remainder of the fiscal year.*

*(5) The Director of the Department of Natural Resources, or his designee, shall serve ex officio as a non‑voting member.*

*(C) The members of the authority may receive such per diem and mileage as is provided by law for members of boards, commissions, and committees.*

*(D) The authority shall convene upon the call of the chairman and organize by electing a vice‑chairman, a secretary, and a treasurer.*

*(E) The authority has the following powers to:*

*(1) maintain a principal office, which shall be located in Bennettsville;*

*(2) make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the authority;*

*(3) hire staff; and*

*(4) do all other acts and things necessary or convenient to carry out any function or power committed or granted to the authority.*

*(F) The authority is empowered to receive and spend any funding available through (1) the department, (2) the municipal, county, state, or federal government, or (3) any other source in order to finance the management, maintenance, and operation of the lake that is in compliance with federal and state law.”*

*(G) As used in this paragraph:*

*(1) ‘Authority’ means the Lake Paul A. Wallace Authority, created to receive, manage, maintain, and operate the property known as Lake Paul A. Wallace located in Marlboro County;*

*(2) ‘Department’ means the Department of Natural Resources; and*

*(3) ‘Lake’ means Lake Paul A. Wallace.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Amendment No. 128**

Senator SHEHEEN proposed the following amendment (4813R032.VAS.DOCX), which was adopted (#48):

Amend the bill, as and if amended, Part IB, Section 45, OFFICE OF THE ATTORNEY GENERAL, page 423, paragraph 45.5, by striking the paragraph in its entirety and inserting:

/45.5. (AG: Water Litigation) ~~The Office of the Attorney General is authorized to expend Water Litigation funds in the current fiscal year to reimburse Water Litigation expenditures incurred in the prior fiscal year. A record of Water Litigation expenses from the prior fiscal year shall be made available to the Senate Finance Committee and the House Ways and Means Committee. During the current fiscal year the Attorney General must use the remaining Water Litigation funds only as follows: twenty‑five percent of the balance on July first must be transferred to the Commission on Indigent Defense for the Civil Appointment Fund, twenty‑five percent of the balance on July first must be used~~ only ~~for legal expenses incurred by the Attorney General regarding Federal litigation and litigation with other states, and fifty percent of the balance on July first must be transferred to the Department of Natural Resources by September first for law enforcement operations~~. *Unexpended Water Litigation funds must be transferred to the Tax Relief Reserve Fund.* /

Amend the bill further, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 536, after line 32, by adding an appropriately numbered new proviso to read:

/ *90. . (SR: Tax Relief Reserve Fund) There is created the Tax Relief Reserve Fund, which shall be separate and distinct from the General Fund. Interest accrued by the fund must remain in the fund. Notwithstanding any other provision of law, on December 31, 2012, the State Treasurer shall transfer funds identified in this act from the General Fund to the Tax Relief Reserve Fund. These funds may only be used to provide tax relief to businesses and individuals as provided by law. Funds within the Tax Relief Reserve Fund shall be retained and carried forward to be used for the same purpose.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator MASSEY desired to be recorded as voting against the adoption of Amendment No. 128.

**Amendment No. 121**

Senators LAND, SETZLER, LEVENTIS, MATTHEWS, McGILL, REESE, ELLIOTT, FORD, JACKSON, HUTTO, ANDERSON, PINCKNEY, MALLOY, SHEHEEN, LOURIE, WILLIAMS, COLEMAN, NICHOLSON and SCOTT proposed the following amendment (4813 LEGAL.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 45, OFFICE OF ATTORNEY GENERAL, page 424, after line 10, by adding an appropriately numbered new proviso to read:

/ *45.\_\_\_* (Voting Rights Act ) No funds appropriated, authorized or carried forward in this act may be expended; (1) to pursue a declaratory judgment action on any matter subject to the Voting’s Rights Act relating to voter identification that has not been precleared by the United States Justice Department, (2) or for any action on a matter related to state law or regulations that result in voter suppression, intimidation or that otherwise restrict or inhibit a person’s ability to exercise his constitutional right to vote. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator FORD spoke on the amendment.

Senator LEVENTIS spoke on the amendment.

Senator MALLOY spoke on the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

**Ayes 23; Nays 15**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Davis Fair

Gregory Grooms Hayes

*Martin, Larry Martin, Shane* Massey

O'Dell Peeler Rankin

Rose Ryberg Shoopman

Thomas Verdin

**Total--23**

**NAYS**

Coleman Ford Hutto

Land Leventis Lourie

Malloy Matthews McGill

Nicholson Reese Scott

Setzler Sheheen Williams

**Total--15**

The amendment was laid on the table.

**Statement by Senator KNOTTS**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of the motion to table.

**Expression of Personal Interest**

Senator FORD rose for an Expression of Personal Interest.

**Amendment No. 137**

Senators ELLIOTT, RANKIN and SCOTT proposed the following amendment (4813R035.DE.DOCX), which was adopted (#49):

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

*/ 67.\_\_\_. (DEW: Benefit Amount) Section 41‑31‑20(A) of the 1976 Code is suspended. In the current fiscal year, the department shall maintain a separate account for each employer and shall accurately record the data used to determine an employer*’*s experience for the purpose of rate assignments. Nothing in Chapters 27 through 41 of this title shall be construed to grant any employer or individual in his service prior claims or rights to the amounts paid by him into the fund either on his behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged proportionally, in the amounts provided in Chapters 27 through 41 of this title, against the accounts of his four most recent employers. No employer shall be deemed as one of the individual*’*s four most recent employers for the purpose of this section unless the eligible person to whom benefits are paid earned wages in the employ of the employer equal to at least eight times the weekly benefit amount of the eligible claimant.*  */*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SCOTT explained the amendment.

The amendment was adopted.

**Recorded Vote**

Senator CAMPSEN desired to be recorded as voting against the adoption of Amendment No. 137.

**Amendment No. 133**

Senator BRIGHT proposed the following amendment (DAD PYRAISE 100K HWYS), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80a, BUDGET AND CONTROL BOARD, page 476, paragraph 80a.25, by adding an undesignated paragraph after line 18 to read:

/ *Notwithstanding the provisions of this section, any compensation increase authorized by this proviso shall only apply to employees whose annual compensation does not exceed one hundred thousand dollars as of June 30, 2012.* /

Amend the bill, as and if amended, Part IB, Section 80a, BUDGET AND CONTROL BOARD, page 478, by adding an appropriately numbered proviso to read:

/ *80A.\_\_\_ The Budget and Control Board, Employee Benefits, shall transfer $6,190,486 to the Department of Transportation to be deposited into the State Non-Federal Aid Highway Fund.*  /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

The amendment was laid on the table.

**Sense of the Senate Motion Pending**

Senator RYBERG moved that since the term “section” is undefined in both the roll call voting statute and Rule 16, that it be the Sense of the Senate for purposes of the Senate’s procedures and in order to comply with requirement of Section 1-7-125 and Rule 16, that “section” means those areas of the General Appropriations Bill considered by the subcommittees of the Finance Committee and a recorded roll call vote be taken on each of those sections; and, further, should any member wish to vote for or against any specific subpart of Section 1A or Section 1B the member can notify the Desk that they wish to be recorded as voting for or against that subpart.

Senator RYBERG spoke on the motion.

**Point of Order**

Senator THOMAS raised a Point of Order that the Sense of the Senate motion was out of order inasmuch as it was violative of Rule 16 and statutory law.

The PRESIDENT took the Point of Order under advisement.

**Motion Adopted**

Senator COURSON asked unanimous consent to make a motion that, when the Senate adjourns today, it stand adjourned to meet tomorrow at 9:30 A.M.

There was no objection and the motion was adopted.

Senator RYBERG moved that the Senate stand adjourned.

By a division vote of 26-10, the Senate adjourned.

On motion of Senator RYBERG, 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, Charleston County Magistrate, with the term to commence April 30, 2012, and to expire April 30, 2015

JoAnna E. Summey-Fuller, 5051 Spaniel Drive, North Charleston, SC 29405 *VICE* Deborah Summey

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

James A. Turner, 351 Confederate Circle, Charleston, SC 29407

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

Stephen P. Wilson, 6 Red Maple Road, Hilton Head Island, SC 29928 *VICE* Orville Chase

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Priscilla B. Baldwin, P. O. Box 262, McClellanville, SC 29458

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Francis Cain-Lofton, P. O. Box 459, McClellanville, SC 29458

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Stephanie Pasley-Ganaway, 8102 Sardis Court, North Charleston, SC 29406

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Henry W. Guerard, 1535 Wakendaw Rd., Mt. Pleasant, SC 29464

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Alvin E. Bligen, 1305 Joshua Dr., Charleston, SC 29407

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

David W. Coker, 4322 Patricia Street, North Charleston, SC 29408

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

James B. Gosnell,Jr. 1233 Bamboo Drive, Charleston, SC 29407

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Bonnie L. Koontz, 2357 Brevard Road, Charleston, SC 29414

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Leroy Linen, 6113 Judge Linen Lane, Wadmalaw Island, SC 29487

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Thomas E Lynn, 857 Detyens Road, Mt. Pleasant, SC 29464

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Marshal B. Rawl, 2568 River Road, Johns Island, SC 29455

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Linda S. Lombard, 63 Rebellion Road, Charleston, SC 29407

Reappointment, Charleston County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Sheryl M. Perry, Post Office Box 961, Hollywood, SC 29449

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

Richard W. Lingenfelter, 731 Windward Rd., Charleston, SC 29412 *VICE* Patricia A. Henley

**MOTION ADOPTED**

On motion of Senators HAYES, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, COURSON, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GREGORY, GROOMS, 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 former Represenative T. Hugh Simrill of Rock Hill, S.C., beloved father of Representative Gary Simrill. Mr. Simrill served in the House of Representatives from 1959-1962. He was a graduate of the USC School of Law and was a WWII veteran and served his country as a member of the United States Air Force.

and

**MOTION ADOPTED**

On motion of Senators SHEHEEN and LEVENTIS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Thornwell M. Hunter of Pageland, S.C., beloved husband of Effie Lou Turnage Hunter of 57 years. Mr. Hunter was a devoted father of a son, Robbie, and two daughters, Sherri Hunter Woodward and Missy Hunter Counts. He was a doting grandfather of four and great-grandfather of three. Mr. Hunter was born June 15, 1931, in Chesterfield County, S.C. He was a graduate of Cheraw High School and retired supervisor with C. M. Tucker Lumber Company. He was a former member of the Pageland Town Council. Mr. Hunter was a U. S. Air Force Veteran serving as a Staff Sergeant during the Korean Way. He was a faithful member, deacon and Sunday School teacher at the Pageland First Baptist Church and will be greatly missed by family, friends and his community.

**ADJOURNMENT**

At 7:04 P.M., on motion of Senator RYBERG, the Senate adjourned to meet tomorrow at 9:30 A.M.

\* \* \*