**Tuesday, April 19, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

In the book of Isaiah we read:

“ ‘Come now, let us reason together,’ says the Lord.”

(Isaiah 1:18a)

Friends, please bow with me in prayer:

O Gracious God, such a generous invitation do You offer to all of us through the prophet, Isaiah. Not only during this Holy Season of the year, but always You urge us to repent and to be restored into the fullness and the richness of Your love. Lead us, dear Lord, to accept Your invitation. And lead us also into that same generous and open relationship with our colleagues here in this State House. May these Senators, may all of Your servants in this place, continue to seek new and more meaningful ways to “reason together”—to Your glory, of course, O God, and to the benefit of all South Carolinians. In Your loving name we humbly pray, Lord.

Amen.

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

**COMMUNICATIONS RECEIVED**

Office of the Secretary of State

1205 Pendleton Street, Suite 525

Columbia, SC 29201

April 22, 2011

Mr. Jeffrey S. Gossett

Clerk of the Senate

State House

Columbia, SC 29201

Dear Mr. Gossett:

The State Election Commission has certified to this office that the Honorable Chauncey K. “Greg” Gregory, listed on the attached letter, received the greatest number of votes cast for Senator for Senate District #16 at a special election held April 12, 2011, for Lancaster and York Counties.

The Honorable Chauncey K. “Greg” Gregory is hereby certified as set forth in the commission as the duly and properly elected member of the Senate.

Sincerely,

Mark Hammond

Secretary of State

State of South Carolina

Election Commission

2221 Devine Street

Columbia, SC 29250

April 15, 2011

The Honorable Mark Hammond

Secretary of State

P. O. Box 11350

Columbia, SC 29211

Dear Mr. Secretary:

The State Election Commission, in its capacity as the State Board of Canvassers, hereby certifies that Greg Gregory is the winner of the Senate District #16 Special Election held in Lancaster and York Counties on April 12, 2011. A copy of the results is enclosed.

Sincerely,

/s/ Marci Andino

Executive Director

**Privilege of the Chamber and Floor**

On motion of Senator McCONNELL, with unanimous consent, the Privilege of the Chamber and the Privilege of the Floor was extended to Senator GREGORY and his family.

**Senator Sworn In**

Senator GREGORY presented himself at the Bar and the oath of office was administered.

**Remarks by Senator GREGORY**

Senator GREGORY was granted leave to address the Senate with brief remarks.

**Remarks by Senator GREGORY**

Mr. PRESIDENT and gentlemen of the Senate, it’s great to be back. Senator from Oconee, I think you’re in my seat.

It is terrific to be back. It’s certainly not a place that I envisioned myself being four months ago. But, timing is everything in politics and circumstances prevailed. And, I am happy to be here. I’m happy to have my wife, Sherri, with me who has been responsible for everything that I have accomplished in my life since I was about 15 years old, and, my father, who has always been a great, great supporter of mine. My mother is not here, but, I’m certainly thankful for all she’s done for me over the course of my life. Also, for those of you, my former colleagues, and, now current colleagues, that encouraged me. In addition, my former administrative assistant, Carolyn Youmans, who was one of the few people that didn’t give up hope that I might someday come back to the Senate. She certainly believed that much more so than did I. And, of course, last and certainly not least, the folks back in District 16 that elected me.

Four months ago, I really didn’t envision myself coming back to the Senate. I was supporting another candidate to fill the seat who unfortunately became ill. He would have been a great Senator. I’m very confident of that. But, when he withdrew from the race, there was a quote from Robert E. Lee, who the Senator from Richland sees a portrait of every time he goes into his house. And, Lee said, “Of all the words in the English language, ‘duty’ is the most sublime.”

I felt certainly that I’m not one of the greatest Senators. Many people are of far greater intellects than I. However, I felt like I could come back and contribute immediately to the benefit of the State. That’s why I chose to run again. April 12th was the day, about a week ago from today that was the sesquicentennial of the War Between the States. Senator McCONNELL, the Senator from Charleston, the echoes of that war still reverberate through our State just like the cannon you fired a week ago in Charleston Harbor.

I’d like to tell you in the few minutes I have, why I did decide to come back to Senate and why I ran. Prior to the War Between the States, African Americans in this State faced terrible hardship. After the war, all Southerners did. The times and the challenges that were faced before the war and during Reconstruction are certainly much more difficult than the times that we face today -- even though these are difficult times. They culminated at the end of Reconstruction in 1895, with the formation of our State Constitution. At the time, politics were very heavily racially tinged. I think the racial fears of the time presented a flawed foundation for our present government. And, like all other policies and documents that were created with a racial bias, whether it be the Missouri Compromise or *Dread Scott*, the effects were damaging and far reaching, if unintended. William Faulkner said, “In the South the past isn’t dead, it isn’t even passed.” That’s still the case.

And the reason I ran for the Senate again is because of the issue I feel most strongly about -- the case to restructure South Carolina’s government and put our executive branch on equal footing with the legislative branch. One hundred sixteen years ago or so, the fear of a black man being elected Governor in this State caused the people who formed the Constitution to split the executive branch into nine separate offices and dissipate the power. I don’t think our State really ever recovered from that. Georgia did the same thing and recognized the folly of their ways in the 1930’s and changed their Constitution to allow for their Governor to have power equal to the legislature. But, in South Carolina, we continue to cling to it. I think that is something that we must let go. For South Carolina, I believe very strongly, to make a move forward, our executive branch must be made whole. We have to revert from a government of separate islands into a government of equal branches. We have to grant our Governor in South Carolina the same powers governors have in the other 49 states in the Union. I believe this is the issue that issues hinges on.

Our South Carolina State Animal is the whitetail deer. I think as a form of government, through no one person’s fault or any individual’s fault, but because of the structure of our state government, our state government more resembles a blue crab as we scurry from side to side and never make the progress we need. But, I think to move forward in an agile linear fashion like a deer, we must have, in South Carolina, a strong executive branch. And our Governor, whoever that Governor is, must be given the tools to manage the State.

One of my favorite expressions is “less is more”. I really love the clarity of those three words. The Senator from Gaffney, if you see a billboard and it says on that billboard “got milk?” that is a message that resonates and cuts through and personifies. But, if you see the copy of 30 words on the billboard, then it doesn’t. And, I think that really is something we need to take to heart when we consider the structure of state government that we have today. It’s our job as a legislature, as the Senate, to pass laws. It’s the Governor’s job to carry them out.

And, in South Carolina, it’s all tangled up. I think the reason that it is, and the reason we have not made any progress on this issue since the Campbell Administration, is because we just let personalities get in the way. This Senator doesn’t like that Governor, and this Senator doesn’t like another Governor. You know, I served previously with, I think, four Governors. They were all detested by certain people, and, you know, this person or that person. We have to move past these personalities for the future prosperity of our State. I think that less legislative interference would yield us a more efficient state. I think that fewer days in session would grant us a more productive legislature.

On the record voting was a significant accomplishment for the Senate. I know the public doesn’t understand how difficult that was for this body to do that. But, I think that to have true transparency in government, accountability and transparency can only be produced by giving our Governor the same controls that all the 49 other governors have. This, I think, should be our objective. This is our duty, as foreign as it seems to many of us.

I’m fresh from the campaign trail. I’m the person in this body who has faced the voters most recently, so I think I probably have a pretty good idea of what is on their minds. Voters today are much better educated, much more attuned than they were the last time I ran for public office. And the public, I can tell you, from my thousands of interactions with them over the last 100 days, is very anxious to see this legislature accomplish things. Some watch TV now and they wonder why the Senate still spends several weeks on Bills that they perceive to be inconsequential even though the members of the body may think they are important. And, they are very important to certain constituencies of ours.

But, the public is, I think, anxious for this Senate to take on the large issues, the important issues. Winston Churchill, when he stood alone with England against the tyranny of Nazi Germany, said “Action today.” I think that’s what we need in the legislature in South Carolina. The public is demanding action. They want action on reforming government. They want action on spending caps. They want action on making our revenue grow in this State at a pace equal to that of inflation in population -- no more, no less.

The business leaders in South Carolina want our State to be a more competitive place for businesses both large and small. I heard the Executive Director of the South Carolina Chamber of Commerce give a speech to a gathering of the Lancaster Chamber of Commerce, and I think that was probably the single most damning speech I have heard in 20 years. And I wasn’t even a member of the legislature at the time. I wanted to crawl under the table. So, I think that’s indicative of the thoughts of business people today. They want to see action.

I know that talking is easy and doing something is hard. We campaign in poetry and we govern in prose. But, we are obligated to try to come together as Senators. Just as the former Senator from Greenwood, Senator DRUMMOND, used to stand at this well here when the Senate got contentious -- and I understand it is contentious today, maybe as contentious as it has been in many, many years. When the Senate would get contentious in years past, the Senator from Greenwood would come and stand here. Senator DRUMMOND is a hero of mine -- probably one of the bravest men that I have known. He would come and stand at this well and tell us to come together as Senators for the betterment of our citizenry.

Today our State faces many challenges. But, we still, compared to that time, live in relative comfort. There’s no starvation. There’s no deprivation to compare with what things were like 100 years ago. We still as a State, have a AAA credit rating and our State has managed to retain that AAA credit. Something our government may soon lose. As the saying goes, for things to stay the same, things must change. I think we face as a State a clear and present danger of falling behind North Carolina and Georgia, not to mention China. I think that inertia and lack of action on the major issues and challenges we face will cause us to fall further behind and end up like a race car that is continually lapped on the track. But, I trust that we can do that. I trust that we can come together for the betterment of South Carolina. I think that we have, as General Lee said, a duty to do that.

That is why I chose to return to this Senate. And, that is my hope for this Senate that we love and for our great State. I’m glad to be back with you. I look forward to the hard work at hand.

Thank you.

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

**SEATING SELECTIONS**

Pursuant to Rule 4B, Senator McCONNELL moved that the Senate proceed to the seating selection subject to the motion adopted on April 14, 2011.

Seat #41 Senator GREGORY

**STANDING COMMITTEE CHANGES**

Subject to the motion adoption on April 14, 2011, the Senate proceeded to the selection of committee assignments.

On motion of Senator ROSE, with unanimous consent, Senator ROSE selected the Committee on Labor, Commerce and Industry and deselected the Committee on Rules.

Senator ROSE

Agriculture and Natural Resources

Corrections and Penology

Fish, Game and Forestry

Judiciary

Labor, Commerce and Industry

On motion of Senator SHOOPMAN, with unanimous consent, Senator SHOOPMAN selected the Committee on Medical Affairs and deselected the Committee on Fish, Game and Forestry.

Senator SHOOPMAN

Corrections and Penology

General

Judiciary

Medical Affairs

Rules

Senator GREGORY’s selections were as follows:

Senator GREGORY

Agriculture and Natural Resources

Corrections and Penology

Fish, Game and Forestry

Judiciary

Rules

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee:

Document No. 4179

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 48-60-05 et seq.

SUBJECT: Electronic Equipment Collection and Recovery

Received by Lieutenant Governor April 18, 2011

Referred to Medical Affairs Committee

Legislative Review Expiration March 24, 2012

**Doctor of the Day**

Senators COURSON and LEVENTIS introduced Dr. Tab Thompson of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 12:30 P.M., Senator MALLOY requested a leave of absence beginning at 1:30 P.M. for the balance of the day.

**Leave of Absence**

At 12:30 P.M., Senator CROMER requested a leave of absence from 1:00 - 2:00 P.M. today.

**CO-SPONSORS ADDED**

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

S. 647 Sen. Cleary

S. 705 Sen. Grooms

S. 766 Sen. Elliott

S. 808 Sen. Leatherman

**RECALLED**

S. 331 -- Senator S. Martin: A BILL TO AMEND ACT 745 OF 1967, RELATING TO THE GREATER GREENVILLE SEWER DISTRICT (CURRENTLY RENEWABLE WATER RESOURCES), TO INCREASE THE MEMBERSHIP OF THE COMMISSION FROM NINE TO ELEVEN MEMBERS, AND TO PROVIDE THAT AT LEAST ONE MEMBER MUST BE FROM SPARTANBURG COUNTY.

Senator McCONNELL asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 826 -- Senator Ford: A SENATE RESOLUTION TO RECOGNIZE THE BEAR E PATCH CAFÉ OF CHARLESTON AND COMMEND ITS OWNERS AND STAFF FOR THEIR SERVICE TO THE COMMUNITY.

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The Senate Resolution was adopted.

S. 827 -- Senators McConnell, Knotts and Nicholson: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MAY 25, 2011, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2019; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2016; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT, SEAT 3, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2019.

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

S. 828 -- Senator O'Dell: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO REDIRECT THE UNEXPENDED SUPPLEMENTAL FUNDS APPROPRIATED BY PROVISO 73.12 OF THE FISCAL YEAR 2007-2008 APPROPRIATION ACT FOR THE GREENWOOD SEWER EXTENSION LINE TO THE TOWN OF HONEA PATH FOR SEWER REPAIR, AND TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FOR THE GREENWOOD GENETIC CENTER, AND TO PROVIDE FOR ANNUAL REPORTS RELATED TO THE EXPENDITURE OF THESE FUNDS.

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

S. 829 -- Senator Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 63, TITLE 59 SO AS TO ENACT THE “EQUITY IN EDUCATION ACT”, TO PROVIDE QUALIFYING STUDENTS WITH THE OPTION TO TRANSFER TO ANOTHER PUBLIC SCHOOL OR TO AN INDEPENDENT SCHOOL UPON CERTAIN CONDITIONS, TO PROVIDE DEFINITIONS, TO PROVIDE FOR SCHOLARSHIPS TO ATTEND INDEPENDENT SCHOOLS, TO PROVIDE REQUIREMENTS AND ACCOUNTABILITY MEASURES FOR INDEPENDENT SCHOOLS WHO ACCEPT STUDENTS PURSUANT TO THIS ARTICLE, TO REQUIRE AT‑RISK PUBLIC SCHOOLS TO PROVIDE NOTICE TO PARENTS OF THEIR STATUS AND THE OPTION TO TRANSFER, TO ALLOW FOR THE PROMULGATION OF NECESSARY REGULATIONS, TO ALLOW THE DEPARTMENT OF REVENUE TO UNDERGO NECESSARY INVESTIGATIONS, TO PROVIDE REPORTING AND EVALUATION REQUIREMENTS, AND TO PROVIDE MISCELLANEOUS PROVISIONS.

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

S. 830 -- Senators Campsen, McConnell, Grooms, L. Martin, Bryant, Knotts, Cromer, Davis, Fair and Rose: A BILL TO AMEND SECTION 8-14-20 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT PUBLIC EMPLOYERS VERIFY THE EMPLOYMENT AUTHORIZATION OF ALL NEW EMPLOYEES, SO AS TO PROVIDE THAT A WORKER IS NOT ELIGIBLE TO OBTAIN A SOUTH CAROLINA DRIVER’S LICENSE OR IDENTIFICATION CARD, IF THE WORKER’S ONLY PROOF OF IDENTIFICATION IS A MATRICULA CONSULAR CARD OR A SUBSTANTIALLY SIMILAR DOCUMENT ISSUED BY A CONSULATE OR EMBASSY OF ANOTHER COUNTRY; TO AMEND SECTION 8‑29-10 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE VERIFICATION OF A PERSON’S LAWFUL PRESENCE IN THE UNITED STATES BY AN AGENCY OR POLITICAL SUBDIVISION OF THIS STATE, SO AS TO PROVIDE THAT AN AGENCY OR POLITICAL SUBDIVISION SHALL NOT ACCEPT A MATRICULA CONSULAR CARD OR A SUBSTANTIALLY SIMILAR DOCUMENT ISSUED BY A CONSULATE OR AN EMBASSY OF ANOTHER COUNTRY AS PROOF OF A PERSON’S LAWFUL PRESENCE IN THE UNITED STATES; TO AMEND SECTION 41-8-20 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT PRIVATE EMPLOYERS VERIFY THE EMPLOYMENT AUTHORIZATION OF ALL NEW EMPLOYEES, SO AS TO PROVIDE THAT A WORKER IS NOT ELIGIBLE TO OBTAIN A SOUTH CAROLINA DRIVER’S LICENSE OR IDENTIFICATION CARD, IF THE WORKER’S ONLY PROOF OF IDENTIFICATION IS A MATRICULA CONSULAR CARD OR A SUBSTANTIALLY SIMILAR DOCUMENT ISSUED BY A CONSULATE OR EMBASSY OF ANOTHER COUNTRY; AND TO AMEND SECTION 59-101-430 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION OF AN ALIEN UNLAWFULLY PRESENT IN THE UNITED STATES FROM ATTENDING A PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE, SO AS TO PROVIDE THAT A PUBLIC INSTITUTION OF HIGHER LEARNING IN THIS STATE SHALL NOT ACCEPT A MATRICULA CONSULAR CARD OR A SUBSTANTIALLY SIMILAR DOCUMENT ISSUED BY A CONSULATE OR EMBASSY OF ANOTHER COUNTRY AS VERIFICATION OF A PERSON’S LAWFUL PRESENCE IN THE UNITED STATES.

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Senator CAMPSEN spoke on the Bill.

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

H. 3127 -- Reps. Rutherford, G. R. Smith, Clyburn, Weeks, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-21-925 SO AS TO PROVIDE THAT A LIMITED PARDON MAY BE GRANTED TO A PERSON WHO HAS BEEN CONVICTED OF A NONVIOLENT FELONY OFFENSE THAT WOULD ALLOW HIM TO CARRY A FIREARM USED FOR HUNTING TO AND FROM HIS HUNTING DESTINATION AND USE IT WHILE HUNTING.

Read the first time and referred to the Committee on Corrections and Penology.

H. 3229 -- Reps. Harrison, G. R. Smith, G. M. Smith and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “BEHAVIORAL HEALTH SERVICES ACT OF 2011” BY ADDING CHAPTER 10 TO TITLE 44 SO AS TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES COMPRISED OF THE DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND THE DIVISION OF MENTAL HEALTH AND TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE DEPARTMENT’S POWERS AND DUTIES, INCLUDING DEVELOPING AND IMPLEMENTING A STATE PLAN FOR THE COORDINATED CARE AND UNIFIED DELIVERY OF BEHAVIORAL HEALTH SERVICES AND OVERSEEING THE ADMINISTRATION AND DELIVERY OF BEHAVIORAL HEALTH SERVICES, TO CREATE THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES ADVISORY COMMITTEE, TO PROVIDE FOR THE POWERS AND DUTIES OF THE ADVISORY COMMITTEE AND FOR THE MEMBERSHIP OF THE ADVISORY COMMITTEE, TO AUTHORIZE THE NEWLY CREATED DEPARTMENT TO PROMULGATE REGULATIONS, AND TO PROVIDE FOR THE DEPARTMENT'S ADMINISTRATIVE POWERS; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO ADD THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES AND MAKE CONFORMING CHANGES; BY ADDING SECTION 1-30-68 SO AS TO TRANSFER ALL NECESSARY ENTITIES FROM THE DEPARTMENT OF ALCOHOL AND DRUG ABUSE SERVICES AND THE DEPARTMENT OF MENTAL HEALTH TO THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES; TO AMEND SECTION 1‑30-20, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF ALCOHOL AND OTHER DRUG ABUSE SERVICES; TO AMEND SECTION 1-30-70, RELATING TO AGENCIES PREVIOUSLY TRANSFERRED TO THE DEPARTMENT OF MENTAL HEALTH, SO AS TO PROVIDE THAT THE POWERS AND DUTIES OF THE DEPARTMENT OF MENTAL HEALTH ARE TRANSFERRED TO AND DEVOLVED UPON THE DEPARTMENT OF BEHAVIORAL HEALTH SERVICES, DIVISION OF MENTAL HEALTH; TO AMEND CHAPTER 9, TITLE 44, RELATING TO THE ORGANIZATION AND OPERATION OF THE DEPARTMENT OF MENTAL HEALTH AND ITS FACILITIES AND TO THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, SO AS TO CONFORM THE CHAPTER TO THE PROVISIONS OF THIS ACT AND TO RESTRUCTURE THE MENTAL HEALTH COMMISSION INTO AN ADVISORY BOARD; AND TO AMEND CHAPTER 49, TITLE 44, RELATING TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES, SO AS TO CONFORM THE CHAPTER TO THE PROVISIONS OF THIS ACT AND TO CREATE AN ADVISORY BOARD TO THE DIVISION.

Read the first time and referred to the Committee on Medical Affairs.

H. 3506 -- Reps. Loftis, Allison, J. R. Smith, White, Bowen, Ott, Cobb-Hunter, Pitts and Henderson: A BILL TO AMEND SECTION 12-6-3360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO REVISE THE DEFINITION OF A “TECHNOLOGY INTENSIVE FACILITY”; TO AMEND SECTION 12-20-105, AS AMENDED, RELATING TO THE TAX CREDIT FOR INFRASTRUCTURE IMPROVEMENTS FOR WATER, WASTEWATER, HYDROGEN FUEL, SEWER, GAS, STEAM, ELECTRIC ENERGY, AND COMMUNICATION SERVICES, SO AS TO INCLUDE CERTAIN SITE PREPARATION COSTS WITHIN THE DEFINITION OF INFRASTRUCTURE IMPROVEMENTS WHICH GIVE RISE TO THE CREDIT; AND TO AMEND SECTION 12-44-30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO REVISE THE DEFINITION OF “TERMINATION DATE”.

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

**REPORTS OF STANDING COMMITTEES**

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 793 -- Senators Alexander and Bryant: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2011‑2012 TO TEMPORARILY SUSPEND ENFORCEMENT OF CERTAIN PROVISIONS OF THE MEDICAID NURSING HOME PERMIT LAW AND TO SET CERTAIN NURSING HOME STAFFING STANDARDS IN ORDER TO MEET APPROPRIATIONS.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

H. 3516 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT THE PROVISIONS OF SECTION 6‑27‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON AMENDING OR REPEALING PROVISIONS IN THE STATE AID TO SUBDIVISIONS ACT ARE SUSPENDED FOR FISCAL YEAR 2011-2012, AND TO PROVIDE THAT FOR FISCAL YEAR 2011-2012 COUNTIES MAY TRANSFER AMONG APPROPRIATED STATE REVENUES AS NEEDED TO ENSURE THE DELIVERY OF SERVICES.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3700 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2011, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THIS OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

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

Ordered for consideration tomorrow.

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

**THIRD READING BILLS**

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

S. 312 -- Senators Davis, McConnell, Peeler, Bright, Massey, Shoopman, S. Martin, Ryberg, Verdin, Rose, Knotts and Campsen: A BILL TO AMEND SECTION 2‑65‑15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE SOUTH CAROLINA FEDERAL AND OTHER FUNDS OVERSIGHT ACT, SO AS TO REVISE THE DEFINITION OF “MATCHING FUNDS” TO INCLUDE BOTH GENERAL FUND MONIES AND OTHER FUND MONIES TO BE USED TO MEET FEDERAL MATCH REQUIREMENTS; TO AMEND SECTION 2‑65‑20, RELATING TO THE APPROPRIATION OF ANTICIPATED FEDERAL FUNDS AND OTHER FUNDS BY THE GENERAL ASSEMBLY IN APPROPRIATIONS ACTS, SO AS TO REQUIRE STATE AGENCIES RECEIVING FEDERAL FUNDS TO PROVIDE IN BUDGET SUBMISSIONS FOR THE PROPOSED BUDGET DETAILS OF CONDITIONS IMPOSED ON THE STATE APPLICABLE TO FEDERAL FUNDS INCLUDED IN THE AGENCY’S BUDGET SUBMISSION, REQUIRE THE RECOMMENDED BUDGET SPECIFICALLY TO ACCEPT IN DETAIL THOSE CONDITIONS WHEN FEDERAL FUNDS ARE INCLUDED IN THE PROPOSED BUDGET, AND TO CONFORM THE SECTION TO REFLECT THE PROVISION OF LAW ASSIGNING TO THE GOVERNOR THE DUTY OF PRODUCING A PROPOSED BUDGET TO THE GENERAL ASSEMBLY; AND TO AMEND SECTION 2‑65‑30, RELATING TO EXPENDITURE BY A STATE AGENCY OF UNANTICIPATED FEDERAL FUNDS AND PRIVATE GRANT FUNDS NOT APPROPRIATED IN APPROPRIATIONS ACTS, SO AS TO REQUIRE THE AGENCY’S SUBMISSION OF AN EXPENDITURE PROPOSAL FOR THE ANTICIPATED FUNDS TO THE STATE BUDGET AND CONTROL BOARD TO INCLUDE THE CONDITIONS IMPOSED ON THE STATE’S RECEIPT AND EXPENDITURE OF THE FEDERAL FUNDS AND, IN AUTHORIZING THE RECEIPT AND EXPENDITURE, THE BOARD’S ACCEPTANCE OF THE CONDITIONS.

Senator DAVIS explained the Bill.

S. 420 -- Senators McConnell, Peeler, Campbell, Rose and Ford: A BILL TO AMEND SECTION 1‑23‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL ASSEMBLY REVIEW OF REGULATIONS, INCLUDING, AMONG OTHER THINGS, GROUNDS FOR EXEMPTION FROM REVIEW, SO AS TO PROVIDE THAT A REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW BECAUSE IT WAS PROMULGATED TO COMPLY WITH FEDERAL LAW HAS THE SAME LEGAL STATUS AS THE FEDERAL LAW, SUCH THAT IF THE FEDERAL LAW IS VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT THE STATE REGULATION IS SIMILARLY VACATED OR OTHERWISE RENDERED WITHOUT LEGAL FORCE AND EFFECT.

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

**READ THE SECOND TIME**

S. 824 -- Senators Land, Leatherman, Setzler, Nicholson, Hutto and Jackson: A JOINT RESOLUTION TO DESIGNATE THE SOUTH CAROLINA JOBS‑ECONOMIC DEVELOPMENT AUTHORITY AS THE AUTHORIZED AGENCY TO IMPLEMENT THE STATE SMALL BUSINESS CREDIT INITIATIVE WITHIN AND ON BEHALF OF THE STATE OF SOUTH CAROLINA; TO AUTHORIZE THE SOUTH CAROLINA JOBS ECONOMIC DEVELOPMENT AUTHORITY TO EXECUTE AND DELIVER THE REQUISITE APPLICATION AND THE STATE SMALL BUSINESS CREDIT INITIATIVE ALLOCATION AGREEMENT FOR PARTICIPATING STATES, AND ALL OTHER RELATED AGREEMENTS, DOCUMENTS, CERTIFICATES, AND UNDERTAKINGS, ON BEHALF OF THE STATE OF SOUTH CAROLINA; AND TO AUTHORIZE THE SOUTH CAROLINA JOBS ECONOMIC DEVELOPMENT AUTHORITY TO CONTRACT WITH THE BUSINESS DEVELOPMENT CORPORATION OF SOUTH CAROLINA TO ADMINISTER THE PROGRAMS PERMITTED UNDER AND SUPPORTED BY THE STATE SMALL BUSINESS CREDIT INITIATIVE.

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

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

**Ayes 35; Nays 8**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Elliott

Fair Ford Gregory

Hayes Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Rankin Reese Ryberg

Scott Setzler Sheheen

Verdin Williams

**Total--35**

**NAYS**

Bright Bryant Davis

Grooms *Martin, Shane* Rose

Shoopman Thomas

**Total--8**

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

**READ THE SECOND TIME**

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

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 37; Nays 3**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Davis Elliott

Fair Gregory Grooms

Hayes Knotts Land

Leventis Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

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

**READ THE SECOND TIME**

H. 3104 -- Rep. Nanney: A BILL TO AMEND SECTION 29‑3‑330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTERING A SATISFACTION OF MORTGAGE IN THE PUBLIC RECORD, SO AS TO INCLUDE A PROBATE AND ACKNOWLEDGEMENT FORM IN THE SATISFACTION AFFIDAVIT.

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

Senator DAVIS explained the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Davis Elliott Fair

Ford Gregory Grooms

Hayes Jackson Knotts

Land Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

**SECOND READING RECONSIDERED**

**RETURNED TO THE SECOND READING CALENDAR**

H. 3344 -- Reps. Brady, Erickson, Sandifer, Allison, Dillard, Butler Garrick, Munnerlyn, Funderburk, Horne, Long, Nanney, Bowers, Bales, Anderson, Pinson, Weeks and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “UNFAIR DISCRIMINATION AGAINST SUBJECTS OF ABUSE IN INSURANCE ACT” BY ADDING SECTION 38‑57‑115 SO AS TO PROVIDE THAT IT IS UNFAIR DISCRIMINATION FOR AN INSURER TO DENY, REFUSE TO ISSUE OR RENEW, CANCEL, RESTRICT OR EXCLUDE COVERAGE, DENY A CLAIM OR LIMIT PAYMENTS, OR ADD A PREMIUM DIFFERENTIAL TO A POLICY OR CERTIFICATE OF COVERAGE ON THE BASIS THAT AN APPLICANT OR INSURED HAS BEEN OR IS PERCEIVED TO HAVE BEEN ABUSED OR MAY BE A SUBJECT OF ABUSE AND TO PROVIDE PENALTIES, INCLUDING FINES UP TO TWO HUNDRED THOUSAND DOLLARS.

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

Senators MALLOY and LEVENTIS proposed the following amendment (AGM\18959AB11), which was adopted:

Amend the bill, as and if amended, Section 38‑57‑115(B), as contained in SECTION 2, page 3, lines 1‑3 by deleting / ; however, nothing in this section may be construed to create or imply a private cause of action for a violation of this section / and inserting / and to expressly create a private cause of action for a violation of this section, notwithstanding the provisions of Chapter 57 and Chapter 59, Title 38, or another provision of law./

Amend the bill further, Section 38‑57‑115(I), as contained in SECTION 2, page 6, line 8, by inserting / and may be liable in a civil action brought by a party for a violation, notwithstanding the provisions of Chapter 57 and Chapter 59, Title 38, or another provision of law / after / 38‑2‑10./

Amend the bill further, Section 38‑57‑115(K), as contained in SECTION 2, page 6, line 35, by deleting / civilly or./

Amend the bill further by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Section 38‑57‑10 of the 1976 Code is amended to read:

“Section 38‑57‑10. The purpose of this chapter is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the act of Congress of March 9, 1945, (Public Law 15, 79th Congress), by defining, or providing for the determination of, all the practices in this State which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined. The provisions of this chapter do not prevent a private cause of action brought for a violation of the ‘Unfair Discrimination Against Subjects of Abuse in Insurance Act’ found in Section 38‑57‑115.” /

Amend the bill further by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Article 1, Chapter 59, Title 38 is amended by adding:

“Section 38‑59‑15. Notwithstanding the provisions of this chapter or another provision of law, the provisions of this chapter do not prevent a cause of action brought for a violation of the ‘Unfair Discrimination Against Subject of Abuse in Insurance Act’ found in Section 38‑57‑115.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 23; Nays 16**

**AYES**

Alexander Anderson Coleman

Elliott Ford Hayes

Jackson Land Leventis

Lourie *Martin, Larry* Massey

McConnell McGill Nicholson

O'Dell Rankin Reese

Scott Sheheen Shoopman

Thomas Williams

**Total--23**

**NAYS**

Bright Bryant Campbell

Campsen Cleary Courson

Cromer Davis Fair

Gregory Grooms *Martin, Shane*

Peeler Rose Ryberg

Verdin

**Total--16**

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

**H. 3344--Second Reading Reconsidered**

Having voted on the prevailing side, Senator LARRY MARTIN moved to reconsider the vote whereby the Bill was given a second reading.

Senator MALLOY argued contra to the motion.

Senator LARRY MARTIN spoke on the motion.

The question then was the motion to reconsider the vote whereby the Bill was given a second reading, as amended.

**Point of Order**

Senator GROOMS raised a Point of Order under Act 6 of 2011, the Spending Accountability Act, that a roll call vote would be required on the motion to reconsider.

The PRESIDENT overruled the Point of Order.

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

**Ayes 27; Nays 13**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Davis Elliott Fair

Gregory Grooms Hayes

Knotts *Martin, Larry Martin, Shane*

Massey McGill O'Dell

Peeler Rankin Reese

Rose Ryberg Shoopman

Thomas Verdin Williams

**Total--27**

**NAYS**

Anderson Coleman Ford

Land Leventis Lourie

Malloy Matthews McConnell

Nicholson Scott Setzler

Sheheen

**Total--13**

Second reading of the Bill was reconsidered and the Bill was ordered returned to the Second Reading Calendar.

**AMENDED READ THE SECOND TIME**

S. 560 -- Senator Fair: A BILL TO AMEND SECTION 1‑11‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO INCLUDE SPECIAL PURPOSE DISTRICTS PROVIDING SANITATION SERVICES.

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

Senator RYBERG proposed the following amendment (560R001.WGR), which was adopted:

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

/ SECTION \_\_. Article 5, Chapter 11, Title 1 of the 1976 Code is amended by adding:

“Section 1‑11‑715. The Employee Insurance Program of the Budget and Control Board is directed to develop and implement, for employees and their spouses who participate in the health plans offered by the Employee Insurance Program, an incentive plan to encourage participation in programs offered by the Employee Insurance Program that promote health and the prevention of disease. The Employee Insurance Program is further directed to implement a premium reduction or other financial incentive, beginning on January 1, 2012, for those employees and their spouses who participate in these programs.” /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

The question then was second reading of the Bill.

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

**Ayes 25; Nays 15**

**AYES**

Alexander Anderson Campbell

Coleman Cromer Elliott

Fair Ford Hayes

Land Leatherman Leventis

*Martin, Larry* Matthews McGill

Nicholson O'Dell Peeler

Rankin Reese Setzler

Shoopman Thomas Verdin

Williams

**Total--25**

**NAYS**

Bright Bryant Campsen

Courson Davis Gregory

Grooms Knotts Malloy

*Martin, Shane* McConnell Rose

Ryberg Scott Sheheen

**Total--15**

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

**AMENDED, READ THE SECOND TIME**

S. 586 -- Senators Hayes, O’Dell, Verdin, Shoopman, Nicholson, Elliott, L. Martin, Coleman, Ford, Cromer and Alexander: A BILL TO AMEND SECTION 1‑11‑720, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES WHOSE EMPLOYEES, RETIREES, AND THEIR DEPENDENTS ARE ELIGIBLE TO PARTICIPATE IN THE STATE HEALTH AND DENTAL INSURANCE PLANS, SO AS TO EXTEND THIS ELIGIBILITY TO JOINT AGENCIES ESTABLISHED PURSUANT TO CHAPTER 23, TITLE 6.

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

Senator RYBERG proposed the following amendment (586R001.WGR), which was adopted:

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

/ SECTION \_\_. Article 5, Chapter 11, Title 1 of the 1976 Code is amended by adding:

“Section 1‑11‑715. The Employee Insurance Program of the Budget and Control Board is directed to develop and implement, for employees and their spouses who participate in the health plans offered by the Employee Insurance Program, an incentive plan to encourage participation in programs offered by the Employee Insurance Program that promote health and the prevention of disease. The Employee Insurance Program is further directed to implement a premium reduction or other financial incentive, beginning on January 1, 2012, for those employees and their spouses who participate in these programs.” /

Renumber sections to conform.

Amend title to conform.

Senator RYBERG explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 31; Nays 9**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Coleman Elliott Fair

Ford Gregory Hayes

Knotts Land Leatherman

Malloy *Martin, Larry* Matthews

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--31**

**NAYS**

Campsen Courson Davis

Grooms *Martin, Shane* Massey

McConnell Rose Ryberg

**Total--9**

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

**AMENDED, READ THE SECOND TIME**

H. 3586 -- Reps. Hardwick, Clemmons, Loftis, Corbin, Barfield, Thayer, Patrick, Hearn, Murphy, Ryan, Viers, Bedingfield, Edge, Herbkersman, Horne and Stringer: A BILL TO AMEND SECTION 48-39-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST NEW CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE AND EXEMPTIONS FROM THIS PROHIBITION, SO AS TO DELETE FROM THE EXEMPTIONS CERTAIN PIERS AND ASSOCIATED STRUCTURES, PUBLIC AND PRIVATE, EXISTING ON SEPTEMBER 21, 1989.

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

Senator CLEARY proposed the following amendment (3586R002.REC), which was adopted:

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

/ SECTION 1. Section 48‑39‑290(A)(3) of the 1976 Code is amended to read:

“(3) fishing piers and associated amenity structures which are open to the public. Those fishing piers with their associated amenity structures including, but not limited to, baitshops, restrooms, restaurants, and arcades which existed September 21, 1989, may be rebuilt if they are constructed to the same dimensions and utilized for the same purposes and remain open to the public. In addition, those fishing piers with their associated amenity structures which existed on September 21, 1989, that were privately owned, privately maintained, and not open to the public on this date also may be rebuilt and used for the same purposes if they are constructed to the same dimensions;”

SECTION 2. Section 48‑39‑290(A)(8)(e)(ii) of the 1976 Code is amended to read:

“(ii) restoration of the adversely affected beach and adjacent real estate through renourishment pursuant to subsection (c).

An adjacent or downdrift property owner that claims a groin has caused or is causing an adverse impact shall notify the department of such impact. The department shall render an initial determination within sixty ~~(60)~~ days of such notification. Final agency action shall be rendered within twelve months of notification. An aggrieved party may appeal the decision pursuant to the Administrative Procedures Act.

A permit must be obtained from the department for items (2) through (8). However, no permit is required under this chapter for associated amenity structures constructed on fishing piers if local governmental bodies having responsibility for the planning and zoning authorize construction of those amenity structures. Associated amenity structures do not include those employed as overnight accommodations or those consisting of more than two stories above the pier decking. Associated amenity structures, excluding restrooms, handicapped access features, and observation decks, may occupy no more than thirty‑five percent of the total surface area of the fishing pier or be constructed at a location further seaward than one‑half of the length of the fishing pier as measured from the baseline.”

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

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 2**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Coleman Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

Bright Courson

**Total--2**

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

**OBJECTION TO REMOVAL OF MINORITY REPORT**

H. 3241 -- Reps. Owens, Stringer, G.R. Smith, Harrison, Daning, Hamilton, Bingham, Long, Henderson, Atwater, Lucas, Clemmons, Cooper, Horne, Simrill, D.C. Moss, Sandifer, Harrell, Erickson, Norman, Barfield and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑55 SO AS TO PROVIDE CHARTER SCHOOL POWERS AND DUTIES AND TO ALLOW A SPONSOR TO RETAIN CERTAIN FUNDS FOR OVERSEEING THE CHARTER SCHOOL; BY ADDING SECTION 59‑40‑175 SO AS TO CREATE THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM FOR THE CONSTRUCTION, PURCHASE, RENOVATION, AND MAINTENANCE OF PUBLIC CHARTER SCHOOL FACILITIES; TO AMEND SECTION 59‑40‑20, AS AMENDED, RELATING TO THE PURPOSE OF THE CHARTER SCHOOL ACT, SO AS TO INCLUDE AN ADDITIONAL PURPOSE; TO AMEND SECTION 59‑40‑40, AS AMENDED, RELATING TO DEFINITIONS, SO AS TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; TO AMEND SECTION 59‑40‑50, AS AMENDED, RELATING TO CHARTER SCHOOL POWERS AND DUTIES, SO AS TO ALLOW FOR THE APPLICATION TO CREATE A SINGLE GENDER CHARTER SCHOOL, REVISE PRIORITY ENROLLMENT LIMITS, PROVIDE FOR THE ELECTION OF A CHARTER SCHOOL BOARD OF DIRECTORS, PROVIDE FOR BOARD MEETING NOTICE REQUIREMENTS, ALLOW A CHARTER SCHOOL TO CONTRACT WITH PROVIDERS FOR STUDENT TRANSPORTATION, AND ALLOW CHARTER SCHOOL STUDENTS TO PARTICIPATE IN CERTAIN EXTRACURRICULAR ACTIVITIES UNDER CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO APPLICATION TO CREATE A CHARTER SCHOOL, SO AS TO CLARIFY WHAT MUST BE INCLUDED IN THE CONTRACT, AND TO REQUIRE THE DEPARTMENT OF EDUCATION TO CREATE A CONTRACT TEMPLATE; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE, SO AS TO REVISE ITS MEMBERSHIP AND TO EXTEND THE TIME PERIOD IN WHICH THE COMMITTEE SHALL DETERMINE APPLICATION COMPLIANCE AND THE TIME IN WHICH A LOCAL SCHOOL DISTRICT SHALL RULE ON THE APPLICATION; TO AMEND SECTION 59‑40‑100, AS AMENDED, RELATING TO CHARTER SCHOOL CONVERSION, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO PROMULGATE REGULATIONS PROVIDING FOR PAPER BALLOTS, TO REVISE PRIORITY ENROLLMENT PROCEDURES FOR A CONVERTED CHARTER SCHOOL, AND TO ALLOW A CONVERTED CHARTER SCHOOL TO RETAIN FACILITIES AND EQUIPMENT AVAILABLE BEFORE CONVERSION; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER, SO AS TO ALLOW A SPONSOR TO IMMEDIATELY REVOKE A CHARTER AND CLOSE THE SCHOOL UPON CERTAIN CONDITIONS; TO AMEND SECTION 59‑40‑140, AS AMENDED, RELATING TO DISTRIBUTION OF RESOURCES, SO AS TO PROVIDE FOR THE DISTRIBUTION OF FUNDS TO CHARTER SCHOOLS, TO REVISE WHAT THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT SHALL RECEIVE, TO ALLOW THE DEPARTMENT OF EDUCATION TO FINE SPONSORS THAT FAIL TO DISTRIBUTE CERTAIN FUNDS TO CHARTER SCHOOLS, AND TO REVISE REPORTING REQUIREMENTS; TO AMEND SECTION 59‑40‑190, AS AMENDED, RELATING TO LIABILITY OF A GOVERNING BODY OF A CHARTER SCHOOL, SO AS TO PROVIDE IMMUNITY TO A LOCAL SCHOOL DISTRICT FOR CRIMINAL OR CIVIL LIABILITY REGARDING ACTIVITIES RELATED TO A SPONSORED CHARTER SCHOOL; TO AMEND SECTION 59‑40‑230, RELATING TO THE BOARD OF TRUSTEES OF THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL, SO AS TO REVISE ITS MEMBERSHIP; AND TO AMEND SECTION 59‑40‑130, AS AMENDED, RELATING TO LEAVE TO BE EMPLOYED AT A CHARTER SCHOOL, SO AS TO PROVIDE THAT A CHARTER SCHOOL IS A COVERED EMPLOYER WITH RESPECT TO THE SOUTH CAROLINA RETIREMENT SYSTEMS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

Senator RANKIN asked unanimous consent to make a motion to remove the minority report from the Bill.

Senator MALLOY objected.

**CARRIED OVER**

H. 3438 -- Reps. G.M. Smith and Weeks: A BILL TO AMEND SECTION 29‑15‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIENS FOR REPAIR OR STORAGE, SO AS TO EXCLUDE FROM THESE LIENS THE CONTENTS OF A TOWED, STORED, OR REPAIRED MOTOR VEHICLE, TRAILER, MOBILE HOME, WATERCRAFT, OR OTHER ITEM OR OBJECT SUBJECT TO TOWING, STORAGE, OR REPAIR.

Senator DAVIS explained the Bill.

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

**MOTION ADOPTED**

On motion of Senators LEVENTIS and LAND, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Jacklyn Q. Webb who was the daughter of Judge George R. Gibson, magistrate of Mayesville, S.C. In addition to her parents, she will be missed and remembered by her beloved children and grandchildren, her grandmother (Pattie J. Gibson of Mayesville), siblings, many caring aunts and uncles, nieces and nephews and cherished friends.

**ADJOURNMENT**

At 1:58 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 2:00 P.M.

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