**Tuesday, April 26, 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:

At one point in his ongoing debate with his three friends, Job observes:

“ ‘My days are swifter than a runner; they fly away without a glimpse of joy.’ ” (Job 9:25)

Please join me as we pray, friends:

Holy God, each member of this Senate has so much to do, and time is slowly slipping away—as it always does. Continue to guide these Senators as they run their race against the calendar. Give them energy; add to their wisdom; grant them boldness to do what has to be done. Yet also allow them to experience not just glimpses but a full measure of joy as they faithfully serve the people of South Carolina. Likewise, O God, bless and keep safe all of our women and men in uniform who serve You around the globe and here at home. In Your loving name we pray, dear Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointment**

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

6th Congressional District:

Steven K. Dean, 601 Periwinkle Court, Sumter, SC 29150 *VICE* Luther Bradley (deceased)

Referred to the Committee on Labor, Commerce and Industry.

**Leave of Absence**

On motion of Senator CAMPBELL, at 12:00 Noon, Senator CROMER was granted a leave of absence until 1:00 P.M.

**Leave of Absence**

At 12:45 P.M., Senator ROSE requested a leave of absence beginning at 12:00 Noon on Thursday, April 28, 2011, and lasting until Noon on Tuesday, May 3, 2011.

**Doctor of the Day**

Senator FAIR introduced Dr. Ted Watson of Anderson, S.C., Doctor of the Day.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator GROOMS rose for an Expression of Personal Interest.

**Remarks by Senator GROOMS**

Members of the body, last Thursday on a Point of Personal Privilege, we entered into some discussion over Amazon.com. We entered into some discussion over, “Is a deal a deal?” And somehow or another we ended up from Amazon over into a memorandum of understanding in the City of North Charleston. At the time, I said that I would take the podium today to straighten out something so that this body could understand where we are. Some things were said that were a little bit inaccurate, so I wanted to correct that today.

The Memorandum of Understanding between the City of North Charleston and the State Ports Authority is a contract that is binding on the parties. It is between the City of North Charleston and the State Ports Authority. Neither of our Class 1 railroads -- CSX, Norfolk Southern -- neither was a party to this agreement. Further, the State of South Carolina, the Department of Commerce, South Carolina Public Railways -- none was a party to this agreement. Based on the MOU, the State Ports Authority cannot utilize a rail line that runs north through the Navy Base. However, the MOU does not prevent all rail lines from running through the city. The MOU does not prevent another entity from building rail. The MOU does not prevent South Carolina, through the Department of Commerce and Public Railways or through other means, from facilitating rail traffic out of the northern end of the Navy Base. It’s true that the courts have recognized the State Ports Authority’s quasi-governmental functions, such as eminent domain. But the term “agency” when used in conjunction with the port is not used to show that the State Ports Authority is under the direct, day-to-day financial control by the State, as it is generally understood when the term “state agency” is used.

The State Ports Authority was created by the laws of South Carolina, but it is not a ‘traditional’ state agency. When the State Ports Authority executes a contract, the State is not bound by the terms of that contract. The State Ports Authority is not a state agency. The State Ports Authority is self-sustaining in terms of its financial operations and internal management. The State Ports Authority incurs indebtedness under its own name. That is, the State Treasury is insulated from the port's liabilities. It cannot pledge the full faith and credit of the State of South Carolina. But, even if the State Ports Authority could bind the State under an MOU, the State could act to undo those terms. Listen again. The State could act to undo those terms of the MOU without violating the contracts and its clauses.

The City of North Charleston and the State Ports Authority both are created by statute. If it is determined that a rail line through North Charleston is in the best interests of the State, then the Department of Commerce, Public Railways or this General Assembly can take actions it deems necessary to make that happen. That is not what I am advocating here today. Please understand that. It is simply a fact that relates to the MOU. There are a few other issues I want to address.

Whatever rail solution that is reached, will not involve the State Ports Authority. The State Ports Authority does not utilize railroads. The State Ports Authority is not going to get into the business of utilizing railroads. The State Ports Authority unloads boxes and ships and shipping lines arrange for them to be moved. Whether by truck or by rail, it is the port’s customers that utilize rail. That will not change. The State Ports Authority does not utilize rail. They have not played a role in reaching a rail solution. The port’s customers and other interests are the ones that have weighed in on this important issue, not the port. It's been said by some that Public Railways is not up to the task of managing a rail yard. Yet, Public Railways operates trains in and around the port facility today. For example, rail operations at the port for BMW are handled by Public Railways. Everyone would like more private investment in this solution. Class 1 companies will put some money in but it may be that state and federal funds will be utilized as well.

I respect the City of North Charleston and its citizens. That is why the Port Review and Oversight Commission has held more than 15 hours of public testimony on this issue. Countless hours of other work and research have gone into this issue. I’m very sensitive to what the mayor says. But a political subdivision of this State should not alone dictate the terms of an important, potentially transformational plan that directly affects the people of South Carolina, the efficient flow of commerce in South Carolina, and the flow of commerce throughout this nation.

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

**CO-SPONSORS ADDED**

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

S. 262 Sens. Scott and Ford

S. 494 Sen. Ford

S. 687 Sen. Ford

S. 823 Sen. Cromer

**RECALLED AND ADOPTED**

H. 3556 -- Rep. Allen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE AND BRIDGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 385 AND NEW HARRISON BRIDGE ROAD IN GREENVILLE COUNTY IN HONOR OF DR. ROBERT E. DENNIS, AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERCHANGE AND BRIDGE LOCATED AT THIS INTERSECTION THAT CONTAIN THE WORDS “DR. ROBERT E. DENNIS INTERCHANGE” AND “DR. ROBERT E. DENNIS BRIDGE”.

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

The Resolution was recalled from the Committee on Transportation.

On motion of Senator CAMPSEN, with unanimous consent, the Concurrent Resolution was taken up for immediate consideration.

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

**RECALLED AND ADOPTED**

S. 837 -- Senator Campsen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF STATION 22 ½ AND JASPER BOULEVARD ON SULLIVAN’S ISLAND IN CHARLESTON COUNTY “DR. GEORGE G. DURST, SR. INTERSECTION” AND PLACE APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “DR. GEORGE G. DURST, SR. INTERSECTION”.

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

The Resolution was recalled from the Committee on Transportation.

On motion of Senator CAMPSEN, with unanimous consent, the Concurrent Resolution was taken up for immediate consideration.

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

**OBJECTION**

S. 831 -- Senators Massey and Ryberg: A BILL TO AMEND SECTION 22‑2‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MAGISTRATES’ JURY AREAS, SO AS TO PROVIDE FOR REVISED JURY AREAS AND THE LOCATION OF THE MAGISTRATES’ OFFICES AND TO REPEAL ACT 79 OF 1977 AND ACT 758 OF 1988 RELATING TO MAGISTRATES IN AIKEN COUNTY.

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

Senator SETZLER objected.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 841 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4157, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 842 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROGRAM FOR ASSISTING, DEVELOPING, AND EVALUATING PRINCIPAL PERFORMANCE (PADEPP), DESIGNATED AS REGULATION DOCUMENT NUMBER 4156, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 843 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR CERTIFICATION AT THE ADVANCED LEVEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4158, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 844 -- Senators Land, Grooms, Campbell, Matthews, Leventis and McGill: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT FROM PROPERTY TAX ALL LEASEHOLD INTERESTS IN REAL PROPERTY OWNED BY THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY.

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Senator LAND spoke on the Bill.

Read the first time and, on motion of Senator LAND, with unanimous consent, S. 844 was ordered placed on the Calendar without reference.

S. 845 -- Senators Courson, Jackson, Lourie and Sheheen: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF DR. ANDREW A. SORENSEN, FORMER PRESIDENT OF THE UNIVERSITY OF SOUTH CAROLINA, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 846 -- Senators Courson, Jackson, Sheheen and Lourie: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ANTJUAN ORLANDO SEAWRIGHT FOR AGGRESSIVELY PURSUING HIS GOALS AND FOR HIS DEDICATION AND COMMITMENT TO COMMUNITY AFFAIRS, AND TO CONGRATULATE HIM FOR BEING NAMED TO THE 2011 STATE NEWSPAPER’S 20 UNDER 40.

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The Senate Resolution was adopted.

S. 847 -- Senators Malloy, Leventis, Knotts and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO ESTABLISH EARLY VOTING PROCEDURES; TO AMEND SECTION 7-3-20, AS AMENDED, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO FURTHER DEFINE HIS DUTIES; AND TO AMEND SECTION 7‑15-320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE VOTING DURING THE EARLY VOTING PERIOD.

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Senator MALLOY spoke on the Bill.

**S. 847--Objection**

Senator MALLOY asked unanimous consent to make a motion to place the Bill on the Calendar without reference.

Senator ANDERSON objected.

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

S. 848 -- Senators Scott, Land, Setzler, Leventis, Matthews, McGill, Reese, Elliott, Ford, Jackson, Hutto, Anderson, Pinckney, Malloy, Sheheen, Lourie, Williams, Coleman and Nicholson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-25 SO AS TO ESTABLISH EARLY VOTING PROCEDURES; TO AMEND SECTION 7-3-20, AS AMENDED, RELATING TO DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, SO AS TO FURTHER DEFINE HIS DUTIES; AND TO AMEND SECTION 7‑15-320, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO INCLUDE VOTING DURING THE EARLY VOTING PERIOD.

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Senator SCOTT spoke on the Bill.

Read the first time and, on motion of Senator SCOTT, with unanimous consent, S. 848 was ordered placed on the Calendar without reference.

S. 849 -- Senators Lourie, Courson and Leventis: A CONCURRENT RESOLUTION TO THANK ATTORNEY BENJAMIN A. JOHNSON OF YORK COUNTY FOR HIS TWELVE YEARS OF DEDICATED SERVICE AS SOUTH CAROLINA’S COMMISSIONER AND CHAIRMAN OF THE ATLANTIC LOW‑LEVEL RADIOACTIVE WASTE COMPACT COMMISSION, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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

H. 4122 -- Reps. 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, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO HONOR AND CONGRATULATE DR. DAVID A. NORMAN ON THE OCCASION OF HIS INAUGURATION AS THE FIFTEENTH PRESIDENT OF ERSKINE COLLEGE & SEMINARY.

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

**REPORTS OF STANDING COMMITTEES**

**Invitations Accepted**

The following invitations were polled favorably from the Invitations Committee and the members voted as follows:

**Poll of the Invitations Committee**

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

**AYES**

Alexander Campsen Cromer

Elliott Ford Knotts

Malloy McGill O’Dell

Reese Verdin

**Total-- 11**

**NAYS**

**Total-- 0**

Tuesday, May 3, 2011 - 6:00 p.m.

Members of the Senate and Staff, 8th Annual Oyster Roast and Reception, Seibels House and Gardens, 1601 Whaley Street, by the SC CONSERVATION COMMUNITY

Tuesday, May 3, 2011 - 6:00 p.m. - 8:00 p.m.

Members of the Senate and Staff, Reception, SC Radio Network Studio, 1301 Gervais Street, Suite 105, by the SC RADIO NETWORK, A NEWS MEDIA PROPERTY OF LEARFIELD

Wednesday, May 4, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112, Blatt Building, by the SC ASSOCIATION OF COMMUNITY ACTION PARTNERSHIPS, INC.

Wednesday, May 4, 2011 - 12:45 p.m. - 1:45 p.m.

Members of the Senate, Luncheon, Columbia Metropolitan Convention Center (Upper Level), by the SC ASSOCIATION OF CERTIFIED PUBLIC ACCOUNTANTS

Thursday, May 5, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112, Blatt Building, by the ASSOCIATED BUILDERS AND CONTRACTORS OF THE CAROLINAS

Wednesday, May 11, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by PIEDMONT NATURAL GAS COMPANY

Wednesday, May 11, 2011 - 11:30 a.m. - 2:00 p.m.

Members of the Senate, Spouses, and Staff, Luncheon, State House Grounds, by CERTIFIED SOUTH CAROLINA

Wednesday, May 11, 2011 - 6:00 p.m.

Members of the Senate, Families and Staff, Picnic and Softball Game, Capital City Stadium, by BLUECROSS BLUE SHIELD OF SOUTH CAROLINA

Thursday, May 12, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112, Blatt Building, by ALPHA KAPPA ALPHA SORORITY, INCORPORATED

Wednesday, May 18, 2011 - 12:00 - 2:00 p.m.

Members of the Senate and Staff, Luncheon, State House Grounds, by THE CONCRETE AND CEMENT INDUSTRIES OF SC

Thursday, May 19, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by FACES AND VOICES OF RECOVERY

Wednesday, May 25, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the SC BIOMASS COUNCIL

Wednesday, May 25, 2011 - 12:00 - 2:00 p.m.

Members of the Senate and Staff, Luncheon, Room 112, Blatt Building, by the SOUTH CAROLINA PUBLIC DEFENDER ASSOCIATION

Wednesday, May 25, 2011 - 6:00 p.m. - 7:00 p.m.

Members of the Senate, Reception, Capital City Club, by SC FORESTRY ASSOCIATION

Thursday, May 26, 2011 - 8:00 a.m. - 10:00 a.m.

Members of the Senate, Breakfast, Room 112, Blatt Building, by the AMERICAN RED CROSS OF THE COLUMBIA REGION

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

H. 3642 -- Reps. Cooper, Bingham, Allison, Harrell and Owens: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2010‑2011 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2010‑2011 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2010‑2011; TO REQUIRE A LOCAL SCHOOL DISTRICT TO PAY TEACHERS AND SCHOOL ADMINISTRATORS FOR CHANGES IN THEIR EDUCATION LEVELS; AND TO DEFINE CERTAIN TERMS.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 816 -- Senators Lourie, Jackson, Scott and Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE WILLIE H. WOMBLE, CHIEF MAGISTRATE OF RICHLAND COUNTY, UPON THE OCCASION OF HIS RETIREMENT FROM THE BENCH, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

S. 817 -- Senators Knotts, Cromer, Setzler, Courson, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO CONGRATULATE MR. PAUL EDWARD RISINGER, RETIRED EDUCATOR AND ADMINISTRATOR, UPON THE OCCASION OF HIS INDUCTION INTO THE AIRPORT HIGH SCHOOL EDUCATOR HALL OF FAME, TO COMMEND HIM FOR HIS MANY YEARS OF DEDICATED PUBLIC SERVICE, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

S. 839 -- Senators Scott, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO CONGRATULATE COLUMBIA CITY BALLET ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY, AND TO THANK THE COMPANY FOR ITS INVALUABLE CONTRIBUTIONS TO THE QUALITY OF LIFE ENJOYED BY SOUTH CAROLINIANS.

Returned with concurrence.

Received as information.

**REPORT OF COMMITTEE OF CONFERENCE RECEIVED**

H. 3003 -- Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V.S. Moss, Norman, Parker, G.M. Smith, G.R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J.R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D.C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA ELECTION REFORM ACT”; TO AMEND SECTION 7‑13‑710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 7‑5‑125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 56‑1‑3350, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO AMEND SECTION 7‑13‑25, SO AS TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING FIFTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7‑3‑20, SO AS TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7‑15‑320, SO AS TO REFERENCE THE EARLY VOTING PERIOD PURSUANT TO SECTION 7‑13‑25 AND TO PROVIDE FOR CASTING OF AN ABSENTEE BALLOT BY PAPER OR BY A VOTING MACHINE AND ABSENTEE BALLOT CENTERS; TO AMEND SECTION 7‑1‑25, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO ADD SECTION 7‑5‑675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO AMEND SECTIONS 7‑15‑330, 7‑15‑385, AND 7‑5‑230, ALL RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES.

The Report of the Committee of Conference was received.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 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.

**HOUSE BILL RETURNED**

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

H. 3441 -- Reps. Huggins, Bingham, Ballentine, McLeod and Ott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57‑23‑845 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 126 IN RICHLAND COUNTY AND INTERSTATE HIGHWAYS 20 AND 26 IN BOTH LEXINGTON AND RICHLAND COUNTIES.

**THIRD READING BILL**

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

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.

**READ THE SECOND TIME**

S. 823 -- Senators Knotts, Ford, Williams, Setzler, Campbell, O’Dell, Bryant, Rankin, Cleary, McConnell, McGill, Land and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑681 SO AS TO DESIGNATE COLLARD GREENS AS THE OFFICIAL STATE VEGETABLE.

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

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

**Ayes 30; Nays 12**

**AYES**

Alexander Anderson Bryant

Campbell Campsen Cleary

Courson Cromer Elliott

Ford Hayes Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Matthews McConnell

McGill O'Dell Peeler

Pinckney Reese Scott

Setzler Verdin Williams

**Total--30**

**NAYS**

Bright Davis Fair

Gregory Grooms *Martin, Shane*

Massey Rose Ryberg

Sheheen Shoopman Thomas

**Total--12**

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

**READ THE SECOND TIME**

H. 3012 -- Reps. Horne, H.B. Brown and Lowe: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 70 TO TITLE 44 TO ENACT THE “LICENSURE OF IN‑HOME CARE PROVIDER ACT” SO AS TO REQUIRE A BUSINESS TO BE LICENSED TO PROVIDE, OR TO MAKE PROVISIONS FOR, IN‑HOME CARE SERVICES THROUGH ITS EMPLOYEES OR AGENTS OR THROUGH CONTRACTUAL ARRANGEMENTS; TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE REGULATIONS FOR LICENSURE IN ACCORDANCE WITH REQUIREMENTS PROVIDED FOR IN THIS ACT, INCLUDING, BUT NOT LIMITED TO, CRIMINAL BACKGROUND CHECKS; TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR IN‑HOME CAREGIVERS EMPLOYED BY IN‑HOME CARE PROVIDERS; AND TO PROVIDE THAT THE DEPARTMENT SHALL RETAIN ALL FEES COLLECTED PURSUANT TO THIS CHAPTER TO BE USED EXCLUSIVELY TO CARRY OUT THE DEPARTMENT’S RESPONSIBILITIES PURSUANT TO THIS CHAPTER; AND TO AMEND SECTION 44‑7‑2910, AS AMENDED, RELATING TO CRIMINAL RECORD CHECKS FOR CAREGIVERS, SO AS TO INCLUDE IN-HOME CARE PROVIDERS.

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

Senator CLEARY explained the Bill.

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

**Ayes 29; Nays 12; Present 1**

**AYES**

Alexander Anderson Campbell

Cleary Courson Cromer

Elliott Fair Ford

Gregory Hayes Hutto

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

Matthews McGill O'Dell

Peeler Pinckney Reese

Ryberg Scott Setzler

Sheheen Williams

**Total--29**

**NAYS**

Bright Bryant Campsen

Davis Grooms *Martin, Shane*

Massey McConnell Rose

Shoopman Thomas Verdin

**Total--12**

**PRESENT**

Leventis

**Total--1**

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

**READ THE SECOND TIME**

H. 3276 -- Reps. White, Owens, Bikas, Sellers, Ott and Clemmons: A BILL TO RATIFY AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE DECLARATION OF RIGHTS UNDER THE STATE’S CONSTITUTION, BY ADDING SECTION 25 SO AS TO PROVIDE THAT HUNTING AND FISHING ARE VALUABLE PARTS OF THE STATE’S HERITAGE, IMPORTANT FOR CONSERVATION, AND A PROTECTED MEANS OF MANAGING NONTHREATENED WILDLIFE; TO PROVIDE THAT THE CITIZENS OF SOUTH CAROLINA SHALL HAVE THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE TRADITIONALLY PURSUED, SUBJECT TO LAWS AND REGULATIONS PROMOTING SOUND WILDLIFE CONSERVATION AND MANAGEMENT AS PRESCRIBED BY THE GENERAL ASSEMBLY; AND TO SPECIFY THAT THIS SECTION MUST NOT BE CONSTRUED TO ABROGATE ANY PRIVATE PROPERTY RIGHTS, EXISTING STATE LAWS OR REGULATIONS, OR THE STATE’S SOVEREIGNTY OVER ITS NATURAL RESOURCES.

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

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

**Ayes 40; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Courson Cromer Davis

Elliott Fair Ford

Gregory Grooms Hayes

Hutto Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

Leventis

**Total--1**

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 3562 -- Reps. Ott, Hardwick, Brady, Spires, Butler Garrick, Vick, Jefferson, McEachern, Munnerlyn, Knight, Sabb, Gambrell, Anderson, Hiott, Hodges, Dillard, Allen, Battle, Hosey, Weeks and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT “CHANDLER’S LAW” SO AS TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL‑TERRAIN VEHICLES INCLUDING MINIMUM AGE REQUIREMENTS FOR THE OPERATION OF ALL‑TERRAIN VEHICLES, SAFETY COURSE COMPLETION REQUIREMENTS, SAFETY EQUIPMENT REQUIREMENTS, AND PASSENGER RIDING REQUIREMENTS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS CONTAINED IN THIS CHAPTER, TO PROVIDE THAT ALL‑TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL‑TERRAIN VEHICLES.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Fish, Game and Forestry.

Senators HUTTO and GROOMS proposed the following amendment (SWB\6163CM11), which was adopted:

Amend the committee report, as and if amended, Section 50‑26‑70(3), as contained in SECTION 1, page 3562‑1, by inserting / on private property / before the period on line 38.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the perfecting amendment.

The amendment was adopted.

The Committee on Fish, Game and Forestry proposed the following amendment (SWB\6157CM11), which was adopted:

Amend the bill, as and if amended, Section 50‑26‑70 as contained in SECTION 1, page 3, by deleting Section 50‑26‑70, and inserting:

/ Section 50‑26‑70. This chapter does not apply to:

(1) an owner, operator, lessor, or renter of a farm or ranch, or that person’s employees, immediate family, or household members, when operating an all‑terrain vehicle while engaged in farming, wildlife habitat management, or ranching operations;

(2) a person using an all‑terrain vehicle for hunting or trapping purposes if the person otherwise is lawfully engaged in those activities; or

(3) a minor younger than sixteen years of age, but not younger than six years of age who is operating an all‑terrain vehicle under the direct visual supervision of his parent or an individual with legal custody of the minor. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 35; Nays 7**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey McGill

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Thomas Williams

**Total--35**

**NAYS**

Bright Bryant Davis

*Martin, Shane* McConnell Shoopman

Verdin

**Total--7**

**Statement by Senator McCONNELL**

I voted against H. 3562 because it would make it unlawful to act in contradiction to a label placed on an ATV. A person in South Carolina could be criminally liable based on a decision made by a bureaucrat in Washington that can be changed at any time. We may agree with the labeling requirements, but we don’t know what they may be in a year or two.

Also, the Bill would make it unlawful to act in contravention of a local regulation. I believe this requirement may make this Bill unconstitutional since criminal laws must be uniform statewide. I cannot vote for a Bill that I believe is unconstitutional. For those reasons, I voted “no”.

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

**PRESIDENT *PRO TEMPORE* PRESIDES**

At 1:12 P.M., the PRESIDENT *Pro Tempore* assumed the Chair.

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

S. 262 -- Senators Sheheen, Rose, Scott and Ford: A BILL TO AMEND SECTION 1‑30‑10 OF THE 1976 CODE, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, TO MAKE TECHNICAL CORRECTIONS AND TO REQUIRE CERTAIN REPORTS FROM THE VARIOUS DEPARTMENTS; TO AMEND SECTION 8‑27‑10, RELATING TO THE DEFINITION OF REPORT FOR THE PURPOSES OF THE EMPLOYMENT PROTECTION FOR REPORTS OF VIOLATIONS OF STATE OR FEDERAL LAW OR REGULATION, BY PROVIDING THAT A REPORT MAY BE A WRITTEN OR ORAL ALLEGATION OR TESTIMONY TO A LEGISLATIVE COMMITTEE; TO AMEND CHAPTER 27 OF TITLE 8, RELATING TO EMPLOYMENT PROTECTION FOR REPORTS OF VIOLATIONS OF STATE OR FEDERAL LAW OR REGULATION, BY ADDING SECTION 8‑27‑60 TO PROVIDE THAT A SUMMARY OF THE PROVISIONS CONTAINED IN CHAPTER 27 ARE POSTED ON THE INTERNET WEBSITE OF EACH PUBLIC BODY SUBJECT TO THE PROVISIONS OF THAT CHAPTER; AND BY ADDING CHAPTER 2 TO TITLE 2, RELATING TO LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS, TO PROVIDE THAT THE STANDING COMMITTEES OF THE GENERAL ASSEMBLY HAVE A DUTY TO REVIEW AND STUDY THE OPERATIONS OF THE STATE AGENCIES WITHIN THE COMMITTEE’S JURISDICTION, TO ESTABLISH COMMITTEE OVERSIGHT JURISDICTION, TO PROVIDE FOR THE PROCESS BY WHICH A COMMITTEE MAY INITIATE AN OVERSIGHT STUDY OR INVESTIGATION, TO PROVIDE FOR THE MANNER IN WHICH AN INVESTIGATING COMMITTEE MAY ACQUIRE EVIDENCE OR INFORMATION RELATED TO THE STUDY OR INVESTIGATION, TO PROVIDE FOR PROGRAM EVALUATION REPORTS, THE MANNER IN WHICH THEY ARE REQUESTED, AND THE CONTENTS OF THE REPORTS, TO PROVIDE THAT ALL TESTIMONY GIVEN TO AN INVESTIGATING COMMITTEE MUST BE GIVEN UNDER OATH, TO PROVIDE THAT WITNESSES TESTIFYING IN FRONT OF AN INVESTIGATING COMMITTEE MAY BE REPRESENTED BY COUNSEL, AND TO PROVIDE THAT WITNESSES ARE GIVEN THE BENEFIT OF ANY PRIVILEGE WHICH HE COULD HAVE CLAIMED IN COURT AS A PARTY TO A CIVIL ACTION.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD0262.005), which was adopted:

Amend the bill, as and if amended, by striking lines 34 through 42 on page 2 and lines 1 through 2 on page 3 and inserting the following:

/ (2) In making an appointment for a governing authority of a department, race, gender, and other demographic factors should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State; however, consideration of these factors in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. The Governor in making appointments provided for by this section shall endeavor to appoint individuals who have demonstrated exemplary managerial skills in either the public or private sector. /

Amend the bill further, as and if amended, by striking lines 11 through 12 on page 10 and inserting the following:

/ Senate or House of Representatives may initiate an oversight study/

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

Senator SCOTT proposed the following amendment (JUD0262.006), which was adopted:

Amend the bill, as and if amended, by striking lines 2 through 9 on page 6 and inserting the following:

/ Department and agency governing authorities must, no later than the first day of the 2013 legislative session, and, as a part of the agency’s four-year oversight study and investigation conducted pursuant to Chapter 2 of Title 2, submit to the Governor and the General Assembly a four-year plan that provides initiatives and/or planned actions that implement cost savings and increased efficiencies of services and responsibilities within the projected four-year period. /

Amend the bill further, as and if amended, by striking line 12 on page 8 and inserting the following:

/ jurisdiction at least once every four years in accordance with a /

Amend the bill further, as and if amended, by striking line 39 on page 8 and inserting the following:

/ and investigations. A proposed four-year review schedule must be/

Amend the bill further, as and if amended, by striking line 22 on page 9 and inserting the following:

/ investigations. A proposed four-year review schedule must be /

Amend the bill further, as and if amended, by striking line 9 on page 10 and inserting the following:

/ Section 2-2-40. (A) In addition to the scheduled four-year /

Amend the bill further, as and if amended, by striking line 2 on page 13 and inserting the following:

/ four years and the number of anticipated filings for the next four /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT 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 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 687 -- Senators Scott, Knotts and Ford: A BILL TO AMEND SECTION 44‑7‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, INCLUDING THE DEFINITION OF “INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED”, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMEND CHAPTER 20, TITLE 44, RELATING TO THE SOUTH CAROLINA MENTAL RETARDATION, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, INCLUDING THE CREATION, GOVERNANCE, AND OPERATION OF THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, CHAPTER 21, TITLE 44, RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FAMILY SUPPORT SERVICES, SECTION 44‑23‑10, AND ARTICLES 3 AND 5 OF CHAPTER 23, TITLE 44, RELATING TO PROVISIONS APPLICABLE TO BOTH MENTALLY ILL AND MENTALLY RETARDED PERSONS, CHAPTER 26, TITLE 44, RELATING TO THE RIGHTS OF MENTAL RETARDATION CLIENTS, ALL SO AS TO CHANGE THE TERM” MENTAL RETARDATION” TO “INTELLECTUAL DISABILITY” AND THE TERM “MENTALLY RETARDED” TO “PERSON WITH INTELLECTUAL DISABILITY”; TO PROVIDE THAT THE TERMS “INTELLECTUAL DISABILITY” AND “PERSON WITH INTELLECTUAL DISABILITY” HAVE REPLACED AND HAVE THE SAME MEANINGS AS THE FORMER TERMS “MENTAL RETARDATION” AND “MENTALLY RETARDED”; AND TO DIRECT STATE AGENCIES, BOARDS, COMMITTEES, AND COMMISSIONS AND POLITICAL SUBDIVISIONS OF THE STATE AND THE CODE COMMISSIONER TO SUBSTITUTE THE TERM “INTELLECTUAL DISABILITY” FOR “MENTAL RETARDATION” AND THE TERM “PERSON WITH INTELLECTUAL DISABILITY” FOR “MENTALLY RETARDED” IN RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, AND PUBLICATIONS WHEN THESE RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, OR PUBLICATIONS ARE AMENDED, REVISED, OR REPUBLISHED.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

The Committee on Medical Affairs proposed the following amendment (NBD\11600AC11), which was adopted:

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

/SECTION \_\_. Section 43-7-460(A)(1) and (G)(1) of the 9176 Code, as last amended by Act 348 of 2008, are further amended to read:

“(1) at the time of death was an inpatient in a nursing facility, intermediate care facility for ~~the mentally retarded~~ persons with intellectual disability, or other medical institution, if the individual is required, as a condition of receiving a service in the facility under the state plan, to spend for the cost of medical care all but a minimal amount of the person’s income required for personal needs; or

(1) at the time of death was an inpatient in a nursing facility, intermediate care facility for ~~the mentally retarded~~ persons with intellectual disability, or other medical institution if the individual is required, as a condition of receiving services in the facility under the state plan, to spend for costs of medical care all but a minimal amount of the person’s income required for personal needs; or”

SECTION \_\_. Section 44‑7‑130 (9) of the 1976 Code is amended to read:

“(9) ‘The federal act’ means Title VI of the United States Public Health Service Act (the Hill‑Burton Construction Program); Title XVI of the United States Public Health Service Act (National Health Planning and Resources Development Act of 1974‑‑Public Law 93‑641); grants for all center and facility construction under Public Law 91‑211 (community mental health centers’ amendments to Title II, Public Law 88‑164, Community Mental Health Centers Act); grants for all facility construction under Public Law 91‑517 (developmental disabilities services and facilities construction amendments of 1970 to Part C, Title I, grants for construction of facilities for ~~the mentally retarded~~ persons with intellectual disability‑‑Public Law 88‑164); and other federal programs as may exist or be enacted which provide for the construction of hospitals or related health facilities.”

SECTION \_\_\_. Section 44-7-130 (10) of the 1976 Code, as last amended by Act 278 of 2010, is amended to read:

“(10) ‘Health care facility’ means acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, nursing homes, ambulatory surgical facilities, hospice facilities, radiation therapy facilities, rehabilitation facilities, residential treatment facilities for children and adolescents, intermediate care facilities for ~~the mentally retarded~~ persons with intellectual disability, and any other facility for which Certificate of Need review is required by federal law.”

SECTION \_\_. Section 44‑7‑260(A)(11) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“(11) intermediate care facilities for ~~the mentally retarded~~ persons with intellectual disability;”

SECTION \_\_. Section 44‑7‑315 of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“Section 44‑7‑315. (A) Information received by the Division of Health Licensing of the department, through inspection or otherwise, in regard to a facility or activity licensed by the department pursuant to this article or subject to inspection by the department, including a nursing home, a community residential care facility, or an intermediate care facility for ~~the mentally retarded~~ persons with intellectual disability, must be disclosed publicly upon written request to the department. The request must be specific as to the facility or activity, dates, documents, and particular information requested. The department may not disclose the identity of individuals present in a facility licensed by the department pursuant to this article or subject to inspection by the department, including a nursing home, a community residential care facility, or an intermediate care facility for ~~the mentally retarded~~ persons with intellectual disability. When a report of deficiencies or violations regarding a facility licensed by the department pursuant to this article or subject to inspection by the department, including a nursing home, a community residential care facility, or an intermediate care facility for ~~the mentally retarded~~ persons with intellectual disability, is present in the department’s files when a request for information is received, the department shall inform the applicant that it has stipulated corrective action and the time it determines for completion of the action. The department also shall inform the applicant that information on the resolution of the corrective action order is expected to be available upon written request within fifteen calendar days or less of the termination of time it determines for completion of the action. However, if information on the resolution is present in the files, it must be furnished to the applicant.

(B) Subsection (A) does not apply to information considered confidential pursuant to Section 40‑71‑20 and Section 44‑30‑60.”

SECTION \_\_. Section 44-7-320(A)(1)(d) of the 1976 Code, as last amended by Act 278 of 2010, is further amended to read:

“(d) refusing to admit and treat alcoholic and substance abusers, the mentally ill, or ~~the mentally retarded~~ persons with intellectual disability, whose admission or treatment has been prescribed by a physician who is a member of the facility’s medical staff; or discriminating against alcoholics, the mentally ill, or ~~the mentally retarded~~ persons with intellectual disability solely because of the alcoholism, mental illness, or ~~mental retardation~~ intellectual disa-

bility;” /

Renumber sections to conform.

Amend bill further by amending the title to read:

/TO AMEND SECTION 43‑7‑460, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RECOVERY OF FUNDS FROM ESTATES OF PERSONS WHO RECEIVED MEDICAID, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMENDED SECTION 44-7-130, AS AMENDED, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO SUBSTITUTE, IN RELEVANT DEFINITIONS, “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO HEALTH FACILITY LICENSURE REQUIREMENTS, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “MENTALLY RETARDED”; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO DISCLOSURE OF INFORMATION OBTAINED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL REGARDING HEALTH CARE FACILITIES, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED” TO AMEND SECTION 44-7-320, AS AMENDED, RELATING TO THE DENIAL, REVOCATION, OR SUSPENSION OF A HEALTH FACILITY LICENSE, SO AS TO SUBSTITUTE “PERSONS WITH INTELLECTUAL DISABILITY” FOR “THE MENTALLY RETARDED”; TO AMEND CHAPTER 20, TITLE 44, RELATING TO THE SOUTH CAROLINA MENTAL RETARDATION, RELATED DISABILITIES, HEAD INJURIES, AND SPINAL CORD INJURIES ACT, INCLUDING THE CREATION, GOVERNANCE, AND OPERATION OF THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, CHAPTER 21, TITLE 44, RELATING TO THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS FAMILY SUPPORT SERVICES, SECTION 44‑23‑10, AND ARTICLES 3 AND 5 OF CHAPTER 23, TITLE 44, RELATING TO PROVISIONS APPLICABLE TO BOTH MENTALLY ILL AND MENTALLY RETARDED PERSONS, CHAPTER 26, TITLE 44, RELATING TO THE RIGHTS OF MENTAL RETARDATION CLIENTS, ALL SO AS TO CHANGE THE TERM “MENTAL RETARDATION” TO “INTELLECTUAL DISABILITY” AND THE TERM “MENTALLY RETARDED” TO “PERSON WITH INTELLECTUAL DISABILITY”; TO PROVIDE THAT THE TERMS “INTELLECTUAL DISABILITY” AND “PERSON WITH INTELLECTUAL DISABILITY” HAVE REPLACED AND HAVE THE SAME MEANINGS AS THE FORMER TERMS “MENTAL RETARDATION” AND “MENTALLY RETARDED”; AND TO DIRECT STATE AGENCIES, BOARDS, COMMITTEES, AND COMMISSIONS AND POLITICAL SUBDIVISIONS OF THE STATE AND THE CODE COMMISSIONER TO SUBSTITUTE THE TERM “INTELLECTUAL DISABILITY” FOR “MENTAL RETARDATION” AND THE TERM “PERSON WITH INTELLECTUAL DISABILITY” FOR “MENTALLY RETARDED” IN RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, AND PUBLICATIONS WHEN THESE RULES, REGULATIONS, POLICIES, PROCEDURES, STATUTES, ORDINANCES, OR PUBLICATIONS ARE AMENDED, REVISED, OR REPUBLISHED. /

Senator CLEARY explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--44**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

S. 741 -- Senator S. Martin: A BILL TO AMEND SECTION 50-11-710 OF THE 1976 CODE, RELATING TO NIGHT HUNTING PROHIBITIONS AND EXCEPTIONS, TO ALLOW THE USE OF LASER SIGHTING AND OTHER DEVICES WHEN HUNTING COYOTES AT NIGHT DURING MAY AND JUNE PURSUANT TO AUTHORIZATION GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES THROUGH ITS DEPREDATION PERMIT PROGRAM.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Fish, Game and Forestry.

The Committee on Fish, Game and Forestry proposed the following amendment (SWB\6160CM11), which was adopted:

Amend the bill, as and if amended, Section 50-11-710(A)(3)(b), as contained in SECTION 1, page 2, by deleting Section 50‑11‑710(A)(3)(b), and inserting:

/ (b) The department may issue depredation permits for taking coyote, and may establish when and the methods that they may be taken, including taking them at night. /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the committee amendment.

The committee amendment was adopted.

Senator COLEMAN proposed the following amendment (741R002.CC), which was adopted:

Amend the bill, as and if amended, page 2, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. Section 50-11-2540(B) of the 1976 Code is amended to read:

(B) ~~It is lawful to trap coyotes from December first of each year to March first of the succeeding year. It is unlawful to trap coyotes at any other time unless authorized by the department. Notwithstanding the provisions of Section 50‑11‑1080, it~~ It is lawful to trap coyotes using a soft catch trap ~~by other lawful means~~ at any time during the year. /

Renumber sections to conform.

Amend title to conform.

Senator COLEMAN 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 43; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

O'Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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. 3587 -- Reps. Edge, Viers, Hardwick, Hearn, Clemmons, Barfield, Hayes and Loftis: A BILL TO AMEND SECTION 48‑39‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PERMITS REQUIRED TO UTILIZE CRITICAL AREAS, SO AS TO ADD AN EXEMPTION FOR MAINTENANCE DREDGING BY COUNTIES OR MUNICIPALITIES OF CERTAIN CANALS IF THE DREDGING IS AUTHORIZED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT ALL OTHER DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CERTIFICATIONS FOR SUCH DREDGING ARE WAIVED.

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

Senator CAMPSEN proposed the following amendment (3587R004.GEC), which was adopted:

Amend the bill, as and if amended, page 1, by striking all after the enacting words and inserting:

/ SECTION 1. Section 48‑39‑10 of the 1976 Code is amended by adding:

“( ) ‘Maintenance dredging’ means excavation to restore the depth of underwater lands or restore channels, basins, canals, or similar waterway accesses to depths and dimensions that support and maintain prior or existing levels of use that previously have been dredged pursuant to a license issued by the department or an exemption as provided in Section 48-39-130(D)(10) as added by Act \_\_\_ of 2011.”

SECTION 2. Section 48‑39‑130(D) of the 1976 Code is amended by adding:

“(10) Dredging in existing navigational canal community developments by counties or municipalities of manmade, predominately armored, recreational use canals and essential access canals conveyed to the State or dedicated to the public for that purpose between 1965 and the effective date of this act if the maintenance dredging is authorized by a permit from the United States Army Corps of Engineers pursuant to the Federal Clean Water Act, as amended, or the Rivers and Harbors Act of 1899. All other department administered certifications for such dredging are deemed waived.”

SECTION 3. Section 48‑39‑150(F) of the 1976 Code is amended to read:

“(F) ~~Work~~ Except for maintenance dredging permits, work authorized by permits issued under this chapter must be completed within five years after the date of issuance. Maintenance dredging permitted under this chapter must be completed within ten years after the date of issuance. The time limit may be extended for good cause showing that due diligence toward completion of the work has been made as evidenced by significant work progress. An extension only may be granted if the permitted project meets the policies and regulations in force when the extension is requested or the permittee agrees to accept additional conditions which would bring the project into compliance. The time periods required by this subsection must be tolled during the pendency of an administrative or a judicial appeal of the permit issuance.”

SECTION 4. The Department of Health and Environmental Control shall promulgate regulations, pursuant to Chapter 23, Title 1, to provide for maintenance dredging as defined in Section 48‑39‑10. The maintenance dredging regulations must:

(1) take into account the fact that areas subject to maintenance dredging have previously been impacted and should be evaluated on the incremental impact of the maintenance dredging on existing conditions;

(2) require the submission of a dredging program document depicting the estimated dimensions, including the existing and proposed depths and location of the general areas proposed to be dredged; the estimated quantity of material to be dredged; the proposed methods and techniques to accomplish the dredging; and the anticipated dredge material placement information at approved dredge disposal locations;

(3) require that, to the extent practicable and reasonable, such maintenance dredging should be timed to minimize interference with and impacts to aquatic life designated as a threatened or endangered species;

(4) require that such maintenance dredging should not cause significant erosion above the ordinary high water mark;

(5) provide that the department must send notice of the expiration of any maintenance dredging permit to the permittee no later than thirty days prior to such permit’s expiration;

(6) provide that the department may issue a five‑year extension for any department permit for maintenance dredging as defined in Section 48‑39‑10 existing as of the effective date of the regulation.

The regulations should not exceed the scope or stringency of any applicable federal regulations to maintenance dredging and should, to the maximum extent possible, avoid duplication of analysis or evaluation of considerations subject to review by the United States Army Corps of Engineers pursuant to a Clean Water Act Section 404 permit for the same maintenance dredging project.

SECTION 5. Section 48‑39‑130(D)(10) of the 1976 Code is repealed on July 1, 2026. Any maintenance dredging occurring after July 1, 2026, in areas that were dredged pursuant to Section 48‑39‑130(D) must be performed pursuant to the provisions contained in Chapter 39, Title 48 and the maintenance dredging regulations promulgated pursuant to this act.

SECTION 6. Nothing in this act shall be construed to expand or increase the department’s jurisdiction or to require permits for activities or projects that are not currently subject to regulation by the department. Except for the extension of the permit duration for maintenance dredging permits to ten years, nothing in this act shall be construed to impact any pending request or application for any license or approval from the department.

SECTION 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. This act takes effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN 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 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill O'Dell Peeler

Pinckney Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

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

**MINORITY REPORT REMOVED**

H. 3070 -- Reps. Young, Harrison, G.R. Smith, H.B. Brown, Taylor, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Simrill, Pope, Clemmons, Harrell, Bedingfield, Henderson, D.C. Moss, Erickson and Edge: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

Senator KNOTTS asked unanimous consent to asked unanimous consent to make a motion to have his name removed from the minority report on the Joint Resolution.

There was no objection and proper notation was made on the Joint Resolution.

**MINORITY REPORT REMOVED, OBJECTION**

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 FOR THE JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR.

Senators KNOTTS and FORD asked unanimous consent to make a motion to have their names removed from the minority report on the Joint Resolution.

There was no objection and proper notation was made on the Joint Resolution.

Senator KNOTTS objected to consideration of the Resolution.

**OBJECTION TO REMOVAL OF MINORITY REPORT**

H. 3066 -- Reps. G.R. Smith, Daning, Ballentine, Harrison, Allison, Hamilton, G.M. Smith, Bingham, Long, Henderson, Erickson, Horne, Willis, Weeks, McLeod, Pope, Simrill, Lucas, Norman, D.C. Moss, Clemmons, Harrell, Atwater, Bedingfield, Funderburk and Edge: A BILL TO ENACT THE “SOUTH CAROLINA RESTRUCTURING ACT OF 2011” INCLUDING PROVISIONS TO AMEND SECTION 1‑30‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AGENCIES OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT BY ADDING THE DEPARTMENT OF ADMINISTRATION; BY ADDING SECTION 1‑30‑125 SO AS TO ESTABLISH THE DEPARTMENT OF ADMINISTRATION AS AN AGENCY OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT TO BE HEADED BY A DIRECTOR APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO TRANSFER TO THIS NEWLY CREATED DEPARTMENT CERTAIN OFFICES AND DIVISIONS OF THE STATE BUDGET AND CONTROL BOARD, OFFICE OF THE GOVERNOR, AND OTHER AGENCIES, AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO ACCOMPLISH THE ABOVE; BY ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE FOR LEGISLATIVE OVERSIGHT OF EXECUTIVE DEPARTMENTS AND THE PROCESSES AND PROCEDURES TO BE FOLLOWED IN CONNECTION WITH THIS OVERSIGHT; TO AMEND SECTIONS 1‑11‑20, AS AMENDED, 1‑11‑22, 1‑11‑55, 1‑11‑56, 1‑11‑58, 1‑11‑65, 1‑11‑67, 1‑11‑70, 1‑11‑80, 1‑11‑90, 1‑11‑100, 1‑11‑110, 1‑11‑180, 1‑11‑220, 1‑11‑225, 1‑11‑250, 1‑11‑260, 1‑11‑270, 1‑11‑280, 1‑11‑290, 1‑11‑300, 1‑11‑310, AS AMENDED, 1‑11‑315, 1‑11‑320, 1‑11‑335, 1‑11‑340, 1‑11‑435, 2‑13‑240, CHAPTER 9, TITLE 3; 10‑1‑10, 10‑1‑30, AS AMENDED, 10‑1‑40, 10‑1‑130, 10‑1‑190, CHAPTER 9, TITLE 10, 10‑11‑50, AS AMENDED, 10‑11‑90, 10‑11‑110, 10‑11‑140, 10‑11‑330; 11‑9‑610, 11‑9‑620, 11‑9‑630, 11‑35‑3810, AS AMENDED, 11‑35‑3820, AS AMENDED, 11‑35‑3830, AS AMENDED, 11‑35‑3840, AS AMENDED, 13‑7‑30, AS AMENDED, 13‑7‑830, AS AMENDED, 44‑53‑530, AS AMENDED, AND 44‑96‑140; 48‑46‑30, 48‑46‑40, 48‑46‑50, 48‑46‑60, 48‑46‑90, 48‑52‑410, 48‑52‑440, AND 48‑52‑460; AND BY ADDING SECTION 1‑11‑185 RELATING TO VARIOUS AGENCY OR DEPARTMENT PROVISIONS SO AS TO CONFORM THEM TO THE ABOVE PROVISIONS PERTAINING TO THE NEW DEPARTMENT OF ADMINISTRATION OR TO SUPPLEMENT SUCH PROVISIONS.

Senator KNOTTS asked unanimous consent to make a motion to have his name removed from the minority report on the Bill.

Senator SHEHEEN objected.

**AMENDMENT PROPOSED**

**OBJECTION TO AMENDING THE BILL ON THIRD READING**

**CARRIED OVER**

S. 787 -- Senators Verdin and Cromer: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO PROTECTION OF SMALL GAME, BY ADDING SECTION 50-11‑190 TO PROVIDE FOR THE FEEDING OF NATIVE QUAIL POPULATIONS BY PROPERTY OWNERS, LESSEES, OR THEIR DESIGNEES.

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

There was no objection.

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

Senator CROMER proposed the following amendment (787R001.RWC):

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

/ SECTION 1. Article 1, Chapter 11, Title 50 of the 1976 Code is amended by adding:

“Section 50‑11‑190. (A)(1) Notwithstanding any other provision of law, a property owner, lessee, or their designee may distribute up to one half ounce of quail feed or nutrients per square foot of land per week, or up to one ounce of quail feed or nutrients per square foot of land every two weeks, upon their property totaling at least a minimum of five hundred contiguous acres pursuant to a Quail Management Plan filed with the department.

(2) During turkey hunting season, no one may hunt turkey within two hundred fifty yards of the designated quail feeding areas.

(B)(1) Except as provided in items (2) and (3) of this subsection, the type of quail feed used and the method of distribution shall be left to the discretion of the property owner, lessee, or designee.

(2) Corn may not be used to feed quail anywhere in the State beginning fifteen days prior to the start of turkey season and until the end of turkey season.

(3) In Game Zone 1 and Game Zone 2, the use of corn is prohibited for the use of feeding quail.

(C) The spreading of feed as defined by this section, to assist the natural quail populations to remain healthy and vibrant, shall not be considered baiting if done in a manner consistent with the Quail Management Plan in place for the property upon which the feed is spread.

(D)(1) Prior to distributing quail feed or nutrients pursuant to subsection (A), the property owner of the land upon which the feed or nutrients are to be spread must file with the department a Quail Management Plan. The management plan must include a map of the property designated for quail feeding that identifies the number of acres being utilized, specify the areas that will be used for quail feeding during turkey season, and any other information required by the department.

(2) The property owner must file an updated management plan with the department every two years. Any changes to the plan after it is filed must be filed to the department prior to commencing or continuing feeding operations. All filings with the department are deemed to be in compliance with the provisions of this section unless the department notifies the property owners in writing that a conflict exists and the nature of the conflict.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the amendment.

Senator SHANE MARTIN asked unanimous consent to amend the Bill on third reading.

Senator McCONNELL objected.

On motion of Senator SHANE MARTIN, the Bill was carried over.

**OBJECTION**

S. 478 -- Senator Ryberg: A BILL TO AMEND SECTION 41‑31‑5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE RATE OF CONTRIBUTIONS TO THE UNEMPLOYMENT TRUST FUND, SO AS TO MODIFY THE METHOD OF COMPUTATION; TO AMEND SECTION 41‑31‑20, AS AMENDED, RELATING TO EMPLOYER’S ACCOUNTS, SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE 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 ASSIGNMENT; TO AMEND SECTION 41‑31‑40, AS AMENDED, RELATING TO BASE RATE COMPUTATION PERIODS, SO AS TO LOWER THE NEW EMPLOYER TAX CLASS FROM THIRTEEN TO TWELVE; TO AMEND SECTION 41‑31‑50, AS AMENDED, RELATING TO BASE RATE DETERMINATIONS, SO AS TO CLARIFY EXCLUSIONS TO TAXABLE WAGES, AND TO PROVIDE FOR CALENDAR YEAR 2011 AND SUBSEQUENT CALENDAR YEARS, VOLUNTARY PAYMENTS ARE NOT PERMITTED FOR THE PURPOSE OF OBTAINING A LOWER RATE OF REQUIRED CONTRIBUTIONS; TO AMEND SECTION 41‑31‑60, AS AMENDED, RELATING TO BASE RATES WHERE A DELINQUENT REPORT IS RECEIVED, SO AS TO CHANGE REFERENCES TO TAX RATES; TO AMEND SECTION 41‑31‑70, AS AMENDED, RELATING TO A PROHIBITION ON THE TERMINATION OF THE ACCOUNT OF AN EMPLOYER, SO AS TO DELETE A BENEFIT RATIO CALCULATION; TO AMEND SECTION 41‑31‑125, AS AMENDED, RELATING TO THE ASSIGNMENT OF AN EMPLOYMENT BENEFIT RECORD UPON ACQUISITION OR REORGANIZATION OF AN EXISTING EMPLOYMENT UNIT, SO AS TO PROVIDE IF THE EXPERIENCE RATING ACCOUNT OF A PREDECESSOR IS EQUAL TO OR EXCEEDS TAX CLASS THIRTEEN, THIS EXPERIENCE RATING ACCOUNT MUST BE TRANSFERRED TO THE SUCCESSOR EMPLOYER; TO AMEND SECTION 41‑31‑140, AS AMENDED, RELATING TO LIMITS ON THE TRANSFER OF AN EXPERIENCE RATING ACCOUNT IN CERTAIN CIRCUMSTANCES TO CLARIFY TIME LIMITS OF APPLICABILITY, AND TO PROVIDE FOR FUTURE LIMITS ON TRANSFERS FOR AN EXPERIENCE RATING ACCOUNT; TO AMEND SECTION 41‑31‑670, AS AMENDED, RELATING TO SPECIAL PROVISIONS FOR ORGANIZATIONS THAT MADE CONTRIBUTIONS PRIOR TO 1969, SO AS TO UPDATE REFERENCES TO APPLICABLE TAX FORMULAS, AND TO PROVIDE FOR THE MANAGEMENT OF AN ACCOUNT IF THE ORGANIZATION TERMINATES THE ELECTION AVAILABLE UNDER THIS SECTION; TO AMEND SECTION 41‑35‑110, AS AMENDED, RELATING TO ELIGIBILITY FOR BENEFITS, SO AS TO DELETE A REQUIREMENT THAT A CLIENT MAINTAIN WEEKLY CONTACT WITH A TEMPORARY AGENCY AFTER COMPLETION OF A TEMPORARY ASSIGNMENT; TO AMEND SECTION 41‑35‑120, AS AMENDED, RELATING TO DISQUALIFICATIONS FOR BENEFITS, SO AS TO INCREASE THE PENALTY FOR FAILING A DRUG TEST OR BEING TERMINATED FOR GROSS MISCONDUCT, AND TO PROVIDE AN ADDITIONAL SOURCE FOR CERTIFYING A LAB THAT MAY PERFORM A DRUG TEST; TO AMEND SECTION 41‑35‑125, AS AMENDED, RELATING TO BENEFITS FOR INDIVIDUALS UNEMPLOYED AS A RESULT OF DOMESTIC ABUSE, SO AS TO REDEFINE THE TERM “DISABILITY”; TO AMEND SECTION 41‑35‑130, AS AMENDED, RELATING TO PAYMENTS NOT CHARGEABLE TO A FORMER EMPLOYER, SO AS TO MAKE THE SECTION APPLICABLE TO BENEFITS PAID AS A RESULT OF A NATURAL DISASTER DECLARED BY THE PRESIDENT OF THE UNITED STATES; TO AMEND SECTION 41‑35‑690, AS AMENDED, RELATING TO APPEALS, SO AS TO PROVIDE AN APPEAL MUST BE MADE TO THE COURT OF COMMON PLEAS; TO AMEND SECTION 41‑39‑30, AS AMENDED, RELATING TO LIMITS ON FEES, SO AS TO ELIMINATE THE REQUIREMENT THAT A PERSON APPEARING AT A HEARING UNDER THIS SECTION MUST BE REPRESENTED BY AN ATTORNEY; AND TO AMEND SECTION 41‑41‑40, AS AMENDED, RELATING TO THE RECOVERY OF BENEFITS PAID TO A PERSON NOT ENTITLED TO BENEFITS, SO AS TO PROVIDE AN ADDITIONAL MEANS FOR ATTEMPTING A COLLECTION UNDER THIS SECTION.

Senator LARRY MARTIN spoke on the Bill.

Senator THOMAS spoke on the Bill.

Senator RYBERG spoke on the Bill.

Senator LEVENTIS objected to further consideration of the Bill.

**CARRIED OVER**

H. 3287 -- Reps. Hardwick and Hodges: A BILL TO AMEND SECTION 50‑21‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ABANDONMENT OF WATERCRAFT AND OUTBOARD MOTORS, SO AS TO PROVIDE THAT AN ABANDONED WATERCRAFT MAY BE REMOVED AND DISPOSED OF BY ANY GOVERNMENT AGENCY THAT HAS JURISDICTION OVER THE AREA WHERE THE ABANDONED WATERCRAFT IS LOCATED, AND TO PROVIDE THAT A WATERCRAFT ABANDONED FOR AT LEAST NINETY DAYS MAY BE CLAIMED BY ANY PERSON OR ENTITY AS ABANDONED PROPERTY.

Senator HUTTO explained the Bill.

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

**CARRIED OVER**

S. 79 -- Senators Hayes, Rose, McConnell and Campsen: A BILL TO AMEND SECTION 8-13-1320 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTRIBUTIONS WITHIN A SPECIFIED PERIOD AFTER PRIMARY, SPECIAL, OR GENERAL ELECTION ATTRIBUTED TO THE PRIMARY OR ELECTION, SO AS TO PROVIDE SPECIFIC PROVISIONS FOR CONTRIBUTIONS MADE IN A PRIMARY RUNOFF.

Senator LARRY MARTIN explained the Bill.

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

**CARRIED OVER**

S. 494 -- Senators Cleary, Bryant, Cromer and Ford: A BILL TO AMEND SECTION 40‑15‑110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM CHAPTER 15 OF TITLE 40 REGULATING DENTISTS AND DENTAL HYGIENISTS, SO AS TO FURTHER SPECIFY THE SCOPE OF ACTIVITIES OF INTERNS AND RESIDENTS WHO ARE EXEMPT FROM LICENSURE; AND TO AMEND SECTION 40‑15‑360, RELATING TO THE AUTHORIZATION OF PHARMACISTS TO FILL PRESCRIPTIONS FOR DENTISTS, SO AS TO EXTEND THIS AUTHORIZATION TO INTERNS AND RESIDENTS UNDER CERTAIN CONDITIONS.

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

**CARRIED OVER**

S. 457 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑116‑45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59‑116‑10, 59‑116‑20, AND 59‑116‑30, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS “CAMPUS” AND “CAMPUS POLICE OFFICER”, AND TO DEFINE THE TERM “CAMPUS SECURITY OFFICER”, TO PROVIDE THAT THESE PROVISIONS APPLY TO PRIVATE INSTITUTIONS, TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CAMPUS SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER’S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; TO AMEND SECTION 59‑116‑50, RELATING TO THE RANKS AND GRADES OF CAMPUS POLICE OFFICERS, SO AS TO DELETE THE TERM “PUBLIC SAFETY DIRECTOR” AND REPLACE IT WITH THE TERM “CHIEF LAW ENFORCEMENT EXECUTIVE”, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE INSTITUTIONS; TO AMEND SECTION 59‑116‑60, RELATING TO CAMPUS POLICE VEHICLES AND RADIO SYSTEMS, SO AS TO SUBSTITUTE THE TERM “CAMPUS POLICE DEPARTMENTS” FOR THE TERM “SAFETY AND SECURITY DEPARTMENTS”; TO AMEND SECTION 59‑116‑80, RELATING TO IMPERSONATING A CAMPUS POLICE OFFICER, SO AS TO SUBSTITUTE THE TERM “CAMPUS SECURITY DEPARTMENT” FOR THE TERM “SAFETY AND SECURITY DEPARTMENT”, TO PROVIDE THAT THIS PROVISION APPLIES TO A PRIVATE COLLEGE OR UNIVERSITY, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 59‑116‑100, RELATING TO THE PROCESSING OF A PERSON ARRESTED BY A CAMPUS POLICE OFFICER, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO THE ARREST OF A PERSON BY A CAMPUS SECURITY OFFICER; TO AMEND SECTION 59‑116‑120, RELATING TO COLLEGES AND UNIVERSITIES EMPLOYING SECURITY PERSONNEL, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE COLLEGES AND UNIVERSITIES, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTION 59‑116‑70 RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

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

Senator McGILL asked unanimous consent to make a motion to take up the veto by the Governor on S. 724, R 20.

There was no objection.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

P. O. Box 11369

Columbia, SC 29211

April 12, 2011

The Honorable Ken Ard

President of the Senate

State House, 1st Floor, East Wing

Columbia, South Carolina 29202

Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S.724, R-20, a local bill that clearly violates our State Constitution.

(R20, S724) -- Senator McGill: AN ACT TO AMEND ACT 1095 OF 1962, AS AMENDED, RELATING TO THE LOWER FLORENCE COUNTY HOSPITAL DISTRICT, SO AS TO PROVIDE A PROCESS BY WHICH THE FLORENCE COUNTY COUNCIL MAY LEVY MILLAGE WITHIN THE DISTRICT FOR PURPOSES OF CONSTRUCTING, EQUIPPING, AND MAINTAINING HOSPITAL FACILITIES WITHIN THE DISTRICT. Local legislation like S.724 violates the Home Rule provisions of our State Constitution. Every member of the General Assembly is expected to vote on all legislation, including local bills. I believe members who fail to vote are supporting the violation of our constitution.

This Bill allows the Lower Florence County Hospital District to issue additional general obligation bonds for purposes of meeting costs incurred in the construction, equipping and maintaining of hospital facilities in the district after the district’s board petitions the Florence County Council to levy millage, upon approval of a voter referendum. Because S.724 relates to one specific county, it violates Article VIII, Section 7 of the South Carolina Constitution which provides that “…No laws for a specific county shall be enacted …” With the exception of local laws affecting public schools, our State Constitution clearly prohibits the General Assembly from enacting laws affecting a specific county.

In my veto message to H.3321, I acknowledged that the General Assembly has adhered to “traditions” of passing local legislation which many members – myself included – may not have realized violates the State Constitution. House and Senate members also may not realize that current state laws, known as the Home Rule Act, give broad powers to local governments to provide local services to its residents. The Home Rule Act was enacted in the early 1970s after the voters approved a constitutional amendment – Article VIII, Section 7 – to devolve local power from state government to local governments to bring government closer to the people.

The Home Rule Act, specifically Article 5, Chapter 11 of Title 6 titled Issuance of Bonds by Special Purpose Districts, sets out a process for the Lower Florence County Hospital District to issue bonds to provide for local services. It is important to emphasize that a bond issuance under the authority of S.724 will likely not be allowed because the Bill is unconstitutional, thereby defeating the purpose of this legislation.

Given these clear constitutional rules and my belief that the best government is that closest to the people, I will continue to veto any local legislation I believe is clearly unconstitutional and I ask that you sustain this veto and allow local governments to carry out its constitutional role to provide local services to its residents.

For these reasons, I am vetoing S.724, R-20.

Sincerely,

Nikki R. Haley

**VETO SUSTAINED**

(R20, S724) -- Senator McGill: AN ACT TO AMEND ACT 1095 OF 1962, AS AMENDED, RELATING TO THE LOWER FLORENCE COUNTY HOSPITAL DISTRICT, SO AS TO PROVIDE A PROCESS BY WHICH THE FLORENCE COUNTY COUNCIL MAY LEVY MILLAGE WITHIN THE DISTRICT FOR PURPOSES OF CONSTRUCTING, EQUIPPING, AND MAINTAINING HOSPITAL FACILITIES WITHIN THE DISTRICT.

The veto of the Governor was taken up for immediate consideration.

Senator McGILL spoke on the veto.

Senator McGILL moved that the veto of the Governor be sustained.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 0; Nays 31; Present 2**

**AYES**

**Total--0**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Cromer Davis

Elliott Grooms Hayes

Knotts Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

O'Dell Peeler Reese

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--31**

**PRESENT**

Leventis Sheheen

**Total--2**

Having failed to receive the necessary two-thirds vote, the veto of the Governor was sustained, and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF H. 3700, THE GENERAL APPROPRIATIONS BILL.**

**PRESIDENT PRESIDES**

At 2:32 P.M., the PRESIDENT assumed the Chair.

**SENATE FINANCE COMMITTEE REPORT ADOPTED**

**DEBATE INTERRUPTED**

**H. 3700--GENERAL APPROPRIATIONS BILL**

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

Senator LEATHERMAN, Chairman of the Committee on Finance, spoke on the Bill.

**Remarks by Senator LEATHERMAN**

Last year I stood before you, and with you, challenged by a budget writing task that in my 10 years of chairmanship, and more than 30 years of service, had never been so difficult. But challenges, as they often do, give rise to opportunities for fresh ideas, and fresh ideas to new beginnings.

For me, that new beginning last year was actually not my own, but my granddaughter, Ada Cathryn Allen. She was born just 2 week’s before last year’s budget debate. Now a year old, this proud grandfather, also a year older but prouder still, is equally grateful to her for the perspective that the timeliness of her birth brought to my own personal budget deliberations.

Indeed, I am truly thankful that Ada Cathryn was, and is, my real life reminder that the decisions we make here are not self-contained in the vacuum we call “budget week”, but are decisions that impact not only the people that we serve today, but are decisions that will impact future South Carolinians like Ada Cathryn for years to come.

How fitting it is then, for me to stand with you this year, just days after celebrating a day that has as its very meaning “a new beginning”.

And what a great peace that brings to us, knowing that despite our differences -- and there will be some -- that we each answer to a call not of self-interest, but rather to a higher calling of selfless service instead. And in answering the call to public service, we are reminded, at this time of year more than any other, that there is no room for self in what we do here this week. Instead, there is only room for service to others.

So in our deliberations this week, it is my hope, indeed my prayer, that we grab hold of the symbols that this season brings, and with great purpose and optimism put them into practice. Senator from Richland, Senator COURSON, I’m reminded here of that great “Reagan Optimism” when he said “…every day is a new beginning” and that we live in a land that is “…always in the act of becoming.”

I thank Governor Haley for 100 days of leading by this very example, and I join with her call that we “embrace our challenges” with “…optimism for the future of our State.” Governor Haley is right when she says it is time that we “turn the page.”

So as we turn the page, like our Governor suggests we do, what should give us pause is what to write.

But what a great template we have from which to write. South Carolina remains a great place to work and live. We rank at or near the top in numerous rankings as a great State in which to pursue the American dream. Taxes, while no doubt facing structural challenges, remain incredibly low compared to our neighbors and the nation. As others tax, spend and borrow their way to a prosperity that will surely be short-lived, we rightly choose to live within our means instead. And the credit rating agencies continue to take note, keeping South Carolina as a highly rated state in an era when even the federal government now poises on the brink of a downgrade. Columbia, S.C., is not Washington, D.C, and for that my dear colleagues, we can be proud.

I am happy to report to you that we’re off to a great start and I am proud of the product that my Finance colleagues and I bring to you this week, but the epilogue remains to be written. And I am truly optimistic about how things will end.

Most importantly, I am proud to bring you a budget that is balanced and void of any general tax increases. Our budget does its best to serve the people of this great State. And above all else, I believe this budget to be a product of listening to the people.

Indeed, we lead by listening. We’ve increased the size of our state’s primary savings account while avoiding the temptation to increase the size of our peoples’ tax burdens. And we’ve listened by providing funding for the core functions of government. At the same time we’re providing a platform from which to restructure the government itself, starting with the Budget and Control Board.

The board and its people have for decades served this State well, particularly during times of economic turmoil. For that we should all be grateful. But now is the time to make necessary reforms, all while ensuring proper oversight and accountability. I am confident accountable structural reforms can and will happen. And happen they must.

Let me note at the outset that as we move through the budget this week, you’ll find that there are very few places where the Finance version differs from the House. That is both a product of scarce resources but is also certainly a great credit to Chairman Cooper and his House colleagues who frankly -- and we often kid about their lack of “artistic abilities” when it comes to bill drafting -- produced a very good budget under very difficult circumstances.

Incredibly, Finance, like the House, bridged in this budget a “gap” that at one time topped nearly $1.5 billion. While certainly helped by BEA numbers that are finally in the black after 4 consecutive years of decline, the spending side of the ledger still dominates our budgetary actions. With little exception, this budget allows the stimulus dollars to lapse, and I applaud the agencies that never viewed these as recurring dollars, and instead used them as a bridge.

K-12 and healthcare continue to be priorities in the budget before you, with those two areas of state government now comprising more than 60 percent of all appropriations. As far as the Medicaid program goes, incredibly, almost every new recurring dollar available for next year’s budget goes to simply maintaining, not growing, the current Medicaid program. I point that out, because even while this budget contemplates a sizeable increase in the budget, but not scope, of the Medicaid program, it captures almost $200 million in cost savings, savings that have been identified by the agency’s new director, Anthony Keck. But if not for those cost savings, HHS’s request for additional dollars would have been more than $650 million for next year alone. Astounding.

Simply put, beyond healthcare, a modest but necessary increase in the Base Student Cost, and insuring Corrections has what Judge Byars says his agency needs to ensure our prisons remain safe, as you’ll hear from the Finance subcommittee chairs in a moment, the rest of the state budget is really just a case of balance between supply and demand -- heavy on demand and short on supply.

But it is in that imbalance that we find our opportunity for that “new beginning”. Budgets are nothing but plans. And colleagues, we must begin to plan to either do more with less, or as some have suggested, “less with less.” But I am convinced that these “opportunities” give us the ability to change not just “what” we budget or “how” we budget, but “why” we budget. This is what I call “value” budgeting -- getting the most with the precious tax dollars sent to us by hard-working South Carolinians. Our budget, in times of plenty, but for sure in times of scarcity, must accurately reflect our values, not only as Senators, but more important, our budget must compassionately reflect our values as stewards, not only of the public purse, but most importantly, of the public trust.

I understand the challenges, I value your perspectives, and I look forward to charting a new beginning with you this week.

Now I call on the Vice Chairman of the Finance Committee, the Senator from Cherokee, to offer comments.

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

Senator PEELER, Vice Chairman of the Committee on Finance, spoke on the Bill.

**Remarks by Senator PEELER**

This year’s budget process in the Senate has been about improvements that increase transparency and provide pertinent information in a timely manner.

The first improvement you see is the additional information displayed on the Summary Control Document that was distributed on every Senator’s desk last Wednesday. For those of you on the Judiciary Committee, this document may look a bit odd. But to those of us on the Finance Committee, this document is our way of displaying the funding decisions we make at each step of the budget process. For over 20 years, the Summary Control Document captured appropriation increases and decreases from the previous year for the state’s General Fund appropriations only. This year, we are showing increases and decreases to the authorizations budget for both Federal and Other Funds.

Much of the credit for this additional information goes to the Senator from Greenville, Senator THOMAS. Several years ago he kept telling us that our budget growth was in federal funds and particularly other funds. He was right. Even in committee debate this year, a significant portion of our time was spent discussing federal and other funds increases. If we are serious about limiting the size of government, we must step up our efforts to review and consider requested increases in federal and other funds from our state agencies.

The second improvement you see is that the Finance Committee proceedings on the budget were streamed live by ETV on the state’s Legislative Website. The same was done on the House side when the House Ways and Means Committee debated their version of the State Budget. We now live in a digital world. Many, if not most, citizens use the Internet and access it with a laptop, an iPad or a cell phone. I even tweet! So, there is no reason why our important proceedings should not be available for all of our citizens to view.

The third improvement you see is our new Senate Rule 53, the 72‑Hour Budget Review Rule. Members and interested groups have requested more time to review the annual budget as it makes its way from the committee room to the floor of the Senate. Each of you received your budget documents last Wednesday, some six days ago. Just as important is the fact that this budget has been posted on the legislative website for the same amount of time.

The fourth improvement you see is the amendment to our Senate Rule 16 that requires a roll call vote on every section of the General Appropriations Bill. Our citizens will now be able to discern annually whether we are supportive of specific programs and functions of state government. Some members have sought this opportunity to basically “divide the question.” But with that opportunity, I’d like to offer a word of caution, particularly to my colleagues on the Judiciary Committee. When you have earned the amount of seniority as Chairman LEATHERMAN, Senator LAND, Senator SETZLER, Senator LEVENTIS, Senator COURSON, Senator THOMAS and myself on the Finance Committee, the various agencies and their allied support groups know where you stand on support for specific programs. And, if they view you as less than supportive, they will let you know -- sometimes repeatedly. So, I suggest that you take the responsibility of voting on each section of the budget very seriously.

Some of you are extremely pleased with these changes to our budget process and consider it long overdue. Others of you view these changes as silly pandering. I’d suggest that transparency and openness are about something very important -- restoring trust with our citizens. Trust in governmental institutions has eroded, particularly as it relates to the spending of tax dollars. These new process changes are a way to rebuild trust with the very people who send us to Columbia to be good stewards.

Thank you.

**Report of the Subcommittee on Constitutional and**

**Criminal Justice**

Senators THOMAS and FAIR were recognized to report to the Senate regarding the work of the Subcommittee on Constitutional and Criminal Justice.

**Remarks by Senator THOMAS**

Mr. PRESIDENT and members of the Senate, you can find more information on Other Funds under the Recapitulation Section of the budget. It’s the blue page about halfway through the budget. If you turn there, you’ll see toward the end of the Recapitulation Section the totals. In the totals you’ll see the General Fund numbers are $5.353 billion. Federal funds are $8.4 billion. So you can see the number, how much the Other Funds are greater than the General Funds. That’s what we’re here for today -- to deal with the General Funds. What the chairman of Finance Committee did a couple years ago is appoint me to begin looking into this. Finally, a joint committee has now been appointed with the Senator from Lexington as Chairman and we have a co-chair from the House. We at least have started the process of review. Already I can tell you that we’re getting significant results because this is not a rubber stamp committee.

It’s a fine grid committee. A lot of these agencies have gone away with a keen awakening that we’re closely watching what they’re doing with the taxpayers’ money. This is taxpayers’ money; this category called “Other Funds.” I expect to see more attention paid to this category since it continues to grow relatively faster than the General Fund is growing. The General Fund is taking a hit. It was at $7 billion two years ago, through the recession, then it dropped. So that will give you an idea of a smaller percentage of that with the General Fund. But I’m so pleased that now the General Assembly has actually taken up this matter.

The Senator from Greenville, Senator FAIR, and I have had a joint committee that we have been working from. Our staffer is more than capable of managing that and the Other Funds Joint Committee that I mentioned a second ago. The good news in the joint committee that Senator FAIR and I have is that basically, the committees that we had matched the House funding plan. Some agencies were held at their current funding level with no cuts and no increases. There were a few with increases.

The Judicial Department, for instance, has a healthy Other Funds category of funding. The Chief Justice came to us and did not request the electronic filing system that was granted by the House. That is a $5 million system that she hopes to ultimately pay for by fees on an on‑going basis so that when a lawsuit is filed, you pay for the electronic filing as an additional fee on top of whatever lawsuits were being put into effect. The goal is to ultimately establish an e-file system. The $5 million the House put in, we went ahead and adopted. The Chief Justice wanted to be immune from meatier cuts. My question to her was, if she’s immune that means other agencies could come with the same argument. The counter-argument is she’s a branch of government just like the Governor is.

I think there’s going to be an amendment that we perhaps should keep intact all the salaries, and they should be immune. So we protect that department to some degree. The Attorney General’s office, we change the DOC; DJJ is the video conferencing technology. That’s a million dollars that has been put there. That will save them money and the Attorney General also. It can be used in the PCR cases. So this ultimately is a cost saving thing. Everybody knows that the ALJ, the ALC division -- Administrative Law Division is obviously part of the judicial system but not under the unified state system. There’s an argument that should be made that the ALC should be made part of the system and then we truly would have a unified system. You can keep that as part of a package. I’d go on to that. There are some arguments against, many arguments for.We did try to keep the ALC -- help them out by adding some positions because they were down so much. So much had been added to that department. I appreciate the fact that the Senator from Clarendon, Senator LAND, has been a stalwart on that.

For the Prosecution Coordination Commission we appropriated funding for the implementation of the alcohol education program. These funds will pay for the technology necessary to allow the solicitor's office to electronically transfer data to a central repository at SLED so that offenders may participate only one time in the statewide Alcohol Education Program.

For the Commission on Indigent Defense we were able to provide some funding for the Civil Appointment Fund to provide representation for children, vulnerable adults, and other indigent citizens who cannot afford representation in the courts. We also appropriated funding for technology needs associated with docket management, electronic filing, and case management. We’re very familiar, of course, that indigent defense needs to keep as much a pace with prosecution as possible.

In addition, the General Reserve Fund, Capital Reserve Fund and debt service are funded at the required statutory and constitutional levels.

For the Election Commission, you’ll be pleased to know that $533,000 which was vetoed and sustained last year for county registration board members has been restored. Many of us had problems; many around the State had problems with board members actually resigning just before the General Election in November. So this has been dealt with by supplying those funds ($533,000), funding the 2012 statewide primaries at $4 million, and including a proviso to allow the Election Commission to contract with the political parties to fund the presidential preference primaries. This will allow the presidential primaries to be held using the state umbrella; they will have the authority then to proceed legally according to state law.

The Budget and Control Board -- the SCEIS project is finally completed and this should take us into the 21st Century. We were well behind, and computer systems differed from agency to agency. I have had my doubts about any kind of computer. But I brought the computer gurus from the agency -- the new crowd to appear before us. They assured me they are on top of it. It’s not going to become like the old Phoenix System that we are familiar with and with which we had all kinds of problems. That was the concern that I had. This has been about a seven or eight-year project. And within a short period of time, everybody’s gotten onboard with this system this year. So finally, everything has come together on this, Mr. Chairman. I know you’ll be pleased by that. Each agency won’t be trained for $5 million -- $7 million.

We’re all familiar with the Retirement System. We did increase the Retirement System’s investment monies. This is somewhat controversial. They wanted $3 million out of Other Funds to increase the individuals that were involved in helping them so that they could save money on fees that they have to pay outside. They manage now currently -- I guess the value is $26 billion. But some say its $19 billion. Every time I see $26 billion, the Senator from Aiken, Senator RYBERG, corrects me and says it’s really $19 billion. So they started out with $29 billion and they have some number “x.” I don’t quite like the direction it’s going. We had a lot of questions in full committee about this as well as subcommittee. The Senator from Lexington asked many of those questions about oversight. I think we have to really maintain some oversight of that investment group. I questioned the committee and the subcommittee. I questioned the Treasurer about his oversight. He believes he has an oversight position here, Senator from Lexington. I know you had questions if that was true or not. But I want the whole group to know as far as the investment -- I’m not talking about whether the retirement -- this is very much intermixed with the retirement, with whether there are sufficient monies for retirement. Obviously, they are in the retirement department fund because these investment funds concepts are intertwined, intermixed irrevocably. So we have to look at both at the same time. That oversight is something that I think you’re going to hear a lot about.

Thank you.

**Remarks of Senator FAIR**

Thank you, Mr. PRESIDENT and Senators. There apparently will be no merger of the Department of Corrections and the Probation, Parole and Pardon Services. We cannot make it happen legislatively because of the logjam of legislation. There is no budget proviso calling for the merger.

Senator THOMAS and I co-chaired the committee so this is sort of a bifurcated report. I have the Criminal Justice portion of the report and these are the highlights.

We were able to hold the base reductions to law enforcement agencies to no more than 2% of their general base fund appropriations. Some agencies were held at the current year’s funding level, while the Department of Revenue received an increase.

At SLED we appropriated $3 million in one-time funds to provide for a multi-purpose advanced training facility and to replace eight breathalyzer machines. There are 117 facilities across the State that will be getting new breathalyzer machines. Those include many sheriffs’ offices and police departments.

At the Department of Public Safety we appropriated $1.3 million to fund the Illegal Immigrations Unit. We also provided the department with $5 million to pay overtime to the Highway Patrol. This was their number one priority. They indicated it would help with the attrition difficulties.

We funded the Bureau of Protective Services at a level to provide more adequate security of the State House Complex.

At the Department of Corrections we provided $54 million to annualize the funding which was previously non-recurring. In addition we provided $500,000 to purchase safety equipment, such as vests, extraction suits and razor wire. We were also able to provide some funding to begin an intensive supervision program similar to that which has been very successful at the Department of Juvenile Justice.

We provided $2.8 million to implement the second year of sentencing reform and we believe it will take four to five years to fully implement it.

We provided an additional $4 million to the Department of Revenue to hire additional auditors to conduct audits of multi-national and international corporations. The department believes that with this additional money they can generate $80 million.

That is the overview of the Public Safety Division.

Thank you.

**Report of the Subcommittee on Higher Education**

Senator COURSON, Chairman of the Subcommittee on Higher Education, was recognized to report to the Senate regarding the work of the subcommittee.

**Remarks by Senator COURSON**

Mr. PRESIDENT, members of the Senate, Senator YANCEY McGILL is in a meeting and, therefore, I will now present a report from the Higher Education Subcommittee.

The members of the subcommittee are Senator DARRELL JACKSON, Senator DICK ELLIOTT and Senator DANNY VERDIN. I can encapsulate this fairly briefly.

Our recommendation is very similar to that of the House of Representatives. The total funding is $782 million which includes scholarships and grants. We are providing $330 million for scholarships and grants - the same amount appropriated in our current budget.

Our technical college funding is the same as 2010 - 2011 totaling around $130 million. The four-year and two-year institutions will receive $432 million which excluding stimulus funding is $20 million less than the current budget.

Again, the technical colleges were held harmless. If one looks at the higher educational structure in South Carolina, this fiscal year we have roughly 200,000 South Carolinians in higher education. This year, there will be 205,000 students in higher education in the Palmetto State. The increase is primarily in our technical colleges. One component of this I thought was very interesting. After the last recession in 2001, the average tuition increase was approximately 15%. For the last three years, primarily due to Senator HUGH LEATHERMAN’s admonitions, the institutions kept the tuition increase down to 6.5%. I think this institutional policy decision is very admirable.

There have been strong accomplishments in higher education. Let me just bring you two. One, Clemson University’s goal has primarily been to be in the top 25 of the “U.S. News and World Report” public institutions in the United States. They are again part of this elite group. The University of South Carolina is rated by Kiplinger as the 32nd best value out of 500 colleges rated.

A special thanks needs to be given to Senator MIKE ROSE on his persistent efforts on transparency - it will happen this year.

Thank you.

**Report of the Subcommittee on Natural Resources and**

**Economic Development**

Senator McGILL, Chairman of the Subcommittee on Natural Resources and Economic Development, wasrecognized to report to the Senate regarding the work of the subcommittee.

**Remarks by Senator McGILL**

The members serving on this subcommittee were Senator GROOMS, Senator ANDERSON and me.

The average agency-base reduction within the subcommittee was 6.6 percent.

The subcommittee worked very hard to make sure the respective base reductions would not affect the agency to the point where it is impossible to operate and maintain its core mission.

In order to recover from the recent economic downturn, we must do everything in our power to create new jobs.

The subcommittee funded the Department of Commerce Closing Fund at $5 million, which is the amount requested by the Department of Commerce and our administration.

In addition to Closing Fund dollars, we put $5 million into the local economic development organizations. These funds will go a long way in helping the local ground soldiers for economic development.

Furthermore, we recommended placing $500,000 into the Department of Agriculture for Agri-Business Economic Development. These funds will hopefully be the beginning of the relationship between the Departments of Commerce and Agriculture as they go out and try to create new jobs in the agriculture arena.

Economic development is very important to this State and our subcommittee will continue to work hard to ensure everything is done to create conditions where job creation is favorable.

As tourism plays such a leading role for our state’s economy and job market, we continued to include money for destination-specific marketing which is very helpful in spreading the word about all of our wonderful tourist spots and resources.

The subcommittee also included money for regional tourism promotion, which majorly assists in marketing the smaller areas throughout the State.

**Report of the Subcommittee on Public Education**

Senator HAYES, Chairman of the Subcommittee on Public Education, was recognized to report to the Senate regarding the work of the subcommittee.

**Remarks by Senator HAYES**

Thank you, Mr. PRESIDENT. Members of the Senate, I have the honor of chairing the Public Education Subcommittee. And, I think that this year, as in the past years, the Senate can be proud of the budget dealing with public education. I think that it continues to be the top priority of our state budget as it should be.

The Education Finance Act. The base student cost was set at $1,788 - that is an increase over the past year’s - and it uses a new index of tax‑paying ability that is the same as Senate Bill, S. 310, which replaces the owner occupied property values with school district reimbursements from Tier 1, 2 and 3 of the property tax relief. If you recall, last year we formed a committee with the chairman of that committee being Senator DAVIS, the Senator from Beaufort, to look over the index of tax-paying ability. After Act 388, it’s something that needed to be done because the index is how we divide the money between the 85 school districts in the State, and we were currently basing the wealth of the local school district on owner occupied property that they could not tax any longer for school operations. This new index bases the wealth of the district on what they are being reimbursed through Act 388 which is the only fair way to compute local wealth. This is something that the committee -- it was bipartisan with school districts all over the State -- unanimously agreed if we’re going to have an index of tax-paying, this is the only fair way to do that. So, we changed the index on dividing up that money to local school districts. However, there were a number of school districts -- by changing to the new index, that would be harmed compared to what the House did.

The House in their index, used the 2009 index level. A lot of your school districts started basing budget calculations next year on what the House did in the budget, so for us to change the index in the Senate would put those districts at a disadvantage. So the leadership of the Senate Finance Committee came up with an additional $20 million to offset those cuts in those other districts. It is basically a hold harmless in order to get this new index in place, and I commend the leadership for that. I can’t say that it’s a complete 100% hold harmless. There may be some districts that may lose a little bit over what they got from the House on fringe or something of that sort. So, I can’t stand here and tell you now that it's a complete hold harmless.

But I can tell you this: that all your statewide organizations -- the school district administrators, the school board association, the school business leaders association -- all of them were ready to go to this new index without a hold harmless. But as a practical matter, that would be hard to get it through the Senate. They certainly support it with the hold harmless. I can’t say that some districts won’t be hurt -- some by making the change, but in my opinion, and in the opinion of the committee, this is the only defensible index of tax-paying ability. That was an important change we made under K-12.

We also restored the 15% education and economic development money for career counselors and guidance counselors in the budget at $3,000,204. You may have heard from your local business leaders on this issue. So, we did protect the Education and Economic Investment Act. We allowed maximum flexibility. This is important for conditions in which school districts can implement employee furloughs. The way the Bill came out of the House is before a school district could implement a furlough, they had to get less money from the State than they got last year. Under this budget, that would be basically that none of the school districts could institute a furlough. And a number of districts were planning and had based their budgets based on having furloughs next year. This Bill would allow local school districts to have furloughs -- the same as we've done in the last few years -- without having funds cut from the State in order to do it.

It restores $7 million in technical assistance for the Palmetto Priority schools. Those are the schools that are consistently underperforming. We're putting some money in to help them with their resources in those underperforming schools to the tune of $7 million. It has $45.5 million in to help with students with disabilities. This is something -- and as a matter of fact, next week the federal government is coming down to look at this. But, we have been held not to be in compliance with federal law with what we’re doing in our schools as far as students with disabilities. This is a top priority with the new Superintendent of Education, Dr. Zais. We’ve got to do this in order to stay in compliance and maintain the federal funding.

It also directs the State Department of Education to calculate the impact of funding models incorporating the EOC suggested modification on weights -- putting weights in for poverty and limited English-speaking ability and some other weights. There is a Bill that has passed the Education Committee and is in the Finance Committee and that issue has been looked at. This budget directs the State Department of Education to let the districts know what impact that will have on funding models between now and next year, so they can see whether we want to go to those changes as far as the EOC model. The Bill also provides $23.7 million in recurring and nonrecurring funding for school bus fuel. This is a huge problem for our districts right now. It also allows carry-forward authority for the State Department of Education general fund and the Education Improvement Act to deal with the school funding for school bus fuel. With the cost of gasoline, that is a very real problem for our bus fleet.

It provides $25 million for the Public Charter School District. And this is important. Basically, we concurred with the House on this as far as the charter schools. But, this gives an additional $1,700 per student for virtual schools and $3,250 per student for brick and mortar schools for your statewide Charter School District students. This does not necessarily bring them in line with what your traditional students are being paid on a per pupil basis considering all sources, but it definitely brings them more in line. There was some concern that we were going to take local property taxes from districts. We’re certainly not doing that.

It increases instructional material appropriations by $3 million. It increases National Board Certification by $6 million. It provides increased funding for the schools for science and math. This was already mentioned in a previous report, but it really falls under this subcommittee -- by $2.5 million for the school for science and math and $1.5 million for the School for the Arts which basically starts a phase-in for them to grow their enrollment to their capacity. It provides funding for the Student Health and Fitness Act for nurses and P.E. teachers. Basically, it stays with the House version on archives, history, the library, the museum, vocational rehab. and ETV.

We did raise a Rule 24 as it concerns the museum and Arts Commission. Under the House budget, they were put under Parks, Recreation and Tourism, which may or may not be a good idea. But that’s definitely a change in permanent law. So, under our budget in front of us today, the arts and the museum will stay independent because any change needs to be done by separate legislation.

Thank you.

**Report of the Subcommittee on Health and Human Services**

Senator ALEXANDER, Chairman of the Subcommittee on Health and Human Services, was recognized to report to the Senate regarding the work of the subcommittee.

**Remarks by Senator ALEXANDER**

Thank you, Mr. PRESIDENT and Members of the Senate. I rise to give the subcommittee report for the Health and Human Services subcommittee of the Finance Committee. Senator O’DELL, the Senator from Anderson and Abbeville Counties, and Senator PINCKNEY from Jasper County are also on the subcommittee. I would also like to recognize our able staff, Angie Stoner. We appreciate the great job she and all Senate Finance staff do for the committee.

I have to also consider the theme we have heard this afternoon, given the circumstances. The House acted as reasonably as they could in a lot of the areas including the health area of the budget. So, the subcommittee worked from that aspect.

The Senate Finance Committee, after the recommendation of the subcommittee, funded the Department of Health and Human Services’ request for their maintenance efforts. Their new director, Mr. Tony Keck, has been very much involved with us throughout this process and he is interested in pursuing healthy outcomes. I have confidence in the direction he has taken the agency and appreciate his efforts. And in dealing with the Department of Disabilities and Special Needs, we are providing $35 million in recurring funding to maintain their existing programs.

In the area of mental health, we are providing $1 million to the Department of Mental Health for crisis stabilizations. Most of the time the crisis stabilizations are in hospital emergency rooms across the State of South Carolina. We are also committing $3.4 million to help them with their agency cuts. They will have a tremendous challenge ahead of them at the Department of Mental Health.

At DHEC, while they have agency reductions, we have dedicated $6 million to help the local health departments in the area of critical health service, which is the front line for many of our citizens across the State of South Carolina. We are trying to help stabilize and plug some of the critical concerns that they have.

The $600,000 in funding to the Human Affairs Commission is to maintain the state EEOC program in lieu of the federal program that would be in place if it were not for the State providing that service.

We are also restoring some recurring funding to our special schools, and by those special schools I mean the South Carolina School for the Deaf and Blind, the Wil Lou Gray Opportunity School, and John de la Howe School. The funding allows them to maximize the capacity at each school. So many times we have seen their budget reduced. There are certain costs associated with serving a number of students. If we can provide them funding, they will be able to maximize their facilities and take care of their needs at the same time. In the area of Aging in the Lieutenant Governor’s office, the meals program assures that the number of senior citizens served remains level with what we are providing in the current fiscal year. From that standpoint, we are also providing for children’s vaccine purchases by allotting some $1.6 million that when combined with other funding will total about $4.2 million.

We are providing an additional $2 million to the AIDS Drug Assistance Program. The waiting list is over 600 individuals for the current year. Also, $2.8 million will be provided for infectious disease prevention including $800,000 that will be provided for faith-based initiatives. Finally we are providing $100,000 to continue the Hemophilia Assistance Program to help offset the extremely high cost those individuals experience. This is -- in a snapshot -- the subcommittee report that we submit to the Senate this afternoon in the budget deliberations.

Senator LEVENTIS spoke on the Bill.

On motion of Senator LAND, with unanimous consent, the remarks of Senators PEELER, THOMAS, FAIR, COURSON, McGILL, HAYES and ALEXANDER were ordered printed in the Journal.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, staff members from the Budget and Control Board were authorized as necessary to be in that area behind the rail and, further, that Finance Committee staff and other staff designated by the President *Pro Tempore* were admitted to the floor of the Senate Chamber while debate was in progress on H. 3700, the General Appropriations Bill.

**Motion Adopted**

**Report of the Committee on Finance Adopted**

Senator LEATHERMAN asked unanimous consent to make a motion that the Report of the Committee on Finance be adopted, with all members reserving the right to raise any Points of Order and to offer amendments without regard to questions of degree.

There was no objection and the motion was adopted.

**Point of Order**

Senator McCONNELL raised a Point of Order that proviso 80A.35 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

80A.35.  (BCB: SCEIS Flexibility)  In addition to the flexibility authorized in provision ~~89.80 (GP: Flexibility)~~ *89.140 (GP: FY 2011-12 Flexibility)*, the Executive Director of the Budget and Control Board is directed to transfer and utilize *a minimum of $6,812,478 of* funds from any other accounts within the agency in an effort to maintain critical development of infrastructure assets of the statewide SCEIS implementation until further funding is appropriated by the General Assembly.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator McCONNELL raised a Point of Order that proviso 21.16 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

   21.16. (DHHS: Franchise Fees Suspension)  Franchise fees imposed on nursing home beds and enacted by the General Assembly during the 2002 session are suspended July 1, 2002.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator SHEHEEN raised a Point of Order that proviso 26.28 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

*26.28.**(DSS: Licensed Day Care Facilities Relicensing)  Notwithstanding 63-13-20 (22), (23), and (26), and 63-13-1010, for Fiscal Year 2011-12, any child care center, church or religious center, group child care home, or licensed family child care home shall have their Department of Social Services operating license or approval extended an additional year.  At no time shall a license, approval, or registration be issued for a period greater than three years.  All registered family homes will continue to complete a yearly registration process.  Facilities are not eligible for the extension provided for herein if the department is investigating the facility for possible revocation, is in the process of revocation, the revocation is under appeal, or the license, approval or registration is subsequently reinstated by the department.  The Department of Social Services shall report quarterly to the Senate Finance Committee and the House Ways and Means Committee on the number of unannounced site inspections conducted during the current fiscal year and shall also include in the report the number of facilities not eligible for the extension during that quarter.*

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator SHEHEEN raised a Point of Order that proviso 45.9 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

*45.9. (AG: Criminal Insurance Activity Investigations)  The Office of the Attorney General is authorized to thoroughly investigate all claims or allegations of violations of Sections 38-55-170 and 38-55-540 and related criminal insurance activity pursuant to Section 38-55-560 of the 1976 Code.  Fines collected must be remitted to the General Fund of the State.*

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRYANT raised a Point of Order that proviso 89.160 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

*89.160.   (GP: Long Term Care Task Force)  For Fiscal Year 2011-12, there is created the Task Force on Long Term Care Accessibility to assess the needs of the state’s long term care system and the impact of long term care to the Medicaid program.  The assessment should include, but is not limited to, the identification of cost containment efficiencies, identification of duplication, waste, fraud, and abuse, and coordination of access to long term care resources.*

*The Task Force shall be composed of seven voting members.  All members appointed must have substantial academic, professional, or personal experience in long term care services and support.  The Task  Force  must be comprised of the following: one member appointed by the Chairman of the Senate Finance Committee, one member appointed by the Chairman of the Senate Medical Affairs Committee, one member appointed by the Chairman of the House Ways and Means Committee, one member appointed by the Chairman of the House Medical, Military, Public and Municipal Affairs Committee, three members appointed by the Governor, one of whom must be a representative of nursing home service providers and one of whom must be a representative of home and community based service providers and the third member appointed by the Governor shall serve as chairman, and the Directors of the Department of Health and Human Services, Department of Disabilities and Special Needs, Department of Mental Health, and the Lieutenant Governor’s Office on Aging or their designees shall serve as ex-officio members.  Initial appointments to the task force must be made within thirty days of the start of the fiscal year.  The initial meeting of the task force must be convened by the appointee of the Chairman of the Senate Finance Committee.*

*Members of the task force shall serve without mileage, per diem, and subsistence.  The South Carolina Public Health Institute shall provide research, staffing assistance, and other information that is required to assist in the work of the task force.*

*An advisory panel may be convened by invitation of the task force to provide the task force with information and recommendations.  Members of the advisory panel must have substantial academic, professional, or personal experience in long term care services and supports.*

*The Task Force shall present a written report with recommendations on improving coordination of access to long term care resources, promotion of independence through consumer choices, cost containment, and identification of duplication, waste, fraud, and abuse to the General Assembly by June 30, 2012.*

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator RYBERG raised a Point of Order that proviso 21.11 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

    21.11. (DHHS: Chiropractic Services)  From the funds appropriated herein, the department is directed to provide coverage for medically necessary chiropractic services for Medicaid eligible recipients.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator SHOOPMAN raised a Point of Order that proviso 1.23 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

1.23. (SDE: School Building Aid Allocation)  Funds appropriated for School Building Aid shall be transferred to a special trust fund established by the Comptroller General.  Funds appropriated shall be distributed to the school districts of the State for use in accordance with Section 59-21-350 of the Code of Laws of 1976.  Funds shall be allocated to eligible school districts on a per pupil basis.  The allocation must be based on the 135 day count of average daily membership for the second preceding fiscal year.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator SHOOPMAN raised a Point of Order that proviso 1.95 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

*1.95.   (SDE: Building Fund Flexibility)  For Fiscal Year 2011-12, a school district may flex funds appropriated pursuant to the School Building Aid Program.*

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator SHOOPMAN raised a Point of Order that proviso 21.49 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

*21.49. (DHHS: Non-Generic Prescriptions)  If a client is receiving a non-generic prescription medication through the Department of Mental Health, or is receiving non-generic drugs for the treatment of HIV/AIDS through the Medicaid program, and such non-generic medication maintains the client’s condition in a stable manner, the Medicaid program**must continue to offer to prescribe the non-generic medication until such time as the specific medication is no longer determined to be medically necessary.*

The PRESIDENT took the Point of Order under advisement.

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

**MOTION ADOPTED**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet tomorrow, April 27, 2011, at 9:00 A.M.

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Keels Brockington of Lake City, S.C.

and

**MOTION ADOPTED**

On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Deacon Sam Gamble, Jr. of Salters, S.C.

**ADJOURNMENT**

At 6:05 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 9:00 A.M.

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