**Tuesday, May 3, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

In Genesis we read:

“Then Isaac said to Jacob, ‘Come near so I can touch you, my son, to know whether you really are my son Esau or not.’ ”

(Genesis 27:21)

Please, join me as we bow in prayer:

Holy God, the world which surrounds us is so full of deceit and guile. News accounts, stories on the web, journals we read mention again and again how—in some places, in many countries—leaders are less than upright. We thank You, O Lord, that here in the South Carolina Senate there is great effort to bring integrity to the role and fair dealing to the work these gentlemen carry out. Allow each Senator and every one of their staff members to meet the challenges of our day and time honorably, to Your great glory. In Your loving name we pray, Lord.

Amen.

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

**Leave of Absence**

At 11:10 A.M., Senator FAIR requested a leave of absence beginning at 6:00 P.M. this evening and lasting until 10:00 A.M. in the morning.

**Leave of Absence**

On motion of Senator MASSEY, at 5:00 P.M., Senator SHEHEEN was granted a leave of absence until 7:30 P.M.

**CO-SPONSORS ADDED**

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

S. 274 Sen. Rankin

**Expression of Personal Interest**

Senator GROOMS rose for an Expression of Personal Interest.

**RECALLED**

H. 3431 -- Rep. G.M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “JOHN’S LAW” BY ADDING SECTION 57‑1‑80 SO AS TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PUBLISH ITS LIST OF RAILROAD CROSSINGS AT WHICH IT PLANS TO INSTALL CROSSING ARMS, PLACE TRAFFIC STOP SIGNS AT DANGEROUS CROSSING LOCATIONS UNTIL CROSSING ARMS ARE INSTALLED, AND INCREASE THE NUMBER OF INSTALLATIONS OF CROSSING ARMS AT DANGEROUS RAILROAD CROSSINGS THROUGHOUT THE STATE.

Senator GROOMS asked unanimous consent to make a motion to recall the Bill from the Committee on Transportation.

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

**RECALLED**

H. 4024 -- Rep. Harrison: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION AT LONGTOWN ROAD AND CLEMSON ROAD IN RICHLAND COUNTY IN MEMORY OF DAVID DUPRE AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “DAVID DUPRE INTERSECTION”.

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

The Concurrent Resolution was recalled from the Committee onTransportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

S. 821 -- Senators Cleary and McGill: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 17 BUSINESS FROM ITS INTERSECTION WITH OCEAN HIGHWAY IN GEORGETOWN COUNTY TO ITS INTERSECTION WITH THE GEORGETOWN/HORRY COUNTY LINE “MICKEY SPILLANE WATERFRONT 17 HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “MICKEY SPILLANE WATERFRONT 17 HIGHWAY”.

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

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 861 -- Senators Hutto, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Ford, Gregory, Grooms, Hayes, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO APPLAUD PRESIDENT BARACK OBAMA AND THE UNITED STATES MILITARY FOR ELIMINATING OSAMA BIN LADEN AS A THREAT TO OUR COUNTRY.

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Whereas, Osama bin Laden was the founder and leader of the terrorist organization al Qaeda; and

Whereas, under his leadership, al Qaeda led the terrorist attacks of September 11, 2001, attacks on United States Embassies in Africa, the attack on the U.S.S. Cole in Yemen, and the bombing of the World Trade Center in 1998, and conducted many other atrocities throughout the world; and

Whereas, the United States government pursued Osama bin Laden for more than a decade in an effort to bring him to justice and end his terrorist activities; and

Whereas, on Sunday, May 1, 2011, President Barack Obama gave the order for a small team of U.S. Navy SEALs in Afghanistan to conduct an assault on a compound in Abbottabad, a Pakistani city just north of the Pakistani capital; and

Whereas, late Sunday night local time, the SEALs stormed the compound and engaged in a firefight with bin Laden and his guards; and

Whereas, the SEALs successfully struck a blow against international terrorism by killing bin Laden during the courageous forty minute operation; and

Whereas, the SEALs that conducted the operation are true American heroes and their courageous actions will go down in the annals of American history; and

Whereas, the killing of bin Laden was the culmination of years of intelligence work and is testament to the dedication of America’s fighting forces; and

Whereas, the decision by President Obama to launch the assault that killed bin Laden was one of the most courageous decisions made by any President in recent memory; and

Whereas, President Obama declared, “Our country kept its commitment to see that justice is done. The world is a better place because of bin Laden’s death, and the successful operation reminds Americans that there is nothing we can’t do when we work together.”; and

Whereas, in an address to the nation, President Obama called bin Laden’s death, “the most significant achievement to date in our nation’s effort to defeat al Qaeda”; and

Whereas, President Obama has reiterated that the United States is not fighting Islam, stating “I’ve made clear, just as President Bush did shortly after 9/11, that our war is not against Islam. Bin Laden was not a Muslim leader; he was a mass murderer of Muslims.”; and

Whereas, the President further stated, “We’re reminded that we’re fortunate to have Americans who have dedicated their lives to protecting ours .... We can say to those families who have lost loved ones to al Qaeda’s terror: Justice has been done.”; and

Whereas, the nation owes a debt of gratitude to all the men and women in uniform that have tirelessly worked to fight the scourge of terrorism and keep our nation free and safe. Now, therefore,

Be it resolved by the Senate:

That the members of the Senate, by this resolution, applaud President Barack Obama for his bold and decisive action.

Be it further resolved that members of the Senate thank the brave men who stormed the compound and brought some measure of closure for the families that lost loved ones at bin Laden’s hands and a measure of closure to all the citizens of the United States who will forever have to live with the memories of his evil deeds.

Be it further resolved that a copy of this resolution be forwarded to President Barack Obama and to the United States Secretary of Defense.

Senator HUTTO spoke on the Resolution.

The Senate Resolution was adopted.

S. 862 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OS SOUTH CAROLINA, 1976, BY ADDING ARTICLE 18 TO CHAPTER 1, TITLE 1 SO AS TO PROVIDE THAT GOLD OR SILVER COIN, OR BOTH, SHALL BE LEGAL TENDER IN THIS STATE FOR PAYMENT OF CERTAIN DEBTS; AND BY ADDING ARTICLE 26 TO CHAPTER 1, TITLE 1 SO AS TO ESTABLISH A JOINT COMMITTEE FOR THE ADOPTION OF AN ALTERNATE FORM OF CURRENCY.

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

S. 863 -- Senator Scott: A BILL TO AMEND SECTIONS 5-31-2510, 6-11-2510, 33-49-1410, 58-5-1110, 58-27-2510, AND 58-31-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN PROCEDURES GOVERNING THE TERMINATION OF ELECTRIC AND NATURAL GAS SERVICE UNDER CERTAIN CIRCUMSTANCES FURNISHED BY A MUNICIPALITY, SPECIAL PURPOSE DISTRICT OR PUBLIC SERVICE DISTRICT, ELECTRIC COOPERATIVE, PUBLIC UTILITY, PUBLIC SERVICE AUTHORITY, OR ELECTRIC UTILITY, SO AS TO CHANGE THE DEFINITION OF “SPECIAL NEEDS ACCOUNT CUSTOMER” TO INCLUDE CUSTOMERS WHO SUFFER FROM ALZHEIMER’S DISEASE OR DEMENTIA.

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

S. 864 -- Senators Knotts, Sheheen, Rose and Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-27-05 SO AS TO ENTITLE CHAPTER 27 THE “SOUTH CAROLINA WHISTLEBLOWER AND PUBLIC EMPLOYEE PROTECTION ACT”; TO AMEND SECTION 8-27-20, AS AMENDED, RELATING TO REWARDS FOR REPORTS RESULTING IN SAVINGS, SO AS TO ELIMINATE THE TWO THOUSAND DOLLAR CAP ON REWARDS; AND TO AMEND SECTION 8-27-30, AS AMENDED, RELATING TO CIVIL ACTIONS AGAINST AN EMPLOYING PUBLIC BODY FOR RETALIATION AGAINST AN EMPLOYEE WHO REPORTS A VIOLATION OF STATE OR FEDERAL LAW OR REGULATION, SO AS TO REMOVE THE ONE-YEAR LIMITATION ON THE PERIOD DURING WHICH THE EMPLOYEE IS PROTECTED FROM ADVERSE EMPLOYMENT ACTIONS, AND TO PROVIDE FOR ADDITIONAL REMEDIES.

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

S. 865 -- Senator Peeler: A JOINT RESOLUTION TO PROHIBIT THE ESTABLISHMENT OF NEW OFFICIAL STATE SYMBOLS AND EMBLEMS.

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Senator PEELER spoke on the Resolution.

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

S. 866 -- Senator McConnell: A BILL TO AMEND SECTION 17‑27-20 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY INSTITUTE A POST‑CONVICTION RELIEF PROCEEDING, SO AS TO PROVIDE THAT A PERSON MAY INSTITUTE A POST-CONVICTION RELIEF PROCEEDING IF THE PERSON HAS BEEN CONVICTED OF AND SENTENCED FOR A CRIME.

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

S. 867 -- Senator L. Martin: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN’S CHRISTIAN ASSOCIATION TO USE THE SENATE CHAMBER AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE SENATE OFFICE BUILDING ON THURSDAY, NOVEMBER 17, 2011, AND FRIDAY, NOVEMBER 18, 2011, TO CONDUCT THE YOUTH IN GOVERNMENT PROGRAM.

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The Senate Resolution was adopted.

S. 868 -- Senator Williams: A SENATE RESOLUTION TO HONOR AND CONGRATULATE CHARLENE LOWERY, STAFF ASSISTANT TO CONGRESSMAN JIM CLYBURN, UPON HER RETIREMENT, AND TO WISH HER MUCH HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 869 -- Senators Jackson, Sheheen, Lourie, Land, Hutto, Malloy, Coleman, Leventis, Scott, Williams, Setzler, Pinckney, McGill and Matthews: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CAROL FOWLER FOR HER MANY YEARS OF DEDICATED SERVICE TO THE DEMOCRATIC PARTY.

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The Senate Resolution was adopted.

S. 870 -- Senator Scott: A SENATE RESOLUTION TO HONOR MRS. DOROTHY JEAN MAXWELL OF RICHLAND COUNTY ON THE OCCASION OF MOTHER’S DAY, AND TO WISH HER A JOYOUS CELEBRATION AND MANY MORE YEARS OF HAPPINESS AS SHE CONTINUES HER EXEMPLARY COMMUNITY SERVICE.

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The Senate Resolution was adopted.

S. 871 -- Senator Anderson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 25 FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 291 TO ITS INTERSECTION WITH LENHART ROAD IN GREENVILLE COUNTY “DR. S. C. CURETON MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “DR. S. C. CURETON MEMORIAL HIGHWAY”.

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

H. 3051 -- Reps. Erickson, Harrison, G. R. Smith, Long, Lucas, Norman, Young, Taylor, Owens, Patrick, Daning, Crosby, Brady, Allison, Merrill, Quinn, Toole, Viers, Ballentine, Henderson, Bedingfield and Bingham: A JOINT RESOLUTION TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY BY REGULATION OR OTHERWISE MAY ADMINISTRATIVELY INCREASE OR IMPLEMENT A FEE FOR PERFORMING A SERVICE OR FUNCTION, OR A CIVIL PENALTY OR FINE FOR FAILURE TO COMPLY WITH A REQUIREMENT OR PROVISION OF LAW UNDER ITS JURISDICTION WITHOUT THE SPECIFIC APPROVAL OF THE INCREASED OR NEW FEE, FINE, OR PENALTY BY THE GENERAL ASSEMBLY BY CONCURRENT RESOLUTION ON A RECORDED ROLL CALL VOTE; TO PROVIDE THAT GENERAL APPROVAL BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION OF A REGULATION OF A STATE AGENCY OR DEPARTMENT UNDER THE ADMINISTRATIVE PROCEDURES ACT WHEREIN A FEE, FINE, OR PENALTY INCREASE OR IMPOSITION IS CONTAINED DOES NOT CONSTITUTE APPROVAL UNDER THE REQUIREMENTS OF THIS SECTION, AND IF AN INCREASE OR IMPLEMENTATION IS CONTAINED IN THAT JOINT RESOLUTION, THE INCREASE OR IMPLEMENTATION IS NULL AND VOID; TO PROVIDE CERTAIN EXCEPTIONS; AND TO PROVIDE FOR THE DURATION OF THIS PROVISION.

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

H. 3194 -- Reps. Pope, Tallon, Hixon, D. C. Moss, G. R. Smith, Simrill, Viers and Atwater: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS ALLOWED FROM SOUTH CAROLINA TAXABLE INCOME OF AN INDIVIDUAL FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO ALLOW A MAXIMUM THREE THOUSAND DOLLAR A YEAR DEDUCTION FOR VOLUNTEER STATE CONSTABLES DESIGNATED BY THE STATE LAW ENFORCEMENT DIVISION AS STATE CONSTABLES AND TO PROVIDE THE ELIGIBILITY REQUIREMENTS FOR THIS DEDUCTION.

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

H. 3342 -- Reps. Harrison and Weeks: A BILL TO AMEND SECTION 56-1-286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OR DENIAL OF ISSUANCE OF A DRIVER’S LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE TO CERTAIN PERSONS WHO DRIVE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM “ADMINISTRATIVE HEARING” AND REPLACE IT WITH THE TERM “CONTESTED CASE HEARING”, TO PROVIDE THAT A CONTESTED CASE HEARING MUST BE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS PURSUANT TO ITS RULES OF PROCEDURE, AND TO DELETE THE TERM “DIVISION OF MOTOR VEHICLE HEARINGS” AND REPLACE IT WITH THE TERM “OFFICE OF MOTOR VEHICLE HEARINGS”; TO AMEND SECTION 56-5-2942, AS AMENDED, RELATING TO VEHICLE IMMOBILIZATION AFTER A CONVICTION FOR DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER ILLEGAL SUBSTANCE, SO AS TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT OF MOTOR VEHICLES MAY RELEASE AN IMMOBILIZED VEHICLE REGISTERED TO A PERSON WHO HAS NOT BEEN CONVICTED OF DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER UNLAWFUL SUBSTANCE; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER’S LICENSE OR PERMIT FOR HIS REFUSAL TO SUBMIT TO A TEST TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM “ADMINISTRATIVE HEARING” AND REPLACE IT WITH THE TERM “CONTESTED CASE HEARING”, TO PROVIDE THAT ADMINISTRATIVE HEARINGS ARE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS AND NOT THE DEPARTMENT OF MOTOR VEHICLES, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES IS RESPONSIBLE FOR SENDING A HEARING OFFICER’S DECISION TO A PERSON WHO IS ELIGIBLE TO RECEIVE A RESTRICTED LICENSE PURSUANT TO THIS SECTION; AND TO AMEND SECTION 56-5-2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS, SO AS TO INCREASE THE FEE, TO DELETE THE TERM “ADMINISTRATIVE LAW COURT” AND REPLACE IT WITH THE TERM “OFFICE OF MOTOR VEHICLE HEARINGS”, AND REVISE THE PROCEDURE FOR DISTRIBUTING FUNDS GENERATED FROM THE COLLECTION OF THESE FEES.

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

H. 3346 -- Reps. Loftis, Limehouse, Corbin, Ballentine, Atwater, Mitchell, Quinn, Alexander, Bannister, Horne, Norman, J. E. Smith, Henderson, Brady, Erickson, Herbkersman, McCoy, Sottile, Allen, Stavrinakis, Williams, Jefferson, Sellers, Pinson, Huggins, Bales, Hardwick, Dillard and Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑6-3586 SO AS TO ALLOW A STATE TAX CREDIT FOR THE INSTALLATION OF SOLAR ENERGY EQUIPMENT IN AN AMOUNT EQUAL TO THIRTY-FIVE PERCENT OF THE AMOUNTS FOR SPECIFIC INSTALLATIONS AND FOR SPECIFIC PURPOSES, TO DEFINE SOLAR ENERGY EQUIPMENT, TO PROVIDE FOR THE TIMING OF CREDITS AND THE CARRY FORWARD OF UNUSED CREDITS, TO PROVIDE THOSE TAXES AGAINST WHICH THIS CREDIT IS ALLOWED, AND TO PROHIBIT DOUBLE CREDITS.

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

H. 3456 -- Reps. White, G. M. Smith, Pitts, Battle and McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-11-240 SO AS TO CREATE THE OTHER FUNDS OVERSIGHT COMMITTEE TO REVIEW AND EXAMINE THE SOURCE OF OTHER FUNDS IN THIS STATE AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY, TO PROVIDE FOR ITS MEMBERSHIP, TO PROVIDE THAT ALL AGENCIES MUST COOPERATE WITH THE COMMITTEE, AND TO REQUIRE THE STATE BUDGET OFFICE TO NOTIFY THE COMMITTEE OF ANY REQUEST FOR AN INCREASE IN INTERIM BUDGET AUTHORIZATION.

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

H. 3527 -- Reps. Gilliard, McEachern, Spires, Butler Garrick, King, Jefferson, Sabb, Munnerlyn, V. S. Moss, Cobb-Hunter, Herbkersman, Willis, Harrell, Pope, D. C. Moss, Norman, Hearn, Horne, Murphy, Bikas, Viers, Whipper and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-3-970 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR AN INMATE TO BE A MEMBER OF AN INTERNET-BASED SOCIAL NETWORKING WEBSITE AND TO PROVIDE A PENALTY.

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

H. 3617 -- Reps. Pitts, R. L. Brown, Allen, Bales, Brady, Knight, Ballentine, McLeod, Willis, Toole, Sellers and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48-1-95 SO AS TO PROVIDE THAT A SEWAGE SYSTEM, OR ITS TREATMENT WORKS, THAT HAS HAD THREE OR MORE SEWAGE SPILLS IN A TWELVE‑MONTH PERIOD MUST COMPLETE A COMPREHENSIVE REVIEW OF THEIR OPERATIONS; TO PROVIDE FOR THE COMPREHENSIVE REVIEW; TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN ACTION PLAN TO ADDRESS ISSUES RAISED IN THE COMPREHENSIVE REVIEW; TO PROVIDE SPENDING PRIORITIES FOR WASTEWATER UTILITIES THAT LACK FUNDS FOR IMPLEMENTING AN ACTION PLAN; TO PROVIDE THAT WASTEWATER UTILITIES THAT DEVELOP AN ACTION PLAN HAVE PRIORITY FOR STATE FUNDS OR STATE‑DIRECTED FEDERAL FUNDS; AND TO PROVIDE THAT REPETITIVE SPILLS MUST BE FORWARDED TO AND RECORDED BY THE SOUTH CAROLINA ENVIRONMENTAL CERTIFICATION BOARD.

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

H. 3650 -- Reps. Cooper and Ott: A BILL TO AMEND SECTION 12-37-2725, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CANCELLATION OF A LICENSE PLATE AND REGISTRATION CERTIFICATE WHEN A VEHICLE OWNER MOVES OUT OF STATE AND THE PRORATED PROPERTY TAX REFUND DUE ON THAT CANCELLATION, SO AS TO ALLOW THE APPROPRIATE RECEIPT ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES TO SUBSTITUTE FOR THE ACTUAL LICENSE PLATE AND CERTIFICATE; TO AMEND SECTION 12‑39-220, RELATING TO THE DISCOVERY OF UNTAXED PROPERTY FOR PURPOSES OF PROPERTY TAXES, SO AS TO PROVIDE THE DUTIES OF THE ASSESSOR WITH RESPECT TO THIS PROPERTY; AND TO AMEND SECTION 12-54-85, AS AMENDED, RELATING TO THE TIME LIMITS APPLICABLE FOR ASSESSING DELINQUENT TAXES, SO AS TO MAKE A CONFORMING AMENDMENT.

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

H. 3687 -- Reps. J. E. Smith, Bingham and Huggins: A BILL TO AMEND SECTION 50-5-2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL EXHIBIT OF A MARINE MAMMAL IN THIS STATE AND PROVIDING PENALTIES FOR VIOLATION, SO AS TO PROHIBIT THE DISPLAY OF A WILD CAUGHT OR CAPTIVE-BRED DOLPHIN OR WHALE AND TO REQUIRE THE MARINE MAMMAL STRANDING NETWORK TO ATTEMPT TO REHABILITATE AND TO RELEASE ANY BEACH-STRANDED WHALE OR DOLPHIN AND TO PROVIDE PENALTIES.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 3720 -- Reps. Cooper, Henderson and Patrick: A BILL TO AMEND SECTION 12-6-3360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE JOBS TAX CREDIT, SO AS TO REVISE THE REQUIREMENTS OF A QUALIFYING SERVICE-RELATED FACILITY AND A TECHNOLOGY INTENSIVE FACILITY; BY ADDING SECTION 12-6-3411 SO AS TO PROVIDE THAT A CORPORATION ESTABLISHING A NATIONAL CORPORATE HEADQUARTERS OR EXPANDING OR ADDING TO AN EXISTING NATIONAL CORPORATE HEADQUARTERS IN THIS STATE, WHICH IN CONNECTION THEREWITH ADDS AT LEAST FIFTY NEW FULL-TIME JOBS SHALL BE EXEMPT FROM PAYING STATE CORPORATE INCOME TAXES FOR A PERIOD OF TEN YEARS; TO AMEND SECTION 12-20-105, AS AMENDED, RELATING TO TAX CREDITS FOR PROVIDING INFRASTRUCTURE, SO AS TO INCREASE THE MAXIMUM AGGREGATE CREDIT TO FOUR HUNDRED THOUSAND DOLLARS ANNUALLY; TO AMEND SECTIONS 4-12-30, 4-29-67, AND 12-44-90, ALL AS AMENDED, RELATING TO FEE IN LIEU OF TAXES, SO AS TO PROVIDE THAT A COUNTY AUDITOR OR COUNTY ASSESSOR MAY REQUEST AND OBTAIN ANY FINANCIAL BOOKS AND RECORDS FROM A SPONSOR THAT SUPPORT THE SPONSOR'S TAX FORM OR RETURN TO VERIFY THE CALCULATIONS OF THE FEE IN LIEU OF TAXES TAX FORM OR RETURN; AND TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO SALES TAX EXEMPTIONS, SO AS TO EXEMPT COMPUTERS, COMPUTER EQUIPMENT, COMPUTER HARDWARE AND SOFTWARE PURCHASES FOR A DATACENTER AND ELECTRICITY USED BY A DATACENTER.

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

H. 3762 -- Reps. Cooper, White, Bowen, Gambrell, Thayer, Sandifer, D. C. Moss, McLeod, Viers and Clemmons: A BILL TO AMEND SECTION 41-31-45, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNEMPLOYMENT INSURANCE TRUST FUND, SO AS TO PROVIDE THAT IN A YEAR IN WHICH THE FUND IS IN DEBT STATUS, THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, AMONGST OTHER ESTIMATES, MUST ESTIMATE THE AMOUNT OF INCOME NECESSARY TO REPAY ALL OUTSTANDING FEDERAL LOANS WITHIN EIGHT YEARS.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 3864 -- Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Herbkersman, Hiott, Hodges, G. M. Smith, Pinson, Ballentine, D. C. Moss, Mitchell, J. H. Neal, R. L. Brown, Whipper, Toole, Forrester, Butler Garrick, Hayes, Chumley, J. E. Smith, Atwater, Owens, Bikas, Crosby, Hixon, Murphy, Stringer, Clemmons, Pitts, Edge, Viers, Dillard, Ryan, Vick, J. R. Smith, Knight, Long, Huggins, Ott and Weeks: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON FISHING GENERALLY, SO AS TO REVISE THE PROVISIONS OF THE ARTICLE TO GOVERN CERTAIN FISHING ACTIVITIES IN THE FRESHWATERS OF THIS STATE AND TO PROVIDE PENALTIES FOR SPECIFIC VIOLATIONS; BY ADDING ARTICLE 2 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN REGULATION OF AND THE PROTECTION FOR FRESHWATER GAME FISH; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES, BY ADDING SECTION 50-13-1995 SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY PERMIT THE FEDERAL GOVERNMENT TO CONDUCT FISH AND SCIENTIFIC INVESTIGATIONS IN THE WATERS OF THIS STATE IN CONNECTION WITH HATCHERY OPERATIONS OR MANAGEMENT OF THOSE SPECIES UNDER FEDERAL JURISDICTION; AND TO REPEAL SECTIONS 50-13-610 RELATING TO LAWFUL TAKING OF FISH IN GAME ZONE NO. 1; 50-13-620 RELATING TO PENALTIES APPLICABLE TO FISHING VIOLATIONS IN GAME ZONE NO. 1; 50-13-680 RELATING TO PERMITS REQUIRED FOR TAKING FISH IN CERTAIN PONDS IN MARLBORO COUNTY; 50-13-690 RELATING TO THE USE OF NETS OR OTHER DEVICES TO TAKE NONGAME FISH FROM PRIVATE PONDS IN CHESTERFIELD COUNTY; 50-13-730 RELATING TO THE USE OF NETS TO TAKE NONGAME FISH IN THE FRESHWATERS OF THIS STATE; AND 50-13-2010 RELATING TO THE SHELLEY LAKE FISH SANCTUARY IN MARION COUNTY.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 3895 -- Reps. Tallon, Bannister, Brantley, Allison, Parker, Chumley, Knight, Brannon, Hearn, Allen, Sellers, Bowen, Corbin, Patrick, Cole, Dillard, Erickson, Forrester, Henderson, Herbkersman, McCoy, Mitchell, V. S. Moss, Pinson, Rutherford, Sabb, G. R. Smith, Thayer, Tribble, Willis and King: A BILL TO AMEND SECTION 17-15-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEARANCE BONDS, SO AS TO PROVIDE THAT AN APPEARANCE BOND IS VALID FOR A CERTAIN TIME PERIOD IN CIRCUIT AND MAGISTRATES OR MUNICIPAL COURTS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE A PROCEDURE TO RELIEVE THE SURETY OF LIABILITY WHEN THE TIME PERIOD HAS RUN.

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

H. 3897 -- Reps. Stringer and Ballentine: A JOINT RESOLUTION TO DISAPPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ENVIRONMENTAL PROTECTION FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4132, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 4061 -- Rep. Harrison: A BILL TO AMEND SECTION 62-2-612, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROBATE PROCEEDINGS TO DETERMINE A DECEDENT'S INTENT REGARDING THE APPLICATION OF CERTAIN FEDERAL TAX FORMULAS, SO AS TO IMPOSE CERTAIN TIME LIMITS ON THE AVAILABILITY OF THESE PROCEEDINGS.

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

H. 4089 -- Reps. Edge, Alexander, Barfield, Hearn and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-9-83 SO AS TO AUTHORIZE HOSPITAL PUBLIC SERVICE DISTRICTS TO ENTER INTO AGREEMENTS WITH NONPROFIT ENTITIES AND TO TRANSFER ASSETS AND LIABILITIES TO SUCH NONPROFIT ENTITIES AND PROVIDE CONDITIONS AND REQUIREMENTS FOR THESE AGREEMENTS AND TRANSFERS.

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

H. 4094 -- Rep. Stavrinakis: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DISTRICT OF CHARLESTON COUNTY FOR FISCAL YEARS 2010-2011 THROUGH 2012-2013 MAY EXPEND FUNDS GENERATED FROM A GENERAL OBLIGATION DEBT BOND ISSUED FOR SCHOOL OPERATING PURPOSES, IN ORDER TO DEAL WITH A SHORTAGE OF SCHOOL OPERATING FUNDS, IF PERMITTED BY THE FEDERAL LAW APPLICABLE TO THE PARTICULAR TYPES OF BONDS ISSUED AND IF IT DOES NOT VIOLATE ANY PROVISIONS OF THE BOND INDENTURE APPLICABLE TO THE ISSUANCE AND SALE OF THOSE BONDS AND TO REQUIRE THAT ANY BOND FUNDS USED FOR SCHOOL OPERATING PURPOSES MUST BE RESTORED TO THE APPROPRIATE BOND PROCEEDS ACCOUNTS WITHIN TWELVE MONTHS.

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4108 -- Rep. Allen: A BILL TO AMEND SECTIONS 5-31-2510, 6-11-2510, 33-49-1410, 58-5-1110, 58-27-2510, AND 58-31-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN PROCEDURES GOVERNING THE TERMINATION OF ELECTRIC AND NATURAL GAS SERVICE UNDER CERTAIN CIRCUMSTANCES FURNISHED BY A MUNICIPALITY, SPECIAL PURPOSE DISTRICT OR PUBLIC SERVICE DISTRICT, ELECTRIC COOPERATIVE, PUBLIC UTILITY, PUBLIC SERVICE AUTHORITY, OR ELECTRIC UTILITY, SO AS TO CHANGE THE DEFINITION OF “SPECIAL NEEDS ACCOUNT CUSTOMER” TO INCLUDE CUSTOMERS WHO SUFFER FROM ALZHEIMER’S DISEASE OR DEMENTIA.

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

H. 4125 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO MINIMUM STANDARDS FOR LICENSING CHIROPRACTIC FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4180, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 4139 -- Reps. Limehouse, Sottile, Gilliard, McCoy, Clyburn, Hosey, Stavrinakis and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-190 SO AS TO ESTABLISH THE “STATE DAY OF PRAYER” AS THE FIRST THURSDAY IN MAY OF EACH YEAR.

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

H. 4159 -- Reps. Howard, 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, 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 COMMEND THE PRESIDENT OF THE UNITED STATES, BARACK OBAMA, THE UNITED STATES INTELLIGENCE COMMUNITY, THE MEMBERS OF THE UNITED STATES JOINT SPECIAL OPERATIONS COMMAND, AND ESPECIALLY THE SOLDIERS, SAILORS, AIRMEN, AND MARINES WHOSE HEROIC COLLECTIVE EFFORTS FINALLY BROUGHT TO JUSTICE OSAMA BIN LADEN, THE FUGITIVE LEADER OF AL‑QAEDA AND MASTERMIND OF THE SEPTEMBER 11, 2001, TERRORIST ATTACKS.

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

H. 4170 -- Rep. Barfield: A CONCURRENT RESOLUTION TO COMMEND CONWAY FREEWILL BAPTIST CHURCH FOR ITS ANNUAL PATRIOTIC SERVICE, HELD TO EXTEND APPRECIATION TO THE VETERANS OF OUR ARMED FORCES.

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

H. 4171 -- Rep. Barfield: A CONCURRENT RESOLUTION TO COMMEND AYNOR UNITED METHODIST CHURCH FOR ITS ANNUAL VETERANS DAY SERVICE, HELD TO EXTEND APPRECIATION TO THE MEN AND WOMEN OF OUR ARMED FORCES.

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

H. 4172 -- Rep. Barfield: A CONCURRENT RESOLUTION TO COMMEND CONWAY CHURCH OF GOD FOR ITS ANNUAL PATRIOTIC SERVICE, HELD TO EXTEND APPRECIATION TO THE VETERANS OF OUR ARMED FORCES.

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

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

**ADOPTED**

S. 858 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RESPECTFULLY REQUEST AND URGE CONGRESS TO ENACT SUCH LEGISLATION AS NECESSARY TO CREATE THE CAMDEN BATTLEFIELD AND HISTORIC CAMDEN REVOLUTIONARY WAR SITE AS A UNIT OR UNITS OF THE NATIONAL PARK SYSTEM FOR THE ENJOYMENT, EDUCATION, AND INSPIRATION OF THIS AND FUTURE GENERATIONS.

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

**OBJECTION**

Senator RYBERG objected to the uncontested Bills and Joint Resolutions on the Statewide Calendar.

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

**AMENDED, DEBATE INTERRUPTED**

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

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

**Amendment No. 8B**

Senators THOMAS and BRYANT proposed the following amendment (DAD 21.49 THOMAS NON-GEN), previously printed and carried over on April 27, 2011, which was adopted (#23):

Amend the bill, as and if amended, Part IB, Section 21, DEPARTMENT OF HEALTH AND HUMAN SERVICES, page 390, proviso 21.49, by striking the proviso in its entirety, lines 29 - 33 and inserting:

/ *21.49. (DHHS: Non-Generic Prescriptions) Initial prescriptions for medications for clients who receive drugs through the Department of Mental Health must be generic. A client who is currently receiving a non-generic prescription medication through the department, or who is receiving non-generic drugs for the treatment of HIV/AIDS through the Medicaid program must have their prescription changed to generic, if such drug is available. In the event a physician determines that the generic drug does not maintain the client’s condition in a stable manner, a non-generic prescription may be offered.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator THOMAS explained the amendment.

Senator ALEXANDER argued contra to the adoption of the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 14; Nays 22**

**AYES**

Alexander Coleman Hayes

Hutto Land Leatherman

Malloy *Martin, Larry* Matthews

McGill Nicholson O'Dell

Scott Williams

**Total--14**

**NAYS**

Bright Bryant Campbell

Campsen Cleary Courson

Cromer Davis Fair

Gregory Grooms Leventis

*Martin, Shane* Massey McConnell

Peeler Rose Ryberg

Setzler Shoopman Thomas

Verdin

**Total--22**

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

The amendment was adopted.

**Amendment No. 88**

Senator BRIGHT proposed the following amendment (3700R061.LB.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 22, DEPARTMENT OF HEALTH & ENVIRONMENTAL CONTROL, page 398, after line 5, by inserting a new proviso to read:

*/ 22.\_\_\_. (DHEC: Personhood) The department must utilize at least one hundred dollars to prepare printed materials concerning the right to life for each born and preborn human being vested at fertilization. The materials must be provided to each abortion provider in the State and must accompany any other written materials distributed to a woman prior to an abortion. The materials must contain only the following information: “The right to life guaranteed by Article I, Section 3 of the South Carolina Constitution, specifically that no person shall be deprived of life without due process of law, and that no person may be denied the equal protection of the laws of this State, vests at fertilization for each born and preborn human person. The materials must be easily comprehendible and must be printed in a typeface large and bold enough to be clearly legible. The materials required under this section must be available on the department’s Internet website.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

**Point of Order**

Senator HUTTO raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Amendment No. 88 was ruled out of order.

**Amendment No. 59**

Senator BRIGHT proposed the following amendment (3700R048.LB.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 24, DEPARTMENT OF DISABILITIES & SPECIAL NEEDS, page 402, after line 21, by adding an appropriately numbered new proviso to read:

*/ 24.\_\_\_. (DDSN: Additional Funding) The funds appropriated to the Office of First Steps to School Readiness must be transferred to the Department of Disabilities and Special Needs to be used for general operating expenses of the department or for programs administered by the department.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator BRIGHT explained the amendment.

Senator LEATHERMAN spoke on the amendment.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

Senator BRIGHT resumed explaining the amendment.

Senator FAIR moved to lay the amendment on the table.

The amendment was laid on the table.

**RECESS**

At 12:43 P.M., on motion of Senator PEELER, the Senate receded from business until 1:30 P.M.

At 1:37 P.M., the Senate resumed.

**Amendment No. 52**

Senator HUTTO proposed the following amendment (DG TEEN), which was tabled:

Amend the bill, as and if amended, Part IB, Section 26, DEPARTMENT OF SOCIAL SERVICES, page 407, by deleting paragraph 26.22.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator HUTTO explained the amendment.

Senator FAIR moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 68A**

Senators SHANE MARTIN and HAYES proposed the following amendment (DG ART70COMM), which was adopted (#24):

Amend the bill, as and if amended, Part IB, Section 30, ARTS COMMISSION, page 410, after line 23, by adding an appropriately numbered new proviso to read:

/ *30.\_\_\_. (ARTS: Grants) The Arts Commission must expend seventy percent of appropriated state funds on grants to support the statewide improvement of learning and enrichment opportunities for children and communities through educational and cultural programs with proven research based strategies.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

Senator HAYES spoke on the amendment.

Senator LEVENTIS argued contra to the adoption of the amendment.

Senator LEVENTIS moved to lay the amendment on the table.

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

**Ayes 3; Nays 39**

**AYES**

Hutto Land Leventis

**Total--3**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hayes Knotts Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**Recorded Vote**

Senator ROSE desired to be recorded as voting against the motion to table Amendment No. 68A.

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

The amendment was adopted.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator KNOTTS on April 27, 2011, that proviso 23.13 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator BRIGHT on April 28, 2011, that proviso 1.61 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator SHEHEEN on April 28, 2011, that proviso 26.26 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 28, 2011, that proviso 1.20 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 28, 2011, that proviso 1A.18 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 28, 2011, that proviso 2.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 28, 2011, that proviso 39.2 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 28, 2011, that proviso 53.3 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 28, 2011, that proviso 53.6 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator McCONNELL on April 28, 2011, that proviso 65.7 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Decision of the PRESIDENT**

The PRESIDENT took up the Point of Order raised by Senator HUTTO on April 28, 2011, that proviso 1.100 of Part 1B was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

**Amendment No. 81A**

Senator LOURIE proposed the following amendment (3700 LAWSUIT.DOCX), which was tabled:

Amend the bill, as and if amended, Part IB, Section 45, ATTORNEY GENERAL'S OFFICE, page 425, after line 21, by adding an appropriately numbered new proviso to read:

*/45. (AG: Lawsuit) The Office of Attorney General shall not use any funds appropriated to defend any law suit related to the disenfranchisement of South Carolinians who are legally registered to vote by requiring a photo ID to vote.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LOURIE explained the amendment.

**Point of Order**

Senator THOMAS raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT overruled the Point of Order.

Senator CAMPSEN moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. 70**

Senator MASSEY proposed the following amendment (3700R046.SRM.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 47, COMMISSION ON INDIGENT DEFENSE, page 430, after line 22, by adding an appropriately numbered new proviso to read:

*/ 47. . (INDEF: Civil Appointment Fund) Of the funds appropriated to the Palmetto Pride program, one million four hundred thousand dollars must be transferred to the Civil Appointment Fund.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

**Point of Order**

Senator THOMAS raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Amendment No. 70 was ruled out of order.

**Amendment No. 62**

Senator FAIR proposed the following amendment (DAD METHLAB), which was adopted (#25):

Amend the bill, as and if amended, Part IB, Section 48, GOVERNOR'S OFF.-STATE LAW ENFORCEMENT DIV., page 432, after line 32, by adding an appropriately numbered new proviso to read:

*/ (SLED: Meth Lab Study Committee) From the funds appropriated to or authorized for the State Law Enforcement Division, the division is directed to form a committee consisting of the Department of Health and Environmental Control, emergency management personnel, local law enforcement, municipal and county officials, and any additional entities they deem necessary to study the problems of cleaning illegal methamphetamine labs, disposing of hazardous materials from those labs, and the costs associated with such clean-ups. The State Law Enforcement Division shall make a written report with recommendations to the General Assembly no later than January 30, 2012.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

**Amendment No. 86**

Senators MASSEY and KNOTTS proposed the following amendment (DAD 48.12 PRIV DET FEE), which was adopted (#26):

Amend the bill, as and if amended, Part IB, Section 48, GOVERNOR'S OFF.-STATE LAW ENFORCEMENT DIV., page 432, paragraph 48.12, lines 1-5, by striking the proviso in its entirety and by inserting:

/ 48.12. (SLED: Private Detective Fees Criminal History Checks) The State Law Enforcement Division is authorized to charge private detective companies, individual private detectives, private security companies, armed security guards, and proprietary security companies ~~an additional~~ *a* fee of twenty-five dollars to process state criminal history checks and fifty dollars for federal fingerprint based criminal history checks. These funds shall be collected, retained, expended and carried forward by the State Law Enforcement Division. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Point of Order**

Senator BRIGHT raised a Point of Order that proviso 6.4 was out of order inasmuch as it was violative of Rule 24.

**6.4.** (CHE: Performance Funding Calculations Changes) The allocations made for the immediate fiscal year following March 1 of any year may not be adjusted by the commission due to any change in performance funding calculations, or methodology.

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRIGHT raised a Point of Order that proviso 6.18 was out of order inasmuch as it was violative of Rule 24.

**6.18.** (CHE: Education & General Funds - Institutions) Of the funds appropriated to the Commission on Higher Education for Education and General Funds for Institutions, the commission shall allocate the funds to research universities, excluding Clemson University and the University of South Carolina-Columbia, four year comprehensive teaching colleges and universities**,** two year branches of the University of South Carolina, and the state technical and comprehensive education system per the allocation methodology adopted by the commission for FY 2007-08 such that 35% is distributed to the institutions to begin addressing parity issues with the remaining funding distributed based on the institution’s share as determined by the commission’s funding model for Fiscal Year 2007-08.

The PRESIDENT took the Point of Order under advisement.

The PRESIDENT announced that the 3:00 P.M. deadline had arrived and no further amendments would be accepted on the Desk, except those in accordance with the unanimous consent request of Thursday, April 28, 2011.

**Objection**

Senator BRIGHT asked unanimous consent to make a motion that amendments which were in the process of being drafted be allowed to be submitted on the Desk after the 3:00 P.M. deadline.

Senator CLEARY objected.

**Objection**

Senator SETZLER asked unanimous consent to make a motion that an amendment pertaining to ETV which was in the process of being drafted be allowed to be submitted on the Desk after the 3:00 P.M. deadline.

Senator BRIGHT objected.

Senator LOURIE spoke on the motion.

Senator McCONNELL spoke on the motion.

**Amendment No. 89**

Senators FAIR, MASSEY and KNOTTS proposed the following amendment (DAD DETECTIVE SECURITY FEE), which was adopted (#27):

Amend the bill, as and if amended, Part IB, Section 48, GOVERNOR’S OFF.-STATE LAW ENFORCEMENT DIV., page 432, after line 32, by adding an appropriately numbered new proviso to read:

/ *(SLED: Private Detective/Security Fee) The license and registration fees set by the State Law Enforcement Division for private detective businesses, private security businesses, including employees of these businesses, and companies which provide private security on their own premises must not exceed those fees set by regulation as of January 1, 2011, unless otherwise approved by the General Assembly. From the funds collected from these fees, the State Law Enforcement Division must transfer $480,000 to the Department of Public Safety which shall be used for the purpose of providing security in the Capitol Complex area.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

The amendment was adopted.

**Amendment No. 100**

Senator McCONNELL proposed the following amendment (DG LLRFLEX2), which was adopted (#28):

Amend the bill, as and if amended, Part IB, Section 65, DEPT. OF LABOR, LICENSING AND REGULATION, page 447, by striking paragraph 65.7 in its entirety and inserting:

/ 65.7. (LLR: Flexibility) In order to provide maximum flexibility in absorbing the general fund reductions to the OSHA and OSHA Voluntary Programs, the Department of Labor, Licensing and Regulation shall be authorized to spend funds not statutorily restricted for a specific use ~~agency earmarked and restricted accounts~~to maintain these critical programs previously funded with general fund appropriations. Any increase in spending authorization for these purposes must receive the prior approval of the Office of State Budget./

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

**Amendment No. 108**

Senator RANKIN proposed the following amendment (3700R065.LAR.DOCX), which was adopted (#29):

Amend the bill, as and if amended, Part IB, Section 65, DEPT. OF LABOR, LICENSING AND REGULATION, page 447, after line 36, by adding an appropriately numbered new proviso to read:

*/ 65.\_\_\_. (LLR: Board of Pharmacy)* *The Board of Pharmacy must accept affidavits of practical experience from interns whose practical experience internships occurred in this State. The affidavit must provide that the supervising pharmacist and the site of experience is licensed and in good standing with the board and that the internship falls within the criteria for internships set by the board. The affidavit must be accompanied by a ten dollar fee to cover administrative costs associated with compliance with this proviso.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

**Amendment No. 118**

Senator SCOTT proposed the following amendment (DAD PHYSICAL THERAPIST), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 65, DEPT. OF LABOR, LICENSING AND REGULATION, page 447, after line 36, by adding an appropriately numbered new proviso to read:

/ *(LLR: Physical Therapy Licensure) If an individual applying for a Physical Therapy License fails the examination, the applicant may take the examination a second or third time on payment of the examination fee and completion of an official application. If the applicant fails the examination a third time, the applicant, in addition to the requirements for the previous examination, must take courses the State Board of Physical Therapy Examiners may require, must furnish evidence of completing these courses, and must apply to the board before taking the examination a fourth time. An applicant may not take the examination more than five times.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SCOTT explained the amendment.

**Point of Order**

Senator KNOTTS raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Amendment No. 118 was ruled out of order.

**Amendment No. 107**

Senator THOMAS proposed the following amendment (3700R086.DLT.DOCX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 67, DEPT. OF EMPLOYMENT & WORKFORCE, page 449, after line 23, by adding an appropriately numbered new proviso to read:

*/* *67.5. (DEW: Interest Suspension) The Department of Employment and Workforce may not collect interest during this fiscal year on deficiency payments made pursuant to a payment plan entered into with an employer to satisfy a deficiency in the employer’s contributions to the unemployment trust fund.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator THOMAS explained the amendment.

Senator LEATHERMAN spoke on the amendment.

**Point of Order**

Senator LEATHERMAN raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

Senator THOMAS spoke on the Point of Order.

Senator LEATHERMAN spoke on the Point of Order.

Senator RYBERG spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Amendment No. 107 was ruled out of order.

**Amendment No. 67**

Senators MALLOY and SHANE MARTIN proposed the following amendment (3700 MALLOY--OEPP.DOCX), which was adopted (#30):

Amend the bill, as and if amended, Part IB, Section 72, GOVERNOR’S OFFICE, page 461, paragraph 72.15, by striking proviso 72.15 in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

Senator ALEXANDER spoke on the amendment.

The amendment was adopted.

**Amendment No. 79**

Senator SETZLER proposed the following amendment (DC RSIC REPORTING REQUIREMENTS), which was adopted (#31):

Amend the bill, as and if amended, Part IB, Section 77, RETIREMENT SYSTEM INVESTMENT COMMISSION, page 467, after line 29, by adding an a new Section and an appropriately numbered new proviso to read:

*/SECTION 77 - E19-RETIREMENT SYSTEM INVESTMENT COMMISSION*

*77.\_\_\_ (RSIC: Reporting Requirements) Of the funds authorized in Section 77, Part IA of this Act, the Retirement System Investment Commission shall report to the General Assembly on a quarterly basis the cost avoidance and savings realized by the cost reduction initiatives implemented in the current fiscal year as a result of the additional expenditure authorization provided to the commission. The report shall include, but not be limited to, expenditures related to the additional investment and non-investment personnel hired; expenditures for data processing, legal, and other professional services; and the amount of cost reductions associated with the co-investment program, hedge fund platform transition, additional legal resources, and cash management program if such measures are implemented.*

*In addition, the increased expenditure authorization shall not be used to provide salary increases for existing employees. Performance bonuses may be provided upon approval of a majority vote of the State Budget and Control Board.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

**Amendment No. 69A**

Senators SHEHEEN, McCONNELL, SHOOPMAN, MALLOY, KNOTTS, MASSEY, CAMPSEN, SETZLER, CROMER, ROSE and ELLIOTT proposed the following amendment (3700R095.VAS.DOCX), which was adopted (#32):

Amend the bill, as and if amended, Part IB, Section 80A, BUDGET AND CONTROL BOARD, page 481, after line 26, by adding an appropriately numbered new proviso to read:

*/ 80A.\_\_\_. (BCB: Agency Deficit Prohibition) Agencies,departments, and institutions of the State shall not make expenditures in excess of appropriations provided in this act. All provisions of law permitting an agency deficit to be recognized are suspended. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHEHEEN explained the amendment.

Senator SHEHEEN moved that the amendment be adopted.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O'Dell

Peeler Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Williams

**Total--41**

**NAYS**

**Total--0**

The amendment was adopted.

**Amendment No. 92**

Senators THOMAS and FAIR proposed the following amendment (DC BCB SCEIS FLEX 2), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, Part IB, Section 80A, BUDGET AND CONTROL BOARD, page 481, after line 26, by adding an appropriately numbered new proviso to read:

*/ (BCB: Flexibility-SCEIS) In addition to the flexibility authorized in provision 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 statutorily-allowed 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. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator THOMAS explained the amendment.

**Statement by Senator THOMAS**

After Proviso 80A.35 of H.3700 was ruled out of order as violative of Rule 24A, Senator FAIR and I sponsored Amendment 92 which authorizes the Budget and Control Board (BCB) to use statutorily‑allowed cash accounts to operate the South Carolina Enterprise Information System (SCEIS). The Comptroller General and BCB began implementation of this system several years ago to centralize state agencies’ accounting, procurement, human resources, and payroll functions. It has replaced more than 70 separate and distinct systems used by state agencies in the past. The last state agency to convert to SCEIS -- the Department of Transportation -- is scheduled to be brought on-line in September, 2011.

With Proviso 80A.35 deleted, the Senate budget provides approximately half of the funding necessary to operate SCEIS for FY 2011-12. The BCB reported that without the additional funding or flexibility to use cash accounts, significant statewide consequences will result including: lengthy delays or inability to pay employees and vendors; inability to monitor, manage, and plan spending and budgets; and inability to produce timely and accurate consolidated financial reports affecting the state’s credit rating. Without this funding or flexibility, the integrity of the state’s financial structure is at risk.

**Parliamentary Inquiry**

Senator LAND made a Parliamentary Inquiry as to whether or not a Senator could take questions from his desk or if he needed to be at the podium.

The PRESIDENT stated that the Senator could take questions from either his desk or at the podium.

Senator THOMAS resumed explaining the amendment.

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

**Amendment No. 121**

Senator RYBERG proposed the following amendment (DG INS55INC), which was tabled:

Amend the bill, as and if amended, Part IB, Section 80C, B&C-EMPLOYEE BENEFITS, page 482, after line 9, by adding an appropriately numbered new proviso to read:

/ *80C.\_\_\_. (BCB/EB: Insurance Increase) From the funds appropriated for Health Insurance - Employer Contributions, the Budget and Control Board shall expend an amount sufficient to pay for 55% of the 4.5% rate increase in the State Health Plan. The employee is responsible for paying for the other 45% of the rate increase. Any funds appropriated in excess of the amount necessary to pay for 55% of the rate increase must be credited to the OPEB Trust Fund.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator RYBERG explained the amendment.

Senator COURSON spoke on the amendment.

Senator ALEXANDER spoke on the amendment.

Senator SCOTT argued contra to the adoption of the amendment.

Senator KNOTTS argued contra to the adoption of the amendment.

Senator BRIGHT argued in favor of the adoption of the amendment.

Senator SCOTT moved to lay the amendment on the table.

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

**Ayes 23; Nays 19**

**AYES**

Alexander Campbell Coleman

Courson Cromer Elliott

Fair Hutto Knotts

Land Leventis Lourie

Malloy *Martin, Larry* Matthews

McConnell McGill Nicholson

Pinckney Reese Scott

Setzler Williams

**Total--23**

**NAYS**

Bright Bryant Campsen

Cleary Davis Gregory

Grooms Hayes Leatherman

*Martin, Shane* Massey O'Dell

Peeler Rankin Rose

Ryberg Shoopman Thomas

Verdin

**Total--19**

The amendment was laid on the table.

**MOTION ADOPTED**

On motion of Senator McCONNELL, the Senate agreed that when the Senate adjourns on Thursday, May 5, 2011, that it stand adjourned to meet on Friday, May 6, 2011, at 11:00 A.M. under the provisions of Rule 1 for local and uncontested matters and those matters having unanimous consent to be considered and that when the Senate adjourns on Friday, it stand adjourned to meet on Tuesday, May 10, 2011, under the provisions of Rule 1B.

**MOTION ADOPTED**

On motion of Senator McCONNELL, the Senate agreed that when the Senate adjourns on Tuesday, May 10, 2011, that it stand adjourned to meet on Wednesday, May 11, 2011, at 12:00 Noon.

**MOTION ADOPTED**

On motion of Senator McCONNELL, the Senate agreed that when the Senate adjourns today, that it stand adjourned to meet on Wednesday, May 4, 2011, at 10:00 A.M.

At 6:03 P.M., Senator LOURIE moved that the Senate stand adjourned.

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

**Ayes 14; Nays 28**

**AYES**

Coleman Elliott Hutto

Land Leventis Lourie

Malloy Matthews Nicholson

Pinckney Reese Ryberg

Scott Setzler

**Total--14**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Cleary

Courson Cromer Davis

Fair Gregory Grooms

Hayes Knotts Leatherman

*Martin, Larry Martin, Shane* Massey

McConnell McGill O'Dell

Peeler Rankin Rose

Shoopman Thomas Verdin

Williams

**Total--28**

The Senate refused to adjourn.

**Amendment No. 144**

Senator McCONNELL proposed the following amendment (3700R093.GSM.DOCX), which was adopted (#33):

Amend the bill, as and if amended, Part IB, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 485, by striking paragraph 86.2 in its entirety and inserting:

/ 86.2. (AS-TREAS: Local Government Flexibility) Fiscal Year ~~2010-11~~ *2011-12*, counties of this State may transfer funds *not statutorily restricted for a specific use* among appropriated state revenues as needed to ensure the delivery of services. /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

On motion of Senator SHANE MARTIN, with unanimous consent, Amendment No. 77 was taken up for immediate consideration.

**Amendment No. 77**

Senators SHANE MARTIN, HUTTO, BRYANT, KNOTTS, MALLOY and ROSE proposed the following amendment (3700R056.ASM.DOCX), which was adopted (#34):

Amend the bill, as and if amended, Part IB, Section 86, AID TO SUBDIVISIONS-STATE TREASURER, page 486, after line 23, by adding an appropriately numbered new proviso to read:

*/ 86.\_\_. (AS-TREAS: Transparency) (A) A political subdivision receiving aid from the Local Government Fund may not:*

*(1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political subdivision’s budget or in an amendment to the political subdivision’s budget; or*

*(2) except in cases of emergency or unforeseen circumstances, donate funds to a non-profit organization unless the amounts donated are appropriated on a separate and distinct line item in the political subdivision’s budget or an amendment to the political subdivision’s budget that includes the names of the entities to which the donations are being made. In the case of an emergency or unforeseen circumstances , a political subdivision may donate funds to a non-profit organization if the amount and purpose of the proposed donation and the nature of the emergency or unforeseen circumstances necessitating the donation are announced in open session at a public meeting held by the governing body of the political subdivision and the funds are not delivered to the organization for five days following the announced intent to make the donation.*

*(B) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any entity without the requirement that the entity provides at the end of the fiscal year a detailed description of the purposes for which the money was used. /*

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator SHANE MARTIN explained the amendment.

The amendment was adopted.

**Amendment No. 51**

Senators MALLOY and SHOOPMAN proposed the following amendment (3700 MALLOY--GP.DOCX), which was adopted (#35):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 521, paragraph 89.118, by striking proviso 89.118 in its entirety.

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

Senator CAMPSEN spoke on the amendment.

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

**Ayes 23; Nays 19**

**AYES**

Cleary Coleman Davis

Elliott Ford Hutto

Knotts Land Leventis

Malloy Massey Matthews

McConnell McGill Nicholson

Pinckney Rankin Reese

Scott Setzler Shoopman

Thomas Williams

**Total--23**

**NAYS**

Alexander Bright Bryant

Campbell Campsen Courson

Cromer Fair Gregory

Grooms Hayes Leatherman

*Martin, Larry Martin, Shane* O'Dell

Peeler Rose Ryberg

Verdin

**Total--19**

The amendment was adopted.

**Point of Order**

Senator BRIGHT raised a Point of Order that proviso 2.6 was out of order inasmuch as it was violative of Rule 24.

***2.6.*** *(LEA: FY 2011-12 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Budget and Control Board as directed below. These appropriations must be used to supplement and not supplant existing funds for education.*

*The Budget and Control Board is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.*

*All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.*

*For Fiscal Year 2011-12 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:*

*(1) Commission on Higher Education and State Board for Technical and Comprehensive*

*Education -- Tuition Assistance $ 47,000,000;*

*(2) Commission on Higher Education--LIFE Scholarships as provided in*

*Chapter 149, Title 59 $ 106,554,616;*

*(3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370 $ 7,823,474;*

*(4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in*

*Section 59-104-20 $ 30,277,240;*

*(5) Commission on Higher Education--Need-Based Grants $ 11,631,566;*

*(6) Tuitions Grants Commission--Tuition Grants $ 7,766,604;*

*(7) Commission on Higher Education--National Guard Tuition Repayment Program as*

*Provided in Section 59-111-75 $ 1,700,000;*

*(8) South Carolina State University $ 2,500,000;*

*(9) Technology--Public Four-Year Universities, Two-Year Institutions, and State*

*Technical Colleges $ 4,154,702;*

*(10) Department of Education--K-5 Reading, Math, Science & Social Studies Program*

*as provided in Section 59-1-525 $ 29,491,798;*

*(11) Department of Education--Grades 6-8 Reading, Math, Science & Social Studies Program $ 2,000,000;*

*(12) Commission on Higher Education--Higher Education Excellence Enhancement Program $ 3,000,000; and*

*(13) School for the Deaf and the Blind--Technology Replacement $ 200,000.*

*Fiscal Year 2011-12 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and two year institutions as provided in Section 59‑150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds appropriated .*

The PRESIDENT took the Point of Order under advisement.

**Point of Order**

Senator BRIGHT raised a Point of Order that proviso 18.4 was out of order inasmuch as it was violative of Rule 24.

**18.4.** (TEC: Caterpillar Dealer Academy) The area commission for the Florence-Darlington Technical College may waive the requirements of Chapter 112, Title 59 for student participants in the Caterpillar Dealer Academy operated by Florence-Darlington Technical College.

The PRESIDENT took the Point of Order under advisement.

**Amendment No. 93**

Senators MALLOY and SHANE MARTIN proposed the following amendment (DG ADMTAX), which was ruled out of order:

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 526, by striking paragraph 89.155 in its entirety and inserting:

/ *89.155. (GP: Admissions Tax)  For Fiscal Year 2011-12, admissions to a motorsports entertainment complex facility with at least sixty thousand permanent seats are exempt from admissions license tax.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

**Point of Order**

Senator FAIR raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24A.

The PRESIDENT sustained the Point of Order.

Amendment No. 93 was ruled out of order.

**Amendment No. 58**

Senators MALLOY and KNOTTS proposed the following amendment (DG PPPDOC CONS), which was adopted (#36):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 526, paragraph 89.158, by striking lines 12 through 16 and inserting:

/ *consolidate the functions of the departments.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator MALLOY explained the amendment.

Senator FAIR spoke on the amendment.

Senator McCONNELL spoke on the amendment.

The amendment was adopted.

**Amendment No. 82**

Senator McCONNELL proposed the following amendment (DAD GREENVILLE MED), which was adopted (#37):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 527, after line 12, by adding an appropriately numbered new proviso to read:

/ *(GP: USC Greenville Medical School) It is the intent of the General Assembly that during Fiscal Year 2011-12, no general funds shall be appropriated for the new medical school at the University of South Carolina in Greenville. In addition, no state funds may be transferred from state earmarked or restricted funds held by the University of South Carolina to the medical school except for grants, contributions, contractual payments, and tuition and required fees for students attending the new medical school at the University of South Carolina in Greenville that are specifically designated for the medical school at the University of South Carolina in Greenville.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

**Amendment No. 94**

Senator PEELER proposed the following amendment (3700R078.HSP.DOCX), which was adopted (#38):

Amend the bill, as and if amended, Part IB, Section 89, GENERAL PROVISIONS, page 527, after line 12, by adding an appropriately numbered new proviso to read:

*/ 89.\_\_\_. (GP: State Symbols) For the current fiscal year, no state funds shall be used to promote, record, or memorialize any new official state symbols, emblems, or designations not yet codified by July 1, 2011.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator PEELER explained the amendment.

Senator KNOTTS spoke on the amendment.

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

**Ayes 36; Nays 4**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Leventis Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Rankin Rose

Ryberg Scott Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

Knotts Land Reese

Setzler

**Total--4**

The amendment was adopted.

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

**MOTION ADOPTED**

On motion of Senators KNOTTS and SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James Ian Calhoon, 20, of Lexington, S.C., who tragically lost his life on April 28, 2011.

**ADJOURNMENT**

At 8:06 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 10:00 A.M.

**Recorded Vote**

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

\* \* \*