**Wednesday, May 18, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

In his later years Jacob was fearful of his reunion with his brother, Esau:

“But Esau ran to meet him, and embraced him, and fell upon his neck and kissed him, And they wept.” (Genesis 33:4)

Join me as we pray:

O Loving God, it so frequently happens: we think we know how someone else feels, only to discover that we actually failed to understand that individual after all. We pray, Lord, that You will enable each member of this Senate to offer respect, caring, and concern to one another. Knock down those barriers that often seem to keep people at arm’s length from one another. May the members of this body work together effectively to bring about results that truly benefit South Carolina and her people. In Your name we pray, dear Lord.

Amen.

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

**Doctor of the Day**

Senator LAND introduced Dr. Sharon Eden of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 10:20 A.M., Senator FAIR requested a leave of absence beginning at 2:00 P.M. tomorrow and lasting until 10:00 A.M. on Tuesday.

**Leave of Absence**

At 3:15 P.M., Senator HAYES requested a leave of absence from 5:15 - 8:15 P.M. this evening.

**Leave of Absence**

At 6:00 P.M., Senator McCONNELL requested a leave of absence until 8:00 P.M. this evening.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 894 -- Senator Hutto: A CONCURRENT RESOLUTION TO HONOR BROADUS JAMES JAMERSON III OF ORANGEBURG COUNTY, EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA STATE EMPLOYEES ASSOCIATION, UPON HIS RETIREMENT, TO THANK HIM FOR HIS MORE THAN THIRTY YEARS OF DEDICATED SERVICE TO THE ASSOCIATION, 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.

S. 895 -- Senators Fair and Massey: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-18-35 SO AS TO PROVIDE FOR THE CREDITING, RETAINING, OR REMITTING OF CERTAIN FEES IMPOSED BY THE STATE LAW ENFORCEMENT DIVISION (SLED) BY REGULATION ON PRIVATE SECURITY AND INVESTIGATIVE AGENCIES AND THEIR EMPLOYEES, TO REQUIRE THE REVENUES OF THOSE FEES TO BE CREDITED ONE-THIRD TO THE GENERAL FUND OF THE STATE, ONE-THIRD TO BE RETAINED AND CARRIED FORWARD BY SLED TO DEFRAY ITS REGULATORY EXPENSES WITH RESPECT TO PRIVATE SECURITY AND INVESTIGATIVE AGENCIES, AND ONE-THIRD TO THE SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY; BY ADDING SECTION 23-6-60 SO AS TO PROVIDE THAT CERTAIN FEES IMPOSED BY SLED AND REMITTED TO THE DEPARTMENT OF PUBLIC SAFETY MAY BE EXPENDED, RETAINED, AND CARRIED FORWARD BY THAT DEPARTMENT FOR THE BUREAU OF PROTECTIVE SERVICES PROGRAM TO PROVIDE SECURITY FOR STATE AGENCIES AND THE CAPITOL COMPLEX; AND TO AMEND SECTION 23‑3-50, RELATING TO THE CREDITING AND USE OF FEES COLLECTED BY SLED, SO AS TO DELETE OBSOLETE LANGUAGE.

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

S. 896 -- Corrections and Penology Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, RELATING TO SENTENCING REFORM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4159, 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. 897 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MRS. YVETTE ROWLAND FOR HER MANY YEARS OF OUTSTANDING SERVICE TO THE STATE OF SOUTH CAROLINA AS MANAGER OF THE STATE HOUSE TOUR OFFICE AND TO WISH HER WELL IN ALL HER FUTURE ENDEAVORS.

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

S. 898 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE RICHARD RYAN, PRESIDENT AND CEO OF CAROLINA INTERNATIONAL TRUCKS IN COLUMBIA, ON BEING NAMED 2011 AMERICAN TRUCK DEALERS NATIONAL TRUCK DEALER OF THE YEAR.

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The Senate Resolution was adopted.

S. 899 -- Senators Courson, Cromer and Knotts: A CONCURRENT RESOLUTION TO CONGRATULATE THE CAPITAL CITY/LAKE MURRAY COUNTRY REGIONAL TOURISM BOARD ON THIRTY YEARS IN BUSINESS, AND TO WISH THEM CONTINUED PROSPERITY.

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

H. 3604 -- Reps. J. E. Smith, Brady, Agnew, R. L. Brown and Whipper: A CONCURRENT RESOLUTION TO ENCOURAGE THE SOUTH CAROLINA COUNCIL OF GOVERNMENTS TO ADOPT ORDINANCES INTENDED TO ENABLE THE RETROFITTING OF SHOPPING MALLS AND SHOPPING CENTERS INTO DENSE, WALKABLE, MIXED-USE TOWN CENTERS, AND TO ENCOURAGE OTHER MEASURES TO PROMOTE A HUMAN HABITAT THAT IS HOSPITABLE AND ACCESSIBLE TO MORE SOUTH CAROLINIANS WHILE LESSENING ENVIRONMENTAL IMPACTS ON THE STATE.

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

H. 4190 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS ALONG SOUTH CAROLINA HIGHWAY 46 AT ITS INTERSECTIONS WITH THE TOWN LIMITS OF THE TOWN OF BLUFFTON THAT CONTAIN THE WORDS “BLUFFTON HIGH SCHOOL - HOME OF THE BOBCATS STATE CHAMPIONS 2005, 2006 BOYS CROSS COUNTRY, 2007 GIRLS VOLLEYBALL, 2009 GIRLS GOLF”.

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

H. 4209 -- Reps. Clemmons, 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, 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 RECOGNIZE COUNTRY MUSIC LEGEND DOLLY PARTON FOR HER CONTRIBUTIONS TO THE MUSIC INDUSTRY, TO THE ECONOMIC HEALTH OF THE PALMETTO STATE, AND TO CHARITABLE CAUSES WORLDWIDE, AND WELCOME HER BACK TO SOUTH CAROLINA FOR THE GRAND OPENING OF PIRATES VOYAGE IN MYRTLE BEACH ON JUNE 3, 2011, AND TO DECLARE THIS DAY “DOLLY PARTON DAY” IN SOUTH CAROLINA.

The Concurrent Resolution was introduced and referred to the General Committee.

H. 4226 -- Reps. Owens, Whitmire, 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, 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, Williams, Willis and Young: A CONCURRENT RESOLUTION TO COMMEND ELIZABETH "BETH" BYARS HRAY OF RICHLAND COUNTY FOR HER OUTSTANDING SERVICE TO THE SOUTH CAROLINA GENERAL ASSEMBLY AND THE LEGISLATIVE COUNCIL, AND TO EXTEND BEST WISHES TO HER IN ALL HER FUTURE ENDEAVORS.

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

**REPORTS OF STANDING COMMITTEES**

Senator McONNELL from the Committee on Judiciary polled out H. 3621 favorable with amendment:

H. 3621 -- Reps. Bannister, Rutherford, Herbkersman, Weeks, J.E. Smith and Viers: A BILL TO AMEND SECTION 61‑6‑1035, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SAMPLING OF WINES, SO AS TO PERMIT RETAILERS TO CONDUCT TASTINGS.

**Poll of the Judiciary Committee**

**Polled 21; Ayes 16; Nays 3; Not Voting 4**

**AYES**

McConnell Ford *Martin, Larry*

Rankin Hutto Knotts

Campsen Cleary Williams

Campbell Massey Coleman

Davis Nicholson Scott

Gregory

**Total--16**

**NAYS**

Lourie Bright *Martin, Shane*

**Total--3**

**NOT VOTING**

Malloy Sheheen Rose

Shoopman

**Total--4**

Ordered for consideration tomorrow.

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

H. 3873 -- Rep. Vick: A BILL TO AMEND SECTION 50‑5‑1507, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ZONES, SEASONS, TIMES, CATCH AND SIZE LIMITS, METHODS, AND EQUIPMENT FOR TAKING HERRING, SO AS TO REVISE THE SEASONS, TIMES, AND SIZE AND TAKE LIMITS FOR HERRING, AND THE METHODS AND EQUIPMENT WHICH APPLY AND TO PROVIDE FOR THE AREAS IN WHICH CERTAIN OF THESE PROVISIONS APPLY.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education polled out H. 4097 favorable:

H. 4097 -- Education and Public Works 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.

**Poll of the Education Committee**

**Polled 13; Ayes 13; Nays 0; Not Voting 4**

**AYES**

Courson Setzler Hayes

Rankin Fair Peeler

Jackson Ryberg Davis

Lourie Malloy *Martin, Larry*

Massey

**Total--13**

**NAYS**

**Total--0**

**NOT VOTING**

Matthews Leventis Anderson

Grooms

**Total--4**

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 894 -- Senator Hutto: A CONCURRENT RESOLUTION TO HONOR BROADUS JAMES JAMERSON III OF ORANGEBURG COUNTY, EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA STATE EMPLOYEES ASSOCIATION, UPON HIS RETIREMENT, TO THANK HIM FOR HIS MORE THAN THIRTY YEARS OF DEDICATED SERVICE TO THE ASSOCIATION, AND TO WISH HIM MUCH FULFILLMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

S. 897 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MRS. YVETTE ROWLAND FOR HER MANY YEARS OF OUTSTANDING SERVICE TO THE STATE OF SOUTH CAROLINA AS MANAGER OF THE STATE HOUSE TOUR OFFICE AND TO WISH HER WELL IN ALL HER FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

**Motion Adopted**

On motion of Senator BRYANT, with unanimous consent, Senators BRIGHT, REESE, WILLIAMS, MASSEY and BRYANT were granted leave to attend a meeting and were granted leave to vote from the balcony.

**Motion Adopted**

On motion of Senator CAMPBELL, with unanimous consent, Senators McGILL, ANDERSON, CAMPSEN and CAMPBELL were granted leave to attend a meeting and were granted leave to vote from the balcony.

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

**READ THE SECOND TIME**

S. 877 -- Senator Pinckney: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF HAMPTON COUNTY SCHOOL DISTRICT NO. 2 OF HAMPTON COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

Senator PINCKNEY 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.

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

**Ayes 2; Nays 0**

**AYES**

Matthews Pinckney

**Total--2**

**NAYS**

**Total--0**

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

**S. 877--Ordered to a Third Reading**

On motion of Senator PINCKNEY, S. 877 was ordered to receive a third reading on Thursday, May 19, 2011.

**READ THE SECOND TIME**

S. 884 -- Senator Pinckney: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF JASPER COUNTY SCHOOL DISTRICT TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, TO DEFRAY THE LOSS OF AMERICAN REINVESTMENT AND RECOVERY ACT FUNDS AND EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

Senator PINCKNEY 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.

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

**Ayes 1; Nays 0**

**AYES**

Pinckney

**Total--1**

**NAYS**

**Total--0**

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

**S. 884--Ordered to a Third Reading**

On motion of Senator PINCKNEY, S. 884 was ordered to receive a third reading on Thursday, May 19, 2011.

**READ THE SECOND TIME**

S. 889 -- Senators S. Martin, Fair, Thomas, Anderson, Shoopman and Verdin: A BILL TO AMEND ACT 687 OF 1969, RELATING TO THE METROPOLITAN SEWER SUBDISTRICT OF GREENVILLE COUNTY, SO AS TO PROVIDE THAT THE SUBDISTRICT IS GOVERNED BY AN ELECTED RATHER THAN AN APPOINTED COMMISSION AND THAT THE ELECTED COMMISSION MAY LEVY AD VALOREM TAXES WITHOUT THE APPROVAL OF THE GREENVILLE COUNTY COUNCIL.

Senator SHANE MARTIN 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.

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

**Ayes 5; Nays 0**

**AYES**

Fair *Martin, Shane* Shoopman

Thomas Verdin

**Total--5**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 890 -- Senators L. Martin and Alexander: A BILL TO AMEND ACT 260 OF 1981, AS AMENDED, RELATING TO THE PICKENS COUNTY SCHOOL BOARD OF TRUSTEES, TO PROVIDE THAT THE ELECTORS RESIDING IN THE DELLWOOD SUBDIVISION OF ANDERSON COUNTY SHALL BE ELIGIBLE TO VOTE IN THE ELECTION OF, AND HOLD OFFICE FOR, THE MEMBER OF THE BOARD OF TRUSTEES IN THE CLOSEST CONTIGUOUS SCHOOL DISTRICT IN PICKENS COUNTY.

Senator LARRY MARTIN 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.

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

**Ayes 2; Nays 0**

**AYES**

Alexander *Martin, Larry*

**Total--2**

**NAYS**

**Total--0**

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

**S. 890--Ordered to a Third Reading**

On motion of Senator LARRY MARTIN, S. 890 was ordered to receive a third reading on Thursday, May 19, 2011.

**READ THE SECOND TIME**

S. 18 -- Senators McConnell, McGill, Rose, Campsen, Verdin, Ryberg, Leventis, Rankin and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA TEACHER PROTECTION ACT OF 2011”, BY ADDING SECTION 59‑25‑900, SO AS TO PROVIDE THAT A TEACHER MAY BRING A CIVIL ACTION AGAINST A STUDENT WHO COMMITS A CRIMINAL OFFENSE AGAINST THE TEACHER IF THE OFFENSE OCCURS ON SCHOOL GROUNDS OR AT A SCHOOL‑RELATED EVENT, OR IF THE OFFENSE IS DIRECTLY RELATED TO THE TEACHER’S PROFESSIONAL RESPONSIBILITIES, AND TO PROVIDE THAT NO TEACHER HAS CIVIL LIABILITY TO A STUDENT OR TO A PARTY ACTING IN THE INTEREST OF THE STUDENT FOR AN ACT OR OMISSION BY THE TEACHER THAT OCCURS WHILE THE TEACHER IS ACTING ON BEHALF OF THE SCHOOL.

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

Senator HAYES explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

**Statement by Senator RYBERG**

I was out of the Chamber when S. 18 received second reading. I fully support this legislation, and, as a cosponsor, I would have voted “yes” on second reading of the Bill.

**READ THE SECOND TIME**

H. 3663 -- Reps. Cooper, Harrell, Ott, Bingham, Allison, Owens, Anthony, Bales and McLeod: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2011 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2011 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE‑FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE‑YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT TO CONVENE A TASK FORCE TO CONSIDER END‑OF‑COURSE ASSESSMENTS FOR FEDERAL ASSESSMENT PURPOSES.

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

Senator HAYES explained the Joint Resolution.

The question then was second reading of the Resolution.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Gregory Grooms

Hayes Hutto Knotts

Land Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

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

**Statement by Senator RYBERG**

I was out of the Chamber at the time of the vote on second reading of H. 3663. I would have voted “yes” on second reading.

**AMENDMENT PROPOSED, CARRIED OVER**

S. 461 -- Senators Cleary, Sheheen, Lourie, Ford and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-2-85, SO AS TO PROVIDE THAT A HOLDER OF A PERMIT THAT ALLOWS ON-PREMISES CONSUMPTION OF BEER, WINE, OR ALCOHOLIC LIQUORS SHALL RECYCLE EACH RECYCLABLE BEVERAGE CONTAINER SOLD ON THE PREMISES IN ACCORDANCE WITH A MODEL RECYCLING PROGRAM DEVELOPED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; TO AMEND SECTION 61-2-90, RELATING TO REQUIRING AN APPROVED RECYCLING PLAN TO BE INCLUDED IN A PERMIT APPLICATION FOR ON-PREMISES CONSUMPTION; AND TO AMEND SECTION 6-4-20, RELATING TO THE USE OF ACCOMMODATIONS TAXES, SO AS TO PROVIDE FOR FUNDING FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE MODEL RECYCLING PROGRAM.

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

Senator CLEARY proposed the following amendment (JUD0461.010):

Amend the committee report, as and if amended, by striking all after the enacting words and inserting the following:

/ SECTION 1. Chapter 2, Title 61 of the 1976 Code is amended by adding:

“Section 61‑2‑85. (A) For purposes of this section:

(1) ‘Financially feasible recycling program’ means a recycling program that does not increase a permit holder’s total cost for solid waste disposal and recycling by more than fourteen percent of a permit holder’s existing annual costs for solid waste disposal.

(2) ‘Model recycling program’ means a recycling program that shall contain at a minimum:

(a) identification of the recyclable materials to be included in the recycling program, such as glass bottles, plastic bottles, aluminum cans, and packing materials;

(b) information on locating a recycling service, including but not limited to existing solid waste haulers, local government solid waste departments, or commercial recyclers;

(c) information on the logistics of collecting and disposing of recyclable materials, such as external storage, internal storage, or self‑hauling to drop‑off centers;

(d) information on the sources and kinds of recycling storage units;

(e) information on types of employee education programs, such as basic training on recycling; and

(f) information on strategies that permit holders may use to reduce or control costs.

(3) ‘Permit holder’ means a holder of a permit or license issued by the Department of Revenue that authorizes on premises consumption of beer, wine, or alcoholic liquor by the drink.

(4) ‘Financially feasible means of glass collection’ means the existence of a commercial or governmental financially feasible recycling program that allows a permit holder to contract for onsite pickup of glass or provides a glass container recycling drop off location that is easily available to a permit holder.

(5) ‘Recycling plan’ means a plan for recycling that provides for the separation, storage, collection, and recycling of recyclable beverage containers and their packaging that are sold on the premises of a permit holder, including, but not limited to, aluminum, plastic, glass containers, and cardboard used to package, ship, or deliver the beverage containers.

(B) A permit holder must certify as part of its permitting process with the Department of Revenue that a site specific recycling plan for the collection and recycling of recyclable beverage containers and packaging sold on the premises by the permit holder has been prepared and will be made available upon demand to the Department of Revenue. Each site specific recycling plan must:

(1) contain all elements included in a model recycling plan that shall be developed by the Department of Health and Environmental Control and made available on its website; or

(2) be at least as comprehensive as the model recycling plan.

(C) A permit holder is exempt:

(1) from the requirement to implement recycling of glass containers if a financially feasible means of glass collection is not available to a permit holder and a permit holder has documentation to support the exemption; or

(2) from the requirement to implement a site specific recycling plan if a financially feasible recycling program is not available to a permit holder and a permit holder has documentation to support the exemption.

(D) The Department of Revenue shall annually perform a random audit of recycling plans to determine compliance with the provisions of this section. All permit holders must have a site specific recycling plan. A permit holder claiming an exemption from implementation of all or part of a recycling plan must provide adequate documentation to support an exemption.

(E) (1) A permit holder may be subject to penalties for:

(a) failure to have a site specific recycling plan;

(b) failure to implement a recycling plan; or

(c) failure to provide adequate documentation supporting an exemption.

(2) Penalties imposed pursuant to this section are as follows:

(a) for a first offense, a warning;

(b) for a second offense, a fine of not less than two hundred fifty dollars nor more than five hundred dollars; or

(c) for a third or subsequent offense, a fine of one thousand dollars.

(F) For purposes of this section, communications and documents that are required to be transmitted in writing may also be transmitted by electronic transmission, if both the sender and receiver agree to electronic transmission.

(G) Failure of a permit holder to comply with the provisions of this section shall not be grounds for denial, revocation or non‑renewal of a permit authorized under Title 61.”

SECTION 2. Section 61‑2‑90 of the 1976 Code is amended to read:

“Section 61‑2‑90. (A) A person desiring a license or permit under this title must file with the department an application in writing on forms provided by the department containing a statement under oath setting forth:

(1) the name, address, date of birth, race, and nationality of the person applying for the license or permit;

(2) the exact location where the business is proposed to be operated;

(3) a description of the type of business to be operated;

(4) whether the applicant or an owner of the business has been involved in the sale of alcoholic liquors, beer, or wine in this or another state and whether he has had a license or permit suspended or revoked;

(5) whether the applicant has been a legal resident of this State for at least thirty days before the date of application, and has maintained his principal place of abode in the State for at least thirty days before the date of application;

(6) other information required by the department to determine if the application meets all statutory requirements for the license or permit and to determine the true owners of the business seeking the license or permit.

(B) A person applying for or renewing a permit or license to allow on premises consumption of beer, wine, or alcoholic liquor by the drink must include in the application or renewal a written certification that there is a site specific recycling plan for the location on the permit application or renewal as required by Section 61‑2‑85.”

SECTION 3. Section 61‑2‑120 of the 1976 Code is amended to read:

“(A) Biennial licenses and permits issued under this title expire according to the county where the licensed location is situated. The expiration dates are the last day of:

(1) February in years which end in an:

(a) odd number for Allendale, Bamberg, Barnwell, Beaufort, and Berkeley Counties;

(b) even number for Charleston, Clarendon, Colleton, Dorchester, Georgetown, Hampton, Jasper, and Williamsburg Counties;

(2) May in years which end in an:

(a) odd number for Cherokee, Chester, Chesterfield, Darlington, Dillon, Fairfield, Florence, and Horry Counties;

(b) even number for Lancaster, Marion, Marlboro, Union, and York Counties;

(3) August in years which end in an:

(a) odd number for Calhoun, Kershaw, Lee, Orangeburg, and Sumter Counties;

(b) even number for Richland County;

(4) November in years which end in an:

(a) odd number for Abbeville, Aiken, Anderson, Edgefield, Greenville, and Greenwood Counties;

(b) even number for Laurens, Lexington, McCormick, Newberry, Oconee, Pickens, Saluda, and Spartanburg Counties.

(B) For a period of eight years from the issuance of a permit or license requiring certification of a recycling plan, each holder of an on premises consumption permit or license required to implement a recycling plan pursuant to Section 61‑2‑85 and Section 61‑2‑90 shall be allowed a ten percent reduction on its biennial permit or license fee for every two years that the holder uses a required recycling plan that includes recycling of glass containers.”

SECTION 4. The Department of Health and Environmental Control and the Department of Revenue may promulgate regulations to implement these provisions.

SECTION 5. This act takes effect one year after approval by the Governor, except for SECTION 5, which shall be effective immediately upon signature of the Governor in order that the Department of Health and Environmental Control shall have a model recycling plan on its website prior to the effective date, and regulations may be promulgated by the Department of Health and Environmental Control and the Department of Revenue pending the effective date. /

Renumber sections to conform.

Amend title to conform

Senator CLEARY explained the perfecting amendment.

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

**ADOPTED**

H. 4048 -- Reps. Forrester, Allison, Anthony, Brannon, Chumley, Cole, Mitchell, Parker and Tallon: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 85 BUSINESS AND INTERSTATE HIGHWAY 585 IN SPARTANBURG COUNTY “ROGER MILLIKEN INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “ROGER MILLIKEN INTERCHANGE”.

Senator SHANE MARTIN explained the Concurrent Resolution.

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

**OBJECTION**

S. 225 -- Senators Knotts, Ford and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS WHO ARE OPERATING A MOTOR VEHICLE TO USE A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION AND TO PROVIDE PENALTIES FOR VIOLATING THIS PROVISION; AND TO AMEND SECTION 56‑1‑720, RELATING TO THE ASSESSMENT OF POINTS AGAINST A PERSON’S DRIVING RECORD FOR CERTAIN MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE THAT ONE POINT MUST BE ASSESSED AGAINST THE DRIVING RECORD OF A PERSON CONVICTED OF USING A WIRELESS ELECTRONIC COMMUNICATION DEVICE TO COMPOSE, SEND, OR READ A TEXT‑BASED COMMUNICATION WHILE OPERATING A MOTOR VEHICLE.

Senator ALEXANDER objected.

**OBJECTION**

H. 3295 -- Rep. Herbkersman: A BILL TO AMEND SECTION 61‑6‑1820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CRITERIA FOR A NONPROFIT ORGANIZATION TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK, SO AS TO PROVIDE THAT UNDER CERTAIN CONDITIONS A HOMEOWNER’S ASSOCIATION, CHARTERED AS A NONPROFIT ORGANIZATION BY THE SECRETARY OF STATE, WHOSE MEMBERSHIP IS LIMITED TO INDIVIDUALS WHO OWN PROPERTY IN THE RESIDENTIAL COMMUNITY AND WHOSE AFFAIRS ARE GOVERNED BY A BOARD OF DIRECTORS ELECTED BY THE MEMBERSHIP, IS ALSO ELIGIBLE FOR SUCH A LICENSE.

Senator DAVIS 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 adoption of the amendment proposed by the Committee on Judiciary.

Senator DAVIS explained the committee amendment.

Senator JACKSON objected to further consideration of the Bill.

**CARRIED OVER**

S. 878 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4161, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator LEVENTIS, the Joint Resolution was carried over.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 445 -- Senators Hutto, Fair, Jackson and Ford: A BILL TO AMEND SECTION 44‑29‑135, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONFIDENTIALITY OF SEXUALLY TRANSMITTED DISEASE RECORDS, SO AS TO DELETE THE PROVISION REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO NOTIFY THE SCHOOL DISTRICT SUPERINTENDENT AND SCHOOL NURSE IF A MINOR IS ATTENDING A SCHOOL IN THE DISTRICT AND HAS ACQUIRED IMMUNODEFICIENCY SYNDROME OR IS INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS; AND BY ADDING SECTION 59‑10‑220 SO AS TO REQUIRE EACH SCHOOL DISTRICT TO ADOPT THE CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS ON UNIVERSAL PRECAUTIONS FOR BLOODBORNE DISEASE EXPOSURE.

Senator HUTTO 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 concurrence in the House amendments.

Senator HUTTO proposed the following amendment (NBD\11656AC11), which was adopted:

Amend the bill, as and if amended, by deleting Section 44‑29‑135(e) on page 2 and inserting:

/ (e) in cases involving a minor, the name of the minor and medical information concerning the minor must be reported to appropriate agents if a report of abuse or neglect is required by ~~the Child Protection Act of 1977~~ Section 63‑7‑310. ~~No further information is required to be released by the department.~~ ;

(f) if a minor has Acquired Immunodeficiency Syndrome (AIDS) or is infected with Human Immunodeficiency Virus (HIV), the virus that causes AIDS, and is attending ~~the~~ a public ~~schools~~ school in kindergarten through fifth grade, the department shall notify the superintendent of the school district and the nurse or other health professional assigned to the school the minor attends ~~must be notified~~. This notification and information contained in the notification must not be recorded in the child’s permanent record. However, if this information is in the child’s permanent school record, the information must be purged from the child’s record before the child enters the sixth grade. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill was ordered returned to the House with amendments.

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

**AMENDED, AMENDMENT PROPOSED**

**DEBATE INTERRUPTED**

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

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

**Point of Order**

Senator SETZLER raised a Point of Order that the provisions of Rule 16 did not differentiate among the types of sections on which roll call votes were required and roll call votes should be taken on Sections 87 and 88.

The PRESIDENT sustained the Point of Order.

Senator LEATHERMAN was recognized to speak on the Bill.

**Motion Under Rule 26B Adopted**

Senator LEATHERMAN moved under the provisions of Rule 26B to take up an additional amendment on third reading.

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

**Ayes 38; Nays 8**

**AYES**

Alexander Anderson Bright

Campbell Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--38**

**NAYS**

Bryant Campsen Cleary

Gregory Massey McConnell

Ryberg Thomas

**Total--8**

Amendment No. 181 was taken up for immediate consideration.

**Amendment No. 181**

Senators LEATHERMAN, LAND, HAYES, SETZLER, SCOTT, HUTTO, MATTHEWS, NICHOLSON, REESE, ANDERSON, LEVENTIS, PINCKNEY, FORD, LOURIE, O’DELL, JACKSON, SHEHEEN and WILLIAMS proposed the following amendment (DG 2HKLAPP), which was adopted (#61):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 538, after line 14, by adding an appropriately numbered new proviso to read:

/ *90.\_\_\_. (SR: Additional Appropriations) In addition to the appropriations made in Part 1A of this act and appropriations made in this SECTION, there is appropriated to the Department of Education, from recurring revenue, $105,000,000 for Education Finance Act aid to school districts. This appropriation shall be allocated amongst the school districts in the same manner as the Part 1A Education Finance Act appropriation. The Office of State Budget is directed to adjust agency chart of accounts for the amounts appropriated in this provision.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN explained the amendment.

Senator MASSEY spoke on the amendment.

**RECESS**

At 12:15 P.M., with Senator MASSEY retaining the floor, on motion of Senator PEELER, with unanimous consent, the Senate receded from business subject to the Call of the Chair.

At 1:40 P.M., the Senate resumed.

The Senate resumed consideration of Amendment No. 181.

Senator MASSEY resumed speaking on the amendment.

Senator McCONNELL argued contra to the adoption of the amendment.

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

Senator BRYANT argued contra to the adoption of the amendment.

**Remarks by Senator BRYANT**

Thank you, Mr. PRESIDENT and members of the Senate. When I look over this amendment and what we’ve heard about this amendment -- I want to tell you a little story about my older brother who had a very successful used car business. He sold some of these cars on credit -- some paid by the week, some by the month or whatever. One of those individuals was really behind on making his payments. He called my brother and said, “Craig, I’m going to be in tomorrow to make my payment.” My brother’s response was, “I’m going to be the blue man in the corner holding my breath waiting on that payment to come in.”

Mr. PRESIDENT and members of the Senate, when I was told that this amendment would lead to a tax cut for business, my response was that I’m going to be the blue guy back there waiting on the tax cut to come. My side is hurting. That’s the best joke I’ve heard on this Senate floor. There is no way that this amendment is going to lead to a tax cut for small business, or any business. If we wanted to cut taxes on business, then we need to cut taxes on business. I want to remind the body that with the $100 million we're paying off debt. We’re doing the responsible thing when we found that extra money. We’re doing what every one of you would do sitting at your kitchen table, if you budgeted, and you found some extra money and you owed nearly a billion dollars.

We need to put that $100 million, in my opinion, toward debt. We could put it toward some of these unfunded liabilities, which is a tax cut for the future. We could put it toward paying off the deficit in the prepayment tuition plan. I’m told we could close that account for good. Wouldn’t you like to go home to your district and say, “Not only did we pay off debt, we retired one.” We closed an account, never to come back again. That’s what we could do. When we put that $100 million toward federal debt on the unemployment insurance, we’re going to see an 18% tax cut to every employer in this State. Every employer in this State will see an 18% unemployment tax cut.

If we were to put this $105 million toward that same federal debt, just think of the relief that all the employers that we represent would see. That would be a tax cut, I would guess -- that would be close to 30%. What happens when you cut taxes on business? When you cut taxes on business, you increase their ability to hire. We need to remember when we say “no” in the Senate, we’re saying “yes” to the taxpayer at home. The taxpayer can’t send lobbyists down here to sit at the trough and ask for a line item in the budget. They’re working every day -- working hard, trying to pay their bills. A lot of our constituents are out of work. Close to 10% of South Carolinians are looking for work.

What would happen if we took some of this money or all of this money and applied it to the debt that we owe the federal government on unemployment? What would happen? We are guaranteed -- we’re guaranteed a tax cut to business. I would rather do something like that than to spend this money, cross our fingers, close our eyes and wait on this biscuit that will never come. The businesses in South Carolina will never get a tax cut as a result of this amendment. I’m reminded that $100 million in this budget to cut taxes for business, for every dollar we spend, doesn't even come up to half a penny in tax relief. In a 20‑plus billion dollar budget for every dollar we have, a half a penny goes toward tax cuts. That is absurd.

We represent two groups of people here. Basically, we represent the taxpayer and we represent those who want us to spend the money. And I think we just forget about those at the trough. We’ve got the trough dwellers. Every time we say “no” to the trough dweller, we’re saying “yes” to the taxpayer, and it’s about time we say “yes” to the taxpayer. Senator DAVIS has amendments that have one-time tax relief. He has amendments that lift off that cap. If we lift off the cap, we’re going to get close to the 30% unemployment tax relief that every employer in this State will see. Some call that a bailout. I can’t imagine how a general tax cut to every employer in this State is a bailout. That makes no sense to me.

Thank you.

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

Senator CROMER was recognized to speak on the amendment.

**Remarks by Senator CROMER**

Gentlemen, I’ll be brief. I just noticed the clock and determined that we started this debate around 10:00 this morning. We have been on Amendment No. 181 for six hours -- five discounting lunch. I think the Rules call for three minutes per amendment. We have far exceeded that. I believe it is an important amendment, and I wanted to get up and speak briefly to let you know why I am going to vote for it. I just received an email from one of my school districts that said this year they were going to have to take $1.5 million out of their reserve fund in order to balance their budget. They have to do that or lay off 75 more teachers. So, truthfully, I’m going to have to vote for this.

I agree with basically everything that has been said. That is kind of unusual for me. However, I agree with the Senator from Aiken, Senator MASSEY. He is “right on” with his comments regarding the contingency fund reserve. Actually, I put in an amendment when I found out we would have an extra $105 million to require that money go into a contingency fund so that we would have a reserve set aside until we have some certainty about what our economy is going to do over the next five to six months or so. I wish that’s what we had decided to do because, truthfully, I feel like we need to wait until January to make sure that what’s transpiring in Congress right now will not kill our economy here in South Carolina -- with no increase in the debt ceiling and no increases in the amount of expenditures. They are scaring me to death up there Senator PEELER. I’m really concerned.

It looks like fuel prices are going down just a little bit at the pump. I’m hoping they are. We have seen a bump up and hopefully we’re not headed back down the road with future problems with the economy. So, I do wish that we could have put it into a contingency reserve fund. That doesn’t mean that we could not use this money in January for base student funding. We could do a supplemental appropriation in January after we determine we are out of the woods for this fiscal year. Truthfully, the business person in me says we need to do this.

When my wife and I started out in business in 1981, 30 years ago, we would wake up at 3:00 in the morning wondering how we were going to make payroll that week. We wouldn’t sleep at night because we were not benefitted with a whole lot of wealth. But, we made it through those tough years. A lot of you here who have been in business for yourself have probably had the same feelings. What we learned to do is keep a fair amount of operating money back in the bank just in case we ran into some problems like Medicaid cuts to the providers. I’m facing that now. We have to pull some of that money out from time to time to continue to operate. I wish we, this body, could have done that.

That being said, I just want to let you folks know that I did have an amendment up. I spoke on it briefly yesterday. However, I don’t believe or know of a more important way to spend this money than to use it on base student funding or EFA. I am going to vote for it. But, if this amendment fails, I would like you to consider my amendment putting this money in a contingency fund so that, six months down the road, we can better determine where this money needs to go.

Again, I agree with the Senator from Aiken. We have some other bills we need to be paying off. We have the employee OPEB, unfunded mandates and liabilities. We have several others.

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

Senator BRYANT moved to lay the amendment on the table.

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

**Ayes 10; Nays 35**

**AYES**

Bright Bryant Campsen

Davis Gregory Grooms

Massey McConnell Ryberg

Thomas

**Total--10**

**NAYS**

Alexander Anderson Campbell

Cleary Coleman Courson

Cromer Elliott Fair

Ford Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Matthews McGill Nicholson

O'Dell Peeler Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--35**

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

**Motion Adopted**

At 5:08 P.M., on motion of Senator McCONNELL, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet tomorrow at 10:00 A.M.

Senator RYBERG argued contra to the adoption of the amendment.

Senator BRIGHT argued contra to the adoption of the amendment.

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

**Ayes 30; Nays 10**

**AYES**

Alexander Campbell Cleary

Coleman Courson Cromer

Elliott Fair Ford

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Matthews McGill O'Dell

Peeler Rankin Reese

Rose Scott Setzler

Shoopman Verdin Williams

**Total--30**

**NAYS**

Bright Bryant Campsen

Davis Gregory Grooms

Massey McConnell Ryberg

Thomas

**Total--10**

The amendment was adopted.

**Statement by Senators SHOOPMAN and ROSE**

We voted for Amendment No. 181 because it uses recurring funds for recurring expenses. There is a proviso (90.18) in Section 90 of the budget that funds recurring programs with one-time funds. That budgeting approach is what causes districts to add one year and cut the next year; we will be voting against that section of the budget. This amendment (#181) funds an ongoing responsibility of government, i.e., education (through the Education Finance Act), using ongoing funds.

**Motion Under Rule 26B Adopted**

Senator FAIR moved under the provisions of Rule 26B to take up an additional amendment on third reading.

Amendment No. 184 was taken up for immediate consideration.

**Amendment No. 184**

Senator FAIR proposed the following amendment (DAD 90.18 DONATELIFESC 100K), which was adopted (#62):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 535, paragraph 90.18, line 10, by inserting at the end:

/ *The next $100,000 shall be transferred to the Department of Health and Environmental Control for Donate Life SC to maintain the organ donor registry.* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator FAIR explained the amendment.

The question then was the adoption of Amendment No. 184.

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

**Ayes 22; Nays 17**

**AYES**

Alexander Cleary Coleman

Courson Elliott Fair

Ford Gregory Jackson

Land Leatherman Lourie

Malloy *Martin, Larry* McGill

O'Dell Rankin Reese

Setzler Thomas Verdin

Williams

**Total--22**

**NAYS**

Bright Bryant Campbell

Campsen Cromer Davis

Grooms Knotts *Martin, Shane*

Massey Matthews McConnell

Peeler Rose Ryberg

Scott Shoopman

**Total--17**

Amendment No. 184 was adopted.

**Parliamentary Inquiry**

Senator PEELER made a Parliamentary Inquiry as to whether a roll call vote was required on a motion under Rule 26B.

The PRESIDENT stated that a roll call vote was not required, but one would be taken upon request.

**Motion Under Rule 26B Adopted**

Senators ELLIOTT and RANKIN moved under the provisions of Rule 26B to take up an additional amendment on third reading.

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

**Ayes 24; Nays 13**

**AYES**

Bright Cleary Coleman

Cromer Davis Elliott

Ford Grooms Jackson

Land Lourie Malloy

*Martin, Shane* Massey Matthews

McGill Rankin Reese

Rose Ryberg Scott

Setzler Verdin Williams

**Total--24**

**NAYS**

Alexander Bryant Campbell

Campsen Courson Fair

Gregory Leatherman *Martin, Larry*

O'Dell Peeler Shoopman

Thomas

**Total--13**

Amendment No. 178 was taken up for immediate consideration.

**Amendment No. 178**

Senator ELLIOTT proposed the following amendment (DAD 90.21 DEST SP 4.6M), which was tabled:

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 537, paragraph 90.21, after line 34, by inserting an appropriately numbered item to read:

/ *P28-Department of Parks, Recreation, and Tourism*

*Destination Specific Marketing $4,600,000* /

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator LEATHERMAN spoke on the amendment.

Senator ELLIOTT explained the amendment.

The question then was the adoption of the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 23; Nays 12**

**AYES**

Alexander Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Fair Gregory Grooms

Leatherman *Martin, Larry Martin, Shane*

Massey O'Dell Peeler

Rose Ryberg Shoopman

Thomas Verdin

**Total--23**

**NAYS**

Ford Jackson Land

Lourie Malloy Matthews

McGill Rankin Reese

Scott Setzler Williams

**Total--12**

The amendment was laid on the table.

**Objection**

Senator MALLOY asked unanimous consent to make a motion that the Senate agree to stand adjourned at 7:00 P.M. this evening.

Senator KNOTTS objected.

**Motion Under Rule 26B Adopted**

Senator DAVIS moved under the provisions of Rule 26B to take up an additional amendment on third reading.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Elliott Fair

Gregory Grooms Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

O'Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

Amendment No. 173 was taken up for immediate consideration.

**Section 46, Part 1A and 1B Reconsidered**

Having voted on the prevailing side, Senator PEELER moved to reconsider the vote whereby Section 46, Part 1A and 1B was tabled.

The motion to reconsider was adopted.

**Amendment No. 173**

Senators DAVIS, SHOOPMAN and ROSE proposed the following amendment (3700R110.TD.DOCX):

Amend the bill, as and if amended, Part IB, Section 90, STATEWIDE REVENUE, page 538, after line 14, by adding an appropriately numbered new proviso to read:

*/ 90.\_\_\_ (SR: Income Tax Rebate Fund) (A) There is created a separate and distinct fund in the State Treasury known as the Income Tax Rebate Fund. The fund is comprised of monies directed to the fund by this act. The fund must be used to provide an income tax rebate to all South Carolina income taxpayers. The rebate shall be the amount produced when multiplying a fraction in which the income taxpayer’s income tax liability is the numerator and the denominator is the projected net state income tax revenues in the most completed tax year, multiplied by the balance in the Income Tax Rebate Fund.*

*(B) The rebate must be made to each South Carolina income taxpayer as soon as practicable after the taxpayer files a South Carolina income tax return for the 2011 tax year and may be combined with any rebate due to the taxpayer. The taxpayer’s income tax liability for purposes of calculating the rebate is the filer’s Total South Carolina Tax as indicated on the filer’s income tax form or tax computation worksheet if the filer requests an extension. An income taxpayer who files an income tax form or requests an extension after the filing deadline is not eligible for the rebate provided by this section.*/

Renumber sections to conform.

Amend sections, totals and title to conform.

Senator DAVIS explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to adjourn.

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

**Ayes 21; Nays 18**

**AYES**

Alexander Campbell Coleman

Elliott Ford Hutto

Jackson Land Leatherman

Lourie Malloy *Martin, Larry*

Matthews McGill O'Dell

Rankin Reese Scott

Setzler Sheheen Williams

**Total--21**

**NAYS**

Bright Bryant Campsen

Courson Cromer Davis

Fair Gregory Grooms

Knotts *Martin, Shane* Massey

Peeler Rose Ryberg

Shoopman Thomas Verdin

**Total--18**

Debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator HAYES, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. C. Smith Barnette Sr., 94, of Rock Hill, S.C.

**ADJOURNMENT**

At 7:25 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*