**Thursday, February 9, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

In First Kings we read that:

“When the Queen of Sheba heard about the fame of Solomon and his relation to the name of the Lord, she came to test him with hard questions.” (I Kings10:1)

Join me as we pray, if you will:

Holy God, we are aware here in this Chamber of the many “hard questions” that bombard these Senators and their staff members virtually every hour throughout each week. Issues that have far-reaching impact, problems that seem insurmountable, concerns that overwhelm--all of these are part-and-parcel of every day for those who serve You in this State House. Our prayer, Lord, is that these servants will all possess wisdom like that of Solomon, and that each Senator will be led by You to make decisions that are worthy and good. In the loving name of our Savior we pray.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., February 2, 2012

Mr. President and Members of the Senate:

Pursuant to Section 22-1-30(B), I, Nikki R. Haley, Governor of South Carolina, have not reappointed the following individual:

The Honorable Gibson O’Neal Fallaw, Aiken County Magistrate,

P.O. Box 190, Monetta, S.C. 29105, with term to expire 4/30/2011.

Respectfully submitted,

Nikki R. Haley

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

**MESSAGE FROM THE GOVERNOR**

Columbia, S.C., February 7, 2012

Mr. President and Members of the Senate:

Pursuant to Section 22-1-30(B), I, Nikki R. Haley, Governor of South Carolina, have not reappointed the following individual:

The Honorable Thomas B. Abraham, Newberry County Magistrate, 465 Buzhardt Road, Pomaria, S.C. 29126, with term to expire 4/30/2011.

Respectfully submitted,

Nikki R. Haley

The Message was ratified by the Senate.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointments**

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

Tracey Carroll, 113 Englewood Road, Aiken, SC 29803

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

Carl Insley, Post Office Box 636, Langley, SC 29834

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

Patrick Dorn Sullivan, 200 Main Street, Jackson, SC 29831

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

Donna Williamson, 13 Hollow Creek Circle, Salley, SC 29137

**Doctor of the Day**

Senator O’DELL introduced Dr. Greg Tarasidis of Greenwood, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator COURSON, at 11:28 A.M., Senator McCONNELL was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator HUTTO, at 12:03 P.M., Senator MATTHEWS was granted a leave of absence for today.

**CO-SPONSORS ADDED**

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

S. 1015 Sen. Davis

S. 1025 Sen. Scott

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1203 -- Senator Setzler: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF PAULINE RIVERS JORDAN OF LEXINGTON COUNTY AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1204 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 47 SO AS TO ENACT THE “EXOTIC ANIMAL AND REPTILE CONTROL AND REGULATION ACT”, TO DEFINE THE TERM “EXOTIC ANIMAL”; TO PROHIBIT A PERSON FROM OWNING OR POSSESSING AN EXOTIC ANIMAL UNLESS THE PERSON WAS IN LEGAL POSSESSION OF THE ANIMAL BEFORE THIS ACT'S EFFECTIVE DATE AND THE PERSON OBTAINS A PERSONAL POSSESSION PERMIT FOR THE EXOTIC ANIMAL WITHIN NINETY DAYS OF THIS ACT'S EFFECTIVE DATE; TO ESTABLISH IDENTIFICATION, CAGING, CARE AND TREATMENT, AND INSURANCE REQUIREMENTS; TO PROHIBIT PUBLIC CONTACT WITH AN EXOTIC ANIMAL; TO AUTHORIZE INSPECTIONS BY THE DEPARTMENT OF NATURAL RESOURCES; TO AUTHORIZE CONFISCATION OF THESE ANIMALS UNDER CERTAIN CONDITIONS; TO PROVIDE PROVISIONS THAT REGULATE THE HANDLING, OWNERSHIP, AND USE OF REPTILES; TO PROVIDE THAT A LOCAL GOVERNMENTAL BODY MAY ADOPT AN ORDINANCE THAT REGULATES THE POSSESSION OF EXOTIC ANIMALS WHICH IS MORE RESTRICTIVE THAN THE PROVISIONS CONTAINED IN THIS ACT; AND TO PROVIDE PENALTIES.

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

S. 1205 -- Senator Campsen: A BILL TO AMEND SECTION 7-13-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT POLL MANAGERS MUST BE RESIDENTS AND REGISTERED ELECTORS OF COUNTIES, SO AS TO PROVIDE AN EXCEPTION FOR MILITARY PERSONNEL AND THEIR DEPENDENTS REGISTERED TO VOTE IN SOUTH CAROLINA OR ANOTHER STATE, RESIDE IN THE COUNTY IN WHICH THEY ARE A POLL WORKER, AND ARE STATIONED IN THE COUNTY IN WHICH THEY ARE A POLL WORKER OR AN ADJOINING COUNTY.

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

S. 1206 -- Senators Fair, Thomas, Shoopman, Anderson, Verdin and S. Martin: A BILL TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE SCHOOL DISTRICT OF GREENVILLE COUNTY MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

S. 1207 -- Senators Hutto, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 15, 2012, AS “CITIES MEAN BUSINESS DAY” IN ORDER TO RECOGNIZE AND HONOR THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA CITIES AND TOWNS MAKE TO THE ECONOMIC PROSPERITY OF SOUTH CAROLINA THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES.

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On motion of Senator HUTTO, with unanimous consent, the Concurrent Resolution was adopted, ordered sent to the House.

S. 1208 -- Senators Hutto, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. 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 DECLARE WEDNESDAY, FEBRUARY 15, 2012, AS “CITIES MEAN BUSINESS DAY” IN ORDER TO RECOGNIZE AND HONOR THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA CITIES AND TOWNS MAKE TO THE ECONOMIC PROSPERITY OF SOUTH CAROLINA THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES.

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On motion of Senator HUTTO, with unanimous consent, the Senate Resolution was adopted.

H. 4652 -- Reps. Sandifer, Harrell, Lucas, Bingham, Hardwick, Harrison, Owens, White, Allison, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bikas, Bowen, Brady, Brannon, Chumley, Clemmons, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Edge, Erickson, Forrester, Frye, Gambrell, Hamilton, Hearn, Henderson, Herbkersman, Hiott, Hixon, Horne, Huggins, Limehouse, Loftis, Long, Lowe, McCoy, Merrill, D. C. Moss, V. S. Moss, Murphy, Nanney, Norman, Parker, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Ryan, Simrill, Skelton, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Southard, Spires, Stringer, Tallon, Taylor, Thayer, Tribble, Viers, Whitmire, Willis, Young, Battle, Hayes and Anthony: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-7-110 SO AS TO PROVIDE AN EMPLOYER MUST CONSPICUOUSLY POST CERTAIN NOTICE CONCERNING THE RIGHTS OF AN EMPLOYEE; BY ADDING SECTION 41-7-120 SO AS TO PROVIDE CERTAIN DEFINITIONS AND PROHIBITIONS CONCERNING GOVERNMENT CONTRACTS; BY ADDING SECTION 41-7-130 SO AS TO REQUIRE A LABOR ORGANIZATION TO FILE CERTAIN INFORMATION WITH THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO AMEND SECTION 41-7-10, RELATING TO PUBLIC POLICY CONCERNING THE RIGHT TO WORK, SO AS TO PROVIDE CERTAIN DEFINITIONS AND TO LIMIT APPLICABILITY OF THOSE DEFINITIONS; TO AMEND SECTION 41-7-40, AS AMENDED, RELATING TO THE DEDUCTION OF LABOR ORGANIZATION MEMBERSHIP DUES FROM EMPLOYEE WAGES, SO AS TO PROVIDE AN EMPLOYEE MUST AUTHORIZE THIS DEDUCTION IN A CERTAIN MANNER, AND TO CLARIFY THAT OTHERWISE LEGAL POLITICAL CONTRIBUTIONS ARE NOT PROHIBITED; TO AMEND SECTION 41-7-80, RELATING TO PENALTIES FOR A VIOLATION OF RIGHT TO WORK LAWS, SO AS TO LIMIT THE APPLICABLE FINE TO A MAXIMUM OF TEN THOUSAND DOLLARS; TO AMEND SECTION 41-7-90, RELATING TO REMEDIES AVAILABLE TO A WORKER FOR A VIOLATION OF HIS RIGHT TO WORK, SO AS TO PERMIT TREBLE DAMAGES, REQUIRE A PERSON SEEKING THIS RELIEF TO DEMONSTRATE A FACTUAL BASIS FOR A CLAIM IN A CERTAIN MANNER, AND PROVIDE AN EXCEPTION; AND TO AMEND SECTION 41-7-100, RELATING TO CIVIL PENALTIES THE DEPARTMENT MAY ASSESS FOR A VIOLATION AND RELATED APPEALS, SO AS TO PROVIDE A CIVIL PENALTY MAY NOT EXCEED TEN THOUSAND DOLLARS.

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

H. 4722 -- Rep. Agnew: A BILL TO REAPPORTION THE SPECIFIC AREAS OR ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE ABBEVILLE COUNTY SCHOOL DISTRICT MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 833 -- Senators Jackson, Courson, Lourie, Knotts, Anderson, Sheheen, Scott, Hayes, Ford, Nicholson, Leventis and Rose: A BILL TO AMEND SECTION 59‑112‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, SO AS TO PROVIDE THAT ACTIVE DUTY MILITARY PERSONNEL MAY BE CHARGED LESS THAN THE UNDERGRADUATE TUITION RATE FOR SOUTH CAROLINA RESIDENTS FOR CERTAIN COURSES.

Ordered for consideration tomorrow.

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

S. 1001 -- Senators L. Martin, Campsen and Rose: A BILL TO AMEND CHAPTER 17, TITLE 59 OF THE 1976 CODE, RELATING TO SCHOOL DISTRICTS, TO PROVIDE FOR THE EQUAL ACCESS TO INTERSCHOLASTIC ACTIVITIES FOR MILITARY CHILDREN ACT, BY ADDING SECTION 59‑17‑160, TO PROVIDE THAT A CHILD OF A MEMBER OF THE ARMED FORCES ATTENDING SCHOOL IN A SCHOOL DISTRICT WHO LIVES WITH A RESIDENT OF THE DISTRICT OTHER THAN THE CHILD’S PARENT IS ENTITLED TO PARTICIPATE IN ALL INTERSCHOLASTIC ACTIVITIES OFFERED BY THE CHILD’S SCHOOL.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources polled out S. 1166 favorable:

S. 1166 -- Senator Verdin: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA’S FFA MEMBERS (FUTURE FARMERS OF AMERICA) AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 18‑25, 2012.

**Poll of the Agriculture and Natural Resources Committee**

**Polled 17; Ayes 17; Nays 0; Not Voting 0**

**AYES**

Verdin Grooms Leventis

Matthews McGill Hutto

Elliott Knotts Bryant

Campsen Williams Campbell

Sheheen Bright Davis

Rose Gregory

**Total--17**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources polled out H. 4434 favorable:

H. 4434 -- Reps. White, Gambrell and Thayer: A BILL TO AMEND ACT 794 OF 1966, AS AMENDED, RELATING TO THE PENDLETON DISTRICT HISTORICAL AND RECREATIONAL COMMISSION OF ANDERSON, OCONEE, AND PICKENS COUNTIES, SO AS TO PROVIDE THAT EFFECTIVE MARCH 1, 2012, THE NAME OF THE PENDLETON DISTRICT AGRICULTURAL MUSEUM MUST BE THE “BART GARRISON AGRICULTURAL MUSEUM OF SOUTH CAROLINA”.

**Poll of the Agriculture and Natural Resources Committee**

**Polled 17; Ayes 17; Nays 0; Not Voting 0**

**AYES**

Verdin Grooms Leventis

Matthews McGill Hutto

Elliott Knotts Bryant

Campsen Williams Campbell

Sheheen Bright Davis

Rose Gregory

**Total--17**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., February 9, 2012

Mr. President and Senators:

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

H. 4636 -- Reps. Tallon, J.R. Smith, Hixon, Pope, Delleney, Corbin, Bedingfield, G.R. Smith, Lucas, Hamilton, Stringer, Ryan, Owens, Horne, Pinson, Thayer, Putnam, Murphy, Pitts, Spires, Brannon, Chumley, Lowe, Allison, Anthony, Quinn, Bingham, Ballentine, Bannister, Hearn, D.C. Moss, Hardwick, Parker, Cole, Forrester, Limehouse, Gilliard, Sottile, McEachern and Frye: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 16 TO CHAPTER 3, TITLE 23 SO AS TO ESTABLISH THE BLUE ALERT PROGRAM THAT IS DESIGNED TO APPREHEND A SUSPECT THAT ALLEGEDLY KILLS, SERIOUSLY INJURES, OR ABDUCTS A LAW ENFORCEMENT OFFICER BY RAPIDLY DISSEMINATING INFORMATION REGARDING THE SUSPECT.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 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.

**HOUSE BILL RETURNED**

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

H. 3750 -- Reps. Viers and Vick: A BILL TO AMEND SECTION 17‑5‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A CORONER’S DUTIES WHEN A PERSON DIES, INCLUDING WHERE AN AUTOPSY MUST BE PERFORMED IF A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY‑FOUR HOURS OF ENTERING THE FACILITY OR WITHIN TWENTY‑FOUR HOURS OF UNDERGOING AN INVASIVE SURGICAL PROCEDURE, SO AS TO PROVIDE THAT UNLESS THE CORONER CERTIFIES THAT THERE IS NO REASONABLE ALTERNATIVE, THE AUTOPSY MUST NOT BE PERFORMED AT THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED OR BY A PHYSICIAN WHO TREATED THE PATIENT OR WHO WAS EMPLOYED BY THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED.

**THIRD READING BILLS**

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

S. 1180 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO CAPITAL EXPENDITURE REVIEWS UNDER SECTION 1122, SOCIAL SECURITY ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4176, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1181 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT PLANNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4175, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1182 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HAZARDOUS WASTE MANAGEMENT REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4174, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**SECOND READING BILL**

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

H. 4723 -- Reps. Loftis, Corbin, Allen, Dillard, Hamilton, Henderson, Nanney, G.R. Smith, Stringer, Willis and Bannister: A BILL TO AMEND ACT 848 OF 1954, RELATING TO THE CREATION OF THE BEREA WATER AND SEWER DISTRICT IN GREENVILLE COUNTY, SO AS TO ADD TWO ADDITIONAL MEMBERS TO THE GOVERNING COMMISSION AND PROVIDE FOR STAGGERING THEIR TERMS.

**H. 4723--Ordered to a Third Reading**

On motion of Senator FAIR, H. 4723 was ordered to receive a third reading on Friday, February 10, 2012.

**READ THE SECOND TIME**

S. 1200 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO AT-RISK STUDENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4208, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Knotts Land

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1201 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO END-OF-COURSE TESTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4200, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Courson Cromer Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Knotts Land Leventis

Malloy *Martin, Larry Martin, Shane*

Massey McGill Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1025 -- Senators Campsen and Scott: A BILL TO AMEND SECTION 7‑17‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY BOARD OF CANVASSERS, SO AS TO CHANGE THE MEETING DATE FROM FRIDAY TO MONDAY; TO AMEND SECTION 7‑17‑20, RELATING TO THE CANVASS OF VOTES, SO AS TO CHANGE THE DEADLINE FROM SATURDAY TO TUESDAY; AND TO ADD SECTION 7‑17‑25, SO AS TO REQUIRE POST‑ELECTION AUDITS TO BE CONDUCTED BY COUNTY ELECTION COMMISSIONS PURSUANT TO REGULATIONS PROMULGATED BY THE STATE ELECTION COMMISSION.

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

The Committee on Judiciary proposed the following amendment (JUD1025.001), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

/ A BILL

TO AMEND SECTION 5-15-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONVENING OF COUNTY COMMISSIONERS AS COUNTY BOARDS OF CANVASSERS, SO AS TO CHANGE THE DEADLINE FOR CERTIFYING RESULTS FROM ONE DAY TO TWO DAYS; TO AMEND SECTION 7‑17‑10, RELATING TO THE COUNTY BOARD OF CANVASSERS, SO AS TO CHANGE THE MEETING DATE FROM FRIDAY TO MONDAY; TO AMEND SECTION 7‑17‑20, RELATING TO THE CANVASS OF VOTES, SO AS TO CHANGE THE DEADLINE FROM SATURDAY TO TUESDAY; TO ADD SECTION 7‑17‑25, SO AS TO REQUIRE POST‑ELECTION AUDITS TO BE CONDUCTED BY COUNTY ELECTION COMMISSIONS FOR ALL ELECTIONS PURSUANT TO REGULATIONS PROMULGATED BY THE STATE ELECTION COMMISSION; AND TO AMEND SECTION 7-17-510, RELATING TO THE CONVENING OF COUNTY COMMISSIONERS AS COUNTY BOARDS OF CANVASSERS, SO AS TO CHANGE THE DEADLINE FROM SATURDAY TO TUESDAY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 5-15-100 of the 1976 Code is amended to read:

“Section 5-15-100. The municipal election commission shall be vested with the functions, powers and duties of Municipal Supervisors of Registration if no such supervisors have been appointed pursuant to Section 7‑5‑640, and shall also have the functions, powers, and duties of commissioners of election, as set forth in Section 7‑13‑70 and other provisions of Title 7. The municipal election commission shall insure proper books of registration are provided for each ward or precinct, shall prepare and distribute ballots and election materials, appoint managers of election for each polling place and otherwise supervise and conduct all municipal, special, and general elections. The managers shall certify the results of the election to the commission within ~~one day~~two days and the commission shall declare the results not later than three days following the election.

Nominees in a party primary or party convention and nominees by petition shall be certified to the municipal election commission within the time specified herein and when so certified, the commission shall place the names of such nominees upon the ballots.”

SECTION 2. Section 7‑17‑10 of the 1976 Code is amended to read:

“Section 7‑17‑10. The commissioners of election for Governor, Lieutenant Governor, state officers, circuit solicitors, members of the General Assembly, and county officers or any of these officers shall meet in some convenient place at the county seat on the ~~Friday~~Monday next following the election, before one o’clock in the afternoon of that day, and shall proceed to organize as the county board of canvassers. They may appoint some competent person as secretary. The chairman shall then proceed to administer the constitutional oath to each member of the board, as canvassers, and shall administer the constitutional oath to the secretary, and the secretary shall administer to the chairman the same oath that he has administered to the other members of the board. The commissioners of election for members of Congress and presidential electors or any of these officers shall likewise meet at the same time at the county seat and shall in the same manner proceed to organize as the county board of canvassers for the election of the federal officers.”

SECTION 3. Section 7‑17‑20 of the 1976 Code is amended to read:

“Section 7‑17‑20. The county board of canvassers, respectively, shall then proceed to canvass the votes of the county and make such statements of such votes as the nature of the election shall require no later than noon on the ~~Saturday~~Tuesday next following the election and at such time shall transmit to the State Board of Canvassers the results of their findings.”

SECTION 4. Article 1, Chapter 17, Title 7 of the 1976 Code is amended by adding:

“Section 7‑17‑25. Post‑election audits to correct or verify the outcome of all elections must be completed by the county election commissions prior to certification of the election pursuant to regulations promulgated by the State Election Commission. These regulations must include a provision that audit data and reports must be available to the public.”

SECTION 5. Section 7-17-510 of the 1976 Code is amended to read:

“Section 7-17-510. The commissioners of election for the counties shall convene a meeting on the Thursday next following the primary, before one o’clock p.m. of that day and shall organize as the county board of canvassers for primaries. They may appoint a competent person as secretary. The chairman shall administer the constitutional oath to each member of the board and to the secretary. The secretary shall administer to the chairman the same oath. Each county board of canvassers for primaries shall canvass the votes of the county and declare the results. The county board of canvassers for primaries shall make statements of the votes of the precincts of its county as the nature of the primary requires not later than twelve o’clock noon on the ~~Saturday~~Tuesday next following the primary and at that time transmit and certify to the Board of State Canvassers the results of its findings. This procedure must be repeated following every primary runoff. The Board of State Canvassers shall convene a meeting scheduled through the office of the State Election Commission and shall canvass the vote and declare the results of the primaries and the runoffs no later than twelve o’clock noon on the ~~Saturday~~Tuesday next following the primary in the State for state offices, federal offices, and offices involving more than one county. Nothing in this section prohibits any meeting required by this section from being conducted by using telephone conference or other means of telecommunication or electronic communication. Any meeting provided for in this section must be accessible and without cost to the public and must comply with the notice requirements of Chapter 4, Title 30, the Freedom of Information Act.”

SECTION 6. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hutto Knotts Land

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey McGill

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

**Total--0**

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

**ADOPTED**

H. 4693 -- Reps. Cobb‑Hunter, 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, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, J.H. Neal, J.M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 15, 2012, AS “CITIES MEAN BUSINESS DAY” IN ORDER TO RECOGNIZE AND HONOR THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA CITIES AND TOWNS MAKE TO THE ECONOMIC PROSPERITY OF SOUTH CAROLINA THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES.

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

**CARRIED OVER**

S. 1031 -- Senators Lourie, L. Martin, Elliott, Setzler and Alexander: A BILL TO AMEND SECTION 56‑5‑5660(E)(1) OF THE 1976 CODE, RELATING TO THE APPLICATION FOR AND ISSUANCE OF DISPOSAL AUTHORITY CERTIFICATES, TO INCREASE THE AGE OF A VEHICLE THAT MAY BE DISPOSED OF BY A DEMOLISHER WITHOUT A CERTIFICATE OF TITLE OR OTHER NOTICE REQUIREMENTS FROM EIGHT TO FIFTEEN YEARS; TO AMEND SECTION 56‑5‑5670(A), RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING A VEHICLE ABANDONED ON A HIGHWAY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH A VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, A DISPOSAL AUTHORITY CERTIFICATE, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION; TO AMEND SECTION 56‑5‑5670(D), RELATING TO PENALTIES FOR DEMOLISHERS THAT BREACH DUTIES ESTABLISHED IN THIS SECTION, TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56‑5‑5670; TO AMEND ARTICLE 39, CHAPTER 5, TITLE 56, RELATING TO THE DISPOSITION OF ABANDONED MOTOR VEHICLES ON HIGHWAYS, BY ADDING SECTION 56‑5‑5680 TO PROVIDE FOR AN AFFIDAVIT OF LAWFUL POSSESSION THAT A DEMOLISHER MAY ACCEPT IN LIEU OF A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, OR A DISPOSAL AUTHORITY CERTIFICATE, TO PROVIDE FOR THE CONTENTS OF THE AFFIDAVIT, TO PROVIDE THAT IT IS A FELONY TO KNOWINGLY PROVIDE FALSE INFORMATION IN THE AFFIDAVIT, TO REQUIRE A DEMOLISHER ACCEPTING AN AFFIDAVIT TO TRANSMIT THE INFORMATION CONTAINED IN THE AFFIDAVIT TO THE DEPARTMENT OF MOTOR VEHICLES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO REPORT THE INFORMATION TRANSMITTED BY THE DEMOLISHER TO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM, AND TO PRESCRIBE THE APPROPRIATE USES OF THE INFORMATION; TO AMEND SECTION 56‑5‑5945, RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING AN ABANDONED OR DERELICT MOTOR VEHICLE FOUND ON PRIVATE PROPERTY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH AN ABANDONED VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, A SALES RECEIPT ISSUED PURSUANT TO SECTION 56‑5‑5850, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION, AND TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56‑5‑5945; AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A MECHANISM FOR THE ELECTRONIC TRANSMISSION OF THE INFORMATION REQUIRED UNDER THIS ACT AT NO CHARGE TO THE DEMOLISHER SUBMITTING THE INFORMATION.

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

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, the Senate agreed to dispense with the Motion Period.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**DEBATE INTERRUPTED**

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

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

Senator PEELER spoke on the amendment.

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

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

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

Tracey Carroll, 113 Englewood Road, Aiken, SC 29803

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

Patrick Dorn Sullivan, 200 Main Street, Jackson, SC 29831

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

Carl Insley, Post Office Box 636, Langley, SC 29834

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

Donna Williamson, 13 Hollow Creek Circle, Salley, SC 29137

**ADJOURNMENT**

At 12:24 P.M., on motion of Senator PEELER, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

Senator ROSE desired to be recorded as voting against adjournment.

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