**Thursday, February 23, 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 Genesis we read:

“So God said to Noah, ‘This is the sign of the covenant I have established between me and all life on earth.’ ” (Genesis 9:17)

Let us pray:

Holy God, ages ago You established a covenant of grace with Noah, and the rainbow was the “sign” You granted to all creation as a reminder of Your promise. We thank You and praise You for Your care and Your mercy, O Lord. And equally do we thank You for these Senators. Each of these leaders also entered into a covenant when, upon assuming office, they declared in their oath that they would serve “to the best of their ability.” May it always be so, dear God, and may the “sign” of their dedication be their very determination and sincere desire to do what is unfailingly best for South Carolina and her citizens. In Your loving name we pray, Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Tera S. Richardson, 214 Eagle Ridge Road, Summerville, SC 29485

Reappointment, Spartanburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Dorothy Anita Broyles, 160 Cabin Road, Inman, SC 29349

Reappointment, Spartanburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Cynthia Williams Church, 108 Cumberland Drive, Moore, SC 29369

Reappointment, Spartanburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Frederick Donald Watson, 150 Kelseys Mill Road, Campobello, SC 29322

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

Donnie B. Blackley, Post Office Box 170655, Spartanburg, SC 29301

**Doctor of the Day**

Senator CAMPSEN introduced Dr. William Simpson of Charleston, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator SHOOPMAN, at 11:05 A.M., Senator McCONNELL was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator KNOTTS, at 11:05 A.M., Senator CAMPBELL was granted a leave of absence for today.

**Leave of Absence**

At 12:20 P.M., Senator COURSON requested a leave of absence until 2:30 P.M.

**Leave of Absence**

At 12:20 P.M., Senator LEATHERMAN requested a leave of absence until 2:30 P.M.

**Leave of Absence**

At 12:20 P.M., Senator McGILL requested a leave of absence beginning at 2:30 P.M. and lasting until Tuesday at Noon.

**Leave of Absence**

At 12:20 P.M., Senator REESE requested a leave of absence beginning at 1:00 P.M. and lasting until Tuesday at Noon.

**Leave of Absence**

At 12:20 P.M., Senator RYBERG requested a leave of absence until Tuesday at Noon.

**CO-SPONSORS ADDED**

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

S. 11 Sens. Bryant, Knotts, Setzler, Ford

S. 41 Sens. Alexander, Knotts

S. 1088 Sen. Knotts

S. 1125 Sen. Peeler

S. 1196 Sen. Malloy

S. 1213 Sens. Knotts, Peeler, Cromer, Setzler, Leventis, Hayes, Nicholson

S. 1237 Sen. Knotts

**Expression of Personal Interest**

Senator CLEARY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SCOTT rose for an Expression of Personal Interest.

**Motion Adopted**

At 11:34 A.M., on motion of Senator COURSON, the Senate agreed to go into Executive Session.

**EXECUTIVE SESSION**

At 12:21 P.M., on motion of Senator COURSON, the seal of secrecy was removed and the Senate reconvened.

**STATEWIDE APPOINTMENT CARRIED OVER**

Having received a favorable report from the Medical Affairs Committee, the following appointment was taken up for immediate consideration:

Initial Appointment, Director of Department of Health and Environmental Control

Catherine B. Templeton, 34 Saturday Rd., Mt. Pleasant, SC 29464

On motion of Senator PEELER, the question was confirmation of Ms. Templeton.

Senator LEVENTIS argued contra to the confirmation of Ms. Templeton.

**Motion Adopted**

Senator LARRY MARTIN asked unanimous consent to make a motion to dispense with the provision in Rule 15A requiring one hour of debate prior to making the motion for cloture.

There was no objection.

**Motion Under Rule 15A Failed**

At 12:37 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A to vote on the entire matter of the confirmation of Ms. Templeton.

At 12:38 P.M., the “ayes” and “nays” were demanded and taken, resulting as follows:

**Ayes 18; Nays 16**

**AYES**

Alexander Bright Bryant

Campsen Cleary Cromer

Davis Fair Gregory

Grooms Knotts *Martin, Larry*

Massey Peeler Rose

Shoopman Thomas Verdin

**Total--18**

**NAYS**

Coleman Ford Hutto

Jackson Land Leventis

Lourie Malloy Matthews

McGill Nicholson Rankin

Reese Scott Setzler

Williams

**Total--16**

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Senator LEVENTIS resumed arguing contra to the confirmation of Ms. Templeton.

**Objection**

Senator LARRY MARTIN asked unanimous consent to carry over consideration of confirmation of the appointment of Ms. Templeton.

Senator BRIGHT objected.

**Objection**

At 12:42 P.M., with Senator LEVENTIS retaining the floor, Senator LOURIE asked unanimous consent to make a motion that the Senate stand adjourned.

Senator BRIGHT objected.

Senator LEVENTIS resumed arguing contra to the confirmation of Ms. Templeton.

On motion of Senator LEVENTIS, consideration of confirmation of the appointment of Ms. Templeton was carried over.

**Recorded Vote**

Senators BRIGHT, BRYANT, FAIR, SHOOPMAN and CROMER desired to be recorded as voting against the motion to carry over.

**RECALLED AND ADOPTED**

H. 4606 -- Reps. Hayes, Anthony and McEachern: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF WEST CALHOUN STREET FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 57 TO UNITED STATES HIGHWAY 301 AND THE PORTION OF EAST CALHOUN STREET FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 34 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 “PAUL J. GLENN HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “PAUL J. GLENN HIGHWAY”.

Senator WILLIAMS 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.

On motion of Senator WILLIAMS, with unanimous consent, the Concurrent Resolution was adopted.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1253 -- Senator Scott: A SENATE RESOLUTION TO RECOGNIZE FRANCIS BURNS UNITED METHODIST CHURCH OF COLUMBIA ON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO COMMEND THE CHURCH FOR HALF A CENTURY OF SERVICE TO THE COMMUNITY.

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The Senate Resolution was adopted.

S. 1254 -- Senators Fair and Thomas: A SENATE RESOLUTION RECOGNIZING THE DESTRUCTIVE AND INSIDIOUS NATURE OF UNITED NATIONS AGENDA 21, ENDORSING THE REJECTION AT THE FEDERAL, STATE, AND LOCAL LEVELS OF GOVERNMENT OF ITS RADICAL POLICIES AND ANY GRANT MONIES ATTACHED TO IT, AND RECOMMENDING THAT THE CITIZENS AND PUBLIC OFFICIALS OF THE STATE OF SOUTH CAROLINA BE INFORMED OF THE DANGEROUS INTENT OF UNITED NATIONS AGENDA 21.

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The Senate Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

S. 1255 -- Senator Rose: A BILL TO AMEND SECTION 16-23-465 OF THE 1976 CODE, RELATING TO THE CARRYING OF A CONCEALED WEAPON IN A BUSINESS THAT SELLS ALCOHOL TO BE CONSUMED ON THE PREMISES, TO PERMIT THE POSSESSION OF A WEAPON UNLESS NOTICE OF A PROHIBITION IS PROVIDED BY THE BUSINESS, TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN A BUSINESS BY SOMEONE CARRYING A FIREARM, AND TO REDUCE THE PENALTIES FOR VIOLATIONS.

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

S. 1256 -- Senators Grooms, Campbell, Campsen, Matthews, McGill and Rose: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE THE TIMBERLAND HIGH SCHOOL FOOTBALL TEAM ON ITS IMPRESSIVE WIN OF THE 2011 CLASS AA-DIVISION I STATE CHAMPIONSHIP TITLE.

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

S. 1257 -- Senator Ford: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. WILMA DELORES WEBB WILLIAMS, AND TO CONGRATULATE HER FOR EIGHT YEARS OF FAITHFUL SERVICE AS THE EPISCOPAL SUPERVISOR OF THE 7TH EPISCOPAL DISTRICT'S WOMEN'S MISSIONARY SOCIETY.

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The Senate Resolution was adopted.

S. 1258 -- Senator Ford: A SENATE RESOLUTION TO HONOR BISHOP PRESTON WARREN WILLIAMS II, 119TH CONSECRATED BISHOP OF THE AFRICAN METHODIST EPISCOPAL CHURCH, 7TH EPISCOPAL DISTRICT (SOUTH CAROLINA), FOR HIS MANY YEARS OF LEADERSHIP WITH THE AME CHURCH, AND TO WISH HIM GOD'S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

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The Senate Resolution was adopted.

S. 1259 -- Senators Cleary, Knotts, Thomas, Williams, Leventis, Ford, Land and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 3, TITLE 29 SO AS TO ENACT THE “SOUTH CAROLINA JUNIOR LIEN HOLDERS’ ACT”; TO PROVIDE CERTAIN DEFINITIONS, AND TO PROVIDE FOR THE DETERMINATION OF AN AMOUNT OWED BY A DEBTOR TO A JUNIOR LIEN HOLDER IN AN ACTION BROUGHT BY THE LIEN HOLDER FOR A MONETARY JUDGMENT AFTER FORECLOSURE ON THE PROPERTY SUBJECT TO THE LIEN, AND TO LIMIT THE TIME IN WHICH THIS ACTION MAY BE BROUGHT.

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Read the first time and referred to the Committee on Banking and Insurance.

H. 3390 -- Reps. R. L. Brown and Whipper: A BILL TO AMEND SECTION 57-9-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PETITIONING A COURT TO ABANDON OR CLOSE A STREET, ROAD, OR HIGHWAY, SO AS TO PROVIDE THAT NOTICE OF INTENTION TO FILE A PETITION MUST BE POSTED ALONG THE STREET, ROAD, OR HIGHWAY SUBJECT TO THE APPROVAL OF THE LOCATION OF THE POSTING BY THE GOVERNMENTAL ENTITY RESPONSIBLE FOR MAINTENANCE OF THE STREET, ROAD, OR HIGHWAY.

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

H. 4639 -- Reps. Sandifer, Gambrell, Toole and Hardwick: A BILL TO AMEND SECTION 6-10-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE 2006 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, SO AS TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD.

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

H. 4690 -- Reps. Owens, J. M. Neal, Patrick, Willis, Daning, Erickson and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “JASON FLATT ACT” BY ADDING SECTION 59-26-110 SO AS TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL REQUIRE TWO HOURS OF TRAINING IN YOUTH SUICIDE AWARENESS AND PREVENTION AS A REQUIREMENT FOR THE RENEWAL OF CREDENTIALS FOR INDIVIDUALS EMPLOYED IN MIDDLE SCHOOLS AND HIGH SCHOOLS; TO REQUIRE THE DEPARTMENT TO DEVELOP GUIDELINES FOR TRAINING AND MATERIALS THAT MAY BE USED BY SCHOOLS AND SCHOOL DISTRICTS AND TO PROVIDE THAT SCHOOL DISTRICTS MAY APPROVE TRAINING MATERIALS FOR TRAINING THEIR EMPLOYEES; TO PROVIDE THAT THIS TRAINING REQUIREMENT MAY BE SATISFIED THROUGH SELF REVIEW OF SUICIDE PREVENTION MATERIALS; AND TO PROVIDE THAT NO CAUSE OF ACTION RESULTS FROM THE IMPLEMENTATION OF THIS ACT.

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

**REPORTS OF STANDING COMMITTEES**

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 579 -- Senator Cromer: A BILL TO AMEND SECTION 13‑1‑1710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT, SO AS TO ADD THE STATE FORESTER OF THE SOUTH CAROLINA FORESTRY COMMISSION TO THE MEMBERSHIP OF THE COUNCIL.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 1125 -- Senators Bright, Bryant, S. Martin, Thomas, Gregory, Knotts, Campbell, Rose, Cromer, Fair, Campsen, Grooms and Peeler: A BILL TO AMEND SECTION 41‑35‑120 OF THE 1976 CODE, RELATING TO DISQUALIFICATION FOR UNEMPLOYMENT BENEFITS, TO PROVIDE THAT A PERSON DISCHARGED FROM EMPLOYMENT FOR CAUSE IS INELIGIBLE FOR BENEFITS FOR TWENTY WEEKS BEGINNING WITH THE DATE THE PERSON FILED A BENEFITS REQUEST.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

H. 3735 -- Reps. Loftis, Chumley, Hamilton, Sandifer, J.R. Smith, Whitmire, Thayer, Corbin, Clemmons, G.M. Smith, Hardwick, Hearn, Barfield, White and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 39 TO ENACT THE “SOUTH CAROLINA INCANDESCENT LIGHT BULB FREEDOM ACT” SO AS TO PROVIDE THAT INCANDESCENT LIGHT BULBS MANUFACTURED IN THIS STATE, WITHOUT SIGNIFICANT PARTS IMPORTED FROM ANOTHER STATE, AND OFFERED FOR SALE AND SOLD FOR USE ONLY IN THIS STATE ARE DEEMED ONLY TO BE IN THE STREAM OF INTRASTATE COMMERCE AND THEREFORE NOT SUBJECT TO FEDERAL REGULATION UNDER THE COMMERCE CLAUSE OF THE UNITED STATES CONSTITUTION.

Ordered for consideration tomorrow.

**REPORTS OF STANDING COMMITTEES**

**Appointment Reported**

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2010, and to expire August 15, 2014

At-Large:

Robert E. Thomas, 166 Cassena Circle, Bamberg, SC 29003 *VICE* Mary Thomas (resigned)

Received as information.

**Appointment Reported**

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2010, and to expire August 15, 2014

At-Large:

Ernest Magaro, Jr., 329 Tram Road, Columbia, SC 29210 *VICE* Felicia Morant

Received as information.

**Appointment Reported**

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2011, and to expire May 31, 2014

Appraiser:

Christopher D. Donato, 944 Scotland Dr., Mt. Pleasant, SC 29464 *VICE* Carlton Segars, Jr.

Received as information.

**Appointment Reported**

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2009, and to expire August 15, 2013

At-Large:

Charles E. Gardner, 127 Haviland Ave., Greenville, SC 29607 *VICE* Clente Flemming

Received as information.

**Appointment Reported**

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, South Carolina State Housing, Finance and Development Authority, with the term to commence August 15, 2008, and to expire August 15, 2012

At-Large:

Kenneth E. Ormand, Jr., 1384 Kathwood Drive, Columbia, SC 29206

Received as information.

**Appointment Reported**

Senator McCONNELL from the Committee on Judiciary submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, Director of Department of Public Safety, with the term to commence February 1, 2008, and to expire February 1, 2012

Major Leroy Smith, 1308 Ashland Drive, Columbia, SC 29229

Reappointment, Director of Department of Public Safety, with the term to commence February 1, 2012, and to expire February 1, 2016

Major Leroy Smith, 1308 Ashland Drive, Columbia, SC 29229

Received as information.

**Appointment Reported**

Senator McCONNELL from the Committee on Judiciary submitted a favorable report on:

**Statewide Appointment**

Reappointment, Director of South Carolina Law Enforcement Division, with the term to commence January 31, 2011, and to expire January 31, 2012

Mark A. Keel, 513 Bookman Mill Road, Irmo, SC 29063

Received as information.

**HOUSE CONCURRENCE**

S. 1094 -- Senator Land: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF STATE ROAD S‑14‑187 IN CLARENDON COUNTY FROM ITS INTERSECTION WITH BARRINEAU ROAD TO NEW TOWN ROAD “SERGEANT WALTER KENNETH FLOYD MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “SERGEANT WALTER KENNETH FLOYD MEMORIAL HIGHWAY”.

Returned with concurrence.

Received as information.

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

**THIRD READING BILL**

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

S. 1007 -- Senator Rose: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, BY ADDING SECTION 57‑3‑755 TO PROVIDE THAT THE DEPARTMENT MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE.

**SECOND READING RECONSIDERED**

H. 3254 -- Rep. Daning: A BILL TO AMEND SECTION 57‑23‑815, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ROADSIDE VEGETATION MANAGEMENT AT EXIT 199 ALONG INTERSTATE HIGHWAY 26 IN BERKELEY COUNTY, SO AS TO PROVIDE THAT BOTH THE DEPARTMENT OF TRANSPORTATION AND THE TOWN OF SUMMERVILLE MAY MOW BEYOND THIRTY FEET FROM THE PAVEMENT ROADSIDE VEGETATION ADJACENT TO INTERSTATE 26 AT THIS LOCATION.

Senator VERDIN asked unanimous consent to make a motion to reconsider the vote whereby the Senate gave second reading to the Bill.

There was no objection and second reading of the Bill was reconsiderd.

The Bill was ordered returned to the Second Reading Calendar.

**READ THE SECOND TIME**

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.

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 32; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Nicholson O'Dell

Peeler Rankin Rose

Scott Setzler Shoopman

Verdin Williams

**Total--32**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 859 -- Senators Rose and Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 44‑7‑272, 44‑7‑274, 44‑7‑276, AND 44‑7‑278 SO AS TO ESTABLISH PROVISIONS FOR RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN AND ADOLESCENTS TO PROHIBIT LICENSURE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL OF A FACILITY UNLESS IT IS AT LEAST ONE THOUSAND FEET FROM A SCHOOL, CHILDCARE FACILITY, PARK, PUBLIC SWIMMING POOL, AND MASS TRANSPORTATION STOPS; THAT REQUIRES A FACILTY TO NOTIFY LAW ENFORCEMENT OF THE ADMISSION OF A CHILD WHO HAS CHARGES FOR A VIOLENT CRIME PENDING OR WHO HAS BEEN CONVICTED OF A VIOLENT CRIME WITHIN THE PREVIOUS FIVE YEARS, TO PROVIDE SANCTIONS FOR FACILITIES IN VIOLATION OF THIS REQUIREMENT, AND TO REQUIRE A CHILD TO REGISTER AS A SEX OFFENDER IF THE PROVISIONS OF REGISTRATION APPLY TO THAT CHILD’S OFFENSE; THAT REQUIRE THE DEPARTMENT TO DEVELOP LEVELS OF FACILITY LICENSURE, AND LEVELS OF LICENSURE FOR PROGRAMS WITHIN A FACILITY, BASED UPON CLIENT DISORDERS AND BEHAVIOR AND SUPERVISION, SAFETY, AND SECURITY FACTORS WITHIN EACH FACILITY OR PROGRAM LEVEL; AND THAT REQUIRE THESE FACILITIES TO NOTIFY LAW ENFORCEMENT UPON A CLIENT LEAVING THE FACILITY WITHOUT PERMISSION AND TO MAINTAIN RECORDS OF THESE MATTERS, WHICH ARE SUBJECT TO INSPECTION BY THE DEPARTMENT.

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

The Medical Affairs Committee proposed the following amendment (AGM\19423AB12), which was adopted:

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

/ SECTION 1. Section 44‑7‑130(18) of the 1976 Code is amended to read:

“(18) ‘Children and adolescents in need of mental health treatment’ in a residential treatment facility means a child or adolescent under age ~~eighteen or a child or adolescent under age~~ twenty‑one ~~who is a client of, committed to the custody of, or in the legal custody of an agency of the State of South Carolina~~ who manifests a substantial disorder of cognitive or emotional process, which lessens or impairs to a marked degree that child’s or adolescent’s capacity either to develop or to exercise age‑appropriate or age‑adequate behavior. The behavior includes, but is not limited to, marked disorders of mood or thought processes, severe difficulties with self‑control and judgment including behavior dangerous to self or others, and serious disturbances in the ability to care for and relate to others.”

SECTION 2. Article 3, Chapter 7, Title 44 of the 1976 Code is amended by adding:

“Section 44‑7‑272. A child or adolescent who is admitted to a residential treatment facility for children and adolescents to whom the sex offender registry applies must register pursuant to the requirements of Section 23‑3‑460. The facility shall ensure that any resident to whom the sex offender registry applies maintains up to date registration.

Section 44‑7‑274. If a child or adolescent in a residential treatment facility for children and adolescents leaves the facility premises without permission, the facility shall immediately report the incident to local law enforcement and inform them if the child may pose a threat to the safety of the public. The facility also shall immediately report the incident to the responsible party of the child or adolescent. The facility shall maintain an incident report on the matter including information that must be included in the report as prescribed by the department in regulation. These reports must be submitted to the department within ten days after the incident, maintained in accordance with the regulation, and are subject to inspection by the department at any time, upon request.

Section 44‑7‑276. (A) The department shall develop criteria for residential treatment of children and adolescents.

(B) Based upon the needs of the residents, the department shall develop supervision, safety, security, and recordkeeping requirements in regulation as the department considers necessary to carry out its responsibilities under this chapter. A residential treatment facility for children and adolescents must comply with these requirements in order to be licensed and to obtain license renewal.”

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator ROSE 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 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Leventis

Lourie Malloy *Martin, Larry*

Massey McGill Nicholson

O’Dell Peeler Rankin

Rose Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1127 -- Senator Peeler: A BILL TO AMEND TITLE 1 OF THE 1976 CODE RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, TO ELIMINATE THE SPECIFIC NUMBER OF BOARD MEMBERS THAT MUST BE APPOINTED; TO AMEND TITLE 40 AND TITLE 44 RELATING TO MEMBERSHIP ON THE BOARD OF CHIROPRACTIC EXAMINERS, THE STATE BOARD OF DENTISTRY, THE STATE BOARD OF NURSING, THE STATE BOARD OF PHARMACY, THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS, THE STATE BOARD OF MEDICAL EXAMINERS, THE MEDICAL DISCIPLINARY COMMISSION, THE BOARD OF EXAMINERS FOR THE LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO‑EDUCATIONAL SPECIALIST, THE BOARD OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE SOUTH CAROLINA MENTAL HEALTH COMMISSION, THE SOUTH CAROLINA COMMISSION ON DISABILITIES AND SPECIAL NEEDS, CONSUMER ADVISORY BOARDS TO THE COMMISSION ON DISABILITIES AND SPECIAL NEEDS, TO ADJUST THE MEMBERSHIP OF THESE BOARDS AND COMMISSIONS TO INCORPORATE THE SEVENTH CONGRESSIONAL DISTRICT, TO MAKE CONFORMING CHANGES; AND TO DELETE LANGUAGE ALLOWING CERTAIN BOARDS OR COMMISSIONS TO ESTABLISH FEE SCHEDULES. *(ABBREVIATED TITLE)*

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

The Medical Affairs Committee proposed the following amendment (S-1127-1), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 27-28 and inserting:

/ SECTION 1. Section 1‑30‑10(B)(1)(ii) of the 1976 Code, as last amended by Act 146 of 2010, is further amended

to read: /

Amend the bill further, beginning on page 6, by deleting SECTION 4 in its entirety and inserting:

/ SECTION 4. Section 40‑15‑20 of the 1976 Code is amended to read:

“Section 40‑15‑20. (A) There is created the State Board of Dentistry (board) to be composed of ~~nine~~ eleven members, one of whom shall be a lay member from the State at large, one of whom shall be a dentist from the State at large, one of whom shall be a dental hygienist from the State at large, one of whom shall be a dental hygienist from the State at large nominated pursuant to subsection (C) and ~~six~~ seven of whom shall be dentists representing each ~~of six Congressional Districts~~ congressional district. Dentists shall be licensed, practicing dentists and residents of the State and of the congressional district which they represent. The dental ~~hygienist~~ hygienists shall be ~~a~~ licensed, practicing dental hygienists and residents of the State. The terms of the members shall be for six years and until successors are appointed and qualify. No member shall be allowed successive terms of office.

(B) The dentist at large, a dental hygienist at large and lay member shall be appointed by the Governor. All appointments to the board of the ~~six~~ seven members of the board representing the congressional districts shall be made upon the recommendation of the board, which recommendation shall be based upon an annual election conducted by the board. This election shall be conducted on a rotating basis in the ~~six~~ seven congressional districts in numerical order so that each year the licensed dentists residing in the subject district shall elect from among themselves a member of the board. The board at its regular annual meeting shall certify in writing to the Governor the name of the person winning the election and the name of the person the nominee replaces on the board. The Governor may reject any or all of the nominees upon satisfactory showing as to the unfitness of those rejected. If the Governor declines to appoint any of such nominees so submitted, additional nominees shall be submitted in the same manner. Vacancies shall be filled in a like manner by appointment by the Governor for the unexpired portion of the term.

(C) The board shall conduct an election to nominate ~~the~~ a dental hygienist when such seat shall be vacant. ~~Such~~ This election shall provide for participation by all dental hygienists currently licensed and residing in South Carolina. The name of the nominee shall be forwarded to the Governor for appointment. The Governor may reject the nominee upon satisfactory showing as to the unfitness of the nominee. If the Governor declines to appoint any nominee so submitted, additional nominees shall be submitted in the same manner. Vacancies shall be filled in a like manner by appointment by the Governor for the unexpired portion of the term. No person shall be eligible for appointment who has a financial interest or serves as an officer in a business organized under the laws of this State to sell dental supplies, equipment, or appurtenances or who is officially connected with a school of dentistry or dental hygiene.

(D) Vacancies shall be filled in a like manner by appointment by the Governor for the unexpired portion of the term.

(E) All members of the board have full voting rights except that the lay member is exempt from voting on examinations for licensure and the dental ~~hygienist is~~ hygienists are exempt from voting on examination for licensure for dentists.

(F) The Governor may remove any member of the board who has been guilty of continued neglect of his duties or who is found to be incompetent, unprofessional, or dishonorable. No member shall be removed without first giving him an opportunity to refute the charges filed against him. He shall be given a copy of the charges at the time they are filed.

~~The present members of the State Board of Dentistry shall continue to serve until expiration of their terms and until successors are appointed. The present board shall plan and implement the changes in as practical a manner as its deems feasible so as to accomplish the changes at least by December 31, 1984, and to provide for board membership to expire on a rotating basis so that no more than two seats expire in any one year. The Governor shall appoint the lay member by December 31, 1982. The present members of the State Board of Dentistry shall be eligible for nomination to a new term if the board deems this to be feasible in implementing the terms of this chapter.~~”

Renumber sections to conform.

Amend title to conform.

Senator HAYES 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 33; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Nicholson O’Dell

Peeler Rankin Rose

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1223 -- Senator Alexander: A BILL TO AMEND SECTION 7‑7‑430, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN OCONEE COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

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

**Ayes 30; Nays 0; Abstain 1**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Leventis

Lourie Malloy *Martin, Larry*

McGill Nicholson O'Dell

Peeler Rankin Rose

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--30**

**NAYS**

**Total--0**

**ABSTAIN**

Massey

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 11 -- Senators McConnell, Cromer, McGill, Rose, Peeler, Grooms, Campsen, Alexander, Bryant, Knotts, Setzler and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “TAXPAYER FAIRNESS ACT” BY ADDING SECTION 12‑4‑397 SO AS TO PROVIDE THE MANNER IN WHICH THE SOUTH CAROLINA DEPARTMENT OF REVENUE MUST INTERPRET TAX STATUTES OF THIS STATE, TO PROVIDE THAT TERMS IN THE TAX STATUTES OF THIS STATE MAY NOT BE GIVEN BROADER MEANING THAN INTENDED BY POLICY DOCUMENTS AND REGULATIONS OF THE DEPARTMENT OF REVENUE, TO PROVIDE THAT AMBIGUITY IN TAX STATUTES MUST BE RESOLVED IN FAVOR OF THE TAXPAYER, TO REQUIRE THE DEPARTMENT TO REPORT AMBIGUITIES TO CERTAIN MEMBERS OF THE GENERAL ASSEMBLY, AND TO DEFINE “TAX STATUTES OF THIS STATE”.

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

The Committee on Finance proposed the following amendment (NBD\12103DG12), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

“Section 12‑4‑397. (A) For purposes of this section, a ‘tax statute of this State’ means a statute imposing a tax or fee administrated by the South Carolina Department of Revenue.

(B) In applying the tax statutes of this State, the department’s interpretation of the statutes must be based on the plain meaning of the statute’s text and the legislative intent giving rise to the enactment of the statutes.

(C) Terms contained in the tax statutes of this State may not be given broader meaning in policy documents or regulations of the department beyond the meaning of the statute.

(D) At least twice annually, the department shall submit a report to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the chairmen of the Senate Finance Committee, and of the House Ways and Means Committee regarding any discovered ambiguity in the meaning of a tax statute. The first report must be submitted no later than May first and the second report must be submitted no later than November first of each year.” /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL 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 33; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Nicholson O'Dell

Peeler Rankin Rose

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 41 -- Senators McConnell, Rankin, Ford, Alexander and Knotts: A BILL TO AMEND SECTION 23‑3‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MISSING PERSON INFORMATION CENTER, SO AS TO CHANGE THE DEFINITION OF “MISSING CHILD” AND “MISSING PERSON”.

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 33; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Nicholson O'Dell

Peeler Rankin Rose

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

S. 426 -- Senators Hayes, Hutto, Grooms, Land and O’Dell: 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.

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

The Committee on Finance proposed the following amendment (NBD\12107DG12), which was adopted:

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

/ SECTION 1. Section 12‑37‑2725 of the 1976 Code is amended to read:

“Section 12‑37‑2725. When the title to a licensed vehicle is transferred, or the owner of the vehicle becomes a legal resident of another state and registers the vehicle in the new state of residence, the license plate and registration certificate may be returned for cancellation. The license plate and registration certificate must be delivered to the ~~auditor of the county of the vehicle’s registration and tax payment~~ Department of Motor Vehicles. A request for cancellation must be made in writing to the auditor upon forms approved by the Department of Motor Vehicles. The auditor, upon receipt of the ~~license plate, registration certificate,~~ Form 5051 and the request for cancellation, shall order and the treasurer shall issue a credit or refund of property taxes paid by the transferor on the vehicle. The amount of the refund or credit is that proportion of the tax paid that is equal to that proportion of the complete months remaining in that tax year. The auditor, within five days thereafter, shall deliver the ~~license plate, registration certificate, and the written~~ request for cancellation to the Department of Motor Vehicles. Upon receipt, the Department of Motor Vehicles shall cancel the license plate and registration certificate and may not reissue the same.”

SECTION 2. Section 12‑39‑220 of the 1976 Code is amended to read:

“Section 12‑39‑220. If the county auditor shall at any time discover that any real estate or new structure, duly returned and appraised for taxation, has been omitted from the duplicate, he shall immediately contact the county assessor and upon receiving return, he shall charge it on the duplicate with the taxes of the current year and the simple taxes of each preceding year it may have escaped taxation. And if the owner of any real estate or new structure thereon, subject to taxation, has not reported it for taxation, according to the requirements of this chapter, and it has not been appraised for taxation, the auditor shall, upon discovery thereof, appraise it and, upon making return of such appraisement, shall charge it upon the duplicate, with the taxes of the then current year and the taxes of each preceding year it may have escaped taxation, ~~with twenty per cent penalty~~ and all applicable penalties upon such taxes of preceding years. ~~And if any real estate shall have been omitted in any return, the auditor of the county shall appraise it immediately for taxation, file such appraisement in his office and charge it with the taxes of the current year and the simple taxes of preceding years it may have escaped taxation.~~”

SECTION 3. Section 12‑54‑85(C) of the 1976 Code, as last amended by Act 116 of 2007, is further amended to read:

“(C) Taxes may be determined and assessed after the thirty‑six month limitation if:

(1) there is fraudulent intent to evade the taxes;

(2) the taxpayer failed to file a return or document as required by law;

(3) there is a twenty percent understatement of the total of all taxes required to be shown on the return or document. The taxes in this case may be assessed at any time within seventy‑two months from the date the return or document was filed or due to be filed, whichever is later. For the purpose of this item, the total of all taxes required to be shown on the return is the total of all taxes required to be shown on the return before any reduction for estimated payments, withholding payments, other prepayments, or discount allowed for timely filing of the return and payment of the tax due, but that amount must be reduced by another credit that may be claimed on the return;

(4) the person liable for any taxes consents in writing, before the expiration of the time prescribed in this section for assessing taxes due, to the assessment of the taxes after the time prescribed by this section; ~~or~~

(5) the tax is a use tax imposed under Chapter 36 of this title, or a local use tax administered and collected by the department on behalf of a local jurisdiction, and the assessment of the use tax is the result of information received from, or as a result of exchange agreements with, other state or local taxing authorities, regional or national tax administration organizations, or the federal government. The use taxes in this case may be assessed at any time within twelve months after the department receives the information, but no later than seventy‑two months after the last day the use tax may be paid without penalty~~.~~; or

(6) the property has been omitted pursuant to Section 12‑39‑220. In this case, the taxes may be assessed at any time within thirty‑six months from the date the taxes would have been due.”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

Senators ALEXANDER and HAYES proposed the following amendment (NBD\12149DG12), which was adopted:

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

/ SECTION \_\_\_. Section 12‑51‑50 of the 1976 Code, as last amended by Act 399 of 2000, is further amended to read:

“Section 12‑51‑50. The property duly advertised must be sold, by the person officially charged with the collection of delinquent taxes, at public auction at the courthouse or other convenient place within the county, if designated and advertised, on ~~a legal sales~~ the advertised date ~~during regular hours~~ for legal tender payable in full by cash, cashier’s check, certified check, or money order on the date of the sale. If the defaulting taxpayer or the grantee of record of the property has more than one item advertised to be sold, as soon as sufficient funds have been accrued to cover all of the delinquent taxes, assessments, penalties, and costs, further items ~~may~~ must not be sold.” /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 33; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Nicholson O'Dell

Peeler Rankin Rose

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 492 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑53‑45 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO FILE ELECTRONICALLY ALL DOCUMENTS RELATING TO THE ENFORCED COLLECTION OF TAXES DUE THIS STATE WITH COUNTY CLERKS OF COURT AND REGISTERS OF DEEDS IN THOSE COUNTIES WHICH ACCEPT ELECTRONIC FILINGS.

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

Senator HAYES explained the Bill.

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

**Ayes 33; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Leventis Lourie

Malloy *Martin, Larry* Massey

McGill Nicholson O'Dell

Peeler Rankin Rose

Scott Setzler Shoopman

Thomas Verdin Williams

**Total--33**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 872 -- Senators Knotts, Rose, Reese, O’Dell, Verdin, Rankin, Bryant, Malloy, McConnell, Scott, Grooms, Fair, Campbell, Elliott, Setzler, McGill, Davis, Williams, Pinckney, Cromer, Hayes, Land, Jackson, Lourie, Nicholson, Matthews, L. Martin and Alexander: A BILL TO AMEND SECTION 25‑1‑590, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RETIREMENT OF MEMBERS OF THE SOUTH CAROLINA NATIONAL GUARD, SO AS TO EXTEND THE RETIREMENT HONORARY PROMOTION PROVISIONS TO HONORABLY DISCHARGED SERVICE MEMBERS WHO ARE REMOVED FROM THE NATIONAL GUARD DUE TO MEDICAL CONDITIONS, AND TO PROVIDE THAT THE EXPANDED HONORARY PROMOTION ELIGIBILITY DESCRIBED ABOVE IS TO BE APPLIED RETROACTIVELY.

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

Senator ALEXANDER explained the Bill.

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

**Ayes 29; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Lourie Malloy

*Martin, Larry* Massey McGill

O'Dell Peeler Rose

Setzler Shoopman Thomas

Verdin Williams

**Total--29**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1087 -- Senators Jackson, Cromer, Grooms, Ford, Scott, Elliott, Setzler, Land, Pinckney, Anderson, Ryberg, Matthews, Rankin and Verdin: A BILL TO AMEND SECTION 50‑9‑730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES’ ABILITY TO DESIGNATE “FREE FISHING DAYS” AND SANCTION FISHING EVENTS EXEMPT FROM FISHING LICENSE REQUIREMENTS, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT TO DESIGNATE “FREE FISHING DAYS”, TO DESIGNATE JULY FOURTH AND MEMORIAL DAY AS DAYS WHEN A RESIDENT IS NOT REQUIRED TO POSSESS A LICENSE OR PERMIT FOR FRESHWATER RECREATIONAL FISHING, TO LIMIT DEPARTMENT‑SANCTIONED EVENTS THAT ARE EXEMPT FROM FISHING LICENSE REQUIREMENTS TO FRESHWATER EVENTS, AND TO EXEMPT CERTAIN COMMERCIAL FISHERMEN FROM THE PROVISIONS CONTAINED IN THIS SECTION.

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

The Committee on Fish, Game and Forestry proposed the following amendment (SWB\5147CM12), which was adopted:

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

/ SECTION \_\_. Section 50‑1‑160(A) of the 1976 Code, as added by Act 114 of 2012, is amended to read:

“Section 50‑1‑160. (A) Notwithstanding another provision of law, the department may release a vehicle, boat, motor, or fishing device seized from a person charged with a violation of this ~~chapter~~ title to an innocent owner or lien holder of the property.”

SECTION \_\_. Section 50‑9‑410(C) of the 1976 Code as added by Act 200 of 2010, is amended to read:

“(C) A commercial freshwater license is required to:

(1) fish six or more crayfish traps;

(2) fish three or more eel pots;

(3) fish an Elver fyke net;

(4) fish four or more gill nets or a total of more than one hundred yards of net;

(5) fish two or more hoop nets;

(6) fish three or more traps;

(7) fish ~~four~~ two or more trotlines;

(8) acquire more than ~~three~~ one trotline ~~tags~~ tag or fish ~~trotlines~~ a trotline with ~~a combined total of~~ more than ~~one hundred fifty‑one~~ fifty hooks;

(9) take freshwater fish for commercial purposes.” /

Amend the bill further by deleting SECTION 2 in its entirety and inserting:

/ SECTION 2. This act takes effect July 1, 2012. /

Renumber sections to conform.

Amend title to conform.

Senator McGILL 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 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Lourie Malloy

*Martin, Larry* Massey McGill

Nicholson O'Dell Peeler

Rose Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1088 -- Senators McConnell, Ford and Knotts: A BILL TO AMEND STATUTES CREATING CERTAIN BOARDS AND COMMISSIONS WHOSE MEMBERS ARE APPOINTED OR ELECTED BY CONGRESSIONAL DISTRICT, WHICH ARE UNDER THE JURISDICTION OF THE SOUTH CAROLINA SENATE JUDICIARY COMMITTEE PURSUANT TO SOUTH CAROLINA SENATE RULE 19, RELATING TO THE HUMAN AFFAIRS COMMISSION, THE STATE COMMISSION ON MINORITY AFFAIRS, THE PUBLIC SERVICE COMMISSION, THE PUBLIC SERVICE AUTHORITY, THE DIVISION FOR THE REVIEW OF THE FOSTER CARE OF CHILDREN, THE CHILDREN’S TRUST FUND OF SOUTH CAROLINA, AND THE BOARD OF JUVENILE PAROLE, NAMELY SECTION 1‑13‑40(B), SECTION 1‑31‑10, SECTION 8‑13‑310, SECTION 58‑3‑20, SECTION 58‑31‑20, SECTION 63‑11‑700, SECTION 63‑11‑920, AND SECTION 63‑19‑610 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO INCLUDE THE ADDITIONAL CONGRESSIONAL DISTRICT ASSIGNED TO SOUTH CAROLINA PURSUANT TO THE 2010 CENSUS.

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 (JUD1088.001), which was adopted:

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

/ A BILL

TO AMEND STATUTES CREATING CERTAIN BOARDS AND COMMISSIONS WHOSE MEMBERS ARE APPOINTED OR ELECTED BY CONGRESSIONAL DISTRICT, WHICH ARE UNDER THE JURISDICTION OF THE SOUTH CAROLINA SENATE JUDICIARY COMMITTEE PURSUANT TO SOUTH CAROLINA SENATE RULE 19, RELATING TO THE STATE HUMAN AFFAIRS COMMISSION, THE STATE COMMISSION ON MINORITY AFFAIRS, THE STATE ETHICS COMMISSION, THE PUBLIC SERVICE COMMISSION, THE PUBLIC SERVICE AUTHORITY, THE DIVISION FOR THE REVIEW OF THE FOSTER CARE OF CHILDREN, THE CHILDREN’S TRUST FUND OF SOUTH CAROLINA, AND THE BOARD OF JUVENILE PAROLE, NAMELY, SECTION 1‑13‑40, SECTION 1‑31‑10, SECTION 8‑13‑310, SECTION 58‑3‑20, SECTION 58‑31‑20, SECTION 63‑11‑700, SECTION 63‑11‑920, AND SECTION 63‑19‑610 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE FOR THE ADDITIONAL CONGRESSIONAL DISTRICT ASSIGNED TO SOUTH CAROLINA PURSUANT TO THE 2010 CENSUS.

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

SECTION 1. Section 1‑13‑40(b) of the 1976 Code is amended to read as follows:

“(b) The commission shall consist of ~~fifteen members, with two members~~ a member from each congressional district appointed by the Governor, with the advice and consent of the Senate, and ~~three~~ two members at large appointed by the Governor. ~~The first appointed members from the first and second congressional districts and one at large member shall serve until June, 1984. The first appointed members from the third and fourth congressional districts and one at large member shall serve until June, 1985.~~ ~~Thereafter all~~ Each member~~s~~ shall serve for a term of three years and until their successors are appointed and qualify. Vacancies shall be filled in the manner of the original appointment for the unexpired term.”

SECTION 2. Section 1‑31‑10 of the 1976 Code is amended to read as follows:

“Section 1‑31‑10 There is created a State Commission for Minority Affairs consisting of nine members and the Governor ex officio. The Governor must appoint one person from each of the ~~six~~ congressional districts of the State and ~~three~~ two persons from the State at large upon the advice and consent of the Senate. The Governor shall designate the chairman. The members serve for a term of four years and until their successors are appointed and qualify. A vacancy must be filled in the same manner as original appointment for the remainder of the unexpired term. A majority of the members of the commission must be African American.”

SECTION 3. Section 8‑13‑310(B) of the 1976 Code is amended to read as follows:

“(B) There is created the State Ethics Commission composed of nine members appointed by the Governor, upon the advice and consent of the General Assembly. One member shall represent each of the ~~six~~ seven congressional districts, and ~~three~~ two members must be appointed from the State at large. No member of the General Assembly or other public official shall be eligible to serve on the State Ethics Commission. The Governor shall make the appointments based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the commission is representative of all citizens of the State of South Carolina.”

SECTION 4. Section 58‑3‑20(D) and (E) of the 1976 Code are amended to read as follows:

“(D)(1) Beginning in 2004, the members of the Public Service Commission must be elected to staggered terms. In 2004, the members representing the second, fourth, and sixth congressional districts must be elected for terms ending on June 30, 2006, and until their successors are elected and qualify. Thereafter, members representing the second, fourth, and sixth congressional districts must be elected to terms of four years and until their successors are elected and qualify. In 2004, the members representing the first, third, and fifth congressional districts and the State at large must be elected for terms ending on June 30, 2008, and until their successors are elected and qualify. Thereafter, members representing the first, third, and fifth congressional districts and the State at large must be elected to terms of four years and until their successors are elected and qualify.

(2) In the event there are seven congressional districts, the member elected from the State at large shall serve until the expiration of his term, and thereafter a member representing the seventh congressional district must be elected in the same manner and for the same term duration as the State at large member described in Section (D)(1). Upon the election and qualification of the inaugural member representing the seventh congressional district, the position representing the State at large shall be abolished.

(E) The General Assembly must provide for the election of the seven‑member commission and elect its members based upon the congressional districts established by the General Assembly pursuant to the latest official United States Decennial Census. ~~If the number of congressional districts is less than seven, additional members must be elected at large to provide for a seven‑member commission.~~ In the event the congressional districts established by the General Assembly are under review by a court for compliance with statutory or constitutional requirements, an election scheduled pursuant to subsection (D) shall not be held until a final determination is made by the courts regarding the congressional districts. The inability to hold an election due to judicial review of the congressional districts does not constitute a vacancy on the commission and the commissioners will serve until their successors are elected and qualify.”

SECTION 5. Section 58‑31‑20(A) of the 1976 Code is amended to read as follows:

“(A) The Public Service Authority consists of a board of eleven directors who reside in South Carolina and who shall have the qualifications stated in this section, as determined by the State Regulation of Public Utilities Review Committee pursuant to Section 58‑3‑530(14), before being appointed by the Governor with the advice and consent of the Senate as follows: one from each congressional district of the State; one from each of the counties of Horry, Berkeley, and Georgetown who reside in authority territory and are customers of the authority; and ~~two~~ one from the State at large, ~~one of whom~~ who shall be chairman. Two of the directors shall have substantial work experience within the operations of electric cooperatives or substantial experience on an electric cooperative board~~,~~. ~~but must not~~ No director may serve as an employee or board member of an electric cooperative during ~~their~~ his term as director. Each director shall serve for a term of seven years, except as provided in this section. At the expiration of the term of each director and of each succeeding director, the Governor must appoint with the advice and consent of the Senate a successor, who shall hold office for a term of seven years or until his successor has been appointed and qualified. In the event of a director vacancy due to death, resignation, or otherwise, the Governor must appoint the director’s successor, with the advice and consent of the Senate, and the successor‑director shall hold office for the unexpired term. No director shall receive a salary for services as director until the authority is in funds, but each director must be paid his actual expense in the performance of his duties hereunder, the actual expense to be advanced from the contingent fund of the Governor until such time as the Public Service Authority is in funds, at which time the contingent fund shall be reimbursed. After the Public Service Authority is in funds, the compensation and expenses of each member of the board shall be paid from such funds, and the compensation and expenses must be fixed by the advisory board hereinafter established. Members of the board of directors may be removed for cause, as established in Section 1‑3‑240(C), by the Governor of the State, the advisory board, or a majority thereof. No member of the General Assembly of the State of South Carolina shall be eligible for appointment as Director of the Public Service Authority during the term of his office. No more than two members from the same county shall serve as directors at any time.”

SECTION 6. Section 63‑11‑700(A) of the 1976 Code is amended to read as follows:

“(A) There is created, as part of the Office of the Governor, the Division for Review of the Foster Care of Children. The division must be supported by a board consisting of seven members, all of whom must be past or present members of local review boards. There must be one member from each congressional district ~~and one member from the State at large~~, all appointed by the Governor with the advice and consent of the Senate.”

SECTION 7. Section 63‑11‑920 of the 1976 Code is amended to read as follows:

“Section 63‑11‑920. There is created the Board of Directors for the Children’s Trust Fund of South Carolina composed of seventeen members appointed by the Governor, ~~eleven~~ ten at large from the State from nominees of the Board of Directors of the Children’s Trust Fund, plus one from each of the state’s congressional districts. Members shall serve for terms of four years and until successors are appointed and qualify. Vacancies for any reason must be filled in the manner of the original appointment for the unexpired term.

Members may be paid per diem, mileage, and subsistence as established by the board not to exceed the amounts provided by law for state boards, committees, and commissions. A complete report of the activities of the trust fund must be made annually to the General Assembly.”

SECTION 8. Section 63‑19‑610(A) of the 1976 Code is amended to read as follows:

“(A)(1) There is created ~~under the~~ ~~Department of Juvenile Justice~~ the Board of Juvenile Parole. The parole board is composed of ~~ten~~ seven members appointed by the Governor with the advice and consent of the Senate. ~~Of these members, one must be appointed from each of the six congressional districts and four members must be appointed from the State at large.~~ In making these appointments, the Governor shall select members who are representative of the racial, gender, and geographical diversity of the State. If a vacancy occurs on the parole board when the Senate is not in session, the Governor may appoint a member to fill the vacancy and the appointee is a de facto member until the Senate acts upon the appointment.

(2) The Department of Juvenile Justice shall continue to provide to the Board of Juvenile Parole the budgetary, fiscal, personnel, and training information resources and other support considered necessary by the parole board to perform its mandated functions.”

SECTION 9. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections on the subject of agencies, boards, commissions, or committees that fall under the jurisdiction of the South Carolina Senate Judiciary Committee pursuant to Senate Rule 19, and whose membership is determined by congressional district.

SECTION 10. Due to the congressional redistricting, any person elected or appointed to serve, or serving, as a member of any board, commission, or committee to represent a congressional district, whose residency is transferred to another district by a change in the composition of the district, may serve, or continue to serve, the term of office for which he was elected or appointed; however, the appointing or electing authority shall appoint or elect an additional member on that board, commission, or committee from the district which loses a resident member on it as a result of the transfer to serve until the term of the transferred member expires. When a vacancy occurs in the district to which a member has been transferred, the vacancy must not be filled until the full term of the transferred member expires. Further, the inability to hold an election or to make an appointment due to judicial review of the congressional districts does not constitute a vacancy.

SECTION 11. This act shall become effective 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 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Lourie Malloy

*Martin, Larry* Massey McGill

Nicholson O'Dell Peeler

Rose Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1196 -- Senators Jackson, Ford, Courson, Hutto, Williams, Sheheen, Massey, Lourie, McGill, Scott, Nicholson, Matthews, Anderson, Gregory, Coleman, Setzler, Rankin and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑616 SO AS TO PROVIDE THAT THE MONTH OF FEBRUARY OF EVERY YEAR IS DESIGNATED AFRICAN AMERICAN HISTORY MONTH IN SOUTH CAROLINA.

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 31; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Coleman

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Lourie Malloy

*Martin, Larry* Massey McGill

Nicholson O'Dell Peeler

Rose Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--31**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1213 -- Senators Alexander, L. Martin, Scott, Knotts, Peeler, Cromer, Setzler, Leventis, Hayes and Nicholson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 2 SO AS TO ESTABLISH THE STATE OF SOUTH CAROLINA MEDAL OF VALOR TO RECOGNIZE SOUTH CAROLINIANS, OR INDIVIDUALS WITH CERTAIN TIES TO SOUTH CAROLINA, WHO WERE KILLED IN ACTION WHILE SERVING IN THE ARMED FORCES OF THE UNITED STATES OF AMERICA; TO PROVIDE FOR THE SOUTH CAROLINA MEDAL OF VALOR ROLL; AND TO ESTABLISH THE SOUTH CAROLINA MEDAL OF VALOR AWARD CRITERIA.

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 29; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Cromer

Davis Fair Ford

Grooms Hayes Hutto

Jackson Knotts Leventis

Malloy *Martin, Larry* Massey

McGill Nicholson O'Dell

Peeler Rose Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--29**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3711 -- Reps. Sandifer, Hayes and D.C. Moss: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑61‑210 SO AS TO PROVIDE THAT AN ENTITY THAT CONTRACTS WITH AN AUTOMOBILE CLUB LICENSED UNDER THE MOTOR CLUB SERVICES ACT FOR THE PROVISIONS OF EMERGENCY ROAD SERVICE AND TOWING SERVICE TO THE ENTITY’S CUSTOMERS IS EXEMPT FROM ALL REQUIREMENTS OF THE MOTOR CLUB SERVICES ACT.

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 (JUD3711.001), which was adopted:

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

/ A BILL

TO AMEND SECTION 39-61-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF THE SOUTH CAROLINA MOTOR CLUB ACT, SO AS TO PROVIDE THAT AN ENTITY THAT CONTRACTS WITH AN AUTOMOBILE CLUB LICENSED UNDER THE MOTOR CLUB SERVICES ACT FOR THE PROVISIONS OF EMERGENCY ROAD SERVICE AND TOWING SERVICE TO THE ENTITY’S CUSTOMERS IS NOT INCLUDED IN THE DEFINITION OF MOTOR CLUB.

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

SECTION 1. Section 39‑61‑20(b) of the 1976 Code is amended to read:

“(b) ‘Club’ means ~~any~~ a person ~~presently or hereafter~~ engaged in selling, furnishing, or making available to members, either as principal or agent, motor club services. This definition does not include an entity that enters into a service contract with a club licensed under this chapter for the provision of emergency road service and towing service to the customers of the entity.”

SECTION 2. 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 30; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Cromer

Davis Fair Ford

Gregory Grooms Hayes

Hutto Jackson Knotts

Leventis Lourie Malloy

*Martin, Larry* Massey McGill

Nicholson O'Dell Peeler

Rose Scott Setzler

Shoopman Verdin Williams

**Total--30**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

S. 1063 -- Senator Peeler: A BILL TO AMEND SECTION 7‑7‑160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN CHEROKEE COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

There was no objection.

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

Senator PEELER proposed the following amendment (JUD1063.001), which was adopted:

Amend the bill, as and if amended, by striking subsection (B), lines 21-31 on page 2 and inserting:

/ (B) The polling places of the various voting precincts in Cherokee County must be designated by the Cherokee County Election Commission. The precinct lines defining the above precincts are as shown on the official map designated as ~~P‑21‑02~~P‑21‑12 on file with the ~~Office~~ Division of Research and ~~Statistical Services~~Statistics of the South Carolina Budget and Control Board and as shown on ~~certified~~ copies provided to the ~~State Election Commission and the~~ board of voter registration of the county by the ~~Office~~ Division of Research and ~~Statistical Services~~Statistics. The official map may not be changed except by act of the General Assembly.” /

Renumber sections to conform.

Amend title to conform.

Senator PEELER explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 26; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Cleary Davis

Fair Gregory Grooms

Hayes Hutto Leventis

Lourie Malloy *Martin, Larry*

Matthews McGill Nicholson

Peeler Rose Scott

Setzler Shoopman Thomas

Verdin Williams

**Total--26**

**NAYS**

**Total--0**

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

**ADOPTED**

S. 1237 -- Senators Courson and Knotts: A CONCURRENT RESOLUTION TO DECLARE MARCH 2012 AS “HOME SCHOOL RECOGNITION MONTH” IN SOUTH CAROLINA, TO RECOGNIZE THE DILIGENT EFFORTS OF HOME SCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, AND TO EXPRESS SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL‑BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the Resolution.

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

**Ayes 25; Nays 3**

**AYES**

Alexander Campsen Cleary

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Leventis Lourie

Malloy *Martin, Larry* Matthews

McGill Nicholson Peeler

Rose Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--25**

**NAYS**

Bright Bryant Ford

**Total--3**

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

**CARRIED OVER**

H. 3333 -- Reps. Sandifer, Toole, Bowers, Hayes, Erickson and Brady: A BILL TO AMEND SECTION 38‑1‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO AMEND THE DEFINITION OF “ADMITTED ASSETS” TO INCLUDE THOSE ON THE MOST RECENT STATUTORY FINANCIAL STATEMENT OF THE INSURER FILED WITH THE DEPARTMENT OF INSURANCE PURSUANT TO THE PROVISIONS OF SECTION 38‑13‑80; TO AMEND SECTION 38‑9‑10, RELATING TO CAPITAL AND SURPLUS REQUIRED OF STOCK INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES THAT MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑20, RELATING TO THE SURPLUS REQUIRED OF MUTUAL INSURERS, SO AS TO CHANGE THE MARKETABLE SECURITIES WHICH MAY BE REQUIRED BY THE DIRECTOR OF INSURANCE; TO AMEND SECTION 38‑9‑210, RELATING TO THE REDUCTION FROM LIABILITY FOR THE REINSURANCE CEDED BY A DOMESTIC INSURER, SO AS TO CHANGE THE SECURITIES LISTED THAT QUALIFY AS SECURITY; TO AMEND SECTION 38‑10‑40, RELATING TO THE PROTECTED CELL ASSETS OF A PROTECTED CELL, SO AS TO CHANGE A CODE REFERENCE; TO AMEND SECTION 38‑33‑130, RELATING TO THE SECURITY DEPOSIT OF A HEALTH MAINTENANCE ORGANIZATION, SO AS TO DELETE THE REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION SHALL ISSUE A CONVERSION POLICY TO AN ENROLLEE UPON THE TERMINATION OF THE ORGANIZATION; AND TO AMEND SECTION 38‑55‑80, RELATING TO LOANS TO DIRECTORS OR OFFICERS BY AN INSURER, SO AS TO CHANGE A CODE REFERENCE.

Senator CROMER explained the Bill.

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

**CARRIED OVER**

S. 1029 -- Senator L. Martin: A BILL TO AMEND SECTION 50‑1‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GEOGRAPHIC BOUNDARIES OF CERTAIN BODIES OF WATER, SO AS TO GIVE A NUMERICAL DESIGNATION TO EACH BODY OF WATER ENUMERATED IN THE SECTION AND TO MAKE OTHER TECHNICAL CHANGES TO THE SECTION.

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

**CARRIED OVER**

S. 1055 -- Senators McConnell and Ford: A BILL TO AMEND SECTION 14‑27‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE JUDICIAL COUNCIL, SO AS TO PROVIDE FOR TWO ADDITIONAL MEMBERS OF THE COUNCIL, THE CHIEF JUDGE OF THE SOUTH CAROLINA COURT OF APPEALS, AND A PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW, TO CHANGE THE PERSON SERVING FROM THE SOUTH CAROLINA BAR FROM THE PRESIDENT OF THE SOUTH CAROLINA BAR TO ONE PERSON RECOMMENDED BY THE SOUTH CAROLINA BAR, AND TO ADD AS A MEMBER, A MUNICIPAL COURT JUDGE IN LIEU OF ONE OF THE TWO MAGISTRATE COURT JUDGES; TO AMEND SECTION 14‑27‑30 RELATING TO THE CHIEF JUSTICE APPOINTING A PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW AND APPOINTING THE SUMMARY COURT JUDGES; AND TO AMEND SECTION 14‑27‑40 RELATING TO THE TERMS OF SERVICE, SO AS TO PROVIDE THAT THE CHIEF JUDGE SERVES DURING THE TERM OF HIS OFFICE, AND THE PERSON RECOMMENDED BY THE CHARLESTON SCHOOL OF LAW SERVES FOR A FOUR-YEAR TERM.

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

**CARRIED OVER**

S. 704 -- Senator S. Martin: A BILL TO AMEND SECTION 12‑59‑40 OF THE 1976 CODE, RELATING TO THE METHOD AND TERMS OF SALE OF FORFEITED LANDS, TO PROVIDE THAT A COUNTY TAX COLLECTOR MAY BID IN FOR THAT COUNTY’S FORFEITED LAND COMMISSION ON PROPERTY SOLD FOR NONPAYMENT OF AD VALOREM TAXES AND TO PROVIDE THAT LANDS DEEDED TO THE COMMISSION ARE ONLY COUNTY ASSETS, NOT STATE ASSETS, AND MUST BE SOLD TO THE BEST INTEREST OF THE COUNTY, NOT THE COUNTY AND THE STATE; TO AMEND SECTION 12‑59‑50, RELATING TO THE APPLICATION TO THE COMMISSION FOR APPROVAL TO SELL FORFEITED LAND BY THE FORMER OWNER, TO REMOVE REFERENCES TO DELINQUENT STATE TAXES; TO AMEND SECTION 12‑59‑70, RELATING TO THE CONVEYANCE OF PROPERTY BY THE COMMISSION OF FORFEITED LAND SOLD BY THE FORMER OWNER, TO PROVIDE THAT THE COUNTY TAX COLLECTOR, RATHER THAN THE SHERIFF, MUST DELIVER THE TITLE TO THE FORFEITED LAND COMMISSION; TO AMEND SECTION 12‑59‑80, RELATING TO THE ASSIGNMENT OF COMMISSION BIDS, TO PROVIDE THAT THE CHAIRMAN OF A COUNTY FORFEITED LAND COMMISSION MAY ACCEPT BIDS FOR ASSIGNMENTS OF THE COMMISSION’S BIDS; TO AMEND SECTION 12‑59‑90, RELATING TO THE EXECUTION OF DEEDS AND VALIDATION OF CERTAIN DEEDS, TO PROVIDE THAT THE COUNTY TAX COLLECTOR MAY EXECUTE A DEED TO THE PURCHASER OF PROPERTY BID IN BY THE COUNTY TAX COLLECTOR FOR THAT COUNTY’S FORFEITED LAND COMMISSION ON PROPERTY SOLD FOR NONPAYMENT OF AD VALOREM TAXES; TO AMEND SECTION 12‑59‑100, RELATING TO THE DISPOSITION OF PROCEEDS FROM THE SALE OF FORFEITED PROPERTY, TO PROVIDE THAT THE NET PROCEEDS MUST GO TO THE COUNTY IN WHICH THE PROPERTY IS LOCATED; AND TO REPEAL SECTION 12‑59‑30.

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

**CARRIED OVER**

S. 43 -- Senators McConnell, Ford and Knotts: A BILL TO AMEND SECTION 39‑5‑37, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF A NAME TO MISREPRESENT THE GEOGRAPHICAL LOCATION OF A BUSINESS AS AN UNLAWFUL TRADE PRACTICE, SO AS TO MAKE IT AN UNLAWFUL TRADE PRACTICE TO PUBLISH IN A TELEPHONE ASSISTANCE DATABASE OR A PRINT ADVERTISEMENT AN INTENTIONALLY MISLEADING REPRESENTATION OF THE GEOGRAPHICAL LOCATION OF THE BUSINESS, AND TO PROVIDE AN EXCEPTION FOR PROVIDERS OF TELEPHONE SERVICES OR TELEPHONE DIRECTORIES.

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

**CARRIED OVER**

H. 3163 -- Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND SECTION 56‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERM “MOTOR VEHICLE” SO AS TO INCLUDE “MOPEDS” IN THE TERM’S DEFINITION.

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

**AMENDMENT PROPOSED, CARRIED OVER**

S. 922 -- Senators Campbell, Grooms and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑222 SO AS TO ALLOW CERTAIN PERSONS WHO WEAR BIOPTIC TELESCOPIC LENSES FOR VISION ASSISTANCE TO OBTAIN A DRIVER’S LICENSE.

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

Senator SHEHEEN proposed the following amendment (922MW1):

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

/ SECTION \_\_. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56‑1‑55. (A) It is unlawful for a person who holds a beginners permit or a restricted driver’s license to drive a motor vehicle while using a cellular telephone or text messaging device.

(B) A person who violates a provision contained in this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days, or fined not more than five hundred dollars, or both.” /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator GROOMS raised a Point of Order that the amendment was out of order inasmuch as it was violative of Rule 24 in that new language had been added.

The PRESIDENT took the Point of Order under advisement.

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

**CARRIED OVER**

H. 3393 -- Rep. Sandifer: A BILL TO AMEND SECTION 32‑8‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY SERVE AS A DECEDENT’S AGENT TO AUTHORIZE CREMATION, SO AS TO FURTHER PROVIDE FOR THOSE PERSONS WHO IN ORDER OF PRIORITY MAY AUTHORIZE CREMATION.

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

**OBJECTION**

H. 4475 -- Reps. Young, Clyburn, Taylor, Hixon, Frye, Southard, Clemmons and Hardwick: A BILL TO AMEND SECTION 47‑9‑710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF EQUINE LIABILITY IMMUNITY, SO AS TO INCLUDE TRAIL RIDING IN THE DEFINITION OF “EQUINE ACTIVITY”; AND TO AMEND SECTION 47‑9‑730, RELATING TO WARNING SIGNS REQUIRED TO BE POSTED BY EQUINE PROFESSIONALS AND EQUINE ACTIVITY SPONSORS, SO AS TO INCLUDE A REQUIREMENT THAT WARNING SIGNS ARE TO BE POSTED AT THE ENTRANCE TO RIDING TRAILS.

Senator MALLOY objected to the Bill.

**OBJECTION**

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.

Senator LARRY MARTIN explained the Bill.

Senator SCOTT objected to the Bill.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CONCURRENCE**

H. 4003 -- Rep. Agnew: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTIONS OF SOUTH CAROLINA HIGHWAY 28 AND THE ABBEVILLE/ANDERSON COUNTY LINE, SOUTH CAROLINA HIGHWAY 28 AND THE ABBEVILLE/MCCORMICK COUNTY LINE, AND SOUTH CAROLINA HIGHWAY 72 AND THE ABBEVILLE/GREENWOOD COUNTY LINE THAT CONTAIN THE WORDS “ABBEVILLE HIGH SCHOOL PANTHERS 2010 AND 2011 CLASS A STATE FOOTBALL CHAMPIONS AND 2011 CLASS A STATE SOFTBALL CHAMPIONS”.

The House returned the Concurrent Resolution with amendments.

Senator GROOMS asked unanimous consent to take the Concurrent Resolution up for immediate consideration.

There was no objection.

The question then was concurrence with the House amendments.

Senator GROOMS explained the amendments.

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

**Ayes 25; Nays 0**

**AYES**

Alexander Bright Bryant

Campsen Davis Fair

Gregory Grooms Hayes

Hutto Leventis Lourie

Malloy *Martin, Larry* Matthews

McGill Nicholson Peeler

Rose Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--25**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. The Concurrent Resolution was returned to the House.

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

Tera S. Richardson, 214 Eagle Ridge Road, Summerville, SC 29485

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

Donnie B. Blackley, Post Office Box 170655, Spartanburg, SC 29301

Reappointment, Spartanburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Frederick Donald Watson, 150 Kelseys Mill Road, Campobello, SC 29322

Reappointment, Spartanburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Dorothy Anita Broyles, 160 Cabin Road, Inman, SC 29349

Reappointment, Spartanburg County Board of Voter Registration, with the term to commence March 15, 2012, and to expire March 15, 2014

Cynthia Williams Church, 108 Cumberland Drive, Moore, SC 29369

**ADJOURNMENT**

At 2:16 P.M., on motion of Senator LARRY MARTIN, 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**

Senators BRIGHT, ROSE and SHOOPMAN desired to be recorded as voting against adjournment.

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