**Thursday, May 6, 2010**

**(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:

The Psalmist declares:

“God is our refuge and strength, an ever-present help in trouble.”

(Psalm 46:1)

Please, let us bow in prayer:

Today, dear God, we observe the National Day of Prayer, and we freely acknowledge our dependence upon prayer, not only in our moments of panic when facing troubles, but also in those times when we celebrate the rich blessings we all experience in this nation—and in this State. May each one of these Senators and all of their staff members feel sustained through prayer and comforted, O Lord, by Your presence with us and by Your promises of help. Keep safe our women and men serving the causes of freedom and continue to be with and bless the people of South Carolina. In Your loving name we pray, Lord.

Amen.

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

**Doctor of the Day**

Senator MASSEY introduced Dr. Anthony E. Harris of Aiken, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator HUTTO, at 11:05 A.M., Senator MALLOY was granted a leave of absence for today until 1:45 P.M., inasmuch as he was attending a Judicial Conference.

**Leave of Absence**

On motion of Senator HUTTO, at 11:05 A.M., Senator KNOTTS was granted a leave of absence for today until 1:45 P.M., inasmuch as he was attending a Judicial Conference.

**Leave of Absence**

At 11:05 A.M., Senator VERDIN requested a leave of absence beginning at 12:30 P.M. today and lasting until Noon on Tuesday.

**Leave of Absence**

At 12:50 P.M., Senator THOMAS requested a leave of absence from 1:30 P.M. - 12:00 Midnight tonight.

**Leave of Absence**

At 1:20 P.M., Senator LAND requested a leave of absence until 12:00 Noon on Tuesday.

**Leave of Absence**

At 2:00 P.M., Senator RANKIN requested a leave of absence until 12:00 Noon on Tuesday.

**Leave of Absence**

On motion of Senator GROOMS, at 2:30 P.M., Senator BRYANT was granted a leave of absence until 6:00 P.M.

**Leave of Absence**

On motion of Senator LOURIE, at 2:50 P.M., Senator SHEHEEN was granted a leave of absence until Tuesday at 12:00 Noon.

**Leave of Absence**

At 3:00 P.M., Senator REESE requested a leave of absence until 12:00 Noon on Tuesday.

**Leave of Absence**

On motion of Senator MALLOY, at 3:00 P.M., Senator FORD was granted a leave of absence until Tuesday at 12:00 Noon.

**Leave of Absence**

On motion of Senator MALLOY, at 3:00 P.M., Senator PINCKNEY was granted a leave of absence until Tuesday at 12:00 Noon.

**Leave of Absence**

On motion of Senator ALEXANDER, at 3:45 P.M., Senator HAYES was granted a leave of absence until 12:00 Noon on Tuesday.

**Leave of Absence**

On motion of Senator MALLOY, at 3:45 P.M., Senator WILLIAMS was granted a leave of absence until 12:00 Noon on Tuesday.

**Leave of Absence**

At 4:00 P.M., Senator MULVANEY requested a leave of absence until Tuesday at 12:00 Noon.

**CO-SPONSORS ADDED**

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

S. 987 Sen. Mulvaney

S. 1282 Sen. Alexander

**Privilege of the Floor**

On motion of Senator SETZLER, the Privilege of the Floor was extended to Coach Paul Kenmore, Director of the South Carolina Athletic Commission.

Further, on motion of Senator LOURIE, on behalf of all Gamecock fans and the State Senate, the Privilege of the Floor was granted to Mr. George W. Rogers, Heisman award winner who was affectionately known as the “38 Special” having worn No. 38 jersey during his football career with the University of South Carolina.

Senators JACKSON and THOMAS spoke about his admirable career.

On behalf of the entire Senate and the PRESIDENT, Senator LOURIE presented the Palmetto Patriot Award to Mr. George W. Rogers.

**RECALLED**

H. 4542 -- Reps. Harrison, Weeks and McLeod: A BILL TO AMEND SECTION 8‑13‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES AND POWERS OF THE STATE ETHICS COMMISSION, SO AS TO DELETE THE PROHIBITION OF THE RELEASE OF INFORMATION UNTIL FINAL DISPOSITION OF AN ETHICS INVESTIGATION AND REQUIRE THAT THE INFORMATION MAY NOT BE RELEASED UNTIL A FINDING OF PROBABLE CAUSE HAS BEEN MADE.

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

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

**RECALLED**

H. 4916 -- Reps. Lucas, Neilson and Williams: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON APRIL 26, 2010, BY THE STUDENTS OF DARLINGTON COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO A TORNADO IS EXEMPT FROM THE MAKE‑UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Senator LEATHERMAN asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Education.

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

**RECALLED AND ADOPTED**

H. 4790 -- Reps. Sellers, Ott, Cobb‑Hunter, Hosey, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G.A. Brown, H.B. Brown, R.L. Brown, Cato, Chalk, Clemmons, Clyburn, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D.C. Moss, V.S. Moss, Nanney, J.H. Neal, J.M. Neal, Neilson, Norman, Owens, Parker, Parks, Pinson, E.H. Pitts, M.A. Pitts, Rice, Rutherford, Sandifer, Scott, Simrill, Skelton, D.C. Smith, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A.D. Young and T.R. Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 78 IN BAMBERG COUNTY FROM ITS INTERSECTION WITH THE EASTERN PORTION OF DENMARK’S TOWN LIMIT TO ITS INTERSECTION WITH THE WESTERN PORTION OF BAMBERG’S TOWN LIMIT “STATE REPRESENTATIVE THOMAS RHOAD HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “STATE REPRESENTATIVE THOMAS RHOAD HIGHWAY”.

Senator HUTTO 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 Education.

Senator HUTTO asked unanimous consent to make a motion to take the Concurrent Resolution up for immediate consideration.

There was no objection.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1425 -- Senators Nicholson and O'Dell: A SENATE RESOLUTION TO HONOR AND RECOGNIZE MAMIE NICHOLSON OF GREENWOOD COUNTY, AND TO COMMEND HER FOR BEING SELECTED FOR THE 2010 SMALL BUSINESS ADMINISTRATION'S WOMEN IN BUSINESS CHAMPIONS.

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The Senate Resolution was adopted.

S. 1426 -- Senators Nicholson and O'Dell: A SENATE RESOLUTION TO HONOR AND RECOGNIZE PHYLLIS H. NOLAN OF GREENWOOD COUNTY, AND TO COMMEND HER FOR BEING SELECTED FOR THE 2010 SMALL BUSINESS ADMINISTRATION'S WOMEN IN BUSINESS CHAMPIONS.

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The Senate Resolution was adopted.

S. 1427 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JAY HAAS, CHAMPION GOLFER, FOR HIS OUTSTANDING ACHIEVEMENTS IN THE WORLD OF PROFESSIONAL GOLF, AND TO WISH HIM WELL IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1428 -- Senator Malloy: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON APRIL 26, 2010, BY THE STUDENTS OF DARLINGTON COUNTY SCHOOL DISTRICT WHEN THE SCHOOLS WERE CLOSED DUE TO A TORNADO IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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

S. 1429 -- Senators Rose, Davis, S. Martin, Peeler, Mulvaney, Bright and Bryant: A SENATE RESOLUTION TO AMEND RULE 16 OF THE RULES OF THE SENATE, RELATING TO VOTING, TO PROVIDE THAT A VOTE SHALL BE TAKEN BY ROLL CALL AND THE NAMES OF THE SENATORS VOTING SHALL BE RECORDED IN THE JOURNAL IF A ROLL CALL VOTE IS REQUIRED BY STATUTE.

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The Senate Resolution was introduced and referred to the Committee on Rules.

S. 1430 -- Senators Setzler, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR LUCAS GLOVER, CHAMPION GOLFER, FOR HIS OUTSTANDING ACHIEVEMENTS IN THE WORLD OF PROFESSIONAL GOLF, TO CONGRATULATE HIM ON HIS WIN OF THE 2009 U.S. OPEN, AND TO DECLARE MAY 22, 2010, LUCAS GLOVER DAY IN SOUTH CAROLINA.

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Senator SETZLER spoke on the Resolution.

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

S. 1431 -- Senator Campsen: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE FOLLY BEACH COUNCILMAN TIM GOODWIN ON THE OCCASION OF HIS RECENT ELECTION AS MAYOR OF FOLLY BEACH AND TO WISH HIM ALL THE BEST AS HE TAKES UP HIS NEW DUTIES AS MAYOR.

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The Senate Resolution was adopted.

**REPORTS OF STANDING COMMITTEES**

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

S. 1346 -- Senator Leatherman: A SENATE RESOLUTION TO DESIGNATE THE MONTH OF APRIL 2010 AS “DONATE LIFE MONTH” IN SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINA CITIZENS TO RECOGNIZE THE IMPORTANCE OF ORGAN, TISSUE, AND EYE DONATION, TO SIGN UP ON THE SOUTH CAROLINA ORGAN AND TISSUE DONOR REGISTRY, AND TO DISCUSS ORGAN AND TISSUE DONATION WITH THEIR FAMILIES.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

H. 4446 -- Rep. Crawford: A BILL TO AMEND SECTION 44‑29‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MASS IMMUNIZATION PROJECTS APPROVED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE PARTICIPATION OF MEDICAL PERSONNEL IN THESE PROJECTS, SO AS TO PROVIDE THAT LICENSED NURSES, RATHER THAN REGISTERED NURSES, ARE INCLUDED IN THE PERSONNEL WHO MAY PARTICIPATE IN THESE PROJECTS AND WHO ARE EXEMPT FROM LIABILITY.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 6, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the report of the Committee of Conference on:

S. 328 -- Senators Verdin, Grooms, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47‑5‑60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 6, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, and this Bill having been read three times in each House, it was ordered that the title thereof be changed to that of an Act and that it be enrolled for ratification:

S. 328 -- Senators Verdin, Grooms, Campbell, Bright, Bryant and Campsen: A BILL TO AMEND SECTION 47‑5‑60 OF THE 1976 CODE, RELATING TO INOCULATING PETS AGAINST RABIES, SO AS TO PROVIDE THAT THESE INOCULATIONS MUST BE ADMINISTERED BY A LICENSED VETERINARIAN OR SOMEONE UNDER THE DIRECT SUPERVISION OF A LICENSED VETERINARIAN.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 6, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 391 -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman, Campbell, Rose, Davis, Bright, S. Martin and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑29‑300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS’ TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41‑29‑310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1‑30‑10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41‑29‑10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41‑29‑20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41‑29‑30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8‑17‑370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41‑27‑10, 41‑27‑30, 41‑27‑150, 41‑27‑160, 41‑27‑190, 41‑27‑210, AS AMENDED, 41‑27‑230, 41‑27‑235, AS AMENDED, 41‑27‑260, AS AMENDED, 41‑27‑360, 41‑27‑370, AS AMENDED, 41‑27‑380, 41‑27‑390, 41‑27‑510, 41‑27‑550, 41‑27‑560, 41‑27‑570, 41‑27‑580, 41‑27‑600, 41‑27‑610, 41‑27‑620, 41‑27‑630, 41‑27‑670, 41‑29‑40, 41‑29‑50, 41‑29‑60, 41‑29‑70, 41‑29‑80, 41‑29‑90, 41‑29‑100, 41‑29‑110, 41‑29‑120, AS AMENDED, 41‑29‑130, 41‑29‑140, 41‑29‑150, 41‑29‑170, AS AMENDED, 41‑29‑180, 41‑29‑190, 41‑29‑200, 41‑29‑210, 41‑29‑220, 41‑29‑230, 41‑29‑240, 41‑29‑250, 41‑29‑270, 41‑29‑280, 41‑29‑290, 41‑33‑10, 41‑33‑20, 41‑33‑30, 41‑33‑40, 41‑33‑45, 41‑33‑80, AS AMENDED, 41‑33‑90, 41‑33‑100, 41‑33‑110, 41‑33‑120, 41‑33‑130, 41‑33‑170, 41‑33‑180, 41‑33‑190, 41‑33‑200, 41‑33‑210, 41‑33‑430, 41‑33‑460, 41‑33‑470, 41‑33‑610, 41‑33‑710, 41‑35‑10, 41‑35‑30, 41‑35‑100, 41‑35‑110, AS AMENDED, 41‑35‑115, AS AMENDED, 41‑35‑120, AS AMENDED, 41‑35‑125, 41‑35‑126, 41‑35‑130, AS AMENDED, 41‑35‑140, 41‑35‑330, 41‑35‑340, 41‑35‑410, 41‑35‑420, AS AMENDED, 41‑35‑450, 41‑35‑610, 41‑35‑630, 41‑35‑640, AS AMENDED, 41‑35‑670, 41‑35‑680, AS AMENDED, 41‑35‑690, 41‑35‑700, 41‑35‑710, AS AMENDED, 41‑35‑720, 41‑35‑730, 41‑35‑740, 41‑35‑750, AS AMENDED, 41‑37‑20, 41‑37‑30, 41‑39‑30, 41‑39‑40, 41‑41‑20, AS AMENDED, 41‑41‑40, AS AMENDED, 41‑41‑50, 41‑42‑10, 41‑42‑20, 41‑42‑30, AND 41‑42‑40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41‑29‑260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

Respectfully submitted,

Speaker of the House

Received as Information

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 6, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 382 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62‑2‑805 SO AS TO PROVIDE FOR A PRESUMPTION THAT A DECEDENT AND THE DECEDENT’S SPOUSE HELD TANGIBLE PERSONAL PROPERTY IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, FOR EXCEPTIONS TO THE PRESUMPTION, AND FOR THE STANDARD OF PROOF TO OVERCOME THE PRESUMPTION.

Respectfully submitted,

Speaker of the House

Received as Information

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., March 3, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G.R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G.M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T.R. Young, Clemmons, Owens, Parker, Toole, M.A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL RELATING TO REFORM OF THE SOUTH CAROLINA ELECTION LAWS BY ENACTING THE “SOUTH CAROLINA ELECTION REFORM ACT”; TO AMEND SECTION 7‑13‑710 OF THE 1976 CODE TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED AND PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56‑1‑3350 TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST; TO AMEND SECTION 7‑13‑25 TO PROVIDE FOR AN EARLY VOTING PERIOD BEGINNING SIXTEEN DAYS BEFORE A STATEWIDE PRIMARY OR GENERAL ELECTION AND TO PROVIDE FOR THE HOURS AND EARLY VOTING LOCATION; TO AMEND SECTION 7‑3‑20(C) TO REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE ELECTIONS COMMISSION TO MAINTAIN IN THE MASTER FILE A SEPARATE DESIGNATION FOR ABSENTEE AND EARLY VOTERS IN A GENERAL ELECTION; TO AMEND SECTION 7‑15‑30 TO ADD STATUTORY CITES REGARDING THE REQUEST OF AN ABSENTEE BALLOT; TO AMEND SECTION 7‑15‑470 TO PROVIDE FOR EARLY VOTING ON MACHINES DURING THE EARLY VOTING PERIOD ONLY AND DELETE THE REFERENCE TO ABSENTEE VOTING; TO AMEND SECTION 7‑1‑25 TO LIST FACTORS TO CONSIDER FOR DOMICILE; AND TO AMEND SECTION 7‑5‑230 TO REFERENCE REVISIONS TO SECTION 7‑1‑25.

Respectfully submitted,

Speaker of the House

Received as Information

The Bill was ordered placed on the Calendar for consideration tomorrow.

**Motion to Ratify Adopted**

At 11:36 A.M., Senator McCONNELL asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at 12:00 P.M.

There was no objection and a message was sent to the House accordingly.

**HOUSE CONCURRENCES**

S. 1419 -- Senators Hutto and Matthews: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF DR. FRANCIS LANIER SHULER OF DORCHESTER COUNTY AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

Returned with concurrence.

Received as information.

S. 1420 -- Senators Hutto and Matthews: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE MEMORY OF REVEREND JAMES HICKS GLOVER, JR. FOR DECADES OF DEDICATED SERVICE TO HIS CONGREGATIONS AND FOR THE SACRIFICES HE MADE AS A MONTFORD POINT MARINE SO THAT OTHER AFRICAN AMERICANS COULD SERVE IN THE UNITED STATES MARINE CORPS.

Returned with concurrence.

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

H. 4302 -- Rep. Funderburk: A BILL TO AMEND SECTION 22‑2‑190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY JURY AREA DESIGNATIONS FOR USE IN MAGISTRATES COURTS, SO AS TO REVISE THE JURY AREAS FOR KERSHAW COUNTY TO PROVIDE FOR ONE JURY AREA COUNTYWIDE.

H. 4807 -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4117, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**HOUSE BILL RETURNED**

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

H. 4352 -- Reps. Hodges and Dillard: A JOINT RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING THE NEED TO FOSTER THE DEVELOPMENT OF MICROENTERPRISES IN THIS STATE, TO PROVIDE FOR THE STUDY COMMITTEE’S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 20, 2011, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

**THIRD READING BILL**

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

S. 1417 -- Senators Setzler, Knotts, Cromer and Courson: A BILL TO AMEND SECTION 7‑27‑365 OF THE 1976 CODE, RELATING TO THE REGISTRATION AND ELECTIONS COMMISSION FOR LEXINGTON COUNTY, TO CHANGE THE NUMBER OF ITS MEMBERS FROM SEVEN TO NINE.

**SECOND READING BILLS**

The following Bills and Joint Resolution, having been read the second time, were ordered placed on the Third Reading Calendar:

H. 4923 -- Reps. Govan, Cobb‑Hunter, Ott and Sellers: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF ORANGEBURG CONSOLIDATED SCHOOL DISTRICT NO. 4 OF ORANGEBURG COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

**H. 4923--Recorded Vote**

Senator HUTTO desired to be recorded as voting in favor of the second reading of the Bill.

H. 4885 -- Agriculture, Natural Resources and Environmental Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS OF REAL PROPERTY OWNED AND LEASED BY THE DEPARTMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4110, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CROMER explained the Joint Resolution.

S. 1422 -- Senators Setzler and Massey: A BILL TO AMEND ACT 503 OF 1982, RELATING TO THE AREA ADVISORY COUNCIL OF ADMINISTRATIVE AREA FOUR IN SALUDA COUNTY, AND TO REPEAL ACT 572 OF 1984, RELATING TO THE AREA ADVISORY COUNCIL OF ADMINISTRATIVE AREA FOUR IN SALUDA COUNTY.

**READ THE SECOND TIME**

H. 3964 -- Reps. Duncan, Ott, Vick, Loftis and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 21, TITLE 46 SO AS TO UPDATE AND CLARIFY SEED ARBITRATION PROCEDURES; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 46, RELATING TO GENERAL PROVISIONS OF SEED AND PLANT CERTIFICATION, SO AS TO REPLACE OBSOLETE DEFINITIONS, TO REVISE ENFORCEMENT MECHANISMS, TO CLARIFY LICENSING PROCEDURES, AND TO PROVIDE EXEMPTIONS; TO AMEND ARTICLE 3, CHAPTER 21, TITLE 46, RELATING TO LABELS AND TAGS REGARDING SEEDS AND PLANTS, SO AS TO REVISE THE LABELING REQUIREMENTS FOR SEED PRODUCTS, AND TO IMPOSE ADDITIONAL PROHIBITIONS; TO AMEND ARTICLE 5, CHAPTER 21, TITLE 46, RELATING TO ANALYSES AND TESTS REGARDING SEEDS AND PLANTS, SO AS TO DELETE REDUNDANT PROVISIONS, TO PROVIDE THAT DEPARTMENT OF AGRICULTURE OFFICIALS SHALL HAVE ACCESS TO SEED RECORDS AND SAMPLES, TO PROVIDE THAT SEED RECORDS SHALL BE MAINTAINED FOR TWO YEARS, AND TO CLARIFY WHO IS ENTITLED TO FREE SEED TESTING AT THE STATE SEED LABORATORY; TO AMEND ARTICLE 7, CHAPTER 21, TITLE 46, RELATING TO WITHDRAWAL, CONFISCATION, AND SALE OF SEEDS REGARDING SEEDS AND PLANTS, SO AS TO INCREASE PENALTIES FOR VIOLATIONS FROM A MAXIMUM OF ONE HUNDRED DOLLARS FOR EACH VIOLATION TO ONE THOUSAND DOLLARS FOR EACH VIOLATION, TO CLARIFY THE ROLE OF THE ATTORNEY GENERAL IN PROSECUTING VIOLATIONS, AND TO PROVIDE FOR INJUNCTIVE RELIEF TO PREVENT VIOLATIONS; TO AMEND ARTICLE 9, CHAPTER 21, TITLE 46, RELATING TO SEED AND PLANT CERTIFICATION, SO AS TO CLARIFY CLEMSON UNIVERSITY’S SEED AND PLANT CERTIFICATION AUTHORITY; AND TO REPEAL ARTICLE 11, CHAPTER 21, TITLE 46 RELATING TO SEED IRISH POTATOES IN CHARLESTON COUNTY.

The question then was the second reading of the Bill.

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

**Ayes 34; Nays 3**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Land Leatherman

Leventis Lourie *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--34**

**NAYS**

Bright Bryant Mulvaney

**Total--3**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3630 -- Rep. Weeks: A BILL TO AMEND SECTION 5-15-90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT OF A MUNICIPAL ELECTION COMMISSION IN EACH MUNICIPALITY TO CONDUCT MUNICIPAL ELECTIONS, SO AS TO REQUIRE ALL ELECTION COMMISSIONERS AND STAFF TO COMPLETE A TRAINING AND CERTIFICATION PROGRAM CONDUCTED 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 (JUD3630.001), which was adopted:

Amend the bill, as and if amended, by striking item (3), lines 22-26 on page 2 and inserting:

/ (3) If a member does not fulfill the training and certification program as provided in this section, the municipal governing body, upon notification, shall remove that member from the board unless the municipal governing body grants the member an extension to complete the training and certification program based upon exceptional circumstances. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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**

H. 3706 -- Reps. Weeks and Harrison: A BILL TO AMEND SECTION 8‑13‑1348, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES, SO AS TO AUTHORIZE A DEBIT CARD DRAWN UPON THE CAMPAIGN ACCOUNT MAY BE USED ON EXPENDITURES MORE THAN TWENTY‑FIVE DOLLARS IN ADDITION TO A WRITTEN INSTRUMENT.

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

The Committee on Judiciary proposed the following amendment (JUD3706.001), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1, lines 22-34 on page 1 and inserting:

/ SECTION 1. Section 8‑13‑1348(C) of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“(C)(1) An expenditure of more than twenty‑five dollars drawn upon a campaign account must be made by:

(a) ~~by~~a written instrument ~~drawn upon the campaign account containing the name of the candidate or committee~~; ~~and the name of the recipient~~

(b) debit card; or

(c) online transfers.

The campaign account must contain the name of the candidate or committee, and the expenditure must contain the name of the recipient. These expenditures must be reported pursuant to the provisions of Section 8‑13‑1308.

(2) Expenditures of twenty‑five dollars or less that are not made by a written instrument, debit card, or online transfer containing the name of the candidate or committee and the name of the recipient must be accounted for by a written receipt or written record.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the question then was the second reading of the Bill.

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 Fair Grooms

Hayes Hutto Jackson

Land Leatherman Lourie

*Martin, Larry Martin, Shane* Massey

McConnell McGill Mulvaney

Nicholson O’Dell Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Shoopman Thomas Verdin

**Total--36**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3719 -- Reps. Clemmons, Weeks, Willis and Dillard: A BILL TO AMEND SECTION 23‑3‑240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUBMISSION OF A MISSING PERSON REPORT TO THE MISSING PERSON INFORMATION CENTER, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON, MAY SUBMIT A MISSING PERSON REPORT; TO AMEND SECTION 23‑3‑250, RELATING TO THE DISSEMINATION OF MISSING PERSON REPORT DATA, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY; TO AMEND SECTION 23‑3‑270, RELATING TO THE DUTY OF A PERSON WHO SUBMITS A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR THE MISSING PERSON INFORMATION CENTER TO NOTIFY BOTH ENTITIES OF THE LOCATION OF AN INDIVIDUAL CONTAINED IN THE REPORT WHOSE LOCATION HAS BEEN DETERMINED, SO AS TO PROVIDE THAT ANY PERSON RESPONSIBLE FOR A MISSING PERSON MAY SUBMIT A MISSING PERSON REPORT TO A LAW ENFORCEMENT AGENCY OR TO THE MISSING PERSON INFORMATION CENTER; AND BY ADDING SECTION 23‑3‑330 SO AS TO ESTABLISH A STATEWIDE SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION REGARDING A MISSING PERSON WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

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 (JUD3719.001), which was adopted:

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

/ SECTION 2. Section 23‑3‑250 of the 1976 Code is amended to read:

“Section 23‑3‑250. A law enforcement agency, upon receipt of a missing person report by a parent, spouse, guardian, legal custodian, ~~or~~ public or private agency or entity, or any person responsible for a missing person, immediately shall ~~immediately~~ make arrangements for the entry of data about the missing person or missing child into the national missing persons file in accordance with criteria set forth by the FBI/NCIC, ~~immediately~~ inform all of ~~it’s~~ the agency’s on‑duty law enforcement officers of the missing person report, initiate a statewide broadcast to all other law enforcement agencies to be on the lookout for the individual, contact the agency’s local media outlets when appropriate, and transmit a copy of the report to the MPIC.” /

Amend the bill further, as and if amended, by striking SECTION 4 in its entirety, and inserting:

/ SECTION 4. Article 5, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑330. (A) The Endangered Person Notification System is established within the Missing Person Information Center. The purpose of the Endangered Person Notification System is to provide a statewide system for the rapid dissemination of information regarding a missing person who is believed to be suffering from dementia or some other cognitive impairment.

(B) If the center receives a report that involves a missing person who is believed to be suffering from dementia or some other cognitive impairment, for the protection of the person from potential abuse or other physical harm, neglect, or exploitation, the center shall issue a notification providing for the appropriate dissemination of information regarding the person.

(C) The center shall adopt guidelines and develop procedures for issuing notifications for missing persons believed to be suffering from dementia or some other cognitive impairment, provide education and training to local law enforcement agencies, and encourage radio and television broadcasters to participate in the notifications.

(D) The center shall consult with the Department of Transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on a missing person who is believed to be suffering from dementia or some other cognitive impairment when the person’s vehicle and license tag information is available. The Department of Transportation shall utilize current protocol for the content, length, and frequency of any message to be placed on an overhead permanent changeable message sign.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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**

H. 3800 -- Reps. Toole, Erickson, Brady, Bowen, Brantley, Parker, Allison, Cato, Crawford, Dillard, Duncan, Gullick, Gunn, Horne, Hosey, Jefferson, Littlejohn, Millwood, Mitchell, Pinson, Stringer, Willis, Wylie, A.D. Young, J.E. Smith, Clemmons, Hutto and Viers: A BILL TO AMEND SECTION 63‑7‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS REQUIRED TO REPORT ABUSE OR NEGLECT OF A CHILD, SO AS TO INCLUDE A SCHOOL ATTENDANCE OFFICER, SCHOOL ADMINISTRATOR, FOSTER PARENT, JUVENILE JUSTICE WORKER, AND GUARDIAN AD LITEM FOR A CHILD AMONG THE PEOPLE WHO MUST REPORT CERTAIN ALLEGATIONS OF CHILD ABUSE OR NEGLECT, AND TO ENCOURAGE OTHER PEOPLE TO REPORT THIS ABUSE.

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 (JUD3800.002), which was adopted:

Amend the bill, as and if amended, page 1, in Section 63-7-310, as contained in SECTION 1, by striking lines 41-42 and inserting therein the following:

/ Carolina Guardian Ad Litem Program or on behalf of Richland County CASA must report in accordance with this section when in /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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**

H. 3803 -- Reps. Bannister, Harrison and Weeks: A BILL TO AMEND SECTIONS 62‑1‑201, 62‑1‑304, 62‑1‑401, 62‑1‑403, 62‑2‑205, 62‑2‑402, 62‑3‑203, 62‑3‑401, 62‑3‑403, 62‑3‑409, 62‑3‑414, 62‑3‑502, 62‑3‑503, 62‑3‑604, 62‑3‑607, 62‑3‑611, 62‑3‑806, 62‑3‑911, 62‑3‑1001, 62‑3‑1008, 62‑3‑1101, 62‑3‑1102, 62‑3‑1309, 62‑5‑101, 62‑5‑303, 62‑5‑305, 62‑5‑307, 62‑5‑309, 62‑5‑310, 62‑5‑401, 62‑5‑402, 62‑5‑405, 62‑5‑407, 62‑5‑411, 62‑5‑412, 62‑5‑416, 62‑5‑419, 62‑5‑428, 62‑5‑430, 62‑5‑501, 62‑5‑504, AS AMENDED, 62‑5‑604, AND 62‑5‑608, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE VARIOUS ACTIONS AND PROCEEDINGS CONCERNING THE AFFAIRS OF DECEDENTS, PROTECTED PERSONS, MINORS, AND INCAPACITATED PERSONS FALLING UNDER THE SUBJECT MATTER JURISDICTION OF THE PROBATE COURT, SO AS TO DIFFERENTIATE BETWEEN A FORMAL PROCEEDING AND AN APPLICATION TO THE COURT AND THE PROCEDURAL RULES GOVERNING EACH, TO REQUIRE THE FILING AND SERVICE OF A SUMMONS AND PETITION TO COMMENCE A FORMAL PROCEEDING, AND TO DISTINGUISH THAT REQUIREMENT OF SUMMONS AND PETITION FROM THE NOTICE REQUIREMENTS FOR A HEARING ON A PETITION; AND TO AMEND SECTIONS 62-1-403, 62‑3‑703, 62‑7‑105, 62‑7‑201, 62‑7‑303, 62‑7‑305, 62‑7‑414, 62‑7‑505, 62‑7‑604, 62‑7‑709, 62‑7‑814, 62‑7‑902, 62‑7‑903, 62‑7‑904, 62‑7‑933, AND 62‑7‑1013, ALL RELATING TO THE SOUTH CAROLINA TRUST CODE, SO AS TO SUBSTITUTE “PERSON” FOR “PARENT” AND “ISSUE” FOR “CHILD”, DELETE THE REQUIREMENT OF A TAXPAYER IDENTIFICATION NUMBER ON A CERTIFICATE OF TRUST, ALLOW CERTAIN REIMBURSEMENTS TO A PROSPECTIVE TRUSTEE, AND MAKE TECHNICAL CHANGES.

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 (JUD3803.003), which was adopted:

Amend the bill, as and if amended, by striking on page 25, lines 8-10, in their entirety and inserting the following:

/ “(a) Subject to the provisions of Section 62‑1‑302(~~c~~d), the probate court has exclusive jurisdiction of proceedings initiated by interested parties concerning the internal affairs of trusts. /

Amend the bill further, as and if amended, by adding an appropriately numbered SECTION after page 30, line 9 to read:

/ SECTION \_\_\_. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Article III, Section 17 of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of sentencing reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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**

H. 3913 -- Rep. Vick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑5‑1556 SO AS TO ESTABLISH SEASONAL CREEL AND SIZE LIMITS FOR STRIPED BASS IN THE INSHORE WATERS AND THE TERRITORIAL SEA; AND TO AMEND SECTION 50‑13‑221, RELATING TO STRIPED BASS IN THE LOWER SANTEE AND COOPER RIVERS, SO AS TO ESTABLISH SEASONAL CREEL AND SIZE LIMITS FOR STRIPED BASS IN CERTAIN FRESHWATER BODIES.

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 (3913R001.RWC), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 27-29 and inserting:

/ September thirtieth, it is unlawful to take, attempt to take, or to possess any striped bass. Any striped bass taken must be returned immediately to the waters from ~~whence~~ where it came. /

Amend the bill further, as and if amended, page 3, by striking line 32 and inserting:

/ SECTION 4. This act takes effect July 1, 2010. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The committee amendment was adopted.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 3996 -- Reps. M.A. Pitts and Umphlett: A BILL TO AMEND SECTION 50‑9‑1130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEDUCTION OF ACCUMULATED POINTS, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO DEDUCT THREE ACCUMULATED POINTS FROM A PERSON’S RECORD UPON A SHOWING THAT THE PERSON SUCCESSFULLY COMPLETED A DEPARTMENT PROGRAM OF INSTRUCTION ESTABLISHED PURSUANT TO SECTION 50‑9‑310.

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.

Senator CROMER proposed the following amendment (3996R004.RWC), which was adopted:

Amend the committee report, as and if amended, page [3996-2], by striking SECTION 2 in its entirety, lines 1-11.

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the perfecting amendment.

The perfecting amendment was adopted.

The Committee on Fish, Game and Forestry proposed the following amendment (3996R003.RWC), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 38-41 and inserting:

/ (B) The department shall deduct four accumulated points from a person’s record upon a showing that the person successfully completed a department program of instruction established pursuant to Section 50‑9‑310. /

Amend the bill further, as and if amended, page 2, by striking lines 1-11 and inserting:

/ (C) A person is not eligible for a reduction in points under the provisions of subsection (B) if at the time he accumulated eighteen or more points:

(1) he had any hunting, trapping, or fishing suspension within the previous five years; or

(2) he had a previous point reduction under the provisions of subsection (B) within the previous five years.

(D) The department is authorized to promulgate appropriate regulations to effectuate the provisions of this section.”

SECTION 2. Article 5, Chapter 9, Title 50 of the 1976 Code is amended by adding:

“Section 50-9-570. The department shall impose a two dollar administrative surcharge on each license, permit, tag, and stamp issued for hunting and fishing activities. The department may not impose a surcharge on a license, permit, tag, or stamp for which no fee is charged. All revenue collected from the surcharge shall be deposited into the Wildlife Protection Fund, and all unexpended funds generated from the surcharge shall be retained, carried forward, and used for the same purposes. The revenue deposited in the fund must not be used for administrative purposes.”

SECTION 3. This act takes effect July 1, 2010. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

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

**AMENDED, READ THE SECOND TIME**

H. 4838 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE EDUCATION LEVEL AND YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2009‑2010 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2009‑2010 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2009‑2010; AND TO DEFINE CERTAIN TERMS.

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

Senators HAYES and LEVENTIS proposed the following amendment (SWB\8095CM10), which was adopted:

Amend the joint resolution, as and if amended, SECTION 1, as contained on page 2, by adding an appropriately lettered subsection to read:

/ \_\_. Notwithstanding any other provision of this joint resolution, a local school district board of trustees shall continue to pay teachers and school and district administrators for changes in their education level. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

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

**POINT OF ORDER**

H. 3924 -- Reps. Harrison, Miller, Harrell, Clemmons and Weeks: A BILL TO AMEND SECTION 48‑34‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR CONDUCTING A PRESCRIBED FIRE, SO AS TO REFERENCE OTHER SPECIFIC STATUTORY AND REGULATORY REQUIREMENTS; AND TO AMEND SECTION 48‑34‑50, RELATING TO LIABILITY FOR DAMAGES CAUSED BY A PRESCRIBED FIRE, SO AS TO PROVIDE THAT NO PROPERTY OWNER, LESSEE, AGENT, OR EMPLOYEE MAY BE HELD LIABLE FOR DAMAGES CAUSED BY THE RESULTING SMOKE OF A PRESCRIBED FIRE UNLESS GROSS NEGLIGENCE IS PROVEN AND TO DEFINE GROSS NEGLIGENCE.

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.

Senator CROMER explained the committee amendment.

Senator CAMPSEN spoke on the committee amendment.

**Point of Order**

Senator McCONNELL raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**RECOMMITTED**

S. 1322 -- Senators O’Dell, Verdin, Rose and Campsen: A CONCURRENT RESOLUTION TO URGE THE ATTORNEY GENERAL OF SOUTH CAROLINA TO TAKE SWIFT AND APPROPRIATE ACTION TO ASSURE THAT “BIG RED,” THE CITADEL BATTLE FLAG AND A SIGNIFICANT ARTIFACT REPRESENTING THIS STATE’S RICH HISTORY, REMAINS PERMANENTLY IN SOUTH CAROLINA.

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

There was no objection.

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

Senator ALEXANDER asked unanimous consent to recommit the Resolution to the General Committee.

There was no objection and the Resolution was recommitted to the General Committee.

**ADOPTED**

H. 4879 -- Reps. Knight, Horne and A.D. Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION REPLACE THE SIGNS ALONG UNITED STATES HIGHWAY 78 IN DORCHESTER COUNTY THAT CONTAIN THE WORDS “CYPRESS SWAMP” WITH SIGNS THAT CONTAIN THE WORDS “GREAT CYPRESS SWAMP”.

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

H. 4570 -- Reps. Clemmons, Hardwick and Viers: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAY 17 BYPASS AND SOUTH CAROLINA HIGHWAY 544 IN HORRY COUNTY THE “NELSON JACKSON MEMORIAL INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “NELSON JACKSON MEMORIAL INTERCHANGE”.

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

S. 1413 -- Senators Hayes, Peeler, Mulvaney and Coleman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 49 IN YORK COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAYS 274 AND 557 TO ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 55 “CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “CORPORAL KEVIN CUSACK MEMORIAL HIGHWAY”.

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

**CARRIED OVER**

H. 3536 -- Reps. J.E. Smith and McLeod: A BILL TO AMEND SECTION 17‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS OF CORONERS, SO AS TO INCREASE THOSE QUALIFICATIONS BY REQUIRING THOSE PERSONS WITH HIGH SCHOOL DIPLOMAS TO ALSO HAVE AT LEAST SIX YEARS’ EXPERIENCE IN THE FIELD, BY REQUIRING THOSE PERSONS WITH A TWO YEAR ASSOCIATE DEGREE TO ALSO HAVE FOUR YEARS OF EXPERIENCE IN THE FIELD, AND BY REQUIRING THOSE PERSONS WITH A FOUR YEAR BACCALAUREATE DEGREE TO ALSO HAVE AT LEAST TWO YEARS OF EXPERIENCE IN THE FIELD; AND TO REQUIRE THAT A CANDIDATE FOR CORONER FILE A SWORN AFFIDAVIT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PERSON’S POLITICAL PARTY UNDER SPECIFIED TIME FRAMES, TO PROVIDE FOR THE FILING OF THE AFFIDAVIT BY PETITION CANDIDATES, AND TO DELINEATE THE INFORMATION THAT THE AFFIDAVIT MUST CONTAIN.

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

There was no objection.

Senator LEVENTIS spoke on the Bill.

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

H. 3975 -- Rep. G.M. Smith: A BILL TO AMEND SECTION 50‑9‑320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT CERTAIN PERSONS MUST SUCCESSFULLY COMPLETE A HUNTER’S EDUCATION PROGRAM BEFORE THEY ARE ELIGIBLE TO RECEIVE A SOUTH CAROLINA HUNTING LICENSE, SO AS TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO ACTIVE OR RETIRED UNITED STATES ARMED SERVICES PERSONNEL WHO CAN DEMONSTRATE TO THE DEPARTMENT OF NATURAL RESOURCES THAT THEY RECEIVED WEAPONS TRAINING DURING THEIR MILITARY CAREER.

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

H. 4005 -- Reps. Sellers, Bingham, Ott, A.D. Young and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑13‑1335 SO AS TO MAKE IT UNLAWFUL FOR AN INDIVIDUAL SEEKING ELECTION TO MEMBERSHIP ON THE GOVERNING BOARD OF A PUBLIC INSTITUTION OF HIGHER LEARNING FILLED BY A VOTE OF THE GENERAL ASSEMBLY TO MAKE OR OFFER TO MAKE A CONTRIBUTION TO A CANDIDATE FOR THE GENERAL ASSEMBLY OR HOST OR SPONSOR ANY FUNDRAISING EVENT FOR SUCH A CANDIDATE FROM THE TIME THE INDIVIDUAL FILES THE NOTICE OF INTENTION TO SEEK MEMBERSHIP ON THE BOARD THROUGH THE DATE THE OFFICE IS FILLED.

On motion of Senator SCOTT, 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.

**PRESIDENT *Pro Tempore* PRESIDES**

At 12:15 P.M., Senator McCONNELL assumed the Chair.

**THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.**

**Message from the House**

Columbia, S.C., April 28, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.171, H. 3395 by a vote of 78 to 1:

(R171, H3395) -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A.D. Young, Edge, Bedingfield, J.R. Smith, G.R. Smith, D.C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E.H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T.R. Young and Wylie: AN ACT TO AMEND SECTION 11‑11‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE AND MANNER OF REPLENISHMENT OF THAT AMOUNT; TO AMEND SECTION 11‑11‑320, AS AMENDED, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH REVENUES IN THE FUND MUST BE USED IN EACH FISCAL YEAR INCLUDING A REQUIREMENT THAT THE CAPITAL RESERVE FUND MAY NOT BE USED TO OFFSET A MIDYEAR BUDGET REDUCTION; TO AMEND SECTION 11‑9‑890, RELATING TO THE DELINEATION OF FISCAL YEAR REVENUE ESTIMATES BY QUARTERS AND ACTIONS REQUIRED TO AVOID YEAR‑END DEFICITS, SO AS TO REVISE PROCEDURES REQUIRED TO REDUCE GENERAL FUND APPROPRIATIONS AND EXPENDITURES AND THE CRITERIA WHICH REQUIRES SUCH REDUCTIONS; TO AMEND SECTION 1‑11‑495, RELATING TO MONITORING REVENUES AND EXPENDITURES TO DETERMINE YEAR‑END DEFICITS, SO AS TO FURTHER PROVIDE FOR WHEN REDUCTIONS BY THE STATE BUDGET AND CONTROL BOARD MAY BE ORDERED, TO PROVIDE THAT THE REDUCTIONS ARE SUBJECT TO ANY BILL OR RESOLUTION ENACTED BY THE GENERAL ASSEMBLY, AND TO ADD A REQUIREMENT THAT TO RECOGNIZE A DEFICIT REQUIRES FOUR VOTES OF THE MEMBERS OF THE STATE BUDGET AND CONTROL BOARD; TO REPEAL SECTION 11‑11‑325 RELATING TO BUDGET SHORTFALLS AND THE REQUIREMENT THAT THE STATE BUDGET AND CONTROL BOARD FIRST MUST REDUCE THE CAPITAL RESERVE FUND BEFORE MANDATING CUTS TO OPERATING APPROPRIATIONS IF A REVENUE SHORTFALL IS PROJECTED; AND TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE PROVISIONS TAKE EFFECT.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R171, H3395) -- Reps. Harrell, Thompson, Cooper, Erickson, Bingham, A.D. Young, Edge, Bedingfield, J.R. Smith, G.R. Smith, D.C. Smith, Bannister, Brady, Cato, Chalk, Forrester, Gambrell, Hamilton, Hiott, Horne, Long, Nanney, Parker, E.H. Pitts, Rice, Scott, Sottile, Stewart, Viers, White, Willis, Toole, Neilson, Bales, T.R. Young and Wylie: AN ACT TO AMEND SECTION 11‑11‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RESERVE FUND, SO AS TO MAKE CONFORMING AMENDMENTS TO REFLECT ANY CHANGE IN THE AMOUNT REQUIRED TO BE HELD IN THE GENERAL RESERVE FUND PURSUANT TO THE CONSTITUTION OF THIS STATE AND THE RATE AND MANNER OF REPLENISHMENT OF THAT AMOUNT; TO AMEND SECTION 11‑11‑320, AS AMENDED, RELATING TO THE CAPITAL RESERVE FUND, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH REVENUES IN THE FUND MUST BE USED IN EACH FISCAL YEAR INCLUDING A REQUIREMENT THAT THE CAPITAL RESERVE FUND MAY NOT BE USED TO OFFSET A MIDYEAR BUDGET REDUCTION; TO AMEND SECTION 11‑9‑890, RELATING TO THE DELINEATION OF FISCAL YEAR REVENUE ESTIMATES BY QUARTERS AND ACTIONS REQUIRED TO AVOID YEAR‑END DEFICITS, SO AS TO REVISE PROCEDURES REQUIRED TO REDUCE GENERAL FUND APPROPRIATIONS AND EXPENDITURES AND THE CRITERIA WHICH REQUIRES SUCH REDUCTIONS; TO AMEND SECTION 1‑11‑495, RELATING TO MONITORING REVENUES AND EXPENDITURES TO DETERMINE YEAR‑END DEFICITS, SO AS TO FURTHER PROVIDE FOR WHEN REDUCTIONS BY THE STATE BUDGET AND CONTROL BOARD MAY BE ORDERED, TO PROVIDE THAT THE REDUCTIONS ARE SUBJECT TO ANY BILL OR RESOLUTION ENACTED BY THE GENERAL ASSEMBLY, AND TO ADD A REQUIREMENT THAT TO RECOGNIZE A DEFICIT REQUIRES FOUR VOTES OF THE MEMBERS OF THE STATE BUDGET AND CONTROL BOARD; TO REPEAL SECTION 11‑11‑325 RELATING TO BUDGET SHORTFALLS AND THE REQUIREMENT THAT THE STATE BUDGET AND CONTROL BOARD FIRST MUST REDUCE THE CAPITAL RESERVE FUND BEFORE MANDATING CUTS TO OPERATING APPROPRIATIONS IF A REVENUE SHORTFALL IS PROJECTED; AND TO PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE PROVISIONS TAKE EFFECT.

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

Senator LEATHERMAN spoke on the veto.

Senator LEATHERMAN moved that the veto of the Governor be overridden.

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

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

**Ayes 27; Nays 8**

**AYES**

Alexander Anderson Campbell

Cleary Courson Fair

Ford Grooms Hutto

Jackson Land Leatherman

Leventis Lourie *Martin, Larry*

Massey McGill Mulvaney

Nicholson Peeler Rankin

Reese Scott Setzler

Thomas Verdin Williams

**Total--27**

**NAYS**

Bright Bryant Campsen

Davis *Martin, Shane* McConnell

Rose Shoopman

**Total--8**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Statement by Senator HAYES**

Had I been present in the Chamber when the vote was taken, I would have voted in favor of overriding the veto of the Governor.

**Statement by Senators McCONNELL, SHOOPMAN and DAVIS**

We support almost all of the Act. However, the provision requiring four members of the Budget and Control Board to recognize a deficit is unconstitutional. An agency which is primarily executive would be subject to legislative dominance and would undermine the constitutionality of the Budget and Control Board on separation of powers. Therefore, we vote to sustain the veto of the Governor.

**Statement by Senators CAMPSEN, SHOOPMAN, BRYANT**

**SHANE MARTIN, ROSE and BRIGHT**

We voted to sustain the Governor’s veto of H.3395 for two of the reasons the Governor gave in his veto message.  First, the Act clearly violates the Separation of Powers doctrine as set forth in State v. Edwards, which upheld the constitutionality of the Budget and Control Board’s exercise of executive power only because its three executive branch members constituted a majority.  By requiring four members of the Budget and Control Board to recognize an agency deficit, which is an executive function, we believe the Act violates the holding in State v. Edwards.

The second reason we supported the Governor’s veto is that the Act gives the Director of the Office of State Budget the authority to implement across the board budget cuts.  We believe only elected officials should be able to exercise this extraordinary power, as provided for in current law.

We like the other provisions of the Act, particularly the provision that raises the amount held in the General Reserve Fund.

Although in a March letter, bond rating agencies commented upon the importance of legislation we have enacted to deal with our deficit and fiscal condition, they could not have been referring to H.3395 because it was not enacted, or close to being enacted, at the time the letter was issued.

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

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 495 -- Senators Massey, Hutto and S. Martin: A BILL TO AMEND SECTION 50‑11‑2100 OF THE 1976 CODE, RELATING TO FIELD TRIALS, TO PROVIDE THAT A PARTICIPANT IN FIELD TRIALS PERMITTED BY THE DEPARTMENT OF NATURAL RESOURCES IS NOT REQUIRED TO OBTAIN A HUNTING LICENSE IF THE PARTICIPANT IS NOT CARRYING A FIREARM AND NO GAME IS TAKEN, AND TO PROVIDE THAT NO FIELD TRIALS MAY BE HELD OUTSIDE OF THE REGULAR SEASON EXCEPT AS PERMITTED BY THE DEPARTMENT.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being the concurrence in the House amendments.

Senator CROMER proposed the following amendment (495R002.RWC), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 18-21 and inserting:

/ (B) The department shall deduct four accumulated points from a person’s record upon a showing that the person

successfully completed a department program of instruction established pursuant to Section 50‑9‑310. /

Amend the bill further, as and if amended, page 2 by striking lines 22-32 and inserting:

/ (C) A person is not eligible for a reduction in points under the provisions of subsection (B) if at the time he

accumulated eighteen or more points:

(1) he had any hunting, trapping, or fishing suspension within the previous five years; or

(2) he had a previous point reduction under the provisions of subsection (B) within the previous five years.

(D) The department is authorized to promulgate appropriate regulations to effectuate the provisions of this section.”

SECTION 4. This act takes effect July 1, 2010. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The question then was the adoption of the amendment.

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

**Ayes 35; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Fair Ford Grooms

Hutto Jackson Land

Leatherman Leventis Lourie

*Martin, Larry Martin, Shane* Massey

McConnell McGill Mulvaney

Nicholson Peeler Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--35**

**NAYS**

**Total--0**

The amendment was adopted.

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

**CONCURRENCE**

S. 1146 -- Senator Alexander: A BILL TO AMEND SECTIONS 9‑1‑1770, AS AMENDED, 9‑1‑1775, 9‑8‑110, AS AMENDED, 9‑9‑100, AS AMENDED, 9‑11‑120, AS AMENDED, 9‑11‑125, AS AMENDED, AND 9‑11‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING RESPECTIVELY TO, AMONG OTHER THINGS, LIFE INSURANCE BENEFITS PAID BENEFICIARIES OF DECEASED RETIREES OF THE SOUTH CAROLINA RETIREMENT SYSTEM, THE SOUTH CAROLINA RETIREMENT SYSTEM FOR MEMBERS OF THE GENERAL ASSEMBLY, THE RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS, AND THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, AND BENEFITS PAID PURSUANT TO THE ACCIDENTAL DEATH BENEFIT PROGRAM OF THE SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO MAINTAIN COMPLIANCE WITH THE INTERNAL REVENUE CODE OF 1986 BY PROVIDING FOR THESE BENEFITS TO BE PAID IN THE FORM OF DEATH BENEFITS RATHER THAN INSURANCE AND TO CORRECT A REFERENCE.

The House returned the Bill with amendments.

Senator ALEXANDER moved to concur in the House amendments.

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

**Ayes 30; Nays 2**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Courson

Cromer Davis Fair

Grooms Hutto Land

Leatherman Leventis Lourie

*Martin, Larry Martin, Shane* McConnell

McGill Nicholson Peeler

Rankin Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Williams

**Total--30**

**NAYS**

Bright Bryant

**Total--2**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 06, 2010, at 1:04 P.M. and the following Acts and Joint Resolutions were ratified:

(R179, S. 168) -- Senators Cleary, Campsen, Rose, Bryant, Elliott and Hutto: AN ACT TO AMEND SECTION 38‑79‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MEDICAL MALPRACTICE INSURANCE, SO AS TO PROVIDE THAT A LICENSED HEALTH CARE PROVIDER WHO RENDERS MEDICAL SERVICES VOLUNTARILY AND WITHOUT COMPENSATION, AND SEEKS NO REIMBURSEMENT FROM CHARITABLE AND GOVERNMENTAL SOURCES, AND PROVIDES NOTICE TO THE PATIENT OR PATIENT’S PROVIDER IN A NONEMERGENCY, IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ANY ACT OR OMISSION UNLESS THE ACT OR OMISSION WAS THE RESULT OF THE HEALTH CARE PROVIDER’S GROSS NEGLIGENCE OR WILFUL MISCONDUCT.

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(R180, S. 170) -- Senators Cleary and Rose: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑17‑385 SO AS TO REQUIRE THE FAMILY COURT TO ISSUE A RULE TO SHOW CAUSE UPON THE FILING OF A PETITION AND AN AFFIDAVIT THAT A PARENT HAS FAILED TO PAY COURT‑ORDERED SUPPORT FOR A CHILD, OTHER THAN PERIODIC CHILD SUPPORT PAYMENTS; TO PROVIDE FOR THE CONTENTS OF THE AFFIDAVIT AND TO REQUIRE COURT ADMINISTRATION TO PREPARE AND MAKE THE AFFIDAVIT FORM AVAILABLE TO PETITIONERS; TO SPECIFY OTHER DOCUMENTS AND INFORMATION THAT MAY ACCOMPANY THE AFFIDAVIT; TO ESTABLISH THE BURDEN OF PROOF; TO REQUIRE THE PETITIONER TO BE PRESENT AT THE HEARING; AND TO PROVIDE CIRCUMSTANCES UNDER WHICH ATTORNEY’S FEES AND LITIGATION COSTS MAY BE AWARDED.

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(R181, S. 196) -- Senator McConnell: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15‑3‑690 SO AS TO PROVIDE A LIQUEFIED PETROLEUM GAS DEALER IS IMMUNE FROM CIVIL LIABILITY FOR AN INJURY OR DAMAGE PROXIMATELY CAUSED BY A LIQUEFIED PETROLEUM GAS SYSTEM OR GAS BURNING APPLIANCE IN CERTAIN CIRCUMSTANCES, TO PROVIDE CERTAIN DEFINITIONS, AND TO LIMIT APPLICABILITY OF THE SECTION; AND TO AMEND SECTION 40‑82‑270, RELATING TO THE REQUIREMENT TO NOTIFY A PROPANE SUPPLIER BEFORE BEGINNING WORK ON A SYSTEM SUPPLIED BY A LIQUEFIED PETROLEUM GAS SUPPLIER, SO AS TO PROVIDE A CONSUMER, OWNER, END USER, OR PERSON WHO ALTERS OR MODIFIES HIS LIQUEFIED PETROLEUM GAS EQUIPMENT, GAS BURNING APPLIANCE, OR SYSTEM INSTALLED BY A LICENSED DEALER MUST NOTIFY THE LICENSED DEALER WHO NEXT FILLS OR OTHERWISE SERVICES HIS LIQUEFIED PETROLEUM GAS SYSTEM THAT THIS WORK HAS BEEN PERFORMED, TO PROVIDE THE LICENSED DEALER MUST NOTIFY THEIR CUSTOMERS IN WRITING AT LEAST ONCE ANNUALLY OF THE CUSTOMER’S STATUTORY OBLIGATION OF NOTIFICATION IN REGARD TO MODIFICATIONS TO THEIR PROPANE APPLIANCES OR SYSTEMS, AND TO PROVIDE THIS NOTICE TO CUSTOMERS SHOULD BE PROVIDED IN A SEPARATE AND DISTINCT DISCLOSURE AND NOT A PART OF OTHER SAFETY LITERATURE GIVEN TO CUSTOMERS.

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(R182, S. 481) -- Senators Lourie, Reese and Massey: A JOINT RESOLUTION TO CREATE THE SOUTH CAROLINA CERTIFIED ATHLETIC TRAINERS FOUNDATION TO ENCOURAGE AND ASSIST THE LOCAL SCHOOL DISTRICTS AND SCHOOLS IN ENSURING THAT A CERTIFIED ATHLETIC TRAINER IS ON STAFF AT EACH HIGH SCHOOL AND MIDDLE SCHOOL OF THIS STATE; TO PROVIDE FOR ITS COMPOSITION, FOR THE FILLING OF VACANCIES, FOR THE ELECTION OF A CHAIRMAN, AND FOR MEMBER COMPENSATION; TO ALLOW THE FOUNDATION TO ACCEPT CERTAIN FUNDS; AND TO PROVIDE FOR THE DISTRIBUTION OF FUNDS.

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(R183, S. 652) -- Senators Knotts, Elliott, Ford and Campbell: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 33‑56‑75 SO AS TO PROVIDE THAT A LIST OF CONTRIBUTORS TO A SOLICITATION CAMPAIGN CONDUCTED BY A PROFESSIONAL FUNDRAISING COUNSEL OR SOLICITOR IS THE PROPERTY OF THE CHARITABLE ORGANIZATION FOR WHOM THE CAMPAIGN IS CONDUCTED; TO REQUIRE A PROFESSIONAL FUNDRAISING COUNSEL OR SOLICITOR RECEIVING CONTRIBUTIONS ON BEHALF OF THE CHARITABLE ORGANIZATION TO DELIVER THE LIST OF CONTRIBUTORS FOLLOWING THE CAMPAIGN TO THE CHARITABLE ORGANIZATION; TO PROHIBIT THE PROFESSIONAL FUNDRAISING COUNSEL OR SOLICITOR FROM WITHHOLDING THE LIST, RESTRICTING THE CHARITABLE ORGANIZATION’S USE OF THE LIST, OR PROVIDING THE LIST OR USE OF THE LIST TO ANYONE OTHER THAN THE CHARITABLE ORGANIZATION; TO PROVIDE ADMINISTRATIVE FINES AND SANCTIONS TO BE IMPOSED BY THE SECRETARY OF STATE AGAINST A PROFESSIONAL FUNDRAISING COUNSEL OR SOLICITOR IN VIOLATION OF THIS ACT; AND TO PROVIDE AN EXEMPTION FOR CERTAIN POLITICAL CAMPAIGNS; AND TO AMEND SECTION 33‑56‑160, RELATING TO ADMINISTRATIVE FINES AND FEES COLLECTED UNDER THE SOUTH CAROLINA SOLICITATION OF CHARITABLE FUNDS ACT, SO AS TO PROVIDE THAT FINES COLLECTED PURSUANT TO SECTION 33‑56‑75 MAY NOT BE RETAINED BY THE SECRETARY OF STATE BUT MUST BE DEPOSITED WITH THE STATE TREASURER IN A SEPARATE FUND TO BE USED TO ADMINISTER SECTION 33‑56‑75.

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(R184, S. 907) -- Senator Peeler: AN ACT TO AMEND ARTICLE 1, CHAPTER 61, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY MEDICAL SERVICES (EMS), SO AS TO REVISE DEFINITIONS AND ADD NEW DEFINITIONS INCLUDING, BUT NOT LIMITED TO, THE “STATE MEDICAL CONTROL PHYSICIAN”, WITH WHOM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CONTRACTS TO OVERSEE THE MEDICAL ASPECTS OF THE EMS PROGRAM, AND THE “INVESTIGATIVE REVIEW COMMITTEE” WHICH WILL CONDUCT INVESTIGATIONS OF LICENSEES; TO PROVIDE THAT THE STATE MEDICAL CONTROL PHYSICIAN SHALL ADVISE THE DEPARTMENT ON THE DEVELOPMENT OF STANDARDS AND PROMULGATION OF REGULATIONS FOR THE EMS PROGRAM; TO PROVIDE THAT THE EMS PROGRAM MUST INCLUDE THE ESTABLISHMENT OF AN ELECTRONIC PATIENT CARE REPORTING SYSTEM TO PROVIDE DATA TO THE NATIONAL EMS INFORMATION SYSTEM DATABASE; TO PROVIDE THAT MEMBERS OF THE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL SERVE WITHOUT COMPENSATION, MILEAGE, PER DIEM, OR SUBSISTENCE; TO SPECIFY THAT A BUSINESS PROVIDING EMS OR AMBULANCE SERVICES OR AN AMBULANCE ATTENDANT PROVIDING PATIENT CARE WITHOUT THE APPLICABLE LICENSE OR PERMIT SUBJECTS THE BUSINESS OR PERSON TO CIVIL PENALTIES; TO REQUIRE AN EMS AND AN AMBULANCE SERVICE TO RETAIN A MEDICAL CONTROL PHYSICIAN TO MAINTAIN QUALITY CONTROL OF PATIENT CARE AND TO PROVIDE IMMUNITY FROM CIVIL LIABILITY FOR SUCH PHYSICIANS ACTING IN GOOD FAITH IN CARRYING OUT THESE RESPONSIBILITIES; TO PROVIDE THAT AN EMERGENCY MEDICAL TECHNICIAN (EMT) CERTIFICATE IS VALID FOR FOUR YEARS, RATHER THAN THREE YEARS; TO DELETE THE REQUIREMENT THAT UPON CERTIFICATE RENEWAL AN EMT MUST COMPLETE A REFRESHER COURSE AND AN EXAMINATION AND INSTEAD TO REQUIRE THE EMT TO PROVIDE DOCUMENTATION OF CURRENT NATIONAL REGISTRATION AND RENEWAL FOR THE APPROPRIATE LEVEL OF CERTIFICATION AND TO PROVIDE AN EXEMPTION FOR EMT’S CERTIFIED BEFORE OCTOBER 2006; TO SPECIFY THAT THE IDENTITY OF AN EMT CONTAINED IN INFORMATION COLLECTED BY EMS IS CONFIDENTIAL UNLESS REQUESTED BY A PATIENT; TO PROVIDE THAT UPON REQUEST A PATIENT MAY OBTAIN INFORMATION COLLECTED BY EMS; TO DELETE PROVISIONS PERTAINING TO THE CONFIDENTIALITY OF THE IDENTITY OF PHYSICIANS AND HOSPITALS AND THE CONFIDENTIALITY OF OFFICIAL INVESTIGATIONS CONDUCTED BY THE EMS SECTION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND TO PROVIDE THAT INVESTIGATIONS MUST BE CONDUCTED BY THE INVESTIGATIVE REVIEW COMMITTEE AND THAT ACTION TAKEN BY THE COMMITTEE ON A LICENSE IS PUBLIC INFORMATION AFTER ISSUANCE OF AN ADMINISTRATIVE ORDER; TO FURTHER SPECIFY TO WHOM PATIENT INFORMATION MAY BE RELEASED; AND TO REQUIRE THE DEPARTMENT AND A PERSON OR ENTITY LICENSED OR CERTIFIED PURSUANT TO THIS ARTICLE TO DISCLOSE TO THE SOLICITOR INFORMATION THAT COULD AID IN THE INVESTIGATION OR PROSECUTION OF CRIMINAL ACTIVITY; TO REPEAL SECTION 44-61-105 AUTHORIZING THE GOVERNING BODY OF A COUNTY TO EXEMPT AMBULANCES USED PRIMARILY AS CONVALESCENT TRANSPORT UNITS FROM SIZE REQUIREMENTS AND TO ALSO DELETE OTHER REQUIREMENTS FOR CERTAIN VEHICLES USED AS CONVALESCENT TRANSPORT UNITS, AND SECTION 44-61-150 REQUIRING REGULATIONS PROMULGATED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO BE FILED WITH THE SECRETARY OF STATE; AND TO AMEND ARTICLE 3, CHAPTER 61, TITLE 44, RELATING TO EMERGENCY MEDICAL SERVICES FOR CHILDREN (EMSC), SO AS TO REVISE CERTAIN DEFINITIONS AND TO ADD, AMONG OTHERS, THE DEFINITION OF “EMERGENCY MEDICAL TECHNICIAN” (EMT); TO CHANGE THE EMSC PROGRAM NAME TO THE “EMERGENCY MEDICAL SERVICES AND TRAUMA FOR CHILDREN PROGRAM” AND TO PROVIDE THAT THIS PROGRAM MUST INCLUDE GUIDELINES FOR VOLUNTARY DESIGNATION OF PEDIATRIC EMERGENCY DEPARTMENTS, DISASTER RESPONSE GUIDELINES, PEDIATRIC DISASTER PREPAREDNESS TRAINING, AND ASSISTANCE WITH THE DEVELOPMENT OF DISASTER PLAN STRATEGIES RELATING TO CHILDREN; TO SPECIFY THAT THE IDENTITY OF AN EMT CONTAINED IN INFORMATION COLLECTED BY EMS IS CONFIDENTIAL UNLESS REQUESTED BY A PATIENT; TO PROVIDE THAT UPON REQUEST A PATIENT MAY OBTAIN INFORMATION COLLECTED BY EMS TO DELETE PROVISIONS PERTAINING TO THE CONFIDENTIALITY OF THE IDENTITY OF PHYSICIANS AND HOSPITALS; TO FURTHER SPECIFY TO WHOM PATIENT INFORMATION MAY BE RELEASED; TO REQUIRE THE DEPARTMENT AND A PERSON OR ENTITY LICENSED OR CERTIFIED PURSUANT TO THIS ARTICLE TO DISCLOSE TO THE SOLICITOR INFORMATION THAT COULD AID IN THE INVESTIGATION OR PROSECUTION OF CRIMINAL ACTIVITY; AND TO ESTABLISH THE EMERGENCY MEDICAL SERVICES FOR CHILDREN ADVISORY COMMITTEE, TO PROVIDE FOR ITS MEMBERS AND DUTIES, AND TO PROVIDE THAT MEMBERS ON THE COMMITTEE SERVE WITHOUT COMPENSATION, MILEAGE, PER DIEM, OR SUBSISTENCE.

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(R185, S. 931) -- Senator L. Martin: AN ACT TO AMEND SECTION 44‑48‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EFFECTIVE DATE OF PAROLE OR CONDITIONAL RELEASE OF SEXUALLY VIOLENT PREDATORS, SO AS TO PROVIDE THAT WRITTEN NOTICE OF THE RELEASE OF A SEXUALLY VIOLENT PREDATOR FROM PRISON MUST BE GIVEN TO THE MULTIDISCIPLINARY TEAM AT LEAST TWO HUNDRED SEVENTY DAYS RATHER THAN ONE HUNDRED DAYS BEFORE HIS RELEASE FROM TOTAL CONFINEMENT WITH CERTAIN EXCEPTIONS, OR CERTAIN ANTICIPATED HEARINGS, AND TO PROVIDE THAT THE PAROLE OR CONDITIONAL RELEASE ORDER DOES NOT TAKE EFFECT FOR ONE HUNDRED EIGHTY DAYS, RATHER THAN NINETY DAYS, AFTER ISSUANCE OF THE ORDER; TO AMEND SECTION 44‑48‑80, AS AMENDED, RELATING TO THE FACILITY IN WHICH A PERSON MUST BE HELD AFTER PROBABLE CAUSE IS FOUND TO EXIST THAT THE PERSON IS A SEXUALLY VIOLENT PREDATOR, SO AS TO REQUIRE THAT THE PERSON ONLY BE HELD IN A LOCAL OR REGIONAL DETENTION FACILITY PENDING CONCLUSION OF THE PROCEEDINGS IN THIS CHAPTER AND THAT THE COURT MUST DIRECT THE PERSON TO BE TRANSPORTED TO AN APPROPRIATE FACILITY OF THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH, AND TO PROVIDE THAT THE EXPERT THAT CONDUCTS THE EVALUATION OF A PERSON TO DETERMINE WHETHER HE IS A SEXUALLY VIOLENT PREDATOR MUST COMPLETE THE EVALUATION WITHIN SIXTY DAYS AFTER THE PROBABLE CAUSE HEARING UNLESS EXTRAORDINARY CIRCUMSTANCES EXIST; TO AMEND SECTION 44‑48‑90, AS AMENDED, RELATING TO THE TIME WITHIN WHICH A JURY TRIAL MUST BE REQUESTED AND HELD TO DETERMINE IF A PERSON IS A SEXUALLY VIOLENT PREDATOR, SO AS TO DELETE THE PROVISION THAT REQUIRES THAT THE TRIAL MUST BE CONDUCTED WITHIN SIXTY DAYS OF THE HEARING HELD PURSUANT TO SECTION 44‑48‑80, TO PROVIDE THAT THE TRIAL MUST BE HELD WITHIN NINETY DAYS OF ISSUANCE OF THE COURT APPOINTED EVALUATOR’S OPINION, AND TO PROVIDE THAT UPON RECEIPT OF THE ISSUANCE OF THE OPINION, EITHER PARTY MAY RETAIN AN EXPERT TO CONDUCT A SUBSEQUENT EVALUATION; TO AMEND SECTION 44‑48‑100, AS AMENDED, RELATING TO THE FACILITY IN WHICH A PERSON MUST BE HELD UPON A MISTRIAL IN DETERMINING WHETHER THE PERSON IS A SEXUALLY VIOLENT PREDATOR, SO AS TO REQUIRE THAT THE PERSON ONLY BE HELD IN A LOCAL OR REGIONAL DETENTION FACILITY; AND TO AMEND SECTION 44‑48‑120, AS AMENDED, RELATING TO PROCEDURES REQUIRED WHEN THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH DETERMINES A PERSON COMMITTED TO THE DEPARTMENT AS A SEXUALLY VIOLENT PREDATOR IS NO LONGER LIKELY TO COMMIT ACTS OF SEXUAL VIOLENCE, SO AS TO REQUIRE THE DIRECTOR TO CERTIFY THIS DETERMINATION IN WRITING AND TO NOTIFY THE ATTORNEY GENERAL OF THIS CERTIFICATION AND OF THE PATIENT’S AUTHORIZATION TO PETITION THE COURT FOR RELEASE, TO PROVIDE THAT THE ATTORNEY GENERAL MAY REQUEST AN EXAMINATION BEFORE A HEARING ON THE RELEASE IS HELD, AND TO PROVIDE THAT EITHER PARTY MAY REQUEST THAT THE HEARING BE HELD BEFORE A JURY, AND TO PROVIDE THAT IF THE ATTORNEY GENERAL’S QUALIFIED EXPERT CONCLUDES THAT THE PETITIONER, IF RELEASED MAY COMMIT ACTS OF SEXUAL VIOLENCE, THE PETITIONER MAY RETAIN A QUALIFIED EXPERT TO PERFORM A SUBSEQUENT EVALUATION.

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(R186, S. 1097) -- Senators Alexander, L. Martin, Sheheen, O’Dell, Land, Mulvaney and Malloy: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑21‑110 SO AS TO ENACT THE “FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA” AND TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATIONS IN COOPERATION WITH THE STATE FIREFIGHTERS ASSOCIATION MAY ESTABLISH A JUNIOR FIREFIGHTERS PROGRAM.

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(R187, S. 1172) -- Senators Fair, Hutto, Jackson, Alexander, Ford, L. Martin, Campbell, Rose, Knotts and Cromer: AN ACT TO AMEND SECTION 63‑7‑1640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES PROVIDING REASONABLE EFFORTS TO ACHIEVE FAMILY PRESERVATION AND REUNIFICATION, SO AS TO PROVIDE THAT THE NAMED PARTY MAY MOVE TO HAVE THE COURT DETERMINE IF THE DEPARTMENT SHALL CONTINUE WITH THESE EFFORTS, TO ADD ALCOHOL AND DRUG ADDITION, MENTAL ILLNESS, AND EXTREME PHYSICAL INCAPACITY TO THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT IS NOT REQUIRED TO CONTINUE TO MAKE REASONABLE EFFORTS TO PRESERVE OR REUNIFY A FAMILY, TO REQUIRE THE COURT TO MAKE SPECIFIC FINDINGS WHEN RELEASING THE DEPARTMENT FROM MAKING THESE REASONABLE EFFORTS OR WHEN REQUIRING THE DEPARTMENT TO CONTINUE MAKING THESE REASONABLE EFFORTS, AND TO REQUIRE THE DEPARTMENT TO PETITION FOR TERMINATION OF PARENTAL RIGHTS WITHIN SIXTY DAYS WHEN MAKING REASONABLE EFFORTS TO PRESERVE OR REUNIFY A FAMILY IS NO LONGER REQUIRED; TO AMEND SECTION 63‑7‑1660, RELATING TO PROCEDURES FOR REMOVING A CHILD FROM THE CUSTODY OF HIS PARENTS BY FILING A PETITION IN FAMILY COURT AND GROUNDS FOR REMOVAL, SO AS TO REQUIRE THE DEPARTMENT TO ALSO SEEK TERMINATION OF PARENTAL RIGHTS IF CIRCUMSTANCES EXIST; TO AMEND SECTION 63‑7‑1680, RELATING TO THE CONTENTS OF A PLACEMENT PLAN WHEN A CHILD IS REMOVED FROM THE CUSTODY OF HIS PARENTS, SO AS TO REVISE AND FURTHER SPECIFY THE CONTENTS OF THE PLACEMENT PLAN; TO AMEND SECTION 63‑7‑1700, RELATING TO FAMILY COURT REVIEWING A CHILD’S PERMANENT PLACEMENT PLAN, SO AS TO FURTHER PROVIDE THE CONTENTS OF A SUPPLEMENTAL REPORT TO BE PROVIDED TO THE COURT WHEN CONDUCTING SUCH A REVIEW, TO FURTHER SPECIFY CONDITIONS FOR REVIEW, TO FURTHER SPECIFY CONDITIONS FOR RETURNING THE CHILD TO THE CUSTODY OF HIS PARENTS, TO FURTHER SPECIFY CONDITIONS UNDER WHICH THE PLACEMENT PLAN MAY BE EXTENDED, AND TO DELETE DUPLICATIVE TEXT; TO AMEND SECTION 63‑7‑2570, RELATING TO GROUNDS FOR TERMINATING PARENTAL RIGHTS, SO AS TO CLARIFY THAT IN SOME INSTANCES A PARENT’S CONDUCT INVOLVING ANOTHER CHILD OF THE PARENT LIVING IN THE PARENT’S HOME MAY CONSTITUTE GROUNDS FOR TERMINATION OF PARENTAL RIGHTS, TO FURTHER SPECIFY GROUNDS FOR TERMINATION OF PARENTAL RIGHTS DUE TO A PARENT HAVING A DIAGNOSABLE CONDITION, AND TO MAKE A TECHNICAL CORRECTION; TO AMEND SECTION 63‑9‑60, RELATING TO PERSONS WHO MAY ADOPT A CHILD IN THIS STATE, SO AS TO PROVIDE THAT AN ADOPTION BY PERSONS WHO ARE NONRESIDENTS MUST BE FINALIZED IN THIS STATE; BY ADDING SECTION 63‑9‑70 SO AS TO PROHIBIT CERTAIN PERSONS OR ENTITIES FROM ADVERTISING THAT THE PERSON OR ENTITY WILL PLACE OR ACCEPT A CHILD FOR ADOPTION, TO PROVIDE AN EXCEPTION, TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS, AND TO PROVIDE THAT THE FAMILY COURT SHALL ENJOIN VIOLATIONS OF THIS SECTION; AND TO AMEND SECTION 63‑9‑1110, RELATING TO STEPPARENT AND FAMILY ADOPTIONS, SO AS TO AUTHORIZE THE COURT TO WAIVE THE REQUIREMENT THAT THE ADOPTION MUST BE FINALIZED IN THIS STATE.

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(R188, S. 1131) -- Senators Peeler and Coleman: AN ACT TO AMEND SECTION 4‑29‑67, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDUSTRIAL DEVELOPMENT PROJECTS REQUIRING A FEE IN LIEU OF PROPERTY TAXES AGREEMENT, SO AS TO ADD CERTAIN DEFINITIONS, TO FURTHER PROVIDE FOR THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED NUCLEAR PLANT FACILITY, TO PROVIDE FOR THE TIMELINE WHEN THE SPONSOR MUST ENTER INTO AN INITIAL LEASE AGREEMENT WITH THE COUNTY IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY, AND THE TIMELINES WHEN THE SPONSOR MUST MEET MINIMUM INVESTMENT REQUIREMENTS IN THE CASE OF A QUALIFIED NUCLEAR PLANT FACILITY AND PLACE THE PROJECT INTO SERVICE; TO AMEND SECTION 12‑44‑30, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO REVISE CERTAIN DEFINITIONS AND ADD CERTAIN DEFINITIONS; AND TO AMEND SECTION 12‑44‑40, AS AMENDED, RELATING TO THE REQUIRED FEE AGREEMENT BETWEEN THE SPONSOR AND THE COUNTY UNDER THE FEE IN LIEU OF TAX SIMPLIFICATION ACT, SO AS TO PROVIDE THE TIME WITHIN WHICH A SPONSOR HAS TO ENTER INTO A FEE AGREEMENT IN REGARD TO A QUALIFIED NUCLEAR PLANT FACILITY.

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(R189, S. 1145) -- Senator Leatherman: AN ACT TO AMEND SECTIONS 9‑1‑1540, AS AMENDED, 9‑9‑65, AND 9‑11‑80, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DATE UPON WHICH AN APPLICATION FOR DISABILITY RETIREMENT MUST BE FILED WITH THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE THAT A MEMBER IS CONSIDERED TO BE IN SERVICE ON THE DATE THE APPLICATION IS FILED IF THE MEMBER IS NOT RETIRED AND THE LAST DAY THE MEMBER WAS EMPLOYED BY A COVERED EMPLOYER IN THE SYSTEM OCCURRED NOT MORE THAN NINETY DAYS PRIOR TO THE DATE OF FILING.

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(R190, S. 1351) -- Senators Grooms, Campbell and Campsen: AN ACT TO AMEND SECTION 7‑7‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO CREATE NEW PRECINCTS, REDESIGNATE AND RENAME CERTAIN PRECINCTS, AND CHANGE THE MAP DESIGNATION ON WHICH THE LINES OF THOSE PRECINCTS ARE DELINEATED.

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(R191, H. 3108) -- Rep. Hosey: AN ACT TO AMEND ACT 201 OF 1993, RELATING TO PAYMENT FOR SERVICES RENDERED BY MEMBERS OF THE WILLISTON SCHOOL DISTRICT 29 BOARD OF TRUSTEES IN BARNWELL COUNTY, SO AS TO DELETE THE PROVISION THAT NO MORE THAN TWELVE SPECIAL MEETINGS MAY BE HELD IN ONE CALENDAR YEAR.

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(R192, H. 3161) -- Rep. Harrison: AN ACT TO AMEND SECTION 1‑23‑660, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFICE OF MOTOR VEHICLE HEARINGS WITHIN THE ADMINISTRATIVE LAW COURT, SO AS TO REQUIRE THE OFFICE OF MOTOR VEHICLE HEARINGS TO EMPLOY CERTAIN PROFESSIONAL AND SUPPORT STAFF; TO AMEND SECTION 56‑5‑2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST AN ADMINISTRATIVE HEARING, SO AS TO INCREASE THE FILING FEE FROM ONE HUNDRED FIFTY TO TWO HUNDRED FIFTY DOLLARS AND PROVIDE FOR THE DISTRIBUTION OF THE FILING FEE FUNDS COLLECTED; TO AMEND SECTION 8‑21‑320, AS AMENDED, RELATING TO COMMON PLEAS AND FAMILY COURT MOTION FEES, SO AS TO INCREASE THE MOTION FEE FROM TWENTY‑FIVE TO SEVENTY‑FIVE DOLLARS FOR A CERTAIN PERIOD OF TIME; TO AMEND SECTION 14‑1‑204, AS AMENDED, RELATING TO COURT FILING FEES COLLECTED BY CLERKS OF COURT, REGISTERS OF DEEDS, OR COUNTY TREASURERS, SO AS TO IMPOSE FEES FOR A CERTAIN PERIOD OF TIME IN FAMILY COURT AND OTHER FEES IN OTHER COURTS OF RECORD, PROVIDE EXCEPTIONS, AND PROVIDE FOR THE DISTRIBUTION OF THE FEES COLLECTED; AND TO AMEND SECTION 22‑3‑340, AS AMENDED, RELATING TO ASSESSMENTS ON FILINGS IN MAGISTRATES COURT, SO AS TO INCREASE THE ASSESSMENT FROM TWENTY‑FIVE TO FIFTY DOLLARS ON SUMMONS AND COMPLAINT FILINGS AND FROM TEN TO TWENTY DOLLARS ON CIVIL FILINGS IN MAGISTRATES COURT.

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(R193, H. 3584) -- Reps. Harrell, Bingham, Cooper, Harrison, Owens, Sandifer, White, Crawford, Bannister, Huggins, Sottile, Spires, Herbkersman, Loftis, Bowen, Erickson, Daning, Hardwick, J.R. Smith, Pinson, Toole, Brady, Clemmons, Edge, Forrester, Frye, Gullick, Hearn, Hiott, Horne, Kelly, Littlejohn, Long, E.H. Pitts, Rice, Skelton, D.C. Smith, G.M. Smith, Whitmire, Wylie, Gunn, Limehouse, Willis, J.E. Smith and Bales: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑21‑625 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF TWO AND ONE‑HALF CENTS, TO PROVIDE FOR THE CREDITING OF THE REVENUE FROM THE SURTAX TO THE MEDICAL UNIVERSITY OF SOUTH CAROLINA HOLLINGS CANCER CENTER FOR TOBACCO‑RELATED CANCER RESEARCH, THE SMOKING PREVENTION AND CESSATION TRUST FUND, AND THE MEDICAID RESERVE FUND, TO PROVIDE FOR REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND TO DEFINE “CIGARETTE”; TO AMEND SECTION 12‑21‑620, RELATING TO THE ORIGINAL CIGARETTE TAX, SO AS TO INCLUDE THE DEFINITION OF “CIGARETTE”; BY ADDING SECTION 11‑11‑230 SO AS TO CREATE AND ESTABLISH THE SMOKING PREVENTION AND CESSATION TRUST FUND AND THE MEDICAID RESERVE FUND, BOTH SO AS TO RECEIVE DEPOSITS OF THE REVENUES FROM THE CIGARETTE SURTAX AS SPECIFIED; AND BY ADDING SECTION 11‑49‑55 SO AS TO PROVIDE THAT IF FUNDS FROM THE SMOKING PREVENTION AND CESSATION TRUST FUND ARE AVAILABLE, AND NOT OTHERWISE COMMITTED, THE DEPARTMENT OF AGRICULTURE SHALL RECEIVE ONE MILLION DOLLARS ANNUALLY FOR FIVE YEARS FOR MARKETING AND BRANDING STATE‑GROWN CROPS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE‑GROWN CROPS.

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(R194, H. 3720) -- Rep. Clemmons: AN ACT TO AMEND SECTION 15‑9‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SERVICE ON UNKNOWN PARTIES BY PUBLICATION IN CERTAIN ACTIONS CONCERNING REAL PROPERTY, SO AS TO PROVIDE FOR SERVICE OF ALL COURT‑REQUIRED DOCUMENTS BY PUBLICATION AND, FURTHER, IN AN ACTION INVOLVING MULTIPLE UNITS IN A SINGLE HORIZONTAL PROPERTY REGIME, FOR SERVICE BY PUBLICATION BY CONSOLIDATING THE SERVICES INTO A SINGLE SERVICE THAT IDENTIFIES EACH APARTMENT INCLUDED IN THE ACTION BASED ON THE APARTMENT’S DESCRIPTION IN THE MASTER DEED.

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(R195, H. 3778) -- Rep. Harvin: AN ACT TO AMEND SECTION 44‑7‑2430, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLECTION OF DATA PURSUANT TO THE “HOSPITAL INFECTIONS DISCLOSURE ACT”, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO COMBINE DATA FROM MULTIPLE REPORTING PERIODS IN COMPILING THE DEPARTMENT’S REPORTS ON HOSPITAL ACQUIRED INFECTIONS AND TO REQUIRE THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL, RATHER THAN THE COMMISSIONER OF THE DEPARTMENT, TO APPOINT AN ADVISORY COMMITTEE ON HOSPITAL ACQUIRED INFECTIONS; TO AMEND SECTION 44‑7‑2440, AS AMENDED, RELATING TO REPORTS COMPILED BY THE DEPARTMENT ON HOSPITAL ACQUIRED INFECTIONS, SO AS TO REQUIRE REPORTS TO THE GENERAL ASSEMBLY TO BE SUBMITTED BEFORE APRIL SIXTEENTH OF EACH YEAR; AND TO AMEND SECTION 44‑7‑2460, RELATING TO THE REQUIREMENT THAT COMPLIANCE WITH THE HOSPITAL INFECTIONS DISCLOSURE ACT IS A CONDITION OF HOSPITAL LICENSURE AND PERMITTING, SO AS TO ALSO AUTHORIZE THE IMPOSITION OF CIVIL MONETARY PENALTIES FOR NONCOMPLIANCE.

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(R196, H. 3871) -- Reps. Harvin, Hosey and Jefferson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑29‑15 SO AS TO SPECIFY REPORTING REQUIREMENTS FOR LABORATORIES THAT TEST FOR INFECTIOUS OR OTHER DISEASES REQUIRED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO BE REPORTED AND TO PROVIDE A CIVIL MONETARY PENALTY FOR VIOLATIONS.

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(R197, H. 4205) -- Reps. G.R. Smith, G.M. Smith, Wylie, Hutto and Viers: AN ACT TO AMEND SECTION 17‑1‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DESTRUCTION OF CRIMINAL RECORDS WHEN A CHARGE IS DISMISSED OR THE PERSON IS FOUND INNOCENT, SO AS TO PROVIDE THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO CERTAIN OFFENSES INVOLVING VIOLATIONS OF BOATING AND DRIVING LAWS, CERTAIN ENACTMENTS PURSUANT TO THE AUTHORITY OF COUNTIES AND MUNICIPALITIES, AND OTHER STATE CRIMINAL OFFENSES IF THE VIOLATOR IS NOT FINGERPRINTED; AND TO ALLOW FOR THE ELECTRONIC TRANSMISSION OF INFORMATION WITH REGARDS TO THIS SECTION.

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(R198, H. 4248) -- Reps. Horne, Allison, Daning, Long, Littlejohn, Wylie, Gunn, Ballentine, Clemmons and Loftis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑19‑117 SO AS TO REQUIRE AN INDIVIDUAL HIRED TO SERVE IN ANY CAPACITY IN A PUBLIC SCHOOL DISTRICT TO UNDERGO A CRIMINAL RECORD SEARCH BY THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO REQUIRE THE DISTRICT BOARD TO ADOPT A WRITTEN POLICY ON THE CRIMINAL RECORD SEARCHES, AND TO PROVIDE FOR TRAINING FOR APPROPRIATE DISTRICT PERSONNEL ON THE CRIMINAL RECORD SEARCHES; TO REQUIRE EACH SCHOOL DISTRICT TO PERFORM A NATIONAL SEX OFFENDER REGISTRY CHECK ON ALL DISTRICT EMPLOYEES AND ON CERTAIN VOLUNTEERS, TO PROVIDE FOR TRAINING FOR APPROPRIATE DISTRICT PERSONNEL ON APPROPRIATE USES OF THE DATABASE, AND TO REQUIRE EACH DISTRICT BOARD TO ADOPT A WRITTEN POLICY ON THE SEX OFFENDER REGISTRY CHECK; AND TO AMEND SECTION 23-3-115, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO PROVIDE FOR WAIVER OF THE FEE IMPOSED FOR A CRIMINAL RECORD SEARCH WHEN IT IS CONDUCTED ON A SUBSTITUTE TEACHER ON BEHALF OF A SCHOOL DISTRICT.

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(R199, H. 4299) -- Reps. Cooper and Owens: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2010‑2011 SCHOOL YEAR BY MAY 15, 2010; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

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(R200, H. 4347) -- Reps. Cooper and White: AN ACT TO AMEND SECTION 2‑7‑71, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX BILLS AND REVENUE IMPACT STATEMENTS, SO AS TO PROVIDE THAT THE REVENUE IMPACT STATEMENT MUST BE SIGNED BY THE CHIEF ECONOMIST OF THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD; AND TO AMEND SECTION 2‑7‑78, RELATING TO THE CERTIFICATION OF A REVENUE IMPACT OF A PROVISION FOR PURPOSES OF ITS INCLUSION IN THE ANNUAL GENERAL APPROPRIATIONS BILL AND CHANGES IN THE OFFICIAL REVENUE ESTIMATE, SO AS TO PROVIDE THAT THE REVENUE IMPACTS MUST BE CERTIFIED BY THE CHIEF ECONOMIST OF THE OFFICE OF RESEARCH AND STATISTICS AND THAT THE BOARD OF ECONOMIC ADVISORS SHALL ADJUST ITS ESTIMATES TO REFLECT THESE CERTIFICATIONS AND MAKE OTHER ADJUSTMENTS IT CONSIDERS NECESSARY IN THE FINAL VERSION OF THE ANNUAL GENERAL APPROPRIATIONS BILL.

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(R201, H. 4444) -- Rep. Umphlett: AN ACT TO AMEND SECTION 50‑5‑1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH, INCLUDING WEAKFISH CYNOSCION, SO AS TO PROVIDE THAT A PERSON ONLY MAY TAKE OR POSSESS ONE, RATHER THAN TEN, SUCH WEAKFISH IN ANY ONE DAY.

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(R202, H. 4511) -- Reps. Clyburn, Harrison, Wylie, Bales, Brantley, Cobb‑Hunter, Ott, Hosey, Hodges, Battle, Whipper, Alexander, Gilliard, Kennedy, Skelton, Jefferson, Merrill, Frye, King, Anderson, J.R. Smith, McEachern, Mitchell, Rice, A.D. Young, J.H. Neal, Allen, Hardwick, Williams, Harrell, Clemmons, G.M. Smith, Vick, Bingham, Branham, H.B. Brown, R.L. Brown, Cooper, Dillard, Duncan, Gunn, Hart, Hayes, Hearn, Littlejohn, V.S. Moss, J.M. Neal, Neilson, Rutherford, Thompson, Weeks, White, Willis, T.R. Young and Loftis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 50 TO TITLE 11 SO AS TO ENACT THE “SOUTH CAROLINA RURAL INFRASTRUCTURE ACT”, TO ESTABLISH THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, AND TO PROVIDE FOR ITS GOVERNANCE, POWERS, AND DUTIES; TO AUTHORIZE THE AUTHORITY TO PROVIDE LOANS AND OTHER FINANCIAL ASSISTANCE TO A MUNICIPALITY, COUNTY, SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICT, AND A PUBLIC WORKS COMMISSION TO FINANCE RURAL INFRASTRUCTURE FACILITIES; TO ALLOW STATE APPROPRIATIONS, GRANTS, LOAN REPAYMENTS, AND OTHER AVAILABLE AMOUNTS TO BE CREDITED TO THE FUND OF THE AUTHORITY; TO AUTHORIZE LENDING TO AND BORROWING BY ELIGIBLE ENTITIES THROUGH THE AUTHORITY.

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(R203, H. 4607) -- Reps. Sandifer, Huggins, Ott, Hutto, Howard, Anderson, Gambrell, Rice, Hayes, Erickson, Bedingfield, Lowe, Brady, G.A. Brown, Pinson, Bowers, Toole, Crawford, Bales, Mack, Allison, Parker, Mitchell, Long, Viers, Sellers, Sottile, Forrester, Horne, Clemmons, Simrill and Cole: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37‑2‑308 SO AS TO DEFINE NECESSARY TERMS AND PROVIDE PROCEDURES THAT MUST BE FOLLOWED BY MOTOR VEHICLE DEALERS IN ADVERTISEMENTS MADE IN THE COURSE OF SOLICITING FOR THE SALE OR LEASE OF MOTOR VEHICLES; AND TO AMEND SECTION 37‑6‑108, AS AMENDED, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO PROVIDE PENALTIES FOR MOTOR VEHICLE DEALERS WHO VIOLATE THE PROVISIONS OF SECTION 37‑2‑308.

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(R204, H. 4700) -- Rep. Hayes: A JOINT RESOLUTION TO PROVIDE FOR AN ADVISORY REFERENDUM TO BE HELD AT THE SAME TIME AS THE 2010 GENERAL ELECTION TO DETERMINE WHETHER OR NOT THE QUALIFIED ELECTORS OF DILLON COUNTY FAVOR HAVING THE DILLON COUNTY BOARD OF EDUCATION ELECTED.

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(R205, H. 4823) -- Reps. Cooper, Owens, J.R. Smith and Loftis: A JOINT RESOLUTION TO SUSPEND THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION PROVIDE PRINTED COPIES OF 2010 DISTRICT AND SCHOOL REPORT CARDS; TO REQUIRE A SCHOOL DISTRICT OR SCHOOL WITHIN THE DISTRICT TO PROVIDE PARENTS WITH A LINK TO THE REPORT CARDS VIA EMAIL OR OTHER COMMUNICATION METHODS UPON CERTAIN CONDITIONS; TO REQUIRE THE DEPARTMENT TO SUSPEND WRITING ASSESSMENTS FOR CERTAIN GRADES, AND TO PROVIDE THAT WRITING ASSESSMENTS MAY NOT BE USED IN GROWTH CALCULATIONS; TO SUSPEND THE REQUIREMENT THAT SCHOOLS ADVERTISE THE DISTRICT AND SCHOOL 2010 REPORT CARD, BUT TO REQUIRE RESULTS TO BE PROVIDED TO AN AREA NEWSPAPER OF GENERAL CIRCULATION; TO ALLOW HIGH SCHOOLS TO OFFER STATE‑FUNDED WORKKEY ASSESSMENTS TO CERTAIN STUDENTS; TO PROVIDE FOR A ONE‑YEAR GRACE PERIOD FOR CERTAIN RECIPIENTS OF A SOUTH CAROLINA TEACHER LOAN, AND TO REQUIRE THE SOUTH CAROLINA STUDENT LOAN CORPORATION TO DEVELOP FORMS AND PROCEDURES TO IMPLEMENT THE GRACE PERIOD; TO DIRECT SAVINGS FROM CERTAIN PROVISIONS OF THIS ACT; AND TO REQUIRE THE DEPARTMENT TO CONVENE A TASK FORCE TO CONSIDER END‑OF‑COURSE ASSESSMENTS FOR FEDERAL ASSESSMENT PURPOSES.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**DEBATE INTERRUPTED**

S. 1057 -- Senators Alexander, Courson, Davis, Knotts, Grooms and McGill: A BILL TO AMEND SECTION 12‑6‑3622 OF THE 1976 CODE, RELATING TO TAX CREDITS FOR A FIRE SPRINKLER SYSTEM, TO CREATE A STUDY COMMITTEE TO DEVELOP AND EXPAND THE TAX CREDIT PROGRAM; TO AMEND SECTION 6‑9‑60, RELATING TO THE ADOPTION OF CERTAIN BUILDING CODES, TO PROVIDE THAT A LOCAL GOVERNMENT MAY NOT ADOPT BY REFERENCE A BUILDING CODE FOR RESIDENCES; AND TO REPEAL SECTION 6‑9‑135.

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

**RECESS**

At 12:55 P.M., on motion of Senator LEVENTIS, the Senate receded from business not to exceed two minutes.

At 1:03 P.M., the Senate resumed.

**Amendment No. P-8**

Senators THOMAS and LEVENTIS proposed the following Amendment P-8 (AGM\18062AB10), which was tabled:

Amend the committee report, as and if amended, page 1057-2, by deleting lines 18-25 and inserting:

/ (C) A residential builder or general contractor of a one-family or two-family dwelling in a jurisdiction in which an automatic fire sprinkler system is required by the International Residential Code must inform the prospective homeowner that automatic fire sprinkler systems are available, offer the prospective homeowner the option of installing an approved automatic fire sprinkler system in accordance with the International Residential Code, and provide the prospective homeowner with a written estimate of the total cost of installing a system prepared by a licensed plumber or sprinkler contractor. This estimate must be signed by the homeowner indicating he has reviewed the bid. The residential builder or general contractor must keep a copy of the estimate for installation of the sprinkler system that has been signed by the homeowner in his records for a period of three years. The signed bids by the homeowner must be available for review by the South Carolina Department of Labor, Licensing and Regulation.

(D) A residential builder or general contractor of a one-family or two-family dwelling in a jurisdiction in which an automatic fire sprinkler system is required by the International Residential Code must inform the prospective homeowner that failure to install the sprinkler system could affect the rates for premiums chargeable for dwelling, fire, allied lines, homeowner’s, or flood insurance on the property.

(E) A multipurpose wet-pipe sprinkler system that does not include the use of antifreeze is:

(1) exempt from the provisions of Title 40, Chapter 10;

(2) considered a plumbing system for application of the provisions of Section 44-55-40(D);

(3) considered a plumbing system for application of the provisions of Title 40, Chapter 59; and

(4) considered a plumbing system for application of the provisions of Title 40, Chapter 11.

(F) A stand alone fire sprinkler system is considered a ‘fire sprinkler system’ for application of the provisions of Title 40, Chapter 10.” /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

Senator ALEXANDER argued contra to the adoption of the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. P-9**

Senator CLEARY proposed the following Amendment No. P-9 (1057R007.REC), which was tabled:

Amend the committee amendment, as and if amended, page [1057‑2], by striking lines 9-25 and inserting:

/ SECTION \_\_\_. A. Chapter 9, Title 6 of the 1976 Code is amended by adding:

“Section 6‑9‑55. (A) No building code provision that requires an automatic residential fire sprinkler system or smoke detector be installed in a new one‑family or two‑family dwelling shall be enforced.

(B) A prospective homeowner of a one‑family or two‑family dwelling in a jurisdiction in which installation of an automatic fire sprinkler system or smoke detector is required by a building code provision may choose whether to have the sprinkler system or smoke detector installed.

(C) A residential builder or general contractor of a one‑family or two‑family dwelling in a jurisdiction in which an automatic fire sprinkler system or smoke detector is required by the International Residential Code shall offer the homeowner the option of installing an approved automatic fire sprinkler system or smoke detector in accordance with the International Residential Code.

(D) To the extent that the provisions of this section conflict with any law or local ordinance, this section shall control.” /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

Senator ALEXANDER argued contra to the adoption of the amendment.

Senator LEVENTIS spoke on the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 27; Nays 8**

**AYES**

Alexander Campbell Campsen

Courson Cromer Davis

Fair Hayes Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

Massey McConnell Nicholson

O’Dell Peeler Rankin

Reese Scott Setzler

Shoopman Thomas Williams

**Total--27**

**NAYS**

Bright Bryant Cleary

Grooms Hutto *Martin, Shane*

Mulvaney Rose

**Total--8**

The amendment was laid on the table.

**Motion Adopted**

At 2:05 P.M., on motion of Senator KNOTTS, with unanimous consent, Senators KNOTTS, DAVIS and SETZLER were granted leaved to attend a meeting of the Second Congressional District and were granted leave to vote from the balcony.

**Amendment No. P-11**

Senator LEVENTIS proposed the following Amendment No. P-11 (AGM\18065AB10), which was tabled:

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

/ (\_\_\_) If a builder constructs a home in anticipation of selling it to an unknown homebuyer, the builder shall install an approved automatic fire sprinkler system where required by the International Residential Code. /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

Senator LEVENTIS moved that the amendment be adopted.

Senator ALEXANDER spoke on the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

The amendment was laid on the table.

**Amendment No. P-7A**

Senators CLEARY and RANKIN proposed the following Amendment No. P-7A (1057R006.REC), which was tabled:

Amend the committee amendment, as and if amended, page [1057‑2], by striking line 26 and inserting:

/ B. This section takes effect January 1, 2011, however, the provisions of this section expire on January 1, 2013 and are repealed as of this date. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

Senator ALEXANDER argued contra to the adoption of the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 24; Nays 9**

**AYES**

Alexander Campbell Courson

Davis Fair Grooms

Hayes Hutto Jackson

Knotts Leatherman Lourie

Malloy *Martin, Larry* McConnell

Mulvaney Nicholson O’Dell

Peeler Reese Scott

Setzler Shoopman Williams

**Total--24**

**NAYS**

Anderson Bright Campsen

Cleary Cromer Leventis

*Martin, Shane* Massey Rose

**Total--9**

The amendment was laid on the table.

**Statement by Senator McCONNELL**

While Amendment No. P-7A held off the mandate for two years, it would have automatically put on the mandate without a vote of the General Assembly. Thus, the amendment created a mandate, in my opinion, without a further vote of the elected representatives of the people.

**Amendment No. P-3A**

Senator THOMAS proposed the following Amendment No. P-3A (AGM\18060AB10), which was adopted:

Amend the report of the Committee on Finance, as and if amended, page [1057-2], after line 26, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Section 58‑5‑30 of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

“Section 58‑5‑30. Except as provided in Article 23, Chapter 9 ~~of~~, Title 58, and Section 58-5-390, nothing contained in Articles 1, 3, and 5 of this chapter shall give the commission or the regulatory staff any power to regulate or interfere with public utilities owned or operated by or on behalf of any municipality or regional transportation authority as defined in Chapter 25 of this title or their agencies.” /

Renumber sections to conform.

Amend title to conform.

Senator THOMAS explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

The amendment was adopted.

**Recorded Vote**

Senator MULVANEY desired to be recorded as voting against the adoption of Amendment No. P-3A.

The question then was the adoption of the committee amendment, as perfected.

The Committee on Finance proposed the following amendment (1057FIN001), which was adopted:

Amend the bill, as and if amended, page 1, by striking SECTION 1 and inserting:

/ SECTION 1. Section 12‑6‑3622 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( )(1) The General Assembly shall appoint a study committee to develop new strategies to increase participation in the tax credit program by all local taxing entities, and to review and make recommendations for increasing the installation of interconnected hard‑wired smoke alarms. The study committee shall make a report of its findings to the General Assembly no later than January 30, 2011. The committee shall dissolve upon the date of its report.

(2) The study committee shall be composed of six members. Three members shall be appointed by the President Pro Tempore of the Senate and three members appointed by the Speaker of the House of Representatives. The study committee must be composed of a representative of the South Carolina Fire Sprinkler Association, a representative of the South Carolina Home Builders Association, a representative of the South Carolina Association of Counties, and a representative of the Municipal Association of South Carolina.

(3) Members of the study committee shall serve without any compensation for per diem, mileage, and subsistence.” /

Amend the bill further, as and if amended, page 2, by striking SECTION 2.

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

/ SECTION \_\_\_. A. Chapter 9, Title 6 of the 1976 Code is amended by adding:

“Section 6‑9‑55. (A) No building code provision that requires an automatic residential fire sprinkler system be installed in a new one‑family or two‑family dwelling shall be enforced.

(B) A prospective homeowner of a one‑family or two‑family dwelling in a jurisdiction in which installation of an automatic fire sprinkler system is required by a building code provision may choose whether to have the sprinkler system installed.

(C) A residential builder or general contractor of a one‑family or two‑family dwelling in a jurisdiction in which an automatic fire sprinkler system is required by the International Residential Code shall offer the homeowner the option of installing an approved automatic fire sprinkler system in accordance with the International Residential Code.

(D) To the extent that the provisions of this section conflict with any law or local ordinance, this section shall control.”

B. This section takes effect January 1, 2011. /

Renumber sections to conform.

Amend title to conform.

The committee amendment, as amended, was adopted.

**Motion Adopted**

At 3:05 P.M., on motion of Senator CAMPSEN, with unanimous consent, Senators CAMPSEN, CLEARY, SCOTT and ROSE were granted leaved to attend a subcommittee meeting and were granted leave to vote from the balcony.

**Amendment No. 1**

Senator LEVENTIS proposed the following Amendment No. 1 (1057LEVENTISWARNING), which was tabled:

Amend the committee amendment, as and if amended, by adding a appropriately lettered subsection to Section 6-9-55, on page [1057-2] after line 25, to read:

/ ( ) After January 1, 2011, on or around all homes constructed without automatic residential fire sprinkler systems that, except for the operation of this Section, would be required to have been constructed with such system, there must be displayed a sign or symbol identifying the homes as not meeting the International Residential Code requirements for fire safety. The signs or symbols must be made in a standard manner to inform responding fire fighters that the home does not meeting the International Residential Code requirements for fire safety and must be conspicuously positioned where they are most likely to be seen by responding fire fighters. /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

Senator O'DELL moved to lay the amendment on the table.

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

**Ayes 28; Nays 2**

**AYES**

Alexander Bright Campbell

Campsen Courson Cromer

Davis Fair Grooms

Hayes Jackson Knotts

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell Mulvaney Nicholson

O’Dell Peeler Rose

Scott Setzler Shoopman

Williams

**Total--28**

**NAYS**

Cleary Leventis

**Total--2**

The amendment was laid on the table.

**Amendment No. 2**

Senator LEVENTIS proposed the following Amendment No. 2 (1057LEVENTISNOTICE), which was tabled:

Amend the bill, as and if amended, by adding a appropriately lettered subsection to Section 6-9-55, on page [1057-2] after line 25, to read:

/ ( ) After January 1, 2011, on or around any home with automatic residential fire sprinkler systems must display a sign or symbol identifying the home as having an automatic residential fire sprinkler system. The signs or symbols must be made in a standard manner to inform responding fire fighters that the home has an automatic residential fire sprinkler system and must be conspicuously positioned where it is most likely to be seen by responding fire fighters. /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 25; Nays 3**

**AYES**

Alexander Bright Campsen

Courson Cromer Davis

Fair Grooms Hayes

Jackson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McConnell Mulvaney

Nicholson O’Dell Peeler

Rose Scott Setzler

Shoopman

**Total--25**

**NAYS**

Campbell Knotts Leventis

**Total--3**

The amendment was laid on the table.

Senator LEVENTIS spoke on the Bill.

**Amendment No. 3**

Senator LEVENTIS proposed the following Amendment No. 3 (AGM\18067AB10), which was ruled out of order:

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

/ SECTION \_\_\_. Section 42‑7‑65(2) of the 1976 Code is amended to read:

“(2) for all voluntary firemen of organized voluntary rural fire units and voluntary municipal firemen, ~~thirty‑seven and one‑half~~ sixty‑six percent of the average weekly wage in the State for the preceding fiscal year and, notwithstanding another provision of law, for all professional firemen from sixty-six percent to one hundred percent of the average weekly wage in the State for the preceding fiscal year;” /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

**Point of Order**

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

Senator LEVENTIS spoke on the Point of Order.

The PRESIDENT *Pro Tempore* sustained the Point of Order.

Amendment No. 3 was ruled out of order.

**Amendment No. 4**

Senator LEVENTIS proposed the following Amendment No. 4 (BBM\9769HTC10), which was tabled:

Amend the committee report, as and if amended, in Section 6-9-55, page 1057-2, by adding an appropriately lettered subsection at the end to read:

/ ( ) Nothing in this section prohibits a local jurisdiction from adopting the latest edition of the International Residential Building Code. /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

Senator ALEXANDER argued contra to the adoption of the amendment.

Senator ALEXANDER moved to lay the amendment on the table.

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

**Ayes 23; Nays 4**

**AYES**

Alexander Bright Campbell

Campsen Courson Cromer

Davis Fair Grooms

Jackson Knotts Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* McConnell Nicholson

O’Dell Peeler Rose

Setzler Shoopman

**Total--23**

**NAYS**

Cleary Hutto Leventis

Massey

**Total--4**

The amendment was laid on the table.

There being no further amendments, the question then was the second reading of the Bill.

Senator LEVENTIS spoke on the Bill.

**Point of Quorum**

At 4:05 PM., Senator CLEARY made the point that a quorum was not present. It was ascertained that a quorum was present.

The Senate resumed.

Senator LEVENTIS resumed speaking on the Bill.

**Parliamentary Inquiry**

Senator KNOTTS made a Parliamentary Inquiry as to whether the quorum was based on those Senators present in the Chamber.

The PRESIDENT *Pro Tempore* stated that a quorum is considered a majority of the membership.

Senator LEVENTIS resumed speaking on the Bill.

**Call of the Senate**

With Senator LEVENTIS retaining the floor, Senator KNOTTS moved, with unanimous consent, that a Call of the Senate be made. The following Senators answered the Call:

Alexander Bright Campbell

Campsen Cleary Courson

Cromer Davis Fair

Grooms Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

Nicholson O’Dell Peeler

Rose Scott Setzler

Shoopman

A quorum being present, the Senate resumed.

**Objection**

At 4:19 P.M., with Senator LEVENTIS retaining the floor, Senator LEATHERMAN asked unanimous consent to make a motion that the Senate stand adjourned.

Senator SHANE MARTIN objected.

Senator LEVENTIS resumed speaking on the Bill.

At 4:20 P.M., Senator LEVENTIS moved that the Senate stand adjourned.

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

**Ayes 19; Nays 9**

**AYES**

Alexander Campsen Cleary

Courson Cromer Fair

Grooms Hutto Jackson

Leatherman Leventis Malloy

*Martin, Larry* McConnell Nicholson

O’Dell Peeler Scott

Setzler

**Total--19**

**NAYS**

Bright Campbell Davis

Knotts Lourie *Martin, Shane*

Massey Rose Shoopman

**Total--9**

Debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senator JACKSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. Ava Austin of Columbia, S.C., beloved wife of former Columbia, S.C., Chief of Police Charles Austin, devoted mother to Charles Jr., Charnequa Austin Kennedy and Dr. Chandra Yvette Austin and a doting grandmother.

and

**MOTION ADOPTED**

On motion of Senator LEVENTIS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Leila Brown Anderson Martin Corbett, beloved mother-in-law of Senator ELLIOTT and mother of his wife, Anne. Born in Lee County, she had been a devoted employee of Ginsberg’s Ladies Shop in Bishopville for 63 years.  She will be remembered by all as a lovely, kind woman who was always a delight to visit with.  Mrs. Corbett was a cherished daughter of Lee County and, having resided in Morningside Residential Care over the past three years, Sumter County was proud to call her ours as well.  She will be deeply missed by her family, her friends, and all who had the special pleasure of knowing her.

**ADJOURNMENT**

At 4:20 P.M., on motion of Senator LEVENTIS, 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.

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