**Wednesday, February 8, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

 The Senate assembled at 11:45 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 writes:

 “Be strong, and let your heart take courage, all you who wait for the Lord.” (Psalm 31:24)

 Let us pray:

 It is indeed a given, O Lord: that to be a leader in this day and time one must truly be strong: strong in character, in determination, in passion for the well-being of the people one serves. We pray that each of these Senators will be like that, and that their strength and their courageous hearts will lead to wise decisions for this State and for her people. Indeed, that is our prayer for all of our elected officials serving South Carolina, whatever their role, whatever their personal responsibilities. And, as always, Gracious God, may the glory be Yours. In Your name we pray, dear Lord.

Amen.

**Motion Adopted**

 On motion of Senator LARRY MARTIN, with unanimous consent, the Senate agreed that, at the conclusion of the Joint Assembly the Senate would stand in recess until 1:45 P.M.

**Committee to Escort**

 The PRESIDENT appointed Senators COLEMAN, MALLOY, LARRY MARTIN, RANKIN and SHEHEEN to escort the Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court, and members of her party to the House of Representatives for the Joint Assembly.

**RECESS**

 At 11:55 A.M., the Senate receded from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Chief Justice of the South Carolina Supreme Court**

 At 12:00 Noon, the Senate appeared in the Hall of the House.

 The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of H. 3514, a Concurrent Resolution adopted by both Houses.

 The Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court, and members of her party, were escorted to the rostrum by Senators COLEMAN, MALLOY, LARRY MARTIN, RANKIN and SHEHEEN and Representatives McCoy, McLeod, Sabb, Thayer and Brannon.

 The PRESIDENT introduced the Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court.

 Chief Justice Toal addressed the Joint Assembly as follows:

**State of the Judiciary
Address by the Honorable Jean Hoefer Toal
Chief Justice of South Carolina**

 What a grand honor it is for the twelfth time to address you as your Chief Justice and report on the state of the South Carolina Judiciary. I attempt to do two things with this address: (1) to give you a ground level look at where our system stands and what might be done by means of improving on the considerable progress that we have made over the last twelve years, and (2) to travel up to about thirty thousand feet and look at court systems in the states and relate that to where we are in the global market economy and how the courts fit into the progress we want to make best.

 Let me begin with a tribute to a legend, a giant in South Carolina, who has gone, Matthew Perry. He began his life in an atmosphere where opportunities were very limited for much of our population and with a brilliant mind, a backbone of steel, a melodious voice, and a gentle and decent approach to one and all, he achieved great personal greatness. He brought South Carolina just as firmly into the twenty-first century as if he had led every hand. We will miss him.

 South Carolina courts had as a core mission to provide a fair, efficient forum for the resolution of disputes. That is the business that we are in, but economic development is very impacted by the ability of the Judicial Branch to fairly and timely resolve disputes. It is a highly important factor in economic development, as I am learning more and more as I interact with South Carolina and American business leaders, on the importance of the courts here and abroad. Here in South Carolina, the South Carolina Business Courts have been an important dimension of indicating to the business community that business to business disputes involve the protection of disputes about intellectual property, copy rights, trademarks, contracts, and other things that are the baseline of the ability to develop in an atmosphere of stability, of products and marketing them; which was a significant consideration to the influx of such businesses as Amazon, BMW, Boeing, Bridgestone, Firestone, Continental Tires, Michelin and the many others who are now looking with new eyes to make an investment in South Carolina. Your court system as I have come to understand, through many contacts of pre-location, is a very important investment for you to make in the stability of South Carolina. Our approach in the South Carolina Judicial Department focuses on technology, business models, and processes and management techniques to achieve the results of efficiencies, consistencies and better organization. But our system is in trouble. Our circuit caseload, which is a benchmark of where we sit in our ability to hear cases in South Carolina, is now in the bottom of national ranking. This means that the national average of judges per 100,000 is 3.1. We are at 1.0 and the national average of filings per general level trial judge in the United States state court systems is seventeen hundred and ninety-one. This year we passed the 5,000 mark per judge. When I first became your Chief Justice, we were in the 3,000 mark. So despite the many efficiencies that we have put in place to try to move cases and eliminate backlogs in both circuit and family court, the filings are continuing to increase. We must now look at new investment in Judicial personnel for South Carolina.

 At quick look at our funding sources, when I became Chief of Justice in 2000, that year it took about forty-six million dollars plus to run the Judicial Department, and almost all was general revenue money. Today, it takes about sixty-three million dollars to run the Judicial Department and of that amount, about sixty percent is general appropriation money, with the rest being state fees and a short wedge of federal funds which will be dissipating shortly. As I have explained last year and you responded, I have a plan as to how to sustainably replace the fund without tapping into general revenue funds. But the budget request, this year on the recurring funds side, is to replace what is known as the Burnie Maybank aggressive enforcement of taxation, one time money, with permanent recurring funding of our travel; that is the ability to take the few judges we have and put them where they are needed around the State. Our annual technology equipment replacement and licensing fund -- we have not asked to recur this before -- but as we run short of federal monies for the next two years, we are going to be asking for recurring funds here to be sure the system that has been built is sustainable.

 And finally, General Services does not have the money to repair the Calhoun Building adequately and I have provided some of that money from savings of the Judicial Department because we occupy that building entirely now, including our data center, which serves all of the counties of South Carolina with our case management. The center piece of what I am suggesting to you this year is new judges, three new circuit court judges and six family court judges. This is my proposal. I realize that you may not be able to do that and I understand there is very constructive conversation taking place in Ways and Means about how this could be done. Family Court is a huge priority, as people are hurting and desperate in our family court system because of the huge volume of cases and their inability to get their disputes heard. One out of every five days -- a family court is taken up collecting child support, most of which does not go to the custodial parents -- but goes to the Department of Social Services as a refund for the plaintiff money that is provided to indigent custodial parents. I am doing a lot with our Family Court system to collect for the Department of Social Services. Real people who need help suffer because we don't have the Family Court time for them.

 On the non-recurring side would be some startup costs for our new judges and staff and the completion of our technology by centralizing our courts statistics, which is really the key to being able to manage where the cases are and how to keep them moving. Case management hosting of municipalities is the only part of this grassroots court system that is not completely automated. An upgraded architecture for other trial court applications is needed as we become more sophisticated about how we manage these cases.

 The new dimension, though, is electronic filing. You may recall that last year, this General Assembly invested five million dollars to begin to develop electronic filing which would mean that every court in the State could file papers, pleadings, and other things electronically, and be accessed by everybody on our internet base system. This would be an enormous savings to people who use the courts. We had to develop a stable database in the attorney community. I took that program from the South Carolina Bar Association and used Judicial Department resources, and from our technology folks developed this system, now in place. That is the platform on which we will begin shortly to build the electronic system. You will still be able to file on paper. I guarantee that most people find electronic filing allows them 24/7 access with the court system and in a form a lot less expensive in the final analysis than the old paper and delivery method.

 When completed, this e-filing system will also be a funding source for our technology. It will replace that column of federal money that I talked to you about with monies generated, not from general revenue funds, but from electronic filing. Here is the reason why, ordinarily states simply pick a vendor and build an electronic filing system. The vendor is paid the fees that it takes to file, and that is how they make their money. Our technology group on staff will build this system and we will own it. Fees generated will go right back into the technology system and that is how I proposed last year, when I spoke to Ways and Means and to Finance, to fund the absence of technology federal funds. We believe that we have a sustainable project and technology is certainly the key to not spending any more than you have to in terms of new judicial personnel. The technology road map is and has been the hallmark, and I have talked about this issue a lot as I have come before you every year. I am proud to announce that as of June of this year every county in South Carolina is now live on the case management system and it is not owned by some software company out there or communicated with by its users of Peggy through Alaska. This program is owned by us, a South Carolina created and owned case management system that we run, staff, and support 24/7 with call centers and the like. Of the forty-six counties, thirty-two are hosted here in Columbia and are not hosted on their county servers. Counties were suspicious of that at first, but now see the South Carolina Court system as the gold standard for a system transparent, maintained, and from which they can get the kind of service they never got from the vendors when they all had to get their own systems. My guess is that before it is all over, most of the remaining counties will probably be hosted by the Judicial Department. This is a true statewide system that I would put up against any other automation project that you have ever talked about for any other aspect of state government.

 We are very proud of how this project has proceeded. The crown of this project is to automate our appellate system, which we are doing now. It is way into development and we will begin to roll it out in April and the entire appellate system will be automated by November with public access to briefs, records, and everything that goes on in the appellate system. I think this will be an enormous benefit, not just for judges, lawyers and public officials, but for the many average South Carolinians that want to see what goes on with these cases and understand how it affects their disputes in court.

 LT Court Tech has been a great partner, a company that is the most recognized in the country for appellate case management, and I played off a very successful program in Oregon, Washington and other states to design the one that we have in the Judicial Department. Docket management is another key thing that we have to look at and see how we can be more effective about managing the dockets. Kay Hearn has headed up this past year a project to look at court operations in our three big statewide trial dockets: Family Courts, Circuit Court, Common Pleas (civil) and Circuit Court General Dessions (criminal). We are going to have a lot of recommendations in task forces headed by Costa Pleicones for General Sessions, Daniel Pieper for Common Pleas and Aphrodite Konduros for Family Court. Among those, of course, will be additional judges and staff. We also want to develop some additional programs to fast track jury trials and to try to redesign how General Sessions operates. For twelve years, I have begged the solicitors of this State to bring a more standardized and effective management of General Session cases. We are still very behind on all of these dockets, and we are the only State in the Union where the solicitors manage the docket. I don't wish to pick a fight with anybody, but the day has come and gone when we can have a horse and buggy way. Violent crimes go unprosecuted, county jails fill up with people who have not been tried, and justice is simply not served by the enormous backlogs on the General Session side. So, as a court and I as your Chief, some strong consideration to a different approach as to how to manage General Session cases. You may yourselves be involved in what the final rules of the road may be, and we cannot tolerate any more of the backlogs in this part of the system.

 We certainly want to use backup case docking so that if a case breaks down, you have one that files right behind it. This takes some standardized management, and we are committed to making this happen with a lot of good advice from clerks of courts, lawyers, judges, law enforcement, social service agencies -- have a broad group of people involved in seeing how we can redesign the way that we do business in these big dockets.

 Mandatory mediation is something that we need to look at very seriously, and it needs to begin in Family Court. Families are broken. The adverse nature of custody and visitation decisions create a battle between two different sides. Mediation would bring some peace to these kinds of desperate family difficulties without having the adversarial process. We need to allot great time for complex cases that are a part of this jammed up docket that -- complicated cases don’t have their due in the system.

 The Business Court Pilot has now been extended. I am using it in Charleston, Greenville and Richland with three great Circuit Court judges who have taken special training to try these business to business disputes. It gets them out of the regular docket, leaving more time on that docket for cases. It also gives beginning to end management. We hope that our business court will begin to look like the ones that are so acclaimed like the Delaware Chancery Court and the North Carolina Business Court. These are the models which we are focusing on. We have concentrated on self help for pro se litigates. This terrible economic time has deprived a lot of good hardworking South Carolinians who hold regular jobs, but cannot afford to pay for legal representation which has forced them into going to court and trying to represent themselves. This is a tough, tough proposition for many of them, and legal aid money is simply not there. So we are experimenting in Newberry, as we set up this self help center in July, and have already served over 50 clients. The vast majority has income levels of $21,000 or less. You can imagine how little there is in the budget for private representation. We are not taking the bread out of anybody’s mouth, and I can assure you we are providing lawyers, who are volunteers, and college students, to help these folks with model pleadings and forms to navigate in self-represented fashion with the complexity of the court system.

 Civics education continues to be a very important part of what we have a duty to do as the court system of South Carolina. I frankly think that the absence of mandatory civics education in South Carolina’s school-age curriculum is a terrible, terrible blow to the ability of citizens to understand what their government is and participate in it. I am proud to tell you that South Carolina was ranked as an “A” rating when it comes to teaching students “American History”. Our courts’ involvement has helped to strengthen that considerably. Most states are rated mediocre to awful and South Carolina’s rating is something that we can all be very proud of. Our court-initiated programs included a class-action program where students study our cases and come to the Supreme Court. Graphic novels, which target 7th and 8th graders, use the graphic novel format which is so popular with children now. Formerly known as Superman and other comic books are today known as graphic novels. But we have developed some that have the stories of real life cases and how they are perceived through the Court System. It is a great teaching tool, and in fact, I am asking myself why we limit this to children. Therefore, we have added them to our self-help centers, plan to distribute around to public areas, and teach them about the court system. Our civics, the wonderful partnership with Justice Sandra Day O’Conner, uses an interactive video game media developed by George Lucas and Steven Spielberg to teach and primarily target middle and high school students to teach them through a game format. They now have nine games that use court themes, legislative themes and executive themes. These children get points for interacting based on what they know, learn about how government operates, and it is a wonderful teaching tool. Our summer Supreme Court Institute teaches teachers how to use this new media, which is for more than just civics in the Sandra Day O’Connor Project. This is also an outreach to the teaching community to participate in teaching new media to others who are teaching our children. It is an absolute, tremendous honor for Sandra Day O'Connor to have personally presented me, on the behalf of the State, with the Sandra Day O’Connor Civics Education Award. I would like to now introduce you to a real South Carolina hero, Rosalyn Frierson. She began her career in these halls as a budget analyst at the South Carolina House of Representatives Ways and Means Committee after receiving a distinguished business and accounting degree from the University of South Carolina. Now Rosalyn has become our Director of Court Administration. This year, she is President of the National Conference of State Court Administrators and Vice Chair of the Board of Directors of the National Center for State Courts. She has just finished a two-year executive leadership program at Harvard University. Her thesis will be published shortly. She sets the gold standard nationally and is recognized. I am very proud to recognize this great court director, Rosalyn Frierson.

 Now if I might, let me take us up to that mythical 40,000 feet for a minute. I would argue that the United States commitment to the rule of law be compared with nations taking steps toward democracy, whether it is in the middle east, the former Soviet Union, or the nations of this hemisphere. I would project that our commitment to the rule of law most heavily influences the role of the court systems around the world. Our commitment to the rule of law, particularly the liberties enshrined in our Constitution, is exceptional even when compared with our democratic friends and allies like Great Britain, which has much title restriction on the release of government information or other nations of Western Europe that are still struggling with their economy. More than any other country on the planet, the United States upholds basic liberties because they are etched in our founding documents and stitched in to the fabric of our national tapestry. Because of our faith in the market place of ideas, in the common sense of our fellow citizens, our commitment to the rule of law and basic liberties does not just improve the quality of our lives. I would submit it enhances our capacity to grow and prosper economically. Those nations that are still in transition will come to learn that until they have a rule of law, businesses cannot be sure that they can enforce their contracts. Until their intellectual property is protected, its citizens are not free to speak their minds, and those nations will never reach their full potential. Russia, for example, is a great case in point. Twenty years after the fall of the Soviet Union, Russia is in the midst of pursuing its stated aspiration of becoming a prosperous democracy that has integrated into the West. It continues to struggle in following their so called Parliamentary Elections and the reluctance of a lot of companies to invest in their economy. A similar concern of high tech industries is to invest in their economy. Pragmatic business women and men want to invest where they can expect a reasonable return and an absolute assurance that the legal system in the country that they are investing in will provide “due process”. Businesses that consider investing in a country with a poor record of internet freedom -- protection of the property of the corporations -- they are not any different than the Somali pirates, in terms of their attractiveness to investment. This is one of the many reasons why a recent report from Boston Consulting Group concluded that by sometime around 2015 many goods destined for North American consumers and manufactured in some parts of the United States will be just as economical as goods manufactured in China.

 When I attended the Conference of Chief Justices a week and a half ago, top leaders from DuPont, Ford, Intel, Masterlock and others spoke to us about the importance of State Courts. Ellen Kullman, the current CEO of DuPont Corporation, put it best by saying, “...We are insourcing now. We are coming back because global economy, jobs and progress through the free market depends on consistent and stable Court Systems.” Outsourcing has now become insourcing. The protection of property that is needed whether you are a pharmaceutical company or DuPont, folks who have thought a less than expensive way to create manufactured goods and value are now realizing that the stability of the American market place and its Court System are major reasons to come back home. So an American Court System and its fair and consistent enforcement of the rule of law are the bedrock of the American economy progress. You cannot make a better investment as a General Assembly than to support our fine Court System here in South Carolina. Nationally recognized, we continue to be your partner in making South Carolina achieve its real goals.

 So now I will finish with Patrick, as I always do. There he is living the dream as a ball kid for his father’s alma mater, the George Washington Colonials. He is the young man that we are all working for in order to create the kind of world in which he and others can thrive, prosper and make the next inventions for the betterment of progress and humankind -- of which we can only dream. I am honored beyond what I can say to be your partner as we move South Carolina forward. God Bless.

 The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

 At 12:35 P.M., the Senate resumed.

 At 12:35 P.M., by prior motion of Senator LARRY MARTIN, the Senate receded until 1:45 P.M.

**AFTERNOON SESSION**

 The Senate reassembled at 1:45 P.M. and was called to order by the PRESIDENT.

**Point of Quorum**

 At 2:02 P.M., Senator LARRY MARTIN made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

 Senator LARRY MARTIN moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander Anderson Bright

Bryant Campbell Campsen

Courson Cromer Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

 A quorum being present, the Senate resumed.

**Recorded Presence**

 Senators FORD and CLEARY recorded their presence subsequent to the Call of the Senate.

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

**MESSAGE FROM THE GOVERNOR**

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

**Local Appointments**

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

Edith S. Knuckles, 107 Iris Lane, Gaffney, SC 29341

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

Mary Graham Moore, 105 Hampton Drive, Gaffney, SC 29341

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

Barbara B. Shackleford, 169 Sarratt Creek Road, Gaffney, SC 29341

Initial Appointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

 Elease H. Fulton, 12647 Raccoon Road, Manning, SC 29102 *VICE* Russell Miller

Initial Appointment, Colleton County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Sophia T. Henderson, 1145 Oakman Branch, Walterboro, SC 29488

**Doctor of the Day**

 Senator DAVIS introduced Dr. H. Tim Pearce of Beaufort, S.C., Doctor of the Day.

**Leave of Absence**

 On motion of Senator COURSON, at 11:45 A.M., Senator McCONNELL was granted a leave of absence for today.

**Leave of Absence**

 At 5:00 P.M., Senator RYBERG requested a leave of absence for Thursday, February 9.

**CO-SPONSORS ADDED**

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

S. 836 Sen. Cromer

S. 1038 Sen. Gregory

**CO-SPONSOR REMOVED**

The following co-sponsor was removed from the respective Bill:

S. 304 Sen. Rose

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 1190 -- Senators Rose, Grooms, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Gregory, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A SENATE RESOLUTION TO DECLARE THE WEEK OF FEBRUARY 13-19, 2012, AS COACH JOHN MCKISSICK WEEK IN HONOR OF BEING NAMED THE DON SHULA NFL HIGH SCHOOL COACH OF THE YEAR.

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 Whereas, Summerville High School Athletic Director and football coach John McKissick has been named the Don Shula NFL High School Coach of the Year; and

 Whereas, Dorchester County, the Town of Summerville, and Dorchester School District Two are declaring the week of February 13‑19, 2012, as “Coach John McKissick Week”; and

 Whereas, Coach McKissick, who has more coaching victories under his belt than any other football coach at any level, was announced as the winner of the prestigious award at a press conference held at the NFL Motorola Super Bowl Media Center in Indianapolis; and

 Whereas, former Miami Dolphins coach Don Shula, the winningest coach in NFL history, presented the award; and

 Whereas, Coach McKissick, who recently completed his 60th season as the head football coach for Summerville High School, was nominated for the award by the Carolina Panthers; and

 Whereas, created in 2010, the award honors exemplary high school football coaches who display the integrity, achievement, and leadership demonstrated by the winningest coach in NFL history, Don Shula; and

 Whereas, Coach McKissick, who has compiled a career record at Summerville of 594‑143‑13, winning 10 state championships along the way, was in attendance as an NFL guest at the Super Bowl XLVI game on Sunday, February 5, 2012; and

 Whereas, each finalist for the award received a $2,500 cash award and a $5,000 grant for their high school football program. As the national Shula Award recipient, Coach McKissick received a $10,000 cash award and a $15,000 grant; and

 Whereas, the selection panel for the award included some NFL heavyweights, as well as recognizable personalities from other walks of life. Panel members included Shula, NFL Commissioner Roger Goodell, Tony Dungy, John Madden, Art Shell, IBM Board Chairman Sam Palmisano, and former Secretary of State Condoleezza Rice; and

 Whereas, the South Carolina Senate is grateful for the pride and recognition that Coach McKissick has brought to his school, to his community, and to our great State. Now, therefore,

 Be it resolved by the Senate:

 That the members of the Senate, by this resolution, declare the week of February 13-19, 2012, as Coach John McKissick Week in South Carolina in honor of being named the Don Shula NFL High School Coach of the Year.

 Be it further resolved that a copy of this resolution be forwarded to Coach John McKissick and Summerville High School.

 Senator ROSE spoke on the Resolution.

 The Senate Resolution was adopted.

 S. 1191 -- Senator Peeler: A CONCURRENT RESOLUTION TO DECLARE FEBRUARY 17, 2012, AS AN ANNUAL DAY OF COMMEMORATION IN THE STATE OF SOUTH CAROLINA TO REMEMBER THE BURNING OF COLUMBIA BY UNION GENERAL WILLIAM T. SHERMAN.

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

 S. 1192 -- Senator Peeler: A CONCURRENT RESOLUTION TO CONGRATULATE LOCKHART POWER COMPANY UPON THE CELEBRATION OF ONE HUNDRED YEARS OF SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

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

 S. 1193 -- Senator Rose: A BILL TO AMEND CHAPTER 112, TITLE 59 OF THE 1976 CODE, RELATING TO TUITION OF POST SECONDARY EDUCATIONAL INSTITUTIONS, BY ADDING SECTION 59-112-117 TO LIMIT THE AUTHORITY OF THE GOVERNING BOARD OF AN INSTITUTION TO INCREASE TUITION AND FEES ABOVE A RATE CALCULATED BY THE CONSUMER PRICE INDEX AND THE STATE POPULATION GROWTH, AND TO REQUIRE A REDUCTION IN STATE FUNDS FOR THE INSTITUTION FOR ANY AMOUNT ABOVE THIS RATE UNLESS APPROVED BY THE GENERAL ASSEMBLY.

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

 S. 1194 -- Senator Gregory: A BILL TO AMEND SECTION 50-13-625, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TAKING OF NONGAME FISH, THE USE OF GAME FISHING DEVICES, AND THE USE OF FISHING DEVICES BY A FISHERMAN FISHING FROM A BOAT, SO AS TO PROVIDE THAT A FISHERMAN FISHING FROM A BOAT IS LIMITED TO USING SIX GAME FISHING DEVICES IF ALL PERSONS IN THE BOAT OLDER THAN SIXTEEN YEARS HAVE VALID FISHING LICENSES.

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

 S. 1195 -- Senator Fair: A BILL TO AMEND SECTION 63-17-2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENTITIES REQUIRED TO PROVIDE INFORMATION TO THE DEPARTMENT OF SOCIAL SERVICES FOR THE PURPOSE OF ESTABLISHING, MODIFYING, AND ENFORCING CHILD SUPPORT OBLIGATIONS, SO AS TO ALSO REQUIRE THESE ENTITIES TO PROVIDE THIS INFORMATION TO CLERKS OF FAMILY COURT FOR THE PURPOSE OF ENFORCING CHILD SUPPORT OBLIGATIONS IN CASES NOT BEING ADMINISTERED PURSUANT TO TITLE IV-D OF THE SOCIAL SECURITY ACT BY THE DEPARTMENT OF SOCIAL SERVICES AND TO MAKE TECHNICAL CHANGES.

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

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

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

 S. 1197 -- Senators O'Dell and Nicholson: A BILL TO AMEND SECTION 6-11-1230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF PUBLIC SERVICE DISTRICT AND SPECIAL PURPOSE DISTRICT COMMISSIONS, INCLUDING, AMONG OTHER THINGS, THE POWER TO ASSESS THE COST OF THE ESTABLISHMENT AND CONSTRUCTION OF A SEWER LATERAL COLLECTION LINE, SO AS TO PROVIDE THAT IF A RESIDENTIAL SUBDIVISION RECEIVED CONCEPTUAL APPROVAL FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR SEPTIC TANK USE AND SUBSEQUENTLY FIVE OR MORE LOTS IN THE SUBDIVISION WERE DENIED PERMITS BY THE DEPARTMENT, AN ASSESSMENT MAY BE LEVIED ON THE ABUTTING PARCELS IN THE SUBDIVISION FOR THE ACTUAL COSTS OF THE SEWER LATERAL COLLECTION LINES, TRANSMISSION LINES, AND ASSOCIATED INFRASTRUCTURE AND TO PROVIDE THAT A LETTER OR CERTIFICATE OF THE DEPARTMENT ESTABLISHES THESE CONDITIONS AUTHORIZING THE ASSESSMENT.

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

 S. 1198 -- Senator Rose: A BILL TO AMEND SECTION 40-13-10 OF THE 1976 CODE, RELATING TO THE STATE BOARD OF COSMETOLOGY, TO REQUIRE THAT ANY ESTHETICIAN AND NAIL TECHNICIAN APPOINTED TO THE BOARD MUST HAVE AT LEAST FIVE YEARS OF EXPERIENCE IN THEIR FIELD.

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

 S. 1199 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ADULT EDUCATION PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4199, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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 Read the first time and ordered placed on the Calendar without reference.

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

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 Read the first time and ordered placed on the Calendar without reference.

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

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 Read the first time and ordered placed on the Calendar without reference.

 S. 1202 -- Senator Sheheen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR HIGHLAND INDUSTRIES IN CHESTERFIELD COUNTY, AND TO CONGRATULATE THE EMPLOYEES AND EXECUTIVES FOR FIFTY YEARS OF SAFETY, QUALITY, SERVICE, AND COMMITMENT.

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 The Senate Resolution was adopted.

 H. 3248 -- Reps. Sottile and Viers: A BILL TO AMEND SECTIONS 2-17-150 AND 8-13-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTES OF LIMITATIONS FOR PROSECUTING CERTAIN ETHICS VIOLATIONS, SO AS TO ALLOW ACTIONS TO BE COMMENCED UNTIL FOUR YEARS AFTER A PUBLIC OFFICIAL, PUBLIC EMPLOYEE OR PUBLIC MEMBER LEAVES OFFICE.

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

 H. 4463 -- Reps. Harrison, Clyburn, Murphy, McLeod and Weeks: A BILL TO AMEND SECTION 22-3-545, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER OF CERTAIN CRIMINAL CASES FROM GENERAL SESSIONS COURT TO MAGISTRATES OR MUNICIPAL COURT, SO AS TO CLARIFY THE TYPES OF CASES THAT MAY BE TRANSFERRED INCLUDES CRIMINAL CASES ORIGINALLY CHARGED AND THOSE IN WHICH THE CHARGES ARE REDUCED FOR PURPOSES OF A GUILTY PLEA, TO ALLOW DEFENDANTS TO WAIVE CERTAIN RIGHTS, AND TO REQUIRE THE APPROVAL OF A CIRCUIT COURT JUDGE REGARDING TERMS OF COURT OF THE MAGISTRATES AND MUNICIPAL COURTS FOR THE DISPOSITION OF TRANSFERRED CASES.

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

 H. 4716 -- Rep. Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-23-855 SO AS TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY MAINTAIN AND MOW ROADSIDE VEGETATION BEYOND THIRTY FEET FROM THE PAVEMENT ADJACENT TO EXIT 190 ALONG INTERSTATE HIGHWAY 95 IN DILLON COUNTY.

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

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

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

**REPORTS OF STANDING COMMITTEES**

 Senator KNOTTS from the Committee on Invitations polled out H. 4693 favorable:

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

**Poll of the Invitations Committee**

**Polled 10; Ayes 10; Nays 0; Not Voting 1**

**AYES**

Alexander Campsen Cromer

Elliott Ford Knotts

Malloy McGill O’Dell

Verdin

**Total--10**

**NAYS**

**Total--0**

**NOT VOTING**

Reese

**Total--1**

 Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., February 7, 2012

Mr. President and Senators:

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

 H. 3630 -- Reps. Bedingfield, Loftis, Hardwick and McLeod: A BILL TO AMEND SECTION 61‑4‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OF WINE BY A LICENSED WINERY LOCATED IN SOUTH CAROLINA, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE; AND TO AMEND SECTION 61‑4‑730, RELATING TO THE SALE OF WINE BY PERMITTED WINERIES, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**Message from the House**

Columbia, S.C., February 7, 2012

Mr. President and Senators:

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

 H. 4627 -- Reps. Merrill, Stavrinakis, Harrison, King, Knight, Williams, Jefferson, Johnson, Sabb, Munnerlyn, Anderson, G.A. Brown, Allison, Horne, Agnew, Gambrell, McCoy, Ryan, Mack, Gilliard, Sottile, Hardwick, Hearn, Weeks, Simrill, Pope, Delleney, Dillard, Sandifer, Erickson, Herbkersman, Brantley, Crosby, Daning, Brady, Quinn, Spires, Frye, Pitts, Southard, Butler Garrick, Pinson, Tallon, Long, Parker, Hodges, Whitmire, Anthony, Bannister, Putnam, Edge, Allen, Thayer, Funderburk, Lucas, Cobb‑Hunter, Howard, Harrell, Bowers, Patrick, Whipper, Bowen, White, Murphy and R.L. Brown: A JOINT RESOLUTION TO SUSPEND THE AUTHORITY OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR ALL DECISIONS SUBSEQUENT TO 2007 PERTAINING TO THE NAVIGABILITY, DEPTH, DREDGING, WASTEWATER AND SLUDGE DISPOSAL, AND RELATED COLLATERAL ISSUES OF THE SOUTH CAROLINA PORTION OF THE SAVANNAH RIVER BECAUSE THE AUTHORITY OF THE SAVANNAH RIVER MARITIME COMMISSION SUPERSEDES AND REPLACES THE AUTHORITY OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WITH REGARD TO ALL ACTIONS CONCERNING THE SOUTH CAROLINA PORTION OF THE SAVANNAH RIVER BY ENACTMENT OF ACT 56 OF 2007, EFFECTIVE MAY 1, 2007.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

 Received as information.

**HOUSE CONCURRENCE**

 S. 1189 -- Senators Knotts, Reese, Fair, Anderson, Alexander, Campbell, Bright, Campsen, Leatherman, O’Dell, Cromer, Leventis, Setzler, Land, Verdin and L. Martin: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE GILBERT HIGH SCHOOL MARCHING BAND OF LEXINGTON COUNTY FOR A SPECTACULAR PERFORMING SEASON, AND TO CONGRATULATE SCHOOL OFFICIALS, THE DIRECTORS, AND THE BAND FOR CAPTURING THE 2011 SOUTH CAROLINA CLASS AA STATE CHAMPIONSHIP TITLE.

 Returned with concurrence.

 Received as information.

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

**HOUSE BILL RETURNED**

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

 H. 3583 -- Rep. Cooper: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2010.

 **THIRD READING BILLS**

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

 S. 1143 -- Senators Verdin and Rose: A JOINT RESOLUTION TO ESTABLISH SOUTH CAROLINA CIVIL WAR HERITAGE TRAILS AS THE OFFICIAL CIVIL WAR ERA HISTORIC DRIVING TRAILS OF SOUTH CAROLINA; TO PERMIT SOUTH CAROLINA CIVIL WAR HERITAGE TRAILS TO CONSULT WITH THE SOUTH CAROLINA CIVIL WAR SESQUICENTENNIAL ADVISORY BOARD AND THE DEPARTMENT OF ARCHIVES AND HISTORY CONCERNING THE PLANNING, DEVELOPMENT, ESTABLISHMENT, MAINTENANCE, AND MARKETING OF THE TRAILS; TO ENCOURAGE THE DEPARTMENT OF TRANSPORTATION TO WORK WITH SOUTH CAROLINA CIVIL WAR HERITAGE TRAILS CONCERNING THE PLACEMENT OF SIGNS ADJACENT TO THE STATE HIGHWAY SYSTEM; AND TO ENCOURAGE THE APPROPRIATE GOVERNMENT AGENCIES TO COOPERATE WITH SOUTH CAROLINA CIVIL WAR HERITAGE TRAILS CONCERNING EDUCATIONAL AND MARKETING MATERIALS.

 S. 1085 -- Senator Hayes: A BILL TO AMEND SECTION 48‑11‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ORGANIZATION AND FUNCTIONING OF SPECIFIC WATERSHED CONSERVATION DISTRICTS UNDER THE GENERAL LAW PERTAINING TO SUCH DISTRICTS, SO AS TO PROVIDE THAT FOR PURPOSES OF CHAPTER 11, TITLE 48, INCLUDING THE CONDUCT OF ELECTIONS, THE DIGITAL HYDROLOGIC MAP PREPARED BY THE SERVICE CENTER AGENCIES OF THE UNITED STATES DEPARTMENT OF AGRICULTURE OF THE FISHING CREEK WATERSHED DISTRICT IN YORK COUNTY REPRESENTS AND IS DECLARED TO BE THE BOUNDARIES OF THE DISTRICT.

 **COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

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

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

 The Judiciary Committee proposed the following amendment (JUD3750.001), which was adopted:

 Amend the bill, as and if amended, page 1, by striking lines 30-41, and inserting:

 / SECTION 1. Section 17‑5‑530(E) of the 1976 Code, as last amended by Act 226 of 2010, is further amended to read:

 “(E) If the coroner or medical examiner orders an autopsy upon review of a death pursuant to item (8) of ~~s~~Subsection (A), the autopsy must not be performed:

 (1) at the health care facility where the death occurred; ~~or~~

 (2) by a physician who treated the patient; or

 (3) by a physician who is employed by the health care facility in which the death occurred;

 unless the coroner or medical examiner certifies that no reasonable alternative exists.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator LARRY MARTIN explained the committee amendment.

 The committee amendment was adopted.

 Senators SHOOPMAN and KNOTTS proposed the following amendment (JUD3750.002), which was adopted:

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

 / SECTION \_\_. Section 43-35-520 of the 1976 Code is amended to read:

 “Section 43-35-520. The Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division, created pursuant to Section 23‑3‑810, shall, in addition to its investigation responsibilities under that section or Article 1, investigate cases of vulnerable adult fatalities in facilities operated or contracted for operation by the Department of Mental Health or the Department of Disabilities and Special Needs. Provided, that in a nursing home, as defined in Section 44‑7‑130, contracted for operation by the Department of Mental Health, the Vulnerable Adults Investigations Unit shall investigate those fatalities for which there is suspicion that the vulnerable adult died as a result of abuse or neglect, the death is suspicious in nature, or the death is referred by a coroner or medical examiner as provided in Section 43‑35‑35(A). In the event that a coroner rules that the death of an individual in a veterans nursing home under the authority of the Department of Mental Health results from natural causes, the State Law Enforcement Division is not required to conduct an investigation regarding the individual’s death.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator SHOOPMAN explained the amendment.

 The amendment was adopted.

 The question then was second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Nicholson

O’Dell Peeler Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

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

 **READ THE SECOND TIME**

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

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

 Senator HAYES explained the Joint Resolution.

 The question then was second reading of the Joint Resolution.

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

**Ayes 37; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Courson Cromer Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

McGill Nicholson Peeler

Rankin Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Massey

**Total--1**

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

**READ THE SECOND TIME**

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

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

 Senator HAYES explained the Joint Resolution.

 The question then was second reading of the Joint Resolution.

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

**Ayes 38; Nays 2**

**AYES**

Alexander Anderson Campbell

Campsen Courson Cromer

Davis Elliott Fair

Gregory Grooms Hayes

Hutto Jackson Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

Nicholson Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--38**

**NAYS**

Bright Bryant

**Total--2**

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

**READ THE SECOND TIME**

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

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

 Senator HAYES explained the Joint Resolution.

 The question then was second reading of the Resolution.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Courson Cromer Davis

Elliott Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McGill Nicholson Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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

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

 Senator HAYES explained the Joint Resolution.

 The question then was second reading of the Joint Resolution.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Anderson Bright

Campbell Campsen Courson

Cromer Davis Elliott

Fair Ford Gregory

Grooms Hayes Hutto

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--39**

**NAYS**

Bryant

**Total--1**

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

**OBJECTION**

S. 836 -- Senators Grooms, Verdin, Knotts, Bright, Bryant, Courson, Campsen, McConnell, Cleary, Rose, Hayes, Shoopman, Massey, Campbell, Fair and Gregory: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 10 TO ENACT THE INTERSTATE HEALTHCARE COMPACT, TO PROVIDE THAT COMPACT MEMBERS MUST TAKE ACTION TO OBTAIN CONGRESSIONAL CONSENT TO THE COMPACT, TO PROVIDE THAT THE LEGISLATURE IS VESTED WITH THE RESPONSIBILITY TO REGULATE HEALTHCARE DELIVERED IN THEIR STATE, TO PROVIDE FOR HEALTHCARE FUNDING, TO ESTABLISH THE INTERSTATE ADVISORY HEALTH CARE COMMISSION AND TO PROVIDE ITS COMPOSITION, POWERS, DUTIES, AND AUTHORITY, TO PROVIDE THE EFFECTIVE DATE OF THE COMPACT, TO PROVIDE FOR AMENDING THE COMPACT, TO PROVIDE FOR THE MANNER OF WITHDRAWAL FROM THE COMPACT, AND TO PROVIDE NECESSARY DEFINITIONS.

 Senator ROSE explained the Bill.

 Senator SCOTT objected to further consideration of the Bill.

**CARRIED OVER**

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

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

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

**MOTION ADOPTED**

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

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

**AMENDED, DEBATE INTERRUPTED**

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

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

**Amendment No. 78**

 Senators GROOMS, DAVIS and ROSE proposed the following Amendment No. 78 (3066R056.LKG), which was tabled:

 Amend the bill, as and if amended, by adding a new part to read:

 / Part \_\_\_\_\_

 SECTION \_\_\_\_. (A) The Commission of the Department of Transportation, established by Article 3, Chapter 1, Title 57 of the 1976 Code, is abolished and the requirements of the commission to develop the long‑range Statewide Transportation Plan, Statewide Transportation Improvement Program, and any other related duties and responsibilities pursuant to Section 57‑1‑370 are devolved upon the Bond Review Authority. The criteria and requirements contained in Section 57‑1‑370 are binding upon the authority in carrying out the duties and responsibilities to develop the plans and programs required by this section.

 (B) The powers, responsibilities, functions, duties, and staff of the Chief Internal Auditor, as established by Section 57‑1‑360, are transferred to the Legislative Audit Council. Notwithstanding Section 57‑1‑370, the Director of the Legislative Audit Council must appoint the Chief Internal Auditor for a term of four years coterminous with the term of the director and may only be removed by the director for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. All other requirements of Section 57‑1‑360 are binding upon the Chief Internal Auditor. The Department of Transportation shall annually transfer to the Legislative Audit Council an amount necessary to provide the support to the Chief Internal Auditor required by Section 57‑1‑360(C).

 (C) All remaining duties, powers, and responsibilities of the commission are transferred to the Secretary of the Department of Transportation.

 (D) This section takes effect upon the effective date of the creation of the State Bond Review Authority. /

 Renumber sections to conform.

 Amend title to conform.

 Senator GROOMS 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 not germane to the Bill.

 Senator LARRY MARTIN spoke on the Point of Order.

 Senator GROOMS spoke on the Point of Order.

 Senator MALLOY spoke on the Point of Order.

 Senator RANKIN spoke on the Point of Order.

 The PRESIDENT overruled the Point of Order.

 Senator GROOMS resumed arguing in favor of the adoption of the amendment.

 Senator RANKIN argued contra to the adoption of the amendment.

 Senator RANKIN moved to lay the amendment on the table.

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

**Ayes 28; Nays 13**

**AYES**

Alexander Cleary Courson

Cromer Davis Elliott

Ford Hutto Jackson

Knotts Land Lourie

Malloy *Martin, Larry* Massey

Matthews McGill Nicholson

O'Dell Pinckney Rankin

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--28**

**NAYS**

Bright Bryant Campbell

Campsen Fair Gregory

Grooms Leventis *Martin, Shane*

Peeler Reese Rose

Verdin

**Total--13**

 The amendment was laid on the table.

**Statement by Senator LARRY MARTIN**

 I support restructuring the Department of Transportation as evidenced by my co-sponsorship of Senator PEELER’s Bill that is pending in the Senate Transportation Committee.  However, H. 3066 which creates a Department of Administration is not the vehicle for Senator GROOMS’ amendment as I argued in my Point of Order.  In his zeal to bring DOT reform into this debate and make his amendment germane, Senator GROOMS transfers the DOT Commission responsibility to the Joint Bond Review Authority.  This authority is essentially the makeup of the current Budget and Control Board.   The irony is that we have spent weeks trying to eliminate the Budget and Control Board only to have this amendment proposed that would recreate it as the vehicle to assume the responsibility of the Department of Transportation.   I do not believe that I could sell such a move as DOT reform in Pickens County and, therefore, I voted to table the amendment.

**Statement by Senators RYBERG and MASSEY**

 We voted to table the amendment that would have abolished the SCDOT Commission. We support elimination of the SCDOT Commission, but this amendment threatened to sink the overall Bill to create the Department of Administration as it would have engendered a filibuster supported by many members of the Senate. We will address SCDOT this year, but we must pass the Department of Administration now.

**Statement by Senator HAYES**

 Having been out of the Chamber at the time the vote was taken, I would have voted in favor of tabling Amendment No. 78.

**Amendment No. 79A**

 Senators LEATHERMAN, MALLOY and KNOTTS proposed the following amendment (3066R077.HKL), which was adopted:

 Amend the bill, as and if amended, page 3, by striking lines 3 - 7 and lines 9 - 10.

 Amend the bill further, as and if amended, page 4, by striking line 41 and inserting:

 / of Regulatory Staff.

 ( ) Effective January 1, 2013, the Division of State Information Technology including the Data Center, Telecommunications and Information Technology Services, and South Carolina Enterprise Information System, but not including support of the Joint Strategic Technology Committee, the Materials Management Office, and the Office of State Engineer are transferred to and incorporated into the Procurement Oversight Board from the Budget and Control Board./

 Amend the bill further, as and if amended, page 9, by striking lines 1-4 and lines 13 and 14.

 Amend the bill, as and if amended, page 102, line 17 by inserting:

 SECTION \_\_\_. A. Section 11‑35‑310(2) of the 1976 Code is amended to read:

 “(2) “Board” means ~~Budget and Control Board~~ the Procurement Oversight Board established in Section 11‑35‑315.”

 B. SECTION \_\_\_\_. Subarticle 5, Article 1, Chapter 35, Title 11 of the 1976 Code is amended by adding:

 “Section 11‑35‑310. (A) There is hereby established the Procurement Oversight Board to be comprised of five members appointed to four‑year terms with one member each appointed by the Governor, the Comptroller General, the State Treasurer, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee. A board member may only be removed by his appointing official for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity and the removal must: (1) be done in writing stating the specific reasons for the member’s removal, (2) contain the concurring signatures of at least two of the other appointing authorities; and (3) be published in a conspicuous location on the Department of Administration’s internet website. The board shall elect one member to serve as chairman and must meet at least quarterly to carry out the duties and responsibilities provided by this chapter. The members of the board may receive the usual rate for mileage, subsistence, and per diem as provided by law for members of state boards, committees, and commissions and may be reimbursed for actual expenses in connection with and as a result of their membership and service on the board.

 (B) A board member or his immediate family must not have an economic interest that would cause the member to recuse himself from participating in the deliberations or voting on any matter before the board pursuant to Section 8‑13‑700.

 C. Upon the effective date of the creation of the Procurement Oversight Board, all offices established by Chapter 35 of Title 11 and corresponding staff and equipment are transferred to the Procurement Oversight Board. The Department of Administration, at its own expense, must provide appropriate office space, building, and facility service including janitorial, utility and telephone services, computer and technology services, and related supplies to the board and the transferred offices pursuant to a Memorandum of Understanding executed by the Director of the Department of Administration and the Chairmen of the Procurement Oversight Board. /

 Renumber sections to conform.

 Amend title to conform.

 Senator MALLOY explained the amendment.

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

 Senator DAVIS argued contra to the adoption of the amendment.

 Senator DAVIS moved to lay the amendment on the table.

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

**Ayes 19; Nays 23**

**AYES**

Bright Bryant Campsen

Courson Cromer Davis

Fair Gregory Grooms

*Martin, Larry Martin, Shane* Massey

Peeler Rose Ryberg

Sheheen Shoopman Thomas

Verdin

**Total--19**

**NAYS**

Alexander Campbell Cleary

Elliott Ford Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy Matthews McGill

Nicholson O'Dell Pinckney

Rankin Reese Scott

Setzler Williams

**Total--23**

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

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

**Ayes 23; Nays 18**

**AYES**

Alexander Campbell Cleary

Elliott Ford Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy Matthews McGill

Nicholson O'Dell Pinckney

Rankin Reese Scott

Setzler Williams

**Total--23**

**NAYS**

Bright Bryant Campsen

Courson Cromer Davis

Fair Gregory Grooms

*Martin, Larry Martin, Shane* Massey

Peeler Rose Ryberg

Shoopman Thomas Verdin

**Total--18**

 The amendment was adopted.

**Statement by Senator HAYES**

 Having been out of the Chamber at the time the vote was taken, I would have voted in favor of the adoption of Amendment No. 79A.

**Amendment No. 84**

 Senators MALLOY and KNOTTS proposed the following Amendment No. 84 (3066R074.GFM), which was adopted:

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

 / SECTION \_\_\_. Section 2-59-10(1) of the 1976 Code is amended to read:

 “1. management of the L. Marion Gressette Building and the Senate areas of the State House with sole authority to formulate and implement policies and procedures for the effective utilization of personnel, equipment, and space within the ~~building~~ L. Marion Gressette Building and the Senate areas of the State House; /

 Renumber sections to conform.

 Amend title to conform.

 Senator MALLOY explained the amendment.

 The amendment was adopted.

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

**LOCAL APPOINTMENTS**

**Confirmations**

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

Initial Appointment, Colleton County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Sophia T. Henderson, 1145 Oakman Branch, Walterboro, SC 29488

Initial Appointment, Clarendon County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

 Elease H. Fulton, 12647 Raccoon Road, Manning, SC 29102 *VICE* Russell Miller

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

Mary Graham Moore, 105 Hampton Drive, Gaffney, SC 29341

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

Barbara B. Shackleford, 169 Sarratt Creek Road, Gaffney, SC 29341

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

Edith S. Knuckles, 107 Iris Lane, Gaffney, SC 29341

**MOTION ADOPTED**

 On motion of Senator McGILL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Jane Eppes de Witt of Kingstree, S.C. Mrs. de Witt was the beloved wife of John, devoted mother and doting grandmother and great-grandmother.

and

**MOTION ADOPTED**

 On motion of Senators COURSON, McCONNELL, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GREGORY, GROOMS, HAYES, HUTTO, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McGILL, NICHOLSON, O’DELL, PEELER, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Deborah Ann Davis Hottel of Columbia, S.C. Mrs. Hottel was the beloved wife of Donald Hottel, Jr. and devoted mother to their son, Edward Benjamin Armistead Hottel. Mrs. Hottel was a former law clerk to the Senate Judiciary Committee and had extensive training and background in French Education, teaching and the law.

**ADJOURNMENT**

 At 5:24 P.M., on motion of Senator SHEHEEN, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

 Senators BRYANT, BRIGHT, VERDIN, GROOMS, SHANE MARTIN, SHOOPMAN, DAVIS and MASSEY desired to be recorded as voting against the motion to adjourn.

**Statement by Senator ROSE**

 Having been out of the Chamber at the time the vote was taken, I would have voted against the motion to adjourn.

\* \* \*