**Tuesday, March 12, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

 The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

In Genesis, Chapter 11, we read:

 “Then they said, ‘Come, let us build ourselves a city, with a tower that reaches to the heavens, so that we may make a name for ourselves.’...” (Genesis 11:4)

 Bow with me in prayer, please:

 Glorious Lord, continue to bless and guide these Senators as they seek to build a better, safer and more opportunity-rich South Carolina. Yet we all recognize how great that challenge is, O God, and how very important it is that good results are experienced by all of the citizens of our State, not just a few. Naturally, those goals themselves illustrate how great the pressures are on these leaders. Hence, we pray, O Father, that each Senator always strives to bring about rich results for the right reasons, and not just to achieve honor for himself or herself. In Your wondrous name we pray, dear Lord.

Amen.

**Point of Quorum**

 At 12:02 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bennett Bright

Bryant Campbell Cleary

Coleman Corbin Courson

Davis Fair Grooms

Hayes Hembree Johnson

*Martin, Larry Martin, Shane* Matthews

McElveen Peeler Setzler

Shealy Thurmond Turner

Verdin Williams

 A quorum being present, the Senate resumed.

**Recorded Presence**

 Senators ALLEN, CAMPSEN, CROMER, FORD, GREGORY, JACKSON, HUTTO, LEATHERMAN, LOURIE, MALLOY, MASSEY, McGILL, NICHOLSON, O’DELL, PINCKNEY, SCOTT, SHEHEEN and YOUNG 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:

**Statewide Appointments**

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2012, and to expire June 30, 2018

6th Congressional District:

 Terry A. Blackmon, 15250 Highway 301, New Zion, SC 29111 *VICE* Joseph D. Bushardt

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina Workers’ Compensation Commission, with the term to commence June 30, 2008, and to expire June 30, 2014

Chairman:

 T. Scott Beck, 1022 Indian Fork Road, Chapin, SC 29036 *VICE* Andrea Roche

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina Workers’ Compensation Commission, with the term to commence June 30, 2008, and to expire June 30, 2014

At-Large:

 Andrea C. Roche, 2928 Forest Dr., Columbia, SC 29204 *VICE* T. Scott Beck

Referred to the Committee on Judiciary.

**REGULATION RECEIVED**

 The following was received and referred to the appropriate committee for consideration:

Document No. 4313

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Sections 43-5-580(b), 63-17-470(d) and 45 CFR 302.56

SUBJECT: Child Support Guidelines

Received by Lieutenant Governor March 11, 2013

Referred to Judiciary Committee

Legislative Review Expiration February 15, 2014

**REGULATION RESUBMITTED**

 The following was received:

Document No. 4328

Agency: Occupational Therapy Board

Chapter: 94

Statutory Authority: 1976 Code Sections 40-1-70 and 40-36-10, et seq.

SUBJECT: Requirements of Licensure for Occupational Therapists

Received by Lieutenant Governor January 30, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 30, 2013

Referred to Senate Labor, Commerce and Industry January 30, 2013

Committee Requested Withdrawal February 21, 2013

120 Day Period Tolled

Withdrawn and Resubmitted February 27, 2013

Agency Withdrawal March 11, 2013

120 Day Period Tolled

Resubmitted March 12, 2013

**Doctor of the Day**

 Senator CLEARY introduced Dr. Richard Basaly of Georgetown, S.C., Doctor of the Day.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:

S. 329 Sen. Hembree

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 507 -- Senator L. Martin: A SENATE RESOLUTION TO RECOGNIZE THE PICKENS COUNTY CULTURAL COMMISSION AS THE PRESENTER OF SUPER KIDSFEST AND THE YOUTH COMPETITION SPONSORED BY PRESERVING OUR SOUTHERN APPALACHIAN MUSIC (POSOM) AND THE YOUNG APPALACHIAN MUSICIANS (YAM) IN PICKENS COUNTY, AND TO WISH THEM CONTINUED SUCCESS IN ALL THEIR FUTURE ENDEAVORS.

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 The Senate Resolution was adopted.

 S. 508 -- Senators Alexander, Malloy, Nicholson, L. Martin and Williams: A SENATE RESOLUTION TO DECLARE MAY 22, 2013, AS FREE CLINIC AWARENESS DAY IN SOUTH CAROLINA.

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

 S. 509 -- Senators Thurmond and Hembree: A BILL TO AMEND CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO OFFENSES IN CONNECTION WITH ELECTRONIC MONITORING DEVICES, BY ADDING SECTION 24-13-425 TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON TO KNOWINGLY AND WITHOUT AUTHORITY TO REMOVE, DESTROY, OR CIRCUMVENT THE OPERATION OF AN ELECTRONIC MONITORING DEVICE WHICH IS BEING USED FOR THE PURPOSE OF MONITORING A PERSON, OR TO SOLICIT ANOTHER PERSON TO DO SO, AND TO PROVIDE FOR PENALTIES.

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 Read the first time and referred to the Committee on Corrections and Penology.

 S. 510 -- Senator Coleman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-3-120 SO AS TO PROVIDE THAT A FEDERALLY-CHARTERED OR STATE-CHARTERED BANKING INSTITUTION DOING BUSINESS IN THIS STATE AND IN AT LEAST ONE OTHER STATE, AS A CONDITION OF ITS AUTHORIZATION TO DO BUSINESS IN SOUTH CAROLINA, SHALL FILE A WRITTEN CONSENT WITH THE SECRETARY OF STATE WHEREBY THE INSTITUTION, ON BEHALF OF ITS OFFICERS, AGENTS, AND EMPLOYEES NOT LOCATED IN SOUTH CAROLINA, CONSENTS TO THE ACCEPTANCE OF AND RESPONSE TO SUBPOENAS, INCLUDING SUBPOENAS DUCES TECUM, SERVED UPON THESE OUT-OF-STATE OFFICERS, AGENTS, OR EMPLOYEES ARISING OUT OF THEIR OFFICIAL CAPACITY WITHOUT THE NECESSITY OF A COURT ORDER ISSUED IN CONJUNCTION WITH PENDING LITIGATION IN THE STATE OR FEDERAL COURTS IN SOUTH CAROLINA, AND TO PROVIDE THE PROCEDURES FOR AND CONDITIONS AND LIMITATIONS ON THE ISSUANCE AND COMPLIANCE WITH THESE SUBPOENAS.

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

 S. 511 -- Senator Campsen: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FOUR PERCENT SPECIAL ASSESSMENT RATIO, SO AS TO PROVIDE THAT AN ELIGIBILITY PROVISION REQUIRING A CERTAIN OWNERSHIP PERCENTAGE DOES NOT APPLY IF THE PROPERTY IS HELD BY A TRUST, FAMILY LIMITED PARTNERSHIP, OR LIMITED LIABILITY COMPANY UNDER CERTAIN SITUATIONS.

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

 S. 512 -- Senator Bright: A BILL TO AMEND SECTION 22-9-180 OF THE 1976 CODE, RELATING TO CONSTABLES AUTHORIZED TO CARRY PISTOLS, TO PROVIDE THAT MAGISTRATE’S CONSTABLES WHO HAVE RECEIVED THE REQUIRED TRAINING ARE AUTHORIZED TO CARRY PISTOLS ON ABOUT THEIR PERSON WHEN OFF DUTY.

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

 S. 513 -- Senator Verdin: A BILL TO AMEND CHAPTER 20, TITLE 39, CODE OF LAWS OF SOUTH CAROLINA 1976, RELATING TO SELF-SERVICE STORAGE FACILITIES, SO AS TO DEFINE “ELECTRONIC MAIL”, TO PROVIDE THAT WHEN RENT OR OTHER CHARGES ARE FIVE OR MORE DAYS PAST DUE THE OWNER MAY DENY THE OCCUPANT ACCESS TO THE PERSONAL PROPERTY AND THE OCCUPANT IS CONSIDERED IN DEFAULT, TO PROVIDE THAT WHEN RENT OR OTHER CHARGES ARE FOURTEEN OR MORE DAYS PAST DUE THE OCCUPANT MUST BE NOTIFIED, AND TO PROVIDE THE PROCESS BY WHICH A DEFAULTING OCCUPANT'S PERSONAL PROPERTY MAY BE DESTROYED OR SOLD.

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

 S. 514 -- Senator Alexander: A JOINT RESOLUTION TO EXTEND THE EXPIRED LICENSE OF ANY COSMETOLOGIST, ESTHETICIAN, NAIL TECHNICIAN, OR INSTRUCTOR WHOSE LICENSE EXPIRED ON MARCH 10, 2013, UNTIL JUNE 10, 2013, SO THAT THE APPROPRIATE CONTINUING EDUCATION REQUIREMENTS MAY BE MET FOR LICENSURE RENEWAL.

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

**S. 514--Recalled**

 S. 514 -- Senator Alexander: A JOINT RESOLUTION TO EXTEND THE EXPIRED LICENSE OF ANY COSMETOLOGIST, ESTHETICIAN, NAIL TECHNICIAN, OR INSTRUCTOR WHOSE LICENSE EXPIRED ON MARCH 10, 2013, UNTIL JUNE 10, 2013, SO THAT THE APPROPRIATE CONTINUING EDUCATION REQUIREMENTS MAY BE MET FOR LICENSURE RENEWAL.

 Senator ALEXANDER asked unanimous consent to make a motion to recall the Joint Resolution from the Committee on Labor, Commerce and Industry.

 The Resolution was recalled from the Committee on Labor, Commerce and Industry and ordered placed on the Calendar for consideration tomorrow.

 S. 515 -- Senator Grooms: A JOINT RESOLUTION TO PROHIBIT TREE REMOVAL IN THE MEDIAN OF A PORTION OF INTERSTATE 26 UNTIL THE TRANSPORTATION REVIEW COMMITTEE HAS REVIEWED AND COMMENTED ON THE PROJECT.

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

 S. 516 -- Senators Peeler, Fair, Hayes and Courson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA READ TO SUCCEED ACT”; BY ADDING CHAPTER 155 TO TITLE 59 SO AS TO CREATE THE SOUTH CAROLINA READ TO SUCCEED OFFICE AND A READING PROFICIENCY PANEL WITHIN THE OFFICE, AND TO PROVIDE RELATED REQUIREMENTS OF THE DEPARTMENT OF EDUCATION, STATE SUPERINTENDENT OF EDUCATION, SCHOOL DISTRICTS, COLLEGES, AND UNIVERSITIES THAT OFFER CERTAIN RELATED GRADUATE EDUCATION, AND EDUCATORS AND ADMINISTRATORS, AMONG OTHER THINGS.

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 Senator PEELER spoke on the Bill.

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

 S. 517 -- Senators Massey and Nicholson: A BILL TO AMEND ACT 185 OF 1997, RELATING TO THE BOARD OF TRUSTEES OF SCHOOL DISTRICT NO. 4 OF MCCORMICK COUNTY, TO PROVIDE THAT IN THE EVENT OF A VACANCY ON THE BOARD OCCURRING FOR ANY REASON OTHER THAN EXPIRATION OF A TERM, THE BOARD SHALL CALL A SPECIAL ELECTION TO FILL THE UNEXPIRED TERM, AND TO MAKE TECHNICAL CHANGES.

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

 S. 518 -- Senators Scott, Alexander, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Ford, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF MRS. MAUDIE ELIZABETH ALLEN OF GREENVILLE COUNTY, AND TO EXTEND THEIR SINCERE SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

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 Whereas, the members of the South Carolina Senate were deeply saddened to learn of the death of Mrs. Maudie Elizabeth Allen at the age of eighty-four on Sunday, March 3, 2013; and

 Whereas, born in Simpsonville on November 6, 1928, she was the daughter of the late Isadore “D” and Lillian Sullivan. At a young age, she became a faithful member of Reedy Fork Baptist Church, where a celebration of her life was held on March 7, 2013; and

 Whereas, in addition to being a person of faith, Maudie was also a person of great intellect, graduating as the salutatorian of her high school class; and

 Whereas, together with her beloved husband, the late Jesse E. Allen, Sr., she reared six fine children: Geraldine Dillard, Marshall Allen, Roger Allen, Bruce Allen, Senator Karl Allen, and the late Jesse E. Allen, Jr. Their children blessed them with fourteen adoring grandchildren, nineteen great‑grandchildren, and twelve great‑great‑grandchildren; and

 Whereas, Mrs. Allen worked at Union Carbide (Kennet) for twenty‑five years, retiring only at the insistence of her husband. In a romantic gesture, he had the street where they lived named for her, and she served with pride as a member of the Maudie Street Hospitality Club; and

 Whereas, although the friends and family of Mrs. Allen will miss her, they will cherish memories of her love shared and lessons taught, as well her reminder to “Let it Be Real”, a favorite proverb that shared the name of a song often sung to her by a close friend; and

 Whereas, the members of the South Carolina Senate are grateful for the life and legacy of Maudie Elizabeth Allen and for the example of sacrifice and kindness she set for all who knew her. Now, therefore,

 Be it resolved by the Senate:

 That the members of the South Carolina Senate, by this resolution, express their profound sorrow upon the passing of Mrs. Maudie Elizabeth Allen of Greenville County, and extend their sincere sympathy to her large and loving family and her many friends.

 Be it further resolved that a copy of this resolution be provided to the family of Maudie Elizabeth Allen.

 The Senate Resolution was adopted.

 S. 519 -- Senators Lourie, Scott, McElveen, Courson and Jackson: A SENATE RESOLUTION TO HONOR RICHLAND COUNTY COUNCILWOMAN JOYCE DICKERSON ON HER RECENT INSTALLATION AS CHAIR OF THE NATIONAL FOUNDATION FOR WOMEN LEGISLATORS AND TO WISH HER WELL AS SHE TAKES UP HER NEW DUTIES.

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 The Senate Resolution was adopted.

 S. 520 -- Senators Jackson, Fair and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-19-1435 SO AS TO PROVIDE THAT THE USE OF RESTRAINTS ON JUVENILES APPEARING IN COURT ARE PROHIBITED UNLESS THE RESTRAINTS ARE NECESSARY TO PREVENT HARM OR IF THE JUVENILE IS A FLIGHT RISK AND THERE ARE NO LESS RESTRICTIVE ALTERNATIVES AVAILABLE; TO GIVE A JUVENILE’S ATTORNEY THE RIGHT TO BE HEARD BEFORE THE COURT ORDERS THE USE OF RESTRAINTS; AND IF RESTRAINTS ARE ORDERED, TO REQUIRE THE COURT TO MAKE FINDINGS OF FACT IN SUPPORT OF THE ORDER.

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

 H. 3724 -- Rep. Ballentine: A BILL TO AMEND SECTION 7-7-465, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN RICHLAND COUNTY, SO AS TO REDESIGNATE CERTAIN PRECINCTS, TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

**REPORT OF STANDING COMMITTEE**

 Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

 S. 382 -- Senators Grooms, Alexander, L. Martin, Campbell, Davis, McGill, Nicholson, O’Dell, Reese, Shealy, Johnson, Verdin, Williams, Cleary, Allen, Rankin, Setzler, Lourie, Scott, Ford, Turner, Bennett, Corbin, Bright, Hutto, Jackson, Sheheen, Pinckney, Cromer, Hembree, Matthews and McElveen: A BILL TO AMEND SECTION 56-15-10, RELATING TO DEFINITIONS FOR REGULATING MANUFACTURERS, DISTRIBUTORS, AND DEALERS, TO DEFINE THE TERMS “DUE CAUSE” AND “MATERIAL BREACH”; TO AMEND SECTION 56-15-40, RELATING TO SPECIFIC ACTS DEEMED UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, TO PROVIDE THAT A MANUFACTURER, DISTRIBUTOR, WHOLESALER, DISTRIBUTOR BRANCH OR DIVISION, FACTORY BRANCH OR DIVISION, WHOLESALE BRANCH OR DIVISION, OR FINANCIAL ARM, OFFICER, AGENT OR OTHER REPRESENTATIVE THEREOF, MAY NOT REQUIRE OR COERCE A MOTOR VEHICLE DEALER TO OFFER TO SELL OR SELL ANY EXTENDED SERVICE CONTRACT, EXTENDED MAINTENANCE PLAN, FINANCIAL PRODUCT, OR INSURANCE PRODUCT OFFERED, SOLD, OR SPONSORED BY THE MANUFACTURER OR TO SELL, ASSIGN, OR TRANSFER ANY RETAIL INSTALLMENT SALES CONTRACT OR LEASE OBTAINED BY THE MOTOR VEHICLE DEALER IN CONNECTION WITH THE SALE OR LEASE OF A NEW MOTOR VEHICLE MANUFACTURED BY THE MANUFACTURER TO A SPECIFIED FINANCE COMPANY, CLASS OF FINANCE COMPANIES, LEASING COMPANY, CLASS OF LEASING COMPANIES, OR TO ANY OTHER SPECIFIED PERSON; TO AMEND CHAPTER 15, TITLE 56 BY ADDING SECTION 56-15-47, TO PROVIDE THAT A MANUFACTURER MAY NOT PREVENT A MOTOR VEHICLE DEALER FROM DESIGNATING A SUCCESSOR TO THE DEALERSHIP IN THE EVENT OF DEATH OR INCAPACITY OF THE MOTOR VEHICLE DEALER; TO AMEND SECTION 56-15-60, RELATING TO MOTOR VEHICLE DEALER’S CLAIMS FOR COMPENSATION, TO PROVIDE THAT ALL WARRANTY CLAIMS, SERVICE CLAIMS, OR INCENTIVE CLAIMS NOT SPECIFICALLY DISAPPROVED IN WRITING WITHIN THIRTY DAYS OF RECEIPT SHALL BE CONSTRUED AS APPROVED AND PAYMENT MUST FOLLOW WITHIN THIRTY DAYS, AND A MANUFACTURER SHALL NOT UNREASONABLY DISAPPROVE A CLAIM THAT RESULTS IN A CLERICAL OR ADMINISTRATIVE ERROR AND THAT CLAIM DISAPPROVAL MUST BE BASED ON A MATERIAL DEFECT; TO AMEND CHAPTER 15, TITLE 56 BY ADDING SECTION 56-15-95, TO PROVIDE THAT A MANUFACTURER MAY NOT TERMINATE OR CANCEL A FRANCHISE OR SELLING AGREEMENT OF A MOTOR VEHICLE DEALER WITHOUT DUE CAUSE, AND TO DETERMINE WHETHER DUE CAUSE EXISTS, THE COURT SHALL TAKE INTO CONSIDERATION CERTAIN FACTORS PROVIDED IN THE SECTION; BY ADDING SECTION 56-15-96, TO PROVIDE THAT A PERFORMANCE STANDARD, SALES EFFECTIVENESS STANDARD, SALES OBJECTIVE, OR PROGRAM FOR MEASURING DEALERSHIP PERFORMANCE THAT MAY HAVE A MATERIAL EFFECT ON A MOTOR VEHICLE DEALER SHALL BE FAIR, REASONABLE, EQUITABLE, BASED ON ACCURATE INFORMATION, AND UNIFORMLY APPLIED TO OTHER SIMILARLY SITUATED MOTOR VEHICLE DEALERS; AND BY ADDING SECTION 56‑15-98, TO PROVIDE A MANUFACTURER OR DISTRIBUTOR, OFFICER, AGENT, OR ANY REPRESENTATIVE OF A MANUFACTURER OR DISTRIBUTOR MAY NOT UNREASONABLY ALTER A NEW MOTOR VEHICLE DEALER’S AREA OF RESPONSIBILITY, AND TO PROVIDE PROCEDURE TO ALTER A NEW MOTOR VEHICLE DEALER’S AREA OF RESPONSIBILITY.

 Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., March 12, 2013

Mr. President and Senators:

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

 S. 304 -- Senators Shealy, Cromer and Campsen: A BILL TO AMEND SECTIONS 50‑13‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING GENERAL RESTRICTIONS ON FRESHWATER FISHING, SO AS TO MAKE A TECHNICAL CHANGE AND TO REVISE THE DEFINITION OF THE TERM “BAIT FISH”; TO AMEND SECTION 50‑13‑60, AS AMENDED, RELATING TO THE LAWFUL POSSESSION OF FISH, SO AS TO MAKE A TECHNICAL CHANGE TO THE PROVISION RELATING TO THE POSSESSION OF A GAME FISH; TO AMEND SECTIONS 50‑13‑200, 50‑13‑210, 50‑13‑250, 50‑13‑260, AND 50‑13‑270, ALL AS AMENDED, RELATING TO THE PROTECTION OF FRESHWATER GAME FISH, SO AS TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF FISHING DEVICES, TO REVISE THE NUMBER OF TROUT THAT MAY BE TAKEN ON THE LOWER REACH OF THE SALUDA RIVER, TO PROVIDE THE LEGAL LENGTH OF SMALLMOUTH BASS THAT MAY BE TAKEN FROM CERTAIN LAKES, RIVERS, AND RESERVOIRS ALONG THE STATE’S WESTERN REGION, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 50‑13‑620, 50‑13‑625, AND 50‑13‑635, ALL AS AMENDED, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO PROVIDE THAT A COMMERCIAL TROTLINE WHICH USES FIFTY OR FEWER HOOKS MUST BE MARKED AT INTERVALS OF TWENTY‑FIVE HOOKS, TO REVISE THE AGE OF PERSONS IN A BOAT THAT MAY USE AN UNLIMITED NUMBER OF FISHING DEVICES, AND TO REVISE THE NUMBER OF SET HOOKS A RECREATIONAL FISHERMAN MAY USE.

Respectfully submitted,

Speaker of the House

Received as information.

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

**HOUSE CONCURRENCE**

S. 504 -- Senators Fair, Hutto and Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM AND TO DECLARE TUESDAY, APRIL 9, 2013, AS “CHILDREN’S ADVOCACY DAY” IN SOUTH CAROLINA.

Returned with concurrence.

 Received as information.

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

**THIRD READING BILLS**

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

 S. 10 -- Senators L. Martin and Fair: A JOINT RESOLUTION TO AUTHORIZE SCHOOL TRUSTEES OF A SCHOOL DISTRICT, IN FISCAL YEAR 2012‑2013, TO SELL OR LEASE SCHOOL PROPERTY, REAL OR PERSONAL, IN THE SCHOOL DISTRICT AT ANY TIME THEY DEEM IT EXPEDIENT TO DO SO AND APPLY THE PROCEEDS OF THE SALE OR LEASE TO THE SCHOOL FUND OF THE DISTRICT.

 S. 446 -- Senators Massey and L. Martin: A BILL TO RATIFY AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, TO PROVIDE THAT THE LIEUTENANT GOVERNOR MUST BE ELECTED JOINTLY WITH THE GOVERNOR IN A MANNER PRESCRIBED BY LAW; TO ADD SECTION 37 TO ARTICLE III OF THE CONSTITUTION OF THIS STATE, TO PROVIDE THAT THE SENATE SHALL ELECT FROM AMONG ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; TO DELETE SECTIONS 9 AND 10 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE LIEUTENANT GOVERNOR BEING PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, TO REMOVE INCONSISTENT PROVISIONS; TO AMEND SECTION 11 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE REMOVAL OF THE LIEUTENANT GOVERNOR FROM OFFICE BY IMPEACHMENT, DEATH, RESIGNATION, DISQUALIFICATION, DISABILITY OR REMOVAL FROM THE STATE, TO PROVIDE THAT THE GOVERNOR SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, A SUCCESSOR TO FULFILL THE UNEXPIRED TERM; AND TO AMEND SECTION 12 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DISABILITY OF THE GOVERNOR, TO CONFORM APPROPRIATE REFERENCES.

 S. 230 -- Senator Johnson: A BILL TO AMEND SECTION 7‑27‑275, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLARENDON COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION, SO AS TO ADJUST THE MEMBERSHIP AND COMPOSITION OF THE BOARD.

**READ THE SECOND TIME**

 S. 476 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF FUNERAL SERVICE, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4268, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

 Senator MASSEY 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 35; Nays 6**

**AYES**

Alexander Allen Bennett

Campbell Cleary Cromer

Fair Ford Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Scott Setzler Sheheen

Thurmond Turner Verdin

Williams Young

**Total--35**

**NAYS**

Bright Bryant Corbin

Davis *Martin, Shane* Shealy

**Total--6**

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

**READ THE SECOND TIME**

 S. 477 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE BOARD OF FUNERAL SERVICE, RELATING TO REQUIREMENTS OF LICENSURE FOR FUNERAL SERVICE PROVIDERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4318, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

 Senator MASSEY 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 4**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Courson Cromer Davis

Fair Ford Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**NAYS**

Bright Bryant Corbin

*Martin, Shane*

**Total--4**

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

**AMENDED, READ THE SECOND TIME**

 S. 262 -- Senators Leatherman, Setzler and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 44 TO TITLE 11 SO AS TO ENACT THE “HIGH GROWTH SMALL BUSINESS JOB CREATION ACT OF 2013” BY PROVIDING FOR STATE NONREFUNDABLE INCOME TAX CREDITS FOR QUALIFIED INVESTMENTS IN BUSINESSES MEETING CERTAIN CRITERIA AND PRIMARILY ENGAGED IN MANUFACTURING, PROCESSING, WAREHOUSING, WHOLESALING, SOFTWARE DEVELOPMENT, INFORMATION TECHNOLOGY SERVICES, RESEARCH AND DEVELOPMENT, OR OTHER NONPROHIBITED SERVICES, TO ESTABLISH THE CRITERIA AND PROCEDURES FOR THE CREDIT, AND TO MAKE THE CREDIT TRANSFERABLE.

 The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment.

 On motion of Senator SHANE MARTIN, with unanimous consent, the following amendment was substituted for the previously proposed amendment.

 Senators SHANE MARTIN and DAVIS proposed the following amendment (262R011.SRM), which was adopted:

 Amend the bill, as and if amended, page 7, by striking line 30 and inserting:

 / State.

 Section 11‑44‑90. (A) A qualified business, receiving an investment pursuant to this chapter, shall submit an annual report to the Department of Commerce that includes a summary of jobs created and lost, categorized by full‑time, part‑time, temporary positions, and hourly wage for each year for five years after an investment is made. The initial summary report must include a statement of how the investment was used and whether it was effective for the qualified business. The report must be made available to the public via the department’s website.

 (B)(1) The Department of Commerce shall submit an annual report to the General Assembly and the Governor by January thirty‑first containing:

 (a) the aggregate amount of all credits issued pursuant to this chapter during the previous tax year;

 (b) the name of each qualified business receiving an investment; and

 (c) a detailed summary of the reports filed pursuant to subsection (A), including a cost‑benefit analysis of the amount of credit awarded and jobs created.

 (2) The report must be made available to the public via the department’s website.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator SHANE MARTIN explained the amendment.

 The amendment was adopted.

 Senator DAVIS spoke on the Bill.

 The question then was second reading of the Bill.

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

**Ayes 35; Nays 6**

**AYES**

Alexander Allen Bennett

Campbell Cleary Corbin

Courson Cromer Fair

Ford Gregory Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Scott Setzler

Sheheen Turner Verdin

Williams Young

**Total--35**

**NAYS**

Bright Bryant Davis

Grooms Shealy Thurmond

**Total--6**

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

**COMMITTEE AMENDMENT AMENDED**

**CARRIED OVER**

 S. 237 -- Senators Shealy, Setzler, Courson, Turner, Cromer, Massey and Young: A BILL TO AMEND SECTION 10‑1‑161 OF THE 1976 CODE, RELATING TO STATE CAPITOL BUILDING FLAGS FLOWN AT HALF‑STAFF, TO PROVIDE THAT FLAGS ATOP THE STATE CAPITOL BUILDING MUST BE LOWERED TO HALF‑STAFF FOR MEMBERS OF THE UNITED STATES MILITARY SERVICES, WHO WERE RESIDENTS OF THIS STATE AND WHO LOST THEIR LIVES IN THE LINE OF DUTY, ON THE DAY WHEN THEIR NAMES ARE RELEASED TO THE GENERAL PUBLIC, AND THE FLAGS SHALL REMAIN AT HALF‑STAFF UNTIL AT LEAST DAWN THE SECOND DAY AFTER FUNERAL SERVICES ARE CONDUCTED.

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

 Senators SHEALY and FAIR proposed the following amendment (NL\237C003.NL.DG13), which was adopted:

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

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

 SECTION 1. Section 10‑1‑161 of the 1976 Code is amended to read:

 “Section 10-1-161. (A) On Memorial Day the flags, which are flown atop the State Capitol Building, must be displayed at half‑staff until noon, then raised to the top of the staff.

 (B) To honor and pay tribute to the following public officials and individuals, the flags which are flown atop the State Capitol Building must be lowered to half‑staff on the day on which funeral services are conducted for these public officials and individuals:

 (1) current and past members of the United States Congress from the State of South Carolina;

 (2) current constitutional officers of the State of South Carolina;

 (3) former Governors and Lieutenant Governors of the State of South Carolina;

 (4) current members of the South Carolina General Assembly;

 (5) current members of the South Carolina Supreme Court; ~~and~~

 (6) current and former Presidents of the United States; and

 (7) members of the United States military services who were residents of South Carolina and who lost their lives in the line of duty while in combat.

 (C) As contained in this section, ‘half‑staff’ means the position of the flag when it is one‑half the distance between the top and bottom of the staff.

 (D) ~~In addition to the public officials enumerated in subsection (B), flags atop the State Capitol Building must be lowered to half‑staff on the day when funeral services are conducted for members of the United States military services who were residents of South Carolina and who lost their lives in the line of duty while in combat.~~

 ~~(E)~~ The flags atop the State Capitol Building must be flown at half‑staff for a period of thirty days from the date of death of the President or a former President; for a period of ten days from the date of death of the Vice President, the Chief Justice, or a retired Chief Justice of the United States Supreme Court, or the Speaker of the United States House of Representatives; for a period of ten days for members of the United States military services who were residents of South Carolina and who lost their lives in the line of duty while in combat, beginning with the day the Division of Veterans’ Affairs notifies the Office of the Governor of the death; and from the date of death through the date of interment of an associate justice of the United States Supreme Court, or a secretary of a federal executive or military department, or a former Vice President.

 ~~(F)~~(E) Upon the occurrence of an extraordinary event resulting in death or upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building be lowered to half‑staff at a designated time or for a designated period of time.

 ~~(G)~~(F) The Governor may order the flags atop the State Capitol Building to be lowered to half‑staff for the same designated time when an act of the United States Congress or a presidential order is issued to lower flags to half‑staff over federal buildings.

 ~~(H)~~(G) The flags atop the State Capitol Building, when flown at half‑staff must first be hoisted to the peak for an instant and then lowered to the half‑staff position. The flags must be again raised to the peak before they are lowered for the day.

 (H)(1) On any day where flags atop the State Capitol Building are flown at half‑staff to honor and pay tribute to more than one individual listed in subsections (B) or (D), the flags must be hoisted and lowered pursuant to subsection (G) as many times as there are individuals to honor and pay tribute to that day.

 (2) On any day where flags atop the State Capitol Building are flown at half‑staff, the Governor shall, on a conspicuous place on the website maintained by the Governor, identify the person or persons to which such honor and tribute is being paid.”

 SECTION 2. This act takes effect upon approval by the Governor./

 Renumber sections to conform.

 Amend title to conform.

 Senator FAIR explained the perfecting amendment.

 The perfecting amendment was adopted.

 Senator MALLOY proposed the following amendment (237R002.GM), which was subsequently withdrawn:

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

 / SECTION 1. Section 10‑1‑161 of the 1976 Code is amended to read:

 “Section 10-1-161. (A) On Memorial Day the flags, which are flown atop the State Capitol Building and all other flags on the Statehouse grounds, including flags on the Supreme Court building,, must be displayed at half‑staff until noon, then raised to the top of the staff.

 (B) To honor and pay tribute to the following public officials and individuals, the flags which are flown atop the State Capitol Building and all other flags on the Statehouse grounds, including flags on the Supreme Court building, must be lowered to half‑staff on the day on which funeral services are conducted for these public officials and individuals:

 (1) current and past members of the United States Congress from the State of South Carolina;

 (2) current constitutional officers of the State of South Carolina;

 (3) former Governors and Lieutenant Governors of the State of South Carolina;

 (4) current members of the South Carolina General Assembly;

 (5) current members of the South Carolina Supreme Court; ~~and~~

 (6) current and former Presidents of the United States; and

 (7) members of the United States military services who were residents of South Carolina and who lost their lives in the line of duty while in combat.

 (C) As contained in this section, ‘half‑staff’ means the position of the flag when it is one‑half the distance between the top and bottom of the staff.

 (D) ~~In addition to the public officials enumerated in subsection (B), flags atop the State Capitol Building must be lowered to half‑staff on the day when funeral services are conducted for members of the United States military services who were residents of South Carolina and who lost their lives in the line of duty while in combat.~~

 ~~(E)~~ The flags atop the State Capitol Building and all other flags on the Statehouse grounds, including flags on the Supreme Court building, must be flown at half‑staff for a period of thirty days from the date of death of the President or a former President; for a period of ten days from the date of death of the Vice President, the Chief Justice, or a retired Chief Justice of the United States Supreme Court, or the Speaker of the United States House of Representatives; for a period of ten days for members of the United States military services who were residents of South Carolina and who lost their lives in the line of duty while in combat, beginning with the day the Division of Veterans’ Affairs notifies the Office of the Governor of the death; and from the date of death through the date of interment of an associate justice of the United States Supreme Court, or a secretary of a federal executive or military department, or a former Vice President.

 ~~(F)~~(E) Upon the occurrence of an extraordinary event resulting in death or upon the death of a person of extraordinary stature, the Governor may order that the flags atop the State Capitol Building and all other flags on the Statehouse grounds, including flags on the Supreme Court building, be lowered to half‑staff at a designated time or for a designated period of time.

 ~~(G)~~(F) The Governor may order the flags atop the State Capitol Building and all other flags on the Statehouse grounds, including flags on the Supreme Court building, to be lowered to half‑staff for the same designated time when an act of the United States Congress or a presidential order is issued to lower flags to half‑staff over federal buildings.

 ~~(H)~~(G) The flags atop the State Capitol Building and all flags on the Statehouse grounds, including flags on the Supreme Court building, when flown at half‑staff must first be hoisted to the peak for an instant and then lowered to the half‑staff position. The flags must be again raised to the peak before they are lowered for the day.

 (H)(1) On any day where flags atop the State Capitol Building and all other flags on the Statehouse grounds, including flags on the Supreme Court building, are flown at half‑staff to honor and pay tribute to more than one individual listed in subsections (B) or (D), the flags must be hoisted and lowered pursuant to subsection (G) as many times as there are individuals to honor and pay tribute to that day.

 (2) On any day where flags atop the State Capitol Building and all other flags on the Statehouse grounds, including flags on the Supreme Court building, are flown at half‑staff, the Governor shall, on a conspicuous place on the website maintained by the Governor, identify the person or persons to which such honor and tribute is being paid.”

 SECTION 2. This act takes effect upon approval by the Governor./

 Renumber sections to conform.

 Amend title to conform.

 Senator MALLOY explained the perfecting amendment.

 On motion of Senator MALLOY, with unanimous consent, the amendment was withdrawn.

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

**CARRIED OVER**

 S. 295 -- Senators Fair, Cromer, Verdin and Allen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑11‑2028 SO AS TO ALLOW THE GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT CREATED BY ACT OF THE GENERAL ASSEMBLY, WHICH PROVIDES RECREATIONAL SERVICES AND HAS AS ITS BOUNDARY THE SAME AS THE COUNTY IN WHICH IT IS LOCATED, TO VOLUNTARILY DISSOLVE ITSELF AND TRANSFER ITS ASSETS AND LIABILITIES TO A COUNTY IF ACCEPTED BY RESOLUTION OF ITS GOVERNING BODY; TO REQUIRE A PUBLIC HEARING TO BE CONDUCTED BEFORE TAKING A SUPERMAJORITY VOTE OF ITS GOVERNING BODY AND THE GOVERNING BODY OF THE COUNTY; TO REQUIRE THE GOVERNING BODY OF THE COUNTY TO COMPLY WITH THE PROVISIONS OF SECTION 6‑11‑2140; TO PROVIDE FOR CALCULATING THE MILLAGE LIMITATION FOR A COUNTY WHEN A SPECIAL PURPOSE DISTRICT TRANSFERS ITS ASSETS AND LIABILITIES TO A COUNTY; AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO A SPECIAL PURPOSE DISTRICT THAT PROVIDES BOTH RECREATIONAL AND AGING SERVICES.

 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 PEELER, the Senate agreed to dispense with the Motion Period.

**Expression of Personal Interest**

 Senator COURSON rose for an Expression of Personal Interest.

**RECESS**

 At 1:00 P.M., on motion of Senator SCOTT, the Senate receded from business not to exceed five minutes.

 At 1:06 P.M., the Senate resumed.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**COMMITTEE AMENDMENT ADOPTED AND AMENDED**

**DEBATE INTERRUPTED**

 S. 53 -- Senators Campsen, Hayes and Young: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE SENATE, FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION; AND PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE XI, RELATING TO THE STATE BOARD OF EDUCATION, SO AS TO ABOLISH THE BOARD EFFECTIVE UPON THE STATE SUPERINTENDENT OF EDUCATION BEING APPOINTED BY THE GOVERNOR.

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

 Senator SCOTT spoke on the resolution.

**Amendment No. P1A**

 Senator SCOTT proposed the following Amendment No. P1A (53R013.JS), which was tabled:

 Amend the Committee Amendment, as and if amended, by striking the committee amendment in its entirety and inserting:

 // Amend the joint resolution, as and if amended, by striking SECTION 1 and SECTION 2 and inserting:

 / SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

 “Beginning upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of the provisions of this paragraph, the Superintendent of Education must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Superintendent of Education shall serve at the pleasure of the Governor. In addition to any qualifications provided for by law, the appointed Superintendent of Education must hold a Doctorate of Education, or related field, and must have at least ten years of experience in education, or a related field. The General Assembly shall provide by law for the appointed Superintendent of Education’s duties, compensation, and any additional qualifications for the office and the procedures by which the appointment is made.”

 SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to delete the Superintendent of Education from the list of state officers which the Constitution requires to be elected; to provide that upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of this provision, the superintendent must be appointed by the Governor, upon the advice and consent of the Senate; to provide that the appointed Superintendent of Education shall serve at the pleasure of the Governor; to provide that in addition to other qualifications provided by law, the appointed Superintendent must hold a Doctorate of Education, or related field, and have at least ten years of experience in education, or a related field; and to require the General Assembly to provide by law for the appointed Superintendent of Education’s duties, compensation, and any additional qualifications and the procedures by which the appointment is made?

 Yes 

 No 

 Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” / //

 Renumber sections to conform.

 Amend title to conform.

 Senator SCOTT explained the amendment.

 Senator LARRY MARTIN spoke on the amendment.

 Senator FORD spoke on the amendment.

 Senator LARRY MARTIN moved that the Senate stand adjourned.

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

**Ayes 19; Nays 24**

**AYES**

Alexander Allen Campbell

Campsen Coleman Gregory

Hutto Jackson Johnson

Leatherman Malloy *Martin, Larry*

Matthews Nicholson O'Dell

Pinckney Setzler Sheheen

Williams

**Total--19**

**NAYS**

Bennett Bright Bryant

Cleary Corbin Courson

Cromer Davis Fair

Grooms Hayes Hembree

Lourie *Martin, Shane* Massey

McElveen McGill Peeler

Scott Shealy Thurmond

Turner Verdin Young

**Total--24**

 The Senate refused to adjourned. The question then was the adoption of Amendment No. P1A.

 Senator CORBIN moved to lay the amendment on the table.

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

**Ayes 28; Nays 14**

**AYES**

Alexander Bennett Bright

Bryant Campbell Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Leatherman Lourie

*Martin, Larry Martin, Shane* Massey

O'Dell Peeler Shealy

Thurmond Turner Verdin

Young

**Total--28**

**NAYS**

Allen Ford Jackson

Johnson Malloy Matthews

McElveen McGill Nicholson

Pinckney Scott Setzler

Sheheen Williams

**Total--14**

 Amendment No. P1A was laid on the table.

**Motion Adopted**

 On motion of Senator BRYANT, with unanimous consent, Senators O’DELL, MATTHEWS, JACKSON and BRYANT were granted leave to attend a subcommittee meeting and be granted leave to vote from the balcony.

 The question then was the adoption of the committee amendment.

 The Committee on Judiciary proposed the following amendment (JUD0053.003), which was adopted:

 Amend the joint resolution, as and if amended, by striking the joint resolution in its entirety and inserting therein the following:

 / A JOINT RESOLUTION

 PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, BEGINNING UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED, AND TO PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE SENATE, AND MUST SERVE AT THE PLEASURE OF THE GOVERNOR; AND TO REQUIRE THAT THE GENERAL ASSEMBLY PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, AND THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE.

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

 SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

 “Beginning upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of the provisions of this paragraph, the Superintendent of Education must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Superintendent of Education shall serve at the pleasure of the Governor. The General Assembly shall provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made.”

 SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to delete the Superintendent of Education from the list of state officers which the Constitution requires to be elected; to provide that upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of this provision, the superintendent must be appointed by the Governor, upon the advice and consent of the Senate; to provide that the appointed Superintendent of Education shall serve at the pleasure of the Governor; and to require the General Assembly to provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made?

 Yes 

 No 

 Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator MALLOY explained the committee amendment.

**Point of Quorum**

 At 2:57 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Allen Bennett

Bright Bryant Campbell

Cleary Corbin Courson

Cromer Davis Fair

Ford Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Pinckney Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

 A quorum being present, the Senate resumed.

 Senator MALLOY resumed speaking on the committee amendment.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Cleary Corbin Courson

Cromer Davis Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

O'Dell Peeler Pinckney

Reese Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**NAYS**

**Total--0**

 The committee amendment was adopted.

**Amendment No. 1A**

 Senator SHEHEEN proposed the following Amendment No. 1A (BBM\53C001.BBM.HTC13), which was tabled:

 Amend the joint resolution, as and if amended, by adding an appropriately numbered new SECTION at the end to read:

 / SECTION \_\_. A. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

 “Beginning upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate.”

 B. The proposed amendment in subsection A must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to delete the Adjutant General from the list of state officers which the Constitution requires to be elected and to provide that upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of this provision, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate?

 Yes 

 No 

 Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

 C. It is proposed that Section 4, Article XIII of the Constitution of this State be amended to read:

 “Section 4. (A) There ~~shall~~must be an Adjutant ~~and Inspector~~ General ~~elected by the qualified electors of the State at the same time and in the same manner as other State officers~~ appointed by the Governor upon the advice and consent of the Senate, who shall rank as ~~Brigadier~~ Major General, and whose duties and compensation ~~shall~~must be prescribed by law. The Governor ~~shall~~, by and with the advice and consent of the Senate, shall appoint ~~such~~ other staff officers as the General Assembly may direct.

 (B) Beginning with the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Governor, acting in his capacity as commander‑in‑chief, shall appoint the Adjutant General with the advice and consent of the Senate. The Adjutant General is the commander of all military forces within the South Carolina Military Department, and he is responsible to the Governor in his role as commander‑in‑chief for the proper performance of his duties. The Adjutant General’s term of office must be for four years and shall commence on the first Wednesday following the second Tuesday in January following the general election which marks the mid‑term of the Governor, except that the initial term of the first Adjutant General appointed pursuant to the provisions of this paragraph must be for two years so as to allow subsequent terms to be staggered with that of the Governor. The General Assembly shall provide by law for the duties, compensation, and qualifications for the office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office.”

 D. The proposed amendment in subsection C must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 4, Article XIII of the Constitution of this State, relating to state constitutional officers, be amended so as to delete an obsolete reference to the Inspector General; to make a conforming change to the rank of the Adjutant General; to provide that upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of this provision, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate for a four‑year term commencing on the first Wednesday following the second Tuesday in January following the general election which marks the midterm of the Governor, except that the initial term of the first Adjutant General appointed pursuant to the provisions of this amendment must be for two years so as to allow subsequent terms to be staggered with that of the Governor; and to require the General Assembly to provide by law for the duties, compensation, and qualifications for the office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office?

 Yes 

 No 

 Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator SHEHEEN explained the amendment.

**Point of Order**

 Senator LARRY MARTIN raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Joint Resolution.

 Senator LARRY MARTIN spoke on the Point of Order.

 Senator SHEHEEN spoke on the Point of Order.

 The PRESIDENT stated that the Point of Order raised was a unique one since the most recent amendments to Rule 24. Therefore, one must look closely at the proposed amendment to delete the Adjutant General from the list of elected Constitutional officers.

 The Joint Resolution would amend the list of Constitutional officers in Article VI, Section 7, which are all in the same sentence, by deleting the Superintendent of Education. The amendment deletes another. This is a material and logical change or expansion to the specific subject of the resolution which appears clearly as stated in the title to amend the Constitution relating to Constitutional officers by deleting one. This theme is carried out in the text of the Bill and the question submitted to the voters as stated therein. It does not add a new Constitutional officer to be elected by the people. Since the Adjutant General is not new and is conjunctively in the same sentence with the others and thus not independent, it does not raise a new and independent matter different from the specific subject.

 Therefore, the Point of Order was overruled.

 The question was the adoption of the amendment.

 Senator PEELER moved to lay the amendment on the table.

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

**Ayes 22; Nays 18**

**AYES**

Alexander Bennett Bryant

Campbell Campsen Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

*Martin, Larry Martin, Shane* Massey

Peeler Shealy Turner

Verdin

**Total--22**

**NAYS**

Allen Bright Hutto

Jackson Johnson Lourie

Malloy Matthews McElveen

McGill Pinckney Reese

Scott Setzler Sheheen

Thurmond Williams Young

**Total--18**

 The amendment was laid on the table.

**Amendment No. 2**

 Senator SHEHEEN proposed the following Amendment No. 2 (53R001.VAS), which was withdrawn:

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

 / SECTION \_\_\_. (A) It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

 “Beginning upon the expiration of the term of the Secretary of State serving in office on the date of the ratification of the provisions of this paragraph, the Secretary of State must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Secretary of State shall serve at the pleasure of the Governor. The General Assembly shall provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made.”

 (B) The proposed amendment in subsection (A) must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to delete the Secretary of State from the list of state officers which the Constitution requires to be elected; to provide that upon the expiration of the term of the Secretary of State serving in office on the date of the ratification of this provision, the Secretary of State must be appointed by the Governor, upon the advice and consent of the Senate; to provide that the appointed Secretary of State shall serve at the pleasure of the Governor; and to require the General Assembly to provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made?

 Yes 

 No 

 Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator SHEHEEN explained the amendment.

 On motion of Senator SHEHEEN, with unanimous consent, the amendment was withdrawn.

**Amendment No. 3**

 Senator SHEHEEN proposed the following Amendment No. 3 (53R002.VAS), which was withdrawn:

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

 / SECTION \_\_\_. (A) It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

 “Beginning upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of the provisions of this paragraph, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Comptroller General shall serve at the pleasure of the Governor. The General Assembly shall provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made.”

 (B) The proposed amendment in subsection (A) must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to delete the Comptroller General from the list of state officers which the Constitution requires to be elected; to provide that upon the expiration of the term of the Comptroller General serving in office on the date of the ratification of this provision, the Comptroller General must be appointed by the Governor, upon the advice and consent of the Senate; to provide that the appointed Comptroller General shall serve at the pleasure of the Governor; and to require the General Assembly to provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made?

 Yes 

 No 

 Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator SHEHEEN explained the amendment.

 On motion of Senator SHEHEEN, with unanimous consent, the amendment was withdrawn.

**Amendment No. 4**

 Senator SHEHEEN proposed the following Amendment No. 4 (53R003.VAS), which was not adopted:

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

 / SECTION \_\_\_. (A) It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

 “Beginning upon the expiration of the term of the Commissioner of Agriculture serving in office on the date of the ratification of the provisions of this paragraph, the Commissioner of Agriculture must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Commissioner of Agriculture shall serve at the pleasure of the Governor. The General Assembly shall provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made.”

 (B) The proposed amendment in subsection (A) must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to delete the Commissioner of Agriculture from the list of state officers which the Constitution requires to be elected; to provide that upon the expiration of the term of the Commissioner of Agriculture serving in office on the date of the ratification of this provision, the Commissioner of Agriculture must be appointed by the Governor, upon the advice and consent of the Senate; to provide that the appointed Commissioner of Agriculture shall serve at the pleasure of the Governor; and to require the General Assembly to provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made?

 Yes 

 No 

 Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator SHEHEEN explained the amendment.

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

**Ayes 7; Nays 35**

**AYES**

Allen Bright Jackson

Johnson McElveen Sheheen

Thurmond

**Total--7**

**NAYS**

Alexander Bennett Bryant

Campbell Campsen Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McGill

O'Dell Peeler Pinckney

Reese Scott Setzler

Shealy Turner Verdin

Williams Young

**Total--35**

 The amendment was not adopted.

**Statement by Senator YOUNG**

 I voted against including the Commissioner of Agriculture with the Superintendent of Education in the same Joint Resolution because based on what I know from pushing for these reforms since 2009, I do not believe that combining the two into one Joint Resolution will be able to get the necessary two‑thirds of the Senate and the House for passage. As to these two offices, I think that they have a better chance to pass the General Assembly if they are presented as separate measures for consideration.

**Amendment No. 7**

 Senator SCOTT proposed the following Amendment No. 7 (53R007.JS), which was withdrawn:

 Amend the joint resolution, as and if amended, by striking SECTION 1 and SECTION 2 and inserting:

 / SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

 “Beginning upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of the provisions of this paragraph, the Superintendent of Education must be appointed by the State Board of Education, upon the advice and consent of the Senate. The appointed Superintendent of Education shall serve at the pleasure of the State Board of Education. The General Assembly shall provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made.”

 SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to delete the Superintendent of Education from the list of state officers which the Constitution requires to be elected; to provide that upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of this provision, the superintendent must be appointed by the State Board of Education, upon the advice and consent of the Senate; to provide that the appointed Superintendent of Education shall serve at the pleasure of the State Board of Education; and to require the General Assembly to provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made?

 Yes 

 No 

 Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator SCOTT explained the amendment.

 On motion of Senator SCOTT, with unanimous consent, the amendment was withdrawn.

**Amendment No. 8C**

 Senator SCOTT proposed the following Amendment No. 8C (53R017.JS), which was carried over:

 Amend the joint resolution, as and if amended, by striking SECTION 1 and SECTION 2 and inserting:

 / SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

 “Beginning upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of the provisions of this paragraph, the Superintendent of Education must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Superintendent of Education shall serve at the pleasure of the Governor. In addition to any qualifications provided for by law, the appointed Superintendent of Education must hold a doctorate in education, or related field, a masters degree in education, or a related field, a Masters of Public Administration, or a Juris Doctorate and must have at least ten years of experience in education, or ten years experience in a field related to his degree. Academic degrees required by this paragraph must be awarded by an institution of higher learning that has been accredited by a regional or national accrediting body. The General Assembly shall provide by law for the appointed Superintendent of Education’s duties, compensation, and any additional qualifications for the office and the procedures by which the appointment is made.”

 SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to delete the Superintendent of Education from the list of state officers which the Constitution requires to be elected; to provide that upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of this provision, the superintendent must be appointed by the Governor, upon the advice and consent of the Senate; to provide that the appointed Superintendent of Education shall serve at the pleasure of the Governor; to provide that in addition to other qualifications provided by law, the appointed Superintendent must hold doctorate in education, or related field, a masters degree in education, or a related field, a Masters of Public Administration, or a Juris Doctorate and have at least ten years of experience in education, or ten years experience in a field related to his degree; to provide that the required academic degrees must be awarded by an institution of higher learning that has been accredited by a regional or national accrediting body; and to require the General Assembly to provide by law for the appointed Superintendent of Education’s duties, compensation, and any additional qualifications and the procedures by which the appointment is made?

 Yes 

 No 

 Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator SCOTT explained the amendment.

**RECESS**

 With Senator SCOTT retaining the floor, at 4:46 P.M., on motion of Senator CROMER, with unanimous consent, the Senate receded from business not to exceed 5 minutes.

 At 4:59 P.M., the Senate resumed.

 Senator SCOTT resumed explaining the amendment.

 With Senator SCOTT retaining the floor, Senator CAMPSEN, asked unanimous consent to introduce a Bill.

 There was no objection.

**INTRODUCTION OF A BILL**

 The following Bill was introduced:

 S. 521 -- Senators Campsen, Sheheen and Scott: A BILL TO AMEND SECTION 59-3-10 OF THE 1976 CODE, RELATING TO THE ELECTION OF THE STATE SUPERINTENDENT OF EDUCATION, TO PROVIDE FOR THE APPOINTMENT OF THE SUPERINTENDENT BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, AND TO PROVIDE FOR THE TERM, QUALIFICATIONS, AND FILLING OF A VACANCY IN THE OFFICE SUPERINTENDENT; AND TO REPEAL SECTION 59-3-20.

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

 The Senate resumed consideration of S. 53.

 Amendment No. 8C was carried over.

**Amendment No. 9**

 Senator CAMPSEN proposed the following Amendment No. 9 (JUD0053.007), which was adopted:

 Amend the joint resolution, as and if amended, by striking SECTION 2 in its entirety and inserting therein the following:

 / SECTION 2. The proposed amendment in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 7, Article VI of the Constitution of this State, relating to state constitutional officers, be amended so as to provide that upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of this provision, the Superintendent of Education must be appointed by the Governor, upon the advice and consent of the Senate; to provide that the appointed Superintendent of Education shall serve at the pleasure of the Governor; and to require the General Assembly to provide by law for the duties, compensation, and qualifications for office, and the procedures by which the appointment is made?

 Yes 

 No 

 Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator CAMPSEN explained the amendment.

 The amendment was adopted.

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

**ADJOURNMENT**

 At 5:03 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 2:00 P.M.

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