**Thursday, January 26, 2012**

**(Statewide Session)**

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## Indicates New Matter

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

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

In the David and Goliath story we read:

“A champion named Goliath, who was from Gath, came out of the Philistine camp. He was over nine feet tall.”

And, ultimately: “David said to Saul, ‘Let no one lose heart on account of this Philistine; your servant will go and fight him.’ ”

(I Samuel 17:4 and 32)

Let us together bow in prayer:

Dear God, You gave courage to young David as he met the giant. Today we ask You to grant courage to each one of these Senators who serves our State of South Carolina. Guide them in the ways of righteousness and diligence; instill in them the strength that they need in order to carry out their many, many tasks. Likewise, O Lord, be also with our women and men in uniform wherever they might serve around the globe. May they, too, find themselves emboldened--and kept safe--by Your holy presence. We pray these things in Your precious name, dear Lord.

Amen.

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

**Doctor of the Day**

Senator MALLOY introduced Dr. John C. Ropp of Hartsville, S.C., Doctor of the Day.

**Leave of Absence**

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

**Leave of Absence**

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

**CO-SPONSORS ADDED**

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

S. 1126 Sen. Setzler

S. 1130 Sen. Shane Martin

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1147 -- Senator O'Dell: A BILL TO AMEND SECTION 38-71-1520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ACCESS TO MEDICAL CARE ACT, SO AS TO AMEND THE DEFINITION OF “EMERGENCY MEDICAL CARE” AND “EMERGENCY MEDICAL PROVIDER” AND TO PROVIDE THAT THEY INCLUDE THE TRANSPORTATION OF A PATIENT WITH AN EMERGENCY MEDICAL CONDITION TO A HOSPITAL EMERGENCY FACILITY BY AN EMERGENCY MEDICAL SERVICE PROVIDER.

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

S. 1148 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “JASON FLATT ACT” BY ADDING SECTION 59-26-110 SO AS TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL REQUIRE TWO HOURS OF TRAINING IN YOUTH SUICIDE AWARENESS AND PREVENTION AS A REQUIREMENT FOR THE RENEWAL OF CREDENTIALS FOR INDIVIDUALS EMPLOYED IN MIDDLE SCHOOLS AND HIGH SCHOOLS; TO REQUIRE THE DEPARTMENT TO DEVELOP GUIDELINES FOR TRAINING AND MATERIALS THAT MAY BE USED BY SCHOOLS AND SCHOOL DISTRICTS AND TO PROVIDE THAT SCHOOL DISTRICTS MAY APPROVE TRAINING MATERIALS FOR TRAINING THEIR EMPLOYEES; TO PROVIDE THAT THIS TRAINING REQUIREMENT MAY BE SATISFIED THROUGH SELF REVIEW OF SUICIDE PREVENTION MATERIALS; AND TO PROVIDE THAT NO CAUSE OF ACTION RESULTS FROM THE IMPLEMENTATION OF THIS ACT.

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

S. 1149 -- Senators Campsen, Campbell, Massey, Shoopman, Bright, Gregory, Alexander, Peeler, Grooms, Bryant, S. Martin, Davis, Knotts, L. Martin, Rose, Hayes and Thomas: A BILL TO ENACT THE “BORN ALIVE INFANT PROTECTION ACT” BY AMENDING SECTION 2-7-30 OF THE 1976 CODE, RELATING TO THE CONSTRUCTION OF THE WORDS “PERSON” AND “PARTY” AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, TO PROVIDE FURTHER FOR THE CONSTRUCTION OF “PERSON”, “HUMAN BEING”, “CHILD”, AND “INDIVIDUAL”, SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE “BORN ALIVE”, TO PROHIBIT THE DEPRIVATION OF MEDICALLY APPROPRIATE AND REASONABLE MEDICAL CARE FOR AN INFANT, TO CLARIFY THE RIGHT OF A PARENT OR GUARDIAN TO REFUSE TREATMENT THAT IS NOT MEDICALLY APPROPRIATE OR REASONABLE, AND TO PROVIDE FOR THE SEVERABILITY AND ENFORCEABILITY OF THE PORTIONS OF THIS SECTION.

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

S. 1150 -- Senator Ryberg: A BILL TO AMEND SECTION 39-5-325 OF THE 1976 CODE, RELATING TO UNFAIR TRADE PRACTICES, TO AMEND THE DEFINITION OF BELOW COST TO REDUCE THE ALLOWABLE PROMOTIONAL SALES EXCEPTION FROM FOURTEEN DAYS TO SEVEN DAYS FOR EACH CALENDAR YEAR; TO AMEND SECTION 39-5-350 TO REMOVE THE AUTHORITY OF THE DEPARTMENT OF CONSUMER AFFAIRS TO OBTAIN RECORDS IN ENFORCEMENT OF THE PROVISIONS OF THIS ARTICLE; AND TO AMEND SECTION 39-5-360 TO INCREASE THE PENALTIES FOR VIOLATIONS AND TO PROVIDE THAT THE ATTORNEY GENERAL’S OFFICE IS TO RECEIVE FIFTY PERCENT OF ALL FINES FOR VIOLATIONS TO OFFSET THE COST OF PROSECUTION.

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

S. 1151 -- Senator Cleary: A SENATE RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 1, 2012, AS “SOUTH CAROLINA RECYCLERS DAY” AND TO COMMEND AND RECOGNIZE SOUTH CAROLINA’S RECYCLERS FOR THEIR CONTRIBUTIONS TO OUR STATE’S ECONOMY, FOR THEIR EFFORTS TO PROMOTE ENERGY EFFICIENCY, AND FOR THEIR LEADERSHIP IN PROVIDING SUSTAINABLE MATERIAL-MANAGEMENT OPTIONS.

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On motion of Senator CLEARY, with unanimous consent, the Senate Resolution was introduced and ordered placed on the Calendar without reference.

S. 1152 -- Senator Cleary: A CONCURRENT RESOLUTION TO DECLARE FEBRUARY 2012 AS NATIONAL CHILDREN'S DENTAL HEALTH MONTH, AND TO THANK SOUTH CAROLINA DENTAL HEALTH CARE PROVIDERS FOR MAKING FEBRUARY 3, 2012, “GIVE KIDS A SMILE DAY” THAT PROMOTES ORAL HEALTH AND JOINS IN THE EFFORTS THROUGHOUT THE NATION TO ADVOCATE FOR ORAL HEALTH AWARENESS AND OPTIMAL ORAL HEALTH IN CHILDREN.

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On motion of Senator CLEARY, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 1153 -- Senator Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE CHAPIN HIGH SCHOOL VARSITY CHEERLEADING SQUAD, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON, AND TO CONGRATULATE THEM FOR WINNING THE 2011 CLASS AAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

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.

Read the first time and referred to the Committee on Medical Affairs.

H. 4635 -- Reps. Funderburk, Erickson, Brady, Stavrinakis, Agnew, Ott, McLeod, McCoy, Sottile, Allison, Delleney, Gambrell, Hamilton, Harrell, Herbkersman, Horne, Limehouse, Long, Murphy, Pitts, Pope, Simrill, G. R. Smith, Thayer, Weeks, Willis, Bowers and V. S. Moss: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES CONGRESS TO DESIGNATE IN SOUTH CAROLINA THE SOUTHERN CAMPAIGN OF THE REVOLUTION NATIONAL HERITAGE AREA, WHICH IS AN AREA UNDER CONSIDERATION FOR THIS NATIONAL HERITAGE AREA DESIGNATION DUE TO ITS HISTORICAL SIGNIFICANCE AND SOUTH CAROLINA’S VITAL ROLE IN THE AMERICAN REVOLUTION.

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

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

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

H. 4685 -- Reps. Spires, Atwater and Toole: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE WHITE KNOLL 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 AAAA STATE CHAMPIONSHIP TITLE.

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

H. 4686 -- Reps. Harrell, R. L. Brown, Crosby, Gilliard, Horne, Limehouse, Mack, McCoy, Merrill, Ryan, Sottile, Stavrinakis and Whipper: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE WORK OF THE CANNON STREET YOUNG MEN’S CHRISTIAN ASSOCIATION (YMCA) IN CHARLESTON COUNTY, AND TO CONGRATULATE THE STAFF AND MEMBERS FOR ONE HUNDRED FORTY-FIVE YEARS OF OUTSTANDING SERVICE TO THEIR COMMUNITY.

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

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

**CARRIED OVER**

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

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

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.

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

**ADOPTED**

S. 1129 -- Senator Ford: A CONCURRENT RESOLUTION TO INVITE THE HONORABLE BARACK H. OBAMA, PRESIDENT OF THE UNITED STATES OF AMERICA, TO ADDRESS THE SOUTH CAROLINA GENERAL ASSEMBLY IN JOINT ASSEMBLY IN THE CHAMBER OF THE HOUSE OF REPRESENTATIVES AT A TIME TO BE DETERMINED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

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

**ADOPTED**

H. 4630 -- Reps. Harrell, Lucas, Hardwick, Harrison, Howard, Owens, Sandifer, White, Bingham and Ott: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, FEBRUARY 8, 2012.

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

**ADOPTED**

H. 4591 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 917 IN DILLON COUNTY FROM 1131 SOUTH CAROLINA HIGHWAY 917 EAST TO 608 SOUTH CAROLINA HIGHWAY 917 EAST “BRIGADIER GENERAL CARROLL G. ALLEN, SR. HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “BRIGADIER GENERAL CARROLL G. ALLEN, SR. HIGHWAY”.

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

**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.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on January 26, 2012, at 11:45 A.M. and the following Acts and Joint Resolution were ratified:

(R112, S. 258) -- Senators Sheheen, Campsen, Davis, Rose, Ryberg, McConnell, Massey, Rankin, Setzler, Knotts and Alexander: AN ACT To amend SECTION 1‑3‑240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO PROVIDE THAT THE STATE INSPECTOR GENERAL MAY BE REMOVED BY THE GOVERNOR FOR MALFEASANCE, MISFEASANCE, INCOMPETENCY, ABSENTEEISM, CONFLICTS OF INTEREST, MISCONDUCT, PERSISTENT NEGLECT OF DUTY IN OFFICE, OR INCAPACITY; AND BY ADDING Chapter 6 to TITLE 1 SO AS TO Create the Office of the State Inspector General, TO providE that the State Inspector General IS appointed by the Governor with THE ADVICE AND CONSENT OF THE SENATE, TO AUTHORIZE THE STATE INSPECTOR GENERAL to address fraud, waste, abuse, and wrongdoing within THE South Carolina eXECUTIVE government agencies, AND TO PROVIDE FOR THE POWERS, DUTIES, AND FUNCTIONS OF THE OFFICE.

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(R113, H. 3095) -- Reps. Clemmons, Erickson, Stavrinakis, McCoy, Bowen, Sandifer, Whitmire, Hixon, J.R. Smith, Allison, Long, Toole, Weeks, Atwater, Hardwick, Agnew, Govan and Bales: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27‑1‑70 SO AS TO PROHIBIT REAL PROPERTY TRANSFER FEE COVENANTS, AND TO PROVIDE RELATED DEFINITIONS AND POLICY FINDINGS.

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(R114, H. 3122) -- Rep. J.M. Neal: AN ACT TO AMEND SECTION 56‑3‑180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF SPECIAL PERMITS TO MOVE VEHICLES DURING AN EMERGENCY, SO AS TO DELETE THE TERM “MOVE” AND REPLACE IT WITH THE TERM “OPERATE”, TO DELETE THE PROVISION THAT RESTRICTS THE ISSUANCE OF THE PERMITS TO EMERGENCY SITUATIONS, TO REMOVE THE RESTRICTION PLACED ON THE NUMBER OF PERMITS THAT MAY BE ISSUED FOR A VEHICLE, AND TO REVISE THE INFORMATION THAT MUST BE SPECIFIED ON THE PERMIT.

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(R115, H. 3301) -- Reps. Clemmons, Bowers, Bales, Anderson, Pinson, R.L. Brown and Erickson: AN ACT TO AMEND SECTION 23‑43‑85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STANDARDS FOR PLACEMENT OF MODULAR HOMES, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A MODULAR HOME USED AS A DISPLAY MODEL MAY BE PLACED FOR ITS FIRST RESIDENTIAL USE.

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(R116, H. 3617) -- Reps. Pitts, R.L. Brown, Allen, Bales, Brady, Knight, Ballentine, McLeod, Willis, Toole, Sellers and Whipper: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑1‑95 SO AS TO PROVIDE THAT A WASTEWATER UTILITY MUST NOTIFY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WITHIN TWENTY-FOUR HOURS OF A SIGNIFICANT SPILL; TO PROVIDE THAT IF A UTILITY HAS HAD MORE THAN TWO SIGNIFICANT SPILLS PER ONE HUNDRED MILES OF ITS SEWAGE COLLECTION SYSTEM WITHIN THE YEAR UP TO AND INCLUDING THE DATE OF THIS SIGNIFICANT SPILL, THE DEPARTMENT SHALL ORDER THE UTILITY TO COMPLETE A COMPREHENSIVE REVIEW OF ITS SYSTEM OR IF THE UTILITY HAS A CAPACITY, MANAGEMENT, OPERATIONS, AND MAINTENANCE PLAN, TO ORDER THE UTILITY TO UPDATE THIS PLAN; AND TO REQUIRE THE UTILITY TO PROVIDE PUBLIC NOTICE OF A SIGNIFICANT SPILL.

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(R117, H. 3731) -- Reps. Owens, Brantley, Daning, Brannon, Atwater, Patrick, Erickson, Bowen, R.L. Brown, Crosby, Long, Taylor and Willis: AN ACT TO AMEND SECTION 56‑27‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TERM AND COST OF A PROFESSIONAL HOUSEMOVING LICENSE, SO AS TO REVISE THE ANNUAL RENEWAL FEE; AND TO AMEND SECTION 57‑3‑130, AS AMENDED, RELATING TO THE DEPARTMENT OF TRANSPORTATION’S SPECIAL PERMITS THAT AUTHORIZE A PERSON TO OPERATE OR MOVE A VEHICLE THAT EXCEEDS A CERTAIN SIZE, SO AS TO PROVIDE THAT THE DEPARTMENT MAY DETERMINE THE MAXIMUM SPEEDS AT WHICH PERMITTED LOADS MAY OPERATE, TO PROVIDE THAT FOR A LOAD TRAVELING UNDER POLICE ESCORT, THE ESCORT OFFICER MAY EXERCISE DISCRETION WHEN TEMPORARILY MOVING OUT OF THE TRAVELED WAY, AND TO PROVIDE AN ADDITIONAL IMPACT FEE FOR LOADS THAT EXCEED FIVE HUNDRED THOUSAND POUNDS.

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(R118, H. 3744) -- Reps. Erickson and Sandifer: AN ACT TO AMEND SECTION 40‑65‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM PROVISIONS CONCERNING SOIL CLASSIFIERS, SO AS TO REVISE THE EXEMPTIONS.

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(R119, H. 3873) -- Rep. Vick: AN ACT TO AMEND SECTION 50‑5‑1507, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ZONES, SEASONS, TIMES, CATCH AND SIZE LIMITS, METHODS, AND EQUIPMENT FOR TAKING HERRING, SO AS TO REVISE THE SEASONS, TIMES, AND SIZE AND TAKE LIMITS FOR HERRING, AND THE METHODS AND EQUIPMENT WHICH APPLY AND TO PROVIDE FOR THE AREAS IN WHICH CERTAIN OF THESE PROVISIONS APPLY.

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(R120, H. 3864) -- Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Herbkersman, Hiott, Hodges, G.M. Smith, Pinson, Ballentine, D.C. Moss, Mitchell, J.H. Neal, R.L. Brown, Whipper, Toole, Forrester, Butler Garrick, Hayes, Chumley, J.E. Smith, Atwater, Owens, Bikas, Crosby, Hixon, Murphy, Stringer, Clemmons, Pitts, Edge, Viers, Dillard, Ryan, Vick, J.R. Smith, Knight, Long, Huggins, Ott and Weeks: AN ACT TO AMEND ARTICLE 1, CHAPTER 13, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON FISHING GENERALLY, SO AS TO REVISE THE PROVISIONS OF THE ARTICLE TO GOVERN CERTAIN FISHING ACTIVITIES IN THE FRESHWATERS OF THIS STATE AND TO PROVIDE PENALTIES FOR SPECIFIC VIOLATIONS; BY ADDING ARTICLE 2 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN REGULATION OF AND THE PROTECTION FOR FRESHWATER GAME FISH; BY ADDING SECTION 50‑13‑1995 SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY PERMIT THE FEDERAL GOVERNMENT TO CONDUCT FISH AND SCIENTIFIC INVESTIGATIONS IN THE WATERS OF THIS STATE IN CONNECTION WITH HATCHERY OPERATIONS OR MANAGEMENT OF THOSE SPECIES UNDER FEDERAL JURISDICTION; AND TO REPEAL SECTIONS 50‑13‑610 RELATING TO LAWFUL TAKING OF FISH IN GAME ZONE NO. 1; 50‑13‑620 RELATING TO PENALTIES APPLICABLE TO FISHING VIOLATIONS IN GAME ZONE NO. 1; 50‑13‑680 RELATING TO PERMITS REQUIRED FOR TAKING FISH IN CERTAIN PONDS IN MARLBORO COUNTY; 50‑13‑690 RELATING TO THE USE OF NETS OR OTHER DEVICES TO TAKE NONGAME FISH FROM PRIVATE PONDS IN CHESTERFIELD COUNTY; 50‑13‑730 RELATING TO THE USE OF NETS TO TAKE NONGAME FISH IN THE FRESHWATERS OF THIS STATE; AND 50‑13‑2010 RELATING TO THE SHELLEY LAKE FISH SANCTUARY IN MARION COUNTY.

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(R121, H. 3865) -- Reps. Hardwick, Quinn, Barfield, Hearn, Tallon, Ballentine, D.C. Moss, Mitchell, J.H. Neal, Hodges, G.M. Smith, Pinson, Herbkersman, Hiott, R.L. Brown, Whipper, Forrester, Toole, Hayes, Butler Garrick, Chumley, J.E. Smith, Atwater, Huggins, Clemmons, Pitts, Edge, Dillard, Ryan, Vick, J.R. Smith, Knight, Long, Crosby, Hixon, Murphy, Stringer, Owens, Bikas, Viers, Ott and Weeks: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑1‑160 SO AS TO PERMIT THE DEPARTMENT TO RELEASE A SEIZED VEHICLE, BOAT, MOTOR, OR FISHING DEVICE UNDER CERTAIN CONDITIONS; TO AMEND ARTICLE 3, CHAPTER 13, TITLE 50, RELATING TO USE OF SEINES, TRAPS, AND LIKE DEVICES, SO AS TO REVISE AND FURTHER PROVIDE FOR THE MANNER IN WHICH AND CONDITIONS UNDER WHICH THESE DEVICES MAY BE USED AND TO PROVIDE PENALTIES FOR VIOLATIONS; BY ADDING ARTICLE 5 TO CHAPTER 13, TITLE 50 SO AS TO PROVIDE FOR CERTAIN UNLAWFUL FRESHWATER ACTIONS AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 6, CHAPTER 13, TITLE 50, RELATING TO THE PROTECTION OF NONGAME FISH, SO AS TO FURTHER PROVIDE FOR THE USE OF NONGAME FISHING DEVICES AND THE TAKING OF NONGAME FISH IN THE FRESHWATERS OF THIS STATE, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS AND FOR SPECIFIED EXCEPTIONS TO THESE PROVISIONS; TO AMEND ARTICLE 11, CHAPTER 13, TITLE 50, RELATING TO THE SALE AND TRAFFICKING IN FISH, SO AS TO REVISE CERTAIN PROVISIONS IN THE ARTICLE PERTAINING TO PROHIBITED PRACTICES IN REGARD TO THE SALE OR TRAFFICKING IN FISH AND ADD OTHER PROVISIONS WITH PENALTIES FOR VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES AND PROPAGATION, SO AS TO REVISE AND FURTHER PROVIDE FOR ACTIONS THE DEPARTMENT MAY TAKE IN REGARD TO FISH HATCHERIES, SANCTUARIES, AND THE PROPAGATION OF FISH AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 19, TITLE 50, RELATING TO THE HORRY COUNTY FISH AND GAME COMMISSION, SO AS TO DELETE THE PROVISIONS OF THE ARTICLE AND INSTEAD PROVIDE FOR THE PERMITTED USE OF NONGAME DEVICES ON THE LITTLE PEE DEE RIVER FOR A PERIOD OF THREE YEARS; AND TO REPEAL SECTIONS 50‑13‑1450 RELATING TO PRIMA FACIE EVIDENCE OF USING EXPLOSIVES TO TAKE FISH, 50‑13‑385 RELATING TO MINIMUM SIZE FOR LARGE MOUTH BASS IN LAKE WYLIE, 50‑13‑390 RELATING TO DAILY LIMIT ON ARKANSAS BLUE CATFISH, AND 50‑13‑400 RELATING TO LAKE MURRAY CRAPPIE CREEL AND SIZE LIMITS.

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(R122, H. 3895) -- Reps. Tallon, Bannister, Brantley, Allison, Parker, Chumley, Knight, Brannon, Hearn, Allen, Sellers, Bowen, Corbin, Patrick, Cole, Dillard, Erickson, Forrester, Henderson, Herbkersman, McCoy, Mitchell, V.S. Moss, Pinson, Rutherford, Sabb, G.R. Smith, Thayer, Tribble, Willis and King: AN ACT TO AMEND SECTION 17‑15‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPEARANCE BONDS, SO AS TO PROVIDE THAT AN APPEARANCE BOND IS VALID FOR A CERTAIN TIME PERIOD IN CIRCUIT AND MAGISTRATES OR MUNICIPAL COURTS UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE A PROCEDURE TO RELIEVE THE SURETY OF LIABILITY WHEN THE TIME PERIOD HAS RUN.

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(R123, H. 3914) -- Rep. Herbkersman: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 23, TITLE 57 SO AS TO DESIGNATE CERTAIN HIGHWAYS IN BEAUFORT COUNTY AS SCENIC HIGHWAYS AND SCENIC BYWAYS; AND TO REPEAL ACT 714 OF 1978 WHICH DESIGNATED CERTAIN PORTIONS OF HIGHWAYS IN BEAUFORT COUNTY AS SCENIC HIGHWAYS.

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(R124, H. 3947) -- Reps. Rutherford and Bales: AN ACT TO AMEND SECTION 55‑11‑320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE RICHLAND‑LEXINGTON AIRPORT COMMISSION, SO AS TO PROVIDE THAT THE COMMISSION MUST BE APPOINTED BY THE RICHLAND AND LEXINGTON COUNTY LEGISLATIVE DELEGATIONS AND THE COLUMBIA CITY COUNCIL AND NO LONGER BY THE GOVERNOR, AND DELETE AN OBSOLETE PROVISION.

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(R125, H. 4005) -- Reps. Corbin, Hardwick, Stringer, Loftis, Ryan, Bannister, Agnew, Barfield, V.S. Moss, Thayer, Murphy, Hearn, Norman, Gambrell, Sottile, Limehouse, Chumley, Bikas, Crawford, Clemmons, Crosby, Daning, Delleney, Hamilton, Hayes, Hixon, Hodges, D.C. Moss, Nanney, Owens, Patrick, Pinson, Pitts, Pope, Simrill, G.R. Smith, J.R. Smith, Tallon, Taylor, White and Young: AN ACT TO AMEND SECTION 39‑25‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING ADULTERATED OR MISBRANDED FOOD AND COSMETICS, SO AS TO PROVIDE A DEFINITION FOR THE TERM “HONEY”, TO PROVIDE STANDARDS FOR THE PROCESSING AND PACKAGING OF HONEY FOR SALE, TO EXEMPT CERTAIN BEEKEEPERS FROM CERTAIN INSPECTIONS AND REGULATIONS RELATING TO THE PROCESSING EXTRACTION, AND PACKAGING OF HONEY, AND TO PROVIDE LABELING REQUIREMENTS FOR HONEY.

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(R126, H. 4192) -- Reps. Pitts and Harrison: AN ACT TO AMEND SECTION 1‑30‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN AGENCIES, BOARDS, AND COMMISSIONS THAT WERE TRANSFERRED TO, INCORPORATED IN, AND ADMINISTERED AS PART OF THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO DELETE THE LAW ENFORCEMENT TRAINING COUNCIL.

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(R127, H. 4594) -- Rep. Hodges: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE MICROENTERPRISE DEVELOPMENT STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM JANUARY 20, 2012, TO SEPTEMBER 1, 2012.

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

**DEBATE INTERRUPTED**

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

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. 11 (3066R046.cbh) proposed by Senators HUTTO and FORD and published in the Journal of Wednesday, January 25, 2012.

Senator SHEHEEN explained the amendment.

**Objection**

Senator SHEHEEN asked unanimous consent to make a motion that on Tuesday, January 31, 2012, when the Senate reached the category of Interrupted Debate, the amendment proposed by Senators SHEHEEN, MASSEY and DAVIS, would be taken up for immediate consideration, a copy of said amendment being emailed to all members later this afternoon.

Senator LEATHERMAN objected.

On motion of Senator LARRY MARTIN, debate was interrupted by adjournment.

**Expression of Personal Interest**

Senator CROMER rose for an Expression of Personal Interest regarding the work of the Committee on Fish, Game and Forestry.

**MOTION ADOPTED**

On motion of Senator GREGORY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Dennis Cauthen of Lancaster, S.C., Chief of the Elgin Fire Department for 31 years who passed away August 16, 2011, in the line of duty. Mr. Cauthen was the beloved husband of Teresa Faile Cauthen, devoted father and doting grandfather.

and

**MOTION ADOPTED**

On motion of Senator CLEARY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Marcus Roland Elvis of Horry County, S.C. He was the manager of The Powerhouse Bar and Grill in Murrells Inlet. He was a loving son and devoted father.

**ADJOURNMENT**

At 1:02 P.M., on motion of Senator LOURIE, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

**Recorded Vote**

Senators BRIGHT, BRYANT and SHANE MARTIN desired to be recorded as voting against the motion to adjourn.

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