**Thursday, January 19, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

Matthew’s Gospel tells us:

“Then Jesus was led by the Spirit into the desert to be tempted by the devil.” (Matthew 4:1)

Let us join our hearts together in prayer:

O God, the story of Your Son’s temptation in the wilderness speaks boldly and loudly to us here in our own day and time. Temptations are ever around us in this world: the call to cater to special interests, to cut corners, perhaps, to quiet compelling voices any way we can, to take shortcuts, and, sometimes, far worse. Holy Lord, allow the assorted “devils” of our modern world to be seen for what they are, and strengthen each of these Senators in ways that allow them always to stand for what is right, what is needful, and what is honorable. In Your hopeful name we pray, Lord.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointment**

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

Wilmot E. McCutchen, 203 Sumter Hwy., Kingstree, SC 29556 *VICE* Carolyn Lemmon

**Doctor of the Day**

Senator COURSON introduced Dr. Vince Degenhart of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 12:24 P.M., Senator LOURIE requested a leave of absence beginning at 12:45 P.M. until Tuesday, January 24, 2012, at 12:00 Noon.

**CO-SPONSORS ADDED**

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

S. 3 Sen. Shane Martin

S. 12 Sen. Shane Martin

S. 372 Sen. Shane Martin

S. 1110 Sen. Leventis

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1119 -- Senator Setzler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 47-5-220 SO AS TO PROVIDE THAT AN ANIMAL CONTROL WORKER WHO REMOVES AN ANIMAL FROM A RESIDENCE MUST CONSULT WITH THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DETERMINE WHETHER THE ANIMAL IS A POTENTIAL CARRIER OF RABIES, HAVE THE ANIMAL TESTED FOR RABIES IF THE DEPARTMENT BELIEVES THE ANIMAL IS A CARRIER OF RABIES, NOTIFY THE OWNER OF THE RESIDENCE THAT THE DEPARTMENT HAS BEEN CONSULTED, AND WHETHER THE ANIMAL WAS TESTED FOR RABIES.

l:\council\bills\swb\5065cm12.docx

Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 1120 -- Senator Ford: A JOINT RESOLUTION TO ESTABLISH THE STATE EMPLOYEE COMPENSATION STUDY COMMITTEE FOR THE PURPOSE OF COMPARING COMPENSATION RATES PAID TO VARIOUS CATEGORIES OF STATE EMPLOYEES WITH THE COMPENSATION PAID SIMILAR EMPLOYEES OF OTHER SOUTHEASTERN STATES, TO IDENTIFY THOSE CATEGORIES OF EMPLOYEES WHOSE COMPENSATION IS BELOW SOUTHEASTERN COMPARABLES AND THE FEASIBILITY OF ADJUSTING THE COMPENSATION FOR THOSE STATE EMPLOYEES BELOW THE APPLICABLE SOUTHEASTERN AVERAGE AND IF FOUND FEASIBLE, THE PREPARATION OF A PLAN TO MAKE THOSE ADJUSTMENTS, AND TO PROVIDE FOR THE MEMBERSHIP OF THE COMMITTEE AND ITS REPORTING REQUIREMENTS.

l:\council\bills\bbm\10491htc12.docx

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

S. 1121 -- Senators McConnell, Knotts, Shoopman, Massey and Davis: A BILL TO AMEND ARTICLE 1, CHAPTER 9, TITLE 11, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STATE FINANCES GENERALLY, BY ADDING SECTION 11-9-60, SO AS TO DEFINE “TRUST FUND” AND “UNRESTRICTED FUND”; AND TO PROVIDE THAT ALL FUNDS MUST BE DESIGNATED BY JULY 1, 2012, AS A TRUST FUND OR UNRESTRICTED FUND; AND TO REQUIRE THAT TRUST FUNDS MUST BE USED AS SET FORTH IN STATUTE UNLESS THE GENERAL ASSEMBLY APPROVES BY A TWO-THIRDS VOTE IN EACH HOUSE TO USE THE FUNDS FOR A DIFFERENT PURPOSE.

l:\s-jud\bills\mcconnell\jud0161.ssp.docx

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

S. 1122 -- Senator Gregory: A BILL TO AMEND SECTION 7-7-350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN LANCASTER COUNTY, SO AS TO REVISE AND RENAME CERTAIN PRECINCTS AND REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

l:\council\bills\ggs\22241zw12.docx

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

S. 1123 -- Senators Sheheen, Jackson, Scott, Courson, Lourie, Matthews, Williams, Anderson, Setzler, Leventis, Malloy, Nicholson and Coleman: A CONCURRENT RESOLUTION TO AUTHORIZE THE COMMISSIONING OF A PORTRAIT TO BE PLACED IN AN APPROPRIATE PLACE IN THE STATE HOUSE AS DETERMINED BY THE STATE HOUSE COMMITTEE OF THE LATE HONORABLE MATTHEW J. PERRY, JR., DISTINGUISHED SOUTH CAROLINA LAWYER, CIVIL RIGHTS PIONEER, AND FEDERAL JUDGE.

l:\council\bills\dka\3897sd12.docx

Senators SHEHEEN and JACKSON spoke on the Resolution.

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

S. 1124 -- Senator Rankin: A BILL TO AMEND SECTION 1-30-10 OF THE 1976 CODE, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, TO PROVIDE THAT THE GOVERNING AUTHORITY OF THE DEPARTMENT OF INSURANCE SHALL BE THE “COMMISSIONER OF INSURANCE” ELECTED TO OFFICE UNDER THE LAWS OF THIS STATE; TO AMEND SECTION 38-1-20, RELATING TO DEFINITIONS UNDER THE INSURANCE LAWS OF THIS STATE, TO DELETE THE DEFINITION OF “DIRECTOR” OF THE DEPARTMENT OF INSURANCE AND SUBSTITUTE “COMMISSIONER OF INSURANCE”; TO AMEND SECTION 38-1-30, TO PROVIDE THAT EVERY REFERENCE TO “DIRECTOR OF THE DEPARTMENT OF INSURANCE” IN THE 1976 CODE SHALL BE DEEMED TO MEAN “COMMISSIONER OF INSURANCE”; TO AMEND SECTION 38-3-10, RELATING TO THE DEPARTMENT OF INSURANCE, TO DELETE CERTAIN PROVISIONS RELATING TO THE DEPARTMENT'S DIRECTOR, TO PROVIDE THAT THE COMMISSIONER OF INSURANCE SHALL BE ELECTED RATHER THAN APPOINTED, AND TO MAKE CHANGES IN THE PROVISIONS CONCERNING THE REMOVAL OF THE COMMISSIONER; TO AMEND SECTION 38-3-100, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, TO, AMONG OTHER CHANGES, SUBSTITUTE “COMMISSIONER OF INSURANCE” FOR “DIRECTOR OF THE DEPARTMENT OF INSURANCE” AND DELETE THE REQUIREMENT THAT, IF THE COMMISSIONER BECOMES A CANDIDATE FOR PUBLIC OFFICE OR BECOMES A MEMBER OF A POLITICAL COMMITTEE DURING TENURE, HIS OFFICE MUST BE IMMEDIATELY VACATED; TO AMEND THE 1976 CODE BY ADDING SECTION 38-3-102 TO PROVIDE THAT THE COMMISSIONER OF INSURANCE MUST BE ELECTED TO OFFICE BY THE QUALIFIED ELECTORS OF THE STATE IN THE GENERAL ELECTION AND PROVIDE FOR THE COMMISSIONER'S TERM OF OFFICE, QUALIFICATIONS, VACANCIES, AND RELATED MATTERS; TO PROVIDE THAT THE ELECTION OF THE COMMISSIONER OF INSURANCE BEGINS WITH THE 2014 STATEWIDE ELECTION PROCESS AND THAT THE DIRECTOR SERVING ON THE EFFECTIVE DATE OF THIS ACT SHALL CONTINUE TO SERVE UNTIL HIS SUCCESSOR IS ELECTED AND QUALIFIES FOR OFFICE AS COMMISSIONER OF INSURANCE; TO PROVIDE THAT EVERY REFERENCE TO DIRECTOR OF THE DEPARTMENT OF INSURANCE” IN THE 1976 CODE SHALL BE DEEMED TO MEAN “COMMISSIONER OF INSURANCE”; AND TO AUTHORIZE AND DIRECT THE CODE COMMISSIONER TO CHANGE CERTAIN REFERENCES.

l:\s-res\lar\001elec.rem.lar.docx

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

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.

Senator MATTHEWS spoke on the Resolution.

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

H. 4623 -- Reps. Huggins and H. B. Brown: A CONCURRENT RESOLUTION TO CONGRATULATE THOMAS WINGARD OF RICHLAND COUNTY ON THE OCCASION OF HIS SIXTY-FIFTH BIRTHDAY AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MANY MORE YEARS OF HAPPINESS AND FULFILLMENT.

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

H. 4624 -- Reps. Clyburn, Young, Hixon, J. R. Smith, Spires, Taylor, Agnew, Gambrell, Pitts, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bikas, Bingham, Bowen, Bowers, Brady, Branham, Brannon, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Butler Garrick, Chumley, Clemmons, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pinson, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams and Willis: A CONCURRENT RESOLUTION TO EXPRESS THE SINCERE SORROW OF THE GENERAL ASSEMBLY UPON THE PASSING OF THEODORE CLIFTON WEEKS OF AIKEN COUNTY, AND TO EXTEND DEEPEST SYMPATHY TO HIS LOVING FAMILY AND TO HIS MANY FRIENDS.

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

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 introduced and referred to the Committee on Judiciary.

H. 4638 -- Rep. Clyburn: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND MR. LEON LOVE, CHAIR OF THE SOUTH CAROLINA AFRICAN AMERICAN HERITAGE COMMISSION, FOR HIS DISTINGUISHED SERVICE TO THE PALMETTO STATE.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 1015 -- Senators Hayes, Courson, Knotts, Lourie and Rose: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑66‑75 SO AS TO REQUIRE A HEALTH CARE PROVIDER TO GIVE A PATIENT AN OPPORTUNITY TO AUTHORIZE DISCLOSURE OF CERTAIN INFORMATION TO DESIGNATED FAMILY MEMBERS OR OTHER PEOPLE AND TO AUTHORIZE THE INVOLVEMENT OF DESIGNATED FAMILY MEMBERS OR OTHER PEOPLE IN THE TREATMENT OF THE PATIENT, AND TO SPECIFY INFORMATION THAT MUST BE INCLUDED IN THE AUTHORIZATION, AMONG OTHER THINGS; AND TO AMEND SECTION 44‑66‑20, AS AMENDED, RELATING TO DEFINITIONS IN THE ADULT CARE CONSENT ACT, SO AS TO ADD DEFINITIONS.

Ordered for consideration tomorrow.

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

S. 1056 -- Senator Peeler: A BILL TO AMEND SECTION 44‑53‑160, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANNER IN WHICH CHANGES TO SCHEDULES OF CONTROLLED SUBSTANCES MAY BE MADE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, SO AS TO PROVIDE THAT THE EXISTENCE OF A RECOGNIZED MEDICAL USE OF A SUBSTANCE MUST BE CONSIDERED BY THE DEPARTMENT WHEN MAKING A RECOMMENDATION TO THE GENERAL ASSEMBLY ABOUT ADDING A SUBSTANCE TO A SCHEDULE, TO PROVIDE FOR THE ADDITION, DELETION, OR RESCHEDULING OF A CONTROLLED SUBSTANCE BY THE DEPARTMENT WHEN A CORRESPONDING ADDITION, DELETION, OR RESCHEDULING OF THE DRUG BY FEDERAL LAW OR REGULATION OCCURS, TO PROVIDE FOR THE EMERGENCY DESIGNATION OF A SUBSTANCE AS A SCHEDULE I SUBSTANCE, AND TO PROVIDE AN EXEMPTION FROM ORDINARY PROMULGATION REQUIREMENTS; AND TO AMEND SECTION 44‑53‑190, AS AMENDED, RELATING TO SCHEDULE I CONTROLLED SUBSTANCES, SO AS TO DEFINE AND ADD SYNTHETIC CANNABINOIDS, CATHINONES, AND SUBSTITUTED CATHINONES TO THAT SCHEDULE.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., January 18, 2012

Mr. President and Senators:

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

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: A BILL TO AMEND ARTICLE 1, CHAPTER 1, TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GENERAL FISH AND GAME PROVISIONS, 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 TRAFFIC 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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., January 18, 2012

Mr. President and Senators:

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

H. 3617 -- Reps. Pitts, R.L. Brown, Allen, Bales, Brady, Knight, Ballentine, McLeod, Willis, Toole, Sellers and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑1‑95 SO AS TO PROVIDE THAT A SEWAGE SYSTEM, OR ITS TREATMENT WORKS, THAT HAS HAD THREE OR MORE SEWAGE SPILLS IN A TWELVE‑MONTH PERIOD MUST COMPLETE A COMPREHENSIVE REVIEW OF THEIR OPERATIONS; TO PROVIDE FOR THE COMPREHENSIVE REVIEW; TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN ACTION PLAN TO ADDRESS ISSUES RAISED IN THE COMPREHENSIVE REVIEW; TO PROVIDE SPENDING PRIORITIES FOR WASTEWATER UTILITIES THAT LACK FUNDS FOR IMPLEMENTING AN ACTION PLAN; TO PROVIDE THAT WASTEWATER UTILITIES THAT DEVELOP AN ACTION PLAN HAVE PRIORITY FOR STATE FUNDS OR STATE‑DIRECTED FEDERAL FUNDS; AND TO PROVIDE THAT REPETITIVE SPILLS MUST BE FORWARDED TO AND RECORDED BY THE SOUTH CAROLINA ENVIRONMENTAL CERTIFICATION BOARD.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCE**

S. 1106 -- Senator Knotts: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR LEXINGTON HIGH SCHOOL SENIOR ARJUN AGGARWAL OF COLUMBIA ON BEING NAMED A DAVIDSON INSTITUTE FOR TALENT DEVELOPMENT, DAVIDSON FELLOW, TO CONGRATULATE HIM ON THE $25,000 SCHOLARSHIP THAT ACCOMPANIES THE AWARD, AND TO WISH HIM SUCCESS AS HE PREPARES TO EMBARK ON HIS COLLEGE CAREER.

Returned with concurrence.

Received as information.

**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.

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

**MOTION ADOPTED**

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

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

**DEBATE INTERRUPTED**

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

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

**Amendment No. 9**

Senators HUTTO, MALLOY and FORD proposed the following Amendment No. 9 (NBD\11791DG11), which was carried over:

Amend the committee amendment, as and if amended, page [3066-3], Part II, after line 36, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Article 1, Chapter 11, Title 1 of the 1976 Code is amended by adding:

“Section 1-11-24. Without approval of a majority of the Budget and Control Board, a state agency, department, board, or commission shall not expend or contract to expend more than $500,000 to privatize a service or staffing position performed by the entity and its employees in the previous fiscal year. Further, an entity shall not expend or contract to expend more than $1,000,000 to privatize a service or staffing position performed by the entity and its employees in the previous fiscal year without approval, by joint resolution, of the General Assembly. This section does not apply to any public institution of higher learning, as defined in Section 59-103-5, the South Carolina State Ports Authority, and the South Carolina Public Service Authority.” /

Renumber sections to conform.

Amend title to conform.

Senator LEVENTIS explained the amendment.

On motion of Senator LEVENTIS, with unanimous consent, Amendment No. 9 was carried over, conforming it consistent with the adoption of the Sheheen/Massey amendment.

Senator KNOTTS spoke on the Bill.

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

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

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

Wilmot E. McCutchen, 203 Sumter Hwy., Kingstree, SC 29556 *VICE* Carolyn Lemmon

**ADJOURNMENT**

At 1:07 P.M., on motion of Senator McCONNELL, 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.

\* \* \*