**Wednesday, January 25, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 P.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:

Virtually all of us know the phrases and images of the 23rd Psalm, such as:

“Even though I walk through the valley of the shadow of death, I fear no evil; for thou are with me; thy rod and thy staff, they comfort me.” (Psalm 23:4)

Let us pray:

Glorious Lord, we thank You that You “shepherd” us so faithfully and lovingly. More often than not do we take Your care and Your comfort for granted. Forgive us for doing so. Instead, make each of us even more aware of Your presence in our lives, particularly here in this State House and in this Senate Chamber. Touch the minds and hearts of each Senator. Allow them to draw confidence from Your promises. And enable them to care unceasingly for the people of South Carolina. In addition, O God, we ask You to be with our President *Pro Tempore* during his absence from this Chamber. Embrace Senator McCONNELL in Your gentle care and return him to full health. In Your loving name we pray, Lord.

Amen.

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

**Doctor of the Day**

Senators COURSON, McGILL and LOURIE introduced Dr. Thomas Rowland of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator HUTTO, at 2:05 P.M., Senator RYBERG was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator HUTTO, at 2:05 P.M., Senator LOURIE was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator HUTTO, at 2:10 P.M., Senator RANKIN was granted a leave of absence until 3:30 P.M.

**CO-SPONSORS ADDED**

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

S. 616 Sen. Ryberg

S. 1110 Sens. Courson, Nicholson

S. 1126 Sen. Jackson

S. 1130 Sen. Shoopman

S. 1135 Sen. Cromer

**RECALLED**

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.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Judiciary.

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

**RECALLED**

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”.

Senator WILLIAMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1139 -- Senator Jackson: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF DR. ETHEL M. HENDERSON TAYLOR OF RICHLAND COUNTY AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1140 -- Senator Leatherman: A SENATE RESOLUTION TO HONOR AND RECOGNIZE MR. JIM O’LOUGHLIN FOR HIS SERVICE AS CHIEF EXECUTIVE OFFICER OF THE CAROLINAS HOSPITAL SYSTEM.

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The Senate Resolution was adopted.

S. 1141 -- Senators Cleary, Ford, Williams, Gregory and Grooms: A BILL TO AMEND SECTION 12-43-360 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSED VALUE OF AIRCRAFT, SO AS TO ALLOW THE GOVERNING BODY OF A COUNTY TO EXEMPT UP TO ONE HUNDRED PERCENT OF THE FAIR MARKET VALUE OF GENERAL AVIATION AIRCRAFT FROM PROPERTY TAXES IMPOSED FOR SCHOOL OPERATING PURPOSES, COUNTY OPERATING PURPOSES, AND FOR THE REPAYMENT OF GENERAL OBLIGATION DEBT.

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

S. 1142 -- Senators Hutto and Land: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE 'MITT ROMNEY LOTTERY WINNINGS FAIRNESS ACT', BY ADDING SECTION 12-6-650 SO AS TO CONSIDER LOTTERY WINNINGS TO BE PASSIVE INCOME AND TO TAX LOTTERY WINNINGS AT THE RATE OF FIVE PERCENT.

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Senator HUTTO spoke on the Bill.

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

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

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

S. 1144 -- Senator Knotts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-13-1380 SO AS TO ESTABLISH A FIVE PERCENT ADVERTISING SURCHARGE ON THE TOTAL AMOUNT CHARGED TO BROADCAST A POLITICAL ADVERTISEMENT OR OTHER ELECTIONEERING COMMUNICATION IN THIS STATE THAT IS PAID FOR BY AN INDEPENDENT EXPENDITURE ONLY NONCANDIDATE COMMITTEE, OR OTHER GROUP NOT AFFILIATED WITH A CANDIDATE AND WHICH ADVOCATES THE ELECTION OR DEFEAT OF A CLEARLY IDENTIFIED CANDIDATE, POLITICAL PARTY, OR BALLOT MEASURE, AND TO PROVIDE FOR THE ALLOCATION OF REVENUES GENERATED BY THE SURCHARGE.

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Senator KNOTTS spoke on the Bill.

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

S. 1145 -- Senator Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-7-180 SO AS TO ESTABLISH THE TAX DIVISION WITHIN THE OFFICE OF THE ATTORNEY GENERAL FOR THE PURPOSE OF SEEKING AND CONDUCTING ALL CRIMINAL TAX PROSECUTIONS OF OFFENSES ARISING WITH RESPECT TO TAXES AND FEES ADMINISTERED BY THE DEPARTMENT OF REVENUE AND TO PROVIDE THAT NO SUCH CRIMINAL PROSECUTION MAY BE INITIATED UNLESS THE ATTORNEY GENERAL, IN WRITING, SO DIRECTS.

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

S. 1146 -- Senator Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3770 SO AS TO ALLOW A REFUNDABLE INCOME TAX CREDIT TO A DIGITAL MEDIA COMPANY PRODUCING A STATE-CERTIFIED PRODUCTION EQUAL TO TWENTY-FIVE PERCENT OF THE BASE INVESTMENT MADE BY THE DIGITAL MEDIA PRODUCTION COMPANY IN THE TAXABLE YEAR, TO DEFINE TERMS, AND TO SET FORTH THE PROCESS BY WHICH THE CREDIT MAY BE CLAIMED.

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

**REPORTS OF STANDING COMMITTEES**

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 40 -- Senators McConnell, Campsen and Rankin: A BILL TO AMEND SECTION 12‑43‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VALUATION AND CLASSIFICATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE THAT THE OWNER‑OCCUPANT OF RESIDENTIAL PROPERTY QUALIFIES FOR THE FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER‑OCCUPIED RESIDENTIAL PROPERTY, IF THE OWNER IS OTHERWISE QUALIFIED AND THE RESIDENCE IS NOT RENTED FOR MORE THAN NINETY DAYS A YEAR; TO ALLOW REFUNDS OR CREDITS TO OWNER‑OCCUPANTS WHO QUALIFY FOR THE FOUR PERCENT ASSESSMENT RATIO DUE TO THE AMENDMENTS CONTAINED HEREIN; TO DELETE OTHER REFERENCES TO RENTAL OF THESE RESIDENCES; AND TO AMEND SECTION 12‑54‑240 RELATING TO DISCLOSURE OF RECORDS, REPORTS, AND RETURNS WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE THAT VERIFICATION THAT THE FEDERAL SCHEDULE E CONFORMS WITH THE SAME DOCUMENT REQUIRED BY A COUNTY ASSESSOR IS NOT PROHIBITED.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3506 -- Reps. Loftis, Allison, J.R. Smith, White, Bowen, Ott, Cobb‑Hunter, Pitts and Henderson: A BILL TO AMEND SECTION 12‑6‑3360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOB TAX CREDIT, SO AS TO REVISE THE DEFINITION OF A “TECHNOLOGY INTENSIVE FACILITY”; TO AMEND SECTION 12‑20‑105, AS AMENDED, RELATING TO THE TAX CREDIT FOR INFRASTRUCTURE IMPROVEMENTS FOR WATER, WASTEWATER, HYDROGEN FUEL, SEWER, GAS, STEAM, ELECTRIC ENERGY, AND COMMUNICATION SERVICES, SO AS TO INCLUDE CERTAIN SITE PREPARATION COSTS WITHIN THE DEFINITION OF INFRASTRUCTURE IMPROVEMENTS WHICH GIVE RISE TO THE CREDIT; AND TO AMEND SECTION 12‑44‑30, AS AMENDED, RELATING TO FEES IN LIEU OF TAXES, SO AS TO REVISE THE DEFINITION OF “TERMINATION DATE”.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., January 24, 2012

Mr. President and Senators:

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

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: A BILL 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; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 50, RELATING TO FISH HATCHERIES AND SANCTUARIES, 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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

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

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.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the third reading of the Joint Resolution.

**COMMITTEE AMENDMENT AMENDED**

**OBJECTION TO FURTHER CONSIDERATION**

S. 263 -- Senators Knotts and Ford: A BILL TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, BY ADDING SECTION 56‑5‑2905, SO AS TO PROVIDE THAT A PERSON WHO WHILE DRIVING A MOTOR VEHICLE DOES ANY ACT FORBIDDEN BY LAW IN THE DRIVING OF THE MOTOR VEHICLE, EXCEPT A VIOLATION OF SECTIONS 56‑5‑2930, 56‑5‑2935, OR 56‑5‑2945, WHICH PROXIMATELY CAUSES DEATH TO A PERSON, IS GUILTY OF THE MISDEMEANOR OFFENSE OF VEHICULAR HOMICIDE; AND TO AMEND SECTION 56‑5‑2946 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO EITHER ONE OR A COMBINATION OF CHEMICAL TESTS OF HIS BREATH, BLOOD, OR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS IF THE PERSON IS THE DRIVER OF A MOTOR VEHICLE INVOLVED IN A MOTOR VEHICLE INCIDENT RESULTING IN THE DEATH OF ANOTHER PERSON.

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

Senator KNOTTS proposed the following Amendment No. P1 (JUD0263.003), which was adopted:

Amend the committee report, as and if amended, page [263-1], by striking lines 28-35, and inserting:

/ “Section 56‑5‑2905. (A) A person who commits a moving violation, except a violation of Section 56-5-1520(G)(1), Section 56‑5‑2930, Section 56‑5‑2935, or Section 56‑5‑2945, which unintentionally and proximately causes the death of another person, is guilty of the misdemeanor offense of vehicular homicide, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both. /

Renumber sections to conform.

Amend title to conform.

Senator KNOTTS explained the perfecting amendment.

The amendment was adopted.

Senators MASSEY and HUTTO proposed the following Amendment No. P2 (JUD0263.002), which was not adopted:

Amend the committee report, as and if amended, by striking SECTION 1, page [263-1], lines 26-42, and page [263-2], lines 1-43, in its entirety and inserting:

/ SECTION 1. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑2905. (A) A person who, while driving a motor vehicle does any act forbidden by law in the driving of the motor vehicle, except a violation of Section 56‑5‑2930, Section 56‑5‑2935, or Section 56‑5‑2945, which unintentionally and proximately causes the death of another person, upon conviction, must be fined not more than one thousand dollars in addition to any penalty for the driving offense. The person is required to make a mandatory court appearance.

(B) This section does not apply if the person who dies does any act forbidden by law while driving a motor vehicle or as a pedestrian, which contributes to the person’s own death.” /

Amend the committee report further, as and if amended, by striking SECTION 3, page [263-4], lines 15-43, and page [263-5], lines 1-15, in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the perfecting amendment.

Senator HUTTO spoke on the amendment.

The question then was adoption of the perfecting amendment.

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

**Ayes 15; Nays 22**

**AYES**

Campsen Cleary Elliott

Ford Grooms Hutto

Jackson Land Leventis

Malloy Massey Matthews

Nicholson Rose Scott

**Total--15**

**NAYS**

Alexander Anderson Bright

Bryant Campbell Courson

Cromer Davis Fair

Gregory Hayes Knotts

Leatherman *Martin, Larry Martin, Shane*

McGill O’Dell Peeler

Reese Setzler Shoopman

Thomas

**Total--22**

The adoption of the perfecting amendment failed.

Senator HUTTO objected to further consideration of the Bill, as amended.

**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.

S. 1056 -- Senators Peeler, Cromer, Alexander, L. Martin, Thomas, Setzler, Ryberg, Rose and Grooms: 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.

On motion of Senator MALLOY, 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.

**Motion to Ratify Adopted**

At 3:10 P.M., Senator LARRY MARTIN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber on Thursday, January 26, 2012, for the purpose of ratifying Acts at a mutually convenient time.

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

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

**AMENDMENT PROPOSED, 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. 11**

Senators HUTTO and FORD proposed the following Amendment No. 11 (3066R046.CBH):

Amend the bill, as and if amended, page 16, by striking lines 23 ‑ 34 and inserting:

/ Section 1‑12‑20. The functions of the authority must be performed, exercised, and discharged under the supervision and direction of the authority through such divisions as the authority may from time to time establish. The divisions shall be managed by an executive director appointed by the authority with the advice and consent of the Senate. The authority may organize its staff as it deems most appropriate to carry out the various duties, responsibilities, and authorities assigned to it and to its various divisions, provided that each division shall consist of a director and clerical, stenographic, and technical employees necessary, to be employed by the respective directors with the approval of the authority. The directors of the divisions must be employed by the State Financial Affairs Authority for that time and compensation as may be fixed by the authority in its judgment. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

**Objection**

Senator DAVIS asked unanimous consent to make a motion to take up Amendment No. 74A for immediate consideration.

Senators LEVENTIS and CAMPSEN spoke on the motion.

Senator LEVENTIS objected.

Senator SHEHEEN resumed explaining the amendment.

Senator DAVIS spoke on the amendment.

Senator LEVENTIS spoke on the amendment.

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

**MOTION ADOPTED**

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Helen Lee Cain of Oconee County, S.C. Mrs. Cain was the beloved wife of Claude Harris Cain, devoted mother and doting grandmother and great-grandmother. She had been retired from Beacon Manufacturing Company and was a member of Mt. Pleasant Baptist Church where she served as a past secretary of the Women’s Sunday School Class.

and

**MOTION ADOPTED**

On motion of Senator CLEARY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Hazel Thompkins Macklen of Socastee, S.C., mother-in-law of Senator Cleary. She was the beloved wife of Everett “Tippy” Macklen, a devoted mother of a son, Michael (wife Sandra), and two daughters, Debbie (husband Alvin) and Lisa (husband Ray). A retired bookkeeper, she was the doting grandmother of ten and great-grandmother of seven.

**ADJOURNMENT**

At 5:06 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

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

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