**Thursday, February 16, 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:

The Psalmist declares:

“ ‘Show me, O Lord, my life’s end and the number of my days; let me know how fleeting is my life.’ ” (Psalm 31:4)

Join me, please, as we bow and pray:

Lord, with Presidents’ Day coming up, we read in President George Washington’s personal *Prayer Journal*: “O heavenly Father, so frame this heart of mine, that I may ever delight to live according to thy will and command, in holiness and righteousness before thee all the days of my life.” Holy God, we *do* know how fleeting our days happen to be. Our calendar pages pass quickly, one after another. Consequently, O Lord, we call upon You to remind each of these Senators that they are to be forever diligent and conscientious in serving You and the good people of South Carolina. 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**

Senator LARRY MARTIN introduced Dr. Jennifer Root of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 11:05 A.M., Senator CAMPBELL requested a leave of absence beginning at 2:00 P.M.

**Leave of Absence**

At 11:55 A.M., Senator RYBERG requested a leave of absence beginning at 2:00 P.M. and lasting until midnight tonight.

**Leave of Absence**

At 11:30 A.M., Senator PINCKNEY requested that the Journal reflect that he was absent due to illness on Tuesday, February 14, 2012, and Wednesday, February 15, 2012.

**CO-SPONSORS ADDED**

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

S. 45 Sen. Campsen

S. 149 Sen. Shoopman

S. 604 Sens. Grooms, Bryant, Campsen, Bright, Rose,

Shane Martin

S. 616 Sens. Massey, Gregory

S. 710 Sens. Bryant, Setzler

S. 922 Sen. Ford

S. 1001 Sen. Ford

S. 1135 Sen. Cleary

**CO-SPONSORS REMOVED**

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

S. 1015 Sen. Rose

**Expression of Personal Interest**

Senator GROOMS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator ELLIOTT rose for an Expression of Personal Interest.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1229 -- Senator O'Dell: A BILL TO AMEND SECTION 38-47-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSES REQUIRED FOR ADJUSTERS, SO AS TO ADD EXEMPTIONS FROM LICENSURE; AND TO AMEND SECTION 38-47-20, RELATING TO RECIPROCAL AGREEMENTS FOR LICENSING NONRESIDENT ADJUSTERS, SO AS TO PROVIDE WHERE A NONRECIPROCAL AGREEMENT EXISTS BETWEEN THIS STATE AND ANOTHER STATE, AN APPLICANT FOR A NONRESIDENT ADJUSTER'S LICENSE WHO HOLDS A LICENSE IN ANOTHER STATE MAY RESIDE IN THE UNITED STATES OR CANADA WITHOUT LOSING THE BENEFITS OF THE RECIPROCAL AGREEMENT IF HE COMPLIES WITH OTHER APPLICABLE LICENSURE REQUIREMENTS.

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

S. 1230 -- Senator Rose: A BILL TO AMEND TITLE 34 OF THE 1976 CODE, BY ADDING CHAPTER 42 TO ENACT THE “SOUTH CAROLINA MONEY SERVICES AND ILLICIT FINANCE ABATEMENT ACT” TO AUTHORIZE THE STATE BOARD OF FINANCIAL INSTITUTIONS TO PROMULGATE RULES TO REGULATE MONEY TRANSMISSION BUSINESSES AND THE TRANSMISSION OF THE PROCEEDS OF ILLEGAL ACTIVITIES, TO ESTABLISH THE LICENSURE AND FEE STRUCTURE OF MONEY TRANSMISSION BUSINESSES, TO CREATE THE MONEY TRANSMISSION DIVISION WITHIN THE STATE BOARD OF FINANCIAL INSTITUTIONS TO INSPECT AND INVESTIGATE POTENTIAL VIOLATIONS OF THIS CHAPTER, TO ESTABLISH A MONEY TRANSMISSION DATABASE TO MEMORIALIZE EACH MONEY TRANSMISSION TRANSACTION TO AID LAW ENFORCEMENT IN THE INVESTIGATION OF ILLEGAL MONEY LAUNDERING ACTIVITY, TO PROHIBIT THE TRANSMISSION OF THE PROCEEDS OF ILLEGAL ACTIVITIES AND ESTABLISH THE PENALTIES FOR VIOLATIONS; AND TO AMEND ARTICLE 25 OF CHAPTER 6, TITLE 12, RELATING TO TAXATION CREDITS, BY ADDING SECTION 12-6-3760 TO PROVIDE FOR AN INCOME TAX CREDIT FOR FEES PAID TO THE STATE FOR THE TRANSMISSION OF MONEY PURSUANT TO THIS ACT.

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Senator ROSE spoke on the Bill.

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

S. 1231 -- Senator Gregory: A BILL TO AMEND SECTION 50-1-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE VARIOUS CLASSIFICATIONS OF BIRDS, GAME ANIMALS, AND FISH, SO AS TO CLASSIFY COBIA RACHYCENTRON CANADUM AS A SALTWATER GAME FISH.

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

S. 1232 -- Senators Rankin, Hutto and Gregory: A BILL TO AMEND SECTION 63-17-2110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTENTS OF COURT ORDERS REQUIRING A PARENT TO PROVIDE HEALTH COVERAGE FOR A CHILD, SO AS TO ELIMINATE THE NEED FOR THE SOCIAL SECURITY NUMBER TO BE INCLUDED IN THE ORDER, TO CHANGE THE TERM “PARENT” TO “PARTICIPANT”, AND TO CHANGE THE TERM “CHILD” TO “ALTERNATE RECIPIENT”; AND TO AMEND SECTION 43-5-220, RELATING TO OBTAINING SUPPORT PAYMENTS FROM ABSENT PARENTS, SO AS TO ELIMINATE LANGUAGE THAT PROVIDES THAT THE USE OF THE CHILD SUPPORT SCALE IS OPTIONAL.

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

S. 1233 -- Senator Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 85 TO TITLE 15, SO AS TO ENACT THE “SOUTH CAROLINA TAXPAYER RELIEF ACT”, PROVIDING FOR DEFINITIONS OF CERTAIN TERMS, LIABILITY FOR FALSE OR FRAUDULENT CLAIMS UNDER CERTAIN CIRCUMSTANCES, PROCEDURES FOR CIVIL ACTIONS FOR FALSE CLAIMS, THE PROCEDURE AND CONTENTS OF CIVIL INVESTIGATIVE DEMANDS, AND CREATING THE STATE TAXPAYER RELIEF ACT INVESTIGATION AND PROSECUTION FUND.

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Senator MALLOY spoke on the Bill.

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

S. 1234 -- Senators Knotts, Ford and Elliott: A BILL TO AMEND CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 7, TITLE 1 SO AS TO ENACT THE “PALMETTO PUBLIC SAFETY ACT”; TO VEST THE OFFICE OF THE ATTORNEY GENERAL WITH EXCLUSIVE AUTHORITY REGARDING THE DETECTION, DETERRENCE, INVESTIGATION, REGULATION, AND PROSECUTION OF CRIMINAL EXPLOITATION OF MONEY SERVICES BUSINESSES IN SOUTH CAROLINA.

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

S. 1235 -- Senators Bryant, Peeler, Ryberg, S. Martin, Fair, Grooms, Elliott and Bright: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-55-65 SO AS TO REQUIRE THE ISSUANCE OF A PERMIT TO HAVE A WELL DRILLED ON A PARCEL OF LAND THAT HAS UNENCUMBERED ACCESS TO A WATER LINE; AND BY ADDING SECTION 44-55-855 SO AS TO REQUIRE THE ISSUANCE OF A SEPTIC TANK PERMIT FOR A PARCEL OF LAND THAT HAS UNENCUMBERED ACCESS TO A SEWER LINE.

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Senators BRYANT and LEVENTIS spoke on the Bill.

**Objection**

Senator RYBERG asked unanimous consent to make a motion that the Bill be placed on the Calendar without reference.

Senator LEVENTIS objected.

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

S. 1236 -- Senators Scott and Nicholson: A SENATE RESOLUTION TO HONOR THE REVEREND CALVIN ROBINSON FOR HIS TWENTY-TWO YEARS OF GOSPEL MINISTRY AS PASTOR OF BETHLEHEM MISSIONARY BAPTIST CHURCH IN SALUDA, AND TO WISH HIM GOD’S RICHEST BLESSINGS AS HE CONTINUES TO SERVE THE LORD.

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The Senate Resolution was adopted.

S. 1237 -- Senator Courson: A CONCURRENT RESOLUTION TO DECLARE MARCH 2012 AS “HOME SCHOOL RECOGNITION MONTH” IN SOUTH CAROLINA, TO RECOGNIZE THE DILIGENT EFFORTS OF HOME SCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, AND TO EXPRESS SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL-BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN.

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

S. 1238 -- Senator S. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 150 IN SPARTANBURG COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 TO THE SPARTANBURG/CHEROKEE COUNTY LINE “ERNIE WHITE MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "ERNIE WHITE MEMORIAL HIGHWAY".

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

**REPORTS OF STANDING COMMITTEES**

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

S. 1007 -- Senator Rose: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, BY ADDING SECTION 57‑3‑755 TO PROVIDE THAT THE DEPARTMENT MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE.

Ordered for consideration tomorrow.

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

H. 3163 -- Reps. Tallon, Cole, Allison, G.R. Smith, Taylor, McCoy, Forrester, Murphy, Hixon and Patrick: A BILL TO AMEND SECTION 56‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERM “MOTOR VEHICLE” SO AS TO INCLUDE “MOPEDS” IN THE TERM’S DEFINITION.

Ordered for consideration tomorrow.

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

**SECOND READING BILL**

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

S. 1206 -- Senators Fair, Thomas, Shoopman, Anderson, Verdin and S. Martin: A BILL TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE GOVERNING BODY OF THE SCHOOL DISTRICT OF GREENVILLE COUNTY MUST BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2012, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

Senator FAIR explained the Bill.

**READ THE SECOND TIME**

**OBJECTION TO THIRD READING**

S. 710 -- Senators Knotts, O’Dell, Ford, Alexander, Bryant and Setzler: A BILL TO AMEND SECTION 56‑1‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND CONTENTS OF A SOUTH CAROLINA DRIVER’S LICENSE, SO AS TO, UPON THE LICENSEE’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE DRIVER’S LICENSE; AND TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, SO AS TO, UPON THE CARD HOLDER’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE SPECIAL IDENTIFICATION CARD.

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

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

**Ayes 42; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill O'Dell

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

**Total--0**

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

Senators KNOTTS and FORD spoke on the Bill.

**S. 710--Objection to Third Reading**

Senator SHANE MARTIN asked unanimous consent to give the Bill a third reading on the next legislative day.

Senator McCONNELL objected.

**READ THE SECOND TIME**

S. 922 -- Senators Campbell, Grooms and Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑222 SO AS TO ALLOW CERTAIN PERSONS WHO WEAR BIOPTIC TELESCOPIC LENSES FOR VISION ASSISTANCE TO OBTAIN A DRIVER’S LICENSE.

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

Senator GROOMS explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Ford Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O’Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1020 -- Senator Cromer: A BILL TO AMEND SECTION 50‑11‑355, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL DEER HUNTING NEAR A RESIDENCE, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO HUNT DEER WITH FIREARMS NEAR A RESIDENCE WITHOUT THE PERMISSION OF THE OWNER AND OCCUPANT.

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

Senator CAMPSEN explained the Bill.

The question then was the second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Ford Gregory Hayes

Hutto Jackson Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas

**Total--40**

**NAYS**

**Total--0**

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

**ADOPTED**

S. 1094 -- Senator Land: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF STATE ROAD S‑14‑187 IN CLARENDON COUNTY FROM ITS INTERSECTION WITH BARRINEAU ROAD TO NEW TOWN ROAD “SERGEANT WALTER KENNETH FLOYD MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “SERGEANT WALTER KENNETH FLOYD MEMORIAL HIGHWAY”.

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

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

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

H. 4308 -- Rep. Daning: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF UNITED STATES HIGHWAY 17A AND THE SANGAREE PARKWAY IN BERKELEY COUNTY “LANCE CORPORAL TODD ALVIN BENJAMIN INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “LANCE CORPORAL TODD ALVIN BENJAMIN INTERSECTION”.

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

**POINT OF ORDER**

S. 1226 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4191, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**Point of Order**

Senator McCONNELL raised a Point of Order under Rule 39 that the Joint Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**CARRIED OVER**

S. 1001 -- Senators L. Martin, Campsen, Rose and Ford: A BILL TO AMEND CHAPTER 17, TITLE 59 OF THE 1976 CODE, RELATING TO SCHOOL DISTRICTS, TO PROVIDE FOR THE EQUAL ACCESS TO INTERSCHOLASTIC ACTIVITIES FOR MILITARY CHILDREN ACT, BY ADDING SECTION 59‑17‑160, TO PROVIDE THAT A CHILD OF A MEMBER OF THE ARMED FORCES ATTENDING SCHOOL IN A SCHOOL DISTRICT WHO LIVES WITH A RESIDENT OF THE DISTRICT OTHER THAN THE CHILD’S PARENT IS ENTITLED TO PARTICIPATE IN ALL INTERSCHOLASTIC ACTIVITIES OFFERED BY THE CHILD’S SCHOOL.

Senator LARRY MARTIN explained the Bill.

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

S. 1031 -- Senators Lourie, L. Martin, Elliott, Setzler and Alexander: A BILL TO AMEND SECTION 56‑5‑5660(E)(1) OF THE 1976 CODE, RELATING TO THE APPLICATION FOR AND ISSUANCE OF DISPOSAL AUTHORITY CERTIFICATES, TO INCREASE THE AGE OF A VEHICLE THAT MAY BE DISPOSED OF BY A DEMOLISHER WITHOUT A CERTIFICATE OF TITLE OR OTHER NOTICE REQUIREMENTS FROM EIGHT TO FIFTEEN YEARS; TO AMEND SECTION 56‑5‑5670(A), RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING A VEHICLE ABANDONED ON A HIGHWAY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH A VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, A DISPOSAL AUTHORITY CERTIFICATE, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION; TO AMEND SECTION 56‑5‑5670(D), RELATING TO PENALTIES FOR DEMOLISHERS THAT BREACH DUTIES 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. 1217 -- Senator Hutto: A BILL TO AMEND SECTION 7‑7‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN ALLENDALE COUNTY, SO AS TO REDESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE DIVISION OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

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

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

**MOTION ADOPTED**

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

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

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

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. 127**

Senators McCONNELL, MASSEY, ROSE, KNOTTS, BRIGHT, ALEXANDER, ANDERSON, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, COURSON, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GREGORY, GROOMS, HAYES, HUTTO, JACKSON, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MATTHEWS, McGILL, NICHOLSON, O’DELL, PEELER, PINCKNEY, RANKIN, REESE, RYBERG, SCOTT, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS proposed the following Amendment No. 127 (JUD3066.047), which was adopted:

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

/ SECTION \_\_\_. Section 11-53-20 of the 1976 Code is amended to read:

“Section 11‑53‑20. It is mandated by the General Assembly that the SCEIS shall be implemented for all agencies, with the exception of lump‑sum agencies, the General Assembly or its respective branches or its committees, Legislative Council, and the ~~Office of~~ Legislative ~~Printing and Information Technology Resources~~ Services Agency. The South Carolina Enterprise Information System Oversight Committee, as appointed by the Comptroller General, shall provide oversight for the implementation and continued operations of the system. The ~~Budget and Control Board~~ Department of Administration is authorized to use any available existing technology resources to assist with funding of the initial implementation of the system. It is further the intent of the General Assembly to fund the central government costs related to the implementation of the system. Agencies are required to implement SCEIS at a cost and in accordance with a schedule developed and approved by the SCEIS Oversight Committee. Full implementation must be completed within five years. ~~An agency's implementation cost shall be borne by that agency through existing appropriations, grants, and/or the State Treasurer's Master Lease Program and shall be for the implementation of the "back office" administrative functions that are common to all agencies in the areas of purchasing, finance, human resources, payroll, and budgeting.~~ The Department of Administration must make an appropriation request for the implementation and operational costs for SCEIS, and the funding for those costs must be set out as a specific line item in the annual general appropriations act. Any issues arising with regard to project scope, implementation schedule, and associated costs shall be directed to the SCEIS Oversight Committee for resolution. In cooperation with the Comptroller General and the ~~Budget and Control Board's Division of the State CIO~~ Department of Administration, the South Carolina Enterprise Information System Oversight Committee is required to report by January 31 of the fiscal year to the Governor, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee the status of the system's implementation and on‑going operations.” /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the amendment was out of order inasmuch as the amendment was to the third degree.

The PRESIDENT overruled the Point of Order.

Senator McCONNELL explained the amendment.

The amendment was adopted.

**Amendment No. 128**

Senators McCONNELL and KNOTTS proposed the following Amendment No. 128 (JUD3066.046), which was adopted:

Amend the bill, as and if amended, page 23, by striking lines 2 and 3, in Section 1-11-55(1), as contained in SECTION 16, and inserting therein the following:

/ General Assembly, Legislative Council, the ~~Office of~~ Legislative ~~Printing, Information and Technology Systems~~ Services Agency, the judicial /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

**Amendment No. 129**

Senators McCONNELL and KNOTTS proposed the following Amendment No. 129 (JUD3066.048), which was adopted:

Amend the bill, as and if amended, page 103, by striking line 34, as contained in SECTION 47C, and inserting therein the following:

/ Procurement Oversight Board, except as provided in Section 1-11-10. The Department of Administration, /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

**Amendment No. 86**

Senator SHEHEEN proposed the following Amendment No. 86 (3066R073.VAS), which was adopted:

Amend the bill, as and if amended, page 58, by striking line 10 and inserting:

/ (5) ‘Department’ means Department of Health and Environmental Control.” /

Amend the bill further, as and if amended, page 68, by striking line 19 and inserting:

/ Health and Environmental Control, ~~the board,~~ the PSC, /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the amendment was out of order inasmuch as the amendment was to the third degree.

The PRESIDENT overruled the Point of Order.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

**Amendment No. 99**

Senators DAVIS and ROSE proposed the following Amendment No. 99 (3066R083.TD), which was previously printed and withdrawn:

Amend the bill further, as and if amended, by striking SECTION 6 in its entirety and inserting:

/ SECTION 6. Section 11‑9‑890(B) of the 1976 Code is amended to read:

“(B) If at the end of the first, second, or third quarter of any fiscal year quarterly revenue collections are ~~two percent or more~~ below the amount projected for that quarter by the Board of Economic Advisors, the ~~State Budget and Control Board~~ General Assembly, within ~~seven~~ twenty days of convening pursuant to this section ~~days of that determination~~, shall take action to avoid a year‑end deficit. Upon the determination that revenue collections are below the amount projected, each house of the General Assembly shall convene in statewide session at twelve noon on the first Tuesday following the determination of the deficit to take action to avoid a year‑end deficit. ~~Notwithstanding Section 1‑11‑495, if the State Budget and Control Board does not take unanimous action within seven days, the Director of the Office of State Budget must reduce general fund appropriations by the requisite amount in the manner prescribed by law. Upon making the reduction, the Director of the Office of State Budget immediately must notify the State Treasurer and the Comptroller General of the reduction, and upon notification, the appropriations are considered reduced. No agencies, departments, institutions, activity, program, item, special appropriation, or allocation for which the General Assembly has provided funding in any part of this section may be discontinued, deleted, or deferred by the Director of the Office of State Budget. A reduction of rate of expenditure by the Director of the Office of State Budget, under authority of this section, must be applied as uniformly as shall be practicable, except that no reduction must be applied to funds encumbered by a written contract with the agency, department, or institution not connected with state government.~~” /

Amend the bill further, as and if amended, page 14, by striking lines 31 - 42, and on page 15, by striking lines 1 - 2, and inserting:

“(A)(1)There is created the Board of Economic Advisors, an independent agency of state government, comprised of three members appointed by the Governor, with the advice and consent of the Senate. The board members shall receive an annual compensation of ten thousand dollars. Board members may only be removed by the Governor for for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. ~~as follows:~~

~~(1)~~ ~~One member, appointed by, and serving at the pleasure of, the Governor, who shall serve as chairman and shall receive annual compensation of ten thousand dollars;~~

~~(2)~~ ~~One member appointed by, and serving at the pleasure of, the Chairman of the Senate Finance Committee, who shall receive annual compensation of eight thousand dollars;~~

~~(3)~~ ~~One member appointed by, and serving at the pleasure of, the Chairman of the Ways and Means Committee of the House of Representatives, who shall receive annual compensation of eight thousand dollars;~~

~~(4)~~ ~~The Director of the Department of Revenue, who shall serve ex officio, with no voting rights.~~”

Amend the bill further, as and if amended, page 15, by striking lines 10‑42 and inserting:

/ (B) The ~~Chairman of the~~ Board of Economic Advisors shall ~~report directly to the Budget and Control Board to~~ establish policy governing economic trend analysis. The Board of Economic Advisors shall provide for its staffing and administrative support from funds appropriated by the General Assembly.

(C) The Executive Director of the ~~Budget and Control Board~~ Board of Economic Advisors shall ~~assist the Governor, Chairman of the Board of Economic Advisors, Chairman of the Senate Finance Committee, and Chairman of the Ways and Means Committee of the House of Representatives in providing~~ provide for an effective system for compiling and maintaining current and reliable economic data. The Board of Economic Advisors may establish an advisory board to assist in carrying out its duties and responsibilities. All state agencies, departments, institutions and divisions shall provide the information and data the advisory board requires. The Board of Economic Advisors is considered a public body for purposes of the Freedom of Information Act, pursuant to Section 30‑4‑20(a).”

SECTION 4. Section 11‑9‑825 of the 1976 Code is repealed. / Amend the bill further, as and if amended, page 16, by striking lines 1-23 and inserting:

/ SECTION \_\_\_. Section 11‑9‑830 of the 1976 Code is amended to read:

“Section 11‑9‑830. In order to provide a more effective system of providing advice to the ~~Budget and Control Board~~ Governor and the General Assembly on economic trends, the Board of Economic Advisors shall:

(1) compile and maintain in a unified, concise, and orderly form information about total revenues and expenditures which involve the funding of state government operations, revenues received by the state which comprise general revenue sources of all receipts to include amounts borrowed, federal grants, earnings, and the various activities accounted for in other funds;

(2) continuously review and evaluate total revenues and expenditures to determine the extent to which they meet fiscal plan forecasts/projections;

(3) evaluate federal revenues in terms of impact on state programs;

(4) compile economic, social, and demographic data for use in the publishing of economic scenarios for incorporation into the development of the state budget;

(5) bring to the attention of the Governor and the General Assembly the effectiveness, or lack thereof, of the economic trends and the impact on statewide policies and priorities;

(6) establish liaison with the Congressional Budget Office and the Office of Management and Budget at the national level.” /

Amend the bill further, as and if amended, by striking Part XI, relating to Legislative Oversight, and inserting:

/ Part XI

Legislative Audit Council Oversight of Government Agencies

SECTION \_\_\_. Chapter 15, Title 2 of the 1976 Code is amended by adding:

“Section 2‑15‑130. (A) Beginning January 1, 2013, the Legislative Audit Council must conduct performance audits, oversight studies, and investigations on all agencies, as defined in Section 2‑15‑50, at least once every five years in accordance with a schedule adopted and published by the council. The council shall publish on its internet website its annual audit schedule. New agencies, departments, or other state entities created after the effective date of this section must be added to the five-year audit cycle and appropriate audit schedules.

(B) The purpose of these performance audits, oversight studies, and investigations is to determine if agency laws and programs:

(1) are being implemented and carried out in accordance with the intent of the General Assembly; and

(2) should be continued, curtailed, or eliminated.

(C) The performance audits, oversight studies, and investigations must consider:

(1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction;

(2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction; and

(3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee’s subject matter jurisdiction.

(D) The report of each performance audit, oversight study, or investigation must be published on the council’s webpage and sent to the chairman of the standing committees of the General Assembly with subject matter jurisdiction.” /

Renumber sections to conform.

Amend title to conform.

On motion of Senator DAVIS, the amendment was withdrawn.

**Amendment No. 110**

Senators HUTTO and CROMER proposed the following Amendment No. 110 (NBD\12126DG12), which was adopted:

Amend the bill, as and if amended, Section 9-4-20, by adding an appropriately lettered subsection at the end to read:

/ ( ) Notwithstanding any other provision of law or policy to the contrary, the board shall allow the governing body of a participating political subdivision to allow a judicial appointee to participate in the program. /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the amendment was out of order inasmuch as the amendment was to the third degree.

The PRESIDENT overruled the Point of Order.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Amendment No. 115**

Senator DAVIS proposed the following Amendment No. 115 (3066R097.TD), which was tabled:

Amend the bill, as and if amended, by striking Part XI, relating to Legislative Oversight, and inserting:

/ Part XI

Legislative Audit Council Oversight of Government Agencies

SECTION \_\_\_. Chapter 15, Title 2 of the 1976 Code is amended by adding:

“Section 2‑15‑130. (A) Beginning January 1, 2013, the Legislative Audit Council must conduct performance audits, oversight studies, and investigations on all agencies, as defined in Section 2‑15‑50, at least once every five years in accordance with a schedule adopted and published by the council. The council shall publish on its internet website its annual audit schedule. New agencies, departments, or other state entities created after the effective date of this section must be added to the five-year audit cycle and appropriate audit schedules.

(B) The purpose of these performance audits, oversight studies, and investigations is to determine if agency laws and programs:

(1) are being implemented and carried out in accordance with the intent of the General Assembly; and

(2) should be continued, curtailed, or eliminated.

(C) The performance audits, oversight studies, and investigations must consider:

(1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction;

(2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction; and

(3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee’s subject matter jurisdiction.

(D) The report of each performance audit, oversight study, or investigation must be published on the council’s webpage and sent to the chairman of the standing committees of the General Assembly with subject matter jurisdiction.” /

Renumber sections to conform.

Amend title to conform.

**Point of Order**

Senator LARRY MARTIN raised a Point of Order that the amendment was out of order inasmuch as the amendment was to the third degree.

Senator DAVIS spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator DAVIS explained the amendment.

Senator SHEHEEN spoke on the amendment.

Senator CAMPSEN spoke on the amendment.

Senator McCONNELL moved to lay the amendment on the table.

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

**Ayes 42; Nays 1**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Ryberg Scott

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--42**

**NAYS**

Davis

**Total--1**

The amendment was laid on the table.

**Amendment No. 116**

Senator DAVIS proposed the following Amendment No. 116 (3066R096.TD), which was tabled:

Amend the bill further, as and if amended, page 14, by striking lines 31 - 42, and on page 15, by striking lines 1 - 2, and inserting:

“(A)(1)There is created the Board of Economic Advisors, an independent agency of state government, comprised of three members appointed by the Governor, with the advice and consent of the Senate, for six-year terms. The board members shall receive an annual compensation of ten thousand dollars. Board members may only be removed by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. ~~as follows:~~

~~(1)~~ ~~One member, appointed by, and serving at the pleasure of, the Governor, who shall serve as chairman and shall receive annual compensation of ten thousand dollars;~~

~~(2)~~ ~~One member appointed by, and serving at the pleasure of, the Chairman of the Senate Finance Committee, who shall receive annual compensation of eight thousand dollars;~~

~~(3)~~ ~~One member appointed by, and serving at the pleasure of, the Chairman of the Ways and Means Committee of the House of Representatives, who shall receive annual compensation of eight thousand dollars;~~

~~(4)~~ ~~The Director of the Department of Revenue, who shall serve ex officio, with no voting rights.~~ /

Amend the bill further, as and if amended, page 15, by striking lines 10‑42 and inserting:

/ (B) The ~~Chairman of the~~ Board of Economic Advisors shall ~~report directly to the Budget and Control Board to~~ establish policy governing economic trend analysis. The Board of Economic Advisors shall provide for its staffing and administrative support from funds appropriated by the General Assembly.

(C) The Executive Director of the ~~Budget and Control Board~~ Board of Economic Advisors shall ~~assist the Governor, Chairman of the Board of Economic Advisors, Chairman of the Senate Finance Committee, and Chairman of the Ways and Means Committee of the House of Representatives in providing~~ provide for an effective system for compiling and maintaining current and reliable economic data. The Board of Economic Advisors may establish an advisory board to assist in carrying out its duties and responsibilities. All state agencies, departments, institutions and divisions shall provide the information and data the advisory board requires. The Board of Economic Advisors is considered a public body for purposes of the Freedom of Information Act, pursuant to Section 30‑4‑20(a).”

SECTION 4. Section 11‑9‑825 of the 1976 Code is repealed. / Amend the bill further, as and if amended, page 16, by striking lines 1-23 and inserting:

/ SECTION \_\_\_. Section 11‑9‑830 of the 1976 Code is amended to read:

“Section 11‑9‑830. In order to provide a more effective system of providing advice to the ~~Budget and Control Board~~ Governor and the General Assembly on economic trends, the Board of Economic Advisors shall:

(1) compile and maintain in a unified, concise, and orderly form information about total revenues and expenditures which involve the funding of state government operations, revenues received by the state which comprise general revenue sources of all receipts to include amounts borrowed, federal grants, earnings, and the various activities accounted for in other funds;

(2) continuously review and evaluate total revenues and expenditures to determine the extent to which they meet fiscal plan forecasts/projections;

(3) evaluate federal revenues in terms of impact on state programs;

(4) compile economic, social, and demographic data for use in the publishing of economic scenarios for incorporation into the development of the state budget;

(5) bring to the attention of the Governor and the General Assembly the effectiveness, or lack thereof, of the economic trends and the impact on statewide policies and priorities;

(6) establish liaison with the Congressional Budget Office and the Office of Management and Budget at the national level.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

Senator LEATHERMAN spoke on the amendment.

Senator LEATHERMAN moved to lay the amendment on the table.

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

**Ayes 37; Nays 6**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Courson

Cromer Fair Gregory

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Ryberg Scott Setzler

Sheheen Thomas Verdin

Williams

**Total--37**

**NAYS**

Bright Bryant Davis

*Martin, Shane* Rose Shoopman

**Total--6**

The amendment was laid on the table.

**Amendment No. 130A**

Senators BRYANT and CAMPSEN proposed the following Amendment No. 130A (3066R119.KLB), which was withdrawn:

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

/ Part \_\_\_

Legislative Audit Council Oversight of Government Agencies

SECTION \_\_\_. Chapter 15, Title 2 of the 1976 Code is amended by adding:

“Section 2‑15‑130. (A) Beginning January 1, 2013, the Legislative Audit Council must conduct performance audits, oversight studies, and investigations on all agencies, as defined in Section 2‑15‑50, at least once every five years in accordance with a schedule adopted and published by the council. The council shall publish on its internet website its annual audit schedule. New agencies, departments, or other state entities created after the effective date of this section must be added to the five-year audit cycle and appropriate audit schedules.

(B) The purpose of these performance audits, oversight studies, and investigations is to determine if agency laws and programs:

(1) are being implemented and carried out in accordance with the intent of the General Assembly; and

(2) should be continued, curtailed, or eliminated.

(C) The performance audits, oversight studies, and investigations must consider:

(1) the application, administration, execution, and effectiveness of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction;

(2) the organization and operation of state agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within the standing committee’s subject matter jurisdiction; and

(3) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within the standing committee’s subject matter jurisdiction.

(D) The report of each performance audit, oversight study, or investigation must be published on the council’s webpage and sent to the chairman of the standing committees of the General Assembly with subject matter jurisdiction.” /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

Senator McCONNELL argued contra to the adoption of the amendment.

Senator BRYANT spoke on the amendment.

On motion of Senator BRYANT, the amendment was withdrawn.

**Amendment No. 131A**

Senators GREGORY and MALLOY proposed the following Amendment No. 131A (3066R120.CKG), which was adopted:

Amend the bill, as and if amended, page 3, by striking line 4.

Amend the bill further, as and if amended, page 5, by striking line 1 and inserting:

/ (2) the Retirement Division; and

(3) the Insurance Reserve Fund. /

Amend the bill further, as and if amended, page 7, by striking line 1.

Amend the bill further, as and if amended, page 53, by striking lines 37-43, page 54, by striking lines 1-42, and page 55, by striking lines 1-10 and inserting:

/ W. Section 15‑78‑140 of the 1976 Code is amended to read:

“Section 15‑78‑140. (a) (Reserved)

(b) The political subdivisions of this State, in regard to tort and automobile liability, property and casualty insurance shall procure insurance to cover these risks for which immunity has been waived by (1) the purchase of liability insurance pursuant to Section 1‑11‑140; or (2) the purchase of liability insurance from a private carrier; or (3) self‑insurance; or (4) establishing pooled self‑insurance liability funds, by intergovernmental agreement, which may not be construed as transacting the business of insurance or otherwise subject to state laws regulating insurance. A pooled self‑insurance liability pool is authorized to purchase specific and aggregate excess insurance. A pooled self‑insurance liability fund must provide liability coverage for all employees of a political subdivision applying for participation in the fund. If the insurance is obtained other than pursuant to Section 1‑11‑140, it must be obtained subject to the following conditions:

(1) If the political subdivision does not procure tort liability insurance pursuant to Section 1‑11‑140, it must also procure its automobile liability and property and casualty insurance from other sources and shall not procure these coverages through the ~~Budget and Control Board~~ Insurance Reserve Fund;

(2) If a political subdivision procures its tort liability insurance, automobile liability insurance, or property and casualty insurance through the ~~Budget and Control Board~~ Insurance Reserve Fund, all liability exposures of the political subdivision as well as its property and casualty insurance must be insured with the ~~Budget and Control Board~~ Insurance Reserve Fund;

(3) If the political subdivision, at any time, procures its tort liability, automobile liability, property, or casualty insurance other than through the ~~Budget and Control Board~~ Insurance Reserve Fund and then subsequently desires to obtain this coverage with the ~~Budget and Control Board~~ Insurance Reserve Fund, notice of its intention to so obtain this subsequent coverage must be provided the ~~Budget and Control Board~~ Insurance Reserve Fund at least ninety days prior to the beginning of the coverage with the ~~State Budget and Control Board~~ Insurance Reserve Fund. The other lines of insurance that the political subdivision is required to procure from the ~~board~~ fund are not required to commence until the coverage for that line of insurance expires. Any political subdivision may cancel all lines of insurance with the ~~State Budget and Control Board~~ Insurance Reserve Fund if it gives ninety days’ notice to the ~~board~~ fund. The ~~Budget and Control Board~~ Insurance Reserve Fund may negotiate the insurance coverage for any political subdivision separate from the insurance coverage for other insureds.

(4) If any political subdivision cancels its insurance with the ~~Budget and Control Board~~ Insurance Reserve Fund, it is entitled to an appropriate refund of the premium, less reasonable administrative cost.

(c) For any claim filed under this chapter, the remedy provided in Section 15‑78‑120 is exclusive. The immunity of the State and its political subdivisions, with regard to the seizure, execution, or encumbrance of their properties is reaffirmed.”

X. Section 1-11-140 of the 1976 Code is amended to read:

“Section 1-11-140. (A) The ~~State Budget and Control Board~~ Public Employee Benefits Authority, through the ~~Office of Insurance Services~~ Insurance Reserve Fund, is authorized to provide insurance for the State, its departments, agencies, institutions, commissions, boards, and the personnel employed by the State in its departments, agencies, institutions, commissions, and boards so as to protect the State against tort liability and to protect these personnel against tort liability arising in the course of their employment. The insurance also may be provided for physicians or dentists employed by the State, its departments, agencies, institutions, commissions, or boards against any tort liability arising out of the rendering of any professional services as a physician or dentist for which no fee is charged or professional services rendered of any type whatsoever so long as any fees received are directly payable to the employer of a covered physician or dentist, or to any practice plan authorized by the employer whether or not the practice plan is incorporated and registered with the Secretary of State; provided, any insurance coverage provided by the ~~Budget and Control Board~~ authority may be on the basis of claims made or upon occurrences. The insurance also may be provided for students of high schools, South Carolina Technical Schools, or state‑supported colleges and universities while these students are engaged in work study, distributive education, or apprentice programs on the premises of private companies. Premiums for the insurance must be paid from appropriations to or funds collected by the various entities, except that in the case of the above‑referenced students in which case the premiums must be paid from fees paid by students participating in these training programs. The ~~board~~ authority has the exclusive control over the investigation, settlement, and defense of claims against the various entities and personnel for whom it provided insurance coverage and may promulgate regulations in connection therewith.

(B)(1) Beginning on January 1, 2013, and biennially thereafter, the Insurance Reserve Fund must request applications, in a manner and form prescribed by the fund, from private attorneys and law firms to determine from the applicants those that will be authorized to defend litigation covered by fund policies. The fund shall authorize attorneys and law firms to defend litigation covered by fund policies based upon such factors as it determines relevant, including those necessary to maintain the appropriate level of qualification, experience, and expertise given geographical needs, case load, efficiencies, and other business requirements.

(2) Prior to submitting a request for applicants, the fund must submit the list of factors for authorizing attorneys and law firms to defend litigation covered by fund policies to the Chairman of the Senate Judiciary Committee and the Chairman of the House Judiciary Committee and receive comments and recommendations offered by the committees.

~~(B)~~(C) Any political subdivision of the State including, without limitations, municipalities, counties, and school districts, may procure the insurance for itself and for its employees in the same manner provided for the procurement of this insurance for the State, its entities, and its employees, or in a manner provided by Section 15-78-140.

~~(C)~~(D) The procurement of tort liability insurance in the manner provided is the exclusive means for the procurement of this insurance.

~~(D)~~(E) The ~~State Budget and Control Board~~ authority, through the ~~Office of Insurance Services~~ Insurance Reserve Fund, also is authorized to offer insurance to governmental hospitals and any subsidiary of or other entity affiliated with the hospital currently existing or as may be established; and chartered, nonprofit, eleemosynary hospitals and any subsidiary of or other entity affiliated with the hospital currently existing or as may be established in this State so as to protect these hospitals against tort liability. Notwithstanding any other provision of this section, the procurement of tort liability insurance by a hospital and any subsidiary of or other entity affiliated with the hospital currently existing or as may be established supported wholly or partially by public funds contributed by the State or any of its political subdivisions in the manner herein provided is not the exclusive means by which the hospital may procure tort liability insurance.

~~(E)~~(F) The ~~State Budget and Control Board~~ authority, through the ~~Office of Insurance Services~~ Insurance Reserve Fund, is authorized to provide insurance for duly appointed members of the boards and employees of health system agencies, and for members of the State Health Coordinating Council which are created pursuant to Public Law 93‑641.

~~(F)~~(G) The ~~board~~ authority, through the ~~Office of Insurance Services~~ Insurance Reserve Fund, is further authorized to provide insurance as prescribed in Sections 10‑7‑10 through 10‑7‑40, 59‑67‑710, and 59‑67‑790.

~~(G)~~(H) Documentary or other material prepared by or for the ~~Office of Insurance Services~~ Insurance Reserve Fund in providing any insurance coverage authorized by this section or any other provision of law which is contained in any claim file is subject to disclosure to the extent required by the Freedom of Information Act only after the claim is settled or finally concluded by a court of competent jurisdiction.

~~(H)~~(I) The ~~board~~ authority, through the ~~Office of Insurance Services~~ Insurance Reserve Fund, is further authorized to provide insurance for state constables, including volunteer state constables, to protect these personnel against tort liability arising in the course of their employment, whether or not for compensation, while serving in a law enforcement capacity.” /

Amend the bill further, as and if amended, page 55, by striking SECTION 17.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

There being no further amendments, the question then was the third reading of the Bill.

Senator LEVENTIS spoke on the Bill.

Senator SHEHEEN spoke on the Bill.

Senator LARRY MARTIN spoke on the Bill.

Senator MALLOY spoke on the Bill.   
 Senator MASSEY spoke on the Bill.

Senator COURSON spoke on the Bill.

Senator SETZLER spoke on the Bill.

Senator LEATHERMAN spoke on the Bill.

Senator KNOTTS spoke on the Bill.

Senator McCONNELL spoke on the Bill.

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

**Ayes 40; Nays 0; Present 2**

**AYES**

Alexander Anderson Bright

Bryant Campsen Cleary

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

**PRESENT**

Ford Leventis

**Total--2**

The Bill was read the third time, passed and ordered returned to the House of Representatives.

**Statement by Senator CAMPBELL**

I have supported Government Restructuring from the beginning.  My amendment supported the Department of Administration retaining Information Technology (IT) and the procurement that goes with it.  Having come from the industrial world in management roles, I know well the Governor needs and must have the information and the technology that is required to operate and control the new functions the Executive will have as the Budget and Control Board is eliminated.  I support elimination of the Budget and Control Board and support the Department of Administration.  I have worked with the executive to see the executive has the tools to properly direct the new and improved functions but have tried to protect the Legislative duties that we are sworn to uphold.  Unfortunately, I had to be away when the final vote was taken but had I been here, I would have voted positively for the Department of Administration.  We are moving South Carolina forward.

**MOTION ADOPTED**

On motion of Senator GROOMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. A.C. Keefe of Lake City, S.C., beloved father of Janet Evans, former Administrative Assistant to Senator GROOMS.

and

**MOTION ADOPTED**

On motion of Senators SETZLER, KNOTTS and CROMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Mike Stamps of West Columbia, S.C. He was the beloved husband of Jan Hook Stamps, devoted father and doting grandfather. Mr. Stamps was a pharmacist/businessman and started Southern Anesthesia and Surgical and Southern Medical Lasers. He will be missed by family, associates and friends.

**ADJOURNMENT**

At 3:15 P.M., on motion of Senator LARRY MARTIN, 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.

\* \* \*