**Wednesday, February 1, 2012**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 11:45 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:

Isaiah speaks of the ideal servant of the Lord God:

“...the noble man makes noble plans, and by noble deeds he stands.” (Isaiah 32:8)

Let us pray:

Gracious and Loving Lord, it seems as if we are living in a period of a “nobility deficit” these days. Women and men in the public sphere who truly exemplify high moral qualities and ideals and integrity are few, it seems. Thank goodness, O God, that here in the Senate of South Carolina leaders strive typically to embody those qualities which are lofty and good. May these Senators always present themselves as noble -- not in rank, but in character -- to Your glory, of course, and for the benefit of the people they serve. In Your loving name we pray, Lord.

Amen.

**Leave of Absence**

On motion of Senator PEELER, at 11:45 A.M., Senator McCONNELL was granted a leave of absence for today.

**RECESS**

At 11:55 A.M., on motion of Senator LARRY MARTIN, the Senate receded from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Elections**

At 12:00 P.M., the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

**Election to the Position of Associate Justice, Supreme Court**

**Seat #4**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Associate Justice of the Supreme Court, Seat #4.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Kaye G. Hearn had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Kaye G. Hearn in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Kaye G. Hearn was elected to the position of Associate Justice of the Supreme Court, Seat #4 for the term prescribed by law.

**Election to the Position of Judge, Court of Appeals, Seat #8**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Court of Appeals, Seat #8.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Thomas E. Huff had been screened and found qualified to serve. Representative Delleney placed the name of the Honorable Thomas E. Huff in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Thomas E. Huff was elected to the position of Judge, Court of Appeals, Seat #8 for the term prescribed by law.

**Election to the Position of Circuit Court, 5th Judicial Circuit**

**Seat #3**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 5th Judicial Circuit, Seat #3.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that Mr. Robert Eldon Hood, Mr. John P. Meadors and Mr. Clifford Scott had been screened and found qualified to serve.

On motion of Representative Delleney, the name of Mr. Clifford Scott was withdrawn from consideration.

On motion of Representative Delleney, the names of Mr. Robert Eldon Hood and Mr. John P. Meadors were placed in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Hood:

Bright Campbell Courson

Cromer Ford Grooms

Hutto Knotts *Martin, Shane*

Matthews McGill Peeler

Rankin Setzler Shoopman

Thomas

**Total--16**

The following named Senators voted for Meadors:

Alexander Anderson Bryant

Campsen Coleman Davis

Elliott Fair Gregory

Hayes Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Nicholson O'Dell

Pinckney Reese Rose

Sheheen Verdin Williams

**Total--24**

On the motion of Representative Delleney, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Hood:

Alexander Allen Allison

Anderson Anthony Bannister

Barfield Battle Bingham

Branham Brannon H. B. Brown

R. L. Brown Butler Garrick Chumley

Clemmons Clyburn Cole

Corbin Crosby Daning

Delleney Forrester Gilliard

Govan Hamilton Hardwick

Harrell Harrison Hart

Hearn Henderson Hiott

Hixon Hodges Horne

Hosey Huggins Jefferson

King Loftis McCoy

Merrill D. C. Moss Murphy

Nanney Ott Parker

Pinson Quinn Ryan

Sabb Sandifer Sellers

Skelton J. E. Smith J. R. Smith

Sottile Spires Stavrinakis

Stringer Tallon Taylor

Toole Whipper Young

**Total--66**

The following named Representatives voted for Meadors:

Agnew Atwater Bales

Bowen Bowers Brady

Brantley G. A. Brown Cobb-Hunter

Crawford Dillard Frye

Funderburk Gambrell Howard

Johnson Knight Long

Lowe Lucas Mack

McEachern McLeod V. S. Moss

J. H. Neal J. M. Neal Norman

Owens Parks Pitts

Pope Putnam Simrill

G. M. Smith G. R. Smith Southard

Thayer Tribble Vick

White Whitmire Williams

Willis

**Total--43**

**RECAPITULATION**

Total number of Senators voting 40

Total number of Representatives voting 109

Grand Total 149

Necessary to a choice 75

Of which Mr. Hood received 82

Of which Mr. Meadors received 67

Whereupon, the PRESIDENT announced that the Honorable Robert Eldon Hood was elected to the position of Judge, 5th Judicial Circuit, Seat #3 for the term prescribed by law.

**Election to the Position of Circuit Court, 3rd Judicial Circuit**

**Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 3rd Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable George C. James, Jr. had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable George C. James, Jr. in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable George C. James, Jr. was elected to the position of Judge, Circuit Court, 3rd Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Circuit Court, 4th Judicial Circuit**

**Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 4th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable John Michael Baxley had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable John Michael Baxley in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable John Michael Baxley was elected to the position of Judge, Circuit Court, 4th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Circuit Court, 5th Judicial Circuit**

**Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 5th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Lee Casey Manning had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Lee Casey Manning in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Lee Casey Manning was elected to the position of Judge, Circuit Court, 5th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Circuit Court, 7th Judicial Circuit**

**Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 7th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Roger Lynn Couch had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Roger Lynn Couch in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Roger Lynn Couch was elected to the position of Judge, Circuit Court, 7th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Circuit Court, 8th Judicial Circuit**

**Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 8th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Eugene Cannon Griffith, Jr. had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Eugene Cannon Griffith, Jr. in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Eugene Cannon Griffith, Jr. was elected to the position of Judge, Circuit Court, 8th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Circuit Court, 9th Judicial Circuit**

**Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 9th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Kristi Lea Harrington had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Kristi Lea Harrington in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Kristi Lea Harrington was elected to the position of Judge, Circuit Court, 9th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Circuit Court, 10th Judicial Circuit**

**Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 10th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Alexander Stephens Macaulay had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Alexander Stephens Macaulay in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Alexander Stephens Macaulay was elected to the position of Judge, Circuit Court, 10th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Circuit Court, 11th Judicial Circuit**

**Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 11th Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable William Paul Keesley had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable William Paul Keesley in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable William Paul Keesley was elected to the position of Judge, Circuit Court, 11th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Circuit Court, 11th Judicial Circuit**

**Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 11th Judicial Circuit, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable R. Knox McMahon had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable R. Knox McMahon in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable R. Knox McMahon was elected to the position of Judge, Circuit Court, 11th Judicial Circuit, Seat #2 for the term prescribed by law.

**Election to the Position of Circuit Court, 12th Judicial Circuit**

**Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 12th Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Michael G. Nettles had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Michael G. Nettles in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Michael G. Nettles was elected to the position of Judge, Circuit Court, 12th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Circuit Court, 14th Judicial Circuit**

**Seat #1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, 14th Judicial Circuit, Seat #1.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable Perry M. Buckner III had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable Perry M. Buckner III in nomination, moved that nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable Perry M. Buckner III was elected to the position of Judge, Circuit Court, 14th Judicial Circuit, Seat #1 for the term prescribed by law.

**Election to the Position of Judge, Administrative Law Court**

**Seat #2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Administrative Law Court, Seat #2.

Representative Delleney, Chairman of the Judicial Merit Selection Commission, indicated that the Honorable John Davis McLeod had been screened and found qualified to serve.

Representative Delleney placed the name of the Honorable John Davis McLeod in nomination, moved that the nominations be closed and, with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable John Davis McLeod had been elected to the position of Judge, Administrative Law Court, Seat #2 for the term prescribed by law.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

**RECESS**

At 12:22 P.M., on motion of Senator LARRY MARTIN, the Senate receded from business until 2:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 2:00 P.M. and was called to order by the PRESIDENT.

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

**Point of Quorum**

At 2:10 P.M., Senator LARRY MARTIN made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Cromer Davis

Fair Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Setzler Sheheen

Shoopman Thomas Verdin

Williams

A quorum being present, the Senate resumed.

**Recorded Presence**

Senators MASSEY and RYBERG recorded their presence subsequent to the Call of the Senate.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointments**

Initial Appointment, Jasper County Probate Judge

Brenda Kay Horton, 84 Forest Avenue, Ridgeland, SC 29936 *VICE* Joseph Malphus

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Karry L. Guillory, 905 Fenway Court, Boiling Springs, SC 29316

**Doctor of the Day**

Senator THOMAS introduced Dr. William B. Jones of Greenville, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator O’DELL, at 2:00 P.M., Senator COURSON was granted a leave of absence until 3:30 P.M.

**Leave of Absence**

At 2:25 P.M., Senator FAIR requested a leave of absence beginning at 4:00 P.M. and lasting until 9:00 A.M. in the morning.

**Leave of Absence**

At 3:20 P.M., Senator SHOOPMAN requested a leave of absence beginning at 3:45 P.M. and lasting until 5:30 P.M. this evening.

**Expression of Personal Interest**

Senator PINCKNEY rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 1130 Sen. Courson

S. 1056 Sens. Knotts, Fair, Malloy

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1166 -- Senator Verdin: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA’S FFA MEMBERS (FUTURE FARMERS OF AMERICA) AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 18-25, 2012.

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The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

S. 1167 -- Senator Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 31-6-85 SO AS TO ALLOW A MUNICIPALITY AND ONE OR MORE TAXING DISTRICTS TO PROVIDE BY INTERGOVERNMENTAL AGREEMENT FOR PARTIAL OR MODIFIED PARTICIPATION IN A REDEVELOPMENT PROJECT; AND TO AMEND SECTION 31-6-80, SO AS TO CLARIFY AN AMENDMENT TO THE TAX INCREMENT FINANCING LAW.

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

S. 1168 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-37-60 SO AS TO REQUIRE HOSPITALS TO PROVIDE PARENTS OF NEWBORNS, PRIOR TO DISCHARGE, EDUCATIONAL INFORMATION ON PERTUSSIS DISEASE AND TO REQUIRE THIS INFORMATION TO INCLUDE THE CENTER FOR DISEASE CONTROL’S RECOMMENDATION THAT PARENTS RECEIVE THE TETANUS, DIPHTHERIA, AND PERTUSSIS VACCINE DURING POST PARTUM TO PROTECT NEWBORNS FROM THE TRANSMISSION OF PERTUSSIS; AND TO PROVIDE THAT HOSPITALS ARE NOT REQUIRED TO PROVIDE OR PAY FOR A VACCINATION AGAINST PERTUSSIS.

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

S. 1169 -- Senators Bryant, L. Martin, Knotts, Setzler and Peeler: A BILL TO AMEND CHAPTER 1, TITLE 56 OF THE 1976 CODE, RELATING TO DRIVER’S LICENSES, BY ADDING SECTION 56-1-137 TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL AFFIX AN ENDORSEMENT ON VETERAN’S DRIVER’S LICENSES SIGNIFYING THEIR STATUS AS A VETERAN.

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Senators BRYANT, SETZLER and KNOTTS spoke on the Bill.

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

S. 1170 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PUBLIC SERVICE COMMISSION, RELATING TO INFORMATION SUBMITTED WITH AN ELECTRIC UTILITY FINANCING APPLICATION FILED WITH THE COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4189, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1171 -- Senator Knotts: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE THIRD ANNUAL SOUTH CAROLINA EMERGENCY MEDICAL MEMORIAL BIKE RIDE FOR HONORING THOSE WHO HAVE GIVEN OF THEMSELVES WHILE RENDERING AID TO THE CITIZENS OF THE GREAT STATE OF SOUTH CAROLINA.

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

S. 1172 -- Senator Pinckney: A SENATE RESOLUTION TO CELEBRATE THE OCCASION OF THE ONE HUNDREDTH ANNIVERSARY OF THE FOUNDING OF JASPER COUNTY, AND TO CONGRATULATE AND COMMEND THE COUNTY COUNCIL AND THE CITIZENS OF JASPER COUNTY FOR A CENTURY OF DISPLAYING THE CHARM AND DIGNITY OF THIS SOUTH CAROLINA TREASURE.

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The Senate Resolution was adopted.

H. 3793 -- Reps. Thayer, Whitmire, H. B. Brown, G. R. Smith, Gambrell, Bowen, Hardwick, Clemmons, Mitchell, Parks, Atwater, Butler Garrick, Pinson, Corbin, Norman, Viers, Erickson, Hearn, Murphy, Allison, McCoy, Govan, Agnew, Hosey, Hiott, Patrick, Chumley, Brannon, Battle, Brady, R. L. Brown, Clyburn, Cobb-Hunter, Cole, Daning, Delleney, Funderburk, Hamilton, Harrison, Hayes, Henderson, Horne, Lucas, D. C. Moss, V. S. Moss, Nanney, J. M. Neal, Owens, Pitts, Pope, Ryan, Sabb, Sandifer, Simrill, J. R. Smith, Stringer, Tallon, Taylor, White, Cooper, Quinn, Lowe, Barfield, Munnerlyn, Weeks, Putnam, Gilliard, Branham, Alexander, Jefferson, Spires, Willis, Frye, Ballentine, Huggins, King, Anderson and Hixon: A BILL TO AMEND SECTION 44-53-190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATERIALS, COMPOUNDS, MIXTURES, AND PREPARATIONS CLASSIFIED AS SCHEDULE I CONTROLLED SUBSTANCES, INCLUDING HALLUCINOGENICS, SO AS TO ADD METHYLONE, MDPV, MEPHEDRONE, METHOXYMETHCATHINONE, AND FLUROROMETHCATHINONE, COMMONLY REFERRED TO AS “BATH SALTS”, TO THE LIST OF SCHEDULE I DRUGS.

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

H. 4541 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF HICKORY RIDGE DRIVE AND PADGETT ROAD IN RICHLAND COUNTY THAT CONTAIN THE WORDS “WELCOME TO THE HICKORY RIDGE COMMUNITY”.

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

H. 4571 -- Reps. Rutherford and Weeks: A BILL TO AMEND ACT 13 OF 2011, RELATING TO THE REPEAL OF SECTION 56-1-745 WHICH RELATES TO THE SUSPENSION OF A DRIVER’S LICENSE OF A PERSON CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION, SO AS TO PROVIDE THAT THE REPEAL OF THIS PROVISION APPLIES TO ALL ACTIONS, RIGHTS, DUTIES, OR LIABILITIES FOUNDED ON IT PENDING ON AND BEFORE APRIL 12, 2011, AND ALTERS, DISCHARGES, RELEASES AND EXTINGUISHES ANY PENALTY, FORFEITURE, OR LIABILITY INCURRED UNDER THE REPEALED SECTION.

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

H. 4595 -- Reps. Bingham, Allison, Anthony and White: A BILL TO AMEND ACT 73 OF 2011, RELATING TO THE 2011-2012 GENERAL APPROPRIATIONS ACT, SO AS TO REVISE PARAGRAPH 1A.54, SECTION 1A, PART IB, DIRECTING THE DEPARTMENT OF EDUCATION TO TRANSFER CERTAIN FUNDS TO MEET MAINTENANCE OF EFFORT REQUIREMENTS FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT BY PROVIDING THAT THE DOLLAR AMOUNT DIRECTED TO BE TRANSFERRED MUST BE “UP TO” THAT AMOUNT AND NOT THE SPECIFIC AMOUNT STIPULATED.

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

H. 4614 -- Reps. Pitts, Lucas, Hearn, Brannon, Weeks, Spires, Loftis and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2 TO CHAPTER 15, TITLE 63 SO AS TO SPECIFY CERTAIN PROCEDURES AND REQUIREMENTS FOR COURT-ORDERED CHILD CUSTODY, INCLUDING, BUT NOT LIMITED TO, DEFINING “JOINT CUSTODY” AND “SOLE CUSTODY”, REQUIRING PARENTS TO JOINTLY PREPARE AND SUBMIT A PARENTING PLAN, WHICH THE COURT MUST CONSIDER BEFORE ISSUING TEMPORARY AND FINAL CUSTODY ORDERS; REQUIRING THE COURT TO MAKE FINAL CUSTODY DETERMINATIONS IN THE BEST INTEREST OF THE CHILD BASED UPON THE EVIDENCE PRESENTED, REQUIRING THE COURT TO CONSIDER JOINT CUSTODY IF EITHER PARENT SEEKS IT, STATING FINDINGS OF FACT AS TO WHY OR WHY NOT JOINT CUSTODY WAS AWARDED, PROVIDING MATTERS THAT MAY BE INCLUDED IN A CUSTODY ORDER, PROVIDING FACTORS THE COURT MAY CONSIDER IN ISSUING OR MODIFYING A CUSTODY ORDER WHEN CONSIDERING THE BEST INTEREST OF THE CHILD, AND AUTHORIZING A PARENT TO SEEK ARBITRATION OF AN ISSUE THAT CANNOT BE RESOLVED BETWEEN THE PARENTS; AND TO AMEND SECTION 63-5-30, RELATING TO THE RIGHTS AND DUTIES OF PARENTS TO THEIR CHILDREN, SO AS TO PROVIDE THAT UNLESS OTHERWISE PROVIDED BY AN ORDER OF THE COURT, PARENTS HAVE EQUAL POWERS, RIGHTS, AND DUTIES CONCERNING ALL MATTERS AFFECTING THEIR CHILDREN.

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

H. 4664 -- Rep. Clyburn: A BILL TO AMEND SECTION 11-50-50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY, SO AS TO PROVIDE FOR THE APPOINTMENT OF CERTAIN MEMBERS OF THE GOVERNING BOARD OF THE AUTHORITY.

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

H. 4693 -- Reps. Cobb-Hunter, Agnew, 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, Clyburn, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, 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, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 15, 2012, AS “CITIES MEAN BUSINESS DAY” IN ORDER TO RECOGNIZE AND HONOR THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA CITIES AND TOWNS MAKE TO THE ECONOMIC PROSPERITY OF SOUTH CAROLINA THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES.

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

H. 4695 -- Reps. Spires, Agnew, 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, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, 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, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE JOSHUA TIMOTHY STEPP AND JUSTIN SPENCER STEPP FOR THEIR CONTRIBUTIONS TO HIGH SCHOOL AND COLLEGE FOOTBALL IN SOUTH CAROLINA, AND TO CONGRATULATE THEM FOR BEING NAMED TO THE PELION HIGH SCHOOL HALL OF FAME.

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

H. 4696 -- Reps. Hixon, Clyburn, J. R. Smith, Spires, Taylor, Young, Agnew, 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, Gambrell, 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, Pitts, 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 RECOGNIZE AND COMMEND THE HONORABLE RODGER E. EDMONDS, CHIEF MAGISTRATE OF AIKEN COUNTY, UPON THE OCCASION OF HIS RETIREMENT FROM THE BENCH, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

H. 4708 -- Reps. Stringer, Agnew, 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, Clyburn, Cobb-Hunter, Cole, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, 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, Pitts, Pope, Putnam, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Tallon, Taylor, Thayer, Toole, Tribble, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 29, 2012, HEMOPHILIA AWARENESS DAY IN SOUTH CAROLINA IN ORDER TO EDUCATE CITIZENS ABOUT THE EFFECTS OF HEMOPHILIA.

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

H. 4711 -- Reps. White, Agnew, Bikas, Bowen, Gambrell, Hiott, Owens, Putnam, Sandifer, Skelton, Thayer and Whitmire: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR TRI-COUNTY TECHNICAL COLLEGE FOR FIFTY YEARS OF SERVICE AND QUALITY EDUCATION TO THE CITIZENS OF ANDERSON, OCONEE, AND PICKENS COUNTIES AND FOR ITS CONTRIBUTION TO THE ECONOMIC DEVELOPMENT OF THE STATE.

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

**REPORTS OF STANDING COMMITTEES**

Senator CAMPSEN from the Committee on Judiciary submitted a majority favorable with amendment and Senator SCOTT a minority unfavorable report on:

S. 304 -- Senators Campsen, Verdin, Rose, Fair and Massey: A BILL TO AMEND SECTION 7‑5‑120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS FOR REGISTRATION TO VOTE, SO AS TO REQUIRE A PERSON TO SUBMIT PROOF OF CITIZENSHIP; TO ADD SECTION 7‑5‑123 SO AS TO PROVIDE THAT PROOF OF CITIZENSHIP WHEN REGISTERING TO VOTE, INCLUDES A DRIVER’S LICENSE OR IDENTIFICATION CARD ISSUED BY THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES OR A DRIVER’S LICENSE OR IDENTIFICATION CARD ISSUED BY ANOTHER STATE PURSUANT TO THE PROVISIONS IN SECTION 41-8-20(B)(2)(C), A UNITED STATES PASSPORT, A BIRTH CERTIFICATE, UNITED STATES NATURALIZATION DOCUMENTATION, OR ANY DOCUMENT OR METHOD OF PROOF OF CITIZENSHIP PROVIDED FOR IN FEDERAL LAW, TO EXEMPT PERSONS REGISTERED TO VOTE PRIOR TO THE APPROVAL OF THIS BILL, AND TO PROVIDE THAT PROOF OF CITIZENSHIP IS NOT REQUIRED WHEN THE ELECTOR MOVES OR CHANGES HIS NAME; AND TO AMEND SECTION 7‑5‑320, RELATING TO APPLICATIONS FOR MOTOR VEHICLE LICENSES AND RENEWALS SERVING AS AN APPLICATION FOR VOTER REGISTRATION, SO AS TO STATE ON THE VOTER REGISTRATION PORTION OF THE APPLICATION THE DOCUMENTATION REQUIRED FOR PROOF OF CITIZENSHIP, WHICH MUST ACCOMPANY THE APPLICATION.

Ordered for consideration tomorrow.

Senator KNOTTS from the Committee on Judiciary submitted a favorable with amendment report on:

S. 1014 -- Senator Knotts: A BILL TO AMEND SECTION 17‑5‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS REQUIRED FOR CANDIDATES FOR CORONER, SO AS TO REQUIRE THAT PERSONS WHO QUALIFY FOR THE BALLOT BY MEANS OF EXPERIENCE QUALIFICATIONS TO HAVE ATTAINED THAT EXPERIENCE IN THE TEN YEARS BEFORE FILING AN AFFIDAVIT OF CANDIDACY, TO ELIMINATE TWO YEARS EXPERIENCE AS A LICENSED PRIVATE DETECTIVE AS A QUALIFICATION FOR THE BALLOT, AND TO PROVIDE THAT THE CORONERS TRAINING ADVISORY COMMITTEE SHALL DETERMINE THOSE FORENSIC SCIENCE DEGREE AND CERTIFICATION PROGRAMS THAT QUALIFY AS “RECOGNIZED” FOR PURPOSES OF THE TRAINING REQUIREMENTS REQUIRED FOR CANDIDATES FOR CORONER.

Ordered for consideration tomorrow.

Senator CAMPSEN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 1025 -- Senator Campsen: A BILL TO AMEND SECTION 7‑17‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COUNTY BOARD OF CANVASSERS, SO AS TO CHANGE THE MEETING DATE FROM FRIDAY TO MONDAY; TO AMEND SECTION 7‑17‑20, RELATING TO THE CANVASS OF VOTES, SO AS TO CHANGE THE DEADLINE FROM SATURDAY TO TUESDAY; AND TO ADD SECTION 7‑17‑25, SO AS TO REQUIRE POST‑ELECTION AUDITS TO BE CONDUCTED BY COUNTY ELECTION COMMISSIONS PURSUANT TO REGULATIONS PROMULGATED BY THE STATE ELECTION COMMISSION.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 1026 -- Senators Bryant and Elliott: A BILL TO REPEAL SECTION 41‑27‑525 OF THE 1976 CODE, RELATING TO THE AVAILABILITY OF UNEMPLOYMENT BENEFITS FOR PERSONS SEEKING ONLY PART‑TIME WORK.

Ordered for consideration tomorrow.

Senator RYBERG from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 1069 -- Senator Bryant: A BILL TO AMEND SECTION 41‑35‑10 OF THE 1976 CODE, RELATING TO THE PAYMENT OF UNEMPLOYMENT BENEFITS, TO PROVIDE FOR AN EXCEPTION FOR BENEFITS BASED ON SEASONAL WAGES; TO AMEND CHAPTER 35, TITLE 41, RELATING TO UNEMPLOYMENT BENEFITS AND CLAIMS, TO SET THE TOTAL AMOUNT OF BENEFITS PAID ON SEASONAL WAGES; TO AMEND CHAPTER 27, TITLE 41, RELATING TO GENERAL PROVISIONS CONCERNING THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO PROVIDE DEFINITIONS RELATING TO SEASONAL AND NON‑SEASONAL EMPLOYERS, EMPLOYEES, AND INDUSTRIES; TO AMEND CHAPTER 31, TITLE 41, RELATING TO CONTRIBUTIONS AND PAYMENTS TO THE UNEMPLOYMENT TRUST FUND, BY ADDING SECTION 41‑31‑52, TO PROVIDE FOR AN APPLICATION PROCESS TO DETERMINE AN EMPLOYER’S STATUS AS A SEASONAL EMPLOYER, TO PROVIDE FOR THE CONTENTS OF THE APPLICATION, TO PROVIDE FOR DETERMINATIONS BY THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO PROVIDE FOR DUTIES OF A SEASONAL EMPLOYER, TO PROVIDE FOR REVOCATION OF SEASONAL EMPLOYER STATUS, AND TO PROVIDE FOR AN APPEALS PROCESS; AND TO AMEND SECTION 41‑35‑66, TO PROVIDE FOR THE DETERMINATION OF SEASONAL WORKER BENEFITS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

S. 1110 -- Senators Alexander, Rankin, Hutto, Leventis, L. Martin, Courson and Nicholson: A BILL TO AMEND SECTION 6-10-30, SOUTH CAROLINA CODE OF LAWS, 1976, TO ADOPT THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD.

Ordered for consideration tomorrow.

Senator ALEXANDER from the General Committee polled out S. 1128 favorable:

S. 1128 -- Senator L. Martin: A SENATE RESOLUTION TO COMMEND THE SPONSORS OF THE NOTHIN’ BUT THE BLUESFEST FOR THEIR EFFORTS TO PROMOTE THE PALMETTO STATE’S RICH MUSICAL HERITAGE, TO ENCOURAGE THE CITIZENS OF SOUTH CAROLINA TO ATTEND THE CELEBRATION, SCHEDULED FOR APRIL 19‑22, 2012, IN THE CLEMSON AREA, AND TO DECLARE APRIL 2012 AS BLUES MONTH IN SOUTH CAROLINA.

**Poll of the General Committee**

**Polled 17; Ayes 15; Nays 0; Not Voting 2**

**AYES**

Alexander *Martin, Larry* Ford

Sheheen Reese Lourie

Bryant Bright Cleary

Coleman Cromer Hayes

Jackson Scott Shoopman

**Total--15**

**NAYS**

**Total--0**

**NOT VOTING**

O’Dell Knotts

**Total--2**

Ordered for consideration tomorrow.

Senator KNOTTS from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3750 -- Reps. Viers and Vick: A BILL TO AMEND SECTION 17‑5‑530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A CORONER’S DUTIES WHEN A PERSON DIES, INCLUDING WHERE AN AUTOPSY MUST BE PERFORMED IF A PERSON DIES IN A HEALTH CARE FACILITY WITHIN TWENTY‑FOUR HOURS OF ENTERING THE FACILITY OR WITHIN TWENTY‑FOUR HOURS OF UNDERGOING AN INVASIVE SURGICAL PROCEDURE, SO AS TO PROVIDE THAT UNLESS THE CORONER CERTIFIES THAT THERE IS NO REASONABLE ALTERNATIVE, THE AUTOPSY MUST NOT BE PERFORMED AT THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED OR BY A PHYSICIAN WHO TREATED THE PATIENT OR WHO WAS EMPLOYED BY THE HEALTH CARE FACILITY WHERE THE DEATH OCCURRED.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 4108 -- Rep. Allen: A BILL TO AMEND SECTIONS 5‑31‑2510, 6‑11‑2510, 33‑49‑1410, 58‑5‑1110, 58‑27‑2510, AND 58‑31‑510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN PROCEDURES GOVERNING THE TERMINATION OF ELECTRIC AND NATURAL GAS SERVICE UNDER CERTAIN CIRCUMSTANCES FURNISHED BY A MUNICIPALITY, SPECIAL PURPOSE DISTRICT OR PUBLIC SERVICE DISTRICT, ELECTRIC COOPERATIVE, PUBLIC UTILITY, PUBLIC SERVICE AUTHORITY, OR ELECTRIC UTILITY, SO AS TO CHANGE THE DEFINITION OF “SPECIAL NEEDS ACCOUNT CUSTOMER” TO INCLUDE CUSTOMERS WHO SUFFER FROM ALZHEIMER’S DISEASE OR DEMENTIA.

Ordered for consideration tomorrow.

Senator KNOTTS from the Committee on Judiciary submitted a favorable with amendment report on:

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

Ordered for consideration tomorrow.

**HOUSE CONCURRENCE**

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

Returned with concurrence.

Received as information.

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

**AMENDED, READ THE THIRD TIME**

**SENT TO THE HOUSE**

S. 1115 -- Senators McConnell, Malloy, Leventis, Lourie, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Elliott, Fair, Ford, Gregory, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, L. Martin, S. Martin, Massey, Matthews, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A JOINT RESOLUTION TO SUSPEND THE AUTHORITY OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR ALL DECISIONS SUBSEQUENT TO 2007 PERTAINING TO THE NAVIGABILITY, DEPTH, DREDGING, WASTEWATER AND SLUDGE DISPOSAL, AND RELATED COLLATERAL ISSUES OF THE SOUTH CAROLINA PORTION OF THE SAVANNAH RIVER BECAUSE THE AUTHORITY OF THE SAVANNAH RIVER MARITIME COMMISSION SUPERSEDES AND REPLACES THE AUTHORITY OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WITH REGARD TO ALL ACTIONS CONCERNING THE SOUTH CAROLINA PORTION OF THE SAVANNAH RIVER BY ENACTMENT OF ACT NO. 56 OF 2007, EFFECTIVE MAY 1, 2007.

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

**Motion Under Rule 26B**

Senator CAMPBELL asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senator CAMPBELL proposed the following amendment (1115R002.PGC), which was adopted:

Amend the joint resolution, as and if amended, page 2, by striking lines 33 - 37 and inserting:

/ related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels, in particular the approval by the department of the application of the United States Army Corps of Engineers for a Construction in Navigable Waters Permit for the dredging of the South Carolina /

Amend the joint resolution further, as and if amended, page 3, by adding on line 3:

/ The Department of Health and Environmental Control retains authority for all matters pertaining to the Savannah River unrelated to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

The amendment was adopted.

The question then was third reading of the Resolution.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Cromer Davis

Fair Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

There being no further amendments, the Resolution was read the third time, passed and ordered sent to the House of Representatives with amendments.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 4627 -- Reps. Merrill, Stavrinakis, Harrison, King, Knight, Williams, Jefferson, Johnson, Sabb, Munnerlyn, Anderson, G.A. Brown, Allison, Horne, Agnew, Gambrell, McCoy, Ryan, Mack, Gilliard, Sottile, Hardwick, Hearn, Weeks, Simrill, Pope, Delleney, Dillard, Sandifer, Erickson, Herbkersman, Brantley, Crosby, Daning, Brady, Quinn, Spires, Frye, Pitts, Southard, Butler Garrick, Pinson, Tallon, Long, Parker, Hodges, Whitmire, Anthony, Bannister, Putnam, Edge, Allen, Thayer, Funderburk, Lucas, Cobb‑Hunter, Howard, Harrell, Bowers, Patrick, Whipper, Bowen, White, Murphy and R.L. Brown: A JOINT RESOLUTION TO SUSPEND THE AUTHORITY OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR ALL DECISIONS SUBSEQUENT TO 2007 PERTAINING TO THE NAVIGABILITY, DEPTH, DREDGING, WASTEWATER AND SLUDGE DISPOSAL, AND RELATED COLLATERAL ISSUES OF THE SOUTH CAROLINA PORTION OF THE SAVANNAH RIVER BECAUSE THE AUTHORITY OF THE SAVANNAH RIVER MARITIME COMMISSION SUPERSEDES AND REPLACES THE AUTHORITY OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WITH REGARD TO ALL ACTIONS CONCERNING THE SOUTH CAROLINA PORTION OF THE SAVANNAH RIVER BY ENACTMENT OF ACT 56 OF 2007, EFFECTIVE MAY 1, 2007.

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

**Motion Under Rule 26B**

Senator CAMPBELL asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senator CAMPBELL proposed the following amendment (4627R001.PGC), which was adopted:

Amend the joint resolution, as and if amended, page 2, by striking line 43, and page 3, by striking line 1, and inserting:

/ issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels, in particular the approval by the department of the /

Amend the joint resolution further, as and if amended, page 3, by striking line 10 and inserting:

/ South Carolina portion of the Savannah River. The Department of Health and Environmental Control retains authority for all matters pertaining to the Savannah River unrelated to the navigability, depth, dredging, wastewater and sludge disposal, and related collateral issues in regard to the use of the Savannah River as a waterway for ocean-going container or commerce vessels. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

The amendment was adopted.

The question then was third reading of the Resolution.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Cromer Davis

Fair Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

There being no further amendments, the Resolution was read the third time, passed and ordered sent to the House of Representatives with amendments.

**COMMITTEE AMENDMENT WITHDRAWN**

**AMENDED, READ THE SECOND TIME**

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

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

The Committee on Medical Affairs proposed the following amendment (S-1056-1) which was withdrawn:

Amend the bill, as and if amended, page 3, by striking lines 16-17 and inserting:

/ Board of Health and Environmental Control, no later than thirty days after publication in the federal register of the final order /

Renumber sections to conform.

Amend title to conform.

Senator PEELER asked unanimous consent to make the motion to withdraw the amendment proposed by the Committee on Medical Affairs.

There was no objection.

The committee amendment was withdrawn.

Senator PEELER asked unanimous consent to proceed to the MALLOY amendment.

There was no objection.

Senators MALLOY and KNOTTS proposed the following amendment (JUD1056.002), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 44-53-160 of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“Section 44-53-160. (A)(1) Annually, within thirty days after the convening of each regular session of the General Assembly, the department shall recommend to the General Assembly any additions, deletions, or revisions in the schedules of controlled substances~~,~~ enumerated in Sections 44‑53‑190, 44‑53‑210, 44‑53‑230, 44‑53‑250, and 44‑53‑270~~,~~ which ~~it~~ the department deems necessary. ~~The~~ Except as otherwise provided in this section, the department shall not make any additions, deletions, or revisions in ~~such~~ the schedules until after notice and an opportunity for a hearing is afforded to all interested parties. In making a recommendation to the General Assembly regarding a substance, the department shall consider the following:

(a) ~~The~~ the actual or relative potential for abuse;

(b) ~~The~~ the scientific evidence of ~~its~~ the substance’s pharmacological effect, if known;

(c) ~~State~~ the state of current scientific knowledge regarding the substance;

(d) ~~The~~ the history and current pattern of abuse;

(e) ~~The~~ the scope, duration, and significance of abuse;

(f) ~~The~~ the risk to ~~the~~ public health;

(g) ~~The~~ the potential of the substance to produce psychic or physiological dependence liability; ~~and~~

(h) ~~Whether~~ whether the substance is an immediate precursor of a substance already controlled ~~under this Division~~ pursuant to this chapter; and

(i) whether the substance has an accepted or recognized medical use.

(2) After considering the ~~above~~ factors listed in subsection (A)(1), the department shall make a recommendation to the General Assembly~~,~~ specifying to what schedule the substance should be added, deleted, or rescheduled, if ~~it~~ the department finds that the substance has a potential for abuse.

~~(3)~~(B) ~~During~~ Except as otherwise provided in this section, during the time the General Assembly is not in session, the department may ~~by rule~~ add, delete, or reschedule a substance as a controlled substance after providing ~~for~~ notice and a hearing to all interested parties. The addition, deletion, or rescheduling of a substance pursuant to this subsection has the full force of law unless overturned by the General Assembly. Upon the ~~adoption of such rule~~ addition, deletion, or rescheduling of a substance, the department shall forward copies of the change to the chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, ~~and~~ the Military, Public and Municipal Affairs Committee, and the Judiciary Committee of the House of Representatives, and to the Clerks of the Senate and House ~~and to the Chairman of the Joint Legislative Committee on Drugs and Narcotics~~, and shall post the schedules on the department’s website indicating the change and specifying the effective date of the change.

~~(4)~~(C) If ~~any~~ a substance is added, deleted, or rescheduled as a controlled substance ~~under~~ pursuant to federal law or regulation, the department shall ~~by rule~~, at ~~its~~ the first regular or special meeting of the South Carolina Board of Health and Environmental Control within thirty days after publication in the federal register of the final order designating the substance as a controlled substance or rescheduling or deleting the substance, add, delete, or reschedule the substance ~~into~~ in the appropriate schedule~~, such rule having~~. The addition, deletion, or rescheduling of a substance by the department pursuant to this subsection has the full force of law unless overturned by the General Assembly. ~~This rule issued~~ The addition, deletion, or rescheduling of a substance by the ~~department shall~~ department pursuant to this subsection must be in substance identical with the order published in the federal register effecting the change in federal status of the substance. ~~The department shall notify the General Assembly in writing of the change in federal law or regulation and of the corresponding change in South Carolina law~~ Upon the addition, deletion, or rescheduling of a substance, the Department shall forward copies of the change to the chairmen of the Medical Affairs Committee and the Judiciary Committee of the Senate, the Military, Public and Municipal Affairs Committee, and the Judiciary Committee of the House of Representatives, and to the Clerks of the Senate and House, and shall post the schedules on the department’s website indicating the change and specifying the effective date of the change.

~~(5)~~(D) The Department shall exclude any nonnarcotic substance from a schedule if the substance may, under the federal Food, Drug, and Cosmetic Act and the ~~law~~ laws of this State, be lawfully sold over the counter without a prescription.

(E) The department’s addition, deletion, or rescheduling of a substance as a controlled substance is governed by this section and is not subject to the promulgation requirements of Title 1, Chapter 23.” /

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

/ SECTION \_\_. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator PEELER spoke on the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Cromer Davis

Fair Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Malloy *Martin, Larry Martin, Shane*

Matthews McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Setzler Sheheen Shoopman

Thomas Verdin Williams

**Total--36**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER, AS AMENDED**

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.

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

The Committee on Judiciary proposed the following amendment (JUD1031.001), which was adopted:

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

/ SECTION 1. Section 56-5-5660 of the 1976 Code is repealed.

SECTION 2. Section 56-5-5670 of the 1976 Code is amended to read:

“Section 56-5-5670. (A)(1) Except as provided by subsection (D), a person, business, organization, or unit of government may not dispose of a vehicle to a demolisher or secondary metals recycler without:

(a) a valid title certificate for the vehicle in the person, business, organization, or unit of government’s name; or

(b) a valid auction sales receipt obtained pursuant to Section 56-5-5640 for the vehicle in the person, business, organization, or unit of government’s name.

(2) A person, business, organization, or unit of government who disposes of a vehicle to a demolisher or secondary metals recycler shall comply with the provisions of Section 56-19-480.

(B) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle for purposes of wrecking, dismantling, or demolishing is not required to obtain a certificate of title for the vehicle in ~~his~~ the demolisher or secondary metals recycler’s own name. After the vehicle has been demolished, processed, or changed so that ~~it~~ the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler ~~must~~ shall surrender for cancellation the certificate of title~~,~~ or auction sales receipt~~, or disposal authority certificate~~. The Department of Motor Vehicles ~~must~~ shall issue forms~~, rules,~~ and regulations governing the surrender of auction sales receipts~~, disposal authority certificates,~~ and certificates of title as appropriate.

~~(B)~~(C) A demolisher or secondary metals recycler who purchases or otherwise acquires nonferrous metals as defined by Section 16‑17‑680 ~~must~~ shall comply with and is subject to the provisions of Section 16‑17‑680.

(D)(1) A person, business, organization, or unit of government upon whose property or in whose possession is found an abandoned vehicle, or an owner of a vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such vehicle to a demolisher or secondary metals recycler without the title certificate if the vehicle:

(a) is lawfully in the possession of the person, business, organization, unit of government, or owner;

(b) is twelve model years old or older;

(c) does not have a valid registration plate affixed to the vehicle; and

(d) has no engine or is otherwise totally inoperable.

(2) The person, business’ agent, organization’s agent, unit of government’s agent, or owner shall complete and sign a form affirming that the vehicle complies with the requirements of subsection (D)(1). The Department of Motor Vehicles shall develop the form in a manner prescribed by the working group established pursuant to subsection (F)(3). The form must, at a minimum, be in a format that will satisfy the National Motor Vehicle Title Information System’s reporting requirements in accordance with federal law, regulations, and rules.

(3) The demolisher or secondary metals recycler shall physically deliver or electronically transfer the completed and signed form to the Department of Motor Vehicles at the time of the transaction or no later than the end of the business day. The Department of Motor Vehicles shall develop, in a manner prescribed by the working group established pursuant to subsection (F)(3), a system to allow for the transmission of the form by electronic means, at no cost to the demolisher or secondary metals recycler, in lieu of physical delivery. If the form is transferred electronically, the demolisher or secondary metals recycler shall maintain the original form for a period of not less than two years.

(4) The information obtained by the Department of Motor Vehicles from the demolisher or secondary metals recycler must be reported to the National Motor Vehicle Title Information System in a format that will satisfy the requirements for reporting such information in accordance with federal law, regulations, and rules.

(E) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle from a person, business, organization, or unit of government who provides the demolisher or secondary metals recycler with a valid title certificate for the vehicle in the person, business, organization, or unit of government’s name or a valid auction sales receipt obtained pursuant to Section 56-5-5640 for the vehicle in the person, business, organization, or unit of government’s name may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle pursuant to subsection (D) shall not wreck, dismantle, demolish, or otherwise dispose of the vehicle until at least three business days after the transaction has taken place and the form has been submitted to the Department of Motor Vehicle pursuant to subsection (D).

(F)(1) The Department of Motor Vehicles shall develop and administer a scrap vehicle database. The purpose of the database is to:

(a) hold information regarding scrap vehicles submitted by demolishers and secondary metals recyclers;

(b) hold information regarding stolen vehicles submitted by law enforcement agencies;

(c) allow demolishers and secondary metals recyclers to access the database in order to determine if a vehicle is stolen or is owned by a different person, business, organization, or unit of government; and

(d) allow law enforcement agencies to access the database to determine if information regarding a stolen vehicle has been submitted by a demolisher or secondary metals recycler.

(2) Pursuant to the South Carolina Consolidated Procurement Code, the Department of Motor Vehicles may contract with a private provider to develop the database and a system of transmitting information from demolishers, secondary metals recyclers, and law enforcement agencies to the Department of Motor Vehicles. The Department of Motor Vehicles shall solicit and receive at least two bids on the contract before awarding the contract.

(3) The Department of Motor Vehicles shall convene a working group chaired by the Director of the Department of Motor Vehicles or the director’s designee for the purpose of assisting in the development of a form to be used for the disposal of vehicles to demolishers or secondary metals recyclers pursuant to this section, assisting in the development of a system to allow for the transmission of the form by electronic means, facilitating the implementation of the database, assisting in development of regulations pursuant to this section, and issuing recommendations based on periodic review of the form and the database by the working group. The working group must consist of representatives from the demolisher industry, secondary metals recycling industry, law enforcement agencies, the insurance industry, and other relevant agencies, organizations, or industries as determined by the director. The working group shall issue a report to the Department of Motor Vehicles twelve months after the form and database are implemented to evaluate the form and database’s effectiveness, and annually thereafter on or before October fifteenth of each year. The working group may issue recommendations for enhancements to the form and database.

(4) The Department of Motor Vehicles shall make the database available to demolishers, secondary metals recyclers, and law enforcement agencies at no cost.

(5) The database must include, at a minimum, the ability of:

(a) demolishers and secondary metals recyclers to determine if a vehicle has been stolen or is owned by a different person, business, organization, or unit of government prior to completing a transaction;

(b) demolishers or secondary metals recyclers to report to the Department of Motor Vehicles after a vehicle has been wrecked, dismantled, demolished, or otherwise disposed of;

(c) the Department of Motor Vehicles to check the information submitted by the demolishers and secondary metals recyclers against the Department of Motor Vehicles’ records; and

(d) law enforcement agencies to check the information submitted by the demolishers and secondary metals recyclers for the purposes of investigating stolen vehicles.

(6) No demolisher, secondary metals recycler, or law enforcement agency is liable for performing its duties pursuant to this subsection unless the demolisher, secondary metals recycler, or law enforcement agency commits a wilful and wanton act or omission.

(7) A law enforcement officer who learns of the theft of a vehicle not since recovered or of the recovery of a vehicle whose theft or conversion the officer knows or has reason to believe has been reported to the Department of Motor Vehicles shall report the theft or recovery to the Department of Motor Vehicles pursuant to Section 56-19-810. The information from such report must be entered into the database.

~~(C)~~(G)(1) A demolisher or secondary metals recycler ~~must~~ shall keep an accurate and complete record of all ~~abandoned~~ vehicles and vehicle parts with a total weight of twenty‑five pounds or more purchased or received by ~~him~~ the demolisher or secondary metals recycler in the course of ~~his~~ business. These records must contain:

(a) the demolisher or secondary metals recycler’s name and address;

(b) the name of the person entering the information;

(c) the name and address of the person, business, organization, or unit of government from whom the vehicle or vehicle parts were purchased or received~~,~~;

(d) a photo or copy of the person’s driver’s license or other government issued picture identification card that legibly shows the person’s name and address~~,~~. If the vehicle or vehicle parts are being purchased or received from a business, organization, or unit of government, the demolisher or secondary metals recycler shall obtain a photo or copy of the business, organization, or unit of government’s agent’s driver’s license or other government issued picture identification card. If the demolisher or secondary metals recycler has a photo or copy of the person or agent’s identification on file, the demolisher or secondary metals recycler may reference the identification on file without making a photocopy for each transaction. If the person or agent has no identification, the demolisher or secondary metals recycler shall not complete the transaction;

(e) the date when the purchases or receipts occurred~~, and~~;

(f) the year, make, model, and identification number of the vehicle or vehicle parts, if ascertainable, along with any other identifying features;

(g) the amount paid for the vehicle or vehicle parts;

(h) a photo or video of the vehicle or motor vehicle parts;

(i) the tag number and a photo or video of the vehicle used to transport the vehicle or vehicle parts being purchased or received; and

(j) any forms required by this section.

(2) The records ~~are~~ must be open for inspection by any ~~police~~ law enforcement officer at any time during normal business hours. All vehicles on the demolisher or secondary metals recycler’s property or otherwise in the possession of the demolisher or secondary metals recycler must be available for inspection by any law enforcement officer at any time during normal business hours.

(3) Any record required by this section must be kept by the demolisher or secondary metals recycler for at least ~~one year~~ two years after the transaction to which it applies.

~~(D)~~(H)(1) A person who knowingly and willfully violates the provisions of this section for a first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for each offense not to exceed five thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than sixty days, or both. Each violation constitutes a separate offense. For a second or subsequent offense, the person is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars for each offense not to exceed ten thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than three years, or both. Each violation constitutes a separate offense.

(2) A person who knowingly and willfully falsifies any information on a form required by this section is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars, or imprisoned for not less than one year nor more than three years, or both.

(3) In lieu of criminal penalties for a violation of this section by a demolisher or secondary metals recycler that is not wilful, the Department of Motor Vehicle’s director may issue an administrative fine not to exceed one thousand dollars for each violation, whenever the director, after a hearing, determines that a person has violated any provisions of this section. The hearing and any administrative review must be conducted in accordance with the procedure for contested cases under the Administrative Procedures Act. The proceeds from the fine must be deposited in a special account separate and distinct from the Department of Motor Vehicle’s general funds to be used to offset the costs associated with implementing this section.

(I) A vehicle used to transport a vehicle or vehicle parts illegally disposed of in violation of this section may be seized by law enforcement and is subject to forfeiture; provided, however, that no vehicle is subject to forfeiture unless it appears that the owner or other person in charge of the vehicle is a consenting party or privy to the commission of the crime, and a forfeiture of the vehicle encumbered by a security interest is subject to the interest of the secured party who had no knowledge of or consented to the act. The seizure and forfeiture must be accomplished in accordance with the provisions of Section 56-29-50.”

SECTION 3. Section 56-5-5945 of the 1976 Code is amended to read:

“Section 56-5-5945. (A)(1) Except as provided by subsection (D), a person, business, organization, or unit of government may not dispose of a vehicle to a demolisher or secondary metals recycler without:

(a) a valid title certificate for the vehicle in the person, business, organization, or unit of government’s name; or (b) a valid auction sales receipt obtained pursuant to Section 56-5-5640 for the vehicle in the person, business, organization, or unit of government’s name.

(2) A person, business, organization, or unit of government who disposes of a vehicle to a demolisher or secondary metals recycler shall comply with the provisions of Section 56-19-480.

(B) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle for purposes of wrecking, dismantling, or ~~demolition~~ demolishing shall not be required to obtain a certificate of title for the vehicle in ~~his~~ the demolisher or secondary metals recycler’s own name. After the vehicle has been demolished, processed, or changed so that ~~it~~ the vehicle physically is no longer a vehicle, the demolisher or secondary metals recycler shall surrender for cancellation the certificate of title or auction sales receipt ~~issued under Section 56-5-5850~~. The Department of Motor Vehicles must issue forms and regulations governing the surrender of auction sales receipts and certificates of title as appropriate.

~~(B)~~(C) A demolisher or secondary metals recycler who purchases or otherwise acquires nonferrous metals as defined by Section 16‑17‑680 ~~must~~ shall comply with and is subject to the provisions of Section 16‑17‑680.

(D)(1) A person, business, organization, or unit of government upon whose property or in whose possession is found an abandoned vehicle, or an owner of a vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such vehicle to a demolisher or secondary metals recycler without the title certificate if the vehicle:

(a) is lawfully in the possession of the person, business, organization, unit of government, or owner;

(b) is twelve model years old or older;

(c) does not have a valid registration plate affixed to the vehicle; and

(d) has no engine or is otherwise totally inoperable.

(2) The person, business’ agent, organization’s agent, unit of government’s agent, or owner shall complete and sign a form affirming that the vehicle complies with the requirements of subsection (D)(1). The Department of Motor Vehicles shall develop the form in a manner prescribed by the working group established pursuant to subsection (F)(3). The form must, at a minimum, be in a format that will satisfy the National Motor Vehicle Title Information System’s reporting requirements in accordance with federal law, regulations, and rules.

(3) The demolisher or secondary metals recycler shall physically deliver or electronically transfer the completed and signed form to the Department of Motor Vehicles at the time of the transaction or no later than the end of the business day. The Department of Motor Vehicles shall develop, in a manner prescribed by the working group established pursuant to subsection (F)(3), a system to allow for the transmission of the form by electronic means, at no cost to the demolisher or secondary metals recycler, in lieu of physical delivery. If the form is transferred electronically, the demolisher or secondary metals recycler shall maintain the original form for a period of not less than two years.

(4) The information obtained by the Department of Motor Vehicles from the demolisher or secondary metals recycler must be reported to the National Motor Vehicle Title Information System in a format that will satisfy the requirements for reporting such information in accordance with federal law, regulations, and rules.

(E) A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle from a person, business, organization, or unit of government who provides the demolisher or secondary metals recycler with a valid title certificate for the vehicle in the person’s, business’, organization’s, or unit of government’s name or a valid auction sales receipt obtained pursuant to Section 56-5-5640 for the vehicle in the person, business, organization, or unit of government’s name may wreck, dismantle, demolish, or otherwise dispose of the vehicle after the transaction has taken place. A demolisher or secondary metals recycler who purchases or otherwise acquires a vehicle pursuant to subsection (D) shall not wreck, dismantle, demolish, or otherwise dispose of the vehicle until at least three business days after the transaction has taken place and the form has been submitted to the Department of Motor Vehicle pursuant to subsection (D).

(F)(1) The Department of Motor Vehicles shall develop and administer a scrap vehicle database. The purpose of the database is to:

(a) hold information regarding scrap vehicles submitted by demolishers and secondary metals recyclers;

(b) hold information regarding stolen vehicles submitted by law enforcement agencies;

(c) allow demolishers and secondary metals recyclers to access the database in order to determine if a vehicle is stolen or is owned by a different person, business, organization, or unit of government; and

(d) allow law enforcement agencies to access the database to determine if information regarding a stolen vehicle has been submitted by a demolisher or secondary metals recycler.

(2) Pursuant to the South Carolina Consolidated Procurement Code, the Department of Motor Vehicles may contract with a private provider to develop the database and a system of transmitting information from demolishers, secondary metals recyclers, and law enforcement agencies to the Department of Motor Vehicles. The Department of Motor Vehicles shall solicit and receive at least two bids on the contract before awarding the contract.

(3) The Department of Motor Vehicles shall convene a working group chaired by the Director of the Department of Motor Vehicles or the director’s designee for the purpose of assisting in the development of a form to be used for the disposal of vehicles to demolishers or secondary metals recyclers pursuant to this section, assisting in the development of a system to allow for the transmission of the form by electronic means, facilitating the implementation of the database, assisting in development of regulations pursuant to this section, and issuing recommendations based on periodic review of the form and the database by the working group. The working group must consist of representatives from the demolisher industry, secondary metals recycling industry, law enforcement agencies, the insurance industry, and other relevant agencies, organizations, or industries as determined by the director. The working group shall issue a report to the Department of Motor Vehicles twelve months after the form and database are implemented to evaluate the form and database’s effectiveness, and annually thereafter on or before October fifteenth of each year. The working group may issue recommendations for enhancements to the form and database.

(4) The Department of Motor Vehicles shall make the database available to demolishers, secondary metals recyclers, and law enforcement agencies at no cost.

(5) The database must include, at a minimum, the ability of:

(a) demolishers and secondary metals recyclers to determine if a vehicle has been stolen or is owned by a different person, business, organization, or unit of government prior to completing a transaction;

(b) demolishers or secondary metals recyclers to report to the Department of Motor Vehicles after a vehicle has been wrecked, dismantled, demolished, or otherwise disposed of;

(c) the Department of Motor Vehicles to check the information submitted by the demolishers and secondary metals recyclers against the Department of Motor Vehicles’ records; and

(d) law enforcement agencies to check the information submitted by the demolishers and secondary metals recyclers for the purposes of investigating stolen vehicles.

(6) No demolisher, secondary metals recycler, or law enforcement agency is liable for performing its duties pursuant to this subsection unless the demolisher, secondary metals recycler, or law enforcement agency commits a wilful and wanton act or omission.

(7) A law enforcement officer who learns of the theft of a vehicle not since recovered or of the recovery of a vehicle whose theft or conversion the officer knows or has reason to believe has been reported to the Department of Motor Vehicles shall report the theft or recovery to the Department of Motor Vehicles pursuant to Section 56-19-810. The information from such report must be entered into the database.

~~(C)~~(G)(1) A demolisher or secondary metals recycler ~~must~~ shall keep an accurate and complete record of all ~~abandoned~~ vehicles and vehicle parts with a total weight of twenty‑five pounds or more purchased or received by ~~him~~ the demolisher or secondary metals recycler in the course of ~~his~~ business. These records must contain:

(a) the demolisher or secondary metals recycler’s name and address;

(b) the name of the person entering the information;

(c) the name and address of the person, business, organization, or unit of government from whom the vehicle or vehicle parts were purchased or received~~,~~;

(d) a photo or copy of the person’s driver’s license or other government issued picture identification card that legibly shows the person’s name and address~~,~~. If the vehicle or vehicle parts are being purchased or received from a business, organization, or unit of government, the demolisher or secondary metals recycler shall obtain a photo or copy of the business, organization, or unit of government’s agent’s driver’s license or other government issued picture identification card. If the demolisher or secondary metals recycler has a photo or copy of the person or agent’s identification on file, the demolisher or secondary metals recycler may reference the identification on file without making a photocopy for each transaction. If the person or agent has no identification, the demolisher or secondary metals recycler shall not complete the transaction;

(e) the date when the purchases or receipts occurred~~, and~~;

(f) the year, make, model, and identification number of the vehicle or vehicle parts, if ascertainable, along with any other identifying features;

(g) the amount paid for the vehicle or vehicle parts;

(h) a photo or video of the vehicle or motor vehicle parts;

(i) the tag number and a photo or video of the vehicle used to transport the vehicle or vehicle parts being purchased or received; and

(j) any forms required by this section.

(2) The records ~~are~~ must be open for inspection by any ~~police~~ law enforcement officer at any time during normal business hours. All vehicles on the demolisher or secondary metals recycler’s property or otherwise in the possession of the demolisher or secondary metals recycler must be available for inspection by any law enforcement officer at any time during normal business hours.

(3) Any record required by this section must be kept by the demolisher or secondary metals recycler for at least ~~one year~~ two years after the transaction to which it applies.

~~(D)~~(H)(1) A person who knowingly and willfully violates the provisions of this section for a first offense is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for each offense not to exceed five thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than sixty days, or both. Each violation constitutes a separate offense. For a second or subsequent offense, the person is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars for each offense not to exceed ten thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than three years, or both. Each violation constitutes a separate offense.

(2) A person who knowingly and willfully falsifies any information on a form required by this section is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars, or imprisoned for not less than one year nor more than three years, or both.

(3) In lieu of criminal penalties for a violation of this section by a demolisher or secondary metals recycler that is not wilful, the Department of Motor Vehicles’ director may issue an administrative fine not to exceed one thousand dollars for each violation, whenever the director, after a hearing, determines that a person has violated any provisions of this section. The hearing and any administrative review must be conducted in accordance with the procedure for contested cases under the Administrative Procedures Act. The proceeds from the fine must be deposited in a special account separate and distinct from the Department of Motor Vehicles’ general funds to be used to offset the costs associated with implementing this section.

(I) A vehicle used to transport a vehicle or vehicle parts illegally disposed of in violation of this section may be seized by law enforcement and is subject to forfeiture; provided, however, that no vehicle is subject to forfeiture unless it appears that the owner or other person in charge of the vehicle is a consenting party or privy to the commission of the crime, and a forfeiture of the vehicle encumbered by a security interest is subject to the interest of the secured party who had no knowledge of or consented to the act. The seizure and forfeiture must be accomplished in accordance with the provisions of Section 56-29-50.”

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. Subsection (F)(3) of Section 56-5-5670 of the 1976 Code as contained in SECTION 2 and subsection (F)(3) of Section 56-5-5945 of the 1976 Code as contained in SECTION 3 take effect upon approval by the Governor. All other provisions of this act take effect ninety days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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

**CARRIED OVER**

H. 3583 -- Rep. Cooper: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2010.

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

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

**MOTION ADOPTED**

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

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**NONCONCURRENCE**

H. 3124 -- Reps. Pitts and G.R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLES 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, AND 124 TO CHAPTER 3, TITLE 56, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “DISTINGUISHED SERVICE MEDAL” SPECIAL LICENSE PLATES, “SECOND AMENDMENT” SPECIAL LICENSE PLATES, “DISTINGUISHED SERVICE CROSS” SPECIAL LICENSE PLATES, “DEPARTMENT OF NAVY” SPECIAL LICENSE PLATES, “PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS” SPECIAL LICENSE PLATES, “STATE FLAG” SPECIAL LICENSE PLATES, “SOUTH CAROLINA HIGHWAY PATROL‑RETIRED” LICENSE PLATES, “I SUPPORT LIBRARIES” SPECIAL LICENSE PLATES, “SOUTH CAROLINA EDUCATOR” SPECIAL LICENSE PLATES, “COON HUNTERS” LICENSE PLATES, “BEACH MUSIC” SPECIAL LICENSE PLATES, “CITADEL ALUMNI ASSOCIATION ‘BIG RED’” SPECIAL LICENSE PLATES, “LARGE MOUTH BASS” SPECIAL LICENSE PLATES, “HIGH SCHOOL” SPECIAL LICENSE PLATES, “SOUTH CAROLINA WILDLIFE FEDERATION” SPECIAL LICENSE PLATES AND “HISTORIC” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑7330, RELATING TO THE ISSUANCE OF “BOY SCOUTS OF AMERICA” SPECIAL LICENSE PLATES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE FOR THE ISSUANCE OF “EAGLE SCOUTS OF AMERICA” SPECIAL LICENSE PLATES; TO AMEND SECTION 56‑3‑2150, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES TO CERTAIN CURRENT AND FORMER ELECTED OFFICIALS AND JUDICIAL OFFICERS, SO AS TO INCREASE THE NUMBER OF SPECIAL LICENSE PLATES THAT A CORONER MAY BE ISSUED FROM ONE TO TWO; TO AMEND SECTION 56‑3‑1240, AS AMENDED, RELATING TO THE DISPLAY OF A LICENSE PLATE, SO AS TO PROVIDE THAT A FRAME MAY BE PLACED ON A LICENSE PLATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑3‑10410, RELATING TO THE ISSUANCE OF “VETERAN” SPECIAL LICENSE PLATES, SO AS TO PROVIDE FOR THE PLACEMENT OF THE WHEELCHAIR SYMBOL ON CERTAIN “VETERAN” LICENSE PLATES; TO AMEND SECTION 56‑3‑3310, AS AMENDED, RELATING TO THE ISSUANCE OF “PURPLE HEART” SPECIAL LICENSE PLATES, SO AS TO INCREASE THE NUMBER OF LICENSE PLATES THAT MAY BE ISSUED TO A PERSON FROM ONE TO THREE AND TO PROVIDE A FEE FOR THE THIRD LICENSE PLATE; TO AMEND SECTION 56‑3‑8000, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES THAT CONTAIN THE EMBLEM OF A TAX EXEMPT ORGANIZATION, SO AS TO SPECIFY THEIR SIZE, GENERAL DESIGN, PERIOD OF VALIDITY, TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALE, TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED, AND TO PROVIDE THAT THE ORGANIZATION MUST GIVE ITS LEGAL AUTHORITY TO THE DEPARTMENT FOR THE DEPARTMENT’S USE OF THE ORGANIZATION’S LOGO, TRADE MARK, OR DESIGN; AND TO AMEND SECTION 56‑3‑8100, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL LICENSE PLATES CREATED BY THE GENERAL ASSEMBLY SO AS TO REVISE THE MINIMUM NUMBER OF PREPAID APPLICATIONS AND MINIMUM PAYMENT THAT THE DEPARTMENT OF MOTOR VEHICLES MUST RECEIVE BEFORE A SPECIAL LICENSE PLATE MAY BE ISSUED AND TO REVISE THEIR COSTS AND DISTRIBUTION OF FEES COLLECTED FROM THEIR SALES.

The House returned the Bill with amendments.

The question then was concurrence with the House amendments.

Senator GROOMS explained the amendments.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Coleman Cromer Davis

Fair Gregory Grooms

Hayes Hutto Knotts

Land Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Rose Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

**Total--0**

On motion of Senator GROOMS, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

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

**DEBATE INTERRUPTED**

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

The Senate proceeded to a consideration of the Bill, the question being the adoption of Amendment No. 77 (3066R055.VAS) proposed by Senators SHEHEEN, DAVIS, MASSEY, SETZLER, CAMPSEN and THOMAS and published in the Journal of Tuesday, January 31, 2012.

Senator DAVIS was recognized to speak in favor of the adoption of the amendment.

Senator LEVENTIS spoke on the amendment.

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

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Spartanburg County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Karry L. Guillory, 905 Fenway Court, Boiling Springs, SC 29316

**Recorded Vote**

Senator SHANE MARTIN desired to be recorded as voting against the confirmation of Dr. Guillory.

Initial Appointment, Jasper County Probate Judge

Brenda Kay Horton, 84 Forest Avenue, Ridgeland, SC 29936 *VICE* Joseph Malphus

**MOTION ADOPTED**

On motion of Senators NICHOLSON, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, COURSON, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GREGORY, GROOMS, HAYES, HUTTO, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McCONNELL, McGILL, O’DELL, PEELER, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SETZLER, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dorothy Lott Crouch of Saluda, S.C., beloved mother-in-law of our colleague and friend, Senator Scott. Mrs. Crouch was a member of the Bethlehem Baptist and the WHAS #88 and an Eastern Star. She was a wonderful mother, grandmother and great-grandmother.

and

**MOTION ADOPTED**

On motion of Senators SETZLER, ALEXANDER, ANDERSON, BRIGHT, BRYANT, CAMPBELL, CAMPSEN, CLEARY, COLEMAN, COURSON, CROMER, DAVIS, ELLIOTT, FAIR, FORD, GREGORY, GROOMS, HAYES, HUTTO, JACKSON, KNOTTS, LAND, LEATHERMAN, LEVENTIS, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McCONNELL, McGILL, NICHOLSON, O’DELL, PEELER, PINCKNEY, RANKIN, REESE, ROSE, RYBERG, SCOTT, SHEHEEN, SHOOPMAN, THOMAS, VERDIN and WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Richards Todd, 83, of West Columbia, S.C. He was a respected attorney for the S.C. Legislative Council for 35 years. He was predeceased by his beloved spouse of 56 years, Harriet Davis Todd. He was an avid Gamecock, a devoted father and doting grandfather and great-grandfather.

**ADJOURNMENT**

At 4:58 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

**Recorded Vote**

Senator SHANE MARTIN desired to be recorded as voting against the motion to adjourn.

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