**Wednesday, April 6, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by Senator ALEXANDER.

The Psalmist rightly reminds us that:

“God is our refuge and strength, a very present help in trouble.” (Psalm 46:1)

Let us pray.

O God of Love and Mercy, You clearly have to be aware of how very troubled the world today happens to be. All around the globe so many nations are caught up in struggles and strife. So unsettled are Your people wherever we turn. All the more, Lord, do we in this Senate give You praise this day for those dedicated women and men in uniform who serve You in our nation and around the globe, those who are determined to preserve peace, to aid the helpless, to make the world safer for those generations which will come after our own. Bless all of our defenders of freedom, dear God. In Your loving name we pray.

Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointment**

Reappointment, Allendale County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Willard Durham Branch, Jr., 425 10th Street, Allendale, SC 29810

**Doctor of the Day**

Senator COURSON introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day, along with Rachael DeGurse, 1st year resident and Ashley Donley, 4th year medical student.

**Expression of Personal Interest**

Senator KNOTTS rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 766 Sens. Anderson, Scott, Coleman and O’Dell

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on April 6, 2011, at 2:15 P.M. and the following Acts and Joint Resolutions were ratified:

(R14, S. 277) -- Senators Peeler, Campsen, Rose, Ryberg, McConnell, Bright, Knotts, O’Dell, S. Martin and Alexander: AN ACT TO RATIFY AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE RIGHT OF SUFFRAGE, BY ADDING SECTION 12 TO GUARANTEE THE RIGHT OF AN INDIVIDUAL TO VOTE BY SECRET BALLOT FOR A DESIGNATION, A SELECTION, OR AN AUTHORIZATION FOR EMPLOYEE REPRESENTATION BY A LABOR ORGANIZATION.

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(R15, S. 434) -- Senators Peeler, Bryant, Bright and Campsen: A JOINT RESOLUTION TO SUSPEND PROVISOS 21.11, 21.15, AND 21.20 OF PART IB, ACT 291 OF 2010, THE FISCAL YEAR 2010‑2011 GENERAL APPROPRIATIONS BILL AND TO SUSPEND A PORTION OF PROVISO 89.87 OF PART IB, ACT 291 OF 2010, PROHIBITING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM REDUCING PROVIDER RATES, TO PROVIDE THAT ALL PROPOSED CHANGES IN PROVIDER RATES MUST INCLUDE ESTIMATES OF THE PROJECTED DOLLAR COST SAVINGS BY SOURCE OF FUNDS AND THE NUMBER OF PROVIDERS AND CLIENTS IMPACTED, AND TO REQUIRE CERTAIN REPORTS RECONCILING ACTUAL SAVINGS IN COMPARISON TO THE ESTIMATES.

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(R16, S. 522) -- Senators Leatherman, O’Dell, Setzler and Alexander: AN ACT 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.

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(R17, S. 533) -- Senators Coleman, Reese and Ford: AN ACT TO AMEND SECTION 12‑36‑2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENTS FOR A SALES TAX EXEMPTION OF CERTAIN ITEMS FOR CERTAIN FACILITIES RESEARCHING AND TESTING THE IMPACT OF NATURAL DISASTERS, SO AS TO PROVIDE THAT THE QUALIFYING INVESTMENT OF AT LEAST TWENTY MILLION DOLLARS MAY BEGIN AT ANY TIME PERIOD AFTER DECEMBER 31, 2008, AND ALL OR A PORTION MAY OCCUR BEFORE THE TAXPAYER NOTIFIES THE DEPARTMENT OF REVENUE OF ITS INTENTION.

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(R18, S. 629) -- Senators Sheheen, Setzler, Lourie, Coleman, Malloy, Reese, Anderson, Hayes, Courson, Matthews, Land, Nicholson and Ford: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2011‑2012 SCHOOL YEAR BY MAY 15, 2011; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE; AND TO PROVIDE FOR NOTIFICATION OF A TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION.

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(R19, S. 721) -- Senator Massey: AN ACT TO AMEND ACT 955 OF 1974, AS AMENDED, RELATING TO THE COMPENSATION OF THE EDGEFIELD COUNTY DISTRICT SCHOOL BOARD OF TRUSTEES, SO AS TO PROVIDE THAT THE TRUSTEES SHALL RECEIVE COMPENSATION AGREED UPON BY THE BOARD.

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(R20, S. 724) -- Senator McGill: AN ACT TO AMEND ACT 1095 OF 1962, AS AMENDED, RELATING TO THE LOWER FLORENCE COUNTY HOSPITAL DISTRICT, SO AS TO PROVIDE A PROCESS BY WHICH THE FLORENCE COUNTY COUNCIL MAY LEVY MILLAGE WITHIN THE DISTRICT FOR PURPOSES OF CONSTRUCTING, EQUIPPING, AND MAINTAINING HOSPITAL FACILITIES WITHIN THE DISTRICT.

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(R21, H. 3004) -- Reps. Ballentine, Norman, Viers, Lucas, Simrill, Huggins, G.M. Smith, G.R. Smith, Loftis, Bedingfield, Hamilton, Stringer, Nanney, Lowe, Young, Willis, Bowen, D.C. Moss, Agnew, Pope, Daning, Thayer, Harrison, Allison, Taylor, Ryan, McCoy, Hixon, Bingham, Long, Whipper, R.L. Brown, Atwater, Henderson, Horne and Harrell: AN ACT TO ENACT THE “SPENDING ACCOUNTABILITY ACT OF 2011”; AND TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑7‑125 SO AS TO REQUIRE CERTAIN BILLS AND JOINT RESOLUTIONS TO RECEIVE A RECORDED ROLL CALL VOTE AT VARIOUS STAGES OF THEIR PASSAGE BY THE HOUSE OF REPRESENTATIVES AND THE SENATE.

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(R22, H. 3303) -- Reps. J.E. Smith, Harrison, Pinson, Vick, Agnew, Williams, 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, Cooper, Corbin, Crawford, Crosby, Daning, Delleney, Dillard, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Hamilton, Hardwick, Harrell, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, J.H. Neal, J.M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Patrick, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Viers, Weeks, Whipper, White, Whitmire, Willis and Young: A JOINT RESOLUTION TO PROMOTE MAJOR GENERAL STANHOPE S. SPEARS TO THE RANK OF LIEUTENANT GENERAL OF THE SOUTH CAROLINA ARMY NATIONAL GUARD EFFECTIVE JANUARY 11, 2011.

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(R23, H. 3332) -- Reps. Sandifer, McLeod, Bowers, Bales, Anderson, Pinson and Clemmons: AN ACT TO AMEND SECTION 38‑73‑736, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN REDUCTIONS IN PREMIUM CHARGES, SO AS TO PROVIDE CERTAIN DEFINITIONS, SUBJECT PREMIUM RATES CHARGED FOR LIABILITY AND COLLISION COVERAGE TO CERTAIN DRIVER TRAINING COURSE CREDITS FOR A DRIVER WHO IS NOT A YOUTHFUL OPERATOR, AND PROVIDE OTHER CONDITIONS CONCERNING THE CREDITS; TO AMEND SECTION 38‑73‑737, RELATING TO DRIVER TRAINING COURSE CREDITS TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, SO AS TO PROVIDE CERTAIN DEFINITIONS, SUBJECT PREMIUM RATES CHARGED FOR LIABILITY AND COLLISION COVERAGE TO CERTAIN DRIVER TRAINING COURSE CREDITS FOR A DRIVER WHO IS A YOUTHFUL OPERATOR, AND PROVIDE OTHER CONDITIONS CONCERNING THE CREDITS.

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(R24, H. 3373) -- Reps. Sandifer, Bowers, Bales, Anderson and Pinson: AN ACT TO AMEND SECTION 38‑77‑112, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF AN AUTOMOBILE INSURER FROM THE REQUIREMENT TO WRITE AUTOMOBILE INSURANCE COVERAGE FOR AN APPLICANT OR EXISTING POLICYHOLDER, SO AS TO REMOVE CERTAIN EXEMPTIONS FROM THE APPLICABILITY OF THIS SECTION.

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(R25, H. 3374) -- Reps. Hixon, D.C. Moss, Frye, Ott, J.R. Smith, Atwater, Tallon, Brannon, Thayer, McCoy, Corbin, Crosby, Murphy, V.S. Moss, Pinson, G.R. Smith, Chumley, Butler Garrick, Clemmons, Clyburn, Govan, Hardwick, Munnerlyn, Pitts, Pope, Ryan, Taylor, Young, Vick and Hodges: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 50 SO AS TO ENACT THE “INTERSTATE WILDLIFE VIOLATOR COMPACT”, TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES SHALL EXECUTE THE COMPACT WITH OTHER COMPACT STATES, AND TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES SHALL TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THE COMPACT.

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(R26, H. 3397) -- Reps. Lowe and Crawford: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑674 SO AS TO DESIGNATE THE SOUTH CAROLINA PECAN FESTIVAL IN FLORENCE COUNTY AS THE OFFICIAL STATE PECAN FESTIVAL.

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(R27, H. 3399) -- Reps. Rutherford and Owens: AN ACT TO AMEND JOINT RESOLUTION 263 OF 1998 RELATING TO THE GRANTING OF CONCURRENT FEDERAL LAW ENFORCEMENT JURISDICTION OVER THE NATIONAL ADVOCACY CENTER LOCATED ON THE COLUMBIA CAMPUS OF THE UNIVERSITY OF SOUTH CAROLINA IN RICHLAND COUNTY, SO AS TO EXTEND THAT CONCURRENT FEDERAL JURISDICTION TO ADJACENT FEDERALLY OCCUPIED PROPERTY AND TO THE INN AT USC AND THE KIRKLAND APARTMENT BUILDING LOCATED RESPECTIVELY AT 1619 PENDLETON STREET AND 1611 PENDLETON STREET IN THE CITY OF COLUMBIA, SOUTH CAROLINA AND TO DESIGNATE THE TEXT OF JOINT RESOLUTION 263 OF 1998, AS AMENDED BY THIS ACT, AS SECTION 3‑3‑350 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976.

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(R28, H. 3622) -- Reps. J.E. Smith, Pitts and Sottile: A JOINT RESOLUTION TO EXTEND THE DEADLINE FOR THE VETERANS’ ISSUES STUDY COMMITTEE TO SUBMIT ITS WRITTEN REPORT FROM SEPTEMBER 1, 2010, TO JANUARY 31, 2012.

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(R29, H. 3625) -- Reps. J.R. Smith, Hixon and Taylor: AN ACT TO AMEND SECTION 8‑13‑735, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST A PERSON, WHO AT THE SAME TIME SERVES ON THE GOVERNING BODY OF A STATE OR LOCAL POLITICAL SUBDIVISION BOARD OR COMMISSION AND AS AN EMPLOYEE OF THE SAME BOARD OR COMMISSION OR IN A POSITION WHICH IS SUBJECT TO THE CONTROL OF THE BOARD OR COMMISSION, MAKING OR PARTICIPATING IN A DECISION AFFECTING HIS ECONOMIC INTERESTS, SO AS TO PROHIBIT A PERSON FROM SERVING AT THE SAME TIME AS A NONAPPOINTED MEMBER OF THE GOVERNING BOARD OR COMMISSION OF A WATER OR SEWER DISTRICT, A NONPROFIT WATER OR SEWER CORPORATION, OR A WATER OR SEWER COMPANY ORGANIZED UNDER STATE LAW AND AS AN EMPLOYEE OF THAT BOARD, COMMISSION, CORPORATION, OR COMPANY OR IN CERTAIN OTHER POSITIONS, TO PROVIDE CIVIL PENALTIES FOR VIOLATION, AND TO PROVIDE FOR STANDING TO ALLEGE VIOLATIONS AND FOR THE RESPONSIBILITY FOR COURT COSTS, ATTORNEY’S FEES, AND DAMAGES UPON VIOLATIONS.

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(R30, H. 3668) -- Rep. Bannister: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 56‑1‑745 RELATING TO THE DRIVER’S LICENSE SUSPENSION OF A PERSON CONVICTED OF A CONTROLLED SUBSTANCE VIOLATION.

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(R31, H. 3806) -- Reps. Toole, Bingham, Quinn, Frye, Huggins, Atwater, Spires, McLeod, Ballentine and Ott: A JOINT RESOLUTION TO PROVIDE A PROPERTY TAX CREDIT FOR PROPERTY TAX YEAR 2011 FOR OWNER‑OCCUPIED RESIDENTIAL PROPERTY SITUATED IN LEXINGTON COUNTY SCHOOL DISTRICT NOS. 1 AND 4 AS THE SOLE REMEDY FOR REFUNDING OVERPAYMENTS OF PROPERTY TAX ON SUCH PROPERTY FOR PROPERTY TAX YEARS 2007 AND 2008 AS A RESULT OF THE OPINION OF THE SOUTH CAROLINA SUPREME COURT IN THE CASE OF *BERKELEY COUNTY SCHOOL DISTRICT ET AL. V. SOUTH CAROLINA DEPARTMENT OF REVENUE*, AND TO PROVIDE FOR THE CALCULATION OF THE CREDIT AND OTHER REFUNDS RESULTING FROM THE CASE, AND TO PROVIDE THOSE ELIGIBLE TO RECEIVE THE CREDIT.

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**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 770 -- Senator Jackson: A BILL TO DESIGNATE SECTION 3 OF ACT 292 OF 1985, RELATING TO THE RICHLAND‑LEXINGTON COUNTY AIRPORT COMMISSION’S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN‑TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN‑TRADE ZONES AS SECTION 55‑11-430 OF THE 1976 CODE; AND TO AMEND SECTION 55-11-430, RELATING TO THE RICHLAND-LEXINGTON COUNTY AIRPORT COMMISSION’S AUTHORITY TO MAKE APPLICATION TO THE FOREIGN-TRADE ZONES BOARD FOR THE PURPOSE OF ESTABLISHING, OPERATING, AND MAINTAINING FOREIGN‑TRADE ZONES, SO AS TO EXPAND THE AREA WITHIN THE STATE IN WHICH THE COMMISSION MAY ESTABLISH FOREIGN-TRADE ZONES.

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

S. 771 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑7-390 SO AS TO PROVIDE THAT THERE IS NO MONETARY LIABILITY, AND NO CAUSE OF ACTION IS CREATED, BY A HOSPITAL UNDERTAKING OR PERFORMING CERTAIN ACTS IF NOT DONE WITH MALICE; BY ADDING SECTION 44-7-392 SO AS TO PROVIDE THAT CERTAIN HOSPITAL PROCEEDINGS AND DATA, DOCUMENTS, RECORDS, AND INFORMATION RESULTING FROM THESE PROCEEDINGS ARE CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY OR SUBPOENA AND MAY NOT BE USED AS EVIDENCE IN A CIVIL ACTION UNLESS THE HOSPITAL HAS WAIVED CONFIDENTIALITY OR THE DATA, DOCUMENTS, RECORDS, OR INFORMATION ARE OTHERWISE AVAILABLE AND SUBJECT TO DISCOVERY; TO PROVIDE THAT THE OUTCOME OF A PRACTITIONER’S APPLICATION FOR HOSPITAL STAFF MEMBERSHIP OR CLINICAL PRIVILEGES IS NOT CONFIDENTIAL BUT THAT THE APPLICATION AND SUPPORTING DOCUMENTS ARE CONFIDENTIAL; TO PROVIDE THAT DISCLOSURE OF CERTAIN INFORMATION BY A HOSPITAL THROUGH REPORTS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS IS NOT A WAIVER OF ANY PRIVILEGE OR CONFIDENTIALITY; AND TO PROVIDE THAT AN AFFECTED PERSON MAY FILE AN ACTION TO ASSERT A CLAIM OF CONFIDENTIALITY AND TO ENJOIN THE HOSPITAL, THE JOINT COMMISSION, OR THE BOARD OF MEDICAL EXAMINERS FROM RELEASING SUCH INFORMATION, AND IF THE COURT FINDS THAT THE PERSON ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY’S FEES AGAINST THAT PERSON; BY ADDING SECTION 44-7-394 SO AS TO PROVIDE THAT IF IN A JUDICIAL PROCEEDING THE COURT FINDS DOCUMENTS, OVER WHICH THE HOSPITAL ASSERTED A CLAIM OF CONFIDENTIALITY, ARE NOT SUBJECT TO CONFIDENTIALITY AND THAT THE HOSPITAL ACTED UNREASONABLY IN ASSERTING THIS CLAIM, THE COURT SHALL ASSESS ATTORNEY’S FEES AGAINST THE HOSPITAL FOR COSTS INCURRED BY THE REQUESTING PARTY TO OBTAIN THE DOCUMENTS; AND TO AMEND SECTION 40-71-10, RELATING TO THE EXEMPTION FROM TORT LIABILITY FOR MEMBERS OF CERTAIN PROFESSIONAL COMMITTEES, SO AS TO DELETE FROM THE EXEMPTION AN APPOINTED MEMBER OF A COMMITTEE OF A MEDICAL STAFF OF A HOSPITAL IF THE STAFF OPERATES PURSUANT TO WRITTEN BYLAWS APPROVED BY THE GOVERNING BOARD OF THE HOSPITAL.

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

S. 772 -- Senators Peeler, Reese, Bright and S. Martin: A BILL TO AMEND SECTION 15-78-30 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR PURPOSES OF THE SOUTH CAROLINA TORT CLAIMS ACT, TO PROVIDE A DEFINITION FOR ECONOMIC AND NONECONOMIC DAMAGES; AND TO AMEND SECTION 15-78-120, RELATING TO LIABILITY LIMITS IMPOSED BY THE TORT CLAIMS ACT, TO PROVIDE THAT A PERSON MAY RECOVER THE ACTUAL AMOUNT OF HIS ECONOMIC DAMAGES, TO PROVIDE THAT LIMITS ON NONECONOMIC DAMAGES ARE FIFTY THOUSAND DOLLARS PER PERSON AND NO MORE THAN SIX HUNDRED THOUSAND DOLLARS PER OCCURRENCE, AND THAT THE LIMITS ON NONECONOMIC DAMAGES CAUSED BY A LICENSED PHYSICIAN OR DENTIST ARE THREE HUNDRED FIFTY THOUSAND DOLLARS.

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Senator PEELER spoke on the Bill.

**Remarks by Senator PEELER**

Thank you, Mr. PRESIDENT and members of the Senate.

The Corinth Community is a community that’s located in Cherokee County. It’s a community south of Gaffney between Gaffney and Union. Like thousands of communities throughout the great State of South Carolina it’s filled with good, hardworking people. It’s a small community that has a school named Corinth Elementary School where my mother got her first teaching job. She taught sixth grade at Corinth Elementary School. In that community, also, is Corinth Baptist Church. Reverend Dwight Easler is the preacher at that church.

This past Saturday a group from that church left Gaffney and went over to Spartanburg to Cleveland Park to enjoy a beautiful spring day. A group was riding a miniature train there and for some reason, the train crashed. Reverend Easler’s son, Benji, 6-years old, was killed during that crash and several dozen folks were injured. The day of happiness turned into sadness. On behalf of the Corinth community, the greater Gaffney community, Cherokee County and Spartanburg County I want to thank you and thank the people of the great State of South Carolina for their condolences, prayers and continued prayers for the families that were touched by this tragic event this past Saturday at Cleveland Park in Spartanburg County.

I would ask, please Mr. PRESIDENT, if you would allow the Senate to stand for a moment of silence for Benji, his family and all the other families that were touched by this tragic, tragic event. Please don’t forget the gentleman who was supposed to inspect the train. I can only imagine the grief that is going through everyone that has been affected by this. So, Mr. PRESIDENT, if we could stand for a moment of silence.

Now, Mr. PRESIDENT, I ask unanimous consent that we adjourn in memory of Benji Easler, 6-year old from Cherokee County.

On motion of Senator MALLOY, with unanimous consent, the remarks of Senator PEELER were ordered printed in the Journal.

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

S. 773 -- Senator Pinckney: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE RIDGELAND HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM FOR A REMARKABLE SEASON, AND TO CONGRATULATE THE TEAM AND COACHES FOR GARNERING THE 2011 CLASS A STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 774 -- Senator Pinckney: A SENATE RESOLUTION TO RECOGNIZE AND HONOR BRE’ANNA ORR OF JASPER COUNTY FOR HER OUTSTANDING ACADEMIC, EXTRACURRICULAR, AND COMMUNITY ENDEAVORS, AND TO CONGRATULATE HER FOR CAPTURING FIRST PLACE IN THE 2011 SENATOR FOR A DAY SPEECH CONTEST.

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The Senate Resolution was adopted.

S. 775 -- Senator L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-1-55 SO AS TO PROVIDE THAT THERE IS A TEN-DAY GRACE PERIOD FROM THE RENEWAL DATE FOR ANY LICENSE, REGISTRATION, OR OTHER AUTHORIZATION TO PRACTICE AN OCCUPATION OR PROFESSION REGULATED PURSUANT TO TITLE 40.

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

S. 776 -- Senator Bright: A SENATE RESOLUTION TO RECOGNIZE JO LYNN ALLEN FOR HER MANY YEARS OF FAITHFUL SERVICE AS AN EDUCATOR IN SOUTH CAROLINA UPON THE OCCASION OF HER RETIREMENT AND TO WISH HER THE BEST IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 777 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF ARCHIVES AND HISTORY, RELATING TO REHABILITATION OF DESIGNATED HISTORIC BUILDINGS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4135, 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. 778 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PUBLIC SERVICE COMMISSION, RELATING TO REGULATION GOVERNING TELEPHONE UTILITIES OFFERING REGULATED PREPAID LOCAL EXCHANGE SERVICES AND BONDS OR OTHER SECURITY MECHANISMS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4138, 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. 779 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PUBLIC SERVICE COMMISSION, RELATING TO CUSTOMER DEPOSITS AND DEPOSIT RETENTION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4137, 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. 780 -- Senator Davis: A SENATE RESOLUTION CONGRATULATING BRENDA THOMAS REISER ON THE OCCASION OF HER RETIREMENT FROM THE SOUTH CAROLINA ATTORNEY GENERAL’S OFFICE, THANKING HER FOR HER DEDICATION TO THE PEOPLE OF SOUTH CAROLINA, AND WISHING HER WELL IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 781 -- Senator Thomas: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 97 TO TITLE 38 SO AS TO ENACT THE “PORTABLE ELECTRONICS INSURANCE ACT”, TO PROVIDE CERTAIN DEFINITIONS RELATED TO PORTABLE ELECTRONICS INSURANCE, TO PROVIDE REQUIREMENTS RELATING TO THE SALE OF PORTABLE ELECTRONICS INSURANCE, TO PROVIDE CERTAIN DISCLOSURE REQUIREMENTS OF A VENDOR OF PORTABLE ELECTRONICS INSURANCE TO THE PROSPECTIVE CONSUMER OF THIS INSURANCE, TO PROVIDE PENALTIES FOR A VIOLATION, AND TO PROVIDE LICENSURE FEES AND SURCHARGES.

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

S. 782 -- Senator Verdin: A CONCURRENT RESOLUTION TO DESIGNATE THURSDAY, APRIL 14, 2011, AS “HOLD OUT FOR HUNGER DAY” IN SOUTH CAROLINA TO ENCOURAGE INDIVIDUALS TO SKIP ONE MEAL ON THIS DAY TO RECOGNIZE THE PLIGHT OF HUNGER IN SOUTH CAROLINA.

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Senator VERDIN spoke on the Resolution.

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

H. 3562 -- Reps. Ott, Hardwick, Brady, Spires, Butler Garrick, Vick, Jefferson, McEachern, Munnerlyn, Knight, Sabb, Gambrell, Anderson, Hiott, Hodges, Dillard, Allen, Battle, Hosey, Weeks and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT “CHANDLER'S LAW” SO AS TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES INCLUDING MINIMUM AGE REQUIREMENTS FOR THE OPERATION OF ALL-TERRAIN VEHICLES, SAFETY COURSE COMPLETION REQUIREMENTS, SAFETY EQUIPMENT REQUIREMENTS, AND PASSENGER RIDING REQUIREMENTS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS CONTAINED IN THIS CHAPTER, TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES.

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

H. 3870 -- Rep. Mitchell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME HIGHLAND AVENUE IN THE CITY OF SPARTANBURG “THOMAS RICE, JR. AVENUE” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS AVENUE THAT CONTAIN THE WORDS “THOMAS RICE, JR. AVENUE”.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 78 -- Senators Hayes, Lourie and L. Martin: 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 DRUGS, SO AS TO ADD SYNTHETIC CANNABIS TO THE LIST OF SCHEDULE I DRUGS.

Ordered for consideration tomorrow.

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

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

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a majority favorable and Senator THOMAS a minority unfavorable report on:

S. 310 -- Senators Davis, Campsen, Elliott, Ford, Setzler, Rose, Hayes and Rankin: A JOINT RESOLUTION TO REVISE THE METHOD OF CALCULATING THE INDEX OF TAXPAYING ABILITY FOR PURPOSES OF THE EDUCATION FINANCE ACT (EFA) FOR FISCAL YEARS 2011-2012 AND 2012-2013 BY IMPUTING AN INDEX VALUE FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY ASSESSED AT FOUR PERCENT OF VALUE.

Ordered for consideration tomorrow.

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

S. 394 -- Senator Rose: A BILL TO AMEND SECTION 14-11-10, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE ESTABLISHMENT OF THE MASTER-IN-EQUITY COURT, SO AS TO PERMIT A COUNTY WITH A POPULATION OF MORE THAN THIRTY THOUSAND BUT LESS THAN ONE HUNDRED THIRTY THOUSAND TO HAVE A PART-TIME OR A FULL-TIME MASTER-IN-EQUITY AS DETERMINED BY THE GOVERNING BODY OF THE COUNTY OR COUNTIES IN WHICH THE A MASTER-IN-EQUITY SERVES; AND TO AMEND SECTION 14‑11-30, RELATING TO THE COMPENSATION OF MASTER-IN-EQUITY, SO AS TO ALLOW A PART-TIME MASTER-IN-EQUITY IN CITIES OR COUNTIES WITH POPULATIONS OF ONE HUNDRED THIRTY THOUSAND OR GREATER.

Ordered for consideration tomorrow.

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

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

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary submitted a majority favorable with amendment and Senators COLEMAN and HUTTO a minority unfavorable report on:

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.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 5, 2011

Mr. President and Senators:

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

H. 3374 -- Reps. Hixon, D.C. Moss, Frye, Ott, J.R. Smith, Atwater, Tallon, Brannon, Thayer, McCoy, Corbin, Crosby, Murphy, V.S. Moss, Pinson, G.R. Smith, Chumley, Butler Garrick, Clemmons, Clyburn, Govan, Hardwick, Munnerlyn, Pitts, Pope, Ryan, Taylor, Young, Vick and Hodges: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 12 TO TITLE 50 SO AS TO ENACT THE “INTERSTATE WILDLIFE VIOLATOR COMPACT”, TO PROVIDE THAT THE GOVERNOR SHALL EXECUTE THE COMPACT WITH OTHER COMPACT STATES, AND TO PROVIDE THAT THE CHAIRMAN OF THE BOARD OF THE DEPARTMENT OF NATURAL RESOURCES SHALL APPOINT THE COMPACT ADMINISTRATOR FOR THIS STATE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**RECESS**

At 2:41 P.M., on motion of Senator LARRY MARTIN, the Senate receded from business subject to the Call of the Chair.

At 2:56 P.M., the Senate resumed.

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

**THIRD READING BILL**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 30 -- Senators McConnell, Leventis and Ford: A BILL TO AMEND SECTION 22‑5‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATED TO MAGISTRATES’ POWERS AND DUTIES REGARDING THE ISSUANCE OF ARREST WARRANTS AND COURTESY SUMMONS, SO AS TO PROVIDE THAT NO ARREST WARRANT SHALL BE ISSUED FOR THE ARREST OF A PERSON UNLESS SOUGHT BY A MEMBER OF A LAW ENFORCEMENT AGENCY ACTING IN THEIR OFFICIAL CAPACITY; AND TO PROVIDE THAT IF AN ARREST WARRANT IS SOUGHT BY SOMEONE OTHER THAN A LAW ENFORCEMENT OFFICER, THE COURT MUST ISSUE A COURTESY SUMMONS, EXCEPT WHEN A BUSINESS IS SEEKING AN ARREST WARRANT FOR ANY OFFENSE AGAINST THE BUSINESS OR A PERSON IS SEEKING AN ARREST WARRANT FOR A FRAUDULENT CHECK, IF THE FRAUDULENT CHECK IS PRESENTED TO THE MAGISTRATE AT THE TIME THE WARRANT IS SOUGHT.

**READ THE SECOND TIME**

S. 473 -- Senators Lourie and Setzler: A BILL TO AMEND CHAPTER 102, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATHLETE AGENTS AND STUDENT AGENTS, SO AS TO REVISE DEFINITIONS, TO INCLUDE DEFINITIONS FOR “ADMINISTRATOR”, “DEPARTMENT”, AND “FINANCIAL SERVICES CONTRACT”, TO REVISE THE POWERS OF THE DEPARTMENT OF CONSUMER AFFAIRS WITH RESPECT TO ATHLETE AGENTS AND STUDENT ATHLETES, TO PROVIDE FOR INSPECTION OF OUT‑OF‑STATE RECORDS, TO REQUIRE AN APPLICANT TO UNDERGO A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK AND TO PROVIDE FINGERPRINTS, TO PROVIDE FOR REPORTING AND MAINTENANCE OF CRIMINAL HISTORY RECORDS CHECK RESULTS, TO REVISE CONSIDERATIONS THE DEPARTMENT MAY MAKE WHEN ISSUING A CERTIFICATE OF REGISTRATION, TO REVISE THE TIME IN WHICH A CERTIFICATE OF REGISTRATION IS VALID AND TO PROVIDE THAT THE CERTIFICATE IS NONTRANSFERABLE AND NONASSIGNABLE, TO PROVIDE THAT IF A PERSON AGGRIEVED BY DEPARTMENT ACTION FAILS TO REQUEST A CONTESTED CASE THE ADMINISTRATIVE ACTION IS FINAL, TO PROVIDE THAT FUNDS COLLECTED BY THE DEPARTMENT MUST BE USED TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER, TO REQUIRE THAT THE ADDRESS OF THE ATHLETE AGENT BE INCLUDED IN AN AGENCY CONTRACT, TO REVISE WHAT THE CONTRACT MUST CONTAIN, TO PROVIDE ADDITIONAL PROHIBITED ACTS OF ATHLETE AGENTS, TO ALLOW THE DEPARTMENT TO ISSUE A CEASE AND DESIST ORDER AND IMPOSE A PENALTY UPON FINDING OF MISCONDUCT, TO PROVIDE REPORTING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS, AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS CHAPTER.

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

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

**Ayes 26; Nays 16**

**AYES**

Alexander Anderson Coleman

Courson Cromer Fair

Ford Hayes Hutto

Jackson Land Leventis

Lourie Massey Matthews

McGill Nicholson O'Dell

Rankin Reese Scott

Setzler Sheheen Thomas

Verdin Williams

**Total--26**

**NAYS**

Bright Bryant Campbell

Campsen Cleary Davis

Grooms Knotts Malloy

*Martin, Larry Martin, Shane* McConnell

Peeler Rose Ryberg

Shoopman

**Total--16**

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

Senator LOURIE spoke on the Bill.

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

**MOTION ADOPTED**

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

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

**AMENDMENT PROPOSED, DEBATE INTERRUPTED**

H. 3375 -- Reps. Harrell, Lucas, Cooper, Hardwick, Harrison, Owens, Sandifer, White, Bingham, Atwater, Parker, Crawford, Loftis, Bowen, G.R. Smith, Bedingfield, Toole, Sottile, V.S. Moss, Forrester, Bikas, Huggins, Brady, Allison, Pinson, Frye, Whitmire, Skelton, Nanney, Henderson, Limehouse, Corbin, Barfield, Battle, Clemmons, Cole, Crosby, Daning, Gambrell, Hamilton, Hiott, Hixon, Horne, Lowe, D.C. Moss, Murphy, Norman, Patrick, Simrill, G.M. Smith, J.R. Smith, Spires, Taylor, Willis, Young, Herbkersman, Ballentine, Thayer, Bannister, McCoy, Tallon, Stringer, Long, Hayes, Ott, J.M. Neal, Vick, G.A. Brown, Branham, Anthony, Bowers, Sellers, Quinn, Hearn, Edge, Anderson, Erickson, Knight, Chumley, Butler Garrick and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011” BY AMENDING ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, SO AS TO PROVIDE LIMITS ON THE AWARD OF PUNITIVE DAMAGES AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTIONS 1‑7‑750 AND 1-7-760 SO AS TO ENACT THE “PRIVATE ATTORNEY RETENTION SUNSHINE ACT” TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES, AND TO PROVIDE FOR THE SUSPENSION OF THE LIMITATIONS UNDER CERTAIN EXCEPTIONAL CIRCUMSTANCES; TO AMEND SECTION 15‑3‑670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, SO AS TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS BUT MAY BE ADMISSIBLE AS EVIDENCE; TO AMEND SECTION 18‑9‑130, AS AMENDED, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, SO AS TO PROVIDE LIMITS FOR APPEAL BONDS; AND TO AMEND SECTION 56‑5‑6540, AS AMENDED, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, SO AS TO DELETE THE PROVISION THAT PROVIDED THAT A VIOLATION FOR FAILURE TO WEAR A SEATBELT IS NOT NEGLIGENCE PER SE OR COMPARATIVE NEGLIGENCE AND IS NOT ADMISSIBLE IN A CIVIL ACTION.

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

**Amendment No. P1A**

Senators LARRY MARTIN and PEELER proposed the following amendment (JUD3375.048):

Amend the committee amendment, as and if amended, by striking the committee amendment in its entirety and inserting:

// Amend the bill, as and if amended, page 2, SECTION 2, by striking line 36 in its entirety and inserting:

/ result of the defendant’s grossly negligent, wilful, wanton, or reckless conduct. / //

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

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

**LOCAL APPOINTMENT**

**Confirmation**

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

Reappointment, Allendale County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Willard Durham Branch, Jr., 425 10th Street, Allendale, SC 29810

**MOTION ADOPTED**

On motion of Senator KNOTTS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Private First Class Geoffrey A. Whitsitt, U.S. Army, Taylors, S.C.;   
Sergeant Aaron M. Arthur, U.S. Army, Lake City, S.C.;   
Staff Sergeant Steven M. Theobald, U.S. Army, Goose Creek, S.C.;   
Captain Michael P. Cassidy, U.S. Army, Simpsonville, S.C.;   
Specialist David W. Thomas, U.S. Army, Allendale, S.C.;   
Sergeant First Class Kristopher D. Chapleau, U.S. Army, Longs, S.C.; Private First Class David A. Jefferson, U.S. Army, Columbia, S.C.; Staff Sergeant Sheldon L. Tate, U.S. Army, Sumter, S.C.;   
Sergeant First Class John H. Jarrell, U.S. Army, Estill, S.C.;   
Staff Sergeant Willie J. Harley, Jr., U.S. Army, Graniteville, S.C.;   
Sergeant Luther W. Rabon, Jr., U.S. Army, Lexington, S.C.;   
Staff Sergeant Andrew S. Bubacz, U.S. Air Force, Dalzell, S.C.;   
Lance Corporal William H. Crouse IV, U.S. Marine Corps, Woodruff, S.C. and Cane, his companion and bomb sniffing dog; Staff Sergeant Vincent W. Ashlock, U.S. Army, Fort Mill, S.C.; and Sergeant Michael J. Beckerman, U.S. Army, Travelers Rest, S.C., the Fallen Soldiers from South Carolina who lost their lives in service to their country in Iraq and Afghanistan during 2010.

**ADJOURNMENT**

At 4:20 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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