

NO. 32

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

THURSDAY, MARCH 6, 2025
Thursday, March 6, 2025
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Deuteronomy 31:6a

In Deuteronomy we are pointedly called to: "Be strong and bold, have no fear or dread . . ."

Please join your heart with mine as we pray: Holy God, there are sufficient reasons for us to find ourselves uneasy in this day and time, things which cause us often to tremble in our tracks. Reports of frequent earthquakes along our western coastline, threats of out-of-control wildfires here in our own State, economic challenges popping up afresh at every turn, political unsettledness around the globe -- no wonder we frequently are uneasy during the day and sleepless at night. So more than ever we give thanks, O Lord, for all of our leaders here in this Senate, for these women and men who draw upon their personal wisdom, moral strength, and even courage as they guide us through this difficult period we are living in. Bless them all for their caring and thoughtful leadership. In Your strong name we pray, dear Lord. Amen.

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

Call of the Senate

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

Adams	Alexander	Allen
Bennett	Blackmon	Cash
Chaplin	Climer	Corbin
Cromer	Davis	Devine
Elliott	Fernandez	Gambrell
Garrett	Goldfinch	Graham
Grooms	Hembree	Jackson
Johnson	Kennedy	Kimbrell
Leber	Massey	Matthews
Nutt	Ott	Peeler
Rankin	Reichenbach	Rice
Sabb	Stubbs	Sutton

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Tedder	Turner	Verdin
Walker	Williams	Young
Zell		

A quorum being present, the Senate resumed.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Initial Appointment, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Anne Thayer, 2010 Lindale Road, Anderson, SC 29621

Initial Appointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Carson Neely, 2048 Fairhill Circle, Rock Hill, SC 29732

Leave of Absence

On motion of Senator GROOMS, at 11:09 A.M., Senator CAMPSEN was granted a leave of absence for today.

Leave of Absence

On motion of Senator CORBIN, at 1:58 P.M., Senator MARTIN was granted a leave of absence for today.

CO-SPONSORS ADDED

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

S. 227 Sen. Turner
S. 288 Sen. Turner
S. 305 Sen. Elliott
S. 415 Sens. Elliott, Sutton, Ott, Devine and Reichenbach

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

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S. 428 -- Senators Allen and Hembree: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 34-11-90, RELATING TO JURISDICTION FOR OFFENSES INVOLVING CHECKS AND PENALTIES, SO AS TO PROVIDE A METHOD TO EXPUNGE CONVICTIONS; BY AMENDING SECTION 17-22-910, RELATING TO APPLICATIONS FOR EXPUNGEMENT, SO AS TO ADD MULTIPLE MISDEMEANOR OFFENSES OF CHECK FRAUD TO THOSE OFFENSES ELIGIBLE FOR EXPUNGEMENT; AND BY ADDING SECTION 17-1-43 SO AS TO REQUIRE THE DESTRUCTION OF ARREST RECORDS OF PERSONS MADE AS A RESULT OF MISTAKEN IDENTITY UNDER CERTAIN CIRCUMSTANCES.

lc-0128ahb25.docx

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

S. 429 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 10, TITLE 59 SO AS TO AUTHORIZE EVALUATORS TO EVALUATE PUBLIC SCHOOL STUDENTS FOR HEALTH, BEHAVIORAL HEALTH, OR THERAPEUTIC NEEDS, TO AUTHORIZE PRIVATE PROVIDERS TO PROVIDE RELATED SERVICES AT SCHOOLS DURING THE SCHOOL DAY, TO SPECIFY THESE EVALUATIONS AND SERVICES ONLY MAY OCCUR UPON REQUEST OF THE PARENT OR GUARDIAN OF THE STUDENT, TO PROVIDE SCHOOL DISTRICTS MAY NOT PROHIBIT SUCH EVALUATIONS OR SERVICES IN SCHOOLS DURING THE SCHOOL DAY, TO PROVIDE THE STATE DEPARTMENT OF EDUCATION SHALL ADOPT A RELATED MODEL POLICY, TO PROVIDE REQUIREMENTS FOR THE MODEL POLICY, TO PROVIDE SCHOOL DISTRICTS SHALL ADOPT RELATED POLICIES, AND TO DEFINE NECESSARY TERMS.

lc-0345wab25.docx

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

S. 430 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-63-285 SO AS TO DEFINE TERMS RELATED TO THE SUSPENSION OF PRESCHOOL STUDENTS, TO PROVIDE FOR EDUCATION AND TRAINING FOR ADMINISTRATORS, TEACHERS, AND STAFF, TO REQUIRE EFFORTS TOWARD MAINTAINING STUDENT

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ENROLLMENT, AND TO PROVIDE FOR RELEVANT DATA COLLECTION.

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

S. 431 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-3-530, RELATING TO JURISDICTION IN DOMESTIC MATTERS, SO AS TO PROVIDE THAT THE FAMILY COURT HAS EXCLUSIVE JURISDICTION TO HEAR AND DETERMINE ACTIONS FOR ASSISTED REPRODUCTION PARENTAL RIGHTS; BY AMENDING SECTION 63-17-10, RELATING TO DEFINITIONS, SO AS TO UPDATE DEFINITIONS TO INCLUDE PARENTAGE RELATED TO ASSISTED REPRODUCTION; BY AMENDING SECTION 63-17-20, RELATING TO JURISDICTION, SO AS TO PROVIDE CONFORMING LANGUAGE; AND BY AMENDING SECTION 63-17-40, RELATING TO SETTLEMENT AND VOLUNTARY AGREEMENTS, SO AS TO PROVIDE CONFORMING LANGUAGE.

smin-0080mw25.docx

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

S. 432 -- Senator Verdin: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MOLLY PAIGE EGGLESTON FOR HER ACT OF COURAGE IN SAVING THE LIFE OF A FELLOW SOUTH CAROLINIAN.

sr-0263km-hw25.docx

The Senate Resolution was adopted.

H. 3007 -- Reps. G. M. Smith, W. Newton, Taylor, B. Newton, Pope, Pedalino, Hixon, Robbins, Mitchell, Yow, Ligon and Willis: A CONCURRENT RESOLUTION TO MAKE APPLICATION BY THE STATE OF SOUTH CAROLINA UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION OF THE STATES TO BE CALLED, RESTRICTED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO IMPOSE FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT THROUGH A BALANCED BUDGET AMENDMENT.

lc-0106sa-sa25.docx

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

H. 3650 -- Reps. G. M. Smith, Wooten, Pope, Chapman, W. Newton, Bailey, Robbins, Crawford, Guest, Caskey, Forrest, B. Newton, Hixon and Taylor: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-1-60, RELATING TO OFFENSES DEFINED AS VIOLENT CRIMES, SO AS TO INCLUDE THE OFFENSE OF DISCHARGING FIREARMS AT OR INTO A DWELLING HOUSE, OTHER BUILDING, STRUCTURE, ENCLOSURE, VEHICLE, AIRCRAFT, WATERCRAFT, OR OTHER CONVEYANCE, DEVICE, OR EQUIPMENT; AND BY AMENDING SECTION 16-23-440, RELATING TO DISCHARGING FIREARMS INTO A DWELLING HOUSE, OTHER BUILDING, STRUCTURE, ENCLOSURE, VEHICLE, AIRCRAFT, WATERCRAFT, OR OTHER CONVEYANCE, DEVICE, OR EQUIPMENT, SO AS TO CREATE A TIERED PENALTY STRUCTURE.

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

H. 3969 -- Reps. Rutherford, Ballentine, Bauer, Bernstein, Garvin, Grant, Hart, Howard, J. L. Johnson, McDaniel, Reese and Rose: A BILL TO PROVIDE FOR THE OPERATION OF PERSONAL DELIVERY DEVICES IN RICHLAND COUNTY.

lc-0053cm25.docx

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4088 -- Reps. Mitchell and Yow: A BILL TO REPEAL ACT 668 OF 1934, AS AMENDED, RELATING TO THE DARLINGTON COUNTY FORFEITED LAND COMMISSION.

lc-0083ph25.docx

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4119 -- Reps. Davis, M. M. Smith, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, B. J. Cox, B. L. Cox, Crawford, Cromer, Dillard, Duncan, Edgerton, Erickson, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath,

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Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Sessions, G. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terrible, Vaughan, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO DECLARE MARCH 2025 AS "BRAIN INJURY AWARENESS MONTH" IN SOUTH CAROLINA IN ORDER TO SUPPORT BRAIN INJURY SURVIVORS AND THEIR FAMILIES, TO INCREASE THE PUBLIC'S AWARENESS OF THE PREVALENCE OF BRAIN INJURY IN THE STATE AND NATIONALLY, AND TO RECOGNIZE THE IMPORTANCE OF PREVENTION AND TREATMENT OF BRAIN INJURIES.

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

H. 4133 -- Reps. Erickson, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Bowers, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Duncan, Edgerton, Forrest, Frank, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Gilreath, Govan, Grant, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hartz, Hayes, Henderson-Myers, Herbkersman, Hewitt, Hiott, Hixon, Holman, Hosey, Howard, Huff, J. E. Johnson, J. L. Johnson, Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Ligon, Long, Lowe, Luck, Magnuson, Martin, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, Montgomery, J. Moore, T. Moore, Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Oremus, Pace, Pedalino, Pope, Rankin, Reese, Rivers, Robbins, Rose, Rutherford, Sanders, Schuessler, Sessions, G. M. Smith, M. M. Smith, Spann-Wilder, Stavrinakis, Taylor, Teeple, Terrible, Vaughan, Weeks, Wetmore, White, Whitmire, Wickensimer, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE SUPPORT OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR THE CRISIS RECOVERY

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NETWORK COORDINATED BY THE SOUTHERN REGIONAL EDUCATION BOARD, TO EXPRESS SUPPORT FOR THE STATE OF SOUTH CAROLINA TO PARTICIPATE IN THE NETWORK, AND TO RECOGNIZE THE NETWORK AS A TRUSTED SUPPORT FOR SCHOOLS, DISTRICTS, AND POSTSECONDARY INSTITUTIONS IN THIS STATE TO KNOW THEY MAY CALL UPON IT IF THE NEED ARISES.

lc-0337wab-wab25.docx

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

REPORT OF STANDING COMMITTEE

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

S. 236 -- Senators Kimbrell and Zell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-47-1250, RELATING TO SUPERVISION OF ANESTHESIOLOGIST'S ASSISTANTS, SO AS TO INCREASE THE NUMBER OF ANESTHESIOLOGIST'S ASSISTANTS THAT AN ANESTHESIOLOGIST MAY SUPERVISE; AND BY AMENDING SECTION 40-47-1240, RELATING TO LICENSURE OF ANESTHESIOLOGIST'S ASSISTANTS, SO AS TO REMOVE THE REQUIREMENT THAT LICENSURE APPLICANTS MUST APPEAR BEFORE A MEMBER OF THE BOARD OF MEDICAL EXAMINERS AND PRESENT EVIDENCE OF CERTAIN RELEVANT ACADEMIC CREDENTIALS AND KNOWLEDGE.

Ordered for consideration tomorrow.

Appointments Reported

Senator VERDIN from the Committee on Medical Affairs submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2024, and to expire June 30, 2030

6th Congressional District:

Cassey Eunice, 2360 Old State Road, Swansea, SC 29160-8357 *VICE*
Mr. Terry A. Blackmon

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Received as information.

Initial Appointment, South Carolina State Board of Pharmacy, with the term to commence July 2, 2024, and to expire July 2, 2030

Pharmacy Technician:

Josias Garcia, 5090 Chateau Avenue, North Charleston, SC 29405

Received as information.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on March 6, 2025, at 12:00 Noon and the following Acts and Joint Resolutions were ratified:

(R1, S. 253) -- Senators Peeler, Grooms, Alexander, Turner and Young: A JOINT RESOLUTION TO PROVIDE AUTHORIZATION FOR THE DEPARTMENT OF ADMINISTRATION TO EXPEND CERTAIN FUNDS TO ENGAGE AN INDEPENDENT COMPLIANCE CONSULTANT FOR REVIEW OF COMPLIANCE OF THE ALIXPARTNERS FORENSIC ACCOUNTING REPORT, TO REQUIRE THE OFFICE OF THE STATE TREASURER, THE OFFICE OF THE COMPTROLLER GENERAL, AND THE OFFICE OF THE STATE AUDITOR TO IMPLEMENT THE RECOMMENDATIONS FROM THE ACCOUNTING REPORT, TO PROVIDE A DETAILED TIMELINE OF SUCH, AND TO ISSUE A REPORT ON THE STATUS THEREOF, AND TO REQUIRE THE COMPLIANCE CONSULTANT TO ISSUE A REPORT ON THE STATUS OF SUCH IMPLEMENTATION.

L:\COUNCIL\ACTS\253DG126.DOCX

(R2, S. 271) -- Senators Alexander, Rankin and Hutto: A JOINT RESOLUTION TO SUSPEND THE PROVISION IN SECTION 58-3-20(C) THAT PROHIBITS THE GENERAL ASSEMBLY FROM HOLDING AN ELECTION UNTIL A FINAL DETERMINATION IS MADE BY THE COURTS REGARDING ITS REVIEW OF CONGRESSIONAL DISTRICTS FOR CALENDAR YEAR 2025; AND TO SUSPEND SECTION 2-20-15 FOR ELECTIONS BY THE GENERAL ASSEMBLY FOR MEMBERS OF THE PUBLIC SERVICE COMMISSION DURING CALENDAR YEAR 2025 AND 2026.

L:\COUNCIL\ACTS\271HA126.DOCX

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(R3, S. 282) -- Senator Zell: AN ACT TO PROVIDE THAT THE MEMBERS OF THE CLARENDON COUNTY AERONAUTICS COMMISSION SHALL BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE CLARENDON COUNTY LEGISLATIVE DELEGATION.
L:\COUNCIL\ACTS\282CM126.DOCX

(R4, H. 3438) -- Reps. Pope, B. Newton and Ligon: A JOINT RESOLUTION TO PROVIDE THAT THE GENERAL ASSEMBLY APPROVES ORDINANCE NUMBER 3421 ADOPTED ON SEPTEMBER 7, 2021, BY THE YORK COUNTY COUNCIL TO EXPAND THE CATAWBA INDIAN RESERVATION, AS REQUESTED BY THE CATAWBA INDIAN NATION.
L:\COUNCIL\ACTS\3438SA126.DOCX

(R5, H. 3523) -- Reps. J.E. Johnson, W. Newton, Robbins, Mitchell, Pedalino, Taylor, Long, Bailey, Calhoon, Yow, Weeks, Erickson, Bradley, Hager, Whitmire, Hixon, Cromer, Gilreath, Oremus and Hartz: AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-13-135, RELATING TO THE OFFENSE OF RETAIL THEFT AND ASSOCIATED PENALTIES, SO AS TO REVISE NECESSARY DEFINITIONS, TO REVISE THE PREVIOUS OFFENSE OF RETAIL THEFT, TO CREATE THE OFFENSES OF ORGANIZED RETAIL CRIME AND ORGANIZED RETAIL CRIME OF AN AGGRAVATED NATURE, AND TO PROVIDE A GRADUATED PENALTY STRUCTURE.
L:\COUNCIL\ACTS\3523AHB126.DOCX

(R6, H. 3792) -- Rep. Pedalino: AN ACT TO AMEND ACT 106 OF 2021, RELATING TO THE CONSOLIDATION OF SCHOOL DISTRICTS IN CLARENDON COUNTY INTO THE CLARENDON COUNTY SCHOOL DISTRICT, SO AS TO CHANGE THE METHOD OF DETERMINING THE RESULTS OF ELECTIONS FOR MEMBERS OF THE BOARD OF TRUSTEES, AND TO REQUIRE THE BOARD OF TRUSTEES TO ANNUALLY SUBMIT ITS PROPOSED BUDGET TO THE CLARENDON COUNTY COUNCIL FOR APPROVAL.
L:\COUNCIL\ACTS\3792HDB126.DOCX

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

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ORDERED ENROLLED FOR RATIFICATION

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

H. 3952 -- Reps. Mitchell, Luck, Williams and Yow: A BILL TO AMEND ACT 571 OF 1965, RELATING TO THE DARLINGTON COUNTY MILLAGE LEVY FOR THE FLORENCE-DARLINGTON TECHNICAL COLLEGE, SO AS TO REQUIRE THE BUDGET TO BE APPROVED BY THE DARLINGTON COUNTY COUNCIL INSTEAD OF THE COUNTY BOARD OF EDUCATION.

On motion of Senator CHAPLIN.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

DEBATE INTERRUPTED

S. 244 -- Senators Massey, Alexander, Rice, Turner, Climer, Williams, Bennett, Cromer, Grooms, Blackmon and Chaplin: A BILL TO AMEND CERTAIN PROVISIONS IN TITLES 15, 38, AND 61 ALL RELATED TO CIVIL CLAIMS, TORT LAW, AND INSURANCE COVERAGE. (Abbrev. title)

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

Amendment No. 1A

Senators GOLDFINCH, KIMBRELL and GARRETT proposed the following amendment (SR-244.CEM0035S):

Amend the bill, as and if amended, SECTION 1.A., by striking Section 15-38-15(A)(1), (2), (3), (4), and (5) and inserting:

(1) The jury shall determine the percentage of fault of the claimant/plaintiff, of the defendant, and of any nonparty whose act or omission arose out of the same occurrence that is the subject of the underlying complaint and was a proximate cause of the claimant's alleged damages. In assessing the percentage of fault, the jury or the court shall consider the fault of all persons or entities whose alleged act or omission was a proximate cause of the alleged damage, regardless of whether the person or entity was named as a party, subject to the limitations contained in subsection (A)(1)(c) and (d). The percentage of fault of the parties to the action may total less than one hundred percent if the jury finds that fault contributing to the plaintiff's damages also came from a non-party, provided that the total percentage of fault assigned to parties and non-parties equals one hundred percent. The jury

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~~may not be informed of any immunity defense that is available to the nonparty. In assessing percentage of fault, the jury or the court shall consider the fault of all persons or entities whose alleged act or omission was a proximate cause of the alleged damage, regardless of whether the person or entity was or could have been named as a party. The percentage of fault of the parties to the action may total less than one hundred percent if the jury finds that fault contributing to the claimant's loss has also come from a nonparty or nonparties.~~

~~(a) Prior to a jury or court allocating any or all fault to a non-party, the defendant must affirmatively identify the non-party and plead the facts and cause of action allegedly giving rise to the fault of a non-party in its answer, subject to amendment once as a matter of right in accordance with the South Carolina Rules of Civil Procedure.~~

~~(i) Notice of a pleading filed in accordance with (a) shall be served on all parties and the non-party in the manner provided for in the South Carolina Rules of Civil Procedure.~~

~~(ii) Any interested party may, at any time after receiving notice of the addition of a non-party, make any motion that would be available to a party, including, but not limited to, Rules 12, 50, or 56 of the South Carolina Rules of Civil Procedure, to dismiss or otherwise remove the non-party from the verdict form. The court will apply the same standard to the dismissal or removal of a non-party as it would to a party.~~

~~(ii) Notwithstanding any applicable statute or limitation or repose, the plaintiff may, within sixty days of the proof of service required pursuant to subitem (i), assert any claim against the non-party arising out of the occurrence that is the subject matter of the original complaint.~~

~~(b) In order for a jury or court to allocate any or all fault to a non-party for the purpose of apportioning damages, a defendant must prove at trial by a preponderance of the evidence the fault of the non-party in causing the plaintiff's damages. If the court determines that the defendant has failed to meet the burden of proof for the fault of the non-party in causing the plaintiff's damages, the non-party shall not be allocated any fault for the purpose of apportioning damages.~~

~~(c) There shall be no allocation of fault to a non-party who is:~~

~~(i) immune from liability for the plaintiff's alleged damages;~~

~~(ii) not subject to the court's jurisdiction;~~

~~(iii) not subject to liability for the plaintiff's alleged damages because the claim is barred by a statute of limitations or statute of repose;~~

~~(iv) charged with or convicted of any crime in relation to the occurrence that is the subject of the underlying complaint;~~

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_____ (v) directly or indirectly owned, managed, or controlled by a defendant, including any non-party with which there is commonality in the executives, managers, or officer of a defendant and a non-party; or

_____ (vi) who the defendant's liability is imputed or based upon the fault of the non-party.

_____ (d) There shall be no allocation of fault to a non-party when the defendant's liability is based on:

_____ (i) wilful, wanton, reckless, grossly negligent, intentional, or criminally chargeable conduct;

_____ (ii) negligence and the non-party's liability is based on any basis other than negligence, including, but not limited, to intentional, wanton, or reckless misconduct, strict liability or liability pursuant to any cause action created by statute;

_____ (iii) strict liability;

_____ (iv) a toxic or environmental tort; or

_____ (v) any cause of action created by statute.

_____ (e) Prior to including a non-party who is engaged in a profession designated by Section 15-36-100(G), the party seeking to designate such a non-party must comply with the provisions and procedures in Section 15-36-100 if the fault sought to be attributed to such party arises from alleged professional negligence.

_____ (2) If the percentage of fault of the ~~claimant~~ plaintiff is greater than fifty percent of the total fault involved in the act or omission that caused the ~~claimant's~~ plaintiff's damage, then the jury shall return a verdict for the defendant and no further jury deliberation is required.

_____ (3) If the percentage of fault of the ~~claimant~~ plaintiff is not greater than fifty percent of the total fault involved in the act or omission that caused the ~~claimant's~~ plaintiff's damage, then the jury shall determine the total amount of damages the ~~claimant~~ plaintiff would be entitled to recover if comparative fault were disregarded. If the percentage of fault of any one defendant is greater than fifty percent of the total fault involved in the act or omission that caused the plaintiff's damage, then that defendant is jointly and severally liable for the total amount of the plaintiff's damages.

_____ (4) ~~Upon~~ Except for defendants greater than fifty percent of the total fault, upon the completion of subitem (3), the court shall enter judgment for the ~~claimant~~ plaintiff against each defendant in an amount equal to the total amount of damages awarded in subitem (3) multiplied by the percentage of fault assigned to each respective defendant in subitem (1).

_____ (5) The court may ~~determine that two or more persons are to be treated as a single party. Such treatment must be used where two or more~~

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~~persons acted in concert or where, by reason of agency, employment, or other legal relationship, a party is vicariously responsible for another party~~
A defendant shall not be entitled to a setoff from any settlement received from any potential tortfeasor prior to the verdict.

Amend the bill further, by deleting SECTIONS 1.B, 1.C, and 1.D.

Re-number sections to conform.

Amend title to conform.

Senator GOLDFINCH explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

Ayes 19; Nays 25

AYES

Alexander	Bennett	Blackmon
Cash	Chaplin	Climer
Corbin	Cromer	Davis
Grooms	Hembree	Massey
Nutt	Ott	Reichenbach
Rice	Turner	Verdin
Williams		

Total--19

NAYS

Adams	Allen	Devine
Elliott	Fernandez	Gambrell
Garrett	Goldfinch	Graham
Hutto	Jackson	Johnson
Kennedy	Kimbrell	Leber
Matthews	Peeler	Rankin
Sabb	Stubbs	Sutton
Tedder	Walker	Young
Zell		

Total--25

The Senate refused to table the amendment.

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The question then was the adoption of the amendment.

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, Anderson County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Anne Thayer, 2010 Lindale Road, Anderson, SC 29621

Initial Appointment, York County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Carson Neely, 2048 Fairhill Circle, Rock Hill, SC 29732

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 2:05 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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