**Tuesday, April 5, 2011**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

The prophet, Jeremiah, reminds us that:

“Blessed are those who trust in the Lord, whose trust is the Lord.”

(Jeremiah 17:7)

Please join me as we bow and pray:

Holy God, though we may not always make it as clear as we should, we do know how richly blessed we are here in South Carolina. Each of our citizens -- our State itself -- our future here in this place is so rich in promise. Our hope for the future is great, indeed.

And a major part of our hopefulness focuses upon the Senators who serve You faithfully in this place. Continue to strengthen each of these leaders as they themselves guide us into the years ahead -- that we might thrive and continue to experience the richness of Your blessings. In Your loving name we pray, O Lord.

Amen.

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

**REGULATION RESUBMITTED**

The following was received:

Document No. 4135

Agency: Department of Archives and History

Chapter: 12

Statutory Authority: 1976 Code Sections 4-9-195 and 5-21-140

SUBJECT: Rehabilitation of Designated Historic Buildings

Received by Lieutenant Governor January 11, 2011

Referred to Judiciary Committee

Legislative Review Expiration May 11, 2011

120 Day Period Tolled

Agency Resubmitted April 5, 2011

**Doctor of the Day**

Senator McCONNELL introduced Dr. Louie Costa of Charleston, S.C., Doctor of the Day.

**Leave of Absence**

At 12:30 P.M., Senator CLEARY requested a leave of absence from 12:45 - 4:00 P.M. today.

**Leave of Absence**

On motion of Senator McCONNELL, at 2:10 P.M., Senator ALEXANDER was granted a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

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

S. 592 Sen. Scott

S. 673 Sen. Rose

S. 675 Sen. Rose

S. 706 Sen. Rose

S. 719 Sen. Leventis

S. 729 Sen. Peeler

S. 732 Sen. Rose

S. 733 Sen. Rose

S. 742 Sen. Rose

**CO-SPONSORS REMOVED**

The following co-sponsors were removed from the respective Bills:

S. 647 Sen. Rose

S. 702 Sens. S. Martin and Davis

S. 745 Sen. Campbell

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 762 -- Senator Williams: A SENATE RESOLUTION TO HONOR AND CONGRATULATE KATHERINE POSTON, ADMINISTRATOR OF THE MARION COUNTY LEGISLATIVE DELEGATION OFFICE, UPON HER RETIREMENT, AND TO WISH HER HER MUCH HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 763 -- Senator Scott: A SENATE RESOLUTION TO RECOGNIZE AND HONOR REVEREND DR. JOHN C. WILLIAMS AND THE MEMBERS OF MACEDONIA BAPTIST CHURCH OF FAIRFIELD COUNTY, AND TO CONGRATULATE THEM, UPON THE OCCASION OF THE ONE HUNDREDTH ANNIVERSARY OF THE CHURCH AND ITS MINISTRY IN THE COMMUNITY OF RIDGEWAY.

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The Senate Resolution was adopted.

S. 764 -- Senators Ryberg and Massey: A BILL TO CONSOLIDATE AND REDESIGNATE THE NUMBER, DISTRICTS, AND LOCATION OF THE OFFICES OF MAGISTRATES IN AIKEN COUNTY, AND TO REPEAL ACT 758 OF 1988 RELATING TO THE MAGISTRATES IN AIKEN COUNTY.

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

S. 765 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-4-13 SO AS TO ALLOW TOURISM PROMOTION ORGANIZATIONS, COUNTIES, AND MUNICIPALITIES RECEIVING ACCOMMODATIONS TAX REVENUES TO USE THEM IN SUPPORT OF WELCOME CENTERS OPERATED BY THE SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION AND TOURISM.

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

S. 766 -- Senators McConnell, Leatherman and Alexander: A BILL TO AMEND ARTICLE V, CHAPTER 49, TITLE 33 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ALLOW SOUTH CAROLINA’S ELECTRIC COOPERATIVES TO SPEARHEAD ENERGY EFFICIENCY AND RENEWABLE ENERGY INITIATIVES IN THIS STATE, AND TO PROVIDE CLARITY TO PATRONAGE CAPITAL PROCEDURES; AND TO AMEND ACT 658 OF 1988, SO AS TO EXEMPT ELECTRIC COOPERATIVES FROM THE UNIFORM UNCLAIMED PROPERTY ACT.

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

S. 767 -- Senator Elliott: A SENATE RESOLUTION TO CONGRATULATE TRESSIE KELLEY OF HORRY COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 768 -- Senator Cleary: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE TO BE CONSTRUCTED TO CROSS THE INTRACOASTAL WATERWAY ALONG SOUTH CAROLINA HIGHWAY 31 IN HORRY COUNTY THE “COLONEL HOWARD DARST BARNARD III BRIDGE”, AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS “COLONEL HOWARD DARST BARNARD III BRIDGE”.

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

S. 769 -- Senator Fair: A SENATE RESOLUTION TO COMMEND THE AMERICAN PUBLIC POLICY ALLIANCE FOR ITS FINE WORK TO PROMOTE THE BELIEF THAT THE UNITED STATES CONSTITUTION AND THE SOUTH CAROLINA CONSTITUTION TOGETHER FORM THE BASIS OF THE PRIMARY LAW OF THE CITIZENS OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

H. 3643 -- Reps. Cooper, Bingham, Allison, Anthony, Harrell, Owens, Hiott and Bikas: 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; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

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

H. 3748 -- Reps. Owens, Bowen, Erickson, Daning, Whitmire, Spires, McCoy, Loftis, Gambrell, Lucas, Skelton, Bingham, Thayer, Hardwick, Harrell, Crosby, Battle, Sottile, Patrick, Clemmons, Cole, Forrester, Hamilton, Henderson, Hixon, Huggins, Murphy, J. M. Neal, Pinson, Pope, G. R. Smith, Stringer, Tallon, White, Willis and Taylor: A BILL TO AMEND SECTION 59-59-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPLEMENTATION OF THE EDUCATION AND ECONOMIC DEVELOPMENT ACT, SO AS TO EXTEND THE DATE BY WHICH THE ACT MUST BE IMPLEMENTED FULLY.

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

H. 4020 -- Reps. Barfield, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, 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, Harrison, 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, Pinson, Pitts, Pope, Quinn, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND GARY GILMORE, COASTAL CAROLINA UNIVERSITY HEAD BASEBALL COACH, ON BEING RECOGNIZED AS ONE OF THE BEST NON-BCS CONFERENCE BASEBALL COACHES IN AMERICA.

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

H. 4023 -- Rep. Gambrell: A CONCURRENT RESOLUTION TO HONOR JOY CRAFT, FOUNDER OF WEBBCRAFT FAMILY FOUNDATION, AND JERRY CRAFT, ITS EXECUTIVE DIRECTOR, FOR THEIR OUTSTANDING WORK AS BENEFACTORS TO THE BELTON AND HONEA PATH COMMUNITIES THROUGH WEBBCRAFT FAMILY FOUNDATION.

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

H. 4029 -- Reps. Huggins, Ballentine, Quinn, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Atwater, Bales, 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, Harrison, Hart, Hayes, Hearn, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, 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, Pinson, Pitts, Pope, Rutherford, Ryan, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Tribble, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE AIR FORCE JUNIOR ROTC PROGRAM OF IRMO HIGH SCHOOL, AND TO CONGRATULATE THE CADETS, INSTRUCTORS, AND SCHOOL OFFICIALS FOR BEING NAMED THE 2011 OUTSTANDING AIR FORCE JUNIOR ROTC PROGRAM IN THE STATE OF SOUTH CAROLINA.

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

**HOUSE CONCURRENCE**

S. 761 -- Senator L. Martin: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE EASLEY COMBINED UTILITIES FOR

PROVIDING SERVICE TO THE COMMUNITY FOR ONE HUNDRED YEARS.

Returned with concurrence.

Received as information.

**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. 435 -- Senators Elliott, Bryant, Campbell, Ford and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑180 SO AS TO REQUIRE LOCAL GOVERNMENTAL ENTITIES, AGENCIES, ORGANIZATIONS, OR INDIVIDUALS THAT RECEIVE, COLLECT, OR SPEND PUBLIC FUNDS DERIVED FROM STATE OR LOCAL TAX REVENUE TO FILE PERIODIC EXPENDITURE REPORTS WITH THE STATE OR LOCAL GOVERNMENTAL ENTITY OR AGENCY THAT PROVIDED, COLLECTED, OR SPENT THE PUBLIC FUNDS.

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

S. 211 -- Senators Matthews, Land, Leatherman, Leventis, Hutto, Williams, Ford and McGill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 11 SO AS TO ESTABLISH THE “I‑95 CORRIDOR AUTHORITY ACT” AND TO PROVIDE FOR THE COMPOSITION, DUTIES, AND POWERS OF THE AUTHORITY.

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

A roll call vote was ordered.

**Objection**

Senator SHANE MARTIN asked unanimous consent to make a motion to carry over the Bill.

Senator LEATHERMAN objected.

The question then was third reading of the Bill.

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

**Ayes 27; Nays 7**

**AYES**

Alexander Anderson Campbell

Coleman Courson Fair

Hayes Hutto Knotts

Land Leatherman Leventis

Malloy *Martin, Larry* Massey

Matthews McConnell McGill

O'Dell Peeler Pinckney

Rose Ryberg Scott

Setzler Verdin Williams

**Total--27**

**NAYS**

Bright Bryant Campsen

Cromer Davis *Martin, Shane*

Thomas

**Total--7**

**Statement by Senator SHOOPMAN**

Having been out of the Chamber at the time the vote was taken, I would have voted in favor of third reading of S. 211. I was meeting with a constituent.

The Bill was read the third time and ordered sent the House of Representatives.

**AMENDED, READ THE THIRD TIME**

S. 692 -- Senators Jackson, Courson, Scott and Lourie: A BILL TO AMEND SECTION 7‑27‑405, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RICHLAND COUNTY ELECTION COMMISSION AND THE RICHLAND COUNTY BOARD OF REGISTRATION, SO AS TO COMBINE THE RICHLAND COUNTY ELECTION COMMISSION AND THE RICHLAND COUNTY BOARD OF REGISTRATION INTO A SINGLE ENTITY.

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

Senator JACKSON proposed the following amendment (GGS\  
22073ZW11), which was adopted:

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

/ (\_\_) The annual budget for the Board of Elections and Voter Registration of Richland County may not be less than the average of the two annual budgets for the Charleston County and Greenville County Boards of Election and Voter Registration for the prior fiscal year. /

Renumber sections to conform.

Amend title to conform.

Senator JACKSON explained the amendment.

The amendment was adopted.

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

**READ THE SECOND TIME**

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.

Senator SHANE MARTIN asked unanimous consent to take the Bill up for immediate consideration.

There was no objection.

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 40; Nays 0**

**AYES**

Anderson Bright Bryant

Campbell Campsen Coleman

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Shoopman Thomas Verdin

Williams

**Total--40**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**ADOPTED**

S. 750 -- Judiciary Committee: A CONCURRENT RESOLUTION TO APPROVE THE AMENDMENTS TO RULE 29 OF THE SOUTH CAROLINA RULES OF CRIMINAL PROCEDURE, AS PROMULGATED BY THE SOUTH CAROLINA SUPREME COURT AND SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO THE PROVISIONS OF SECTION 4A, ARTICLE V OF THE CONSTITUTION OF THIS STATE.

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

S. 751 -- Judiciary Committee: A CONCURRENT RESOLUTION TO APPROVE THE AMENDMENTS TO RULES 16, 26, 28, 33, 34, 37, AND 45 OF THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE, AS PROMULGATED BY THE SOUTH CAROLINA SUPREME COURT AND SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO THE PROVISIONS OF SECTION 4A, ARTICLE V OF THE CONSTITUTION OF THIS STATE.

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

S. 752 -- Judiciary Committee: A CONCURRENT RESOLUTION TO APPROVE THE AMENDMENTS TO RULE 3 OF THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE, AS PROMULGATED BY THE SOUTH CAROLINA SUPREME COURT AND SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO THE PROVISIONS OF SECTION 4A, ARTICLE V OF THE CONSTITUTION OF THIS STATE.

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

S. 753 -- Judiciary Committee: A CONCURRENT RESOLUTION TO APPROVE THE AMENDMENTS TO RULE 4 AND RULE 10 OF THE OFFICE OF MOTOR VEHICLE HEARINGS OF THE ADMINISTRATIVE LAW COURT, AS PROMULGATED BY THE CHIEF JUDGE OF THE ADMINISTRATIVE LAW COURT AND SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO THE PROVISIONS OF SECTION 1‑23‑660 OF THE 1976 CODE AND SECTION 4A, ARTICLE V OF THE CONSTITUTION OF THIS STATE.

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

**CARRIED OVER**

S. 473 -- Senators Lourie, Setzler and Ford: 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.

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

S. 312 -- Senators Davis, McConnell, Peeler, Bright, Massey, Shoopman, S. Martin, Ryberg, Verdin and Rose: A BILL TO AMEND SECTION 2‑65‑15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE SOUTH CAROLINA FEDERAL AND OTHER FUNDS OVERSIGHT ACT, SO AS TO REVISE THE DEFINITION OF “MATCHING FUNDS” TO INCLUDE BOTH GENERAL FUND MONIES AND OTHER FUND MONIES TO BE USED TO MEET FEDERAL MATCH REQUIREMENTS; TO AMEND SECTION 2‑65‑20, RELATING TO THE APPROPRIATION OF ANTICIPATED FEDERAL FUNDS AND OTHER FUNDS BY THE GENERAL ASSEMBLY IN APPROPRIATIONS ACTS, SO AS TO REQUIRE STATE AGENCIES RECEIVING FEDERAL FUNDS TO PROVIDE IN BUDGET SUBMISSIONS FOR THE PROPOSED BUDGET DETAILS OF CONDITIONS IMPOSED ON THE STATE APPLICABLE TO FEDERAL FUNDS INCLUDED IN THE AGENCY’S BUDGET SUBMISSION, REQUIRE THE RECOMMENDED BUDGET SPECIFICALLY TO ACCEPT IN DETAIL THOSE CONDITIONS WHEN FEDERAL FUNDS ARE INCLUDED IN THE PROPOSED BUDGET, AND TO CONFORM THE SECTION TO REFLECT THE PROVISION OF LAW ASSIGNING TO THE GOVERNOR THE DUTY OF PRODUCING A PROPOSED BUDGET TO THE GENERAL ASSEMBLY; AND TO AMEND SECTION 2‑65‑30, RELATING TO EXPENDITURE BY A STATE AGENCY OF UNANTICIPATED FEDERAL FUNDS AND PRIVATE GRANT FUNDS NOT APPROPRIATED IN APPROPRIATIONS ACTS, SO AS TO REQUIRE THE AGENCY’S SUBMISSION OF AN EXPENDITURE PROPOSAL FOR THE ANTICIPATED FUNDS TO THE STATE BUDGET AND CONTROL BOARD TO INCLUDE THE CONDITIONS IMPOSED ON THE STATE’S RECEIPT AND EXPENDITURE OF THE FEDERAL FUNDS AND, IN AUTHORIZING THE RECEIPT AND EXPENDITURE, THE BOARD’S ACCEPTANCE OF THE CONDITIONS.

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

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

**MOTION ADOPTED**

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

**Motion to Ratify Adopted**

At 1:08 P.M., Senator McCONNELL asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at 2:15 P.M. on Wednesday, April 6, 2011.

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

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

**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.

Senator LARRY MARTIN was recognized to explain the committee amendment.

On motion of Senator McCONNELL debate was interrupted by adjournment.

**MOTION ADOPTED**

On motion of Senators HUTTO and LAND, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Elaine Gressette Parker of Columbia, S.C. She was the beloved mother of two sons, Richard and Pat, and was a devoted grandmother of seven and great-grandmother of three. She was proud to have been a Gressette, having descended as the eldest grandchild of John Thomas and Rosa Wannamaker and daughter of the late Tatum Wannamaker and Elaine Carson Gressette. She was an avid USC Gamecock supporter and loved her family and church.

**ADJOURNMENT**

At 2:09 P.M., on motion of Senator McCONNELL, the Senate adjourned to meet tomorrow at 2:00 P.M.

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