**Thursday, April 7, 2011**

**(Statewide Session)**

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## 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:

In Deuteronomy we read:

“... for the Lord your God will bless you in all your produce and in all your undertakings, and you shall surely celebrate.”

(Deuteronomy 16:15b)

Join me as we pray:

Gracious God Almighty, we pray today for those many in our State who provide foods for our tables and for our well-being and pleasure. For our farmers, our commercial fishermen, the owners of our orchards—and for all who support their industries—we give You thanks and praise. Continue to lead each of these Senators and their able staff members as they find creative and meaningful ways to support these industries and their workers. And may we all continue to celebrate the rich blessings we enjoy here in South Carolina. As always, in Your loving name we pray, O Lord.

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:

**Local Appointment**

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

Dwight G. Smith, 128 Coastline Drive, Inman, SC 29349

**Doctor of the Day**

Senator CAMPSEN introduced Dr. Daniel Lewis of Mount Pleasant, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

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

S. 258 Sens. Setzler and Knotts

S. 594 Sen. Verdin

S. 610 Sen. Setzler

S. 710 Sen. Alexander

**Expression of Personal Interest**

Senator CLEARY rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**Remarks by Senator LOURIE**

Members of the Senate.

Senator KNOTTS, I just want to say to you, “thank you.” For those of you that have never attended his Fallen Soldiers Ceremony -- this is something our friend the Senator from Lexington started on his own initiative several years ago. The PRESIDENT *Pro Tempore* Senator McCONNELL and the Chairman of Senate Finance both participate.

If you have ever had a chance to see what Senator KNOTTS does at this ceremony and to feel the emotion he feels and expresses, it is a heart-warming experience. Senator from Lexington, we owe you a debt of gratitude. I sat near the front yesterday and I could feel the emotions you were feeling. It is really the only way we recognize the families who have lost a loved one in the war. It means so much to them to come down to the Summit Club where Senator KNOTTS and his staff do an excellent job. They manage this from beginning to end. It is a very special few hours and I hope you will join me expressing a real debt of gratitude to Senator KNOTTS. There is not a man who cares more about the men and women in the Armed Services. Please join me in expressing our gratitude.

On motion of Senator SHANE MARTIN, with unanimous consent, the remarks of Senator LOURIE were ordered printed in the Journal.

**Expression of Personal Interest**

Senator McCONNELL rose for an Expression of Personal Interest.

**Remarks by Senator McCONNELL**

Mr. PRESIDENT and members of the Senate.

The Senator from Richland got up here and very eloquently stated that I intended to get up and comment on the ceremony for the Fallen Soldiers but, as I told my staff earlier, I was waiting on Senator KNOTTS.

I want to go a step further and tell you that you need to be sitting where Senator LEATHERMAN and I are as they are reading those Resolutions. You can see the sorrow in the faces and the tears from the sorrow. Yet, when the moment comes and there is a token of remembrance of them, you also can see the tears of joy that somebody took the time to say, “Thank you” and to remember their sacrifice. These are people who made the ultimate sacrifice. That is no easy thing to have done. This is not the first ceremony that Senator KNOTTS has put on. He not only did this for the Senate, but he did it for South Carolina and it is something that we all should be very proud of. He took the time -- and it was very unselfish of him. He rounded up the resources, he made the effort and he followed it through. At the moment that he read the Resolution, I watched the faces of the respective family, as well as the family whose soldier lost the pet companion that died. You just have to be there at that moment to experience the tears, the tissues, the looks on those faces. They communicate a thousand words in seconds to you about the suffering that family has gone through over that loss.

It was a trying moment when they came to the Pledge of Allegiance and those young children stood up there and led that Pledge after their respective fathers or mothers. We were there because their father or mother had died in service to this country. I was telling somebody as we watched it, that the Pledge of Allegiance, at that moment, with those young people leading the Senators that it was just a message that hope is alive, and that’s where they were moving from.

And, so Senator KNOTTS, I want to tell you on behalf of the people of this State -- not just those of us here in this Senate but every single South Carolinian -- you made this State proud. You did what should have been done -- extended a compassionate hand to those families. It’s just something that nothing can buy, and you just reached out to them. These are people who made the ultimate sacrifice for freedom and for this country, and you just made us as South Carolinians proud. What you did embodies what is so great about this State and its people and the Senator from Richland is correct. It is emotion in there communicated silently through tears and through the thanks afterwards from the families. You just have to be there. Senator from Richland, you saw it in their faces in that balcony yesterday, and I didn’t want to say anything to Senator KNOTTS yesterday with the families here; but again, Senator, it is a tremendous thing that you did at the ceremony -- with the flags, the documents and the programs. The families really appreciated it. And in their sorrow, you gave them comfort and pride, and this State just owes you. It’s just a tremendous thing that you would take the time to do that; and I want to say, “Thank you. I’m, proud to know you.”

Thank you.

On motion of Senator SHANE MARTIN, with unanimous consent, the remarks of Senator McCONNELL were ordered printed in the Journal.

**Expression of Personal Interest**

Senator LEATHERMAN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator FORD rose for an Expression of Personal Interest.

**Objection**

Senator McCONNELL asked unanimous consent to make a motion that the remarks by Senator FORD be printed in the Journal.

Senator JACKSON objected.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 783 -- Senators Rose and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-270 SO AS TO CREATE THE EXEMPTIONS REPEAL COMMITTEE, A JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, TO REQUIRE THE OFFICE OF ECONOMIC RESEARCH TO DIVIDE THE SALES TAX EXEMPTIONS INTO FIVE GROUPS AND RANDOMLY SELECT AN ORDER FOR THE REPEAL OF ONE GROUP A YEAR UNTIL ALL GROUPS ARE REPEALED, TO PROVIDE THAT THE EXEMPTIONS REVIEW COMMITTEE SHALL HOLD HEARINGS ON THE EXEMPTIONS AND MAY AMEND THE CONTENTS OF SALES TAX EXEMPTION GROUPS AND THE ORDER FOR REPEAL, TO PROVIDE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY MAY ENACT THE RECOMMENDATIONS; BY ADDING SECTION 12-36-915 SO AS TO REDUCE THE STATE SALES TAX RATE FROM SIX PERCENT TO ONE AND ONE-HALF PERCENT BY REDUCING THE RATE NINE-TENTHS OF A PERCENT EACH YEAR FOR FIVE YEARS, TO PROVIDE THAT THE SOUTH CAROLINA EDUCATION IMPROVEMENT ACT OF 1984 FUND AND THE HOMESTEAD EXEMPTION FUND SHALL NOT RECEIVE LESS FUNDS THAN IT RECEIVED IN FISCAL YEAR 2011-2012; BY ADDING SECTION 12-36-925 SO AS TO REDUCE THE STATE ACCOMMODATIONS TAX FROM SEVEN PERCENT TO TWO AND ONE-HALF PERCENT BY REDUCING THE RATE NINE‑TENTHS OF A PERCENT EACH YEAR FOR FIVE YEARS, TO PROVIDE THAT THE FUNDS CREDITED TO POLITICAL SUBDIVISIONS FOR TOURISM RELATED PURPOSES SHALL NOT BE LESS THAN THE AMOUNT CREDITED IN FISCAL YEAR 2010-2011; BY ADDING SECTION 4-10-15 SO AS TO PROVIDE THAT A LOCAL SALES AND USE TAX SHALL BE REDUCED CONCOMITANTLY IN THE SAME PERCENTAGE AMOUNTS AS THE STATE SALES TAX RATE; AND BY ADDING SECTION 12-36-2121 SO AS TO PROVIDE THAT THE SALES TAX EXEMPTIONS ONLY APPLY TO EIGHTY PERCENT OF THE GROSS PROCEEDS OF SALES, AND TO REDUCE THE PERCENTAGE BY TWENTY PERCENT ANNUALLY UNTIL THE SALES TAX EXEMPTIONS ARE REPEALED ON JULY 1, 2017; AND TO PROVIDE THAT THIS ACT, EXCEPT FOR SECTION 2‑1-270 TAKES EFFECT IF THE GENERAL ASSEMBLY DOES NOT ENACT A JOINT RESOLUTION PURSUANT TO SECTION 2-1-270(E).

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

S. 784 -- Senators Rose and Davis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2-1-270 SO AS TO CREATE THE EXEMPTIONS REPEAL COMMITTEE, A JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, TO REQUIRE THE OFFICE OF ECONOMIC RESEARCH TO DIVIDE THE SALES TAX EXEMPTIONS INTO FIVE GROUPS AND RANDOMLY SELECT AN ORDER FOR THE REPEAL OF ONE GROUP A YEAR UNTIL ALL GROUPS ARE REPEALED, TO PROVIDE THAT THE EXEMPTIONS REVIEW COMMITTEE SHALL HOLD HEARINGS ON THE EXEMPTIONS AND MAY AMEND THE CONTENTS OF SALES TAX EXEMPTION GROUPS AND THE ORDER FOR REPEAL, TO PROVIDE THE PROCEDURE BY WHICH THE GENERAL ASSEMBLY MAY ENACT THE RECOMMENDATIONS; BY ADDING SECTION 12-36-915 SO AS TO REDUCE THE STATE SALES TAX RATE FROM SIX PERCENT TO ONE AND ONE-HALF PERCENT BY REDUCING THE RATE NINE-TENTHS OF A PERCENT EACH YEAR FOR FIVE YEARS, TO PROVIDE THAT THE SOUTH CAROLINA EDUCATION IMPROVEMENT ACT OF 1984 FUND AND THE HOMESTEAD EXEMPTION FUND SHALL NOT RECEIVE LESS FUNDS THAN IT RECEIVED IN FISCAL YEAR 2011-2012; BY ADDING SECTION 12-36-925 SO AS TO REDUCE THE STATE ACCOMMODATIONS TAX FROM SEVEN PERCENT TO TWO AND ONE-HALF PERCENT BY REDUCING THE RATE NINE-TENTHS OF A PERCENT EACH YEAR FOR FIVE YEARS, TO PROVIDE THAT THE FUNDS CREDITED TO POLITICAL SUBDIVISIONS FOR TOURISM RELATED PURPOSES SHALL NOT BE LESS THAN THE AMOUNT CREDITED IN FISCAL YEAR 2010-2011; BY ADDING SECTION 4-10-15 SO AS TO PROVIDE THAT A LOCAL SALES AND USE TAX SHALL BE REDUCED CONCOMITANTLY IN THE SAME PERCENTAGE AMOUNTS AS THE STATE SALES TAX RATE; AND BY ADDING SECTION 12-36-2121 SO AS TO PROVIDE THAT THE SALES TAX EXEMPTIONS ONLY APPLY TO EIGHTY PERCENT OF THE GROSS PROCEEDS OF SALES, AND TO REDUCE THE PERCENTAGE BY TWENTY PERCENT ANNUALLY UNTIL THE SALES TAX EXEMPTIONS ARE REPEALED ON JULY 1, 2017; AND TO PROVIDE THAT THE PROVISIONS OF THIS ACT, EXCEPT FOR SECTION 2-1-270, TAKE EFFECT UPON THE ENACTMENT OF A JOINT RESOLUTION PURSUANT TO SECTION 2-1-270(E).

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

S. 785 -- Senator Land: A BILL TO AUTHORIZE THE BOARD OF TRUSTEES OF FLORENCE COUNTY SCHOOL DISTRICT FOUR TO ISSUE GENERAL OBLIGATION BONDS OF THE SCHOOL DISTRICT WITHIN ITS CONSTITUTIONAL DEBT LIMIT, IN ONE OR MORE SERIES, IN A TOTAL AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS, TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE SCHOOL DISTRICT, TO PRESCRIBE THE CONDITIONS UNDER WHICH THE BONDS MAY BE ISSUED AND THE PURPOSES FOR WHICH THE PROCEEDS MAY BE EXPENDED, AND TO MAKE PROVISION FOR THE PAYMENT OF THE BONDS.

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

S. 786 -- Senator Rose: A JOINT RESOLUTION TO REESTABLISH THE SOUTH CAROLINA TAXATION REALIGNMENT COMMISSION, TO PROVIDE FOR THE COMMISSION’S MEMBERSHIP, POWERS, DUTIES, AND RESPONSIBILITIES, TO PROVIDE THAT THE COMMISSION SHALL CONDUCT A COMPREHENSIVE STUDY OF THE STATE'S TAX SYSTEM THAT INCLUDES THE PROVISIONS OF ACT 388 OF 2006 AND ANY ASSOCIATION ISSUE, AND SUBMIT A REPORT OF ITS RECOMMENDED CHANGES TO FURTHER THE GOAL OF MAINTAINING AND ENHANCING THE STATE AS AN OPTIMUM COMPETITOR IN THE EFFORT TO ATTRACT BUSINESSES AND INDIVIDUALS TO LOCATE, LIVE, WORK, AND INVEST IN THE STATE, TO PROVIDE A SCHEDULE OF REPORTING AND REQUIRE THE COMMISSION TO CONCLUDE ITS BUSINESS BY JANUARY 1, 2013, UNLESS EXTENDED BY LAW, TO PROVIDE FOR PROCEDURES GOVERNING THE CONSIDERATION OF LEGISLATION RESULTING FROM THE COMMISSION’S RECOMMENDATIONS, AND TO LIMIT RECEIPT BY THE COMMISSION OF INFORMATION FROM LOBBYISTS TO FORMAL PRESENTATIONS TO THE COMMISSION IN A SCHEDULED MEETING AND PROVIDE A PENALTY FOR VIOLATIONS.

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

S. 787 -- Senators Verdin and Cromer: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO PROTECTION OF SMALL GAME, BY ADDING SECTION 50-11-190 TO PROVIDE FOR THE FEEDING OF NATIVE QUAIL POPULATIONS BY PROPERTY OWNERS, LESSEES, OR THEIR DESIGNEES.

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

S. 788 -- Senator Verdin: A BILL TO AMEND CHAPTER 21, TITLE 47 OF THE 1976 CODE, RELATING TO THE FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT, BY AMENDING SECTION 47-21-70 TO PROVIDE ADDITIONAL LIABILITY EXEMPTIONS TO VETERINARIANS AND PEOPLE WHO HOLD A SUPERIOR INTEREST IN THE PROPERTY; BY ADDING SECTION 47-21-90 TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR A PERSON THAT SUFFERS DAMAGES AS A RESULT OF VIOLATIONS OF CHAPTER 21 RELATING TO ANIMAL FACILITY OPERATIONS; AND BY ADDING ARTICLE 5 TO PROVIDE THAT IT IS UNLAWFUL TO TAMPER WITH CROP OPERATIONS, TO INTERFERE WITH THE OPERATIONS OF A CROP OPERATION, TO FRAUDULENTLY GAIN ACCESS TO A CROP OPERATION, AND TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR VIOLATIONS OF THIS ACT RELATED TO CROP OPERATIONS, TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT, TO DEFINE NECESSARY TERMS, AND TO MAKE TECHNICAL CORRECTIONS.

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 789 -- Senator Land: A BILL TO AMEND SECTION 15-39-720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UPSET BIDS WITHIN THIRTY DAYS AFTER A FORECLOSURE SALE OR AN EXECUTION SALE, SO AS TO PROVIDE WHEN A JUDICIAL SALE OCCURS AT THE REGULAR SALE DATE AND TIME FOR A COUNTY, THE REGULARLY SCHEDULED SALE DATE FOR THE FOLLOWING MONTH MUST BE CONSIDERED TO BE THE THIRTIETH DAY FOR THE PURPOSES OF SUBMITTING A TIMELY UPSET BID REGARDLESS OF THE ACTUAL NUMBER OF CALENDAR DAYS SEPARATING THE TWO SALE DATES.

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

S. 790 -- Senator Williams: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE MANY ACCOMPLISHMENTS OF WILLIE L. SMITH, FORMER CITY OF MARION POLICE CHIEF, AND TO EXTEND BEST WISHES TO HIM AND HIS FAMILY.

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The Senate Resolution was adopted.

S. 791 -- Senator Sheheen: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR W. PATRICK “PAT” EARLE FOR HIS CONTRIBUTIONS TO EDUCATION IN THE STATE OF SOUTH CAROLINA, AND TO CONGRATULATE HIM FOR HIS INDUCTION INTO THE NATIONAL TEACHERS HALL OF FAME.

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

S. 792 -- Senator Jackson: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF ZACK JEFFERSON WESTON OF COLUMBIA, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

H. 3013 -- Reps. Cooper, Ballentine, Allison, G. R. Smith, Hamilton and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-18-1125 SO AS TO PROVIDE THAT A LOCAL SCHOOL DISTRICT IS EXEMPT FROM STATE STATUTES AND REGULATIONS PROMULGATED BY THE STATE BOARD UPON MEETING CERTAIN CONDITIONS, TO REQUIRE THE DISTRICT TO APPLY TO THE STATE BOARD FOR EXEMPTION FROM SPECIFIC STATUTES AND REGULATIONS, TO SPECIFY WHAT THE APPLICATION MUST INCLUDE, TO SPECIFY HOW THE APPLICATION MUST BE MADE, TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT RULES AND PROMULGATE REGULATIONS REGARDING APPLICATION PROCEDURES, TO PROVIDE THAT A LOCAL SCHOOL DISTRICT THAT RECEIVES AN EXEMPTION MUST BE EVALUATED BY THE STATE BOARD AFTER THREE YEARS TO ENSURE THAT IT CONTINUES TO MEET THE NEEDS OF THE STUDENTS OF THE DISTRICT, AND TO PROVIDE FOR SUSPENSION OF THE EXEMPTION UPON CERTAIN CONDITIONS; AND TO REPEAL SECTIONS 59-18-1110 AND 59-18-1120, BOTH RELATING TO EXEMPTION FROM REGULATION.

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

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” SPECIAL LICENSE PLATES, “I SUPPORT LIBRARIES” SPECIAL LICENSE PLATES, “SOUTH CAROLINA EDUCATOR” SPECIAL LICENSE PLATES, “COON HUNTERS” SPECIAL 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.

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

H. 3259 -- Reps. Herbkersman and Forrester: A BILL TO AMEND SECTION 56-3-115, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF GOLF CARTS ALONG THE STATE'S HIGHWAYS, SO AS TO PROVIDE THAT WHEN A GOLF CART OWNER’S RESIDENCE IS LOCATED WITHIN A GATED COMMUNITY THE TWO-MILE LIMIT WITHIN WHICH A GOLF CART OWNER MAY OPERATE HIS GOLF CART MUST BE MEASURED FROM THE COMMUNITY’S PRIMARY ENTRANCE AND NOT FROM THE OWNER’S RESIDENCE, TO PROVIDE FOR THE OPERATION OF A GOLF CART ALONG A SECONDARY HIGHWAY OR STREET ON CERTAIN SEA ISLANDS, TO PROVIDE A DEFINITION FOR THE TERM “GATED COMMUNITY”, AND TO PROVIDE THAT A GOLF CART MAY CROSS CERTAIN SECONDARY HIGHWAYS.

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

H. 3431 -- Rep. G. M. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “JOHN’S LAW” BY ADDING SECTION 57-1-80 SO AS TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PUBLISH ITS LIST OF RAILROAD CROSSINGS AT WHICH IT PLANS TO INSTALL CROSSING ARMS, PLACE TRAFFIC STOP SIGNS AT DANGEROUS CROSSING LOCATIONS UNTIL CROSSING ARMS ARE INSTALLED, AND INCREASE THE NUMBER OF INSTALLATIONS OF CROSSING ARMS AT DANGEROUS RAILROAD CROSSINGS THROUGHOUT THE STATE.

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

H. 4039 -- Reps. Lucas, 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, 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, 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 HONOR W. PATRICK “PAT” EARLE FOR HIS CONTRIBUTIONS TO EDUCATION IN THE STATE OF SOUTH CAROLINA, AND TO CONGRATULATE HIM FOR HIS INDUCTION INTO THE NATIONAL TEACHERS HALL OF FAME.

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

**REPORTS OF STANDING COMMITTEES**

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

S. 505 -- Senator L. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED ON MIRACLE HILL ROAD THAT CROSSES OVER OOLENOY RIVER IN PICKENS COUNTY “FRANK ‘SLIM’ KOTCHER BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS “FRANK ‘SLIM’ KOTCHER BRIDGE”.

Ordered for consideration tomorrow.

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

S. 506 -- Senators Bryant and O’Dell: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 27 ALONG INTERSTATE HIGHWAY 85 IN ANDERSON COUNTY “LANCE CORPORAL JONATHAN SHEA NASH INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “LANCE CORPORAL JONATHAN SHEA NASH INTERCHANGE”.

Ordered for consideration tomorrow.

Senator ALEXANDER from the General Committee polled out S. 592 favorable:

S. 592 -- Senators Hayes, Leventis, Cromer, Rose and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25‑1‑3067 SO AS TO CREATE THE OFFENSE OF FRATERNIZATION; TO AMEND SECTION 25‑1‑10, RELATING TO THE STATE MILITARY CODE’S DEFINITIONS, SO AS TO DEFINE THE TERM “ORGANIZED MILITIA”; TO AMEND SECTION 25‑1‑40, RELATING TO THE APPLICABILITY OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO DELETE AN UNNECESSARY REFERENCE TO CAPITAL SENTENCES; TO AMEND SECTION 25‑1‑60, RELATING TO THE COMPOSITION AND CLASSES OF THE STATE MILITIA, SO AS TO CLARIFY THAT ACTIVE MEMBERS OF THE NATIONAL GUARD ARE NOT PART OF THE ORGANIZED MILITIA; TO AMEND SECTION 25‑1‑70, RELATING TO THE COMPOSITION OF THE NATIONAL GUARD, SO AS TO CLARIFY THE ADJUTANT GENERAL’S AUTHORITY TO ORGANIZE UNITS FOR STATE RECOGNIZED AND ORGANIZED POSITIONS; TO AMEND SECTION 25‑1‑120, RELATING TO MILITARY CORPORATIONS, SO AS TO CLARIFY THAT MILITARY CORPORATIONS ARE EXEMPT FROM FILING RETURNS WITH THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO THE SAME EXTENT THEY ARE EXEMPT FROM FILING RETURNS WITH THE INTERNAL REVENUE SERVICE; TO AMEND SECTION 25‑1‑340, RELATING TO VACANCIES IN THE OFFICE OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT AN INTERIM APPOINTEE SHALL HOLD THE RANK OF COLONEL OR HIGHER; TO AMEND SECTION 25‑1‑635, RELATING TO LEGAL ASSISTANCE SERVICES, SO AS TO CLARIFY THE PERSONAL LIABILITY EXEMPTION; TO AMEND SECTION 25‑1‑830, RELATING TO OFFICER SELECTION BOARDS, SO AS TO INCLUDE REFERENCES TO FEDERAL PERSONNEL ACTS; TO AMEND SECTION 25‑1‑1370, RELATING TO MAINTENANCE ALLOWANCES, SO AS TO PROVIDE THAT THESE FUNDS MUST BE DEPOSITED IN STATE ACCOUNTS FOR MILITARY DEPARTMENT OPERATIONS AND MAINTENANCE; TO AMEND SECTION 25‑1‑2420, RELATING TO CODE OF MILITARY JUSTICE DEFINITIONS, SO AS TO PROVIDE THAT THE TERM “STATE JUDGE ADVOCATE” MEANS A FEDERALLY RECOGNIZED NATIONAL GUARD JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2450, RELATING TO THE APPOINTMENT OF THE STATE JUDGE ADVOCATE, SO AS TO PROVIDE THAT THE STATE JUDGE ADVOCATE MUST BE FEDERALLY RECOGNIZED AS A JUDGE ADVOCATE; TO AMEND SECTION 25‑1‑2455, RELATING TO THE APPOINTMENT OF THE STATE MILITARY JUDGE, SO AS TO REQUIRE MEMBERSHIP AND GOOD STANDING IN THE SOUTH CAROLINA BAR; TO AMEND SECTION 25‑1‑2520, RELATING TO NONJUDICIAL DISCIPLINARY PUNISHMENT, SO AS TO ALLOW THE DELEGATION OF NONJUDICIAL PUNISHMENT AUTHORITY IN CERTAIN SITUATIONS; TO AMEND SECTION 25‑1‑2550, RELATING TO GENERAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2560, RELATING TO SPECIAL COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2570, RELATING TO SUMMARY COURTS‑MARTIAL JURISDICTION, SO AS TO INCREASE THE COURT’S PUNISHMENT AUTHORITY; TO AMEND SECTION 25‑1‑2580, RELATING TO THE APPOINTMENT OF GENERAL COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED TO THE ADJUTANT GENERAL UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2600, RELATING TO THE APPOINTMENT OF SUMMARY COURTS‑MARTIAL, SO AS TO PROVIDE THAT APPOINTMENT AUTHORITY MAY BE DELEGATED UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 25‑1‑2630, RELATING TO THE DETAIL OF TRIAL AND DEFENSE COUNSEL, SO AS TO CLARIFY THE STATE JUDGE ADVOCATE’S APPOINTMENT AUTHORITY; TO AMEND SECTION 25‑1‑2640, RELATING TO THE RECORDING OF PROCEEDINGS, SO AS TO PROVIDE THAT A QUALIFIED COURT REPORTER MAY BE HIRED TO RECORD COURT‑MARTIAL PROCEEDINGS; TO AMEND SECTION 25‑1‑2910, RELATING TO FRAUDULENT ENLISTMENTS, APPOINTMENTS, OR SEPARATIONS, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT WILFUL MISCONDUCT TO INTENTIONALLY CAUSE THEIR SEPARATION; TO AMEND SECTION 25‑1‑3025, RELATING TO THE OFFENSE OF MALINGERING, SO AS TO PROVIDE JURISDICTION OVER SERVICEMEMBERS WHO COMMIT, PERFORM, OR UNDERTAKE SERVICE DISQUALIFYING ACTIVITIES; TO AMEND SECTION 25‑1‑3065, RELATING TO THE OFFENSE OF CONDUCT UNBECOMING AN OFFICER, SO AS TO DELETE THE ELEMENT THAT THE ACCUSED BE A COMMISSIONED OFFICER; AND TO AMEND SECTION 25‑1‑3160, RELATING TO CONSTRUCTION OF THE UNIFORM CODE OF MILITARY JUSTICE, SO AS TO ALLOW THE ADJUTANT GENERAL TO ESTABLISH PROCEDURES TO CONFORM STATE MILITARY JUDICIAL PROCEEDINGS WITH STATE CIRCUIT COURT PROCEEDINGS.

**Poll of the General Committee**

**Polled 16; Ayes 16; Nays 0; Not Voting 1**

**AYES**

Alexander O’Dell *Martin, Larry*

Knotts Ford Sheheen

Reese Lourie Bryant

Cleary Coleman Cromer

Hayes Jackson Scott

Shoopman

**Total--16**

**NAYS**

**Total--0**

**NOT VOTING**

Bright

**Total--1**

Ordered for consideration tomorrow.

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

S. 594 -- Senators Grooms and Verdin: A BILL TO AMEND SECTION 56-5-1535 OF THE 1976 CODE, RELATING TO DRIVING IN A TEMPORARY WORKZONE, TO EXPAND THE SIZE OF TEMPORARY WORKZONES.

Ordered for consideration tomorrow.

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

S. 610 -- Senators Knotts and Setzler: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT BOTH THE EASTERN AND WESTERN APPROACHES TO WHITE KNOLLS HIGH SCHOOL ON PLATT SPRINGS ROAD IN LEXINGTON COUNTY THAT CONTAIN THE WORDS “WHITE KNOLL HIGH SCHOOL TIMBERWOLVES AAAA BASEBALL STATE CHAMPIONS” AND “WHITE KNOLL HIGH SCHOOL TIMBERWOLVES AAAA STATE MARCHING BAND CHAMPIONS.”

Ordered for consideration tomorrow.

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

S. 735 -- Senator Reese: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 221 IN THE CITY OF CHESNEE FROM ITS INTERSECTION WITH MANNING STREET TO ITS INTERSECTION WITH GREENWOOD STREET “MAYOR CLIFF EDWARDS HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “MAYOR CLIFF EDWARDS HIGHWAY”.

Ordered for consideration tomorrow.

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

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”.

Ordered for consideration tomorrow.

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

H. 3253 -- Rep. Cobb‑Hunter: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 301 IN ORANGEBURG COUNTY FROM ITS INTERSECTION WITH INTERSTATE HIGHWAY 26 TO ITS INTERSECTION WITH HOMESTEAD ROAD “DR. THOMAS L. MOSS MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THE WORDS “DR. THOMAS L. MOSS MEMORIAL HIGHWAY”.

Ordered for consideration tomorrow.

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

H. 3382 -- Reps. R.L. Brown, Bowers and Hodges: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF INTERSTATE HIGHWAY 95 FROM ITS INTERSECTION WITH THE COLLETON/HAMPTON COUNTY LINE TO ITS INTERSECTION WITH THE COLLETON/DORCHESTER COUNTY LINE “TUSKEGEE AIRMEN MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “TUSKEGEE AIRMEN MEMORIAL HIGHWAY”.

Ordered for consideration tomorrow.

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

H. 3764 -- Rep. Bales: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF UNIVERSAL DRIVE AND SUMTER HIGHWAY AND AT THE INTERSECTION OF UNIVERSAL DRIVE AND BURDELL DRIVE, BOTH IN RICHLAND COUNTY, THAT CONTAIN THE WORDS “IN MEMORY OF MARY L. SHIVERS”.

Ordered for consideration tomorrow.

**Appointment Reported**

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

**Statewide Appointment**

Initial Appointment, South Carolina Aeronautics Commission, with term coterminous with Governor

At-Large:

Delphin Gantt, 136 Inverness Drive, Lexington, SC 29072 *VICE* Gregg Malphus

Received as information.

**HOUSE CONCURRENCE**

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.

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. 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.

**S. 473--Recorded Votes**

Senators SHANE MARTIN, BRIGHT, SHOOPMAN, MALLOY, DAVIS, BRYANT and McCONNELL desired to be recorded as voting against the third reading of the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

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 (JUD0078.001), which was adopted:

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

/ SECTION 1. Section 44-53-160 of the 1976 Code is 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.

(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~~ Department shall ~~by rule~~, at ~~its~~ the first regular or special meeting of the South Carolina Board of Health and Environmental Control at least 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 such 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.”

SECTION 2. Section 44‑53‑190(d) of the 1976 Code is amended to read:

“(d) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of ~~such~~ the salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. 3,4‑methylenedioxy amphetamine;

2. 5‑methoxy‑3,4‑methylenedioxy amphetamine;

3. 3,4‑methylenedioxymethamphetamine (MDMA);

4. 3,4,5‑trimethoxy amphetamine;

5. Bufotenine;

6. Diethyltryptamine (DET);

7. Dimethyltryptamine (DMT);

8. 4‑methyl‑2,5‑dimethoxyamphetamine (STP);

9. Ibogaine;

10. Lysergic acid diethylamide (LSD);

11. Marijuana;

12. Mescaline;

13. Peyote;

14. N‑ethyl‑3‑piperidyl benzilate;

15. N‑methyl‑3‑piperidyl benzilate;

16. Psilocybin;

17. Psilocyn;

18. Tetrahydrocannabinols (THC);

19. 2,5‑dimethoxyamphetamine;

20. 4‑bromo‑2,5‑dimethoxyamphetamine;

21. 4‑methoxyamphetamine;

22. Thiophene analog of phencyclidine;

23. Parahexyl; and

24. Synthetic cannabinoids, including, but not limited to, JWH‑018, JWH‑073, JWH-200, CP-47,497 and homologues, and HU-210.”

SECTION 3. 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 4. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Ford Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O’Dell

Peeler Rankin Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Williams

**Total--40**

**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**

**READ THE SECOND TIME**

S. 258 -- Senators Sheheen, Campsen, Davis, Rose, Ryberg, McConnell, Massey, Rankin, Setzler and Knotts: 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.

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 (JUD0258.011), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting language and inserting therein the following:

/ SECTION 1. Section 1‑3‑240 of the 1976 Code is amended to read:

“Section 1‑3‑240. (A) Any officer of the county or State, except:

(1) an officer whose removal is provided for in Section 3 of Article XV of the State Constitution; ~~or~~

(2) an officer guilty of the offense named in Section 8 of Article VI of the State Constitution; or

(3) pursuant to subsection (B) of this section, an officer of the State appointed by ~~a~~ the Governor, either with or without the advice and consent of the Senate; who is guilty of malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity shall be subject to removal by the Governor upon any of the foregoing causes being made to appear to the satisfaction of the Governor. But before removing any such officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity on reasonable notice to be heard.

(B) Any person appointed to a state office by ~~a~~ the Governor, either with or without the advice and consent of the Senate, other than those officers enumerated in subsection (C), may be removed from office by the Governor at his discretion by an Executive Order removing the officer.

(C)(1) Persons appointed to the following offices of the State may be removed by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity:

(a) Workers’ Compensation Commission;

(b) Department of Transportation Commission;

(c) Ethics Commission;

(d) Election Commission;

(e) Professional and Occupational Licensing Boards;

(f) Juvenile Parole Board;

(g) Probation, Parole and Pardon Board;

(h) Director of the Department of Public Safety;

(i) Board of the Department of Health and Environmental Control, excepting the chairman;

(j) Chief of State Law Enforcement Division;

(k) South Carolina Lottery Commission;

(l) Executive Director of the Office of Regulatory Staff; ~~and~~

(m) Directors of the South Carolina Public Service Authority appointed pursuant to Section 58‑31‑20. A director of the South Carolina Public Service Authority also may be removed for his breach of any duty arising under Section 58‑31‑55 or 58‑31‑56. The Governor must not request a director of the South Carolina Public Service Authority to resign unless cause for removal, as established by this subsection, exists. Removal of a director of the South Carolina Public Service Authority, except as is provided by this section or by Section 58‑31‑20(A), must be considered to be an irreparable injury for which no adequate remedy at law exists~~.~~:

(n) State Ports Authority; and

(o) State Inspector General.

(2) Upon the expiration of an officeholder’s term, the individual may continue to serve until a successor is appointed and qualifies.”

SECTION 2. Title 1 of the 1976 Code is amended by adding:

“Chapter 6

Office of the State Inspector General

Section 1‑6‑10. As used in this title:

(1) ‘Agency’ means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive department of state government, including administrative bodies and state technical schools and state colleges and universities. ‘Agency’ includes a body corporate and politic established as an instrumentality of the State. ‘Agency’ does not include:

(a) the judicial department of state government;

(b) the legislative department of state government; or

(c) political subdivisions.

(2) ‘Business relationship’ means dealings of a person with an agency seeking, obtaining, establishing, maintaining, or implementing:

(a) a pecuniary interest in a contract or purchase with the agency; or

(b) a license or permit requiring the exercise of judgment or discretion by the agency.

(3) ‘Employee’ means an individual who is employed by an agency on a full‑time, part‑time, temporary, intermittent, or hourly basis. ‘Employee’ includes an individual who contracts with an agency for personal services.

(4) ‘Person’ means:

(a) an individual, labor union and organization, joint apprenticeship committee, partnership, association, corporation, legal representative, mutual company, joint‑stock company, trust, unincorporated organization, trustee, trustee in bankruptcy, receiver, or other legal or commercial entity located in part or in whole in the State or doing business in the State;

(b) the State and any agency or local subdivision of an agency; or

(c) a political subdivision.

(5) ‘Political subdivision’ includes a county, city, municipality, town, village, township, district, authority, special purpose district, school district, other local government entity, or other public corporation or entity whether organized and existing under charter or general law.

(6) ‘Special state appointee’ means a person who is:

(a) not a state officer or employee; and

(b) elected or appointed to an authority, a board, a commission, a committee, a council, a task force, or other body designated by any name that:

(i) is authorized by statute or executive order; and

(ii) functions in a policy or an advisory role in the executive, including the administrative, department of state government, including a separate body corporate and politic.

(7) ‘State officer’ means any of the following:

(a) the Governor;

(b) the Lieutenant Governor;

(c) the Secretary of State;

(d) the State Comptroller General;

(e) the State Treasurer;

(f) the Attorney General;

(g) the Superintendent of Education;

(h) the Commissioner of Agriculture; or

(i) the Adjutant General.

(8) ‘Wrongdoing’ means action by an agency which results in substantial abuse, misuse, destruction, or loss of substantial public funds or public resources. ‘Wrongdoing’ also includes an allegation that a public employee has intentionally violated federal or state statutory law or regulations or other political subdivision ordinances or regulations or a code of ethics, which violation is not merely technical or of a minimum nature.

Section 1‑6‑20. (A) There is hereby established the Office of the State Inspector General that consists of the State Inspector General, who is the director of the office, and any staff of deputy inspectors general, investigators, auditors, and clerical employees employed by the State Inspector General as necessary to carry out the duties of the State Inspector General and as are authorized by law. The State Inspector General shall fix the salaries of all staff subject to the funds authorized in the annual general appropriation act.

(B) The State Inspector General is responsible for investigating and addressing allegations of fraud, waste, abuse, mismanagement, misconduct, violations of state or federal law, and wrongdoing in agencies.

(C) The Governor shall appoint the State Inspector General with the advice and consent of the Senate for a term of four years. A Governor may reappoint the State Inspector General for additional terms. The State Inspector General’s compensation must not be reduced during the State Inspector General’s uninterrupted continued tenure in office.

(D) The State Inspector General:

(1) may be removed from office only by the Governor as provided in Section 1‑3‑240(C);

(2) must be selected without regard to political affiliation and on the basis of integrity, capability for strong leadership, and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, investigation, or criminal justice administration or other closely related fields;

(3) is entitled to receive compensation set by the Governor and approved by the Budget and Control Board.

(E) Upon request of the State Inspector General for information or assistance, all agencies are directed to fully cooperate with and furnish the State Inspector General with all documents, reports, answers, records, accounts, papers, and other necessary data and documentary information to perform the mission of the State Inspector General.

(F) Except for information declared confidential under this chapter, records of the office of the State Inspector General are subject to public inspection under Section 30‑4‑15, et seq.

Section 1‑6‑30. The State Inspector General may:

(1) initiate, supervise, and coordinate investigations authorized by this chapter;

(2) recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, misconduct, violations of state or federal law, and wrongdoing in state government;

(3) receive complaints alleging a violation of a statute or rule relating to the purchase of goods or services by a current or former employee, state officer, special state appointee, or person who has a business relationship with an agency;

(4) receive complaints from any individual, including those employed by any agency, alleging fraud, waste, abuse, mismanagement, misconduct, violations of state or federal law, and wrongdoing in an agency;

(5) adopt rules and regulations for administering the office of the State Inspector General;

(6) offer every employee, state officer, special state appointee, and person who has a business relationship with an agency training in the Rules of Conduct as provided in Article 7, Chapter 13, Title 8 of the South Carolina Code of Laws;

(7) provide advice to an agency on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agency;

(8) recommend legislation to the Governor and General Assembly to strengthen public integrity laws; and

(9) annually submit a report to the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives detailing the State Inspector General’s activities.

Section 1‑6‑40. (A) If the State Inspector General has reasonable cause to believe that fraud, waste, abuse, mismanagement, misconduct, or wrongdoing has occurred or is occurring, he must report the suspected conduct to:

(1) the Governor; and

(2) the head of the agency affected by the conduct or employing the person allegedly engaged in the suspected conduct.

(B) In addition to the reporting requirements in subsection (A), if the State Inspector General has reasonable cause to believe that a crime has occurred or is occurring, he must report the conduct to the appropriate state or federal law enforcement agencies and prosecuting authorities that have jurisdiction over the matter.

(C) In addition to fully cooperating with the State Inspector General’s investigation, the head of the agency employing a person allegedly engaged in the suspected conduct is responsible for submitting a report to the State Inspector General describing any and all actions taken with the employee and within the agency to prevent the alleged conduct from occurring again.

Section 1‑6‑50. The State Inspector General has the following powers:

(A) As part of an investigation, the State Inspector General may:

(1) administer oaths;

(2) examine witnesses under oath;

(3) issue subpoenas and subpoenas duces tecum; and

(4) examine the records, reports, audits, reviews, papers, books, recommendations, contracts, correspondence, or any other documents maintained by an agency.

(B) The State Inspector General may apply to a circuit court for an order holding an individual in contempt of court if the individual refuses to give sworn testimony under a subpoena issued by the State Inspector General or otherwise disobeys a subpoena or subpoena duces tecum issued by the State Inspector General.

(C) For any investigation that results in a report, the State Inspector General must prepare a written report that remains confidential until it is issued as a final report. The State Inspector General is the authority who determines if an investigation requires a report. The State Inspector General, in his discretion, may give an agency advice or recommendations that remain confidential and are not issued as a report.

(D) If the Attorney General has elected not to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained, the State Inspector General may file a civil action for the recovery of the funds in accordance with Section 1‑6‑70 of this chapter.

Section 1‑6‑60. If the State Inspector General investigates and determines that there is specific and credible evidence that a current or former employee, a current or former state officer, a current or former special state appointee, or a person who has or had a business relationship with an agency has violated the code of ethics, the State Inspector General may file a complaint with the Ethics Commission and represent the State in any proceeding before the Ethics Commission.

Section 1‑6‑70. (A) This section applies if the State Inspector General finds evidence of misfeasance, malfeasance, nonfeasance, misappropriation, fraud, or other misconduct that has resulted in a financial loss to the State or in an unlawful benefit to an individual in the conduct of state business.

(B) If the State Inspector General finds evidence described in subsection (A), the State Inspector General shall certify a report of the matter to the Attorney General and provide the Attorney General with any relevant documents, transcripts, written statements, or other evidence. Not later than one hundred eighty days after receipt of the report from the State Inspector General, the Attorney General must do one of the following:

(1) file a civil action, including an action upon a state officer’s official bond, to secure for the State the recovery of funds misappropriated, diverted, missing, or unlawfully gained. Upon request of the Attorney General, the State Inspector General shall assist the Attorney General in the investigation, preparation, and prosecution of the civil action;

(2) inform the State Inspector General that the Attorney General does not intend to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. If the Attorney General elects not to file a civil action, the Attorney General must return to the State Inspector General all documents, transcripts, written statements, or other evidence initially provided by the State Inspector General; or

(3) inform the State Inspector General that the Attorney General is diligently reviewing the matter and after further review may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained. However, if more than three hundred sixty‑five days have passed since the State Inspector General certified the report to the Attorney General, and the Attorney General has neither filed a civil action nor informed the State Inspector General that he does not intend to file a civil action, the Attorney General loses the authority to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained and must return to the State Inspector General all documents, transcripts, written statements, or other evidence provided by the State Inspector General.

(C) The State Inspector General may file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained if the State Inspector General has found evidence described in subsection (A) and reported to the Attorney General under subsection (B) and:

(1) the Attorney General has elected under subsection (B)(2) not to file a civil action for the recovery of funds misappropriated, diverted, missing, or unlawfully gained; or

(2) under subsection (B)(3), more than three hundred sixty‑five days have passed since the State Inspector General certified the report to the Attorney General under subsection (B), and the Attorney General has not filed a civil action.

(D) If the State Inspector General has found evidence described in subsection (A), the State Inspector General may institute forfeiture proceedings as allowed by law in a court having jurisdiction in a county where property derived from or realized through the misappropriation, diversion, disappearance, or unlawful gain of state funds is located, unless a prosecuting attorney has already instituted forfeiture proceedings against that property.

Section 1‑6‑80. (A) If the State Inspector General discovers evidence of criminal activity, the State Inspector General shall certify to the appropriate prosecuting attorney the following information:

(1) the identity of any person who may be involved in the criminal activity; and

(2) the criminal statute that the State Inspector General believes has been violated.

(B) In addition, the State Inspector General must provide the prosecuting attorney with any relevant documents, transcripts, written statements, or other evidence. If the prosecuting attorney decides to prosecute the crime described in the information certified to the prosecuting attorney, or any other related crimes, the State Inspector General must cooperate with the prosecuting attorney in the investigation and prosecution of the case. Upon request of the prosecuting attorney, the State Inspector General may participate on behalf of the State in any resulting criminal trial.

Section 1‑6‑90. The State Inspector General must establish a toll‑free public telephone number for the purpose of receiving information concerning fraud, waste, abuse, mismanagement, misconduct, violations of state or federal law, and wrongdoing in an agency. The phone number must be prominently posted by all agencies, in clear view of all employees and the public, and in a conspicuous location on the agency’s Internet website.

Section 1‑6‑100. (A) If any individual discloses information alleging fraud, waste, abuse, mismanagement, misconduct, violations of state or federal law, and wrongdoing in an agency in good faith to the State Inspector General, the individual’s identity is confidential and must not be disclosed to anyone other than the Governor, the staff of the Office of the State Inspector General, or an authority to whom the investigation is subsequently referred or certified, unless:

(1) the State Inspector General makes a written determination that it is in the public interest to disclose the individual’s identity; or

(2) the individual consents in writing to disclosure of the individual’s identity.

(B) After an investigation is completed and a report is issued as provided in Section 1‑6‑50(C), the investigative records of the State Inspector General are subject to public inspection under the provisions of Section 30‑4‑15, et seq. However, if an individual’s identity is confidential as provided in subsection (A), the individual’s identity or any information that reasonably might lead to the discovery of the individual’s identity must not be disclosed, except as provided in subsection (A) or subsection (E).

(C) This subsection does not apply to a person who is a party to an action brought by the State Inspector General. Information received by the State Inspector General is not required to be produced in the course of discovery, unless ordered by a court after a showing of particularized need and proof that the information requested cannot be obtained from any other source.

(D) Except as provided in subsection (E), a person commits the misdemeanor of unlawful disclosure of confidential information if he knowingly or intentionally discloses:

(1) confidential information or records; or

(2) the identity of a person whose identity is confidential under subsection (A).

A person convicted pursuant to this subsection must be fined not more than one thousand dollars or imprisoned not more than one year. If the person convicted is an officer or employee of the State, he must be dismissed from office or employment and is ineligible to hold any public office in this State for a period of five years after the conviction.

(E) A person may disclose confidential information, records, or an individual’s identity that is confidential under subsection (A) if the Governor authorizes the disclosure of this information in the public interest.”

SECTION 3. This act takes effect on January 1, 2012. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McConnell McGill

Nicholson O'Dell Peeler

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--44**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

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.

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

Senator ROSE proposed the following amendment (JUD0394.004), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

/ 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 ONE HUNDRED THIRTY THOUSAND BUT LESS THAN ONE HUNDRED FIFTY 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.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is the intent of the General Assembly in this time of economic recession to allow flexibility and discretion to county councils regarding whether to fund a part-time or a full-time master-in-equity regardless of whether the population of a county has increased or decreased. Several factors in addition to population should be considered when county councils hire a master-in-equity, including, but not limited to, available caseload, complexity of the caseload, available resources to compensate the master-in-equity, and the efficiency of the docket. It is, therefore, the purpose of this act to afford county councils discretion, despite a county’s population, on whether to hire a full- or part-time master-in-equity.

SECTION 2. Section 14-11-10 of the 1976 Code, as last amended by Act No. 678, 1989, is amended to read:

“Section 14-11-10. (A) As a part of the unified judicial system, there is established in each of the counties of this State having a population of at least one hundred thirty thousand, according to the latest official United States Decennial Census, a master‑in‑equity court. The master‑in‑equity for the court must be appointed pursuant to the provisions of Section 14‑11‑20.

(B)(1) A county with a population of more than one hundred thirty thousand, according to the latest official United States Decennial Census, may have a full-time master-in-equity. A county with a population of one hundred fifty thousand or more, according to the latest official United States Decennial Census, must have a full-time master-in-equity.

(2) Nothing in this section prohibits a county or area with a population of ~~less~~ more than one hundred thirty thousand, but less than one hundred fifty thousand, according to the latest official United States Decennial Census, from having either a part‑time or full-time master‑in‑equity in the discretion of the governing body of the county.

(3) Nothing in this section prohibits a county or area with a population of more than thirty thousand, but less than one hundred thirty thousand, according to the latest official United States Decennial Census, from having a part‑time master‑in‑equity.

(4) The governing bodies of any two or more counties may join together to fund the office of master‑in‑equity to serve two or more counties. Funding of this master‑in‑equity must be borne by each county included on a per capita population basis.”

SECTION 3. Section 14-11-30(6) of the 1976 Code, as last amended by Act 678 of 1989 is amended to read:

“(6) Where the area served has a population of between one hundred thirty thousand and one hundred forty-nine thousand, nine hundred ninety-nine, according to the latest official United States Decennial Census, the master-in-equity serving that area ~~is~~ may be part-time or full-time, as determined by the governing body of the county or counties in which a master-in-equity serves, and must be paid a salary equal to ~~seventy-five percent~~ fifty-five percent of that of a circuit judge if part time, and must be paid a salary equal to seventy-five percent of that of a circuit judge if full time.”

SECTION 4. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator ROSE explained 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 44; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Ford Grooms

Hayes Hutto Jackson

Knotts Leatherman Leventis

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Rose

Ryberg Scott Setzler

Sheheen Shoopman Thomas

Verdin Williams

**Total--44**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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.

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

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

**Ayes 43; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Coleman Courson

Cromer Davis Elliott

Fair Grooms Hayes

Hutto Knotts Land

Leatherman Leventis Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McConnell

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--43**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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.

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

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

**Ayes 38; Nays 3**

**AYES**

Alexander Anderson Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Lourie Malloy

*Martin, Larry* Massey Matthews

McConnell McGill Nicholson

O'Dell Peeler Pinckney

Rankin Ryberg Scott

Setzler Sheheen Shoopman

Verdin Williams

**Total--38**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

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

**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 O’DELL, the Bill was carried over.

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.

Senator LARRY MARTIN explained the Joint Resolution.

On motion of Senator KNOTTS, the Joint Resolution 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 Adopted**

On motion of Senator McCONNELL, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

**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 Amendment No. P1A (JUD3375.048) proposed by Senators LARRY MARTIN and PEELER and printed in the Journal of Wednesday, April 6, 2011.

Senator McCONNELL spoke on the amendment.

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

**EXECUTIVE SESSION**

On motion of Senator McCONNELL, the seal of secrecy was removed and the Senate reconvened.

**LOCAL APPOINTMENT**

**Confirmation**

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

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

Dwight G. Smith, 128 Coastline Drive, Inman, SC 29349

By prior motion of Senator LARRY MARTIN, the Senate stood adjourned.

**ADJOURNMENT**

At 1:30 P.M., on motion of Senator LARRY MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

\* \* \*