**Thursday, April 15, 2010**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

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

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

We all recall the scriptural admonition:

“ ‘... render to Caesar the things which are Caesar’s, and to God the things which are God’s.’ ” (Matthew 22:21)

Dear God, help us always to use resources wisely and well, giving You that which You require, of course, but also honoring You through our intelligent, caring dispersal of those monies which remain. Continue to guide these leaders as they make wise financial decisions, especially during these challenging times when funding government seems far more difficult than before. May these Senators sense Your guidance as they wrestle with budgets, striving to do what is just and right, and also to honor if not meet the needs of the children and adults of South Carolina. In Your gracious and loving name we pray, O Lord. Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Mark C. Sanford:

**Local Appointments**

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

Carolyn W. Brownlee, 417 Hanover Road, Abbeville, SC 29620

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

George T. Ferguson, P.O. Box 871, Abbeville, SC 29620

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

Susan G. Gladden, 438 Highway 20, Abbeville, SC 29620

Reappointment, Anderson - Oconee County Master-in-Equity, with the term to commence June 30, 2010, and to expire June 30, 2016

Ellis B. Drew, Jr., Anderson County Courthouse, P. O. Box 8002, Anderson, SC 29622

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

James M. Lynch, 307 East Smith Street, Timmonsville, SC 29161

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Jacob M. Thompson II, 215 Woodtrails Dr., Olanta, SC 29114 *VICE* Jake Franklin Strickland

Reappointment, Spartanburg County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Dorothy A. Broyles, 160 Cabin Road, Inman, SC 29349

**Doctor of the Day**

Senator MALLOY introduced Dr. John C. Ropp of Hartsville, S.C., Doctor of the Day.

**Leave of Absence**

At 12:30 P.M., Senator GROOMS requested a leave of absence beginning at 1:00 P.M. and lasting until 8:00 P.M. tonight.

**Leave of Absence**

At 1:45 P.M., Senator SHEHEEN requested a leave of absence beginning at 2:00 P.M. and lasting until Noon on Tuesday.

**Leave of Absence**

At 1:45 P.M., Senator KNOTTS requested a leave of absence beginning at 2:00 P.M. and lasting until 8:00 A.M. tomorrow morning.

**CO-SPONSORS ADDED**

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

S. 1030 Sens. Campsen, Pinckney

S. 1097 Sen. Malloy

S. 1269 Sen. Campbell

S. 1339 Sen. Reese

S. 1351 Sen. Campsen

**CO-SPONSORS REMOVED**

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

S. 288 Sen. Ford

**REGULATION RESUBMITTED**

The following was received:

Document No. 4077

Agency: Alcoholic Beverages, Beer and Wine

Chapter: 7

Statutory Authority: 1976 Code Sections 12-4-320 and 61-2-60

SUBJECT: Premises

Received by Lieutenant Governor February 19, 2010

Referred to Judiciary Committee

Legislative Review Expiration June 19, 2010

Resubmitted on April 15, 2010

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4063

Agency: Public Service Commission

Chapter: 103

Statutory Authority: 1976 Code Section 58-3-140

SUBJECT: Workers' Compensation Insurance and Use of Leased Vehicles

Received by Lieutenant Governor January 12, 2010

Referred to Judiciary Committee

Legislative Review Expiration May 12, 2010

Agency withdrew and resubmitted April 15, 2010

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1365 -- Senators McConnell and L. Martin: A SENATE RESOLUTION TO AMEND RULE 16, RULES OF THE SENATE, RELATING TO VOTES BY AYES AND NOES AND THE REQUIREMENT THAT SENATORS PRESENT MUST VOTE, SO AS TO PROVIDE THAT ON VOTE, "VIVA VOCE", THE VOTE OF ALL SENATORS WHO HAVE NOT BEEN GRANTED LEAVE BY THE SENATE SHALL BE RECORDED IN THE JOURNAL AS VOTING "AYE" WITH THE RIGHT OF ANY SENATOR TO INFORM THE CLERK OF THE SENATE THAT HE DESIRES HIS VOTE TO BE RECORDED AS "NO".

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The Senate Resolution was introduced and referred to the Committee on Rules.

S. 1366 -- Senators Campbell, Cleary, Knotts, Cromer, Grooms, Bryant and Verdin: A CONCURRENT RESOLUTION CALLING FOR A CONSTITUTIONAL CONVENTION FOR THE SOLE AND EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PRESERVE THE RIGHTS OF EACH OF THE SOVEREIGN STATES TO PREEMPT ANY FEDERAL LAW OR RULE THAT RESTRICTS A PERSON'S CHOICE OF PRIVATE HEALTH CARE PROVIDERS OR THE RIGHT TO PAY FOR MEDICAL SERVICES.

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

S. 1367 -- Senator Cromer: A BILL TO AMEND SECTION 50-23-295, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRANSFER OF TITLE TO WATERCRAFT OR OUTBOARD MOTOR ON WHICH PROPERTY TAXES ARE OWED, SO AS TO REMOVE THE PENALTY IMPOSED FOR SELLING A WATERCRAFT WITH PERSONAL PROPERTY TAXES OWED AND TO ADD PROVISIONS REGARDING CIVIL ACTIONS AGAINST SELLERS FOR SELLING A WATERCRAFT OR OUTBOARD MOTOR WITH TAXES OWED.

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

S. 1368 -- Senators McConnell, Massey, Mulvaney and Shoopman: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE III OF THE SOUTH CAROLINA CONSTITUTION, 1895, RELATING TO THE LEGISLATIVE DEPARTMENT, BY ADDING SECTION 37, TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL DESIGNATE, AS IT DETERMINES, FUNDS IN THE STATE TREASURY AS TRUST FUNDS, TO PROVIDE THAT MONIES APPLIED TO A TRUST FUND MAY ONLY BE APPROPRIATED FOR THE DESIGNATED PURPOSE EXCEPT UPON THE ADOPTION OF A SEPARATE PIECE OF LEGISLATION ADOPTED BY A TWO-THIRDS VOTE IN EACH HOUSE, AND TO PROVIDE THAT A PROVISION DESIGNATING A FUND AS A TRUST FUND MAY ONLY BE AMENDED BY A SEPARATE PIECE OF LEGISLATION ADOPTED BY A TWO-THIRDS VOTE IN EACH HOUSE.

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

S. 1369 -- Senators Scott and Jackson: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF DR. NOBLE P. COOPER OF RICHLAND COUNTY AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1370 -- Senator Cromer: A CONCURRENT RESOLUTION TO RECOGNIZE THE FORTIETH ANNIVERSARY OF EARTH DAY ON APRIL 22, 2010, AND TO CELEBRATE FORESTRY IN THE PALMETTO STATE.

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H. 4850 -- Reps. Rutherford, Sellers, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Sandifer, Scott, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO EXPRESS THE SINCERE SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF DR. NOBLE P. COOPER OF RICHLAND COUNTY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LOVING FAMILY AND TO HIS MANY FRIENDS.

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

H. 4851 -- Reps. Rutherford, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF DR. CAITLIN G. SCHMIDT OF COLUMBIA, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

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

H. 4852 -- Reps. Funderburk, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Gambrell, Gilliard, Govan, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, D. C. Moss, V. S. Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Norman, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR KATHLEEN PARKER OF CAMDEN AND WASHINGTON, DC, AND TO CONGRATULATE HER UPON THE OCCASION OF RECEIVING THE 2010 PULITZER PRIZE FOR COMMENTARY.

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

**REPORTS OF STANDING COMMITTEES**

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

S. 1134 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 59 SO AS TO ENACT THE “SOUTH CAROLINA EDUCATION BILL OF RIGHTS FOR CHILDREN IN FOSTER CARE ACT” TO PROVIDE THAT SCHOOL DISTRICTS SHALL TAKE CERTAIN MEASURES TO HELP ENSURE THAT THE EDUCATION NEEDS OF CHILDREN IN FOSTER CARE ARE MET BY ASSISTING WITH ENROLLMENT, SCHOOL RECORDS AND CREDIT TRANSFERS, ACCESS TO RESOURCES AND ACTIVITIES, AND EXCUSED ABSENCE MAKE‑UP REQUIREMENTS; TO PROVIDE THAT SCHOOL DISTRICTS SHALL PROVIDE ACCESS TO AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT OF SOCIAL SERVICES FOR SCHOOL RECORDS OF CHILDREN IN FOSTER CARE; AND TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE AN EDUCATIONAL ADVOCATE FOR CHILDREN IN FOSTER CARE.

Ordered for consideration tomorrow.

Senator FAIR from the Committee on Corrections and Penology submitted a favorable report on:

S. 1303 -- Senator Fair: A BILL TO AMEND SECTION 42‑7‑65, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AVERAGE WEEKLY WAGE DESIGNATED FOR CERTAIN CATEGORIES OF EMPLOYEES, SO AS TO ESTABLISH THE AVERAGE WEEKLY WAGE FOR AN INMATE WHO WORKS IN A FEDERALLY APPROVED PRISON INDUSTRIES ENHANCEMENT CERTIFICATION PROGRAM.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

H. 3964 -- Reps. Duncan, Ott, Vick, Loftis and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 13 TO CHAPTER 21, TITLE 46 SO AS TO UPDATE AND CLARIFY SEED ARBITRATION PROCEDURES; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 46, RELATING TO GENERAL PROVISIONS OF SEED AND PLANT CERTIFICATION, SO AS TO REPLACE OBSOLETE DEFINITIONS, TO REVISE ENFORCEMENT MECHANISMS, TO CLARIFY LICENSING PROCEDURES, AND TO PROVIDE EXEMPTIONS; TO AMEND ARTICLE 3, CHAPTER 21, TITLE 46, RELATING TO LABELS AND TAGS REGARDING SEEDS AND PLANTS, SO AS TO REVISE THE LABELING REQUIREMENTS FOR SEED PRODUCTS, AND TO IMPOSE ADDITIONAL PROHIBITIONS; TO AMEND ARTICLE 5, CHAPTER 21, TITLE 46, RELATING TO ANALYSES AND TESTS REGARDING SEEDS AND PLANTS, SO AS TO DELETE REDUNDANT PROVISIONS, TO PROVIDE THAT DEPARTMENT OF AGRICULTURE OFFICIALS SHALL HAVE ACCESS TO SEED RECORDS AND SAMPLES, TO PROVIDE THAT SEED RECORDS SHALL BE MAINTAINED FOR TWO YEARS, AND TO CLARIFY WHO IS ENTITLED TO FREE SEED TESTING AT THE STATE SEED LABORATORY; TO AMEND ARTICLE 7, CHAPTER 21, TITLE 46, RELATING TO WITHDRAWAL, CONFISCATION, AND SALE OF SEEDS REGARDING SEEDS AND PLANTS, SO AS TO INCREASE PENALTIES FOR VIOLATIONS FROM A MAXIMUM OF ONE HUNDRED DOLLARS FOR EACH VIOLATION TO ONE THOUSAND DOLLARS FOR EACH VIOLATION, TO CLARIFY THE ROLE OF THE ATTORNEY GENERAL IN PROSECUTING VIOLATIONS, AND TO PROVIDE FOR INJUNCTIVE RELIEF TO PREVENT VIOLATIONS; TO AMEND ARTICLE 9, CHAPTER 21, TITLE 46, RELATING TO SEED AND PLANT CERTIFICATION, SO AS TO CLARIFY CLEMSON UNIVERSITY’S SEED AND PLANT CERTIFICATION AUTHORITY; AND TO REPEAL ARTICLE 11, CHAPTER 21, TITLE 46 RELATING TO SEED IRISH POTATOES IN CHARLESTON COUNTY.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable with amendment report on:

H. 4093 -- Reps. Loftis, Mitchell, H.B. Brown, Bedingfield, Anthony, G.A. Brown, Crawford, Dillard, Harvin, Hiott, Knight, Lowe, J.R. Smith, Toole, D.C. Moss, Sellers, Brady, Funderburk, Hodges, Horne, Gunn, Bowers, Hutto and Stavrinakis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 60 TO TITLE 48 TO ENACT THE “SOUTH CAROLINA MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT”; TO PROVIDE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY RELATED TO THE ACT; TO PROVIDE CERTAIN DEFINITIONS RELATED TO THE ACT; TO REQUIRE A MANUFACTURER OF CERTAIN COMPUTING, DISPLAY, OR PRINTING EQUIPMENT TO OFFER A RECOVERY PROGRAM FOR THE COLLECTION OF EQUIPMENT FROM A CONSUMER IN A MANNER CONVENIENT TO THE CONSUMER; TO REQUIRE A MANUFACTURER TO DOCUMENT ITS COMPLIANCE WITH THIS CHAPTER IN AN ANNUAL REPORT TO THE DEPARTMENT; TO LIMIT THE LIABILITY OF A MANUFACTURER FOR DAMAGE SUSTAINED BY A CONSUMER FROM INFORMATION CONTAINED ON EQUIPMENT RETURNED BY THE CONSUMER TO A MANUFACTURER THROUGH THE MANUFACTURER’S RECOVERY PROGRAM; TO REQUIRE A RETAILER TO SELL ONLY EQUIPMENT MANUFACTURED IN COMPLIANCE WITH THIS CHAPTER; TO LIMIT THE LIABILITY OF A RETAILER FOR DAMAGE SUSTAINED BY A CONSUMER FROM INFORMATION CONTAINED ON EQUIPMENT SOLD BY THE RETAILER TO A CONSUMER AND RETURNED TO THE MANUFACTURER OF THE EQUIPMENT THROUGH THE MANUFACTURER’S RECOVERY PROGRAM; TO REQUIRE A MANUFACTURER TO EDUCATE CONSUMERS ABOUT THE MANUFACTURER’S RECOVERY PROGRAM; TO REQUIRE THE DEPARTMENT TO EDUCATE CONSUMERS ABOUT ALL RECOVERY PROGRAMS AVAILABLE IN THIS STATE; TO ENABLE THE DEPARTMENT TO AUDIT A MANUFACTURER TO DETERMINE THE MANUFACTURER’S COMPLIANCE WITH THIS CHAPTER; TO PROVIDE THAT FINANCIAL AND PROPRIETARY INFORMATION SUBMITTED TO THE DEPARTMENT BY A MANUFACTURER OR RETAILER PURSUANT TO THIS CHAPTER IS EXEMPT FROM PUBLIC DISCLOSURE; TO REQUIRE THE DEPARTMENT TO REPORT ANNUALLY INFORMATION PROVIDED BY A MANUFACTURER OR A RETAILER TO THE GENERAL ASSEMBLY; TO REQUIRE THE DEPARTMENT TO DEVELOP STANDARDS FOR RECOVERY PROGRAMS, REPORTING REQUIREMENTS, AND RECOVERER CERTIFICATION THAT COMPLY WITH THE ELECTRONICS RECYCLING OPERATING PRACTICES OF THE INSTITUTE OF SCRAP RECYCLING INDUSTRIES; AND TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE RULES AND REGULATIONS NEEDED TO IMPLEMENT THIS CHAPTER’S PROVISIONS.

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., March 3, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has sent the following veto to the Senate:

(R170, H4728) -- Reps. Norman, Simrill and Delleney: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 OF YORK COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE 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.

Respectfully submitted,

Speaker of the House

Received as Information

The veto was ordered placed on the Calendar for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 13, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

Local Appointment

Reappointment, Anderson - Oconee County Master-in-Equity, with the term to commence June 30, 2010, and to expire June 30, 2016

Ellis B. Drew, Jr., Anderson County Courthouse, P. O. Box 8002, Anderson, SC 29622

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCES**

The following Resolutions were returned with concurrence and received as information:

S. 1357 -- Senators Scott, Lourie, Courson and Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR KILLIAN ELEMENTARY SCHOOL IN RICHLAND COUNTY, AND TO CONGRATULATE THE SCHOOL’S FACULTY, STAFF, STUDENTS, AND PARENTS FOR RECEIVING A 2010 CAROLINA FIRST PALMETTO’S FINEST AWARD.

S. 1358 -- Senators Courson, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF MICHAEL J. MUNGO OF COLUMBIA AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

S. 1359 -- Senator Scott: A CONCURRENT RESOLUTION TO RECOGNIZE THE MEMBERS OF JACK AND JILL OF AMERICA, INC. AS THEY HOST THEIR FIRST LEGISLATIVE *ON THE HILL SUMMIT* ON APRIL 20, 2010, AND TO WELCOME THEM TO THE SOUTH CAROLINA STATE HOUSE.

S. 1360 -- Senators Malloy, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Knotts, Land, Leatherman, Leventis, Lourie, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO EXPRESS THE BELIEF OF THE GENERAL ASSEMBLY THAT NASCAR RACING IS AN INTEGRAL AND VITAL PART OF THE STATE OF SOUTH CAROLINA AND ITS ECONOMY, TO RECOGNIZE THE DARLINGTON RACEWAY AS ONE OF OUR STATE’S MOST TREASURED ATTRACTIONS, TO IDENTIFY AND CELEBRATE SOUTH CAROLINA’S RICH NASCAR HISTORY, AND TO DECLARE THE WEEK OF MAY 3, 2010, THROUGH MAY 9, 2010, “DARLINGTON RACEWAY WEEK, THE WEEK TOO TOUGH TO TAME IN SOUTH CAROLINA”.

S. 1364 -- Senator Elliott: A CONCURRENT RESOLUTION TO DECLARE SATURDAY, APRIL 10, 2010, AS “PEE DEE INDIAN TRIBE OF SOUTH CAROLINA DAY” AND TO ENCOURAGE ALL CITIZENS OF THE PALMETTO STATE TO ENJOY THE TRIBE’S ANNUAL FESTIVAL AND POW‑WOW APRIL 10‑11, 2010.

**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. 1065 -- Senators Hayes, Malloy, Lourie, Thomas, Sheheen, Fair and Anderson: A BILL TO AMEND SECTION 37‑3‑501, AS AMENDED, OF THE 1976 CODE, RELATING TO THE DEFINITION OF SUPERVISED LOAN, TO PROVIDE THAT CERTAIN CLOSED‑END CREDIT TRANSACTIONS ARE NOT SUPERVISED LOANS; AND TO AMEND SECTION 37‑3‑503, RELATING TO A LICENSE TO MAKE SUPERVISED LOANS, TO PROVIDE THAT CERTAIN LICENSED DEFERRED PRESENTMENT PROVIDERS MAY NOT CONDUCT THE BUSINESS OF MAKING SUPERVISED LOANS, TO PROVIDE PENALTIES, AND TO PROVIDE NECESSARY DEFINITIONS.

**READ THE THIRD TIME, SENT TO THE HOUSE**

S. 1330 -- Senators Peeler and Land: A JOINT RESOLUTION TO PROVIDE THAT IN 2011 AND 2012, THE ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE FOR VEHICLES IN SUCH MANUFACTURER’S EMPLOYEE BENEFIT PROGRAM AND FOR THE TESTING, DISTRIBUTION, EVALUATION, AND PROMOTION OF ITS VEHICLES IS SIX HUNDRED NINETY‑NINE DOLLARS, TO PROVIDE THAT TWENTY DOLLARS OF EACH FEE IS CREDITED TO THE GENERAL FUND OF THE STATE AND THE BALANCE TO LOCAL GOVERNMENTS, AND TO PROVIDE THAT THE ENTIRE FEE AMOUNT BE CREDITED TO THE GENERAL FUND OF THE STATE FOR NONRESIDENT PARTICIPANTS IN THE EMPLOYEE BENEFIT PROGRAM.

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

Senator LARRY MARTIN spoke on the Joint Resolution.

The question then was the third reading of the Joint Resolution.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Grooms Hayes Hutto

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Mulvaney Nicholson

O’Dell Peeler Pinckney

Reese Rose Ryberg

Scott Setzler Sheheen

Thomas Verdin Williams

**Total--39**

**NAYS**

**Total--0**

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

**SECOND READING BILLS**

The following Bills and Joint Resolutions, having been read the second time, were ordered placed on the Third Reading Calendar:

S. 418 -- Senator L. Martin: A BILL TO AMEND SECTION 7‑17‑220 OF THE 1976 CODE, RELATING TO MEETINGS OF THE BOARD OF STATE CANVASSERS, TO PROVIDE THAT A MEETING MAY BE CONVENED BY TELEPHONE OR ELECTRONIC COMMUNICATION INSTEAD OF IN PERSON AT THE OFFICE OF THE STATE ELECTION COMMISSION; AND TO AMEND SECTION 7‑17‑510, RELATING TO THE CONVENING OF THE COUNTY COMMISSIONERS OF ELECTION AS COUNTY BOARDS OF CANVASSERS, TO PROVIDE THAT ANY REQUIRED MEETINGS MAY BE CONVENED BY TELEPHONE OR ELECTRONIC COMMUNICATION.

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

There was no objection.

Senator LARRY MARTIN explained the Bill.

On motion of Senator LARRY MARTIN, the Bill was read the second time, passed and ordered to a third reading.

S. 1351 -- Senators Grooms, Campbell and Campsen: A BILL TO AMEND SECTION 7‑7‑120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO CREATE NEW PRECINCTS, REDESIGNATE AND RENAME CERTAIN PRECINCTS, AND CHANGE THE MAP DESIGNATION ON WHICH THE LINES OF THOSE PRECINCTS ARE DELINEATED.

S. 1356 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO SOUTH CAROLINA VIRTUAL SCHOOL PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4116, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HAYES explained the Joint Resolution.

H. 4347 -- Reps. Cooper and White: A BILL TO AMEND SECTION 2‑7‑71, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX BILLS AND REVENUE IMPACT STATEMENTS, SO AS TO PROVIDE THAT THE REVENUE IMPACT STATEMENT MUST BE SIGNED BY THE CHIEF ECONOMIST OF THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD; AND TO AMEND SECTION 2‑7‑78, RELATING TO THE CERTIFICATION OF A REVENUE IMPACT OF A PROVISION FOR PURPOSES OF ITS INCLUSION IN THE ANNUAL GENERAL APPROPRIATIONS BILL AND CHANGES IN THE OFFICIAL REVENUE ESTIMATE, SO AS TO PROVIDE THAT THE REVENUE IMPACTS MUST BE CERTIFIED BY THE CHIEF ECONOMIST OF THE OFFICE OF RESEARCH AND STATISTICS AND THAT THE BOARD OF ECONOMIC ADVISORS SHALL ADJUST ITS ESTIMATES TO REFLECT THESE CERTIFICATIONS AND MAKE OTHER ADJUSTMENTS IT CONSIDERS NECESSARY IN THE FINAL VERSION OF THE ANNUAL GENERAL APPROPRIATIONS BILL.

Senator ALEXANDER explained the Bill.

H. 4700 -- Rep. Hayes: A JOINT RESOLUTION TO PROVIDE FOR AN ADVISORY REFERENDUM TO BE HELD AT THE SAME TIME AS THE 2010 GENERAL ELECTION TO DETERMINE WHETHER OR NOT THE QUALIFIED ELECTORS OF DILLON COUNTY FAVOR HAVING THE DILLON COUNTY BOARD OF EDUCATION ELECTED.

**H. 4700--Ordered to a Third Reading**

On motion of Senator ELLIOTT, H. 4700 was ordered to receive a third reading on Friday, April 16, 2010.

**READ THE SECOND TIME**

S. 1355 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE AMENDMENTS TO THE RULES OF PROCEDURE OF THE ADMINISTRATIVE LAW COURT, PURSUANT TO THE PROVISIONS OF ARTICLE V OF THE SOUTH CAROLINA CONSTITUTION AND ARTICLE 5, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

Senator LARRY MARTIN explained the Joint Resolution.

The question then was the second reading of the Joint Resolution.

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

**Ayes 37; Nays 5**

**AYES**

Alexander Campbell Campsen

Cleary Courson Cromer

Elliott Fair Grooms

Hayes Hutto Jackson

Knotts Land Leatherman

Leventis Malloy *Martin, Larry*

*Martin, Shane* Massey McConnell

McGill Nicholson O’Dell

Peeler Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--37**

**NAYS**

Anderson Bright Bryant

Davis Mulvaney

**Total--5**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1030 -- Senators Hayes, Mulvaney, Coleman, Verdin, S. Martin, Bryant, O’Dell, Davis, Campsen and Pinckney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑1‑714 SO AS TO DESIGNATE THE MARSH TACKY AS THE OFFICIAL STATE HERITAGE HORSE OF SOUTH CAROLINA.

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 (JUD1030.002), which was adopted:

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

/ SECTION 1. The General Assembly finds:

(1) The Marsh Tacky, a rare colonial Spanish horse breed unique to South Carolina, has played a significant role in South Carolina’s history. After abandonment by the Spanish on the South Carolina Sea Islands and along the South Carolina coast some five hundred years ago, the Marsh Tacky survived on its own and developed into a unique strain of colonial Spanish horse. These tough, little horses assisted our forefathers in the development and defense of our State and were the major source of transportation in the Lowcountry before the introduction of the automobile. Marsh Tackies were important to the Gullah community and became an integral part of agricultural life for Lowcountry families. Marsh Tackies were used wherever horsepower was needed; to pull plows and wagons, herd cattle, hunt wild game, deliver the mail, transport families, and as loyal, sturdy war mounts. Most Lowcountry families had Marsh Tackies in their fields or gardens.

(2) During the American Revolution, Marsh Tackies assisted in the victories of the famous ‘Swamp Fox’ General Francis Marion, whose troops of ‘Irregulars’ had the advantage of being mounted on small, agile horses that were superbly adapted to the Lowcountry’s rough, swampy terrain. Marsh Tackies required little care from the troops, were able to travel long distances without fatigue, and survived on forage, reducing the need for supply wagons carrying grain. The sure‑footed Marsh Tacky enabled the militia to out maneuver the British troops who rode larger European horse breeds that could not traverse the swampy forests.

(3) Marsh Tackies served the southern Confederate cavalry during the Civil War. Unlike northern troops who were issued horses, southern recruits were often required to provide their own mounts, which were trained and familiar with their riders, giving an early advantage to the southern forces.

(4) In World War II, Marsh Tackies were used by the Coast Guard’s Mounted Beach Patrol to protect our mainland from enemy spies and saboteurs. The ‘Beach Pounders’ who patrolled the southeastern shore were trained at the Mounted Beach Patrol and Dog Training Center in Hilton Head, South Carolina, and patrolled the coast from Florida to North Carolina.

(5) Marsh Tackies have little changed since the colonial period. Relative isolation on the Sea Islands and secluded areas of the Lowcountry, along with owner dedication to the preservation of the breed, has allowed the Marsh Tacky to remain relatively untouched. Owners often comment on the built‑in ‘woods sense’ of the breed and how the horses have a natural way of traversing water obstacles and swamps. Many horses display characteristics and primitive markings carried by their Spanish ancestors including dorsal stripes, zebra leg stripes, and lengthy manes and tails.

(6) In 2007, Marsh Tacky owners and enthusiasts across the State formed the Carolina Marsh Tacky Association to preserve and promote the history and heritage of the Marsh Tacky horse. The association works closely with the American Livestock Breeds Conservancy to provide ongoing registry, stud book, and breeding program to ensure the survival of the Marsh Tacky.

(7) With its rich heritage, resilience, and perseverance, the Marsh Tacky embodies the very spirit of South Carolina. The Marsh Tacky is uniquely of South Carolina and remains a living piece of history in its native State, a claim that no other breed can make. The Marsh Tacky has earned the title of State Heritage Horse of South Carolina.

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

“Section 1-1-714. The Marsh Tacky is designated as the official State Heritage Horse of South Carolina.”

SECTION 3. 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.

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. 1097 -- Senators Alexander, L. Martin, Sheheen, O’Dell, Land and Mulvaney: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑21‑110 TO CHAPTER 21, TITLE 41 SO AS TO ENACT THE “FUTURE VOLUNTEER FIREFIGHTERS ACT OF SOUTH CAROLINA” AND TO ESTABLISH THE JUNIOR FIREFIGHTERS PROGRAM.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Labor, Commerce and Industry.

The Committee on Labor, Commerce and Industry proposed the following amendment (1097R001.WGR), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 28 and inserting:

/ Firefighters Association, may establish a junior firefighters /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

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. 1120 -- Senators Lourie, Pinckney, Williams, Leventis, Anderson, Land and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑1360 SO AS TO PROHIBIT HEALTH CARE PROVIDERS FROM ENGAGING IN DEBT COLLECTION ACTIVITIES RELATING TO MEDICAL TREATMENT RECEIVED IN CONNECTION WITH A CLAIM FOR COMPENSATION OF A VICTIM OF CRIME UNTIL AN AWARD IS MADE OR A CLAIM IS DENIED AND TO STAY THE STATUTE OF LIMITATIONS FOR THE COLLECTION OF THIS DEBT UNDER CERTAIN CIRCUMSTANCES.

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 (JUD1120.001), which was adopted:

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

/ SECTION 1. Article 13, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16‑3‑1360. (A) When a person files a claim pursuant to this article, a health care provider that has received written notice of a pending claim is prohibited from all debt collection activities relating to medical and psychological treatment received by the person in connection with the claim until an award is made on the claim or the claim is determined to be non-compensable and is denied. The statute of limitations for collection of the debt is suspended during the period in which the applicable health care provider is required to refrain from debt collection activities.

(B) For purposes of this section, ‘debt collection activities’ means repeatedly calling or writing to the claimant and threatening to turn the matter over to a debt collection agency or to an attorney for collection, enforcement, or filing of other process. The term does not include routine billing or inquiries about the status of the claim.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

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. 1164 -- Senator Rose: A BILL TO AMEND SECTION 12‑43‑220 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, RELATING TO CLASSIFICATIONS FOR ASSESSMENT RATIOS, SO AS TO PROVIDE THAT THE LEGAL RESIDENCE AND NOT MORE THAN FIVE CONTIGUOUS ACRES THERETO LOCATED ON THE HEIRS’ PROPERTY ALSO QUALIFIES FOR THE FOUR PERCENT ASSESSMENT PROVIDED BY THIS SUBSECTION AS LONG AS THE LEGAL RESIDENCE IS OWNED AND OCCUPIED BY ONE OR MORE OF THE COLLECTIVE OWNERS OF THE HEIRS’ PROPERTY.

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

The Committee on Finance proposed the following amendment (1164FIN001.MTR), which was adopted:

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

/ SECTION 1. Section 12‑43‑220(c)(1) of the 1976 Code is amended to read:

“(c)(1) The legal residence and not more than five acres contiguous thereto, when owned totally or in part in fee or by life estate and occupied by the owner of the interest, and additional dwellings located on the same property and occupied by immediate family members of the owner of the interest, are taxed on an assessment equal to four percent of the fair market value of the property. If residential real property is held in trust and the income beneficiary of the trust occupies the property as a residence, then the assessment ratio allowed by this item applies if the trustee certifies to the assessor that the property is occupied as a residence by the income beneficiary of the trust. When the legal residence is located on leased or rented property and the residence is owned and occupied by the owner of a residence on leased property, even though at the end of the lease period the lessor becomes the owner of the residence, the assessment for the residence is at the same ratio as provided in this item. If the lessee of property upon which he has located his legal residence is liable for taxes on the leased property, then the property upon which he is liable for taxes, not to exceed five acres contiguous to his legal residence, must be assessed at the same ratio provided in this item. If this property has located on it any rented mobile homes or residences which are rented or any business for profit, this four percent value does not apply to those businesses or rental properties. For purposes of the assessment ratio allowed pursuant to this item, a residence does not qualify as a legal residence unless the residence is determined to be the domicile of the owner‑applicant.

The assessment ratio allowed pursuant to this subsection includes the legal residence and not more than five contiguous acres thereto located on ‘heirs’ property’ so long as the legal residence is owned and occupied by one or more heirs. For purposes of this item, ‘heirs’ property’ includes, but is not limited to, land that is owned collectively by heirs of a deceased person whose estate never passed through the probate process. For purposes of qualifying for the assessment ratio allowed by this subsection by an owner of heirs’ property, proof of ownership may include, but is not limited to, a birth certificate, language in a deed, authentic family papers, and other means that shall be designated by regulation by the Department of Revenue.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The committee amendment was adopted.

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. 1177 -- Senators Fair, Reese, Cromer, Campbell, Coleman, Shoopman, Williams and Rose: A BILL TO AMEND SECTION 8‑27‑10 OF THE 1976 CODE, RELATING TO THE DEFINITION OF A REPORT AS USED IN THE WHISTLEBLOWER STATUTE, TO PROVIDE THAT TESTIMONY GIVEN TO A STANDING COMMITTEE, SUBCOMMITTEE OF A STANDING COMMITTEE, OR A STUDY COMMITTEE OF THE SENATE OR HOUSE OF REPRESENTATIVES IS ENTITLED TO THE PROTECTIONS OF THE WHISTLEBLOWER STATUTE.

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 (JUD1177.004), which was adopted:

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

/ SECTION 1. Chapter 27 of Title 8 of the 1976 Code is amended by adding:

“Section 8‑27‑35. An employee who gives testimony alleging waste or wrongdoing to any standing committee, subcommittee of a standing committee, or study committee of the Senate, or the House of Representatives, or a joint committee of the General Assembly is given the protections of this chapter.”

SECTION 2. Section 8‑27‑40 of the 1976 Code is amended to read:

“Section 8‑27‑40. Notwithstanding the filing of a report pursuant to this chapter, a public body may dismiss, suspend, demote, or decrease the compensation of an employee for causes independent of either the filing of a protected report as described in Section 8‑27‑20 or for giving testimony as described in Section 8‑27‑35.”

SECTION 3. 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.

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. 1339 -- Senators Peeler and Reese: A BILL TO AMEND TITLE 11 OF THE 1976 CODE, RELATING TO PUBLIC FINANCE, BY ADDING CHAPTER 55 TO ESTABLISH THE “I‑85 CHEROKEE‑SPARTANBURG 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 adoption of the amendment proposed by the Committee on Finance.

The Committee on Finance proposed the following amendment (1339FIN001.HKL), which was adopted:

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

/ SECTION 1. Title 11 of the 1976 Code is amended by adding:

“Chapter 55

I‑85 Corridor Authority Act

Section 11‑55‑5. This chapter may be cited as the ‘I‑85 Corridor Authority Act’.

Section 11‑55‑10. There is established the I‑85 Corridor Authority. The authority must:

(1) oversee the implementation of the recommendations contained in the Department of Transportation’s I‑85 Widening Corridor Feasibility Study for Cherokee County and Spartanburg County and other studies from the department relating to widening I‑85; and

(2) report to the General Assembly, at least annually, on the progress made related to its charge, any modification of the laws of this State needed to allow the authority to better fulfill its charge, programs, and operations.

Section 11‑55‑15. The authority is a public body, politic and corporate, and an agency of the State and may:

(1) adopt bylaws, procedures, and regulations for the directors, officers, and employees and for implementation and operation of the programs authorized by this act;

(2) sue and be sued in its own name;

(3) enter into such contracts, agreements, and instruments and make such offers to contract with such persons, partnerships, firms, corporations, agencies, or entities, whether public or private, considered desirable in the furtherance of its purpose;

(4) acquire by purchase, donation, exchange, or otherwise, hold, improve, mortgage, pledge, or otherwise, encumber, manage, lease, convey, transfer, or dispose of any real or personal property, whether tangible or intangible, together with such rights and privileges as may be incidental and appurtenant thereto. To the extent that administrative funds are involved, the authority must comply with the provisions of the South Carolina Consolidated Procurement Code. To the extent that the liability of the authority is limited to program funds, any such acquisition or disposition may be pursuant to public or private sale upon such terms and conditions as the authority may approve in accordance with prudent business practices;

(5) appoint officers, agents, employees, and consultants, prescribe their duties, and fix their compensation; and

(6) participate in and cooperate with any agency or instrumentality of the United States and with any agency or political subdivision of this State in the administration of any of the programs authorized by this act.

Section 11‑55‑20. The member counties of the authority consist of Cherokee, Spartanburg, Greenville, Oconee, and Anderson Counties.

Section 11‑55‑25. (A) The authority is governed by a board of directors that is composed of seven members. The members must be appointed as follows:

(1) three members appointed by the senators whose districts include the member counties;

(2) three members appointed by the representatives whose districts include the member counties; and

(3) one member who is a president of a technical college located in a member county appointed by the senior senator of the member counties.

(B) Except as provided in subsection (C), members must serve a five‑year term. Any vacancy on the authority must be filled in the same manner as the original appointment. Members of the authority shall serve without mileage, per diem, and subsistence. (C) Initial appointments to the authority shall be made within sixty days of the enactment of this section.

(D) The initial meeting of the authority shall be convened by the chairman as soon as practical after the initial appointments are made. Business of the authority may only be conducted when a quorum is present. A quorum consists of a majority of the total membership.

Section 11‑55‑30. (A) The authority shall receive state funds as appropriated by the General Assembly.

(B) In addition to funding sources listed in subsection (A), the authority is authorized to solicit and accept private and public donations, grants, gifts, and federal funds. All funds received by the authority, regardless of their source, are to be held and accounted for by the State Treasure in a separate account to be known as the ‘I‑85 Corridor Authority Fund’. Disbursements from the authority fund must only be made upon the signature of the chairmen of the board of directors, or a designee of the board, upon written warrants of the Comptroller General drawn on the State Treasurer to the payee designated in the requisition.

(C) The authority must distribute funds throughout the member counties as grants, in a manner which fulfills the charge in Section 11‑55‑10. The authority must create guidelines to govern the selection of recipients of grants and the distribution of grant funds.

(D) The authority must be audited annually by the State Auditor or by an independent certified public accounting firm approved by the State Auditor.” /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the committee amendment.

The committee amendment was adopted.

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

**OBJECTIONS**

S. 642 -- Senators Alexander, Ford and Knotts: A BILL TO AMEND ARTICLE 31, CHAPTER 5, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑3890 TO PROVIDE THAT A PERSON UNDER THE AGE OF EIGHTEEN MAY NOT OPERATE A MOTOR VEHICLE WHILE USING A CELL PHONE OR OTHER WIRELESS COMMUNICATIONS DEVICE AND TO PROVIDE FOR PENALTIES AND EXCEPTIONS.

Senator MALLOY objected to further consideration of the Bill.

S. 1025 -- Senator Cromer: A BILL TO AMEND SECTION 38‑73‑737 OF THE 1976 CODE, RELATING TO DRIVER TRAINING COURSE CREDIT TOWARD LIABILITY AND COLLISION INSURANCE COVERAGE, TO REDUCE THE INITIAL COURSE FROM EIGHT TO SIX HOURS, TO ALLOW FOR A FOUR HOUR REFRESHER COURSE EVERY THREE YEARS, AND TO ALLOW THE DEPARTMENT OF INSURANCE TO PROMULGATE REGULATIONS FOR FIFTY‑FIVE YEARS AND OLDER DRIVER SAFETY INTERNET COURSES.

Senator KNOTTS objected to further consideration of the Bill.

S. 1185 -- Senators Malloy, Ford, Pinckney, McConnell, Rose and Campsen: A BILL TO AMEND TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 8 ENTITLED THE “SOUTH CAROLINA FAMILY LAW MEDIATION ACT”, SO AS TO MANDATE MEDIATION IN ALL DOMESTIC RELATIONS ACTIONS IN FAMILY COURT; TO PROVIDE FOR DEFINITIONS OF MEDIATION AND MEDIATOR; TO PROVIDE FOR AUTOMATIC EXCEPTIONS WHERE MEDIATION IS NOT REQUIRED; TO INCLUDE CONTEMPT ACTIONS, CHILD ABUSE AND NEGLECT PROCEEDINGS, DEPARTMENT OF SOCIAL SERVICES ADULT PROTECTIVE SERVICES CASES, CASES WHERE THERE HAS BEEN A FINDING OF ABUSE OR NEGLECT, JUVENILE PROCEEDINGS, UNCONTESTED ISSUES, ACTIONS WHERE PARTIES AGREE TO VOLUNTARY MEDIATION, AND THE ENTRY OF DIVORCE OR SEPARATE MAINTENANCE DECREES; TO PROVIDE CIRCUMSTANCES WHERE MEDIATION MAY BE WAIVED BY THE FAMILY COURT; TO INCLUDE GEOGRAPHIC CONSIDERATIONS, INCAPACITY OF ONE OR MORE PARTIES, INCOMPETENCE OF ONE OR MORE PARTIES, CASES WHERE INVOLVING ABUSE OR NEGLECT OCCURRING MORE THAN ONE YEAR FROM THE HEARING, CASES INVOLVING SUBSTANCE ABUSE BY ONE OR MORE PARTIES; TO PROVIDE THAT MEDIATION MUST OCCUR BETWEEN NINETY AND ONE HUNDRED AND EIGHTY DAYS AFTER THE FILING OF THE ACTION; AND TO PROVIDE THAT NO FINAL HEARING IN A DOMESTIC RELATIONS ACTION SHALL BE SCHEDULED UNTIL MEDIATION IS COMPLETED IN THE MATTER, UNLESS IT IS EXEMPTED OR EXCEPTED FROM MEDIATION.

Senator SETZLER objected to further consideration of the Bill.

S. 1188 -- Senators Malloy, McConnell, Ford, Pinckney, Rose and Campsen: A BILL TO AMEND TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CHILDREN’S CODE, BY ADDING CHAPTER 6 ENTITLED THE “SOUTH CAROLINA FAMILY COURT HEARING OFFICER ACT”, SO AS TO PROVIDE FOR VOLUNTEER FAMILY COURT HEARING OFFICERS APPOINTED BY THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT AND WHO ARE PROTECTED PURSUANT TO THE SOUTH CAROLINA TORT CLAIMS ACT; TO PROVIDE THAT HEARING OFFICERS MUST BE MEMBERS OF THE SOUTH CAROLINA BAR IN GOOD STANDING WITH A MINIMUM OF TEN YEARS OF FAMILY COURT EXPERIENCE; TO PROVIDE THAT RETIRED JUDGES, EXCEPT SUMMARY COURT JUDGES, MAY BE APPOINTED AS HEARING OFFICERS ABSENT TEN YEARS OF EXPERIENCE IN FAMILY COURT MATTERS, TO REQUIRE HEARING OFFICERS TO RECEIVE AT LEAST SIX HOURS OF FAMILY LAW CONTINUING LEGAL EDUCATION EVERY YEAR; TO PROVIDE THAT HEARING OFFICERS MAY BE ASSIGNED TO ALL UNCONTESTED DOMESTIC RELATIONS MATTERS, THAT THEY MAY MAKE FINDINGS AND RECOMMENDATIONS FOR THE FAMILY COURT JUDGE ON UNIFORM INTERSTATE FAMILY SUPPORT ACT ACTIONS, THAT THEY MAY BE ASSIGNED MOTION HEARINGS FOR TEMPORARY RELIEF IN DOMESTIC RELATIONS MATTERS, WITH THE CONSENT OF THE PARTIES, AND MAY MAKE RECOMMENDATIONS OF FINDINGS OF FACT AND CONCLUSIONS OF LAW TO THE FAMILY COURT JUDGES, THAT THE CHIEF JUSTICE MUST ISSUE DIRECTIVES CONCERNING OTHER TYPES OF CASES THAT MAY BE ASSIGNED ONLY TO RETIRED JUDGE HEARING OFFICERS, TO PROVIDE A LIST OF TYPES OF CASES THAT MAY BE ASSIGNED, THAT THE CLERK OF COURT SHALL MAINTAIN A FAMILY COURT HEARING OFFICER DOCKET, THAT HEARING OFFICERS SHALL HAVE THE SAME AUTHORITY AS A FAMILY COURT JUDGE TO ADMINISTER OATHS, PRESERVE AND ENFORCE ORDER IN THE COURT, HOLD PERSONS IN CONTEMPT AND SANCTION THEM, EXAMINE WITNESSES, ISSUE BENCH WARRANTS, ISSUE ORDERS AND RULINGS ON MOTIONS, ACT AS A FINDER OF FACT AND LAW, TAKE MINORS AND VULNERABLE ADULTS INTO EMERGENCY PROTECTIVE CUSTODY, TO ISSUE TEMPORARY ORDERS RELATING TO EQUITABLE DIVISION OF MARITAL PROPERTY, CHILD SUPPORT, CUSTODY, VISITATION, ATTORNEY’S FEES, DISCOVERY, AND RESTRAINING ORDERS, AND TO APPOINT GUARDIANS AD LITEM AS APPROPRIATE; TO PROVIDE THAT MATTERS DIRECTLY APPEALABLE TO THE SUPREME COURT ARE NOT SUBJECT TO REFERRAL TO A HEARING OFFICER, TO PROVIDE THAT PROCEEDINGS SHALL BE HELD IN THE COUNTY OF APPROPRIATE VENUE UNLESS THE PARTIES CONSENT TO ANOTHER COUNTY; TO PROVIDE THAT ORDERS ISSUED BY RETIRED JUDGE HEARING OFFICERS SHALL BE CONSIDERED FINAL AND SHALL BE APPEALED DIRECTLY TO THE COURT OF APPEALS; TO PROVIDE THAT ORDERS ISSUED BY OTHER HEARING OFFICERS ARE SUBJECT TO REVIEW BY A FAMILY COURT JUDGE; TO PROVIDE THAT HEARING OFFICERS ARE NOT BARRED FROM THE PRACTICE OF LAW IN FAMILY COURT; TO PROVIDE THAT THE FAMILY COURT RULES APPLY IN PROCEEDINGS BEFORE HEARING OFFICERS; AND TO PROVIDE THAT HEARING OFFICERS SHALL RECEIVE CREDIT FOR COURT APPOINTMENTS.

Senator SETZLER objected to further consideration of the Bill.

H. 3536 -- Reps. J.E. Smith and McLeod: A BILL TO AMEND SECTION 17‑5‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS OF CORONERS, SO AS TO INCREASE THOSE QUALIFICATIONS BY REQUIRING THOSE PERSONS WITH HIGH SCHOOL DIPLOMAS TO ALSO HAVE AT LEAST SIX YEARS’ EXPERIENCE IN THE FIELD, BY REQUIRING THOSE PERSONS WITH A TWO YEAR ASSOCIATE DEGREE TO ALSO HAVE FOUR YEARS OF EXPERIENCE IN THE FIELD, AND BY REQUIRING THOSE PERSONS WITH A FOUR YEAR BACCALAUREATE DEGREE TO ALSO HAVE AT LEAST TWO YEARS OF EXPERIENCE IN THE FIELD; AND TO REQUIRE THAT A CANDIDATE FOR CORONER FILE A SWORN AFFIDAVIT WITH THE COUNTY EXECUTIVE COMMITTEE OF THE PERSON’S POLITICAL PARTY UNDER SPECIFIED TIME FRAMES, TO PROVIDE FOR THE FILING OF THE AFFIDAVIT BY PETITION CANDIDATES, AND TO DELINEATE THE INFORMATION THAT THE AFFIDAVIT MUST CONTAIN.

Senator LARRY MARTIN explained the Bill.

Senator GROOMS objected to further consideration of the Bill.

**CARRIED OVER**

S. 699 -- Senator Leatherman: A BILL TO AMEND CHAPTER 1, TITLE 6 OF THE 1976 CODE, BY ADDING ARTICLE 2 ENACTING THE “FINANCIAL ACCOUNTABILITY ACT” TO REQUIRE POLITICAL SUBDIVISIONS OF THIS STATE TO HAVE ANNUAL FINANCIAL AUDITS AND PROVIDE COPIES OF THESE AUDITS TO THE STATE TREASURER WHERE NOT ALREADY REQUIRED BY LAW, TO PROVIDE FOR ENFORCEMENT OF THIS REQUIREMENT BY MEANS OF WITHHOLDING A PORTION OF STATE FUNDS OTHERWISE DUE THE POLITICAL SUBDIVISION UNTIL COMPLIANCE IS ACHIEVED, TO AUTHORIZE THE STATE TREASURER TO DEVELOP STANDARDS FOR AND REPORT ON THE FINANCIAL HEALTH OF POLITICAL SUBDIVISIONS AND MAKE AUDITS PUBLIC ELECTRONICALLY, AND TO DIRECT THE STATE BUDGET AND CONTROL BOARD TO ASSIST IN THE IMPLEMENTATION OF THIS ACT.

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

There was no objection.

Senator ALEXANDER explained the Bill.

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

S. 1070 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING PART VII TO ARTICLE 5, TITLE 62 SO AS TO ENACT THE “UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT”, TO DEFINE NECESSARY TERMS, PROVIDE A UNIFORM PROCEDURE FOR JURISDICTION OVER ADULT GUARDIANSHIPS, CONSERVATORSHIPS, AND OTHER PROTECTIVE PROCEEDINGS TO ENSURE ONLY ONE STATE HAS JURISDICTION AT A GIVEN TIME.

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

H. 4607 -- Reps. Sandifer, Huggins, Ott, Hutto, Howard, Anderson, Gambrell, Rice, Hayes, Erickson, Bedingfield, Lowe, Brady, G.A. Brown, Pinson, Bowers, Toole, Crawford, Bales, Mack, Allison, Parker, Mitchell, Long, Viers, Sellers, Sottile, Forrester, Horne, Clemmons, Simrill and Cole: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37‑2‑308 SO AS TO DEFINE NECESSARY TERMS AND PROVIDE PROCEDURES THAT MUST BE FOLLOWED BY MOTOR VEHICLE DEALERS IN ADVERTISEMENTS MADE IN THE COURSE OF SOLICITING FOR THE SALE OR LEASE OF MOTOR VEHICLES; AND TO AMEND SECTION 37‑6‑108, AS AMENDED, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO PROVIDE PENALTIES FOR MOTOR VEHICLE DEALERS WHO VIOLATE THE PROVISIONS OF SECTION 37‑2‑308.

Senator THOMAS explained the Bill.

Senator LARRY MARTIN spoke on the Bill.

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.

**THE SENATE PROCEEDED TO A CONSIDERATION OF VETOES.**

**CARRIED OVER**

(R137, S19) -- Senator Fair: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑116‑45 SO AS TO PROVIDE THAT EVERY POLICE/SECURITY DEPARTMENT SHALL IMPLEMENT POLICIES AND PROCEDURES TO GOVERN THEIR OPERATIONS; TO AMEND SECTIONS 59‑116‑10, 59‑116‑20, 59‑116‑30, 59‑116‑50, 59‑116‑60, 59‑116‑80, 59‑116‑100, AND 59‑116‑120, RELATING TO THE ESTABLISHMENT, POWERS, AND OPERATION OF CAMPUS SECURITY DEPARTMENTS, SO AS TO REVISE THE DEFINITION OF THE TERMS “CAMPUS” AND “CAMPUS POLICE OFFICER”, AND TO DEFINE THE TERM “CAMPUS SECURITY OFFICER”, TO PROVIDE THAT THESE PROVISIONS APPLY TO PRIVATE INSTITUTIONS, TO MAKE TECHNICAL CHANGES, TO REVISE THE JURISDICTIONAL BOUNDARY OF A CAMPUS SECURITY OFFICER, AND TO REVISE THE MARKINGS THAT MAY APPEAR ON A CAMPUS POLICE OFFICER’S VEHICLE AND TO PROVIDE FOR THE USE OF CAMPUS UNMARKED VEHICLES; TO AMEND SECTION 59‑116‑50, RELATING TO THE RANKS AND GRADES OF CAMPUS POLICE OFFICERS, SO AS TO DELETE THE TERM “PUBLIC SAFETY DIRECTOR” AND REPLACE IT WITH THE TERM “CHIEF LAW ENFORCEMENT EXECUTIVE”, TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE INSTITUTIONS; TO AMEND SECTION 59‑116‑60, RELATING TO CAMPUS POLICE VEHICLES AND RADIO SYSTEMS, SO AS TO SUBSTITUTE THE TERM “CAMPUS POLICE DEPARTMENT” FOR THE TERM “SAFETY AND SECURITY DEPARTMENT”; TO AMEND SECTION 59‑116‑80, RELATING TO IMPERSONATING A CAMPUS POLICE OFFICER, SO AS TO SUBSTITUTE THE TERM “CAMPUS SECURITY DEPARTMENT” FOR THE TERM “SAFETY AND SECURITY DEPARTMENT”; TO PROVIDE THAT THIS PROVISION APPLIES TO A PRIVATE COLLEGE OR UNIVERSITY, AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 59‑116‑100, RELATING TO THE PROCESSING OF A PERSON ARRESTED BY A CAMPUS POLICE OFFICER, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO THE ARREST OF A PERSON BY A CAMPUS SECURITY OFFICER; TO AMEND SECTION 59‑116‑120, RELATING TO COLLEGES AND UNIVERSITIES EMPLOYING SECURITY PERSONNEL, SO AS TO PROVIDE THAT THIS PROVISION APPLIES TO PRIVATE COLLEGES AND UNIVERSITIES, AND TO MAKE TECHNICAL CHANGES; AND TO REPEAL SECTION 59‑116‑70 RELATING TO THE POSTING OF A BOND BY A CAMPUS POLICE OFFICER BEFORE THE ASSUMPTION OF THEIR DUTIES.

The veto of the Governor was taken up for immediate consideration.

On motion of Senator FAIR, the veto was carried over.

**Message from the House**

Columbia, S.C., April 13, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.170, S. 4728 by a vote of 6 to 1:

(R170, H4728) -- Reps. Norman, Simrill and Delleney: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 OF YORK COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE 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.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R170, H4728) -- Reps. Norman, Simrill and Delleney: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF FORT MILL SCHOOL DISTRICT NO. 4 OF YORK COUNTY TO ISSUE GENERAL OBLIGATION BONDS OF THE DISTRICT UP TO ITS CONSTITUTIONAL DEBT LIMIT IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS TO DEFRAY THE LOSS OF EDUCATION FINANCE ACT FUNDS TO THE 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.

The veto of the Governor was taken up for immediate consideration.

Senator HAYES moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 3; Nays 0; Not Voting 40**

**AYES**

Hayes Mulvaney Peeler

**Total--3**

**NAYS**

**Total--0**

**NOT VOTING**

Alexander Anderson Bright

Bryant Campbell Campsen

Cleary Courson Cromer

Davis Elliott Fair

Ford Grooms Hutto

Jackson Knotts Land

Leatherman Leventis Malloy

*Martin, Larry Martin, Shane* Massey

McConnell McGill Nicholson

O’Dell Pinckney Rankin

Reese Rose Ryberg

Scott Setzler Sheheen

Shoopman Thomas Verdin

Williams

**Total--40**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., April 15, 2010

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.160, H. 3707 by a vote of 91 to 2:

(R160, H3707) -- Reps. T.R. Young, Cato, Cobb‑Hunter, Toole, Ott, Cooper, Gambrell, Bowen, Agnew, McLeod, J.H. Neal, Gunn, Hayes, Stewart, Thompson, White, Duncan, D.C. Moss, H.B. Brown, Knight, Frye, Spires, Neilson, Vick, Hutto, Sellers and Rice: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑41‑235 SO AS TO REQUIRE MOTOR FUEL TERMINALS TO OFFER FOR SALE ALL GRADES OF PETROLEUM PRODUCTS SUITABLE FOR SUBSEQUENT BLENDING WITH ETHANOL; TO REQUIRE MOTOR FUEL TERMINALS TO OFFER FOR SALE ALL GRADES OF DIESEL FUEL SUITABLE FOR BLENDING TO PRODUCE BIODIESEL OR BIODIESEL BLENDS; TO PROHIBIT THE SALE OF AN UNBLENDED PRODUCT WITHOUT NECESSARY ADDITIVES; TO PROHIBIT THE DENIAL OF A DISTRIBUTOR OR RETAILER FROM BEING THE BLENDER OF RECORD; TO REQUIRE THE UTILIZATION OF THE RENEWABLE IDENTIFICATION NUMBER SYSTEM; TO DECLARE A VIOLATION OF THIS SECTION AN UNFAIR TRADE PRACTICE AND TO PROVIDE A PENALTY; TO REQUIRE WHOLESALER PURCHASERS TO ENSURE THEIR ACTIVITIES RESULT IN PRODUCTS THAT MEET CERTAIN STANDARDS; TO PROVIDE FOR LIABILITY FOR DAMAGES ARISING FROM THE BLENDING OF GASOLINE, GASOLINE BLENDING STOCK, OR DIESEL; AND TO REQUIRE NOTICE OF THE ENTITY THAT PERFORMED THE BLENDING IN CERTAIN LOCATIONS.

Very respectfully,

Speaker of the House

Received as information.

**VETO OVERRIDDEN**

(R160, H3707) -- Reps. T.R. Young, Cato, Cobb‑Hunter, Toole, Ott, Cooper, Gambrell, Bowen, Agnew, McLeod, J.H. Neal, Gunn, Hayes, Stewart, Thompson, White, Duncan, D.C. Moss, H.B. Brown, Knight, Frye, Spires, Neilson, Vick, Hutto, Sellers and Rice: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑41‑235 SO AS TO REQUIRE MOTOR FUEL TERMINALS TO OFFER FOR SALE ALL GRADES OF PETROLEUM PRODUCTS SUITABLE FOR SUBSEQUENT BLENDING WITH ETHANOL; TO REQUIRE MOTOR FUEL TERMINALS TO OFFER FOR SALE ALL GRADES OF DIESEL FUEL SUITABLE FOR BLENDING TO PRODUCE BIODIESEL OR BIODIESEL BLENDS; TO PROHIBIT THE SALE OF AN UNBLENDED PRODUCT WITHOUT NECESSARY ADDITIVES; TO PROHIBIT THE DENIAL OF A DISTRIBUTOR OR RETAILER FROM BEING THE BLENDER OF RECORD; TO REQUIRE THE UTILIZATION OF THE RENEWABLE IDENTIFICATION NUMBER SYSTEM; TO DECLARE A VIOLATION OF THIS SECTION AN UNFAIR TRADE PRACTICE AND TO PROVIDE A PENALTY; TO REQUIRE WHOLESALER PURCHASERS TO ENSURE THEIR ACTIVITIES RESULT IN PRODUCTS THAT MEET CERTAIN STANDARDS; TO PROVIDE FOR LIABILITY FOR DAMAGES ARISING FROM THE BLENDING OF GASOLINE, GASOLINE BLENDING STOCK, OR DIESEL; AND TO REQUIRE NOTICE OF THE ENTITY THAT PERFORMED THE BLENDING IN CERTAIN LOCATIONS.

Senator VERDIN asked unanimous consent to take the veto up for immediate consideration.

There was no objection.

The veto of the Governor was taken up for immediate consideration.

Senator VERDIN moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

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

**Ayes 35; Nays 7**

**AYES**

Alexander Anderson Bright

Bryant Campbell Cleary

Courson Cromer Davis

Elliott Fair Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leventis Malloy *Martin, Shane*

Massey McGill Nicholson

O’Dell Peeler Pinckney

Rankin Reese Ryberg

Scott Setzler Sheheen

Verdin Williams

**Total--35**

**NAYS**

Campsen *Martin, Larry* McConnell

Mulvaney Rose Shoopman

Thomas

**Total--7**

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

**PRESIDENT PRESIDES**

At 12:43 P.M., the PRESIDENT assumed the Chair.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDED, READ THE SECOND TIME**

**RETURNED TO THE CATEGORY OF SPECIAL ORDERS**

H. 3161 -- Rep. Harrison: A BILL TO AMEND SECTION 1‑23‑660, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFICE OF MOTOR VEHICLE HEARINGS WITHIN THE ADMINISTRATIVE LAW COURT, SO AS TO REQUIRE THE OFFICE OF MOTOR VEHICLE HEARINGS TO EMPLOY CERTAIN PROFESSIONAL AND SUPPORT STAFF; AND TO AMEND SECTION 56‑5‑2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST AN ADMINISTRATIVE HEARING, SO AS TO INCREASE THE FILING FEE FROM ONE HUNDRED FIFTY TO TWO HUNDRED FIFTY DOLLARS AND PROVIDE FOR THE DISTRIBUTION OF THE FILING FEE FUNDS COLLECTED.

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

**Amendment No. P-2**

Senators McCONNELL and LAND proposed the following Amendment No. P-2 (JUD3161.007), which was adopted:

Amend the committee report, as and if amended, pg. [3161-4], by striking lines 33-38 in their entirety and inserting the following:

/ (C)(1) In addition to the fees imposed pursuant to subsection (B) and Section 8‑21‑310(11)(a), there is a fee of one hundred fifty dollars. This one hundred fifty dollar fee must be delivered to the county treasurer to be remitted to the State Treasurer by the fifteenth day of each month for allocation and distribution to the Judicial Department in each fiscal year. The additional fee in this subsection does not apply to filing fees of an agency or court whose filing fees are calculated by a reference to the filing fee for circuit court.” /

Renumber sections to conform.

Amend title to conform.

Senator McCONNELL explained the amendment.

The amendment was adopted.

**Amendment No. P-3**

Senator HUTTO proposed the following Amendment No. P-3 (3161HUTTO200FAM2), which was adopted:

Amend the committee report, as and if amended, page [3161-4], by striking lines 33 through 38 and inserting:

/ (C)(1) In addition to the fees imposed pursuant to subsection (B) and Section 8‑21‑310(11)(a), the following fees are imposed:

(a) a fee of fifty dollars for proceedings in family court; and

(b) a fee of one hundred fifty dollars for proceedings in any other court of record.

These fees must be delivered to the county treasurer to be remitted to the State Treasurer by the fifteenth day of each month for allocation and distribution to the Judicial Department in each fiscal year. The additional fees in this subsection do not apply to filings of an agency or court whose filing fees are calculated by a reference to the filing fee for circuit court.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

**Amendment No. P-4A**

Senator MALLOY proposed the following Amendment No. P-4A (3161MALLDEPOADDBILL), which was adopted:

Amend the committee report, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION . Chapter 21, Title 8 of the 1976 Code is amended by adding:

“Section 8-21-330. There is assessed a fee of fifty dollars for every deposition conducted as part of any proceeding in a court in this State. Any person serving as a reporter who generates a record of a deposition must report the deposition to the clerk of court in the county in which the proceeding was commenced within seven days of the taking of the deposition. Any attorney who conducts a deposition must pay the fee to the clerk of court in the county in which the proceeding was commenced within thirty days of the taking of the deposition. The revenue from this fee must be collected by the clerk of court in each county and remitted to the State Treasurer and credited to a separate judicial department support fund for the exclusive use of the judicial department for operating purposes.” /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

**Objection**

Senator MALLOY asked unanimous consent to make a motion to perfect the amendment.

Senator MASSEY objected.

Senator MALLOY resumed speaking on the amendment.

Senator MASSEY argued contra to the adoption of the amendment.

**PRESIDENT *Pro Tempore* PRESIDES**

At 1:23 P.M., Senator McCONNELL assumed the Chair.

Senator MASSEY argued contra to the adoption of the amendment.

Senator MALLOY argued in favor of the adoption of the amendment.

Senator MALLOY moved that the amendment be adopted.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 10; Nays 32**

**AYES**

Bright Bryant Campsen

Davis Leventis *Martin, Shane*

Massey Mulvaney Ryberg

Shoopman

**Total--10**

**NAYS**

Alexander Anderson Campbell

Cleary Courson Cromer

Elliott Fair Ford

Grooms Hayes Hutto

Jackson Knotts Land

Leatherman Malloy *Martin, Larry*

McConnell McGill Nicholson

O’Dell Peeler Pinckney

Rankin Reese Rose

Scott Setzler Sheheen

Verdin Williams

**Total--32**

The Senate refused to table the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

The question then was the adoption of the amendment proposed by the Committee on Judiciary.

The Judiciary Committee proposed the following amendment (JUD3161.005), which was adopted:

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

/ SECTION 1. Section 1‑23‑660(A) of the 1976 Code, as last amended by Act 279 of 2008, is further amended to read:

“(A) There is created within the Administrative Law Court the Office of Motor Vehicle Hearings. The Chief Judge of the Administrative Law Court shall serve as the Director of the Office of Motor Vehicle Hearings. The duties, functions, and responsibilities of all hearing officers and associated staff of the Department of Motor Vehicles are devolved upon the Administrative Law Court effective January 1, 2006. The hearing officers and staff positions, together with the appropriations relating to these positions, are transferred to the Office of Motor Vehicle Hearings of the Administrative Law Court on January 1, 2006. The hearing officers and staff ~~shall~~must be appointed, hired, contracted, and supervised by the chief judge of the court and shall continue to exercise their adjudicatory functions, duties, and responsibilities under the auspices of the Administrative Law Court as directed by the chief judge and shall perform such other functions and duties as the chief judge of the court prescribes. The Office of Motor Vehicle Hearings shall employ at least five hearing officers, an attorney to advise the hearing officers, and support staff in the performance of their duties, and other support and supervisory staff as deemed necessary by the chief judge. All employees of the office shall serve at the will of the chief judge. The chief judge is solely responsible for the administration of the office, the assignment of cases, and the administrative duties and responsibilities of the hearing officers and staff. Notwithstanding another provision of law, the chief judge also has the authority to promulgate rules governing practice and procedures before the Office of Motor Vehicle Hearings. These rules are subject to review as are the rules of procedure promulgated by the Supreme Court pursuant to Article V of the South Carolina Constitution.”

SECTION 2. Section 56‑5‑2952 of the 1976 Code, as last amended by Act 279 of 2008, is further amended to read:

“Section 56‑5‑2952. The filing fee to request ~~any~~a contested case hearing before the Office of Motor Vehicle Hearings of the Administrative Law Court is ~~one~~two hundred fifty dollars, or as otherwise prescribed by the rules of procedure for the ~~Administrative Law Court~~Office of the Motor Vehicle Hearings. Funds generated from the collection of this fee ~~shall~~must be retained by the Administrative Law Court, provided, however, that these funds first must be used to meet the expenses of the Office of Motor Vehicle Hearings, including the salaries of its employees, as directed by the Chief Judge of the Administrative Law Court.”

SECTION 3. (A) From the effective date of this act through June 30, 2012, Section 8‑21‑320 of the 1976 Code shall read:

“Section 8‑21‑320. There is assessed for every motion made in the court of common pleas and family court, not including motions made in family court juvenile delinquency proceedings, a fee of ~~twenty‑five~~ seventy‑five dollars. The fee must accompany each motion filed. The Supreme Court has authority to issue administrative rules to exempt from the motion fee certain family court matters involving rules to show cause in child and spousal support matters. The Supreme Court may waive the filing fees imposed by this section upon a proper showing of indigency. The revenue from this fee must be collected by the clerk of court in each court and remitted to the State Treasurer and credited to a separate judicial department support fund for the exclusive use of the judicial department.

The revenue collected pursuant to this section shall be distributed by the State Treasurer in the following manner:

(1) The first four hundred fifty thousand dollars of these funds must be transferred to the Prosecution Coordination Commission. The funds shall be distributed equally to the third, fourth, and eleventh judicial circuits to fund drug courts.

(2) Any remaining funds must be transferred to the Judicial Department for operating purposes.”

(B) On and after July 1, 2012, Section 8‑21‑320 shall read:

“Section 8‑21‑320. There is assessed for every motion made in the court of common pleas and family court, not including motions made in family court juvenile delinquency proceedings, a fee of twenty‑five dollars. The fee must accompany each motion filed. The Supreme Court has authority to issue administrative rules to exempt from the motion fee certain family court matters involving rules to show cause in child and spousal support matters. The Supreme Court may waive the filing fees imposed by this section upon a proper showing of indigency. The revenue from this fee must be collected by the clerk of court in each court and remitted to the State Treasurer and credited to a separate judicial department support fund for the exclusive use of the judicial department.

The revenue collected pursuant to this section shall be distributed by the State Treasurer in the following manner:

(1) The first four hundred fifty thousand dollars of these funds must be transferred to the Prosecution Coordination Commission. The funds shall be distributed equally to the third, fourth, and eleventh judicial circuits to fund drug courts.

(2) Any remaining funds must be transferred to the Judicial Department for operating purposes.”

SECTION 4. (A) From the effective date of this act through June 30, 2012, Section 14‑1‑204 of the 1976 Code shall read:

“Section 14-1-204.(A) The one hundred dollar filing fee for documents and actions described in Section 8‑21‑310(11)(a) must be remitted to the county in which the proceeding is instituted, and fifty‑six percent of these filing fee revenues must be delivered to the county treasurer to be remitted monthly by the fifteenth day of each month to the State Treasurer. When a payment is made to the county in installments, the state’s portion must be remitted to the State Treasurer by the county treasurer on a monthly basis.

The fifty‑six percent of the one hundred dollar fee prescribed in Section 8‑21‑310(11)(a) remitted to the State Treasurer must be deposited as follows:

(1) 31.52 percent to the state general fund;

(2) 7.23 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department’s addiction center facilities;

(3) 4.47 percent to the State Office of Victim Assistance under the South Carolina Victim’s Compensation Fund;

(4) 26.78 percent to the Defense of Indigents Per Capita Fund, administered by the Commission on Indigent Defense, which shall then distribute these funds on December thirty‑first and on June thirtieth of each year to South Carolina organizations that are grantees of the Legal Services Corporation, in amounts proportionate to each recipient’s share of the state’s poverty population; and

(5) 30.00 percent to the South Carolina Judicial Department.

(B)(1) There is added to the fee imposed pursuant to Section 8‑21‑310(11)(a) an additional fee equal to fifty dollars. One hundred percent of the revenue from this additional fee must be remitted to the State Treasurer on the monthly schedule provided in subsection (A). The revenues from this additional fee must be allocated in each fiscal year to the following agencies in the amounts specified:

(a) Judicial Department‑67.96 percent;

(b) Commission on Indigent Defense, Defense of Indigents per capita‑14.56 percent;

(c) Department of Probation, Parole and Pardon Services‑11.30 percent;

(d) Prosecution Coordination Commission‑4.37 percent; and

(e) Commission on Indigent Defense, Division of Appellate Defense‑1.81 percent.

(2) Fee revenues allocated pursuant to this subsection are to be retained, expended, and carried forward by the agencies specified.

(C)(1) In addition to the fees imposed pursuant to subsection (B) and Section 8‑21‑310(11)(a), there is a fee of one hundred fifty dollars. This one hundred fifty dollar fee must be delivered to the county treasurer to be remitted to the State Treasurer by the fifteenth day of each month for allocation and distribution to the Judicial Department in each fiscal year.”

(B) On and after July 1, 2012, Section 14‑1‑204 shall read:

“Section 14-1-204. (A) The one hundred dollar filing fee for documents and actions described in Section 8‑21‑310(11)(a) must be remitted to the county in which the proceeding is instituted, and fifty‑six percent of these filing fee revenues must be delivered to the county treasurer to be remitted monthly by the fifteenth day of each month to the State Treasurer. When a payment is made to the county in installments, the state’s portion must be remitted to the State Treasurer by the county treasurer on a monthly basis.

The fifty‑six percent of the one hundred dollar fee prescribed in Section 8‑21‑310(11)(a) remitted to the State Treasurer must be deposited as follows:

(1) 31.52 percent to the state general fund;

(2) 7.23 percent to the Department of Mental Health to be used exclusively for the treatment and rehabilitation of drug addicts within the department’s addiction center facilities;

(3) 4.47 percent to the State Office of Victim Assistance under the South Carolina Victim’s Compensation Fund;

(4) 26.78 percent to the Defense of Indigents Per Capita Fund, administered by the Commission on Indigent Defense, which shall then distribute these funds on December thirty‑first and on June thirtieth of each year to South Carolina organizations that are grantees of the Legal Services Corporation, in amounts proportionate to each recipient’s share of the state’s poverty population; and

(5) 30.00 percent to the South Carolina Judicial Department.

(B)(1) There is added to the fee imposed pursuant to Section 8‑21‑310(11)(a) an additional fee equal to fifty dollars. One hundred percent of the revenue from this additional fee must be remitted to the State Treasurer on the monthly schedule provided in subsection (A). The revenues from this additional fee must be allocated in each fiscal year to the following agencies in the amounts specified:

(a) Judicial Department‑67.96 percent;

(b) Commission on Indigent Defense, Defense of Indigents per capita‑14.56 percent;

(c) Department of Probation, Parole and Pardon Services‑11.30 percent;

(d) Prosecution Coordination Commission‑4.37 percent; and

(e) Commission on Indigent Defense, Division of Appellate Defense‑1.81 percent.

(2) Fee revenues allocated pursuant to this subsection are to be retained, expended, and carried forward by the agencies specified.

SECTION 5. (A) From the effective date of this act through June 30, 2012, Section 22‑3‑340 of the 1976 Code shall read:

“Section 22‑3‑340. An assessment equal to ~~twenty‑five~~ fifty dollars is imposed on all summons and complaint filings in magistrates court and an assessment equal to ~~ten~~ twenty dollars is imposed on all other civil filings in magistrates court, except for restraining orders. The fees must be collected by the magistrates court and forwarded monthly to the county treasurer and remitted in turn by the county treasurer to the State Treasurer for allocation to the judicial department.”

(B) On and after July 1, 2012, Section 22‑3‑340 shall read:

“Section 22-3-340. An assessment equal to twenty‑five dollars is imposed on all summons and complaint filings in magistrates court and an assessment equal to ten dollars is imposed on all other civil filings in magistrates court, except for restraining orders. The fees must be collected by the magistrates court and forwarded monthly to the county treasurer and remitted in turn by the county treasurer to the State Treasurer for allocation to the judicial department.”

SECTION 6. 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 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted, as perfected.

**Amendment No. 3**

Senator MALLOY proposed the following Amendment No. 3 (JUD3161.011), which was adopted, subsequently reconsidered and withdrawn:

Amend the bill, as and if amended, by striking SECTION 3(A) and inserting:

/ “Section 8‑21‑320. There is assessed for every motion made in the court of common pleas and family court, not including motions made in family court juvenile delinquency proceedings nor motions made in family court regarding child support, a fee of ~~twenty‑five~~ seventy‑five dollars. The fee must accompany each motion filed. The Supreme Court has authority to issue administrative rules to exempt from the motion fee certain family court matters involving rules to show cause in child and spousal support matters. The Supreme Court may waive the filing fees imposed by this section upon a proper showing of indigency. The revenue from this fee must be collected by the clerk of court in each court and remitted to the State Treasurer and credited to a separate judicial department support fund for the exclusive use of the judicial department.

The revenue collected pursuant to this section shall be distributed by the State Treasurer in the following manner:

(1) The first four hundred fifty thousand dollars of these funds must be transferred to the Prosecution Coordination Commission. The funds shall be distributed equally to the third, fourth, and eleventh judicial circuits to fund drug courts.

(2) Two hundred thousand dollars must be transferred to the South Carolina Access to Justice Commission.

(~~2~~3) Any remaining funds must be transferred to the Judicial Department for operating purposes.”

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Amendment No. 3--Recorded Vote**

Senator DAVIS desired to be recorded as voting against the adoption of the amendment.

Senator LEVENTIS spoke on the Bill.

With Senator LEVENTIS retaining the floor, having voted on the prevailing side, with unanimous consent, Senator MALLOY moved to reconsider the vote whereby the Amendment No. 3 was adopted.

The motion was adopted and the vote whereby Amendment No. 3 was adopted was reconsidered.

On motion of Senator MALLOY, with unanimous consent, Amendment No. 3 was withdrawn.

On motion of Senator MALLOY, with unanimous consent, Amendment No. 2 was taken up for immediate consideration.

**Amendment No. 2**

Senator MALLOY proposed the following Amendment No. 2 (JUD3161.012), which was adopted:

Amend the bill, as and if amended, by striking SECTION 3(A) and inserting:

/ “Section 8‑21‑320. There is assessed for every motion made in the court of common pleas and family court, not including motions made in family court juvenile delinquency proceedings, a fee of ~~twenty‑five~~ seventy‑five dollars. The fee must accompany each motion filed. The Supreme Court has authority to issue administrative rules to exempt from the motion fee certain family court matters involving rules to show cause in child and spousal support matters. The Supreme Court may waive the filing fees imposed by this section upon a proper showing of indigency. The revenue from this fee must be collected by the clerk of court in each court and remitted to the State Treasurer and credited to a separate judicial department support fund for the exclusive use of the judicial department.

The revenue collected pursuant to this section shall be distributed by the State Treasurer in the following manner:

(1) The first four hundred fifty thousand dollars of these funds must be transferred to the Prosecution Coordination Commission. The funds shall be distributed equally to the third, fourth, and eleventh judicial circuits to fund drug courts.

(2) Two hundred thousand dollars must be transferred to the South Carolina Access to Justice Commission.

(~~2~~3) Any remaining funds must be transferred to the Judicial Department for operating purposes.” /

Renumber sections to conform. Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Amendment No. 2--Recorded Vote**

Senator DAVIS desired to be recorded as voting against the adoption of the amendment.

Senator LEVENTIS resumed speaking on the Bill.

**Amendment No. 5**

Senator SCOTT proposed the following Amendment No. 5 (3161SCOTTFAMCOMP), which was adopted:

Amend the bill, as and if amended, by striking SUBSECTION (C)(1), SECTION 4, and inserting:

/ (C)(1) In addition to the fees imposed pursuant to subsection (B) and Section 8‑21‑310(11)(a), the following fees are imposed:

(a) a fee of fifty dollars for proceedings in family court, except family court proceedings that are soley for child support enforcement or child support modification are exempt from any fee increase imposed pursuant to this subsection; and

(b) a fee of one hundred fifty dollars for proceedings in any other court of record.

These fees must be delivered to the county treasurer to be remitted to the State Treasurer by the fifteenth day of each month for allocation and distribution to the Judicial Department in each fiscal year. The additional fees in this subsection do not apply to filings of an agency or court whose filing fees are calculated by a reference to the filing fee for circuit court.” /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

**RECESS**

With Senator SCOTT retaining the floor, at 2:29 P.M., on motion of Senator LAND, with unanimous consent, the Senate receded from business subject to the Call of the Chair.

At 2:48 P.M., the Senate resumed.

There being no further amendments, the question then was the second reading of the Bill.

Senator MASSEY argued contra to the second reading of the Bill.

**Objection**

Senator MULVANEY asked unanimous consent to make a motion to waive the provisions of Rule 26B on third reading.

Senator LARRY MARTIN spoke on the motion.

Senator MALLOY objected.

Senator MASSEY argued contra to the second reading of the Bill.

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

**Ayes 26; Nays 11**

**AYES**

Alexander Campbell Campsen

Cleary Courson Cromer

Elliott Hayes Hutto

Jackson Land Leatherman

Malloy *Martin, Larry* McConnell

McGill Nicholson Peeler

Pinckney Rankin Reese

Rose Scott Setzler

Sheheen Williams

**Total--26**

**NAYS**

Bright Bryant Davis

Fair Ford Leventis

*Martin, Shane* Massey Mulvaney

Ryberg Shoopman

**Total--11**

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

The Bill was returned to the category of Special Orders.

**Motion to Ratify Adopted**

At 3:17 P.M., Senator LARRY MARTIN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts on Tuesday, April 20, 2010, at 1:00 P.M.

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

**LOCAL APPOINTMENTS**

**Confirmations**

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

Reappointment, Anderson - Oconee County Master-in-Equity, with the term to commence June 30, 2010, and to expire June 30, 2016

Ellis B. Drew, Jr., Anderson County Courthouse, P. O. Box 8002, Anderson, SC 29622

Reappointment, Spartanburg County Board of Voter Registration, with the term to commence March 15, 2010, and to expire March 15, 2012

At-Large:

Dorothy A. Broyles, 160 Cabin Road, Inman, SC 29349

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2010, and to expire April 30, 2014

Jacob M. Thompson II, 215 Woodtrails Dr., Olanta, SC 29114 *VICE* Jake Franklin Strickland

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

George T. Ferguson, P.O. Box 871, Abbeville, SC 29620

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

Susan G. Gladden, 438 Highway 20, Abbeville, SC 29620

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

Carolyn W. Brownlee, 417 Hanover Road, Abbeville, SC 29620

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

James M. Lynch, 307 East Smith Street, Timmonsville, SC 29161

**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Reverend H. T. Legons of Ridge Spring, S.C., pastor of Mt. Olive Baptist Church for the past 34 years. Reverend Legons was the beloved husband of Minnie and the devoted father of 12 children.

**ADJOURNMENT**

At 3:21 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.

**Recorded Vote**

Senators BRIGHT and BRYANT desired to be recorded as voting against the motion to adjourn.

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