**Thursday, January 29, 2015**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

 We read how Moses reminded the people of old to keep alive the truths that matter most, urging them to: “Teach them to your children and to their children after them.” (Deuteronomy 4:9b)

 Join me as we pray:

 Among the resources which enrich us so very much, O God, are our children here in South Carolina. Their well-being and their education is a priority fully recognized by this Senate. So we ask, dear Lord, that You grant to each Senator a passion to do all in his or her power to protect and strengthen our care for and our education of each and every one of our children and young people. As well, O Lord, continue to care for and to bless all of our women and men in uniform serving in places all around the globe, as well as those who are among all of our first responders here at home. All this we pray in Your blessed name, Lord. Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Statewide Appointments**

Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2015, and to expire May 31, 2018

General Public:

Rex L. Casterline, P.O. Box 123, Columbia, SC 29202

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina Workers’ Compensation Commission, with the term to commence June 30, 2012, and to expire June 30, 2018

At-Large:

Michael R. Campbell, 131 High Knoll Road, Columbia, SC 29223 *VICE* Ms. Andrea Roche

Referred to the Committee on Judiciary.

**Doctor of the Day**

 Senator ALEXANDER introduced Dr. David Garr of Mount Pleasant, S.C., Doctor of the Day.

**Leave of Absence**

 At 11:05 A.M., Senator BRYANT requested a leave of absence for Senator VERDIN.

**Leave of Absence**

 At 11:05 A.M., Senator FAIR requested a leave of absence beginning at 12:00 Noon.

**Leave of Absence**

 At 11:33 A.M., Senator SHEHEEN requested a leave of absence for Senator LOURIE for the day.

**Leave of Absence**

 At 11:42 A.M., Senator SHEHEEN requested a leave of absence until 1:00 P.M.

**Leave of Absence**

 At 11:44 A.M., Senator PEELER requested a leave of absence for the balance of the day.

**Leave of Absence**

 At 12:07 P.M., Senator BRIGHT requested a leave of absence for Senator SHANE MARTIN for the balance of the day.

**Leave of Absence**

 At 12:24 P.M., Senator CAMPSEN requested a leave of absence for Senator GROOMS for the day.

**CO-SPONSORS ADDED**

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

S. 134 Sen. Sheheen

S. 10 Sen. Alexander

S. 11 Sens. Setzler, Alexander, Coleman, Scott, Sheheen

S. 350 Sen. Shealy

S. 129 Sen. Cromer

**INTRODUCTION OF BILLS AND RESOLUTIONS**

 The following were introduced:

 S. 389 -- Senator Lourie: A BILL TO AMEND CHAPTER 37, TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SOUTH CAROLINA BUSINESS DEVELOPMENT CORPORATIONS, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH THESE CORPORATIONS ARE ORGANIZED, REGULATED, AND PERMITTED TO OPERATE.

l:\council\bills\nl\13463sd15.docx

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

 S. 390 -- Senators Shealy, Turner, Campbell and Scott: A BILL TO AMEND SECTION 56-15-315 OF THE 1976 CODE RELATING TO OFF-SITE DISPLAYS OF AUTOMOBILES OR TRUCKS TO PROVIDE THAT LICENSED DEALERS MAY DISPLAY AUTOMOBILES OR TRUCKS AT AIRPORTS.

l:\s-res\ks\018airp.kmm.ks.docx

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

 S. 391 -- Senators Young, Massey, Turner, Thurmond, Johnson, McElveen, Shealy and Hembree: A BILL TO AMEND SECTION 59-112-50 OF THE 1976 CODE, RELATING TO IN-STATE TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS UNDER CERTAIN CONDITIONS, SO AS TO REVISE THE CRITERIA UNDER WHICH VETERANS WHO ARE HONORABLY DISCHARGED AND THEIR DEPENDENTS MAY RECEIVE IN-STATE TUITION RATES, AND TO DEFINE RELATED TERMINOLOGY.

l:\s-res\try\004inst.eb.try.docx

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

 S. 392 -- Senator Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-100 SO AS TO PROVIDE THAT A STATE STATUTE THAT REGULATES HIGHWAY TRAFFIC PREEMPTS A LOCAL ORDINANCE, RULE, OR REGULATION THAT CONFLICTS WITH THE STATUTE, AND THAT A LOCAL GOVERNMENTAL BODY MAY NOT ENACT A PROVISION THAT CONFLICTS WITH A STATE STATUTE THAT REGULATES HIGHWAY TRAFFIC; AND TO AMEND SECTION 56-5-30, RELATING TO THE APPLICABILITY OF THE STATE'S UNIFORM TRAFFIC LAWS UPON THE STATE'S POLITICAL SUBDIVISIONS, SO AS TO DELETE THE PROVISION THAT ALLOWS A POLITICAL SUBDIVISION OF THE STATE TO ADOPT TRAFFIC REGULATIONS WHICH ARE NOT IN CONFLICT WITH THE STATUTES THAT REGULATE HIGHWAY TRAFFIC.

l:\council\bills\bh\26222cm15.docx

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

 S. 393 -- Senator Bryant: A CONCURRENT RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 4, 2015, AS "CITIES MEAN BUSINESS DAY" AND TO RECOGNIZE AND HONOR THE VALUABLE CONTRIBUTIONS SOUTH CAROLINA'S CITIES AND TOWNS MAKE TO OUR STATE'S ECONOMIC PROSPERITY THROUGH THEIR RELATIONSHIP WITH LOCAL BUSINESSES.

l:\s-res\klb\014citi.kmm.klb.docx

 On motion of Senator BRYANT, with unanimous consent, the Concurrent Resolution was adopted and ordered sent to the House.

 S. 394 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE JOHN EDWARD CALDWELL OF NEWBERRY UPON THE OCCASION OF HIS RETIREMENT FROM THE NEWBERRY COUNTY COUNCIL AND TO RECOGNIZE HIM FOR HIS THIRTY-TWO YEARS OF DEDICATED SERVICE TO THE COUNTY.

l:\s-res\rwc\005john.kmm.rwc.docx

 The Senate Resolution was adopted.

 H. 3184 -- Reps. Pope, Cole, Anderson, Bales, G. A. Brown, R. L. Brown, Finlay, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Bernstein, Long, Douglas, Henderson, G. M. Smith, G. R. Smith, McCoy, McKnight, Clary, M. S. McLeod, Thayer, W. J. McLeod, Weeks, J. E. Smith and Stavrinakis: A BILL TO AMEND SECTION 8-13-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE ETHICS COMMISSION AND ITS MEMBERSHIP, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE COMMISSION EFFECTIVE JULY 1, 2015, TO CONSIST OF FOUR MEMBERS APPOINTED BY THE GOVERNOR, FOUR MEMBERS ELECTED BY THE SUPREME COURT, TWO MEMBERS ELECTED BY THE HOUSE OF REPRESENTATIVES, AND TWO MEMBERS ELECTED BY THE SENATE, RESPECTIVELY, TO PROVIDE FOR THE QUALIFICATIONS OF THESE MEMBERS, TO PROVIDE FOR OFFICERS OF THE COMMISSION, AND TO PROVIDE FOR THE MEMBERS' TERMS OF OFFICE AND MANNER OF THEIR REMOVAL UNDER CERTAIN CONDITIONS; TO AMEND SECTION 8-13-320, AS AMENDED, RELATING TO THE DUTIES, POWERS, AND PROCEDURES OF THE STATE ETHICS COMMISSION, SO AS TO REVISE THESE DUTIES, POWERS, AND PROCEDURES INCLUDING PROVISIONS TO VEST WITH THE COMMISSION THE ADDITIONAL RESPONSIBILITY TO INITIATE OR RECEIVE COMPLAINTS AGAINST MEMBERS OF THE GENERAL ASSEMBLY, ITS STAFF, AND CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY, TO INITIATE OR RECEIVE COMPLAINTS AGAINST JUDGES AND OTHER JUDICIAL OFFICIALS OF THE UNIFIED JUDICIAL SYSTEM AND THEIR STAFFS, TO PROVIDE FOR THE INVESTIGATION AND PROCESSING OF COMPLAINTS AGAINST GENERAL ASSEMBLY MEMBERS, STAFF, AND CANDIDATES PURSUANT TO SPECIFIED PROCEDURES AND FOR THE REFERRAL OF SUBSTANTIVE COMPLAINTS TO THE APPROPRIATE HOUSE OR SENATE ETHICS COMMITTEES FOR DISPOSITION TOGETHER WITH THE ETHICS COMMISSION'S RECOMMENDATION AS TO WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION HAS OCCURRED, TO PROVIDE FOR THE INVESTIGATION AND PROCESSING OF COMPLAINTS AGAINST JUDGES AND OTHER JUDICIAL OFFICIALS OR THEIR STAFF PURSUANT TO SPECIFIED PROCEDURES AND, AFTER INVESTIGATION, FOR THE REFERRAL OF SUBSTANTIVE COMPLAINTS TO THE COMMISSION ON JUDICIAL CONDUCT AND THE SUPREME COURT FOR DISPOSITION TOGETHER WITH THE ETHICS COMMISSION'S RECOMMENDATION AS TO WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION HAS OCCURRED; TO AMEND SECTIONS 8-13-530 AND 8-13-540, BOTH AS AMENDED, RELATING TO THE DUTIES, FUNCTIONS, AND PROCEDURES OF THE HOUSE AND SENATE ETHICS COMMITTEES, SO AS TO REVISE THESE DUTIES, FUNCTIONS, AND PROCEDURES IN ORDER TO BE CONSISTENT WITH THE ABOVE PROVISIONS AND TO MAKE OTHER CHANGES; BY ADDING SECTION 8-13-545 SO AS TO AUTHORIZE THE HOUSE OR SENATE ETHICS COMMITTEES TO ISSUE FORMAL ADVISORY OPINIONS AND PROVIDE FOR THEIR EFFECT AND APPLICABILITY; AND BY ADDING ARTICLE 6 TO CHAPTER 13, TITLE 8 SO AS TO PROVIDE FOR JUDICIAL COMPLAINT PROCEDURES IN REGARD TO THE ABOVE PROVISIONS.

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

 H. 3388 -- Reps. Clemmons, H. A. Crawford, Hardwick, Johnson, Duckworth, Goldfinch and Hardee: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF UNITED STATES HIGHWAY 17 AND FARROW PARKWAY IN HORRY COUNTY "BELLAMY INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION THAT CONTAIN THIS DESIGNATION.

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

**REPORTS OF STANDING COMMITTEES**

 Senator HAYES from the Committee on Banking and Insurance submitted a favorable with amendment report on:

S. 136 -- Senator Cleary: A BILL TO AMEND SECTION 38-71-1520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ACCESS TO EMERGENCY MEDICAL CARE ACT, SO AS TO REVISE THE DEFINITION OF EMERGENCY MEDICAL PROVIDER TO INCLUDE ORAL SURGEONS AND DENTISTS LICENSED BY THE STATE BOARD OF DENTISTRY.

 Ordered for consideration tomorrow.

 Senator HAYES from the Committee on Banking and Insurance submitted a favorable report on:

S. 342 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑21‑225 SO AS TO REQUIRE FILING OF AN ANNUAL ENTERPRISE RISK REPORT BY THE ULTIMATE CONTROLLING PERSON OF AN INSURANCE HOLDING COMPANY, AND TO PROVIDE SPECIFIC REQUIREMENTS FOR THE CONTENT OF THE REPORT; BY ADDING SECTION 38‑21‑285 SO AS TO ENABLE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE OR HIS DESIGNEE TO PARTICIPATE IN CERTAIN SUPERVISORY COLLEGES, TO PROVIDE RELATED POWERS AND DUTIES, AND TO PROVIDE FOR THE PAYMENT OF RELATED EXPENSES; TO AMEND SECTION 38‑21‑10, AS AMENDED, RELATING TO DEFINITIONS IN THE INSURANCE HOLDING COMPANY REGULATORY ACT, SO AS TO DEFINE THE TERM “ENTERPRISE RISK”; TO AMEND SECTION 38‑21‑60, RELATING TO THE STATEMENT REQUIRED BY A PERSON SEEKING TO ACQUIRE CONTROL OF AN INSURER, SO AS TO IMPOSE CERTAIN NOTICE REQUIREMENTS; TO AMEND SECTION 38‑21‑70, RELATING TO THE CONTENTS OF A STATEMENT THAT MUST BE FILED BY A PERSON SEEKING TO ACQUIRE CONTROL OF AN INSURER, SO AS TO REVISE THE CONTENT REQUIREMENTS; TO AMEND SECTION 38‑21‑90, RELATING TO APPROVAL BY THE DIRECTOR OF THE ACQUISITION OF CONTROL OF AN INSURER, SO AS TO PROVIDE SPECIFIC REQUIREMENTS FOR PUBLIC HEARINGS WHERE APPROVAL OF MORE THAN ONE COMMISSIONER IS REQUIRED, AND TO DEFINE THE TERM “COMMISSIONER”; TO AMEND SECTION 38‑21‑110, RELATING TO VIOLATIONS OF CERTAIN PROVISIONS OF THE ACT, SO AS TO INCLUDE EFFECTUATION OF THE DIVESTITURE OF A DOMESTIC INSURER WITHOUT APPROVAL BY THE DIRECTOR OR HIS DESIGNEE; TO AMEND SECTION 38‑21‑125, RELATING TO ACQUISITIONS OF INSURERS EXEMPT FROM THE ACT, SO AS TO REMOVE CERTAIN ACQUISITIONS SUBJECT TO APPROVAL OR DISAPPROVAL BY THE DIRECTOR OR HIS DESIGNEE FROM THESE EXEMPTIONS; TO AMEND SECTION 38‑21‑130, RELATING TO THE REGISTRATION OF MEMBERS OF INSURANCE HOLDING COMPANY SYSTEMS, SO AS TO MAKE A TECHNICAL CORRECTION TO AN INCORRECT REFERENCE; TO AMEND SECTION 38‑21‑140, RELATING TO REQUIRED STATEMENTS OF REGISTERING MEMBERS OF INSURANCE HOLDING COMPANY SYSTEMS, SO AS TO ADD CERTAIN FINANCIAL STATEMENTS AND A STATEMENT CONCERNING THE GOVERNANCE AND INTERNAL CONTROLS OF THE INSURER BY ITS BOARD, AMONG OTHER THINGS; TO AMEND SECTION 38‑21‑220, RELATING TO DISCLAIMERS OF AFFILIATION, SO AS TO DELETE LANGUAGE REGARDING CERTAIN REGISTRATION AND REPORTING REQUIREMENTS, AND TO PROVIDE THAT A DISCLAIMER MUST BE CONSIDERED GRANTED ABSENT CERTAIN NOTIFICATION BY THE DIRECTOR, AND TO PROVIDE RELIEF FOR A DENIAL; TO AMEND SECTION 38‑21‑230, RELATING TO FAILURE TO TIMELY FILE A REGISTRATION STATEMENT OR AMENDMENT TO A REGISTRATION STATEMENT, SO AS TO INCLUDE ENTERPRISE RISK FILING; TO AMEND SECTION 38‑21‑250, RELATING TO STANDARDS FOR TRANSACTIONS BETWEEN REGISTERED INSUREDS AND THEIR AFFILIATES, SO AS TO PROVIDE THAT AGREEMENTS FOR COST‑SHARING SERVICES AND MANAGEMENT MUST INCLUDE PROVISIONS REQUIRED BY REGULATION, TO INCLUDE AMENDMENTS OR MODIFICATIONS OF CERTAIN AFFILIATE AGREEMENTS AMONG TRANSACTIONS INVOLVING DOMESTIC INSURERS AND ANY PERSON IN AN INSURANCE HOLDING COMPANY SYSTEM THAT REQUIRES CERTAIN NOTICE TO THE DEPARTMENT, AND TO PROVIDE REQUIREMENTS FOR THIS NOTICE, AMONG OTHER THINGS; TO AMEND SECTION 38‑21‑280, RELATING TO THE POWER OF THE DIRECTOR TO COMPEL PRODUCTION OF CERTAIN INFORMATION FROM INSURERS, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 38‑21‑290, RELATING TO CONFIDENTIAL INFORMATION, SO AS TO REVISE THE REQUIREMENTS TO MAKE THE INFORMATION PRIVILEGED AND NOT SUBJECT TO DISCOVERY OR THE FREEDOM OF INFORMATION ACT, AND TO PROVIDE FOR USE OF THIS INFORMATION BY THE DIRECTOR OR HIS DESIGNEE, AMONG OTHER THINGS, AND TO PROVIDE NEITHER THE DIRECTOR OR HIS DESIGNEE MAY BE REQUIRED TO TESTIFY ABOUT THIS INFORMATION IN A PRIVATE CIVIL ACTION; TO AMEND SECTION 38‑21‑340, RELATING TO CRIMINAL PROSECUTIONS AND VIOLATIONS, SO AS TO PROVIDE THAT CERTAIN VIOLATIONS MAY SERVE AS AN INDEPENDENT BASIS FOR THE DIRECTOR TO DISAPPROVE DIVIDENDS OR DISTRIBUTIONS AND FOR PLACING THE INSURER UNDER AN ORDER OF SUPERVISION; AND TO AMEND SECTION 38‑90‑160, AS AMENDED, RELATING TO THE APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 38 TO RISK RETENTION GROUPS LICENSED AS A CAPTIVE INSURANCE COMPANY, SO AS TO MAKE CONFORMING CHANGES.

 Ordered for consideration tomorrow.

**Appointments Reported**

 Senator HAYES from the Committee on Banking and Insurance submitted a favorable report on:

**Statewide Appointments**

Reappointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2014, and to expire June 30, 2018

Cooperative Credit Unions:

Hansel B. Hart, 3068 Kennerly Road, Irmo, SC 29063

 Received as information.

Reappointment, South Carolina Board of Financial Institutions, with the term to commence June 30, 2014, and to expire June 30, 2018

Consumer:

Walter D. “Don” Pennington, 650 Harrison Bridge Road, Simpsonville, SC 29680

 Received as information.

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

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

The following Bills and Joint Resolutions were read the third time and ordered sent to the House of Representatives:

 S. 35 -- Senators Bryant, Lourie, Bennett, Leatherman, Jackson, Bright, Campsen, Cleary and S. Martin: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 16, ARTICLE X OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO BENEFITS AND FUNDING OF PUBLIC EMPLOYEE PENSION PLANS IN THIS STATE AND THE INVESTMENTS ALLOWED FOR FUNDS OF THE VARIOUS STATE‑OPERATED RETIREMENT SYSTEMS, SO AS TO PROVIDE THAT THE FUNDS OF ANY TRUST FUND ESTABLISHED BY LAW FOR THE FUNDING OF POST‑EMPLOYMENT BENEFITS FOR STATE EMPLOYEES AND PUBLIC SCHOOL TEACHERS MAY BE INVESTED AND REINVESTED IN EQUITY SECURITIES SUBJECT TO THE SAME LIMITATIONS ON SUCH INVESTMENTS APPLICABLE FOR THE FUNDS OF THE VARIOUS STATE‑OPERATED RETIREMENT SYSTEMS AND TO PROVIDE THAT FUNDS OF A POLITICAL SUBDIVISION OF THIS STATE SET ASIDE FOR THE FUNDING OF POST‑EMPLOYMENT BENEFITS OF EMPLOYEES OF THE POLITICAL SUBDIVISION, INCLUDING FUNDS INVESTED IN AN INDEPENDENT TRUST ESTABLISHED FOR THAT PURPOSE, MAY BE SIMILARLY INVESTED.

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

 The Joint Resolution was read the third time ordered sent to House.

 S. 153 -- Senators Shealy, Hembree, Nicholson, Johnson, McElveen, Cromer and Campsen: A BILL TO AMEND SECTION 12‑37‑220 OF THE 1976 CODE, RELATING TO A TAX EXEMPTION FOR A DISABLED VETERAN, TO PROVIDE THAT THE TAX EXEMPTION IS ALLOWED TO THE SURVIVING SPOUSE OF THE PERSON ON ONE PRIVATE PASSENGER VEHICLE OWNED OR LEASED BY THE SPOUSE FOR THEIR LIFETIME OR UNTIL THE REMARRIAGE OF THE SURVIVING SPOUSE.

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

 The Bill was read the third time ordered sent to House.

 S. 154 -- Senators Shealy and Campsen: A BILL TO AMEND SECTION 59‑39‑160 OF THE 1976 CODE, RELATING TO ELIGIBILITY TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES, TO PROVIDE THE STATE BOARD OF EDUCATION MAY GRANT A WAIVER OF THE REQUIREMENTS IF A STUDENT’S INELIGIBILITY TO PARTICIPATE IN INTERSCHOLASTIC ACTIVITIES IS DUE TO A LONG‑TERM ABSENCE AS A RESULT OF A MEDICAL CONDITION, BUT THE STUDENT HAS BEEN MEDICALLY CLEARED TO PARTICIPATE OR FOR ANY OTHER REASONABLE CIRCUMSTANCE AS DETERMINED BY THE STATE BOARD OF EDUCATION.

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

 The Bill was read the third time ordered sent to House.

 S. 225 -- Senators Cromer and Setzler: A JOINT RESOLUTION TO SUSPEND PROVISO 105.15 OF PART 1B OF THE 2014-2015 APPROPRIATIONS ACT, RELATING TO REIMBURSEMENT RATES PAID TO PHARMACIES PARTICIPATING IN THE STATE HEALTH PLAN BY CATAMARAN, THE CONTRACTED PHARMACY BENEFIT MANAGER FOR THE PLAN.

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

 The Joint Resolution was read the third time ordered sent to House.

 S. 364 -- Education Committee: A JOINT RESOLUTION TO EXTEND THE DEADLINE REQUIRING THE STATE BOARD OF EDUCATION TO APPROVE THE STATE READING PROFICIENCY PLAN FROM FEBRUARY 1, 2015, AS PROVIDED IN ACT 284 OF 2014, ALSO KNOWN AS THE “SOUTH CAROLINA READ TO SUCCEED ACT”, TO JUNE 15, 2015.

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

 The Joint Resolution was read the third time ordered sent to House.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 11 -- Senators L. Martin, Malloy, Peeler, Courson, Campsen, Johnson, Alexander, Scott, Sheheen, Setzler, Coleman and Hembree: A BILL TO AMEND SECTION 30-4-80, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE NOTICE OF MEETINGS FOR PUBLIC BODIES, TO REQUIRE THAT A PUBLIC BODY MUST PROVIDE AN AGENDA FOR ALL REGULARLY SCHEDULED MEETINGS AND THAT ITEMS SHALL NOT BE ADDED TO THAT AGENDA LATER THAN TWENTY-FOUR HOURS BEFORE THE MEETING, EXCEPT BY A TWO-THIRDS VOTE OF THE BODY.

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

 The Committee on Judiciary proposed the following amendment (JUD0011.004), which was adopted:

 Amend the bill, as and if amended, page 1, by striking lines 25‑39 and inserting:

 / “Section 30‑4‑80. ~~(a)~~(A) All public bodies, except as provided in subsections ~~(b)~~(B) and ~~(c)~~(C) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. ~~Agenda, if any,~~ An agenda for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty‑four hours prior to such meetings. An item shall not be added to the agenda later than twenty‑four hours before the meeting, except as expressly provided under the rules or procedures for meetings lawfully adopted by the public body. Under no circumstances shall an item, upon which a vote may be taken, be added to the agenda later than twenty‑four hours before the meeting without a two‑thirds vote of the public body in public session. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty‑four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.” /

 Renumber sections to conform.

 Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

 The amendment was adopted.

 The question then was the second reading of the Bill.

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

**Ayes 32; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Coleman Corbin Courson

Cromer Davis Gregory

Hayes Hembree Johnson

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* McElveen

O'Dell Reese Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--32**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 177 -- Senators L. Martin, Hembree and Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 19‑5‑520 SO AS TO PROVIDE A PROCEDURE FOR THE CERTIFICATION OF DOMESTIC AND FOREIGN RECORDS OF REGULARLY CONDUCTED ACTIVITY, OR BUSINESS RECORDS, IN ACCORDANCE WITH FEDERAL RULE 902(11) AND (12).

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

 The Committee on Judiciary proposed the following amendment (JUD0177.001), which was adopted:

 Amend the bill, as and if amended, page 1, by striking lines 36-42 and inserting:

 / “(B) In a civil case, the original or a copy of a foreign record that is certified by the custodian or another qualified person and otherwise meets the requirements of subsection (A), modified as follows: the certification, rather than complying with a state statute or court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the jurisdiction where the certification is signed. The proponent also shall meet the notice requirements of subsection (A).” /

 Renumber sections to conform.

 Amend title to conform.

 Senator LARRY MARTIN explained the amendment.

 The amendment was adopted.

 The question then was the second reading of the Bill.

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

**Ayes 34; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Hayes Hembree

Johnson Kimpson Leatherman

Malloy *Martin, Larry Martin, Shane*

Matthews McElveen O'Dell

Reese Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

**Total--34**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 10 -- Senators L. Martin, Peeler, Courson, Campsen and Alexander: A BILL TO AMEND SECTION 30-4-40(a), SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO PUBLIC RECORDS IN THE FREEDOM OF INFORMATION ACT, TO REMOVE THE CAUSE OF DEATH BY A PERSON EXAMINED BY AN AUTOPSY FROM THE AUTOPSY EXCLUSIONS OF INFORMATION SUBJECT TO PUBLIC RELEASE IN THE FREEDOM OF INFORMATION ACT; AND TO AMEND SECTION 30-4-50 RELATING TO CATEGORIES SPECIFICALLY NAMED PUBLIC INFORMATION, TO INCLUDE REPORTS OF THE CAUSE OF DEATH FOR PERSONS EXAMINED BY AUTOPSY.

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

 The Committee on Judiciary proposed the following amendment (JUD0010.005), which was adopted:

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

 / SECTION 1. Section 30-4-40(a)(18) of the 1976 Code is amended to read:

 “(18) Photographs, videos, and other visual images, and audio recordings of and related to the performance of an autopsy, except that the photographs, videos, images, or recordings may be viewed and used by the persons identified in Section 17‑5‑535 for the purposes contemplated or provided for in that section; provided, however, this exemption does not apply to reports prepared pursuant to Section 17-5-560(B).”

 SECTION 2. Section 30-4-50(A) of the 1976 Code is amended to read:

 “(A) Without limiting the meaning of other sections of this chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of Sections 30‑4‑20, 30‑4‑40, and 30‑4‑70 of this chapter:

 (1) the names, sex, race, title, and dates of employment of all employees and officers of public bodies;

 (2) administrative staff manuals and instructions to staff that affect a member of the public;

 (3) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

 (4) those statements of policy and interpretations of policy, statute, and the Constitution which have been adopted by the public body;

 (5) written planning policies and goals and final planning decisions;

 (6) information in or taken from any account, voucher, or contract dealing with the receipt or expenditure of public or other funds by public bodies;

 (7) the minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to Section 30‑4‑70;

 (8) reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the report~~.~~;

 (9) statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report~~.~~;

 (10) reports as to the cause of death of a person examined by autopsy pursuant to Section 17-5-560(B). However, a law enforcement or public safety agency may apply to the circuit court for injunctive relief to prevent the disclosure of a report prepared pursuant to Section 17-5-560(B) if the agency establishes that the disclosure would harm the agency for one or more of the reasons provided in Section 30-4-40(a)(3)(A)-(D). The agency requesting injunctive relief under this subsection must provide reasonable notice of the hearing to the person or entity requesting disclosure and the court must allow the person or entity requesting disclosure an opportunity to be heard. The court must hold the hearing as soon as practicable, but not later than ten days from the date of filing. An order preventing the disclosure of a report prepared pursuant to Section 17-5-560(B) is valid for up to thirty days and may be renewed.”

 SECTION 3. Section 17-5-560 of the 1976 Code is amended to read:

 “Section 17‑5‑560. (A) The coroner, deputy coroner, medical examiner, or deputy medical examiner must, in any case investigated, complete and sign the medical certification portion of the death certificate within twenty‑four hours after being notified of the death.

 (B) The coroner, deputy coroner, medical examiner, or deputy medical examiner must, in any case investigated by autopsy, complete and sign a cause of death report as soon as practicable but no later than seventy-two hours after completion of the autopsy. The report must include:

 (1) the decedent’s name;

 (2) the decedent’s date of birth;

 (3) the location of the decedent’s death;

 (4) the date of the decedent’s death; and

 (5) the cause and manner of the decedent’s death.

 ~~(B)~~(C) The coroner or medical examiner must, at the time of releasing a body to a funeral director or person acting as a funeral director, or as soon as practical after releasing the body, execute and sign the medical certification of the cause of death on the prescribed form.

 ~~(C)~~(D) In any case where autopsy is scheduled and the coroner or medical examiner wishes to await its gross findings to confirm a tentative clinical finding, the coroner or medical examiner must give the funeral director notice as to when he expects to have the medical data necessary for the certification of cause of death. If the certificate cannot be signed within the prescribed time set forth, the coroner or medical examiner must indicate that the cause of death is pending and sign the certification accordingly. Immediately after the medical data necessary for determining the cause of death has been made known, the coroner or medical examiner must, over his signature, forward the cause of death to the registrar and notify the funeral director involved that this action has been taken.

 ~~(D)~~(E) As used in this section, the terms ‘sign’, ‘signed’, or ‘signature’ mean a written signature or an electronic signature authorized in the Electronic Commerce Act, Chapter 5, Title 26.”

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

 Renumber sections to conform.

 Amend title to conform.

 Senator LARRY MARTIN explained the amendment.

 The amendment was adopted.

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

**CARRIED OVER**

S. 295 -- Senator Alexander: A BILL TO AMEND SECTION 12‑54‑250 OF THE 1976 CODE, RELATING TO THE REQUIREMENT OF PAYMENT IN IMMEDIATELY AVAILABLE FUNDS, TO CHANGE THE REQUIREMENT FROM FIFTEEN THOUSAND DOLLARS TO ONE THOUSAND DOLLARS, AND TO REQUIRE THE SETTLEMENT OF THOSE FUNDS IN THE STATE’S ACCOUNT ON OR BEFORE TWO BANKING DAYS FOLLOWING THE DUE DATE OF THE TAX AS PROVIDED BY LAW.

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

S. 3 -- Senators L. Martin, Shealy, Malloy, Courson, Fair, Turner, Lourie and Hembree: A BILL TO AMEND SECTION 16‑25‑10 OF THE 1976 CODE, TO PROVIDE NECESSARY DEFINITIONS; TO AMEND SECTION 16‑25‑20 OF THE 1976 CODE, RELATING TO CRIMINAL DOMESTIC VIOLENCE OFFENSES AND PENALTIES, SO AS TO RESTRUCTURE THE CRIMINAL DOMESTIC VIOLENCE OFFENSES INTO DEGREES AND PROVIDE PENALTIES; TO AMEND SECTION 16‑25‑30, RELATING TO THE ILLEGAL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A DOMESTIC VIOLENCE OFFENSE, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON CONVICTED OF A CRIMINAL DOMESTIC VIOLENCE OFFENSE OR A PERSON SUBJECT TO AN ORDER OF PROTECTION FOR DOMESTIC OR FAMILY VIOLENCE TO SHIP, TRANSPORT, OR RECEIVE A FIREARM OR AMMUNITION, AND TO PROVIDE NOTICE TO A PERSON TO WHOM THE STATUTE APPLIES; TO AMEND SECTION 16‑25‑65, RELATING TO CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, TO PROVIDE THAT THE COURT MUST ORDER PARTICIPATION IN A DOMESTIC VIOLENCE INTERVENTION PROGRAM AND ALLOW A RESTRICTION ON FIREARMS AND AMMUNITION AS A CONDITION OF BOND; AND TO AMEND CHAPTER 3, TITLE 16, RELATING TO OFFENSES AGAINST THE PERSON, BY ADDING ARTICLE 18, TO PROVIDE NECESSARY DEFINITIONS AND TO ESTABLISH A PROCEDURE FOR THE ISSUANCE OF PERMANENT AND EMERGENCY CIVIL NO‑CONTACT ORDERS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE DURATION OF CIVIL NO‑CONTACT ORDERS, AND TO PROVIDE A PENALTY FOR THE VIOLATION OF CIVIL NO‑CONTACT ORDERS.

 On motion of Senator LARRY MARTIN, the Bill was carried over.

S. 350 -- Senators Campbell, Malloy, Setzler, Scott, Alexander, Hembree, O’Dell, Hayes, Grooms, Cleary, Williams, Bennett, Johnson, Hutto, L. Martin, Fair, Turner, Allen, Matthews, Peeler, Lourie, Courson, Coleman, Jackson, McElveen, Shealy and Sabb: A BILL TO AMEND SECTION 4 OF ACT 314 OF 2000, AS LAST AMENDED BY ACT 248 OF 2010 TO TERMINATE THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT ON JUNE 30, 2020.

 Senator O’DELL explained the Bill.

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

**ADOPTED**

 S. 181 -- Senator Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF RAWLINSON ROAD IN THE CITY OF ROCK HILL FROM ITS INTERSECTION WITH WEST MAIN STREET TO ITS INTERSECTION WITH HECKLE BOULEVARD “COACH ROBERT T. ‘BOB’ JENKINS MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

 S. 344 -- Senators O’Dell and Bryant: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 81 IN ANDERSON COUNTY FROM ITS INTERSECTION WITH MASTERS BOULEVARD IN THE CITY OF ANDERSON TO ITS INTERSECTION WITH THE SOUTHERN BOUNDARY OF THE TOWN OF IVA “DEPUTY J. ALEX BURDETTE MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

 S. 365 -- Senator Alexander: A SENATE RESOLUTION TO DECLARE FEBRUARY 2015 AS TEEN DATING VIOLENCE AWARENESS MONTH THROUGHOUT SOUTH CAROLINA AND TO URGE THE GENERAL PUBLIC TO WORK TOWARD ENDING TEEN DATING VIOLENCE BY EMPOWERING YOUNG PEOPLE TO DEVELOP HEALTHIER RELATIONSHIPS, ASSISTING VICTIMS IN ACCESSING THE INFORMATION AND SUPPORTIVE SERVICES THEY NEED, CREATING BETTER AND MORE RESOURCES FOR YOUNG PEOPLE IN NEED, INSTITUTING EFFECTIVE INTERVENTION AND PREVENTION POLICIES IN SCHOOLS, AND ENGAGING IN DISCUSSIONS WITH FAMILY MEMBERS AND PEERS TO PROMOTE AWARENESS AND PREVENTION OF THE QUIET EPIDEMIC OF TEEN DATING VIOLENCE.

 The Senate Resolution was adopted.

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

**MOTION ADOPTED**

 At 11:42 A.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

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

**COMMITTEE AMENDMENT AMENDED**

**DEBATE INTERRUPTED**

 S. 1 -- Senators L. Martin, Peeler, Hayes, Campsen, Courson, Malloy, Fair, Grooms and Hembree: A BILL TO ENACT THE “2015 ETHICS REFORM ACT”; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTIONS 2‑17‑20 AND 2‑17‑25 RELATING TO LOBBYISTS, TO AMEND LOBBYIST AND LOBBYIST’S PRINCIPAL REGISTRATION FEES; TO AMEND SECTIONS 2‑17‑30, 2‑17‑35, AND 2‑17‑40 TO PROVIDE FOR LOBBYING FILING REPORT DATES FOR LOBBYISTS, LOBBYIST’S PRINCIPALS AND STATE AGENCIES; TO AMEND SECTION 2‑19‑70 TO PROHIBIT A MEMBER OF THE GENERAL ASSEMBLY FROM BEING ELECTED TO A JUDICIAL OFFICE FOR TWO YEARS AFTER SERVICE IN THE GENERAL ASSEMBLY AND TO PROHIBIT DIRECT OR INDIRECT PLEDGES FOR JUDICIAL CANDIDATES UNTIL THE TIME PRESCRIBED BY LAW; TO AMEND SECTION 8‑13‑130 TO PERMIT THE SENATE AND HOUSE ETHICS COMMITTEES TO LEVY A FEE ON A PERSON WHO COMMITTED AN ETHICS VIOLATION FOR REIMBURSEMENT FOR THE INVESTIGATION AND HEARING; BY AMENDING CHAPTER 13, ARTICLES 3 AND 5 OF TITLE 8, TO PROVIDE FOR THE DUTIES AND PROCEDURES OF THE SOUTH CAROLINA ETHICS COMMISSION AND TO PROVIDE FOR THE DUTIES AND PROCEDURES OF THE HOUSE AND SENATE ETHICS COMMITTEES AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; TO AMEND SECTION 8‑13‑700, RELATING TO USE OF AN OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, TO PROHIBIT PRIVATE BUSINESS DEALINGS DURING HOURS FOR WHICH A PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE IS COMPENSATED FOR GOVERNMENTAL SERVICES AND TO PROVIDE FOR WHEN A PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE MUST RECUSE HIMSELF; TO AMEND SECTIONS 8‑13‑720 AND 8‑13‑725 BY PROVIDING FOR ADDITIONAL PENALTIES; TO AMEND SECTION 8‑13‑755 TO PROHIBIT A PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE FROM LOBBYING OR ACCEPTING EMPLOYMENT IN AN AREA IN WHICH THE OFFICIAL, MEMBER, OR EMPLOYEE DIRECTLY AND SUBSTANTIALLY PARTICIPATED DURING HIS PUBLIC SERVICE; TO ADD SECTION 8‑13‑756 TO PROVIDE SOME EXCEPTIONS IN THE PROHIBITION AGAINST FINANCIAL GAIN FOR HIGHER EDUCATION EMPLOYEES WHO PARTICIPATE IN THE DEVELOPMENT OF INTELLECTUAL PROPERTY; TO AMEND SECTION 8‑13‑775 TO PROVIDE WHEN A PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE MAY NOT PARTICIPATE IN THE AWARDING OF A GOVERNMENT CONTRACT; TO AMEND SECTION 8‑13‑870 TO ELIMINATE THE OPTION FOR THE STATE ETHICS COMMISSION TO ISSUE AN ORAL WARNING OR REPRIMAND; TO AMEND SECTION 8‑13‑790 TO REQUIRE RECOVERY OF THE VALUE OF ANYTHING RECEIVED BY A PUBLIC OFFICIAL OR PUBLIC EMPLOYEE IN VIOLATION OF CHAPTER 13, ARTICLES 1‑11 OF TITLE 8; TO AMEND SECTION 8‑13‑360 TO REQUIRE THE STATE ETHICS COMMISSION TO PROVIDE FOR ELECTRONIC FILINGS ACCESSIBLE TO THE PUBLIC; TO AMEND SECTION 8‑13‑1110 FOR TECHNICAL CHANGES AND TO PROVIDE THAT ALL SALARIED MEMBERS OF A BOARD, COMMISSION, OR AGENCY MUST FILE A STATEMENT OF ECONOMIC INTERESTS AND TO REMOVE THE REQUIREMENT THAT DIRECTORS OF A DIVISION, INSTITUTION, OR FACILITY MUST FILE A STATEMENT OF ECONOMIC INTERESTS; TO AMEND SECTION 8‑13‑1120, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTEREST, TO FURTHER PROVIDE FOR THESE CONTENTS; TO ADD SECTIONS 8‑13‑1145 AND 8‑13‑1364 TO PROVIDE FOR ELECTRONIC NOTICE OF OBLIGATION TO FILE A REPORT WITH THE APPROPRIATE SUPERVISORY OFFICE; TO AMEND SECTIONS 8‑13‑1170 AND 8‑13‑1372 TO ELIMINATE CONFIDENTIALITY OF TECHNICAL VIOLATIONS; TO AMEND SECTION 8‑13‑1300, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8‑13‑365 TO PROVIDE FOR ELECTRONIC FILINGS WITH THE STATE ETHICS COMMISSION; TO AMEND SECTIONS 8‑13‑1308 AND 8‑13‑1309 TO PROVIDE FOR PRE‑ELECTION REPORTS TO BE FILED FIVE DAYS BEFORE AN ELECTION; TO ADD SECTION 8‑13‑1311 TO ESTABLISH FILING REQUIREMENTS OF INDEPENDENT EXPENDITURE‑ONLY COMMITTEES; TO ADD SECTION 8‑13‑1313 TO ESTABLISH FILING REQUIREMENTS OF A PERSON, WHO IS NOT A COMMITTEE, WHO MAKES AN INDEPENDENT EXPENDITURE; TO ADD SECTION 8‑13‑1315 TO PROVIDE CERTAIN PROHIBITIONS AGAINST AN ELECTED OFFICIAL OR CANDIDATE FOR PUBLIC OFFICE COORDINATING WITH AN INDEPENDENT EXPENDITURE‑ONLY COMMITTEE; TO AMEND SECTION 8‑13‑1318, RELATING TO THE ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBTS, TO REQUIRE ANY SUCH CONTRIBUTIONS TO BE USED FOR THIS PURPOSE ONLY; TO AMEND SECTION 8‑13‑1320 TO PROVIDE A TIME FRAME FOR WHEN CONTRIBUTIONS ARE ATTRIBUTED TO A PRIMARY RUN‑OFF; TO AMEND SECTION 8‑13‑1322 TO PROVIDE THAT COMMITTEE CONTRIBUTION LIMITS DO NOT APPLY TO AN INDEPENDENT EXPENDITURE‑ONLY COMMITTEE; TO AMEND SECTION 8‑13‑1328 TO ELIMINATE PROVISIONS CONCERNING CANDIDATE LOAN REPAYMENTS AS IT APPLIES TO THE CANDIDATE’S FAMILY MEMBERS; TO ADD SECTION 8‑13‑1337, TO CLARIFY WHO MAY NOT SOLICIT CONTRIBUTIONS, NOR PROVIDE EMPLOYMENT ADVANTAGES OR DISADVANTAGES BASED UPON A CONTRIBUTION; TO AMEND SECTION 8‑13‑1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER, OR THROUGH COMMITTEES CONTROLLED BY A CANDIDATE, TO DELETE AN EXCEPTION FOR A COMMITTEE, OTHER THAN THE CANDIDATE’S COMMITTEE, CONTROLLED BY A CANDIDATE IF IT IS THE ONLY SUCH COMMITTEE, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 8‑13‑1344 TO PROVIDE RESTRICTIONS ON A CANDIDATE, COMMITTEE, OR POLITICAL PARTY FROM OFFERING AN INCENTIVE TO ENDORSE A CANDIDATE; TO AMEND SECTION 8‑13‑1348 TO PROHIBIT USE OF CAMPAIGN FUNDS TO PAY PENALTIES FROM CRIMINAL PROSECUTION AND TO PROVIDE FOR ADDITIONAL PENALTIES; TO AMEND SECTION 8‑13‑1356 TO REQUIRE A CANDIDATE FOR COUNTYWIDE, OR LESS THAN COUNTYWIDE OFFICE, TO FILE A STATEMENT OF ECONOMIC INTERESTS; TO REPEAL SECTIONS 8‑13‑1160, 8‑13‑1180, 8‑13‑1310, 8‑13‑1350, 8‑13‑1358, 8‑13‑1362, AND 8‑13‑1366; AND TO PROVIDE FOR TECHNICAL AND CONFORMING CHANGES.

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

**Amendment No. P1B**

 Senator CAMPSEN proposed the following amendment (JUD0001.028), which was adopted:

 Amend the committee report bearing document number (JUD0001.026), as and if amended, pages 7-8, by striking Section 2-19-70 (C), in its entirety and inserting:

 / (C) ~~No candidate for judicial office~~ A person may not ~~seek~~ directly or indirectly seek the pledge of a member of the General Assembly’s vote or, directly or indirectly, contact a member of the General Assembly regarding screening for ~~the~~ any judicial office until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. ~~No~~ A member of the General Assembly may not directly or indirectly offer his pledge until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications shall occur no earlier than ~~forty‑eight hours~~ noon, on the twelfth day after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means ~~the~~ a person, a candidate, or someone acting on behalf of and at the request of ~~the~~ a person or a candidate, requesting ~~a person~~ someone to contact a member of the General Assembly on behalf of ~~the~~ a person or a candidate before nominations for that office are formally made by the commission. The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate’s qualifications. /

 Amend the committee report bearing document number (JUD0001.026) further, as and if amended, page 57, by adding an appropriately numbered new section at the end to read:

 / SECTION \_\_. Section 2-19-80(E) of the 1976 Code is amended to read:

 “(E) A period of at least ~~two weeks~~ twenty-two days must elapse between the date of the commission’s initial report of nominations to the General Assembly and the date the General Assembly conducts the election for these judgeships.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator CAMPSEN explained the perfecting amendment.

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

**Ayes 34; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Coleman Corbin Courson

Cromer Davis Gregory

Hayes Hembree Johnson

Kimpson Leatherman Malloy

*Martin, Larry* Matthews McElveen

Nicholson O'Dell Rankin

Reese Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Williams

Young

**Total--34**

**NAYS**

**Total--0**

 The amendment was adopted.

**Amendment No. P2B**

 Senator SCOTT proposed the following amendment (S1.JS.MERIT.3):

 Amend the committee amendment bearing the document path JUD0001.026, as and if amended, by striking SECTION 10 and inserting:

 / SECTION 10. Section 8-13-310 of the 1976 Code is amended to read:

 “Section 8-13-10.~~(A) The State Ethics Commission as constituted under law in effect before July 1, 1992, is reconstituted to continue in existence with the appointment and qualification of the at‑large members as prescribed in this section and with the changes in duties and powers as prescribed in this chapter. On July 1, 1993, when the duties and powers given to the Secretary of State in Chapter 17 of Title 2 are transferred to the State Ethics Commission, the Code Commissioner is directed to change all references to “this chapter” in Article 3 of Chapter 13 of Title 8 to “this chapter and Chapter 17 of Title 2”.~~

 ~~(B)~~(A) There is created the State Ethics Commission composed of ~~nine~~ eight members of which:

 (1) four members must be appointed by the Governor~~, upon the advice and consent of the General Assembly~~ no more than two of whom are members of the appointing Governor’s political party. These appointments must be found qualified by the Ethics Merit Selection Authority;

 (2) one member must be nominated by the Senate Majority Leader, and one member must be nominated by the Senate Minority Leader of the largest minority party. These nominees must be found qualified by the Ethics Merit Selection Authority and confirmed by the Senate prior to serving on the State Ethics Commission; and

 (3) one member must be nominated by the House Majority Leader, and one member must be nominated by the House Minority Leader of the largest minority party. These nominees must be found qualified by the Ethics Merit Selection Authority and confirmed by the House prior to serving on the State Ethics Commission.

 (B) The Ethics Merit Selection Authority shall investigate each appointee to the State Ethics Commission. The Ethics Merit Selection Authority must find each appointee qualified prior to an appointee becoming a member of the State Ethics Commission. Investigations and consideration by the authority should include, but are not limited to, the following areas:

 (1) ethical fitness;

 (2) professional and academic ability;

 (3) character;

 (4) reputation;

 (5) physical health;

 (6) mental stability;

 (7) experience; and

 (8) judicial temperament.

 (C)(1) Upon completion of the investigation, the chairman of the Ethics Merit Selection Authority shall schedule a public hearing concerning the qualifications of the appointees to the State Ethics Commission. Any person who desires to testify at the hearing, including appointees, shall furnish a written statement of his proposed testimony to the authority no later than two weeks prior to the date and time set for the hearing unless sufficient cause is determined by the Ethics Merit Selection Authority for allowing the submitting individual’s testimony after the deadline. The authority shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the authority, must be submitted under oath and persons knowingly furnishing false information either orally or in writing are subject to the penalties provided by law for perjury and false swearing.

 (2) During the course of the investigation, the authority may schedule an executive session at which each appointee, and other persons whom the authority wishes to interview, may be interviewed by the authority on matters pertinent to the appointee’s qualification for the State Ethics Commission.

 (3) A reasonable time thereafter the authority shall render its tentative findings as to whether the appointee is qualified for the State Ethics Commission and its reasons therefor as to each appointee.

 (4) As soon as possible after the completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and findings of fact shall be made available to the Governor, members of the House of Representatives and Senate and to the public.

 (5) An appointee may withdraw at any stage of the proceedings and in this event no further inquiry or consideration of his appointment shall be made. All materials concerning that appointee and other information gathered during the authority’s investigation must be kept confidential and destroyed as soon as possible after the appointee’s written notification to the authority of his withdrawal. The information concerning a withdrawn appointee also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.

 (D) The following are not eligible to serve on the State Ethics Commission:

 (1) a member of the General Assembly;

 (2) a former member of the General Assembly within eight years following the termination of his service in the General Assembly;

 (3) a former Governor within eight years following the termination of his service as Governor;

 (4) a family member, as defined by Section 8-13-100(15), of a member of the General Assembly or the Governor;

 (5) a person who made a campaign contribution, as defined by Section 8-13-1300(7), within the previous four years to the individual who appointed the person to serve on the State Ethics Commission;

 (6) a person who registered as a lobbyist within four years of being appointed to serve on the State Ethics Commission;

 (7) a person who is under the jurisdiction of the State Ethics Commission, House of Representatives Ethics Committee, or Senate Ethics Committee; and

 (8) a member of the Ethics Merit Selection Authority.

 ~~No member of the General Assembly or other public official must be eligible to serve on the State Ethics Commission.~~

 ~~The Governor shall make the appointments based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the commission is representative of all citizens of the State of South Carolina.~~

 ~~(C)~~(E) The terms of the members of the State Ethics Commission are for five years ~~and until their successors are appointed and qualify~~. The terms of the members serving as of the effective date of this Act expire on March 31, 2016; however, a member who is serving at that time may be reappointed pursuant to this subsection. For the initial appointments made by the Governor, two shall be for a term of two years, the third shall be for a term of four years, and the fourth shall be for a full five year term. For the initial appointments made by the leadership of the House of Representatives, the member appointed by the House Majority Leader shall be for a full five-year term, and the member appointed by the House Minority Leader of the largest minority party shall be for a three year term. For the initial appointments made by the leadership of the Senate, the member appointed by the Senate Majority Leader shall be for a three-year term, and the member appointed by the Senate Minority Leader of the largest minority party shall be for a full five-year term. The initial members who have served terms that are less than five years are eligible to be reappointed for one full five year term. ~~The members of the State Ethics Commission serving on this chapter’s effective date may continue to serve until the expiration of their terms. These members may then be appointed to serve one full five year term under the provisions of this chapter. Members representing the first, third, and sixth congressional districts on this chapter’s effective date are eligible to be appointed for a full five year term in or after 1991. Members currently representing the second, fourth, and fifth congressional districts on this chapter’s effective date are eligible to be appointed for a full five year term in or after 1993. The initial appointments for the at large members of the commission created by this chapter must be for a one , two , or three year term, but these at large members are eligible subsequently for a full five year term. Under this section, the at large members of the commission are to be appointed to begin service on or after July 1, 1992.~~ Vacancies must be filled in the manner of the original appointment for the unexpired portions of the term only. Members of the commission who serve less than a full five-year term may be reappointed for one full five year term, if they are screened and deemed qualified by the Ethics Merit Selection Authority prior to their reappointment. Members of the commission who have completed a full five-year term are not eligible for reappointment. A member shall not serve on the commission in hold-over status after the member’s term expires.

 ~~(D)~~(F) The commission shall elect a chairman, a vice chairman, and such other officers as it considers necessary. Five members of the commission shall constitute a quorum. The commission must adopt a policy concerning the attendance of its members at commission meetings. The commission meets at the call of the chairman or a majority of its members. Members of the commission, while serving on business of the commission, receive per diem, mileage, and subsistence as is provided by law for members of state boards, committees, and commissions.

 (H)(1) A commission member appointed by the Governor may be removed from office by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity, pursuant to Section 1-3-240.

 (2) A commission member nominated by the Majority and Minority Leaders of the House of Representatives and Senate may be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity upon a finding by the Senate or House Ethics Committee, as appropriate, and the concurrence of two thirds of the membership of the nominating body.”

 Further amend committee amendment bearing the document path JUD0001.026, as and if amended, by adding an appropriately numbered new SECTION to read:

 / SECTION \_\_. Chapter 13, Title 8 of the 1976 Code is amended by adding:

 “Section 8-13-315(A). There is created an Ethics Merit Selection Authority composed of nine members who shall be appointed in the manner prescribed in this section. The Ethics Selection Authority shall consider the qualifications of individuals nominated for appointment to the State Ethics Commission. The authority, at its first meeting, shall elect a chairman and a vice chairman and adopt rules necessary to the purposes of the authority. A member may succeed himself as chairman or vice chairman. Five members of the authority constitute a quorum at all meetings. The rules adopted at the authority’s first meeting shall address, among other things:

 (1) the confidentiality of records and other information received concerning appointees for the State Ethics Commission;

 (2) the conduct of proceedings before the authority;

 (3) receipt of public statements in support of or in opposition to any of the individuals to be nominated for appointment to the State Ethics Commission;

 (4) procedures to review the qualifications individuals to be nominated for appointment to the State Ethics Commission;

 (5) prohibition against appointees communicating with individual members of the authority concerning the qualifications of appointees unless specifically authorized by the authority.

 (B) Notwithstanding any other provision of law, the Ethics Merit Selection Authority shall consist of the following individuals:

 (1) three members appointed by the Speaker of the House of Representatives and of these appointments:

 (a) two members must be members of the General Assembly appointed in consultation with the House Majority and Minority leaders; and

 (b) one member must be selected from the general public.

 (2) three members appointed by the President Pro Tempore of the Senate and of these appointments:

 (a) two members must be members of the General Assembly appointed in consultation with the Senate Majority and Minority leaders; and

 (b) one member must be selected from the general public.

 (3) three members appointed by the Governor:

 (a) of these appointments no more than two may be from the Governor’s political party; and

 (b) at least one member must be selected from the general public.

 (C) In making appointments to the authority, race, gender, national origin, and other demographic factors should be considered to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

 (D) The term of office of a member of the authority who is not a member of the General Assembly shall be for four years subject to a right of removal at any time by the person appointing him, and until his successor is appointed and qualifies. The General Assembly members of the authority shall serve for the term of office to which he has been elected.

 (E) A vacancy on the Ethics Merit Selection Authority must be filled for the remainder of the unexpired term in the same manner as provided for the original selection.

 (F) No member of the authority shall receive any compensation for authority services, except those set by law for travel, board, and lodging expenses incurred in the performance of authority duties.

 (G) No member of the Ethics Merit Selection Authority is eligible for nomination and appointment as a member of the State Ethics Commission while serving on the commission and for a period of eight years thereafter.

 (H) All records, information, and other material that the Ethics Merit Selection Authority has obtained or used to make its findings of fact, except materials, records, and information presented under oath at the public hearing, must be kept strictly confidential. After the authority has reported its findings of fact, all records, information, and material required to be kept confidential must be destroyed. The information required to be kept confidential also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.

 (I)(1) The Ethics Merit Selection Authority in the discharge of its duties may administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records considered necessary in connection with the investigation of an appointee.

 (2) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, or other records before the Ethics Merit Selection Authority on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no individual shall be prosecuted or subjected to any criminal penalty based upon testimony or evidence submitted or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury and false swearing committed in so testifying.

 (3) In case of contumacy by any person or refusal to obey a subpoena issued to any person, any circuit court of this State or circuit judge thereof within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the Ethics Merit Selection Authority may issue to this person an order requiring him to appear before the authority to produce evidence if so ordered or to give testimony touching the matter under investigation. Any failure to obey an order of the court may be punished as a contempt hereof. Subpoenas shall be issued in the name of the Ethics Merit Selection Authority and shall be signed by the commission chairman. Subpoenas shall be issued to those persons as the authority may designate.” /

 Renumber sections to conform.

 Amend title to conform.

 Senator SCOTT explained the perfecting amendment.

 Debate was interrupted by adjournment.

**Motion Adopted**

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

**MOTION ADOPTED**

 On motion of Senators SETZLER and JACKSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Patricia M. Morris of St. Matthews, S.C. Ms. Morris was a cum laude graduate of the University of Tennessee, Chattanooga, where she received a degree in French and English. She was a member of First Baptist Church. Ms. Morris taught school and later became the Society Editor of The Calhoun Times. She was a member of the garden club, several bridge clubs and a charter member of the Coterie Club. Ms. Morris was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

**MOTION ADOPTED**

 On motion of Senator BRYANT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Mary McKinney of Anderson, S.C. Ms. McKinney retired from the U.S. Postal Service and was a member of New Prospect Baptist Church. She was a loving wife, devoted mother, and doting grandmother who will be dearly missed.

**ADJOURNMENT**

 At 12:25 P.M., on motion of Senator LEATHERMAN, 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.

\* \* \*