**Wednesday, February 25, 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 recall how an ancient people once declared:

“ ‘Come, let us build ourselves a city, with a tower that reaches to the heavens, so that we may make a name for ourselves…’ ” (Genesis 11:4a)

Please, bow and pray with me:

Holy God, how exciting many of the possibilities are that confront these Senators and their staff members: opportunities which come to them to lead our State in directions never before pursued, occasions to flesh out new strategies, goals to be attained that once were thought unreachable here in South Carolina. Yet we pray, Lord, that none of these things ever comes about solely for the purposes of any individual’s selfish vainglory. May the priority of these leaders always be the ultimate good of our State and her people, not just someone’s personal ego fulfillment. May it ever be so, Lord, in Your loving name. 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 Public Charter School District Board of Trustees, with the term to commence July 1, 2012, and to expire July 1, 2015

SC Alliance of Black Educators:

Ronald L. Epps, 6 Old South Drive, Columbia, SC 29209

Referred to the Committee on Education.

Reappointment, South Carolina Public Charter School District Board of Trustees, with the term to commence July 1, 2015, and to expire July 1, 2018

SC Alliance of Black Educators:

Ronald L. Epps, 6 Old South Drive, Columbia, SC 29209

Referred to the Committee on Education.

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2014, and to expire May 19, 2018

6th Congressional District:

Peter A. Smith, 411 Meeting Street, Number 2102, Charleston, SC 29403 *VICE* Rosemary Parks Roberson

Referred to the General Committee.

Reappointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2015, and to expire June 30, 2018

3rd Congressional District:

Ashley P. Case, 1192 Garrett-Patton Road, Fountain Inn, SC 29644

Referred to the Committee on Judiciary.

Reappointment, Juvenile Parole Board, with the term to commence June 30, 2015, and to expire June 30, 2019

At-Large:

Kimberly H. Frederick, 110 Oak Drive North, Surfside Beach, SC 29575

Referred to the Committee on Judiciary.

Initial Appointment, Jobs Economic Development Authority, with the term to commence July 27, 2014, and to expire July 27, 2017

3rd Congressional District:

Joseph R. Millender, 319 Hammond Road, Greenwood, SC 29646 *VICE* Michael Nix (resigned)

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2013, and to expire June 30, 2017

3rd Congressional District:

Vicki A. Thompson, 10010 Clovis Drive, Seneca, SC 29672 *VICE* Christine Sharp

Referred to the Committee on Medical Affairs.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

February 25, 2015

Mr. President and Members of the Senate:

I am transmitting herewith notice of my intent to withdraw my nomination of Eleanor L. Kitzman for appointment as Director, South Carolina Department of Health and Environmental Control. This appointment is made with advice and consent of the Senate and is therefore submitted for your consideration.

Respectfully,

Nikki R. Haley

**Withdrawal of Statewide Appointment**

Initial Appointment, Director of Department of Health and Environmental Control, with the term to commence March 6, 2012, and to expire March 6, 2016

Director:

Eleanor L. Kitzman, 700 Woodrow Street, Columbia, SC 29205 *VICE* Catherine Templeton

**Appointment Withdrawn**

On motion of Senator PEELER, the Senate acceded to the Governor’s request and the Clerk was directed to return the appointment to the Governor.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

February 25, 2015

Mr. President and Members of the Senate:

I am transmitting herewith notice of my intent to withdraw my nomination of Reno R. Boyd for appointment to the South Carolina Probation, Pardon and Parole Board. This appointment is made with advice and consent of the Senate and is therefore submitted for your consideration.

Respectfully,

Nikki R. Haley

**Withdrawal of Statewide Appointment**

Reappointment, Juvenile Parole Board, with the term to commence June 30, 2015, and to expire June 30, 2019

At-Large:

Reno R. Boyd, 107 Nightingale Lane, Greenville, SC 29607

**Appointment Withdrawn**

On motion of Senator LARRY MARTIN, the Senate acceded to the Governor’s request and the Clerk was directed to return the appointment to the Governor.

**MESSAGE FROM THE GOVERNOR**

State of South Carolina

Office of the Governor

February 25, 2015

Mr. President and Members of the Senate:

I am transmitting herewith notice of my intent to withdraw my nomination of James A. Barber for appointment to South Carolina Residential Builders Commission. This appointment is made with advice and consent of the Senate and is therefore submitted for your consideration.

Respectfully,

Nikki R. Haley

**Withdrawal of Statewide Appointment**

Initial Appointment, South Carolina Residential Builders Commission, with the term to commence June 30, 2012, and to expire June 30, 2016

1st Congressional District:

James A. Barber, 720 Talison Avenue, Number 100, Charleston, SC 29492 *VICE* Alpha T. Bailey

**Appointment Withdrawn**

On motion of Senator ALEXANDER, the Senate acceded to the Governor’s request and the Clerk was directed to return the appointment to the Governor.

**Leave of Absence**

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

**Leave of Absence**

On motion of Senator VERDIN, at 3:15 P.M., Senator GROOMS was granted a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator SHANE MARTIN, at 3:38 P.M., Senator BRYANT was granted a leave of absence for the balance of the day.

**Leave of Absence**

On motion of Senator NICHOLSON, at 3:53 P.M., Senator REESE was granted a leave of absence for the balance of the day.

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator CAMPSEN rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 351 Sen. Fair

S. 427 Sen. Rankin

**RECALLED**

H. 3519 -- Rep. Merrill: A BILL TO RATIFY AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY AUTHORIZE RAFFLES TO BE OPERATED AND CONDUCTED BY RELIGIOUS, CHARITABLE, OR NONPROFIT ORGANIZATIONS FOR RELIGIOUS, CHARITABLE, OR ELEEMOSYNARY PURPOSES, AND BY GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION AUTHORIZED TO CONDUCT RAFFLES, TO PROVIDE THE STANDARDS FOR THEIR CONDUCT AND MANAGEMENT, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE FOR ANY OTHER LAW NECESSARY TO ENSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**Motion Adopted**

On motion of Senator CAMPBELL, with unanimous consent, Senators HUTTO, SHANE MARTIN, DAVIS and JOHNSON were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 482 -- Senator Bryant: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF MR. KENNETH MICHAEL STANTON OF PENDLETON AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 483 -- Senator Massey: A BILL TO AMEND SECTION 14-17-210 OF THE 1976 CODE, RELATING TO CLERKS OF COURT HAVING CHARGE OF COURTHOUSES, TO REMOVE THE REQUIREMENT THAT COURTHOUSES MUST BE CLOSED AT NIGHT.

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

S. 484 -- Senator Shealy: A BILL TO AMEND SECTION 59-10-310 OF THE 1976 CODE, RELATING TO THE ESTABLISHMENT OF ELEMENTARY SCHOOL FOOD SERVICE MEALS AND COMPETITIVE FOOD REQUIREMENTS, TO PROVIDE THAT ALL SCHOOL SERVICE MEALS AND COMPETITIVE FOODS PROVIDED IN KINDERGARTEN THROUGH TWELFTH GRADE DURING THE ACADEMIC SCHOOL YEAR MUST MEET OR MAY EXCEED THE NUTRITIONAL REQUIREMENTS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, TO PROVIDE THAT A SCHOOL DISTRICT BOARD OF TRUSTEES MAY ADOPT A MORE RESTRICTIVE POLICY AND THE POLICY DOES NOT RESTRICT THE FOOD A PARENT OR GUARDIAN MAY PROVIDE FOR STUDENT CONSUMPTION AT SCHOOL, AND TO PROVIDE THAT ALL A LA CARTE ITEMS SOLD FOR STUDENT CONSUMPTION MUST BE INCLUDED ON SCHOOL MENUS IN ADDITION TO THE REGULAR MEAL; TO AMEND SECTION 59-10-330(B), RELATING TO THE COORDINATED SCHOOL HEALTH ADVISORY COUNCIL AND THE DEVELOPMENT OF HEALTH WELLNESS PLANS, TO PROVIDE THAT THE SCHOOL HEALTH IMPROVEMENT PLAN MUST REPORT COMPLIANCE WITH THE REQUIREMENTS CONTAINED IN SECTION 59-10-310.

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

S. 485 -- Senators Malloy, L. Martin, Kimpson, Pinckney and Bryant: A CONCURRENT RESOLUTION TO CREATE THE "STUDY COMMITTEE ON RACIAL PROFILING" TO REVIEW LAW ENFORCEMENT POLICIES, PRACTICES, AND PROCEDURES REGARDING RACIAL PROFILING AND MAKE A REPORT OF RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING PROPOSED CHANGES TO THE LAWS REGARDING SUCH POLICIES, PRACTICES, AND PROCEDURES.

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On motion of Senator MALLOY, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 486 -- Senator Grooms: A SENATE RESOLUTION TO CONGRATULATE BISHOP ENGLAND HIGH SCHOOL'S ATHLETIC DIRECTOR AND VARSITY GIRLS' BASKETBALL COACH, PAUL RUNEY, UPON THE OCCASION OF HIS 600TH CAREER WIN AND TO RECOGNIZE THE SCHOOL'S ATHLETIC PROGRAM FOR ITS SUCCESS UNDER HIS LEADERSHIP.

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The Senate Resolution was adopted.

S. 487 -- Senator Davis: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. JANE T. UPSHAW, CHANCELLOR OF THE UNIVERSITY OF SOUTH CAROLINA BEAUFORT, UPON THE OCCASION OF HER RETIREMENT AFTER THIRTY YEARS OF OUTSTANDING SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 488 -- Senator Rankin: A SENATE RESOLUTION TO CONGRATULATE MR. JACK SPARKES OF MYRTLE BEACH UPON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY ON MARCH 2, 2015, AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 489 -- Senator Massey: A SENATE RESOLUTION TO CONGRATULATE MR. WILLIE H. RILEY UPON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY ON MARCH 10, 2015, AND TO WISH HIM A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE YEARS TO COME.

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The Senate Resolution was adopted.

H. 3432 -- Reps. Atwater, King, Jefferson, Williams, Taylor, Knight, Robinson-Simpson, Huggins, G. R. Smith, Norman, Brannon, Bedingfield, Clyburn, Cobb-Hunter, Hamilton, Henderson, Hixon, Hodges, Rutherford, Toole, Weeks, Hicks, Rivers and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-5-65 SO AS TO PROVIDE THAT MARTIN LUTHER KING, JR. DAY AND MEMORIAL DAY MUST BE RECOGNIZED AS HOLIDAYS FOR ALL LOCAL SCHOOL DISTRICTS OF THE STATE AND THAT THE SCHOOLS AND OFFICES OF THE DISTRICTS MUST BE CLOSED ON THOSE DATES.

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

H. 3711 -- Rep. Delleney: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE ON FRIDAY, JUNE 12, 2015, FROM 11:30 A.M. TO 1:00 P.M. FOR ITS ANNUAL STATE HOUSE MEETING.

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

**Committee to Escort**

The PRESIDENT appointed Senators MATTHEWS, COLEMAN, LARRY MARTIN, HEMBREE and THURMOND to escort the Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court, and members of her party to the House of Representatives for the Joint Assembly.

**REPORTS OF STANDING COMMITTEES**

**Appointment Reported**

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, South Carolina Department of Administration, with term coterminous with Governor

Director:

Marcia S. Adams, 102 Audubon Oaks Way, Irmo, SC 29063

Received as information.

**Appointment Reported**

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable report on:

**Statewide Appointment**

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

At-Large:

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

Received as information.

**Appointment Reported**

Senator O’DELL from the General Committee submitted a favorable report on:

**Statewide Appointment**

Reappointment, South Carolina Commission for the Blind, with the term to commence May 19, 2014, and to expire May 19, 2018

4th Congressional District:

Mary S. Sonksen, 102 Edgebrook Court, Spartanburg, SC 29302

Received as information.

**INVITATIONS ACCEPTED**

On motion of Senator BRYANT, with unanimous consent, the following invitations were polled favorably from the Committee on Invitations and ordered placed on the Calendar:

**Tuesday, March 3, 2015 - 6:00-8:00 P.M.**

Members of the Senate and Staff, Reception, Hall at Senate’s End, by **CLEMSON UNIVERSITY**

**Tuesday, March 3, 2015 - 7:00 - 9:00 PM**

Members of the Senate and Staff, Reception, Capital City Club, by the **ASSOCIATED BUILDERS & CONTRACTORS OF SC**

**Wednesday, March 4, 2015 - 8:00-10:00 A.M.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the **AARP SC**

**Wednesday, March 4, 2015 - 11:30-1:30 P.M.**

Members of the Senate and Staff, Luncheon, State House Grounds, by the **CAROLINA’S HEALTHCARE SYSTEM**

**Wednesday, March 4, 2015 - 6:00-8:00 P.M.**

Members of the Senate and Staff, Reception, the Palmetto Club, by **ALEC**

**Thursday, March 5, 2015 - 8:00-10:00 A.M.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the **SC ACADEMY OF PHYSICIANS ASSISTANTS**

**Thursday, March 5, 2015 - 8:00-10:00 A.M.**

Members of the Senate, Breakfast, Capital City Club, by the **ALPHA KAPPA ALPHA SORORITY, INC.**

**Tuesday, March 17, 2015 - 6:00-8:00 P.M.**

Members of the Senate and Staff, Reception, Columbia Museum of Art, by the **FLORENCE COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP & FLORENCE COUNTY PROGRESS “FLORENCE COUNTY DAY”**

**Wednesday, March 18, 2015 - 8:00-10:00 A.M.**

Members of the Senate, Breakfast, Room 112, Blatt Building, by the **SC ASSOCIATION OF SCHOOL NURSES**

**Wednesday, March 18, 2015 - 12:00-2:30 P.M.**

Members of the Senate and Staff, Luncheon, State House Grounds, by the **PALMETTO CONSERVATION FOUNDATION**

**Wednesday, March 18, 2015 - 6:00-8:00 P.M.**

Members of the Senate, Reception, the Marriott, by the **GOVERNOR’S SCHOOL FOR MATH AND SCIENCE TOWNES AWARD DINNER**

**Thursday, March 19, 2015 - 8:00-10:00 A.M.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by **LEADERSHIP SC & DUKE ENERGY**

**Tuesday, March 24, 2015 - 12:00-2:00 P.M.**

Members of the Senate and Staff, Luncheon, State House Grounds, by the **SC REALTORS ASSOCIATION**

**Tuesday, March 24, 2015 - 6:00-8:30 P.M.**

Members of the Senate and Staff, Reception, 1114 College Street, by the **SC BEER WHOLESALERS ASSOCIATION**

**Wednesday, March 25, 2015 - 8:00-10:00 A.M.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the **PIEDMONT MUNICIPAL POWER AGENCY**

**Wednesday, March 25, 2015 - 11:00-2:00 P.M.**

Members of the Senate and Staff, Luncheon, State House Grounds, by the **SC STATE FIREFIGHTERS’ ASSOCIATION**

**Wednesday, March 25, 2015 - 5:30-7:30 P.M.**

Members of the Senate and Staff, Reception, the McNair Firm, 1121 Main Street, by the **NATIONAL GUARD ASSOCIATION OF SC**

**Wednesday, March 25, 2015 - 6:00-8:00 P.M.**

Members of the Senate, Reception, Seawell’s, by the **SC SUMMARY COURT JUDGES ASSOCIATION**

**Thursday, March 26, 2015 - 8:00-10:00 A.M.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the **SC BROADCASTERS ASSOCIATION**

**Tuesday, March 31, 2015 - 5:30-7:00 P.M.**

Members of the Senate and Staff, Reception, the Marriott, by the **SC CHAMBER OF COMMERCE. “WASHINGTON NIGHT IN SC”**

**Poll of the Invitations Committee**

**Polled 11; Ayes 0; Nays 0; Not Voting 0**

**AYES**

Bryant Alexander Reese

Verdin Campsen Cromer

Malloy Cleary Johnson

Kimpson McElveen

**Total--11**

**NAYS**

**Total--0**

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 375 -- Senator Hayes: A BILL TO AMEND SECTION 6‑5‑15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SECURING DEPOSITS OF FUNDS BY LOCAL ENTITIES, SO AS TO ALLOW A LOCAL ENTITY TO DEPOSIT ALL OR A PORTION OF SURPLUS PUBLIC FUNDS IN ITS CONTROL OR POSSESSION IN ACCORDANCE WITH CERTAIN CONDITIONS.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

S. 379 ‑‑ Senator Courson: A BILL TO AMEND VARIOUS SECTIONS OF TITLE 12, CHAPTER 4 OF THE 1976 CODE, RELATING TO COUNTY TAX OFFICIALS; TO AMEND VARIOUS SECTIONS OF TITLE 12, CHAPTER 37, RELATING TO THE ASSESSMENT OF PROPERTY TAXES; TO AMEND VARIOUS SECTIONS OF TITLE 12, CHAPTER 39, RELATING TO COUNTY AUDITORS; TO AMEND VARIOUS SECTIONS OF TITLE 12, CHAPTER 43, RELATING TO COUNTY EQUALIZATION AND REASSESSMENT; TO AMEND VARIOUS SECTIONS OF TITLE 12, CHAPTER 45, RELATING TO COUNTY TREASURERS AND THE COLLECTION OF TAXES; TO AMEND VARIOUS SECTIONS OF TITLE 12, CHAPTER 49, RELATING TO ENFORCED COLLECTION OF TAXES GENERALLY; TO AMEND VARIOUS SECTIONS OF TITLE 12, CHAPTER 51, RELATING TO ALTERNATE PROCEDURES FOR THE COLLECTION OF PROPERTY TAXES; TO AMEND VARIOUS SECTIONS OF TITLE 12, CHAPTER 59, RELATING TO FORFEITED LANDS; AND TO AMEND SECTION 12‑60‑1760, RELATING TO PROPERTY TAX PROTESTS.

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable report on:

S. 304 -- Senators L. Martin, Alexander, Verdin, Hayes, Peeler, Cromer, Corbin, Nicholson, Rankin, Hembree, Williams and Coleman: A BILL TO AMEND SECTION 6‑23‑110, CODE OF LAWS OF SOUTH CAROLINA 1976, RELATING TO CONTRACTS TO BUY POWER BETWEEN A JOINT POWER AND ENERGY AGENCY AND ITS CONSTITUENT MUNICIPALITIES, SO AS TO PROVIDE FOR THE RENEWAL OR EXTENSION OF CONTRACTS TO BUY POWER FOR ADDITIONAL PERIODS NOT TO EXCEED FIFTY‑YEARS FROM THE DATE OF THE RENEWAL OR EXTENSION.

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 398 -- Senator Campsen: A BILL TO AMEND SECTION 22‑2‑5, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELIGIBILITY EXAMINATION FOR MAGISTRATES, SO AS TO EXTEND THE TIME PERIOD FOR THE VALIDITY OF THE EXAMINATION SCORES FROM SIX MONTHS BEFORE AND SIX MONTHS AFTER THE TIME THE APPOINTMENT IS TO BE MADE TO ONE YEAR BEFORE AND ONE YEAR AFTER THE TIME THE APPOINTMENT IS TO BE MADE.

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary submitted a majority favorable with amendment and Senator MALLOY a minority unfavorable report on:

S. 277 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “STATE TELECOM EQUITY IN FUNDING ACT” BY ADDING SECTION 58‑9‑2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS REGARDING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58‑9‑2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSING AND COLLECTING DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58‑9‑10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF TELEPHONE SERVICE, SO AS TO REVISE THE DEFINITIONS OF “BASIC LOCAL EXCHANGE TELEPHONE SERVICE” AND “CARRIER OF LAST RESORT”; TO AMEND SECTION 58‑9‑280, AS AMENDED, RELATING TO THE UNIVERSAL SERVICE FUND FOR CARRIERS OF LAST RESORT, SO AS TO PROVIDE FOR THE TRANSITION OF THE INTERIM LOCAL EXCHANGE CARRIER FUND INTO THE UNIVERSAL SERVICE FUND, TO LIMIT THE SIZE OF THE UNIVERSAL SERVICE FUND, AND TO REQUIRE VOICE OVER INTERNET PROTOCOL PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND PREPAID WIRELESS SERVICE PROVIDERS TO CONTRIBUTE TO THE UNIVERSAL SERVICE FUND; TO AMEND SECTION 58‑9‑576, AS AMENDED, RELATING TO CERTAIN STAND‑ALONE BASIC RESIDENTIAL LINE RATES, SO AS TO PROVIDE FOR THE TERMINATION OF THE RATES FIVE YEARS AFTER THEY BECOME EFFECTIVE; TO AMEND SECTION 58‑9‑2510, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE, SO AS TO REVISE THESE DEFINITIONS AND PROVIDE ADDITIONAL NECESSARY DEFINITIONS; TO AMEND SECTION 58‑9‑2530, AS AMENDED, RELATING TO THE OPERATING FUND FOR A SYSTEM OF DUAL PARTY RELAY DEVICES AND RELATED TELECOMMUNICATIONS DEVICES, SO AS TO IMPOSE CERTAIN UNIFORM-RELATED SURCHARGES ON LOCAL EXCHANGE PROVIDERS; AND TO REPEAL SECTION 58‑9‑2540 RELATING TO AN ADVISORY COMMITTEE CONCERNING STATEWIDE TELECOMMUNICATIONS RELAY ACCESS SERVICE.

Ordered for consideration tomorrow.

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

**AMENDED, READ THE SECOND TIME**

H. 3352 -- Reps. Bowers, Herbkersman and Newton: A BILL TO AMEND ACT 476 OF 1998, RELATING TO JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF JASPER COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY BOARD OF EDUCATION MUST BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2016, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

The Senate proceeded to a consideration of the Bill.

The question then was the adoption of the amendment.

Senator PINCKNEY proposed the following amendment (GGS\3352C001.GGS.ZW15), which was adopted:

Amend the bill, as and if amended, Section 2(A)(1), as contained in SECTION 1, page 7, line 27, by striking / S‑53‑00‑15A / and inserting / S-53‑00‑15C /.

Amend the bill further, Section 2(A)(2), as contained in SECTION 1, page 7, beginning on line 29, by striking item (2) in its entirety and inserting:

/ (2) The demographic information shown on this map is as follows:

District Pop Dev. %Dev. Hisp %Hisp NH\_WHT %NH\_WHT NH\_BLK %NH\_BLK

1 2,608 1 0.04% 127 4.87% 767 29.41% 1,702 65.26%

2 2,607 0 0% 902 34.60% 969 37.17% 688 26.39%

3 2,607 0 0% 434 16.65% 689 26.43% 1,467 56.27%

4 2,607 0 0% 251 9.63% 1,494 57.31% 844 32.37%

5 2,608 1 0.04% 276 10.58% 761 29.18% 1,540 59.05%

6 2,608 1 0.04% 267 10.24% 1,794 68.79% 492 18.87%

7 2,608 1 0.04% 227 8.70% 960 36.81% 1,387 53.18%

8 2,607 0 0% 828 31.76% 546 20.94% 1,151 44.15%

9 2,607 0 0% 372 14.27% 942 36.13% 1,239 47.53%

Total 23,467 3,684 15.70% 8,922 38.02% 10,510 44.79%

District VAP H18 %H18 NHWVAP %NHWVAP NHBVAP %NHBVAP AllOth AllOthVAP

1 1,985 73 3.68% 617 31.08% 1,286 64.79% 12 9

2 1,953 590 30.21% 824 42.19% 501 25.65% 48 38

3 1,866 245 13.13% 556 29.80% 1,052 56.38% 17 13

4 1,945 150 7.71% 1,152 59.23% 627 32.24% 18 16

5 1,911 189 9.89% 618 32.34% 1,079 56.46% 31 25

6 1,971 182 9.23% 1,429 72.50% 324 16.44% 55 36

7 1,919 135 7.03% 787 41.01% 974 50.76% 34 23

8 1,854 552 29.77% 449 24.22% 800 43.15% 82 53

9 1,925 230 11.95% 748 38.86% 910 47.27% 54 37

Total 17,329 2,346 13.54% 7,180 41.43% 7,553 43.59% 351 250

Amend the bill further, page 8, beginning on line 32, by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. (A) Notwithstanding another provision of law, a special election for all seats on the reapportioned Jasper County Board of Education must be conducted on the first Tuesday following the first Monday in August of 2015. The special election must be conducted by the Jasper County Board of Voter Registration and Elections (county board). The county board shall give notice by publication sixty days prior to the election and a second notice two weeks after the first notice, in one or more newspapers with general circulation in Jasper County. Filing for election to the Jasper County Board of Education opens on June 1, 2015, at noon to run for a period of fifteen days until noon on June 15, 2015. When more than one person is seeking election to a single seat on the Jasper County Board of Education, the candidate who receives the highest number of votes is declared the winner of the seat as provided by this section. In order to stagger the terms, board members representing odd‑numbered districts who are elected in the August 2015 special election shall serve only until their successors are elected in the 2016 General Election. Board members representing even‑numbered districts who are elected in the August 2015 special election shall serve only until their successors are elected in the 2018 General Election. Upon the expiration of the initial terms of those board members elected in the August 2015 special election, members of the Jasper County Board of Education must be elected for terms of four years. Members may succeed themselves.

(B) Beginning with the 2016 General Election, in order to qualify as a candidate for an odd‑numbered election district seat on the Jasper County Board of Education, a person shall file a statement of candidacy with the Jasper County Board of Voter Registration and Elections no earlier than August first, or if August first falls on Sunday, no earlier than the following Monday, and no later than twelve o’clock noon on August fifteenth, or if August fifteenth falls on Sunday, no later than twelve o’clock noon on the following Monday. In the 2018 General Election, the even‑numbered election district seats on the Jasper County Board of Education shall offer for election by filing a statement of candidacy with the county board of elections and voter registration. The statement of candidacy must be a sworn statement and must include the candidate’s name, age, voting precinct, and any other information the county board of elections and voter registration requires. A candidate for a single‑member election district seat also shall indicate for which seat number he is filing. When more than one person is seeking election to a single seat on the Jasper County Board of Education, the candidate who receives the highest number of votes is declared the winner of the seat.

(C) In the event of a vacancy on the Jasper County Board of Education occurring for any reason other than expiration of a term, the board shall call a special election to fill the unexpired term, so long as the vacancy does not occur within ten months of a regular board of education election. In this case, the vacancy must be filled for the unexpired term or for a full term, as appropriate, at the next regular election.

(D) The Jasper County Board of Voter Registration and Elections shall conduct and supervise the elections for board members in the manner governed by the election laws of this State, mutatis mutandis. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

**Recorded Vote**

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

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

**Recorded Vote**

Senator DAVIS desired to be recorded as voting against the second reading of the Bill.

**Objection**

Senator PINCKNEY asked unanimous consent to give the Bill a third reading on the next legislative day.

Senator MASSEY objected.

**CARRIED OVER**

S. 373 -- Senator Setzler: A BILL TO AMEND SECTION 9‑1‑1620, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPTIONAL FORMS OF RETIREMENT ALLOWANCES, SO TO ALLOW A MEMBER TO CHANGE THE FORM OF MONTHLY PAYMENT WITHIN FIVE YEARS OF A CHANGE IN MARITAL STATUS, INSTEAD OF ONE YEAR, AND IN CERTAIN SITUATIONS, TO REQUIRE THE MEMBER TO REIMBURSE THE RETIREMENT SYSTEM OF ANY EXCESS PAYMENT RECEIVED.

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

**ADOPTED**

S. 470 -- Senator Shealy: A CONCURRENT RESOLUTION TO APPLAUD THE COMMITMENT GIRL SCOUTING HAS MADE TO SUPPORT THE CONTINUED ADVANCEMENT OF GIRLS IN THEIR ROLES AS LEADERS IN SOUTH CAROLINA AND DECLARE MARCH 12, 2015, GIRL SCOUT DAY IN THE PALMETTO STATE.

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

**HOUSE CONCURRENCE**

S. 470 -- Senator Shealy: A CONCURRENT RESOLUTION TO APPLAUD THE COMMITMENT GIRL SCOUTING HAS MADE TO SUPPORT THE CONTINUED ADVANCEMENT OF GIRLS IN THEIR ROLES AS LEADERS IN SOUTH CAROLINA AND DECLARE MARCH 12, 2015, GIRL SCOUT DAY IN THE PALMETTO STATE.

Returned with concurrence.

Received as information.

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

**MOTION ADOPTED**

At 11:30 A.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS RETURNED FROM THE HOUSE.**

**CONCURRENCE**

S. 8 -- Senators L. Martin, Campsen, Hembree, Setzler and Gregory: A BILL TO RATIFY AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, TO PROVIDE THAT UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM NOT COTERMINOUS WITH THE GOVERNOR, MAY BE REMOVED ONLY FOR CAUSE, AND THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE TERM, DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE ADJUTANT GENERAL MAY BE REMOVED FROM OFFICE; AND TO RATIFY AN AMENDMENT TO SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT GENERAL AND HIS STAFF OFFICERS, TO UPDATE REFERENCES TO HIS TITLE AND PROVIDE THAT THE ADJUTANT GENERAL’S MILITARY RANK IS MAJOR GENERAL AS OPPOSED TO BRIGADIER GENERAL, AND TO PROVIDE THAT UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, HE MUST BE APPOINTED BY THE GOVERNOR IN THE MANNER REQUIRED BY SECTION 7, ARTICLE VI.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Hayes Hembree Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen Nicholson Peeler

Pinckney Rankin Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--41**

**NAYS**

**Total--0**

The Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**RECESS**

At 11:46 A.M., on motion of Senator LEATHERMAN, the Senate receded from business for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Chief Justice of the South Carolina Supreme Court**

At 12:00 Noon, the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of H. 3472, a Concurrent Resolution, adopted by both Houses.

The Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court, and members of her party, were escorted to the rostrum by Senators MATTHEWS, COLEMAN, LARRY MARTIN, HEMBREE and THURMOND and Representatives Bamberg, Bannister, Funderburk, Goldfinch and Kennedy.

The PRESIDENT introduced the Honorable Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court.

Chief Justice Toal addressed the Joint Assembly as follows:

**State of the Judiciary**

**Address by the Honorable Jean Hoefer Toal**

**Chief Justice of South Carolina**

Thank you very much. Thank you very much. Thank you. Thank you very much. Please be seated.

Before I even begin, let me start by introducing the members of my Court and the Court of Appeals who are here in attendance today: Justice Costa Pleicones, Justice Don Beatty, Justice Kaye Hearn, Chief Judge John Few, Judge Paul Short, Judge Bruce Williams, Judge Paula Thomas, Judge Aphrodite Konduros, Judge John Geathers, Judge James Lockemy, and Judge Stephanie McDonald. Judge John Kittredge sends his profound regrets for not being here, he has a terrible flu bug this morning. And I told him I thought you would excuse him and I certainly would excuse him.

Lieutenant Governor McMaster, President *Pro Tempore* LEATHERMAN, Speaker Lucas, Speaker *Pro Tempore* Pope, Members of the Joint Assembly, my brothers and sisters of the South Carolina Judiciary, ladies and gentleman. As you know, it is my habit to speak in memoriam as I begin my address. Early last Friday, the South Carolina legal profession lost one of its giants. Two and a half weeks from now, Attorney John Gregg McMaster would have celebrated his 101st birthday. He was the most senior practicing attorney in South Carolina. At the Bar for 75 years until his retirement in 2013, he tried his last case at age 93, and successfully so. Mr. McMaster was the consummate lawyer whether giving wise counsel to his clients or presenting their cases to judge and jury. He epitomized professionalism and civility. His considerable public service included membership in this House representing Richland County and the South Carolina Code Commission. He held many memberships in state and national legal organizations and historical organizations and was greatly honored all across the country.

John Gregg’s métier was in the courtroom. Like many young lawyers in Richland County, I would come to the courthouse when John Gregg tried a case. We learned the value of meticulous presentation and marveled at his premier oratorical skills. He served as a model of decent and effective advocacy for generations of South Carolina lawyers.

The legal profession expresses our deep condolences to his six sons, but most especially to his pride and joy, our treasured friend Lieutenant Governor Henry Dargan McMaster.

My address today is a look at milestones and achievements. Today is the 35th anniversary of your annual invitation to the Chief Justice of South Carolina to deliver a State of the Judiciary Address to the Joint Assembly. This milestone is an enduring symbol of the harmony between the Legislate Branch and the Judicial Branch. It was not always so. This harmony was achieved in 1985 with the resolution of a long‑standing and bitter dispute between the two branches regarding the court rule making authority. The spirit of respect for each branch’s constitutional authority and responsibility has remained the hallmark of our relationship.

As I deliver my 15th and final State of Judiciary Address, it fills me with a great deal of nostalgia to look back 40 years ago when I sat in this very hall of the House as a 31-year-old freshman legislator. Only Senator, and then House member, John Wesley Matthews sitting here on the podium having my back once again remains from the great class of 1975.

When John Matthews and I entered our first session as members of the House, the leading topics for the General Assembly consideration in 1975 included: modernizing the South Carolina Constitution to restructure State government, reform of the court system, Home Rule for the counties and cities, elimination of legislative authority over local school and county budgets, enactment of the first statewide ethics legislation, revision of the Freedom of Information Act, reform of state financing for schools, reform of property tax valuation, economic development tax incentives, and the strengthening of the tech schools.

Sound familiar? We continue to revisit these important matters because constant re-examination is the surest path to progress as a people. So don’t let the naysayers get away with criticizing the health of our government because you have the courage to constantly re-examine the effectiveness of our institutions. We pass laws which regulate behavior. When those laws are broken, we don’t water them down; we strengthen them.

In the 1970s and 1980s, our statewide court system went from a system of 16 Circuit Judges and five Supreme Court Judges and a hodgepodge of local courts to a standardized system which included a dedicated Family Court -- almost the first in the nation -- an intermediate Appellate Court, and, over time, the creation of additional Circuit Court and Family Court Judges. Our Constitution was amended to provide for shared responsibility between the General Assembly and the Supreme Court in developing modern court procedural rules. The Constitution was also amended to create screening for candidates for judicial office.

And upon this firm foundation, the past 15 years have been characterized by significant changes in the way our court operates. Our report card for the years 2000 to 2015 is characterized by our focus on business models, management techniques and technology to achieve efficiencies and better business organization.

So today the courts enjoy more stable funding. We’ve increased the number of judges; we’ve got more uniformity, same justice for everyone no matter where they are in South Carolina, and obviously the benefits of technology.

In 2013 you made a historic new commitment to court stability with the election of nine new trial judges. The creation and election of these judges has already resulted in a more efficient management of the court’s dockets and more access to the people of South Carolina to speedy justice. Technology will continue to be a priority, making the courts more accessible, more efficient and easier to navigate by everyone.

Fifteen years ago the entire Judicial Branch budget of $46.5 million was funded by general revenue appropriations. You see the history. Today, for the current fiscal year, about a third of our recurring budget is funded by state fines and fees. These fines and fees allocated to the Judicial Branch are generated by all levels of your court system and by services, primarily court technology, provided on contract to the counties.

The court generated revenue allocated to the Judicial Branch represents a very miniscule portion of the revenues generated by the courts for state and local government. Our 15 year growth in Judicial Branch expenditures for an expanded court system is now about $67 million, and it represents one of the most conservative expenditure patterns of any entity in state government.

But effective management is about more than financial efficiencies. We’ve also taken a new approach to how we manage our book of business -- the people's cases -- to achieve major reductions in the backlog of pending cases. Justice Hearn as chair and Justices Pleicones and Beatty, and Judges Konduros and Newman as subcommittee chairs have helped implement major changes in how Circuit and Family Court dockets are managed.

Our progress in accelerating case disposition is a combination of new judges plus the increased use of technology and collaboration with all the stakeholders in the system to achieve big improvements for our disposition rates.

Family Court is the biggest success story, and it was in the worst shape just a few years ago. Our goal is to process 80% of our Family Court cases in 365 days or less. And every circuit in South Carolina now meets or exceeds this benchmark. That was not so before our task force made its recommendations.

Common Pleas is the civil docket for Circuit Court and we measure the 365-day benchmark there from the time a case goes on the trial roster. And again, there is vast improvement. All circuits are disposing of 70% to 80% of their civil cases within 365 days of docketing.

General Sessions Court -- the criminal case docket for Circuit Court -- has received new attention in the light of *Langford*. Three circuits are now above 80% and another seven are at 70% or better in disposition in 365 days. Six circuits still need additional management and local funding to have success.

But we can’t expect the trial courts to improve their disposition rates without also looking at our Appellate Courts. We began a detailed concentration on reducing Supreme Court backlog in May of 2014. Our certiorari petitions, which is a legal term for requests to review Court of Appeals decisions, were our big area of focus. And with an all-hands-on-deck approach and some cutback in oral arguments this fall, we have now reduced pending cases at the Supreme Court by almost a third. And similar reductions are now being felt at the Court of Appeals.

Our biggest management tool for the past 15 years has been our use of an Internet platform to build our Court Technology System. The Internet represents innovation, access to information, and a more transparent court system for the citizens of South Carolina. It represents economic growth and more opportunity than the world has ever known. It’s been a game changer for the courts as well as the citizens of South Carolina; it’s a different way of doing business.

In 2000, no major courthouse in South Carolina had Internet access, and court personnel communicated by telephone, fax machine or surface mail. There was a unified system in principle, but not in practice. Technology is not just a matter of record keeping, it’s a matter of justice. An unorganized and inefficient court system that can’t communicate with its various parts leads to breakdown in the administration of justice. Technology allows the Judicial Department to evaluate our caseloads on a statewide basis, to evaluate inequities, and to allocate our resources where they’re needed. The recognition of technology as a key to effective and efficient administration of justice has been the hallmark of my term as your Chief Justice.

Our plan in South Carolina to use high-speed, Internet-based connectivity to improve court operations and enhance public access has become a national model.

When we began our court technology journey 15 years ago, I knew we had no state resources for this project; we were deep in the throes of the great recession much earlier than much of the nation. We were managing our entire system of courts on individual paper county records. So I cut my budget that year and then used existing fund savings to commission a study of how we could automate. I knew the big mainframe computer systems, which is what everybody used, were too expensive. So after looking at alternatives, we decided to look at an Internet-based system. That was a way-out idea in the year 2000. Neither government nor private business was using a web-based system to store or manage records or communicate in any identifiable way.

So I went to Senator Fritz Hollings and persuaded him to make South Carolina a pilot for the use of an Internet system to manage court records. And he made me promise one thing, to emphasize Internet connectivity for the most rural places in South Carolina. And that’s where we started.

Fifteen years later, we are a national success story. And not a week goes by that we don’t have calls from the Californias and the Massachusetts and some of the really huge court systems in this country wanting to look at our system to see how it works and how we did it.

The Judicial Department, not a private vendor, owns, redesigns and updates our state case management system. We built websites for most of the county clerks of court; they are the keepers of the record. And now all Magistrate, Circuit Court, Court of Appeals and Supreme Court records are accessible on the Internet through the county clerk of court’s website and through the State Judicial Branch website.

We built the systems almost entirely with federal money, over $52 million over the course of these years. But we didn’t bloat our system by using those federal dollars for recurring expenditures which would have to have been replaced by state recurring expenditures. Rather, we built the systems to be revenue-generating. And those funds go back to the Judicial Branch to operate and improve our technology system. In these past 15 years, the South Carolina Judicial Branch has created a very effective business model for the use of federal funds as capital investment in business efficiencies and revenue generation.

Our technology roadmap shows that 42 of the 46 counties repose their case records right on our servers here in Columbia in the Calhoun Building. The other four utilize our case management system and repose the records on their own servers.

We back up the entire system for disaster recovery purposes in a very successful partnership with Clemson University. And I’m proud to say other state agencies are joining us now. This is smart use of a state institution for capabilities for which we pay Clemson and not an outside vendor.

Our appellate case management system allows judges to access records and exhibits online. Public access is now available for many of our appellate records.

And beginning this last September we partnered with South Carolina Educational Television to begin live streaming of our arguments. We pay ETV to maintain a small TV studio in our basement at the Supreme Court. ETV and our IT staff live stream our arguments and archive them on our website. This is another example of a state-to-state partnership which generates value for each partner without outside expense.

The crown jewel will be electronic filing of all trial and Appellate Court documents in all 46 counties. We will pilot this project in Greenville and Clarendon this year. Once again, we will own the system. And you, by statute passed two years ago, have designated future revenue from e‑filing that we are building to operate the court’s Information Technology Department. Using revenue from a system we own, rather than paying it to a vendor, will operate our court technology well into the future.

But make no mistake, it’s much harder to build in-house and own and maintain a system in-house rather than simply paying an outside source for a turnkey job and ongoing administration. But I am convinced that if you hire good managers and stay directly involved shoulder to shoulder with your managers and with their front-line designers, you develop a system that really works. This is been my management style and the results are nationally acclaimed.

Our toolbox also includes specialized management of complex business-to-business disputes. We started Business Court with a three-county pilot in Greenville, Richland and Charleston. Now we use a regional approach and have taken this docket statewide.

But even with all the improvements we’ve made, South Carolina still has more filings per trial judge than any state in the country. Why? Because we still have less judges per 100,000 of population than any state in the country. So we can’t resolve all of our cases on a timely and compassionate basis by simply using the trial as the vehicle.

On the criminal justice side, alternatives to the traditional trial include sentencing alternatives for cases involving nonviolent crimes. We use specialized therapeutic courts to provide sentencing alternatives for non-violent crimes where the defendant has a mental health, substance abuse, or other behavioral issue that may require different management and treatment. In these alternative or diversionary courts, judges, attorneys, and service providers work together to treat the underlying issue and may track or monitor an individual’s progress to achieve the best outcome. And successful completion can reduce or avoid jail time and the expense to the State of housing these inmates.

In the past 15 years, we have implemented by Administrative Order of the Chief alternative courts in South Carolina: Adult Drug Courts, Juvenile Drug Courts, Adult Mental Health Courts, Truancy Courts, Veterans Courts, and Homeless Courts. All seek to divert non-violent offenders into treatment.

But there’s no question that on the criminal justice side, the major breakthroughs you made in sentencing reform five years ago are paying results -- 25 percent reduction in penitentiary population already and the closure of several statewide facilities. You’ve been wonderful partners in finding alternatives in the criminal justice area.

Alternative Dispute Resolution is another means of using something other than a trial. There’s a cultural change taking place with regard to resolution of disputes. And it’s a realization that some kind of disputes are not best settled through the adversarial process of a trial, but rather through collaborative processes like Alternate Dispute Resolution where a trained mediator guides the parties to an agreed settlement of the case. The commission was created in 2002, its mission to assist the court, practitioners, and the public with arbitration and mediation.

Major accomplishments include a uniform set of rules, Court-Annexed Alternate Dispute Resolution pilots for civil and family courts now in 33 of the 46 counties, Family Court pilot mediation programs for DSS abuse and neglect cases. This could really be a help. DSS is broken. The abuse and neglect system is broken. We’ve got to think smartly management-wise, the courts and the department and this Body, about how to resolve. (Applause)

We also have successful Probate Court mediation, a pilot that began in August of 2012 and is now statewide. And we have pilot Court Mediation Programs for Magistrates Court in Richland, Lexington, Greenville, Kershaw and Anderson counties. Alternate Dispute Resolution has become a permanent part of the judicial landscape in the last 15 years, mostly through Administrative Orders issued through my office and the creation of an ADR Commission. A lot of management can take place without dollars and cents, but with a different way of doing business.

Fast track jury trials is yet another Alternate Dispute Resolution vehicle that’s been adopted statewide. The goal is a quick resolution of cases that can accommodate a one-day trial. It's voluntary so you don’t have to do it, but it’s a binding jury trial before a six-person jury. They select a judge, the clerk pools the jury. It’s been used in Charleston for many years. Trials last no more than a day and involve an abbreviated case presentation. But the parties agree to accept the jury verdict as final, so no appeal, the case is over.

We use commissions as problem solvers. And in the last 15 years, we’ve used commissions to tackle some very specific problems of access to the court and improving the professionalism of attorneys.

Almost 10 years ago South Carolina became one of the first wave of access to justice initiatives in the country. And we tackled the challenge of justice for all, not just those who can afford it. But we wanted to design strategies for civil legal assistance to the working poor. Four out of five people in South Carolina of low income do not have basic access to civil legal assistance. The Access to Justice Commission was created in 2008. Its major accomplishments include development of judicial training so that judges can be sensitive to how to deal with self-represented litigants. They’re entitled to be heard whether they have a lawyer or not.

But what else can we do? We prepared a simple divorce packet that people can use without a lawyer to go to court for a simple divorce, a child support modification packet so that people who want to bring up child support modification can do it by using the forms without a lawyer, and in Newberry County, we’ve had a self-help pilot program that’s been wonderful. It uses Newberry College students, all kind of different people, to help persons who want to use the self-help program figure out how to use the forms. We’ve conducted Pro Bono Summits as well, trying to encourage the lawyers of South Carolina to devote an identifiable number of hours every year to voluntary, free legal service to those who have civil needs that can’t be met because they don’t have the money.

We also established in the year 2000 the Chief Justice’s Commission on the Profession. It’s chaired by Justice John Kittredge, and it recognizes the need to emphasize professionalism in the practice of law. We promote professionalism from the first day a law student enters law school now until their last day in practice and assists them in retiring, and all manner of issues in between. This is a highly regarded commission throughout the country and its major accomplishments include the adoption of a lawyer and judicial professionalism oath, the creation of new professionalism curriculum to be used at the two state law schools, a mandatory program of mentoring for lawyers so that each lawyer who comes to practice in South Carolina as a newly admitted lawyer has a lawyer as a mentor for a year with a prescribed curriculum of experiences to ease that young lawyer into the practice of law. We also have mentoring programs, under the commission’s supervision, for Magistrates and Municipal Judges, and they mirror the very successful mentoring program and education program Circuit Court and Family Court Judges have run for new judges for years.

Our Office of Disciplinary Counsel -- eight years ago, we requested the American Bar Association to conduct an in-depth audit of lawyer and judicial discipline in South Carolina. The result was an honest, critical report which made many recommendations for improvement. The Supreme Court embraced each of these recommendations, and we have restructured and strengthened our two commissions to regulate ethics rules for lawyers and judges, just as you are attempting to look at a new paradigm for how your ethics cases are tried in your ethics legislation this year.

In 2013, the ABA Standing Committee on Judicial Discipline recognized our Office of Disciplinary Counsel’s case management software, which we developed in-house with our IT staff, as the national model for how you automate disciplinary process for lawyers and for judges. In this same year, the ABA also recognized our Disciplinary Counsel Lee Coggiola and her staff as national leaders in lawyer discipline and in the use of technology and in the enforcement of South Carolina’s Civility Oath.

Well, these past 15 years have seen the Judicial Branch recognized many times. We’re thought of throughout the country as in the top tier of court systems in the United States; we're awfully proud of that. And additionally, the South Carolina Courts have established a variety of civics education programs for teachers and students of our State, including the Supreme Court Summer Institute for Social Studies Teachers, the Class Action Program where students attend our oral arguments every month and interact with the court, and the Case of the Month where our streamed oral arguments are used in the classroom along with online access to our briefs and records on appeal.

We also received national recognition for the South Carolina Judicial Department’s sponsorship of iCivics, Justice O’Connor’s web-based interactive civics education program for middle and high schools. We’re the best of the bunch in the country at embedding that in social studies curriculum.

It’s been the highest honor of my life to have been given the privilege of serving on our Supreme Court for the past 25 years. And for the past 15 years, you’ve given me the opportunity to lead your court system to new heights. Your court system is well positioned to meet the challenges of the future.

So it’s up to you to create new tools in reducing the scourge of child abuse and neglect and criminal domestic violence. And I’m proud to serve on Governor Haley’s Task Force, and we hope we’ll be giving some good suggestions to the General Assembly about this issue -- providing treatment alternatives for the addicted and those challenged by mental health issues, and by supporting our efforts to provide fair access for families, for businesses, for the working poor, for everyone in South Carolina.

Well, you know how the story always ends. And as you look at these concluding pictures from my past addresses, please know that in Senior Active Retired Service, I’ll still be willing to help at the pleasure of the Chief Justice.

The motto of our court is nil ultra -- no higher -- but be assured that I am guided by the conviction that there is a higher authority. As we prepare this next generation to lead this State, and as we prepare our family life for our children that gives them a wholesome platform for success, I’m reminded of the words of Micah, “What doth thy Lord require of thee, Do justly, Love mercy, Walk humbly with thy God.” Thank you and Godspeed. (Applause)

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 12:30 P.M., the Senate resumed.

At 12:32 P.M., by prior motion of Senator LEATHERMAN, the Senate receded until 2:00 P.M.

**AFTERNOON SESSION**

The Senate reassembled at 2:17 P.M. and was called to order by the PRESIDENT.

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

**AMENDED, READ THE SECOND TIME**

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.

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

**Amendment No. 13**

Senators JACKSON and SCOTT proposed the following amendment (BBM\3C002.BBM.DG15), which was ruled out of order:

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

/ SECTION \_\_\_. Chapter 25, Title 16 of the 1976 Code is amended by adding:

“Article 3

Dating Violence

Section 16‑25‑300. (A) For purposes of this article, the term:

(1) ‘Dating violence’ means violence between persons who have or previously had a continuing and significant relationship of a romantic or intimate nature. The existence of this relationship must be determined based on consideration of the following factors, the:

(a) dating relationship does not require sexual intimacy;

(b) nature of the relationship was characterized by the expectation of affection between the parties and includes ‘break-up’ violence or threats that escalate at the time or after the dating relationship ends; and

(c) frequency and type of interaction between the persons involved in the relationship must have included that the persons were involved over time and on a continuous basis during the course of the relationship. The term ‘dating violence’ does not include violence in a casual acquaintanceship or violence between persons who have only engaged in ordinary fraternization in a business or social context.

(2) ‘Violence’ means any assault, aggravated assault, battery, aggravated battery, sexual assault or battery or criminal sexual conduct offense, stalking, or kidnapping resulting in the victim having reasonable cause to believe that the victim is in imminent danger of becoming the subject of an act of violence, or threats or attempts to abuse the victim, or physical injury or death to the victim.

(B) A person commits the offense of dating violence when the victim has reasonable cause to believe that the victim is in imminent danger of becoming the subject of an act of dating violence, or when a victim presents sufficient evidence that the current or former partner of the relationship threatened to, attempted to, or actually physically abused the victim.

(C) A person who violates the provisions of this section is guilty of the offense of dating violence and must be punished, upon conviction, pursuant to the provisions of Section 16‑25‑20. If the factors that cause the offenses provided for in Section 16-25-20 to be in the first degree, second degree, or third degree, are present in the offense of dating violence, then the punishment must be adjusted accordingly to be to the same degree as the provisions of Section 16-25-20, mutatis mutandis. A violation of the provisions of this section is not considered a lesser‑included offense of one of the offenses listed in subsection (A)(2). The penalties provided in this section are in addition to the penalties provided for an underlying offense and any sentence imposed pursuant to the provisions of the section must be served consecutively to a sentence imposed for an underlying offense.

(D) A person under the age of eighteen may not be charged with a violation of this section.” /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

**Point of Order**

Senator HEMBREE raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator SCOTT spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

**Amendment No. 6B**

Senators SHEALY, LOURIE and SHEHEEN proposed the following amendment (3R017.LS.KS), which was not adopted:

Amend the bill, as and if amended, in Section 16‑25‑20, as contained in SECTION 2, by inserting a new subsection at the end to read:

/ ( ) At the time a person is convicted of violating subsection (A), the court shall inform the person that he or she is ineligible to possess firearms or ammunition or to carry a concealed weapon pursuant to Section 16‑25‑30. The court shall order the person to transfer any firearms owned by the person or in the person’s possession to a federally licensed firearms dealer, law enforcement, or a third party in accordance with Section 16‑25‑35.” /

Amend the bill further, as and if amended, by striking 16‑25‑30(D), as contained in SECTION 3, and inserting:

/ (D) At the time a person is convicted of violating the provisions of Section 16‑25‑20 or 16‑25‑65, or upon the issuance of an order of protection pursuant to Chapter 4, Title 20, the court must deliver to the person a written form that conspicuously bears the following language: ‘Pursuant to the provisions of Section 16‑25‑30 and 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16‑25‑20 or 16‑25‑65, or a person who is subject to a valid order of protection pursuant to Chapter 4, Title 20, that was issued after a hearing at which the person had an opportunity to participate, to ship, transport, possess, or receive a firearm or ammunition.’ /

Amend the bill further, as and if amended, in 16‑25‑65, in SECTION 4, by inserting a new subsection at the end to read:

/ ( ) At the time a person is convicted of violating subsection (A), the court shall inform the person that he or she is ineligible to possess firearms or ammunition or to carry a concealed weapon pursuant to Section 16‑25‑30. The court shall order the person to transfer any firearms owned by the person or in the person’s possession to a federally licensed firearms dealer, law enforcement, or a third party in accordance with Section 16‑25‑35.” /

Amend the bill further, as and if amended, by inserting appropriately numbered new SECTIONS at the end to read:

/ SECTION \_\_. Chapter 25, Title 16 of the 1976 Code is amended by adding:

“Section 16‑25‑35. (A) Upon a conviction for a violation of Section 16‑25‑20 or Section 16‑25‑65, the convicting court shall inform the person that he or she is ineligible to possess firearms or ammunition or to carry a concealed weapon. The court shall order the person to transfer all firearms and firearms permits for the period of time as provided by law, including concealed weapons permits, owned by the person or in the person’s possession.

(B) Upon issuance of an order of protection pursuant to Chapter 4, Title 20, the court shall inform the person subject to the order that he or she is ineligible to possess firearms or ammunition or to carry a concealed weapon. The court shall order the person to transfer any firearms and firearms permits, including concealed weapons permits, owned by the person or in the person’s possession until such time as the person is no longer subject to an order of protection and is otherwise eligible to possess firearms.

(C) Within seventy-two hours of being convicted of a violation under Section 16‑25‑20 or 16‑25‑65, or of being served with an order of protection pursuant to Chapter 4, Title 20, the person shall transfer all firearms owned by the person or in the person’s possession to state or local law enforcement officials, to a federally licensed firearms dealer, or to a third party who does not reside with the person and who may lawfully receive firearms. Within the same time period, the person shall transfer all firearms permits, including concealed weapons permits, to law enforcement.

(D) A law enforcement agency or federally licensed firearms dealer taking possession of a firearm under this section shall issue proof of transfer to the person transferring the firearm. The proof of transfer must indicate the number of firearms transferred, the period of time for which the firearm is transferred, and must include the name of the person, the date of transfer, and the serial number, make, and model of each transferred firearm.

(E) A person who is convicted under this section must obtain from a third party taking possession of a firearm under this section an affidavit signed under oath before a notary public acknowledging the period of time for which the person is transferring the firearm to the third party or agreeing to temporarily store the person’s firearm until the person is no longer ineligible to possess firearms. The affidavit must indicate the number of firearms transferred, the period of time for which the firearm was transferred, and must include the name of the person, the date of transfer, and the serial number, make, and model of each transferred firearm. The third party shall affirm in the affidavit that the third party does not reside with the person and shall acknowledge in the affidavit that the third party may be held criminally responsible under Section 16‑25‑40 if the person gains access to a transferred firearm while the firearm is in the custody of the third party.

(F) Within forty‑eight hours of being convicted of a violation under Section 16‑25‑20 or 16‑25‑65, or of being served with an order of protection pursuant to Chapter 4, Title 20, the person shall:

(1) File a copy of the proof of transfer or third party affidavit with the court and attest that all firearms owned by the person or in the person’s possession at the time of conviction have been transferred in accordance with this section and that the person currently has no firearms in his or her possession; or

(2) Attest that, at the time of conviction, or at the time the order of protection was issued, the person owned no firearms and had no firearms in his or her possession, and that the person currently owns no firearms and has no firearms in his or her possession.

(G) Upon the expiration of an order of protection, a federally licensed firearms dealer or third party shall, at the respondent’s request, return any temporarily transferred firearm to the person, unless the order is extended or the person is otherwise ineligible to possess firearms under state or federal law.

(H) Federally licensed firearms dealers may charge a fee in connection with the storage of any firearm pursuant to this section, and may establish policies for the disposition of abandoned firearms.

(I) Any firearm transferred to a law enforcement agency pursuant to this section shall be considered confiscated and the law enforcement agency shall dispose of the firearm in the same manner as confiscated firearms described in Section 16‑23‑50(B).

(J) South Carolina Court Administration may develop a form affidavit for use pursuant to this section.”

SECTION \_\_. Chapter 25, Title 16 of the 1976 Code is amended by adding:

“Section 16‑25‑40. (A) It is unlawful for a third party who accepts a transferred firearm pursuant to Section 16‑25‑35 from a person convicted of a domestic violence offense or subject to an order of protection to allow the person to obtain possession of the transferred firearm while the transferor is ineligible to possess firearms.

(B) A person who violates this section is guilty of a misdemeanor and must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned not more than ninety days or both.”

SECTION \_\_. Section 20‑4‑60 of the 1976 Code is amended by adding:

“(G) When the court issues an order of protection, it shall inform the person subject to the order that he or she is ineligible to possess firearms or ammunition or to carry a concealed weapon pursuant to Section 16‑25‑30. The court shall order the person to transfer any firearms owned by the person or in the person’s possession to a federally licensed firearms dealer, law enforcement, or a third party in accordance with Section 16‑25‑35 until such time as the person is no longer subject to an order of protection and is otherwise eligible to possess firearms.” /

Renumber sections to conform.

Amend title to conform.

Senator LOURIE explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

The question then was the adoption of the amendment.

The amendment was not adopted.

Senator JOHNSON spoke on the Bill.

**Remarks by Senator JOHNSON**

Thank you Mr. PRESIDENT, and members of the Senate. I sat for a long time as we dealt with Senate Bill 3, the Criminal Domestic Violence Bill, and we spent a lot of time with the Judiciary Committee on the Bill. Actually, when the Bill was prefiled, I thought it was something we could deal with in a hurry. Realizing that we are first in the nation, probably second now, behind Alaska, but mainly first for the last several years in the number of cases of criminal domestic violence against women and others in our State. I figured that this would be something that we could address very quickly and try to alleviate some of the CDV and not be at the top of the list. Somehow this CDV Bill has now been considered a Bill to take people’s gun rights away, and I hate that this has happened because even though part of the Bill does deal with taking gun rights under certain circumstances, this is not what the Bill is designed for. The Bill is designed to hopefully decrease the number of cases of CDV in this State or make them think twice or either suffer harsher penalties if they decide to continue down this road.

This Bill has a number of negative ramifications and I just wanted to address it because I know there’s been a lot of talk about a lot of the emails we are receiving from the Bloomberg group. I have received a lot of what I call foreign emails, but I’ve also received a lot of emails and letters and have had phone calls, and I’ve had conversations with who I would call “real people”. I feel for these people because all they are asking for is for a chance for us to decrease the number of cases of CDV. I received a letter from one of my constituents, and it has weighed heavily on me, and I’m not going to read it because I know we are not supposed to be read to; but, I just wanted to point out some of the highlights in this letter. It comes from a minister in Manning and his eight siblings who lost a sister to CDV. Some of the things that they point out in this letter is that the brother-in-law who actually killed his wife, who was their sister, had a history of violent behavior. He was reported several times for domestic violence and had several restraining orders and orders of protection issued against him. They said that their sister, who is now deceased, had to flee for her safety and her life many times at shelters and with relatives and friends trying to make sure that he could not harm her further. She was a sweet daughter, a beloved sister, a devoted wife, adoring mother, supporting aunt and a great friend. She was a home health care giver in their community and she gave everything she had for her marriage and for her family. She was a beautiful woman who was full of life and she just wanted to live; but, she was murdered by her husband in cold blood in her home -- the same wife that stuck with him through thick and thin, the same wife that supported him time and time again. So this is what he did; he shot her five times in their home one night. He didn’t call for any help as she laid there bleeding to death. He didn’t call 911 or EMS, he just sat there and watched her bleed to death and then he went down to the detention center and turned himself in. For this young lady and for others like her -- that is the reason I’m going to support this Bill -- even Section 3. Because I realize that most people that have guns abide by the law, respect the law and they cherish that right. It has been said several times that with every right there comes responsibility, and I think a person’s right to own a gun ends when they use that gun to commit CDV -- to harm women and children, to frighten them and to kill them. I understand that we all love our weapons, but, I think that if we’re going to use our weapons in cases such as these, then there should be provisions where guns are taken away from these people. So I’m going to go on record and say that I am in support of this Bill, including the section that takes guns away from people because they have shown that they are going to use those weapons to hurt people and whose actions have a negative effect on families for the rest of their lives. Thank you Mr. PRESIDENT.

On motion of Senator JACKSON, with unanimous consent, the remarks of Senator JOHNSON were ordered printed in the Journal.

**Motion Adopted**

On motion of Senator CLEARY, with unanimous consent, Senators ALEXANDER, CAMPSEN, LOURIE, JACKSON and CLEARY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**Amendment No. 14**

Senators CAMPSEN, DAVIS, MASSEY, YOUNG, BENNETT, HUTTO, CROMER and COLEMAN proposed the following amendment (JUD0003.032), which was adopted:

Amend the bill, as and if amended, pages 7-8, by striking SECTION 3 in its entirety, and inserting:

/ SECTION 3. Section 16‑25‑30 of the 1976 Code is amended to read:

“Section 16‑25‑30. (A) It is unlawful for a person to ship, transport, receive, or possess a firearm or ammunition, if the person:

(1) has been convicted of a violation of Section 16‑25‑20(B), 16-25-20(C), or 16‑25‑65;

(2) has been convicted of a violation of Section 16-25-20(D) and the judge at the time of sentencing orders that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition;

(3) has been convicted of domestic violence in another state, tribe, or territory containing among its elements those elements enumerated in Section 16-25-20(A) or 16-25-65;

(4) is subject to a valid order of protection pursuant to Chapter 4, Title 20, and the judge orders that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition; or

(5) is subject to a valid order of protection related to domestic or family violence issued by a court of another state, tribe, or territory in compliance with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

(B) A person who violates this section is guilty of a felony, and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars and imprisoned for not more than five years.

(C) A person must not be considered to have been convicted of domestic violence for purposes of this section unless the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and in the case of a prosecution for an offense described in this section for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise. A person must not be considered to have been convicted of domestic violence for purposes of this section if the conviction has been expunged, set aside, or is an offense for which the person has been pardoned.

(D) At the time a person is convicted of violating the provisions of Section 16‑25‑20 or 16‑25‑65, or upon the issuance of an order of protection pursuant to Chapter 4, Title 20, the court must deliver to the person a written form that conspicuously bears the following language: ‘Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16‑25‑20 or 16‑25‑65, or a person who is subject to a valid order of protection pursuant to Chapter 4, Title 20, to ship, transport, possess, or receive a firearm or ammunition.’

(E) The provisions of this section prohibiting the possession of firearms and ammunition by persons who have been convicted of domestic violence shall apply to a person who has been convicted of domestic violence for a period of:

(1) ten years from the date of completion of sentence, probation, parole, or suspension of sentence, if the person has been convicted of a violation of Section 16-25-20(B), Section 16-25-20(C), or Section 16-25-65; or

(2) five years from the date of completion of sentence, probation, parole, or suspension of sentence, if the person has been convicted of a violation of Section 16-25-20(D) and the judge at the time of sentencing orders that the person is prohibited from shipping, transporting, receiving, or possessing a firearm or ammunition.

(F) For purposes of this section, ‘firearm’ means a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

Senator KIMPSON spoke on the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator KIMPSON moved to lay the amendment on the table.

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

**Ayes 19; Nays 22**

**AYES**

Alexander Allen Courson

Fair Johnson Kimpson

Lourie *Martin, Larry* Matthews

Nicholson Peeler Pinckney

Sabb Scott Setzler

Shealy Thurmond Turner

Williams

**Total--19**

**NAYS**

Bennett Bright Campbell

Campsen Cleary Coleman

Corbin Cromer Davis

Hayes Hembree Hutto

Leatherman Malloy *Martin, Shane*

Massey McElveen O'Dell

Rankin Sheheen Verdin

Young

**Total--22**

The Senate refused to table the amendment.

The question then was the adoption of the amendment.

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

**Ayes 22; Nays 20**

**AYES**

Bennett Bright Campbell

Campsen Cleary Coleman

Corbin Cromer Davis

Hayes Hembree Hutto

Leatherman Malloy *Martin, Shane*

Massey McElveen O'Dell

Rankin Sheheen Verdin

Young

**Total--22**

**NAYS**

Alexander Allen Courson

Fair Jackson Johnson

Kimpson Lourie *Martin, Larry*

Matthews Nicholson Peeler

Pinckney Sabb Scott

Setzler Shealy Thurmond

Turner Williams

**Total--20**

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 38; Nays 3**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

Massey McElveen Nicholson

O'Dell Peeler Pinckney

Rankin Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

Bright Corbin *Martin, Shane*

**Total--3**

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

**Objection**

Senator LOURIE asked unanimous consent to give the Bill third reading on the next legislative day.

Senator BRIGHT objected.

**Expression of Personal Interest**

Senator LARRY MARTIN rose for an Expression of Personal Interest.

**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed to stand adjourned to convene Thursday, February 26, 2015, under the provisions of Rule 1B.

**MOTION ADOPTED**

On motion of Senator BRYANT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Bobby Wayne Wood of Pelzer, S.C. Mr. Wood served his country as a U.S. Marine and was a veteran of the Vietnam War. He was employed with John D. Hollingsworth on Wheels for 47 years. Mr. Wood was a loving father and doting grandfather 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 Mr. Richard Thomas (Rickey) Ellison of Greenville, S.C. Rickey loved the Lord and enjoyed reading his Bible. He was a loving husband and doting uncle who will be dearly missed.

**ADJOURNMENT**

At 4:00 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1B for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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