

NO. 13

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

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TUESDAY, FEBRUARY 3, 2015

**Tuesday, February 3, 2015**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

The Lord appeared to Solomon and proclaimed:

“ ‘...if my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven and will forgive their sin and will heal their land.’ ” (2 Chronicles 7:14)

Please bow in prayer with me:

Holy God, we pray that You will fill the hearts of these leaders in ways that go far beyond typical human understanding, that You will guide them in righteous ways, and that You will use each of them as a true source of blessing for all who dwell in our State. Indeed, the people of South Carolina are hopeful that each of these Senators will indeed remain humble in Your sight, O Lord, and that they will honor You through everything they say and do. May the end results of their labors be beneficial for all. In Your blessed name we pray, 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 State Board of Financial Institutions, with the term to commence June 30, 2014, and to expire June 30, 2018

Mortgage Lending:

Rhonda B. Marcum, 652 Pawley Road, Mount Pleasant, SC 29464

Referred to the Committee on Banking and Insurance.

**TUESDAY, FEBRUARY 3, 2015**

Reappointment, South Carolina State Agency of Vocational Rehabilitation, with the term to commence June 30, 2015, and to expire June 30, 2022

2nd Congressional District:

Rhonda J. Presha, 92 Westridge Road, Elgin, SC 29045

Referred to the Committee on General.

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2014, and to expire June 30, 2018

4th Congressional District:

Monica G. Hill, 112 Lake Bowen Drive, Inman, SC 29349

Referred to the Committee on Judiciary.

Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2013, and to expire May 31, 2016

Licensed or Certified Appraiser:

George E. Knight, Jr., 4013 Kenilworth Road, Columbia, SC 29205

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2014, and to expire September 30, 2017

Occupational Therapist:

Hima N. Dalal, 121 Clearview Drive, Columbia, SC 29212 *VICE*  
Susan M. Hardin

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2014, and to expire June 30, 2018

5th Congressional District:

Gary C. Lemel, 936 Ashford Way, Fort Mill, SC 29708 *VICE*  
Katherine Finley

Referred to the Committee on Medical Affairs.

**TUESDAY, FEBRUARY 3, 2015**

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committees for consideration:

Document No. 4474

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Section 41-29-110

SUBJECT: Offers of Work

Received by Lieutenant Governor February 3, 2015

Referred to Committee on Labor, Commerce and Industry

Document No. 4475

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Sections 41-29-110 and 41-31-45(C)

SUBJECT: Unemployment Trust Fund

Received by Lieutenant Governor February 3, 2015

Referred to Committee on Labor, Commerce and Industry

Document No. 4478

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-26-10 et seq.,  
and

20 U.S.C. 6301 et seq.

SUBJECT: Requirements for Additional Areas of Certification

Received by Lieutenant Governor January 29, 2015

Referred to Committee on Education

Document No. 4494

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-40-10 et seq.

SUBJECT: Procedures and Standards for Review of Charter School  
Applications

Received by Lieutenant Governor January 30, 2015

Referred to Committee on Education

**TUESDAY, FEBRUARY 3, 2015**

Document No. 4523

Agency: South Carolina Criminal Justice Academy

Chapter: 37

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

SUBJECT: Article 5, Adjudication of Misconduct Allegations

Received by Lieutenant Governor February 2, 2015

Referred to Committee on Judiciary

Document No. 4524

Agency: South Carolina Criminal Justice Academy

Chapter: 37

Statutory Authority: 1976 Code Sections 23-23-10 et seq.

SUBJECT: Suspension of Certification Due to Criminal Charges and/or  
Indictment

Received by Lieutenant Governor February 2, 2015

Referred to Committee on Judiciary

Document No. 4529

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-310, 59-18-320, 59-18-330, 59-18-350, 59-18-360, 59-18-900, 59-20-60, and 20 U.S.C. 6301 et seq.

SUBJECT: Assessment Program

Received by Lieutenant Governor February 2, 2015

Referred to Committee on Education

Document No. 4530

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-310, and 59-18-320

SUBJECT: End-of-Course Tests

Received by Lieutenant Governor February 2, 2015

Referred to Committee on Education

Document No. 4531

Agency: State Board of Education

Chapter: 43

**TUESDAY, FEBRUARY 3, 2015**

Statutory Authority: 1976 Code Sections 59-1-445, 59-1-447, and 59-5-60

SUBJECT: Test Security

Received by Lieutenant Governor February 2, 2015

Referred to Committee on Education

Document No. 4532

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-310, and 59-18-320

SUBJECT: Use and Dissemination of Test Results

Received by Lieutenant Governor February 2, 2015

Referred to Committee on Education

Document No. 4537

Agency: Department of Labor, Licensing and Regulation - Building Codes Council

Chapter: 8

Statutory Authority: 1976 Code Sections 6-9-55, 40-1-50, and 40-1-70

SUBJECT: Fees

Received by Lieutenant Governor January 29, 2015

Referred to Committee on Labor Commerce and Industry

Document No. 4546

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200, and 50-11-2210

SUBJECT: Wildlife Management Area Regulations; Turkey Hunting Rules and Seasons; and Either-sex Days and Antlerless Deer Limits for Private Lands in Game Zones 1-6

Received by Lieutenant Governor February 2, 2015

Referred to on Committee Fish, Game and Forestry

Document No. 4548

Agency: State Board of Financial Institutions - Consumer Finance Division

Chapter: 15

[SJ]

**TUESDAY, FEBRUARY 3, 2015**

Statutory Authority: 1976 Code Sections 37-22-110 et seq., particularly  
Section 37-22-260(A) and (B)  
SUBJECT: Mortgage Lending  
Received by Lieutenant Governor January 29, 2015  
Referred to Committee on Banking and Insurance

Document No. 4551  
Agency: Department of Health and Environmental Control  
Chapter: 61  
Statutory Authority: 1976 Code Sections 44-7-110 et seq.  
SUBJECT: Certification of Need for Health Facilities and Services  
Received by Lieutenant Governor January 29, 2015  
Referred to Committee on Medical Affairs

Document No. 4554  
Agency: Department of Labor, Licensing and Regulation  
Chapter: 10  
Statutory Authority: 1976 Code Sections 40-1-50 and 40-1-70  
SUBJECT: Fees  
Received by Lieutenant Governor January 29, 2015  
Referred to Committee on Labor, Commerce and Industry

Document No. 4555  
Agency: Department of Labor, Licensing and Regulation - Office of  
State Fire Marshal  
Chapter: 71  
Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45,  
and  
23-36-80  
SUBJECT: Article 8, Office of State Fire Marshal  
Received by Lieutenant Governor February 2, 2015  
Referred to Committee on Labor, Commerce and Industry

Document No. 4556  
Agency: Department of Labor, Licensing and Regulation  
Chapter: 10  
Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-77-70  
SUBJECT: Application Fee for a Professional Geologist  
Received by Lieutenant Governor January 29, 2015  
Referred to Committee on Labor, Commerce and Industry

[SJ]

**TUESDAY, FEBRUARY 3, 2015**

Document No. 4557

Agency: Department of Labor, Licensing and Regulation - Board of  
Registration for Geologists

Chapter: 131

Statutory Authority: 1976 Code Section 40-77-290

SUBJECT: Seals

Received by Lieutenant Governor January 29, 2015

Referred to Committee on Labor, Commerce and Industry

Document No. 4558

Agency: Department of Labor, Licensing and Regulation - Office of  
Occupational Safety and Health

Chapter: 71

Statutory Authority: 1976 Code Section 41-15-220

SUBJECT: Recordkeeping

Received by Lieutenant Governor January 29, 2015

Referred to Committee on Labor, Commerce and Industry

#### **Leave of Absences**

At 12:42 P.M. Senator VERDIN requested a leave of absence for  
Senator GROOMS for the day.

At 1:15 P.M. Senator PEELER requested a leave of absence for  
Senator COURSON until 2:00 P.M.

At 2:02 P.M. Senator KIMPSON requested a leave of absence for  
Senator MALLOY for balance of day.

At 2:03 P.M. Senator LOURIE requested a leave of absence for  
Senator SHEHEEN for balance of the day.

At 2:03 P.M. Senator COURSON requested a leave of absence for  
Senator HAYES for the balance of the day.

#### **Expression of Personal Interest**

Senator CAMPSER rose for an Expression of Personal Interest.

#### **CO-SPONSORS ADDED**

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

S. 196 Sen. Lourie

[SJ]

**TUESDAY, FEBRUARY 3, 2015**

S. 26 Sen. Fair

S. 374 Sens. Bryant, Verdin, Cromer, Bright, Larry Martin, Setzler  
and Courson

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 395 -- Senator Grooms: A SENATE RESOLUTION TO CONGRATULATE BISHOP ENGLAND HIGH SCHOOL'S ATHLETIC DIRECTOR, PAUL RUNEY, UPON THE OCCASION OF HIS 600TH CAREER WIN.

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The Senate Resolution was adopted.

S. 396 -- Senator Courson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. PAUL KROHNE, EXECUTIVE DIRECTOR FOR THE SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION, UPON THE OCCASION OF HIS RETIREMENT AFTER FOURTEEN YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 397 -- Senators Leatherman, Setzler and O'Dell: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2014.

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

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

[SJ]

**TUESDAY, FEBRUARY 3, 2015**

MADE TO ONE YEAR BEFORE AND ONE YEAR AFTER THE TIME THE APPOINTMENT IS TO BE MADE.

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

S. 399 -- Senator Nicholson: A SENATE RESOLUTION TO CONGRATULATE DR. LARRY ARTOPE JACKSON OF GREENWOOD UPON THE OCCASION OF HIS NINETIETH BIRTHDAY ON FEBRUARY 7, 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.

S. 400 -- Senator Sheheen: A BILL TO AMEND CHAPTER 13, TITLE 50 OF THE 1976 CODE, RELATING TO SALE AND TRAFFICKING IN FISH, TO PROVIDE THAT IT IS UNLAWFUL FOR ANY PERSON, EXCEPT A COMMERCIAL FISHERMAN OR A PERSON WHO HARVESTS FISH IN ANY CAPACITY WITH THE INTENT OF GAINING MONETARY BENEFITS THROUGH SALE, BARTER, OR TRADE OF FINS AS A BYPRODUCT OF THE CAPTURE OF ANY CARTILAGINOUS FISH, TO POSSESS, SELL, OFFER FOR SALE, IMPORT, BRING, OR CAUSE TO BE BROUGHT OR IMPORTED INTO THIS STATE FINS OF CARTILAGINOUS FISH FOR RETAIL PURPOSES; TO PROVIDE THAT A COMMERCIAL FISHERMAN OR A PERSON WHO HARVESTS FISH IN ANY CAPACITY WITH THE INTENT OF GAINING MONETARY BENEFITS THROUGH SALE, BARTER, OR TRADE OF FINS AS A BYPRODUCT OF THE CAPTURE OF ANY CARTILAGINOUS FISH MAY SELL OR OFFER FOR SALE FINS ONLY AFTER THE INITIAL DETACHMENT; TO PROVIDE THAT NO PERSON SHALL INTENTIONALLY, KNOWINGLY, RECKLESSLY, OR WITH CRIMINAL NEGLIGENCE FAIL TO SALVAGE FOR BAIT OR HUMAN CONSUMPTION MORE THAN FIFTY PERCENT OF THE EDIBLE MEAT OF ANY CARTILAGINOUS FISH; TO PROVIDE PENALTIES AND TO DEFINE NECESSARY TERMS.

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

[SJ]

**TUESDAY, FEBRUARY 3, 2015**

S. 401 -- Senator Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-222 SO AS TO PROVIDE WHEN CALCULATING ROLL-BACK TAX DUE ON A PARCEL OF REAL PROPERTY CHANGED FROM AGRICULTURAL TO COMMERCIAL OR RESIDENTIAL USE THE VALUE USED FOR PLATTED GREEN SPACE FOR CONSERVATION OR OPEN SPACE USE OF THE PARCEL, IF SUCH USE IS TEN PERCENT OR MORE OF THE PARCEL, MUST BE VALUED BASED ON THE GREEN SPACE FOR CONSERVATION OR OPEN SPACE USE; AND TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSES OF PROPERTY AND APPLICABLE ASSESSMENT RATIOS FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO MAKE A CONFORMING AMENDMENT.

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

S. 402 -- Senator Hutto: A BILL TO AMEND SECTION 1-11-490, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A BREACH OF SECURITY OF STATE AGENCY DATA THAT INCLUDES PERSONAL IDENTIFYING INFORMATION, SO AS TO REVISE THE DEFINITION OF "PERSONAL IDENTIFYING INFORMATION" FOR THESE PURPOSES.

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

S. 403 -- Senator Hutto: A BILL TO AMEND SECTION 30-2-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COLLECTION OF AND MAINTENANCE AND DISPOSITION OF RECORDS CONTAINING SOCIAL SECURITY NUMBERS BY PUBLIC AGENCIES, AND THE PROHIBITION AGAINST INTENTIONALLY MAKING AVAILABLE TO THE GENERAL PUBLIC A PERSON'S SOCIAL SECURITY NUMBER OR OTHER PERSONAL IDENTIFYING INFORMATION, SO AS TO REVISE THE DEFINITION OF "PERSONAL IDENTIFYING INFORMATION" FOR PURPOSES OF THIS PROHIBITION.

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

[SJ]

**TUESDAY, FEBRUARY 3, 2015**

S. 404 -- Senator Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 908 IN MARION COUNTY FROM ITS INTERSECTION WITH HENRY ALFORD ROAD TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 378 "BILLY RICHARDSON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

S. 405 -- Senator L. Martin: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA'S YOUNG PEOPLE AND TO THE PREVENTION OF CHILD ABUSE AND NEGLECT AND TO DECLARE THE MONTH OF APRIL 2015 AS "CHILD ABUSE PREVENTION MONTH" IN THE STATE OF SOUTH CAROLINA.

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The Concurrent Resolution was introduced and referred to the General Committee.

S. 406 -- Senator Thurmond: A BILL TO AMEND CHAPTER 28, TITLE 12 OF THE 1976 CODE, RELATING TO MOTOR FUELS SUBJECT TO USER FEES, BY ADDING SECTION 12-28-315 TO PROVIDE FOR A SURCHARGE TO BE COLLECTED ON MOTOR FUEL PURCHASES, TO PROVIDE THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY SHALL ESTABLISH THE SURCHARGE RATE, AND TO PLACE A LIMIT ON HOW MUCH THE SURCHARGE CAN BE INCREASED FROM YEAR TO YEAR; AMEND CHAPTER 6, TITLE 12, BY ADDING SECTION 12-6-3379 TO PROVIDE FOR A REFUNDABLE INCOME TAX CREDIT FOR SOUTH CAROLINA TAXPAYERS WHO PAY THE MOTOR FUEL SURCHARGE; TO AMEND SECTION 57-1-370, BY ADDING A SUBSECTION TO PROVIDE THAT FUNDS COLLECTED PURSUANT TO SECTION 12-28-315 MUST BE USED TO FUND TRANSPORTATION INFRASTRUCTURE PROJECTS; AND TO AMEND SECTION 57-1-310(A) TO PROVIDE THAT THE GOVERNOR SHALL MAKE TWO APPOINTMENTS FROM THE

**TUESDAY, FEBRUARY 3, 2015**

STATE AT LARGE TO THE DEPARTMENT OF  
TRANSPORTATION COMMISSION.

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Senator THURMOND spoke on the Bill.

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

H. 3436 -- Reps. Pope, Delleney, Felder, King, Long, D. C. Moss, V. S. Moss, Norman and Simrill: A CONCURRENT RESOLUTION TO RECOGNIZE YORK COUNTY AS A VITAL PART OF THE PALMETTO STATE AND TO DECLARE FEBRUARY 24, 2015, "YORK COUNTY DAY" IN SOUTH CAROLINA.

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

**REPORT OF STANDING COMMITTEE**

Senator BRYANT from the Committee on Invitations polled out H. 3387 favorable:

H. 3387 -- Reps. Clemmons, H.A. Crawford, Duckworth, Johnson, Goldfinch and Hardee: A CONCURRENT RESOLUTION TO CELEBRATE THAT UNIQUE AMERICAN DANCE FORM CALLED THE SHAG, SINCE 1984 THE OFFICIAL STATE DANCE OF SOUTH CAROLINA, AND TO DECLARE 2015 THE "YEAR OF THE SHAG DANCE" IN THE PALMETTO STATE.

**Poll of the Invitations Committee**

**Polled 10; Ayes 10; Nays 0; Not Voting 1**

**AYES**

Bryant	Alexander	Reese
Verdin	Campsen	Cromer
Malloy	Johnson	Kimpson
McElveen		

**Total--10**

**NAYS**

**Total--0**

[SJ]

TUESDAY, FEBRUARY 3, 2015

NOT VOTING

Cleary

Total--1

Ordered for consideration tomorrow.

**Appointments Reported**

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Initial Appointment, Director of Department of Labor, Licensing and Regulation, with term coterminous with Governor

Richele Keel Taylor, 124 Harding Street, Chapin, SC 29036 *VICE*  
Holly Pisarik

Received as information.

Initial Appointment, Jobs Economic Development Authority, with the term to commence July 27, 2012, and to expire July 27, 2015

2nd Congressional District:

William R. Drake, 26 Ashworth Lane, Columbia, SC 29206 *VICE*  
Kenneth Wingate

Received as information.

Reappointment, Jobs Economic Development Authority, with the term to commence July 27, 2015, and to expire July 27, 2018

2nd Congressional District:

William R. Drake, 26 Ashworth Lane, Columbia, SC 29206

Received as information.

Reappointment, South Carolina Panel for Dietetics, with the term to commence May 30, 2015, and to expire May 30, 2017

Dietician, Community or Public Health:

Rebecca G. Wrenn, 2727 Preston Street, Columbia, SC 29205

Received as information.

[SJ]

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Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2014, and to expire June 30, 2018

5th Congressional District:

Derek A. Shoemake, 8 Swinton Court, Elgin, SC 29045 *VICE* Clyde Jones

Received as information.

Initial Appointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2014, and to expire November 27, 2018

Master Social Worker:

Catherine M. Buchanan, 208 Rockmount Drive, West Columbia, SC 29169 *VICE* Carolyn S. Morris

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:

**Poll of the Invitations Committee**

**Polled 10; Ayes 10; Nays 0; Not Voting 1**

**AYES**

Bryant  
Verdin  
Malloy  
McElveen

Alexander  
Campsen  
Johnson

Reese  
Cromer  
Kimpson

**Total--10**

**NAYS**

**Total--0**

[SJ]

**TUESDAY, FEBRUARY 3, 2015**

**NOT VOTING**

Cleary

**Total--1**

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

Members of the Senate, Reception, Capital City Club, by the  
**ATLANTIC INSTITUTE & TURKISH AMERICAN  
FEDERATIONS OF THE SOUTHEAST**

**Tuesday, February 3, 2015 - 7:00-9:00 P.M.**

Members of the Senate, Reception, Capital City Club, by the **SC  
ECONOMIC DEVELOPERS ASSOCIATION**

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

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building,  
by the **FOUNDATION FOR COMMISSION FOR THE BLIND**

**Wednesday, February 4, 2015 - 12:00-2:00 P.M.**

Members of the Senate, Luncheon, Room 112, Blatt Building, by the  
**WILL LOU GRAY OPPORTUNITY SCHOOL**

**Wednesday, February 4, 2015 - 5:00-9:00 P.M.**

Members of the Senate and Staff, Reception, Columbia Convention  
Center, by the **MYRTLE BEACH AREA CHAMBER OF  
COMMERCE**

**Wednesday, February 4, 2015 - 5:30-7:00 P.M.**

Members of the Senate, Reception, The Marriott, by the **MUNICIPAL  
ASSOCIATION OF SOUTH CAROLINA**

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

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building,  
by the **SC CHILDREN'S HOSPITAL COLLABORATIVE**

**Wednesday, February 11, 2015 - 8:00-10:00 A.M.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building,  
by the **SC HIV TASK FORCE**

[SJ]

**TUESDAY, FEBRUARY 3, 2015**

**Wednesday, February 11, 2015 - 12:30-2:30 P.M.**

Members of the Senate, Luncheon, Room 112, Blatt Building, by the **SC ASSOCIATION FOR COMMUNITY ECONOMIC DEVELOPMENT**

**Thursday, February 12, 2015 - 8:00-10:00 A.M.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the **SC HOUSING FINANCE AND DEVELOPMENT AUTHORITY/SC HELP**

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

Members of the Senate, Reception, The Clarion, by the **SC JUDGES ASSOCIATION**

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

Members of the Senate and Staff, Reception, Columbia Convention Center, by the **ELECTRIC CO-OPS OF SC**

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

Members of the Senate, Breakfast, Room 112, Blatt Building, by the **SC ASSOCIATION OF PROBATE JUDGES**

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

Members of the Senate and Staff, Luncheon, Room 112, Blatt Building, by the **UNITED WAY ASSOCIATION OF SC**

**Wednesday, February 18, 2015 - 5:30-7:30 P.M.**

Members of the Senate and Staff, Reception, Embassy Suites, by the **SC ASSOCIATION OF COUNTIES**

**Wednesday, February 18, 2015 - 7:00-9:00 P.M.**

Members of the Senate, Reception, The Palmetto Club, by the **SC ASSOCIATION OF TECHNICAL COLLEGE COMMISSIONERS**

**Thursday, February 19, 2015 - 8:00-10:00 P.M.**

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the **WATER UTILITY COUNCIL OF SPARTANBURG**

**TUESDAY, FEBRUARY 3, 2015**

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

Members of the Senate and Staff, Reception, Columbia Convention Center, by the **COUNCIL OF CHAMBERS OF YORK COUNTY**  
**“YORK COUNTY DAY”**

**Tuesday, February 24, 2015 - 6:00-9:00 P.M.**

Members of the Senate, Reception, Sewell's, by the **SC ASSOCIATION OF CONSERVATION DISTRICTS**

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

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the **COMMUNITY ASSOCIATION INSTITUTION**

**Wednesday, February 25, 2015 - 12:00-2:00 P.M.**

Members of the Senate, Luncheon, The Palmetto Club, by the **SC OPTOMETRIC PHYSICIANS ASSOCIATION**

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

Members of the Senate and Staff, Reception, The Palmetto Club, by the **COLLEGE OF CHARLESTON**

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

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

**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed to convene tomorrow at 11:45 A.M. for the purpose of attending the Joint Assembly and at the conclusion of the Joint Assembly, the Senate will recess until 2:30 P.M.

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

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

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

**TUESDAY, FEBRUARY 3, 2015**

S. 11 -- Senators L. Martin, Malloy, Peeler, Courson, Campsen, Johnson, Hembree, Setzler, Coleman, Alexander, Scott and Sheheen: 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 Bill. The question being the third reading of the Bill.

Senator LARRY MARTIN explain the Bill

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

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 Bill. The question being the third reading of the Bill.

Senator LARRY MARTIN explain the Bill.

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

#### **SECOND READING BILL**

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

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

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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

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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

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INSURANCE COMPANY, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill.

Senator CROMER explained the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Cleary	Coleman
Corbin	Cromer	Davis
Fair	Gregory	Hayes
Hembree	Johnson	Kimpson
Leatherman	Lourie	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
Matthews	McElveen	Nicholson
Peeler	Pinckney	Rankin
Reese	Sabb	Scott
Setzler	Shealy	Thurmond
Turner	Verdin	Williams
Young		

**Total--40**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered placed on the Third Reading Calendar.

**AMENDED, CARRIED OVER**

S. 196 -- Senators Hutto, L. Martin, Bryant, Campsen, S. Martin and Lourie: A BILL TO AMEND SECTION 14-7-1610, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE GRAND JURY SYSTEM AND LEGISLATIVE FINDINGS AND APPLICABILITY, SO AS TO INCLUDE CRIMES

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INVOLVING TRAFFICKING PERSONS IN THE PURVIEW OF THE STATUTE; TO AMEND SECTION 14-7-1630, AS AMENDED, RELATING TO JURISDICTION OF THE STATE GRAND JURY, SO AS TO INCLUDE CRIMES INVOLVING TRAFFICKING IN PERSONS IN THE PURVIEW OF THE STATUTE; TO AMEND SECTION 16-3-2010, RELATING TO DEFINITIONS FOR PURPOSES OF TRAFFICKING IN PERSONS, SO AS TO REVISE THE DEFINITION OF "SEX TRAFFICKING"; BY ADDING SECTION 16-3-2100 SO AS TO REQUIRE THE POSTING OF INFORMATION REGARDING THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE IN CERTAIN BUSINESS ESTABLISHMENTS, PROVIDE LANGUAGE FOR THE POSTING, AND PROVIDE A PENALTY FOR THE FAILURE TO POST THE INFORMATION; AND TO AMEND SECTION 16-3-2050, RELATING TO THE INTERAGENCY TASK FORCE FOR THE PREVENTION OF TRAFFICKING IN PERSONS, SO AS TO REVISE THE MEMBERSHIP OF THE TASK FORCE.

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

Senator MASSEY proposed the following Amendment No. 2 (196R001.EB.ASM), which was adopted:

Amend the bill, as and if amended, page 5, by striking line 11 and inserting:

/ ~~(g) performance pursuant to Section 16-3-800;~~ /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

Senator HAYES proposed the following Amendment No. 1A (JUD0196.002), which was adopted:

Amend the bill, as and if amended, page 5, after line 16, by adding an appropriately number new sections to read:

/ SECTION \_\_. Section 16-3-2020 of the 1976 Code is amended to read:

"Section 16-3-2020. (A) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a

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victim, knowing that the victim will be subjected to sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in this subsection, is guilty of trafficking in persons.

(B) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, for the purposes of sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in subsection (A), is guilty of trafficking in persons.

(C) For a first offense, the person is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years.

(D) For a second offense, the person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

(E) For a third or subsequent offense, the person is guilty of a felony, and upon conviction, must be imprisoned not more than forty-five years.

(F) If the victim of an offense contained in this section is under the age of eighteen, an additional term of fifteen years may be imposed in addition and must be consecutive to the penalty prescribed for a violation of this section.

(G) A person who aids, abets, or conspires with another person to violate the criminal provisions of this section must be punished in the same manner as provided for the principal offender and is considered a trafficker. A person is considered a trafficker if the person solicits or participates in prostitution with another person knowing that the other person is a victim of trafficking in persons.

(H) A business owner who uses his business in a way that participates in a violation of this article, upon conviction, must be imprisoned for not more than ten years in addition to the penalties provided in this section for each violation.

(I) A plea of guilty or the legal equivalent entered pursuant to a provision of this article by an offender entitles the victim of trafficking in persons to all benefits, rights, and compensation granted pursuant to Section 16-3-1110.

(J) In a prosecution of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, or incidental or related to, trafficking. A victim of trafficking in persons convicted of a violation

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of this article or prostitution may motion the court to vacate the conviction and expunge the record of the conviction. The court may grant the motion on a finding that the person's participation in the offense was a direct result of being a victim. A victim of trafficking in persons is not subject to prosecution pursuant to this article or prostitution, if the victim was a minor at the time of the offense and committed the offense as a direct result of, or incidental or related to, trafficking.

(K) Evidence of the following facts or conditions do not constitute a defense in a prosecution for a violation of this article, nor does the evidence preclude a finding of a violation:

~~(1) the victim's sexual history or history of commercial sexual activity, the specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct;~~

~~(2)~~(1) the victim's connection by blood or marriage to a defendant in the case or to anyone involved in the victim's trafficking;

~~(3)~~(2) the implied or express consent of a victim to acts which violate the provisions of this section do not constitute a defense to violations of this section;

~~(4)~~(3) age of consent to sex, legal age of marriage, or other discretionary age; and

~~(5)~~(4) mistake as to the victim's age, even if the mistake is reasonable.

(L) A victim's sexual history or history of commercial sexual activity, the specific instances of a victim's sexual conduct, opinion evidence of a victim's sexual conduct, and reputation evidence of a victim's sexual conduct are not admissible by a defendant in a criminal action.

~~(L)~~(M) A person who violates the provisions of this section may be prosecuted by the State Grand Jury, pursuant to Section 14-7-1600, when a victim is trafficked in more than one county or a trafficker commits the offense of trafficking in persons in more than one county."

SECTION \_\_. Section 16-3-2030(A) of the 1976 Code is amended to read:

“(A) The principal owners of a business, a business entity, including a corporation, partnership, charitable organization, or another legal entity, that knowingly aids or participates in an offense provided in this article is criminally liable for the offense and will be subject to a fine or loss of business license in the State, or both. In addition, the court may consider

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disgorgement of profit from activity in violation of this article and disbarment from state and local government contracts.”

SECTION \_\_. Section 16-3-2040(D) of the 1976 Code is amended to read:

“(D) Restitution for this section, pursuant to Section 16-3-1270, means payment for all injuries, specific losses, and expenses, including, but not limited to, attorneys fees, sustained by a crime victim resulting from an offender’s criminal conduct pursuant to Section 16-3-1110(12)(a). In addition, the court may order an amount representing the value of the victim’s labor or services.”

SECTION \_\_. Section 16-3-2050 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) To the extent that funds are appropriated, the task force may make grants to or contract with a state agency, local government, or private victims service organization to develop or expand service programs for victims. A recipient of a grant or contract shall report annually to the task force the number and demographic information of all victims receiving services pursuant to the grant or contract.”

SECTION \_\_. Section 16-3-2060 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) A victim’s sexual history or history of commercial sexual activity, the specific instances of a victim’s sexual conduct, opinion evidence of a victim’s sexual conduct, and reputation evidence of a victim’s sexual conduct are not admissible by a defendant in a civil action.” /

Amend the bill further, as and if amended, page 8, after line 10, by adding an appropriately numbered new section to read:

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

Renumber sections to conform.

Amend title to conform.

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Senator HAYES explained the amendment.

The amendment was adopted.

Senator SABB proposed the following Amendment No. 3 (196R002.KMM.RAS), which was ruled out of order:

Amend the bill, as and if amended, page 4, by striking line 32 and inserting:

\ trafficking in persons in more than one county.

(14) any instance involving an officer-involved death or where a law enforcement officer inflicts great bodily injury on another person.”

SECTION \_\_\_\_ Section 14-7-1615 of the 1976 Code is amended by adding:

“(C) ‘Officer-involved death’ means a death of an individual that results directly from an act or omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

(D) ‘Great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(E) ‘Law enforcement officer’ means an appointed officer or employee hired by and regularly on the payroll of the State or any of its political subdivisions, who is granted statutory authority to enforce all or some of the criminal, traffic, and penal laws of the State and who possesses, with respect to those laws, the power to effect arrests for offenses committed or alleged to have been committed.” /

Renumber sections to conform.

Amend title to conform.

Senator SABB spoke on the amendment.

#### **Point of Order**

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

The PRESIDENT sustained the Point of Order.

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

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**COMMITTEE AMENDMENT ADOPTED  
CARRIED OVER**

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.

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

The Committee on Banking and Insurance proposed the following amendment (AGM\136C001.AGM.AB15), which was adopted:

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

/ SECTION 1. Section 38-71-1520(3) of the 1976 Code is amended to read:

“(3) ‘Emergency medical provider’ means hospitals licensed by the South Carolina Department of Health and Environmental Control, hospital-based services, ~~and~~ physicians licensed by the State Board of Medical Examiners, and oral surgeons and dentists licensed by the State Board of Dentistry who provide emergency medical care.”

SECTION 2. Article 15, Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38-71-1545. The provisions of this article do not apply to a policy which provides disability or income protection coverage, hospital confinement indemnity coverage, accident only coverage, specified disease or specified accident coverage, long-term care coverage, vision only coverage, or coverage issued as a supplement to Medicare.”

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

Re-number sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

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

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**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. 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;

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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.

Senator LARRY MARTIN explained the Bill.

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

**OBJECTION**

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, Sabb, Kimpson, Nicholson and Sheheen: 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.

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

Senator CAMPBELL explained the Bill.

Senator BRIGHT moved to carry over the Bill.

Senator BRYANT moved to table the motion to carry over the Bill.

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

**Ayes 37; Nays 5**

**AYES**

Alexander	Allen	Bennett
Bryant	Campbell	Campsen
Cleary	Coleman	Corbin
Cromer	Davis	Fair
Gregory	Hayes	Hembree
Jackson	Johnson	Kimpson
Leatherman	Lourie	Malloy
<i>Martin, Larry</i>	Matthews	McElveen
Nicholson	O'Dell	Peeler

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Pinckney	Rankin	Reese
Sabb	Scott	Setzler
Shealy	Thurmond	Turner
Williams		

**Total--37**

**NAYS**

Bright	<i>Martin, Shane</i>	Massey
Verdin	Young	

**Total--5**

The motion to carry over was tabled.

Senator MASSEY objected to further consideration of the Bill.

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

**MOTION ADOPTED**

At 1:30 P.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.**

**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

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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 AWARDED 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

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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

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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 perfecting amendment, the question being the adoption of the previously proposed Amendment No. P2B.

**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~~

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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

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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;

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(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~~

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~~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:

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“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.

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(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

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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.

Senator COURSON, asked unanimous consent, with Senator SCOTT retaining the floor, to make remarks on S. 1.

There was no objection.

#### **Remarks to be Printed**

On motion of Senator CORBIN, with unanimous consent, the remarks of Senator CAMPSER, when reduced to writing and made available to the Desk, would be printed in the Journal.

Senator SCOTT resumed speaking on the amendment.

#### **Objection**

Senator LEATHERMAN asked unanimous consent to make a motion that the Senate stand adjourned with Senator SCOTT retaining the floor.

Senator MASSEY objected.

Senator SCOTT resumed speaking on the amendment.

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**Motion Adopted**

Senator LEATHERMAN moved that the Senate stand adjourned.

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

**Ayes 22; Nays 14**

**AYES**

Alexander	Allen	Bryant
Campbell	Cleary	Coleman
Courson	Cromer	Davis
Fair	Jackson	Johnson
Kimpson	Leatherman	Lourie
McElveen	Nicholson	Rankin
Sabb	Scott	Setzler
Williams		

**Total--22**

**NAYS**

Bennett	Bright	Campsen
Corbin	Gregory	Hembree
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
Peeler	Shealy	Thurmond
Verdin	Young	

**Total--14**

The Senate agreed to stand adjourned.

**MOTION ADOPTED**

On motion of Senator BRYANT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. J. Boyd Camak, Jr. of Anderson, S.C. Dr. Camak was a pediatric dentist who loved his patients, friends and the Lord. He was a loving husband and devoted father who will be dearly missed.

and

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**MOTION ADOPTED**

On motion of Senator LEATHERMAN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Donald Franklin Lowe, of Florence, S.C. Mr. Lowe was a physical therapist until retirement where he enjoyed serving in foreign and home missions. He was a Boy Scout leader, scuba instructor and ball room dancer. Mr. Lowe served as a deacon at First Baptist Church. He was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 2:00 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:45 A.M.

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