

NO. 25

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

TUESDAY, FEBRUARY 24, 2015

Tuesday, February 24, 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:

Who among us, O Lord, ever forgets Isaiah's hopeful words:
"Comfort, comfort my people, says your God." (Isaiah 40:1)

Bow in prayer with me, if you will:

O God, there are so many, many voices demanding the attention of these leaders. How tempting it often must be for each Senator to hear only the loudest and most compelling of those voices, rather than to focus upon the true needs of our people. Guide these Senators, we pray, as they together seek ways by which they can bring true comfort and bold hope to the residents of our State. This day, Lord, we also offer our sympathy to our Senate President and his family in the death of the Lieutenant Governor's father, John Gregg McMaster, Jr. May they -- may all of us -- find comfort and hope in Your love. We pray this in Your wondrous name, O Lord. Amen.

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

ADDENDUM TO THE JOURNAL

The following remarks by Senator MALLOY were ordered printed in the Journal of January 28, 2015:

Remarks by Senator MALLOY

Thank you Mr. PRESIDENT, lady and gentleman of the Senate. I want to give you a little bit of background. There is a poem that I really like and it's by Robert Frost. It talks about the road not taken. "Two roads diverged in a yellow wood, and sorry I could not travel both and be one traveler, long I stood and looked down one as far as I could to where it bent in the undergrowth." You all know this poem is a fantastic poem, and I'll just go to the end. It says, "I shall be telling this with a sigh, somewhere ages and ages hence: two roads diverged in a wood, and I took the one less traveled by, and that has made all the difference."

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Folks, we've had two roads being traveled here in this State. One for those that have been well educated and one for those that have not been. We had an equity lawsuit. The rehearing was denied a couple days ago here in the Supreme Court of South Carolina. We have to have a plan. Many of you had an opportunity, as did I, to get educated. As I sit with Senator THURMOND whose family was college educated, mine was not. He got a chance to travel his road and become a lawyer. I traveled a different road and became a lawyer. But there are children out there that are drowning because we are not educating them to the full extent that we should or could.

We are talking about roads here in South Carolina, that we have a problem here with our roads, and we have to raise billions of dollars to make certain that we can take care of those crumbling roads. When you travel home tonight, somebody is going to hit a pothole. Well our children are hitting potholes every day in our education system. So I say as we get ready to embark and go down this road, let's make certain that we keep in the back of our minds Robert Frost. Maybe it's a bad parallel; maybe not even a good analogy -- two roads folks. One is taking the one that is less traveled. We have two roads in our education system and I submit to us that what the court has done is they have given us the responsibility and we should take that responsibility and give them a plan this year. When we are addressing the issue with the roads, let's put the same emphasis on education to make certain that we are educating our children so that we can make certain that we travel down one good smooth road and give them a good quality education in this State.

ADDENDUM TO THE JOURNAL

The following remarks by Senator CAMPSSEN were ordered printed in the Journal of February 3, 2015:

Remarks by Senator CAMPSSEN

Senator, I appreciate your remarks. I think you're correct in your evaluation of the Senate Ethics Committee. But, this analogy of the "fox guarding the henhouse" befuddles me. It is completely backward. Did you know what a fox wants to do what to a hen? The fox wants to eat the hen. We all know that. The fox guarding the henhouse charge could be leveled, for example, at the proposal that we give the executive branch or another branch of government the ability to discipline members of a competing and rival branch. That's the fox guarding the henhouse,

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Senator, which is to be avoided, because our founders created a divided government, separated the powers, and gave each branch control over its own internal affairs.

That's the wisdom of the Founding Fathers. Every constitution in this nation embodies that concept. Senator, you've been in government long enough to know that the real rivalry is between the three branches, legislative, executive and judicial, isn't it? We pass a Bill, the governor vetoes it, we then override the veto, and the Supreme Court may rule what we pass unconstitutional -- three branches of government playing in the same sandbox, if you will. Each with different visions of what ought to be and why it ought to be that way. The founders intended it to be that way -- that each branch would be competing against the other. Like the Seahawks competed against the Patriots in the Super Bowl and the Seahawks blew it at the last minute, the last seconds.

That's a rivalry. The three branches of government are rivals among one another. So when you give another branch the ability to discipline members of a competing and rival branch, that's the fox guarding the henhouse, Senator. Isn't it?

Senator COURSON: I agree, and frankly I support the legislation I think you introduced, along with Senator LARRY MARTIN, because there are two components in it that I think are needed. One is the reporting of independent expenditures. In my re-election campaign two years ago, I was hit with this. And, second, a disclosure of sources of revenue. I think those are the two major components in the legislative process.

Senator CAMPSER: What we have done is create an independent body that would investigate members of the legislative branch. But it still resides, as Article III, Section 12 of our constitution provides, with the legislative branch to actually discipline its own membership, unless it's a criminal offense. Of course if it's criminal, as you know, it goes to the Attorney General. But, isn't that the way the Bill is structured? So this notion of giving to another branch of government the ability to discipline members of a competing and rival branch is where the rivalry is -- between the three branches. In fact, in Federalist Paper 51, James Madison said, they structured it that way so that, "ambition would counter-balance ambition."

I use this analogy in the lowcountry. I know you're from the Midlands, but you have been around the lowcountry enough to know about crabs.

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If you put three crabs in a bucket, what happens when one starts to crawl out?

Well, what happens is, one of those crabs reaches up and grabs the crab that is about to escape and pulls it back down. The founders intended the three branches to keep each other in check, by pulling them back down when they try to obtain too much political power and abuse the liberty and freedoms of the people. That's the vision of the founders. And the notion to give a competing and rival branch the ability to discipline members in another branch, Senator, that is the fox guarding the henhouse. Letting the legislative branch discipline its members, is the hen guarding the henhouse. And you know what? Sometimes those hens may not do what they should do. But, it's more important to preserve the rivalry of the three branches. It's more important to keep that crab in that bucket independent, so it can reach up and pull another one down when it tries to get too much political power. This is what preserves liberty and limits government. Isn't that really the vision of the founders?

But, it has constantly befuddled me. I see this analogy time and time and time again, and it is absolutely and utterly turning the reality of the situation completely upon its head. What did the Supreme Court just do with the Abbeville School decision? They just beat us back, didn't they, on what we've been doing on education. I don't think they were right. I'm kind of upset at them.

I have some things I want to try to do to them. But you know what? The founders intended it to be this way. They can beat us back, they can knock us down and they can slap us down when we violate the constitution. I think they were wrong. But you know what? That's their sandbox. That's their area of authority. They can rule that way and they did rule that way and that keeps us in check. And you know what? We can elect them and we can draft legislation to get around their decisions to achieve our goals in another constitutional fashion. That's the way the founders intended it. We are rivals. They're the fox and we're the hens. Sometimes we're the fox and they're the hens. But, disciplining our members as Article 3, Section 12 of the State Constitution requires, as the Federal Constitution requires in a similar provision, is not the fox guarding the henhouse, Senator.

MESSAGE FROM THE GOVERNOR

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

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Statewide Appointments

Initial Appointment, South Carolina Commission for the Blind, with the term to commence May 19, 2013, and to expire May 19, 2017

2nd Congressional District:

Judith E. Johnson, 317 Ballentine Estates Road, Irmo, SC 29063 *VICE*
Julianne Kleckley

Referred to the General Committee.

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

Public Member:

Michael C. Greene, 2918 Delano Drive, Columbia, SC 29204

Referred to the Committee on Labor, Commerce and Industry.

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

Dietician, Clinical:

Kay J. MacInnis, 5925 Sylvan Drive, Columbia, SC 29206 *VICE* Rona Wharton

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, Medical Disiplinary Commission of the State Board of Medical Examiners, with the term to commence July 1, 2014, and to expire July 1, 2018

3rd Congressional District:

Kenneth C. Walker, 2810 East North Avenue, Anderson, SC 29625

Referred to the Committee on Medical Affairs.

Local Appointments

Reappointment, York County Master-in-Equity, with the term to commence June 30, 2015, and to expire June 30, 2021

Stonewall J. Kimball, 2153 Mingus Lane, York, SC 29745

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Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Angela M. McCall-Tanner, 1 Hathaway Lane, Bluffton, SC 29910
VICE New Seat

Initial Appointment, Cherokee County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Bruce W. Byars, 132 Boots Trail, Blacksburg, SC 29702 *VICE* Hal Watson Howington, Jr.

Doctor of the Day

Senator TURNER introduced Dr. C. Blake Myers of Greenville, S.C., Doctor of the Day.

Leave of Absence

At 12:33 P.M., Senator NICHOLSON requested a leave of absence for Senator WILLIAMS for the day.

Leave of Absence

At 1:07 P.M., Senator CAMPSER requested a leave of absence for Senator VERDIN until 2:00 P.M.

Leave of Absence

On motion of Senator MALLOY, at 12:12 P.M., Senator KIMPSON was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator CLEARY rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:
S. 473 Sheheen

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:
S. 314 Sen. Young

Motion Adopted

On motion of Senator LEATHERMAN, the Senate agreed to meet tomorrow at 11:00 A.M.

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Motion Adopted

On motion of Senator LEATHERMAN, the Senate adjourned to meet Thursday, February 26, 2015, 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.

Recorded Vote

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

Privilege of the Floor

On motion of Senator BRYANT, the Privilege of the Floor was extended to the Chaplain, Rev. Jim St. John.

Presentation

On motion of Senator BRYANT, with unanimous consent, the Chaplain was recognized to present Bibles to the PRESIDENT, the Honorable Henry McMaster and the newest member of the Senate, Senator SABB.

Message from the House

Columbia, S.C., February 24, 2015

Mr. President and Senators:

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

LOCAL APPOINTMENT

Reappointment, York County Master-in-Equity, with the term to commence June 30, 2015, and to expire June 30, 2021

The Honorable Stonewall J. Kimball, 2153 Mingus Lane, York, SC 29745

Very respectfully,

Speaker of the House

Received as information.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 478 -- Senators Scott, Jackson, Lourie, Hutto, Matthews, Courson, Shealy, Setzler and McElveen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE SIGNIFICANT SERVICE OF TRI-

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COUNTY ELECTRIC COOPERATIVE AND TO CELEBRATE ITS SEVENTY-FIFTH ANNIVERSARY OF PROVIDING ELECTRICITY IN THE PALMETTO STATE.

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The Senate Resolution was adopted.

S. 479 -- Senator Leatherman: A SENATE RESOLUTION TO CONGRATULATE MR. ROLAND JACK "ROCKY" GANNON OF FLORENCE UPON THE OCCASION OF HIS NINETIETH BIRTHDAY ON MARCH 8, 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. 480 -- Senator Davis: A BILL TO AMEND SECTION 40-81-20 OF THE 1976 CODE, RELATING TO DEFINITIONS CONCERNING THE STATE ATHLETICS COMMISSION, TO DEFINE "COMMISSION DESIGNEE"; TO AMEND SECTION 40-81-260, RELATING TO BOXING LICENSES, TO RAISE THE MAXIMUM AGE FOR APPLICANTS FROM THIRTY-FIVE TO FORTY, TO DELETE THE REQUIREMENT THAT A SUPERMAJORITY VOTE OF THE COMMISSION IS NECESSARY TO WAIVE THE AGE REQUIREMENT, AND TO PROVIDE THAT THE COMMISSION DESIGNEE MAY WAIVE THE AGE REQUIREMENT; TO AMEND SECTION 40-81-265, RELATING TO TOUGHMAN CONTESTANTS AND OFF THE STREET BOXING LICENSES, TO RAISE THE MAXIMUM AGE FOR LICENSURE FROM THIRTY-FIVE TO FORTY; TO AMEND SECTION 40-81-270, RELATING TO REQUIREMENTS FOR PROMOTER'S REPRESENTATIVES OF FEMALE BOXERS, TO DELETE REQUIREMENTS CONCERNING EXAMINATIONS MANDATED ANNUALLY AND BEFORE EACH CONTEST; TO AMEND SECTION 40-81-280, RELATING TO LICENSURE REQUIREMENTS FOR PROFESSIONAL KICKBOXERS AND MIXED MARTIAL ARTS CONTESTANTS, TO RAISE THE MAXIMUM AGE FOR APPLICANTS FROM THIRTY-FIVE TO FORTY, TO DELETE THE REQUIREMENT THAT A SUPERMAJORITY VOTE OF THE COMMISSION IS NECESSARY TO WAIVE THE AGE REQUIREMENT, AND TO PROVIDE THAT THE COMMISSION DESIGNEE MAY WAIVE THE AGE

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REQUIREMENT; AND TO AMEND SECTION 40-81-290, RELATING TO REQUIREMENTS FOR PROMOTER'S REPRESENTATIVES OF FEMALE KICK BOXERS, TO DELETE REQUIREMENTS CONCERNING EXAMINATIONS MANDATED ANNUALLY AND BEFORE EACH CONTEST.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 481 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 76 TO TITLE 15 SO AS TO LIMIT LIABILITY OF CERTAIN INDIVIDUALS WHO PROVIDE VOLUNTEER TRANSPORTATION TO A SENIOR CITIZEN FOR INJURIES AND LOSSES TO THE SENIOR CITIZEN AND TO THE SENIOR CITIZEN'S SPOUSE, FAMILY MEMBERS, OR HEIRS AND ASSIGNS, TO PROVIDE EXCEPTIONS TO LIABILITY LIMITS IF THE INJURIES OR LOSSES ARE THE RESULT OF GROSS NEGLIGENCE OR OTHER MISCONDUCT OF THE VOLUNTEER, AND FOR OTHER PURPOSES.

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

H. 3037 -- Reprs. Daning, G. M. Smith, G. R. Smith, Cobb-Hunter, M. S. McLeod, Felder, Huggins, Pitts, Taylor, Mitchell, Bales, Jefferson and Gambrell: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN-STATE TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS UNDER CERTAIN CONDITIONS, SO AS TO REVISE THE CRITERIA UNDER WHICH VETERANS WHO ARE HONORABLY DISCHARGED AND THEIR DEPENDENTS MAY RECEIVE IN-STATE TUITION RATES, AND TO DEFINE RELATED TERMINOLOGY.

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

H. 3044 -- Reprs. Erickson, Long, G. R. Smith, White, Putnam, Spires, Horne, Hardee, Gambrell, Gagnon, Willis, Simrill, Bedingfield, Hamilton, Stavrinakis, McCoy, Funderburk, Norrell, Weeks, G. M. Smith, Bradley, Bowers, Newton, Anthony, Bales, Lowe, Herbkersman, Sandifer, Whitmire, Tinkler, Merrill, Clemmons, Goldfinch, H. A.

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Crawford, Hardwick, Johnson and Duckworth: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATUTORY SCHOOL TERM, SO AS TO REVISE THE REQUIREMENT THAT THE TERM INCLUDE ONE HUNDRED AND EIGHTY INSTRUCTIONAL DAYS; TO PROVIDE AN ALTERNATIVE BASED ON EQUIVALENT INSTRUCTIONAL HOURS, TO MAKE CONFORMING CHANGES, AND TO GIVE LOCAL SCHOOL BOARDS DISCRETION IN STRUCTURING THEIR ACADEMIC CALENDAR; AND TO PROVIDE THAT NOTHING IN THIS ACT MAY AFFECT THE PROSECUTION OF VIOLATIONS OF COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS.

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

H. 3186 -- Reps. Finlay, Cole, Anderson, Bales, G. A. Brown, R. L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Pope, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Henderson, G. R. Smith, G. M. Smith, McCoy, Clary, J. E. Smith, W. J. McLeod, Weeks, Whipper, Hicks, Atwater, Ballentine and Stavrinakis: A BILL TO AMEND SECTION 8-13-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO ETHICS AND GOVERNMENT ACCOUNTABILITY, SO AS TO REVISE THE DEFINITION OF "BUSINESS WITH WHICH HE IS ASSOCIATED"; AND TO AMEND SECTION 8-13-1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REVISE THE FORM AND REQUIRED CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS.

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

H. 3191 -- Reps. Newton, Cole, Anderson, Bales, G. A. Brown, R. L. Brown, Finlay, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Norman, Norrell, Pope, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Douglas, Henderson, G. M. Smith, G. R. Smith, McCoy and Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-23-665 SO AS TO CREATE THE OFFICE OF FREEDOM OF INFORMATION ACT REVIEW WITHIN THE ADMINISTRATIVE LAW COURT, TO PROVIDE FOR THE ADMINISTRATION, FUNCTIONS, AND RELATED PROCEDURES

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OF THE OFFICE, ITS HEARING OFFICERS, AND APPEALS FROM DECISIONS OF THE OFFICE; TO AMEND SECTION 30-4-30, RELATING TO THE RIGHT TO INSPECT OR COPY PUBLIC RECORDS, SO AS TO EXPAND THE RIGHT TO INCLUDE RECEIPT OF EXISTING ELECTRONIC TRANSMISSIONS OF PUBLIC RECORDS, TO REVISE THE MANNER IN WHICH RELATED FEES AND CHARGES MAY BE ESTABLISHED AND COLLECTED, TO REDUCE THE TIME IN WHICH A PUBLIC BODY MUST RESPOND WITH NOTICE OF ITS FINAL DETERMINATION CONCERNING A RECORDS REQUEST FROM FIFTEEN TO TEN DAYS, TO PROVIDE TWO SETS OF TIME LIMITS WITHIN WHICH RECORDS SUBSEQUENTLY MUST BE FURNISHED OR MADE AVAILABLE FOR INSPECTION OR COPYING BASED ON WHETHER THE DOCUMENTS ARE LESS OR MORE THAN TWO YEARS OLD, TO INCLUDE AMONG THOSE RECORDS THAT MUST BE AVAILABLE FOR COPYING AND INSPECTION WITHOUT WRITTEN REQUEST DURING NORMAL BUSINESS HOURS ALL DOCUMENTS PRODUCED BY THE PUBLIC BODY OR ITS AGENT THAT WERE DISTRIBUTED TO OR REVIEWED BY ANY MEMBER OF THE PUBLIC BODY DURING A PUBLIC MEETING FOR THE PRECEDING SIX-MONTH PERIOD, AND TO PROVIDE THAT A PUBLIC BODY MAY COMPLY WITH REQUIREMENTS FOR MAKING CERTAIN RECORDS AVAILABLE FOR COPYING AND INSPECTION WITHOUT WRITTEN REQUEST DURING NORMAL BUSINESS HOURS BY MAKING THE RECORDS AVAILABLE ON A PUBLICLY AVAILABLE INTERNET WEBSITE; TO AMEND SECTION 30-4-100, RELATING TO REMEDIES AVAILABLE FOR VIOLATIONS, SO AS TO INCLUDE HEARINGS BEFORE THE OFFICE OF FREEDOM OF INFORMATION ACT REVIEW TO SEEK SPECIFIC ENFORCEMENT, TO CHALLENGE THE REASONABLENESS OF FEES, AND TO SEEK RELIEF FROM UNDULY BURDENSOME, OVERLY BROAD, AND OTHERWISE IMPROPER REQUESTS TO PUBLIC BODIES; AND TO AMEND SECTION 30-4-110, RELATING TO PENALTIES FOR VIOLATIONS, SO AS TO REMOVE EXISTING CRIMINAL PENALTIES, TO PROVIDE A PRIVATE CAUSE OF ACTION FOR A VIOLATION, AND TO PROVIDE FOR THE AWARD OF DAMAGES AND ATTORNEY FEES.

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

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H. 3213 -- Reps. George and McKnight: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-227 SO AS TO PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO SUSPECTS THAT A MOTOR VEHICLE ACCIDENT WAS THE RESULT OF A DRIVER'S LOSS OF CONSCIOUSNESS DUE TO A MEDICAL CONDITION MUST NOTIFY THE DEPARTMENT OF MOTOR VEHICLES OF THIS DETERMINATION AND TO PROVIDE THAT THE DEPARTMENT SHALL PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS CONTAINED IN THIS SECTION.

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

H. 3265 -- Reps. Wells, Taylor, Cole, Bedingfield, Sottile, Ridgeway, Hiott, Ott, Anthony, M. S. McLeod, Bannister, Henderson, Collins, Clary, Daning, McKnight, Kennedy, Pope, Hixon, Gagnon, Erickson, Long, Hicks, Nanney and W. J. McLeod: A BILL TO AMEND SECTION 59-32-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMPREHENSIVE HEALTH EDUCATION PROGRAMS, SO AS TO PROVIDE THAT EACH STUDENT MUST RECEIVE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION AT LEAST ONCE DURING THE ENTIRE FOUR YEARS OF GRADES NINE THROUGH TWELVE, AND TO PROVIDE THAT SCHOOL DISTRICTS MUST IMPLEMENT THE PROVISIONS OF THIS ACT BEFORE THE BEGINNING OF THE 2017-2018 SCHOOL YEAR.

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

H. 3690 -- Rep. J. E. Smith: 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 introduced and referred to the Committee on Invitations.

H. 3691 -- Reps. George, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns,

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Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Dellenev, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO HONOR ZEMAN'S ELECTRIC OF MARION ON RECEIVING THE 2015 MARION CHAMBER OF COMMERCE SMALL BUSINESS AWARD AND TO CONGRATULATE OWNER TEDDY ZEMAN ON THE OUTSTANDING ENTREPRENEURSHIP THAT EARNED ZEMAN'S ELECTRIC THE AWARD.

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

H. 3712 -- Rep. G. M. Smith: A CONCURRENT RESOLUTION TO CONGRATULATE THE SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH'S EMERGENCY DEPARTMENT TELEPSYCHIATRY CONSULTATION PROGRAM ON BEING NAMED AS PART OF THE 2015 BRIGHT IDEAS PROGRAM BY THE HARVARD UNIVERSITY ASH CENTER FOR DEMOCRATIC GOVERNANCE AND INNOVATION AT THE JOHN F. KENNEDY SCHOOL OF GOVERNMENT.

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

REPORTS OF STANDING COMMITTEES

Senator BRYANT from the Committee on Invitations polled out S. 470 favorable:

S. 470 -- Senator Shealy: A CONCURRENT RESOLUTION TO APPLAUD THE COMMITMENT GIRL SCOUTING HAS MADE TO SUPPORT THE CONTINUED ADVANCEMENT OF GIRLS IN

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THEIR ROLES AS LEADERS IN SOUTH CAROLINA AND
DECLARE MARCH 12, 2015, GIRL SCOUT DAY IN THE
PALMETTO STATE.

**Poll of the Invitations Committee
Polled 10; Ayes 10; Nays 0; Not Voting 1**

AYES

Bryant	Alexander	Verdin
Campsen	Cromer	Malloy
Cleary	Johnson	Kimpson
McElveen		

Total--11

NAYS

Total--0

NOT VOTING

Total--1

Reese

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., February 24, 2015

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

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

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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.

Respectfully submitted,
Speaker of the House

Received as Information.

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

HOUSE CONCURRENCES

S. 385 -- Senator Shealy: A CONCURRENT RESOLUTION TO EXPRESS THE SUPPORT OF THE SOUTH CAROLINA GENERAL ASSEMBLY AND THE STATE OF SOUTH CAROLINA FOR ORGAN, EYE, AND TISSUE DONATION AND TO DESIGNATE THURSDAY, APRIL 2, 2015, AS "ORGAN DONOR REGISTRATION DAY" IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

S. 476 -- Senators Grooms, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams

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and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE TIMBERLAND HIGH SCHOOL FOOTBALL TEAM ON AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON WINNING THE CLASS AA DIVISION II CHAMPIONSHIP.

Returned with concurrence.

Received as information.

S. 477 -- Senator Allen: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE TIMOTHY EUGENE "TIM" SCOTT, UNITED STATES SENATOR FROM SOUTH CAROLINA, FOR HIS MANY OUTSTANDING ACHIEVEMENTS AND FOR HIS MEANINGFUL SERVICE TO THE CITIZENS OF THE GREAT STATE OF SOUTH CAROLINA.

Returned with concurrence.

Received as information.

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

RECALLED

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.

On motion of Senator PINCKNEY, the Bill was recalled from the Jasper County Delegation.

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

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READ THE THIRD TIME

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 469 -- Senator Pinckney: A BILL TO AMEND ACT 278 OF 1985, AS AMENDED, 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, TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS, AND TO PROVIDE FOR TRANSITIONAL ELECTIONS.

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

Senator PINCKNEY explained the Bill.

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

Recorded Vote

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

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments:

H. 3118 -- Reps. Pitts and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-525 SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO PROMULGATE REGULATIONS GOVERNING CERTAIN AREAS TO ESTABLISH SEASONS, DATES, AREAS, BAG LIMITS, AND OTHER RESTRICTIONS FOR HUNTING AND TAKING WILD TURKEY; BY ADDING SECTION 50-11-580 SO AS TO ESTABLISH MALE WILD TURKEY HUNTING SEASON AS MARCH 20 THROUGH MAY 5, DECLARE THE SATURDAY PRECEDING MARCH 20 OF EACH YEAR TO BE "SOUTH CAROLINA YOUTH TURKEY HUNTING DAY" AND PROVIDE A PROCEDURE FOR YOUTH TURKEY HUNTING ON THIS DAY, TO PROVIDE A WILD TURKEY BAG LIMIT, TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO

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REPORT TO THE GENERAL ASSEMBLY CERTAIN WILD TURKEY RESOURCES INFORMATION INCLUDING RECOMMENDATIONS REGARDING THE SEASON AND THE BAG LIMITS; TO AMEND SECTIONS 50-11-530, 50-11-540, AND 50-11-544, ALL RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' REGULATION OF THE HUNTING OF WILD TURKEYS, SO AS TO REVISE THE DEPARTMENT'S AUTHORITY TO REGULATE THE HUNTING OF WILD TURKEYS, TO ALLOW IT TO PROMULGATE EMERGENCY REGULATIONS FOR THE PROPER CONTROL OF THE HARVESTING OF WILD TURKEYS, TO REVISE THE PENALTIES FOR VIOLATING THE PROVISIONS THAT REGULATE THE HUNTING OF WILD TURKEYS, AND TO PROVIDE THAT ALL WILD TURKEY TRANSPORTATION TAGS MUST BE VALIDATED AS PRESCRIBED BY THE DEPARTMENT BEFORE A TURKEY IS MOVED FROM THE POINT OF KILL; AND TO SUSPEND THE PROVISIONS OF SECTION 50-11-520 UPON THE EFFECTIVE DATE OF THE ACT UNTIL NOVEMBER 7, 2018, WHEN SECTION 50-11-580 IS REPEALED.

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

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

S. 160 -- Senator Shealy: A BILL TO AMEND SECTION 40-19-20(1) OF THE 1976 CODE, RELATING TO THE DEFINITION OF "ADVERTISEMENT" AS USED IN REGARD TO EMBALMERS AND FUNERAL DIRECTORS, BY ADDING THE TERM "INTERNET" TO THE DEFINITION OF ADVERTISEMENT; TO AMEND SECTION 40-14-20 OF THE 1976 CODE BY ADDING A DEFINITION FOR THE TERM "THIRD PARTY FUNERAL SERVICE PROVIDER"; TO AMEND CHAPTER 19, TITLE 40 OF THE 1976 CODE; BY ADDING SECTION 40-19-40, TO PROVIDE THAT THIRD PARTY FUNERAL SERVICE PROVIDERS MUST BE LICENSED BY THE STATE BOARD OF FUNERAL SERVICE, TO PROVIDE NOTICE AND DISCLOSURE REQUIREMENTS FOR THIRD PARTY FUNERAL SERVICE PROVIDER ADVERTISEMENTS, TO PROVIDE FOR LICENSE REVOCATION FOR VIOLATIONS OF THE ADVERTISING REQUIREMENTS, TO PROVIDE THAT THE STATE BOARD OF FUNERAL SERVICE

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SHALL PROSCRIBE THE FORMAT OF ADVERTISEMENT DISCLOSURE BY REGULATION, AND TO PROVIDE THAT THIRD PARTY FUNERAL SERVICE PROVIDERS MUST DISCLOSE TO CUSTOMERS THE NAME AND CONTACT INFORMATION OF THE FUNERAL ESTABLISHMENT THAT WILL BE IN CHARGE OF HANDLING ALL FUNERAL ARRANGEMENTS.

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

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

S. 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.

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

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

S. 411 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-200 SO AS TO DESIGNATE THE MONTH OF OCTOBER OF EVERY YEAR AS "ITALIAN AMERICAN HERITAGE MONTH" IN SOUTH CAROLINA.

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

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

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

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IN CERTAIN SITUATIONS, TO REQUIRE THE MEMBER TO REIMBURSE THE RETIREMENT SYSTEM OF ANY EXCESS PAYMENT RECEIVED.

Senator GROOMS 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.

Senator BRIGHT objected to the Bill.

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

MOTION ADOPTED

At 1:01 P.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

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THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, DEBATE INTERRUPTED

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.

Amendment No. 4B

Senator HUTTO proposed the following amendment (3R014.KM.TDC), which was adopted:

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

[SJ]

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/ SECTION __. Section 16-25-70(B) of the 1976 Code is amended to read:

“(B) A law enforcement officer ~~must~~ may arrest, with or without a warrant, a person at the person’s place of residence or elsewhere if physical manifestations of injury to the alleged victim are present and the officer has probable cause to believe that the person is committing or has freshly committed a misdemeanor or felony under the provisions of Section 16-25-20(A) or (D), or 16-25-65 even if the act did not take place in the presence of the officer. A law enforcement officer ~~is~~ may not ~~required to~~ make an arrest if he determines probable cause does not exist after consideration of the factors set forth in subsection (D) and observance that no physical manifestation of injury is present. The officer may, if necessary, verify the existence of an order of protection by telephone or radio communication with the appropriate law enforcement agency.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Coleman	Corbin
Courson	Cromer	Davis
Fair	Gregory	Grooms
Hayes	Hembree	Jackson
Johnson	Leatherman	Lourie
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Matthews	McElveen
Nicholson	O'Dell	Peeler
Reese	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Young

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Total--39

NAYS

Total--0

The amendment was adopted.

Amendment No. 5

Senator CORBIN proposed the following amendment (3R003.KM.TDC), which was withdrawn:

Amend the bill, as and if amended, in SECTION 2, by striking Section 16-25-20(A) and inserting:

/ "Section 16-25-20. (A) It is unlawful to:

(1) cause physical harm or injury to a person's own household member; or

(2) ~~offer or attempt to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril.~~ /

Renumber sections to conform.

Amend title to conform.

Senator SHEALY spoke on the amendment.

Remarks to be Printed

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

Senator CORBIN explained the amendment.

On motion of Senator CORBIN, with unanimous consent, the amendment was withdrawn.

Amendment No. 7A

Senator SHANE MARTIN proposed the following amendment (JUD0003.028), which was carried over:

Amend the bill, as and if amended, page 5, by striking lines 32-38, and inserting:

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/ A person who violates this subsection is guilty of a felony, and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars, or imprisoned for not more than three years, or both. Domestic violence in the second degree is a lesser-included offense of domestic violence in the first degree, as defined in subsection (B), and domestic violence of a high and aggravated nature, as defined in Section 16-25-65. /

Amend the bill, as and if amended, page 7, by striking lines 28-40, and inserting:

/ "Section 16-25-30. (A) It is unlawful for a person to ship, transport, receive, or possess a firearm or ammunition, if the person has been convicted of a violation of Section 16-25-20 (B), 16-25-20 (C) or 16-25-65. /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

On motion of Senator SHANE MARTIN, the amendment was carried over.

Motion Adopted

On motion of Senator SETZLER, with unanimous consent, Senators SETZLER, PEELER, JACKSON, GROOMS, LARRY MARTIN, SHEHEEN, HEMBREE and MALLOY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Amendment No. 9

Senator MALLOY proposed the following amendment (JUD0003.025), which was adopted:

Amend the bill, as and if amended, in SECTION 3, by striking SECTION 16-25-30(B), and inserting:

/ (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. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

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The amendment was adopted.

Amendment No. 11

Senator CORBIN proposed the following amendment (3R016.KM.TDC), which was tabled:

Amend the bill, as and if amended, in SECTION 3, by striking Section 16-25-30(A) and inserting:

/ “Section 16-25-30. (A) It is unlawful for a person to ship, transport, possess or receive 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 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;

(3) is subject to a valid order of protection pursuant to Chapter 4, Title 20; or

(4) 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. /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

On motion of Senator LARRY MARTIN, the amendment was tabled.

Amendment No. 12

Senator SHANE MARTIN proposed the following amendment (JUD0003.030), which was tabled:

Amend the bill, as and if amended, page 5, by striking lines 32-38, and inserting:

/ A person who violates this subsection is guilty of a felony, and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars, or imprisoned for not more than three years, or both. Domestic violence in the second degree is a lesser-included offense of domestic violence in the first degree, as defined in subsection (B), and domestic violence of a high and aggravated nature, as defined in Section 16-25-65.

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Amend the bill, as and if amended, page 7, by striking lines 28-42, and page 8, by striking lines 1-23, and inserting:

/ “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; or

(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.

(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, 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, to ship, transport, possess, or receive a firearm or ammunition.’ /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

Senator LARRY MARTIN spoke on the amendment.

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Senator LARRY MARTIN moved to lay the amendment on the table.

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

Ayes 38; Nays 5

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cleary
Coleman	Courson	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Jackson	Johnson
Leatherman	Lourie	Malloy
<i>Martin, Larry</i>	Massey	Matthews
McElveen	Nicholson	O'Dell
Peeler	Pinckney	Reese
Sabb	Scott	Setzler
Shealy	Sheheen	Thurmond
Turner	Young	

Total--38

NAYS

Bright	Bryant	Corbin
<i>Martin, Shane</i>	Verdin	

Total--5

The amendment was laid on the table.

Debate was interrupted by adjournment.

LOCAL APPOINTMENTS

Confirmations

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

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Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Angela M. McCall-Tanner, 1 Hathaway Lane, Bluffton, SC 29910
VICE New Seat

Reappointment, York County Master-in-Equity, with the term to commence June 30, 2015, and to expire June 30, 2021

Stonewall J. Kimball, 2153 Mingus Lane, York, SC 29745

Initial Appointment, Cherokee County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Bruce W. Byars, 132 Boots Trail, Blacksburg, SC 29702 *VICE* Hal Watson Howington, Jr.

Motion Adopted

On motion of Senator LEATHERMAN, 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 Mr. Kenneth M. Stanton of Pendleton, S.C. Mr. Stanton attended La France First Baptist Church. He was a Veteran of the U.S. Marine Corp and a member of the Sandy Springs Fire Department where he was named the 2014 Firefighter of the Year. He was a loving husband and a devoted father who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senators COURSON, ALEXANDER, ALLEN, BENNETT, BRIGHT, BRYANT, CAMPBELL, CAMPSER, CLEARLY, COLEMAN, CORBIN, CROMER, DAVIS, FAIR, GREGORY, GROOMS, HAYES, HEMBREE, HUTTO, JACKSON, JOHNSON, KIMPSON, LEATHERMAN, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, MATTHEWS, McELVEEN, NICHOLSON, O'DELL, PEELER, PINCKNEY, RANKIN, REESE, SABB, SCOTT, SETZLER, SHEALY, SHEHEEN, THURMOND, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable John Gregg McMaster, Jr. of Columbia, S.C. Mr. McMaster was elected to the House of Representatives in 1944 and served two terms. He also served as the Code Commissioner for South Carolina for fifteen years. Mr. McMaster was a member of the Richland County Bar Association, the South Carolina Bar, the National Association of Railroad Trial Counsel, the South Carolina Defense Trial Attorneys Association and the Fourth Circuit Judicial Conference. He was the recipient of numerous state and national awards including being awarded the Order of the Palmetto by Governor Campbell in 1991. Mr. McMaster was a member of First Presbyterian Church of Columbia where he served in various capacities. He was a loving father of six and devoted grandfather who served our State well and will be dearly missed.

ADJOURNMENT

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

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