

NO. 45

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

TUESDAY, MARCH 31, 2015

Tuesday, March 31, 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:

We read that David cried out:

“Save me, O God, for the waters have come up to my neck.”

(Psalm 69:1)

Please join me as we pray:

This Senate finds itself, O God, even here in the midst of Holy Week, continuing to face one challenge after another, struggling with issues and needs that boggle the mind, swimming against currents that threaten at times to pull these leaders into ever deeper waters. Give each Senator, Lord, the courage and strength needed to rise above the flood of problems; grant them resolve and insight to seek fresh solutions; fill them anew with determination to do their very best for all South Carolinians. Remind each Senator and staff person, dear God, that You are there at every turn to lift them above the swirling waters if they but trust in You. In Your hopeful 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

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2013, and to expire April 6, 2019

Veterinarian - At Large:

Elizabeth M. Fuller, 1236 Sunset Dr., Charleston, SC 29407 *VICE*
Oswald H. King

Referred to the Committee on Agriculture and Natural Resources.

TUESDAY, MARCH 30, 2015

Reappointment, South Carolina Real Estate Commission, with the term to commence June 30, 2014, and to expire June 30, 2018

General Public:

George. H. O'Kelley III, 104 Mary Ellen Drive, Charleston, SC 29403

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina State Board of Barber Examiners, with the term to commence June 30, 2015, and to expire June 30, 2019

Barber:

Patricia C. Durkin, 601 Main St., Number 130, Columbia, SC 29201

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, Jobs Economic Development Authority, with the term to commence July 27, 2013, and to expire July 27, 2016

At-Large:

Michael W. Nix, 3 Over Dam, Beaufort, SC 29906 *VICE* Donald Tomlin

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2012, and to expire December 31, 2016

5th Congressional District:

Samuel H. McNutt, Jr, 5909 Hwy. 321 South, Winnsboro, SC 29180

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2015, and to expire December 31, 2019

3rd Congressional District:

Kay Swisher, 110 Cedar Court, Laurens, SC 29360

Referred to the Committee on Medical Affairs.

TUESDAY, MARCH 30, 2015

Initial Appointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 30, 2013, and to expire June 30, 2017

Speech-Language Pathologist:

Beth F. Montgomery, 14 Hillstone Court, Columbia, SC 29212 *VICE*
June K. Maranville

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2012, and to expire September 30, 2015

Occupational Therapist:

Ricardo Holmes, 2 Bradford Ridge Court, Columbia, SC 29223

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2015, and to expire September 30, 2018

Occupational Therapist:

Ricardo Holmes, 2 Bradford Ridge Court, Columbia, SC 29223

Referred to the Committee on Medical Affairs.

REGULATIONS WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 4464

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Section 44-7-260

SUBJECT: Standards for Licensing Facilities that Treat Individuals for Psychoactive Substance Abuse or Dependence

Received by Lieutenant Governor January 13, 2015

Referred to Committee on Medical Affairs

Withdrawn and Resubmitted May, 15, 2015

Doctor of the Day

Senator CROMER introduced of Dr. Ben Wright of Columbia, S.C.,
Doctor of the Day.

[SJ]

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Leave of Absence

At 12:26 P.M., Senator YOUNG requested a leave of absence beginning for Senator THURMOND for the day.

Leave of Absence

At 12:26 P.M., Senator SHANE MARTIN requested a leave of absence beginning for Senator BRYANT for the day.

Leave of Absence

At 12:59 P.M., Senator CAMPBELL requested a leave of absence beginning for Senator CAMPSSEN for the day.

Expression of Personal Interest

Senator HUTTO rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 426 Allen

S. 278 Allen

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 627 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE WEST-OAK HIGH SCHOOL WRESTLING TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2015 SOUTH CAROLINA CLASS AAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 628 -- Senators Peeler, Reese, Bright, S. Martin and Corbin: A SENATE RESOLUTION TO COMMEND BMW MANUFACTURING IN SPARTANBURG COUNTY ON ITS MANY CONTRIBUTIONS TO THE STATE OF SOUTH CAROLINA AND TO CONGRATULATE THE COMPANY ON THE PRODUCTION OF ITS THREE MILLIONTH VEHICLE.

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[SJ]

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The Senate Resolution was adopted.

S. 629 -- Senator Hayes: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANDATE THAT SCHOOL DAYS MISSED DUE TO WEATHER CONDITIONS OR OTHER DISRUPTIONS BE MADE UP, SO AS TO PROVIDE A LOCAL SCHOOL BOARD MAY WAIVE UP TO THREE SUCH MISSED DAYS, TO PROVIDE THIS WAIVER ONLY MAY BE GRANTED BY MAJORITY VOTE OF THE LOCAL SCHOOL BOARD, TO PROVIDE THE STATE BOARD OF EDUCATION MAY WAIVE THREE OR FEWER SUCH MISSED DAYS IN ADDITION TO THOSE WAIVED BY THE LOCAL SCHOOL BOARD, AND TO PROVIDE THESE WAIVERS ONLY MAY BE GRANTED BY MAJORITY VOTE OF THE LOCAL SCHOOL BOARD AND ONLY MAY BE GRANTED AT THE REQUEST OF THE LOCAL SCHOOL BOARD.

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

S. 630 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA NATIONAL GUARD STUDENT LOAN REPAYMENT PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4534, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 631 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE COMMISSION ON HIGHER EDUCATION, RELATING TO SOUTH CAROLINA NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4533, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

[SJ]

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S. 632 -- Senator Allen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-13-95 SO AS TO PROVIDE THAT BOTH PUBLICLY OPERATED CHILD DAYCARE CENTERS AND AFTERCARE FACILITIES MUST HAVE ACTIVE VIDEO CAMERAS INSTALLED OUTSIDE THEIR BUILDINGS TO RECORD ACTIVITIES THAT OCCUR ALONG THE BUILDINGS' PERIMETERS WHILE CHILDREN ARE PRESENT.

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

S. 633 -- Senator Verdin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT EXIT 49 ALONG INTERSTATE HIGHWAY 26 IN LAURENS COUNTY "SGT. BRANDON F. EGGLESTON MEMORIAL INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THIS DESIGNATION.

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

S. 634 -- Senators S. Martin, Corbin, Bright, Reese and Peeler: A SENATE RESOLUTION TO EXPRESS THE PROFOUND GRATITUDE AND APPRECIATION OF THE MEMBERS OF THE SOUTH CAROLINA SENATE TO ALL OF SPARTANBURG COUNTY'S SENIOR CITIZENS AND ORGANIZATIONS DEDICATED TO THEIR WELFARE UPON THE FIFTY-SECOND ANNIVERSARY OF THE PROCLAMATION OF "SENIOR CITIZENS MONTH" IN 1963.

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The Senate Resolution was adopted.

S. 635 -- Senators McElveen, Johnson, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin,

[SJ]

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Williams and Young: A SENATE RESOLUTION TO RECOGNIZE MRS. NAOMI WARNER OF SUMTER FOR THE MANY CONTRIBUTIONS SHE HAS MADE TO THE DOWNTOWN SUMTER AREA AND TO PROCLAIM MAY 9, 2015, AS "NAOMI WARNER DAY" IN SOUTH CAROLINA.

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The Senate Resolution was adopted.

H. 3115 -- Reps. Pitts, Hixon and Thayer: A BILL TO AMEND SECTION 23-31-510, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF THE OWNERSHIP, TRANSFER, OR POSSESSION OF FIREARMS OR AMMUNITION, SO AS TO PROVIDE THAT NO GOVERNING BODY OF ANY COUNTY, MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION IN THE STATE MAY ENACT, ENFORCE, OR PROMULGATE ANY REGULATION OR ORDINANCE THAT REGULATES OR ATTEMPTS TO REGULATE THE TRANSFER, OWNERSHIP, POSSESSION, CARRYING, OR TRANSPORTATION OF KNIVES, FIREARMS, AMMUNITION, COMPONENTS OF FIREARMS, OR ANY COMBINATION OF THESE THINGS.

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

H. 3116 -- Reps. Pitts, Hixon, Kennedy, Yow, Clemmons, Huggins, Gagnon, Gambrell and Riley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO PROVIDE THAT CERTAIN PERSONS WHO KNOWINGLY SOLICIT, PERSUADE, ENCOURAGE, OR ENTICE A LICENSED DEALER OR PRIVATE SELLER OF FIREARMS OR AMMUNITION IN VIOLATION OF STATE OR FEDERAL LAW, OR KNOWINGLY PROVIDE THAT PERSON WITH MATERIALLY FALSE INFORMATION TO DECEIVE HIM ABOUT THE LEGALITY OF A TRANSFER OF A FIREARM OR AMMUNITION, OR WILFULLY PROCURE ANOTHER PERSON TO ENGAGE IN CERTAIN ILLEGAL ACTIVITIES ARE GUILTY OF A FELONY, TO PROVIDE PENALTIES, AND TO PROVIDE CERTAIN TERMS AND THEIR DEFINITIONS THAT RELATE TO THESE OFFENSES.

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

[SJ]

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H. 3119 -- Reps. Pitts and Hixon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-23-540 SO AS TO CREATE THE OFFENSE OF THEFT OF A FIREARM AND PROVIDE A PENALTY.

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

H. 3349 -- Reps. Spires and Toole: A BILL TO AMEND SECTION 40-43-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA PHARMACY PRACTICE ACT, SO AS TO DEFINE ADDITIONAL TERMS; TO AMEND SECTION 40-43-86, RELATING TO COMPOUNDING PHARMACIES, SO AS TO REVISE MINIMUM GOOD COMPOUNDING PRACTICES, TO PROVIDE A PHARMACIST MUST PERFORM A FINAL CHECK ON A PREPARATION COMPOUNDED BY A PHARMACY TECHNICIAN, TO MODIFY REQUIREMENTS FOR AN AREA USED FOR COMPOUNDING IN A PHARMACY, TO PROVIDE PHARMACISTS SHALL ENSURE CERTAIN EXPECTED FEATURES OF INGREDIENTS USED IN A FORMULATION, TO PROVIDE A MEANS FOR DETERMINING THE MAXIMUM BEYOND-USE DATE OF AN EXCESS AMOUNT OF A SPECIFIC COMPOUND IN CERTAIN CIRCUMSTANCES, TO REQUIRE CERTAIN WRITTEN POLICIES AND PROCEDURES APPLICABLE TO A COMPOUNDING AREA, AND TO PROVIDE THAT MATERIAL DATA SAFETY MUST BE READILY ACCESSIBLE TO PHARMACY PERSONNEL WHO WORK WITH DRUG SUBSTANCES OR BULK CHEMICALS, AND TO DELETE OBSOLETE LANGUAGE; AND TO AMEND SECTION 40-43-88, RELATING TO THE HANDLING OF STERILE PREPARATION BY PHARMACIES, SO AS TO REVISE ASSOCIATED STANDARDS AND TO BROADEN THE APPLICATION OF THESE STANDARDS TO INCLUDE OTHER FACILITIES PERMITTED BY THE BOARD, AMONG OTHER THINGS.

Read the first time and referred to the Committee on Medical Affairs.

H. 3443 -- Reps. Long, Erickson, Daning, Atwater, Bradley, Hixon, Newton, Ridgeway, Simrill, Spires, G. M. Smith, Weeks and Johnson: A BILL TO AMEND SECTION 40-37-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASING, POSSESSING, ADMINISTERING, SUPPLYING, AND

[SJ]

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PRESCRIBING OF CERTAIN PHARMACEUTICAL AGENTS BY OPTOMETRISTS AND THE PROHIBITION ON SCHEDULE I AND II CONTROLLED SUBSTANCES, SO AS TO CLARIFY THAT SCHEDULE II CONTROLLED SUBSTANCES THAT HAVE BEEN RECLASSIFIED FROM SCHEDULE III TO SCHEDULE II ON OR AFTER OCTOBER 6, 2014, MAY CONTINUE TO BE PURCHASED, POSSESSED, ADMINISTERED, SUPPLIED, AND PRESCRIBED BY AN OPTOMETRIST.

Read the first time and referred to the Committee on Medical Affairs.

H. 3525 -- Reps. Sandifer, Forrester and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 16 TO CHAPTER 23, TITLE 58 SO AS TO PROVIDE FOR THE REGULATION OF TRANSPORTATION NETWORK COMPANIES; TO AMEND SECTION 58-4-60, RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE OFFICE OF REGULATORY STAFF, SO AS TO PROVIDE FOR THE EXPENSES OF THE TRANSPORTATION DEPARTMENT BORNE BY ASSESSMENTS TO TRANSPORTATION NETWORK COMPANIES IN ADDITION TO EXISTING SOURCES; AND TO AMEND SECTION 58-23-50, RELATING TO EXEMPTIONS FROM REGULATION OF MOTOR VEHICLE CARRIERS BY THE PUBLIC SERVICE COMMISSION, SO AS TO EXEMPT TRANSPORTATION NETWORK COMPANIES.

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

H. 3547 -- Reps. J. E. Smith and Yow: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-2350, SO AS TO PROVIDE THAT THE REEMPLOYMENT RIGHTS AND PROTECTIONS GRANTED TO MEMBERS OF THE SOUTH CAROLINA NATIONAL GUARD AND SOUTH CAROLINA STATE GUARD WHO SERVE STATE DUTY SHALL APPLY ALSO TO A PERSON WHO IS EMPLOYED IN SOUTH CAROLINA BUT IS A MEMBER OF ANOTHER STATE'S NATIONAL GUARD OR STATE GUARD.

Read the first time and referred to the General Committee.

H. 3683 -- Reps. Williams, Hosey, Gilliard, Mack and Yow: A BILL TO AMEND SECTION 25-1-350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL

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POWERS AND DUTIES OF THE ADJUTANT GENERAL, SO AS TO REQUIRE THE ADJUTANT GENERAL TO SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY.

Read the first time and referred to the General Committee.

H. 3775 -- Reps. Nanney, Allison, Bannister, Bedingfield, Burns, Chumley, Dillard, Hamilton, Henderson, Loftis, Putnam, Robinson-Simpson, G. R. Smith, Stringer and Willis: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF FIVE OR FEWER DAYS THAT SCHOOLS IN THE GREENVILLE SCHOOL DISTRICT CLOSED IN FEBRUARY 2015, DUE TO INCLEMENT WEATHER, FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

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

H. 3845 -- Reps. Erickson, Bowers, Bradley and Newton: A JOINT RESOLUTION TO PROVIDE THAT THE SPEED LIMIT ALONG DR. MELLICHAMP DRIVE IN THE TOWN OF BLUFFTON IS FIFTEEN MILES PER HOUR AND THAT ANGLE PARKING IS ALLOWED ALONG THIS STREET, AND TO PROVIDE THAT THIS PROVISION SHALL REMAIN IN EFFECT UNTIL THE STATE TRANSFERS DR. MELLICHAMP DRIVE FROM THE STATE HIGHWAY SYSTEM TO BEAUFORT COUNTY.

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

H. 3879 -- Reps. Herbkersman, Bowers, Bradley, Erickson, Hodges and Newton: A BILL TO PROVIDE THAT THE MAXIMUM SPEED LIMIT ALONG BOUNDARY STREET IN THE TOWN OF BLUFFTON FROM ITS INTERSECTION WITH MAY RIVER ROAD TO ITS INTERSECTION WITH BRIDGE STREET, IS FIFTEEN MILES PER HOUR AND TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO ERECT APPROPRIATE SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN FIFTEEN MILES PER HOUR AS THE MAXIMUM SPEED LIMIT.

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

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H. 3914 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO PARTICLE ACCELERATORS (TITLE C), DESIGNATED AS REGULATION DOCUMENT NUMBER 4482, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the Committee on Medical Affairs.

H. 3925 -- Reps. V. S. Moss, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, 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, 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 DECLARE APRIL 2015 AS "HOMESCHOOL RECOGNITION MONTH" IN SOUTH CAROLINA, TO RECOGNIZE THE DILIGENT EFFORTS OF HOMESCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, AND TO EXPRESS SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL-BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN.

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

REPORTS OF STANDING COMMITTEES

Senator COURSON from the Committee on Education submitted a majority favorable with amendment and Senator MALLOY a minority unfavorable report on:

[SJ]

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S. 533 -- Senators Hayes, Courson, Thurmond, L. Martin, Jackson and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "TEACHER EMPLOYMENT AND DISMISSAL ACT OF 2015"; TO AMEND SECTION 59-25-410, RELATING TO THE ANNUAL APRIL FIFTEENTH DEADLINE FOR NOTIFYING TEACHERS OF THEIR EMPLOYMENT FOR THE ENSUING YEAR, SO AS TO CHANGE THE DEADLINE TO BEFORE MAY FIRST; TO AMEND SECTION 59-25-420, RELATING TO THE REQUIREMENT THAT TEACHERS NOTIFY THE DISTRICT OF THEIR ACCEPTANCE OF TEACHING CONTRACTS WITHIN A SPECIFIED PERIOD, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTION 59-25-460, RELATING TO NOTICES OF DISMISSAL AND CONDUCT OF RELATED HEARINGS, SO AS TO PROVIDE FOR THE CONDUCT OF HEARINGS BY THE BOARD OR ITS DESIGNEE, TO PROVIDE FOR THE USE OF THE RECOMMENDATIONS AND REPORT OF A DESIGNEE WHO CONDUCTS A HEARING, TO PROVIDE THE BOARD HAS FINAL DECISION-MAKING AUTHORITY REGARDING A SUSPENSION OR DISMISSAL HEARING, AMONG OTHER THINGS; TO AMEND SECTION 59-25-470, RELATING TO THE SCHEDULING OF TEACHER DISMISSAL HEARINGS, SO AS TO MAKE CONFORMING CHANGES, TO EXTEND THE PERIOD FOR SCHEDULING A HEARING TO FORTY-FIVE DAYS, AND TO PROVIDE THAT HEARINGS ARE QUASI-JUDICIAL, AND TO PERMIT THE USE OF HEARSAY EVIDENCE IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 59-25-480, RELATING TO APPEALS TO THE CIRCUIT COURT FROM A DISTRICT LEVEL DECISION ON A TEACHER DISMISSAL HEARING, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THESE APPEALS INSTEAD MUST BE MADE TO THE ADMINISTRATIVE LAW COURT; AND TO AMEND SECTIONS 59-25-490 AND 59-25-520, BOTH RELATING TO MISCELLANEOUS PROVISIONS CONCERNING DISCOVERY AND RELATED POWERS OF THE JUDICIARY, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator BRYANT from the Committee on Invitations polled out S. 554 favorable:

[SJ]

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S. 554 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 12, 2015.

**Poll of the Invitations Committee
Polled 11; Ayes 11; Nays 0;**

AYES

| | | |
|---------|-----------|---------|
| Bryant | Alexander | Reese |
| Verdin | Campsen | Cromer |
| Malloy | Cleary | Johnson |
| Kimpson | McElveen | |

Total--11

NAYS

Total--0

Ordered for consideration tomorrow.

Senator BRYANT from the Committee on Invitations polled out H. 3556 favorable:

H. 3556 -- Reps. Jefferson, Gilliard, M.S. McLeod, King, Knight, Govan, Dillard, Hosey, Clyburn, Anderson, Bales, R.L. Brown, Daning, McKnight, Parks, Ridgeway, Spires, Whipper, Alexander, Allison, Anthony, Atwater, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G.A. Brown, Burns, Chumley, Clary, Clemmons, Cobb-Hunter, Cole, Collins, Corley, H.A. Crawford, Crosby, Dellene, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Goldfinch, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Howard, Huggins, Johnson, Kennedy, Kirby, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Pitts, Pope, Putnam, Quinn, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Southard, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RAISE AWARENESS SURROUNDING THE ISSUE OF GUN

[SJ]

TUESDAY, MARCH 30, 2015

VIOLENCE AND TO DECLARE JUNE 2015 GUN VIOLENCE
AWARENESS MONTH

Poll of the Invitations Committee

Polled 11; Ayes 11; Nays 0;

AYES

| | | |
|---------|-----------|---------|
| Bryant | Alexander | Reese |
| Verdin | Campsen | Cromer |
| Malloy | Cleary | Johnson |
| Kimpson | McElveen | |

Total--11

NAYS

Total--0

Ordered for consideration tomorrow.

HOUSE CONCURRENCE

S. 602 -- Senator Allen: A CONCURRENT RESOLUTION TO HONOR LAILA ALI, BOXING CHAMPION, TELEVISION PERSONALITY, AND HEALTH ADVOCATE, AND TO EXTEND TO HER A CORDIAL WELCOME TO THE PALMETTO STATE UPON THE OCCASION OF HER ADDRESS TO THE NINTH ANNUAL GREENVILLE HEALTH SYSTEM MINORITY HEALTH SUMMIT ON APRIL 11, 2015.

Returned with concurrence.

Received as information.

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

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3035 -- Reps. Cobb-Hunter, Long, Burns, Chumley, Kirby, Hixon, Toole, Corley, Gagnon, Duckworth, Hardee, Johnson, Clemmons, Douglas, Ballentine, Tallon, Hodges, Henegan, Hiott, V.S. Moss, Dillard, Knight, Jefferson, Gilliard, Erickson and Riley: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY

[SJ]

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ADDING CHAPTER 54 TO TITLE 48 SO AS TO ENACT THE “TAKE PALMETTO PRIDE WHERE YOU LIVE ACT”, TO CREATE THE TAKE PALMETTO PRIDE WHERE YOU LIVE ACT COMMISSION UNDER THE AUSPICES OF, AND STAFFED BY, THE DEPARTMENT OF NATURAL RESOURCES AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES; TO PROVIDE THAT THE COMMISSION SHALL DEVELOP A STRATEGIC STATE PLAN FOR LITTER REMOVAL, REDUCTION AND PREVENTION, AND LITTER LAW ENFORCEMENT THROUGH THE COORDINATION AND COOPERATION OF STATE AGENCIES, LOCAL GOVERNMENTS, PRIVATE PROFIT AND NONPROFIT ORGANIZATIONS, BUSINESS, AND INDUSTRY TO PROVIDE FOR THE COMPONENTS OF THE PLAN; TO AMEND SECTION 24-23-115, RELATING TO PUBLIC SERVICE WORK AS A CONDITION OF PROBATION OR SUSPENSION OF A SENTENCE, SO AS TO DEFINE “PUBLIC SERVICE WORK” AS PARTICIPATING IN A LITTER REMOVAL PROGRAM OR ANOTHER LITTER PROGRAM UNDER THE COMMISSION UNLESS THE COURT FINDS THAT PARTICIPATION IN SUCH A PROGRAM IS NOT APPROPRIATE FOR THE OFFENDER; AND TO REPEAL CHAPTER 67, TITLE 44 RELATING TO THE “LITTER CONTROL ACT OF 1978” UNDER THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

**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. 437 -- Senators Campsen, Reese, Gregory, Hutto, Cleary, Campbell, Cromer, Young, Bryant, Williams, Bennett, Johnson, Hembree, O’Dell, Davis, Fair, Hayes and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-29-240 SO AS TO ENACT THE “JAMES B. EDWARDS CIVICS EDUCATION INITIATIVE” TO REQUIRE ALL STUDENTS OF PUBLIC OR CHARTER SCHOOLS OR PERSONS PURSUING A GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE IN THIS STATE TO TAKE THE UNITED STATES CITIZENSHIP CIVICS TEST PRODUCED BY THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, TO DIRECT

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SCHOOL DISTRICTS TO AWARD A CERTIFICATE OF ACHIEVEMENT TO ALL STUDENTS WHO RECEIVE A GRADE OF 60 OR BETTER ON THE TEST, AND TO DIRECT THE RESPECTIVE SCHOOLS TO REPORT RESULTS TO THE SOUTH CAROLINA EDUCATION OVERSIGHT COMMITTEE FOR INCLUSION IN THE REPORT CARD FOR EACH SCHOOL, AS APPLICABLE.

S. 426 -- Senators Sheheen, Hayes and Malloy: A BILL TO AMEND TITLE 14 OF THE 1976 CODE, RELATING TO COURTS, BY ADDING CHAPTER 31, TO ESTABLISH A MENTAL HEALTH COURT PROGRAM, TO PROVIDE FOR A SYSTEM THAT DIVERTS MENTALLY ILL OFFENDERS TO APPROPRIATE TREATMENT PROGRAMS RATHER THAN INCARCERATION, TO PROVIDE FOR ELIGIBILITY TO PARTICIPATE IN MENTAL HEALTH COURT, TO PROVIDE THAT EXISTING MENTAL HEALTH COURTS ESTABLISHED PURSUANT TO AN ADMINISTRATIVE ORDER OF THE SUPREME COURT SHALL CONTINUE IN EXISTENCE, TO PROVIDE THAT EACH SOLICITOR MUST ESTABLISH A PROGRAM, TO PROVIDE FOR QUALIFICATIONS FOR SERVICE AS A MENTAL HEALTH COURT JUDGE, TO PROVIDE THAT MENTAL HEALTH COURT JUDGES HAVE THE SAME PROTECTIONS FROM CIVIL LIABILITY AND IMMUNITY AS OTHER JUDICIAL OFFICERS IN THIS STATE; AND TO PROVIDE THAT SOLICITORS WHO ACCEPT STATE FUNDING FOR THE PROGRAM MUST ESTABLISH IT WITHIN ONE HUNDRED EIGHTY DAYS.

S. 358 -- Senators Verdin and Campsen: A BILL TO AMEND SECTION 56-5-70(A) OF THE 1976 CODE, RELATING TO THE SUSPENSION OF VEHICULAR REQUIREMENTS DURING A DECLARED STATE OF EMERGENCY, TO PROVIDE FOR AN EXTENSION OF THE TIME PERIOD FOR UP TO ONE HUNDRED TWENTY DAYS RELATING TO SUSPENSIONS OF REGISTRATION, PERMITTING, LENGTH, WIDTH, WEIGHT, AND LOAD ON NON-INTERSTATE ROUTES, AND TO MAKE SUSPENSIONS OF TIME OF SERVICE REQUIREMENTS FOR THIRTY DAYS UNLESS EXTENDED BY FEDERAL REGULATION FOR BOTH INTERSTATE AND NON-INTERSTATE ROUTES.

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READ THE SECOND TIME

S. 170 -- Senator Kimpson: A BILL TO AMEND CHAPTER 36, TITLE 12 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA SALES AND USE TAX ACT, BY ADDING SECTION 12-36-71, TO PROVIDE THAT A RETAILER IS PRESUMED TO BE LIABLE FOR THE SALES TAX OR RESPONSIBLE FOR COLLECTING AND REMITTING THE USE TAX IF THE RETAILER ENTERS INTO AN AGREEMENT WITH A RESIDENT OF THIS STATE UNDER WHICH THE RESIDENT, FOR CONSIDERATION, REFERS POTENTIAL CUSTOMERS, WHETHER BY AN INTERNET LINK OR OTHERWISE, TO REQUIRE SUCH RETAILERS TO OBTAIN A RETAIL LICENSE AND REMIT SALES AND USE TAX ON ALL TAXABLE RETAIL SALES, AND TO PROVIDE EXCEPTIONS.

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

Senator O'DELL explained the Bill.

Point of Order

Senator CLEARY raised a Point of Order that the Bill was out of order in that it violates Article III, Section 15 of the South Carolina Constitution which requires measures that raise revenue to originate in the House of Representatives.

Senator SHANE MARTIN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

The question then was second reading of the Bill.

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

Ayes 37; Nays 4

AYES

| | | |
|-----------|--------|---------|
| Alexander | Allen | Bennett |
| Campbell | Cleary | Coleman |
| Courson | Cromer | Davis |
| Gregory | Grooms | Hayes |
| Hembree | Hutto | Jackson |

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| | | |
|---------|----------|----------------------|
| Johnson | Kimpson | Leatherman |
| Lourie | Malloy | <i>Martin, Larry</i> |
| Massey | McElveen | Nicholson |
| O'Dell | Peeler | Pinckney |
| Reese | Sabb | Scott |
| Setzler | Shealy | Sheheen |
| Turner | Verdin | Williams |
| Young | | |

Total--37

NAYS

| | | |
|----------------------|--------|------|
| Bright | Corbin | Fair |
| <i>Martin, Shane</i> | | |

Total--4

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED
READ THE SECOND TIME**

S. 320 -- Senators Malloy, Hutto, Hayes, L. Martin, Shealy and Turner: A BILL TO AMEND CHAPTER 32, TITLE 59 OF THE 1976 CODE, RELATING TO THE COMPREHENSIVE HEALTH EDUCATION PROGRAM, BY AMENDING SECTION 59-32-30 TO REQUIRE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR TO ALL STUDENTS ENROLLED IN THE SCHOOL DISTRICT AS A REQUIREMENT FOR GRADUATION FROM HIGH SCHOOL.

The Senate proceeded to a consideration of the Bill.

Senators FAIR and HAYES proposed the following amendment (AGM\320C006.AGM.AB15), which was adopted:

Amend the committee report, as and if amended, deleting all after the enacting words and inserting:

/ SECTION 1. Article 1, Chapter 39, Title 59 of the 1976 Code is amended by adding:

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“Section 59-39-210. (A)(1) The governing board of a school district maintaining a secondary school that includes any grades nine through twelve, inclusive, shall establish cardiopulmonary resuscitation (CPR) instruction programs for students in high school grades, which must include, but not be limited to, hands-only CPR and the operational knowledge of an automated external defibrillator (AED).

(2) At least one time during the entire four years of grades nine through twelve, each student must receive the instruction required in item (1).

(3) Students who have already completed the requisite course must not be required to taked the course a second time.

(B) A CPR instruction program established pursuant subsection (A) must incorporate instruction of psychomotor skills necessary to perform CPR developed by the American Heart Association, the American Red Cross, or an instructional program that is nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for CPR and the operational knowledge of an AED. A local school district shall coordinate with entities that have the experience and necessary equipment for the instruction of CPR and the operational knowledge of AEDs and shall adopt a policy providing a waiver for the absence of a student from the instruction required under this section, a student with a disability whose individualized education program indicates such student is unable to complete all or a portion of the hands-only CPR requirement, and a student whose parent or guardian completes, in writing, a form approved by the school district opting out of hands-only CPR and AED instruction. School districts shall begin complying with the provisions of this section no later than the beginning of the 2016-2017 school year.

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator HAYES explained the perfecting amendment.

Senator HUTTO proposed the following amendment (320R001.EB.CBH), which was adopted:

Amend the committee report, as and if amended, by striking Section 59-39-210(B) and inserting:

/ (B) A CPR instruction program established pursuant to subsection (A) must incorporate instruction of psychomotor skills

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necessary to perform CPR developed by the American Heart Association, the American Red Cross, or an instructional program that is nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for CPR and the operational knowledge of an AED; provided virtual schools may administer the instruction virtually, exempt from any in-person instructional requirements. A local school district shall coordinate with entities that have the experience and necessary equipment for the instruction of CPR and the operational knowledge of AEDs and shall adopt a policy providing a waiver for the absence of a student from the instruction required under this section, a student with a disability whose individualized education program indicates such student is unable to complete all or a portion of the hands-only CPR requirement, and a student whose parent or guardian completes, in writing, a form approved by the school district opting out of hands-only CPR and AED instruction. School districts shall begin complying with the provisions of this section no later than the beginning of the 2016-2017 school year.” /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the perfecting amendment.

Then the question being the adoption of the committee amendment as amended.

The Committee on Education proposed the following amendment (AGM\320C002.AGM.AB15), which was adopted:

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

/ SECTION 1. Article 1, Chapter 39, Title 59 of the 1976 Code is amended by adding:

“Section 59-39-210. (A) The governing board of a school district maintaining a secondary school that includes any grades nine through twelve, inclusive, shall establish cardiopulmonary resuscitation (CPR) instruction programs for students in high school grades, which must include, but not be limited to, hands-only CPR and the use of an automated external defibrillator (AED).

(B) A CPR instruction program established pursuant subsection (A) must incorporate instruction of psychomotor skills necessary to perform CPR developed by the American Heart Association, the American Red

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Cross, or an instructional program that is nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for CPR and the use of an AED. A local school district shall coordinate with entities that have the experience and necessary equipment for the instruction of CPR and the use of AEDs and shall adopt a policy providing a waiver for the absence of a student from a CPR instruction required under this section, a student with a disability whose individualized education program indicates such student is unable to complete all or a portion of the hands-only CPR requirement, and a student whose parent or guardian completes, in writing, a form approved by the school district opting out of hands-only CPR and AED instruction.”

SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

The question then was second reading of the Bill.

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

Ayes 41; Nays 0

AYES

| | | |
|----------------------|----------|----------------------|
| Alexander | Allen | Bennett |
| Bright | Campbell | Cleary |
| Coleman | Corbin | Courson |
| Cromer | Davis | Fair |
| Gregory | Grooms | Hayes |
| Hembree | Hutto | Jackson |
| Johnson | Kimpson | Leatherman |
| Lourie | Malloy | <i>Martin, Larry</i> |
| <i>Martin, Shane</i> | Massey | McElveen |
| Nicholson | O'Dell | Peeler |
| Pinckney | Reese | Sabb |
| Scott | Setzler | Shealy |
| Sheheen | Turner | Verdin |
| Williams | Young | |

Total--41

NAYS

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Total--0

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

READ THE SECOND TIME

S. 427 -- Senators Hutto, Rankin, O'Dell and Williams: A BILL TO AMEND SECTION 12-6-3360, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JOBS TAX CREDIT, SO AS TO ALLOW A TAXPAYER OPERATING AN AGRICULTURAL PACKAGING OPERATION TO CLAIM THE CREDIT, TO ALLOW CERTAIN AGRICULTURAL OPERATIONS TO CLAIM SEASONAL WORKERS AS A CERTAIN FRACTION OF A FULL-TIME JOB, AND TO DEFINE AGRICULTURAL PACKAGING; TO AMEND SECTION 12-36-2120, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT MACHINES USED IN AGRICULTURAL PACKAGING; AND BY ADDING SECTION 13-1-780 SO AS TO REQUIRE THE DEPARTMENT OF COMMERCE AND THE COORDINATING COUNCIL TO CONSIDER AGRICULTURAL BUSINESSES IN AWARDING ECONOMIC DEVELOPMENT BENEFITS.

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

Senator O'DELL explained the Bill.

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

Ayes 41; Nays 0

AYES

| | | |
|-----------|----------------------|----------------------|
| Alexander | Allen | Bennett |
| Bright | Campbell | Cleary |
| Coleman | Corbin | Courson |
| Cromer | Davis | Fair |
| Gregory | Grooms | Hayes |
| Hembree | Hutto | Jackson |
| Johnson | Leatherman | Lourie |
| Malloy | <i>Martin, Larry</i> | <i>Martin, Shane</i> |

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| | | |
|-----------|----------|----------|
| Massey | Matthews | McElveen |
| Nicholson | O'Dell | Peeler |
| Pinckney | Reese | Sabb |
| Scott | Setzler | Shealy |
| Sheheen | Turner | Verdin |
| Williams | Young | |

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 526 -- Senator Leatherman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-4-397 SO AS TO AUTHORIZE THE DEPARTMENT OF REVENUE TO DESIGNATE A THREE-MONTH AMNESTY PERIOD DURING WHICH THE DEPARTMENT SHALL WAIVE DELINQUENT TAX PENALTIES AND INTEREST AND SHALL NOT INITIATE A CRIMINAL INVESTIGATION, TO SPECIFY TAXPAYERS THAT MAY PARTICIPATE IN THE PROGRAM, AND TO SET FORTH THE MANNER IN WHICH THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

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

Senator O'DELL explained the Bill.

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

Ayes 41; Nays 0

AYES

| | | |
|-----------|----------|---------|
| Alexander | Allen | Bennett |
| Bright | Campbell | Cleary |
| Coleman | Corbin | Courson |
| Cromer | Davis | Fair |

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23

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| | | |
|-----------|----------------------|----------------------|
| Gregory | Grooms | Hayes |
| Hembree | Hutto | Jackson |
| Johnson | Kimpson | Leatherman |
| Malloy | <i>Martin, Larry</i> | <i>Martin, Shane</i> |
| Massey | Matthews | McElveen |
| Nicholson | O'Dell | Peeler |
| Pinckney | Reese | Sabb |
| Scott | Setzler | Shealy |
| Sheheen | Turner | Verdin |
| Williams | Young | |

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

AMENDED, READ THE SECOND TIME

S. 183 -- Senators Hayes and Bryant: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16-3-2010, RELATING TO HUMAN TRAFFICKING DEFINITIONS, SO AS TO DEFINE "COERCION"; BY AMENDING SECTION 16-3-2020, RELATING TO HUMAN TRAFFICKING OFFENSES, SO AS TO PROVIDE THAT A PERSON IS CONSIDERED A TRAFFICKER IF THE PERSON SOLICITS OR PARTICIPATES IN PROSTITUTION WITH ANOTHER PERSON KNOWING THAT THE OTHER PERSON IS A HUMAN TRAFFICKING VICTIM, TO PROVIDE THAT A VICTIM CONVICTED OF A HUMAN TRAFFICKING VIOLATION OR PROSTITUTION MAY MOTION THE COURT TO VACATE THE CONVICTION, AND TO PROVIDE THAT A VICTIM IS NOT SUBJECT TO PROSECUTION FOR HUMAN TRAFFICKING OR PROSTITUTION IF THE VICTIM WAS A MINOR AT THE TIME OF THE OFFENSE, AND TO PROVIDE THAT A VICTIM'S SEXUAL HISTORY IS NOT ADMISSIBLE BY A DEFENDANT IN A CRIMINAL ACTION; BY AMENDING SECTION 16-3-2030, RELATING TO BUSINESSES AND HUMAN TRAFFICKING, SO

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AS TO PROVIDE THAT A COURT MAY CONSIDER DISGORGEMENT OF PROFIT FROM A BUSINESS INVOLVED IN HUMAN TRAFFICKING AND DISBARMENT FROM GOVERNMENT CONTRACTS; BY AMENDING SECTION 16-3-2040, RELATING TO HUMAN TRAFFICKING RESTITUTION, SO AS TO PROVIDE THAT THE COURT MAY ORDER AN AMOUNT REPRESENTING THE VALUE OF THE VICTIM'S LABOR OR SERVICES; BY AMENDING SECTION 16-3-2050, RELATING TO THE HUMAN TRAFFICKING TASK FORCE, SO AS TO PROVIDE THAT THE TASK FORCE MAY MAKE GRANTS OR CONTRACTS TO DEVELOP OR EXPAND VICTIM SERVICE PROGRAMS; BY AMENDING SECTION 16-3-2060, RELATING TO HUMAN TRAFFICKING CIVIL ACTIONS, SO AS TO PROVIDE THAT A VICTIM'S SEXUAL HISTORY IS NOT ADMISSIBLE BY A DEFENDANT IN A CIVIL ACTION; BY AMENDING SECTION 16-3-2070, RELATING TO VICTIMS' RIGHTS AND THE STATE CRIME VICTIM'S COMPENSATION FUND, SO AS TO PROVIDE THAT HUMAN TRAFFICKING VICTIMS ARE CONSIDERED VICTIMS REGARDLESS OF IMMIGRATION STATUS, TO PROVIDE THAT THE PICTURES AND IMAGES OF VICTIMS MUST BE KEPT CONFIDENTIAL, AND TO PROVIDE THE PROTOCOL A LAW ENFORCEMENT OFFICER SHALL FOLLOW WHEN INTERACTING WITH A VICTIM; AND BY ADDING SECTION 16-3-2100, SO AS TO REQUIRE THE POSTING OF INFORMATION REGARDING THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE IN CERTAIN BUSINESSES.

The Senate proceeded to a consideration of the Bill.

Senator HAYES proposed the following amendment (JUD0183.003), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 1, 7, and 8.

Renumber sections to conform.

Amend title to conform.

The question being the second reading of the Bill.

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

Ayes 42; Nays 0

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AYES

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

Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

CARRIED OVER

S. 277 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STATE TELECOM EQUITY IN FUNDING ACT" BY ADDING SECTION 58-9-2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS REGARDING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58-9-2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSING AND COLLECTING DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58-9-10, AS AMENDED,

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RELATING TO DEFINITIONS CONCERNING THE REGULATION OF TELEPHONE SERVICE, SO AS TO REVISE THE DEFINITIONS OF “BASIC LOCAL EXCHANGE TELEPHONE SERVICE” AND “CARRIER OF LAST RESORT”; TO AMEND SECTION 58-9-280, AS AMENDED, RELATING TO THE UNIVERSAL SERVICE FUND FOR CARRIERS OF LAST RESORT, SO AS TO PROVIDE FOR THE TRANSITION OF THE INTERIM LOCAL EXCHANGE CARRIER FUND INTO THE UNIVERSAL SERVICE FUND, TO LIMIT THE SIZE OF THE UNIVERSAL SERVICE FUND, AND TO REQUIRE VOICE OVER INTERNET PROTOCOL PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND PREPAID WIRELESS SERVICE PROVIDERS TO CONTRIBUTE TO THE UNIVERSAL SERVICE FUND; TO AMEND SECTION 58-9-576, AS AMENDED, RELATING TO CERTAIN STAND-ALONE BASIC RESIDENTIAL LINE RATES, SO AS TO PROVIDE FOR THE TERMINATION OF THE RATES FIVE YEARS AFTER THEY BECOME EFFECTIVE; TO AMEND SECTION 58-9-2510, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE, SO AS TO REVISE THESE DEFINITIONS AND PROVIDE ADDITIONAL NECESSARY DEFINITIONS; TO AMEND SECTION 58-9-2530, AS AMENDED, RELATING TO THE OPERATING FUND FOR A SYSTEM OF DUAL PARTY RELAY DEVICES AND RELATED TELECOMMUNICATIONS DEVICES, SO AS TO IMPOSE CERTAIN UNIFORM-RELATED SURCHARGES ON LOCAL EXCHANGE PROVIDERS; AND TO REPEAL SECTION 58-9-2540 RELATING TO AN ADVISORY COMMITTEE CONCERNING STATEWIDE TELECOMMUNICATIONS RELAY ACCESS SERVICE.

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

S. 278 -- Senators Hutto, Johnson, Lourie and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-29-185 SO AS TO ENACT THE “CERVICAL CANCER PREVENTION ACT”, TO PROVIDE THAT BEGINNING WITH THE 2015-2016 SCHOOL YEAR, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY OFFER THE CERVICAL CANCER VACCINATION SERIES TO ADOLESCENT STUDENTS ENROLLING IN THE SEVENTH GRADE OF ANY

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PUBLIC OR PRIVATE SCHOOL IN THIS STATE, TO PROVIDE THAT NO STUDENT IS REQUIRED TO HAVE THE VACCINE BEFORE ENROLLING IN OR ATTENDING SCHOOL, TO PROVIDE THAT THE DEPARTMENT MAY DEVELOP AN INFORMATIONAL BROCHURE RELATED TO OFFERING THIS VACCINATION WITH SPECIFIC CONTENT REQUIREMENTS, TO DEFINE "CERVICAL CANCER VACCINATION SERIES", AND TO PROVIDE THAT IMPLEMENTATION OF THIS ACT IS CONTINGENT UPON RECEIPT OF FULL FUNDING BY STATE AND FEDERAL FUNDS.

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

S. 276 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-59-135 SO AS TO REQUIRE APPLICANTS APPLYING TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION FOR LICENSURE AS A RESIDENTIAL BUILDER OR REGISTRATION AS A RESIDENTIAL SPECIALTY CONTRACTOR TO DISCLOSE AND DESCRIBE ANY CRIMINAL CONVICTIONS, EXCEPT FOR MINOR TRAFFIC VIOLATIONS, ON HIS APPLICATION, TO PROVIDE THE COMMISSION SHALL REQUIRE AN APPLICANT FOR INITIAL LICENSURE TO SUBMIT TO A FINGERPRINT-BASED CRIMINAL BACKGROUND CHECK IN THIS STATE AND IN ANY STATE WHERE HE DISCLOSES HAVING A CONVICTION, TO PROVIDE SIMILAR REQUIREMENTS FOR APPLICANTS SEEKING RENEWALS, TO IMPOSE RELATED ADMINISTRATIVE REQUIREMENTS ON THE COMMISSION, TO PROVIDE PENALTIES FOR VIOLATIONS, AND TO PROVIDE AN ADDITIONAL PENALTY FOR FAILING TO DISCLOSE CONVICTIONS REQUIRING REGISTRATION AS A SEX OFFENDER.

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

S. 458 -- Senator Alexander: A BILL TO AMEND SECTION 6-9-55(C) OF THE 1976 CODE, RELATING TO THE ENFORCEMENT DATE OF SECTION 501.3 OF THE 2012 INTERNATIONAL RESIDENTIAL CODE, TO PROVIDE THAT THE ENFORCEMENT DATE IS CHANGED TO JULY 1, 2016, FROM JULY 1, 2015.

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

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

Senator CROMER explained the Bill.

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

S. 441 -- Senators Hayes and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 30 TO TITLE 37 SO AS TO ENACT THE "GUARANTEED ASSET PROTECTION ACT", TO PROVIDE A FRAMEWORK WITHIN WHICH GUARANTEED ASSET PROTECTION WAIVERS ARE DEFINED AND MAY BE OFFERED WITHIN THIS STATE, TO PROVIDE REQUIREMENTS FOR OFFERING GUARANTEED ASSET PROTECTION WAIVERS, TO PROVIDE THE DISCLOSURES REQUIRED, TO PROVIDE FOR CANCELLATION OF GUARANTEED ASSET PROTECTION WAIVERS, AND TO PROVIDE FOR ENFORCEMENT OF THIS CHAPTER.

Senator CROMER explained the Bill.

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

S. 593 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE PUBLIC SERVICE COMMISSION, RELATING TO COMMISSIONERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4454, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was carried over.

**COMMITTEE AMENDMENT ADOPTED, AMENDED
CARRIED OVER**

S. 512 -- Senators Sheheen, McElveen, Lourie and L. Martin: A BILL TO AMEND SECTION 6-13-90 OF THE 1976 CODE, RELATING TO WILFUL DAMAGE TO A WATER SYSTEM, TO PROVIDE

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DIFFERENT PENALTIES FOR VIOLATIONS OF THE SECTION BASED UPON THE AMOUNT OF PROPERTY DAMAGE; AND TO PROVIDE THAT ALL OFFENSES OF THIS NATURE SHALL BE SUBJECT TO THIS PENALTY.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0512.002), which was adopted:

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

/ SECTION 1. Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

“Section 16-11-745. (A) It shall be unlawful for any person to wilfully and maliciously injure, destroy, damage, tamper with, obstruct, or impair a public water system as defined by Section 44-55-20(13) or a public sewer system of the state or a political subdivision of the state, or any part thereof, or any machinery, apparatus, or equipment of the water system, or to pollute the water in any part of its system, or to obtain water therefrom except in accordance with the regulations promulgated by the appropriate agency of the state or political subdivision.

(B) A person who violates this section, upon conviction, shall be liable to pay all damages suffered by the water system, and is guilty of a:

(1) misdemeanor and must be fined in the discretion of the court or imprisoned not more than ten years, or both, if the injury to the property or the property loss is worth ten thousand dollars or more;

(2) misdemeanor and must be fined in the discretion of the court or imprisoned not more than five years, or both, if the injury to the property or the property loss is worth more than two thousand dollars but less than ten thousand dollars;

(3) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, if the injury to the property or the property loss is worth two thousand dollars or less and must be fined not more than one thousand dollars, or imprisoned not more than thirty days, or both.”

SECTION 2. Section 5-31-20 of the 1976 code is deleted.

SECTION 3. Section 6-13-90 of the 1976 code is deleted.

SECTION 4. Notwithstanding any other provision of law, the penalties contained in this act shall be imposed in all cases where a person wilfully injures or destroys, or in any manner hurts, damages,

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tampers with, obstructs, or impairs a water system of any political subdivision of the state, or any part thereof, or any machinery, apparatus, or equipment of the district, or pollutes the water in any part of its system, or obtains water therefrom except in accordance with the regulations promulgated by the district. Any provision of law to the contrary regarding a penalty for a violation of this nature is superseded by the provisions of this act.

SECTION 5. This act takes effect upon approval by the Governor.

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Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator MALLOY proposed the following amendment (JUD0512.003), which was adopted:

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

/ SECTION 1. Article 7, Chapter 11 of Title 16 of the 1976 Code is amended by adding:

“Section 16-11-745. (A) It shall be unlawful for any person to wilfully and maliciously injure, destroy, damage, tamper with, obstruct, or impair a public water system as defined by Section 44-55-20(13) or a public sewer system of the state or a political subdivision of the state, or any part thereof, or any machinery, apparatus, or equipment of the water system, or to pollute the water in any part of its system, or to obtain water therefrom except in accordance with the regulations promulgated by the appropriate agency of the state or political subdivision.

(B) A person who violates this section, upon conviction, shall be liable to pay all damages suffered by the water system, and is guilty of a misdemeanor and must be fined not more than five hundred dollars or imprisoned for not more than one year, or both.”

SECTION 2. Section 5-31-20 of the 1976 code is deleted.

SECTION 3. Section 6-13-90 of the 1976 code is deleted.

SECTION 4. Notwithstanding any other provision of law, the penalties contained in this act shall be imposed in all cases where a person wilfully injures or destroys, or in any manner hurts, damages, tampers with, obstructs, or impairs a water system of any political subdivision of the state, or any part thereof, or any machinery, apparatus, or equipment of the district, or pollutes the water in any part of its system,

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or obtains water therefrom except in accordance with the regulations promulgated by the district. Any provision of law to the contrary regarding a penalty for a violation of this nature is superseded by the provisions of this act.

SECTION 5. This act takes effect upon approval by the Governor.

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Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

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

POINT OF ORDER

S. 261 -- Senator Thurmond: A BILL TO AMEND SECTION 59-111-320 OF THE 1976 CODE, RELATING TO PERSONS AGE SIXTY AND OVER ATTENDING CLASSES AT STATE-SUPPORTED COLLEGES, UNIVERSITIES, AND TECHNICAL SCHOOLS WITHOUT PAYMENT OF TUITION, TO DELETE THE PROVISION THAT THESE PERSONS RECEIVING COMPENSATION AS FULL-TIME EMPLOYEES MUST PAY TUITION.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

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

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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 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.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3464 -- Reps. R.L. Brown, Whipper and G.A. Brown: A BILL TO AMEND SECTION 40-7-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BARBERS AND BARBERING, SO AS TO DELETE AND REPLACE THE CURRENT LANGUAGE WITH LICENSING REQUIREMENTS FOR BARBER SCHOOLS AND BARBER SCHOOL INSTRUCTORS.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 604 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF OCCUPATIONAL SAFETY AND HEALTH, RELATING TO RECORDKEEPING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4558, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 605 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO REAL ESTATE COMMISSION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4535, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 606 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4537, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

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The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 607 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO APPLICATION FEE FOR A PROFESSIONAL GEOLOGIST, DESIGNATED AS REGULATION DOCUMENT NUMBER 4556, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 608 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF REGISTRATION FOR GEOLOGISTS, RELATING TO SEALS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4557, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 609 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - SOIL CLASSIFIER ADVISORY COUNCIL, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4519,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 610 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - RESIDENTIAL BUILDERS COMMISSION, RELATING TO INITIAL FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4518, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 611 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - REAL ESTATE COMMISSION, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4517, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 612 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION -

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REAL ESTATE APPRAISERS BOARD, RELATING TO ANNUAL FEE SCHEDULE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4516, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 613 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4514, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 614 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF PHYSICAL THERAPY EXAMINERS, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4512, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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POINT OF ORDER

S. 615 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF FUNERAL SERVICE, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4505, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 616 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF REGISTRATION FOR GEOLOGISTS, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4506, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 617 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - ENVIRONMENTAL CERTIFICATION BOARD, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4504, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

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The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 618 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - MANUFACTURED HOUSING BOARD, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4508, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 619 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4503, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 620 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL, RELATING TO BUILDING CODES COUNCIL, DESIGNATED AS REGULATION DOCUMENT

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NUMBER 4501, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 621 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - STATE ATHLETIC COMMISSION, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4500, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 622 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF ARCHITECTURAL EXAMINERS, RELATING TO APPLICATIONS AND FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4499, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 623 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE,

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RELATING TO OFFERS OF WORK, DESIGNATED AS REGULATION DOCUMENT NUMBER 4474, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

OBJECTION

S. 255 -- Senator Thurmond: A BILL TO AMEND SECTION 17-1-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESTRUCTION OF ARREST AND BOOKING RECORDS, SO AS TO PROVIDE THAT A PERSON OR ENTITY WHO PUBLISHES ON THE PERSON OR ENTITY'S WEBSITE THE ARREST AND BOOKING RECORDS OF A PERSON WHOSE CHARGES HAVE BEEN DISCHARGED OR DISMISSED, OR OF A PERSON WHO IS FOUND NOT GUILTY OF A CHARGE, SHALL, WITHOUT FEE OR COMPENSATION, REMOVE THE ARREST AND BOOKING RECORDS WITHIN THIRTY DAYS OF A WRITTEN REQUEST, AND TO PROVIDE THE PENALTIES FOR A PERSON OR ENTITY WHO FAILS TO REMOVE THE ARREST AND BOOKING RECORDS.

Senator MASSEY explained the Bill.

Senator JACKSON objected to further consideration of the Bill.

AMENDED, OBJECTION

H. 3877 -- Reps. Delleney, D.C. Moss and Douglas: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF TWO OR FEWER DAYS THAT SCHOOLS IN CHESTER COUNTY CLOSED IN FEBRUARY 2015 DUE TO INCLEMENT WEATHER FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

The Senate proceeded to consideration of the Bill.

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Senator HAYES proposed the following amendment (AGM\3877C002.AGM.AB15), which was adopted:

Amend the joint resolution, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. (A) Notwithstanding the provisions of Section 59-1-425, the governing body of a school district may waive the requirement that schools make up full days missed due to snow, extreme weather conditions, or other disruptions requiring schools to close for:

(1) three or fewer full school days that students who attend schools or charter schools in the district missed during the 2014-2015 school year due to snow or other extreme weather;

(2) three or fewer days for students who attend a school or charter school in the district missed during the 2014-2015 school year due to building disruptions including, but not limited to, those caused by the malfunction of plumbing, electrical, HVAC, or other related building systems of the school; or

(3) any combination of items (1) and (2), collectively not to exceed three days.

(B) A district may not exercise a waiver for a school in the district pursuant to subsection (A) until it has exhausted all statutorily required make-up days for that school remaining on the 2014-2015 school calendar.

(C) When a district waives a make-up day pursuant to this section, the make-up day also is waived for any student participating in a home schooling program approved by the board of trustees of the district in which the student resides.

SECTION 2. This joint resolution takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator HUTTO spoke on the amendment.

Senator MASSEY objected to further consideration of the Bill.

ADOPTED

S. 537 -- Senator L. Martin: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN

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ASSOCIATION TO USE THE SENATE CHAMBER AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING ON THURSDAY, NOVEMBER 19, 2015, AND FRIDAY, NOVEMBER 20, 2015, TO CONDUCT THE YOUTH IN GOVERNMENT PROGRAM.

On motion of Senator LARRY MARTIN, the Resolution was adopted.

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

Motion Adopted

On motion of Senator LEATHERMAN, the Senate agreed that when the Senate stands adjourned on Wednesday, April 1, that it will adjourn to meet Thursday, April 2, subject to the times and limitations set forth in Rule 1B, and Monday, April 6, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up; and, further, that when the Senate stands adjourned on Monday, April 6, the Senate would stand adjourned subject to the times and limitations set forth under the provisions of Rule 1B to meet on Tuesday, April 7, Wednesday, April 8, and Thursday, April 9, and Friday, April 10 under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up. The Senate would meet again in regular statewide session Tuesday, April 14, at 12:00 Noon.

MOTION ADOPTED

At 2:00 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

Motion Adopted

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

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HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.

Message from the House

Columbia, S.C., March 31, 2015

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

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 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.

Very respectfully,

Speaker of the House

Received as information.

**S. 196 REPORT OF THE
COMMITTEE OF CONFERENCE ADOPTED**

S. 196 -- Senators Hutto, L. Martin, Bryant, Campsen, S. Martin and Lourie: A BILL TO AMEND SECTION 14-7-1610, AS AMENDED,

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CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE GRAND JURY SYSTEM AND LEGISLATIVE FINDINGS AND APPLICABILITY, SO AS TO INCLUDE CRIMES 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.

On motion of Senator HUTTO, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HUTTO spoke on the report.

The question then was adoption of the Report of Committee of Conference.

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

Ayes 37; Nays 0

AYES

| | | |
|----------------------|----------------------|---------|
| Alexander | Allen | Bennett |
| Bright | Campbell | Cleary |
| Coleman | Corbin | Courson |
| Cromer | Davis | Fair |
| Gregory | Grooms | Hayes |
| Hembree | Hutto | Johnson |
| Kimpson | Leatherman | Malloy |
| <i>Martin, Larry</i> | <i>Martin, Shane</i> | Massey |

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| | | |
|----------|-----------|----------|
| McElveen | Nicholson | O'Dell |
| Peeler | Sabb | Scott |
| Setzler | Shealy | Sheheen |
| Turner | Verdin | Williams |
| Young | | |

Total--37

NAYS

Total--0

The Committee of Conference Committee was adopted as follows:

S. 196--Conference Report

The General Assembly, Columbia, S.C., March 25, 2015

The COMMITTEE OF CONFERENCE, to whom was referred:

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 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.

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Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 14-7-1610(A) and (H) of the 1976 Code, as last amended by Act 82 of 2007, is further amended to read:

“(A) It is the intent of the General Assembly to enhance the grand jury system and to improve the ability of the State to detect and eliminate criminal activity. The General Assembly recognizes the great importance of having the federal authorities available for certain investigations. The General Assembly finds that crimes involving narcotics, dangerous drugs, or controlled substances, trafficking in persons, as well as crimes involving obscenity, often transpire or have significance in more than one county of this State. When this occurs, these crimes are most effectively detected and investigated by a grand jury system with the authority to cross county lines.

(H) Accordingly, the General Assembly concludes that a state grand jury should be allowed to investigate certain crimes related to narcotics, dangerous drugs or controlled substances, criminal gang activity, trafficking in persons, and obscenity and also should be allowed to investigate crimes involving public corruption, election laws, and environmental offenses.”

SECTION 2. Section 14-7-1630(A) of the 1976 Code, as last amended by Act 280 of 2008, is further amended to read:

“(A) The jurisdiction of a state grand jury impaneled pursuant to ~~the provisions of~~ this article extends throughout the State. The subject matter jurisdiction of a state grand jury in all cases is limited to the following offenses:

(1) a crime involving narcotics, dangerous drugs, or controlled substances, or a crime arising out of or in connection with a crime involving narcotics, dangerous drugs, or controlled substances, including, but not limited to, money laundering as specified in Section 44-53-475, obstruction of justice, perjury or subornation of perjury, or any attempt, aiding, abetting, solicitation, or conspiracy to commit one of the aforementioned crimes, if the crime is of a multi-county nature or has transpired or is transpiring or has significance in more than one county of this State;

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(2) a crime involving criminal gang activity or a pattern of criminal gang activity pursuant to ~~the provisions of Article 3, of Chapter 8, Title 16;~~

(3) a crime, statutory, common law or other, involving public corruption as defined in Section 14-7-1615, a crime, statutory, common law or other, arising out of or in connection with a crime involving public corruption as defined in Section 14-7-1615, and any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime, statutory, common law or other, involving public corruption as defined in Section 14-7-1615;

(4) a crime involving the election laws, including, but not limited to, those named offenses as specified in Title 7, or a common law crime involving the election laws if not superseded, or a crime arising out of or in connection with the election laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime involving the election laws;

(5) a crime involving computer crimes, pursuant to Chapter 16, Title 16, or a conspiracy or solicitation to commit a crime involving computer crimes;

(6) a crime involving terrorism, or a conspiracy or solicitation to commit a crime involving terrorism. Terrorism includes an activity that:

(a) involves an act dangerous to human life that is a violation of the criminal laws of this State;

(b) appears to be intended to:

(i) intimidate or coerce a civilian population;

(ii) influence the policy of a government by intimidation or coercion; or

(iii) affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(c) occurs primarily within the territorial jurisdiction of this State;

(7) a crime involving a violation of Chapter 1, Title 35 of the Uniform Securities Act, or a crime related to securities fraud or a violation of the securities laws;

(8) a crime involving obscenity, including, but not limited to, a crime as provided in Article 3, Chapter 15, Title 16, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a crime involving obscenity;

(9) a crime involving the knowing and wilful making of, aiding and abetting in the making of, or soliciting or conspiring to make a false, fictitious, or fraudulent statement or representation in an affidavit

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regarding an alien's lawful presence in the United States, as defined by law, if the number of violations exceeds twenty or if the public benefit received by a person from a violation or combination of violations exceeds twenty thousand dollars;

(10) a crime involving financial identity fraud or identity fraud involving the false, fictitious, or fraudulent creation or use of documents used in an immigration matter as defined in Section 16-13-525, if the number of violations exceeds twenty, or if the value of the ascertainable loss of money or property suffered by a person or persons from a violation or combination of violations exceeds twenty thousand dollars;

(11) a crime involving the knowing and wilful making of, aiding or abetting in the making of, or soliciting or conspiring to make a false, fictitious, or fraudulent statement or representation in a document prepared or executed as part of the provision of immigration assistance services in an immigration matter, as defined by law, if the number of violations exceeds twenty, or if a benefit received by a person from a violation or combination of violations exceeds twenty thousand dollars;
~~and~~

(12) a knowing and wilful crime involving actual and substantial harm to the water, ambient air, soil or land, or both soil and land. This crime includes a knowing and wilful violation of the Pollution Control Act, the Atomic Energy and Radiation Control Act, the State Underground Petroleum Environmental Response Bank Act, the State Safe Drinking Water Act, the Hazardous Waste Management Act, the Infectious Waste Management Act, the Solid Waste Policy and Management Act, the Erosion and Sediment Control Act, the South Carolina Mining Act, and the Coastal Zone Management Act, or a knowing and wilful crime arising out of or in connection with environmental laws, or any attempt, aiding, abetting, solicitation, or conspiracy to commit a knowing and wilful crime involving the environment if the anticipated actual damages, including, but not limited to, the cost of remediation, ~~are~~ is two million dollars or more, as certified by an independent environmental engineer who must be contracted by the Department of Health and Environmental Control. If the knowing and wilful crime is a violation of federal law, ~~then~~ a conviction or an acquittal pursuant to federal law for the same act is a bar to the impaneling of a state grand jury pursuant to this section; and

(13) a crime involving or relating to the offense of trafficking in persons, as defined in Section 16-3-2020, when a victim is trafficked in

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more than one county or a trafficker commits the offense of trafficking in persons in more than one county.”

SECTION 3. Section 16-3-2010(7) of the 1976 Code, as added by Act 258 of 2012, is amended to read:

“(7) ‘Sex trafficking’ means the recruitment, harboring, transportation, provision, or obtaining of a person for one of the following when it is induced by force, fraud, or coercion or the person ~~forced to perform~~ performing the act is under the age of eighteen years and anything of value is given, promised to, or received, directly or indirectly, by another person:

- (a) criminal sexual conduct pursuant to Section 16-3-651;
- (b) criminal sexual conduct in the first degree pursuant to Section 16-3-652;
- (c) criminal sexual conduct in the second degree pursuant to Section 16-3-653;
- (d) criminal sexual conduct in the third degree pursuant to Section 16-3-654;
- (e) criminal sexual conduct with a minor pursuant to Section 16-3-655;
- (f) engaging a child for sexual performance pursuant to Section 16-3-810;
- ~~(g) performance pursuant to Section 16-3-800;~~
- ~~(h)(g)~~ producing, directing, or promoting sexual performance by a child pursuant to Section 16-3-820;
- ~~(h)(h)~~ sexual battery pursuant to Section 16-3-651;
- ~~(i)(i)~~ sexual conduct pursuant to Section 16-3-800; or
- ~~(k)(j)~~ sexual performance pursuant to Section 16-3-800.”

SECTION 4. Article 19, Chapter 3, Title 16 of the 1976 Code is amended by adding:

“Section 16-3-2100. (A) The following establishments are required to post the information contained in subsection (B) regarding the National Human Trafficking Resource Center Hotline:

- (1) an establishment which has been declared a nuisance for prostitution pursuant to Chapter 43, Title 15;
- (2) an adult business, including a nightclub, bar, restaurant, or another similar establishment in which a person appears in a state of sexually explicit nudity, as defined in Section 16-15-375, or seminudity, as defined in Section 57-25-120;
- (3) businesses and establishments that offer massage or bodywork services by any person who is not licensed under Chapter 30, Title 40;

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- (4) emergency rooms within any hospital;
- (5) urgent care centers;
- (6) any hotel, motel, room, or accommodation furnished to transients for which fees are charged in this State;
- (7) all agricultural labor contractors and agricultural labor transporters as defined pursuant to Section 41-27-120; and
- (8) all airports, train stations, bus stations, rest areas, and truck stops.

(B) The information must be posted in each public restroom for the business or establishment and a prominent location conspicuous to the public at the entrance of the establishment where posters and notices are customarily posted on a poster no smaller than eight and one-half by eleven inches in size and must state in both English and Spanish on the same poster information relevant to the hotline, including the following or language substantially similar:

‘If you or someone you know is being forced to engage in any activity and cannot leave, whether it is commercial sex, housework, farm work, or any other activity, call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services. Victims of human trafficking are protected under federal law and the laws of South Carolina. The hotline is:

- (1) available twenty-four hours a day, seven days a week;
- (2) operated by a nonprofit, nongovernmental organization;
- (3) anonymous and confidential;
- (4) accessible in one hundred seventy languages;
- (5) able to provide help, referral to services, training, and general information.’

(C) The Department of Revenue, the State Law Enforcement Division, and the Department of Transportation, as appropriate depending on the regulatory control or authority the respective department exercises over the establishment, are directed to provide each establishment with the notice required to be posted by this section. The departments shall post on the departments’ websites a sample of the notice required to be posted which must be accessible for download. The business must download and post the notice in not less than sixteen point font.

(D) The Department of Revenue, the State Law Enforcement Division, or the Department of Transportation, as appropriate, is authorized to issue a written warning to an establishment which fails to post the required notice provided in this section and may assess a fine of

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not more than fifty dollars for each subsequent violation. Each day that the establishment remains in violation of this section is considered a separate and distinct violation and the establishment may be fined accordingly.

(E) The South Carolina Human Trafficking Task Force, Department of Revenue, and Department of Transportation are directed to collaborate on the design of the required notice to be posted and may partner to develop materials, and shall have the design finalized no later than one-hundred twenty days after the effective date of this section. Establishments required to post the notice must be in compliance no later than six months after the effective date of this action.

(F) This section does not apply to establishments providing entertainment in theatres, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances when the performances presented are expressing matters of serious literary, artistic, scientific, or political value.”

SECTION 5. Section 16-3-2050(B) and (C) of the 1976 Code, as added by Act 258 of 2012, is amended to read:

“(B) The task force shall consist of, at a minimum, representatives from:

- (1) the Office of the Attorney General, who must be chair;
- (2) the South Carolina Labor, Licensing and Regulation;
- (3) the South Carolina Police Chiefs Association;
- (4) the South Carolina Sheriffs’ Association;
- (5) the State Law Enforcement Division;
- (6) the Department of Health and Environmental Control Board;
- (7) ~~the United States Department of Labor;~~
- (8) the State Office of Victim Assistance;
- ~~(9)~~(8) the South Carolina Commission on Prosecution Coordination;
- ~~(10)~~(9) the Department of Social Services;
- ~~(11)~~(10) a representative from the Office of the Governor;
- ~~(12)~~(11) a representative from the Department of Employment and Workforce; and

~~(13)~~(12) two persons appointed by the Attorney General from nongovernmental organizations, especially those specializing in trafficking in persons, those representing diverse communities disproportionately affected by trafficking, agencies devoted to child services and runaway services, and academic researchers dedicated to the subject of trafficking in persons.

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(C) The Attorney General shall invite representatives of the United States Department of Labor, the United States Attorneys' offices, and of federal law enforcement agencies' offices within the State, including the Federal Bureau of Investigations and the United States Immigration and Customs Enforcement office, to be members of the task force."

SECTION 6.A. Section 8-30-10(A) of the 1976 Code, as added by Act 280 of 2008, is amended to read:

"(A)The executive director of the State Commission for Minority Affairs, or a designee, shall establish and maintain a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant. Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83 of Title 40 of this code relating to immigration assistance services, or any regulations enacted governing the operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section ~~16-3-930~~ 16-3-2020, landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services."

B. Section 16-1-60 of the 1976 Code, as last amended by Act 255 of 2012, is further amended to read:

"Section 16-1-60. For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16-3-10); attempted murder (Section 16-3-29); assault and battery by mob, first degree, resulting in death (Section 16-3-210(B)), criminal sexual conduct in the first and second degree (Sections 16-3-652 and 16-3-653); criminal sexual conduct with minors, first, second, and third degree (Section 16-3-655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16-3-656); assault and battery with intent to kill (Section 16-3-620); assault and battery of a high and aggravated nature (Section 16-3-600(B)); kidnapping (Section 16-3-910); trafficking in persons (Section ~~16-3-930~~ 16-3-2020); voluntary manslaughter (Section 16-3-50); armed robbery (Section 16-11-330(A)); attempted armed robbery (Section 16-11-330(B)); carjacking (Section 16-3-1075); drug trafficking as defined in Section

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44-53-370(e) or trafficking cocaine base as defined in Section 44-53-375(C); manufacturing or trafficking methamphetamine as defined in Section 44-53-375; arson in the first degree (Section 16-11-110(A)); arson in the second degree (Section 16-11-110(B)); burglary in the first degree (Section 16-11-311); burglary in the second degree (Section 16-11-312(B)); engaging a child for a sexual performance (Section 16-3-810); homicide by child abuse (Section 16-3-85(A)(1)); aiding and abetting homicide by child abuse (Section 16-3-85(A)(2)); inflicting great bodily injury upon a child (Section 16-3-95(A)); allowing great bodily injury to be inflicted upon a child (Section 16-3-95(B)); criminal domestic violence of a high and aggravated nature (Section 16-25-65); abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43-35-85(E)); taking of a hostage by an inmate (Section 24-13-450); detonating a destructive device upon the capitol grounds resulting in death with malice (Section 10-11-325(B)(1)); spousal sexual battery (Section 16-3-615); producing, directing, or promoting sexual performance by a child (Section 16-3-820); sexual exploitation of a minor first degree (Section 16-15-395); sexual exploitation of a minor second degree (Section 16-15-405); promoting prostitution of a minor (Section 16-15-415); participating in prostitution of a minor (Section 16-15-425); aggravated voyeurism (Section 16-17-470(C)); detonating a destructive device resulting in death with malice (Section 16-23-720(A)(1)); detonating a destructive device resulting in death without malice (Section 16-23-720(A)(2)); boating under the influence resulting in death (Section 50-21-113(A)(2)); vessel operator's failure to render assistance resulting in death (Section 50-21-130(A)(3)); damaging an airport facility or removing equipment resulting in death (Section 55-1-30(3)); failure to stop when signaled by a law enforcement vehicle resulting in death (Section 56-5-750(C)(2)); interference with traffic-control devices, railroad signs, or signals resulting in death (Section 56-5-1030(B)(3)); hit and run resulting in death (Section 56-5-1210(A)(3)); felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death (Section 56-5-2945(A)(2)); putting destructive or injurious materials on a highway resulting in death (Section 57-7-20(D)); obstruction of a railroad resulting in death (Section 58-17-4090); accessory before the fact to commit any of the above offenses (Section 16-1-40); and attempt to commit any of the above offenses (Section 16-1-80). Only those

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offenses specifically enumerated in this section are considered violent offenses.”

C. Section 17-25-45(C)(1) of the 1976 Code is amended to read:

“(1) ‘Most serious offense’ means:

- 16-1-40 Accessory, for any offense enumerated in this item
- 16-1-80 Attempt, for any offense enumerated in this item
- 16-3-10 Murder
- 16-3-29 Attempted Murder
- 16-3-50 Voluntary manslaughter
- 16-3-85(A)(1) Homicide by child abuse
- 16-3-85(A)(2) Aiding and abetting homicide by child abuse
- 16-3-210 Lynching, First degree
- 16-3-210(B) Assault and battery by mob, First degree
- 16-3-620 Assault and battery with intent to kill
- 16-3-652 Criminal sexual conduct, First degree
- 16-3-653 Criminal sexual conduct, Second degree
- 16-3-655 Criminal sexual conduct with minors, except where evidence presented at the criminal proceeding and the court, after the conviction, makes a specific finding on the record that the conviction obtained for this offense resulted from consensual sexual conduct where the victim was younger than the actor, as contained in Section 16-3-655(3)
- 16-3-656 Assault with intent to commit criminal sexual conduct, First and Second degree
- 16-3-910 Kidnapping
- 16-3-920 Conspiracy to commit kidnapping
- ~~16-3-930~~ ~~Trafficking in persons~~
- 16-3-1075 Carjacking
- 16-3-2020 Trafficking in persons
- 16-11-110(A) Arson, First degree
- 16-11-311 Burglary, First degree
- 16-11-330(A) Armed robbery
- 16-11-330(B) Attempted armed robbery
- 16-11-540 Damaging or destroying building, vehicle, or other property by means of explosive incendiary, death results
- 24-13-450 Taking of a hostage by an inmate
- 25-7-30 Giving information respecting national or state defense to foreign contacts during war

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25-7-40 Gathering information for an enemy

43-35-85(F) Abuse or neglect of a vulnerable adult resulting
in death

55-1-30(3) Unlawful removing or damaging of airport
facility or equipment when death results

56-5-1030(B)(3) Interference with traffic-control devices or
railroad signs or signals prohibited when death results from violation

58-17-4090 Obstruction of railroad, death results.”

D. Section 23-3-430(C)(17) of the 1976 Code, as last amended by Act
289 of 2010, is further amended to read:

“(17) trafficking in persons (Section ~~16-3-930~~ 16-3-2020) except
when the court makes a finding on the record that the offense did not
include a criminal sexual offense or an attempted criminal sexual
offense;”

E. Section 23-3-490(D)(1)(h) of the 1976 Code, as last amended by
Act 289 of 2010, is further amended to read:

“(h) trafficking in persons (Section ~~16-3-930~~ 16-3-2020) except
when the court makes a finding on the record that the offense did not
include a criminal sexual offense or an attempted criminal sexual
offense.”

F. Section 23-3-540(G)(1)(i) of the 1976 Code, as last amended by Act
255 of 2012, is further amended to read:

“(i) trafficking in persons (Section ~~16-3-930~~ 16-3-2020) of a
person under eighteen years of age except when the court makes a
finding on the record that the offense did not include a criminal sexual
offense or an attempted criminal sexual offense; or”

G. Section 44-53-370(f)(2) of the 1976 Code, as last amended by Act
289 of 2010, is further amended to read:

“(2) trafficking in persons, Section ~~16-3-930~~ 16-3-2020.”

SECTION 7. The repeal or amendment by this act of any law,
whether temporary or permanent or civil or criminal, does not affect
pending actions, rights, duties, or liabilities founded thereon, or alter,
discharge, release or extinguish any penalty, forfeiture, or liability
incurred under the repealed or amended law, unless the repealed or
amended provision shall so expressly provide. After the effective date
of this act, all laws repealed or amended by this act must be taken and
treated as remaining in full force and effect for the purpose of sustaining
any pending or vested right, civil action, special proceeding, criminal
prosecution, or appeal existing as of the effective date of this act, and for

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the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 8. This act takes effect upon approval by the Governor./
Amend title to conform.

/s/Sen. C. Bradley Hutto
/s/Sen. Shane R. Martin
/s/Sen. Paul Thurmond
On Part of the Senate.

/s/Rep. J. David Weeks
/s/Rep. Edward R. Tallon, Sr.
/s/Rep. Ralph S. Kennedy, Jr.
On Part of the House.

, and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS
AND RESOLUTIONS RETURNED FROM THE HOUSE.**

CONCURRENCE

S. 382 -- Senators Matthews, Hutto, Williams, Courson, Hayes, Nicholson, Malloy, Pinckney, Setzler and Jackson: A JOINT RESOLUTION TO AUTHORIZE THE AGENCY HEAD OF SOUTH CAROLINA STATE UNIVERSITY TO INSTITUTE A MANDATORY FURLOUGH PROGRAM OF UP TO SEVEN DAYS IN FISCAL YEAR 2014-2015, AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE FURLOUGH PROGRAM.

Senator COURSON asked unanimous consent to make a motion to proceed to a consideration of the Joint Resolution.

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

Senator COURSON explained the amendments.

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

Ayes 38; Nays 0

AYES

| | | |
|-----------|----------|---------|
| Alexander | Allen | Bennett |
| Bright | Campbell | Cleary |
| Coleman | Corbin | Courson |
| Cromer | Davis | Fair |
| Gregory | Grooms | Hayes |

[SJ]

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| | | |
|----------|----------------------|----------------------|
| Hembree | Hutto | Jackson |
| Johnson | Kimpson | Leatherman |
| Malloy | <i>Martin, Larry</i> | <i>Martin, Shane</i> |
| McElveen | Nicholson | O'Dell |
| Peeler | Pinckney | Reese |
| Sabb | Scott | Setzler |
| Shealy | Turner | Verdin |
| Williams | Young | |

Total--38

NAYS

Total--0

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

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

DEBATE INTERRUPTED

S. 229 -- Senators Campbell and Turner: A BILL TO AMEND SECTION 48-1-90 OF THE 1976 CODE, RELATING TO REMEDIES FOR CAUSING OR PERMITTING POLLUTION OF THE ENVIRONMENT, TO CLARIFY THAT PERSONS WHO MAY FILE A PETITION WITH THE DEPARTMENT DOES NOT INCLUDE A DEPARTMENT, AGENCY, COMMISSION, DEPARTMENT, OR POLITICAL SUBDIVISION OF THE STATE, AND TO PROVIDE FOR DEPARTMENT DECISIONS THAT ARE NOT SUBJECT TO JUDICIAL REVIEW IN A CIVIL PROCEEDING; TO AMEND SECTION 6 OF ACT 198 OF 2012, RELATING TO THE SAVINGS CLAUSE, TO PROVIDE THAT THE SAVINGS CLAUSE OF ACT 198 APPLIES ONLY TO CASES FILED BEFORE JUNE 6, 2012, AND ANY FEDERAL PROJECT FOR WHICH A FINAL ENVIRONMENTAL IMPACT STATEMENT WAS ISSUED PRIOR TO JUNE 6, 2012, BUT NO RECORD OF DECISION WAS ISSUED PRIOR TO JUNE 6, 2012.

[SJ]

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

Amendment No. 1

Senator HUTTO proposed the following amendment (229R003.KM.CBH):

Amend the bill, as and if amended, page 3, line 13 by adding an appropriately numbered new SECTION to read:

/ SECTION __. The changes and amendments set out in this act do not apply to, restrict, or limit suits or actions brought under the South Carolina Pollution Control Act related to the Pinewood landfill near Lake Marion or for pollution, discharges, contamination or other harms related to, originating from, or caused by coal ash, coal combustion waste or residuals, hazardous waste covered by the South Carolina Hazardous Waste Management Act or the federal Resource Conservation and Recovery Act, radioactive or nuclear materials, or toxic pollutants designated by the U.S. Environmental Protection Agency in 40 C.F.R. Section 401.15. For such suits and actions, Section 6 of Act 198 of 202 remains unchanged. /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator HUTTO moved that the Senate stand adjourned.

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

Ayes 23; Nays 19

AYES

| | | |
|------------|----------|-----------|
| Alexander | Allen | Coleman |
| Courson | Gregory | Hutto |
| Jackson | Johnson | Kimpson |
| Leatherman | Lourie | Malloy |
| Matthews | McElveen | Nicholson |
| O'Dell | Pinckney | Reese |
| Sabb | Scott | Setzler |
| Sheheen | Williams | |

Total--23

[SJ]

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NAYS

| | | |
|----------------------|---------|----------------------|
| Bennett | Bright | Campbell |
| Cleary | Corbin | Cromer |
| Davis | Fair | Grooms |
| Hayes | Hembree | <i>Martin, Larry</i> |
| <i>Martin, Shane</i> | Massey | Peeler |
| Shealy | Turner | Verdin |
| Young | | |

Total--19

Debate was interrupted by adjournment.

ADJOURNMENT

At 2:25 P.M., on motion of Senator HUTTO, the Senate adjourned to meet tomorrow at 2:00 P.M.

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