

NO. 54

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

WEDNESDAY, APRIL 15, 2015

Wednesday, April 15, 2015
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

The Psalmist affirms:

“ ‘I delight to do your will, O my God; your law is within my heart’ .”
(Psalm 40:8)

Let us pray:

O Glorious Lord, we know full well that these Senators are committed to doing the very best each member can for the benefit of all South Carolinians. Yet the challenges these leaders face -- the obstacles they must confront -- are formidable in almost every instance. Consequently, we pray, dear God, that You will bless these Senators in marvelous ways and enable them and their aides to savor Your teachings and to follow Your law of love. May each individual who labors here in the Senate of South Carolina do so with a determined and hopeful heart. In Your blessed name we pray this, Lord. Amen.

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

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

Local Appointment

Reappointment, Beaufort County Master-in-Equity, with the term to commence June 6, 2015, and to expire June 6, 2021

Marvin H. Dukes, III, 791 Ribaut Rd., Beaufort, SC 29902

Doctor of the Day

Senator GROOMS introduced Dr. Marc New, North Charleston, S.C., Doctor of the Day.

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CO-SPONSORS ADDED

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

S. 002 Sen. Allen
S. 004 Sen. Allen
S. 005 Sen. Allen
S. 006 Sen. Allen
S. 007 Sen. Allen
S. 647 Sen. Allen
S. 47 Sen. Scott

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 662 -- Senators Courson and Jackson: A SENATE RESOLUTION TO RECOGNIZE AND CELEBRATE THE UNIVERSITY OF SOUTH CAROLINA WOMEN'S BASKETBALL TEAM FOR CAPTURING THE 2015 SEC REGULAR-SEASON CHAMPIONSHIP, AS WELL AS THE PROGRAM'S FIRST SEC TOURNAMENT TITLE, FOR ADVANCING TO USC'S FIRST NCAA FINAL FOUR IN SCHOOL HISTORY, AND FOR NETTING A FABULOUS POSTSEASON RANKING AS NUMBER 3 IN THE NATION.

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The Senate Resolution was adopted.

S. 663 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE COASTAL CAROLINA UNIVERSITY'S NATIONAL ACADEMIC LEADERSHIP THROUGH THEIR ENERGY EDUCATION SERIES POWERING AMERICA-AN ENERGY EDUCATION.

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The Senate Resolution was adopted.

S. 664 -- Senator Fair: A BILL TO AMEND SECTION 23-23-60, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CERTIFICATES AND OTHER APPROPRIATE INDICIA OF COMPLIANCE AND QUALIFICATION TO LAW ENFORCEMENT OFFICERS AND OTHER INDIVIDUALS BY THE LAW ENFORCEMENT TRAINING COUNCIL, SO AS TO PROVIDE THAT CANDIDATES MAY HOLD

[SJ]

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A VALID CURRENT DRIVER'S LICENSE ISSUED BY ANY JURISDICTION OF THE UNITED STATES.

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

S. 665 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY, RELATING TO SUSPENSION OF CERTIFICATION DUE TO CRIMINAL CHARGES AND/OR INDICTMENT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4524, 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. 666 -- Senator Hayes: A BILL TO AMEND SECTION 38-39-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS THAT MAY BE INCLUDED IN PREMIUM SERVICE AGREEMENTS, SO AS TO PROVIDE THESE AGREEMENTS ALSO MAY INCLUDE INTEREST ON MITIGATION LOANS AS APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE OR HIS DESIGNEE AND TO PROVIDE INTEREST CHARGES RELATED TO MITIGATION PROJECTS OR LOANS MUST BE LIMITED TO THE STATUTORY LEGAL RATE OF INTEREST; AND TO AMEND SECTION 38-39-80, RELATING TO ACTIVITIES PROHIBITED OF INSURANCE PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE INSURANCE PREMIUM SERVICE COMPANIES MAY NOT WRITE INSURANCE OR SELL OTHER SERVICES OR COMMODITIES IN CONNECTION WITH A PREMIUM SERVICE CONTRACT EXCEPT AS APPROVED BY THE DIRECTOR OR HIS DESIGNEE FOR MITIGATION PURPOSES.

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

S. 667 -- Senators Hayes, Williams and L. Martin: A BILL TO AMEND SECTION 1-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION

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AND BOUNDARIES OF THE STATE, SO AS TO CLARIFY THE BOUNDARY BETWEEN NORTH CAROLINA AND SOUTH CAROLINA ALONG Horry, DILLON, MARLBORO, CHESTERFIELD, LANCASTER, YORK, CHEROKEE AND SPARTANBURG COUNTIES AND TO PROVIDE ADDITIONAL INFORMATION ABOUT THE PLATS DESCRIBING THE LOCATION OF THE BOUNDARY BETWEEN NORTH CAROLINA AND SOUTH CAROLINA ALONG GREENVILLE, PICKENS, AND OCONEE COUNTIES; BY ADDING SECTION 12-2-110 SO AS TO PROVIDE THAT "NEW JOBS" ARE NOT CREATED IN SOUTH CAROLINA BY EMPLOYEES WHOSE WORK LOCATION IS CHANGED FROM NORTH CAROLINA TO SOUTH CAROLINA AS A RESULT OF THE BOUNDARY CLARIFICATION, NOR IS THERE ANY NEW INVESTMENT IN SOUTH CAROLINA AS A RESULT OF PROPERTY THAT CHANGES LOCATION FROM NORTH CAROLINA TO SOUTH CAROLINA AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-2-120 SO AS TO PROVIDE FOR THE MANNER AND APPLICATION OF TAX ASSESSMENTS AND REFUNDS FOR THE PERIOD PRIOR TO THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-2-130 SO AS TO PROVIDE THAT IN THE YEAR CONTAINING THE DATE OF THE BOUNDARY CLARIFICATION, THE DEPARTMENT OF REVENUE HAS THE AUTHORITY TO COMPROMISE TAXES THAT RESULT IN TAXATION IN BOTH SOUTH CAROLINA AND NORTH CAROLINA SOLELY BECAUSE OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-6-5600 SO AS TO PROVIDE FOR THE INCOME TAX TREATMENT OF INDIVIDUALS AND BUSINESSES WHOSE STATE OF RESIDENCE OR PROPERTY LOCATION CHANGES AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-21-820 SO AS TO PROVIDE FOR THE MANNER OF CIGARETTE AND TOBACCO PRODUCTS TAXATION AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-24-160 SO AS TO PROVIDE THAT IF, AS A RESULT OF THE BOUNDARY CLARIFICATION, PROPERTY IS DEEMED TO HAVE CHANGED LOCATIONS FROM NORTH CAROLINA TO SOUTH CAROLINA AND IF SOLELY AS A RESULT OF THIS CHANGE, A DEED IS FILED IN SOUTH CAROLINA, NO DEED RECORDING FEES ARE DUE ON THIS FILING AND NO COUNTY

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FILING FEES MAY BE CHARGED; BY ADDING SECTION 12-28-350 SO AS TO PROVIDE THAT A RETAILER THAT SELLS MOTOR FUEL WHOSE BUSINESS LOCATION CHANGES FROM SOUTH CAROLINA TO NORTH CAROLINA AS A RESULT OF THE BOUNDARY CLARIFICATION IS ALLOWED A REFUND OF SOUTH CAROLINA MOTOR FUEL TAXES OR USER FEES IF NORTH CAROLINA REQUIRES THAT RETAILER TO PAY THE NORTH CAROLINA MOTOR FUEL TAXES OR USER FEES ON THAT SAME FUEL; BY ADDING SECTION 12-36-2695 SO AS TO PROVIDE FOR THE MANNER IN WHICH SALES AND USE TAXES AND ADMISSIONS TAXES MUST BE COLLECTED AND PAID AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-37-140 SO AS TO PROVIDE FOR HOW CERTAIN REAL AND PERSONAL PROPERTY IS SUBJECT TO PROPERTY TAXATION, AND FOR PROCEDURAL MATTERS RELATING TO THIS TAXATION, INCLUDING APPLICATION LIEN DATES; BY ADDING SECTION 12-37-145 SO AS TO FURTHER PROVIDE FOR MOTOR VEHICLE LICENSE REGISTRATION AND MOTOR VEHICLE PERSONAL PROPERTY TAXES AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-37-150 SO AS TO PROVIDE THAT IF AS A RESULT OF THE BOUNDARY CLARIFICATION AN INDIVIDUAL IS REQUIRED TO REGISTER HIS PERSONAL MOTOR VEHICLE IN SOUTH CAROLINA AND IF THE PROPERTY TAXES ON THAT MOTOR VEHICLE WOULD HAVE BEEN LESS IN NORTH CAROLINA, THE INDIVIDUAL MAY RECEIVE A TAX REBATE FROM THE SOUTH CAROLINA COUNTY FOR THE DIFFERENCE BETWEEN THE TAX THE INDIVIDUAL WAS REQUIRED TO PAY IN SOUTH CAROLINA AND THE INDIVIDUAL WAS REQUIRED TO PAY IN NORTH CAROLINA ON THAT SAME VEHICLE; BY ADDING SECTION 12-37-155 SO AS TO PROVIDE THAT FOR 2016 ONLY, THE LIEN DATE FOR NONBUSINESS PERSONAL PROPERTY, OTHER THAN MOTOR VEHICLES, IS JANUARY 1, 2016, FOR INDIVIDUALS WHOSE STATE OF RESIDENCY CHANGES FROM NORTH CAROLINA TO SOUTH CAROLINA SOLELY AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 29-3-800 SO AS TO PROVIDE SPECIFIED PROCEDURES IN REGARD TO THE FORECLOSURE OF MORTGAGES AND OTHER LIENS ENCUMBERING AFFECTED

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LANDS; BY ADDING SECTION 30-5-270 SO AS TO PROVIDE FOR SPECIAL RECORDING REQUIREMENTS FOR DEEDS, PLATS, MORTGAGES, AND OTHER INSTRUMENTS REGARDING REAL PROPERTY IN THE AFFECTED JURISDICTIONS, AND TO REQUIRE A NOTICE OF THE STATE BOUNDARY CLARIFICATION TO BE PROVIDED BY THE REGISTER OF DEEDS OR CLERKS OF COURT IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-1-310 SO AS TO PROVIDE A COMPLIANCE SCHEDULE FOR ENVIRONMENTAL PERMITTEES IMPACTED BY THE BOUNDARY CLARIFICATION; BY ADDING SECTION 44-6-110 SO AS TO PROVIDE THAT A MEDICAID PROVIDER OUTSIDE OF THE GEOGRAPHICAL BOUNDARY OF SOUTH CAROLINA BUT WITHIN THE SOUTH CAROLINA MEDICAID SERVICE AREA SHALL NOT LOSE STATUS AS A MEDICAID PROVIDER AS A RESULT OF THE CLARIFICATION OF THE SOUTH CAROLINA - NORTH CAROLINA BORDER; BY ADDING CHAPTER 2 TO TITLE 58 SO AS TO PROVIDE FOR THE MANNER IN WHICH UTILITY SERVICES MUST BE PROVIDED IN AREAS AFFECTED BY THE BOUNDARY CLARIFICATION; BY ADDING SECTION 59-63-550 SO AS TO FURTHER PROVIDE FOR SCHOOL ATTENDANCE PROCEDURES AND REQUIREMENTS FOR CHILDREN RESIDING IN SCHOOL DISTRICTS AFFECTED BY THE BOUNDARY CLARIFICATION; AND BY ADDING SECTION 59-112-150 SO AS TO FURTHER PROVIDE FOR IN-STATE TUITION RATES AND THE AWARDED OF OTHER STATE-SUPPORTED SCHOLARSHIPS AND GRANTS TO INDEPENDENT PERSONS AND THEIR DEPENDENTS AFFECTED BY THE BOUNDARY CLARIFICATION.

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

S. 668 -- Senators Alexander and O'Dell: A BILL TO AMEND TITLE 6, RELATING TO PROVISIONS APPLICABLE TO SPECIAL PURPOSE DISTRICTS AND OTHER POLITICAL SUBDIVISIONS; TO CREATE THE SOUTH CAROLINA COMMERCIAL-PROPERTY ASSESSED CLEAN ENERGY ACT TO PROVIDE THAT GOVERNING BODIES MAY ESTABLISH A DISTRICT BY ADOPTION OF AN ORDINANCE FOR THE PURPOSE OF PROMOTING, ENCOURAGING, AND FACILITATING CLEAN

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ENERGY IMPROVEMENTS WITHIN ITS GEOGRAPHIC AREA; TO PROVIDE REQUIREMENTS TO BE INCLUDED IN THE ORDINANCE; TO PROVIDE THAT MEMBERS OF THE DISTRICT AND OWNERS OF QUALIFYING REAL PROPERTY MAY VOLUNTARILY EXECUTE A WRITTEN AGREEMENT TO PARTICIPATE IN THE COMMERCIAL-PROPERTY ASSESSED CLEAN ENERGY PROGRAM; TO PROVIDE THAT THE GOVERNING BODY HAS THE AUTHORITY TO IMPOSE AN ASSESSMENT ON THE QUALIFYING REAL PROPERTY; TO PROVIDE THAT THE ASSESSMENT SHALL CONSTITUTE A COMMERCIAL-PROPERTY ASSESSED CLEAN ENERGY LIEN AGAINST THE QUALIFYING REAL PROPERTY UNTIL PAID; TO PROVIDE HOW CLEAN ENERGY IMPROVEMENTS MAY BE FINANCED; TO PROVIDE THAT CLEAN ENERGY IMPROVEMENTS MUST MEET ALL APPLICABLE SAFETY, PERFORMANCE, INTERCONNECTION, AND RELIABILITY STANDARDS; AND TO DEFINE NECESSARY TERMS.

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

S. 669 -- Senators Courson, Jackson, Lourie, Scott and McElveen: A SENATE RESOLUTION TO CONGRATULATE ST. JOSEPH'S CATHOLIC SCHOOL ON ITS SIXTIETH ANNIVERSARY.

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The Senate Resolution was adopted.

S. 670 -- Senators Lourie and Jackson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CARLISLE CARRINGTON COOPER FOR HER EXCEPTIONAL POISE, TALENT, AND BEAUTY AND TO CONGRATULATE HER FOR BEING NAMED THE 2015 MISS SOUTH CAROLINA HIGH SCHOOL AMERICA.

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The Senate Resolution was adopted.

H. 3396 -- Reps. Sandifer, Horne, Bedingfield, Hamilton, Finlay, Merrill, Whitmire, Crosby, Hardwick, Duckworth, Allison, V. S. Moss, Norman, Quinn, Limehouse, Atwater, Willis, Spires, Sottile, Herbkersman, Clemmons, Henderson, Loftis, Taylor, Murphy, Tallon, Brannon, Erickson, Toole, Wells, D. C. Moss, Corley, Ryhal, Hardee,

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Simrill and G. R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 42-1-378 SO AS TO PROVIDE THAT AN EMPLOYEE COVERED BY THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT, OR ANY OF ITS EXTENSIONS, OR THE MERCHANT MARINE ACT IS EXEMPT FROM WORKERS' COMPENSATION LAWS.

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

H. 3896 -- Reprs. Jefferson, Daning, Crosby, Merrill, Southard and Rivers: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 311 IN BERKELEY COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 TO MUDVILLE ROAD "CALDWELL PINCKNEY, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

H. 3897 -- Reprs. Jefferson, Daning, Crosby and Rivers: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 45 IN BERKELEY COUNTY FROM GETHERS FUNERAL HOME TO GREEN HILL ROAD "WILLIE G. GAMBLE HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

H. 3905 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE LITTLE PEE DEE RIVER ALONG SOUTH CAROLINA HIGHWAY 57 IN DILLON COUNTY "MCINNIS BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THIS DESIGNATION.

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

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H. 3913 -- Reps. Henegan and Hayes: A CONCURRENT RESOLUTION TO MEMORIALIZE THE UNITED STATES DEPARTMENT OF COMMERCE TO URGE IT TO STUDY UNFAIR TRADE PRACTICES INVOLVING CERTAIN TYPES OF PAPER BEING SOLD AT LESS THAN FAIR MARKET VALUE IN UNITED STATES MARKETS BY SOME FOREIGN PRODUCERS, TO ESTIMATE THE IMPACT OF THESE UNFAIR TRADE PRACTICES ON DOMESTIC PRODUCERS, AND TO IMPOSE DUTIES ON PAPER PRODUCTS THAT ARE UNFAIRLY PRICED.

The Concurrent Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

H. 3915 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4554, 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 Labor, Commerce and Industry.

H. 3962 -- Reps. Huggins, Ballentine, Alexander, Allison, Anderson, Anthony, Atwater, Bales, 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, Jefferson, Johnson, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and

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Yow: A CONCURRENT RESOLUTION TO RECOGNIZE RUSSELL & JEFFCOAT REAL ESTATE AT THE CELEBRATION OF ITS FIFTIETH ANNIVERSARY AND TO CONGRATULATE THE AGENCY ON HALF A CENTURY OF OUTSTANDINGLY SUCCESSFUL ENTREPRENEURIAL ENDEAVORS.

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

H. 3966 -- Reps. G. R. Smith, Allison, Sandifer, Bedingfield, Bannister, Stringer, Alexander, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, 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, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Simrill, G. M. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE BASF CORPORATION AT THE CELEBRATION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY AND TO CONGRATULATE THE CORPORATION ON A CENTURY AND A HALF OF OUTSTANDINGLY SUCCESSFUL ENTREPRENEURIAL ENDEAVORS.

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

REPORTS OF STANDING COMMITTEES

Senator MASSEY from the Committee on Judiciary submitted a majority favorable with amendment and Senator SCOTT a minority unfavorable report on:

S. 84 -- Senator Massey: A BILL TO AMEND SECTION 56-5-2910 OF THE 1976 CODE RELATING TO RECKLESS VEHICULAR

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HOMICIDE, TO PROVIDE THAT A PERSON WHO IS CONVICTED OF, PLEADS GUILTY TO, OR PLEADS NOLO CONTENDERE TO RECKLESS VEHICULAR HOMICIDE IS GUILTY OF A FELONY, AND MUST BE FINED NOT LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN FIFTEEN THOUSAND DOLLARS OR IMPRISONED NOT MORE THAN FIFTEEN YEARS, OR BOTH, AND AFTER ONE YEAR FROM THE DATE OF REVOCATION OF THE PERSON'S DRIVER'S LICENSE, THE PERSON MAY PETITION THE CIRCUIT COURT IN THE COUNTY OF THE PERSON'S CONVICTION FOR REINSTATEMENT OF THE PERSON'S DRIVER'S LICENSE; TO AMEND ARTICLE 23, CHAPTER 5, TITLE 56 RELATING TO RECKLESS HOMICIDE, RECKLESS DRIVING, AND DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS, BY ADDING SECTION 56-5-2925 TO DEFINE "GREAT BODILY INJURY" AS BODILY INJURY WHICH CREATES A SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT DISFIGUREMENT, OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN, TO PROVIDE FOR THE OFFENSE OF FELONY RECKLESS DRIVING, TO PROVIDE FOR THE PENALTIES OF FELONY RECKLESS DRIVING, TO PROVIDE FOR THE PROCEDURE FOR REINSTATEMENT OF THE DRIVER'S LICENSE OF A PERSON CONVICTED OF FELONY RECKLESS DRIVING, AND TO PROVIDE THAT IF THE PERSON'S PRIVILEGE TO OPERATE A MOTOR VEHICLE IS REINSTATED, A SUBSEQUENT VIOLATION OF THE MOTOR VEHICLE LAWS FOR ANY MOVING VIOLATION REQUIRES THE AUTOMATIC CANCELLATION OF THE PERSON'S DRIVER'S LICENSE AND IMPOSITION OF THE FULL PERIOD OF REVOCATION FOR THE FELONY RECKLESS DRIVING VIOLATION.

Ordered for consideration tomorrow.

Senator COLEMAN from the Committee on Judiciary submitted a majority favorable and Senator BRIGHT a minority unfavorable report on:

S. 250 -- Senators Shealy, Lourie and Young: A BILL TO AMEND SECTION 63-7-380 OF THE 1976 CODE, TO PROVIDE FOR THE RELEASE OF A CHILD'S MEDICAL RECORDS WITHOUT

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PARENTAL CONSENT TO A SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER FOR EVALUATING THE CHILD FOR SUSPECTED ABUSE OR NEGLECT; TO ADD SECTION 63-7-1990(B)(24) TO ALLOW A SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER ACCESS TO RECORDS OF INDICATED CASES OF CHILD ABUSE OR NEGLECT; TO AMEND SECTION 63-7-1990 BY ADDING SUBSECTION (N) TO ALLOW FOR A SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER TO RECEIVE A SUMMARY OF REFERRALS AND OUTCOMES OF CASES OF SUSPECTED ABUSE OR NEGLECT SENT TO A CONTRACTED SERVICE AGENCY OR PROGRAM; TO AMEND SECTION 63-7-1990 BY ADDING SUBSECTION (O) TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES SHALL SHARE INFORMATION RELATING TO AN INDICATED INVESTIGATION OF CHILD ABUSE OR NEGLECT WITH A CHILD'S PRIMARY OR SPECIALTY HEALTH CARE PROVIDER; TO AMEND SECTION 63-7-2000 BY ADDING SUBSECTION (F) TO ALLOW THE DEPARTMENT OF SOCIAL SERVICES TO RELEASE A SUMMARY OF ALLEGATIONS AND THE INVESTIGATION OUTCOME OF UNFOUNDED CASES OF CHILD ABUSE OR NEGLECT WITH A SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDER.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., April 14, 2015

Mr. President and Senators:

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

MASTER-IN-EQUITY

Appointment, Beaufort County Master-in-Equity, with term to commence June 6, 2015, and to expire June 6, 2021:

The Honorable Marvin H. Dukes III, 791 Ribaut Road, Beaufort, SC 29902

Very respectfully,

[SJ]

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Speaker of the House

Received as information.

Message from the House

Columbia, S.C., April 15, 2015

Mr. President and Senators:

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

H. 3118 -- Reps. Pitts and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-525 SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO PROMULGATE REGULATIONS GOVERNING CERTAIN AREAS TO ESTABLISH SEASONS, DATES, AREAS, BAG LIMITS, AND OTHER RESTRICTIONS FOR HUNTING AND TAKING WILD TURKEY; BY ADDING SECTION 50-11-580 SO AS TO ESTABLISH MALE WILD TURKEY HUNTING SEASON AS MARCH 20 THROUGH MAY 5, DECLARE THE SATURDAY PRECEDING MARCH 20 OF EACH YEAR TO BE "SOUTH CAROLINA YOUTH TURKEY HUNTING DAY" AND PROVIDE A PROCEDURE FOR YOUTH TURKEY HUNTING ON THIS DAY, TO PROVIDE A WILD TURKEY BAG LIMIT, TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO REPORT TO THE GENERAL ASSEMBLY CERTAIN WILD TURKEY RESOURCES INFORMATION INCLUDING RECOMMENDATIONS REGARDING THE SEASON AND THE BAG LIMITS; TO AMEND SECTIONS 50-11-530, 50-11-540, AND 50-11-544, ALL RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' REGULATION OF THE HUNTING OF WILD TURKEYS, SO AS TO REVISE THE DEPARTMENT'S AUTHORITY TO REGULATE THE HUNTING OF WILD TURKEYS, TO ALLOW IT TO PROMULGATE EMERGENCY REGULATIONS FOR THE PROPER CONTROL OF THE HARVESTING OF WILD TURKEYS, TO REVISE THE PENALTIES FOR VIOLATING THE PROVISIONS THAT REGULATE THE HUNTING OF WILD TURKEYS, AND TO PROVIDE THAT ALL WILD TURKEY TRANSPORTATION TAGS MUST BE VALIDATED AS PRESCRIBED BY THE DEPARTMENT BEFORE A TURKEY IS MOVED FROM THE POINT OF KILL; AND TO SUSPEND THE PROVISIONS OF SECTION 50-11-520 UPON THE

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EFFECTIVE DATE OF THE ACT UNTIL NOVEMBER 7, 2018,
WHEN SECTION 50-11-580 IS REPEALED.

Very respectfully,
Speaker of the House

Received as information.

The Report of the Committee of Free Conference having been adopted
by both Houses, ordered that the title be changed to that of an Act, and
the Act enrolled for Ratification.

A message was sent to the House accordingly.

HOUSE CONCURRENCES

S. 535 -- Senators Hembree and Rankin: A CONCURRENT
RESOLUTION TO REQUEST THAT THE DEPARTMENT OF
TRANSPORTATION NAME THE PORTION OF SOUTH
CAROLINA HIGHWAY 410, KNOWN AS GREEN SEA ROAD
SOUTH, IN HORRY COUNTY, FROM ITS INTERSECTION WITH
SOUTH CAROLINA HIGHWAY 917 TO ITS INTERSECTION
WITH UNITED STATES HIGHWAY 701 "DENNIS E. PHIPPS
HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS
ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS
DESIGNATION.

Returned with concurrence.

Received as information.

S. 536 -- Senator Hembree: A CONCURRENT RESOLUTION TO
REQUEST THAT THE DEPARTMENT OF TRANSPORTATION
NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 57 IN
HORRY COUNTY, FROM ITS INTERSECTION WITH GORE
ROAD TO ITS INTERSECTION WITH BRIGHT ROAD "STALVEY
BELLAMY MEMORIAL HIGHWAY" AND ERECT APPROPRIATE
MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY
THAT CONTAIN THIS DESIGNATION.

Returned with concurrence.

Received as information.

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.

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Returned with concurrence.
Received as information.

S. 655 -- Senator Cromer: A CONCURRENT RESOLUTION TO PROCLAIM APRIL 18, 2015, AS "AUCTIONEERS DAY" IN SOUTH CAROLINA, AND TO RECOGNIZE THE ROLE AUCTIONEERS PLAY IN THE STATE'S ECONOMY.

Returned with concurrence.
Received as information.

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

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

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

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.

S. 466 -- Senators Cleary, Alexander, Bright and Davis: A BILL TO AMEND SECTION 40-37-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASING, POSSESSING, ADMINISTERING, SUPPLYING, AND 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.

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READ THE SECOND TIME

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.

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

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

Ayes 43; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	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	Matthews
McElveen	Nicholson	O'Dell
Peeler	Pinckney	Rankin
Reese	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Williams
Young		

Total--43

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NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 133 -- Senators Davis and Kimpson: A BILL TO AMEND SECTION 63-19-2050 OF THE 1976 CODE, RELATING TO RECORD DESTRUCTION OF JUVENILE RECORDS, TO PROVIDE FOR THE AUTOMATIC EXPUNGEMENT OF JUVENILE RECORDS FOR NON-VIOLENT CRIMES THAT OCCUR BEFORE THE AGE OF SIXTEEN YEARS OLD, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH THE AUTOMATIC EXPUNGEMENT MAY OCCUR, AND TO PROVIDE FOR AN EXPUNGEMENT PROCESS FOR JUVENILE RECORDS RELATED TO CERTAIN CRIMES THAT OCCUR AT THE AGE OF SIXTEEN OR SEVENTEEN YEARS OLD.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0133.001), which was adopted:

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

/ SECTION 1. Section 17-22-910 of the 1976 Code is amended to read:

“Section 17-22-910. Applications for expungement of all criminal records must be administered by the solicitor’s office in each circuit in the State as authorized pursuant to:

- (1) Section 34-11-90(e), first offense misdemeanor fraudulent check;
- (2) Section 44-53-450(b), conditional discharge;
- (3) Section 22-5-910, first offense conviction in magistrates court;
- (4) Section 22-5-920, youthful offender act;
- (5) Section 56-5-750(f), first offense failure to stop when signaled by a law enforcement vehicle;
- (6) Section 17-22-150(a), pretrial intervention;
- (7) Section 17-1-40, criminal records destruction, except as provided in Section 17-22-950;

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- (8) Section ~~20-7-8525~~ 63-19-2050, juvenile expungements;
- (9) Section 17-22-530(a), alcohol education program;
- (10) Section 17-22-330(A), traffic education program; and
- (11) any other statutory authorization.”

SECTION 2. Section 63-19-2050 of the 1976 Code is amended to read:

“Section 63-19-2050. (A)(1) A person who has been taken into custody for, charged with, or adjudicated delinquent for having committed a status offense or a nonviolent ~~offense~~ crime, as defined in Section 16-1-70, may petition the court for an order ~~destroying~~ expunging all official records relating to:

- ~~(1)(a)~~ (a) being taken into custody;
- ~~(2)(b)~~ (b) the charges filed against the ~~child~~ person;
- ~~(3)(c)~~ (c) the adjudication; and
- ~~(4)(d)~~ (d) the disposition.

~~(2) The granting of the order is in the court's discretion. However,~~
a A person may not petition the court if ~~he~~ the person has a prior adjudication for an offense that would carry a maximum term of imprisonment of five years or more if committed by an adult.

(B) A prosecution or law enforcement agency may file an objection to the expungement. If an objection is filed, the expungement must be heard by the court. The prosecution or law enforcement agency's reason for objecting must be that the person has other charges pending or the charges are not eligible for expungement. The prosecution or law enforcement agency shall notify the person of the objection. The notice must be given in writing at the most current address on file with the court, or through the person's counsel of record.

(C)(1) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a status offense, the court shall grant the expungement order. If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed multiple status offenses, the court may grant an expungement order for the multiple status offenses.

(2) If the person has been taken into custody for, charged with, or adjudicated delinquent for having committed a nonviolent crime, as defined in Section 16-1-70, the court may grant the expungement order.

(3) In addition, the ~~The~~ court ~~must shall~~ not grant the expungement order unless ~~it~~ the court finds that the person ~~who is seeking to have the records destroyed~~ is at least ~~eighteen~~ seventeen years of age, has successfully completed any dispositional sentence imposed, ~~and~~ has not

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been subsequently ~~charged with~~ adjudicated for or convicted of any criminal offense, and does not have any criminal charges pending in family court or general sessions court. If the person was found not guilty in an adjudicatory hearing in the family court, the court shall grant the expungement order regardless of the person's age and the person must not be charged a fee for the expungement. ~~(B)~~ An adjudication for a violent crime, as defined in Section 16-1-60, must not be expunged.

~~(C)~~(D) If the expungement order is granted by the court, ~~no evidence of the records may~~ must be destroyed or retained by any law enforcement agency or by any municipal, county, state agency, or department pursuant to the provisions of Section 17-1-40.

(E) The effect of the expungement order is to restore the person in the contemplation of the law to the status the person occupied before being taken into custody. No person to whom the expungement order has been entered may be held thereafter under any provision of ~~any~~ law to be guilty of perjury or otherwise giving false statement by reason of failing to recite or acknowledge the charge or adjudication in response to an inquiry made of the person for any purpose.

~~(D)~~(F) For purposes of this section, an adjudication is considered a previous adjudication only if ~~it~~ the adjudication occurred prior to the date the subsequent offense was committed.

(G) The court, at the time of adjudication, shall notify the person of the person's ability to have the person's record expunged, the conditions that must be met, as well as the process for receiving an expungement in the particular jurisdiction pursuant to this section."

SECTION 3. 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 44; Nays 0

AYES

Alexander	Bennett	Bright
Bryant	Campbell	Campsen
Cleary	Coleman	Corbin
Courson	Cromer	Davis

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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
Rankin	Reese	Sabb
Scott	Setzler	Shealy
Sheheen	Thurmond	Turner
Verdin	Young	

Total--44

NAYS

Total--0

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

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.

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 Joint Resolution was carried over.

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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.

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

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.

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

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.

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

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.

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

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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.

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

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.

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

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

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

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.

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

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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.

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

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

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

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.

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

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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.

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

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.

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

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.

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

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.

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

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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.

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

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.

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

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

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

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.

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

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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.

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

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

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

H. 3266 -- Reps. Hiott, Bannister, Brannon, Erickson, Henderson, Collins, Sandifer, Corley, Tallon, Taylor, Thayer, Wells, Felder, Kirby, Hixon, Hodges, Riley, Ott, Goldfinch, Hardee, Gagnon, Pitts, Finlay, Southard, D.C. Moss, Chumley, Yow, Huggins, Kennedy, Rivers and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 82 TO TITLE 15 SO AS TO ESTABLISH THE "TRESPASSER RESPONSIBILITY ACT" WHICH PROVIDES A LIMITATION ON LIABILITY BY LAND POSSESSORS TO TRESPASSERS, AND TO PROVIDE EXCEPTIONS.

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

S. 211 -- Senator Campsen: A BILL TO AMEND SECTION 56-2-105(E) OF THE 1976 CODE, SO AS TO ALLOW POLITICAL SUBDIVISIONS TO CREATE SEPARATE GOLF CART PATHS ON STREETS AND ROADS WITHIN THE JURISDICTION OF THE POLITICAL SUBDIVISION.

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

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S. 654 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - STATE ATHLETIC COMMISSION, RELATING TO PROFESSIONAL BOXING, WRESTLING, KICK BOXING, OFF THE STREET BOXING, AND MIXED MARTIAL ARTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4536, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator LEATHERMAN, the Joint Resolution was carried over.

H. 3663 -- Reps. Bingham and Mitchell: A JOINT RESOLUTION TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY AND DEVOLVE THE BOARD'S POWERS UPON THE STATE BUDGET AND CONTROL BOARD AND DIRECT THE STATE BUDGET AND CONTROL BOARD TO REMOVE THE CURRENT PRESIDENT OF SOUTH CAROLINA STATE UNIVERSITY AND EMPLOY AN INTERIM CHIEF EXECUTIVE OFFICER WHO SHALL SERVE AT-WILL AT THE PLEASURE OF THE BOARD TO AID IN DIRECTING THE UNIVERSITY IN A NEW DIRECTION WITH AN EMPHASIS ON ADDRESSING AND CORRECTING THE ONGOING FINANCIAL DIFFICULTIES OF THE UNIVERSITY IN ORDER TO KEEP THE UNIVERSITY FUNCTIONAL AND MAINTAIN ITS ACCREDITATION.

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

AMENDED, 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

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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.

Senator HUTTO proposed the following amendment (276MW1), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 42 and inserting:

/ offense, excluding traffic violations, regardless of when or /

Further amend the bill, as and if amended, page 2, by striking line 18 and inserting:

/ offense, excluding traffic violations, regardless of when or /

Further amend the bill, as and if amended, page 2, by striking lines 34-42 and inserting:

/ (C) In addition to other penalties provided in this chapter, failure to comply with the provisions of this section may result in the department assessing the person a civil penalty up to five hundred dollars. Additionally, failure to disclose a conviction for which a person must register as a sex offender carries is misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned up to thirty days.” /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

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

**COMMITTEE AMENDMENT ADOPTED
AMENDMENT PROPOSED
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

[SJ]

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“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.

The Senate proceeded to a consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (DKA\441C001.DKA.SA15), which was adopted:

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

/ SECTION 1. This act may be cited as the “Guaranteed Asset Protection Act”.

SECTION 2. Title 37 of the 1976 Code is amended by adding:

“CHAPTER 30

Guaranteed Asset Protection

Section 37-30-100. (A) The purpose of this chapter is to provide a framework within which guaranteed asset protection (GAP) waivers are defined and may be offered within this State.

(B) This chapter does not apply to:

- (1) an insurance policy offered by an insurer under Title 38; or
- (2) a debt cancellation or debt suspension contract being offered by any national or state chartered bank or federal or state chartered credit union in compliance with 12 C.F.R. Part 37, or 12 C.F.R. Part 721, or any other federal law.

(C) GAP waivers governed under this chapter are not insurance and are exempt from the provisions of Title 38, as are persons administering, marketing, selling, or offering to sell GAP waivers to borrowers.

(D) GAP waivers only may be offered in conjunction with a loan that is unrelated to the purchase of a motor vehicle if:

- (1) the consumer loan has an original repayment term of more than twelve months; and
- (2) the principal loan amount is greater than four thousand dollars.

Section 37-30-110. For purposes of this chapter:

- (1) ‘Borrower’ means a debtor, retail buyer, or lessee under a finance agreement.

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(2) 'Creditor' means a person, who in connection with the initial financing of the sale, or leasing, of a motor vehicle, is:

(a) a lender in a loan or credit transaction;

(b) a lessor in a lease transaction; or

(c) a dealer of motor vehicles that provides credit to a borrower, provided that the entity complies with the provisions of this chapter.

(3) 'Finance agreement' means a loan, lease, or retail installment sales contract for the purchase or lease of a motor vehicle.

(4) 'Free look period' means the period of time from the effective date of the GAP waiver until the date the borrower may cancel the contract without penalty, fees, or costs to the borrower. This period of time must be at least thirty days.

(5) 'Guaranteed asset protection waiver' or 'GAP waiver' means a contractual agreement in which a creditor agrees for a separate charge to cancel or waive all or part of amounts due on a borrower's finance agreement in the event of a total physical damage loss or unrecovered theft of the motor vehicle, which agreement must be part of, or a separate addendum to, the finance agreement.

(6) 'Insurer' means an insurance company licensed, registered, or otherwise authorized to do business under Title 38.

(7) 'Manager' means a person, by any title, other than an insurer or creditor that performs administrative or operational functions with respect to GAP waivers.

(8) 'Motor vehicle' means self-propelled or towed vehicles designed for personal use including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, all-terrain vehicles, snowmobiles, campers, boats, personal watercraft, and trailers for motorcycles, boats, campers, and personal watercraft.

(9) 'Person' means an individual, company, association, organization, partnership, business trust, corporation, and every form of legal entity.

Section 37-30-120. (A) The offering and sale of GAP waivers in this State is subject to the provisions of this chapter.

(B) GAP waivers, at the option of the creditor, may be sold for a single payment or may be offered with a monthly or periodic payment option.

(C) Notwithstanding another provision of law, any cost to the borrower for a GAP waiver subject to the Truth in Lending Act, 15 U.S.C. 1601, and its implementing regulations, as amended, or subject to Title 37, is a permissible additional charge pursuant to Sections

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37-2-202 and 37-3-202 that must be separately stated and is not to be considered a finance or credit service charge or interest. This subsection also applies to any bank or credit union offering a debt cancellation or debt suspension contract in compliance with 12 C.F.R. Part 37, or 12 C.F.R. Part 721, or any other federal law.

(D) A motor vehicle dealer shall insure its GAP waiver obligations under a contractual liability or another insurance policy issued by an insurer. However, dealers of motor vehicles that are lessors on motor vehicles are not required to insure obligations related to GAP waivers on leased vehicles.

(E) A GAP waiver must remain a part of the finance agreement upon its assignment, sale, or transfer by a creditor.

(F) Neither the extension of credit, the term of credit, nor the term of the related motor vehicle sale or lease may be conditioned upon the purchase of a GAP waiver.

(G) A creditor that offers a GAP waiver shall report the sale of and forward funds received on all waivers to the designated party, if any, as prescribed in an applicable administrative services agreement, contractual liability policy, other insurance policy, or other specified program documents.

(H) Funds received or held by a creditor or manager and belonging to an insurer, creditor, or manager pursuant to the terms of a written agreement must be held by the creditor or manager in a fiduciary capacity.

(I)(1) A creditor may not sell a GAP waiver unless the creditor reasonably believes that the borrower will be eligible for a benefit under the GAP waiver in the event of a covered total loss. In addition, a creditor may not sell a GAP waiver if:

(a) the consumer, the credit terms including, but not limited to, cash price, automobile value, or amount financed, or the automobile used as collateral for the credit transaction do not qualify for or conflict with any restrictions or limitations of the GAP waiver conditions; or

(b) the amount financed, less the cost of a GAP waiver, the cost of credit insurance, and the cost of service contracts is less than eighty percent of the manufacturer suggested retail price for a new vehicle or the National Automobile Dealers Association average retail value for a used vehicle.

(2) A bona fide error resulting in a violation of this subsection will result in the GAP waiver being void and the borrower receiving a full refund of the purchase price of the waiver.

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Section 37-30-130. (A) A contractual liability or other insurance policy insuring a GAP waiver must state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated to waive under the GAP waiver issued by the creditor and purchased or held by the borrower.

(B) Coverage under a contractual liability or other insurance policy insuring a GAP waiver also must cover any subsequent assignee upon the assignment, sale, or transfer of the finance agreement.

(C) Coverage under a contractual liability or other insurance policy insuring a GAP waiver must remain in effect unless canceled or terminated in compliance with applicable insurance laws of this State.

(D) The cancellation or termination of a contractual liability or other insurance policy must not reduce the insurer's responsibility for GAP waivers issued by the creditor prior to the date of cancellation or termination and for which premium has been received by the insurer.

Section 37-30-140. (A) A GAP waiver must include the following terms in clear, easily understandable language:

(1) the name and address of the initial creditor and the borrower at the time of sale and the identity of any manager if different from the creditor;

(2) the purchase price and the terms of the GAP waiver including, without limitation, the requirements for protection, conditions, or exclusions associated with the GAP waiver;

(3) the length of the free look period and the procedure by which a borrower may exercise the borrower's rights during that period;

(4) the terms required by Section 37-30-150;

(5) the procedure the borrower must follow, if any, to obtain GAP waiver benefits under the terms and conditions of the waiver, including a telephone number and address where the borrower may apply for waiver benefits;

(6) the methodology for calculating any refund of the unearned purchase price of the GAP waiver due in the event of cancellation of the GAP waiver or early termination of the finance agreement;

(7) a statement that the purchase of the GAP waiver is optional and the statement must be in all caps, underlined, or disclosed in another prominent manner and must be substantially similar to the following: "THIS GAP WAIVER IS NOT REQUIRED TO OBTAIN CREDIT, NOR TO OBTAIN CERTAIN TERMS OF CREDIT OR TO PURCHASE THE RELATED MOTOR VEHICLE. THIS GAP

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WAIVER WILL NOT BE PROVIDED UNLESS YOU SIGN AND AGREE TO PAY THE ADDITIONAL COST"; and

(8) a statement that the GAP waiver is not insurance and does not take the place of collision, comprehensive, or any other form of insurance on the motor vehicle.

(B) A GAP waiver that is included within the body of the finance agreement must provide the disclosures required by this section in a separate document that must be signed by the borrower before the purchase of a GAP waiver. A GAP waiver that is a separate addendum to the finance agreement may include these disclosures within the terms of the GAP waiver which also must be signed by the borrower.

Section 37-30-150. (A)(1) A GAP waiver must include a term stating that if a borrower cancels the waiver within the free look period, the borrower is entitled to a full refund if no benefits have been provided under the GAP waiver.

(2) A creditor may not charge a fee to a borrower related to the cancellation of a GAP waiver.

(B) A GAP waiver may be either cancellable or noncancellable after the free look period. A GAP waiver must include:

(1) a statement of whether or not the GAP waiver is cancellable or noncancellable after the expiration of the free look period.

(2) if the waiver is cancellable, all of the following terms apply:

(a) a statement that in the event of a borrower's cancellation of the GAP waiver or early termination of the finance agreement, the borrower may be entitled to a refund of any unearned portion of the purchase price of the waiver; and

(b) the procedures by which a borrower may cancel the waiver. This term must include a requirement that if the underlying finance agreement is terminated, cancellation must be made by providing a written request to the creditor, manager, or other party within ninety days of the event terminating the finance agreement.

(C) A cancellation refund under subsections (A) and (B) may be applied by the creditor as a reduction of the amount owed under the finance agreement unless the borrower shows that the finance agreement has been paid in full.

(D) If the purchase price of the GAP waiver is not financed, the creditor shall either provide a refund directly to the borrower or provide the borrower the option to either receive a refund of the unearned purchase price directly or to have the refund applied to reduce the amount owed under the borrower's finance agreement.

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Section 37-30-160. Pursuant to Chapter 6, Title 37, the Administrator of the Department of Consumer Affairs may take action necessary to enforce the provisions of this chapter and to protect GAP waiver holders in this State.

SECTION 3. This act takes effect upon approval by the Governor and applies to all GAP waivers which become effective one hundred eighty days after the effective date. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

Senator SHEHEEN proposed the following amendment (BBM\441C001.BBM.DG15) which was proposed:

Amend the bill, as and if amended, by adding a Section at the end of SECTION 2, to read:

/ Section 37-30-175. A consumer who suffers loss by reason of a violation of this chapter may bring a civil action to enforce the provisions and, if successful in the action, shall recover reasonable attorney's fees and court costs incurred by bringing the action. /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

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

AMENDED, CARRIED OVER

S. 500 -- Senator Hayes: A BILL TO AMEND ARTICLE 23, CHAPTER 17, TITLE 63, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, SO AS TO ENACT AMENDMENTS TO THAT ACT ADOPTED BY THE NATIONAL CONFERENCE OF COMMISSIONERS FOR UNIFORM STATE LAWS IN 2008, AS REQUIRED BY THE FEDERAL "PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT" INCLUDING, BUT NOT LIMITED TO, AMENDMENTS ADDRESSING INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FAMILY MAINTENANCE AND DETERMINATION OF PARENTAGE.

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The Senate proceeded to a consideration of the Bill.

Senators COLEMAN, SHEALY and JOHNSON proposed the following amendment (BH\500C002.BH.VR15), which was adopted:

Amend the bill, as and if amended, SECTION 1, pages 6-7, by striking Section 63-17-3010(B) and inserting:

/ (B) The bases of personal jurisdiction set forth in subsection (A) or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of ~~the~~ this State to modify a child-support order of another state unless the requirements of Section 63-17-3830 or 63-17-3870 are met, or in the case of a foreign support order, unless the requirements of Section 63-17-3870 are met. /

Amend the bill further, as and if amended, SECTION 1, page 14, by striking Section 63-17-3270(B), lines 1-20, and inserting:

/ (B) A support enforcement agency of this State that is providing services to the petitioner shall:

(1) take all steps necessary to enable an appropriate tribunal ~~in~~ of this State, ~~or another state, or a foreign country~~ to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a ~~written~~ notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a ~~written~~ communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained./

Amend the bill further, as and if amended, SECTION 1, page 22, by striking Section 63-17-3570(A), lines 9-13, and inserting:

/ Section 63-17-3570. (A) A party or support enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued ~~by a tribunal of~~ in another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this State. /

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Amend the bill further, as and if amended, SECTION 1, page 22, by striking Section 63-17-3610(A), lines 32-34, and inserting:

/ Section 63-17-3610. A support order or income-withholding order issued ~~by~~ in a tribunal of another state or a foreign support order may be registered in this State for enforcement. /

Amend the bill further, as and if amended, SECTION 1, page 22, by striking the first paragraph of Section 63-17-3620(A), lines 36-40, and inserting:

/ Section 63-17-3620. (A) ~~A~~ Except as provided in Section 63-17-3935, a support order or income-withholding order of another state or a foreign support order may be registered in this State by sending the following records ~~and information~~ to the Department of Social Services: /

Amend the bill further, as and if amended, SECTION 1, page 23, by striking Section 63-17-3620(B), lines 15-19, and inserting:

/ (B) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as ~~a foreign judgment, together with one copy of the documents and information~~ an order of a tribunal of another state or a foreign support order, together with one copy of the documents and information, regardless of their form. /

Amend the bill further, as and if amended, SECTION 1, page 23, by striking Section 63-17-3630(A), lines 38-41, and inserting:

/ Section 63-17-3630. (A) A support order or income-withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of this State. /

Amend the bill further, as and if amended, SECTION 1, page 24, by striking Section 63-17-3710(A), lines 35-42, and inserting:

/ Section 63-17-3710. (A) When a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of this State shall notify the nonregistering party. Notice must be given by first-class, certified, or registered mail or by any means of personal service authorized by the law of this State. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order. /

Amend the bill further, as and if amended, SECTION 1, page 29, by striking Section 63-17-3870(A), lines 8-18, and inserting:

/ Section 63-17-3870. (A) ~~If~~ Except as otherwise provided in Section 63-17-3960, if a foreign country ~~or political subdivision that is a state will not or may not modify its order~~ lacks or refuses to exercise

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jurisdiction to modify its child-support order pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child-support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child-support order otherwise required of the individual pursuant to Section 63-17-3830 has been given or whether the individual seeking modification is a resident of this State or of the foreign country ~~or political subdivision.~~ /

Re-number sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

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

OBJECTION

S. 277 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "STATE TELECOM EQUITY IN FUNDING ACT" BY ADDING SECTION 58-9-2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS REGARDING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58-9-2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSING AND COLLECTING DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58-9-10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF TELEPHONE SERVICE, SO AS TO REVISE THE DEFINITIONS OF "BASIC LOCAL EXCHANGE TELEPHONE SERVICE" AND "CARRIER OF LAST RESORT"; TO AMEND SECTION 58-9-280, AS AMENDED, RELATING TO THE UNIVERSAL SERVICE FUND FOR CARRIERS OF LAST RESORT, SO AS TO PROVIDE FOR THE TRANSITION OF THE INTERIM LOCAL EXCHANGE CARRIER FUND INTO THE UNIVERSAL SERVICE FUND, TO LIMIT THE SIZE OF THE UNIVERSAL SERVICE FUND, AND TO REQUIRE VOICE OVER INTERNET PROTOCOL PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND

[SJ]

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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.

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

Senator RANKIN explained the Bill.

Senator RANKIN moved to Adjourn Debate on the Bill.

Senator MALLOY objected to further consideration of the Bill.

Point of Order

Senator RANKIN raised a Point of Order that the objection raised by Senator MALLOY came too late.

The PRESIDENT overruled the Point of Order.

OBJECTION

H. 3662 -- Rep. Atwater: A BILL TO AMEND SECTION 6-9-55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ENFORCEMENT DATE OF SECTION 501.3 OF THE 2012 INTERNATIONAL RESIDENTIAL CODE, SO AS TO CHANGE THE ENFORCEMENT DATE FROM JULY 1, 2015 TO JULY 1, 2016.

Senator PEELER objected to further consideration of the Bill.

[SJ]

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AMENDMENT PROPOSED, OBJECTION

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 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.

Senator CAMPSER proposed the following amendment (3443R001.KG.GEC), which was proposed:

Amend the bill, as and if amended, page 1, by striking lines 34-38 and inserting:

/ substances as defined in Section 44-53-110 except for hydrocodone combination products, which have been reclassified from Schedule III to Schedule II on or after October 6, 2014 and may continue to be purchased, possessed, administered, supplied, and prescribed by an optometrist for diagnostic and therapeutic purposes in the practice /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN objected to further consideration of the Bill.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Reappointment, Beaufort County Master-in-Equity, with the term to commence June 6, 2015, and to expire June 6, 2021

Marvin H. Dukes, III, 791 Ribaut Rd., Beaufort, SC 29902

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Motion Adopted

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

MOTION ADOPTED

On motion of Senator PINCKNEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Walter Scott of Charleston, S.C. Mr. Scott enlisted in the National Coast Guard in 1984 and was stationed in Maryland. He later received his massage therapist degree. Walter was a loving son, devoted brother and doting father who will be dearly missed.

ADJOURNMENT

At 3:14 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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