

NO. 63

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

THURSDAY, APRIL 30, 2015

Thursday, April 30, 2015
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

The Psalmist proclaims:

“This is the day that the Lord has made; let us rejoice and be glad in it.” (Psalm 118:24)

Join me as we bow in prayer:

Gracious, Everloving, Creator God, we truly thank You for the gift of this new day. For in spite of its problems and challenges, it remains another of Your gifts to us and we praise you, Lord. Lead these Senators as they forge ahead, tackling one issue after another, wrestling with budget realities, and expressing views of all sorts. May each Senator and staff member truly feel Your guiding hand upon him or her as You lead them onward, O God. Fill their hearts with zeal to do what is right. Give them the strength they need and encourage them as only You can this very day. In Your loving name we pray this, dear Lord. Amen.

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

Doctor of the Day

Senator GROOMS introduced of Dr. Joseph Pawlik of Charleston, S.C., Doctor of the Day.

REGULATION RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 4563

Agency: Office of the Governor

Chapter: 58

Statutory Authority: 1976 Code Sections 25-1-420 et seq.

SUBJECT: Local Emergency Preparedness Standards

Received by Lieutenant Governor April 30, 2015

Referred to the General Committee

[SJ]

1

THURSDAY, APRIL 30, 2015

Leave of Absence

At 11:45 A.M., Senator SHANE MARTIN requested a leave of absence beginning at 2:07 P.M. until Tuesday, May 5, 2015 at 12:07 P.M.

Leave of Absence

At 2:00 P.M., Senator FAIR requested a leave of absence for the balance of the day.

Leave of Absence

At 2:41 P.M., Senators BRYANT and THURMOND requested a leave of absence for the balance of the day.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:
S. 135 Sen. Allen

RECALLED

H. 3304 -- Reps. Brannon, Allison, Cole, Hicks, Tallon, Nanney, Henderson, Loftis, Hamilton, Stringer, Bannister and Putnam: A BILL TO CREATE THE LANDRUM FIRE AND RESCUE DISTRICT IN GREENVILLE AND SPARTANBURG COUNTIES, TO ESTABLISH A GOVERNING COMMISSION, AND TO PRESCRIBE THE FUNCTIONS AND POWERS OF THE COMMISSION.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 731 -- Senator Hutto: A BILL TO AMEND ACT 581 OF 1992, RELATING TO BAMBERG-EHRHARDT SCHOOL DISTRICT ONE, SO AS TO REAPPORTION THE FIVE SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH MEMBERS OF BAMBERG-EHRHARDT SCHOOL DISTRICT ONE MUST BE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO

THURSDAY, APRIL 30, 2015

PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 732 -- Senator Hutto: A BILL TO AMEND ACT 581 OF 1992, RELATING TO DENMARK-OLAR SCHOOL DISTRICT TWO IN BAMBERG COUNTY, SO AS TO REAPPORTION THE FIVE SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH MEMBERS OF DENMARK-OLAR SCHOOL DISTRICT NUMBER TWO MUST BE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4086 -- Reps. Allison, Alexander, 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, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO PROMOTE UNDERSTANDING OF THE DESTRUCTIVE EFFECTS OF IRON DISORDERS ON THE HEALTH OF OUR CITIZENS, TO

THURSDAY, APRIL 30, 2015

ENCOURAGE MEDICAL RESEARCH AND EDUCATION TO STEM THE TIDE OF THESE DISORDERS, AND TO DECLARE THE MONTH OF JULY 2015 AS "IRON DISORDERS AWARENESS MONTH" IN THE STATE OF SOUTH CAROLINA.

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

REPORTS OF STANDING COMMITTEES

Invitations Accepted

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

Tuesday, May 5, 2015 - 6:00-8:00 P.M.

Members of the Senate and Staff, Reception, USC Beckham Softball Field, by the BLUE CROSS/BLUE SHIELD 22nd LEGISLATIVE SOFTBALL GAME

Wednesday, May 6, 2015 - 8:00-10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the SC ASSOCIATION OF COMMUNITY ACTION PARTNERSHIPS

Wednesday, May 6, 2015 - 12:30-2:00 P.M.

Members of the Senate, Luncheon, The Marriott, by the SC ASSOCIATION OF CERTIFIED PUBLIC ACCOUNTANTS

Wednesday, May 6, 2015 - 6:00-8:00 P.M.

Members of the Senate and Staff, Reception, First Citizens Café, by the SC ASSOCIATION FOR JUSTICE

Thursday, May 7, 2015 - 8:00-10:00 A.M.

Members of the Senate, Breakfast, Room 112, Blatt Building, by the SC CLEAN ENERGY BUSINESS ALLIANCE

Tuesday, May 12, 2015 - 5:00-7:00 P.M.

Members of the Senate, Reception, Seibles House and Gardens, by the SC ASSOCIATION OF HABITAT FOR HUMANITY AFFILIATS

THURSDAY, APRIL 30, 2015

Wednesday, May 13, 2015 - 8:00-10:00 P.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building,
by the ASSOCIATION OF COSMETOLOGY SALON
PROFESSIONALS

Wednesday, May 13, 2015 - 11:30 A.M.-2:00 P.M.

Members of the Senate and Staff, Luncheon, State House Grounds, by
the TASTE OF SOUTH CAROLINA

Thursday, May 14, 2015 - 8:00-10:00 A.M.

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

Tuesday, May 19, 2015 - 6:00-8:00 P.M.

Members of the Senate and Staff, Reception, Nexsen Pruet Rooftop, by
the BOEING, BMW, GE, SC MANUFACTURERS ALLIANCE

Wednesday, May 20, 2015 - 8:00-10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building,
by the SC BEHAVIORAL HEALTH SERVICES ASSOCIATION

Wednesday, May 20, 2015 - 12:00-2:00 P.M.

Members of the Senate, Luncheon, Room 112, Blatt Building, by the
ZETA PHI BETA SORORITY

Thursday, May 21, 2015 - 8:00-10:00 A.M.

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

Wednesday, May 27, 2015 - 12:00-2:00 P.M.

Members of the Senate, Luncheon, State House Grounds, by the SC
TIRES MANUFACTURING COUNCIL

Thursday, May 28, 2015 - 8:00-10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building,
by the STATE TREASURER'S OFFICE COLLEGE SAVINGS
PROGRAM

THURSDAY, APRIL 30, 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.

HOUSE CONCURRENCES

S. 713 -- Senator Grooms: A CONCURRENT RESOLUTION TO PROCLAIM MAY 2015 AS "MOTORCYCLE SAFETY AWARENESS MONTH" THROUGHOUT THE STATE AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO BE AWARE OF MOTORCYCLISTS WHO SHARE OUR ROADS AND HIGHWAYS AND TO WORK TOGETHER TO REDUCE MOTORCYCLE-RELATED CRASHES, INJURIES, AND FATALITIES.

Returned with concurrence.

Received as information.

S. 730 -- Senators Cromer, Massey, Setzler, Courson and Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE INTERACTIVE DATA VISUALIZATION, INC., OF LEXINGTON, ON ITS DEVELOPMENT OF SPEEDTREE® SOFTWARE AND TO CONGRATULATE THE COMPANY ON RECEIVING A 2015 ACADEMY AWARD® FOR SPEEDTREE'S OUTSTANDING ENRICHMENT OF THE CINEMATIC EXPERIENCE.

Returned with concurrence.

Received as information.

THURSDAY, APRIL 30, 2015

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

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

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

S. 199 -- Senators Grooms, Hembree, Bennett, Campbell, Verdin, Campsen, Gregory, Johnson, Setzler, Sabb, Nicholson and Scott: A BILL TO AMEND SECTION 56-5-1535 OF THE 1976 CODE, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, TO DELETE THIS PROVISION AND CREATE "PEANUT'S LAW", TO PROVIDE A DEFINITION FOR THE TERMS "HIGHWAY WORK ZONE" AND "HIGHWAY WORKER", TO CREATE THE OFFENSES OF "ENDANGERMENT OF A HIGHWAY WORKER", AND TO PROVIDE PENALTIES FOR THESE OFFENSES; TO AMEND SECTION 56-1-720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, TO PROVIDE THAT "ENDANGERMENT OF A HIGHWAY WORKER" VIOLATIONS RANGE BETWEEN TWO AND SIX POINTS; AND TO REPEAL SECTION 56-5-1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

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 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

[SJ]

THURSDAY, APRIL 30, 2015

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.

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

Senator SHANE MARTIN explained the Bill.

Senator YOUNG explained the Bill.

Senator LARRY MARTIN explained the Bill.

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

S. 675 -- Finance Committee: A BILL TO AMEND SECTION 9-1-1310 OF THE 1976 CODE, RELATING TO TRUSTEES OF THE RETIREMENT SYSTEM, TO PROVIDE THAT THE RETIREMENT SYSTEM INVESTMENT COMMISSION IS A COTRUSTEE INSTEAD OF THE STATE BUDGET AND CONTROL BOARD, AND TO REQUIRE THE PUBLIC EMPLOYEE BENEFIT AUTHORITY TO HOLD THE ASSETS OF THE RETIREMENT SYSTEM IN A GROUP TRUST; TO AMEND SECTION 9-1-1320, RELATING TO THE CUSTODIAN OF RETIREMENT FUNDS, TO PROVIDE THAT THE BOARD OF DIRECTORS OF THE PUBLIC EMPLOYEE BENEFIT AUTHORITY SHALL BE THE CUSTODIAN, AND TO AUTHORIZE THE RETIREMENT SYSTEM INVESTMENT COMMISSION TO SELECT THE CUSTODIAL BANK; TO REPEAL SECTIONS 9-8-170(1), 9-9-160(1), 9-10-80(A), AND 9-11-250(1), ALL RELATING TO THE CUSTODIAN OF

[SJ]

THURSDAY, APRIL 30, 2015

RETIREMENT FUNDS; TO AMEND SECTION 9-4-10, RELATING TO THE ESTABLISHMENT OF THE PUBLIC EMPLOYEE BENEFIT AUTHORITY, TO CHANGE THE COMPOSITION OF THE BOARD OF DIRECTORS, TO PROVIDE THAT DIRECTORS SERVE FOR A TERM OF FIVE YEARS AND MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS, AND TO PROVIDE FOR AN EXECUTIVE DIRECTOR; TO AMEND SECTION 9-4-40, RELATING TO THE AUDIT OF THE PUBLIC EMPLOYEE BENEFIT AUTHORITY, TO REQUIRE THE AUDIT BE PERFORMED EVERY FOUR YEARS; TO REPEAL SECTION 9-1-310 RELATING TO THE ADMINISTRATIVE COSTS OF THE RETIREMENT SYSTEMS; TO REPEAL SECTION 9-4-45 RELATING TO THE PUBLIC EMPLOYEE BENEFIT AUTHORITY'S POLICY DETERMINATIONS; TO AMEND SECTION 9-16-10, RELATING TO DEFINITIONS PERTAINING TO RETIREMENT SYSTEM FUNDS, TO DEFINE "FIDUCIARY" AND "TRUSTEE"; BY ADDING SECTION 9-16-25 TO PROVIDE FOR SIGNATORIES AUTHORIZED TO SIGN VOUCHERS TO EFFECT THE PAYMENT FROM THE RETIREMENT SYSTEM'S FUNDS OR TRANSFERS BETWEEN RETIREMENT SYSTEM ACCOUNTS NECESSARY FOR THE RETIREMENT SYSTEM INVESTMENT COMMISSION TO CARRY OUT ITS EXCLUSIVE AUTHORITY TO INVEST; TO AMEND SECTION 9-16-315, RELATING TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO CHANGE THE COMPOSITION OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO PROVIDE THAT COMMISSION MEMBERS SERVE FOR A TERM OF FIVE YEARS AND MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS, TO PROVIDE FOR QUALIFICATIONS OF MEMBERS, TO PROVIDE FOR AN EXECUTIVE DIRECTOR, AND TO PROVIDE FOR HIRING LEGAL COUNSEL; TO AMEND SECTION 9-16-320(A), RELATING TO THE ANNUAL INVESTMENT PLAN OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO PROVIDE THAT THE CHIEF INVESTMENT OFFICER SHALL DEVELOP THE PLAN SUBJECT TO THE OVERSIGHT OF THE EXECUTIVE DIRECTOR; TO AMEND SECTION 9-16-330(A), RELATING TO INVESTMENT OBJECTIVES, TO INCORPORATE THE EXECUTIVE DIRECTOR; TO AMEND SECTION 9-16-335, RELATING TO THE ASSUMED RATE OF RETURN, TO PROVIDE THAT THE ASSUMED RATE OF RETURN EXPIRES EVERY FOUR YEARS SUBJECT TO ACTION

[SJ]

THURSDAY, APRIL 30, 2015

BY THE GENERAL ASSEMBLY; TO AMEND SECTION 9-16-340, RELATING TO THE INVESTMENT OF RETIREMENT FUNDS, TO INCORPORATE THE EXECUTIVE DIRECTOR; AND TO AMEND SECTION 9-16-380, RELATING TO THE AUDIT OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO REQUIRE THE AUDIT BE PERFORMED EVERY FOUR YEARS.

S. 215 -- Senators Campsen and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONDUCT OF ELECTIONS, BY AMENDING SECTIONS 7-13-35 AND 7-13-190, TO PROVIDE THAT AN ELECTION SHALL BE POSTPONED IF THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR AN ENTIRE JURISDICTION HOLDING AN ELECTION, THAT THE POSTPONED ELECTION SHALL BE HELD ON THE FIRST TUESDAY FOLLOWING THE ORIGINAL ELECTION DATE, AND THAT THIS PROVISION DOES NOT APPLY TO STATEWIDE PRIMARIES OR GENERAL ELECTIONS UNLESS THE DECLARATION COVERS THE ENTIRE STATE; TO AMEND SECTION 7-13-350 TO CHANGE THE DATE THAT CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT MUST BE CERTIFIED TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN SEPTEMBER; TO AMEND SECTION 5-15-100 RELATING TO MUNICIPAL ELECTIONS, TO PROVIDE THAT MANAGERS OF AN ELECTION SHALL CERTIFY THE RESULTS WITHIN TWO DAYS OF THE ELECTION; TO AMEND SECTIONS 7-17-10 AND 7-17-20, TO PROVIDE THAT THE COMMISSIONERS OF ELECTION FOR STATEWIDE OFFICERS, SOLICITORS, MEMBERS OF THE GENERAL ASSEMBLY, AND COUNTY OFFICERS MUST MEET ON THE MONDAY FOLLOWING AN ELECTION TO ORGANIZE AS THE COUNTY BOARD OF CANVASSERS AND TO REQUIRE THAT THEY SUBMIT THEIR RESULTS TO THE STATE BOARD OF CANVASSERS BY NOON ON THE TUESDAY FOLLOWING THE ELECTION; TO AMEND ARTICLE 1, CHAPTER 17, TITLE 7 BY ADDING SECTION 7-17-25 TO PROVIDE THAT POST ELECTION AUDITS ARE TO BE COMPLETED BY COUNTY BOARDS OF REGISTRATION AND ELECTION PRIOR TO CERTIFICATION AND TO REQUIRE THAT ENABLING REGULATIONS ARE TO PROVIDE THAT THE AUDIT DATA AND RESULTS ARE TO BE OPEN TO THE PUBLIC; TO AMEND SECTION 7-11-15 RELATING TO THE FILING OF

[SJ]

THURSDAY, APRIL 30, 2015

THE STATEMENT OF INTENTION OF CANDIDACY AND PARTY PLEDGE, TO REDUCE THE NUMBER OF SIGNED COPIES THAT MUST BE FILED WITH THE ELECTION COMMISSION FROM THREE TO ONE; AND TO AMEND SECTION 7-11-80 TO PROVIDE FOR AN ALTERNATE PAPER SIZE FOR NOMINATING PETITIONS FOR CANDIDACY OR POLITICAL PARTY CERTIFICATION.

S. 135 -- Senators Cleary, Campbell, Verdin, Shealy, Fair, Lourie, Young, Corbin and S. Martin: A BILL TO AMEND SECTION 38-71-280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEALTH INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDER, SO AS TO REVISE RELATED DEFINITIONS, TO DELETE EXISTING ELIGIBILITY REQUIREMENTS, AND TO PROVIDE A CITATION TO THE SECTION AS BEING "RYAN'S LAW".

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

Senator CLEARY explained the Bill.

Senator DAVIS explained the Bill.

Senator LOURIE explained the Bill.

Recorded Vote

Senator CAMPSSEN desired to be recorded as voting in favor of the third reading of the Bill.

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

S. 578 -- Senators Hembree, Campbell and Cleary: A BILL TO AMEND SECTION 48-39-170(C) OF THE 1976 CODE, TO PROVIDE A THREE-YEAR STATUTE OF LIMITATIONS ON THE ENFORCEMENT VIOLATIONS RELATING TO MINOR DEVELOPMENT ACTIVITIES EXCEPT IN INSTANCES WHERE THE ALLEGED VIOLATOR KNOWINGLY OR INTENTIONALLY WITHHELD INFORMATION RELATING TO THE ALLEGED VIOLATION.

S. 712 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE

[SJ]

THURSDAY, APRIL 30, 2015

DEPARTMENT OF CONSUMER AFFAIRS, RELATING TO CONSUMER CREDIT COUNSELING REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4527, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

AMENDED, READ THE THIRD TIME

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

[SJ]

THURSDAY, APRIL 30, 2015

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 the consideration of the Bill.

Senators MASSEY and YOUNG proposed the following amendment (277R004.EB.ASM), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered item after item (7) in SECTION 5 to read:

/ () In order to create an environment that ensures financial stability necessary to encourage long-term investment by carriers of last resort while providing for appropriate oversight:

(a) within two years after the effective date of the this act, the Office of Regulatory Staff shall provide a report to the Public Utilities Review Committee (PURC) as to the State Universal Service Fund, the need for funding, and the appropriate level of distributions; and

(b) every four years thereafter, the Office of Regulatory Staff shall provide a report to PURC as to the status of the State Universal Service Fund, provide recommendations, and provide such other information as the PURC deems appropriate. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

Senator SHEHEEN proposed the following amendment (277R007.EB.VAS), which was adopted:

Amend the bill, as and if amended, SECTION 4, by striking section 58-9-10(10) and inserting:

/ “(10) The term ‘carrier of last resort’ means a facilities-based local exchange carrier, as determined by the commission, not

[SJ]

THURSDAY, APRIL 30, 2015

inconsistent with the federal Telecommunications Act of 1996, which has the obligation to provide basic local exchange telephone service, upon reasonable request, to all residential and single-line business customers within a defined service or geographic area. A carrier of last resort may meet its obligation by using any available technology of equal or greater service quality than is required by applicable commission regulations as of the effective date of this act, including, but not limited to, the provision of a broadband connection that allows the customer to access the voice provider of the customer's choice. Notwithstanding any other provision of law, and regardless of the technology used, the service provided to meet this obligation shall be subject to the commission's jurisdiction with respect to service quality and rates, and shall be entitled to USF support. Initially, the incumbent LEC must be a carrier of last resort within its existing service area.” /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

Senators SHEHEEN and RANKIN proposed the following amendment (277R005.EB.VAS), which was adopted:

Amend the bill, as and if amended, by striking SECTION 6 and inserting:

/ SECTION 6. Section 58-9-576(C)(2) of the 1976 Code is amended to read:

“(2)(a) Beginning on the date that the LEC's election, pursuant to this subsection, becomes effective, the LEC may increase its rates for its stand alone basic residential lines that were in service on the preelection date on an annual basis by a percentage that does not exceed the percentage increase over the prior year in the Gross Domestic Product Price Index, as reported by the United States Department of Labor, Bureau of Labor Statistics. If the customer of record for a stand alone basic residential line that was in service on the preelection date dies or moves from the residence, the provisions of this subitem will continue to apply to the stand alone basic residential line at the residence if a spouse, family member, or co tenant of that customer of record provides documentation showing that he resided at the location and requests to have the stand alone basic residential line continued in his name. With

[SJ]

THURSDAY, APRIL 30, 2015

the sole exception of ensuring the LEC's compliance with the preceding sentences, the commission must not:

~~(a)~~ (i) impose any requirements related to the terms, conditions, rates, or availability of any of the LEC's stand alone basic residential lines that were in service on the preelection date; or

~~(b)~~ (ii) otherwise regulate any of the LEC's stand alone basic residential lines that were in service on the preelection date.

(b) Except as provided in subsection (C)(2)(c), for any LEC that elected to operate under section 58-9-576(C) prior to January 1, 2015, the commission must not:

(i) impose any requirements related to the terms, conditions, rates, or availability of any of the LEC's stand alone basic residential lines that were in service on the preelection date; or

~~(b)~~ (ii) otherwise regulate any of the LEC's stand alone basic residential lines that were in service on the preelection date.

(c)(i) As used in this subsection, 'voice service' means retail service provided through any technology or service arrangement that includes the applicable functionalities described in 47 C.F.R. sec. 54.101(a). Notwithstanding anything in subsection (C)(2)(b), the following provisions apply to each customer receiving a stand-alone basic residential line from any LEC described in subsection (C)(2)(b) both on the preelection date and on the effective date of this act. For a period ending four years after the effective date of this act, if the customer cannot receive voice service from any provider through any technology at the customer's residence where the customer received a stand-alone basic residential line, the customer may file a request for service with the commission. Following an investigation by the commission, if the commission determines a reasonable request for service has been made and that no voice service is available to the customer the commission may:

(1) make a determination that the LEC is best able to provide voice service to the customer's residence and it may order the LEC to provide the voice service to the customer's residence. If ordered by the commission to provide voice service, the LEC shall do so directly or through an affiliate; or

(2) conduct a competitive procurement process to identify a willing provider of voice service to provide voice service to the customer's residence. The willing provider of voice service selected shall provide the voice service directly or through an affiliate.

THURSDAY, APRIL 30, 2015

(ii) The LEC or willing provider of voice service may provide the voice service through any voice technology.

(iii) Other than ordering the provision of voice service pursuant to this subsection, the commission may not regulate any aspect of the voice service. The commission shall issue a final order disposing of any request filed pursuant to this subsection within ninety days of the filing of the request, and all aspects of the commission's order shall expire four years after the effective date of the order and may not be renewed.

(iv) Before terminating service to a customer described in subsection (C)(2)(c) whose residence uses a stand-alone basic residential line, the LEC described shall provide written notice to the customer informing him of his rights under this subsection. This written notice shall direct the customer where to file the request and include the commission's contact information. The LEC shall provide this written notice at least ninety days prior to terminating service at the customer's residence." /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

Senator RANKIN proposed the following amendment (JUD0277.005), which was adopted:

Amend the bill, as and if amended, by striking subsection 58-9-2535(A), beginning on line 34 on page 2, and inserting:

/ "Section 58-9-2535. (A) A local exchange provider must collect the dual party relay charge established in Section 58-9-2530(A) on each local exchange access facility.

(1) For bills rendered on or after the effective date of this act, for any individual local exchange access facility that is capable of simultaneously carrying multiple voice and data transmissions, a subscriber must be billed a number of dual party relay charges equal to:

(a) the number of outward voice transmission paths activated on such a facility in cases where the number of activated outward voice transmission paths can be modified by the subscriber only with the assistance of the service supplier; or

THURSDAY, APRIL 30, 2015

(b) five, where the number of activated outward voice transmission paths can be modified by the subscriber without the assistance of the service supplier. The total number of dual party relay charges is subject to a maximum of fifty such charges for each account.

(2) A billed subscriber must be liable for any dual party relay charge imposed under this subsection until it has been paid to the local exchange provider. A local exchange provider has no obligation to take any legal action to enforce the collection of the dual party relay charges for which a subscriber is billed.

(3) Local exchange providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the Office of Regulatory Staff as an administrative fee. Within forty-five days after the end of the month during which the charges were collected, each local exchange provider shall file with the Office of Regulatory Staff a return showing the total amount of dual party relay charges collected for the month and, at the same time, shall remit to the Office of Regulatory Staff the charges collected for that month less the administrative fee.

(4) Dual party relay charges imposed under this subsection must be added to the billing by the local exchange provider to its subscriber and may be stated separately. /

To further amend the bill, as and if amended, by striking item (C)(2), lines 33-42 on page 4, and inserting:

/ (2) VoIP providers that collect dual party relay charges are entitled to retain two percent of the gross dual party relay charges remitted to the department as an administrative fee. On or before the twentieth day of the second month succeeding each monthly collection of the dual party relay charges, each VoIP provider shall file with the department a return under oath, in a form prescribed by the department, showing the total amount of dual party relay charges collected for the month and, at the same time, shall remit to the department the charges collected for that month less the administrative fee. The department shall transfer all charges remitted to the operating fund. /

To further amend the bill, as and if amended, by striking items (D)(3) and (D)(4), lines 21-28 on page 5, and inserting:

/ (3) A prepaid wireless seller is entitled to retain three percent of the gross dual party relay charges remitted to the department as an administrative fee. A prepaid wireless seller must remit the remainder of the dual party relay charges collected to the department on or before the twentieth day of the second month succeeding each monthly

THURSDAY, APRIL 30, 2015

collection of the dual party relay charges. The department shall transfer all charges remitted to the operating fund. /

To further amend the bill, as and if amended, by adding subsection (H) to Section 58-9-2535, after line 11 on page 6, to read:

/ (H) With regard to the dual party relay charges described in subsections (B), (C), and (D):

(1) the audit and appeal procedures applicable pursuant to Chapter 36, Title 12 shall apply;

(2) the provisions of Chapter 54, Title 12 shall apply to the collection, enforcement and reporting of such charge as defined by Section 12-60-30(27); and

(3) for efficient administration of such charges, the department may provide different payment periods as the department deems necessary. /

To further amend the bill, as and if amended, by striking item (2)(a), beginning on line 27 on page 7, and inserting:

/ (a) Telecommunications companies and VoIP providers that provide VoIP service pursuant to a certificate issued by the commission must remit these contributions to the Office of Regulatory Staff in accordance with orders issued by the commission. All other VoIP providers, all CMRS providers, and all prepaid wireless providers must remit these contributions to the Department of Revenue in the same manner as telecommunications companies and VoIP providers that provide VoIP service pursuant to a certificate issued by the commission remit these contributions to the Office of Regulatory Staff. The Department of Revenue monthly shall assess each CMRS provider, each prepaid wireless provider, and each VoIP provider that does not have a certificate issued by the commission, its contribution to the USF. For efficient administration of the USF, the department may provide different payment periods as the department deems necessary. The Office of Regulatory Staff shall certify to the Department of Revenue the USF factor and the amounts to be assessed. The Department of Revenue shall charge the assessments to the companies and collect the assessments as provided by law, including the enforcement and collection provisions of Chapter 54, Title 12. The USF assessments, less the Department of Revenue actual incremental increase in the cost of administration, must be transferred to the USF administered by the Office of Regulatory Staff or third party administrator designated by the Office of Regulatory Staff /

THURSDAY, APRIL 30, 2015

To further amend the bill, as and if amended, by striking item (6), lines 5-7 on page 10.

To further amend the bill, as and if amended, by adding an appropriately numbered SECTION after SECTION 8, on page 14, and inserting:

/ SECTION _____. Section 58-9-576(C)(1)(a) is amended to read:

(a) "Single-line basic residential service" means single-line residential flat rate basic voice grade local service ~~with touch-tone~~ within a traditional local calling area that provides access to available emergency services and directory assistance, the capability to access interconnecting carriers, relay services, access to operator services, and one annual local directory listing (white pages or equivalent). /

To further amend the bill, as and if amended, by adding an appropriately numbered SECTION after SECTION 9, on page 14, and inserting:

/ SECTION _____. Beginning on the effective date of this act, the Office of Regulatory Staff and the Department of Revenue may take necessary action to accommodate full implementation of SECTIONS 3, 5A, and 8 of this act, as soon as practicable, provided however that full implementation shall not occur earlier than January 1, 2016. The Office of Regulatory Staff and the Department of Revenue shall provide at least 30 days public notice of the full implementation date before the full implementation of these SECTIONS occurs, and no person or entity is required to bill, collect, remit or pay any charges pursuant to SECTION 3, 5A, or 8 of this act prior to the full implementation date. /

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was adopted.

The question then being the third reading of the Bill, as amended.

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

Ayes 22; Nays 20

AYES

Alexander
Coleman

Allen
Hayes

Campbell
Hutto

[SJ]

THURSDAY, APRIL 30, 2015

Jackson	Johnson	Kimpson
Leatherman	<i>Martin, Larry</i>	Matthews
Nicholson	O'Dell	Pinckney
Rankin	Reese	Sabb
Scott	Setzler	Verdin
Williams		

Total--22

NAYS

Bennett	Bright	Bryant
Campsen	Courson	Cromer
Davis	Fair	Grooms
Hembree	Malloy	<i>Martin, Shane</i>
Massey	McElveen	Peeler
Shealy	Sheheen	Thurmond
Turner	Young	

Total--20

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

**COMMITTEE AMENDMENT WITHDRAWN
AMENDED, READ THE THIRD TIME
SENT TO THE HOUSE**

S. 55 -- Senator Campsen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-180 SO AS TO REQUIRE EACH POLITICAL SUBDIVISION OF THE STATE WHOSE GOVERNING BOARD, COMMISSION, OR COUNCIL IS POPULARLY ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS, RESIDENCY REQUIREMENTS, OR A COMBINATION OF AT-LARGE AND SINGLE-MEMBER DISTRICTS TO BE REAPPORTIONED TO A POPULATION VARIANCE OF LESS THAN TEN PERCENT WITHIN THREE YEARS OF THE DATE ON WHICH THE LATEST OFFICIAL UNITED STATES DECENNIAL CENSUS IS ADOPTED BY THE GENERAL ASSEMBLY, TO PROVIDE PROCEDURES FOR CONTINUITY OF REPRESENTATION WHEN REAPPORTIONMENT LOCATES TWO OR MORE ELECTED MEMBERS IN THE SAME ELECTION DISTRICT, AND TO

THURSDAY, APRIL 30, 2015

CLARIFY CERTAIN DUTIES AND RESPONSIBILITIES OF THE SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE REGARDING REAPPORTIONMENT.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0055.004), which was withdrawn:

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

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

“Section 7-1-110. (A)(1) Notwithstanding another provision of law, within three years of the adoption by the State of each official United States decennial census, each political subdivision of the State, other than a school district or constituent school district, whose governing board, commission, or council is popularly elected from single-member election districts, residency requirements, or a combination of at-large and single-member districts must be reapportioned to a population variance of less than ten percent. A school district or constituent school district that is popularly elected from single-member election districts or a combination of at-large and single-member districts must be reapportioned to a population variance of less than ten percent. The reapportionment plan becomes effective for the next regularly scheduled election after the adoption of the reapportionment plan.

(2)(a) Any popularly elected board, commission, or council member who is serving in a district that has been reapportioned shall be allowed to continue to serve the balance of his unexpired term representing the people in the new reapportioned district if he is an elector in such reapportioned district.

(b) In the event that two or more popularly elected members of a political subdivision’s governing board, commission, or council, elected by single-member districts or residency requirements, because of reapportionment, become electors in the same district, if there are two or more years remaining on either of the affected member’s terms after the reapportionment becomes effective, their terms expire by the next general election and an election must be held to fill the remaining term for the seat with two or more members and for the seat for the district with the vacancy, if applicable.

(c) If a seat becomes vacant after election districts have been reapportioned, but prior to the expiration of the incumbent’s term of

THURSDAY, APRIL 30, 2015

office due to death, resignation, removal, or any other cause, the resulting vacancy must be filled under the new reapportionment plan in the manner provided by law for the district that has the same district number as the district from which the council member whose office is vacant was elected.

(B) Each political subdivision of the State described in subsection (A) shall furnish the South Carolina Revenue and Fiscal Affairs Office a copy of the adopted version of the applicable reapportionment ordinance and its accompanying map and statistics.”

SECTION 2. Section 4-9-90 of the 1976 code is amended to read:

“Section 4-9-90. Election of council members; reapportionment of single-member election districts; terms of office and vacancies; election at large of chairman; procedure for changing term of office; continuation in office after reapportionment.

Council members must be elected from defined single-member election districts unless otherwise determined under the provisions of subsection (a), (b), or (c) of Section 4-9-10 or under the provisions of any plan ordered by a court of competent jurisdiction prior to May 1, 1986. In the event the members of the governing body are required to be elected from defined single-member election districts, they must be elected by the qualified electors of the district in which they reside. ~~All districts must be reapportioned as to population by the county council within a reasonable time prior to the next scheduled general election which follows the adoption by the State of each federal decennial census. The population variance between defined election districts shall not exceed ten percent.~~

Members of the governing body of the county shall be elected in the general election for terms of two years or four years as the General Assembly may determine for each county commencing on the second of January next following their election. Vacancies on the governing body shall be filled in the manner of original election for the unexpired terms in the next general election after the vacancy occurs or by special election if the vacancy occurs one hundred eighty days or more prior to the next general election.

In those counties where the members are elected for four year terms, such terms shall be staggered. If necessary, in the initial election for members one-half plus one of the members elected who receive the highest number of votes shall serve terms of four years and the remaining members elected shall initially serve terms of two years only. In those counties in which the chairman of the governing body was elected at

THURSDAY, APRIL 30, 2015

large as a separate office prior to the adoption of one of the alternate forms of government provided for in this chapter, the chairman shall continue to be so elected.

In any county in which terms of county council members are for two years only, the council may by ordinance change such terms to four-year staggered terms but such ordinance shall not become effective until approved by a favorable vote of the qualified electors of the county voting in a referendum conducted for that purpose. In the event the referendum is conducted at the time of the general election in which council members are elected, and the vote is favorable on the ordinance, the terms of council members shall automatically be changed to four-year terms except that of those elected in that general election one half plus one of such members who receive the highest vote shall serve four-year terms and the remaining members elected shall serve terms of two years only.

~~Any council member who is serving a four-year term in a district that has been reapportioned and whose term does not expire until two years after reapportionment becomes effective shall be allowed to continue to serve the balance of his unexpired term representing the people in the new reapportioned district if he is an elector in such reapportioned district. In the event that two or more council members, because of reapportionment, become electors in the same district, an election shall then be required. Provided, however, that if any seat should become vacant after election districts have been reapportioned but prior to the expiration of the incumbent's term of office due to death, resignation, removal, or any other cause, the resulting vacancy shall be filled under the new reapportionment plan in the manner provided by law for the district that has the same district number as the district from which the council member whose office is vacant was elected. For the purpose of this section, a council member will be deemed a resident of the district he represents as long as he resides in any part of the district as constituted at the time of his election."~~

SECTION 3. This act takes effect upon approval by the Governor. Those districts that have not been reapportioned since the 2010 census, if required by terms of this act, must be reapportioned within two years of the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

THURSDAY, APRIL 30, 2015

Senator CAMPSSEN proposed the following amendment (JUD0055.006), which was adopted:

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

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

“Section 7-1-110. (A) Any popularly elected board, commission, or council member who is serving in a district that has been reapportioned shall be allowed to continue to serve the balance of his unexpired term representing the people in the new reapportioned district if he is an elector in such reapportioned district.

(B) In the event that two or more popularly elected members of a political subdivision’s governing board, commission, or council, elected by single-member districts or residency requirements, because of reapportionment, become electors in the same district:

(1) if there are two or more years remaining on two or more of the affected members’ terms after the reapportionment becomes effective, their terms expire by the next general election and an election must be held to fill the remaining term for the seat with two or more members and for the seat for the district with the vacancy, if applicable; or

(2) if there are two or more years remaining on only one affected member’s term, that member may continue to serve the balance of his unexpired term representing the people in the newly reapportioned district.

(C) If a seat becomes vacant after election districts have been reapportioned, but prior to the expiration of the incumbent’s term of office due to death, resignation, removal, or any other cause, the resulting vacancy must be filled under the new reapportionment plan in the manner provided by law for the district that has the same district number as the district from which the council member whose office is vacant was elected.”

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

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then being the third reading of the Bill.

THURSDAY, APRIL 30, 2015

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

Ayes 42; Nays 0

AYES

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

Total--42

NAYS

Total--0

There being no further amendments, the Bill was read the third time and ordered sent to the House.

READ THE SECOND TIME

H. 3324 -- Reps. J.E. Smith, G.M. Smith, Yow, Hardee, Clemmons, Goldfinch, Hardwick, Johnson, Duckworth, W.J. McLeod and Gilliard: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY STATE AND LOCAL LEVEL VETERANS ISSUES; TO MAKE APPROPRIATE LEGISLATIVE RECOMMENDATIONS FOR IMPROVING THE STRUCTURE, DELIVERY, AND COORDINATION OF VETERANS SERVICES IN SOUTH CAROLINA; AND TO PROVIDE FOR THE COMMITTEE'S MEMBERSHIP, DURATION, AND STAFFING.

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

THURSDAY, APRIL 30, 2015

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	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	Rankin
Reese	Sabb	Setzler
Shealy	Sheheen	Thurmond
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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

READ THE SECOND TIME

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.

THURSDAY, APRIL 30, 2015

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 44; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Cleary	Coleman
Corbin	Courson	Cromer
Davis	Fair	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
Williams	Young	

Total--44

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

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 POWERS AND DUTIES OF THE ADJUTANT GENERAL, SO AS TO

THURSDAY, APRIL 30, 2015

REQUIRE THE ADJUTANT GENERAL TO SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY.

The Senate proceeded to a consideration of the Bill.

Senator O'DELL proposed the following amendment (GGS\3683C001.GGS.ZW15), which was adopted:

Amend the bill, as and if amended, Section 25-1-350(2), as contained in SECTION 1, page 1, by striking lines 24 - 30 and inserting:

/ “(2) keep rosters of all active, reserve and retired officers of the militia of the State, keep in his office all records and papers required to be kept and filed ~~therein~~ in his office and submit to the Governor and General Assembly each year ~~a printed~~ an annual report of Report of the Adjutant General of the State of South Carolina that includes the operations and conditions of the National Guard of South Carolina;” /

Renumber sections to conform.

Amend title to conform.

The question then 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	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
Setzler	Shealy	Sheheen
Thurmond	Turner	Williams
Young		

Total--43

[SJ]

28

THURSDAY, APRIL 30, 2015

NAYS

Total--0

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

CARRIED OVER

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.

On motion of Senator HAYES, the Bill 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.

Senator MASSEY explained the Bill.

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

THURSDAY, APRIL 30, 2015

S. 708 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO END-OF-COURSE TESTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4530, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 709 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO USE AND DISSEMINATION OF TEST RESULTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4532, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 710 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO TEST SECURITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4531, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 711 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSESSMENT PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4529, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 3890 -- Rep. Norrell: A BILL TO AMEND SECTION 59-1-425, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT ALL SCHOOL DAYS MISSED FOR SCHOOL CLOSINGS NECESSITATED BY WEATHER CONDITIONS OR OTHER DISRUPTIONS REQUIRING SCHOOLS TO CLOSE MUST BE MADE UP, SO AS TO PROVIDE THAT WHEN SCHOOLS CLOSE BECAUSE THE GOVERNOR DECLARES A STATE OF EMERGENCY DUE TO SNOW,

THURSDAY, APRIL 30, 2015

EXTREME WEATHER CONDITIONS, OR OTHER NATURAL DISASTERS, STUDENTS IN THOSE SCHOOLS ARE NOT REQUIRED TO MAKE UP ANY DAYS MISSED AS A RESULT.

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

OBJECTION

H. 3305 -- Reps. Lowe, Bingham, Horne, Weeks and Bradley: A BILL TO AMEND SECTION 41-35-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DENIAL OF UNEMPLOYMENT BENEFITS FOR AN EMPLOYEE WHO TESTS POSITIVE FOR ILLEGAL DRUG USE OR THE UNLAWFUL USE OF LEGAL DRUGS, SO AS TO REVISE THE RANGE OF SPECIMENS FROM AN EMPLOYEE THAT MAY BE TESTED TO INCLUDE ORAL FLUIDS.

Senator ALEXANDER objected to the Bill.

ADOPTED

H. 3871 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF DARGAN STREET IN THE CITY OF FLORENCE FROM ITS INTERSECTION WITH LUCAS STREET TO ITS INTERSECTION WITH BAROODY STREET "REVEREND WILLIAM LEVI THOMPSON WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

POINT OF ORDER

S. 165 -- Senators Hembree, Turner, Bennett and Massey: A BILL TO AMEND SECTION 1-23-600 OF THE 1976 CODE, RELATING TO HEARINGS AND PROCEEDINGS IN THE ADMINISTRATIVE LAW COURT, TO PROVIDE THAT A REQUEST FOR A CONTESTED CASE HEARING FOR AN AGENCY ORDER STAYS THE ORDER FOR THIRTY DAYS, PROVIDED, HOWEVER, THAT MATTERS NOT AFFECTED BY THE REQUEST MAY NOT BE STAYED BY THE FILING OF THE REQUEST, AND TO DELETE THE PROVISIONS THAT A REQUEST FOR A CONTESTED CASE HEARING FOR AN ORDER TO REVOKE OR SUSPEND A LICENSE STAYS THE REVOCATION OR SUSPENSION, AND

[SJ]

THURSDAY, APRIL 30, 2015

FOR A DECISION TO RENEW A LICENSE FOR AN ONGOING ACTIVITY STAYS THE RENEWED LICENSE, AND TO PROVIDE THAT AFTER A CONTESTED CASE IS INITIATED BEFORE THE ADMINISTRATIVE LAW COURT, A PARTY MAY MOVE BEFORE THE PRESIDING ADMINISTRATIVE LAW JUDGE FOR INJUNCTIVE RELIEF PURSUANT TO APPLICABLE LAW, AND TO DELETE THE PROVISION THAT THE COURT SHALL LIFT THE STAY FOR GOOD CAUSE SHOWN OR IF NO IRREPARABLE HARM WILL OCCUR, THEN THE STAY SHALL BE LIFTED, AND TO DELETE THE REQUIREMENT THAT A HEARING MUST BE HELD WITHIN THIRTY DAYS TO LIFT THE AUTOMATIC STAY OR FOR A DETERMINATION OF THE APPLICABILITY OF THE AUTOMATIC STAY, AND TO DELETE THE REQUIREMENT THAT THE JUDGE MUST ISSUE AN ORDER NO LATER THAN FIFTEEN BUSINESS DAYS AFTER THE HEARING IS CONCLUDED, AND TO PROVIDE THAT ANY INJUNCTION ORDERED BY THE ADMINISTRATIVE LAW COURT SHALL REQUIRE THE POSTING OF A BOND OR OTHER SECURITY SUFFICIENT FOR THE COST AND EXPENSE OF THE LITIGATION AND PROJECT DELAY AS DEMONSTRATED BY AN AFFIDAVIT MADE ON A GOOD FAITH ESTIMATE OF SUCH COST AND EXPENSE.

Point of Order

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 sustains the Point of Order.

POINT OF ORDER

S. 490 -- Senator Alexander: A BILL TO AMEND SECTION 1-23-280 OF THE 1976 CODE, RELATING TO THE SMALL BUSINESS REGULATORY REVIEW COMMITTEE, TO PROVIDE THAT IT IS THE DUTY OF THE COMMITTEE TO REQUEST FROM AN AGENCY PROMULGATING A REGULATION BEING REVIEWED BY THE COMMITTEE A RESPONSE TO THE COMMITTEE'S REQUEST FOR INFORMATION RELATED TO THE REGULATION AND TO PROVIDE THAT THE AGENCY MUST RESPOND TO THE REQUEST WITHIN FIFTEEN DAYS, TO PROVIDE THAT THE COMMITTEE SHALL HAVE THE ABILITY

[SJ]

THURSDAY, APRIL 30, 2015

TO REQUEST INFORMATION AND A REGULATORY FLEXIBILITY ANALYSIS ON A PROPOSED REGULATION AFTER THE PUBLIC HEARING DATE OR A REGULATORY FLEXIBILITY ANALYSIS ON AN EXISTING REGULATION, AND THE ABILITY TO PETITION THE STATE AGENCY OR THE GENERAL ASSEMBLY, OR BOTH, TO AMEND, REVISE, OR REVOKE A REGULATION IF THE COMMITTEE DETERMINES THERE WILL BE A SIGNIFICANT ADVERSE IMPACT ON SMALL BUSINESSES, TO PROVIDE FOR THE ADJUSTMENT OF COMMITTEE MEMBERS' TERMS TO ACHIEVE STAGGERED TERMS, AND TO PROVIDE THAT AN APPOINTED COMMITTEE MEMBER SHALL NOT SERVE CONSECUTIVELY FOR MORE THAN SIX YEARS.

Point of Order

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. 3168 -- Reps. Tallon, McCoy and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 9, TITLE 25 SO AS TO ENACT THE "SOUTH CAROLINA EMERGENCY MANAGEMENT LAW ENFORCEMENT ACT", TO DEFINE NECESSARY TERMS, AND PROVIDE QUALIFICATIONS, POWERS, DUTIES, AND LIMITATIONS OF SPECIAL LAW ENFORCEMENT OFFICERS SERVING PURSUANT TO THIS ARTICLE.

Point of Order

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.

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

THURSDAY, APRIL 30, 2015

MOTION FOR SPECIAL ORDER FAILED

H. 3579 -- Reps. Simrill, White, Lucas, Allison, Henderson, Limehouse, Newton, Ott, Clary, Collins, Delleney, Forrester, Gambrell, Hardwick, Hiott, Horne, Merrill, D.C. Moss, V.S. Moss, Murphy, Pitts, Sandifer, G.M. Smith, Sottile, Spires, Wells, Whitmire, Yow, Jefferson, Erickson, Funderburk, Hosey, Hixon, Clyburn, Knight, Herbkersman, H.A. Crawford, Felder, Willis, McCoy, Bradley, Douglas, Norrell, Long, Bales, Daning, Loftis, Tallon, Anthony, Howard, Gagnon, Riley, Williams, Hayes, G.A. Brown, R.L. Brown, Hart, Weeks, Whipper, Pope, Tinkler, Hicks, Brannon, Corley, Clemmons, Johnson, George, Alexander, Anderson and Duckworth: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA INFRASTRUCTURE FINANCE REFORM AND TAX RELIEF ACT"; TO AMEND SECTIONS 57-1-310, 57-1-320, 57-1-325, AND 57-1-330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57-1-410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57-1-730 AND 57-1-740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57-1-95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020, AND TO

[SJ]

THURSDAY, APRIL 30, 2015

PROVIDE EXCEPTIONS; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11-43-180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY-FIVE MILLION DOLLARS; BY ADDING SECTION 11-43-265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57-1-100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH "C" FUNDS MUST BE EXPENDED; TO AMEND SECTIONS 56-5-4210 AND 56-5-4220, BOTH RELATING TO ROAD RESTRICTIONS, SO AS TO SPECIFY CERTAIN RESTRICTIONS ON LOCALITIES; TO AMEND SECTION 12-28-310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A GALLON; TO AMEND SECTION 12-36-2110, RELATING TO THE

[SJ]

THURSDAY, APRIL 30, 2015

MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO AMEND SECTION 12-36-2647, RELATING TO THE TAX REVENUES COLLECTED FROM THE SALE OR LEASE OF A MOTOR VEHICLE, SO AS TO CREDIT ALL THE REVENUES TO THE STATE HIGHWAY FUND EXCEPT FOR CERTAIN AMOUNTS THAT ARE USED FOR THE EDUCATION IMPROVEMENT ACT; BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN EXCISE TAX ON THE WHOLESale PRICE OF MOTOR FUEL EQUAL TO THE CUMULATIVE STATE SALES TAX RATE, TO PROVIDE THAT THE REVENUE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL; AND TO AMEND SECTION 12-6-510, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

Senator CROMER moved that the Bill be made a Special Order.

Senator PEELER argued in opposition of the motion.

Senator CROMER argued in favor of the motion.

With unanimous consent, Senator LEATHERMAN argued in favor of the motion.

The question then was to set the Bill for Special Order.

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

Ayes 26; Nays 19

THURSDAY, APRIL 30, 2015

AYES

Alexander	Allen	Campbell
Cleary	Coleman	Cromer
Hayes	Hutto	Jackson
Johnson	Kimpson	Leatherman
Lourie	Malloy	Matthews
McElveen	Nicholson	O'Dell
Pinckney	Rankin	Reese
Sabb	Scott	Setzler
Sheheen	Williams	

Total--26

NAYS

Bennett	Bright	Bryant
Campsen	Corbin	Courson
Davis	Fair	Grooms
Hembree	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Peeler	Shealy
Thurmond	Turner	Verdin
Young		

Total--19

Having failed to receive the necessary vote, the motion to make the Bill a Special Order failed.

MOTION ADOPTED

At 1:11 P.M., on motion of Senator LARRY MARTIN, the Senate agreed to dispense with the balance of the Motion Period.

Expression of Personal Interest

Senator LOURIE rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SETZLER rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator GROOMS rose for an Expression of Personal Interest.

[SJ]

THURSDAY, APRIL 30, 2015

Expression of Personal Interest

Senator JACKSON rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator HUTTO rose for an Expression of Personal Interest.

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

CARRIED OVER

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.

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

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 11 -- Senators L. Martin, Malloy, Peeler, Courson, Campsen, Johnson, Hembree, Setzler, Coleman, Alexander, Scott and Sheheen: A BILL TO AMEND SECTION 30-4-80, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE NOTICE OF MEETINGS FOR PUBLIC BODIES, TO REQUIRE THAT A PUBLIC BODY MUST PROVIDE AN AGENDA FOR ALL REGULARLY SCHEDULED MEETINGS AND THAT ITEMS SHALL NOT BE ADDED TO THAT AGENDA LATER THAN TWENTY-FOUR HOURS BEFORE THE MEETING, EXCEPT BY A TWO-THIRDS VOTE OF THE BODY.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator LARRY MARTIN proposed the following amendment (JUD0011.005), which was adopted:

[SJ]

THURSDAY, APRIL 30, 2015

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

/ SECTION 1. Section 30-4-80 of the 1976 Code is amended to read:

“Section 30-4-80. ~~(a)~~(A) All public bodies, except as provided in subsections ~~(b)~~(B) and ~~(c)~~(C) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. ~~Agenda, if any,~~ An agenda for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. An item shall not be added to the agenda later than twenty-four hours before the meeting, except as expressly provided under the rules or procedures for meetings lawfully adopted by the public body. Under no circumstances shall an item, upon which a vote may be taken, be added to the agenda later than twenty-four hours before the meeting without a two-thirds vote of the public body in public session. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.

~~(b)~~ (B) Legislative committees must post their meeting times during weeks of the regular session of the General Assembly and must comply with the provisions for notice of special meetings during those weeks when the General Assembly is not in session. Subcommittees of standing legislative committees must give notice during weeks of the legislative session only if it is practicable to do so.

~~(c)~~ (C) Subcommittees, other than legislative subcommittees, of committees required to give notice under subsection (a), must make reasonable and timely efforts to give notice of their meetings.

~~(d)~~ (D) Written public notice must include but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

~~(e)~~ (E) All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings.”

THURSDAY, APRIL 30, 2015

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

Senator LARRY MARTIN explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 42; Nays 0

AYES

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

Total--42

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

**THE SENATE PROCEEDED TO A CONSIDERATION OF
H. 3701, THE GENERAL APPROPRIATIONS BILL.**

THURSDAY, APRIL 30, 2015

H. 3701--GENERAL APPROPRIATIONS BILL

CARRIED OVER

H. 3701 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

Senator LEATHERMAN spoke on the Bill.

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

Motion Failed

Senator MALLOY moved that the Senate stand adjourned.

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

Ayes 12; Nays 27

AYES

Coleman	Hutto	Jackson
Johnson	Malloy	Matthews
Nicholson	Pinckney	Sabb
Scott	Sheheen	Williams

Total--12

NAYS

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Corbin	Courson
Cromer	Davis	Grooms
Hayes	Hembree	Kimpson
Leatherman	<i>Martin, Larry</i>	McElveen
O'Dell	Peeler	Rankin

[SJ]

41

THURSDAY, APRIL 30, 2015

Reese
Turner

Shealy
Verdin

Thurmond
Young

Total--27

The Senate refused to adjourn.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

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

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.

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

Amendment No. 1

Senator HUTTO proposed the following amendment (229R003.KM.CBH), which was withdrawn:

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

[SJ]

42

THURSDAY, APRIL 30, 2015

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. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke on the amendment.

Motion Adopted

Senator HUTTO asked unanimous consent to relinquish the floor to Senator KIMPSON for remarks on the Bill and at the conclusion of the remarks, Senator HUTTO would retain the floor.

There was no objection.

Senator KIMPSON spoke on the Bill.

Senator HUTTO resumed speaking on the amendment.

Motion Adopted

Senator HUTTO asked unanimous consent to make a motion that the Senate proceed to Amendment No. 6, adopt Amendment No. 6, withdraw all remaining amendments, proceed to a roll call vote on the question of third reading of the Bill, and upon the conclusion of the vote, the Senate would stand adjourned.

There was no objection.

Amendment No. 6

Senators HUTTO and CAMPSAN proposed the following amendment (229R011.EB.CBH), which was adopted:

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

/ SECTION 3. Section 6 of Act 198 of 2012 is amended to read:

“SECTION 6. The repeal or amendment by this act of any law or any other provision contained in this act, whether temporary or permanent or civil or criminal, does not affect pending actions, ~~rights, duties, liabilities, or rights~~ and does not amend or repeal any provisions of the South Carolina Pollution Control Act (1) for any federal project for

THURSDAY, APRIL 30, 2015

which a final Environmental Impact Statement has been issued but no subsequent record of decision has been issued as of ~~the date of this enactment~~ June 6, 2012, (2) for any commercial hazardous waste storage, treatment, and landfill facility managed or operated by a trust for which the State of South Carolina or its department or agency serves as a trustee or beneficiary for such hazardous waste facility, and (3) for any pollution, discharges, contamination, or other harms related to, originating from, or caused by coal ash, coal combustion waste, residuals, or toxic pollutants designated by the U.S. Environmental Protection Agency in 40 C.F.R. Section 401.15 and for any such project, hazardous waste facility, or coal ash pollution, the Pollution Control Act remains in full force and effect as it existed prior to the passage of this act. ~~After the effective date of this act~~ On and after June 6, 2012, 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 the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws or other provisions contained in this act.~~ However, in regard to subitem (2) herein, no private right of action under the Pollution Control Act may be brought or lie against such a trust, its trustee, beneficiary, or interim administrator.” /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then was third reading of the Bill.

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

Ayes 33; Nays 2

AYES

Alexander	Allen	Bennett
Bright	Campbell	Campsen
Coleman	Corbin	Courson
Cromer	Davis	Grooms
Hayes	Hembree	Hutto

[SJ]

44

THURSDAY, APRIL 30, 2015

Johnson	Leatherman	Malloy
<i>Martin, Larry</i>	Matthews	McElveen
Nicholson	O'Dell	Peeler
Pinckney	Rankin	Reese
Setzler	Shealy	Sheheen
Turner	Williams	Young

Total--33

NAYS

Kimpson	Sabb
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Total--2

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House of Representatives with amendments.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. David Weston Hiott of Pickens, S.C. Mr. Hiott is the uncle of Representative Davey Hiott. He was a longtime business leader in the Pickens community. David was a faithful member of Pickens First Baptist Church, the Lions Club, Veterans of Foreign Wars and the Jaycees. For many years he was co-owner of the Pickens Sentinel. Mr. Hiott proudly served in the U. S. Navy during World War II. He was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

THURSDAY, APRIL 30, 2015

MOTION ADOPTED

On motion of Senators SABB and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Glenda Shuler of Kingstree, S.C. Ms. Shuler was a graduate of Queen's University and a member of Kingstree Presbyterian Church. She was a loving wife, devoted mother and doting grandmother who will be dearly missed.

ADJOURNMENT

At 2:52 P.M., on motion of Senator HUTTO, the Senate adjourned to meet tomorrow at 11:00 A.M. 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.

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THURSDAY, APRIL 30, 2015

SENATE JOURNAL INDEX

S. 11.....	38	S. 713.....	6
S. 55.....	20	S. 730.....	6
S. 135.....	11	S. 731.....	2
S. 165.....	31	S. 732.....	3
S. 199.....	7		
S. 215.....	10	H. 3168.....	33
S. 229.....	42	H. 3266.....	29
S. 250.....	7	H. 3304.....	2
S. 277.....	12	H. 3305.....	31
S. 490.....	32	H. 3324.....	25
S. 578.....	11	H. 3547.....	26
S. 629.....	29	H. 3579.....	34
S. 675.....	8	H. 3683.....	27
S. 708.....	30	H. 3701.....	41
S. 709.....	30	H. 3871.....	31
S. 710.....	30	H. 3877.....	38
S. 711.....	30	H. 3890.....	30
S. 712.....	11	H. 4086.....	3