

NO. 75

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

WEDNESDAY, MAY 20, 2015

Wednesday, May 20, 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 writes that the servants who pleases God are:

“Those who walk blamelessly and do what is right, and speak the truth from their heart...” (Psalm 15:2)

Let us pray:

O God, we thank You for Your promises of forgiveness. We all know how challenging it is to live as Your blameless, righteous and ever-truthful followers. For we all have feet of clay: we stumble on occasion, as You, Lord, know. We are, indeed, sinners. Yet we have confidence in Your presence here in this Chamber and even throughout this governmental complex, dear God. As You hold these Senators in Your embrace, we ask that You continue to lead them -- that You will lead *all* of us -- in a manner which brings glory to You, O God, as well as great blessings to South Carolina. This we humbly pray in Your glorious name, dear Lord. Amen.

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

MESSAGE FROM THE GOVERNOR

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

Local Appointments

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Bradley S. Melton, 332 Annapolis Rd., Lexington, SC 29072 *VICE*
Thomas H. Rawl

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Brian N. Buck, 1 Hilton Glen Rd., Chapin, SC 29036 *VICE* Brian W. Jeffcoat

WEDNESDAY, MAY 20, 2015

REGULATIONS RECEIVED

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

Document No. 4564

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Section 44-7-260

SUBJECT: Standards for Licensing Habilitation Centers for Persons with Intellectual Disability or Persons with Related Conditions

Received by Lieutenant Governor May 20, 2015

Referred to Medical Affairs Committee

Document No. 4565

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-2-10 et seq.

SUBJECT: Underground Storage Tank Control Regulations

Received by Lieutenant Governor May 20, 2015

Referred to Medical Affairs Committee

Doctor of the Day

Senator HEMBREE introduced of Dr. Patricia Whitherspoon of Columbia, S.C., Doctor of the Day.

Leave of Absence

At 3:08 P.M., Senator JOHNSON requested a leave of absence Senator SABB for the day.

Leave of Absence

At 4:02 P.M., Senator CAMPSER requested a leave of absence for the balance of the day.

Leave of Absence

At 6:01 P.M., Senator COURSON requested a leave of absence for the balance of the day.

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Leave of Absence

At 6:26 P.M., Senator FAIR requested a leave of absence for the balance of the day.

Privilege of the Chamber

On motion of Senator BRYANT, on behalf of Senator WILLIAMS, the Privilege of the Chamber, to that area behind the rail, was extended to Ms. Helen White and her family on the occasion of her 108th birthday.

RECALLED

S. 758 -- Senator Matthews: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 178 FROM ITS SOUTHEASTERN INTERSECTION WITH THE BOWMAN TOWN LIMITS TO ITS INTERSECTION WITH THE ORANGEBURG/DORCHESTER COUNTY LINE THE "HONORABLE FRED C. MACK MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

Senator MATTHEWS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 797 -- Senator Sheheen: A BILL TO AMEND SECTION 38-53-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITED BAIL BONDSMEN ACTIONS, SO AS TO REVISE THE MINIMUM FEE THAT MUST BE CHARGED AND COLLECTED BEFORE A BONDSMAN MAY EXECUTE A BOND, TO PROVIDE A BONDSMAN MAY ENTER A PAYMENT AGREEMENT BY COMPLYING WITH CERTAIN REQUIREMENTS, TO REVISE REQUIREMENTS FOR THE RETURN OF COLLATERAL BY A BONDSMAN, AND TO REQUIRE BONDSMEN TO PROVIDE CERTAIN NOTICE BEFORE CONVERTING COLLATERAL TO CASH AND REQUIRING BONDSMEN TO RETURN MONEY RECEIVED FROM THE

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CONVERSION THAT EXCEEDS THE FINAL JUDGMENT OR CONSENT AMOUNT, LESS REASONABLE FEES.

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

S. 798 -- Senator Peeler: A SENATE RESOLUTION TO CONGRATULATE LANA GARDNER, DIRECTOR OF THE CHEROKEE COUNTY PUBLIC LIBRARY, ON THE OCCASION OF HER RETIREMENT, TO EXTEND DEEP APPRECIATION FOR HER MANY YEARS OF OUTSTANDING PUBLIC SERVICE TO THE CITIZENS OF CHEROKEE COUNTY, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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The Senate Resolution was adopted.

S. 799 -- Senator Bryant: A BILL AN ACT TO AMEND ACT 509 OF 1982, AS AMENDED, TO ADD A NEW SECTION REQUIRING TWO-THIRDS APPROVAL OF THE ANDERSON COUNTY BOARD OF EDUCATION PRIOR TO A SCHOOL OR SCHOOLS BEING CLOSED, MERGED, EXPANDED, CONSOLIDATED, OR ELIMINATED.

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Senator BRYANT spoke on the Bill.

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

S. 800 -- Senators Rankin and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT "THE PROFESSIONAL DOG BREEDER ASSURANCE ACT" BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 47 SO AS TO DEFINE NECESSARY TERMS, TO REQUIRE A PROFESSIONAL DOG BREEDER TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PRESCRIBE APPLICATION STANDARDS FOR A PROFESSIONAL DOG BREEDER LICENSE, TO GRANT THE DIRECTOR THE AUTHORITY TO REFUSE TO ISSUE OR RENEW A LICENSE IN CERTAIN CIRCUMSTANCES, TO PRESCRIBE THAT A LICENSE MUST BE RENEWED EVERY OTHER YEAR, TO ESTABLISH A LICENSING FEE SCHEDULE AND TO DESCRIBE WHERE THE

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FUNDS COLLECTED ARE TO BE DISBURSED, TO PROHIBIT A PERSON WHOSE LICENSE HAS BEEN REVOKED FROM PERFORMING CERTAIN ACTIONS, TO SET RECORD KEEPING STANDARDS FOR A PROFESSIONAL DOG BREEDER, TO ESTABLISH A PROCEDURE FOR THE INSPECTION OR REINSPECTION OF THE PREMISES, DOGS, AND RECORDS OF A PROFESSIONAL DOG BREEDER, TO PRESCRIBE HOUSING FACILITY AND DAILY CARE REQUIREMENTS, TO SET COMMERCIAL STANDARDS FOR A LICENSEE, TO PROHIBIT THE DIRECTOR OF THE DEPARTMENT FROM CONFISCATING DOGS UNDER THE PROVISIONS OF THIS ACT, TO GRANT THE DIRECTOR AUTHORITY TO PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS ACT, AND TO ESTABLISH PENALTIES FOR A VIOLATION OF THE PROVISIONS OF THIS ACT; AND TO AMEND SECTION 47-1-40, RELATING TO ILL TREATMENT OF ANIMALS, SO AS TO UPDATE PENALTIES, TO PRESCRIBE STANDARDS FOR SUSTENANCE AND SHELTER, AND TO ESTABLISH A PROCEDURE FOR THE SEIZURE OF ILL-TREATED ANIMALS.

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Read the first time and referred to the Committee on Agriculture and Natural Resources.

S. 801 -- Senators Jackson, Johnson and Nicholson: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 24, ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO LAW ENFORCEMENT OFFICIALS, PROSECUTORS, ADMINISTRATIVE OFFICERS, AND THE ATTORNEY GENERAL, SO AS TO CHANGE THE WORD "SOLICITOR" TO "DISTRICT ATTORNEY".

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

S. 802 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS FOR SPECIES OR SUBSPECIES OF NON-GAME WILDLIFE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4560, 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. 803 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS OWNED OR LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4547, 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. 804 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS; TURKEY HUNTING RULES AND SEASONS; AND EITHER-SEX DAYS AND ANTLERLESS DEER LIMITS FOR PRIVATE LANDS IN GAME ZONES 1-6, DESIGNATED AS REGULATION DOCUMENT NUMBER 4546, 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. 805 -- Senator Verdin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE HIGHWAY 49 BRIDGE OVER THE ENOREE RIVER "SGT. BRANDON F. EGGLESTON MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THIS DESIGNATION.

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The Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

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S. 806 -- Senators Shealy, Cromer, Courson, Bennett, Peeler, Massey, L. Martin, Alexander, Nicholson, O'Dell, Bryant, Davis, Turner, Thurmond, Setzler and Rankin: A CONCURRENT RESOLUTION TO DECLARE SEPTEMBER 2015 AS "GRANDPARENT APPRECIATION MONTH" IN SOUTH CAROLINA AND TO RECOGNIZE THE GRANDPARENTS' RIGHTS ASSOCIATION FOR ITS OUTSTANDING WORK IN ADVOCATING FOR SOUTH CAROLINA'S GRANDPARENTS.

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

S. 807 -- Senator Fair: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE NICOLE CHAVERS STRATTON OF GREENVILLE FOR BEING AN OUTSTANDING TEACHER IN THE FIELD OF MUSIC AND DRAMATIC PRODUCTION AND TO WISH HER CONTINUED SUCCESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 808 -- Senators Lourie and Jackson: A SENATE RESOLUTION TO HONOR GABRIELLE GOODWIN, A SECOND-GRADER AT HARBISON WEST ELEMENTARY SCHOOL, AND TO CONGRATULATE HER FOR HER SUCCESSFUL BARRETTE BUSINESS AND FOR BEING NAMED A 2015 SOUTH CAROLINA YOUNG ENTREPRENEUR OF THE YEAR.

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The Senate Resolution was adopted.

REPORTS OF STANDING COMMITTEES

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3568 -- Reps. G.R. Smith, Duckworth, Burns, Goldfinch, Clemmons, Yow, Kirby, Spires, Norrell, Cobb-Hunter, Daning, Parks, Mitchell, Robinson-Simpson, Bamberg, Limehouse, Sottile, Cole, Corley, Felder, Finlay, Funderburk, Gagnon, Hamilton, Hardee, Hardwick, Henderson, McCoy, McKnight, Nanney, Sandifer, Tallon, Wells, Willis, Dillard and Stavrinakis: A BILL TO AMEND SECTION 12-36-2120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO

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AS TO EXEMPT CONSTRUCTION MATERIALS USED BY AN ENTITY ORGANIZED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE AS A NONPROFIT ORGANIZATION TO BUILD, REHABILITATE, OR REPAIR A HOME FOR THE BENEFIT OF AN INDIVIDUAL OR FAMILY IN NEED.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3583 -- Reps. Clemmons, Simrill, McCoy, Loftis, Atwater, Kirby, Corley, Bernstein, McEachern, Weeks, Johnson, Goldfinch, Kennedy, H.A. Crawford, Rutherford, Whitmire, Douglas, Burns, Clyburn, Erickson, G.R. Smith, Yow, Spires, Chumley, Allison, Hardee, Anderson, Gagnon, Putnam, Nanney, Williams, Limehouse, Duckworth, Norrell, Anthony, Ballentine, Bannister, Bedingfield, Bingham, Clary, Delleney, Felder, Finlay, Funderburk, Gambrell, Hamilton, Hardwick, Hicks, Hiott, Hixon, Huggins, Long, Lowe, Lucas, V.S. Moss, Murphy, Norman, Pitts, Pope, Quinn, Riley, Rivers, Sandifer, G.M. Smith, Stringer, Tallon, Taylor, Thayer, Toole, Wells, Willis, Newton, Forrester, Hill and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 23 TO CHAPTER 35, TITLE 11 SO AS TO PROHIBIT THE STATE OR A POLITICAL SUBDIVISION OF THE STATE FROM ACCEPTING A PROPOSAL FROM OR PROCURING GOODS OR SERVICES FROM A BUSINESS WHICH ENGAGES IN THE BOYCOTT OF A PERSON OR AN ENTITY BASED ON RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable report on:

H. 3725 -- Reps. J.E. Smith, Quinn, Lowe, Jordan and W.J. McLeod: A BILL TO AMEND SECTION 12-67-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO THE SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT, SO AS TO ADD THE DEFINITION OF "STATE-OWNED ABANDONED BUILDINGS"; TO AMEND SECTION 12-67-140, RELATING TO THE ELIGIBILITY OF A TAXPAYER TO RECEIVE A TAX CREDIT FOR REHABILITATING AN ABANDONED BUILDING, SO AS TO

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PROVIDE IF A TAX CREDIT IS EARNED BY A TAXPAYER WHO REHABILITATES A STATE-OWNED ABANDONED BUILDING THE CREDIT MUST BE CLAIMED OVER A TWO-YEAR PERIOD AND TO PROVIDE REQUIREMENTS FOR A TAXPAYER WHO SELLS A BUILDING SITE; TO AMEND SECTION 12-6-3535, RELATING TO INCOME TAX CREDITS FOR MAKING QUALIFIED REHABILITATION EXPENDITURES FOR A CERTIFIED HISTORIC STRUCTURE, SO AS TO PROVIDE AN ADDITIONAL INCOME TAX CREDIT OPTION FOR TAXPAYERS, TO PROVIDE ADDITIONAL REQUIREMENTS FOR WHEN A TAX CREDIT MAY BE TAKEN WHEN A TAXPAYER REHABILITATES A STATE-OWNED ABANDONED BUILDING, AND TO PROVIDE REQUIREMENTS FOR TAX CREDITS EARNED BY A PASS-THROUGH ENTITY; BY ADDING SECTION 12-67-160 SO AS TO PROVIDE REQUIREMENTS FOR A CERTIFICATION OF THE ABANDONED BUILDING SITE; BY ADDING SECTION 12-6-3586 SO AS TO ALLOW A TAX CREDIT TO A TAXPAYER WHO CONSTRUCTS, PURCHASES, OR LEASES A NONRESIDENTIAL SOLAR ENERGY SYSTEM; AND TO AMEND SECTION 12-6-3587, RELATING TO THE PURCHASE AND INSTALLATION OF SOLAR ENERGY SYSTEMS FOR HEATING WATER, SPACE HEATING, AIR COOLING, OR GENERATING ELECTRICITY, SO AS TO PROVIDE THAT THE CREDIT IS ALLOWED WITHOUT REGARD TO WHETHER THE TAXPAYER OCCUPIES THE INSTALLATION SITE.

Ordered for consideration tomorrow.

Senator CAMPSER from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3880 -- Reps. Ott, Hixon, Pitts, Riley and Johnson: A BILL TO AMEND SECTION 50-11-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS THAT RELATE TO THE MIGRATORY WATERFOWL COMMITTEE, THE CREATION OF THE COMMITTEE, ITS MEMBERSHIP, AND RESPONSIBILITIES, SO AS TO INCREASE ITS MEMBERSHIP BY ONE WHO SHALL BE A DESIGNEE OF DELTA WATERFOWL OF SOUTH CAROLINA WHO IS NOT A PAID EMPLOYEE.

Ordered for consideration tomorrow.

[SJ]

WEDNESDAY, MAY 20, 2015

Message from the House

Columbia, S.C., May 19, 2015

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3847 -- Reprs. G.R. Smith, Burns, Hamilton, Loftis, Robinson-Simpson, Putnam, Allison, Bannister, Chumley, Dillard, Nanney, Stringer and Willis: A JOINT RESOLUTION TO TEMPORARILY EXEMPT APPLICANTS FOR LICENSURE AS A SPEECH-LANGUAGE PATHOLOGIST ASSISTANT FROM THE REQUIREMENT OF HAVING A BACHELOR'S DEGREE FROM A REGIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION FOUND IN SECTION 40-67-220 OF THE 1976 CODE IF THE APPLICANT HOLDS A BACHELOR'S DEGREE IN SPEECH-LANGUAGE PATHOLOGY FROM A NATIONALLY ACCREDITED INSTITUTION OF HIGHER EDUCATION; TO PROVIDE THAT THE PROVISIONS OF THIS JOINT RESOLUTION LIBERALLY MUST BE CONSTRUED TO EFFECTUATE THE PURPOSES OF THIS JOINT RESOLUTION AND MUST BE APPLIED RETROACTIVELY; AND TO PROVIDE FOR THE EXPIRATION OF THIS JOINT RESOLUTION ON JULY 1, 2019.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 19, 2015

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3646 -- Reprs. Burns, Southard, Loftis, Ott and Dillard: A BILL TO AMEND SECTION 44-55-1310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING PASSIVE SOIL-BASED ON-SITE DISPOSAL SYSTEMS, SO AS TO ALLOW FOR NONGRAVITY-BASED SOIL-BASED ON-SITE DISPOSAL SYSTEMS; TO AMEND SECTION 44-55-1320, RELATING TO WASTEWATER COLLECTION, TREATMENT,

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AND DISCHARGE, SO AS TO AUTHORIZE SINGLE OR MULTIPLE DWELLING UNITS TO USE A COMMUNITY OR COMMERCIAL PASSIVE SOIL-BASED ON-SITE DISPOSAL SYSTEM; TO AMEND SECTION 44-55-1330, RELATING TO SYSTEM INSTALLATION REQUIREMENTS, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR A PASSIVE SOIL-BASED ON-SITE DISPOSAL SYSTEM AND TO SET DESIGNATIONS FOR THE TRENCH BOTTOM OF A DISPOSAL SYSTEM; TO AMEND SECTION 44-55-1350, RELATING TO TILE FIELD PRODUCT REGULATIONS, SO AS TO ADD THE REQUIREMENTS OF SECTION 44-55-1310 TO REGULATIONS PROMULGATED OVER PASSIVE SOIL-BASED ON-SITE DISPOSAL SYSTEMS; AND TO REPEAL SECTION 44-55-1340 RELATING TO FINANCIAL ASSURANCE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 19, 2015

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3575 -- Reps. Jefferson, Southard, Johnson, Ott, Crosby, Dillard, Hosey, Knight, Williams, Gagnon and Gambrell: A BILL TO AMEND SECTION 44-96-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SOUTH CAROLINA SOLID WASTE POLICY AND MANAGEMENT ACT, SO AS TO REVISE THE DEFINITION OF "SOLID WASTE" TO EXCLUDE STEEL SLAG.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 20, 2015

Mr. President and Senators:

[SJ]

WEDNESDAY, MAY 20, 2015

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

S. 590 -- Senators L. Martin and Hutto: A BILL TO AMEND SECTIONS 56-1-400(B) AND 56-5-2941(L), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO PROVIDE THAT THE EMPLOYER'S VEHICLE WAIVER DOES NOT APPLY TO A PERSON CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF SECTION 56-5-2930, 56-5-2933, 56-5-2945, OR A LAW OF ANOTHER STATE THAT PROHIBITS A PERSON FROM DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS, UNLESS THE PERSON'S DRIVING PRIVILEGES HAVE BEEN SUSPENDED FOR NOT LESS THAN ONE YEAR OR THE PERSON HAS HAD AN IGNITION INTERLOCK DEVICE INSTALLED FOR NOT LESS THAN ONE YEAR ON EACH OF THE MOTOR VEHICLES OWNED OR OPERATED, OR BOTH, BY THE PERSON; AND TO AMEND SECTION 29-5-2990(B), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR A VIOLATION OF SECTION 56-5-2930, 56-5-2933, OR A LAW OF ANOTHER STATE THAT PROHIBITS A PERSON FROM DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS, SO AS TO PROVIDE THAT ENTRY INTO AN ALCOHOL AND DRUG SAFETY ACTION PROGRAM'S SERVICES, IF THE SERVICES ARE NECESSARY, IS A MANDATORY REQUIREMENT FOR THE ISSUANCE OF AN IGNITION INTERLOCK RESTRICTED LICENSE.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

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

ORDERED ENROLLED FOR RATIFICATION

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

[SJ]

WEDNESDAY, MAY 20, 2015

H. 3215 -- Reps. Govan, Robinson-Simpson and Willis: A JOINT RESOLUTION TO CREATE A STUDY COMMITTEE TO REFORM ALIMONY, TO PROVIDE FOR MEMBERSHIP OF THE STUDY COMMITTEE AND THE METHOD OF APPOINTMENT OF MEMBERS, TO REQUIRE THE STUDY COMMITTEE TO PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO INCLUDE A SUNSET PROVISION FOR THE STUDY COMMITTEE.

H. 3846 -- Reps. Yow and Henegan: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD, OR ITS SUCCESSOR STATE AGENCY, TO TRANSFER OWNERSHIP OF THE CHERAW NATIONAL GUARD ARMORY TO THE TOWN OF CHERAW.

H. 3656 -- Reps. Yow, Henegan and Lucas: A BILL TO AMEND ACT 205 OF 1993, AS AMENDED, RELATING TO THE DISTRICT BOARD OF EDUCATION OF THE CHESTERFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE DATE FOR ELECTIONS FOR TRUSTEES, THE FILING PERIOD FOR DECLARATIONS OF CANDIDACY, AND THE TIME IN WHICH BOARD MEMBERS TAKE OFFICE.

H. 3658 -- Reps. Yow, Henegan and Lucas: A BILL TO AMEND ACT 1010 OF 1968, AS AMENDED, RELATING TO THE LOCAL EDUCATION ADVISORY COUNCILS IN THE CHESTERFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE NUMBER OF ADVISORY COUNCILS FROM SEVEN TO FOUR THROUGH CONSOLIDATION OF SPECIFIC ATTENDANCE AREAS, TO PROVIDE UNEXPIRED TERMS OF ADVISORY COUNCIL MEMBERS SERVING ON THE EFFECTIVE DATE OF THIS ACT ARE TERMINATED ON THAT DATE AND ADVISORY COUNCIL MEMBERS SUBSEQUENTLY MUST BE APPOINTED BY THE DISTRICT BOARD OF EDUCATION AND THE LEGISLATIVE DELEGATION WILL HAVE NO ROLE IN APPOINTING MEMBERS TO THE ADVISORY COUNCILS, TO PROVIDE FOR THE STAGGERING OF ADVISORY COUNCIL MEMBER TERMS, AMONG OTHER THINGS.

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HOUSE BILL RETURNED

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

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.

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

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

S. 703 -- Senator Hayes: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS OF CHARTER SCHOOLS FROM CERTAIN PROVISIONS APPLICABLE TO PUBLIC SCHOOLS, THE POWERS AND DUTIES OF A CHARTER SCHOOL, AND ADMISSIONS TO CHARTER SCHOOLS, SO AS TO AUTHORIZE A SCHOOL LEADER TO BE HIRED TO ASSIST WITH THE DAILY OPERATION OF THE SCHOOL, TO PROVIDE THAT EMPLOYEES, BOARD MEMBERS, AND STAFF OF THE CHARTER SCHOOL ARE SUBJECT TO THE ETHICS AND GOVERNMENT ACCOUNTABILITY REQUIREMENTS APPLICABLE TO PUBLIC MEMBERS AND PUBLIC EMPLOYEES, AND TO REQUIRE A STATEMENT OF COMPLIANCE ASSURANCE TO BE FILED ANNUALLY WITH THE SCHOOL'S SPONSOR AND THE STATE DEPARTMENT OF EDUCATION.

SECOND READING BILL

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

H. 4082 -- Reps. Knight, Jefferson, Murphy, Horne, Whipper, Tinkler and Mack: A BILL TO AMEND ACT 536 OF 1986, AS AMENDED, RELATING TO DORCHESTER COUNTY SCHOOL DISTRICT FOUR BOARD OF TRUSTEES, SO AS TO REAPPORTION THE

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SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE BOARD OF TRUSTEES MUST BE ELECTED BEGINNING WITH SCHOOL BOARD ELECTIONS IN 2016, TO DESIGNATE THE MAP NUMBER ON WHICH THESE DISTRICTS MAY BE FOUND, AND TO PROVIDE DEMOGRAPHIC INFORMATION REGARDING THE REAPPORTIONED ELECTION DISTRICTS.

H. 4082--Ordered to a Third Reading

On motion of Senator MATTHEWS, H. 4082 was ordered to receive a third reading on Thursday, May 21, 2015.

There was no objection.

READ THE SECOND TIME

H. 3840 -- Reps. Clemmons, H.A. Crawford, Johnson, George, Hardwick, Hayes and Ryhal: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REDESIGNATE THE VARIOUS PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to the consideration of the Bill. The question then was second reading of the Bill.

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Cleary	Corbin
Courson	Cromer	Davis
Fair	Gregory	Grooms
Hayes	Hembree	Jackson
Johnson	Kimpson	Leatherman
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Matthews	McElveen
Peeler	Pinckney	Rankin
Reese	Scott	Setzler

[SJ]

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Shealy
Turner

Sheheen
Williams

Thurmond
Young

Total--39

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 3888 -- Reps. Cole, Allison, Brannon, Chumley, Forrester, Hicks, Mitchell and Tallon: A BILL TO AMEND SECTION 7-7-490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO CONSOLIDATE AND RENAME CERTAIN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to the consideration of the Bill. The question then was second reading of the Bill.

Senator SHANE MARTIN proposed the following amendment (JUD3888.001), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 38 through 41, in Section 7-7-490(A), as contained in SECTION 1, and inserting therein the following:

/ ~~Woodruff American Legion~~ Elementary

Woodruff Fire Station

Woodruff Leisure Center

~~Woodruff Town Hall~~ /

Re-number sections to conform.

Amend title to conform.

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

Ayes 39; Nays 0

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AYES

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

Total--39

NAYS

Total--0

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

Motion Under Rule 26B Waived

Senator SHANE MARTIN asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

READ THE SECOND TIME

H. 4076 -- Reps. Pitts and Willis: A BILL TO AMEND SECTION 7-7-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LAURENS COUNTY, SO AS TO REVISE BOUNDARIES OF EXISTING PRECINCTS, TO DESIGNATE THE MAP NUMBER ON WHICH THE BOUNDARIES OF LAURENS COUNTY VOTING PRECINCTS AS REVISED BY THIS ACT MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO MAKE TECHNICAL CORRECTIONS.

[SJ]

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The Senate proceeded to the consideration of the Bill. The question then was second reading of the Bill.

Senator MASSEY explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:
Ayes 39; Nays 0

AYES

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

Total--39

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 4106 -- Reps. Long, Lucas, Norrell and Yow: A BILL TO AMEND SECTION 7-7-350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO DELETE TWO PRECINCTS, ADD NINE PRECINCTS, AND REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF

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THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to the consideration of the Bill.

Senator GREGORY proposed the following amendment (JUD4106.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 29, in Section 7-7-350(A), as contained in SECTION 1, and inserting therein the following:

/ ~~Belaire Number 2~~ /

Re-number 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 39; Nays 0

AYES

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

Total--39

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 4135 -- Reps. Bedingfield, Hamilton, G.R. Smith, Burns, Allison, Willis, Putnam, Bannister, Chumley, Dillard, Henderson, Loftis, Nanney and Stringer: A BILL TO AMEND ARTICLE 18, CHAPTER 53, TITLE 59, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GREENVILLE TECHNICAL COLLEGE AREA COMMISSION, SO AS TO REVISE THE MANNER IN WHICH MEMBERS OF THE BOARD ARE SELECTED, TO REVISE THE TERMS OF OFFICE OF MEMBERS OF THE BOARD, AND TO REVISE OR PROVIDE FOR OTHER PROVISIONS RELATING TO THE SELECTION OF BOARD MEMBERS.

The Senate proceeded to the consideration of the Bill.

Senator ALLEN proposed the following amendment (NL\4135C001.NL.SD15), which was adopted:

Amend the bill, as and if amended, by striking subsection (C) of Section 59-53-1500 as contained in SECTION 1 and inserting:

/ (C) The commission shall have six members designated as occupying house district residency seats ~~nominated by the Greenville County Council and selected by the Greenville County Legislative Delegation as follows: which, unless otherwise stipulated, must be filled as provided in this subsection. The members of the House of Representatives from each of the house single member election districts in a particular house residency district, together with any member of the Senate representing any portion of these House single member election districts in that particular house residency district, shall recommend a nominee for that seat to the full Greenville County Legislative Delegation which shall either select and appoint that nominee to the commission or reject the nominee. In this case another nominee must be recommended by the same process to the full county legislative delegation until the seat is filled. These six house district residency seats are as follows:~~

(1) Residency Seat No. 1: one member selected from ~~either House District 10, 17, or 19, or House District 10.~~ Present Commissioner Blakely serving in office on the effective date of this provision is deemed to be the member filling Residency Seat No. 1;

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(2) Residency Seat No. 2: one member selected from ~~either House District 16, 21, or 35~~ House District 24;

(3) Residency Seat No. 3: one member selected from ~~either House District 20 or House District 22 or 24~~. Present Commissioner Shouse now serving as an at-large member Seat No. 4 on the effective date of this provision is deemed to be the member filling Residency Seat No. 3;

(4) Residency Seat No. 4: one member selected from ~~either House District 23 or House District 25~~;

(5) Residency Seat No. 5: one member selected from ~~either House District 17, House District 18, 20, or House District 36~~. Present Commissioner Hamilton serving on the effective date of this provision is deemed to be the member filling Residency Seat No. 5; and

(6) Residency Seat No. 6: one member selected from ~~either House District 16, House District 27, or House District 28~~.

~~Current~~ Members of the commission residing in these specified house districts not serving as at-large members are deemed to be the house district residency seat members from those districts unless otherwise provided. /

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 42; Nays 0

AYES

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

[SJ]

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Verdin

Williams

Young

Total--42

NAYS

Total--0

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

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 MALLOY, the Bill was carried over.

S. 505 -- Senators L. Martin, Hembree and Shealy: A BILL TO AMEND SECTION 24-21-440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERIODS OF PROBATION, SO AS TO TOLL THE PERIOD DURING PERIODS OF CIVIL COMMITMENT; TO AMEND SECTION 24-21-560, AS AMENDED, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO TOLL THE COMMUNITY SUPERVISION PERIOD DURING PERIODS OF CIVIL COMMITMENT; AND TO AMEND SECTION 24-21-670, RELATING TO PERIODS OF PAROLE, SO AS TO TOLL THE PAROLE PERIOD DURING PERIODS OF CIVIL COMMITMENT.

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

S. 789 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION -

[SJ]

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BOARD OF PHARMACY, RELATING TO ADMINISTRATIVE CITATIONS AND PENALTIES; AND FINES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4521, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 790 -- Labor, Commerce and Industry 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.

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

S. 791 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO ARTICLE 8, OFFICE OF STATE FIRE MARSHAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4555, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 792 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO UNEMPLOYMENT TRUST FUND, DESIGNATED AS REGULATION DOCUMENT NUMBER 4475, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

OBJECTION

S. 484 -- Senators Shealy, Jackson and Cleary: A BILL TO AMEND SECTION 59-10-310 OF THE 1976 CODE, RELATING TO THE ESTABLISHMENT OF ELEMENTARY SCHOOL FOOD SERVICE MEALS AND COMPETITIVE FOOD REQUIREMENTS, TO PROVIDE THAT ALL SCHOOL SERVICE MEALS AND

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COMPETITIVE FOODS PROVIDED IN KINDERGARTEN THROUGH TWELFTH GRADE DURING THE ACADEMIC SCHOOL YEAR MUST MEET OR MAY EXCEED THE NUTRITIONAL REQUIREMENTS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, TO PROVIDE THAT A SCHOOL DISTRICT BOARD OF TRUSTEES MAY ADOPT A MORE RESTRICTIVE POLICY AND THE POLICY DOES NOT RESTRICT THE FOOD A PARENT OR GUARDIAN MAY PROVIDE FOR STUDENT CONSUMPTION AT SCHOOL, AND TO PROVIDE THAT ALL A LA CARTE ITEMS SOLD FOR STUDENT CONSUMPTION MUST BE INCLUDED ON SCHOOL MENUS IN ADDITION TO THE REGULAR MEAL; TO AMEND SECTION 59-10-330(B), RELATING TO THE COORDINATED SCHOOL HEALTH ADVISORY COUNCIL AND THE DEVELOPMENT OF HEALTH WELLNESS PLANS, TO PROVIDE THAT THE SCHOOL HEALTH IMPROVEMENT PLAN MUST REPORT COMPLIANCE WITH THE REQUIREMENTS CONTAINED IN SECTION 59-10-310.

Senator SHANE MARTIN objected to consideration of the Bill.

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

MOTION ADOPTED

At 3:33 P.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

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

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 47 -- Senators Malloy, Kimpson, Johnson, Pinckney, Thurmond, Setzler, Grooms, Lourie, McElveen, Allen, Shealy, Coleman, Campsen, Scott and Nicholson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-1-240, SO AS TO PROVIDE THAT ALL STATE AND LOCAL LAW

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ENFORCEMENT OFFICERS MUST BE EQUIPPED WITH BODY-WORN CAMERAS.

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 explained the House amendments.

Senators LARRY MARTIN and MALLOY proposed the following amendment (JUD0047.009), which was adopted:

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

/ SECTION 1. Chapter 1, Title 23 of the 1976 Code is amended by adding:

“Section 23-1-240. (A) For purposes of this section ‘body-worn camera’ means an electronic device worn on a person’s body that records both audio and video data.

(B) State and local law enforcement agencies shall implement the use of body-worn cameras pursuant to guidelines established by the Law Enforcement Training Council.

(C) The Law Enforcement Training Council shall develop guidelines for the use of body-worn cameras by state and local law enforcement agencies within one hundred eighty days of the effective date of this act. The guidelines must include, but are not limited to, specifying which law enforcement officers must wear body-worn cameras, when body-worn cameras must be worn and activated, restrictions on the use of body-worn cameras, the retention and release of data recorded by body-worn cameras, and access to the data recorded by body-worn cameras by prosecutors' offices. The Law Enforcement Training Council shall provide the guidelines to state and local law enforcement agencies. The General Assembly may terminate all or part of the guidelines by concurrent resolution.

(D) State and local law enforcement agencies shall develop policies and procedures for the use of body-worn cameras pursuant to the guidelines established by the Law Enforcement Training Council. The agencies shall submit the policies and procedures to the Law Enforcement Training Council within two hundred seventy days of the effective date of this act. The Law Enforcement Training Council shall review and approve or disapprove of the policies and procedures. If the

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Law Enforcement Training Council disapproves of the policies and procedures, the law enforcement agency shall modify and resubmit the policies and procedures.

(E)(1) A 'Body-Worn Cameras Fund' is established within the Department of Public Safety for the purpose of assisting state and local law enforcement agencies, the Attorney General's office, solicitors' offices, and public defenders' offices in implementing the provisions of this section, including, but not limited to, the initial purchase, maintenance, and replacement of body-worn cameras and ongoing costs related to the maintenance and storage of data recorded by body-worn cameras. The Public Safety Coordinating Council shall oversee the fund, and shall, within one hundred eighty days of the effective date of this act, establish a process for the application for and disbursement of monies to state and local law enforcement agencies, the Attorney General's office, solicitors' offices, and public defenders' offices. The Public Safety Coordinating Council shall disburse the funds in a fair and equitable manner, taking into consideration priorities in funding.

(2) Upon approval of a state or local law enforcement agency's policies and procedures by the Law Enforcement Training Council, the agency may apply to the Public Safety Coordinating Council for funding to implement the agency's use of body-worn cameras pursuant to this section, including, but not limited to, the initial purchase, maintenance, and replacement of body-worn cameras and ongoing costs related to the maintenance and storage of data recorded by body-worn cameras. A state or local law enforcement agency is not required to implement the use of body-worn cameras pursuant to this section until the agency has received full funding.

(F) Nothing in this section prohibits a state or local law enforcement agency's use of body-worn cameras pursuant to the agency's existing policies and procedures and funding while the agency is awaiting receipt of the Law Enforcement Training Council's guidelines, approval of the agency's policies and procedures by the Law Enforcement Training Council, and funding from the Public Safety Coordinating Council. Such an agency is eligible to apply to the Public Safety Coordinating Council for reimbursement, including, but not limited to, the initial purchase, maintenance, and replacement of body-worn cameras and ongoing costs related to maintenance and storage of data recorded by body-worn cameras.

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(G)(1) Except as otherwise provided in this subsection, a law enforcement agency or prosecutor shall not release data recorded by a body-worn camera.

(2) A law enforcement agency or prosecutor shall release data recorded by a body-worn camera pursuant to the South Carolina Rules of Civil Procedure, the South Carolina Rules of Criminal Procedure, or a court order.

(3) A law enforcement agency or prosecutor shall release data recorded by a body-worn camera pursuant to the Freedom of Information Act if a request is made to release the data pursuant to the Freedom of Information Act by:

(a) a person who is the subject of the recording and the person has not been charged with a criminal offense related to the recording;

(b) a person who is the victim of a criminal act related to the recording;

(c) a person who has brought or is contemplating bringing a civil action with standing to bring such an action and the recording is relevant;

(d) a parent or legal guardian of a minor or incapacitated person described in item (a), (b), or (c); or

(e) an attorney for a person described in item (a), (b), or (c).

(4) A law enforcement agency or prosecutor shall release data recorded by a body-worn camera pursuant to the Freedom of Information Act if a request is made to release the data pursuant to the Freedom of Information Act and the following conditions are all met:

(a) the data is retained by the law enforcement agency or prosecutor in connection with an ongoing criminal investigation, internal investigation, or prosecution;

(b) the recorded interaction involved the unlawful use of force by a law enforcement officer or resulted in a formal complaint for unlawful conduct by a law enforcement officer; and

(c) the heightened public interest requires disclosure of the data.

(5) A law enforcement agency or prosecutor may release data recorded by a body-worn camera if the recorded interaction involved the use of force by a law enforcement officer or resulted in a formal complaint against a law enforcement officer.

(6) Nothing in this subsection is intended to abrogate any constitutional or statutory exemption, restriction, or prohibition concerning the release of otherwise protected information.”

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

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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 43; Nays 0

AYES

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

Total--43

NAYS

Total--0

The amendment was adopted.

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

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THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

DEBATE INTERRUPTED

H. 3702 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2014-2015, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

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

Amendment No. 5A

Senators SHANE MARTIN, DAVIS and BRYANT proposed the following amendment (3702R010.KM.SRM):

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

/ SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2014-2015 the following amounts:

(1) H63 - Department of Education
School Bus Lease or Purchase \$ 17,000,000

(2) H03 - Commission on Higher Education
Out of State Veteran Tuition

Reimbursement-Colleges \$ 7,000,000

(3) H51 - Medical University of South Carolina
Children's Hospital \$ 1

(4) H59 - State Board for Technical and Comprehensive Education
ReadySC \$ 4,249,000

(5) J02 - Department of Health and Human Services

Telemedicine \$ 2,000,000

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(6) D10 - State Law Enforcement Division New Laboratory Facility	\$	1
(7) D10 - State Law Enforcement Division Vehicles	\$	900,000
(8) K05 - Department of Public Safety Law Enforcement Vehicles	\$	1,000,000
(9) K05 - Department of Public Safety Body Armor Replacement	\$	800,000
(10) K05 - Department of Public Safety Supply Warehouse Roof Replacement	\$	250,000
(11) P16 - Department of Agriculture Consumer Protection Equipment	\$	1,000,000
(12) P28 - Department of Parks, Recreation and Tourism Welcome Center Facility Management	\$	1
(13) Y14 - State Ports Authority Georgetown Port Maintenance Dredging	\$	2,600,000
(14) U12 - Department of Transportation Facility Maintenance and Renovation	\$	870,000
(15) County Transportation Fund Capital Expenditures Road Maintenance	\$	<u>47,144,208</u>
	\$	84,813,211

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SECTION 2. (A)Of the funds appropriated above in Section 1, Item (2) to the Commission on Higher Education for Out of State Veteran Tuition Reimbursement-Colleges, the Office of State Treasurer is directed to establish a fund, separate and distinct from the general fund and all other funds, entitled the College and University Out of State Veteran Tuition Differential Reimbursement Fund. Any funds appropriated in this act for this purpose must be deposited into the fund and interest accrued by the fund must remain in the fund.

(B)The purpose of the fund is to reimburse public institutions of higher learning, as defined in Section 59-103-5 of the 1976 Code, for revenue loss resulting from the provisions of Section 59-112-50(C). By March 1, 2016, a public institution of higher learning seeking a reimbursement from this fund must submit an application to the Commission on Higher Education to receive a reimbursement from the fund. The total reimbursement to a public institution may not exceed the difference between the amount the institution would have charged but for Section 59-112-50(C), and the amount the institution actually charged. The Commission on Higher Education may require any proof it determines necessary to verify the veracity of the application.

(C)By June 15, 2016, the Commission on Higher Education must distribute the funds to those institutions that have applied pursuant to subsection (B). In the event that the total requested and verified reimbursements exceed the amount in the fund, the distribution to each public institution shall be reduced pro rata based on the institution's amount of verified reimbursements compared to the total amount of verified reimbursements of all institutions.

SECTION 3.Funds appropriated above in Section 1, Item (14) to the Department of Transportation shall be used to fund the Orangeburg District Office Building Renovation, Clarendon County Maintenance Complex Construction, SHEP Greenville/Spartanburg Office Construction, and Lexington Maintenance Complex Construction.

SECTION 4.The Comptroller General shall post the appropriations contained in SECTION 1 of this joint resolution as provided in Section 11-11-320(D) of the 1976 Code. Unexpended funds appropriated pursuant to SECTION 1 of this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 5.This joint resolution takes effect thirty days after the completion of the 2014-2015 Fiscal Year in accordance with the

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provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(D)(1) of the 1976 Code. /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

Senator DAVIS spoke on the amendment.

Motion Under Rule 15A Failed

At 5:58 P.M., Senator LARRY MARTIN moved under the provisions of Rule 15A that the debate on the entire matter of H. 3702 be brought to a close.

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

Ayes 7; Nays 33

AYES

Cleary	Courson	Gregory
Hayes	Hembree	Leatherman
<i>Martin, Larry</i>		

Total--7

NAYS

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Corbin	Cromer	Davis
Fair	Grooms	Jackson
Johnson	Kimpson	Lourie
Malloy	<i>Martin, Shane</i>	Massey
Matthews	McElveen	Nicholson
Peeler	Rankin	Reese
Scott	Setzler	Shealy
Sheheen	Thurmond	Turner
Verdin	Williams	Young

Total--33

Having failed to receive the necessary vote, the motion failed.

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Senator DAVIS resumed speaking on the amendment.

Point of Quorum

At 6:35 P.M., Senator SHEHEEN made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator LEATHERMAN moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Cleary	Cromer	Davis
Fair	Gregory	Grooms
Hayes	Jackson	Johnson
Kimpson	Leatherman	Lourie
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Matthews	McElveen
Nicholson	Peeler	Reese
Scott	Setzler	Shealy
Sheheen	Thurmond	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Senator DAVIS resumed speaking on the amendment.

Point of Quorum

At 7:18 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator MALLOY moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Cleary	Corbin	Cromer
Davis	Gregory	Grooms

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Hayes	Jackson	Johnson
Kimpson	Leatherman	Lourie
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Matthews	McElveen
Nicholson	Peeler	Reese
Scott	Setzler	Shealy
Sheheen	Thurmond	Turner
Verdin	Williams	Young

A quorum being present, the Senate resumed.

Debate was interrupted by adjournment.

Motion Adopted

On motion of Senator DAVIS, with unanimous consent and with Senator DAVIS retaining the floor on Amendment No. 5A, the Senate agreed to stand adjourned.

LOCAL APPOINTMENTS

Confirmations

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

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Bradley S. Melton, 332 Annapolis Rd., Lexington, SC 29072 *VICE*
Thomas H. Rawl

Initial Appointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Brian N. Buck, 1 Hilton Glen Rd., Chapin, SC 29036 *VICE* Brian W. Jeffcoat

WEDNESDAY, MAY 20, 2015

MOTION ADOPTED

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Eli M. Parker of Columbia, S.C. Mr. Parker was a graduate of the University of South Carolina. He was a member of First Presbyterian Church and a former geological surveyor with the S. C. Development Board. Eli was formerly employed in real estate with C.W. Haynes & Co. He later joined his wife in their barber and cosmetology business located at Capital Quarters in Columbia. He was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator SHEHEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Ernest Kinard, Jr. of Camden, S.C. Judge Kinard attended Clemson University and graduated from the University of South Carolina with a law degree. He was elected to the South Carolina Circuit Court in 1988. Judge Kinard served as president of the Camden Sertoma Club, the Kershaw County Chamber of Commerce and the Kershaw County Bar Association. He was a member of St. Timothy's Lutheran Church who enjoyed spending time with his family, traveling, playing golf and reading. He was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 7:18 P.M., on motion of Senator DAVIS, the Senate adjourned to meet tomorrow at 11:00 A.M.

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WEDNESDAY, MAY 20, 2015

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