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**Tuesday, February 16, 2016**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

In Genesis the Lord said to Abram:

“ ‘...go to the land I will show you. I will make you into a great nation and I will bless you’. ” (Genesis 12:1c, 2a)

Let us pray; bow with me, please:

Holy God, yesterday was President’s Day, a day when we reflected on the leaders who have meant much to this nation -- those 43 individuals who have served in our land’s highest office. We thank you for those in that group who served with wisdom, nobility, and integrity. With all our heart, Lord, do we also give praise to You for the women and men who currently serve in *this* Body, the Senate of South Carolina. Lead these Senators, O God, as they guide our State forward, courageously tackling every formidable issue that stands before them. In Your loving name we pray, Lord. Amen.

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

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4590

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

SUBJECT: Air Pollution Control Regulations and Standards

Received by Lieutenant Governor January 12, 2016

Referred to Medical Affairs Committee

Withdrawn and Resubmitted February 12, 2016

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**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed to meet tomorrow at 10:00 A.M.

**Doctor of the Day**

Senator CROMER introduced Dr. Suzanne Schwab of Lexington, S.C., Doctor of the Day.

**Leave of Absence**

At 12:15 P.M., Senator TURNER requested a leave of absence for Senator ALLEN for the day.

**Leave of Absence**

At 12:25 P.M., Senator GROOMS requested a leave of absence for Senator VERDIN for the day.

**Leave of Absence**

At 12:40 P.M., Senator MALLOY requested a leave of absence for Senator THURMOND for the day.

**Leave of Absence**

At 12:40 P.M., Senator SCOTT requested a leave of absence for Senator J. MATTHEWS for the day.

**Leave of Absence**

At 12:40 P.M., Senator TURNER requested a leave of absence for Senator BENNETT for the day.

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 429 Sen. Cleary

S. 1023 Sen. McELveen

S. 1038 Sen. Nicholson

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**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1080 -- Senator Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE WEST COLUMBIA CITY ADMINISTRATOR JENNIFER CUNNINGHAM UPON THE OCCASION OF HER RETIREMENT AND TO WISH HER MUCH SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

S. 1081 -- Senators Scott, McElveen, Sabb, Kimpson, Allen and Johnson: A BILL TO AMEND SECTION 1-11-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE POLICIES OFFERED BY THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY, SO AS TO REQUIRE ITS BOARD TO OFFER BOTH WHOLE AND TERM LIFE INSURANCE.

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Senator SCOTT spoke on the Bill.

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

S. 1082 -- Senator Hembree: A BILL TO AMEND SECTION 2-19-70(A) OF THE 1976 CODE, RELATING TO THE PROHIBITION OF MEMBERS OF THE GENERAL ASSEMBLY BEING ELIGIBLE FOR ELECTION TO A JUDICIAL OFFICE DURING THE TIME THEY ARE IN OFFICE AND FOR A YEAR AFTER THEY ARE IN OFFICE SO AS TO ALSO PROHIBIT THE SPOUSE OF A MEMBER OF THE GENERAL ASSEMBLY FROM SEEKING ELECTION TO A JUDICIAL OFFICE WHILE THE MEMBER OF THE GENERAL ASSEMBLY HOLDS OFFICE AND FOR ONE YEAR AFTER THE MEMBER OF THE GENERAL ASSEMBLY CEASES TO BE A MEMBER OF THE GENERAL ASSEMBLY.

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

S. 1083 -- Senator Hembree: A BILL TO AMEND SECTION 2-19-90 OF THE 1976 CODE, RELATING TO THE ELECTION OF JUDGES IN JOINT SESSION OF THE GENERAL ASSEMBLY SO AS TO REQUIRE THAT ELECTION OF JUDGES IN EACH

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CATEGORY OF COURT BE CONDUCTED IN A SEPARATE JOINT SESSION OF THE GENERAL ASSEMBLY ON A DIFFERENT LEGISLATIVE DAY.

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

S. 1084 -- Senators Courson, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M. B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND WELCOME THE MEMBERS OF THE SWEDISH COMMITTEE ON THE CONSTITUTION AND TO WISH THEM AN ENJOYABLE AND INFORMATIVE STAY IN THE PALMETTO STATE.

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The Senate Resolution was adopted.

S. 1085 -- Senators Scott, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M. B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE MS. YVONNE E. BELTON CAMPBELL UPON THE OCCASION OF HER SELECTION AS A 2016 LITTLE BLACK DRESS LUNCHEON HONOREE AND TO HONOR HER FOR HER MANY YEARS OF SERVICE AS AN EDUCATOR AND HER MANY CONTRIBUTIONS TO THE ANNA BOYD SCHOOL AND THE STATE PARK COMMUNITY.

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The Senate Resolution was adopted.

S. 1086 -- Senators Scott, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M. B. Matthews, McElveen, Nicholson, Peeler, Rankin,

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Reese, Sabb, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE PASTOR SAM GOODWIN UPON THE OCCASION OF HIS SELECTION AS A 2016 LITTLE BLACK DRESS LUNCHEON HONOREE AND TO HONOR HIM FOR HIS YEARS OF SERVICE TO HIS COMMUNITY, THE YOUTH, THE STEDFAST CHRISTIAN CENTER, AND THE GREATER COLUMBIA S.C. STATE UNIVERSITY ALUMNI ASSOCIATION.

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The Senate Resolution was adopted.

H. 3166 -- Reps. Tallon, Long, Thayer, Felder and Gagnon: A BILL TO AMEND SECTION 41-35-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DISQUALIFICATIONS FROM UNEMPLOYMENT BENEFITS, SO AS TO REVISE THE METHOD OF DETERMINING THE BENEFITS OF A PERSON DISCHARGED FROM EMPLOYMENT FOR ILLEGAL DRUG USE, GROSS MISCONDUCT, AND FAILURE TO ACCEPT WORK, TO DEFINE CERTAIN TERMS, TO SPECIFY CRITERIA FOR A LABORATORY QUALIFIED TO PERFORM A TEST FOR ILLEGAL DRUG USE BY A PERSON SEEKING OR RECEIVING UNEMPLOYMENT BENEFITS, TO LIMIT THE LIABILITY OF AN EMPLOYER FOR ACTS OR OMISSIONS IN THE DISCLOSURE OF A DRUG TEST PERFORMED UNDER THIS SECTION, AND TO PROVIDE THE MISUSE OF BIOLOGICAL MATERIAL OBTAINED IN THE COURSE OF THIS DRUG TESTING IS A MISDEMEANOR SUBJECT TO CERTAIN MONETARY PENALTIES.

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

H. 3653 -- Reps. Pope, Quinn, Huggins, Allison, Spires, Hardee, Gagnon, Yow, Stavrinakis, H. A. Crawford, Kirby, McEachern, Anthony, Corley, Bales, Kennedy, Erickson, Hosey, Whitmire, Crosby, Southard, Tallon, McCoy, Burns, Atwater, Ballentine, Bannister, Bedingfield, Bernstein, R. L. Brown, Chumley, Clary, Collins, Felder, Finlay, Forrester, Funderburk, Gambrell, Hamilton, Herbkersman, Hicks, Hiott, Hixon, Hodges, Loftis, Long, V. S. Moss, Norman, Norrell, Pitts, Ridgeway, Riley, Sandifer, Simrill, G. R. Smith, Taylor, Thayer, Toole, Weeks, Wells, Willis, Mitchell, W. J. McLeod and Rivers: A BILL TO AMEND SECTION 23-1-210, AS AMENDED, CODE OF

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LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEMPORARY TRANSFER OF A LAW ENFORCEMENT OFFICER TO WORK IN A MULTIJURISDICTIONAL TASK FORCE, SO AS TO AUTHORIZE A LAW ENFORCEMENT AGENCY TO ENTER INTO MUTUAL AID AGREEMENTS OR MULTIJURISDICTIONAL TASK FORCE AGREEMENTS WITH OTHER LAW ENFORCEMENT PROVIDERS FOR ANY LENGTH OF TIME, TO PROVIDE THAT A SHERIFF MAY ENTER INTO AN AGREEMENT AS LONG AS THE AGREEMENT DOES NOT OBLIGATE HIS COUNTY'S GOVERNING BODY TO ANY ADDITIONAL RESOURCES BEYOND THOSE APPROVED WITHIN HIS ANNUAL BUDGET, TO PROVIDE THE CONDITIONS UPON WHICH AN AGREEMENT MAY BE TERMINATED, TO PROVIDE CERTAIN LIMITS PLACED UPON A LOCAL GOVERNING BODY WHEN IT ATTEMPTS TO PROHIBIT A LAW ENFORCEMENT AGENCY FROM TRANSFERRING OR ASSIGNING LAW ENFORCEMENT OFFICERS TO OTHER JURISDICTIONS, AND TO SPECIFY THE DIFFERENCES BETWEEN AGREEMENTS ENTERED INTO PURSUANT TO THIS SECTION AND UNDER THE LAW ENFORCEMENT ASSISTANCE SUPPORT ACT; AND TO REPEAL SECTION 23-1-215, AS AMENDED, RELATING TO AGREEMENTS THAT MAY BE ENTERED INTO BETWEEN MULTIPLE LAW ENFORCEMENT JURISDICTIONS FOR THE PURPOSE OF CRIMINAL INVESTIGATIONS.

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

H. 4090 -- Reps. Bedingfield, Sandifer, G. A. Brown, Ballentine and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-29-25 SO AS TO PROVIDE ACTIONS THAT REQUIRE A CERTIFICATE OF AUTHORITY AS A PAWN BROKER; BY ADDING SECTION 40-29-55 SO AS TO PROVIDE FOR THE PERIODIC ADJUSTMENT OF CERTAIN MONETARY REQUIREMENTS IN A CERTAIN MANNER; BY ADDING SECTION 40-29-145 SO AS TO HOLD ORDERS ON PROPERTY IN THE POSSESSION OF A PAWNBROKER SUSPECTED TO HAVE BEEN MISAPPROPRIATED OR STOLEN; BY ADDING SECTION 40-29-155 SO AT TO PROVIDE A PERSON AGGRIEVED BY THE FINAL ADMINISTRATIVE ORDER OF THE DEPARTMENT OF CONSUMER AFFAIRS MAY REQUEST A CONTESTED CASE HEARING BEFORE THE ADMINISTRATIVE LAW COURT, AND

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TO PROVIDE THE DEPARTMENT MAY BRING AN ACTION TO ENFORCE ITS ORDER IF THE PERSON FAILS TO TIMELY REQUEST A CONTESTED CASE HEARING; TO AMEND SECTION 40-39-10, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PAWNBROKERS BY THE DEPARTMENT, SO AS TO REVISE THE DEFINITION OF "PLEDGED GOODS" SPECIFICALLY TO EXCLUDE CERTAIN VEHICLES; TO AMEND SECTION 40-39-20, RELATING TO REGULATIONS OF PAWN BROKERS, SO AS TO REVISE REQUIREMENTS CONCERNING BACKGROUND CHECKS AND TO PROHIBIT THE EMPLOYMENT OF A PERSON CONVICTED OF A FELONY TO ENGAGE IN THE WORK OF A PAWNBROKER, SUBJECT TO CERTAIN EXCEPTIONS; TO AMEND SECTION 40-39-30, RELATING TO THE REQUIREMENT OF A CERTIFICATE OF AUTHORITY FOR EACH BUSINESS LOCATION OF A PAWNBROKER, SO AS TO PROVIDE A PAWNBROKER MAY RETAIN NO PLEDGED GOODS IN A LOCATION OTHER THAN THE LOCATION DESIGNATED IN THE CERTIFICATE OF AUTHORITY WITHOUT FIRST FILING A NOTIFICATION WITH THE DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT, AND TO PROVIDE A PAWNBROKER CONSPICUOUSLY SHALL POST THE HOURS OF OPERATION AND ANY CLOSURE AT EACH LOCATION; TO AMEND SECTION 40-39-40, RELATING TO THE PROHIBITION ON UNAUTHORIZED FEES, SO AS TO PROVIDE A PAWNBROKER THAT COLLECTS SUCH UNAUTHORIZED FEES MAY NOT COLLECT, RECEIVE, OR RETAIN ANY INTEREST OR CHARGES ON THE LOAN IN VIOLATION OF THIS CHAPTER AND HAS NO RIGHT TO POSSESS THE PLEDGED GOODS; TO AMEND SECTION 40-39-50, RELATING TO BONDS AND OTHER EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED FOR A CERTIFICATE OF AUTHORITY, SO AS TO REVISE AND DELETE SOME EXISTING REQUIREMENTS AND TO PROVIDE WITHIN TWENTY-ONE CALENDAR DAYS AFTER THE OCCURRENCE OF AN EVENT THAT MAY AFFECT PLEDGED GOODS, A PAWNBROKER SHALL FILE A WRITTEN NOTICE ON A FORM PRESCRIBED BY THE DEPARTMENT DESCRIBING THE EVENT AND ITS EXPECTED IMPACT UPON THE BUSINESS; TO AMEND SECTION 40-39-70, RELATING TO RECORD KEEPING REQUIREMENTS, SO AS TO INCLUDE SALES AMONG THE AFFECTED TRANSACTIONS, TO REQUIRE VERIFICATION OF

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THE IDENTITY OF A PLEDGOR OR SELLER IN A CERTAIN MANNER, AND TO PROVIDE A PAWN OR PURCHASE TRANSACTION MUST BE PERFORMED BY THE OWNER OF THE PROPERTY, OR HIS AUTHORIZED AGENT, WHOSE IDENTITY AND AGENCY RELATIONSHIP MUST BE VERIFIED BY THE PAWNBROKER; TO AMEND SECTION 40-39-80, RELATING TO THE ISSUANCE OF A MEMORANDUM OR NOTE AT THE TIME OF PAWNING OR PLEDGING, SO AS TO CHARACTERIZE THE MEMORANDUM OR NOTE AS A "PAWN TICKET" AND TO PROVIDE DETAILED, RELATED REQUIREMENTS; TO AMEND SECTION 40-39-100, RELATING TO PERMISSIBLE CHARGES ON LOANS BY PAWNBROKERS, SO AS TO REVISE THE MAXIMUM PERMISSIBLE AMOUNT; TO AMEND SECTION 40-39-120, RELATING TO THE RENEWAL OF A CERTIFICATE OF AUTHORITY, SO AS TO PROVIDE PENALTIES FOR FAILING TO TIMELY RENEW, AND TO PROVIDE REQUIREMENTS FOR A PAWN SHOP THAT MUST CLOSE BECAUSE OF A SURRENDER OR REVOCATION OF ITS CERTIFICATE OF AUTHORITY; TO AMEND SECTION 40-39-140, RELATING TO THE ACCEPTANCE OF PROPERTY OWNED BY A THIRD PARTY, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PAWNBROKER MUST RETURN PLEDGED PROPERTY THAT HAD BEEN LEASED BY A SELLER OR PLEDGOR TO THE LESSOR OF THE PROPERTY, AND TO PROVIDE A PAWNBROKER IS NOT LIABLE TO THE PLEDGOR OR SELLER OF PROPERTY THAT IS RECOVERED BY A LESSOR FOR RETURNING THE PROPERTY TO A LESSOR; AND TO AMEND SECTION 40-39-150, RELATING TO FINES AND PENALTIES FOR VIOLATIONS, SO AS TO TRANSFER CERTAIN AUTHORITY CONCERNING THESE FINES AND PENALTIES FROM THE ADMINISTRATIVE LAW COURT TO THE DEPARTMENT.

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

H. 4141 -- Reps. Gambrell, Sandifer and Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "LIMITED LINES TRAVEL INSURANCE ACT" BY ADDING ARTICLE 6 TO CHAPTER 43, TITLE 38 SO AS TO PROVIDE A CITATION, TO DEFINE NECESSARY TERMS, TO PROVIDE REQUIREMENTS ONLY UNDER WHICH TRAVEL RETAILERS MAY OFFER AND DISSEMINATE TRAVEL INSURANCE UNDER

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A LIMITED LINES TRAVEL INSURANCE PRODUCER BUSINESS ENTITY LICENSE FOR COMPENSATION, TO PROVIDE THAT TRAVEL INSURANCE MAY BE PROVIDED UNDER AN INDIVIDUAL POLICY OR UNDER A GROUP OR MASTER POLICY, TO PROVIDE THAT LIMITED LINES TRAVEL INSURANCE PRODUCERS ACTING AS AN INSURANCE DESIGNEE ARE RESPONSIBLE FOR THE ACTS OF THE TRAVEL RETAILER AND SHALL USE REASONABLE MEANS TO ENSURE COMPLIANCE BY THE TRAVEL RETAILER WITH THIS ARTICLE, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

H. 4507 -- Rep. Tallon: A BILL TO AMEND SECTION 23-25-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION, PURPOSE, AND MEMBERSHIP OF THE SOUTH CAROLINA LAW ENFORCEMENT OFFICERS HALL OF FAME ADVISORY COMMITTEE, SO AS TO INCREASE THE MEMBERSHIP TO INCLUDE THE PRESIDENT OF THE SOUTH CAROLINA FRATERNAL ORDER OF POLICE, OR HIS DESIGNEE.

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

H. 4666 -- Reps. Pope, Bales, Erickson, Clyburn, Hardee, Jefferson, M. S. McLeod, McKnight, Knight, Hicks, Bamberg, Hosey, Newton, Jordan, Tinkler, George, Gilliard, Mack, Limehouse, R. L. Brown, Hayes, Herbkersman, Norman, Ridgeway, Rivers, Whitmire, Henegan, Tallon, Mitchell, Whipper and W. J. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 25, TITLE 16 SO AS TO ENTITLE THE ARTICLE THE "DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES", ESTABLISH THE DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES IN EACH CIRCUIT, PROVIDE APPROPRIATE PROTOCOLS WHICH MUST BE FOLLOWED BY THE COMMITTEES, PROVIDE FOR THE COMPOSITION OF THE COMMITTEES, PROVIDE FOR CONFIDENTIALITY OF CERTAIN INFORMATION BY THE COMMITTEES AND OTHER PERSONS, AND PROVIDE SUBPOENA AUTHORITY TO THE COMMITTEES UNDER CERTAIN CIRCUMSTANCES.

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

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H. 4679 -- Reps. Forrester, Huggins, Clemmons, Burns, Sandifer, Gambrell, Cobb-Hunter, Sottile, Collins, McCoy, Allison, Clary, D. C. Moss, Brannon, Williams, Crosby, Loftis, Atwater, Jordan, Hardee, Jefferson, Erickson, McEachern, George, Newton, Willis, Ballentine, Bedingfield, Bingham, Cole, Duckworth, Gagnon, Goldfinch, Hamilton, Hayes, Lucas, V. S. Moss, Pope, Simrill, G. R. Smith, Stringer, Tallon, Thayer, Weeks, G. A. Brown, Anderson, Hicks, Yow, Alexander, Hiott, Lowe, Finlay, Pitts, Horne, Rutherford, Bannister, Anthony, J. E. Smith, Kennedy, Howard, H. A. Crawford, Mack, Ott, Ryhal, Funderburk, Hodges, White, Knight and Henegan: A BILL TO AMEND SECTION 58-9-576, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION BY AND DUTIES OF THE LOCAL EXCHANGE CARRIER AND ALTERNATIVE FORMS OF REGULATION, SO AS TO PROHIBIT CERTAIN ACTIONS BY THE PUBLIC SERVICE COMMISSION AND PROVIDE EXCEPTIONS, AND TO DEFINE THE TERM "VOICE SERVICE"; TO ALLOW THE PUBLIC SERVICE COMMISSION TO CONDUCT AN INVESTIGATION IN CERTAIN CIRCUMSTANCES WHEN A CUSTOMER FILES A REQUEST FOR VOICE SERVICE WITH THE COMMISSION; AND TO DELINEATE THE COMMISSION'S ACTIONS UPON CONCLUSION OF THE INVESTIGATION.

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

H. 4928 -- Reps. Hiott, Clary, Collins, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, 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 AFFIRM THE

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DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA'S YOUNG PEOPLE AND TO THE PREVENTION OF CHILD ABUSE AND NEGLECT AND TO DECLARE THE MONTH OF APRIL 2016 AS "CHILD ABUSE PREVENTION MONTH" IN THE STATE OF SOUTH CAROLINA.

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

H. 4930 -- Reps. Clemmons, Yow, Fry, Hardee, Goldfinch, Duckworth, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Govan, Hamilton, 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 and Willis: A CONCURRENT RESOLUTION TO DECLARE JULY 16, 2016, AS ATOMIC VETERANS DAY IN SOUTH CAROLINA.

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

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

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

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

S. 849 -- Senators Cromer, Allen and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING

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ARTICLE 20 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE PROCEDURES GOVERNING THE MAXIMUM ALLOWABLE COST REIMBURSEMENTS FOR GENERIC PRESCRIPTION DRUGS BY PHARMACY BENEFIT MANAGERS, TO PROVIDE NECESSARY DEFINITIONS, TO EXEMPT THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE PERFORMANCE OF ITS DUTIES IN ADMINISTERING MEDICAID UNDER TITLES XIX AND XXI OF THE SOCIAL SECURITY ACT, TO PROVIDE REQUIREMENTS FOR PLACING DRUGS ON MAXIMUM ALLOWABLE COST LISTS BY PHARMACY BENEFIT MANAGERS, AND TO PROVIDE VARIOUS REQUIREMENTS OF PHARMACY BENEFIT MANAGERS; TO PROVIDE CONTRACTS BETWEEN PHARMACIES AND PHARMACY BENEFIT MANAGERS THAT ARE ENTERED INTO, RENEWED, OR EXTENDED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JANUARY 1, 2016.

S. 72 -- Senators Campsen, Grooms, Bright, Fair, Corbin and Verdin: A BILL TO AMEND SECTION 59‑39‑112 OF THE 1976 CODE, RELATING TO ELECTIVE CREDIT FOR RELEASED TIME CLASSES IN RELIGIOUS INSTRUCTION FOR HIGH SCHOOL STUDENTS, TO PROVIDE THAT THE SCHOOL DISTRICT BOARD OF TRUSTEES MAY, AS A MEANS TO ENSURE EVALUATION OF INSTRUCTION ON THE BASIS OF PURELY SECULAR CRITERIA, ACCEPT TIME RELEASED CREDITS AS TRANSFER CREDITS FROM AN ACCREDITED PRIVATE SCHOOL THAT HAS AWARDED PRIVATE SCHOOL CREDITS FOR A RELEASED TIME PROGRAM OPERATED BY AN UNACCREDITED ENTITY.

**CARRIED OVER**

S. 524 -- Senators Hembree and Fair: A BILL TO AMEND SECTION 16‑15‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDECENT EXPOSURE, SO AS TO PROVIDE THAT A CORRECTIONS OR DETENTION FACILITY IS CONSIDERED A PUBLIC PLACE, AND TO PROVIDE THAT IF THE VIOLATION OCCURS WITHIN A CORRECTIONS OR DETENTION FACILITY, THE SENTENCE IS TO RUN CONSECUTIVELY.

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

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S. 315 -- Senator Grooms: A JOINT RESOLUTION TO REPEAL SECTION 6 OF ACT 114, RELATED TO THE TERMINATION OF THE GOVERNOR’S AUTHORITY TO APPOINT THE SECRETARY OF TRANSPORTATION; AND TO EXTEND THE GOVERNOR’S AUTHORITY UNTIL FURTHER ACTION BY THE GENERAL ASSEMBLY TO THE CONTRARY.

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

S. 267 -- Senators Young, Campsen, Hembree, Bennett, Turner, Thurmond, Davis, Bright, Bryant, L. Martin, S. Martin and Hayes: A BILL TO AMEND SECTION 2‑1‑180 OF THE 1976 CODE, RELATING TO ADJOURNMENT OF THE GENERAL ASSEMBLY, TO CHANGE THE DATE FOR THE MANDATORY ADJOURNMENT OF THE GENERAL ASSEMBLY FROM THE FIRST THURSDAY IN JUNE TO THE FIRST THURSDAY IN MAY, AND PROVIDE THAT IN ANY YEAR THAT THE HOUSE OF REPRESENTATIVES FAILS TO GIVE THIRD READING TO THE APPROPRIATIONS BILL BY MARCH FIRST, RATHER THAN MARCH THIRTY-FIRST, THE DATE OF ADJOURNMENT IS EXTENDED BY ONE STATEWIDE DAY FOR EACH STATEWIDE DAY AFTER MARCH FIRST, THAT THE HOUSE FAILS TO GIVE THE BILL THIRD READING.

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

S. 868 -- Senators Young, Massey, Setzler and Nicholson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 58 SO AS TO PROVIDE PROCEDURES FOR THE EXERCISE OF EMINENT DOMAIN BY PIPELINE COMPANIES, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE CERTAIN RELATED CERTIFICATION OR PERMITTING FUNCTIONS AT THE PUBLIC SERVICE COMMISSION AND THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO PROVIDE PROPERTY OWNER RIGHTS AND A CAUSE OF ACTION FOR DAMAGES SUSTAINED BY CERTAIN ADJACENT PROPERTY OF THE OWNER OF PROPERTY CONDEMNED UNDER THE PROVISIONS OF THIS ACT; AND TO DESIGNATE THE EXISTING PROVISIONS IN THE CHAPTER AS ARTICLE 1 ENTITLED “GAS AND WATER COMPANIES”.

Senator YOUNG explained the Bill.

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

S. 1065 -- Senators Young, Massey, Setzler and Nicholson: A JOINT RESOLUTION TO CLARIFY THAT SECTION 58-7-10 OF THE 1976 CODE OF LAWS DOES NOT APPLY TO A PRIVATE, FOR-PROFIT PIPELINE COMPANY, INCLUDING A PUBLICLY-TRADED FOR-PROFIT COMPANY, THAT IS NOT A PUBLIC UTILITY AS DEFINED BY TITLE 58 OF THE 1976 SOUTH CAROLINA CODE OF LAWS; AND TO CREATE THE PETROLEUM PIPELINE STUDY COMMITTEE TO STUDY MATTERS RELATED TO THE PRESENCE OF PETROLEUM PIPELINES IN SOUTH CAROLINA, AND FOR THE STUDY COMMITTEE TO PROVIDE A REPORT TO THE GENERAL ASSEMBLY BY JANUARY 31, 2017, AND TO CONTINUE ITS WORK UNTIL JUNE 30, 2017, IF THE JANUARY REPORT DETERMINES FURTHER WORK IS NEEDED.

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

H. 4865 -- Reps. Ballentine, Jefferson, Funderburk, Norman, Hiott, Hodges, Goldfinch, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb‑Hunter, Cole, Collins, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Gagnon, Gambrell, George, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hixon, Horne, Hosey, Howard, Huggins, 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, 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 REQUEST THAT THE GEORGETOWN COUNTY COUNCIL NAME THE COUNTY JUDICIAL CENTER LOCATED ON CLELAND STREET IN THE CITY OF GEORGETOWN THE “AIRMAN FIRST CLASS CARL ANDERSON, JR. COURTHOUSE” IN HONOR OF A BRAVE SON OF SOUTH CAROLINA WHO MADE THE ULTIMATE SACRIFICE WHILE DEFENDING HIS COUNTRY IN IRAQ.

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

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

**MADE SPECIAL ORDER**

S. 997 -- Senators Bright, S. Martin, Peeler, Fair, Grooms, Corbin, Verdin and Bryant: A BILL TO AMEND CHAPTER 1, TITLE 43 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES, BY ADDING SECTION 43‑1‑730 TO PROVIDE THAT REFUGEES PLACED IN THIS STATE BY THE FEDERAL GOVERNMENT MUST REGISTER WITH THE DEPARTMENT OF SOCIAL SERVICES; TO AMEND TITLE 15, CHAPTER 5 OF THE 1976 CODE, TO PROVIDE CIVIL LIABILITY FOR VOLUNTARY RESETTLEMENT ORGANIZATIONS ARISING FROM THE ACTIONS OF A REFUGEE PLACED IN THIS STATE TO WHOM THE ORGANIZATION PROVIDED SPONSORSHIP OR RESETTLEMENT SERVICES; TO PROHIBIT STATE OR LOCAL FUNDS BEING EXPENDED FOR THE DIRECT OR INDIRECT BENEFIT OF REFUGEES UNTIL LEGISLATION SPECIFICALLY AUTHORIZING THE EXPENDITURE IS ENACTED; AND TO DEFINE NECESSARY TERMS.

Senator CROMER moved that the Bill be set for Special Order.

Senator CROMER spoke on the motion.

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

**Ayes 32; Nays 4**

**AYES**

Alexander Bright Bryant

Campbell Campsen Cleary

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, Margie*

McElveen Nicholson Peeler

Rankin Reese Scott

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Setzler Shealy Turner

Williams Young

**Total--32**

**NAYS**

Coleman Hutto Johnson

Sabb

**Total--4**

Having received the necessary vote, the Bill was set for Special Order.

**MOTION ADOPTED**

At 12:45 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.**

**CARRIED OVER**

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.

The Senate proceeded to consideration of the Bill.

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Senators HEMBREE and GROOMS proposed the following amendment (199R010.EB.GH), which was ruled out of order:

Amend the amendment bearing file path l:\s‑resmin\amend\  
199gm1.docx, as and if amended, by striking subsection (F) and inserting:

/ (F) Any fine imposed pursuant to this section is mandatory and may not be waived or reduced. One‑half of the fine must be remitted to the treasurer and deposited in a special account, separate and apart from the general fund, designated for use by the Department of Public Safety to be used for work zone enforcement, training, research programs, and the funding of SHEP vehicles and drivers. /

Amend the amendment bearing file path l:\s‑resmin\amend\  
199gm1.docx further, as and if amended, by striking subsection (B) and inserting:

/ ~~A ‘highway zone’ is the area between the first sign that informs motorists of the existence of the work zone on the highway and the last sign that informs motorists of the end of the work zone.~~ A person commits the offense of endangerment of a highway worker, if the person is operating a motor vehicle within a highway work zone at anytime, and:

(1) exceeds the posted speed limit;

(2) drives through or around a work zone in any lane not clearly designated for use by motor vehicles traveling through or around a work zone; or

(3) fails to obey traffic control devices erected for purposes of controlling the flow of motor vehicles through the work zone for any reason other than:

(a) an emergency;

(b) the avoidance of an obstacle; or

(c) the protection of the health and safety of another person. /

Amend the amendment bearing file path l:\s‑resmin\amend\  
199gm1.docx further, as and if amended, by striking subsection (A) and inserting:

/ “Section 56‑5‑1535. (A) ~~It is unlawful for a person to drive a motor vehicle in a highway work zone at a speed in excess of the speed limit set and posted by signs. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than seventy‑five nor more than two‑hundred dollars or imprisoned not more than thirty days, or both.~~

For purposes of this section:

(1)(a) ‘Highway work zone’ means an area of a roadway, bridge, shoulder, median, or associated right‑of‑way, where construction,

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maintenance, utility work, accident response, or other incident response is being performed. The work zone must be marked by signs, channeling devices, barriers, pavement markings, or work vehicles, and extends from the first traffic control device erected for purposes of controlling the flow of motor vehicles through the work zone, including signs reducing the normal speed limit, to the ‘END ROAD WORK’ sign or the last temporary traffic control device. The signs, channeling devices, barriers, pavement markings, or work vehicles must meet state and federal Department of Transportation standards and must be properly installed.

(b) ‘Highway worker’ means a person who is required to perform work in highway work zones, including:

(i) a person who performs maintenance, repair, or construction;

(ii) a person who operates a truck, loader, or other equipment;

(iii) a person who performs any other related maintenance work, as required;

(iv) a public safety officer who enforces work zone‑related transportation management or traffic control;

(v) a law enforcement officer who conducts traffic control or enforcement operations; and

(vi) an officer or firefighter, an emergency medical services provider, or any other authorized person, who removes hazards or who responds to accidents and other incidents.

(c) Work vehicles used by highway workers as defined in subsection (1)(b)(iv), (v), and (vi) shall be considered to be in compliance with state Department of Transportation standards if they comply with the provisions of Section 56‑5‑4700 or National Fire Protection Association (NFPA) standards. /

Amend the amendment bearing file path l:\s‑resmin\amend\  
199gm1.docx further, as and if amended, by striking subsection (D)(4) and inserting:

/ “(4) A person who commits the offense of endangerment of a highway worker where the death of the highway worker ensues within three years and the committing of the offense is the proximate cause of the highway worker’s death is guilty of reckless vehicular homicide pursuant to Section 56‑5‑2910, and, upon conviction, must be fined not more than five thousand dollars and not less than two thousand dollars, or imprisoned for not more than three years, or both.” /

Renumber sections to conform.

Amend title to conform.

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Senator HEMBREE explained the amendment.

Senator MALLOY spoke on the amendment.

**Point of Order**

Senator MALLOY raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

Amendment P1B-RFH2 was ruled out of order.

Senator MALLOY proposed the following amendment (199GM1), which was carried over:

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

/ SECTION 3. Section 56‑5‑1535 of the 1976 Code is amended to read:

“Section 56‑5‑1535. (A) ~~It is unlawful for a person to drive a motor vehicle in a highway work zone at a speed in excess of the speed limit set and posted by signs. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than seventy‑five nor more than two hundred dollars or imprisoned not more than thirty days, or both.~~ For purposes of this section:

(1) ‘Highway work zone’ means an area of a roadway, bridge, shoulder, median, or associated right‑of‑way, where construction, maintenance, utility work, accident response, or other incident response is being performed. The work zone must be marked by signs, channeling devices, barriers, pavement markings, or work vehicles, and extends from the first traffic control device erected for purposes of controlling the flow of motor vehicles through the work zone, including signs reducing the normal speed limit, to the ‘END ROAD WORK’ sign or the last temporary traffic control device. The signs, channeling devices, barriers, pavement markings, or work vehicles must meet state and federal Department of Transportation standards and must be properly installed.

(2) ‘Highway worker’ means a person who is required to perform work in highway work zones, including:

(a) a person who performs maintenance, repair, or construction;

(b) a person who operates a truck, loader, or other equipment;

(c) a person who performs any other related maintenance work, as required;

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(d) a public safety officer who enforces work zone‑related transportation management or traffic control;

(e) a law enforcement officer who conducts traffic control or enforcement operations; and

(f) an officer or firefighter, an emergency medical services provider, or any other authorized person, who removes hazards or who responds to accidents and other incidents.

(B) ~~A ‘highway work zone’ is the area between the first sign that informs motorists of the existence of the work zone on the highway and the last sign that informs motorists of the end of the work zone.~~ A person commits the offense of endangerment of a highway worker, if the person is operating a motor vehicle within a highway work zone at anytime, and:

(1) driving through or around a work zone in any lane not clearly designated for use by motor vehicles traveling through or around a work zone; or

(2) fails to obey traffic control devices erected for purposes of controlling the flow of motor vehicles through the work zone for any reason other than:

(a) an emergency;

(b) the avoidance of an obstacle; or

(c) the protection of the health and safety of another person.

(C) ~~The penalty imposed by this section applies only:~~ A person shall not be cited or convicted for endangerment of a highway worker unless the act or omission constituting the offense occurs when one or more highway workers are in the highway work zone and in proximity to the area where the act or omission occurs.

~~(1)~~ ~~if a sign is posted at the beginning of the active work zone that states ‘WORK ZONE $200 FINE AND 30 DAYS IMPRISONMENT FOR SPEEDING’;~~

~~(2)~~ ~~to the area between the posted sign and the ‘END CONSTRUCTION’ sign. Signs may be posted at the discretion of the Department of Transportation in the highway work zones designed to comply with work zone traffic control standards contained in the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.~~

(D)(1) A person who commits the offense of endangerment of a highway worker where the highway worker suffers no physical injury is guilty of a misdemeanor, and, upon conviction, must be fined not more than one thousand dollars and not less than five hundred dollars, or imprisonment of not more than thirty days, or both.

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(2) A person who commits the offense of endangerment of a highway worker where the highway worker suffers physical injury and the committing of the offense is the proximate cause of the physical injury is guilty of a misdemeanor, and, upon conviction, must be fined not more than two thousand dollars and not less than one thousand dollars, or imprisoned for not more than sixty days, or both.

(3) A person who commits the offense of endangerment of a highway worker where the highway worker suffers great bodily injury, as defined in Section 56‑5‑2945(B), and the committing of the offense is the proximate cause of the great bodily injury is guilty of a misdemeanor, and, upon conviction, must be fined not more than five thousand dollars and not less than two thousand dollars, or imprisoned for not more than three years, or both.

(4) A person who commits the offense of endangerment of a highway worker where the death of the highway worker ensues within three years as a proximate result of injury received by the highway worker related to the endangerment of the highway worker is guilty of reckless vehicular homicide pursuant to Section 56‑5‑2910, and, upon conviction, is subject to the penalties contained in that section, including license reinstatement and related conditions.

(E) A person who is convicted pursuant to subsection (D)(1), in addition to any other penalty must have two points assessed against his motor vehicle operating record. A person who is convicted pursuant to subsection (D)(2), in addition to any other penalty must have four points assessed against his motor vehicle operating record. A person who is convicted pursuant to subsection (D)(3), in addition to any other penalty must have six points assessed against his motor vehicle operating record.

(F) Any fine imposed pursuant to this section is mandatory and may not be waived or reduced. One‑half of the fine must be remitted to the treasurer and deposited in a special account, separate and apart from the general fund, designated for use by the Department of Public Safety to be used for work zone enforcement, training, and research programs.

(G) No person shall be cited or convicted for endangerment of a highway worker for any act or omission otherwise constituting an offense under this section if the act or omission results, in whole or in part, from mechanical failure of the person’s motor vehicle or from the negligence of a highway worker, or another person.” /

Further amend the bill, as and if amended, by striking SECTION 7 in its entirety.

Further amend the bill, as and if amended, by striking SECTION 8 in its entirety.

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Further amend the bill, as and if amended, by striking SECTION 9 in its entirety.

Further amend the bill, as and if amended, by striking SECTION 10 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO moved to carry over the amendment.

The amendment was carried over.

Senator HUTTO moved to carry over the Bill.

Senator GROOMS moved to table the motion to carry over the Bill.

The motion to table failed.

The Bill was carried over.

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator GROOMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John Trout of Moncks Corner, S.C. John was a retired founder and co-owner of D’s Jewelers. He served in the U.S. Navy, was a member of the International Ford Retractable Club and various others, one of the original founders of the Berkeley Country Republican Party, a former vice chairman of the Berkeley County Election Commission, a lifetime member of the Moncks Corner Rotary Club and a member of Moncks Corner United Methodist Church. John was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

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**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Milam F. “Mike” Williams of Greenwood, S.C. Mike attended Clemson University. He was a U.S. Army Veteran of World War II and retired in 1989, after 41 years of service from Life of Georgia Insurance Company. Mike was an avid sports person and served as a high school football official with the South Carolina Football Officials Association for more than 30 years. He was a member of Main Street United Methodist Church, was a past South Carolina Lt. Governor of Civitan and commander of the American Legion Post 20. Mike was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 1:14 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*