

NO. 17

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2016

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TUESDAY, FEBRUARY 9, 2016

**Tuesday, February 9, 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:

We read that the Lord spoke to Moses, saying:

“I will have mercy on whom I will have mercy, and I will have compassion on whom I will have compassion.’ ” (Exodus 33:19)

Let us pray, my friends:

Holy God, may each Senator in this Chamber be the sort of leader who demonstrates a genuinely caring heart for the people of South Carolina -- for *all* of our women, men and children. The needs of so many in our State are great. So, let not a single day pass, Lord, when these Senators and their staff members do not sincerely act with caring hearts for our sisters and brothers. Know, O God, that we all continue to feel great compassion for staff members Michele Neal and John Wienges in the deaths this past week of their respective mothers, and for Jean Tisdale in the recent death of her father. We humbly pray all this in Your loving name, O Lord. Amen.

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

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2014, and to expire June 30, 2018

Supervised Lenders:

Howard H. Wright, Jr., 1047 Eagle Dr., Rock Hill, SC 29732

Referred to the Committee on Banking and Insurance.

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Reappointment, South Carolina Commission on Higher Education,  
with the term to commence July 1, 2016, and to expire July 1, 2018

Four-Year Institutions:

Allison Dean Love, 224 Wood Duck Road, Columbia, SC 29223

Referred to the Committee on Education.

Reappointment, South Carolina Commission on Higher Education,  
with the term to commence July 1, 2016, and to expire July 1, 2018

Public Research Institutions:

Louis B. Lynn, 85 Olde Springs Rd., Columbia, SC 29223

Referred to the Committee on Education.

Initial Appointment, South Carolina Commission on Higher  
Education, with the term to commence July 1, 2012, and to expire July  
1, 2016

At-Large/Chairman:

Tim M. Hofferth, 260 Edgewood Dr., Chapin, SC 29036 *VICE* John  
L. Finan (resigned)

Referred to the Committee on Education.

Reappointment, South Carolina Commission on Higher Education,  
with the term to commence July 1, 2016, and to expire July 1, 2020

At-Large/Chairman:

Tim M. Hofferth, 260 Edgewood Dr., Chapin, SC 29036

Referred to the Committee on Education.

Reappointment, South Carolina Commission on Higher Education,  
with the term to commence July 1, 2016, and to expire July 1, 2018

Technical and Comprehensive Education:

Paul O. Batson III, 296 Roberts Circle, Greer, SC 29650

Referred to the Committee on Education.

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Reappointment, South Carolina Workers' Compensation Commission, with the term to commence June 30, 2016, and to expire June 30, 2022

At-Large:

Melody L. James, 152 Golden Pond Drive, Lexington, SC 29073

Referred to the Committee on Judiciary.

Reappointment, South Carolina Workers' Compensation Commission, with the term to commence June 30, 2016, and to expire June 30, 2022

At-Large:

Susan S. Barden, 108 Old Mill Circle, Columbia, SC 29206

Referred to the Committee on Judiciary.

Reappointment, Jobs Economic Development Authority, with the term to commence July 27, 2016, and to expire July 27, 2019

At-Large/Chairman:

Michael W. Nix, 3 Over Dam, Beaufort, SC 29906

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina Mental Health Commission, with the term to commence March 21, 2016, and to expire March 21, 2021

3rd Congressional District:

Robert E. Hiott, 1012 Gap Hill Road, Six Mile, SC 29671

Referred to the Committee on Medical Affairs.

#### **Local Appointments**

Initial Appointment, South Carolina State Board for Technical and Comprehensive Education, with the term to commence July 1, 2012, and to expire July 1, 2018

7th Congressional District:

Philip G. Homan, Post Office Box 1858, Bennettsville, SC 29512  
*VICE* Daniel Philip Gray

Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Jerry F. Rivers, 1808 Benjamin Blvd., Florence, SC 29501 *VICE*  
Eugene Cooper

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**REGULATIONS RECEIVED**

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

Document No. 4634

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-11-2200, 50-11-2210 and 50-11-2215

SUBJECT: Additional Regulations Applicable to Specific Properties

Received by Lieutenant Governor February 5, 2016

Referred to Committee on Fish, Game and Forestry

Document No. 4635

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

SUBJECT: Wildlife Management Area Regulations; and Turkey Hunting Rules and Seasons

Received by Lieutenant Governor February 5, 2016

Referred to Committee on Fish, Game and Forestry

**Doctor of the Day**

Senator CAMPBELL introduced Dr. Todd Schlesinger of Charleston, S.C., Doctor of the Day.

**Leave of Absence**

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

**Leave of Absence**

At 12:26 P.M., Senator M.B. MATTHEWS requested a leave of absence for Senator MALLOY for the day.

**Leave of Absence**

At 1:08 P.M., Senator GROOMS requested a leave of absence for Wednesday, February 10, 2016.

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**Expression of Personal Interest**

Senator NICHOLSON rose for an Expression of Personal Interest.

**Remarks by Senator NICHOLSON**

Ladies and gentlemen of the Senate, I just want to take a minute to talk about something that has been very dear to me. We always have incidents that happen in our lives that are very special that we will remember forever -- it might be a wedding date or the birth of kids.

One of those days in my life was yesterday, February 8<sup>th</sup>, 48 years ago -- the Orangeburg Massacre happened. I was there crawling on the ground, and the first thing I did was thank God those bullets did not have names on them. Those bullets were not directly for Smith, Hammond and Middleton. That's a special occasion we should never forget. I was a freshman at South Carolina State College at that time. The Vietnam War was going on, and I was crawling on the ground. I said, "Wow, you don't have to go to Vietnam to be dodging the bullets, crawling, and thinking about your life." After that, it made me think, "Well, if you don't study and stay in school, you're going to be crawling and dodging bullets for a year." At that time, the draft was reinstated and young people between the ages of 18 and 25, if they were not in college, were going to receive a letter. You were going to go to Fort Jackson, train for 6 weeks and you were going to be put on a plane to Vietnam.

I've seen many changes that have occurred in our State and in our nation over the past 48 years. Yes, there has been tremendous progress made, but there are still a lot of things that we need to do to make sure that all citizens are treated fairly and have equal rights. The thing about it is I want to make sure that we continue to work together so that things don't happen like that again. That's really what drove me to get involved in politics. For years, I had this anger about what had happened on that day, but it was just making me upset because it had happened, and I don't care how angry I got, it was not going to change that. I thought, "Why don't you get involved to make sure it does not happen again." We need to work together to make sure that the incident that happened on February 8, 1968, in Orangeburg, never happens again. We've got to move forward, and the way we are going to move forward is to work together for the citizens of our State and nation because we don't want to turn the clock back. Sometimes it seems like the clock is going back. We want to move the clock forward and it takes each one of us making a commitment and saying, "We're going to do what's best for the citizens

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of our State.” So, I just want to let you know that February 8<sup>th</sup> will always be with me, and I will always thank God for sparing me because one of those bullets could have taken my life. Thank you, Mr. PRESIDENT.

On motion of Senator JOHN MATTHEWS, with unanimous consent, the remarks of Senator NICHOLSON were ordered printed in the journal.

**Expression of Personal Interest**

Senator McELVEEN rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 129 Sen. Bryant

S. 929 Sen. Fair

**RECALLED**

H. 4660 -- Reps. Sandifer and Gambrell: A BILL TO AMEND SECTION 38-43-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS EXCLUDED FROM LICENSURE AS AN INSURANCE PRODUCER OR AN INSURANCE AGENCY, SO AS TO EXCEPT FROM THESE EXCLUSIONS A LICENSED PROPERTY AND CASUALTY INSURANCE PRODUCER WHO PLACES SURPLUS LINES INSURANCE THROUGH A LICENSED INSURANCE BROKER; TO AMEND SECTION 38-43-50, RELATING TO LIMITED LINE AND SPECIAL PRODUCER LICENSURE, SO AS TO PROVIDE THAT A LICENSED PROPERTY CASUALTY INSURANCE PRODUCER MAY PLACE SURPLUS LINES INSURANCE THROUGH A LICENSED INSURANCE BROKER WITHOUT BEING APPOINTED BY THE SURPLUS LINES INSURER; AND TO AMEND SECTION 38-1-20, RELATING TO DEFINITIONS CONCERNING THE INSURANCE LAW OF THIS STATE, AND SECTION 38-45-10, RELATING TO DEFINITIONS CONCERNING INSURANCE BROKERS AND SURPLUS PROPERTY LINES INSURANCE, SO AS TO MAKE CONFORMING CHANGES TO RELATED TERMS.

Senator HAYES asked unanimous consent to make a motion to recall the Bill from the Committee on Banking and Insurance.

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

**RECALLED**

S. 937 -- Senator Young: A BILL TO AMEND SECTION 7-7-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN AIKEN COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THE AIKEN COUNTY VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1068 -- Senator Kimpson: A BILL TO AMEND CHAPTER 1, TITLE 4 OF THE 1976 CODE, RELATING TO COUNTIES, BY ADDING SECTION 4-1-160 TO ALLOW COUNTY GOVERNMENTS TO INCREASE BUILDING FEES UP TO TEN PERCENT AND REQUIRE COUNTY GOVERNMENT TO USE THE MONEY FROM THE INCREASE FOR AFFORDABLE HOUSING PROGRAMS; AND TO AMEND SECTION 5-25-310 TO ALLOW MUNICIPAL GOVERNMENTS TO INCREASE BUILDING PERMIT FEES UP TO TEN PERCENT AND REQUIRING THE MUNICIPALITY TO USE THE MONEY COLLECTED FROM THE INCREASE TOWARD AFFORDABLE HOUSING PROGRAMS.

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Senator KIMPSON spoke on the Bill.

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

S. 1069 -- Senator Kimpson: A BILL TO AMEND SECTION 12-24-10(A) OF THE 1976 CODE, RELATING TO DEED RECORDING FEES, TO ALLOW AN INCREASE IN THE DEED RECORDING FEE BY TWENTY CENTS AND TO REQUIRE TEN CENTS OF THE

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INCREASE TO GO TO THE SOUTH CAROLINA STATE HOUSING FINANCE AND DEVELOPMENT AUTHORITY AND TEN CENTS GOING TO LOCAL AND REGIONAL HOUSING TRUST FUNDS FOR USE TOWARD AFFORDABLE HOUSING.

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Senator KIMPSON spoke on the Bill.

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

S. 1070 -- Senator Kimpson: A BILL TO AMEND ARTICLE 25, CHAPTER 6, TITLE 12 OF THE 1976 CODE, RELATING TO TAX CREDITS, TO CREATE SECTION 12-6-3800 TO ALLOW FOR A TAXPAYER ELIGIBLE FOR A FEDERAL LOW-INCOME HOUSING TAX CREDIT TO CLAIM A LOW-INCOME STATE TAX CREDIT IN AN AMOUNT EQUAL TO THE FEDERAL TAX CREDIT.

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Senator KIMPSON spoke on the Bill.

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

**Remarks by Senator KIMPSON**

Thank you, Mr. PRESIDENT, ladies and gentlemen of the Senate. You've heard three Bills that have just been introduced and referred to Finance. We have a crisis in our major urban cities and even in our rural counties regarding housing across the country, but specifically, the State of South Carolina is skyrocketing. The median price of a home in Charleston in 2015 rose 15% from 2007. Now today it is \$235,000. I don't know about you but a \$200,000 home is a lot of money.

I've introduced a Bill to raise the minimum wage in increments to \$15 an hour. I believe that we have to do something for wages for working people in this country. So my colleagues, I've been working with Charleston City Council, democrats and republicans, to come up with a way to give our local municipalities and county agencies tools to use to deal with the lack of affordable housing in our respective districts. If we don't deal with this issue, then a working class family will not be able to afford a home. So we've got to attack it twofold. We have to create a minimum wage in South Carolina -- I propose that it be \$15 an hour. But we also have to give our local governments' tools to use so that they can provide affordable housing to our working class. These are the people

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who work in our schools, who are first responders, police, and firefighters. But they have to live miles outside of the cities. I will write a letter to the Chairman of Finance to ask for a subcommittee hearing because I welcome all ideas. This may not be the perfect solution; but, nevertheless, it is a start. Charleston City Council supports it and I'll be traveling around the State to meet with other municipalities to garner some support for these tools.

On motion of Senator MARGIE BRIGHT MATTHEWS, with unanimous consent, the remarks of Senator KIMPSON, were ordered printed in the Journal.

S. 1071 -- Senator Kimpson: A BILL TO AMEND SECTION 10-1-165 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA HERITAGE ACT OF 2000, TO PROVIDE THAT FLAGS OF THE WAR BETWEEN THE STATES, INCLUDING, BUT NOT LIMITED TO, THE CONFEDERATE BATTLE FLAG, THAT ARE PLACED OR DISPLAYED IN CHAPELS OR OTHER STRUCTURES HAVING A RELIGIOUS PURPOSE LOCATED ON PROPERTY OF PUBLIC INSTITUTIONS OF HIGHER LEARNING MAY BE REMOVED AND RELOCATED TO ANOTHER HISTORIC LOCATION ON THE PROPERTY OF THE PUBLIC INSTITUTION OF HIGHER LEARNING OR TO A MUSEUM, THE REMOVAL AND RELOCATION OF WHICH MAY OCCUR ONLY WITH THE APPROVAL OF THE BOARD OF DIRECTORS OF THE PUBLIC INSTITUTION AT A MEETING PUBLICALLY ADVERTISED THIRTY DAYS IN ADVANCE AND OPEN TO THE PUBLIC.

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

H. 4703 -- Reprs. Delleney, D. C. Moss, Simrill, G. R. Smith, Finlay, McCoy, Bannister, Lucas, Pope, Bedingfield, Pitts, Huggins, Hixon, Corley, Hill, Yow, Clemmons, Hicks and Brannon: A BILL TO AMEND SECTION 16-11-450, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IMMUNITY FROM CRIMINAL PROSECUTION AND CIVIL ACTIONS UNDER CERTAIN CIRCUMSTANCES FOR THE USE OF DEADLY FORCE AGAINST ANOTHER PERSON WHO ENTERS A DWELLING, RESIDENCE, OR OCCUPIED VEHICLE, SO AS TO PROVIDE A PROCEDURE FOR AN EVIDENTIARY HEARING ON A PRETRIAL MOTION TO

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DISMISS BASED ON THE JUSTIFIABLE USE OF DEADLY FORCE AND TO PROVIDE THAT A COURT JUDGMENT, ORDER, OR DECREE DENYING IMMUNITY IS IMMEDIATELY APPEALABLE; AND TO AMEND SECTION 14-3-330, AS AMENDED, RELATING TO THE APPELLATE JURISDICTION OF THE SUPREME COURT, SO AS TO INCLUDE THE REVIEW UPON APPEAL OF ANY JUDGMENT, ORDER, OR DECREE DENYING IMMUNITY FROM CRIMINAL PROSECUTION OR CIVIL ACTION PURSUANT TO THE PROTECTION OF PERSONS AND PROPERTY ACT THAT IS NOT OTHERWISE A FINAL JUDGMENT THAT DETERMINES THE ACTION.

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

**Privilege of the Floor**

On motion of Senator JOHN MATTHEWS, with unanimous consent, the Privilege of the Floor was extended to Angela Bassett and Vivica Fox in recognition of their outstanding acting careers.

**HOUSE CONCURRENCE**

S. 1045 -- Senators Hayes, Peeler, Gregory and Coleman: A CONCURRENT RESOLUTION TO RECOGNIZE YORK COUNTY AS A VITAL PART OF THE PALMETTO STATE AND TO DECLARE FEBRUARY 23, 2016, "YORK COUNTY DAY" IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

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

**HOUSE BILL RETURNED**

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

H. 4633 -- Reps. Bingham and Limehouse: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH AN INDEPENDENT SCHOOL MUST APPLY TO BECOME AN ELIGIBLE INSTITUTION FOR PURPOSES OF THE EDUCATIONAL TAX CREDIT FOR EXCEPTIONAL NEEDS CHILDREN UNTIL FEBRUARY 15, 2016.

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**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. 780 -- Senators McElveen and Campsen: A BILL TO AMEND SECTION 50-13-1630 (A) THROUGH (D) OF THE 1976 CODE, RELATING TO THE SALE AND TRAFFICKING IN FISH, TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES MAY ISSUE PERMITS FOR THE RELEASE OR STOCKING OF STERILE WHITE AMUR, GRASS CARP, OR GRASS CARP HYBRIDS IN THIS STATE AND TO UPDATE NECESSARY TERMS.

S. 932 -- Senators Bennett, Grooms and Hembree: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX ASSESSMENT RATIOS, SO AS TO REVISE AN APPLICATION DEADLINE FOR CERTAIN PROPERTY OWNED BY CERTAIN MEMBERS OF THE ARMED FORCES.

S. 984 -- Senators Campsen and Davis: A BILL TO AMEND SECTION 50-5-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS CONTAINED IN THE SOUTH CAROLINA MARINE RESOURCES ACT OF 2000, SO AS TO PROVIDE A DEFINITION FOR THE TERM "SOUTHERN COBIA MANAGEMENT ZONE"; AND TO AMEND SECTION 50-5-2730, AS AMENDED, RELATING TO CERTAIN FEDERAL FISHING REGULATIONS, SO AS TO PROVIDE THAT THESE REGULATIONS DO NOT APPLY TO COBIA LOCATED IN THE SOUTHERN COBIA MANAGEMENT ZONE.

S. 1030 -- Senator Cromer: A BILL TO AMEND SECTION 50-13-645 OF THE 1976 CODE, RELATING TO PROTECTION OF NONGAME FISH, TO PROVIDE THAT IT IS UNLAWFUL FOR A RECREATIONAL FISHERMAN TO TAKE MORE THAN TWENTY-FIVE AMERICAN EEL A DAY AND THAT EACH AMERICAN EEL TAKEN MUST BE AT LEAST NINE INCHES LONG.

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**READ THE SECOND TIME**

S. 1043 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DISTRICT AND SCHOOL PLANNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4605, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

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

**Ayes 37; Nays 0**

**AYES**

Alexander	Allen	Bennett
Bright	Campbell	Coleman
Corbin	Courson	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Jackson	Kimpson
Leatherman	Lourie	<i>Martin, Larry</i>
<i>Martin, Shane</i>	<i>Matthews, John</i>	McElveen
Nicholson	Peeler	Reese
Sabb	Scott	Setzler
Shealy	Sheheen	Thurmond
Turner	Verdin	Williams
Young		

**Total--37**

**NAYS**

**Total--0**

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

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**AMENDED, READ THE SECOND TIME**

S. 933 -- Senator Johnson: A BILL TO AMEND SECTION 59-18-310(B)(2) OF THE 1976 CODE, RELATING TO ACADEMIC STANDARDS AND ASSESSMENTS, TO PROVIDE A TWO YEAR EXTENSION FOR HIGH SCHOOL DIPLOMA PETITIONS FOR A PERSON WHO IS NO LONGER ENROLLED IN A PUBLIC SCHOOL AND WHO PREVIOUSLY FAILED TO RECEIVE A HIGH SCHOOL DIPLOMA OR WAS DENIED GRADUATION SOLELY FOR FAILING TO MEET THE EXIT EXAM REQUIREMENTS.

The Senate proceeded to a consideration of the Bill.

Senator THURMOND proposed the following amendment (933R002.EB.PT), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 36 and inserting:

/ local school district. /

Amend the bill further, as and if amended, page 2, by striking line 6 and inserting:

/ "district within forty-five days after this enactment. After enactment, the department may continue to advertise the provisions of this item, but it shall not be required to advertise after December 31, 2017." /

Renumber sections to conform.

Amend title to conform.

Senator THURMOND explained the amendment.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander	Allen	Bennett
Bright	Campbell	Campsen
Cleary	Coleman	Corbin
Courson	Cromer	Davis
Gregory	Grooms	Hayes
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman

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<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Rankin
Reese	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Williams	Young	

**Total--41**

**NAYS**

**Total--0**

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

**CARRIED OVER**

S. 139 -- Senator Cleary: A BILL TO AMEND SECTION 48-39-130 OF THE 1976 CODE, RELATING TO PERMITS REQUIRED FOR COASTAL ZONE CRITICAL AREAS, TO ALLOW FOR CERTAIN ADDITIONAL TECHNOLOGIES, METHODOLOGIES, OR STRUCTURES WITH REGARD TO PROTECTING BEACH AND DUNE CRITICAL AREAS WHEN AN EMERGENCY ORDER IS ISSUED BY APPOINTED OFFICIALS OF COUNTIES AND MUNICIPALITIES; TO AMEND SECTION 48-39-280, TO PROHIBIT THE SEAWARD MOVEMENT OF THE BASELINE AFTER JULY 1, 2015, AND TO ELIMINATE THE RIGHT OF LOCAL GOVERNMENTS AND LANDOWNERS TO PETITION THE ADMINISTRATIVE LAW COURT TO MOVE THE BASELINE SEAWARD UPON COMPLETION OF A BEACH RENOURISHMENT PROJECT; TO AMEND SECTION 48-39-290, TO NARROW THE EXCEPTION OF GOLF COURSES FROM A PERMIT REQUIREMENT TO REPAIR AND MAINTENANCE OF EXISTING GOLF COURSES, TO PROVIDE FOR AN EXEMPTION FOR SANDFENCING, REVEGITATION OF DUNES, MINOR BEACH RENOURISHMENT, AND DUNE CONSTRUCTION; AND TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO APPROVE REPAIRS TO CERTAIN EROSION CONTROL DEVICES WHICH WOULD

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OTHERWISE BE PROHIBITED, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH REPAIRS MAY BE MADE; TO AMEND SECTION 48-39-320 BY ADDING A SUBSECTION TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY APPROVE EROSION CONTROL DEVICES NOT PROVIDED FOR IN THIS CHAPTER IF THE BOARD DETERMINES THAT A DEVICE WILL BE SUCCESSFUL WITH REGARD TO EROSION CONTROL; AND TO REPEAL SECTION 48-39-290(D)(2).

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

S. 978 -- Senator Hayes: A BILL TO AMEND SECTION 38-9-330, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RISK-BASED CAPITAL PLANS, SO AS TO INCREASE THE MULTIPLIER FOR A COMPANY ACTION LEVEL EVENT FOR A LIFE AND HEALTH INSURER FROM 2.5 TO 3.0; TO AMEND SECTION 38-87-30, RELATING TO THE CHARTERING OF A RISK RETENTION GROUP, SO AS TO DEFINE TERMS, TO PROVIDE THAT A MAJORITY OF A RISK RETENTION GROUPS' DIRECTORS MUST BE INDEPENDENT DIRECTORS, TO ESTABLISH THE MAXIMUM TERM OF ANY MATERIAL SERVICE PROVIDER CONTRACT, TO REQUIRE THE BOARD OF DIRECTORS TO ADOPT A WRITTEN POLICY, TO REQUIRE THE BOARD OF DIRECTORS TO ADOPT AND

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DISCLOSE ITS GOVERNANCE STANDARDS, TO REQUIRE THE BOARD TO ADOPT AND DISCLOSE A CODE OF BUSINESS CONDUCT AND ETHICS, TO REQUIRE A RISK RETENTION GROUP TO COMPLY WITH APPLICABLE REGULATIONS, TO ESTABLISH PROCEDURES FOR NONCOMPLIANCE, AND TO SET ESTABLISHED DATES FOR COMPLIANCE; TO AMEND SECTION 38-87-40, RELATING TO OUT-OF-STATE RISK RETENTION GROUPS, SO AS TO ALLOW AN OUT-OF-STATE RISK RETENTION GROUP TO SUBMIT REVISIONS TO ITS PLAN OF OPERATION WITHIN THIRTY DAYS OF APPROVAL BY THE STATE INSURANCE COMMISSION OR WITHIN THIRTY DAYS IF NO APPROVAL IS REQUIRED; AND TO AMEND SECTION 38-90-160, AS AMENDED, RELATING TO CAPTIVE INSURANCE COMPANIES, SO AS TO EXTEND THE PROVISIONS OF SECTION 38-87-30 TO A RISK RETENTION GROUP LICENSED AS A CAPTIVE INSURANCE COMPANY.

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

S. 493 -- Senator O'Dell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-68-65 SO AS TO PROVIDE FOR THE DETERMINATION OF TAX CREDITS AND ECONOMIC INCENTIVES BASED ON EMPLOYMENT WITH RESPECT TO CLIENT COMPANIES OF PROFESSIONAL EMPLOYER ORGANIZATIONS; TO AMEND SECTION 40-68-55, RELATING TO THE ABILITY OF THE DEPARTMENT OF INSURANCE TO PROVIDE BY REGULATION FOR THE ACCEPTANCE OF AFFIDAVIT OR CERTIFICATION OF APPROVAL OF QUALIFIED ASSURANCE ORGANIZATIONS, SO AS TO DELETE THE REQUIREMENT THAT THESE FUNCTIONS BE PROVIDED BY REGULATION; TO AMEND SECTION 40-68-60, RELATING TO THE REQUIREMENTS OF PROFESSIONAL EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND ASSIGNED EMPLOYEES, SO AS TO DELETE THE REQUIREMENT THAT TERMS MUST BE ESTABLISHED BY WRITTEN CONTRACT, AND INSTEAD TO PROVIDE ORGANIZATIONS ONLY SHALL PROVIDE ASSIGNED EMPLOYEES WITH WRITTEN NOTICE OF HOW THE AGREEMENT AFFECTS THEM; TO AMEND SECTION 40-68-70, RELATING TO THE REQUIREMENTS OF PROFESSIONAL

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EMPLOYMENT ORGANIZATION SERVICES AGREEMENTS BETWEEN PROFESSIONAL EMPLOYER ORGANIZATIONS AND CLIENT COMPANIES, SO AS TO CLARIFY THAT THE TERMS OF THE AGREEMENT MUST BE ESTABLISHED BY WRITTEN CONTRACT; TO AMEND SECTION 40-68-150, RELATING TO CERTAIN PROHIBITED ACTS, SO AS TO PROVIDE PROFESSIONAL EMPLOYER ORGANIZATIONS SHALL NOT ENGAGE IN THE SALE OF INSURANCE OR ACT AS THIRD PARTY ADMINISTRATORS, AND TO PROVIDE THAT THE SPONSORING AND MAINTAINING OF EMPLOYEE BENEFIT PLANS FOR THE BENEFIT OF ASSIGNED EMPLOYEES DOES NOT CONSTITUTE THE SALE OF INSURANCE; AND TO REPEAL SECTION 40-68-45 RELATING TO CONTINUING PROFESSIONAL EDUCATION.

Senator ALEXANDER explained the committee amendment.

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

**OBJECTION**

S. 315 -- Senators Grooms and Campsen: 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.

Senator SETZLER moved to carry over the Resolution.

Senator THURMOND moved to table the motion to carry over. The motion to carry over was tabled.

Senator HUTTO objected to further consideration of the Resolution.

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

**MOTION ADOPTED**

At 12:56 P.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

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**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.

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

**LOCAL APPOINTMENTS**

**Confirmations**

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

Initial Appointment, South Carolina State Board for Technical and Comprehensive Education, with the term to commence July 1, 2012, and to expire July 1, 2018

7th Congressional District:

Philip G. Homan, Post Office Box 1858, Bennettsville, SC 29512  
*VICE* Daniel Philip Gray

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Initial Appointment, Florence County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018

Jerry F. Rivers, 1808 Benjamin Blvd., Florence, SC 29501 *VICE*  
Eugene Cooper

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Sam Lewis of Sumter, S.C. Mr. Lewis was the father of our beloved Jean Tisdale who works in the Senate Finance Office. Mr. Lewis was a loving husband, father, brother and grandfather who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator GROOMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of The Honorable DeWitt Williams of St. Stephen, S.C. Former Senator Williams represented Senate District 37 from 1996-1997 and served in the House of Representatives from 1983-1996. Prior to being elected to the General Assembly, he served our country in the United States Army, was an educator for over thirty years and served as Mayor *Pro Tem* of St. Stephens and as the 9<sup>th</sup> District member of the South Carolina Highway Commission. He was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 1:09 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 2:00 P.M.

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