

NO. 19

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2016

THURSDAY, FEBRUARY 11, 2016

Thursday, February 11, 2016
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

The Apostle Paul concludes:

“And now faith, hope, and love abide, these three; and the greatest of these is love.” (I Corinthians 13:13)

Let us pray:

O Wondrous Lord, as Hallmark and Russell Stover and our friendly jewelry store remind us, this is indeed a weekend when “love” is lifted up across the land. How delightful all that may be. Our greatest prayer today, O God, is for these Senators, that they themselves will always embrace love at their core: love for South Carolina, love for all that is honorable, right, and just, and love for all of the people of this State. May these servants -- may all who serve You at every level of government -- hold fast to the idea of heartfelt “love” being the watchword of all they do and say. In Your name we pray, O Lord. Amen.

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

Point of Quorum

At 11:06 A.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Bennett	Bright
Bryant	Corbin	Cromer
Davis	Hayes	Hembree
Hutto	Leatherman	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	McElveen
Nicholson	Peeler	Rankin

[SJ]

THURSDAY, FEBRUARY 11, 2016

Reese	Scott	Setzler
Shealy	Sheheen	Thurmond
Turner	Williams	

A quorum being present, the Senate resumed.

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4586
Agency: State Board of Education
Chapter: 43
Statutory Authority: 1976 Code Sections 59-5-60, 59-21-510, 59-21-580, 59-33-10 et seq., 59-36-10 et seq., and 20 U.S.C. 1400 et seq.
SUBJECT: Special Education, Education of Students with Disabilities
Received by Lieutenant Governor January 12, 2016
Referred to Education Committee
Withdrawn and Resubmitted February 11, 2016

Document No. 4605
Agency: State Board of Education
Chapter: 43
Statutory Authority: 1976 Code Sections 59-5-60, 59-18-1300, 59-18-1310, 59-18-1510, 59-20-60, 59-139-05 et seq., and 20 U.S.C. 6301 et seq.
SUBJECT: District and School Planning
Received by Lieutenant Governor January 20, 2016
Referred to Education Committee
Withdrawn and Resubmitted February 11, 2016

Document No. 4606
Agency: State Board of Education
Chapter: 43
Statutory Authority: 1976 Code Sections 59-1-445, 59-1-447, 59-5-60, and 59-18-310(B)
SUBJECT: Test Security
Received by Lieutenant Governor January 19, 2016
Referred to Education Committee
Withdrawn and Resubmitted February 11, 2016

THURSDAY, FEBRUARY 11, 2016

Doctor of the Day

Senator NICHOLSON introduced of Dr. Gregory Tarasidis of Greenwood, S.C., Doctor of the Day.

Leave of Absence

At 11:21 A.M., Senator CAMPSSEN requested a leave of absence for Senators CAMPBELL and CLEARY for the day.

Leave of Absence

At 11:27 A.M., Senator WILLIAMS requested a leave of absence for Senator MALLOY until Noon.

Leave of Absence

At 1:40 P.M., Senators THURMOND and JACKSON requested a leave of absence for Tuesday, February 16, 2016.

CO-SPONSORS ADDED

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

- S. 987 Sen. Bright
- S. 849 Sens. Scott, Allen
- S. 72 Sens. Bright, Fair, Corbin, Verdin

Privilege of the Chamber

On motion of Senator CAMPSSEN, the Privilege of the Chamber, to that area behind the rail, was extended to Mrs. Ann Darlington Edwards to recognize her dedicated service and contributions to the citizens of South Carolina.

RECALLED AND ADOPTED

H. 4854 -- Rep. Huggins: A CONCURRENT RESOLUTION TO DECLARE FEBRUARY 9, 2016, AS "MS AWARENESS DAY" IN THE PALMETTO STATE AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO LEARN MORE ABOUT MULTIPLE SCLEROSIS AND WHAT THEY CAN DO TO SUPPORT MS PATIENTS AND THEIR FAMILIES.

Senator PEELER asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

THURSDAY, FEBRUARY 11, 2016

Senator PEELER asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator PEELER, the Resolution was adopted and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1078 -- Senator Sheheen: A BILL TO AMEND SECTION 23-23-10 OF THE 1976 CODE, RELATING TO THE PURPOSE OF THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO PROVIDE NEW DEFINITIONS; TO AMEND CHAPTER 23, TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING SECTION 23-23-55 TO PROVIDE THAT A CLASS 1-LE LAW ENFORCEMENT OFFICER MUST COMPLETE CONTINUING LAW ENFORCEMENT EDUCATION CREDITS IN MENTAL HEALTH OR ADDICTIVE DISORDERS; TO AMEND SECTION 23-23-80 OF THE 1976 CODE, RELATING TO THE LAW ENFORCEMENT TRAINING COUNCIL AND CRIMINAL JUSTICE ACADEMY, TO PROVIDE THAT THE LAW ENFORCEMENT TRAINING COUNCIL IS AUTHORIZED TO ESTABLISH AND MAINTAIN A CRISIS INTERVENTION TRAINING CENTER AND TO GOVERN AND SUPERVISE CRISIS INTERVENTION TEAM TRAINING; TO AMEND TITLE 23 OF THE 1976 CODE, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING CHAPTER 52 TO CREATE A CRISIS INTERVENTION TRAINING COUNCIL, TO PROVIDE FOR THE COUNCIL'S DUTIES, AND TO PROVIDE THAT EVERY COUNTY SHALL ESTABLISH AT LEAST ONE CRISIS INTERVENTION TEAM.

I:\s-res\vas\029cris.dmr.vas.docx

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

S. 1079 -- Senator Shealy: A CONCURRENT RESOLUTION TO HONOR OUR SENIOR NUTRITION PROGRAMS, THE SENIORS

[SJ]

THURSDAY, FEBRUARY 11, 2016

THEY SERVE, AND THE VOLUNTEERS WHO CARE FOR THEM AND TO DECLARE MARCH 2016 AS "MARCH FOR MEALS MONTH" IN SOUTH CAROLINA.

I:\council\bill\rm\1501ahb16.docx

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

H. 3041 -- Reps. Delleney, Allison, Atwater, Ballentine, Bannister, Bedingfield, Bingham, Bradley, Brannon, Burns, Clary, Clemmons, Collins, H. A. Crawford, Daning, Duckworth, Erickson, Forrester, Goldfinch, Hamilton, Hardee, Hardwick, Henderson, Herbkersman, Hicks, Hill, Hiott, Hixon, Horne, Huggins, Kennedy, Limehouse, Loftis, Long, Lowe, Lucas, McCoy, Merrill, D. C. Moss, V. S. Moss, Murphy, Nanney, Newton, Pitts, Pope, Putnam, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stringer, Tallon, Taylor, Thayer, Wells, White, Whitmire, Willis, Yow, Funderburk, Corley and Bales: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

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

H. 4515 -- Reps. Daning, V. S. Moss, Clyburn and Hosey: A BILL TO AMEND SECTION 59-112-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNDERGRADUATE

[SJ]

THURSDAY, FEBRUARY 11, 2016

IN-STATE TUITION FOR PEOPLE ENTITLED TO CERTAIN FEDERAL EDUCATIONAL ASSISTANCE AS THE CHILDREN OF MEMBERS OF THE UNITED STATES MILITARY WHO DIED IN ACTIVE DUTY SERVICE AFTER SEPTEMBER 11, 2001, AND FOR PEOPLE ENTITLED AS THE SPOUSAL OR CHILDREN DEPENDENTS OF VETERANS TO RECEIVE CERTAIN UNUSED FEDERAL EDUCATIONAL ASSISTANCE TRANSFERRED FROM VETERANS, SO AS TO PROVIDE THEY ARE NOT SUBJECT TO A THREE-YEAR POST-DISCHARGE ENROLLMENT TIME LIMIT.

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

H. 4857 -- Reps. Hiott, Clary and Collins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-27-255 SO AS TO REQUIRE COAL COMBUSTION RESIDUALS RESULTING FROM THE PRODUCTION OF ELECTRICITY TO BE PLACED IN A CLASS 3 LANDFILL AND TO PROVIDE EXCEPTIONS.

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

H. 4873 -- Reps. Ott and Hiott: A CONCURRENT RESOLUTION TO RECOGNIZE THE IMPORTANCE OF CLEAN AND ABUNDANT DRINKING WATER IN SOUTH CAROLINA AND TO DESIGNATE TUESDAY, MAY 3, 2016, AS "SOUTH CAROLINA CLEAN DRINKING WATER DAY" TO COINCIDE WITH NATIONAL DRINKING WATER WEEK.

The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

REPORT OF STANDING COMMITTEE

Senator CLEARY from the Committee on Invitations polled out S. 1010 favorable with amendment:

S. 1010 -- Senator Cromer: A SENATE RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 17, 2016, AS "UNCLAIMED PROPERTY DAY" AND IN DOING SO, URGE ALL CITIZENS TO UTILIZE THE OFFICE OF STATE TREASURER'S DATABASE TO SEARCH FOR UNCLAIMED PROPERTY FOR THEMSELVES, THEIR FRIENDS AND FAMILY, AND THEIR BUSINESSES.

THURSDAY, FEBRUARY 11, 2016

**Poll of the Invitations Committee
Polled 11; Ayes 11; Nays 0; Not Voting 0**

AYES

Cleary	Alexander	Reese
Verdin	Campsen	Cromer
Malloy	Johnson	Kimpson
McElveen	Campbell	

Total--11

NAYS

Total--0

Ordered for consideration tomorrow.

Amended and Adopted

S. 1010 -- Senator Cromer: A SENATE RESOLUTION TO DECLARE WEDNESDAY, FEBRUARY 17, 2016, AS "UNCLAIMED PROPERTY DAY" AND IN DOING SO, URGE ALL CITIZENS TO UTILIZE THE OFFICE OF STATE TREASURER'S DATABASE TO SEARCH FOR UNCLAIMED PROPERTY FOR THEMSELVES, THEIR FRIENDS AND FAMILY, AND THEIR BUSINESSES.

Senator CROMER asked unanimous consent to make a motion to take the Senate Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Senate Resolution.

The COMMITTEE ON INVITATIONS proposed the following amendment (DKA\1010C001.DKA.SA16), which was adopted:

Amend the Senate resolution, as and if amended, page 1, by striking line 11, and inserting:

/ TO DECLARE WEDNESDAY, MARCH 9, 2016, AS /.

Amend further by striking line 41 and inserting:

/ declare Wednesday, March 9, 2016, as "Unclaimed Property /.

Renumber sections to conform.

Amend title to conform.

[SJ]

THURSDAY, FEBRUARY 11, 2016

Senator CROMER explained the amendment.

The question then was the adoption of the Senate Resolution.

On motion of Senator CROMER, the Senate Resolution was adopted, as amended, ordered sent to the House.

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

ORDERED ENROLLED FOR RATIFICATION

The following Bill was 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:

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.

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

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

[SJ]

THURSDAY, FEBRUARY 11, 2016

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 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.

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

[SJ]

THURSDAY, FEBRUARY 11, 2016

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 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.

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.

READ THE SECOND TIME

S. 849 -- Senators Cromer, Allen and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE PROCEDURES GOVERNING THE MAXIMUM ALLOWABLE

[SJ]

THURSDAY, FEBRUARY 11, 2016

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.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

Ayes 41; Nays 0

AYES

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

Total--41

THURSDAY, FEBRUARY 11, 2016

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 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.

The Senate proceeded to a consideration of the Bill.

The COMMITTEE ON JUDICIARY proposed the following amendment (JUD0072.001), which was adopted:

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

/ SECTION 1. Section 59-39-112 of the 1976 Code is amended to read:

“Section 59-39-112. (A) A school district board of trustees may award high school students no more than two elective Carnegie units for the completion of released time classes in religious instruction as specified in Section 59-1-460 if:

(1) for the purpose of awarding elective Carnegie units, the released time classes in religious instruction are evaluated on the basis of purely secular criteria that are substantially the same criteria used to evaluate similar classes at established private high schools for the purpose of determining whether a student transferring to a public high school from a private high school will be awarded elective Carnegie units for such classes. However, any criteria that released time classes must

THURSDAY, FEBRUARY 11, 2016

be taken at an accredited private school is not applicable for the purpose of awarding Carnegie unit credits for released time classes; and

(2) the decision to award elective Carnegie units is neutral as to, and does not involve any test for, religious content or denominational affiliation.

(B) For the purpose of subsection (A)(1), secular criteria may include, but are not limited to, the following:

(1) number of hours of classroom instruction time;

(2) review of the course syllabus which reflects the course requirements and materials used;

(3) methods of assessment used in the course; and

(4) whether the course was taught by a certified teacher.

(C) The provisions of subsection (A)(1) are satisfied if a school district leaves the evaluation and assessment function for an off-campus released time class to an accredited private school, and accepts the off-campus released time transfer of credit without individually assessing the quality or subject matter of the class, trusting the private school accreditation process to ensure adequate academic standards.”

SECTION 2. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The question then was second reading of the Bill.

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

Ayes 40; Nays 0

THURSDAY, FEBRUARY 11, 2016

AYES

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

Total--40

There being no further amendments, 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

[SJ]

THURSDAY, FEBRUARY 11, 2016

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 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 CAMPSSEN, the Bill was carried over.

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.

THURSDAY, FEBRUARY 11, 2016

POINT OF ORDER

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".

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

Point of Order

Senator HUTTO raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

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.

[SJ]

THURSDAY, FEBRUARY 11, 2016

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

ADOPTED

S. 1077 -- Senators Bryant, Massey, Young, Alexander, Allen, Bennett, Bright, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, J. Matthews, M.B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin and Williams: A CONCURRENT RESOLUTION TO THANK THE UNITED STATES ARMY CORPS OF ENGINEERS OF THE SOUTH ATLANTIC DIVISION FOR RECONSIDERING THEIR DECISION REGARDING PRIVATE USE OF THE SAVANNAH RIVER BASIN FOR LAWN AND GARDEN IRRIGATION AND TO RECOGNIZE THE LAKE HARTWELL ASSOCIATION ON THEIR EFFORTS TO MONITOR AND COMMUNICATE ON BEHALF OF THE CITIZENS AFFECTED BY THESE DECISIONS.

The Resolution was adopted, ordered sent to House.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on February 11, 2016, at 11:30 A.M. and the following Acts and Joint Resolutions were ratified:

(R134, S. 255) -- Senator Thurmond: AN ACT TO AMEND SECTION 17-1-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXPUNGEMENT AND THE PROCEDURE FOR RETENTION AND DESTRUCTION OF CRIMINAL RECORDS, SO AS TO CLARIFY WHEN DESTRUCTION OF CERTAIN RECORDS RELATING TO ARREST AND BOOKING IS REQUIRED, TO GIVE THE SOLICITOR DISCRETION TO NOTIFY THE STATE LAW ENFORCEMENT DIVISION TO AMEND A PERSON'S RECORD IF A PERSON PLEADS GUILTY TO A LESSER INCLUDED OFFENSE, AND TO DELETE PROVISIONS WHICH EXCLUDE EXPUNGEMENT FOR CERTAIN WILDLIFE AND DRIVING OFFENSES; BY ADDING SECTION 17-1-60 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON OR ENTITY TO PUBLISH ON THE PERSON'S OR

THURSDAY, FEBRUARY 11, 2016

ENTITY'S WEBSITE OR ANY OTHER PUBLICATION THE ARREST AND BOOKING RECORDS OF A PERSON AND REMOVAL OR REVISION OF THOSE RECORDS THAT REQUIRES THE PAYMENT OF A FEE OR OTHER CONSIDERATION, TO PROVIDE PROCEDURES FOR THE REMOVAL OF SUCH RECORDS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 17-22-950, AS AMENDED, RELATING TO EXPUNGEMENT OF CERTAIN CRIMINAL CHARGES IN SUMMARY COURT, SO AS TO PROVIDE FURTHER PROCEDURES FOR SUMMARY COURT ORDERS OF EXPUNGEMENT AND THE REMOVAL OF RECORDS FROM ALL INTERNET-BASED PUBLIC RECORDS; TO AMEND SECTION 22-5-910, AS AMENDED, RELATING TO EXPUNGEMENT OF CRIMINAL RECORDS, SO AS TO DELETE PROVISIONS WHICH EXCLUDE EXPUNGEMENT FOR CERTAIN WILDLIFE AND DRIVING OFFENSES; AND TO AMEND SECTION 22-5-920, AS AMENDED, RELATING TO YOUTHFUL OFFENDER CONVICTIONS, SO AS TO DELETE PROVISIONS WHICH EXCLUDE EXPUNGEMENT FOR CERTAIN WILDLIFE AND DRIVING OFFENSES.

L:\COUNCIL\ACTS\255AHB16.DOCX

(R135, S. 1008) -- Senator L. Martin: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUMES 7A AND 19 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2016.

L:\COUNCIL\ACTS\1008AHB16.DOCX

(R136, H. 3145) -- Reps. Sandifer, Lucas, Thayer, Yow, Long, G.R. Smith, Hixon, Henderson, G.M. Smith, Sottile, Forrester, Felder, Atwater, Toole, Huggins, Pope, Simrill, Bales, Anderson, Gilliard and Hicks: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15-3-700 SO AS TO PROVIDE A PERSON IS IMMUNE FROM CIVIL LIABILITY FOR PROPERTY DAMAGE RESULTING FROM HIS FORCIBLE ENTRY INTO A MOTOR VEHICLE FOR THE PURPOSE OF REMOVING A MINOR OR VULNERABLE ADULT FROM THE VEHICLE IF THE

[SJ]

THURSDAY, FEBRUARY 11, 2016

PERSON HAS A REASONABLE GOOD FAITH BELIEF THAT FORCIBLE ENTRY INTO THE VEHICLE IS NECESSARY BECAUSE THE MINOR OR VULNERABLE ADULT IS IN IMMINENT DANGER OF SUFFERING HARM.
L:\COUNCIL\ACTS\3145AB16.DOCX

(R137, H. 3874) -- Reps. Mitchell, Cobb-Hunter, Merrill, Loftis, Dillard and Govan: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3770 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO AN INDIVIDUAL OR BUSINESS THAT CONSTRUCTS, PURCHASES, OR LEASES CERTAIN SOLAR ENERGY PROPERTY AND PLACES IT IN SERVICE IN THIS STATE, AND TO PROVIDE A DEFINITION OF "SOLAR ENERGY PROPERTY"; AND TO AMEND SECTION 12-6-3587, RELATING TO THE PURCHASE AND INSTALLATION OF CERTAIN SOLAR ENERGY SYSTEMS, SO AS TO ALLOW AN INCOME TAX CREDIT FOR CERTAIN COSTS INCURRED BY THE TAXPAYER IN THE PURCHASE AND INSTALLATION OF GEOTHERMAL MACHINERY AND EQUIPMENT, AND TO PROVIDE A DEFINITION OF "GEOTHERMAL MACHINERY AND EQUIPMENT".
L:\COUNCIL\ACTS\3874SA16.DOCX

(R138, H. 3881) -- Reps. Toole, Erickson, Long, Bedingfield, Anderson, Forrester and Ryhal: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-29-327 SO AS TO PROVIDE EACH LICENSED MANUFACTURED HOUSING RETAIL DEALER LOCATION MUST HAVE ONE AUTHORIZED OFFICIAL REPRESENTING THE DEALERSHIP, TO PROVIDE AN AUTHORIZED OFFICIAL WHO IS NOT THE DEALER MUST HOLD A MANUFACTURED HOME RETAIL SALESPERSON OR RETAIL DEALER LICENSE, AND TO PROVIDE THE MANUFACTURED HOUSING BOARD MUST BE NOTIFIED IN WRITING WITHIN TWENTY DAYS IF THE AUTHORIZED OFFICIAL CHANGES.
L:\COUNCIL\ACTS\3881AB16.DOCX

(R139, H. 4633) -- Reps. Bingham and Limehouse: A JOINT RESOLUTION TO EXTEND THE DATE BY WHICH AN INDEPENDENT SCHOOL MUST APPLY TO BECOME AN

THURSDAY, FEBRUARY 11, 2016

ELIGIBLE INSTITUTION FOR PURPOSES OF THE EDUCATIONAL TAX CREDIT FOR EXCEPTIONAL NEEDS CHILDREN UNTIL MAY 1, 2016.
L:\COUNCIL\ACTS\4633DG16.DOCX

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

MOTION ADOPTED

At 11:51 A.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SETZLER rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator BENNETT rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator COURSON rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator GROOMS rose for an Expression of Personal Interest.

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

CARRIED OVER

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

[SJ]

THURSDAY, FEBRUARY 11, 2016

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 LEATHERMAN, the Bill was carried over.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

DEBATE INTERRUPTED

H. 3579 -- Reps. Simrill, White, Lucas, Allison, Henderson, Limehouse, Newton, Ott, Clary, Collins, Delleney, Forrester, Gambrell, Hardwick, Hiott, Horne, Merrill, D.C. Moss, V.S. Moss, Murphy, Pitts, Sandifer, G.M. Smith, Sottile, Spires, Wells, Whitmire, Yow, Jefferson, Erickson, Funderburk, Hosey, Hixon, Clyburn, Knight, Herbkersman, H.A. Crawford, Felder, Willis, McCoy, Bradley, Douglas, Norrell, Long, Bales, Daning, Loftis, Tallon, Anthony, Howard, Gagnon, Riley, Williams, Hayes, G.A. Brown, R.L. Brown, Hart, Weeks, Whipper, Pope, Tinkler, Hicks, Brannon, Corley, Clemmons, Johnson, George, Alexander, Anderson and Duckworth: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA INFRASTRUCTURE FINANCE REFORM AND TAX RELIEF ACT"; TO AMEND SECTIONS 57-1-310, 57-1-320, 57-1-325, AND 57-1-330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO

[SJ]

THURSDAY, FEBRUARY 11, 2016

PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57-1-410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57-1-730 AND 57-1-740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57-1-95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11-43-180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY-FIVE MILLION DOLLARS; BY ADDING SECTION 11-43-265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57-1-100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE

THURSDAY, FEBRUARY 11, 2016

MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH "C" FUNDS MUST BE EXPENDED; TO AMEND SECTIONS 56-5-4210 AND 56-5-4220, BOTH RELATING TO ROAD RESTRICTIONS, SO AS TO SPECIFY CERTAIN RESTRICTIONS ON LOCALITIES; TO AMEND SECTION 12-28-310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A GALLON; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO AMEND SECTION 12-36-2647, RELATING TO THE TAX REVENUES COLLECTED FROM THE SALE OR LEASE OF A MOTOR VEHICLE, SO AS TO CREDIT ALL THE REVENUES TO THE STATE HIGHWAY FUND EXCEPT FOR CERTAIN AMOUNTS THAT ARE USED FOR THE EDUCATION IMPROVEMENT ACT; BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN EXCISE TAX ON THE WHOLESALE PRICE OF MOTOR FUEL EQUAL TO THE CUMULATIVE STATE SALES TAX RATE, TO PROVIDE THAT THE REVENUE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL; AND TO AMEND SECTION 12-6-510, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH

[SJ]

THURSDAY, FEBRUARY 11, 2016

TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

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

Amendment No. P1

Senators LOURIE and HUTTO proposed the following amendment (3579R007.KM.JL):

Amend the committee amendment, as and if amended, page [3579-2], by striking lines 20-23 and inserting:

/ twelve cents. Fifteen percent of the funds raised by the increase in the motor fuel user fee imposed by this subsection shall be apportioned among the counties of the State in the manner provided in Section 12-28-2740. The remainder of the funds raised by the increase in /

Amend the committee amendment further, as and if amended, page [3579-4], by striking lines 1-7 and inserting:

/ (C) ~~The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund. Fifteen percent of the funds raised by the increase in the motor fuel user fee imposed by this subsection shall be apportioned among the counties of the State in the manner provided in Section 12-28-2740. The remaining fees collected pursuant to this section shall be credited to the State Highway Fund.~~” /

Amend the committee amendment further, as and if amended, page [3579-4], by striking lines 29-32 and inserting:

/ (G) ~~From each biennial registration and license fee collected, sixteen dollars shall be credited as follows: fifteen percent of the funds raised by the increase in the motor fuel user fee imposed by this subsection shall be apportioned among the counties of the State in the manner provided in Section 12-28-2740 and the remainder credited to the State Highway Fund.~~” /

Amend the committee amendment further, as and if amended, page [3579-5], by striking lines 3-6 and inserting:

/ (B) Fifteen percent of the funds raised by the increase in the motor fuel user fee imposed by this subsection shall be apportioned among the counties of the State in the manner provided in Section 12-28-2740 and the remainder of the fees shall be credited to the State Highway Fund./

THURSDAY, FEBRUARY 11, 2016

Amend the committee amendment further, as and if amended, page [3579-6], by striking lines 1-2 and inserting:

/ (i) fifteen percent shall be apportioned among the counties of the State in the manner provided in Section 12-28-2740. /

Re-number sections to conform.

Amend title to conform.

Senator LOURIE explained the amendment.

Expression of Personal Interest

With unanimous consent, Senator PEELER rose for an Expression of Personal Interest.

Expression of Personal Interest

With unanimous consent, Senator LEATHERMAN rose for an Expression of Personal Interest.

Senator LOURIE resumed speaking on the amendment.

Debate was interrupted by adjournment.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Barbara Jean Holbrook Parham of Greenwood, S.C. Ms. Parham graduated from Hanna High School and attended Furman University. She had a deep commitment to the Lord and her family. Barbara enjoyed music, literature and traveling. Barbara was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

THURSDAY, FEBRUARY 11, 2016

MOTION ADOPTED

On motion of Senator WILLIAMS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Pastor Henry Ellis McGill, Jr. of Marion, S.C. Rev. McGill was the Pastor of Mt. Pisgah Missionary Baptist Church and the owner of Jackson & McGill Funeral Services. The eldest son to Deacon Henry McGill, Sr. and Deaconess Callie Mae Brayboy McGill of Lake City, he grew up farming, hunting and fishing and continued to enjoy those simple pleasures for his entire life. He had an outstanding work ethic and strongly valued education, earning a Bachelor of Arts in Social Studies and a Bachelor of Divinity from Morris College and the Morris College School of Religion respectively. He was the first African-American elected to the City Council of Marion, SC where he began his lifetime fight for equality. An educator he encouraged and inspired youth to always be their best. He found his calling for preaching early in life and shared his gift from 1957 forward, spending his last 50 years at the Mt. Pisgah Missionary Baptist Church in Marion, SC. Married to Jacqueline Abbie Jackson for 48 years, together they provided comfort and peace as they ministered to their flock, both at the church and through their business, the Jackson & McGill Funeral Service. He was a man of the people, he could find common ground with every person he spoke to and provided levity and laughter to all but especially to his family. Henry was a loving husband, devoted father, doting grandfather and cherished friend who will be dearly missed.

ADJOURNMENT

At 1:40 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

THURSDAY, FEBRUARY 11, 2016

SENATE JOURNAL INDEX

S. 72.....	12	S. 1078.....	4
S. 139.....	14	S. 1079.....	4
S. 199.....	20		
S. 255.....	17	H. 3041.....	5
S. 267.....	15	H. 3145.....	18
S. 315.....	15	H. 3579.....	21
S. 493.....	9	H. 3874.....	19
S. 849.....	10	H. 3881.....	19
S. 868.....	16	H. 4515.....	5
S. 937.....	10	H. 4633.....	19
S. 978.....	9	H. 4660.....	8
S. 1008.....	18	H. 4854.....	3
S. 1010.....	6, 7	H. 4857.....	6
S. 1065.....	16	H. 4873.....	6
S. 1077.....	17		