

NO. 23

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



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2016

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THURSDAY, FEBRUARY 18, 2016

**Thursday, February 18, 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:

Moses sang to the Lord:

“ ‘In your unfailing love you will lead the people...In your strength you will guide them.’ ” (Exodus 15:13)

Please join me now as we pray:

With full humility, O God, we call upon You to bestow Your blessings upon each of these leaders here in the Senate of South Carolina. May they and their staff members find power and direction as they labor here. These continue to be incredibly difficult and challenging days for our State, dear Lord; the needs of our citizens are great. So we pray that by Your grace, You will allow these leaders to benefit from Your presence, from Your unfailing love and from Your strength as they work together to bring about great good and to fill the hearts of our people with hope. In Your loving name we pray this, O Lord. Amen.

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

**CORRECTION TO THE JOURNAL**

The following Message from the House was inadvertently omitted from the Journal of Wednesday, January 13, 2016:

**Message from the House**

Columbia, S.C., January 13, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**STATEWIDE APPOINTMENT**

Appointment, State Board for Technical and Comprehensive Education, with term to commence July 1, 2012, and to expire July 1, 2018:

7th Congressional District:

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Mr. Philip G. Homan, P.O. Box 1858, Bennettsville, SC 29512 *VICE*  
Daniel Philip Gray  
Very respectfully,  
Speaker of the House  
Received as information.

**Point of Quorum**

At 11:10 A.M., Senator LARRY MARTIN made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander	Allen	Bright
Bryant	Campbell	Cleary
Corbin	Cromer	Davis
Fair	Grooms	Hayes
Hutto	Jackson	Johnson
Kimpson	Leatherman	<i>Martin, Larry</i>
Massey	McElveen	Peeler
Sabb	Scott	Setzler
Shealy	Sheheen	Turner
Verdin	Young	

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Reappointment, South Carolina State Ethics Commission, with the term to commence June 30, 2016, and to expire June 30, 2021

At-Large:

Sherri A. Lydon, 2530 Canterbury Rd., Columbia, SC 29204

Referred to the Committee on Judiciary.

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Reappointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2016, and to expire August 15, 2020

At-Large:

Kenneth E. Ormand, Jr., 1384 Kathwood Drive, Columbia, SC 29206

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2016, and to expire November 20, 2020

Baccalaureate:

Jacqueline S. Lowe, 3 South Canterbury Ct., Blythewood, SC 29016

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2016, and to expire December 31, 2020

5th Congressional District:

Samuel H. McNutt, Jr, 5909 Hwy. 321 South, Winnsboro, SC 29180

Referred to the Committee on Medical Affairs.

**Doctor of the Day**

Senator HAYES introduced Dr. James Allenger of Rock Hill, S.C., Doctor of the Day.

**Leave of Absence**

At 11:22 A.M., Senator HEMBREE requested a leave of absence for Senator BENNETT for Thursday, February 18, 2016, through Thursday, February 25, 2016.

**Leave of Absence**

At 12:04 P.M., Senator GROOMS requested a leave of absence for Senator CAMPBELL for the day.

**Leave of Absence**

At 12:07 P.M., Senator REESE requested a leave of absence for the balance of the day.

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**Leave of Absence**

At 1:15 P.M., Senator PEELER requested a leave of absence for Senator MASSEY until 2:00 P.M.

**Expression of Personal Interest**

Senator KIMPSON rose for an Expression of Personal Interest.

**Remarks to be Printed**

On motion of Senator KIMPSON, with unanimous consent, the remarks of Senator KIMPSON, when reduced to writing and made available to the Desk, would be printed in the Journal.

**CO-SPONSORS ADDED**

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

S. 647      Sen. Scott  
S. 649      Sens. Scott, Sabb  
S. 1049     Sen. Setzler  
S. 1061     Sen. Alexander  
S. 1075     Sen. Hayes  
S. 1090     Sen. Larry Martin, Malloy, Lourie

**RECALLED**

S. 1002 -- Senator Cleary: A BILL TO AMEND SECTION 4-23-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOUNDARIES OF THE MURRELL'S INLET-GARDEN CITY FIRE DISTRICT, SO AS TO REVISE THE BOUNDARIES; AND TO REPEAL SECTION 4-23-15 RELATING TO THE BOUNDARIES OF THE SAME DISTRICT.

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.

**RECOMMITTED**

S. 1060 -- Senator Hembree: 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

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MEMBERSHIP TO INCLUDE THE PRESIDENT OF THE SOUTH CAROLINA FRATERNAL ORDER OF POLICE, OR HIS DESIGNEE.

Senator MASSEY explained the Bill.

On motion of Senator MASSEY, the Bill was recommitted to Committee on Judiciary.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1094 -- Senator Allen: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF TOMIE GAINES OF GREENVILLE AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1095 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND HONOR KYLE FISHER, DEFENDER FOR THE CLEMSON UNIVERSITY MEN'S SOCCER TEAM, FOR A REMARKABLE SEASON AND TO CONGRATULATE HIM FOR BEING NAMED THE 2015 ATLANTIC COAST CONFERENCE DEFENSIVE PLAYER OF THE YEAR.

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The Senate Resolution was adopted.

S. 1096 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CLEMSON UNIVERSITY'S HEAD FOOTBALL COACH, DABO SWINNEY, FOR AN OUTSTANDING SEASON AND TO CONGRATULATE HIM FOR BEING NAMED NATIONAL COACH OF THE YEAR.

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The Senate Resolution was adopted.

S. 1097 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE HEAD COACH OF MEN'S SOCCER AT CLEMSON UNIVERSITY, MIKE NOONAN, FOR AN

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OUTSTANDING SEASON AND TO CONGRATULATE HIM FOR BEING NAMED NATIONAL COACH OF THE YEAR.

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The Senate Resolution was adopted.

S. 1098 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CLEMSON UNIVERSITY FOOTBALL TEAM'S QUARTERBACK DESHAUN WATSON FOR AN INCREDIBLE SEASON AND TO CONGRATULATE HIM FOR BEING ONE OF THREE FINALISTS FOR THE PRESTIGIOUS HEISMAN TROPHY IN 2016.

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The Senate Resolution was adopted.

S. 1099 -- Senator Shealy: A BILL TO AMEND SECTION 63-3-30 OF THE 1976 CODE, RELATING TO FAMILY COURT JUDGE QUALIFICATIONS AND TERMS, TO PROVIDE THAT FAMILY COURT JUDGES MUST BE APPOINTED BY THE GOVERNOR UPON THE APPROVAL OF THE APPOINTEE BY CONCURRENT RESOLUTION ADOPTED BY BOTH HOUSES OF THE GENERAL ASSEMBLY; TO AMEND SECTION 1-23-510, RELATING TO THE ELECTION OF ADMINISTRATIVE LAW COURT JUDGES, TO PROVIDE THAT ADMINISTRATIVE LAW COURT JUDGES MUST BE APPOINTED BY THE GOVERNOR UPON THE APPROVAL OF THE APPOINTEE BY CONCURRENT RESOLUTION ADOPTED BY BOTH HOUSES OF THE GENERAL ASSEMBLY; TO MAKE CONFORMING AMENDMENTS TO SECTIONS 1-23-525 AND 1-23-550; AND TO AMEND CHAPTER 19, TITLE 2, RELATING TO THE JUDICIAL MERIT SCREENING COMMISSION, TO CONFORM THE COMMISSION'S ACTIVITIES TO APPOINTMENT FOR JUDICIAL OFFICE RATHER THAN ELECTION.

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

S. 1100 -- Senator Shealy: A JOINT RESOLUTION TO AMEND ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE JUDICIAL DEPARTMENT, TO PROVIDE THAT SUPREME COURT JUSTICES, JUDGES ON THE COURT OF APPEALS, AND CIRCUIT COURT JUDGES SHALL BE

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APPOINTED BY THE GOVERNOR WITH THE APPROVAL OF THE GENERAL ASSEMBLY RATHER THAN ELECTED BY THE GENERAL ASSEMBLY, AND TO CONFORM PROVISIONS CONCERNING THE JUDICIAL MERIT SCREENING COMMISSION TO THE APPOINTMENT PROCESS.

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

S. 1101 -- Senator Bryant: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE TREVOR CALLAHAM AND DEREK FREEMAN OF ANDERSON FOR WINNING THE 2015 HIGH SCHOOL FISHING WORLD FINALS, AND TO WISH THEM WELL IN ALL THEIR FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

**REPORT OF STANDING COMMITTEE**

Senator CLEARY from the Committee on Invitations polled out S. 1079 favorable:

S. 1079 -- Senator Shealy: A CONCURRENT RESOLUTION TO HONOR OUR SENIOR NUTRITION PROGRAMS, THE SENIORS THEY SERVE, AND THE VOLUNTEERS WHO CARE FOR THEM AND TO DECLARE MARCH 2016 AS "MARCH FOR MEALS MONTH" IN SOUTH CAROLINA.

**Poll of the Invitations Committee  
Polled 11; Ayes 11**

**AYES**

Cleary	Alexander	Reese
Verdin	Campsen	Cromer
Malloy	Johnson	Kimpson
McElveen	Campbell	

**Total--11**

**NAYS**

**Total - 0**

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Ordered for consideration tomorrow.

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

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

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.

The Senate proceeded to a consideration of the Bill.

**Motion under Rule 26B**

Senator MALLOY asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

Senators MALLOY, HUTTO and COLEMAN proposed the following amendment (JUD0524.002), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 31-35, and inserting:

/ (C) A person who violates this section is guilty of a misdemeanor, and, upon conviction, must be imprisoned not more than one year. The sentence must be served consecutively to any other sentence the person is serving." /

Re-number sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator MALLOY explained the Bill.

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

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

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**Ayes 34; Nays 0**

**AYES**

Alexander	Allen	Bright
Bryant	Campbell	Cleary
Coleman	Corbin	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Malloy
<i>Martin, Larry</i>	Massey	<i>Matthews, John</i>
McElveen	Peeler	Sabb
Scott	Setzler	Sheheen
Turner	Verdin	Williams
Young		

**Total--34**

**NAYS**

**Total--0**

The Bill was read third time, passed and ordered sent to the House of Representatives with amendments.

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 649 -- Senators Malloy, Williams, Scott and Sabb: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING LAW ENFORCEMENT, TO PROVIDE THAT EACH LAW ENFORCEMENT AGENCY SHALL HAVE A WRITTEN POLICY REGARDING THE INVESTIGATION OF OFFICER-INVOLVED DEATHS, TO PROVIDE FOR THE CONTENTS OF THE POLICY, TO PROVIDE FOR INVESTIGATIONS, TO PROVIDE FOR REPORTS, TO PROVIDE FOR THE RELEASE OF THE REPORT IF PROSECUTION IS NOT PURSUED, TO PROVIDE FOR NOTICE OF VICTIM'S RIGHTS, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

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The COMMITTEE ON JUDICIARY proposed the following amendment (JUD0649.001), which was adopted:

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

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

“Section 23-1-250. (A) For purposes of this section:

(1) ‘Law enforcement agency’ means a state, county, municipal, or local law enforcement authority.

(2) ‘Law enforcement officer’ means an appointed officer or employee hired by and regularly on the payroll of the State or the state’s political subdivisions, who is granted statutory authority to enforce all or some of the criminal, traffic, and penal laws of the State and who possesses, with respect to those laws, the power to effect arrests for offenses committed or alleged to have been committed.

(3) ‘Officer-involved death’ means the death of a person that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of the officer’s law enforcement duties.

(4) ‘Victim’ means a person’s spouse, parent, child or lawful representative of a victim who is:

- (a) deceased;
- (b) a minor;
- (c) incompetent; or
- (d) physically or psychologically incapacitated.

(B)(1) A law enforcement agency shall have a written policy regarding the investigation of officer-involved deaths. The policy must require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death;

(2) The policy may allow an internal investigation into the officer-involved death if the internal investigation does not interfere with the investigation conducted pursuant to subsection (B).

(C) The investigators conducting the investigation pursuant to subsection (B) shall, in an expeditious manner, provide a complete report to the solicitor of the county in which the officer-involved death occurred.

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(D) If the solicitor determines that no basis exists to prosecute the law enforcement officer involved in the officer-involved death, the investigators conducting the investigation may release the report pursuant to the Freedom of Information Act.

(E) A victim of an officer-involved death must be notified of the victim's rights pursuant to Article 1, Section 24 of the South Carolina Constitution.

(F) When a motor vehicle or motorcycle of a law enforcement agency is involved in a traffic collision, Section 56-5-765 shall govern the investigation and disposition of the matter rather than this section."

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

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 0**

**AYES**

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

**Total--39**

**NAYS**

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**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 975 -- Senators L. Martin and Hutto: A BILL TO AMEND SUBSECTION (B) OF SECTION 42-3-20 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT THE GOVERNOR MAY REAPPOINT A PERSON AS CHAIRMAN OF THE WORKERS' COMPENSATION COMMISSION, AND TO FURTHER PROVIDE THAT THE COMMISSION IS NOT REQUIRED TO ELECT A CHAIRMAN FROM AMONG ITS MEMBERS IN THE EVENT THE GOVERNOR DOES NOT APPOINT OR REAPPOINT A CHAIRMAN.

The Senate proceeded to a consideration of the Bill.

The COMMITTEE on JUDICIARY proposed the following amendment (JUD0975.002), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 37, and inserting:

/ commission shall elect from among their members an interim /  
Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 0**

**AYES**

Alexander	Allen	Bright
Bryant	Campsen	Cleary
Coleman	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hembree	Hutto	Johnson

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Kimpson	Leatherman	Lourie
Malloy	<i>Martin, Larry</i>	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Sabb	Scott	Setzler
Shealy	Sheheen	Turner
Verdin	Williams	Young

**Total--39**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

S. 1049 -- Senators Massey and Setzler: A BILL TO AMEND ARTICLE 13, CHAPTER 47, TITLE 33 OF THE 1976 CODE, RELATING TO MARKETING COOPERATIVE ASSOCIATIONS, BY ADDING SECTION 33-47-1160 TO ALLOW ASSOCIATIONS WITHIN TWO YEARS OF EXPIRATION TO SEEK REINSTATEMENT FROM THE SECRETARY OF STATE.

The Senate proceeded to a consideration of the Bill.

The COMMITTEE on JUDICIARY proposed the following amendment (JUD1049.003), which was adopted:

Amend the bill, as and if amended, by striking page 1, lines 24-27 and inserting the following:

/ "Section 33-47-1160. (A) An association whose term of existence has expired may apply to the Secretary of State for reinstatement within two years after the effective date of expiration. The application must: /

Amend the bill further, as and if amended, by striking page 1, lines 36-37 and inserting the following:

/ effective date of reinstatement, file the original of the certificate, and provide a copy to the association. /

Renumber sections to conform.

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Amend title to conform.

Senator MASSEY explained the amendment.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 0**

**AYES**

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

**Total--39**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1090 -- Senators Fair, Sheheen, Setzler, Larry Martin, Malloy and Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-19-5 SO AS TO PROVIDE THAT CHAPTER 19 OF TITLE 24 MAY BE CITED AS THE "JUDGE WILLIAM R. BYARS YOUTHFUL OFFENDER ACT".

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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 39; Nays 0**

**AYES**

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

**Total--39**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4151 -- Reps. Pitts, White, Bannister and D.C. Moss: A BILL TO AMEND SECTION 12-21-735, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STAMP TAX ON CIGARETTES AND TOBACCO PRODUCTS, SO AS TO REQUIRE AND PROVIDE FOR THE PROPER AFFIXING OF STAMPS, INCLUDING PROVISIONS FOR EXEMPT PACKAGES, UNIQUE SERIAL NUMBERING OF STAMPS, REVOCATION OF THE

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LICENSE OF A PERSON VIOLATING THESE PROVISIONS, LIMITATIONS ON THE RECEIPT AND SALE OF UNTAXED CIGARETTES, TO PROVIDE FOR RETURN AND PAYMENT OF THE TAX, AND TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS NECESSARY TO ESTABLISH, IMPLEMENT, AND ENFORCE THESE PROVISIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (BBM\4151C002.BBM.DG16), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-21-735(E)(6) and inserting:

/ (6) A distributor is allowed a tax credit for the purchase of one stamping machine and equipment acquired by the distributor within one year of implementation by the department. The credit may be claimed beginning in the first calendar month following the purchase of the machine and equipment and continuing for the immediately succeeding seventeen months. The amount of the credit equals the direct costs actually incurred by the distributor to acquire the stamping machine and equipment, as determined by the department, divided by eighteen, with the maximum cumulative credit equaling one hundred seventy-five thousand dollars. The direct costs must exclude costs for shipping, installation, or for ongoing maintenance related to the machine. Any tax credit must be applied only to the tax remitted pursuant to this chapter. The department may promulgate regulations necessary to implement the provisions of this credit.

(7) The department, by rules and regulations, may authorize the sale of stamps to a distributor on thirty-day credit periods. Those persons authorized to pay tax by such means are required to execute a bond with a solvent surety company qualified to do business in this State, in an amount of one hundred ten percent of the distributor's estimated tax liability for thirty days, but not less than two thousand dollars, and conditioned upon the distributor paying all taxes due the State arising from this section. This form of payment is in lieu of cash or its equivalent. Payment for each month's liability is due on or before the twentieth day of each month, including Sundays and holidays. At the discretion of the department, default in the bonding and payment provisions by any distributor may result in the revocation of the distributor's privilege to purchase stamps." /

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Amend the bill further, beginning on page 4, by striking line 41 through line 3 on page 5, and inserting:

/ (J) For the limited purpose of recovering the costs incurred by the department associated with the installation and operation of the cigarette stamp program, annually the department may retain up to four hundred thousand dollars of tax revenue generated pursuant to Section 12-21-620(A)(1), not to exceed actual costs. By March fifteenth of each year, the department must report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee the costs incurred by the department associated with the operation of the cigarette tax stamp program.”

SECTION 2. This act takes effect on January 1, 2019, except that Section 12-21-735(I) takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The question then was second reading of the Bill.

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

**Ayes 34; Nays 3**

**AYES**

Alexander	Allen	Cleary
Coleman	Courson	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Johnson	Kimpson
Leatherman	Lourie	Malloy
<i>Martin, Larry</i>	Massey	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Reese	Sabb	Scott
Setzler	Shealy	Sheheen
Turner	Verdin	Williams
Young		

**Total--34**

**NAYS**

[SJ]

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Bright

Bryant

Corbin

**Total--3**

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

**READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 39; Nays 0**

**AYES**

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

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**Total--39**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED  
READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

The COMMITTEE on JUDICIARY proposed the following amendment (JUD4857.002), which was adopted:

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

/ SECTION 1. Article 1, Chapter 27, Title 58 of the 1976 Code is amended by adding:

“Section 58-27-255. (A) Coal combustion residuals that result from an electrical utility, an electric cooperative, a governmental entity, a corporation, or an individual producing electricity for sale or distribution by burning coal must be placed in a commercial Class 3 solid waste management landfill, unless the coal combustion residuals are:

- (1) located contiguous with the electric generating unit;
- (2) intended to be beneficially reused;
- (3) placed into beneficial reuse; or
- (4) placed in an appropriate landfill which meets the standards of

the Department of Health and Environmental Control Regulation 61-107, and that is owned or operated by the entity that produced the electricity which resulted in the coal combustion residuals.

(B) The ‘beneficial reuse’ of coal combustion residuals, as used in this section, is subject to the applicable regulations as promulgated by the Department of Health and Environmental Control.”

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SECTION 2. Nothing in this act affects any other provisions or requirements of law or regulation applicable to coal combustion residuals.

SECTION 3. The provisions of this act are repealed five years from the act's effective date, unless reenacted or otherwise extended by the General Assembly.

SECTION 4. This act takes effect on the date of the Governor's approval, and applies to the disposal of coal combustion residuals placed in a landfill on or after that date. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The question then was second reading of the Bill.

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

**Ayes 39; Nays 0**

**AYES**

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

**Total--39**

**NAYS**

**Total--0**

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

**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.

H. 3972 -- Reps. Loftis, Burns, Hamilton, Willis, Collins, Clyburn, Robinson-Simpson, Bannister, Bedingfield, Gagnon, Henderson, Hosey, Nanney, G.R. Smith and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-29-1210 SO AS TO ESTABLISH THAT UNDEVELOPED PROPERTY MAY BE TRANSFERRED WITHOUT THE SUBMISSION OF A LAND DEVELOPMENT PLAN; AND TO AMEND SECTION 30-5-30, RELATING TO PREREQUISITES TO RECORDING, SO AS TO ESTABLISH THAT A LAND USE PLAN IS NOT REQUIRED TO EXECUTE A DEED OR OTHER INSTRUMENT.

Senator MASSEY explained the Bill.

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

**AMENDED, COMMITTEE AMENDMENT TABLED  
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".

The Senate proceeded to the consideration of the Bill.

Senators YOUNG, MASSEY, SETZLER and NICHOLSON proposed the following amendment (JUD0868.005), which was adopted:

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

/Whereas, petroleum and petroleum products are a national commodity, yet are commodities that may pose a threat to the property and health of South Carolinians if not properly transported or stored; and

Whereas, questions have recently arisen regarding petroleum pipeline siting in South Carolina, as well as questions regarding responsibility for monitoring and for inspecting these pipelines; and

Whereas, the General Assembly recognizes the importance of economic development in this state, yet recognizes there must be a balance between economic development and the protection of the health, safety, welfare, and property of this state's citizens; and

Whereas, the General Assembly also recognizes the importance of, and intends to defend, the rights of private property owners within this State, rights which have been established within the South Carolina Constitution, the laws of this State, and case law; and

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Whereas, the South Carolina Attorney General's Office issued an opinion on July 1, 2015, which states there is "substantial doubt" that Section 58-7-10 intended to extend the public power of eminent domain to any private petroleum or oil pipeline company pipeline that is not defined in, or otherwise outside of the regulatory scope of, Title 58 of the South Carolina Code of Laws; and

Whereas, the General Assembly does not find that a private, for-profit pipeline company, which includes a publicly traded for-profit company, that is not defined as a "public utility" in Title 58 of the 1976 Code of Laws meets the current "public use" requirement for purposes of eminent domain; and

Whereas, natural gas and petroleum companies utilize pipelines as a method to transport their respective products and both types of companies are primarily regulated by federal law; however, due to the differences in the products these companies provide, the federal government has differing statutory and regulatory provisions for natural gas and petroleum companies, and the majority of the states differentiate between natural gas and petroleum companies, including South Carolina; and

Whereas, unlike other companies that utilize pipelines that are defined in Title 58 as a public utility, such as natural gas companies and water companies, petroleum companies are not defined in Title 58 as a public utility; and

Whereas, the General Assembly finds that South Carolina Code Section 58-7-10 was not intended to confer the right of eminent domain to a private, for-profit company, including a publicly traded for-profit company, that is not defined as a "public utility" in Title 58 of the 1976 Code of Laws; and

Whereas, a recent pipeline leak of over 300,000 gallons of petroleum product near Belton, South Carolina, has demonstrated the risks inherent in pipeline transportation of refined petroleum products; and

Whereas, the cleanup of refined petroleum products from soil and groundwater is an expensive, imperfect, and time consuming process; and

Whereas, the financial and technical abilities of the party responsible for the cleanup of any refined petroleum products released from a pipeline are critical to ensure that the responsibility for the cleanup is not imposed upon the citizens of South Carolina; and

Whereas, it is the duty of the General Assembly to establish the policy for the authorization of use for eminent domain and to provide statutory

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processes and procedures to balance the interests of the State's health, safety, welfare, and property of this state's citizens without unnecessarily impeding or discouraging economic development; and

Whereas, it is the duty of the General Assembly to address any potential expansion of the use of eminent domain authority in this State in a meaningful and deliberative manner. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 58-7-10 of the 1976 Code of Laws is amended to read:

Section 58-7-10. "Subject to the same duties and liabilities, all the rights, powers, and privileges conferred upon telegraph and telephone companies under Article 17 of Chapter 9 of this title are hereby granted to pipeline companies incorporated under the laws of this State or to such companies incorporated under the laws of any other state when such companies have complied with the laws of this State regulating the doing of business herein by foreign corporations. The provisions of this section do not apply to private, for-profit pipeline companies, including publicly traded for-profit companies, that are not defined within this title as a public utility."

SECTION 2. The provisions of Section 58-7-10, as amended by this act, are repealed five years from the act's effective date, unless reenacted or otherwise extended by the General Assembly. Unless the General Assembly reenacts or otherwise extends the amendment to Section 58-7-10 within five years from this act's effective date, Section 58-7-10 shall revert to the language that existed prior to the effective date.

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

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The COMMITTEE ON JUDICIARY proposed the following amendment (JUD0868.002), which was tabled:

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

/Whereas, petroleum and petroleum products are a national commodity, yet are commodities that may pose a threat to the property and health of South Carolinians if not properly transported or stored; and

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Whereas, questions have recently arisen regarding petroleum pipeline siting in South Carolina, as well as questions regarding responsibility for monitoring and for inspecting these pipelines; and

Whereas, the General Assembly recognizes the importance of economic development in this State, yet recognizes there must be a balance between economic development and the protection of the health, safety, welfare, and property of this state's citizens; and

Whereas, the General Assembly also recognizes the importance of, and intends to defend, the rights of private property owners within this State, rights which have been established within the South Carolina Constitution, the laws of this State, and case law; and

Whereas, the South Carolina Attorney General's Office issued an opinion on July 1, 2015, which states there is "substantial doubt" that Section 58-7-10 intended to extend the public power of eminent domain to any private pipeline company pipeline that is not defined in, or otherwise outside of the regulatory scope of, Title 58 of the South Carolina Code of Laws; and

Whereas, the General Assembly does not find that a private, for-profit pipeline company, which includes a publicly traded for-profit company, that is not defined as a "public utility" in Title 58 of the 1976 Code of Laws could meet the current "public use" requirement for purposes of eminent domain; and

Whereas, the General Assembly finds that South Carolina Code Section 58-7-10 was not intended to confer the right of eminent domain to a private, for-profit company, including a publicly traded for-profit company, that is not defined as a "public utility" in Title 58 of the 1976 Code of Laws; and

Whereas, a recent pipeline leak of over 300,000 gallons of petroleum product near Belton, South Carolina, has demonstrated the risks inherent in pipeline transportation of refined petroleum products; and

Whereas, the cleanup of refined petroleum products from soil and groundwater is an expensive, imperfect and time consuming process; and

Whereas, the financial and technical abilities of the party responsible for the cleanup of any refined petroleum products released from a pipeline are critical to ensure that the responsibility for the cleanup is not imposed upon the citizens of South Carolina. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 58-7-10 of the 1976 Code of Laws is amended to read:

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“Secion 58-7-10. Subject to the same duties and liabilities, all the rights, powers and privileges conferred upon telegraph and telephone companies under Article 17 of Chapter 9 of this title are hereby granted to pipeline companies incorporated under the laws of this State or to such companies incorporated under the laws of any other state when such companies have complied with the laws of this State regulating the doing of business herein by foreign corporations. The provisions of this section do not apply to private, for-profit pipeline companies, including publicly traded for-profit companies, that are not defined within this title as a public utility.”

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

Senator MASSEY moved to lay the committee amendment on the table.

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

**Remarks to be Printed**

On motion of Senator VERDIN, with unanimous consent, the remarks of Senator CAMPSSEN regarding S. 868, when reduced to writing and made available to the Desk, would be printed in the Journal.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED  
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.

The Senate proceeded to the consideration of the Resolution.

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Senators YOUNG, MASSEY and SETZLER proposed the following amendment (JUD1065.002), which was adopted:

Amend the committee report, as and if amended, by striking the preamble , beginning line 23 on page [1065-1] through lines 24 on page [1065-2] and inserting:

/Whereas, petroleum and petroleum products are a national commodity, yet are commodities that may pose a threat to the property and health of South Carolinians if not properly transported or stored; and

Whereas, questions have recently arisen regarding petroleum pipeline siting in South Carolina, as well as questions regarding responsibility for monitoring and for inspecting these pipelines; and

Whereas, the General Assembly recognizes the importance of economic development in this state, yet recognizes there must be a balance between economic development and the protection of the health, safety, welfare, and property of this state's citizens; and

Whereas, the General Assembly also recognizes the importance of, and intends to defend, the rights of private property owners within this State, rights which have been established within the South Carolina Constitution, the laws of this State, and case law; and

Whereas, the South Carolina Attorney General's Office issued an opinion on July 1, 2015, which states there is "substantial doubt" that Section 58-7-10 intended to extend the public power of eminent domain to any private petroleum or oil pipeline company pipeline that is not defined in, or otherwise outside of the regulatory scope of, Title 58 of the South Carolina Code of Laws; and

Whereas, the General Assembly does not find that a private, for-profit pipeline company, which includes a publicly traded for-profit company, that is not defined as a "public utility" in Title 58 of the 1976 Code of Laws meets the current "public use" requirement for purposes of eminent domain; and

Whereas, natural gas and petroleum companies utilize pipelines as a method to transport their respective products and both types of companies are primarily regulated by federal law; however, due to the differences in the products these companies provide, the federal government has differing statutory and regulatory provisions for natural gas and petroleum companies, and the majority of the states differentiate between natural gas and petroleum companies, including South Carolina; and

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Whereas, unlike other companies that utilize pipelines that are defined in Title 58 as a public utility, such as natural gas companies and water companies, petroleum companies are not defined in Title 58 as a public utility; and

Whereas, the General Assembly finds that South Carolina Code Section 58-7-10 was not intended to confer the right of eminent domain to a private, for-profit company, including a publicly traded for-profit company, that is not defined as a “public utility” in Title 58 of the 1976 Code of Laws; and

Whereas, a recent pipeline leak of over 300,000 gallons of petroleum product near Belton, South Carolina, has demonstrated the risks inherent in pipeline transportation of refined petroleum products; and

Whereas, the cleanup of refined petroleum products from soil and groundwater is an expensive, imperfect, and time consuming process; and

Whereas, the financial and technical abilities of the party responsible for the cleanup of any refined petroleum products released from a pipeline are critical to ensure that the responsibility for the cleanup is not imposed upon the citizens of South Carolina; and

Whereas, it is the duty of the General Assembly to establish the policy for the authorization of use for eminent domain and to provide statutory processes and procedures to balance the interests of the state’s health, safety, welfare, and property of this state’s citizens without unnecessarily impeding or discouraging economic development; and

Whereas, it is the duty of the General Assembly to address any potential expansion of the use of eminent domain authority in this State in a meaningful and deliberative manner. Now, therefore/

To further amend the committee report, subsection (C), lines 15-22 on page [1065-3] and inserting:

/ (C) The study committee shall prepare a report for the General Assembly that sets forth findings and recommendations ~~relevant to the study committee’s purposes~~ regarding matters related to the presence of petroleum pipelines in South Carolina, and provide its report to the General Assembly by January 31, 2017, at which time the study committee may dissolve. However, if the report contains findings or a recommendation that further work is needed, the study committee may continue its work until June 30, 2017, at which time the study committee must be dissolved. /

Re-number sections to conform.

Amend title to conform.

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Senator MASSEY explained the amendment.

The COMMITTEE ON JUDICIARY proposed the following amendment (JUD1065.001), which was adopted:

Amend the joint resolution, as and if amended, by striking all after the joint resolution's title, and inserting:

/Whereas, petroleum and petroleum products are a national commodity, yet are commodities that may pose a threat to the property and health of South Carolinians if not properly transported or stored; and

Whereas, questions have recently arisen regarding petroleum pipeline siting in South Carolina, as well as questions regarding responsibility for monitoring and for inspecting these pipelines; and

Whereas, the General Assembly recognizes the importance of economic development in this State, yet recognizes there must be a balance between economic development and the protection of the health, safety, welfare, and property of this state's citizens; and

Whereas, the General Assembly also recognizes the importance of, and intends to defend, the rights of private property owners within this State, rights which have been established within the South Carolina Constitution, the laws of this State, and case law; and

Whereas, the South Carolina Attorney General's Office issued an opinion on July 1, 2015 which states there is "substantial doubt" that Section 58-7-10 intended to extend the public power of eminent domain to any private pipeline company pipeline that is not defined in, or otherwise outside of the regulatory scope of, Title 58 of the South Carolina Code of Laws; and

Whereas, the General Assembly does not find that a private, for-profit pipeline company, which includes a publicly traded for-profit company, that is not defined as a "public utility" in Title 58 of the 1976 Code of Laws could meet the current "public use" requirement for purposes of eminent domain; and

Whereas, the General Assembly finds that South Carolina Code Section 58-7-10 was not intended to confer the right of eminent domain to a private, for-profit company, including a publicly traded for-profit company, that is not defined as a "public utility" in Title 58 of the 1976 Code of Laws; and

Whereas, a recent pipeline leak of over 300,000 gallons of petroleum product near Belton, South Carolina has demonstrated the risks inherent in pipeline transportation of refined petroleum products; and

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Whereas, the cleanup of refined petroleum products from soil and groundwater is an expensive, imperfect and time consuming process; and

Whereas, the financial and technical abilities of the party responsible for the cleanup of any refined petroleum products released from a pipeline are critical to ensure that the responsibility for the cleanup is not imposed upon the citizens of South Carolina. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A) There is created the Petroleum Pipeline Study Committee to study matters related to the presence of petroleum pipelines in South Carolina, including, but not limited to:

(1) the various types of petroleum products and by-products that are transported by a pipeline;

(2) the federal requirements for petroleum pipeline siting and monitoring;

(3) the state responsibilities as to the regulation of petroleum pipeline siting and monitoring;

(4) the possible environmental implications from a petroleum pipeline;

(5) the potential economic development implications for South Carolina resulting from a petroleum pipeline located in this State;

(6) whether other states permit petroleum pipeline companies to exercise eminent domain, and if so, under what circumstances;

(7) whether a bonding requirement can and should be imposed as a prerequisite for any private company seeking to install a petroleum pipeline in South Carolina.

(B) The study committee must be composed of:

(1) three members of the House of Representatives appointed by the Chairman of the House Labor, Commerce and Industry Committee; and

(2) three members of the Senate appointed by the Chairman of the Senate Judiciary Committee; and

(3) the Director of the Department of Health and Environmental Control, or her designee.

The Chairman of the House Labor, Commerce and Industry Committee and the Chairman of the Senate Judiciary Committee shall provide appropriate staffing for this study committee.

(C) The study committee shall prepare a report for the General Assembly that sets forth findings and recommendations relevant to the study committee's purposes, and provide its report to the General Assembly by January 31, 2017, at which time the study committee may

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dissolve. However, if the report contains findings or a recommendation that further work is needed, the study committee may continue its work until June 30, 2017, at which time the study committee must be dissolved.

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

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

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

**COMMITTEE AMENDMENT ADOPTED  
ADOPTED**

H. 4443 -- Rep. Gilliard: A CONCURRENT RESOLUTION TO DECLARE JUNE 17, 2016, AS MOTHER EMANUEL NINE DAY AND TO ENCOURAGE ALL STATE AGENCIES TO REFLECT ON THE PROGRESS MADE IN IMPROVING RACE RELATIONS AND ECONOMIC EQUALITY FOR MINORITIES AS WELL AS THE EFFORTS TO HELP THE HOMELESS IN SOUTH CAROLINA.

The Senate proceeded to a consideration of the Resolution.

The COMMITTEE ON JUDICIARY proposed the following amendment (JUD4443.001), which was adopted:

Amend the concurrent resolution, as and if amended, by striking page 2, line 12, and inserting the following:

/ Reverend Dr. Betty Deas Clark, senior pastor of the Emanuel/

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

There being no further amendments, the Resolution was adopted, ordered returned to the House.

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

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**MOTION ADOPTED**

At 12:19 P.M., on motion of Senator LEATHERMAN, 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.

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

**Motion Adopted**

On motion of Senator J. MATTHEWS, with unanimous consent, Senators J. MATTHEWS, REESE and GREGORY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**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,

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Hardwick, Hiott, Horne, Merrill, D.C. Moss, V.S. Moss, Murphy, Pitts, Sandifer, G.M. Smith, Sottile, Spires, Wells, Whitmire, Yow, Jefferson, Erickson, Funderburk, Hosey, Hixon, Clyburn, Knight, Herbkersman, H.A. Crawford, Felder, Willis, McCoy, Bradley, Douglas, Norrell, Long, Bales, Daning, Loftis, Tallon, Anthony, Howard, Gagnon, Riley, Williams, Hayes, G.A. Brown, R.L. Brown, Hart, Weeks, Whipper, Pope, Tinkler, Hicks, Brannon, Corley, Clemmons, Johnson, George, Alexander, Anderson and Duckworth: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA INFRASTRUCTURE FINANCE REFORM AND TAX RELIEF ACT"; TO AMEND SECTIONS 57-1-310, 57-1-320, 57-1-325, AND 57-1-330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57-1-410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57-1-730 AND 57-1-740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57-1-95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO

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

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

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

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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./

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 DAVIS spoke on the amendment.

**Point of Quorum**

At 1:11 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander	Allen	Bright
Bryant	Campsen	Corbin
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hembree	Hutto	Johnson
Kimpson	Leatherman	Lourie

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

A quorum being present, the Senate resumed.

Senator DAVIS resumed speaking on the amendment.

Debate was interrupted by adjournment.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to stand adjourned with Senator DAVIS retaining the floor on H. 3579.

**ADJOURNMENT**

At 1:30 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.

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