

NO. 26

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2016

WEDNESDAY, FEBRUARY 24, 2016

**Wednesday, February 24, 2016
(Statewide Session)**

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:45 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:

Hear this word from the Lord:

“The Lord is my shepherd, I shall not want. He makes me lie down in green pastures; he leads me beside still waters; he restores my soul. He leads me in right paths for his name’s sake.” (Psalm 23:1-3)

Join me as we bow in prayer, please:

We indeed praise You, O Loving God, for having led us and cared for us in wondrous ways, in fashion far beyond our deserving, time and time again. We likewise thank You, Lord, for the commitment of each one of these Senators as they labor to lead all of the people of South Carolina in directions that are fair, worthy and decent. May these officials and their staff members never cease to be grateful to You for Your teachings and Your wisdom, dear God. May they always embrace in heartfelt ways their own responsibilities as caring shepherds -- solely doing those things that are pleasing in Your sight. We pray this in Your wondrous name, dear Lord. Amen.

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

Committee to Escort

The PRESIDENT appointed Senators FAIR, NICHOLSON, PEELER, SABB and SHEALY to escort the Honorable Costa Pleicones, Chief Justice of the South Carolina Supreme Court, and members of her party to the House of Representatives for the Joint Assembly.

RECESS

At 11:50 A.M., on motion of Senator LARRY MARTIN, the Senate recessed from business for the purpose of attending the Joint Assembly.

JOINT ASSEMBLY

Chief Justice of the South Carolina Supreme Court

At 12:00 Noon, the Senate appeared in the Hall of the House.

WEDNESDAY, FEBRUARY 24, 2016

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of H. 4824, a Concurrent Resolution adopted by both Houses.

The Honorable Costa Pleicones, Chief Justice of the South Carolina Supreme Court, and members of her party, were escorted to the rostrum by Senators FAIR, NICHOLSON, PEELER, SABB and SHEALY and Representatives Delleney, Rutherford, W. McLeod, Cole and Pope.

The PRESIDENT introduced the Honorable Costa Pleicones, Chief Justice of the South Carolina Supreme Court.

Chief Justice Pleicones addressed the Joint Assembly as follows:

**State of the Judiciary
Address by the Honorable Costa Pleicones
Chief Justice of South Carolina**

Preamble

Mr. PRESIDENT, Mr. Speaker, distinguished members of the General Assembly. I appear before you today to present a broad overview of the current state of the least powerful, most vulnerable, co-equal branch of government. Least powerful because we have no purse, no police, and no veto pen. Most vulnerable, because given the aforementioned absence of power, there always exists the possibility of a threat to our independence. The only thing that legitimates the authority of the Judicial Branch is its credibility which I pledge to you will be maintained during my tenure as your Chief Justice, as it should be.

I know that you share my concern that we observe and maintain the constitutionally mandated separation of powers, a doctrine fundamental to our form of government. I look forward to working with you to insure that the judiciary remains an independent coequal branch.

I thank you for bestowing upon me the greatest honor of my professional career, the privilege of serving our great State as Chief Justice, and I begin with the inescapable observation that the Supreme Court is an institution in transition. Less than two months ago we said goodbye to a long-serving member of the Court, and only three weeks ago you elected our newest member. Soon you will elect my successor as well as a justice to fill the vacancy created by my departure. Thus, we will experience a 40% turnover in the composition of the Court in just over the space of one year.

Through it all, the institution abides. The men and women who serve the institution come and go, and it is vital that you continue to elect

WEDNESDAY, FEBRUARY 24, 2016

people of character, possessed of intellectual honesty, not those who may simply pass an ideological purity test.

No less a sage than the late Antonin Scalia observed, "The judge who always likes the result he reaches is a bad judge." Scalia was himself an ideologue, but a brilliant one who knew that a judge must subordinate personal biases to the dictates of the law. I agree. In America, judicial systems are purposefully designed to be the non-political branch and we are committed to insuring that our branch remains an evenhanded, nonpartisan dispenser of justice both in perception and in practice. The turnover on the Court is not a cause for concern because of the stability of the institution itself. That institution, and indeed the entire judicial system of South Carolina, endures and succeeds owing to the commitment to justice on the part of our judges and the staff who support us.

I am extremely proud of the successes achieved by our State's hard working and talented judiciary in the recent past. As we are all aware, our court system remains the most out of balance nationally in terms of ratio of judges to case filings. Since that is a circumstance unlikely to change in the foreseeable future, I have determined to put it aside and stop dwelling on it, and instead redouble our efforts to utilize our existing human and technical resources in the most efficient manner possible.

In that regard, it has been estimated that thousands of new domestic violence cases will soon be adjudicated in circuit court. I am wholeheartedly committed to supporting Governor Haley's laudable initiative regarding the processing of these cases. This will require the Judicial Department to devote more circuit court resources to these cases, a task we will accomplish in the short-term with or without additional judicial resources. Why? Because that is our job. I will see to it that our courts fully meet the requirements of this new program in a manner that is fair to victim and defendant alike.

Recent Programs and Accomplishments

I would now call to your attention a number of programs and projects that we have implemented in order to deliver justice to the citizens of South Carolina more expeditiously, while maintaining the fairness that undergirds the legitimacy of any court system:

- Alternative Dispute Resolution was recently made mandatory in circuit court civil cases statewide. While this program is not a perfect solution, its expanded reach will serve to further reduce stressors on our adjudicative process.

WEDNESDAY, FEBRUARY 24, 2016

- The Docket Management Task Force, under the overall direction of Justice Hearn, has made great progress, resulting in significant improvement in the percentage of trial courts which are meeting their case disposition benchmarks. In the Family Courts, whose docketing subcommittee is chaired by Judge Aphrodite Konduros with the assistance of Judge Dottie Mobley Jones, all 16 circuits have achieved a processing time benchmark of disposing of at least 80% of cases within 365 days of filing. This is a phenomenal achievement when one considers how far we had to come. While recognizing this success, we continue to seek refinements that will enhance the quality of justice delivered by our hardworking Family Court judges, compatible with enhanced processing times.
- Improvements have likewise been experienced in General Sessions' benchmarks, whose docketing subcommittee is led by Justice Don Beatty. General Sessions continues to be the most problematic area for improving processing times because of complicating systemic components, such as prisoner transport, over which we have no control. Nonetheless, over the past year we have doubled the number of circuits, albeit only from 2 to 4, which are hitting their 80% benchmarks.
- In Common Pleas, processing times continue to improve, with 15 of the 16 circuits at the 80% mark. Credit is due to subcommittee chair Judge Cliff Newman.
- For our part, my colleagues on the Supreme Court gave special emphasis during the past year to reducing pending petitions for review. As a result of the hard work done by the Court and our staff, we were able to reduce pending post-conviction relief petitions by 27% and pending Court of Appeals petitions by 44%. We continue our efforts to further pare down the time between when certiorari petitions are ready to be considered, and their disposition by the Court.
- Another initiative, which helps to deliver justice more efficiently, is our Business Court program. We have expanded that program statewide. Further, I issued an order on January 1, which appointed Judge Roger Young of Charleston as CJAP of the business court, and which named 7 additional judges on a regional basis to hear business court cases. Notably, one of those judges, Clifton Newman, is president-elect of the American Congress and Business Court Judges, by virtue of which our

WEDNESDAY, FEBRUARY 24, 2016

State will host the annual meeting of that organization in 2017. My order also streamlined the processing of requests for business court designation. Business courts are a key consideration to the location and expansion of economic development in our State. The more confidence business has in a state's court system, the more likely they are to locate there.

In addition to these concrete achievements, we have instituted a number of pilot programs. I would like to emphasize the pilot nature of these programs, as it is my intent to conduct a thorough review of each pilot program before expanding it beyond the original impact area. While this review may slow "progress," I hope it will also give us time to reflect on the value of the project, and to consider changes to address issues exposed during pilot status.

- In October 2015, a Civil Motions Pilot Program began in the 3rd and 15th Circuits. This pilot requires that parties file and serve supporting memoranda contemporaneous with written motions, and authorizes the resolution of motions in civil actions without a hearing. We are in the process of gathering data to assess the merits of this pilot.
- In order to expedite consideration of post-conviction relief cases, we have instituted a pilot docket management program in the 5th and 11th Circuits aimed at establishing a streamlined process for dealing with PCR applications. These PCR applications are of the type that increases exponentially every year. We anticipate that the current pilot program will allow us to assess ways in which to process this growing caseload.

Turning from docket management successes and pilot programs, I wish to recognize a number of significant achievements during the past year beginning with several attributable to the work of the Chief Justice's Commission on the Profession, led by Justice John Kittredge. Most relevant to my own situation as I approach the age of presumptive senility, is the Court's adoption of Rule 428, SCACR, which is intended to achieve more sensitive handling of cases in which cognitive impairment of attorneys or judges may be at issue. It provides for interventions not unlike those currently in place for substance abuse issues. The desired end is to keep cases out of the disciplinary process if assistance to the impaired person can be brought about in a more compassionate manner.

- Also adopted on recommendation of the Commission is Rule 429, SCACR, which establishes a certification program for

WEDNESDAY, FEBRUARY 24, 2016

paralegals. Last month I signed an order establishing the first Board of Paralegal Certification, which will administer the program, with support from the South Carolina Bar. The Board is composed of five attorneys and four paralegals, all of whom are currently certified by national organizations. This program will recognize the professional status of paralegals and the important work they do.

- The Commission of the Profession has also had a significant impact on the quality of legal services received by the citizens of South Carolina, owing to the success story of our mentoring program. I was initially skeptical about this program, conceived by the legendary Dewey Oxner, but I am now a believer. You will be pleased to learn that disciplinary sanctions imposed upon lawyers admitted to practice for 5 years or less have been reduced from an average of 29 in the five years preceding implementation of the program, to one per year from 2012-2014. I am happy to announce that figure was reduced to zero in 2015! A remarkable result!
- On another front, we are all aware of the pervasive and insidious evil that human trafficking presents in our society. We applaud Attorney General Wilson's efforts to combat this blight, and our Court Administration will convene a human trafficking summit in August 2016 for judges, prosecutors, social workers, and other stakeholders with interest in combatting this problem area.

Technical Accomplishments

Turning from the human side to the technical, our IT department continues its exemplary performance. Just before her retirement, Chief Justice Toal saw her career-long goal of e-filing reach fruition in December 2015, when Clarendon County's pilot program was initiated. Since then, the other counties of the Third Circuit, Lee, Sumter, and Williamsburg have come on line. Just last Friday, our IT team appeared before an audience of well over a hundred attorneys, paralegals, and court personnel to announce the roll out on March 22, of e-filing in Greenville County, our first large county endeavor.

I emphasize the pilot nature of this e-filing program which presents an enormous learning curve for lawyers, judges, clerks of court and their staffs, as well as significant technological challenges. E-filing is finally here, and it is here to stay, but it will be years before it is expanded statewide.

WEDNESDAY, FEBRUARY 24, 2016

- As for future technical programs, we are planning to expand public access to our appellate case management system. Of course, this expansion carries with it a requirement for security measures to restrict access to sensitive Family Court and other confidential matters. We are working diligently on this balance between transparency and privacy.

New Initiative

A major initiative undertaken by our Court is our adoption in January, of the Uniform Bar Exam, components of which are already used in all 54 American jurisdictions, including South Carolina.

Under the UBE:

- We maintain strict control over who takes our exam, and how many times that person may take it.
- We maintain our own character and fitness requirements.
- We set our own passing score.
- We will have our own state -- specific component, which is currently under development, to insure familiarity with South Carolina specific legal concepts.
- Our law schools will have an additional recruiting tool, in that...
- The UBE allows greater portability of a certificate -- not reciprocity -- for persons who take the UBE in South Carolina, and we may restrict the time limits for those seeking to transfer into South Carolina. In short, we protect our borders while expanding opportunities for our lawyers.

Fiscal Matters

Turning now to the absence of the purse I mentioned at the beginning of this talk, I have submitted a budget for the upcoming fiscal year which is in keeping with the responsible fiscal stewardship traditionally observed by our branch.

With regard to the future, I respectfully commend to your thoughtful consideration, the proposition that the court system be funded by a more stable mechanism than is currently the case. I'll be gone soon, but I am deeply concerned about our heavy dependence upon fines and fees, and though a greater dollar amount, relatively modest general fund revenues. I realize this is a condition that will not change this year, but I again respectfully suggest that you begin the dialogue on a formula-based method of funding the judiciary that reduces our heavy dependency on fines and fees.

WEDNESDAY, FEBRUARY 24, 2016

Regarding fines and fees, and to illustrate the disparate impact of the court system upon the fisc of the State, *vis a vis* its funding level; the most recent figures reported by the Treasurer's Office reveal that in 2015, fines and fees collected by all levels of the court system was \$96.1 million, of which the Judicial Branch received \$14.5 million, while \$12.1 million went to the general fund, and \$69.5 million was distributed to other state agencies. Please note that collections were down year over year, in 2015, demonstrating the unstable financial foundation upon which the budgetary needs of your court system in part rests. In short, I am suggesting exploration into the desirability of formula-based funding from general fund revenues.

- Anyone looking at our budget will quickly understand that our system is labor intensive with more than 80% of our expenditures being consumed by personnel costs. Thus if fees and fines do not generate sufficient funds, we have little capacity in our budget to absorb such a downturn.

With regard to personnel costs, in fiscal 2015, our Finance and Personnel Department conducted a comprehensive review of salaries of our non-judicial staff, comparing their work to that of other employees in the state system with similar responsibilities. This study resulted in a significant, long overdue, and much deserved pay raise for 400 employees. With that accomplished, I have included a proposal -- modest in relative terms -- for a fair increase in judicial compensation. I respectfully submit to you that the evidence is irrefutable that, as with our staff, the time for such a readjustment is merited and overdue.

A comprehensive review of judicial salaries in South Carolina has not been undertaken since 1995. While there have been minor incremental increases in the ensuing twenty years, judicial salaries have not kept pace with the economy, and pale in comparison percentage wise to the respective, and I would hasten to add, well-deserved, raises given to teachers, police, and general state employees. Think of our compensation request as a matter of deferred maintenance, to remedy years of gradual deterioration.

Why should you, as representatives of the citizens of our great State, be concerned about the low level of judicial compensation? Substantial financial rewards have always been more available to seasoned practitioners -- the pool from which we traditionally attracted judicial candidates, and the pool from which we should continue to attract judicial candidates. The disparity in compensation between that pool and current judicial compensation is perilously close to being so great as

WEDNESDAY, FEBRUARY 24, 2016

to discourage the highest caliber of candidates. While no one believes that judicial pay should be on par with the compensation earned by private practitioners, it should be sufficient to encourage an experienced, civic-minded practitioner to opt for public service. Please keep in mind that unlike members of the two political branches of government, judicial officials may not, with limited exceptions, have outside sources of compensation. Further, and importantly, judges typically do not have careers following their judicial service.

As I mentioned earlier, the only thing the Judicial Branch has to legitimate its authority is its credibility. The better the candidate pool, the greater the confidence of the business community and the person on the street. The business community, as you know, considers a state's court system -- a core function of government -- a key component of location and expansion. The competence level engendered by fair compensation will lift the confidence in our court system in both the loftiest industrial giants, and that of the ordinary citizen. I urge your thoughtful consideration of my proposal and I am happy to provide any detailed information you may require as you weigh the merits of this proposal.

Judicial Selection

Before I end my first and last address to you, I feel compelled to address the method we use to select judicial candidates. With regard to the composition of the judiciary, I have long been on record as favoring the current legislative election of judges. To paraphrase Winston Churchill, it is the worst of all methods of judicial selection . . . except for all the others.

One of the primary virtues of our system is the absence of the influence of money, and the unseemly media campaigns that attend popular election of judges. Thank you for maintaining it, and thank you too for considering refinements that could improve the system. Thanks too for continuing measures designed to maintain a judiciary independent of political influence, by not countenancing pledge or promise requirements which poison the process in those states that popularly elect judges.

Conclusion

Finally, let me again thank the General Assembly for the opportunity you have given me to serve our State. I know you join me and our Court in steadfast adherence to the separation of powers which the framers of our national constitution provided as a template for our own system. As

WEDNESDAY, FEBRUARY 24, 2016

long as we each continue to observe that wholly salutary dichotomy, we will continue to have a system in which all of our citizens may be confident.

My heartfelt thanks to the members of this honorable Body for affording me the privilege of addressing you. God bless our State and all of you.

The purposes of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

At 12:25 P.M., by prior motion of Senator LEATHERMAN, the Senate recessed until 2:00 P.M.

AFTERNOON SESSION

The Senate reassembled at 2:06 P.M. and was called to order by the PRESIDENT.

MESSAGE FROM THE GOVERNOR

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

Local Appointment

Reappointment, Allendale County Master-in-Equity, with the term to commence December 31, 2014, and to expire December 31, 2020

Walter H. Sanders, Jr., P. O. Box 840, Fairfax, SC 29827

Withdrawal of Statewide Appointment

Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2013, and to expire March 20, 2017

Cosmetologist:

Tony V. Nguyen, 308 Live Oak Road, Aiken, SC 29803 *VICE* Selena M. Brown

Appointment Withdrawn

On motion of Senator LARRY MARTIN, the Senate acceded to the Governor's request and the Clerk was directed to return the appointment to the Governor.

WEDNESDAY, FEBRUARY 24, 2016

Point of Quorum

At 2:12 P.M., Senator BRIGHT made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Bright	Campbell	Cleary
Coleman	Corbin	Cromer
Davis	Fair	Gregory
Grooms	Hembree	Hutto
Johnson	Kimpson	Leatherman
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	<i>Matthews, Margie</i>	McElveen
Peeler	Sabb	Scott
Setzler	Shealy	Thurmond
Turner	Young	

A quorum being present, the Senate resumed.

Doctor of the Day

Senator CORBIN introduced Dr. Steven Samoya of Greenville, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator HEMBREE, at 4:17 P.M., Senators MASSEY and GREGORY were granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator SABB, at 6:41 P.M., Senator ALLEN was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator J. MATTHEWS rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:
S. 853 Sen. Bright

WEDNESDAY, FEBRUARY 24, 2016

S. 929 Sen. Bright

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1109 -- Senator L. Martin: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE ALVIN D. JOHNSON, RESIDENT FAMILY COURT JUDGE FOR THE THIRTEENTH JUDICIAL CIRCUIT, UPON THE OCCASION OF HIS RETIREMENT FROM THE BENCH AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1110 -- Senator Massey: A BILL TO AMEND SECTION 23-3-430(C)(20) OF THE 1976 CODE, RELATING TO THE PLACEMENT OF A PERSON ON THE SEX OFFENDER REGISTRY FOR SEXUAL INTERCOURSE AGAINST A PATIENT OR TRAINEE, SO AS TO EXPAND THE POTENTIAL VICTIMS TO INCLUDE INMATES; AND TO BROADEN THE OFFENSE TO INCLUDE SEXUAL MISCONDUCT INSTEAD OF SEXUAL INTERCOURSE.

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

S. 1111 -- Senator Peeler: A BILL TO AMEND SECTION 56-3-2332, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSE PLATES FOR CERTAIN MANUFACTURERS, SO AS TO REVISE THE METHOD BY WHICH THE LICENSE PLATE FEE IS CALCULATED AND CREDITED; AND TO SET THE LICENSE PLATE FEE FOR 2017 AND 2018.

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

S. 1112 -- Senator Campsen: A BILL TO AMEND SECTION 50-5-1710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SIZE LIMITS FOR CERTAIN FISH THAT MAY BE LAWFULLY TAKEN, POSSESSED, LANDED, SOLD, OR PURCHASED, SO AS TO INCREASE THE SIZE LIMIT FOR

WEDNESDAY, FEBRUARY 24, 2016

FLOUNDER THAT MAY BE LAWFULLY TAKEN, POSSESSED, LANDED, OR SOLD.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 1113 -- Senators Alexander, Campbell, Corbin, Grooms, S. Martin, Massey, Peeler, Sheheen, Turner and L. Martin: A SENATE RESOLUTION TO DECLARE TUESDAY, MARCH 1, 2016, AS "CLEMSON DAY" IN SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 1114 -- Senator Williams: A SENATE RESOLUTION TO CONGRATULATE MRS. MAMIE THOMAS WEST OF MULLINS UPON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS TO COME.

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The Senate Resolution was adopted.

H. 4092 -- Reprs. Loftis, H. A. Crawford, Allison, Burns, Chumley, Hardwick, Long, Kirby, Brannon, Goldfinch, Southard, Erickson, Johnson, Hill, Kennedy, Horne, Murphy, Spires, Limehouse, Anderson, Bedingfield, Clemmons, Delleney, Finlay, Forrester, Hayes, Herbkersman, Hicks, Hosey, Lowe, V. S. Moss, Newton, Norrell, Pope, Putnam, Rivers, Simrill, G. M. Smith, G. R. Smith, Sottile, Taylor, Thayer, Tinkler, Toole, Weeks, Willis, Bowers, Stavrinakis, Knight and Bales: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ASSESSMENT RATIOS, SO AS TO PROVIDE THAT WHEN AN OWNER RECEIVING THE FOUR PERCENT ASSESSMENT RATIO DIES, THE PROPERTY SHALL CONTINUE TO RECEIVE THE SPECIAL ASSESSMENT RATE UNTIL THE DECEASED'S ESTATE IS CLOSED, SO LONG AS THE PROPERTY IS NOT RENTED OR OCCUPIED.

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

H. 4328 -- Rep. White: A BILL TO AMEND SECTION 12-8-1530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO

WEDNESDAY, FEBRUARY 24, 2016

THE QUARTERLY INCOME TAX WITHHOLDINGS, SO AS TO CHANGE THE DUE DATE OF THE FOURTH QUARTER RETURN FROM THE LAST DAY OF FEBRUARY TO THE LAST DAY OF JANUARY; AND TO AMEND SECTION 12-8-1550, RELATING TO THE DUE DATE FOR FILING STATEMENTS REGARDING INCOME TAX WITHHOLDINGS WITH THE DEPARTMENT OF REVENUE, SO AS TO CHANGE THE DUE DATE FROM THE LAST DAY OF FEBRUARY TO THE LAST DAY OF JANUARY.

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

H. 4577 -- Reps. White, Bales, Merrill, D. C. Moss, G. R. Smith and Cobb-Hunter: A BILL TO AMEND SECTION 12-37-2460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREDITING OF AIRCRAFT PROPERTY TAXES, SO AS TO CREDIT THE PROCEEDS OF THE TAX TO THE STATE AVIATION FUND; AND TO AMEND SECTION 55-5-280, AS AMENDED, RELATING TO THE STATE AVIATION FUND, SO AS TO MAKE A CONFORMING CHANGE.

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

H. 4960 -- Rep. Delleney: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND SENATE FOR ITS ANNUAL STATE HOUSE MEETING ON FRIDAY, JUNE 10, 2016, HOWEVER, THE CHAMBERS MAY NOT BE USED IF THE GENERAL ASSEMBLY IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

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

H. 4966 -- Rep. G. M. Smith: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2016 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND TO RAISE COMMUNITY AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESSES.

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

WEDNESDAY, FEBRUARY 24, 2016

H. 4974 -- Rep. Pope: A CONCURRENT RESOLUTION TO DECLARE SATURDAY, MAY 21, 2016, AS "SOUTH CAROLINA DAY OF SERVICE" AND ENCOURAGE ALL SOUTH CAROLINIANS TO ROLL UP THEIR SLEEVES AND LEND A HAND TO MAKE A POSITIVE DIFFERENCE IN OUR GREAT STATE.

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

Message from the House

Columbia, S.C., February 24, 2016

Mr. President and Senators:

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

MASTER-IN-EQUITY

Reappointment, Allendale Master-in-Equity, with term to commence December 31, 2014, and to expire December 31, 2020:

Master-in-Equity

The Honorable Walter H. Sanders, Jr. P. O. Box 840, Fairfax, South Carolina 29827

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCES

S. 927 -- Senator Bryant: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE DALE BARNETT, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:00 P.M. ON WEDNESDAY, MARCH 2, 2016.

Returned with concurrence.

Received as information.

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

WEDNESDAY, FEBRUARY 24, 2016

Returned with concurrence.
Received as information.

S. 1108 -- Senators Setzler, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M.B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO HONOR MR. DAN EARL JONES, VICE PRESIDENT OF GOVERNMENT RELATIONS FOR TIME WARNER CABLE OF SOUTH CAROLINA, ON THE OCCASION OF HIS RETIREMENT, TO EXTEND DEEP APPRECIATION FOR HIS FIFTY YEARS OF DISTINGUISHED SERVICE, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

Returned with concurrence.
Received as information.

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

HOUSE BILL RETURNED

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

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.

WEDNESDAY, FEBRUARY 24, 2016

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

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

S. 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.

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.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 853 -- Senators Cleary, Fair, Campbell, Cromer, Johnson, Bryant, Nicholson, Hutto and Bright: A BILL TO AMEND CHAPTER 99, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY TREATMENT FOR MEDICAL HAZARDS CAUSED BY INSECT STINGS, SO AS TO RENAME THE CHAPTER THE "EMERGENCY ANAPHYLAXIS TREATMENT ACT", TO ADD A DEFINITION FOR "EPINEPHRINE AUTO-INJECTOR", TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP A TRAINING AND CERTIFICATION PROGRAM FOR INDIVIDUALS WHO ADMINISTER EPINEPHRINE AUTO-INJECTORS, TO ALLOW CERTAIN ENTITIES TO OBTAIN A PRESCRIPTION FOR AN EPINEPHRINE AUTO-INJECTOR FROM PHYSICIANS, PHARMACISTS, AND OTHER AUTHORIZED INDIVIDUALS, TO ALLOW PHYSICIANS, PHARMACISTS, AND OTHER AUTHORIZED INDIVIDUALS TO

[SJ]

WEDNESDAY, FEBRUARY 24, 2016

PRESCRIBE OR SELL A PRESCRIPTION FOR AN EPINEPHRINE AUTO-INJECTOR TO CERTAIN ENTITIES, TO ALLOW APPROPRIATELY CERTIFIED EMPLOYEES OF CERTAIN ENTITIES TO USE AN EPINEPHRINE AUTO-INJECTOR, TO PROVIDE LIABILITY LIMITATIONS FOR CERTAIN INDIVIDUALS AND ENTITIES WHEN ADMINISTERING AN EPINEPHRINE AUTO-INJECTOR, AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill.

THE MEDICAL AFFAIRS COMMITTEE proposed the following amendment (BH\853C002.BH.VR16), which was adopted:

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

/ SECTION 1. This act may be cited as the "Emergency Anaphylaxis Treatment Act".

SECTION 2. Chapter 99, Title 44 of the 1976 Code is amended to read:

~~"CHAPTER 99~~

~~Insect Sting Emergency Anaphylaxis Treatment Act~~

~~Section 44-99-10. This chapter may be cited as the 'Insect Sting Emergency Treatment Act'.~~

~~Section 44-99-20. As used in this chapter:~~

~~(1) 'Certificate' means official acknowledgment by the department that an individual has completed the required training program pursuant to this chapter.~~

~~'Department' means the Department of Health and Environmental Control.~~

~~(2) 'Program' means the program established by the department for training and certifying individuals to administer treatment to persons suffering a severe adverse reaction to an insect sting which involves the administration of epinephrine.~~

~~Section 44-99-30. (A) The department is authorized to establish a program to provide for the training and certification of individuals to administer certain forms of emergency treatment for medical hazards caused by insect stings. The department shall develop standards, guidelines, and prescribe regulations for the implementation of the program. All administrative responsibility of the program is vested in the department.~~

~~(B) In the development of the curriculum for training and certification under the program, the department shall include the following subjects:~~

[SJ]

WEDNESDAY, FEBRUARY 24, 2016

- ~~(1) techniques on how to recognize symptoms of systemic reactions to insect stings;~~
- ~~(2) standards and procedures for administering a subcutaneous injection of epinephrine.~~

~~Section 44-99-40. (A) A person desiring certification for the administration of emergency treatment insect sting, pursuant to this chapter, shall apply to the department and complete the program established by the department for training and certification.~~

~~(B) The department shall determine and establish the validation and expiration periods for certificates issued pursuant to this chapter and requirements and procedures for renewals if the department considers it necessary.~~

~~(C) The department may suspend or revoke a certificate at any time it determines that the holder no longer meets the prescribed qualifications established by the department or has failed to provide services or treatment of a quality acceptable to the department pursuant to this chapter.~~

~~Section 44-99-50. (A) An applicant for certification shall meet the following requirements:~~

- ~~(1) be eighteen years of age or older;~~
- ~~(2) have, or reasonably expect to have, responsibility for at least one other person as a result of one's occupational or volunteer status, such as camp counselors, scout leaders, school teachers, forest rangers, tour guides, or chaperones;~~
- ~~(3) successfully complete the training program established by the department.~~

~~(B) A person, who meets the qualifications of this section and is certified by the department pursuant to this chapter, is authorized to administer in an emergency situation prescribed epinephrine to persons suffering adverse reaction to an insect sting.~~

~~(C) A person, who is certified by the department to administer emergency services for insect stings as provided in this chapter, is authorized to obtain from a physician, pharmacist, or any other person or entity authorized to prescribe or sell prescribed medicines or drugs, a prescription for premeasured doses of epinephrine and the necessary supplies for the administration of the drug.~~

~~Section 44-99-60. Licensed, registered, and certified physicians, nurses, and other such certified professionals are not required to obtain certification for the administration of emergency treatment to persons~~

WEDNESDAY, FEBRUARY 24, 2016

suffering a severe adverse reaction to an insect sting as prescribed in this chapter.

~~Section 44-99-70. The department may collect fees from applicants for the training program for administration of this chapter.~~

~~Section 44-99-80. No cause of action may be brought against a certificate holder authorized by the department pursuant to this chapter for an act or omission of the certificate holder when acting in good faith while rendering emergency treatment pursuant to the authority granted by this chapter, except in cases of gross negligence.~~

Section 44-99-10. As used in this chapter:

(1) 'Administer' means the direct application of an epinephrine auto-injector to the body of an individual.

(2) 'Authorized entity' means any entity or organization, other than a school described in Section 59-63-95, in connection with or at which allergens capable of causing anaphylaxis may be present including, but not limited to, recreation camps, colleges and universities, daycare facilities, places of worship, youth sports leagues, amusement parks, restaurants, places of employment, and sports arenas.

(3) 'Department' means the South Carolina Department of Health and Environmental Control.

(4) 'Epinephrine auto-injector' means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

(5) 'Health care practitioner' means a physician, an advanced practice registered nurse authorized to prescribe medication pursuant to Section 40-33-34, or a physician assistant authorized to prescribe medication pursuant to Sections

40-47-955 through 40-47-965.

(6) 'Physician' means a person authorized to practice medicine pursuant to Article 1, Chapter 47, Title 40.

(7) 'Provide' means the supply of one or more epinephrine auto-injectors to an individual.

Section 44-99-20. Notwithstanding any other provision of law, a health care practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this chapter. Notwithstanding any other provision of law, pharmacists and health care practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity. A prescription issued pursuant to this chapter is valid for two years.

WEDNESDAY, FEBRUARY 24, 2016

For the purposes of administering and storing epinephrine auto-injectors, authorized entities are not subject to Chapter 43, Title 40 or Chapter 99 of the South Carolina Code of State Regulations.

Section 44-99-30. Notwithstanding any other provision of law, an authorized entity may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this chapter. Epinephrine auto-injectors acquired pursuant to this chapter must be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use, requirements that may be established by the South Carolina Department of Health and Environmental Control, and recommendations included as part of an approved training. An authorized entity shall designate employees or agents who have completed the training required by Section 44-99-50 to be responsible for the storage, maintenance, control, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

Section 44-99-40. Notwithstanding any other provision of law, an employee, agent, or other individual associated with an authorized entity, who has completed the training required by Section 44-99-50, may use epinephrine auto-injectors prescribed pursuant to Section 44-99-20 to:

- (1) provide an epinephrine auto-injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or caregiver of that individual, for immediate administration, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy; and
- (2) administer an epinephrine auto-injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

Section 44-99-50. (A) An employee, agent, or other individual described in Section 44-99-30 or 44-99-40 before undertaking an act authorized by this chapter shall complete an anaphylaxis training program and must complete an anaphylaxis training program at least every two years following completion of the initial anaphylaxis training program. The training must be conducted by the South Carolina Department of Health and Environmental Control, a licensed medical provider, a nationally recognized organization experienced in training laypersons in emergency health treatment, the manufacturer of an

WEDNESDAY, FEBRUARY 24, 2016

epinephrine auto-injector, an organization with a training program that has been approved in at least three states, or an entity or individual approved by the department. The department also may approve specific entities or individuals or may approve classes of entities or individuals to conduct training.

(B) Training may be conducted online or in person and, at a minimum, must address:

(1) how to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;

(2) standards and procedures for the storage and administration of an epinephrine auto-injector; and

(3) emergency follow-up procedures.

(C) The entity that conducts the training shall issue a certificate to each person who successfully completes the anaphylaxis training program. The certificate, at a minimum, must include:

(1) the name of the organization or individual conducting the training;

(2) the name of the individual being trained; and

(3) the date the training occurred.

Section 44-99-60. (A) An authorized entity that possesses and makes available epinephrine auto-injectors, and its employees, agents, and other individuals, a health care practitioner that prescribes or dispenses epinephrine auto-injectors to an authorized entity, a pharmacist or health care practitioner that dispenses epinephrine auto-injectors to an authorized entity, a third party that facilitates the availability of epinephrine auto-injectors to an authorized entity, the department or other state agency engaged in approving training or in providing guidance to implement this chapter, and an individual or entity that conducts the training described in Section 44-99-50 are not liable for any injuries or related damages that result from any act or omission taken pursuant to this chapter; however, this immunity does not apply to acts or omissions constituting negligence, gross negligence, or wilful, wanton, or reckless disregard for the safety of others or for an act or omission that is performed while the individual is impaired by alcohol or drugs.

(B) The administration of an epinephrine auto-injector in accordance with this chapter is not the practice of medicine or any other profession that otherwise requires licensure.

(C) This chapter does not eliminate, limit, or reduce any other immunities or defenses that may be available pursuant to state law.

WEDNESDAY, FEBRUARY 24, 2016

including those available pursuant to Section 15-1-310 and Chapter 78, Title 15.

(D) An entity located in this State is not liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector outside of this State if the entity:

(1) would not have been liable for the injuries or related damages had the provision or administration occurred within this State; or

(2) is not liable for the injuries or related damages under the law of the state in which such provision or administration occurred.”

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

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The question then was second reading of the Bill.

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

Ayes 38; Nays 0

AYES

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

Total--38

NAYS

Total--0

WEDNESDAY, FEBRUARY 24, 2016

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. 929 -- Senators Campbell, Verdin, Cleary, Lourie, Hembree, Fair and Bright: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 137, TO ENACT THE RIGHT TO TRY ACT, TO PROVIDE FOR AN ELIGIBLE PATIENT'S RIGHT TO TRY INVESTIGATIONAL DRUGS, BIOLOGICAL PRODUCTS, OR DEVICES TO COMBAT A TERMINAL ILLNESS; TO PROVIDE FOR AN ELIGIBLE PATIENT'S REQUEST TO USE AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; TO PROVIDE THAT AN ELIGIBLE PATIENT GIVE INFORMED CONSENT PRIOR TO USING AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; TO PROVIDE PROTECTION FROM LIABILITY FOR DOCTORS PRESCRIBING AND MANUFACTURERS OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; TO PROVIDE THAT STATE EMPLOYEES MAY NOT BLOCK THE PROPER USE OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (S-929), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 33-37 and inserting:

/ (4) 'Informed consent' means a written document that is signed by an eligible patient; or if the patient is a minor, by a parent or legal guardian; or if the patient is incapacitated or without sufficient mental capacity, by a designated health care agent pursuant to a health care power of attorney, that at a minimum includes: /

Amend the bill further, page 3, by striking lines 18-22 and inserting:

/ (f) a statement that the eligible patient's health benefit plan or third-party administrator and provider are not obligated or required to pay for any cost of any investigational drug, biological product, or device or for

WEDNESDAY, FEBRUARY 24, 2016

any care or treatments consequent to the use of such investigational drug, biological product, or device; and /

Amend the bill further, page 4, by striking lines 20-25 and inserting:

/ Section 44-137-50. No official, employee, or agent of this State shall block or attempt to block an eligible patient's lawful access to an investigational drug, biological product, or device. Counseling, advice, or a recommendation consistent with medical standards of care from a licensed health care provider does not constitute a violation of this section. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The question then was second reading of the Bill.

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

Ayes 41; Nays 0

AYES

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

Total--41

NAYS

Total--0

WEDNESDAY, FEBRUARY 24, 2016

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

READ THE SECOND TIME

S. 1036 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-15-176 SO AS TO PROVIDE THE STATE BOARD OF DENTISTRY MAY ISSUE RESTRICTED DENTAL AUXILIARY INSTRUCTORS' LICENSES TO DENTISTS WHO MEET CERTAIN REQUIREMENTS, TO PROVIDE LICENSED DENTAL AUXILIARY INSTRUCTORS MAY PRACTICE DENTISTRY IN LIMITED CIRCUMSTANCES ASSOCIATED WITH CERTAIN ACCREDITED DENTAL AUXILIARY PROGRAMS OF TECHNICAL COLLEGES, AND TO PROVIDE FOR THE RENEWAL AND REVOCATION OF RESTRICTED DENTAL AUXILIARY LICENSES; AND TO AMEND SECTION 40-15-175, RELATING TO RESTRICTED INSTRUCTORS' LICENSES ISSUED BY THE BOARD, SO AS TO REVISE CRITERIA FOR LICENSURE AND REQUIRE RENEWAL BIENNIALY INSTEAD OF ANNUALLY.

The Senate proceeded to a consideration of the Bill.

Senator CLEARY explained 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	Bright	Bryant
Campbell	Campsen	Cleary
Coleman	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen

[SJ]

WEDNESDAY, FEBRUARY 24, 2016

Nicholson	Peeler	Rankin
Reese	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3251 -- Reps. G.M. Smith, G.R. Smith and J.E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-310 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ESTABLISH THE MATERNAL MORBIDITY AND MORTALITY REVIEW COMMITTEE TO REVIEW AND STUDY MATERNAL DEATHS AND TO REPORT THE FINDINGS TO THE GENERAL ASSEMBLY.

The Senate proceeded to a consideration of the Bill.

THE MEDICAL AFFAIRS COMMITTEE proposed the following amendment (BH3251C002.BH.VR16), which was adopted:

Amend the bill, as and if amended, SECTION 2, page 3, by deleting Section 44-1-310(F) and inserting:

/ (F) Reports of aggregated nonindividually identifiable data for the previous calendar year must be compiled and disseminated by March first of the following year in an effort to further study the causes and problems associated with maternal deaths. Reports must be distributed to the General Assembly, the Director of the Department of Health and Environmental Control, health care providers and facilities, key governmental agencies, and others necessary to reduce the maternal death rate. /

WEDNESDAY, FEBRUARY 24, 2016

Amend the bill further, as and if amended, SECTION 2, page 4, by deleting Section 44-1-310(H).

Renumber sections to conform.

Amend title to conform.

Senator CLEARY 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	Campbell	Campsen
Cleary	Coleman	Corbin
Courson	Cromer	Davis
Fair	Gregory	Grooms
Hayes	Hembree	Hutto
Johnson	Kimpson	Leatherman
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	<i>Matthews, Margie</i>	McElveen
Peeler	Rankin	Sabb
Scott	Setzler	Shealy
Sheheen	Thurmond	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.

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

WEDNESDAY, FEBRUARY 24, 2016

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 MALLOY, the Bill was carried over.

H. 3682 -- Reprs. Finlay, Bannister, Newton, Cole, Delleney, Weeks, Whipper, Robinson-Simpson and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 39 SO AS TO ENACT THE "BAD FAITH ASSERTION OF PATENT INFRINGEMENT ACT", TO PROVIDE THAT BAD FAITH ASSERTIONS OF PATENT INFRINGEMENTS ARE PROHIBITED, TO DEFINE TERMS, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION IN STATE COURTS BY A RECIPIENT OF A BAD FAITH ASSERTION TO PATENT INFRINGEMENT, TO PROVIDE THAT ENFORCEMENT ACTIONS MAY BE BROUGHT BY THE ATTORNEY GENERAL AND WILFUL AND KNOWING VIOLATIONS MAY RESULT IN CIVIL PENALTIES OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH VIOLATION, TO PROVIDE FOR THE FACTORS THAT A COURT MAY CONSIDER WHEN MAKING A BAD FAITH DETERMINATION, AND TO PROVIDE EXCEPTIONS.

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

WEDNESDAY, FEBRUARY 24, 2016

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".

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

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

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

H. 4787 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HORSE MEAT AND KANGAROO MEAT; FAIRS, CAMP MEETINGS, AND OTHER GATHERINGS; CAMPS; MOBILE/MANUFACTURED HOME PARKS; SANITATION OF SCHOOLS; AND NUISANCES, DESIGNATED AS REGULATION

WEDNESDAY, FEBRUARY 24, 2016

DOCUMENT NUMBER 4552, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CLEARY explained the Resolution.

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

H. 4788 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING NURSING HOMES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4543, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CLEARY explained the Resolution.

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

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

S. 1035 -- Senators Cleary and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA TELEMEDICINE ACT" BY ADDING SECTION 40-47-37 SO AS TO FACILITATE THE USE OF TELEMEDICINE BY ESTABLISHING CERTAIN RECORDKEEPING REQUIREMENTS; TO AMEND SECTION 40-47-20, RELATING TO DEFINITIONS USED IN CHAPTER 47, TITLE 40, SO AS TO PROVIDE DEFINITIONS FOR "ASYNCHRONOUS STORE AND FORWARD TRANSFER" AND "TELEMEDICINE"; AND TO AMEND SECTION 40-47-113, RELATING TO THE REQUIREMENT OF A PHYSICIAN-PATIENT RELATIONSHIP BEFORE A PHYSICIAN MAY PRESCRIBE DRUGS FOR A PATIENT, SO AS TO ALLOW THE PRESCRIPTION OF DRUGS WHEN THE PHYSICIAN-PATIENT RELATIONSHIP IS ESTABLISHED BY TELEMEDICINE.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (S-1035), which was adopted:

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

[SJ]

WEDNESDAY, FEBRUARY 24, 2016

/ SECTION 1. This act may be cited as the “South Carolina Telemedicine Act”.

SECTION 2. Article 1, Chapter 47, Title 40 of the 1976 Code is amended by adding:

“Section 40-47-37. (A) A licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall adhere to the same standard of care as a licensee employing more traditional in-person medical care and be evaluated according to the standard of care applicable to the licensee’s area of specialty. A licensee shall not establish a physician-patient relationship by telemedicine pursuant to Section 40-47-113(B) for the purpose of prescribing medication when an in-person physical examination is necessary for diagnosis. The failure to conform to the appropriate standard of care is considered unprofessional conduct under Section 40-47-110(B)(9).

(B) A licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall generate and maintain medical records for each patient using such telemedicine services in compliance with any applicable state and federal laws, rules, and regulations, including this chapter, the Health Insurance Portability and Accountability Act (HIPAA), and the Health Information Technology for Economic and Clinical Health Act (HITECH). Such records shall be accessible to other practitioners and to the patient in a timely fashion when lawfully requested to do so by the patient or by a lawfully designated representative of the patient.

(C) In addition to those requirements set forth in subsections (A) and (B), a licensee who establishes a physician-patient relationship solely via telemedicine as defined in Section 40-47-20(52) shall:

(1) adhere to current standards for practice improvement and monitoring of outcomes and provide reports containing such information upon request of the board;

(2) provide an appropriate evaluation prior to diagnosing and/or treating the patient, which need not be done in-person if the licensee employs technology sufficient to accurately diagnose and treat the patient in conformity with the applicable standard of care; provided, that evaluations in which a licensee is at a distance from the patient, but a practitioner is able to provide various physical findings the licensee needs to complete an adequate assessment, is permitted; further, provided, that a simple questionnaire without an appropriate evaluation is prohibited;

WEDNESDAY, FEBRUARY 24, 2016

(3) verify the identity and location of the patient and be prepared to inform the patient of the licensee's name, location, and professional credentials;

(4) establish a diagnosis through the use of accepted medical practices, which may include patient history, mental status evaluation, physical examination, and appropriate diagnostic and laboratory testing in conformity with the applicable standard of care;

(5) ensure the availability of appropriate follow-up care and maintain a complete medical record that is available to the patient and other treating health care practitioners, to be distributed to other treating health care practitioners only with patient consent and in accordance with applicable law and regulation;

(6) prescribe within a practice setting fully in compliance with this section and during an encounter in which threshold information necessary to make an accurate diagnosis has been obtained in a medical history interview conducted by the prescribing licensee; provided, however, that Schedule II and Schedule III prescriptions are not permitted except for those Schedule II and Schedule III medications specifically authorized by the board, which may include, but not be limited to, Schedule II-nonnarcotic and Schedule III-nonnarcotic medications; further, provided, that licensees prescribing controlled substances by means of telemedicine must comply with all relevant federal and state laws including, but not limited to, participation in the South Carolina Prescription Monitoring Program set forth in Article 15, Chapter 53, Title 44 of the 1976 Code; further, provided, that prescribing of lifestyle medications including, but not limited to, hormone replacement therapies, birth control, or erectile dysfunction drugs are not permitted unless approved by the board;

(7) maintain a complete record of the patient's care according to prevailing medical record standards that reflects an appropriate evaluation of the patient's presenting symptoms; provided that relevant components of the telemedicine interaction be documented as with any other encounter;

(8) maintain the patient's record's confidentiality and disclose the records to the patient consistent with state and federal law; provided, that licensees practicing telemedicine shall be held to the same standards of professionalism concerning medical records transfer and communication with the primary care provider and medical home as licensees practicing via traditional means; further, provided, that if a patient has a primary care provider and a telemedicine provider for the same ailment, then the

WEDNESDAY, FEBRUARY 24, 2016

primary care provider's medical record and the telemedicine provider's record constitute one complete medical record;

(9) be licensed to practice medicine in South Carolina; provided, however, a licensee need not reside in South Carolina so long as he or she has a valid, current South Carolina medical license; further, provided, that a licensee residing in South Carolina who intends to practice medicine via telemedicine to treat or diagnose patients outside of South Carolina shall comply with other state licensing boards; and

(10) discuss with the patient the value of having a primary care medical home and, if the patient requests, provide assistance in identifying available options for a primary care medical home.

(D) A licensee, practitioner, or any other person involved in a telemedicine encounter must be trained in the use of the telemedicine equipment and competent in its operation.

(E) Notwithstanding any of the provisions of this section, the board shall retain all authority with respect to telemedicine practice as granted in Section 40-47-10(I) of this chapter."

SECTION 3. Section 40-47-20(52) through (55) of the 1976 Code is amended to read:

"(52) 'Telemedicine' means the practice of medicine using electronic communications, information technology, or other means between a licensee in one location and a patient in another location with or without an intervening practitioner.

~~(52)~~(53) 'Temporary license' means a current, time-limited document that authorizes practice at the level for which one is seeking licensure.

~~(53)~~(54) 'Unprofessional conduct' means acts or behavior that fail to meet the minimally acceptable standard expected of similarly situated professionals including, but not limited to, conduct that may be harmful to the health, safety, and welfare of the public, conduct that may reflect negatively on one's fitness to practice, or conduct that may violate any provision of the code of ethics adopted by the board or a specialty.

~~(54)~~(55) 'Voluntary surrender' means forgoing the authorization to practice by the subject of an initial or formal complaint pending further order of the board. It anticipates other formal action by the board and allows any suspension subsequently imposed to include this time.

~~(55)~~(56) 'Volunteer license' means authorization of a retired practitioner to provide medical services to others through an identified charitable organization without remuneration."

WEDNESDAY, FEBRUARY 24, 2016

SECTION 4. Section 40-47-113(B) of the 1976 Code is amended to read:

“(B) Notwithstanding subsection (A), a licensee may prescribe for a patient whom the licensee has not personally examined under certain circumstances including, but not limited to, writing admission orders for a newly hospitalized patient, prescribing for a patient of another licensee for whom the prescriber is taking call, prescribing for a patient examined by a licensed advanced practice registered nurse, a physician assistant, or other physician extender authorized by law and supervised by the physician, ~~or~~ continuing medication on a short-term basis for a new patient ~~prior to~~ before the patient’s first appointment, or prescribing for a patient for whom the licensee has established a physician-patient relationship solely via telemedicine so long as the licensee complies with Section 40-47-37 of this act.”

SECTION 5. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator CLEARY explained the amendment.

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

ADOPTED

S. 1024 -- Senator Shealy: A CONCURRENT RESOLUTION TO EXPRESS THE SUPPORT OF THE SOUTH CAROLINA GENERAL ASSEMBLY AND THE STATE OF SOUTH CAROLINA FOR ORGAN, EYE, AND TISSUE DONATION AND TO DESIGNATE WEDNESDAY, APRIL 6, 2016, AS “ORGAN DONOR REGISTRATION DAY” IN SOUTH CAROLINA.

The Resolution was adopted, ordered sent to the House.

H. 4194 -- Rep. Quinn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF CORRECTIONS NAME THE INMATE CEMETERY LOCATED ON ITS BROAD RIVER ROAD PROPERTY IN RICHLAND COUNTY “PAUL ISAIAH WELDON CEMETERY”.

The Resolution was adopted, ordered returned to the House.

H. 4928 -- Reps. Hiott, Clary, Collins, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield,

WEDNESDAY, FEBRUARY 24, 2016

Bernstein, Bingham, Bowers, Bradley, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA'S YOUNG PEOPLE AND TO THE PREVENTION OF CHILD ABUSE AND NEGLECT AND TO DECLARE THE MONTH OF APRIL 2016 AS "CHILD ABUSE PREVENTION MONTH" IN THE STATE OF SOUTH CAROLINA.

The Resolution was adopted, ordered returned to the House.

H. 4930 -- Reps. Clemmons, Yow, Fry, Hardee, Goldfinch, Duckworth, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clary, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Govan, Hamilton, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon,

WEDNESDAY, FEBRUARY 24, 2016

Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams and Willis: A CONCURRENT RESOLUTION TO DECLARE JULY 16, 2016, AS ATOMIC VETERANS DAY IN SOUTH CAROLINA.

The Resolution was adopted, ordered returned to the House.

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

MOTION ADOPTED

At 2:43 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 LEATHERMAN, the Bill was carried over.

WEDNESDAY, FEBRUARY 24, 2016

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 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;

[SJ]

WEDNESDAY, FEBRUARY 24, 2016

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 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

WEDNESDAY, FEBRUARY 24, 2016

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 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 Senaste 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

WEDNESDAY, FEBRUARY 24, 2016

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. /

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. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

Motion Adopted

On motion of Senator FAIR, with unanimous consent, Senators HUTTO and FAIR were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Senator DAVIS resumed speaking on the amendment.

WEDNESDAY, FEBRUARY 24, 2016

Point of Quorum

At 4:15 P.M., Senator BRIGHT made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

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

A quorum being present, the Senate resumed.

Senator DAVIS resumed speaking on the amendment.

Point of Quorum

At 6:38 P.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	Bright	Bryant
Campbell	Campsen	Corbin
Courson	Cromer	Davis
Fair	Grooms	Hayes
Hembree	Jackson	Johnson

WEDNESDAY, FEBRUARY 24, 2016

Leatherman	Lourie	<i>Martin, Larry</i>
<i>Martin, Shane</i>	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rankin	Sabb	Scott
Setzler	Shealy	Turner
Verdin	Young	

A quorum being present, the Senate resumed.

Senator DAVIS resumed speaking on the amendment.

Senator BRIGHT spoke 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 BRIGHT retaining the floor on H. 3579.

LOCAL APPOINTMENT

Confirmation

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Reappointment, Allendale County Master-in-Equity, with the term to commence December 31, 2014, and to expire December 31, 2020

Walter H. Sanders, Jr., P. O. Box 840, Fairfax, SC 29827

MOTION ADOPTED

On motion of Senators BRIGHT and SHANE MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Michael H. Thompson of Spartanburg, S.C. Michael was a dear friend of Senator BRIGHT and Senator SHANE MARTIN and was dedicated to the community and children. He was a graduate of Clemson University and honorably served our country in the United States Army. He was a deacon at First Baptist Church and the retired owner of J.M. Solesbee Construction Company and

WEDNESDAY, FEBRUARY 24, 2016

co-owner of Carolina Traditions. Mike was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator LEATHERMAN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Katherine Rhett Maybank of Charleston, S.C. Katherine attended the University of South Carolina. She was a loving mother and a devoted daughter and sister who will be dearly missed.

ADJOURNMENT

At 6:56 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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WEDNESDAY, FEBRUARY 24, 2016

SENATE JOURNAL INDEX

S. 199.....	37	S. 1113.....	13
S. 267.....	29	S. 1114.....	13
S. 315.....	28		
S. 853.....	17	H. 3251.....	27
S. 868.....	29	H. 3579.....	38
S. 927.....	15	H. 3682.....	29
S. 929.....	24	H. 3972.....	16
S. 975.....	17	H. 4092.....	13
S. 1002.....	17	H. 4194.....	35
S. 1024.....	35	H. 4328.....	13
S. 1035.....	31	H. 4577.....	14
S. 1036.....	26	H. 4787.....	30
S. 1065.....	30	H. 4788.....	31
S. 1080.....	15	H. 4928.....	35
S. 1108.....	16	H. 4930.....	36
S. 1109.....	12	H. 4960.....	14
S. 1110.....	12	H. 4966.....	14
S. 1111.....	12	H. 4974.....	15
S. 1112.....	12		