

NO. 29

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2016

TUESDAY, MARCH 1, 2016

Tuesday, March 1, 2016
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:00 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:

In Proverbs we read:

“Happy are those who find wisdom, and those who get understanding.” (Proverbs 3:13)

Bow in prayer with me, please:

O Wondrous God, how precious indeed is learning and wisdom. How greatly here in South Carolina do we value every teacher, professor and administrator -- wherever they serve -- all who enable our children and our young people to gain the best education possible. Continue, Lord, to encourage these Senators to do all they can do to promote the richest opportunities for learning here in our State, at every level. May these leaders themselves, O God, demonstrate always through what they say and do that they, too, value wisdom and right understanding. This we pray in Your glorious name, dear Lord. Amen.

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

MESSAGE FROM THE GOVERNOR

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

Statewide Appointment

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:

Sue Ann Shannon, 204 Horse Guards Lane, Columbia, SC 29229

Referred to the Committee on Labor, Commerce and Industry.

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Local Appointment

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Scott D. Whittle, 4601 Fish Hatchery Rd., Gaston, SC 29053

Doctor of the Day

Senator SETZLER introduced Dr. Matthew Thoma of West Columbia, S.C., Doctor of the Day.

Leave of Absence

At 10:17 A.M., Senator GROOMS requested a leave of absence for Senator CAMPSEN for the day.

Leave of Absence

At 10:18 A.M., Senator GROOMS requested a leave of absence for Senator VERDIN until 2:00 P.M.

Leave of Absence

At 10:21 A.M., Senator MALLOY requested a leave of absence for Senator M.B. MATTHEWS for the day.

Leave of Absence

At 10:31 A.M., Senator LARRY MARTIN requested a leave of absence for Senator HAYES until Noon.

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:
S. 649 Sen. Allen

RECOMMITTED

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.

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On motion of Senator CLEARY, the Resolution was recommitted to the Committee on Medical Affairs.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1128 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF MEDICAL EXAMINERS, RELATING TO PATIENT MEDICAL RECORDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4588, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1129 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO PILOT REGISTRATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4574, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1130 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - REAL ESTATE APPRAISERS BOARD, RELATING TO CONTINUING EDUCATION, PAYMENT OF FEES, APPRAISAL EXPERIENCE, AND APPRAISER APPRENTICE REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4589, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

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S. 1131 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF BARBER EXAMINERS, RELATING TO MINIMUM REQUIREMENTS FOR LICENSING OF COSMETOLOGISTS AS MASTER HAIR CARE SPECIALISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4601, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1132 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO EXPLOSIVES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4617, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1133 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO FIRE PREVENTION AND LIFE SAFETY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4618, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 1134 -- Senator Verdin: A CONCURRENT RESOLUTION TO RENAME THE PORTION OF SOUTH CAROLINA HIGHWAY 124 IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH

[SJ]

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UNITED STATES HIGHWAY 123 TO THE GREENVILLE COUNTY LINE FROM "JOE ANDERS HIGHWAY" TO "JOE ANDERS MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

S. 1135 -- Senators Malloy and Johnson: A BILL TO AMEND ARTICLE 1, CHAPTER 25, TITLE 17 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONVICTION AND SENTENCING, BY ADDING SECTION 17-25-40, SO AS TO PROVIDE THAT A PERSON MUST NOT BE SENTENCED TO DEATH OR A TERM OF IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE IF THAT PERSON WAS LESS THAN EIGHTEEN YEARS OF AGE AT THE TIME THE OFFENSE WAS COMMITTED.

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Senator MALLOY spoke on the Bill.

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

S. 1136 -- Senator Malloy: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, SO AS TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM "UNDER THE AGE OF SEVENTEEN" TO "UNDER THE AGE OF EIGHTEEN".

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

S. 1137 -- Senator Turner: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SIMPSONVILLE UNITED METHODIST CHURCH IN GREENVILLE COUNTY AS ITS MEMBERS ARE HONORED WITH THE PLACEMENT OF A

[SJ]

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HISTORICAL MARKER TO RECORD THE SIGNIFICANT IMPACT OF THE CHURCH'S CENTURY OF MINISTRY IN THE SIMPSONVILLE COMMUNITY.

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The Senate Resolution was adopted.

H. 4947 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ALIGNMENT OF ASSESSMENT AND ACCOUNTABILITY ELEMENTS WITH THE NO CHILD LEFT BEHIND ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4603, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

REPORTS OF STANDING COMMITTEES

Appointments Reported

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 30, 2012, and to expire June 30, 2016

Audiologist:

Gwendolyn D. Wilson, 2215 Hoffman Dr., Northwest, Orangeburg, SC 29118

Received as information.

Reappointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 30, 2016, and to expire June 30, 2020

Audiologist:

Gwendolyn D. Wilson, 2215 Hoffman Dr., Northwest, Orangeburg, SC 29118

Received as information.

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

**COMMITTEE AMENDMENT AMENDED AND ADOPTED
READ THE SECOND TIME**

S. 626 -- Senators Gregory, Hayes and Reese: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT EIGHTY PERCENT OF THE FAIR MARKET VALUE OF A RENEWABLE ENERGY RESOURCE FOR A PERIOD OF TEN YEARS PROVIDED THE PROPERTY IS OPERATIONAL BY DECEMBER 31, 2020, AND TO EXEMPT A DISTRIBUTED RENEWABLE ENERGY GENERATION PROPERTY FOR RESIDENTIAL USE.

The Senate proceeded to the consideration of the Bill.

Senator SHANE MARTIN proposed the following amendment (BBM\626C007.BBM.DG16), which was adopted:

Amend the committee report, as and if amended, SECTION 1, page [626-1], by striking lines 26 through 42 and inserting:

/ “(52) eighty percent of the fair market value of a renewable energy generation property required to be returned, pursuant to Section 12-37-970, or to be appraised and assessed pursuant to Section 12-4-540. For purposes of this item, ‘renewable energy generation property’ means property that generates electric power by the use of a renewable energy resource, as defined in Section 58-40-10(F). This exemption only applies for the ten consecutive property tax years after the facility becomes operational, provided, however, that the property became operational after property tax year 2012 and before property tax year 2021. For property that became operational in property tax year 2013 or 2014, this exemption applies for ten consecutive property tax years beginning in property tax year 2016 so long as the property was not subject to a fee in lieu agreement as of December 31, 2014, pursuant to Chapter 44 of the title, or Chapter 12 or 29 of Title 4. For property that became operational in property tax year 2015, if the property was subject to a fee in lieu agreement as of December 31, 2015, pursuant to Chapter 44 of the title, or Chapter 12 or 29 of Title 4, then the property is eligible for the exemption so long as the taxpayer notifies the other parties to the agreement of such election no later than thirty days after the effective

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date of this item, and, upon the expiration of the exemption, at the taxpayer's discretion, the provisions of the applicable pre-existing agreement may apply. This exemption applies only if the property does not meet the exemption of distributed renewable energy generation property for residential use provided by item (53). A taxpayer claiming an exemption allowed by this item also may not claim the exemption, pursuant to Section 12-37-220(A)(7); /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

The Committee on Finance proposed the following amendment (BBM\626C002.BBM.DG16), which was adopted:

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

/ SECTION 1. Section 12-37-220(B) of the 1976 Code, as last amended by Act 259 of 2014, is further amended by adding items at the end to read:

“(52) eighty percent of the fair market value of a renewable energy generation property required to be returned, pursuant to Section 12-37-970, or to be appraised and assessed pursuant to Section 12-4-540. For purposes of this item, ‘renewable energy generation property’ means property that generates electric power by the use of a renewable energy resource, as defined in Section 58-40-10(F). This exemption only applies for the ten consecutive property tax years after the facility becomes operational, provided, however, that the property became operational after property tax year 2012 and before property tax year 2021. For property that became operational in property tax year 2013 or 2014, this exemption applies for ten consecutive property tax years beginning in property tax year 2016. This exemption applies only if the property does not meet the exemption of distributed renewable energy generation property for residential use provided by item (53). A taxpayer claiming an exemption allowed by this item also may not claim the exemption, pursuant to Section 12-37-220(A)(7);

(53) distributed renewable energy generation property for residential use. For purposes of this item, ‘distributed renewable energy generation property’ means property that generates electric power by the use of a renewable energy resource, as defined in Section 58-40-10(F), that has a nameplate capacity of no greater than twenty kilowatts.”

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

The question being the second reading of the Bill.

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

Ayes 32; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Cleary	Corbin	Cromer
Davis	Fair	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
McElveen	Nicholson	Peeler
Sabb	Setzler	Shealy
Sheheen	Thurmond	Turner
Williams	Young	

Total--32

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. 788 -- Senator Campsen: A BILL TO AMEND SECTION 48-39-150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPROVAL OF PERMITS TO ALTER CRITICAL AREAS, SO AS TO ENACT THE “MANAGED TIDAL IMPOUNDMENT PRESERVATION ACT”, BY EXEMPTING PROPERTY THAT IS DEEMED ELIGIBLE UNDER A UNITED STATES ARMY CORP OF ENGINEERS’ GENERAL

[SJ]

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PERMIT FROM PERMITTING REQUIREMENTS IN CERTAIN CIRCUMSTANCES AND GRANTING ENFORCEMENT AUTHORITY TO THE COASTAL DIVISION OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

The Senate proceeded to a consideration of the Bill.

The Committee on Agriculture and Natural Resources proposed the following amendment (788R001.EB.GEC), which was adopted:

Amend the bill, as and if amended, by adding a new SECTION to read:

/ SECTION (). Section 48-39-130 of the 1976 Code is amended by adding:

“(E) The department, in its discretion, may issue general permits where issuance of the general permit would advance the implementation of the goals, policies, and purposes contained in Sections 48-39-20, 48-39-30 and 48-39-280.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPBELL explained the amendment.

The question being the second reading of the Bill.

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

Ayes 34; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Cleary	Corbin	Courson
Davis	Fair	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Lourie
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	McElveen	Nicholson
Peeler	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Williams
Young		

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Total--34

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**

H. 3534 -- Rep. Cobb-Hunter: A BILL TO AMEND SECTION 2-77-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "ELIGIBLE INSTITUTION" AS IT PERTAINS TO THE SOUTH CAROLINA HIGHER EDUCATION EXCELLENCE ENHANCEMENT PROGRAM, SO AS TO INCLUDE AN INSTITUTION THAT OFFERS AT LEAST ONE NONSECTARIAN PROGRAM AT THE BACCALAUREATE LEVEL, AND TO INCLUDE AN INSTITUTION ACCREDITED BY AN ORGANIZATION THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION AND ALSO RECEIVES TITLE III FUNDING.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (AGM\3534C001.AGM.AB16), which was adopted:

Amend the bill, as and if amended, Section 2-77-15(1)(a)(ii), as contained in SECTION 1, page 1, lines 40-42, by deleting the subitem in its entirety and inserting:

/ (ii) which is an historically single gender women's institution of traditional students, as evidenced by ninety percent or more of full-time female undergraduates under twenty-five years of age for the four consecutive years immediately preceding the current year; /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The question being the second reading of the Bill.

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The “ayes” and “nays” were demanded and taken, resulting as follows:
Ayes 35; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Cleary	Corbin	Courson
Cromer	Davis	Fair
Grooms	Hembree	Hutto
Johnson	Kimpson	Leatherman
Lourie	Malloy	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	McElveen
Nicholson	Peeler	Sabb
Scott	Setzler	Shealy
Sheheen	Thurmond	Turner
Williams	Young	

Total--35

NAYS

Total--0

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

AMENDED, 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.

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The Senate proceeded to consideration of the Resolution.

Senators YOUNG and MASSEY proposed the following amendment (JUD1065.004), which was adopted:

Amend the bill, as and if amended, by striking subsections (B) and (C), lines 1 through 25 on page 4, and inserting:

/ (B) The study committee must be composed of:

(1) three members of the House of Representatives appointed by the Speaker of the House of Representatives;

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

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

(4) the Executive Director of the Office of Regulatory Staff, or his designee;

(5) one member representing environmental or conservation organizations, appointed by the Governor; and

(6) one member representing the South Carolina Petroleum Council, appointed by the Governor.

The Speaker of the House of Representatives 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 regarding matters related to the presence of petroleum pipelines in South Carolina, and provide its report to the General Assembly by June 30, 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, 2018, at which time the study committee must be dissolved. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

On motion of MASSEY, the Resolution was carried over.

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**AMENDMENT PROPOSED
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 consideration of the Bill.

Senators BRYANT and CLEARY proposed the following amendment (S-1035 BRYANT-CLEARY), which was proposed:

Amend the bill, as and if amended, Section 40-47-37(C)(6), page 3, by striking lines 1-17 and inserting:

/ (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; further provided that prescribing abortion-inducing drugs is not permitted; as used in this article 'abortion-

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inducing drug' means a medicine, drug, or any other substance prescribed or dispensed with the intent of terminating the clinically diagnosable pregnancy of a woman, with knowledge that the termination will with reasonable likelihood cause the death of the unborn child. This includes off-label use of drugs known to have abortion-inducing properties, which are prescribed specifically with the intent of causing an abortion, such as misoprostol (Cytotec), and methotrexate. This definition does not apply to drugs that may be known to cause an abortion, but which are prescribed for other medical indications, including, but not limited to, chemotherapeutic agents or diagnostic drugs. Use of such drugs to induce abortion is also known as 'medical', 'drug-induced', and/or 'chemical abortion'. /

Re-number sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

On motion of HUTTO, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
CARRIED OVER**

H. 3576 -- Reps. Bannister, Merrill, Murphy, Atwater, Collins, Gagnon, Hamilton, Hicks, Pitts, Sandifer, G.R. Smith, Tallon, Whitmire, Henderson and Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-1-120 SO AS TO PROVIDE THAT CERTAIN WRITTEN AGREEMENTS BETWEEN NONPROFIT YOUTH SPORTS ORGANIZATIONS AND COACHES PROVIDE CONCLUSIVE EVIDENCE THAT THE COACH IS AN INDEPENDENT CONTRACTOR RATHER THAN AN EMPLOYEE OF THE ORGANIZATION AND THAT THE ORGANIZATION IS EXEMPT FROM CERTAIN OBLIGATIONS CONCERNING WORKERS' COMPENSATION COVERAGE, UNEMPLOYMENT INSURANCE COVERAGE, AND INCOME TAX WITHHOLDINGS, TO PROVIDE SPECIFIC REQUIREMENTS FOR THESE WRITTEN AGREEMENTS, TO PROVIDE THESE WRITTEN AGREEMENTS ARE NOT CONCLUSIVE PROOF OF THE EXISTENCE OF AN INDEPENDENT CONTRACTOR RELATIONSHIP FOR PURPOSES OF ANY CIVIL ACTIONS INSTITUTED BY THIRD PARTIES, AND

[SJ]

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TO DEFINE THE TERM "NONPROFIT YOUTH SPORTS ORGANIZATION".

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (3576R001.DR.TCA), which was adopted:

Amend the bill, as and if amended, page 2, by striking subsection (A)(2) in its entirety.

Amend the bill further, as and if amended, page 2, by striking subsections (B)(1) and (2) in their entirety and inserting:

/ (1) an independent contractor and not an employee of the nonprofit youth sports organization for the purposes listed in (A)(1) and (2);

(2) not entitled to workers' compensation benefits in connection with his or her contract with the nonprofit youth sports organization; and/

Amend the bill further, as and if amended, page 2, by striking lines 31-32 and inserting:

/ independent contractor relationship exists for purposes of required coverage under the state unemployment compensation law or any civil action instituted by a third party /

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment and the Bill.

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

CARRIED OVER

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

On motion of 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,

[SJ]

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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 MALLOY, the Bill was carried over.

H. 3682 -- Reps. 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 MALLOY, the Bill 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 DOCUMENT NUMBER 4552, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CLEARY explained the Resolution.

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On motion of CLEARY, the Resolution was carried over.

S. 1013 -- Senators Alexander and Davis: A BILL TO AMEND CHAPTER 57, TITLE 40 OF THE 1976 CODE, RELATING TO THE LICENSURE AND REGULATION OF REAL ESTATE BROKERS, SALESPERSONS, AND PROPERTY MANAGERS, TO REORGANIZE THE PROVISIONS OF THIS CHAPTER; TO REVISE AND ADD CERTAIN DEFINITIONS OF TERMS USED IN THIS CHAPTER; TO SPECIFY THAT CERTAIN DUTIES AND RESPONSIBILITIES BELONG TO THE REAL ESTATE COMMISSION RATHER THAN TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO DELETE A LICENSE REINSTATEMENT FEE; TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT, USE, AND REPORTING REQUIREMENTS FOR THE SOUTH CAROLINA REAL ESTATE COMMISSION EDUCATION AND RESEARCH FUND; TO DELETE THE PROVISION REQUIRING LICENSURE APPLICANTS TO SUBMIT A CREDIT REPORT, AND TO REQUIRE APPLICANTS TO UNDERGO CRIMINAL RECORDS CHECKS; TO REVISE EDUCATION AND RELATED REQUIREMENTS OF CERTAIN LICENSEES; TO PROVIDE THAT AN INDIVIDUAL WHOSE LICENSE IS REVOKED MAY NOT REAPPLY FOR LICENSURE FOR THREE YEARS, RATHER THAN ONE YEAR; TO PROVIDE CIRCUMSTANCES IN WHICH THE COMMISSION MAY RECOGNIZE A REAL ESTATE LICENSE FROM ANOTHER STATE AND TO PROVIDE SPECIFIC REQUIREMENTS FOR NONRESIDENT LICENSEES; TO SPECIFY CONTINUING EDUCATION REQUIREMENTS FOR BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE; TO REQUIRE THE ELECTRONIC TRANSMISSION OF CERTAIN STUDENT CONTINUING EDUCATION AND QUALIFYING COURSE RECORDS TO THE COMMISSION, AND TO REQUIRE THE COMMISSION MAINTAIN A SECURE DATABASE OF THESE RECORDS; TO FURTHER SPECIFY ADVERTISING AND MARKETING REQUIREMENTS AND LICENSEE STATUS DISCLOSURE; TO CLARIFY AND FURTHER SPECIFY DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE CONCERNING TRUST FUNDS AND TRUST ACCOUNTS, RECORDKEEPING, AND THE

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SUPERVISION AND INSTRUCTION OF LICENSEES REGARDING THESE MATTERS; TO PROVIDE THAT NO CAUSE OF ACTION ARISES IF AN OWNER OF REAL ESTATE OR A LICENSEE DOES NOT DISCLOSE THE LOCATION OF A REGISTERED SEX OFFENDER; TO FURTHER SPECIFY THE RELATIONSHIPS AND THE DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE, BROKERAGE FIRMS, AND LICENSEES TO THEIR CLIENTS, CUSTOMERS, AGENTS, OTHER LICENSEES, AND OTHER LICENSED INDIVIDUALS; TO FURTHER PROVIDE FOR GROUNDS FOR DENIAL OF LICENSURE OR FOR DISCIPLINARY ACTION AND TO AUTHORIZE THE COMMISSION TO REQUIRE A LICENSEE TO UNDERGO A CRIMINAL RECORDS CHECK AS PART OF AN INVESTIGATION OR DISCIPLINARY PROCEEDING; AND TO CLARIFY CONFIDENTIALITY REQUIREMENTS OF INFORMATION RECORDED FOR AN INVESTIGATION OR PROCEEDING; AND BY ADDING SECTION 27-32-85 SO AS TO PROVIDE THAT PURCHASE OF BENEFICIARY RIGHTS IN A TRUST BASED TIMESHARE, WHERE THE CONTRACT IS MADE IN THIS STATE, IS A REAL PROPERTY OWNERSHIP CONVEYANCE SUBJECT TO ALL CLOSING REQUIREMENTS CONTAINED IN THE TIME SHARING TRANSACTION PROCEDURES ACT.

Senator DAVIS explained the Bill.

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

S. 1116 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CERTIFICATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4637, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1117 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CREDENTIAL CLASSIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4638, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1118 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4639, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1119 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSESSMENT PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4604, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1120 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ACCREDITATION CRITERIA, DESIGNATED AS REGULATION DOCUMENT NUMBER 4636, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 3265 -- Reps. Wells, Taylor, Cole, Bedingfield, Sottile, Ridgeway, Hiott, Ott, Anthony, M.S. McLeod, Bannister, Henderson, Collins, Clary, Daning, McKnight, Kennedy, Pope, Hixon, Gagnon, Erickson, Long, Hicks, Nanney and W.J. McLeod: A BILL TO AMEND SECTION 59-32-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMPREHENSIVE HEALTH EDUCATION PROGRAMS, SO AS TO PROVIDE THAT EACH STUDENT MUST RECEIVE INSTRUCTION IN CARDIOPULMONARY RESUSCITATION AT LEAST ONCE DURING THE ENTIRE FOUR YEARS OF GRADES NINE THROUGH TWELVE, AND TO PROVIDE THAT SCHOOL DISTRICTS MUST IMPLEMENT THE PROVISIONS OF THIS ACT BEFORE THE BEGINNING OF THE 2017-2018 SCHOOL YEAR.

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Senator HUTTO explained the Bill.

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

H. 4639 -- Reps. Allison and Taylor: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-103-47 SO AS TO PROVIDE THE COMMISSION ON HIGHER EDUCATION MAY ENTER INTERSTATE RECIPROCITY AGREEMENTS THAT AUTHORIZE ACCREDITED DEGREE-GRANTING INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE TO OFFER POSTSECONDARY DISTANCE EDUCATION IN A CERTAIN MANNER, TO PROVIDE RELATED POWERS AND DUTIES OF THE COMMISSION, TO PROVIDE PARTICIPATION IN THE AGREEMENTS IS VOLUNTARY TO ELIGIBLE INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE, TO PROVIDE INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE THAT DO NOT PARTICIPATE IN ANY INTERSTATE RECIPROCITY AGREEMENT ENTERED INTO BY THE COMMISSION ARE NOT PROHIBITED FROM OFFERING POSTSECONDARY DISTANCE EDUCATION, AND TO CLARIFY THAT NO PROVISION OF THIS ACT PROHIBITS OR REDUCES THE AUTHORITY OF THE COMMISSION TO LICENSE INSTITUTIONS OF HIGHER EDUCATION OFFERING DISTANCE EDUCATION IN THIS STATE IF THE INSTITUTION IS NOT A PARTICIPANT IN THE INTERSTATE RECIPROCITY AGREEMENT IN WHICH THE COMMISSION PARTICIPATES.

Senator SETZLER explained the amendment.

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

POINT OF ORDER

S. 238 -- Senator Allen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-3-220 SO AS TO ESTABLISH A PROCEDURE TO ALLOW AN INMATE WHO THE DEPARTMENT HAS DETERMINED IS NOT A SECURITY RISK AND CONFINED IN A DEPARTMENT OF CORRECTIONS' FACILITY TO ATTEND THE FUNERAL SERVICE OF CERTAIN INDIVIDUALS AND VISIT CERTAIN INDIVIDUALS WHILE THEY ARE HOSPITALIZED; AND TO AMEND SECTION 24-3-210, RELATING TO FURLOUGHS FOR

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QUALIFIED INMATES, SO AS TO DELETE THE PROVISION THAT ALLOWS AN INMATE TO ATTEND THE FUNERAL OF CERTAIN PERSONS.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 284 -- Senator Verdin: A BILL TO AMEND SECTION 39-25-180(H) OF THE 1976 CODE, RELATING TO THE ADOPTION OF FEDERAL REGULATIONS FOR FOOD AND COSMETICS, TO PROVIDE THAT VERY SMALL BUSINESSES AND QUALIFIED EXEMPT FACILITIES ARE NOT REQUIRED TO COMPLY WITH ANY REQUIREMENT TO IMPLEMENT HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS UNDER THE FEDERAL GOOD MANUFACTURING PRACTICES REGULATIONS, BUT WILL CONTINUE TO BE SUBJECT TO ALL OTHER GOOD MANUFACTURING PRACTICE REGULATIONS.

The Senate proceeded to the consideration of the Bill.

Senator WILLIAMS explained the Bill.

Point of Order

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

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

S. 371 -- Senator Bryant: A BILL TO AMEND SECTION 40-33-110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GROUNDS FOR DISCIPLINING NURSES, SO AS TO ADD THE OVERMEDICATING OR UNDERMEDICATING OF A PATIENT BY A NURSE WHO MISREADS A PHYSICIAN'S ORDER AS A GROUND TO REVOKE THE NURSE'S LICENSE.

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Point of Order

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

The PRESIDENT sustained the Point of Order.

ADOPTED

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

The 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 11:00 A.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

ACTING PRESIDENT PRESIDES

At 11:18 A.M., Senator CROMER assumed the Chair.

PRESIDENT PRESIDES

At 11:31 P.M., the PRESIDENT assumed the Chair.

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

AMENDMENT PROPOSED

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

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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.

Senator LEATHERMAN moved to carry the Bill.

Senator SHANE MARTIN moved to table the motion to carry over the Bill.

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

Ayes 18; Nays 18

AYES

Bennett	Bright	Bryant
Campbell	Cleary	Corbin
Courson	Davis	Fair
Gregory	Grooms	Hembree
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Peeler
Shealy	Thurmond	Turner

Total--18

NAYS

Alexander	Allen	Cromer
Hutto	Johnson	Kimpson
Leatherman	Lourie	Malloy
Massey	McElveen	Nicholson
Sabb	Scott	Setzler
Sheheen	Williams	Young

Total--18

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Having failed to receive the necessary votes, the motion to table the motion to carry over failed.

Senator LEATHERMAN moved to carry over the Bill.

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

Ayes 16; Nays 19

AYES

Allen	Campbell	Cleary
Cromer	Hutto	Johnson
Kimpson	Leatherman	Malloy
McElveen	Nicholson	Sabb
Scott	Setzler	Sheheen
Williams		

Total--16

NAYS

Alexander	Bennett	Bright
Bryant	Corbin	Courson
Davis	Fair	Gregory
Grooms	Hembree	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	Peeler
Shealy	Thurmond	Turner
Young		

Total--19

The Senate refused to carry over the Bill.

Senator MALLOY proposed the following amendment (199GM1):

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

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

~~"Section 56-5-1535. (A) It is unlawful for a person to drive a motor vehicle in a highway work zone at a speed in excess of the speed limit set and posted by signs. A person violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than~~

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~~seventy-five nor more than two hundred dollars or imprisoned not more than thirty days, or both. For purposes of this section:~~

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

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

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

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

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

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

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

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

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

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

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

~~(a) an emergency;~~

~~(b) the avoidance of an obstacle; or~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

Objection

Senator MALLOY asked unanimous consent that the Senate proceed to consideration of H. 3579.

Senator BRYANT objected.

Senator MALLOY resumed speaking on the amendment.

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Motion Adopted

On motion of Senator LEATHERMAN, with unanimous consent and Senator MALLOY retaining the floor, the Senate agreed to recess until 1:30 P.M.

RECESS

At 12:33 P.M., on motion of Senator LEATHERMAN, the Senate recessed from business until 1:30 P.M.

At 1:52 P.M., the Senate resumed.

Senator MALLOY resumed speaking on the amendment.

Point of Quorum

At 1:53 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator MALLOY resumed speaking on the amendment.

Motion Adopted

On motion of Senator CROMER, with unanimous consent, Senators SHANE MARTIN, SCOTT, SHEHEEN and CROMER were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Point of Quorum

At 2:07 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Objection

Senator MASSEY asked unanimous consent, with Senator MALLOY retaining the floor, to proceed to consideration of H. 3579.

Senator BRIGHT objected.

Senator MALLOY resumed speaking on the amendment.

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Motion Adopted

On motion of Senator MALLOY, with unanimous consent, and Senator MALLOY retaining the floor, the Senate agreed to stand in recess for 5 minutes.

RECESS

At 2:36 P.M., on motion of Senator MALLOY, the Senate recessed from business not to exceed 5 minutes.

At 2:50 P.M., the Senate resumed.

Senator MALLOY resumed speaking on the amendment.

Senator HUTTO spoke on the amendment.

Motion Adopted

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 10:00 A.M. tomorrow.

Motion Under Rule 15A

At 3:39 P.M., Senator THURMOND moved under the provisions of Rule 15A that the debate on the entire matter of S. 199 be brought to a close.

Call of the Senate

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

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Cleary	Coleman	Corbin
Courson	Cromer	Davis
Fair	Gregory	Hayes
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Lourie	Malloy	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rankin	Reese	Sabb
Scott	Setzler	Shealy

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Sheheen Thurmond Turner
Verdin Young

A quorum being present, the Senate resumed.

Senator LEATHERMAN moved that the Senate stand adjourned.

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

Ayes 23; Nays 20

AYES

Alexander	Allen	Bright
Bryant	Cleary	Fair
Hutto	Jackson	Johnson
Kimpson	Leatherman	Lourie
Malloy	<i>Martin, Larry</i>	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	Nicholson
Reese	Sabb	Scott
Setzler	Sheheen	

Total--23

NAYS

Bennett	Campbell	Coleman
Corbin	Courson	Cromer
Davis	Gregory	Grooms
Hayes	Hembree	<i>Martin, Shane</i>
Massey	Peeler	Rankin
Shealy	Thurmond	Turner
Verdin	Young	

Total--20

Having received the necessary vote, the Senate agreed to stand adjourned.

**LOCAL APPOINTMENT
Confirmation**

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

Reappointment, Lexington County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019
Scott D. Whittle, 4601 Fish Hatchery Rd., Gaston, SC 29053

MOTION ADOPTED

On motion of Senator CLEARY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Kay Leigh Loftus of Myrtle Beach, S.C. Kay managed Bar Harbor Motor Inn in Myrtle Beach with her husband Gary. She was a member of the Horry County School Board, the Myrtle Beach Area Hospitality Association, the Hotel-Motel Association and the Myrtle Beach Area Chamber. Kay enjoyed playing golf, water skiing and traveling. She was a loving wife and devoted mother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator JOHNSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. John Earl Lee of Olanta, S.C. John was the owner and President of Riverside Electric Motors, founder and former President of South Carolina Bluegrass Association, board member of Lynches River-Camp Branch Watershed, member of Lynches River Council and a member of Bethel Baptist Church. He was an avid fisherman who loved to fish from the pier at the beach. He was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 3:48 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 10:00 A.M.

* * *

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