

NO. 30

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2016

WEDNESDAY, MARCH 2, 2016

Wednesday, March 2, 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:

The prophet Isaiah cautions us, saying:

“All who make idols are nothing, and the things they treasure are worthless.” (Isaiah 44:9a)

Let us pray:

Loving God, Creator of all that is good, you doubtless take note of how easy it is for Your earthly children to follow the less meaningful, the cheap and tawdry ways of the world. Therefore, Lord, we call upon each of these leaders and their staff members to set a higher standard, to be always worthy examples for the people of South Carolina. May each Senator -- may all of us who labor in this Senate -- be focused on those things that actually matter and that can truly make life meaningful, as You desire us to do, O God. In Your wondrous name we pray, Lord. Amen.

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

Motion Adopted

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

Motion Adopted

On motion of Senator BRYANT, with unanimous consent, Senators REESE, MASSEY, WILLIAMS, BRIGHT and BRYANT were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Doctor of the Day

Senator HEMBREE introduced Dr. Covia Stanley of Conway, S.C., Doctor of the Day.

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Leave of Absence

At 10:50 A.M., Senator GROOMS requested a leave of absence for Senator CAMPSSEN for the day.

Leave of Absence

At 11:33 A.M., Senator CAMPBELL requested a leave of absence for Senator ALEXANDER until Noon.

Leave of Absence

At 11:34 A.M., Senator M.B. MATTHEWS requested a leave of absence for Senator KIMPSON until 2:00 P.M.

Leave of Absence

At 4:43 P.M., Senator THURMOND requested a leave of absence for the balance of the day.

Expression of Personal Interest

Senator M.B. MATTHEWS rose for an Expression of Personal Interest.

Remarks by Senator MARGIE BRIGHT MATTHEWS

My fellow Senators, I rise this morning to inform you that I have done what I promised I would do since being elected as a Senator. I have been here since January, and as instructed, I have used my ears twice as much as my mouth.

I have tried to learn the rules and have tried to learn and get to know my fellow brethren and sister. But unfortunately, I left this past weekend not understanding what had gone on. I learned a lot about statistics, but I also know the people in my district. I've lived in different places in South Carolina, so I know South Carolina pretty well.

I came to the South Carolina Senate with two agendas: fix the roads and do something about education. It wasn't a Democratic agenda nor a Republican agenda, but an agenda to do what is best for the citizens of South Carolina.

I don't know if a lot of you know this or not, but I am an attorney. When I began working as an attorney, I started out working for state government, defending cases for our State. I worked for the highway department where people had been injured on our state highways. I defended cases for our police officers and our school districts. That's how I started my career as an attorney, and I have learned a lot that I

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hope I can use during our deliberations and offer opinions on certain cases and situations that might come before us.

I opened my own personal injury and criminal defense practice and now I am faced with a lot of people who have been injured. I faced a parent whose child, while driving, dodged a pot hole and in the process, overcorrected, ran off the road and ended up dead. I had a case where a 22 year old boy left home on a sunny day in his raggedy Dodge pickup truck. He ran into a rut on a road that was so washed out you couldn't see the red clay dirt bottom. He, too, overcorrected trying to get out of the pot hole, hit a tree and is now paralyzed. Now here we are in this deliberative Body talking and worrying about pennies when people's lives are affected by this issue. This issue has been debated since last year with no real solutions.

Please think about Jasper, Hampton and Allendale counties and that most of the residents there have jobs in Senator DAVIS' district in Hilton Head. But they travel through 278 and Highways 17 and 170 to get there. I wonder if Senator DAVIS has talked to those people. Think about a mother of three, it takes her two and a half hours to get to work in North Charleston if there is a little rain, because the bridge is washed out. I know this is not what we want.

I feel as if I'm in a situation similar to when I was a little girl. I loved playing marbles when I was little. I am number nine in my family and I used to play marbles with a cousin who was number three in his family. He always had more marbles than us, and his were bright and shiny and if we didn't play according to his rules, he would grab his marbles up and say, "I'm going home." Is that what we're going to be like? That's what it seems like we are doing. We're being held hostage by a couple of people who, if they can't have everything their way, are going to take their marbles home.

Let's grow up. Let's start debating. Let's talk about what is important. Let's talk about the lives of people. Doesn't it make sense for you to pay a little bit more for gas so that those people coming into the State can ease the burden, or do you want the citizens that drive these roads every single day to have to worry about their children being killed or to have to worry about the expense for repairing their cars.

There has to be a way for us to do this without a one-size fits all or "I've got to have everything" solution. If you want to fix the roads, fix the roads. Let's worry about infrastructure later. Fix the roads, and the last time I checked, we don't have the majority, so why for two sessions are we still sitting here on this roads issue? Thank you.

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On motion of Senator JOHNSON, with unanimous consent, the remarks of Senator M.B. MATTHEWS were ordered printed in the Journal.

Expression of Personal Interest

Senator HEMBREE rose for an Expression of Personal Interest.

Objection

Senator HEMBREE asked unanimous consent to proceed to an immediate consideration of H. 3579.

Senator BRIGHT objected.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator MALLOY rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 719 Sen. Davis

S. 267 Sen. Campbell

RECALLED

H. 4296 -- Rep. Hardee: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES GRIER SWAMP ALONG HIGHWAY S-26-65 IN HORRY COUNTY "OSCAR CAUSEY MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THIS DESIGNATION.

Senator HEMBREE asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

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RECALLED AND ADOPTED

H. 3471 -- Reps. Yow, Lucas and Henegan: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN CHESTERFIELD COUNTY FROM ITS INTERSECTION WITH EAST CATO STREET TO AIRPORT ROAD "SCHP PATROLMAN H. M. SMITH MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

Senator SHEHEEN asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation.

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

There was no objection.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1138 -- Senator Sheheen: A BILL TO AMEND SECTION 38-53-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EDUCATION AND CONTINUING EDUCATION REQUIREMENTS FOR PROFESSIONAL BONDSMEN, SURETY BONDSMEN, AND RUNNERS, SO AS TO INCREASE THE NUMBER OF HOURS OF EDUCATION REQUIRED FOR LICENSURE AND FOR CONTINUING EDUCATION; AND TO AMEND SECTION 38-53-320, RELATING TO VISITING AND EXAMINING PROFESSIONAL BONDSMEN BY THE DEPARTMENT OF INSURANCE, SO AS TO SUBJECT SURETIES TO THESE VISITS AND EXAMINATIONS, AND TO REQUIRE BONDSMEN TO MAINTAIN A PROPERLY ZONED OFFICE IN THIS STATE THAT IS ACCESSIBLE TO THE GENERAL PUBLIC AND DEPARTMENT

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DURING NORMAL BUSINESS HOURS, AND TO REQUIRE THE BONDSMAN TO PROVIDE CERTAIN CONTACT INFORMATION.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 1139 -- Senator Allen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-85 SO AS TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION SHALL FURNISH TO THE SOUTH CAROLINA DEPARTMENT OF REVENUE DOCUMENTATION OF ALL CRIMINAL CONVICTIONS, GUILTY PLEAS, AND NOLO CONTENDERE PLEAS WHICH RESULT FROM EVENTS OCCURRING ON THE PREMISES OF BUSINESS ESTABLISHMENTS HOLDING LICENSES TO SELL BEER, WINE, OR LIQUOR.

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

S. 1140 -- Senators Fair, Hutto and Jackson: A BILL TO AMEND SECTION 16-17-420, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OFFENSES INVOLVING DISTURBING SCHOOLS, SO AS TO RESTRUCTURE THE OFFENSES TO PROVIDE A DELINEATED LIST OF THOSE ACTIONS WHICH INVOLVE DISTURBING SCHOOLS, TO REVISE THE PENALTY FOR A VIOLATION OF A DISTURBING SCHOOLS OFFENSE, AND TO PROVIDE AN EXCEPTION FOR SCHOOL-SPONSORED ATHLETIC EVENTS.

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

S. 1141 -- Senator Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 25, TITLE 16 SO AS TO ENACT THE "TEEN DATING VIOLENCE PREVENTION ACT", TO DEFINE NECESSARY TERMS, CREATE THE OFFENSE OF TEEN DATING VIOLENCE, PROVIDE A PENALTY, ALLOW VICTIMS TO SEEK ORDERS OF PROTECTION OR RESTRAINING ORDERS UNDER CERTAIN CIRCUMSTANCES, AND PROHIBIT A PERSON WHO VIOLATES THE PROVISIONS OF THE SECTION FROM PARTICIPATING IN

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A PRETRIAL INTERVENTION PROGRAM; TO AMEND SECTION 59-32-10, RELATING TO DEFINITIONS FOR PURPOSES OF THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO DEFINE THE TERM "TEEN DATING VIOLENCE"; AND TO AMEND SECTIONS 59-32-20, 59-32-30, BOTH AS AMENDED, AND 59-32-50, ALL RELATING TO THE REQUIREMENTS OF THE COMPREHENSIVE HEALTH EDUCATION ACT, ALL SO AS TO REQUIRE THE INCLUSION OF TEEN DATING VIOLENCE EDUCATION IN THE COMPREHENSIVE HEALTH EDUCATION CURRICULUM AND MAKE CONFORMING CHANGES.

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

S. 1142 -- Senator Cromer: A SENATE RESOLUTION TO PROCLAIM THE WEEK OF MARCH 6-12, 2016, AS "MEDICAL ASSISTANTS WEEK" AND TO RECOGNIZE THE VITAL AND VALUABLE WORK OF MEDICAL ASSISTANTS IN THE HEALTHCARE PROFESSION.

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The Senate Resolution was adopted.

H. 4413 -- Reprs. H. A. Crawford, Norrell, M. S. McLeod, Henegan, V. S. Moss, Hicks and King: A BILL TO AMEND SECTION 63-7-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCATIONS AT WHICH A PERSON MAY LEAVE AN INFANT UNDER CERTAIN CIRCUMSTANCES WITHOUT CRIMINAL PENALTY, SO AS TO REQUIRE SAFE HAVENS TO POST A NOTICE STATING THAT THE LOCATION IS A SAFE HAVEN, TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PREPARE THE NOTICE FOR USE BY SAFE HAVENS, TO ALLOW THE PLACEMENT OF AN INFANT NOT MORE THAN ONE YEAR OLD AT A SAFE HAVEN, AND TO CHANGE THE DEFINITION OF "INFANT".

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

H. 4946 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO NATURAL PUBLIC SWIMMING AREAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4570,

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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 Medical Affairs.

H. 5019 -- Reprs. Hart, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO COMMEND RIGHT DIRECTION CHURCH INTERNATIONAL OF COLUMBIA FOR TWO DECADES OF SERVICE TO THE PEOPLE OF SOUTH CAROLINA AND TO EXTEND WARMEST CONGRATULATIONS ON THE OCCASION OF THE CHURCH'S TWENTIETH ANNIVERSARY.

The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Senator CLEARY from the Committee on Invitations polled out S. 1058 favorable:

S. 1058 -- Senator Coleman: A SENATE RESOLUTION TO PROCLAIM TUESDAY, MARCH 22, 2016, AS "SC PROFESSIONAL LAND SURVEYORS DAY" IN SOUTH CAROLINA AND TO RECOGNIZE THE IMPORTANCE OF THE SERVICES PROVIDED BY THIS GROUP OF PROFESSIONALS.

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**Poll of the Invitations Committee
Polled 10; Ayes 10; Nays 0; Not Voting 1**

AYES

Cleary	Alexander	Reese
Verdin	Cromer	Malloy
Johnson	Kimpson	McElveen
Campbell		

Total--10

NAYS

Total--0

NOT VOTING

Campsen

Total--1

Ordered for consideration tomorrow.

Senator MALLOY from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3325 -- Reps. J.E. Smith, Hodges, Weeks, Whipper, Mitchell, Govan and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 61, TITLE 15 SO AS TO ENACT THE "UNIFORM PARTITION OF HEIRS' PROPERTY ACT"; TO DEFINE NECESSARY TERMS; TO PROVIDE FOR NOTICE BY PUBLICATION IN A PARTITION ACTION, TO PROVIDE PROCEDURES FOR A COURT TO FOLLOW IN DETERMINING THE VALUE OF THE PROPERTY AND FACTORS FOR A COURT TO CONSIDER FOR DIFFERENT TYPES OF PARTITIONS, TO PROVIDE FOR OPEN-MARKET SALES, SEALED BIDS, OR AUCTIONS, TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 61 AS ARTICLE 1; TO AMEND SECTION 15-61-10, RELATING TO PARTITION ACTIONS, SO AS TO PROVIDE FOR A COURT HEARING TO DETERMINE IF THE PARTITION ACTION CONCERNS HEIRS' PROPERTY; AND TO AMEND SECTION 15-61-100, RELATING

[SJ]

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TO WRITS OF PARTITION, SO AS TO DELETE OBSOLETE REFERENCES.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a majority favorable and Senator HUTTO a minority unfavorable report on:

H. 4548 -- Reps. Sandifer, Forrester, Toole, Bales, Chumley, Burns, Hardee, Allison, Tallon, Henderson, Clemmons, Sottile, Crosby, V.S. Moss, Jefferson, Yow, Duckworth, H.A. Crawford, Jordan, Fry, Herbkersman, Lowe, Goldfinch, Hixon, Norman, Hiott, Taylor, McCoy, D.C. Moss, Collins, Rutherford, Anderson, Kirby, Pitts, Corley, Ballentine, Hamilton, Finlay, Huggins, Ott, Govan, Riley, Willis, Thayer, Felder, Hicks, Simrill, G.A. Brown, Bedingfield, Stringer, Ryhal, King, Loftis, Hayes, Mack, Rivers, Ridgeway, Clary, Brannon, Atwater, Daning, Bannister, Anthony, McEachern, Mitchell, Erickson, Weeks, Knight, Cole, George, Horne, G.R. Smith, G.M. Smith, Williams, Limehouse, Pope, Gambrell, Alexander, Stavrinakis, Newton, White, Spires, R.L. Brown, Gilliard, Dillard and Gagnon: A BILL TO AMEND SECTION 37-2-307, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLOSING FEES ASSESSED ON MOTOR VEHICLES SALES CONTRACTS, SO AS TO PROVIDE A MOTOR VEHICLE DEALER WHO MEETS CERTAIN STATUTORY REQUIREMENTS MAY CHARGE A CLOSING FEE, TO ESTABLISH DEFENSES FOR A MOTOR VEHICLE DEALER, AND TO AUTHORIZE THE DEPARTMENT OF CONSUMER AFFAIRS TO ADMINISTER AND ENFORCE MOTOR VEHICLE DEALER CLOSING FEES.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Judiciary submitted a favorable report on:

H. 4666 -- Reps. Pope, Bales, Erickson, Clyburn, Hardee, Jefferson, M.S. McLeod, McKnight, Knight, Hicks, Bamberg, Hosey, Newton, Jordan, Tinkler, George, Gilliard, Mack, Limehouse, R.L. Brown, Hayes, Herbkersman, Norman, Ridgeway, Rivers, Whitmire, Henegan, Tallon, Mitchell, Whipper and W.J. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 25, TITLE 16 SO AS TO ENTITLE THE ARTICLE THE "DOMESTIC VIOLENCE FATALITY REVIEW

[SJ]

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COMMITTEES”, ESTABLISH THE DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES IN EACH CIRCUIT, PROVIDE APPROPRIATE PROTOCOLS WHICH MUST BE FOLLOWED BY THE COMMITTEES, PROVIDE FOR THE COMPOSITION OF THE COMMITTEES, PROVIDE FOR CONFIDENTIALITY OF CERTAIN INFORMATION BY THE COMMITTEES AND OTHER PERSONS, AND PROVIDE SUBPOENA AUTHORITY TO THE COMMITTEES UNDER CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Appointments Reported

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable report on:

Statewide Appointment

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2013, and to expire June 30, 2017

3rd Congressional District:

Lamont A. Flowers, 107 Shefwood Dr., Easley, SC 29642 *VICE*
Sherita M. Bolden

Received as information.

HOUSE CONCURRENCE

S. 1123 -- Senator Reese: A CONCURRENT RESOLUTION TO SALUTE THE CHESNEE HIGH SCHOOL COMPETITIVE CHEER TEAM, COACHES, AND SCHOOL OFFICIALS FOR A SUPERLATIVE SEASON AND TO HONOR THEM FOR WINNING THE CLASS AA STATE CHAMPIONSHIP TITLE.

Returned with concurrence.

Received as information.

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

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

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

[SJ]

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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.

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 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.

AMENDED, READ THE SECOND TIME

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.

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

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-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’. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

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Motion under Rule 26B

Senator HUTTO asked unanimous consent to make a motion to take up further amendments on third reading waiving the provisions of Rule 26B.

There was no objection.

The question then was second reading of the Bill.

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

Ayes 37; Nays 0

AYES

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

Total--37

NAYS

Total--0

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

Recorded Vote

Senator PEELER desired to be recorded as voting in favor of the second reading of the Bill.

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READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

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

Ayes 36; Nays 0

AYES

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

Total--36

NAYS

Total--0

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

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Recorded Vote

Senator PEELER desired to be recorded as voting in favor of the second reading of the Bill.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

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

The Senate proceeded to a consideration of the Bill.

The Committee on Corrections and Penology proposed the following amendment (GT\238C002.GT.CM16), which was adopted:

Amend the bill, as and if amended, Section 24-3-220, as contained in Section 1, pages 1 and 2, by deleting Section 24-3-220 and inserting:

/ SECTION 1. Article 1, Chapter 3, Title 24 of the 1976 Code is amended by adding:

“Section 24-3-220. (A) Notwithstanding another provision of law, when the parent or parent substitute, sibling, spouse, child, grandparent, or grandchild of an inmate becomes seriously ill to the point of imminent death or dies, and when the department has determined that there is no security risk, an inmate must be offered the choice to either attend the person's viewing, funeral service, or, prior to the person's death, visit the person in the hospital. The location of the funeral or hospital visit must be in South Carolina.

(B) The department must verify the person's relationship to the inmate and either the person's illness or death.

(C) The department shall provide the necessary security and transportation for the inmate. The department also may engage the services of the sheriff of the county in which the funeral service or hospital visit is located to provide the necessary security and

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transportation for the inmate. The department or sheriff may collect the actual cost for security and transportation. The charge may not exceed the actual expense incurred by the department or sheriff. This charge must be collected from a third party on behalf of the inmate or, if no third party pays, through a deduction from the inmate's trust account." /

and

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 39; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hembree	Hutto	Johnson
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	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.

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**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

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 a consideration of the Bill.

The Committee on Agriculture and Natural Resources proposed the following amendment (284R001.EB.DBV), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Section 39-25-180(H) of the 1976 Code is amended to read:

“Section 39-25-180. (H) Good manufacturing practice regulations and their amendments now or hereafter adopted pursuant to the authority of the federal Food, Drug, and Cosmetic Act are the good manufacturing regulations of this State. However, the commissioner may adopt a regulation that prescribes conditions under which good manufacturing processes may be used in this State whether or not in accordance with regulations promulgated pursuant to the federal act.

(1) The commissioner shall exclude qualified exempt human food facilities, as defined in the federal Food, Drug, and Cosmetic Act and its implementing regulations, from the requirements of subparts C and G of Title 21, Part 117 of the Code of Federal Regulations; such qualified exempt human food facilities will continue to be subject to all other applicable good manufacturing practice regulations enforced pursuant to this section.

(2) The commissioner shall exclude qualified exempt animal feed facilities, as defined in the federal Food, Drug, and Cosmetic Act and its implementing regulations, from the requirements of subparts C and E of Title 21, Part 500 of the Code of Federal Regulations; such qualified exempt animal feed facilities will be subject to all other applicable good manufacturing practice regulations enforced pursuant to this section.

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(3) In the event that a human food or animal feed facility loses its qualified exempt facility status under the federal Food, Drug, and Cosmetic Act, the commissioner shall enforce all applicable good manufacturing practice regulations to that facility.” /

Re-number sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The question being the second reading of the Bill.

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

Ayes 39; Nays 0

AYES

Allen	Bennett	Bright
Bryant	Campbell	Cleary
Corbin	Courson	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Johnson	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--39

NAYS

Total--0

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

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AMENDMENT PROPOSED, CARRIED OVER

S. 267 -- Senators Young, Campsen, Hembree, Bennett, Turner, Thurmond, Davis, Bright, Bryant, L. Martin, S. Martin, Hayes and Campbell: 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.

The Senate proceeded to consideration of the Bill.

Senators MASSEY and LEATHERMAN proposed the following amendment (JUD0267.006), which was proposed:

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

/ SECTION 1. Section 2-1-180 of the 1976 Code is amended to read:

“Section 2-1-180. The regular annual session of the General Assembly shall adjourn sine die each year not later than ~~5:00~~ five o’clock p.m. on the ~~first~~ second Thursday in ~~June~~ May. The regular annual session of the General Assembly can be extended:

(a) ~~In any year that~~ if the House of Representatives fails to give a third reading to the annual ~~General Appropriation Bill~~ general appropriations bill by March ~~thirty-first~~ first, the date of sine die adjournment is extended by one statewide day for each statewide day after March ~~thirty-first~~ first that the House of Representatives fails to give the bill third reading; or

(b) if a forecast reduction is submitted by the Board of Economic Advisors pursuant to Section 11-9-880 after April tenth for the next fiscal year, the adjournment date for the General Assembly may be extended up to two weeks with the agreement of the Speaker of the House and the President Pro Tempore of the Senate; or

(c) ~~The session also may also be extended by~~ if a concurrent resolution is adopted by a two-thirds vote of both the Senate and House

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of Representatives not later than 5:00 five o'clock p.m. on the first second Thursday in June May. During the time between 5:00 five o'clock p.m. on the first second Thursday in June May and the extended sine die adjournment date, as set forth herein, no legislation or other business may be considered except the ~~General Appropriation Bill~~ general appropriation bill and any matters approved for consideration by a concurrent resolution adopted by two-thirds vote in both houses.”

SECTION 2. Section 11-9-880(A) of the 1976 Code is amended to read:

“Section 11-9-880. (A) The Board of Economic Advisors shall make an initial forecast of economic conditions in the State and state revenues for the next fiscal year no later than November tenth of each year. Adjustments to the forecast must be considered on December tenth and ~~January tenth~~ February tenth. A final forecast for the next fiscal year must be made on April tenth. ~~A final forecast for the next fiscal year must be made on February fifteenth.~~ ~~The February fifteenth forecast may be adjusted monthly if the board determines that changing economic conditions have affected the February fifteenth forecast.~~ However, prior to June thirtieth, the board may reduce forecasts for the next fiscal year as it considers necessary. Before making or adjusting any forecast, the board must consult with outside economic experts with respect to national and South Carolina economic business conditions. All forecasts and adjusted forecasts must contain:

- (1) a brief description of the econometric model and all assumptions and basic decisions underlying the forecasts;
- (2) a projection of state revenues on a quarterly basis;
- (3) separate discussions of any industry which employs more than twenty percent of the state’s total nonagricultural employment and separate projections for these industries.”

SECTION 3. This act takes effect upon approval by the Governor and first applies for the next annual regular session of the General Assembly. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator MALLOY spoke on the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator JOHNSON spoke on the amendment.

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

CARRIED OVER

S. 868 -- Senators Young, Massey, Setzler and Nicholson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 58 SO AS TO PROVIDE PROCEDURES FOR THE EXERCISE OF EMINENT DOMAIN BY PIPELINE COMPANIES, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE CERTAIN RELATED CERTIFICATION OR PERMITTING FUNCTIONS AT THE PUBLIC SERVICE COMMISSION AND THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO PROVIDE PROPERTY OWNER RIGHTS AND A CAUSE OF ACTION FOR DAMAGES SUSTAINED BY CERTAIN ADJACENT PROPERTY OF THE OWNER OF PROPERTY CONDEMNED UNDER THE PROVISIONS OF THIS ACT; AND TO DESIGNATE THE EXISTING PROVISIONS IN THE CHAPTER AS ARTICLE 1 ENTITLED "GAS AND WATER COMPANIES".

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.

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

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EXTEND THE GOVERNOR'S AUTHORITY UNTIL FURTHER ACTION BY THE GENERAL ASSEMBLY TO THE CONTRARY.

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

Committee to Escort

The PRESIDENT appointed Senators COURSON, PEELER, HAYES, SCOTT and McELVEEN and Representatives Daning, Williams, Burns, Willis and Henegan to escort the Honorable Dale Barnett, National Commander of the American Legion, and members of his party to the House of Representatives for the Joint Assembly.

RECESS

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

Address by the National Commander of the American Legion

The PRESIDENT of the Senate announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses, S. 927.

The Honorable Dale Barnett and members of his party were escorted to the rostrum by Senators COURSON, PEELER, HAYES, SCOTT and McELVEEN and Representatives Daning, Williams, Burns, Willis and

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Henegan. The PRESIDENT of the Senate introduced the Honorable Dale Barnett, National Commander of the American Legion.

Commander Barnett addressed the Joint Assembly.

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 2:04 P.M. and was called to order by the PRESIDENT.

Motion Adopted

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

Point of Quorum

At 2:06 P.M., Senator SHANE MARTIN 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	Bright	Bryant
Cleary	Cromer	Davis
Fair	Grooms	Hutto
Johnson	Kimpson	Leatherman
Lourie	Malloy	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	McElveen
Nicholson	Peeler	Sabb
Setzler	Thurmond	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

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Motion Adopted

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

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator HAYES explained the Resolution.

The question being the second reading of the Resolution.

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

Ayes 31; Nays 0

AYES

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

Total--31

NAYS

Total--0

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

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator HAYES explained the Resolution.

The question being the second reading of the Resolution.

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

Ayes 31; Nays 0

AYES

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

Total--31

NAYS

Total--0

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

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator HAYES explained the Resolution.

The question being the second reading of the Resolution.

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

Ayes 31; Nays 0

AYES

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

Total--31

NAYS

Total--0

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

READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator HAYES explained the Resolution.

The question being the second reading of the Resolution.

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

Ayes 31; Nays 0

AYES

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

Total--31

NAYS

Total--0

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

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READ THE SECOND TIME

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.

The Senate proceeded to a consideration of the Resolution.

Senator HAYES explained the Resolution.

The question being the second reading of the Resolution.

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

Ayes 31; Nays 0

AYES

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

Total--31

NAYS

Total--0

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

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

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (AGM\3265C002.AGM.AB16), which was adopted:

Amend the bill, as and if amended, Section 59-32-30(A), as contained in SECTION 1, by deleting the SECTION in its entirety and inserting:

/ SECTION 1. Section 59-32-30(A) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“() At least one time during the entire four years of grades nine through twelve, each student shall receive instruction in cardiopulmonary resuscitation (CPR), which must include, but not be limited to, hands-only CPR and must include awareness in the use of an automated external defibrillator (AED). Each school district shall use a program that incorporates the instruction of the psychomotor skills necessary to perform CPR developed by the American Heart Association, the American Red Cross, or an instructional program that is nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for CPR and awareness in the use of AEDs; provided, however, virtual schools may administer the instruction virtually and are exempt from any in-person instruction requirements of this item. Local school districts shall coordinate with entities that have the experience and necessary equipment for the instruction of CPR and awareness in the use of AEDs. A school district must adopt a policy providing a waiver for this requirement for a student absent on the day the instruction occurred, a

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student with a disability whose individualized education program indicates such student is unable to complete all or a portion of the hands-only CPR requirement, or a student whose parent or guardian completes, in writing, a form approved by the school district opting out of hands-only CPR instruction and AED awareness. The State Board of Education shall incorporate CPR training and AED awareness into the South Carolina Health and Safety Education Curriculum Standards and promulgate regulations to implement this section.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

Senator SHANE MARTIN proposed the following amendment (3265R001.DR.SRM), which was carried over:

Amend the bill, as and if amended, page 2, by striking line 9 and inserting:

/promulgate regulations to implement this section. A local school board is not required to implement the provisions contained in this section until funds are appropriated for the purpose of instructing students in CPR.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

Senator SHANE MARTIN moved to carry over the amendment.

The amendment was carried over.

Senator MALLOY proposed the following amendment (3265R002.EB.GM), which was adopted:

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

/ SECTION (___). This act may be referred to and cited as “Ronald Rouse’s Law”. /

Renumber sections to conform.

Amend title to conform.

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Senator MALLOY explained the amendment.

The question being the second reading of the Bill.

Motion under Rule 26B

Senator HUTTO asked unanimous consent to make a motion to take up further amendments on third reading waving the provisions of Rule 26B.

There was no objection.

On motion of Senator HUTTO, with unanimous consent, the Bill was read the second time, carrying over all amendments, passed and ordered to a third reading.

READ THE SECOND TIME

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 TO DEFINE THE TERM "NONPROFIT YOUTH SPORTS ORGANIZATION".

The Senate proceeded to a consideration of the Bill.

Senator BRYANT explained the Bill.

The question being the second reading of the Bill.

[SJ]

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

Ayes 39; Nays 0

AYES

Alexander	Bennett	Bright
Bryant	Campbell	Cleary
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	Thurmond	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

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

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 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

[SJ]

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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.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (AGM\4639C001.AGM.AB16), which was adopted:

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

/ SECTION 1. Chapter 103, Title 59 of the 1976 Code is amended by adding:

“Section 59-103-17. (A) The Commission on Higher Education may enter into interstate reciprocity agreements, including, but not limited to, the State Authorization Reciprocity Agreement, that authorize accredited degree-granting institutions of higher education that offer postsecondary distance education to do so through such reciprocity agreements. The commission shall administer these agreements and shall approve or disapprove participation in these agreements by accredited degree-granting institutions of higher education in this State. The commission may assume and exercise all powers, duties, and responsibilities associated with and required under the terms of an interstate reciprocity agreement.

(B) The commission may develop policies, procedures, or regulations necessary for the implementation of this section, including the establishment of fees to be paid by participating institutions to cover direct and indirect administrative costs incurred by the commission. Participation in interstate reciprocity agreements shall be voluntary to eligible institutions of higher education in this State.

(C) Nothing in this section may be construed to prohibit institutions of higher education in this State that do not participate in any interstate

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reciprocity agreement entered into by the commission from offering postsecondary distance education.

(D) Nothing in this section may be construed to prohibit or reduce the commission's authority over 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."

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

Senator SETZLER explained the Bill.

The question being the second reading of the Bill.

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

Ayes 42; Nays 0

AYES

Alexander	Bennett	Bright
Bryant	Campbell	Cleary
Corbin	Courson	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Lourie
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--42

NAYS

Total--0

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

CARRIED OVER

S. 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

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FUNDS AND TRUST ACCOUNTS, RECORDKEEPING, AND THE 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. 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.

Senator MASSEY explained the Resolution.

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

S. 1129 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE

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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.

Senator MASSEY explained the Resolution.

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

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.

Senator MASSEY explained the Resolution.

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

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.

Senator MASSEY explained the Resolution.

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

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

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NUMBER 4617, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY explained the Resolution.

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

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.

Senator MASSEY explained the Resolution.

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

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

MOTION ADOPTED

At 2:35 P.M., on motion of Senator CROMER, 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",

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AND TO PROVIDE PENALTIES FOR THESE OFFENSES; TO AMEND SECTION 56-1-720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, TO PROVIDE THAT "ENDANGERMENT OF A HIGHWAY WORKER" VIOLATIONS RANGE BETWEEN TWO AND SIX POINTS; AND TO REPEAL SECTION 56-5-1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

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

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDMENT PROPOSED, 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

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

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

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

Amendment No. P1

Senators LOURIE and HUTTO proposed the following amendment (3579R007.KM.JL), which was carried over:

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

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

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

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

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

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

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

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

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

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

Re-number sections to conform.

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Amend title to conform.

Senator BRIGHT spoke on the amendment.

Senator BRYANT spoke on the amendment.

Objection

Senator LOURIE asked unanimous consent to withdraw Amendment No. P1.

Senator DAVIS objected.

Senator BRYANT spoke on the amendment.

Motion Under Rule 15A Failed

At 4:42 P.M., Senator THURMOND moved under the provisions of Rule 15A that the debate on the entire matter of H. 3579 be brought to a close.

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

Ayes 6; Nays 35

AYES

Bennett	Campbell	Cleary
Hembree	Lourie	Thurmond

Total--6

NAYS

Alexander	Allen	Bright
Bryant	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hutto	Jackson	Johnson
Kimpson	Leatherman	<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	Turner
Verdin	Young	

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Total--35

Having failed to receive the necessary vote, the motion failed.

Senator BRYANT resumed speaking on the amendment.

Point of Quorum

At 5:26 P.M., Senator BRIGHT made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator BRYANT resumed speaking on the amendment.

Objection

Senator LEATHERMAN asked unanimous consent to make a motion that the Senate stand adjourned.

Senator PEELER objected.

Objection

Senator BRYANT asked unanimous consent to make a motion that the Senate stand adjourned with Senator BRYANT retaining the floor on H. 3579.

Senator MASSEY objected.

Senator BRYANT moved that the Senate stand adjourned.

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

Ayes 12; Nays 27

AYES

Allen	Hutto	Jackson
Johnson	Kimpson	Malloy
<i>Matthews, John</i>	<i>Matthews, Margie</i>	Nicholson
Reese	Sabb	Sheheen

Total--12

NAYS

Alexander	Bennett	Bright
Bryant	Campbell	Corbin

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Courson	Cromer	Davis
Fair	Gregory	Grooms
Hayes	Hembree	Leatherman
Lourie	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	McElveen	Peeler
Scott	Setzler	Shealy
Turner	Verdin	Young

Total--27

Having failed to receive the necessary votes, the Senate refused to stand adjourned.

Senator GROOMS moved to carry over Amendment No. P1.

Senator LEATHERMAN moved to table the motion to carry over Amendment P1.

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

Ayes 0; Nays 36

AYES

Total--0

NAYS

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

Total--36

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Having failed to receive the necessary votes, the Senate refused to table the motion to carry over Amendment No. P1.

Senator GROOMS moved to carry over Amendment No. P1

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

Ayes 36; Nays 4

AYES

Alexander	Bennett	Bright
Bryant	Campbell	Cleary
Corbin	Courson	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Lourie
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Scott	Setzler	Shealy
Turner	Verdin	Young

Total--36

NAYS

Allen	Reese	Sabb
Sheheen		

Total--4

The amendment was carried over.

Amendment No. P4C

Senators GROOMS, HAYES, PEELER, BRIGHT, BRYANT, CAMPBELL, CORBIN, COURSON, CROMER, DAVIS, FAIR, GREGORY, L. MARTIN, SHEALY, S. MARTIN, THURMOND, TURNER and VERDIN proposed the following amendment (3579R063.EB.LKG), which was ruled out of order:

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Amend the committee amendment, as and if amended, by striking SECTIONS 1 through 8 and inserting:

SECTION 1. A. Article 3, Chapter 1, Title 57 of the 1976 Code is amended to read:

“Section 57-1-310. (A) The congressional districts of this State are constituted and created Department of Transportation Districts ~~of the State~~, designated by numbers corresponding to the numbers of the respective congressional districts. ~~The~~ There is established the Commission of the Department of Transportation which shall be composed of one member appointed by the Governor from each transportation district ~~elected by the delegations of the congressional district~~ and one member appointed by the Governor from the State at large. The Governor’s at-large appointment shall serve as chair of the Commission. The Governor’s appointments are subject to the advice and consent of the Senate. from the State at large. Such elections or appointment, as the case may be, In making appointments to the commission, the Governor shall take into account race, and gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment ~~or in an election~~ in no way creates a cause of action or basis for an employee grievance for a person appointed ~~or elected~~ or for a person who fails to be appointed.

~~(B)(1) Candidates for election to the commission must be screened by the Joint Transportation Review Committee, as provided in Article 7 of this chapter, and determined to meet the qualifications contained in subsection (C) in order to be eligible for election.~~

~~(2) The at large appointment made by the Governor must be transmitted to the Joint Transportation Review Committee. The Joint Transportation Review Committee must determine whether the at large appointee meets the qualifications in subsection (C) and report its findings to the General Assembly and the Governor. Until the Joint Transportation Review Committee finds a gubernatorial appointee qualified, the appointee must not take the oath of office and the full rights and privileges and powers of the office shall not vest.~~

~~(C) The qualifications that each commission member must possess, include, but are not limited to:~~

~~(1) a baccalaureate or more advanced degree from:~~

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~~(a) a recognized institution of higher learning requiring face-to-face contact between its students and instructors prior to completion of the academic program;~~

~~(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or~~

~~(c) an institution of higher learning chartered before 1962; or~~

~~(2) a background of at least five years in any combination of the following fields of expertise:~~

~~(a) transportation;~~

~~(b) construction;~~

~~(c) finance;~~

~~(d) law;~~

~~(e) environmental issues;~~

~~(f) management; or~~

~~(g) engineering.~~

~~(D) No member of the General Assembly or member of his immediate family shall be elected or appointed to the commission while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be elected or appointed to the commission for a period of four years after the member either:~~

~~(1) ceases to be a member of the General Assembly; or~~

~~(2) fails to file for election to the General Assembly in accordance with Section 7-11-15.~~

~~Section 57-1-320. (A) A county that is divided among two or more Department of Transportation districts, for purposes of electing a commission member, is deemed to be considered in the district which contains the largest number of residents from that county.~~

~~(B) No county within a Department of Transportation district shall have a resident commission member for more than one consecutive term and in no event shall any two persons from the same county serve as a commission member simultaneously except as provided hereinafter.~~

~~Section 57-1-325. Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected~~

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commissioner who fails to receive a majority vote of the members of the delegation.

~~The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt such rules as they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue to the person, after he has taken the usual oath of office, a certificate of election as commissioner. The Governor shall then issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his office as commissioner. Each commissioner shall serve until his successor is elected and qualified.~~

Section 57-1-330. (A) ~~For the purposes of electing a commission member, a legislator shall vote only in the congressional district in which he resides. All commission members~~ Commissioners ~~are elected appointed~~ to a term of office of four years which expires on ~~February fifteenth~~ December 31 of the appropriate year. Commissioners shall continue to serve until their successors are ~~elected~~ appointed and confirmed ~~and qualify~~, provided that a commissioner may only serve in a hold-over capacity for a period not to exceed ~~six~~ five months. Any vacancy occurring in the office of commissioner shall be filled by ~~election or~~ appointment in the manner provided in this article for the unexpired term only. No person is eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by an elected commission member to maintain residency in the district for which he is elected shall result in the forfeiture of his office.

~~(B) The at-large commission member shall serve at the pleasure of the Governor. The at-large commission member may be appointed from any county in the State unless another commission member is serving from that county. Failure by the at-large commission member to maintain residence in the State shall result in a forfeiture of his office.~~

~~(C) All elected commission members may be removed from office as provided in Section 1-3-240(C)(1).~~

Section 57-1-340. Each commission member, within thirty days after his ~~election or~~ appointment, and before entering upon the discharge of the duties of his office, shall take, subscribe, and file with the Secretary of State the oath of office prescribed by the Constitution of the State.”

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B. Members of the Department of Transportation Commission serving on the effective date of this act may continue to serve on the commission until his term expires. A commissioner who represents a transportation district serving on the effective date of this act shall be eligible to serve as the gubernatorial appointee to the commission for a full term as provided in this act.

SECTION 2. Section 57-1-410 of the 1976 Code is amended to read:

~~“Section 57-1-410. The Governor shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at the pleasure of the Governor. The board, after consultation with and approval by the Governor, shall appoint a Secretary of Transportation. Upon appointment, the board must submit the name of its appointee to the Senate for the Senate’s advice and consent.~~ A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8-11-160 and for which funds have been authorized in the general appropriations act.”

SECTION 3. Section 11-43-150 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“(C). All decisions of the board of directors are not final until they have been submitted to the Department of Transportation Commission for consideration. The Department of Transportation Commission can approve or reject the board of directors’ decision, or request additional information from the board of directors. Each decision of the board of directors must receive approval from the Department of Transportation Commission before the Bank can authorize an activity.”

SECTION 4. Article 1, Chapter 1, Title 57 of the 1976 Code is amended by adding:

“Section 57-1-100. (A). The General Assembly, in the annual general appropriations act, shall appropriate out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, \$400 million to the State Highway Fund.

(B) This appropriation must be contained in the Ways and Means Committee report on the general appropriations bill, the general appropriations bill at the time of third reading in the House of Representatives, the Senate Finance Committee report on the general appropriations bill, the general appropriations bill at the time of a third reading in the Senate, and in any conference report on the general appropriations bill.”

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SECTION 5. Article 7, Chapter 1, Title 57 of the 1976 Code is repealed. /

Renumber sections to conform.
Amend title to conform.

Senator GROOMS spoke on the perfecting amendment.

Point of Order

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator GROOMS spoke on the Point of Order.
Senator LOURIE spoke on the Point of Order.
Senator SETZLER spoke on the Point of Order.
Senator JACKSON spoke on the Point of Order.

The PRESIDENT took the Point of Order under advisement.

Senator GROOMS spoke on the perfecting amendment.

Decision of the PRESIDENT

The PRESIDENT sustained the Point of Order.

The amendment was ruled out of order.

Motion Failed

Senator MALLOY moved that the Senate stand adjourned.

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

Ayes 13; Nays 24

AYES

Allen	Hutto	Jackson
Johnson	Kimpson	<i>Matthews, John</i>
<i>Matthews, Margie</i>	Nicholson	Reese
Sabb	Scott	Setzler
Sheheen		

Total--13

NAYS

[SJ]

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WEDNESDAY, MARCH 2, 2016

Alexander	Bennett	Bright
Bryant	Campbell	Cleary
Corbin	Courson	Cromer
Fair	Gregory	Grooms
Hayes	Hembree	Leatherman
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
McElveen	Peeler	Shealy
Turner	Verdin	Young

Total--24

Having failed to receive the necessary votes, the Senate refused to stand adjourned.

Amendment No. P5

Senator HUTTO proposed the following amendment (P1SFC3579):

Amend the committee amendment, as and if amended, page [3579-6], by striking lines 33-34 and inserting:

/ SECTION 7. Any revenues raised pursuant to this act shall not be used to hire additional personnel or for administrative costs. /

Re-number sections to conform.

Amend title to conform.

Motion Under Rule 15A Adopted

At 6:38 P.M., Senator CROMER moved under the provisions of Rule 15A that the debate on the entire matter of S. 3579 be brought to a close.

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

Ayes 24; Nays 16

AYES

Alexander	Bennett	Bright
Bryant	Campbell	Cleary
Corbin	Courson	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Leatherman	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Peeler	Shealy
Turner	Verdin	Young

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Total--24

NAYS

Allen	Hutto	Jackson
Johnson	Kimpson	Lourie
Malloy	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	Nicholson	Reese
Sabb	Scott	Setzler
Sheheen		

Total--16

Having received the necessary vote, the motion under Rule 15A was adopted.

Expression of Personal Interest

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

Objection

Senator JACKSON asked unanimous consent for an Expression of Personal Interest.

Senator DAVIS objected.

Senator HUTTO spoke in favor of Amendment P5.

Senator SCOTT spoke in opposition to Amendment P5.

Senator SCOTT moved that the Senate stand adjourned.

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

Ayes 6; Nays 31

AYES

Allen	Hutto	Lourie
<i>Matthews, Margie</i>	Sabb	Scott

Total--6

NAYS

Alexander	Bennett	Bright
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[SJ]

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Bryant	Campbell	Corbin
Courson	Cromer	Davis
Fair	Gregory	Grooms
Hayes	Hembree	Jackson
Kimpson	Malloy	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	<i>Matthews, John</i>
McElveen	Nicholson	Peeler
Rankin	Setzler	Shealy
Sheheen	Turner	Verdin
Young		

Total--31

Having failed to receive the necessary votes, the Senate refused to stand adjourned.

Senator JOHNSON spoke in opposition to Amendment P5.

Motion Failed

Senator JOHNSON moved that the Senate stand in recess until 9:30 P.M.

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

Ayes 10; Nays 27

AYES

Allen	Johnson	Kimpson
Lourie	Malloy	<i>Matthews, John</i>
<i>Matthews, Margie</i>	Nicholson	Sabb
Sheheen		

Total--10

NAYS

Alexander	Bennett	Bright
Bryant	Campbell	Corbin
Courson	Cromer	Davis
Fair	Gregory	Hayes
Hembree	Hutto	Jackson
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey

[SJ]

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McElveen	Peeler	Rankin
Scott	Setzler	Shealy
Turner	Verdin	Young

Total--27

The Senate refused to recede.

Motion Failed

Senator SETZLER moved that the Senate stand adjourned.

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

Ayes 4; Nays 35

AYES

Kimpson	Lourie	Nicholson
Setzler		

Total--4

NAYS

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Corbin	Courson	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Jackson	Johnson
Leatherman	Malloy	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	Peeler
Rankin	Sabb	Scott
Shealy	Sheheen	Turner
Verdin	Young	

Total--35

Having failed to receive the necessary votes, the Senate refused to stand adjourned.

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Having voted on the prevailing side, Senator JACKSON moved to reconsider the vote on the motion to adjourn.

Point of Order

Senator MASSEY raised a Point of Order that the motion was out of order.

The PRESIDENT sustained the Point of Order.

Appeal of the Ruling by the PRESIDENT

Senator HUTTO appealed the Ruling by the PRESIDENT.

ACTING PRESIDENT PRESIDES

At 7:21 P.M., Senator CROMER, assumed the Chair.

The question then was, "Shall the Ruling by the PRESIDENT be overridden?"

The ACTING PRESIDENT stated that Rule 7 provided for debate of fifteen minutes each for proponents and opponents.

Senator HUTTO spoke in favor of overriding the Ruling by the PRESIDENT.

Senator MALLOY spoke contra to overriding the Ruling by the PRESIDENT.

Point of Quorum

At 7:47 P.M., Senator SCOTT made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

Senator MALLOY resumed speaking contra to overriding the Ruling by the PRESIDENT.

RECESS

At 8:05 P.M., on motion of Senator PEELER, the Senate recessed from business.

At 9:19 P.M., the Senate resumed.

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Motion Adopted

On motion of Senator SETZLER, with unanimous consent, the Senate agreed to proceed to Amendment No. 31A, allowing it to be considered a working document, with all members reserving the right to offer amendments without regard to question of degree or the limitation on perfecting amendments.

Amendment No. 31A

Senators S. MARTIN, GROOMS, HAYES, PEELER, BRIGHT, BRYANT, CAMPBELL, CORBIN, COURSON, CROMER, DAVIS, FAIR, GREGORY, L. MARTIN, SHEALY, THURMOND, TURNER, VERDIN, MASSEY, YOUNG, ALEXANDER and BENNETT proposed the following amendment (3579R067.EB.LKG):

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

SECTION 1. A. Article 3, Chapter 1, Title 57 of the 1976 Code is amended to read:

“Section 57-1-310. (A) The congressional districts of this State are constituted and created Department of Transportation Districts ~~of the State~~, designated by numbers corresponding to the numbers of the respective congressional districts. ~~The~~ There is established the Commission of the Department of Transportation which shall be composed of one member appointed by the Governor from each transportation district elected by the delegations of the congressional district and one member appointed by the Governor from the State at large. The Governor’s at large appointment shall serve as chair of the Commission. The Governor’s appointments are subject to the advice and consent of the Senate. from the State at large. Such elections or appointment, as the case may be, In making appointments to the commission, the Governor shall take into account race, and gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment or in an election in no way creates a cause of action or basis for an employee grievance for a person appointed or elected or for a person who fails to be appointed.

~~(B)(1) Candidates for election to the commission must be screened by the Joint Transportation Review Committee, as provided in Article 7 of this chapter, and determined to meet the qualifications contained in subsection (C) in order to be eligible for election.~~

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~~(2) The at large appointment made by the Governor must be transmitted to the Joint Transportation Review Committee. The Joint Transportation Review Committee must determine whether the at large appointee meets the qualifications in subsection (C) and report its findings to the General Assembly and the Governor. Until the Joint Transportation Review Committee finds a gubernatorial appointee qualified, the appointee must not take the oath of office and the full rights and privileges and powers of the office shall not vest.~~

~~(C) The qualifications that each commission member must possess, include, but are not limited to:~~

~~(1) a baccalaureate or more advanced degree from:~~

~~(a) a recognized institution of higher learning requiring face to face contact between its students and instructors prior to completion of the academic program;~~

~~(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or~~

~~(c) an institution of higher learning chartered before 1962; or~~

~~(2) a background of at least five years in any combination of the following fields of expertise:~~

~~(a) transportation;~~

~~(b) construction;~~

~~(c) finance;~~

~~(d) law;~~

~~(e) environmental issues;~~

~~(f) management; or~~

~~(g) engineering.~~

~~(D) No member of the General Assembly or member of his immediate family shall be elected or appointed to the commission while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be elected or appointed to the commission for a period of four years after the member either:~~

~~(1) ceases to be a member of the General Assembly; or~~

~~(2) fails to file for election to the General Assembly in accordance with Section 7-11-15.~~

~~Section 57-1-320. (A) A county that is divided among two or more Department of Transportation districts, for purposes of electing a commission member, is deemed to be considered in the district which contains the largest number of residents from that county.~~

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~~(B) No county within a Department of Transportation district shall have a resident commission member for more than one consecutive term and in no event shall any two persons from the same county serve as a commission member simultaneously except as provided hereinafter.~~

~~Section 57-1-325. Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.~~

~~The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt such rules as they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue to the person, after he has taken the usual oath of office, a certificate of election as commissioner. The Governor shall then issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his office as commissioner. Each commissioner shall serve until his successor is elected and qualified.~~

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~~(B) The at-large commission member shall serve at the pleasure of the Governor.~~ The at-large commission member may be appointed from any county in the State ~~unless another commission member is serving from that county.~~ Failure by the at-large commission member to maintain residence in the State shall result in a forfeiture of his office.

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SECTION 2. Section 57-1-410 of the 1976 Code is amended to read:

~~“Section 57-1-410. The Governor shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at the pleasure of the Governor~~ The commission, after consultation with and approval by the Governor, shall appoint a Secretary of Transportation. Upon appointment, the commission must submit the name of its appointee to the Senate for the Senate’s advice and consent.

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~~(C).~~ All decisions of the board of directors are not final until they have been submitted to the Department of Transportation Commission for consideration. The Department of Transportation Commission can approve or reject the board of directors’ decision, or request additional information from the board of directors. Each decision of the board of directors must receive approval from the Department of Transportation Commission before the Bank can authorize an activity.”

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“Section 57-1-100. (A). The General Assembly, in the annual general appropriations act, shall appropriate out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, \$400 million to the State Highway Fund.

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SECTION 5. Article 7, Chapter 1, Title 57 of the 1976 Code is repealed.

SECTION 6. This act takes effect upon approval by the Governor./

Renumber sections to conform.

Amend title to conform.

Debate was interrupted by adjournment.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator LOURIE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Jane Wilson of Columbia, S.C. Jane worked in the South Carolina House of Representatives on various committees as well as the President *Pro Tempore* and Lt. Governor's office. She was awarded the Order of the Palmetto, was a fundraiser for the South Carolina Democratic Party and retired after a successful lobbying career. Jane was a loving mother and doting grandmother who will be dearly missed.

ADJOURNMENT

At 9:26 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 10:00 A.M.

* * *

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