

NO. 33

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2016

TUESDAY, MARCH 8, 2016

Tuesday, March 8, 2016
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, 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:

Isaiah speaks hopefully of the future, saying:

“The desert and the parched earth will be glad; the wilderness will rejoice and blossom. Like the crocus, it will burst into bloom.”

(Isaiah 35:1-2a)

Join me as we bow in prayer, please:

Holy God, we find ourselves surrounded by evidence of change: blossoms are appearing on our azaleas, red bud trees are in bloom around this State House and daffodils brighten the landscape. We’re not done with the chill and gloom of winter. We know that. But hope springs within our hearts as gentler days approach. So are we equally hopeful, Lord -- here in this place, in this Senate Chamber. Guide these Senators as they labor to move South Carolina ever closer to that time when all of our women, men and children can find reason to “rejoice and blossom,” as it were. In Your wondrous name we pray, O Lord. Amen.

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

MESSAGE FROM THE GOVERNOR

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

Local Appointments

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

Jeffrey Dean Bailey, 703 Mt. Tabor Church Rd., Union, SC 29379

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

Harold Whitney Smith, 174 Tom Kelly Circle, Carlisle, SC 29031

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

Arthur Taylor Sprouse, Jr., P.O. Box 310, Pauline, SC 29374

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

Jimmy Dean Crocker, 386 Bently Town Road, Union, SC 29379

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

Toney L. Farr, Sr., 710 Howell Rd., Jonesville, SC 29353

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 4615

Agency: Department of Health and Environmental Control

Chapter: 30

Statutory Authority: 1976 Code Sections 48-39-10 et seq.

SUBJECT: Coastal Division Regulations

Received by Lieutenant Governor January 22, 2016

Referred to Agriculture and Natural Resources Committee

Withdrawn and Resubmitted March 8, 2016

Doctor of the Day

Senator McELVEEN introduced Dr. Christopher Yeakel of Elgin, S.C., Doctor of the Day.

Leave of Absence

At 1:51 P.M., Senator ALLEN requested a leave of absence for Senator SABB until 3:00 P.M.

Leave of Absence

At 3:14 P.M., Senator MALLOY requested a leave of absence for Wednesday, March 9, 2016, and Thursday, March 10, 2016.

CO-SPONSORS ADDED

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

S. 863 Sen. Jackson

S. 1111 Sen. Grooms

S. 1134 Sen. Larry Martin

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1146 -- Senator Malloy: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE HARTSVILLE NORTHERN COACH PITCH ALL STAR BASEBALL TEAM AND COACHES FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2015 DIXIE YOUTH AA WORLD SERIES TITLE.

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The Senate Resolution was adopted.

S. 1147 -- Senator Malloy: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE HARTSVILLE NORTHERN MAJORS ALL STAR BASEBALL TEAM AND COACHES FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2015 DIXIE YOUTH WORLD SERIES TITLE.

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The Senate Resolution was adopted.

S. 1148 -- Senator Hayes: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LIEUTENANT COLONEL WESLEY FRANKLIN WALKER OF THE SOUTH CAROLINA ARMY NATIONAL GUARD (RETIRED) FOR HIS MANY YEARS OF DISTINGUISHED SERVICE TO OUR STATE AND NATION AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS AND FULFILLMENT IN THE YEARS TO COME.

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The Senate Resolution was adopted.

S. 1149 -- Senators Leatherman and Williams: A SENATE RESOLUTION TO CONGRATULATE MRS. LOUISE JOHNSON OF EFFINGHAM ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MUCH HAPPINESS IN THE DAYS AHEAD.

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The Senate Resolution was adopted.

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S. 1150 -- Senator Shealy: A SENATE RESOLUTION TO APPLAUD THE GIRL SCOUT ORGANIZATION AND ALL OF ITS GOLD AWARD RECIPIENTS WHO HAVE MADE MEANINGFUL AND SUSTAINABLE CHANGE IN THEIR COMMUNITIES AND AROUND THE WORLD OVER THE LAST ONE HUNDRED YEARS.

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The Senate Resolution was adopted.

S. 1151 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE THE SOUTH CAROLINA 4-H HORSE PROGRAM HORSE BOWL TEAM, ADVISORS AND 4-H OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2015 NATIONAL CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 1152 -- Senator Fair: A SENATE RESOLUTION TO RECOGNIZE AND HONOR SUSAN WILLIAMSON DEVENNY, DIRECTOR OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, ON THE OCCASION OF HER DEPARTURE FROM THE AGENCY, TO THANK HER FOR HER MANY YEARS OF OUTSTANDING AND DEDICATED SERVICE TO THE CHILDREN AND FAMILIES OF SOUTH CAROLINA, AND TO WISH HER MUCH SUCCESS AND FULFILLMENT IN HER NEW ROLE AS PRESIDENT OF LANCASTER'S J. MARION SIMS FOUNDATION.

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The Senate Resolution was adopted.

S. 1153 -- Senator Setzler: A SENATE RESOLUTION TO CONGRATULATE CHIEF CHARLES E. MCNAIR, DIRECTOR OF THE CAYCE DEPARTMENT OF PUBLIC SAFETY, ON THE OCCASION OF HIS RETIREMENT, TO EXTEND DEEP APPRECIATION FOR HIS MANY YEARS OF SERVICE, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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The Senate Resolution was adopted.

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S. 1154 -- Senator Nicholson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR ARTHUR RANDALL VAUGHN, ASSISTANT SUPERINTENDENT FOR HUMAN RESOURCES WITH GREENWOOD SCHOOL DISTRICT 50, UPON THE OCCASION OF HIS RETIREMENT AFTER FORTY-THREE YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1155 -- Senator Nicholson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR REVEREND JAMES W. PRICE, PASTOR OF BETHLEHEM BAPTIST CHURCH, UPON THE OCCASION OF HIS RETIREMENT AFTER FORTY-ONE YEARS OF OUTSTANDING MINISTRY, AND TO WISH HIM CONTINUED BLESSINGS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1156 -- Senator Setzler: A CONCURRENT RESOLUTION TO CONGRATULATE CHIEF CHARLES E. MCNAIR, DIRECTOR OF THE CAYCE DEPARTMENT OF PUBLIC SAFETY, ON THE OCCASION OF HIS RETIREMENT, TO EXTEND DEEP APPRECIATION FOR HIS MANY YEARS OF SERVICE, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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

H. 4537 -- Reps. Henderson, Atwater, Horne, Allison, Clary, Daning, Forrester, Collins, Hiott, Duckworth, Yow, Clemmons, Fry, Johnson, Rivers, Goldfinch, Hicks, Whitmire, Sandifer, Huggins, Toole, Newton, Hixon, Crosby, Southard, Hamilton, Simrill, Kennedy, Erickson, Long and Mitchell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3685 SO AS TO ALLOW AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO A SCHOLARSHIP FUNDING ORGANIZATION THAT PROVIDES GRANTS FOR STUDENTS TO ATTEND CERTAIN INDEPENDENT SCHOOLS, TO SPECIFY THE MANNER IN WHICH THE CREDIT

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IS CLAIMED, TO SPECIFY THE PROCESS BY WHICH CERTAIN ORGANIZATIONS AND SCHOOLS BECOME ELIGIBLE, TO SPECIFY CERTAIN INFORMATION WHICH MUST BE MADE PUBLIC, AND TO ALLOW THE DEPARTMENT OF REVENUE TO ENFORCE THE PROVISIONS OF THE CREDIT.

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

H. 4701 -- Reps. Pitts, White, G. M. Smith, Simrill, Willis, Hardee, Corley, Duckworth, Fry, Goldfinch, Jordan, Erickson, Delleney, Long, Lowe, Sandifer, McCoy, Newton, Herbkersman, Bradley, Bowers, Finlay, Huggins, Hicks, Johnson, Hixon, Taylor, Loftis, Burns, G. R. Smith, Yow, Limehouse and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO ENACT THE "SECOND AMENDMENT PRESERVATION ACT" AND TO PROVIDE THAT THE STATE SHALL NOT ENFORCE CERTAIN LAWS, RULES, OR REGULATIONS THAT LIMIT THE RIGHT OF A PERSON TO OWN, POSSESS, OR USE A FIREARM, AMMUNITIONS, OR FIREARM ACCESSORIES, ACCEPT CERTAIN FEDERAL FUNDS THAT REQUIRE FIREARMS TO BE REGISTERED OR CONFISCATED, OR EXPEND ANY STATE FUNDS TOWARD THE ENFORCEMENT OF CERTAIN FEDERAL LAWS, RULES, OR REGULATIONS THAT REQUIRE FIREARMS TO BE REGISTERED OR CONFISCATED.

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

H. 4743 -- Reps. Bedingfield, Dillard, Robinson-Simpson and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-11-935 SO AS TO PROVIDE THAT THE LAND OWNED AND MANAGED BY THE CONESTEE FOUNDATION AND KNOWN AS LAKE CONESTEE NATURE PARK IS DECLARED TO BE A WILDLIFE SANCTUARY.

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

H. 4876 -- Reps. V. S. Moss, Corley, Knight, Southard, Ott, Chumley, Hiott, Hixon, Hodges and J. E. Smith: A BILL TO AMEND SECTION 50-1-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GEOGRAPHICAL BOUNDARIES FOR

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CERTAIN BODIES OF WATER, SO AS TO PROVIDE GEOGRAPHIC BOUNDARIES FOR THE PORTION OF THE INTRACOASTAL WATERWAY LOCATED IN HORRY COUNTY AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 50-5-1556, RELATING TO LOCATIONS WHERE STRIPED BASS MAY BE TAKEN, SO AS TO REVISE THE PERIODS OF TIME WHEN STRIPED BASS MAY BE TAKEN IN VARIOUS BODIES OF WATER; AND TO AMEND SECTION 50-13-230, AS AMENDED, RELATING TO THE TAKING OF STRIPED BASS WITHIN VARIOUS BODIES OF WATER, SO AS TO REVISE THE PERIOD OF TIME WHEN STRIPED BASS MAY BE TAKEN WITHIN VARIOUS BODIES OF WATER, TO PROVIDE FOR LIMITS FOR THE TAKING OF STRIPED BASS WITHIN VARIOUS BODIES OF WATER, TO PROVIDE FOR THE TAKING OF STRIPED BASS IN THE SANTEE RIVER, AND TO DELETE THE PROVISION THAT REQUIRES THE DEPARTMENT OF NATURAL RESOURCES TO CONDUCT A STUDY OF THE STRIPED BASS FISHERY ON THE SANTEE AND COOPER RIVER SYSTEMS.

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

H. 4940 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-3-110 SO AS TO PROVIDE FOR THE DUTIES, FUNCTIONS, AND RESPONSIBILITIES OF THE OFFICE OF TRANSFORMATION WITHIN THE SOUTH CAROLINA DEPARTMENT OF EDUCATION.

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

H. 4941 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-20-90 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP AND ADOPT A STATEWIDE PROGRAM FOR IDENTIFYING FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT, IF UNCORRECTED, COULD COMPROMISE THE FISCAL INTEGRITY OF A SCHOOL DISTRICT AND FOR ADVISING THE DISTRICT ON HOW TO TAKE APPROPRIATE CORRECTIVE ACTIONS, AND TO DIRECT THE DEPARTMENT TO PROMULGATE EMERGENCY REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS

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SECTION; AND BY ADDING SECTION 59-20-95 SO AS TO REQUIRE THE STATE AUDITOR TO ADOPT THE STATEWIDE PROGRAM CREATED BY THE DEPARTMENT OF EDUCATION IN SECTION 59-20-90 AND USE IT TO IDENTIFY FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT, IF UNCORRECTED, COULD COMPROMISE THE FISCAL INTEGRITY OF A STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY AND TO ADVISE THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY ON HOW TO TAKE APPROPRIATE CORRECTIVE ACTIONS, AND TO PROVIDE EXCEPTIONS TO ENABLE THE STATE AUDITOR TO DIRECT THE DEPARTMENT TO IMMEDIATELY ASSUME EMERGENCY MANAGEMENT OF THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY FOR WHICH IT HAS MADE A DECLARATION OF FISCAL CAUTION OR FISCAL EMERGENCY, TO CONTINUE THIS EMERGENCY MANAGEMENT OF THE LOCAL EDUCATION AGENCY UNTIL THE STATE AUDITOR RELEASES THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY FROM THE DECLARATION OF FISCAL CAUTION OR FISCAL EMERGENCY, AS APPLICABLE, AND TO DIRECT THE STATE AUDITOR TO PROMULGATE EMERGENCY REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

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

H. 4943 -- Reps. Hixon, Hiott, Knight, Kirby and Ott: A BILL TO AMEND SECTION 50-9-650, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF ANNUAL INDIVIDUAL ANTLERLESS DEER TAGS, SO AS TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT OF NATURAL RESOURCES ISSUES AND CHARGES A PERSON FOR THE PRIVILEGE OF HUNTING AND TAKING DEER IN THIS STATE; TO AMEND SECTION 50-9-920, AS AMENDED, RELATING TO THE COLLECTION AND DISPOSITION OF REVENUES GENERATED FROM THE SALE OF HUNTING AND FISHING LICENSES, PERMITS, AND TAGS, SO AS TO SUBSTITUTE THE TERM "ANTLERLESS DEER QUOTA PERMIT" FOR THE TERM "DEER QUOTA PROGRAM PERMIT", AND TO PROVIDE FOR THE DISTRIBUTION OF REVENUES COLLECTED FROM THE SALE OF NONRESIDENT ANTLERED DEER TAGS AND

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RESIDENT ANTLER RESTRICTION INDIVIDUAL ANTLERED DEER TAGS; BY ADDING SECTION 50-11-315 SO AS TO PROVIDE BAG LIMITS FOR ANTLERED DEER AND DEER TAKEN WITH A DEER QUOTA PROGRAM PERMIT; BY ADDING SECTION 50-11-320 SO AS TO PROVIDE THE PROCEDURE WHEREBY THE DEPARTMENT OF NATURAL RESOURCES ISSUES TAGS FOR THE HUNTING OF DEER, TO REGULATE THE HUNTING OF DEER, AND TO PROVIDE PENALTIES; TO AMEND SECTION 50-11-390, AS AMENDED, RELATING TO THE DEPARTMENT OF NATURAL RESOURCES' REGULATION OF GAME ZONES, SO AS TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS, TO PROVIDE FOR THE ESTABLISHMENT OF ANTERLESS DAYS, AND TO PROVIDE FOR THE REGULATION OF THE DEER QUOTA PROGRAM; TO REPEAL SECTION 50-11-335 RELATING TO BAG LIMITS ESTABLISHED FOR ANTLERED DEER; AND TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE THE GENERAL ASSEMBLY A REPORT ON THE STATUS OF THE STATE'S WHITE-TAILED DEER POPULATION.

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

H. 4982 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO UNDERGROUND STORAGE TANK CONTROL REGULATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4565, 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. 4983 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WELL STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4571, 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.

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H. 5032 -- Rep. Rutherford: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR ROBERT "BOB" CHEN OF SUMTER COUNTY, RETIRED PROFESSOR AND BUSINESSMAN, FOR HIS SIGNIFICANT CONTRIBUTIONS TO CREATING A CLOSER RELATIONSHIP BETWEEN THE STATE OF SOUTH CAROLINA AND TAIWAN AND PROMOTING TRADE BETWEEN THE STATE OF SOUTH CAROLINA AND TAIWAN.

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

H. 5033 -- Reprs. Gagnon and Gambrell: A CONCURRENT RESOLUTION TO CONGRATULATE THE LIGHTHOUSE CHRISTIAN SCHOOL GIRLS BASKETBALL TEAM AND ITS FINE COACH ON THEIR IMPRESSIVE WIN OF THE 2016 SOUTH CAROLINA ASSOCIATION OF CHRISTIAN SCHOOLS (SCACS) CLASS A STATE CHAMPIONSHIP TITLE.

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

H. 5046 -- Reprs. Taylor, Clyburn, Corley, Hixon and Wells: A CONCURRENT RESOLUTION TO RECOGNIZE THE AIKEN HORSE SHOW UPON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND TO COMMEND THE ORGANIZERS FOR PROMOTING THE LOVE OF THIS SPLENDID SPORT AND RESPECT FOR ITS PLACE IN THE HISTORY OF THE PALMETTO STATE.

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

H. 5048 -- Reprs. Finlay, 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, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod,

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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 RECOGNIZE AND HONOR MARTHA PARKER-HESTER FOR HER SELECTION AS A MEMBER OF THE SOUTH CAROLINA ATHLETIC HALL OF FAME CLASS OF 2016.

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

HOUSE CONCURRENCE

S. 1145 -- Senators Young, Massey and Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE THE AIKEN HORSE SHOW UPON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND TO COMMEND THE ORGANIZERS FOR PROMOTING THE LOVE OF THIS SPLENDID SPORT AND RESPECT FOR ITS PLACE IN THE HISTORY OF THE PALMETTO STATE.

Returned with concurrence.

Received as information.

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

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 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 COMMITTEES", ESTABLISH THE DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEES IN EACH CIRCUIT, PROVIDE

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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.

HOUSE BILL RETURNED

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

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

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

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

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

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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.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

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

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3325.002), which was adopted:

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

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/ SECTION 1. Chapter 61, Title 15 of the 1976 Code is amended by adding:

“Article 3

The Clementa C. Pinckney Uniform Partition of Heirs’ Property Act Section 15-61-310. This article may be cited as the ‘Clementa C. Pinckney Uniform Partition of Heirs’ Property Act’.

Section 15-61-320. As used in this article:

(1) ‘Ascendant’ means an individual who precedes another individual in lineage, in the direct line of ascent from the other individual.

(2) ‘Collateral’ means an individual who is related to another individual under the law of intestate succession of this State, but who is not the other individual’s ascendant or descendant.

(3) ‘Descendant’ means an individual who follows another individual in lineage, in the direct line of descent from the other individual.

(4) ‘Determination of value’ means a court order determining the fair market value of heirs’ property under Section 15-61-360 or Section 15-61-400 or adopting the valuation of the property agreed to by all cotenants.

(5) ‘Heirs’ property’ means real property held in tenancy in common that satisfies all of the following requirements as of the filing of a partition action:

(a) there is no agreement in a record binding all of the cotenants that governs the partition of the property;

(b) one or more of the cotenants acquired title from a relative, whether living or deceased; and

(c) any of the following applies:

(i) twenty percent or more of the interests are held by cotenants who are relatives;

(ii) twenty percent or more of the interests are held by an individual who acquired title from a relative, whether living or deceased; or

(iii) twenty percent or more of the cotenants are relatives.

(6) ‘Manifest prejudice’ or ‘Manifest injury’ means a result that is obviously unfair or shocking to the conscience and is direct, obvious, and observable when considering the factors under Section 15-61-390(A).

(7) ‘Partition by allotment’ means a court ordered partition of the heirs’ property where ownership to all or a portion of the heirs’ property

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is granted to one or more cotenants proportionate in value to their interests in the entire heirs' property parcel, with adjustments being made for payment to compensate other cotenants for the value of their respective interests in the heirs' property.

(8) 'Partition by sale' means a court ordered sale of the entire heirs' property, whether by auction, sealed bids, or open market sale, conducted under Section 15-61-400.

(9) 'Partition in kind' means the division of heirs' property into physically distinct and separately titled parcels.

(10) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(11) 'Relative' means an ascendant, descendant, or collateral, or an individual otherwise related to another individual by blood, marriage, adoption, or law of this State other than this article, and for purposes of this article, who owned or owns an interest in the heirs' property.

(12) 'Time computed' means computation of time as prescribed by this section, which shall be governed by Rule 6, South Carolina Rules of Civil Procedure, so that when the period of time prescribed or allowed is seven days or less, intermediate Saturdays, Sundays, and holidays are excluded in the computation.

Section 15-61-330. (A) In an action to partition real property under Article 1, upon motion of a party or from statements contained in the pleadings, the court shall determine, in a preliminary hearing held after the filing of the action, whether the property is heirs' property. If the court determines that the property is heirs' property, the partition of the heirs' property is governed by the provisions of this article, unless all cotenants otherwise agree in a record.

(B) This article supplements the provisions of Article 1 and if the provisions of this article differ from the provisions of Article 1, the provisions of this article control for partitions of heirs' property.

Section 15-61-340. (A) This article does not limit or affect the method by which service of pleading in a partition action may be made.

(B) If the plaintiff in a partition action seeks notice by publication and the court determines that notice by publication is required and, pursuant to Section 15-61-330, that the property may be heirs' property, the plaintiff, not later than ten days after the determination of the court, shall post and maintain while the action is pending a conspicuous sign on the property that is the subject of the action in addition to compliance with the requirements for notice by publication. The sign must state that

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the action has commenced and identify the name and address of the court and the common designation by which the property is known. The court may require, through its order, the plaintiff to publish on the sign the name of the plaintiff and the known defendants.

Section 15-61-350. Pursuant to Rule 71, South Carolina Rules of Civil Procedure, this article does not affect a court's power, in partition proceedings, to dispense with the issuing of a writ of partition when, in the judgment of the court, it would involve unnecessary expense to issue such a writ. A court may, in all partition proceedings, without recourse to such writ, determine by means of testimony taken before the proper officer and reported to the court whether a partition in kind or partition by allotment among the parties is practicable or expedient and, when such cannot be fairly and equally made, may order the sale of the property and a division of the proceeds according to the rights of the parties. If a court issues a writ of partition and appoints commissioners pursuant to Rule 71, South Carolina Rules of Civil Procedure, each commissioner, in addition to the requirements and disqualifications applicable to commissioners in Rule 71, must be disinterested and impartial and not a party to or a participant in the action.

Section 15-61-360. (A) Except as otherwise provided in subsections (B) and (C), if a court determines that property that is the subject of a partition action is heirs' property, the court shall determine the fair market value of the property by ordering an appraisal pursuant to subsection (D).

(B) If all cotenants have agreed to the value of the property or to another method of valuation, the court shall adopt that value or the value produced by the agreed method of valuation.

(C) If the court determines that the evidentiary value of an appraisal is outweighed by the cost of the appraisal, the court, after an evidentiary hearing, shall establish by order the fair market value of the property. The court shall send notice of the order to the party that filed the partition action. Within one week from the date notice was sent, the party that filed the partition action shall send a copy of the order establishing the fair market value of the property to all other cotenants with a known address.

(D) If a court orders an appraisal, the court shall appoint a disinterested real estate appraiser licensed in this State to determine the fair market value of the property assuming sole ownership of the fee simple estate. On appointment of the appraiser, the court shall order the appraiser to file with the court a sworn or verified appraisal upon its

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completion and the court shall send to the party that filed the partition action a notice of the appraisal filing stating:

- (1) the appraised fair market value of the property;
- (2) that the appraisal is available at the clerk's office; and
- (3) that a party may file with the court an objection to the appraisal

no later than thirty days after the notice is sent, stating the grounds for the objection.

(E) If an appraisal is filed pursuant to subsection (D), within one week from the date the notice was sent, the party that filed the partition action shall send notice to all other cotenants with a known address, stating:

- (1) the appraised fair market value of the property;
- (2) that the appraisal is available at the clerk's office; and
- (3) that a party may file with the court an objection to the appraisal

no later than thirty days after the notice is sent stating the grounds for the objection.

(F) If an appraisal is filed with the court pursuant to subsection (D), the court shall conduct a hearing to determine the fair market value of the property not sooner than sixty days after a copy of the notice of the appraisal is sent to each party under subsections (D) and (E), whether or not an objection to the appraisal is filed. In addition to the court-ordered appraisal, the court may consider any other evidence of value offered by a party.

(G) After a hearing under subsection (F), but before considering the merits of the partition action, the court, by order, shall determine the fair market value of the property. The court shall send notice of the order to the party that filed the partition action and, within one week from the date notice was sent, the party filing the partition action shall send copies of the fair market value order to all other cotenants with a known address.

(H) The court, in its discretion, shall determine allocation of payment from the parties to cover the costs of the appraisal.

Section 15-61-370. (A) If any cotenant requests partition by sale, after the determination of value pursuant to Section 15-61-360, the party filing the partition action, after receipt of the value information from the clerk's office, shall send notice to the parties that any cotenant, except a cotenant that requested partition by sale, may buy all of the interests of the cotenants that requested partition by sale.

(B) A cotenant, except a cotenant that requested partition by sale, who is interested in purchasing the interests of the cotenants that requested partition by sale, shall notify the court of that interest no later

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than ten days prior to the date set for the partition trial. A cotenant that did not request partition by sale must be allowed to purchase the interests of any cotenant who requested a partition by sale, as provided in this article, whether default has been entered against the cotenant or not.

(C) The purchase price for each of the interests of a cotenant that requested partition by sale is the value of the entire parcel determined pursuant to Section 15-61-360 multiplied by the cotenant's fractional ownership of the entire parcel.

(D) After the expiration of the period in subsection (B), the following requirements apply:

(1) If only one cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall notify the party filing the partition action of that fact. After receiving notice from the court, the party filing the partition action shall notify all the parties of that same fact.

(2) If more than one cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court, by order, shall allocate the right to buy those interests among the electing cotenants based on each electing cotenant's existing fractional ownership of the entire parcel divided by the total existing fractional ownership of all cotenants electing to buy. The court shall send notice of the order to the party that filed the partition action and, within one week from the date notice was sent, the party filing the partition action shall send a copy of the order showing the price to be paid by each electing cotenant to all other cotenants with a known address.

(3) If no cotenant elects to buy all the interests of the cotenants that requested partition by sale, the court shall notify the party filing the partition action to send notice to all the parties of that fact and the court shall resolve the partition action, by order, pursuant to Section 15-61-380.

(E) If notices are sent to the parties under subsection (D)(1) or (2), the court shall set a date, not sooner than sixty days after the date the notice was sent, by which electing cotenants must pay their apportioned price into the court. After this date, the following requirements apply:

(1) If all electing cotenants timely pay their apportioned price into court, the court shall issue an order reallocating all the interests of the cotenants and disburse the amounts held by the court to the persons entitled to them.

(2) If no electing cotenant timely pays its apportioned price, the court shall resolve the partition action pursuant to Section 15-61-380(A)

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and (B), as if the interests of the cotenants that requested partition by sale were not purchased.

(3) If one or more but not all of the electing cotenants fail to pay their apportioned price on time, the court, on motion, shall order the party so moving to give notice to the electing cotenants that paid their apportioned price of the interest remaining and the price for all the interests.

(F) Not later than twenty days after notice is sent pursuant to subsection (E)(3), any cotenant who paid may elect to purchase all of the remaining interest by paying the entire price into the court. After an additional twenty-day period, the following requirements apply:

(1) If only one cotenant pays the entire price for the remaining interests, the court shall issue an order reallocating the remaining interests to that cotenant and disburse the amounts held by it to the persons entitled to them.

(2) If no cotenant pays the entire price for the remaining interests, the court shall resolve the partition action pursuant to Section 15-61-380, as if the interests of the cotenants that requested partition by sale were not purchased.

(3) If more than one cotenant pays the entire price for the remaining interests, the court shall reapportion the remaining interests among those paying cotenants, based on each paying cotenant's original fractional ownership of the entire parcel divided by the total original fractional ownership of all cotenants that paid the entire price for the remaining interests. The court shall issue promptly an order reallocating all of the cotenants' interests, disburse the amounts held by it to the persons entitled to them, and promptly refund any excess payment held by the court.

(G) Not later than forty days after the party filing the partition action sends notice to the parties pursuant to subsection (A), any cotenant entitled to buy an interest under this section may request the court to authorize a sale as part of the pending action of the interests of cotenants named as defendants and served with the complaint, but that did not appear in the action.

(H) If the court receives a timely request under subsection (G), the court, after a hearing, may deny the request or authorize the requested additional sale on such terms as the court determines are fair and reasonable, subject to the following limitations:

(1) A sale authorized under this subsection may occur only after the purchase prices for all interests subject to sale under subsections (A)

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through (F) have been paid into court and those interests have been reallocated among the cotenants as provided in those subsections.

(2) The purchase price for the interest of a non-appearing cotenant is based on the court's determination of value pursuant to Section 15-61-360.

Section 15-61-380. (A) If all the interests of the cotenants that requested partition by sale are not purchased by other cotenants pursuant to Section 15-61-370 or if, after conclusion of the buyout pursuant to Section 15-61-370 a cotenant remains that has requested a partition in kind or a partition by allotment, the court shall order a partition in kind or a partition by allotment, unless the court, after consideration of the factors listed in Section 15-61-390, finds that partition in kind or partition by allotment may result in manifest prejudice or manifest injury to the cotenants as a group. In considering whether to order partition in kind or partition by allotment, the court shall approve a request by two or more parties to have their individual interests aggregated.

(B) If the court does not order partition in kind or partition by allotment under subsection (A), the court shall order partition by sale pursuant to Section 15-61-400 or, if no cotenant requested partition by sale, the court shall dismiss the action.

(C) If the court orders partition in kind or partition by allotment pursuant to subsection (A), the court may require that one or more cotenants pay one or more of the other cotenants amounts so that the payments, taken together with the value of the in-kind distributions to the cotenants, will make the partition in kind or the partition by allotment just and proportionate in value to the fractional interests held.

Section 15-61-390. (A) In determining pursuant to Section 15-61-380(A) whether partition in kind or partition by allotment would result in manifest prejudice or manifest injury to the cotenants as a group, the court shall consider the following:

(1) whether the heirs' property practicably can be divided among the cotenants;

(2) whether partition in kind or partition by allotment would apportion the property in such a way that the aggregate fair market value of the parcels resulting from the division would be materially less than the value of the property if it were sold as a whole, taking into account the condition under which a court-ordered sale likely would occur;

(3) evidence of the collective duration of ownership or possession of the property by a cotenant and one or more predecessors in title or

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predecessors in possession to the cotenant who are or were relatives of the cotenant or each other;

(4) a cotenant's sentimental attachment to the property, including any attachment arising because the property has ancestral or other unique or special value to the cotenant;

(5) the lawful use being made of the property by a cotenant and the degree to which the cotenant would be harmed if the cotenant could not continue the same use of the property;

(6) the degree to which the cotenants have contributed their pro rata share of the property taxes, insurance, and other expenses associated with maintaining ownership of the property or have contributed to the physical improvement, maintenance, or upkeep of the property; and

(7) any other relevant factor.

(B) The court may not consider any one factor in subsection (A) to be dispositive without weighing the totality of all relevant factors and circumstances.

Section 15-61-400. (A) If the court orders a sale of heirs' property, the sale must be an open-market sale unless the court finds that a sale by sealed bids or an auction would be more economically advantageous and in the best interest of the cotenants as a group.

(B) If the court orders an open-market sale and the parties, not later than thirty days after the entry of the order, agree on a real estate broker licensed in this State to offer the property for sale, the court, upon consultation with the parties, shall appoint the broker and establish a reasonable commission. If the parties do not agree on a broker, the court shall appoint a disinterested real estate broker licensed in this State to offer the property for sale and shall establish a reasonable commission. The broker shall offer the property for sale in a commercially reasonable manner at a price no lower than the determination of value and on the terms and conditions established by the court.

(C) If a broker appointed under subsection (B) obtains within a reasonable time an offer to purchase the property for at least the determination of value:

(1) the broker shall comply with the reporting requirements in Section 15-61-410;

(2) the sale may be completed in accordance with state law other than this article; and

(3) the commission of the real estate broker must be paid from the proceeds of the sale.

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(D) If the broker appointed under subsection (B) does not obtain within a reasonable time an offer to purchase the property for at least the determination of value, the court, after a hearing, may:

- (1) approve the highest outstanding offer, if any;
- (2) redetermine the value of the property and order that the property continue to be offered for an additional time; or
- (3) order that the property be sold by sealed bids or at an auction.

(E) If the court orders a sale by sealed bids or an auction, the court shall set terms and conditions of the sale. If the court orders an auction, the auction must be conducted pursuant to procedures governing judicial sales and auctions.

(F) If a purchaser is entitled to a share of the proceeds of the sale, the purchaser is entitled to a credit against the price in an amount equal to the purchaser's share of the proceeds.

Section 15-61-410. (A) Unless required otherwise to do so within a shorter time, a broker appointed under Section 15-61-400 to offer heirs' property for open-market sale shall file a report with the court not later than ten days after receiving an offer to purchase the property for at least the value determined pursuant to Section 15-61-360 or 15-61-400.

(B) The report required by subsection (A) must contain the following information:

- (1) a description of the property to be sold to each buyer;
- (2) the name of each buyer;
- (3) the proposed purchase price;
- (4) the terms and conditions of the proposed sale, including the terms of any owner financing;
- (5) the amounts to be paid to lienholders;
- (6) a statement of contractual or other arrangements or conditions of the broker's commission; and
- (7) other material facts relevant to the sale.

Section 15-61-420. This article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b), except to the extent that South Carolina law, rules, and regulations so authorize."

SECTION 2. Sections 15-61-10 through 15-61-110 are designated as Article 1, Chapter 61, Title 15 to be entitled "General Provisions".

SECTION 3. Section 15-61-10 of the 1976 Code is amended to read:

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“Section 15-61-10. (A) All joint tenants and tenants in common who hold, jointly or in common, for a term of life or years or of whom one has an estate for a term of life or years with the other that has an estate of inheritance or freehold in any lands, tenements or hereditaments shall be compellable to make severance and partition of all such lands, tenements and hereditaments.

(B) In an action to partition real property, upon motion of a party or from statements contained in the pleadings, a court shall determine, in a preliminary hearing held after the filing of the action, whether the property is heirs’ property. If the court determines that the property is heirs’ property, the property must be partitioned under Article 3, Chapter 61, Title 15, unless all of the cotenants otherwise agree in a record.”

SECTION 4. Section 15-61-100 of the 1976 Code is amended to read:

“Section 15-61-100. Nothing in ~~Sections 15-61-60 to 15-61-90~~ Rule 71, South Carolina Rules of Civil Procedure, concerning partition actions, shall be construed to affect the power of ~~the a court of common pleas~~ hearing a partition action to dispense with the issuing of a writ of partition when, in the judgment of the court, it would involve unnecessary expense to issue such writ. And the court may in all proceedings in partition, without recourse to such writ, determine by means of testimony taken before the proper officer and reported to the court whether a partition in kind among the parties be practicable or expedient and, when such partition cannot be fairly and equally made, may order a sale of the property and a division of the proceeds according to the rights of the parties.”

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. This act takes effect on January 1, 2017, and applies to partition actions filed on or after that date. /

Renumber sections to conform.

Amend title to conform.

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The question then was second reading of the Bill.

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

Ayes 34; Nays 1

AYES

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

Total--34

NAYS

Thurmond

Total--1

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

CARRIED OVER

H. 3576 -- Reps. Bannister, Merrill, Murphy, Atwater, Collins, Gagnon, Hamilton, Hicks, Pitts, Sandifer, G.R. Smith, Tallon, Whitmire, Henderson and Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-1-120 SO AS TO PROVIDE THAT CERTAIN WRITTEN AGREEMENTS BETWEEN NONPROFIT YOUTH SPORTS ORGANIZATIONS AND COACHES PROVIDE CONCLUSIVE EVIDENCE THAT THE COACH IS AN INDEPENDENT CONTRACTOR RATHER THAN AN EMPLOYEE OF THE

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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".

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

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

[SJ]

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REQUIRE THE ELECTRONIC TRANSMISSION OF CERTAIN STUDENT CONTINUING EDUCATION AND QUALIFYING COURSE RECORDS TO THE COMMISSION, AND TO REQUIRE THE COMMISSION MAINTAIN A SECURE DATABASE OF THESE RECORDS; TO FURTHER SPECIFY ADVERTISING AND MARKETING REQUIREMENTS AND LICENSEE STATUS DISCLOSURE; TO CLARIFY AND FURTHER SPECIFY DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE CONCERNING TRUST FUNDS AND TRUST ACCOUNTS, RECORDKEEPING, AND THE 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.

On motion of Senator HUTTO, the Bill 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 EXTEND THE GOVERNOR'S AUTHORITY UNTIL FURTHER ACTION BY THE GENERAL ASSEMBLY TO THE CONTRARY.

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On motion of Senator MALLOY, the Resolution was 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.

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

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

On motion of Senator MALLOY, 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

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MEDICAL RECORDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4588, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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 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.

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.

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.

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

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EXPLOSIVES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4617, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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.

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

S. 1121 -- Senators Cleary, Hembree, Campbell, Alexander and Gregory: A SENATE RESOLUTION TO COMMEND AND SUPPORT TAIWAN'S DEMOCRATIC SYSTEM OF GOVERNMENT, ITS CLOSE RELATIONSHIP WITH THE UNITED STATES, AND THE NATION'S MEANINGFUL PARTICIPATION IN THE WORLD HEALTH ORGANIZATION, THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, AND THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE, AS WELL AS OTHER INTERNATIONAL ORGANIZATIONS, AND TO EXTEND SINCERE BEST WISHES FOR CONTINUED COOPERATION AND SUCCESS.

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

ADOPTED

S. 1106 -- Senator Campsen: A SENATE RESOLUTION TO PROCLAIM THE MONTH OF APRIL 2016 AS "CHILD ABUSE PREVENTION MONTH" IN SOUTH CAROLINA, AND TO URGE ALL CITIZENS TO WORK TOGETHER TO HELP REDUCE CHILD ABUSE AND NEGLECT SIGNIFICANTLY IN THE YEARS TO COME.

The Resolution was adopted.

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

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MOTION ADOPTED

At 12:42 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 REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.

**H. 3114--FREE CONFERENCE POWERS GRANTED
FREE CONFERENCE COMMITTEE APPOINTED
REPORT OF THE COMMITTEE OF
FREE CONFERENCE ADOPTED**

H. 3114 -- Reps. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H.A. Crawford, Crosby, Daning, Delleney, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D.C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G.M. Smith, G.R. Smith, Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam, Rivers, V.S. Moss, Whitmire, Bedingfield, Hill, Duckworth and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT", TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST-FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING BY PHYSICIANS WHO PERFORM ABORTIONS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO PROVIDE

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FOR A CIVIL RIGHT OF ACTION FOR CERTAIN INDIVIDUALS AGAINST A PHYSICIAN PERFORMING AN ABORTION IN VIOLATION OF THE ACT AND FOR INJUNCTIVE RELIEF, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW.

On motion of Senator CLEARY, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator CLEARY spoke on the report.

Senator HUTTO spoke on the report.

H. 3114--Free Conference Powers Granted

Free Conference Committee Appointed

Senator CLEARY moved that Free Conference Powers be granted.

The question then was granting of Free Conference Powers.

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

Ayes 42; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Cleary	Coleman
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, John</i>	<i>Matthews, Margie</i>	McElveen
Nicholson	Peeler	Reese
Scott	Setzler	Shealy
Sheheen	Thurmond	Turner
Verdin	Williams	Young

Total--42

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NAYS

Total--0

Free Conference Powers were granted.

Whereupon, Senators CLEARY, HUTTO and SHEALY were appointed to the Committee of Free Conference on the part of the Senate and a message was sent to the House accordingly.

The question then was adoption of the Report of the Committee of Free Conference.

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

Ayes 36; Nays 9

AYES

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

Total--36

NAYS

Allen	Coleman	Hutto
Johnson	Kimpson	Lourie
<i>Matthews, John</i>	<i>Matthews, Margie</i>	Nicholson

Total--9

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On motion of Senator CLEARY, the Report of the Committee of Free Conference to H. 3114 was adopted as follows:

H. 3114--Free Conference Report

The General Assembly, Columbia, S.C., February 29, 2016

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 3114 -- Reps. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H.A. Crawford, Crosby, Daning, Delleney, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D.C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G.M. Smith, G.R. Smith, Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam, Rivers, V.S. Moss, Whitmire, Bedingfield, Hill, Duckworth and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT", TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST-FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING BY PHYSICIANS WHO PERFORM ABORTIONS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO PROVIDE FOR A CIVIL RIGHT OF ACTION FOR CERTAIN INDIVIDUALS AGAINST A PHYSICIAN PERFORMING AN ABORTION IN VIOLATION OF THE ACT AND FOR INJUNCTIVE RELIEF, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW.

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Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Article 5

South Carolina Pain-Capable Unborn Child Protection Act

Section 44-41-410. This article may be cited as the ‘South Carolina Pain-Capable Unborn Child Protection Act’.

Section 44-41-420. The General Assembly makes the following findings:

(1) Pain receptors (nociceptors) are present throughout the unborn child’s entire body and nerves link these receptors to the brain’s thalamus and subcortical plate by no later than twenty weeks.

(2) By eight weeks after fertilization, the unborn child reacts to touch. After twenty weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their levels when painful stimuli are applied without such anesthesia.

(6) The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than twenty weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

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(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adults, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) The position, asserted by some medical experts, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from thrashing about in reaction to invasive surgery.

(11) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain by twenty weeks after fertilization.

(12) It is the purpose of the State to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) South Carolina's compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of South Carolina's compelling state interest in protecting the lives of unborn children from the stage of viability, and neither state interest is intended to replace the other.

(14) Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion, the United States Supreme Court noted that an explicit statement of legislative intent specifically made applicable to a particular statute is of greater weight than a general savings or severability clause, it is the intent of the State that if any one or more provisions, sections, subsections, sentences, clauses, phrases or words of this article or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this article shall remain effective notwithstanding such unconstitutionality. Moreover, the State declares that it would have

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passed this article, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases or words, or any of their applications, were to be declared unconstitutional.

Section 44-41-430. For the purposes of this article:

(1) ‘Abortion’ means the use or prescription of any instrument, medicine, drug, or any other substance or device:

(a) to intentionally kill the unborn child of a woman known to be pregnant; or

(b) to intentionally prematurely terminate the pregnancy of a woman known to be pregnant, with an intention other than to increase the probability of a live birth or of preserving the life or health of the child after live birth.

(2) ‘Attempt to perform or induce an abortion’ means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this State in violation of this article.

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

(4) ‘Fertilization’ means the fusion of a human spermatozoon with a human ovum.

(5) ‘Fetal anomaly’ means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that, with or without the provision of life-preserving treatment, would be incompatible with sustaining life after birth.

(6) ‘Medical emergency’ means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman that it necessitates the immediate abortion of her pregnancy without first determining post-fertilization age to avert her death or for which the delay necessary to determine post-fertilization age will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition must be considered a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(7) ‘Physician’ means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in this State.

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(8) 'Post-fertilization age' means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

(9) 'Probable post-fertilization age of the unborn child' means what, in reasonable medical judgment, will with reasonable probability be the post-fertilization age of the unborn child at the time the abortion is planned to be performed or induced.

(10) 'Reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(11) 'Unborn child' or 'fetus' each means an individual organism of the species homo sapiens from fertilization until live birth.

(12) 'Woman' means a female human being whether or not she has reached the age of majority.

Section 44-41-440. Except in the case of a medical emergency or fetal anomaly no abortion must be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable post-fertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to post-fertilization age.

Section 44-41-450. (A) No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable post-fertilization age of the woman's unborn child is twenty or more weeks, except in the case of fetal anomaly, or in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such greater risk must be considered to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to

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result in her death or in substantial and irreversible physical impairment of a major bodily function.

(B) When an abortion upon a woman whose unborn child has been determined to have a probable post-fertilization age of twenty or more weeks is not prohibited by subsection (A), the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. No such greater risk must be considered to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

Section 44-41-460. (A) Any abortion performed in this State pursuant to Section 44-41-450 must be reported by the licensed facility on the standard form for reporting abortions to the state registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the state registrar. The form must indicate from whom consent was obtained or circumstances waiving consent and must include:

(1) Post-fertilization age:

(a) if a determination of probable post-fertilization age was made, whether ultrasound was employed in making the determination, and the week of probable post-fertilization age determined; or

(b) if a determination of probable post-fertilization age was not made, the basis of the determination that a medical emergency existed.

(2) Method of abortion, of which the following was employed:

(a) medication abortion such as, but not limited to, mifepristone/misoprostol or methotrexate/misoprostol;

(b) manual vacuum aspiration;

(c) electrical vacuum aspiration;

(d) dilation and evacuation;

(e) combined induction abortion and dilation and evacuation;

(f) induction abortion with prostaglandins;

(g) induction abortion with intra-amniotic instillation such as, but not limited to, saline or urea;

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- (h) induction abortion; and
- (i) intact dilation and extraction (partial-birth).

(3) Whether an intrafetal injection was used in an attempt to induce fetal demise such as, but not limited to, intrafetal potassium chloride or digoxin.

(4) Age of the patient.

(5) If the probable post-fertilization age was determined to be twenty or more weeks, whether the reason for the abortion was a medical emergency or fetal anomaly, and if the reason was a medical emergency, the basis of the determination that the pregnant woman had a condition which so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

(6) If the probable post-fertilization age was determined to be twenty or more weeks, whether or not the method of abortion used was one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive and, if such a method was not used, the basis of the determination that termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods.

(B) Reports required by subsection (A) shall not contain the name or the address of the patient whose pregnancy was terminated, nor shall the report contain any other information identifying the patient, except that each report shall contain a unique medical record identifying number, to enable matching the report to the patient's medical records. Such reports must be maintained in strict confidence by the department, must not be available for public inspection, and must not be made available except:

(1) to the Attorney General or solicitor with appropriate jurisdiction pursuant to a criminal investigation;

(2) to the Attorney General or solicitor pursuant to a civil investigation of the grounds for an action under Section 44-41-480(B);
or

(3) pursuant to court order in an action under Section 44-41-480.

(C) By June thirtieth of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (A). Each such report

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also shall provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted.

(D) Any facility that fails to submit a report by the end of thirty days following the due date must be subject to a late fee of one thousand dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any facility required to report in accordance with this article that has not submitted a report, or has submitted only an incomplete report, more than six months following the due date, may, in an action brought by the department, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Intentional or reckless falsification of any report required under this section is a misdemeanor punishable by not more than one year in prison.

(E) Within ninety days of the effective date of this article, the Department of Health and Environmental Control shall adopt and promulgate forms and regulations to assist in compliance with this section. Subsection (A) shall take effect so as to require reports regarding all abortions performed or induced on and after the first day of the first calendar month following the effective date of such rules.

Section 44-41-470. Any physician who intentionally or knowingly fails to conform to any requirement in Section 44-41-440 and Section 44-41-450 is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars or imprisoned for not more than three years, or both. No part of the minimum fine may be suspended. For conviction of a third or subsequent offense, the sentence must be imprisonment for not less than sixty days nor more than three years, no part of which may be suspended.

Section 44-41-480. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful

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as provided in this article. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order of injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.”

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

Amend the bill further, as and if amended, by striking the title in its entirety and inserting:

/ TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE “SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT”, TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST-FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL BY FACILITIES IN WHICH ABORTIONS ARE PERFORMED, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW. /

/s/Sen. Raymond Cleary

Sen. Brad Hutto

/s/Sen. Katrina Shealy

On Part of the Senate.

/s/Rep. Robert Ridgeway

/s/Rep. Wendy Nanney

/s/Rep. Greg Delleney

On Part of the House.

, and a message was sent to the House accordingly.

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

CARRIED OVER

S. 199 -- Senators Grooms, Hembree, Bennett, Campbell, Verdin, Campsen, Gregory, Johnson, Setzler, Sabb, Nicholson and Scott: A BILL TO AMEND SECTION 56-5-1535 OF THE 1976 CODE, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, TO DELETE THIS PROVISION AND CREATE "PEANUT'S LAW", TO PROVIDE A DEFINITION FOR THE TERMS "HIGHWAY WORK ZONE" AND "HIGHWAY WORKER", TO CREATE THE OFFENSES OF "ENDANGERMENT OF A HIGHWAY WORKER", AND TO PROVIDE PENALTIES FOR THESE OFFENSES; TO AMEND SECTION 56-1-720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, TO PROVIDE THAT "ENDANGERMENT OF A HIGHWAY WORKER" VIOLATIONS RANGE BETWEEN TWO AND SIX POINTS; AND TO REPEAL SECTION 56-5-1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

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

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

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REFORM AND TAX RELIEF ACT"; TO AMEND SECTIONS 57-1-310, 57-1-320, 57-1-325, AND 57-1-330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57-1-410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57-1-730 AND 57-1-740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57-1-95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO 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

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TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57-1-100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH "C" FUNDS MUST BE EXPENDED; TO AMEND SECTIONS 56-5-4210 AND 56-5-4220, BOTH RELATING TO ROAD RESTRICTIONS, SO AS TO SPECIFY CERTAIN RESTRICTIONS ON LOCALITIES; TO AMEND SECTION 12-28-310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56-11-450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A GALLON; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO AMEND 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

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THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL; AND TO AMEND SECTION 12-6-510, RELATING TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12-6-520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

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

Amendment No. P1-31A

Senator SHEHEEN proposed the following amendment (3579R070.EB.VAS), which was tabled:

Amend the amendment bearing file path 3579R067.EB.LKG (amendment 31A), as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. Section 57-1-370 of the 1976 Code is amended to read:

“Section 57-1-370. (A) The commission must develop the long-range Statewide Transportation Plan, with a minimum twenty-year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials. The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

(B) Concerning the development, content, and implementation of the Statewide Transportation Improvement Program, the commission must:

(1) develop a process for consulting with nonmetropolitan local officials, with responsibility for transportation, that provides an opportunity for their participation in the development of the long-range

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Statewide Transportation Plan and the Statewide Transportation Improvement Program;

(2) approve the Statewide Transportation Improvement Program and ensure that it is developed pursuant to federal laws and regulations and approve an updated Statewide Transportation Improvement Program from time to time as permitted by and in the manner required by federal laws or regulations;

(3) develop and revise the transportation plan for inclusion in the Statewide Transportation Improvement Program, for each nonmetropolitan planning area in consultation with local officials with responsibility for transportation;

(4) work in consultation with each metropolitan planning organization to develop and revise a transportation improvement program for each metropolitan planning area;

(5) select from the approved Statewide Transportation Improvement Program the transportation projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan local officials with responsibility for transportation;

(6) select projects to be undertaken, in consultation with each metropolitan planning organization, from the metropolitan planning organization's approved transportation improvement plan in metropolitan areas not designated as a transportation management area;

(7) consult with each metropolitan planning organization, in metropolitan areas designated as transportation management areas, concerning the projects selected to be undertaken from the approved transportation improvement program and in accordance with the priorities approved by the transportation improvement program; and

(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations' transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the commission shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

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- (d) traffic volume and congestion;
- (e) truck traffic;
- (f) the pavement quality index;
- (g) environmental impact;
- (h) alternative transportation solutions; and
- (i) consistency with local land use plans.

~~(C)(1) To the extent that state funds are available to address the needs of the state highway system, the commission must develop a comprehensive plan specifying objectives and performance measures for the preservation and improvement of the existing system. The projects included in this plan must be supported solely by state funds including the Nonfederal Aid Highway Fund or other state revenue source. When developing the plan required by this subsection, the commission must consider, but is not limited to considering, the criteria in subsection (B)(8).~~

~~(2) When state funding is programmed for a project selected from the plan to be undertaken, the department may use federal law, regulations, or guidelines relevant to the type of project being undertaken to be eligible for federal matching funds.~~

~~(D) To the extent permitted by federal laws or regulations, the commission has the authority to award all federal enhancement grants. Annually, the commission must submit a report to the chairman of the Senate Transportation Committee, the chairman of the Senate Finance Committee, the chairman of the House of Representatives Ways and Means Committee, and the chairman of the House of Representatives Education and Public Works Committee describing the number of federal enhancement grants that were awarded and the recipients of the federal enhancement grants.~~

~~(E) The commission must give its prior authorization to any consulting contracts advertised for or awarded by the department and authorize the selection of consultants by department personnel.~~

~~(F) Roads may not be added to or removed from the state highway system without prior authorization from the commission.~~

~~(G) The department shall conduct a public hearing in each county in which a public hearing is required by federal regulations to allow the department to share information regarding the project with the local community and to allow the local community to address its concerns with department officials. The hearing must include the opportunity for members of the public to address a hearing officer in a format in which comments can be heard by the general public.~~

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~~(H) The department shall promulgate, by regulation, procedures not inconsistent with federal laws for applying the criteria contained in subsection (B)(8) for prioritizing projects.~~

~~(I) The department may not sell surplus property without prior authorization from the commission.~~

~~(J) The commission must approve the department's annual budget.~~

~~(K) The department may not dedicate or name highway facilities without prior authorization from the commission.~~

~~(L) The department may not enter into any contract with a value in excess of five hundred thousand dollars without the prior authorization of the commission.~~

~~(M) The commission shall give prior approval to any additional contracts the department wishes to be entered into during a fiscal year with an entity that has already received individual contracts during that fiscal year that in the aggregate value are at least five hundred thousand dollars.~~

~~(N) Any request made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars must be reviewed and approved by the commission who certify that the request is needed based upon objective and quantifiable factors before work may proceed.~~

~~(O)(D) The commission shall have any other rights, duties, obligations, or responsibilities as provided by law.''~~

Further amend the amendment bearing file path 3579R067.EB.LKG (amendment 31A), as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION ____. Article 5, Chapter 1, Title 57 of the 1976 is amended by adding:

“Section 57-1-380. (A) The secretary shall compile a report containing the department's activities related to the following:

(1) the development of a plan specifying objectives and performance measures for the preservation and improvement of the existing transportation system;

(2) how state funds are used in the programming for projects selected from the Statewide Transportation Plan;

(3) what federal enhancement grants have been awarded;

(4) what, if any, consulting contracts have been advertised or awarded by the department and what consultants have been selected by department personnel;

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(5) what roads have been added or removed from the state highway system;

(6) the number and subject of any public hearings conducted by the department;

(7) all regulations promulgated by the department since the previous report;

(8) any surplus property sales conducted by the department and the results of such sales;

(9) a list of any highway facilities dedicated or named by the department since the previous report;

(10) any contract with a value in excess of five hundred thousand dollars entered into by the department; and

(11) a list of all requests made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars.

(B) The secretary shall provide the report required by subsection (A) to the commission on a quarterly basis. The secretary shall provide the General Assembly with the report required by subsection (A) on an annual basis." /

Re-number sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the perfecting amendment.

The question then was the adoption of the perfecting amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

Ayes 24; Nays 17

AYES

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

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Total--24

NAYS

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

Total--17

The amendment was laid on the table.

Amendment No. P2B-31A

Senator SHEHEEN proposed the following amendment (3579R083.EB.VAS), which was tabled:

Amend the amendment bearing file path 3579R067.EB.LKG (amendment 31A), as and if amended, by striking SECTION 4 and inserting:

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

“Section 57-1-100. (A). There is hereby created the Road Improvement Fund separate and distinct from all other funds, including the general fund. The General Assembly, in the annual general appropriations act, may appropriate to the Road Improvement Fund out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, an amount that it deems necessary to address the State’s transportation infrastructure needs balanced against the other budgetary obligations and priorities of the State.

(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.” /

Renumber sections to conform.

Amend title to conform.

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Senator SHEHEEN spoke on the perfecting amendment.
Senator HUTTO spoke on the perfecting amendment.
Senator SETZLER spoke on the perfecting amendment.
Senator LOURIE spoke on the perfecting amendment.

The question then was the adoption of the perfecting amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

Ayes 26; Nays 17

AYES

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

Total--26

NAYS

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

Total--17

The amendment was laid on the table.

Amendment No. P3-31A

Senator SHEHEEN proposed the following amendment
(3579R072.EB.VAS), which was tabled:

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Amend the bearing file path 3579R067.EB.LKG (amendment 31A), as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. A. Section 57-1-320 of the 1976 Code is amended to read:

~~“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.”~~

B. Section 57-1-325 of the 1976 Code is amended to read:

~~“Section 57-1-325. (A) Legislators residing in the congressional district To elect a commissioner to represent a transportation district, the transportation district delegation 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 transportation district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a weighted majority vote of the members of the delegation.~~

~~(B) The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional transportation 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.~~

~~(C) Legislators who represent any portion of a county located within a transportation district constitute the transportation district delegation. All members of the delegation are eligible to vote on candidates to represent the district on the commission. Voting shall be conducted~~

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based upon weighted voting that is proportional to the transportation district's total population in relation to the population of the district represented by each member." /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the perfecting amendment.

Senator SCOTT spoke on the perfecting amendment.

The question then was the adoption of the perfecting amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

Ayes 25; Nays 16

AYES

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

Total--25

NAYS

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

Total--16

The amendment was laid on the table.

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Amendment No. P4A-31A

Senator McELVEEN proposed the following amendment (3579R077.DR.JTM), which was tabled:

Amend the amendment bearing file path 3579R067.EB.LKG, Amendment 31A, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION ___. Section 57-1-310(A) of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57-1-310. (A) ~~The congressional districts~~ regional councils of government of this State are, for the purposes of this chapter, constituted and created as as Department of Transportation Districts ~~of the State, designated by numbers corresponding to the numbers of the respective congressional districts.~~ The Commission of the Department of Transportation shall be composed of one member from each transportation district elected by the ~~delegations of the congressional district~~ Department of Transportation District delegation and one member appointed by the Governor from the State at large. Such elections or appointment, as the case may be, shall take into account race and gender 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 or elected.”

SECTION ___. Section 57-1-320 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“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 two consecutive term terms and in no event shall any two persons from the same county serve as a commission member simultaneously except as provided hereinafter.~~”

SECTION ___. Section 57-1-325 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57-1-325. (A) ~~Legislators residing in the congressional district~~ To elect a commissioner to represent a transportation district, the transportation district delegation shall meet upon written call of a

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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~~ transportation district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a weighted majority vote of the members of the delegation.

(B) The delegation must be organized by the election of a chairman and a secretary, and the delegations of each ~~congressional~~ transportation 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.

(C) Legislators who represent any portion of a county located within a transportation district constitute the transportation district delegation. All members of the delegation are eligible to vote on candidates to represent the district on the commission. Voting shall be conducted based upon weighted voting that is proportional to the transportation district's total population in relation to the population of the district represented by each member.

SECTION ____ Section 57-1-330 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“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 elected by a transportation district delegation are elected to a term of office of four years which expires on February fifteenth of the appropriate year. A person may not be elected by a transportation district delegation for more than two consecutive terms. Commissioners shall continue to serve until their successors are elected and qualify, provided that a commissioner may only serve in a hold-over capacity for a period not to exceed six 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

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only. No person is eligible to serve as a commission member who is not a resident of that transportation 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 ____. Section 57-1-730(4) of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“(4) to submit the names of all qualified candidates to the ~~congressional~~ transportation district delegation for election.”

SECTION ____. Section 57-1-740 of the 1976 Code, as last amended by Act 253 of 2010, is further amended to read:

“Section 57-1-740. (A) For purposes of this section, a vacancy is created on the commission when a term expires, a new ~~congressional~~ transportation district is created, or a commission member resigns, dies, or is removed from office as provided in Section 57-1-330(C). If known in advance, the review committee may provide notice of a vacancy and begin screening prior to the actual date of the vacancy.

(B) Whenever a commission member must be elected to fill a vacancy:

(1) The review committee must forward a notice of the transportation ~~commission~~ district member vacancy to:

(a) a newspaper of general circulation within the ~~congressional~~ transportation district from which a commission member must be elected with a request that it be published at least once a week for four consecutive weeks;

(b) any person who has informed the committee that he desires to be notified of the vacancy; and

(c) to each member of the ~~congressional~~ transportation district delegation.

The committee may provide such additional notice that it deems appropriate.

(2) The review committee may not accept a notice of intention to seek the office from any candidate until the review committee certifies to the clerk of the Senate and the clerk of the House of Representatives

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that the proper notices, required by this section, have been requested to be published or provided as required in this subsection.

(3) The cost of the notification process required by this section must be absorbed and paid from the approved accounts of the Senate and the House of Representatives as contained in the annual appropriations act.

(C) Any person desiring to be a candidate for election to fill a vacancy on the commission must file a notice of intention with the review committee no later than five business days after the last date the published notice appeared in a newspaper of general circulation. Upon the expiration of the notice of intention filing period, the review committee must provide every member of the affected congressional district delegation with a complete list of the people who filed a notice.

(D)(1) When the notice of intention filing period closes, the review committee shall begin to conduct an investigation of candidates, as it considers appropriate, and may utilize the services of any agency of state government to assist in the investigation. Upon request of the review committee for assistance, an agency shall cooperate fully.

(2)(a)(i) Upon completion of the candidate investigations, the chairman of the review committee shall schedule a public hearing concerning the qualifications of the candidates. Any person who desires to testify at the hearing, including the candidates, must furnish a written statement of his proposed testimony to the chairman of the review committee. This statement shall be furnished no later than forty-eight hours prior to the date and time set for the hearing. The review committee shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the review committee, shall be submitted under oath and persons knowingly furnishing false information either orally or in writing shall be subject to the penalties provided by law for perjury and false swearing.

(ii) During the course of the investigation, the review committee may schedule an executive session at which the candidates, and other persons who the review committee wishes to interview, may be interviewed on matters pertinent to the candidate's qualification for the office to be filled.

(iii) The review committee shall render its ~~tentative~~ findings as to whether the candidates are qualified to serve on the commission as a district member and its reasons for making the findings within a reasonable time after the hearing. If only one person applies to fill a vacancy or if the review committee concludes there are fewer candidates

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qualified for a vacancy than those who initially filed, it shall submit to the ~~congressional~~ transportation district delegation for election only the names and qualifications of those who are considered to be qualified. The nominations of the review committee for any candidate for the election to the commission are binding on the ~~congressional~~ transportation district delegation, and it shall not elect a person not nominated by the review committee. Nothing shall prevent the ~~congressional~~ transportation district delegation from rejecting all persons nominated. In this event, the review committee shall submit another group of names and qualifications for that position. Further nominations in the manner required by this chapter must be made until the office is filled.

(b) As soon as possible after the completion of the hearing, a ~~verbatim copy of the testimony, documents submitted at the hearing, and the review committee's findings of fact related to a candidate's qualifications~~ shall be transcribed and published in the journals of both houses or otherwise made available in a reasonable number of copies to the members of both houses and a copy must be furnished to each candidate upon request.

(c)(i) The review committee must transmit to the ~~congressional~~ transportation district delegation the names of all qualified candidates.

(ii) No member of the ~~congressional~~ transportation district delegation may pledge his vote to elect a candidate until the review committee has released its written report concerning the qualifications of the candidate to the members of the appropriate ~~congressional~~ transportation district delegation. The release of the written report of qualifications shall occur no earlier than forty-eight hours after the names of the qualified candidates have been initially released to members of the appropriate ~~congressional~~ transportation district delegation.

(iii) No candidate may directly or indirectly seek the pledge of a vote from a member of the candidate's ~~congressional~~ transportation delegation or, directly or indirectly, contact a statewide constitutional officer, a member of the General Assembly, or the Joint Transportation Review Committee regarding screening for the commission until the review committee has released its written report as to the qualifications of all candidates in a particular ~~congressional~~ transportation district. For purposes of this section, 'indirectly seek the pledge' means the candidate, or someone acting on behalf of and at the request of the candidate, requests another person to contact a member of the General

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Assembly, a statewide constitutional officer, or a member of the review committee on behalf of the candidate before the review committee's release of the written report of qualifications.

(iv) The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate's qualifications.

(d) A candidate may withdraw at any stage of the proceedings, and in this event no further inquiry, report on, or consideration of his candidacy shall be made.

(3) All records, information, and other material that the review committee has obtained or used to make its findings of fact, except materials, records, and information presented under oath at the public hearing, shall be kept strictly confidential. After the review committee has reported its findings of fact, or after a candidate withdraws his name from consideration, all records, information, and material required to be kept confidential must be destroyed.

(4)(a) The review committee may, in the discharge of its duties, administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records considered necessary in connection with the investigation of the review committee.

(b) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, or other records before the review committee on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. However, no individual shall be prosecuted or subjected to any criminal penalty based upon testimony or evidence submitted or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury and false swearing committed during testimony.

(c) In case of contumacy by any person or refusal to obey a subpoena issued to any person, any circuit court of this State or circuit judge thereof within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the review committee, may issue to the person an order requiring him to appear before the review committee to produce evidence, if so ordered, or to give testimony concerning the matter under

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investigation. Any failure to obey an order of the court may be punished as contempt. Subpoenas shall be issued in the name of the review committee and shall be signed by the review committee chairman. Subpoenas shall be issued to those persons as the review committee may designate.

(5) The privilege of the floor in either house of the General Assembly may not be granted to a candidate, or any immediate family member of a candidate unless the family member is serving in the General Assembly, during the time the candidate's application is pending before the review committee and during the time the candidate's election is pending."

SECTION ____ (A) Members of the Department of Transportation Commission holding office as of the date that the Governor approves this act shall represent the transportation district that corresponds with the regional council of government in which the member resides. The members shall continue to hold office for the balance of the term to which they were elected. The members may be elected to serve an additional term at the expiration of the term that they are currently serving as provided by law.

(B)(1) Transportation districts that are not represented on the Department of Transportation Commission as a result of the provisions contained in this act are declared vacant and must be filled in the manner provided for in this act except as provided in items (2) and (3) of this section.

(2) To expedite the filling of vacancies created by this act, the Joint Transportation Review Committee may waive the publication notice of vacancy requirements contained in Section 57-1-740(B) and shorten the notice of intention filing period contained in Section 57-1-740(C).

(3) The Joint Transportation Review Committee shall establish new time periods related to the publication of notice of vacancy and notice of intention filing period. The new time periods must be posted on the General Assembly website as soon as practicable after adoption.

(C) The provisions contained in this section only apply to filling vacancies created by this act. Subsequent elections for those Department of Transportation districts must be held as provided by law.

Amend the amendment bearing file path 3579R067.EB.LKG, Amendment 31A further, as and if amended, by striking SECTION 5 in its entirety. /

Re-number sections to conform.

Amend title to conform.

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Senator McELVEEN spoke on the perfecting amendment.

The question then was the adoption of the perfecting amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

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

Ayes 26; Nays 18

AYES

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

Total--26

NAYS

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

Total--18

The amendment was laid on the table.

Amendment No. P5-31A

Senator HUTTO proposed the following amendment (3579CBH.P1.31A), which was tabled:

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Amend amendment 31A bearing document number 3579R067.EB.LKG, as and if amended, by striking Section 57-1-310(A) and inserting the following:

/ “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. Also, the Governor shall ensure that the commission is comprised of least two commissioners who reside in a county with a population of one hundred thousand or less and at least two commissioners who reside in a county with a population greater than one hundred thousand. however, 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.” /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO spoke on the perfecting amendment.

The question then was the adoption of the perfecting amendment.

The amendment was laid on the table.

Amendment No. P6-31A

Senator HUTTO proposed the following amendment (3579R069.EB.CBH), which was tabled:

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Amend the amendment bearing file path 3579R067.EB.LKG (amendment 31A), as and if amended, by striking SECTION 5 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke on the perfecting amendment.

The question then was the adoption of the perfecting amendment.

Senator MASSEY moved to lay the amendment on the table.

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

Ayes 26; Nays 17

AYES

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

Total--26

NAYS

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

Total--17

The amendment was laid on the table.

Amendment No. P7-31A

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Senator SHEHEEN proposed the following amendment (3579R073.DR.VAS), which was tabled:

Amend the amendment bearing file path 3579R067.EB.LKG, Amendment 31A, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. Section 11-43-140 of the 1976 Code is amended to read:

“Section 11-43-140. (A) The board of directors is the governing board of the bank. The board consists of seven ~~voting~~ directors as follows: ~~the Chairman of the Department of Transportation Commission, ex officio; one director appointed by the Governor who shall serve as chairman; one director appointed by the Governor; one director appointed by the Speaker of the House of Representatives; one member of the House of Representatives appointed by the Speaker, ex officio; one director appointed by the President Pro Tempore of the Senate; and one member of the Senate appointed by the President Pro Tempore of the Senate, ex officio. Directors appointed by the Governor, the Speaker, and the President Pro Tempore shall serve terms coterminous with those of their appointing authority. The terms for the legislative members are coterminous with their terms of office. The vice chairman must be elected by the board. Any person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term. One director shall be elected from each transportation district, as defined in Section 57-1-310(A), for a term of four years.~~

(B) To elect a board member to represent a transportation district, the transportation district delegation shall meet upon written call of a majority of the members of the delegation at a time and place to be designated in the call. A majority present, either in person or by written proxy, of the delegation from a given transportation district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected to the board who fails to receive a weighted majority vote of the members of the delegation.

(C) The delegation must be organized by the election of a chairman and a secretary, and the delegations of each transportation 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

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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.

(D) Legislators who represent any portion of a county located within a transportation district constitute the transportation district delegation. All members of the delegation are eligible to vote on candidates to represent the district on the commission. Voting shall be conducted based upon weighted voting that is proportional to the transportation district's total population in relation to the population of the district represented by each member." /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the perfecting amendment.

The question then was the adoption of the perfecting amendment.

Senator MASSEY moved to lay the amendment on the table.

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

Ayes 26; Nays 17

AYES

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

Total--26

NAYS

Allen	Hutto	Jackson
Johnson	Kimpson	Lourie

[SJ]

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Malloy	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	Nicholson	Reese
Sabb	Scott	Setzler
Sheheen	Williams	

Total--17

The amendment was laid on the table.

Amendment No. P8C-31A

Senators GROOMS, PEELER, ALEXANDER, BENNET, BRIGHT, BRYANT, CAMPBELL, CAMPSER, CLEARY, CORBIN, COURSON, CROMER, DAVIS, FAIR, GREGORY, HAYES, HEMBREE, LEATHERMAN, L. MARTIN, S. MARTIN, MASSEY, RANKIN, SHEALY, THURMOND, TURNER, VERDIN and YOUNG proposed the following amendment (BBM\3579C162.BBM.DG16):

Amend Amendment Number 31A, bearing document number 3579R067 EB LKG, as and if amended, by striking SECTION 3 and inserting:

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

“() Before providing a loan or other financial assistance to a qualified borrower on a qualified project, the board of directors must submit the decision to the Department of Transportation Commission for its consideration. The Department of Transportation Commission can approve or reject the board of directors’ decisions or request additional information from the board of directors. This requirement does not apply to decisions by the board that relate to any payment or contractual obligations that the Department of Transportation has to the bank that are pledged to any bonds issued by the bank.” /

Re-number sections to conform.

Amend title to conform.

Senator GROOMS spoke on the perfecting amendment.

Senator SETZLER spoke on the perfecting amendment.

Motion Adopted

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

[SJ]

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Debate was interrupted by adjournment.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

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

Jeffrey Dean Bailey, 703 Mt. Tabor Church Rd., Union, SC 29379

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

Jimmy Dean Crocker, 386 Bently Town Road, Union, SC 29379

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

Harold Whitney Smith, 174 Tom Kelly Circle, Carlisle, SC 29031

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

Arthur Taylor Sprouse, Jr., P.O. Box 310, Pauline, SC 29374

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

Toney L. Farr, Sr., 710 Howell Rd., Jonesville, SC 29353

Motion Adopted

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

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MOTION ADOPTED

On motion of Senators COURSON, ALEXANDER, ALLEN, BENNETT, BRIGHT, BRYANT, CAMPBELL, CAMPSER, CLEAR, COLEMAN, CORBIN, CROMER, DAVIS, FAIR, GREGORY, GROOMS, HAYES, HEMBREE, HUTTO, JACKSON, JOHNSON, KIMPSON, LEATHERMAN, LOURIE, MALLOY, LARRY MARTIN, SHANE MARTIN, MASSEY, JOHN MATTHEWS, MARGIE BRIGHT MATTHEWS, McELVEEN, NICHOLSON, PEELER, RANKIN, REESE, SABB, SCOTT, SETZLER, SHEALY, SHEHEEN, THURMOND, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of First Lady Nancy Reagan of Los Angeles, CA. Mrs. Reagan was a former Hollywood performer and beloved first lady. She was a well-known champion against drug abuse and was influential in securing funding for research into fighting Alzheimer's Disease and breast cancer. Nancy was a loving wife for 52 years to President Ronald Reagan, a devoted mother, doting grandmother and humanitarian who will be dearly missed.

ADJOURNMENT

At 6:12 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 10:00 A.M.

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