

NO. 38

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2016

WEDNESDAY, MARCH 16, 2016

Wednesday, March 16, 2016
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

The prophet Hosea tells us that:

“The ways of the Lord are right; the righteous walk in them, but the rebellious stumble in them.” (Hosea 13:9c)

Join me as we bow in prayer, please:

How challenging, indeed, O Gracious Lord. How challenging it is to live out our days in the manner you expect of us. For truly, we are bombarded on all sides by voices which call us to spend our time focusing on the quick fix, upon the easy answer, upon just getting by. Forgive us during this Lenten season for succumbing to our weaknesses, Lord. Rather, empower each of these Senators to be faithful to Your way, to follow the pathway You have laid out. By Your grace, guide, lead and bless these servants so that in turn they themselves can rightly guide, lead and bless the people of South Carolina. This we humbly pray in Your loving name, 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:

Statewide Appointments

Initial Appointment, South Carolina Public Charter School District Board of Trustees, with the term to commence August 1, 2013, and to expire August 1, 2016

At-Large, Governor:

Linzie R. Staley, 427 Barnwell Street, Columbia, SC 29205

Referred to the Committee on Education.

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Reappointment, South Carolina Public Charter School District Board of Trustees, with the term to commence August 1, 2016, and to expire August 1, 2019

At-Large, Governor:

Linzie R. Staley, 427 Barnwell Street, Columbia, SC 29205

Referred to the Committee on Education.

Reappointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2014, and to expire July 1, 2018

2nd Congressional District:

Michael E. Hutchins, 1 Panorama Dr., Lexington, SC 29072

Referred to the Committee on Fish, Game and Forestry.

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2016, and to expire May 19, 2023

5th Congressional District:

Alfred L. Reid, 1681 Huntmoor Dr., Rock Hill, SC 29372

Referred to the Committee on Judiciary.

Reappointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2016, and to expire May 31, 2019

Licensed or Certified Appraiser:

George E. Knight, Jr., 4013 Kenilworth Road, Columbia, SC 29205

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina State Athletic Commission, with the term to commence June 30, 2016, and to expire June 30, 2020

4th Congressional District:

Paul H. Kennemore, 367 Meathward Circle, Moore, SC 29369

Referred to the Committee on Labor, Commerce and Industry.

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Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2014, and to expire December 31, 2018
2nd Congressional District:

Eric J. Sellers, 213 Eagle Pointe Drive, Chapin, SC 29036 *VICE*
Amanda E. Baker

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina State Ports Authority, with the term to commence February 13, 2016, and to expire February 13, 2021

At-Large:

Patrick W. McKinney, 44 Wentworth Street, Charleston, SC 29401

Referred to the Committee on Transportation.

Doctor of the Day

Senator LEATHERMAN introduced Dr. E. Conyers O'Bryan of Florence, S.C., Doctor of the Day.

Leave of Absence

At 2:28 P.M., Senator PEELER requested a leave of absence for Senator COURSON until 3:30 P.M.

Leave of Absence

At 3:06 P.M., Senator BRIGHT requested a leave of absence for Senator DAVIS from 12:00 P.M. until 3:00 P.M..

Leave of Absence

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

Leave of Absence

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

Leave of Absence

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

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CO-SPONSORS ADDED

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

S. 1087 Sen. Shealy
S. 1115 Sen. Shealy
S. 1169 Sen. Shealy
S. 1170 Sen. Shealy

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1173 -- Senator Campsen: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE SALTWATER SPORTS CLUB ON THE OCCASION OF THEIR 40TH ANNIVERSARY AND TO WISH THEM MUCH SUCCESS IN ALL THEIR FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1174 -- Senators Young, Turner, McElveen and Shealy: A BILL TO AMEND SECTION 14-7-1610 OF THE 1976 CODE, RELATING TO LEGISLATIVE FINDINGS CONCERNING THE STATE GRAND JURY SYSTEM, TO PROVIDE ADDITIONAL FINDINGS CONCERNING CERTAIN CRIMES INVOLVING INSURANCE FRAUD; TO AMEND SECTION 14-7-1630, RELATING TO THE SUBJECT MATTER JURISDICTION OF THE STATE GRAND JURY, TO INCLUDE CERTAIN CRIMES INVOLVING INSURANCE FRAUD; TO AMEND SECTION 38-55-170, RELATING TO CRIMES AND PENALTIES FOR PRESENTING FALSE CLAIMS FOR PAYMENT TO AN INSURER TRANSACTING IN THIS STATE, TO PROVIDE FOR THE SUSPENSION OF THE DRIVING PRIVILEGES OF A PERSON FOUND ON THE RECORD BY THE COURT OF HAVING CARELESSLY OR RECKLESSLY OPERATED A MOTOR VEHICLE IN THE COMMISSION OF SUCH A VIOLATION AND TO SUBJECT THE DRIVER'S MOTOR VEHICLE AND RELATED PROPERTY USED IN THE COMMISSION OF THE VIOLATION TO FORFEITURE; TO AMEND SECTION 38-55-540, RELATING TO CRIMES AND PENALTIES FOR MAKING FALSE STATEMENTS OF MISREPRESENTATION IN VIOLATION OF THE INSURANCE FRAUD AND REPORTING IMMUNITY ACT, TO REVISE

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CRITERIA FOR VARIOUS PENALTIES, AND TO PROVIDE FOR THE SUSPENSION OF THE DRIVING PRIVILEGES OF A PERSON FOUND ON THE RECORD BY THE COURT OF HAVING CARELESSLY OR RECKLESSLY OPERATED A MOTOR VEHICLE IN THE COMMISSION OF SUCH A VIOLATION AND SUBJECT THE DRIVER'S MOTOR VEHICLE AND RELATED PROPERTY USED IN THE COMMISSION OF THE VIOLATION TO FORFEITURE; AND TO AMEND SECTION 56-1-146, RELATING TO THE SURRENDER OF DRIVERS' LICENSES BY PEOPLE CONVICTED OF CERTAIN CRIMES, TO INCLUDE THE CRIME OF INSURANCE FRAUD.

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

S. 1175 -- Senator L. Martin: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON WEDNESDAY, NOVEMBER 16 THROUGH SATURDAY, NOVEMBER 19, 2016; HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

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

H. 3706 -- Reps. Putnam, Gagnon, Yow, Thayer, Gambrell, Ridgeway, Norrell, Henderson, Fry and Bedingfield: A BILL TO AMEND CHAPTER 99, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY TREATMENT FOR MEDICAL HAZARDS CAUSED BY INSECT STINGS, SO AS TO RENAME THE CHAPTER THE "EMERGENCY ANAPHYLAXIS TREATMENT ACT", TO ADD A DEFINITION FOR "EPINEPHRINE AUTO-INJECTOR", TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP A TRAINING AND CERTIFICATION PROGRAM FOR INDIVIDUALS WHO ADMINISTER EPINEPHRINE AUTO-INJECTORS, TO ALLOW CERTAIN ENTITIES TO OBTAIN A

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

Read the first time and referred to the Committee on Medical Affairs.

H. 3848 -- Reps. Huggins, J. E. Smith, McKnight, Jefferson, Hosey, Atwater, Toole, Burns, Herbkersman, Ridgeway, Simrill, Kennedy, Ballentine and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA FOUNDING PRINCIPLES ACT" BY ADDING SECTION 59-29-155 SO AS TO REQUIRE THE COMPLETION OF A SEPARATE, FULL SEMESTER COURSE CONSISTING ONLY OF INSTRUCTION IN CERTAIN FOUNDING PRINCIPLES OF THE UNITED STATES OF AMERICA, TO REQUIRE A PASSING GRADE IN THE COURSE AND ON THE NATURALIZATION TEST FOR UNITED STATES CITIZENSHIP AS A CONDITION FOR GRADUATION FROM HIGH SCHOOL, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION AND THE LOCAL SCHOOL DISTRICTS.

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

H. 4718 -- Reps. Anthony, Hayes, Bingham, Erickson, Cobb-Hunter, Bales, Allison, Burns, Hiott, Robinson-Simpson, Anderson, Long, Whitmire, Merrill, George, Knight, Gambrell, Simrill, W. J. McLeod, Bannister, Bernstein, Chumley, Clary, Clemmons, Dillard, Felder, Gagnon, Goldfinch, Henderson, Herbkersman, Hixon, Nanney, Pitts, Ridgeway, Ryhal, Sandifer, G. R. Smith, Stringer, Weeks, Wells, White, Whipper, R. L. Brown, Gilliard and Mack: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-26-45 SO AS TO PROVIDE A PERSON WHO HAS TAUGHT IN THE SOUTH CAROLINA PUBLIC SCHOOL SYSTEM FOR AT LEAST TWENTY YEARS COLLECTIVELY WHILE

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HOLDING A TEMPORARY OR PROFESSIONAL CERTIFICATE ISSUED BY THE SOUTH CAROLINA DEPARTMENT OF EDUCATION THROUGHOUT THIS TWENTY YEAR PERIOD IS NOT REQUIRED TO RENEW THESE CREDENTIALS TO MAINTAIN THEIR VALIDITY, AND TO PROVIDE THE CREDENTIALS REMAIN SUBJECT TO REVOCATION OR SUSPENSION FOR A DISCIPLINARY ACTION, TO PROVIDE THE DEPARTMENT SHALL DETERMINE WHETHER A TEACHER MEETS THESE CRITERIA BEFORE THE EXEMPTION MAY BE APPLIED TO THE TEACHER, AND TO PROVIDE THIS DETERMINATION ONLY MAY BE MADE AT THE REQUEST OF THE TEACHER, WHO MUST INITIATE THE PROCESS TO RECEIVE THE EXEMPTION.

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

H. 5111 -- Rep. Rutherford: A CONCURRENT RESOLUTION TO CELEBRATE ACCLAIMED WASHINGTON BALLET DANCER BROOKLYN MACK FOR HIS ILLUSTRIOUS CAREER, TO WELCOME THIS SON OF SOUTH CAROLINA ON HIS PRESENT VISIT TO HIS HOME STATE, AND TO EXTEND THANKS FOR HIS CONTRIBUTIONS IN SUPPORT OF COLUMBIA CLASSICAL BALLET AND COLUMBIA CITY BALLET.

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

H. 5113 -- Reps. Quinn and J. E. Smith: A CONCURRENT RESOLUTION TO THANK SERGEANT FIRST CLASS CHARLES MARTLAND OF THE U.S. ARMY FOR HIS DEDICATED SERVICE IN OUR COUNTRY'S ARMED FORCES AND TO EXPRESS THE ADMIRATION OF THE SOUTH CAROLINA GENERAL ASSEMBLY FOR HIS VALIANT AND HONORABLE SERVICE IN DEFENSE OF AN INNOCENT CHILD AND HIS MOTHER IN AFGHANISTAN.

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

REPORTS OF STANDING COMMITTEES

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

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

Ordered for consideration tomorrow.

Senator YOUNG from the Committee on Judiciary submitted a majority favorable with amendment and Senator M. B. MATTHEWS a minority unfavorable report on:

H. 3191 -- Reps. Newton, Cole, Anderson, Bales, G.A. Brown, R.L. Brown, Finlay, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Norman, Norrell, Pope, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Douglas, Henderson, G.M. Smith, G.R. Smith, McCoy and Clary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-23-665 SO AS TO CREATE THE OFFICE OF FREEDOM OF INFORMATION ACT REVIEW WITHIN THE ADMINISTRATIVE LAW COURT, TO PROVIDE FOR THE ADMINISTRATION, FUNCTIONS, AND RELATED PROCEDURES OF THE OFFICE, ITS HEARING OFFICERS, AND APPEALS FROM DECISIONS OF THE OFFICE; TO AMEND SECTION 30-4-30, RELATING TO THE RIGHT TO INSPECT OR COPY PUBLIC RECORDS, SO AS TO EXPAND THE RIGHT TO INCLUDE RECEIPT OF EXISTING ELECTRONIC TRANSMISSIONS OF PUBLIC RECORDS, TO REVISE THE MANNER IN WHICH RELATED FEES AND CHARGES MAY BE ESTABLISHED AND COLLECTED, TO REDUCE THE TIME IN WHICH A PUBLIC BODY MUST RESPOND WITH NOTICE OF ITS FINAL DETERMINATION CONCERNING A RECORDS REQUEST FROM FIFTEEN TO TEN DAYS, TO PROVIDE TWO SETS OF TIME LIMITS WITHIN WHICH RECORDS SUBSEQUENTLY MUST BE FURNISHED OR MADE AVAILABLE FOR INSPECTION OR COPYING BASED ON WHETHER THE DOCUMENTS ARE LESS OR MORE THAN TWO YEARS OLD, TO INCLUDE AMONG THOSE RECORDS THAT MUST BE AVAILABLE FOR COPYING AND INSPECTION WITHOUT WRITTEN REQUEST DURING NORMAL BUSINESS HOURS ALL DOCUMENTS PRODUCED BY

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THE PUBLIC BODY OR ITS AGENT THAT WERE DISTRIBUTED TO OR REVIEWED BY ANY MEMBER OF THE PUBLIC BODY DURING A PUBLIC MEETING FOR THE PRECEDING SIX-MONTH PERIOD, AND TO PROVIDE THAT A PUBLIC BODY MAY COMPLY WITH REQUIREMENTS FOR MAKING CERTAIN RECORDS AVAILABLE FOR COPYING AND INSPECTION WITHOUT WRITTEN REQUEST DURING NORMAL BUSINESS HOURS BY MAKING THE RECORDS AVAILABLE ON A PUBLICLY AVAILABLE INTERNET WEBSITE; TO AMEND SECTION 30-4-100, RELATING TO REMEDIES AVAILABLE FOR VIOLATIONS, SO AS TO INCLUDE HEARINGS BEFORE THE OFFICE OF FREEDOM OF INFORMATION ACT REVIEW TO SEEK SPECIFIC ENFORCEMENT, TO CHALLENGE THE REASONABLENESS OF FEES, AND TO SEEK RELIEF FROM UNDULY BURDENSOME, OVERLY BROAD, AND OTHERWISE IMPROPER REQUESTS TO PUBLIC BODIES; AND TO AMEND SECTION 30-4-110, RELATING TO PENALTIES FOR VIOLATIONS, SO AS TO REMOVE EXISTING CRIMINAL PENALTIES, TO PROVIDE A PRIVATE CAUSE OF ACTION FOR A VIOLATION, AND TO PROVIDE FOR THE AWARD OF DAMAGES AND ATTORNEY FEES.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

H. 3768 -- Reps. G.M. Smith, Johnson and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 5, TITLE 11 SO AS TO ESTABLISH THE "SOUTH CAROLINA ABLE SAVINGS PROGRAM", TO ALLOW INDIVIDUALS WITH A DISABILITY AND THEIR FAMILIES TO SAVE PRIVATE FUNDS TO SUPPORT THE INDIVIDUAL WITH A DISABILITY, TO PROVIDE GUIDELINES TO THE STATE TREASURER FOR THE MAINTENANCE OF THESE ACCOUNTS, AND TO ESTABLISH THE SAVINGS PROGRAM TRUST FUND AND SAVINGS EXPENSE TRUST FUND; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 5, TITLE 11 AS ARTICLE 1 AND ENTITLE THEM "GENERAL PROVISIONS".

Ordered for consideration tomorrow.

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

H. 4816 -- Rep. J.E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53-3-205 SO AS TO DESIGNATE JUNE TWENTY-SEVENTH OF EACH YEAR AS SOUTH CAROLINA POST-TRAUMATIC STRESS INJURY (PTSI) AWARENESS DAY.

Ordered for consideration tomorrow.

Appointment Reported

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

Statewide Appointment

Reappointment, South Carolina Workers' Compensation Commission, with the term to commence June 30, 2016, and to expire June 30, 2022

At-Large:

Melody L. James, 152 Golden Pond Drive, Lexington, SC 29073

Received as information.

Message from the House

Columbia, S.C., March 16, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that the Report of the Committee of Conference having been adopted by both Houses, it has ordered that the title of the Bill be changed to that of an Act and that the Act be enrolled for Ratification:

H. 3545 -- Reps. Gambrell, Weeks, Bedingfield, V.S. Moss, Clemmons, Forrester, Gagnon, D.C. Moss, Pitts, Riley, G.M. Smith, G.R. Smith, White and Yow: A BILL TO AMEND SECTION 16-11-110, AS AMENDED, RELATING TO ARSON, SO AS TO RESTRUCTURE THE ELEMENTS OF THE DEGREES OF ARSON.

Very respectfully,

Speaker of the House

Received as information.

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HOUSE CONCURRENCE

S. 1077 -- Senators Bryant, Massey, Young, Alexander, Allen, Bennett, Bright, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, J. Matthews, M.B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin and Williams: A CONCURRENT RESOLUTION TO THANK THE UNITED STATES ARMY CORPS OF ENGINEERS OF THE SOUTH ATLANTIC DIVISION FOR RECONSIDERING THEIR DECISION REGARDING PRIVATE USE OF THE SAVANNAH RIVER BASIN FOR LAWN AND GARDEN IRRIGATION AND TO RECOGNIZE THE LAKE HARTWELL ASSOCIATION ON THEIR EFFORTS TO MONITOR AND COMMUNICATE ON BEHALF OF THE CITIZENS AFFECTED BY THESE DECISIONS.

Returned with concurrence.

Received as information.

S. 1167 -- Senators Fair, Hutto and Jackson: A CONCURRENT RESOLUTION TO RECOGNIZE THAT ABUSE AND NEGLECT OF CHILDREN IS A SIGNIFICANT PROBLEM, TO COMMEND THE IMPORTANT WORK BEING DONE TO COMBAT THIS SERIOUS PROBLEM, AND TO DECLARE TUESDAY, APRIL 26, 2016, AS "CHILDREN'S ADVOCACY CENTER DAY" IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

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

AMENDMENT WITHDRAWN

READ THE SECOND TIME

S. 653 -- Senator Scott: A BILL TO AMEND SECTION 38-63-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF INDIVIDUAL LIFE INSURANCE POLICY BENEFIT PROCEEDS IN A LUMP SUM, SO AS TO PROVIDE THE INTEREST PAID MUST BE PAID AT A RATE NOT LESS THAN THE CURRENT RATE INTEREST PAID ON DEATH PROCEEDS

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LEFT ON DEPOSIT WITH THE INSURER; AND TO AMEND SECTION 38-65-120, RELATING TO PAYMENT OF GROUP LIFE INSURANCE POLICY BENEFIT PROCEEDS IN A LUMP SUM, SO AS TO CLARIFY THE REQUIREMENTS FOR CLAIMS SUBMISSIONS, AND TO PROVIDE INTEREST PAID ON LUMP SUM PAYMENTS MUST BE PAID AT A RATE NOT LESS THAN THE CURRENT RATE OF INTEREST PAID ON DEATH PROCEEDS LEFT ON DEPOSIT WITH THE INSURER.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO proposed the following amendment (NBD\653C002.NBD.CZ15), which was withdrawn:

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

/ SECTION 1. Section 38-63-80 of the 1976 Code is amended to read:

“Section 38-63-80. When an individual life insurance policy provides for payment of its proceeds in a lump sum upon the death of the insured and the insurer fails to pay the proceeds within thirty days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest ~~at the legal rate from the date of death of the insured until the date the claim is paid.~~ Notwithstanding another provision of law, this interest must be paid at a rate not less than the current rate of interest paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured. If the insurer fails to pay the proceeds within ninety days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest at the greater of the legal rate of interest or the current rate of insurance paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured from the ninety-first day until payment.”

SECTION 2. Section 38-65-120 of the 1976 Code is amended to read:

“Section 38-65-120. When a group life insurance policy provides for payment of its proceeds in a lump sum upon the death of an insured and the insurer fails to pay the proceeds within thirty days of submission of proof of death and all necessary claim papers needed to properly pay the claim, the payment must include interest ~~at the legal rate of interest from the date of death of that insured until the date the claim is paid.~~ Notwithstanding another provision of law, this interest must be paid at a

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rate not less than the current rate of interest paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured. If the insurer fails to pay the proceeds within ninety days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest at the greater of the legal rate of interest or the current rate of insurance paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured from the ninety-first day until payment.”

SECTION 3. Section 38-63-220(f) of the 1976 Code is amended to read:

“(f) a provision that when a policy becomes a claim by the death of the insured, settlement must be made upon receipt of proof of death. When a policy provides for payment of its proceeds in a lump sum upon the death of the insured and the insurer fails to pay the proceeds within thirty days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest at the legal rate of interest from the date of death of the insured until the date the claim is paid. Notwithstanding another provision of law, this interest must be paid at a rate not less than the current rate of interest paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured. If the insurer fails to pay the proceeds within ninety days of submission of proof of death and all necessary claim papers needed in order to pay the claim properly, the payment must include interest at the greater of the legal rate of interest or the current rate of insurance paid on death proceeds left on deposit with the insurer in effect at the time of the death of the insured from the ninety-first day until payment;”

SECTION 4. This act takes effect upon approval by the Governor./
Renumber sections to conform.
Amend title to conform.

The question then was second reading of the Bill.

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

Ayes 37; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Cleary	Corbin

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Cromer	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	<i>Matthews, John</i>
Nicholson	Peeler	Rankin
Reese	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Young		

Total--37

NAYS

Total--0

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

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

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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.

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

MOTION ADOPTED

At 2:32 P.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

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

CARRIED OVER

S. 199 -- Senators Grooms, Hembree, Bennett, Campbell, Verdin, Campsen, Gregory, Johnson, Setzler, Sabb, Nicholson and Scott: A BILL TO AMEND SECTION 56-5-1535 OF THE 1976 CODE, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, TO DELETE THIS PROVISION AND CREATE “PEANUT’S LAW”, TO PROVIDE A DEFINITION FOR THE TERMS “HIGHWAY WORK ZONE” AND “HIGHWAY WORKER”, TO CREATE THE OFFENSES OF “ENDANGERMENT OF A HIGHWAY WORKER”, 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

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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.

DEBATE INTERRUPTED

S. 997 -- Senators Bright, S. Martin, Peeler, Fair, Grooms, Corbin, Verdin and Bryant: A BILL TO AMEND CHAPTER 1, TITLE 43 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES, BY ADDING SECTION 43-1-730 TO PROVIDE THAT REFUGEES PLACED IN THIS STATE BY THE FEDERAL GOVERNMENT MUST REGISTER WITH THE DEPARTMENT OF SOCIAL SERVICES; TO AMEND TITLE 15, CHAPTER 5 OF THE 1976 CODE, TO PROVIDE CIVIL LIABILITY FOR VOLUNTARY RESETTLEMENT ORGANIZATIONS ARISING FROM THE ACTIONS OF A REFUGEE PLACED IN THIS STATE TO WHOM THE ORGANIZATION PROVIDED SPONSORSHIP OR RESETTLEMENT SERVICES; TO PROHIBIT STATE OR LOCAL FUNDS BEING EXPENDED FOR THE DIRECT OR INDIRECT BENEFIT OF REFUGEES UNTIL LEGISLATION SPECIFICALLY AUTHORIZING THE EXPENDITURE IS ENACTED; AND TO DEFINE NECESSARY TERMS.

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

Senator BRYANT spoke on the Bill.

Amendment No. P1

Senator HUTTO proposed the following amendment (997R008.EB.CBH):

Amend the committee amendment, as and if amended, by striking SECTION 4 and inserting:

/ SECTION 4. As of the effective date of this act, no state or local funds may be expended to directly or indirectly benefit a refugee placed in South Carolina under the Refugee Resettlement Program, except that

[SJ]

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the State Law Enforcement Division and local law enforcement agencies may expend those funds necessary to fulfill the obligations required of them by the provisions contained in this act. Except as it relates to SLED and local law enforcement agencies, funds may not be expended pursuant to this provision until separate legislation authorizing the expenditures is enacted. The prohibition on the expenditure of state or local funds contained in this act shall not apply to expenditures related to educating children in the Refugee Resettlement Program. /

Re-number sections to conform.

Amend title to conform.

Senator JOHNSON spoke on the amendment.

Senator KIMPSON spoke on the amendment.

Senator LEATHERMAN moved that the Senate stand adjourned.

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

Ayes 20; Nays 19

AYES

Alexander	Allen	Bryant
Campbell	Coleman	Johnson
Kimpson	Leatherman	Lourie
Malloy	<i>Matthews, John</i>	McElveen
Nicholson	Rankin	Reese
Sabb	Scott	Setzler
Sheheen	Thurmond	

Total--20

NAYS

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

Total--19

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The Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Allison "Al" H. Tyler, Sr. of Wagner, S.C. Mr. Tyler was a second generation owner of Tyler Brothers in Wagner and worked in men's wear until his retirement. He served in the United States Navy in communications. He was a member of First Baptist Wagner and was a generous southern gentleman who enjoyed playing golf. Al was a loving father and devoted grandfather who will be dearly missed.

ADJOURNMENT

At 4:47 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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