

NO. 41

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2016

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TUESDAY, MARCH 22, 2016

**Tuesday, March 22, 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:

Jeremiah the prophet has written:

“For there will be a day when sentinels will call in the hill country of Ephraim: ‘Come, let us go up to Zion, to the Lord our God.’ ”

(Jeremiah 31:6)

Join me as we bow in prayer:

Gracious, loving Lord, we praise You for the power and glory of this Holy Week! As many indeed focus upon the hope we find in You during this blessed period, we ask that you especially embrace each of these Senators and all of their staff members in Your care. Enfold them in Your love and strengthen them as they wrestle with their various tasks. For truly, it is only when each Senator and staff member rightly hears Your call and chooses to follow You, O God, that she or he will ever be able to bring about the benefits they seek for our State and her people. Once again, dear God, we ask that You also wrap your loving arms around our sisters and brothers in Europe, this time in Brussels, where terrorists have unleashed horrendous attacks. We pray all this in Your wondrous name, O Lord. Amen.

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

**ADDENDUM TO THE JOURNAL**

The following remarks by Senator KIMPSON were ordered printed in the Journal of February 9, 2016:

**Remarks by Senator KIMPSON**

Thank you, Mr. PRESIDENT, ladies and gentlemen of the Senate. You've heard three Bills that have just been introduced and referred to Finance. We have a crisis in our major urban cities and even in our rural counties regarding housing across the country, but specifically, the State of South Carolina is skyrocketing. The median price of a home in

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Charleston in 2015 rose 15% from 2007. Now today it is \$235,000. I don't know about you but a \$200,000 home is a lot of money.

I've introduced a Bill to raise the minimum wage in increments to \$15 an hour. I believe that we have to do something for wages for working people in this country. So my colleagues, I've been working with Charleston City Council, democrats and republicans, to come up with a way to give our local municipalities and county agencies tools to use to deal with the lack of affordable housing in our respective districts. If we don't deal with this issue, then a working class family will not be able to afford a home. So we've got to attack it twofold. We have to create a minimum wage in South Carolina -- I propose that it be \$15 an hour. But we also have to give our local governments' tools to use so that they can provide affordable housing to our working class. These are the people who work in our schools, who are first responders, police, and firefighters. But they have to live miles outside of the cities. I will write a letter to the Chairman of Finance to ask for a subcommittee hearing because I welcome all ideas. This may not be the perfect solution; but, nevertheless, it is a start. Charleston City Council supports it and I'll be traveling around the State to meet with other municipalities to garner some support for these tools.

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**ADDENDUM TO THE JOURNAL**

The following remarks by Senator KIMPSON were ordered printed in the Journal of February 18, 2016:

**Remarks by Senator KIMPSON**

Thank you, Mr. PRESIDENT, ladies and gentlemen of the Senate. I wanted to chime into the great discussion on the Constitution we were having when Senator CAMPSEN and Senator MASSEY were discussing this. You know, I'm not a constitutional scholar. I did get an "A" surprisingly in Constitutional Law. But for these strict constructionists who have petitioned for the President of this country not to appoint and fill the vacancy of Justice Scalia -- I'm curious as to their thoughts about the strict construction of Article II which allows the President to nominate with the advice of the Senate to fill the vacancy. That's just a side note that I wanted to take the opportunity to bring up.

What I really wanted to take the well to do is try to focus this Body on some legislation for working class people. As many of you know, I pre-filed some legislation to create a state minimum wage. A minimum wage

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which would raise the dollar wage to \$15 an hour. I have written the Chairman of Labor and Commerce to get a hearing on this working class wage Bill and I think we're moving in the right direction. I appreciate Senator DAVIS. I know he's coming back up here today and I was trying to be very respectful in my questioning of him yesterday on the roads Bill because of the filibuster -- we have so many things to discuss in this Body. I know roads are of paramount importance to the State. I appreciate the back and forth but what is happening in the Body is we're canceling committee meetings all in an effort to get roads as part of our agenda this year. It is beginning to delay some of the other initiatives we have. I also have an affordable housing legislation from the people in my district. As I mentioned last week, the average home price in Charleston is now \$235,000. We did some math over the weekend and it would take a person earning \$45 an hour to afford a home in Charleston. So Charleston City Council, Mayor Tecklenburg and Joe Riley came up with some tools we thought would be helpful to address this statewide crisis. We've got three Bills there.

And then we have what I consider a very paramount issue crisis -- public epidemic. I think the study of that is Epidemiology. We have a crisis with guns. We've got murder after murder after murder occurring -- too many guns on our streets. And as I've done every week, I've given you a statistic about the gun deaths in South Carolina. When it comes to killing law enforcement officers with a gun, this State ranks fourth in the nation. For the years 2002-2011, 16 officers were killed with a gun so we have common sense legislation to close the loophole on the Internet and on gun shows. It is clearly within our province based on the most recent constitutional or constitutional scholars, Keller and McDonald. It is clearly within our province to enact legislation for reasonable gun safety. In other words, the second amendment can be tightened -- gun use can be restricted. We have a lot of business to do in this Body and I hope we can get, particularly with respect to the Committee Chair -- Senator LARRY MARTIN, we can get moving on some of the legislation that I and many others have filed for working class citizens which we are all elected to do. Thank you, Mr. PRESIDENT.

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#### **Point of Quorum**

At 12:09 A.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

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**Call of the Senate**

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

Alexander	Bennett	Bright Matthews
Campbell	Coleman	Corbin
Courson	Davis	Fair
Grooms	Hayes	Jackson
Johnson	Kimpson	Leatherman
Lourie	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Nicholson	Peeler
Scott	Setzler	Shealy
Thurmond	Turner	Williams
Young		

A quorum being present, the Senate resumed.

**REGULATION WITHDRAWN AND RESUBMITTED**

The following was received:

Document No. 4580

Agency: Department of Health and Environmental Control

Chapter: 61

Statutory Authority: 1976 Code Sections 44-63-10 et seq.

SUBJECT: Vital Statistics

Received by Lieutenant Governor January 12, 2016

Referred to Medical Affairs Committee

Withdrawn and Resubmitted March 22, 2016

**Doctor of the Day**

Senator SHANE MARTIN introduced M. David Mitchell of Spartanburg, S.C., Doctor of the Day.

**Leave of Absence**

At 12:12 P.M., Senator SHEALY requested a leave of absence for Senator CROMER until 2:30 P.M.

**Leave of Absence**

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At 12:18 P.M., Senator CAMPBELL requested a leave of absence for Senator CLEARY until 12:30 P.M.

**Leave of Absence**

At 12:32 P.M., Senator SABB requested a leave of absence for Senator McELVEEN until 1:00 P.M.

**RECALLED AND COMMITTED**

H. 4931 -- Reps. Gambrell, Gagnon, Bannister, Mitchell and Thayer: A BILL TO AMEND SECTION 38-53-85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EDUCATION AND CONTINUING EDUCATION REQUIREMENTS FOR PROFESSIONAL BONDSMEN, SURETY BONDSMEN, AND RUNNERS, SO AS TO INCREASE THE NUMBER OF HOURS OF EDUCATION REQUIRED FOR LICENSURE AND FOR CONTINUING EDUCATION; AND TO AMEND SECTION 38-53-320, RELATING TO VISITING AND EXAMINING PROFESSIONAL BONDSMEN BY THE DEPARTMENT OF INSURANCE, SO AS TO SUBJECT SURETIES TO THESE VISITS AND EXAMINATIONS, AND TO REQUIRE BONDSMEN TO MAINTAIN A PROPERLY ZONED OFFICE IN THIS STATE THAT IS ACCESSIBLE TO THE GENERAL PUBLIC AND DEPARTMENT DURING NORMAL BUSINESS HOURS, AND TO REQUIRE THE BONDSMAN TO PROVIDE CERTAIN CONTACT INFORMATION.

Senator ALEXANDER asked unanimous consent to make a motion to recall the Bill from the Committee on Labor, Commerce and Industry.

There was no objection and the Bill was recalled from the Committee on Labor, Commerce and Industry.

On motion of Senator ALEXANDER, with unanimous consent, the Bill was committed to the Committee on Banking and Insurance.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1181 -- Senator Leatherman: A BILL TO AMEND SECTION 12-6-3585, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INDUSTRY PARTNERSHIP FUND TAX CREDIT, SO AS TO INCREASE THE AGGREGATE ANNUAL CREDIT AMOUNT.

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

H. 3130 -- Rep. Rutherford: A BILL TO AMEND SECTION 24-13-1590, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE HOME DETENTION ACT'S NONAPPLICABILITY TO A PERSON WHO HAS VIOLATED OR WHO HAS BEEN CHARGED WITH VIOLATING CERTAIN ILLICIT NARCOTIC DRUGS AND CONTROLLED SUBSTANCES LAWS AND ITS IMPACT ON THE AUTHORITY OF THE COURTS, DEPARTMENT OF JUVENILE JUSTICE, OR THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES TO REGULATE OR IMPOSE CONDITIONS FOR PROBATION, PAROLE, OR COMMUNITY SERVICE, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT THE HOME DETENTION ACT DOES NOT APPLY TO A PERSON WHO HAS VIOLATED OR WHO HAS BEEN CHARGED WITH VIOLATING CERTAIN ILLICIT NARCOTIC DRUGS AND CONTROLLED SUBSTANCES LAWS, AND TO MAKE A TECHNICAL CHANGE.

Read the first time and referred to the Committee on Corrections and Penology.

H. 3999 -- Reps. Henderson, G. M. Smith, Ridgeway and Atwater: A BILL TO AMEND SECTION 44-66-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY MAKE HEALTH CARE DECISIONS FOR PATIENTS WHO ARE UNABLE TO PROVIDE CONSENT, SO AS TO CHANGE THE PROCESS FOR CERTAIN RELATIVES AND OTHER INDIVIDUALS TO MAKE THESE HEALTH CARE DECISIONS, TO ADD ADDITIONAL CLASSES OF PERSONS WITH THE AUTHORITY TO MAKE THESE HEALTH CARE DECISIONS, TO REQUIRE A BIOETHICS COMMITTEE TO SELECT CERTAIN DECISION MAKERS, TO ENABLE CERTAIN DECISION MAKERS TO CONSULT WITH A SECOND PHYSICIAN BEFORE MAKING A HEALTH CARE DECISION, TO REQUIRE THAT DECISIONS TO WITHHOLD OR WITHDRAW LIFE-PROLONGING MEASURES BE REVIEWED BY A BIOETHICS COMMITTEE, AND TO REQUIRE CERTAIN DOCUMENTATION RELATED TO SELECTION OF A DECISION MAKER.

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

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H. 4339 -- Reps. Kennedy, McCoy, Quinn, Atwater, Delleney and Weeks: A BILL TO AMEND SECTION 14-7-1610, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LEGISLATIVE FINDINGS CONCERNING THE STATE GRAND JURY SYSTEM, SO AS TO PROVIDE ADDITIONAL FINDINGS CONCERNING CERTAIN CRIMES INVOLVING INSURANCE FRAUD; TO AMEND SECTION 14-7-1630, AS AMENDED, RELATING TO THE SUBJECT MATTER JURISDICTION OF THE STATE GRAND JURY, SO AS 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, SO AS 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, SO AS TO REVISE 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 SURRENDER OF DRIVERS LICENSES BY PEOPLE CONVICTED OF CERTAIN CRIMES, SO AS TO INCLUDE THE CRIME OF INSURANCE FRAUD.

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

H. 5127 -- Reps. Mitchell, 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,

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Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, 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 DECLARE MARCH 28-APRIL 2, 2016, AS "COMMUNITY DEVELOPMENT WEEK IN SOUTH CAROLINA."

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

**REPORTS OF STANDING COMMITTEE**

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 689 -- Senators Hembree and McElveen: A BILL TO AMEND SECTION 56-1-50(B)(2) AND (C) OF THE 1976 CODE, RELATING TO MOTOR VEHICLE BEGINNER'S PERMIT AND VEHICLE OPERATION, TO PROVIDE THAT A PERMITTEE MAY NOT OPERATE A MOTORCYCLE, MOTOR SCOOTER, OR LIGHT MOTOR-DRIVEN CYCLE AT ANY UNPERMITTED TIME UNLESS SUPERVISED BY A LICENSED MOTORCYCLE, MOTOR SCOOTER, OR LIGHT MOTOR-DRIVEN CYCLE OPERATOR AND TO PROVIDE THAT THE ACCOMPANYING DRIVER MUST BE WITHIN A SAFE VIEWING DISTANCE OF THE PERMITTEE WHEN THE PERMITTEE IS OPERATING A MOTORCYCLE OR A THREE-WHEEL VEHICLE.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 771 -- Senator Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 14

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TO TITLE 56 SO AS TO ESTABLISH PROCEDURES THAT REGULATE THE RELATIONSHIP BETWEEN RECREATIONAL VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS OF RECREATIONAL VEHICLES; AND TO AMEND SECTION 56-15-10, AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO DELETE THE TERM "MOTOR HOME" AND ITS DEFINITION.

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

S. 950 -- Senators Grooms and Thurmond: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 162 AND SOUTH CAROLINA HIGHWAY 165 IN CHARLESTON COUNTY "CHARLESTON COUNTY POLICEMAN STEVEN BUIST HIOTT, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CHARLESTON COUNTY POLICEMAN STEVEN BUIST HIOTT, JR. MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

Senator GROOMS from the Committee on Transportation submitted a favorable with amendment report on:

H. 3440 -- Reps. Crosby, Daning, George and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56-3-115 AND 56-5-3715 SO AS TO PROVIDE THAT A MOPED MUST BE REGISTERED, CARRY LIABILITY INSURANCE, AND MAY NOT BE OPERATED ON A PUBLIC ROAD THAT HAS A SPEED LIMIT GREATER THAN THIRTY-FIVE MILES AN HOUR; TO AMEND SECTIONS 56-1-1720 AND 56-1-1730, RELATING TO THE OPERATION OF MOPEDS ALONG THE STATE'S HIGHWAYS, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT A PERSON WHOSE DRIVER'S LICENSE HAS BEEN SUSPENDED MAY NOT

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BE ISSUED A MOPED OPERATOR'S LICENSE OR ALLOWED TO OPERATE A MOPED DURING HIS PERIOD OF SUSPENSION.

Ordered for consideration tomorrow.

**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. 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.

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

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

S. 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.

**CARRIED OVER**

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

Senator BENNETT explained the Bill.

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

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S. 1178 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO ADDITIONAL REGULATIONS APPLICABLE TO SPECIFIC PROPERTIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4634, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CAMPSEN explained the Resolution.

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

S. 1179 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS; AND TURKEY HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4635, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CAMPSEN explained the Resolution.

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

S. 1180 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF REGISTRATION FOR FORESTERS, RELATING TO FEES FOR REGISTRATION AND RENEWAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4627, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CAMPSEN explained the Resolution.

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

**COMMITTEE AMENDMENT ADOPTED  
CARRIED OVER**

H. 3768 -- Reps. G.M. Smith, Johnson and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY

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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".

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (NBD3768C001.NBD.SA16), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 2, by striking Section 11-5-410(3) in its entirety and inserting:

/ (3) 'Designated beneficiary' means an eligible individual whose qualified disability expenses may be paid from the account. The designated beneficiary must be an eligible individual at the time the account is established. The account owner may change the designated beneficiary so long as the new beneficiary is an eligible individual who is a qualified member of the family of the designated beneficiary at the time of the change. /

Amend further, SECTION 1, page 2, by striking Section 11-5-410(4)(b) in its entirety and inserting:

/ (b) an individual with respect to which a disability certification, as defined in Section 529A(e)(2) of the federal Internal Revenue Code of 1986, as amended, to the satisfaction of the Secretary of the United States Treasury is filed with the secretary for a taxable year and the blindness or disability occurred before the date on which the individual attained age twenty-six. /

Amend further, SECTION 1, page 4, by striking Section 11-5-420(B) in its entirety and inserting:

/ (B) The State Treasurer may contract with other states in developing the program. /

Amend further, SECTION 1, page 8, by striking Section 11-5-440(G) and inserting:

/ (G) To the extent earnings in an ABLE savings account and distributions from an ABLE savings account, or a qualified account

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under Section 529A located in another state, are not subject to federal income tax, they will not be subject to state income tax. /

Amend further by striking SECTION 2 in its entirety and inserting:

/ SECTION 2. Section 12-6-1140 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) (a) Contributions made to each investment trust account created pursuant to Article 3, Chapter 5, Title 11, or a qualified account under Section 529A located in another state, by a resident of this State or a nonresident required to file a State of South Carolina income tax return up to the limit of maximum contributions allowed to such accounts under Section 529A of the federal Internal Revenue Code of 1986, as amended, including funds transferred to an investment trust account from another qualified plan, as allowable under Section 529 of the federal Internal Revenue Code of 1986, as amended.

(b) Any interest, dividends, gains, property, or income accruing on the payments made to an investment trust agreement pursuant to Article 3, Chapter 5, Title 11, or on any account in the South Carolina ABLE Savings Expense Fund or a qualified fund under Section 529A located in another state, must be excluded from the gross income of any such account owner, contributor, or beneficiary for purposes of South Carolina income taxes, to the extent the amounts remain on deposit in the South Carolina ABLE Savings Expense Fund or are withdrawn pursuant to a Qualified Withdrawal.

(c) The earnings portion of any withdrawals from an account that are not qualified withdrawals must be included in the gross income of the resident recipient of the withdrawal for purposes of South Carolina income taxes in the year of the withdrawal. Withdrawals of the principal amount of contributions that are not qualified withdrawals must be recaptured into South Carolina income subject to tax to the extent the contributions were previously deducted from South Carolina taxable income.” /

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the amendment.

The question then was second reading of the Bill.

Senator ALEXANDER explained the Bill.

Senator CAMPSSEN explained the Bill.

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

**POINT OF ORDER**

H. 3788 -- Reps. Funderburk, Taylor, McKnight, Simrill, Burns, Gilliard, Corley, Douglas, Kirby, McCoy, Bales, Atwater, Alexander, McEachern, Jefferson, Spires, Anthony, G.A. Brown, Henegan, Anderson, Bernstein, Bingham, Clemmons, Clyburn, Goldfinch, Hardwick, Hixon, Hodges, Hosey, Limehouse, Long, D.C. Moss, V.S. Moss, Murphy, Norrell, Quinn, Ridgeway, Sandifer, Stringer, Toole, Weeks, Wells, G.M. Smith and Ballentine: A BILL TO AMEND SECTION 56-28-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE ENFORCEMENT OF MOTOR VEHICLE EXPRESS WARRANTIES, SO AS TO REVISE THE DEFINITIONS OF THE TERMS "MOTOR VEHICLE" AND A "NEW MOTOR VEHICLE".

Senator BENNETT explained the Bill.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 3911 -- Reps. Willis and Allison: A BILL TO AMEND SECTION 56-3-1230, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE, CONTENT, AND PRODUCTION COSTS OF MOTOR VEHICLE LICENSE PLATES, SO AS TO REVISE THE INTERVAL IN WHICH THE DEPARTMENT OF MOTOR VEHICLES MUST REISSUE A LICENSE PLATE FROM SIX YEARS TO TEN YEARS.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

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**POINT OF ORDER**

H. 4717 -- Reps. White, Lucas, Hiott, Simrill, G.M. Smith, Lowe, Whitmire, Taylor, George, V.S. Moss, J.E. Smith, M.S. McLeod, Bowers, Corley, Parks, McKnight, Douglas, Knight, Erickson, Sandifer, Willis, Kirby, Clary, Cobb-Hunter, Hardee, Duckworth, Johnson, Limehouse, Clyburn, Bales, Horne, Stavrinakis, Hayes, Yow, Neal, Kennedy, Newton, Tinkler, Riley, Howard, King, Henegan, Williams, Anthony, Clemmons, Crosby, Cole, Daning, Dillard, Forrester, Funderburk, Gambrell, Herbkersman, Hixon, Hosey, Loftis, Long, Pitts, Rivers, Rutherford, Ryhal, G.R. Smith, Wells, W.J. McLeod, Ridgeway, G.A. Brown, Bamberg, Hodges, Alexander, Thayer, McEachern, Gagnon, Whipper, R.L. Brown, Jefferson, Anderson, Spires and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46-1-160 SO AS TO CREATE THE "SOUTH CAROLINA FARM AID FUND" TO ASSIST FARMERS WHO HAVE SUFFERED AT LEAST A FORTY PERCENT LOSS OF AGRICULTURAL COMMODITIES AS A RESULT OF A NATURAL DISASTER, TO CREATE THE FARM AID BOARD TO ADMINISTER THE FUND, AND TO SPECIFY ELIGIBILITY AND GRANT AMOUNTS.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

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

**MOTION ADOPTED**

At 12:40 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

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

**CARRIED OVER**

[SJ]

**TUESDAY, MARCH 22, 2016**

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.

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

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

**TUESDAY, MARCH 22, 2016**

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.

**Amendment No. P2A**

Senator HUTTO proposed the following amendment (997.CBH.P7):

Amend the committee report, as and if amended, by striking Section 43-1-730.(A)(1) and inserting:

/ “Section 43-1-730. (A)(1) Refugees placed in this State from a country recognized by the federal government as a state sponsor of terrorism pursuant to the federal Refugee Resettlement Program are required to enroll with the Department of Social Services within thirty days of entering the State. The department shall send the enrollment information of refugees placed in this State to the South Carolina Law Enforcement Division. /

Renumber sections to conform.

Amend title to conform.

Senator JOHNSON spoke on the amendment.

**Motion Adopted**

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

Debate was interrupted by adjournment.

**ADJOURNMENT**

[SJ]

**TUESDAY, MARCH 22, 2016**

At 12:42 P.M., on motion of Senator JOHNSON, the Senate adjourned to meet tomorrow at 2:00 P.M.

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[SJ]

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