

NO. 59

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2016

THURSDAY, APRIL 21, 2016

Thursday, April 21, 2016
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

We recall that:

“The Lord God took the man and put him in the garden of Eden to work it and take care of it.” (Genesis 2:15)

Bow with me in prayer, if you will:

With Earth Day unfolding tomorrow, O Lord, we cannot help but reflect today upon the rich gifts we have throughout South Carolina. The importance in our State of farming, of caring for our forests, of wise stewardship of water resources: in this day and time we recognize the rewards which can continue to come to all of our citizens when these statewide treasures are managed in the best ways possible. Bless all citizens who are involved in these industries, O God. Lead them as they till, plant and harvest abundantly -- reaping benefits at every level. We pray all this with grateful hearts, dear Lord. Amen.

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

Doctor of the Day

Senator BRYANT introduced Dr. Marshall Meadors, III of Anderson, S.C., Doctor of the Day.

Leave of Absence

At 11:29 A.M., Senator CLEARY requested a leave of absence for Senator CAMPBELL for the day.

Leave of Absence

At 12:18 P.M., Senator CLEARY requested a leave of absence for Senator GROOMS for the day.

Leave of Absence

At 12:19 P.M., Senator JOHNSON requested a leave of absence for Senator SABB for the day.

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Leave of Absence

At 12:19 P.M., Senator McELVEEN requested a leave of absence for Senator THURMOND for the day.

Leave of Absence

At 1:31 P.M., Senator GREGORY requested a leave of absence for Senator COURSON for the day.

Expression of Personal Interest

Senator DAVIS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator HUTTO rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator COLEMAN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SETZLER rose for an Expression of Personal Interest.

Remarks by Senator SETZLER

Mr. PRESIDENT and members of the Senate. I would like to commend the Chairman of the Senate Finance Committee, as we spent about 2 ½ hours yesterday learning the status of the State Retirement System. We learned astounding information from the Retirement System and the Investment Commission in that they are underfunded by \$17 billion. Even though we are not dealing with this matter this year, we will certainly be faced with it next year.

Mike Hitchcock, the Executive Director of the Investment Commission, testified before the Senate Finance Committee. I have the highest respect for him, and to his credit he acknowledged the problem. I will quote him, "We have underperformed." The Investment Commission has underperformed. He also stated that they understood why they had underperformed. I asked if the \$17 billion was the responsibility of anything that state employees of South Carolina have done. His answer was no.

When we start dealing with the \$17 billion problem, do not think we are going to put it on the backs of the state employees of South Carolina.

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They did not create the problem. It is not their responsibility to fix it. It is our responsibility. I hope we will begin that sooner rather than later.

On motion of Senator SHANE MARTIN, with unanimous consent, the remarks of Senator SETZLER, were ordered printed in the Journal.

Expression of Personal Interest

Senator FAIR rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 561 Sen. Sheheen
S. 1071 Sen. Margie Bright Matthews
S. 1211 Sen. Sabb
S. 1252 Sens. Peeler and Bryant

RECALLED

H. 5100 -- Rep. Fry: A BILL TO AMEND SECTION 38-71-1520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ACCESS TO EMERGENCY MEDICAL CARE ACT, SO AS TO REVISE THE DEFINITION OF "EMERGENCY MEDICAL PROVIDER" TO INCLUDE ORAL SURGEONS AND DENTISTS LICENSED BY THE STATE BOARD OF DENTISTRY; AND BY ADDING SECTION 38-71-1545 SO AS TO EXCLUDE APPLICATION OF THE ARTICLE TO CERTAIN INSURANCE POLICIES.

Senator CLEARY asked unanimous consent to make a motion to recall the Bill from the Committee on Medical Affairs.

The Bill was recalled from the Committee on Medical Affairs and ordered placed on the Calendar for consideration tomorrow.

RECALLED

S. 1252 -- Senator S. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-9-195 SO AS TO REQUIRE THE STATE FIRE MARSHAL TO ISSUE A LICENSE FOR A COMMUNITY FIREWORKS DISPLAY IF CERTAIN SAFETY CONDITIONS AND OTHER REQUIREMENTS ARE MET.

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Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

RECALLED

H. 4786 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE OFFICE OF THE GOVERNOR, RELATING TO LOCAL EMERGENCY PREPAREDNESS STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4563, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator SHANE MARTIN asked unanimous consent to make a motion to recall the Joint Resolution from the General Committee.

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

RECALLED

H. 5083 -- Reps. Clemmons, Bernstein, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bingham, Bowers, Bradley, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clary, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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, 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

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RESOLUTION TO REMEMBER ALL THE CHILDREN AND THEIR FAMILIES WHO WERE KILLED IN THE HOLOCAUST, TO HONOR HOLOCAUST SURVIVORS AND THEIR RESCUERS AND LIBERATORS, AND TO MARK THE UNVEILING OF THE PERMANENT BUTTERFLY MEMORIAL MONUMENT IN MYRTLE BEACH THAT WILL COMMEMORATE THEM FOR BOTH PRESENT AND FUTURE GENERATIONS.

Senator SHANE MARTIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the General Committee.

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

RECALLED AND ADOPTED

H. 5085 -- Reprs. Erickson, Collins, M.S. McLeod, 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, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, 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, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO 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.

Senator SHANE MARTIN asked unanimous consent to make a motion to recall the Concurrent Resolution from the General Committee.

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The Resolution was recalled from the General Committee.

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

There was no objection.

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

RECALLED

H. 4663 -- Rep. Taylor: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION PLACE SIGNS ALONG SOUTH CAROLINA HIGHWAY 39 AT THE NORTHERN AND SOUTHERN ENTRANCES TO THE TOWN OF SALLEY THAT CONTAIN THE WORDS "LUKE PARSONS 2015 U.S. KIDS GOLF WORLD CHAMPION".

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1259 -- Senator Coleman: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE BELIEVERS AND ACHIEVERS OF FAIRFIELD COUNTY ORGANIZATION FOR THEIR WORK SUPPORTING THE YOUTH IN FAIRFIELD COUNTY.

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The Senate Resolution was adopted.

S. 1260 -- Senator Campsen: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE MS. MARIA E. WALLS, TREASURER OF BEAUFORT COUNTY, SOUTH CAROLINA, ON BEING NAMED OFFICE HOLDER OF THE YEAR BY THOMSON REUTERS, AND TO WISH HER MUCH SUCCESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1261 -- Senator Alexander: A BILL TO AMEND CHAPTER 78, TITLE 38 OF THE 1976 CODE, RELATING TO SERVICE CONTRACTS, BY ADDING SECTION 38-78-55, TO PROVIDE THAT NO CLAUSE OF A SERVICE CONTRACT WHICH STATES THAT THE TERM OF THE CONTRACT SHALL BE DEEMED RENEWED FOR A SPECIFIED ADDITIONAL PERIOD, UNLESS THE SERVICE CONTRACT HOLDER GIVES NOTICE TO THE PROVIDER OF HIS INTENTION TO TERMINATE THE CONTRACT AT THE EXPIRATION OF THE TERM, SHALL BE ENFORCEABLE AGAINST THE SERVICE CONTRACT HOLDER.

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

S. 1262 -- Senator Alexander: A BILL TO AMEND SECTION 59-40-50 OF THE 1976 CODE, RELATING TO POWERS AND DUTIES OF CHARTER SCHOOLS, TO ADD PROVISIONS CONCERNING CHARTER SCHOOLS DESIGNATED AS ALTERNATIVE EDUCATION CAMPUSES AND EDUCATIONALLY DISADVANTAGED STUDENTS; AND TO AMEND SECTION 59-40-111, RELATING TO CHARTER SCHOOLS DESIGNATED AS ALTERNATIVE EDUCATION CAMPUSES, TO REVISE CRITERIA FOR THIS DESIGNATION TO INCLUDE SCHOOLS WITH FIFTY PERCENT OR MORE OF STUDENTS HAVING DEMONSTRATED NEEDS FOR CERTAIN SPECIALIZED INSTRUCTION RELATED TO LITERACY, AND TO REVISE CONSIDERATIONS OF CERTAIN DATA THAT MUST BE MADE WHEN MEASURING THE PERFORMANCE OF A CHARTER SCHOOL IN MEETING CERTAIN STATE AND FEDERAL ACCOUNTABILITY STANDARDS.

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

S. 1263 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-445 SO AS TO GIVE THE GOVERNOR AUTHORITY IN TIMES OF EMERGENCY TO MAKE CERTAIN ACCOMMODATIONS FOR A

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PERSON TRANSPORTING GOODS, AND TO PROVIDE FOR A CERTIFICATION SYSTEM.

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Read the first time and referred to the General Committee.

S. 1264 -- Senators Leatherman and Alexander: A CONCURRENT RESOLUTION TO AWARD THE SOUTH CAROLINA MEDAL OF VALOR TO THOSE SOUTH CAROLINIANS WHO LOST THEIR LIVES WHILE SERVING IN THE ARMED FORCES DURING THE GLOBAL WAR ON TERRORISM.

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On motion of Senator ALEXANDER, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 1265 -- Senator Alexander: A SENATE RESOLUTION TO URGE CONGRESS TO PROPOSE AND ADOPT THE REGULATION FREEDOM AMENDMENT TO THE UNITED STATES CONSTITUTION.

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

S. 1266 -- Senators Bright and Corbin: A SENATE RESOLUTION TO RECOGNIZE THE BYRNES HIGH SCHOOL BOYS BASKETBALL TEAM ON AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 4A STATE CHAMPIONSHIP.

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The Senate Resolution was adopted.

S. 1267 -- Senators Young, Turner and Shealy: A BILL TO AMEND SECTION 12-43-220(c)(2) OF THE 1976 CODE, RELATING TO PROGRAMS AND UNIFORM ASSESSMENT RATIOS FOR COUNTY EQUALIZATION AND REASSESSMENT, TO PROVIDE THAT AN OWNER ELIGIBLE FOR AND RECEIVING THE SPECIAL ASSESSMENT PURSUANT TO SECTION 12-43-220(c) WHO IS RESIDING AT A NURSING HOME RETAINS THE SPECIAL ASSESSMENT RATIO OF FOUR PERCENT FOR SO LONG AS THE OWNER REMAINS IN THE NURSING HOME.

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

S. 1268 -- Senator Sabb: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE MR. GEORGE H. BROWN ON THE OCCASION OF HIS RETIREMENT AS CHAIRMAN OF THE WILLIAMSBURG COUNTY DEMOCRATIC PARTY AND TO WISH HIM WELL AS HE ENTERS A MUCH DESERVED RETIREMENT.

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The Senate Resolution was adopted.

H. 3969 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 5, TITLE 38 SO AS TO PROVIDE FOR THE ELECTRONIC TRANSMISSION OF ELECTRONIC NOTICES OR DOCUMENTS RELATED TO INSURANCE AND INSURANCE POLICIES UNDER CERTAIN CIRCUMSTANCES EFFECTIVE JANUARY 1, 2016; AND TO REDESIGNATE EXISTING SECTIONS IN THE CHAPTER AS ARTICLE 1, ENTITLED "GENERAL PROVISIONS".

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

H. 4391 -- Reps. Burns, Yow, Chumley, Felder, Loftis, Bradley and Collins: A BILL TO AMEND SECTION 44-43-305, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE REVISED UNIFORM ANATOMICAL GIFT ACT, SO AS TO CHANGE THE DEFINITION OF "TISSUE" TO INCLUDE BRAIN TISSUE IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 44-43-350, AS AMENDED, RELATING TO AUTHORIZED RECIPIENTS OF ANATOMICAL GIFTS, SO AS TO CLARIFY THAT GIFTS OF BRAIN TISSUE MAY BE USED ONLY FOR RESEARCH OR EDUCATION.

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

H. 4795 -- Rep. Norrell: A BILL TO AMEND SECTION 59-104-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PALMETTO FELLOWS SCHOLARSHIP PROGRAM, SO AS TO PROVIDE STUDENTS ELIGIBLE FOR THE

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AWARD MAY ELECT TO DEFER ENROLLMENT IN AN ELIGIBLE FOUR-YEAR INSTITUTION FOR ONE YEAR, UNTIL THE FALL TERM OF THE YEAR FOLLOWING THE YEAR OF GRADUATION, WITHOUT DECLINING THE AWARD; AND TO PROVIDE THAT THE PROVISIONS OF THIS ACT, REGARDLESS OF ITS EFFECTIVE DATE, MUST BE CONSTRUED TO APPLY TO STUDENTS WHO GRADUATE IN THE SPRING OF 2016.

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

H. 5023 -- Reps. Sottile and Sandifer: A BILL TO AMEND SECTION 40-60-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA REAL ESTATE APPRAISER LICENSE AND CERTIFICATION ACT, SO AS TO DELETE AND REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 40-60-30, RELATING TO ACTIVITIES REQUIRING LICENSURE AS A REAL ESTATE APPRAISER, SO AS TO REVISE EXCEPTIONS; TO AMEND SECTION 40-60-34, AS AMENDED, RELATING TO MISCELLANEOUS REQUIREMENTS FOR LICENSES, CERTIFICATIONS, AND PERMITS ISSUED BY THE SOUTH CAROLINA REAL ESTATE APPRAISERS BOARD, SO AS TO REVISE REQUIREMENTS CONCERNING EXPIRED AND REVOKED LICENSES, CERTIFICATIONS, AND PERMITS; TO AMEND SECTION 40-60-50, RELATING TO FEES, SO AS TO DELETE THE REQUIREMENT THAT CERTAIN FEES BE PAID BY CERTIFIED FUNDS; TO AMEND SECTION 40-60-80, AS AMENDED, RELATING TO INVESTIGATIONS OF COMPLAINTS AND VIOLATIONS, SO AS TO DELETE THE SIX-MONTH LIMIT ON STAYS AND SUPERSEDEAS OF CERTAIN BOARD ORDERS PENDING APPEAL, AND TO PROVIDE PARTIES AGGRIEVED BY FINAL DECISIONS OF THE BOARD MAY APPEAL PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; AND TO AMEND SECTION 40-60-120, RELATING TO THE EFFECTIVE TIME OF CERTAIN ORDERS OF THE BOARD, SO AS TO DELETE A PROVISION STATING PETITIONS FOR REVIEW DO NOT OPERATE AS SUPERSEDEAS OR STAYS.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

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H. 5040 -- Reps. Mack and Sandifer: A BILL TO AMEND SECTION 37-1-201, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERRITORIAL APPLICATION OF THE CONSUMER PROTECTION CODE, SO AS TO EXPAND HOW A CREDITOR MAY INDUCE A CONSUMER TO ENTER INTO A TRANSACTION; TO AMEND SECTION 37-1-203, RELATING TO JURISDICTION AND SERVICE OF PROCESS, SO AS TO REPLACE THE TERM "CREDITOR" WITH THE TERM "PERSON"; TO AMEND SECTION 37-1-302, RELATING TO THE DEFINITION OF THE "FEDERAL CONSUMER CREDIT PROTECTION ACT", SO AS TO REMOVE THE REFERENCE TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM; TO AMEND SECTION 37-2-102, RELATING TO THE SCOPE OF CHAPTER 2 OF THE CONSUMER PROTECTION CODE, SO AS TO APPLY CERTAIN PROVISIONS TO THE SALE OF MOTOR VEHICLES; TO AMEND SECTION 37-2-305, RELATING TO FILING AND POSTING THE MAXIMUM RATE SCHEDULE, SO AS TO REMOVE THE PROVISION REQUIRING THE DEPARTMENT OF CONSUMER AFFAIRS TO MAINTAIN A FILE FOR EACH CREDITOR'S ORIGINAL AND ALL REVISED MAXIMUM RATE SCHEDULES, AMONG OTHER THINGS; TO AMEND SECTION 37-3-305, RELATING TO FILING AND POSTING A MAXIMUM RATE SCHEDULE, SO AS TO REMOVE THE PROVISION REQUIRING THE DEPARTMENT OF CONSUMER AFFAIRS TO MAINTAIN A FILE FOR EACH CREDITOR'S ORIGINAL AND ALL REVISED MAXIMUM RATE SCHEDULES, AMONG OTHER THINGS; TO AMEND SECTION 37-5-102, RELATING TO THE SCOPE OF CHAPTER 5 OF THE CONSUMER PROTECTION CODE, SO AS TO EXTEND THE PROVISIONS OF THE CHAPTER TO OTHER TRANSACTIONS GOVERNED BY TITLE 37; TO AMEND SECTION 37-6-102, RELATING TO THE APPLICABILITY OF CHAPTER 6, TITLE 37, SO AS TO APPLY THE PROVISIONS OF THE CHAPTER TO A PERSON WHO IS SUBJECT TO TITLE 37 OR AN ACTION OF THE ADMINISTRATOR; TO AMEND SECTION 37-6-107, RELATING TO THE APPLICATION OF CHAPTER 6 TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW, SO AS TO REMOVE THE REFERENCE TO PART FOUR OF CHAPTER 6 AND INSERT THAT THE ADMINISTRATIVE PROCEDURES ACT APPLIES TO AND GOVERNS ALL ADMINISTRATIVE ACTIONS TAKEN

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PURSUANT TO THE CHAPTER; TO AMEND SECTION 37-6-108, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO REMOVE LANGUAGE REQUIRING AN ADMINISTRATOR TO BRING AN ACTION BEFORE THE ADMINISTRATIVE LAW COURT; TO AMEND SECTION 37-6-110, RELATING TO INJUNCTIONS AGAINST VIOLATIONS OF THE CONSUMER PROTECTION CODE, SO AS TO REPLACE THE TERM "CREDITOR" WITH THE TERM "PERSON"; TO AMEND SECTION 37-6-113, RELATING TO CIVIL ACTIONS BY THE ADMINISTRATOR, SO AS TO REPLACE THE TERM "CREDITOR" WITH THE TERM "RESPONDENT"; TO AMEND SECTION 37-6-115, RELATING TO REMEDIES AVAILABLE UNDER THE CONSUMER PROTECTION CODE, SO AS TO REPLACE THE TERM "DEBTORS" WITH THE TERM "CONSUMERS"; AND TO AMEND SECTION 37-6-118, RELATING TO INVESTIGATION OF UNFAIR TRADE PRACTICES IN CONSUMER TRANSACTIONS, SO AS TO UPDATE THE PROCEDURES AVAILABLE TO A PERSON AGGRIEVED BY AN ORDER OF THE ADMINISTRATOR.

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

H. 5140 -- Reps. Pope, Felder, King, Gambrell, Gagnon, Erickson, Clary, Tallon and Henderson: A BILL TO AMEND SECTION 59-1-425, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPENING DATE FOR THE PUBLIC SCHOOL YEAR, SO AS TO PROVIDE THE OPENING DATE FOR STUDENTS MUST NOT BE BEFORE AUGUST FIFTEENTH BEGINNING WITH THE 2017-2018 SCHOOL YEAR; TO AMEND SECTION 59-18-325, AS AMENDED, RELATING TO CERTAIN ASSESSMENTS OF VARIOUS PUBLIC SCHOOL STUDENTS BASED ON GRADE LEVEL, SO AS TO REVISE THE MANNER OF PROCUREMENT AND ADMINISTRATION OF THESE ASSESSMENTS, AMONG OTHER THINGS; AND TO AMEND SECTION 59-25-410, RELATING TO THE DATE BY WHICH PUBLIC SCHOOL TEACHERS MUST BE NOTIFIED OF THEIR TENTATIVE ASSIGNMENTS FOR THE UPCOMING SCHOOL YEAR, SO AS TO CHANGE THIS DATE FROM AUGUST FIFTEENTH TO AUGUST EIGHTH.

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

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H. 5243 -- Reps. Clemmons, Hayes, Goldfinch, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Govan, Hamilton, Hardee, Hart, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MAJOR WILLIAM POOLE OF FLORENCE UPON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES, TO THANK HIM FOR HIS TWENTY-FIVE YEARS OF OUTSTANDING PUBLIC SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

H. 5250 -- Rep. Howard: A CONCURRENT RESOLUTION TO COMMEND THE BOYS & GIRLS CLUBS OF SOUTH CAROLINA FOR THEIR WONDERFUL EFFORTS IN HELPING SOUTH CAROLINA'S YOUTH PREPARE FOR A PRODUCTIVE LIFE AND TO RECOGNIZE THE THIRTEEN YOUNG PEOPLE FROM DIFFERENT BOYS & GIRLS CLUBS THROUGHOUT THE STATE WHO HAVE BEEN NAMED 2016 YOUTH OF THE YEAR BY THE SOUTH CAROLINA ALLIANCE OF BOYS & GIRLS CLUBS.

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

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H. 5251 -- Reps. Funderburk, Bales, G. A. Brown and Lucas: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE JOYCE MCDONALD, KERSHAW COUNTY CLERK OF COURT, UPON THE OCCASION OF HER RETIREMENT AFTER TWENTY-FOUR YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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

H. 5252 -- Reps. Pope, Hamilton, 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, Dellaney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, 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, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, 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 AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF ALL OF SOUTH CAROLINA'S CHILDREN AND TO DECLARE MAY 14, 2016, "CHILDHOOD APRAXIA OF SPEECH DAY" IN THE STATE OF SOUTH CAROLINA.

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

REPORTS OF STANDING COMMITTEES

Senator PEELER from the Committee on Medical Affairs polled out S. 1162 favorable:

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S. 1162 -- Senators Peeler and McElveen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-61-55 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CREATE PRIMARY AND SECONDARY CALL LISTS FOR AIR AMBULANCE SERVICE PROVIDERS, PROVIDE THE LISTS AND AIR AMBULANCE FEE SCHEDULES TO CERTAIN PERSONS AND ENTITIES, AND ESTABLISH AIR AMBULANCE SERVICE RESPONSE ZONES AND PROTOCOL FOR RESPONDING TO REQUESTS FOR AIR AMBULANCE SERVICES, TO REQUIRE AIR AMBULANCE SERVICE PROVIDERS TO PROVIDE FEE SCHEDULES UPON REQUEST, AND TO REQUIRE HOSPITALS TO MAKE REASONABLE EFFORTS TO INFORM PATIENTS OF AIR AMBULANCE FEES BEFORE REFERRAL, WITH EXCEPTIONS; TO AMEND SECTION 44-61-30, AS AMENDED, RELATING TO STANDARDS AND REGULATIONS TO IMPROVE EMERGENCY MEDICAL SERVICES, SO AS TO REQUIRE REGULATIONS FOR AIR AMBULANCE SERVICE PROVIDERS; AND BY ADDING SECTIONS 38-71-295 AND 42-5-75 SO AS TO DEFINE CERTAIN TERMS PERTAINING TO CLASSIFICATION OF EMERGENCY SERVICES FOR PURPOSES OF ACCIDENT AND HEALTH INSURANCE POLICIES AND WORKERS' COMPENSATION INSURANCE POLICIES.

**Poll of the Medical Affairs Committee
Polled 15; Ayes 15; Nays 0; Abstain 0; Not Voting 2**

AYES

Peeler	Courson	Hayes
Jackson	Fair	Hutto
Verdin	Cleary	Lourie
<i>Martin, Shane</i>	Nicholson	Scott
Alexander	Davis	Coleman

Total--15

NAYS

Total--0

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15

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NOT VOTING

Johnson

Thurmond

Total--2

Ordered for consideration tomorrow.

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

S. 1205 -- Senator Hembree: A BILL TO AMEND SECTION 50-3-315(A) OF THE 1976 CODE, RELATING TO DEPUTY ENFORCEMENT OFFICERS NATURAL RESOURCES ENFORCEMENT DIVISION, TO PROVIDE THAT ENFORCEMENT OFFICERS NATURAL RESOURCES ENFORCEMENT DIVISION ARE NOT REQUIRED TO OBTAIN THE BONDS REQUIRED BY SECTION 50-3-330; AND TO AMEND SECTION 50-3-330 OF THE 1976 CODE, RELATING TO ENFORCEMENT OFFICERS NATURAL RESOURCES ENFORCEMENT DIVISION OATH AND BONDS, TO PROVIDE THAT OFFICERS SHALL BE COVERED BY A SURETY BOND OF NOT LESS THAN TWO THOUSAND DOLLARS AND THAT THE DEPARTMENT OF NATURAL RESOURCES MUST PAY THE PREMIUMS ON THE SURETY BONDS.

Ordered for consideration tomorrow.

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

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.

Ordered for consideration tomorrow.

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

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H. 4876 -- Reprs. 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 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.

Ordered for consideration tomorrow.

Senator CLEARY from the Committee on Invitations polled out H. 5214 favorable:

H. 5214 -- Reprs. Cobb-Hunter, 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, Cole, Collins, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, 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, Mitchell, D.C. Moss, V.S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson,

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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 APRIL 28, 2016, AS "WORKERS' MEMORIAL DAY" IN TRIBUTE TO THE WORKING MEN AND WOMEN WHO HAVE LOST THEIR LIVES BECAUSE OF WORKPLACE INJURIES AND ILLNESSES.

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

AYES

Cleary	Alexander	Reese
Verdin	Campsen	Cromer
Malloy	Johnson	Kimpson
McElveen		

Total--10

NAYS

Total--0

NOT VOTING

Campbell

Total--1

Ordered for consideration tomorrow.

Adopted

H. 5214 -- Reps. Cobb-Hunter, 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, Cole, Collins, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis,

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Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO DECLARE APRIL 28, 2016, AS “WORKERS’ MEMORIAL DAY” IN TRIBUTE TO THE WORKING MEN AND WOMEN WHO HAVE LOST THEIR LIVES BECAUSE OF WORKPLACE INJURIES AND ILLNESSES.

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

There was no objection.

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

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

Appointment Reported

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

Statewide Appointments

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

Received as information.

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

3rd Congressional District:

Larry L. Yonce, 1302 Calhoun Street, Johnston, SC 29832

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Received as information.

Message from the House

Columbia, S.C., April 21, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 339 -- Senators Lourie and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT "HOPE'S LAW" BY ADDING SECTION 44-115-160 SO AS TO REQUIRE MAMMOGRAM PROVIDERS TO PROVIDE A MAMMOGRAM REPORT TO PATIENTS ABOUT BREAST DENSITY AND TO REQUIRE THESE PROVIDERS TO INCLUDE A CONSPICUOUS NOTICE WHEN A MAMMOGRAM SHOWS THE PRESENCE OF DENSE BREAST TISSUE.

Very respectfully,
Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

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

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

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

S. 777 -- Senators Malloy and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-5-436 SO AS TO PROVIDE ADDITIONAL AND ALTERNATIVE REQUIREMENTS FOR MATTERS INVOLVING PAYMENT OF BENEFITS FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND TO DEFINE RELEVANT TERMS; TO AMEND SECTION 62-1-201, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO DEFINE THE TERM "VA" AND TO MAKE OTHER TECHNICAL CORRECTIONS; TO AMEND SECTION 62-5-404, RELATING TO

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THE ORIGINAL PETITION FOR APPOINTMENT OR PROTECTIVE ORDER, SO AS TO REQUIRE THE PETITION TO SHOW THAT THE PERSON TO BE PROTECTED HAS BEEN RATED INCOMPETENT BY THE VA AND TO PROVIDE THAT THE PETITION SHALL STATE THE NAME AND ADDRESS OF THE PERSON TO BE NOTIFIED ON BEHALF OF THE VA; TO AMEND SECTION 62-5-405, AS AMENDED, RELATING TO SERVICE OF SUMMONS AND PETITIONS, NOTICE OF HEARING, AND WAIVER OF NOTICE BY THE PERSON TO BE PROTECTED, SO AS TO REQUIRE SERVICE UPON THE VA AND NOTICE OF THE HEARING IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 62-5-407, AS AMENDED, RELATING TO PROCEDURES CONCERNING THE HEARING AND ORDER ON ORIGINAL PETITION, SO AS TO CLARIFY CERTAIN PROVISIONS IN CASES INVOLVING PAYMENT OF BENEFITS FROM THE VA; AND TO REPEAL PART 6, ARTICLE 5, CHAPTER 5, TITLE 62 RELATING TO THE UNIFORM VETERANS' GUARDIANSHIP ACT.

S. 778 -- Senator Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO TITLE 62 SO AS TO ENACT THE "SOUTH CAROLINA UNIFORM POWER OF ATTORNEY ACT"; TO DEFINE APPLICABLE TERMS; TO OUTLINE THE ARTICLE'S REQUIREMENTS AND APPLICABILITY, AND TO PROVIDE EXCEPTIONS; TO AMEND PART 5, ARTICLE 5, TITLE 62, RELATING TO POWERS OF ATTORNEY, SO AS TO ENACT THE "SOUTH CAROLINA STATUTORY HEALTH CARE POWER OF ATTORNEY ACT"; TO DEFINE APPLICABLE TERMS; TO OUTLINE THE PART'S REQUIREMENTS AND APPLICABILITY; TO PROVIDE EXECUTION AND WITNESS REQUIREMENTS; AND TO SPECIFY THE PROPER FORM OF A HEALTH CARE POWER OF ATTORNEY.

AMENDED, READ THE SECOND TIME

S. 139 -- Senator Cleary: A BILL TO AMEND SECTION 48-39-130 OF THE 1976 CODE, RELATING TO PERMITS REQUIRED FOR COASTAL ZONE CRITICAL AREAS, TO ALLOW FOR CERTAIN ADDITIONAL TECHNOLOGIES, METHODOLOGIES, OR STRUCTURES WITH REGARD TO PROTECTING BEACH AND

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DUNE CRITICAL AREAS WHEN AN EMERGENCY ORDER IS ISSUED BY APPOINTED OFFICIALS OF COUNTIES AND MUNICIPALITIES; TO AMEND SECTION 48-39-280, TO PROHIBIT THE SEAWARD MOVEMENT OF THE BASELINE AFTER JULY 1, 2015, AND TO ELIMINATE THE RIGHT OF LOCAL GOVERNMENTS AND LANDOWNERS TO PETITION THE ADMINISTRATIVE LAW COURT TO MOVE THE BASELINE SEAWARD UPON COMPLETION OF A BEACH RENOURISHMENT PROJECT; TO AMEND SECTION 48-39-290, TO NARROW THE EXCEPTION OF GOLF COURSES FROM A PERMIT REQUIREMENT TO REPAIR AND MAINTENANCE OF EXISTING GOLF COURSES, TO PROVIDE FOR AN EXEMPTION FOR SANDFENCING, REVEGETATION OF DUNES, MINOR BEACH RENOURISHMENT, AND DUNE CONSTRUCTION; AND TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO APPROVE REPAIRS TO CERTAIN EROSION CONTROL DEVICES WHICH WOULD OTHERWISE BE PROHIBITED, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH REPAIRS MAY BE MADE; TO AMEND SECTION 48-39-320 BY ADDING A SUBSECTION TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY APPROVE EROSION CONTROL DEVICES NOT PROVIDED FOR IN THIS CHAPTER IF THE BOARD DETERMINES THAT A DEVICE WILL BE SUCCESSFUL WITH REGARD TO EROSION CONTROL; AND TO REPEAL SECTION 48-39-290(D)(2).

The Senate proceeded to a consideration of the Bill.

Senator CAMPBELL proposed the following amendment (139R011.EB.PGC), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION __. Section 48-39-280 of the 1976 Code is amended to read:

“Section 48-39-280. (A) A forty-year policy of retreat from the shoreline is established. The department must implement this policy and ~~must~~ utilize the best available scientific and historical data in the implementation. The department must establish a baseline ~~which~~ that parallels the shoreline for each standard erosion zone and each inlet erosion zone. Subject to Section 48-39-290(D), the baseline established

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pursuant to this section must not move seaward from its position on December 31, 2017.

(1) The baseline for each standard erosion zone is established at the location of the crest of the primary oceanfront sand dune in that zone. In standard erosion zones in which the shoreline has been altered naturally or artificially by the construction of erosion control devices, groins, or other manmade alterations, the baseline must be established by the department using the best scientific and historical data, as where the crest of the primary oceanfront sand dunes for that zone would be located if the shoreline had not been altered.

(2) The baseline for inlet erosion zones that are not stabilized by jetties, terminal groins, or other structures must be determined by the department as the most landward point of erosion at any time during the past forty years, unless the best available scientific and historical data of the inlet and adjacent beaches indicate that the shoreline is unlikely to return to its former position. In collecting and utilizing the best scientific and historical data available for the implementation of the retreat policy, the department, as part of the State Comprehensive Beach Management Plan provided for in this chapter, among other factors, must consider historical inlet migration, inlet stability, channel and ebb tidal delta changes, the effects of sediment bypassing on shorelines adjacent to the inlets, and the effects of nearby beach restoration projects on inlet sediment budgets.

(3) The baseline within inlet erosion zones that are stabilized by jetties, terminal groins, or other structures must be determined in the same manner as provided for in item (1). However, the actual location of the crest of the primary oceanfront sand dunes of that erosion zone is the baseline of that zone, not the location if the inlet had remained unstabilized.

~~(4) Notwithstanding any other provision of this section, where a department approved beach nourishment project has been completed, the local government or the landowners, with notice to the local government, may petition an administrative law judge to move the baseline as far seaward as the landward edge of the erosion control structure or device or, if there is no existing erosion control structure or device, then as far seaward as the post project baseline as determined by the department in accordance with Section 48-39-280(A)(1) by showing that the beach has been stabilized by department approved beach nourishment. If the petitioner is asking that the baseline be moved seaward pursuant to this section, he must show an ongoing commitment~~

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~~to renourishment which will stabilize and maintain the dry sand beach at all stages of the tide for the foreseeable future. If the administrative law judge grants the petition to move the baseline seaward pursuant to this section, no new construction may occur in the area between the former baseline and the new baseline for three years after the initial beach nourishment project has been completed as determined by the department. If the beach nourishment fails to stabilize the beach after a reasonable period of time, the department must move the baseline landward to the primary oceanfront sand dune as determined pursuant to items (1), (2), and (3) for that section of the beach. Any appeal of an administrative law judge's decision under this section may be made pursuant to Title 23 of Chapter 1.~~

(B) To implement the retreat policy provided for in subsection (A), a setback line must be established landward of the baseline a distance which is forty times the average annual erosion rate or not less than twenty feet from the baseline for each erosion zone based upon the best historical and scientific data adopted by the department as a part of the State Comprehensive Beach Management Plan.

(C) The department, before July 3, 1991, must establish a final baseline and setback line for each erosion zone based on the best available scientific and historical data as provided in subsection (B) and with consideration of public input. The baseline and setback line must not be revised before July 1, 1998, nor later than July 1, 2000. After that revision, the baseline and setback line must be revised not less than every eight years but not more than every ten years after each preceding revision. The department shall establish the baseline and setback line for all locations where the baseline and setback line were established on or before January 31, 2012. Nothing in this section allows the seaward movement of the baseline after December 31, 2017. In the establishment and revision of the baseline and setback line, the department must transmit and otherwise make readily available to the public all information upon which its decisions are based for the establishment of the final baseline and setback line. The department must hold one public hearing before establishing the final baseline and setback lines. Until the department establishes new baselines and setback lines, the existing baselines and setback lines must be used. The department may stagger the revision of the baselines and setback lines of the erosion zones so long as every zone is revised in accordance with the time guidelines established in this section.

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(D) In order to locate the baseline and the setback line, the department must establish monumented and controlled survey points in each county fronting the Atlantic Ocean. The department must acquire sufficient surveyed topographical information on which to locate the baseline. Surveyed topographical data typically must be gathered at two thousand foot intervals. However, in areas subject to significant near-term development and in areas currently developed, the interval, at the discretion of the department, may be more frequent. The resulting surveys must locate the crest of the primary oceanfront sand dunes to be used as the baseline for computing the forty-year erosion rate. In cases where no primary oceanfront sand dunes exist, a study conducted by the department is required to determine where the upland location of the crest of the primary oceanfront sand dune would be located if the shoreline had not been altered. The department, by regulation, may exempt specifically described portions of the coastline from the survey requirements of this section when, in its judgment, the portions of coastline are not subject to erosion or are not likely to be developed by virtue of local, state, or federal programs in effect on the coastline which would preclude significant development, or both.

(E) A landowner claiming ownership of property affected who feels that the final or revised setback line, baseline, or erosion rate as adopted is in error, upon submittal of substantiating evidence, must be granted a review of the setback line, baseline, or erosion rate, or a review of all three. The requests must be forwarded to the department board in accordance with Section 44-1-60, and the final decision of the board may be appealed to the Administrative Law Court, as provided in Chapter 23 of Title 1.” /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

Senator CAMPSER proposed the following amendment (139R007.EB.GEC), which was adopted:

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

/ “Section 48-39-130. (D)(1) The accomplishment of emergency orders of an appointed official of a county or municipality or of the State,

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acting to protect the public health and safety, upon notification to the department. However, with regard to the ~~beach/dune~~ beach and dune critical area, ~~only the use of sandbags, sandscraping, or renourishment, or a combination of them~~ the following techniques or a combination thereof, shall be used in accordance with guidelines provided by the department ~~is are~~ allowed pursuant to this item.:

(a) sandbags, provided that a bond is supplied to reasonably estimate and cover the cost of removal;

(b) sandscraping;

(c) renourishment;

(d) any other technology, methodology, or structure pursuant to Section 48-39-320(C), provided that:

(i) the emergency order for use is only issued by the department; and

(ii) a bond is supplied to reasonably estimate and cover the cost of removal; or

(e) a combination of these techniques.”

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	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	Rankin

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Reese	Scott	Setzler
Shealy	Sheheen	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

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

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

S. 561 -- Senators Grooms, Davis, Gregory, Peeler, Malloy, Campbell, Cleary, Bennett and Campsen: A BILL TO AMEND ARTICLE 3, CHAPTER 1, TITLE 57 OF THE 1976 CODE, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, TO INCREASE THE MEMBERSHIP OF THE COMMISSION TO NINE MEMBERS, TO PROVIDE THAT COMMISSIONERS SHALL BE APPOINTED BY THE GOVERNOR FROM THE STATE AT LARGE SUBJECT TO SCREENING BY THE JOINT TRANSPORTATION REVIEW COMMITTEE AND THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE THAT COMMISSIONERS SHALL BE APPOINTED TO SIX-YEAR TERMS, AND TO CLARIFY THE COMMISSION'S DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 57-1-410, RELATING TO THE APPOINTMENT OF THE SECRETARY OF TRANSPORTATION, TO PROVIDE THAT THE COMMISSION, WITH THE APPROVAL OF THE GOVERNOR, SHALL APPOINT A SECRETARY OF TRANSPORTATION SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE; TO AMEND SECTIONS 57-1-720(C) AND 57-1-730 TO MAKE TECHNICAL AND CONFORMING AMENDMENTS REFLECTING THE APPOINTMENT OF COMMISSIONERS RATHER THAN ELECTION OF COMMISSIONERS; TO AMEND CHAPTER 6, TITLE 1 OF THE 1976 CODE, RELATING TO THE OFFICE OF INSPECTOR GENERAL, TO ESTABLISH A DIVISION WITHIN THE OFFICE OF INSPECTOR GENERAL THAT IS RESPONSIBLE

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FOR THE INTERNAL AUDIT FUNCTION OF THE DEPARTMENT OF TRANSPORTATION; AND TO REPEAL SECTIONS 57-1-460 AND 57-1-740.

The Senate proceeded to a consideration of the Bill.

Senators GROOMS and SHEHEEN proposed the following amendment (561R010.EB.LKG), which was adopted:

Amend the committee amendment, as and if amended, by striking the committee amendment in its entirety and inserting:

/ SECTION 1. 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 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;

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(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;

(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

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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.~~

~~(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~~

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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) The commission shall have any other rights, duties, obligations, or responsibilities as provided by law.” /~~

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The Committee on Transportation proposed the following amendment (BBM\561C010.BBM.DG16), which was adopted:

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

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

“ARTICLE 3

Commission of the Department of Transportation

~~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 Commission of the Department of Transportation shall be composed of one member from each transportation district elected by the delegations of the congressional district 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.~~

~~(B)(1) Candidates for election to the commission must be screened by the Joint Transportation Review Committee, as provided in Article 7 of~~

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~~this chapter, and determined to meet the qualifications contained in subsection (C) in order to be eligible for election.~~

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

(A) For purposes of this chapter, the Regional Councils of Government districts of this State, as established pursuant to Section 6-7-110, are constituted and created Department of Transportation Districts of the State. The Commission of the Department of Transportation shall be composed of one commissioner from each transportation district upon the recommendation of the appropriate regional council of government, appointed by the Governor, with advice and consent of the Senate. In making appointments, the Governor shall take into account race, 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 and the impact that each appointee would have on the composition of the commission. 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, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.

(B)(1) The governing body of each regional council of government shall recommend three candidates to the Governor to represent the transportation district. The Governor shall appoint only a candidate who is recommended by the applicable regional council of government.

(2) The Joint Transportation Review Committee must screen each appointee and report its findings to the General Assembly and the Governor. Until the Joint Transportation Review Committee finds an appointee qualified and the Senate confirms the appointee, the appointee must not take the oath of office and the full rights and privileges and powers of the office does not vest.

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

(1) a baccalaureate or more advanced degree from:

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

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

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

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

(a) transportation;

(b) construction;

(c) finance;

(d) practice of law;

(e) environmental issues;

(f) management; or

(g) engineering.

(D) ~~No~~ A member of the General Assembly or member of his immediate family shall may not be ~~elected or~~ appointed to the commission while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be ~~elected or~~ appointed to the commission for a period of four years after the member either:

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

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

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

~~(B) No~~ A county within a Department of Transportation district shall may not have a resident ~~commission member~~ commissioner 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~~ two terms, from commissioners representing other counties, must occur before a county may again have a resident commissioner appointed.

~~Section 57-1-325. Legislators residing in the congressional district shall meet upon written call of a majority of the members of the~~

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

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

~~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 are elected to a term of office of four years which expires on February fifteenth of the appropriate year. 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 only. No person is eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by an elected commission member to maintain residency in the district for which he is elected shall result in the forfeiture of his office.~~

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

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

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(A) All commissioners are appointed to a term of office of six years which expires on December thirty-first of the appropriate year. A commissioner may not serve more than one term, regardless of when the term was served. A commissioner shall continue to serve until his successor is appointed, found qualified, and is confirmed, provided that a commissioner may serve in a hold-over capacity for a period not to exceed four months. A vacancy must be filled by appointment in the manner provided in this article for the unexpired term only.

(B) A person is not eligible to serve as a commissioner who is not a resident of that district at the time of his appointment. Failure by a commissioner to maintain residency in the district for which he is appointed shall result in the forfeiture of his office.

(C) A commissioner may be removed from office only as provided in Section 1-3-240(C)(1)(b).

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

Section 57-1-350. (A) The commission may adopt an official seal for use on official documents of the department.

(B) The commission shall elect a chairman and adopt its own rules and procedures and may select such additional officers to serve such terms as the commission may designate.

(C) Commissioners must be reimbursed for official expenses as provided by law for members of state boards and commissions as established in the annual general appropriations act.

(D) All ~~commission members~~ commissioners are eligible to vote on all matters that come before the commission.

(E) The chairman of the commission shall serve on the South Carolina Transportation Infrastructure Bank board, pursuant to Section 11-43-140.

Section 57-1-360. ~~(A) The commission must appoint a chief internal auditor and other professional, administrative, technical, and clerical personnel as the commission determines to be necessary in the proper discharge of the commission's duties and responsibilities provided by law. The commission also must provide professional, administrative, technical, and clerical personnel, as the commission determines to be necessary, for the chief internal auditor to properly discharge his duties and responsibilities authorized by the commission or provided by law.~~

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Except as otherwise provided, any employees hired pursuant to this section shall serve at the pleasure of the commission.

~~(B)(1) The chief internal auditor shall serve for a term of four years and may be removed by the commission only for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity. The chief internal auditor must be a Certified Public Accountant and possess any other experience the commission may require. The chief internal auditor must establish, implement, and maintain the exclusive internal audit function of all departmental activities. The commission shall set the salary for the chief internal auditor as allowed by statute or applicable law.~~

~~(2) The audits performed by the chief internal auditor must comply with recognized governmental auditing standards. The department and any entity contracting with the department must fully cooperate with the chief internal auditor in the discharge of his duties and responsibilities and must timely produce all books, papers, correspondence, memoranda, and other records considered necessary in connection with an internal audit. All final audit reports must be submitted to the commission and the chairman of the Senate Transportation Committee, the chairman of the Senate Finance Committee, the chairman of the House of Representatives Education and Public Works Committee, and the chairman of the House of Representatives Ways and Means Committee before being made public.~~

~~(3) The commission is vested with the exclusive management and control of the chief internal auditor.~~

~~(C) The department, at its own expense, must provide appropriate office space within its headquarters, building, and facility service, including janitorial, utility and telephone services, computer and technology services, and related supplies, for the chief internal auditor and his support staff.~~

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

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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 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

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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;
- (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.~~

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~~(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.~~

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

SECTION 2. Section 57-1-410 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

"Section 57-1-410. The ~~Governor~~ commission shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at the pleasure of the ~~Governor~~ commission. A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8-11-160 and for which funds have been authorized in the general appropriations act."

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SECTION 3. Section 57-1-460 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

~~“Section 57-1-460. (A)(1) For purposes of this section ‘routine operation and maintenance’ includes, but is not limited to, signage of routes, pavement marking, replacement and installation of guard rails, repair and installation of signals, “chip seal” of existing roads, enhancement projects such as streetscaping, adopt an interchange, bike lanes, curb cuts, installation of overhead message boards and cameras, research projects funded with federal aid, and pavement management system mapping.~~

~~(2) For purposes of this section ‘emergency repairs’ means, but is not limited to, unforeseen deterioration of roads, bridges, or equipment due to accidents, natural disasters, or other causes that could not have been expected or that pose an immediate danger to the public.~~

~~(B) The secretary is charged with evaluating and approving the routine operation and maintenance requests or emergency repairs that are needed for existing roads and bridges that are not included in the Statewide Transportation Improvement Program. However, requests made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars must be approved by the commission pursuant to Section 57-1-370(N) Reserved.~~

SECTION 4. A. Section 57-1-720(C) of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“(C) The review committee must meet as soon as practicable after appointment and organize itself by electing one of its members as chairman and ~~such~~ other officers as the review committee may consider necessary. Thereafter, the review committee must meet as necessary to screen ~~candidates for election~~ appointees to the commission and at the call of the chairman or by a majority of the members. A quorum consists of six members.”

B. Section 57-1-730 of the 1976 Code, as added by Act 114 of 2007, is amended to read:

“Section 57-1-730. The review committee has the following powers and duties:

(1) to screen each ~~candidate applying for election~~ appointee to the commission;

(2) in screening ~~candidates~~ appointees and making its findings, the review committee must give due consideration to:

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(a) ability, area of expertise, dedication, compassion, common sense, and integrity of each ~~candidate~~ appointee; and

(b) the impact that each ~~candidate~~ appointee would have on the ~~racial and gender~~ composition of the commission, ~~and each candidate's impact on other demographic factors represented on the commission,~~ such as residence in rural or urban areas, to assure nondiscrimination to the greatest extent possible of all segments of the population of the State considering the factors required by Section 57-1-310(A), and whether the Governor has met the requirements thereof; and

(3) to determine if each ~~candidate~~ appointee is qualified and meets the requirements provided by law to serve as a ~~member of the Department of Transportation Commission~~ commissioner, make findings concerning whether each ~~candidate~~ appointee is qualified, and deliver its findings to the Clerk of the Senate, ~~and the Clerk of the House of Representatives, and the Senate Transportation Committee; and~~

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

C. 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 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 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 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 Upon the Joint Transportation Review Committee's receipt of an appointment, the review committee shall begin to conduct an investigation of candidates an appointee, 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) (B)(1) Upon completion of the candidate investigations investigation, the chairman of the review committee shall schedule a public hearing concerning the qualifications of the candidates appointee. 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) (2) During the course of the investigation, the review committee may schedule an executive session at which the candidates appointee, and other persons who the review committee wishes to interview, may be interviewed on matters pertinent to the candidate's appointee's qualification for the office to be filled.~~

~~(iii) (3) The review committee shall render its tentative findings as to whether the candidates are appointee is qualified to serve on the~~

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~~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 qualified for a vacancy than those who initially filed, it shall submit to the congressional 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 district delegation, and it shall not elect a person not nominated by the review committee. Nothing shall prevent the congressional 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) (C) As soon as possible after the completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and the findings of fact shall must be delivered to the Clerk of the Senate, the Clerk of the House of Representatives, the Governor, and the appointee 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.~~

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

~~(ii) No member of the congressional 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 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 district delegation.~~

~~(iii) No candidate may directly or indirectly seek the pledge of a vote from a member of the candidate's congressional 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 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~~

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~~person to contact a member of the General 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.~~

~~(e) 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~~

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~~evidence, if so ordered, or to give testimony concerning the matter under 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 5. Section 11-43-140 is amended to read:

"Section 11-43-140. The board of directors is the governing board of the bank. The board consists of seven voting directors as follows: the Chairman of the Commission 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~~ A person appointed to fill a vacancy must be appointed in the same manner as the original appointee for the remainder of the unexpired term."

SECTION 6. (A) Commissioners serving as of the effective date of this act may continue to serve until the end of the term to which they were elected and until their successors are appointed, found qualified, and confirmed as provided in this act. The at-large commissioner shall cease to be a member as of the effective date of this act.

(B) A commissioner serving pursuant to subsection (A) is deemed to represent the transportation district, as provided in SECTION 1 of this act, in which he resides. If a transportation district, as provided in SECTION 1 of this act, is not represented by a commissioner on the effective date of this act, the Governor shall appoint a commissioner to

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represent the district for a full term as provided in SECTION 1 of this act.

(C) If a commissioner serving pursuant to subsection (A) is unable to complete the term to which he was elected, the Governor shall fill the vacancy for a full term as provided in SECTION 1 of this act with an appointee residing in a different county than the commissioner he is succeeding.

SECTION 7. Except where provided otherwise this act takes effect upon approval by the Governor. /

Re-number sections to conform.

Amend title to conform.

The question being the second reading of the Bill.

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

Ayes 37; Nays 0

AYES

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

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**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 1016 -- Senators Cleary, Jackson, J. Matthews, Campbell, Davis, Scott, Turner, Rankin and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 45 TO TITLE 44 TO ENACT THE “EYE CARE CONSUMER PROTECTION LAW” SO AS TO ESTABLISH REQUIREMENTS FOR A PERSON WHO SELLS SPECTACLES OR CONTACT LENSES USING REFRACTIVE DATA OR INFORMATION GENERATED BY AN AUTOMATED TESTING DEVICE.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (BH\1016C006.BH.VR16), which was adopted:

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

/ SECTION 1. Title 40 of the 1976 Code is amended by adding:
“CHAPTER 24

Eye Care Consumer Protection

Section 40-24-10. For purposes of this chapter:

(1) ‘Contact lenses’ means a lens placed directly on the surface of the eye, regardless of whether it is intended to correct a visual defect, and includes, but is not limited to, cosmetic, therapeutic, and corrective lenses.

(2) ‘Dispense’ means the act of providing a pair of spectacles or contact lenses to a patient.

(3) ‘Eye examination’ means an assessment of all or a portion of the ocular health profile, which must include a complete written or electronic medical history, as well as an assessment of the visual status of a patient.

(4) ‘Kiosk’ means automated equipment or an automated application, which is designed to be used on a phone, computer, or internet-based device that can be used in person or remotely to provide refractive data or information.

(5) ‘Patient’ means a person who submits to an eye examination in this State.

(6) ‘Prescription’ means a provider’s handwritten or electronic order to correct refractive error that is based on an eye examination.

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(7) ‘Provider’ means an individual licensed by the South Carolina Board of Examiners in Optometry or the South Carolina Board of Medical Examiners.

(8) ‘Spectacles’ means an optical instrument or device worn or used by an individual that has one or more lenses designed to correct or remediate vision deficits or needs of the individual wearer and are commonly known as glasses, including spectacles that may be adjusted by the wearer to achieve different types or levels of visual correction or enhancement, and excluding over-the-counter spectacles not intended to correct or enhance vision or sold without consideration of the visual status of the individual using the spectacles.

(9) ‘Visual status’ means the assessment of the visual acuity, accommodation amplitudes at the discretion of the provider, and ocular alignment of the eyes in an uncorrected state and the best corrected visual acuity achievable with the aid of a spectacle or contact lens prescription; however, the assessment must not be based solely on objective refractive data or information generated by an automated testing device, including an auto refractor or other electronic refractive-only testing device, to provide a medical diagnosis or to establish a refractive error for a patient as part of an eye examination.

Section 40-24-20. (A) A person in this State may not dispense spectacles or contact lenses to a patient without a valid prescription from a provider.

(B) To be valid, a prescription must contain an expiration date on spectacles or contact lenses of one year from the date of examination by the provider or a statement of the reasons why a shorter time is appropriate based on the medical needs of the patient. The prescription must take into consideration medical findings made and refractive error discovered during the eye examination. If a provider determines a patient is a suitable candidate for a prescription for contact lenses or spectacles, a provider may not thereafter refuse to issue a prescription for spectacles or contact lenses to a patient.

(C) A prescription for spectacles or contact lenses may not be based solely on the refractive eye error of the human eye or be generated by a kiosk.

(D) Violation of this section constitutes misconduct as provided for in Sections 40-37-110 and 40-47-110. A provider who violates this section is subject to the penalties authorized in Chapter 37, Title 40 or Chapter 47, Title 40, as applicable.”

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

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Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the committee amendment.

The question then was second reading of the Bill.

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

Motion under Rule 26B

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

There was no objection.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 908 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT" BY ADDING PART 10 TO ARTICLE 2, TITLE 62 SO AS TO ESTABLISH A FRAMEWORK BY WHICH INTERNET USERS HAVE THE POWER TO PLAN FOR THE MANAGEMENT AND DISPOSITION OF DIGITAL ASSETS UPON DEATH OR INCAPACITATION; TO DEFINE NECESSARY TERMS; TO SET FORTH THE APPLICABILITY OF THE ACT TO FIDUCIARIES, PERSONAL REPRESENTATIVES, CONSERVATORS, TRUSTEES, AND OTHER PARTIES; TO PROVIDE THAT THE ACT DOES NOT APPLY TO A DIGITAL ASSET OF AN EMPLOYER THAT IS USED BY AN EMPLOYEE IN THE ORDINARY COURSE OF BUSINESS; AND TO REQUIRE THAT THE PROVISIONS OF THIS ACT BE APPLIED AND CONSTRUED SO AS TO PROMOTE UNIFORMITY OF LAW AMONG THE STATES.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0908.003), which was adopted:

Amend the bill, as and if amended, by striking page 4, lines 7-13, and inserting therein the following:

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/ Section 62-2-1020. (A) A user may use an online tool to direct the custodian to disclose or not to disclose to a designated recipient some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record. /

Amend the bill further, as and if amended, by striking page 4, lines 25-34, and inserting the following:

/ Section 62-2-1025. (A) This part does not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.

(B) This part does not give a fiduciary or a designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

(C) A fiduciary's or designated recipient's access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under Section 62-2-1020. /

Amend the bill further, as and if amended, by striking page 9, lines 22-34, and inserting the following:

/ Section 62-2-1075. (A) The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including the:

- (1) duty of care;
- (2) duty of loyalty; and
- (3) duty of confidentiality.

(B) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

- (1) except as otherwise provided in Section 62-2-1020, is subject to the applicable terms of service;
- (2) in the case of a fiduciary, is subject to other applicable law, including copyright law;
- (3) is limited by the scope of the fiduciary's duties; and
- (4) may not be used to impersonate the user. /

Amend the bill further, as and if amended, by striking page 10, lines 31-37, and inserting the following:

/ Section 62-2-1080. (A) Not later than sixty days after receipt of the information required under Sections 62-2-1035 through 62-2-1075, a custodian shall comply with a request under this part from a fiduciary

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or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance. /

Re-number sections to conform.
Amend title to conform.

Senator MASSEY explained the committee amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 39; Nays 0

AYES

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

Total--39

NAYS

Total--0

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

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**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 1015 -- Senators Leatherman and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-13-165 SO AS TO MAKE UNLAWFUL CERTAIN ACTIONS INVOLVING COUNTERFEIT OR NONFUNCTIONAL AIRBAGS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD1015.003), which was adopted:

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

/ SECTION 1. Article 1, Chapter 13, Title 16 of the 1976 Code is amended by adding:

“Section 16-13-165. (A) It is unlawful for a person to:

(1) knowingly and intentionally import, manufacture, sell, offer for sale, install, or reinstall in a motor vehicle, a counterfeit airbag, a nonfunctional airbag, or an object that the person knows was not designed to comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208), as amended, for the make, model, and year of the motor vehicle;

(2) knowingly and intentionally sell, offer for sale, install, or reinstall in any motor vehicle a device that causes a motor vehicle’s diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag;

(3) knowingly and intentionally sell, lease, trade, or transfer a motor vehicle if the person knows that a counterfeit airbag, a nonfunctional airbag, or an object that the person knows was not designed to comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208), as amended, for the make, model, and year of the motor vehicle has been installed as part of the motor vehicle’s inflatable restraint system.

(B)(1) A person who violates the provisions of this section by knowingly and intentionally installing or reinstalling an airbag that is counterfeit, nonfunctional, does not comply with the federal regulations described in subsection (A), or installs or reinstalls a device that causes a motor vehicle’s diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag is:

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(a) for a first offense, guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned for not more than one year, or both;

(b) for a second or subsequent offense, guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both.

(2) A person who violates the provisions of this section by knowingly and intentionally importing, manufacturing, selling, or offering to sell, an airbag that is counterfeit, nonfunctional, does not comply with the federal regulations described in subsection (A), or a device that causes a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag is:

(a) for a first offense, guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both;

(b) for a second or subsequent offense, guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than ten years, or both.

(3) A person who violates the provisions of this section by knowingly and intentionally selling, leasing, trading, or transferring a motor vehicle when the person knows that the motor vehicle contains an airbag that is counterfeit, nonfunctional or does not comply with the federal regulations described in subsection (A), is:

(a) for a first offense, guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both;

(b) for a second or subsequent offense, guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than ten years, or both.

(4) A person whose violation of subsection (B)(2) or (B)(3) results in great bodily harm or death is:

(a) for a first offense, guilty of a felony and, upon conviction, must be fined not more than twenty-five thousand dollars or imprisoned for not more than ten years, or both;

(b) for a second or subsequent offense, guilty of a felony and, upon conviction, must be fined not more than one hundred thousand dollars or imprisoned for not more than twenty years, or both.

(5) Persons other than individuals who violate the provisions of subsection (A) are:

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(a) for a first offense, guilty of a felony and, upon conviction, must be fined not more than one million dollars or imprisoned subject to the discretion of the judge, or both;

(b) for a second or subsequent offense, guilty of a felony and, upon conviction, must be fined not more than ten million dollars or imprisoned subject to the discretion of the judge, or both.

(C) For purposes of this section:

(1) ‘Airbag’ means an inflatable restraint system, or portion of an inflatable restraint system including, but not limited to, the cushion material, cover, sensors, controllers, inflators, and wiring that (a) operates in the event of a crash, and (b) is designed in accordance with federal motor vehicle safety standards for the make, model, and year of the motor vehicle in which it is or will be installed.

(2) ‘Counterfeit airbag’ means an airbag that bears without authorization a mark identical or substantially similar to the genuine mark of the manufacturer of a motor vehicle or a supplier of parts to the manufacturer of a motor vehicle.

(3) ‘Nonfunctional airbag’ means a replacement airbag that has been previously deployed or damaged or that has an electrical fault that is detected by the vehicle diagnostic system after the installation procedure is completed. A nonfunctional airbag also includes any object, including a counterfeit or repaired airbag, airbag component, or other component intended to deceive a vehicle owner or operator into believing that it is a functional airbag.

(4) ‘Person’ or ‘persons’ means an individual, a group of individuals, whether incorporated or not, a corporation, a company, an association, an organization, a partnership, or any other form of legal entity.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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SECTION 3. This act takes effect upon approval by the Governor./

Renumber sections to conform.
Amend title to conform.

Senator MASSEY explained the committee amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Motion under Rule 26B

Senator SCOTT asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 1023 -- Senators Hutto and McElveen: A BILL TO AMEND SECTION 23-31-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS ALLOWED TO CARRY A CONCEALABLE WEAPON WHILE ON DUTY, SO AS TO INCLUDE PERSONS WHO ARE RETIRED FROM CERTAIN OFFICES IN THE PURVIEW OF THE STATUTE.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD1023.001), which was adopted:

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

/ SECTION 1. Section 23-31-240 of the 1976 Code is amended to read:

“Section 23-31-240. Notwithstanding any other provision contained in this article, the following persons who possess a valid permit pursuant to this article may carry a concealable weapon anywhere within this State, ~~when carrying out the duties of their office~~ active or retired:

(1) ~~active~~ Supreme Court justices;

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- (2) ~~active~~ judges of the court of appeals;
- (3) ~~active~~ circuit court judges;
- (4) ~~active~~ family court judges;
- (5) ~~active~~ masters-in-equity;
- (6) ~~active~~ probate court judges;
- (7) ~~active~~ magistrates;
- (8) ~~active~~ municipal court judges;
- (9) ~~active~~ federal judges;
- (10) ~~active~~ administrative law judges;
- (11) ~~active~~ solicitors and assistant solicitors; ~~and~~
- (12) ~~active~~ workers' compensation commissioners; and
- (13) clerks of court." /

Renumber sections to conform.

Amend title to conform.

Senator BRIGHT proposed the following amendment (JUD1023.003), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered section to read:

/ SECTION __. Section 16-23-50 of the 1976 Code is amended to read:

"Section 16-23-50. (A)(1) A person, including a dealer, who violates the provisions of this article, except Section 16-23-20, is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

(2) ~~A person violating who is adjudicated to be in violation of the provisions of Section 16-23-20 is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand fifty dollars or imprisoned not more than one year, or both. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of Section 16-23-20. A custodial arrest for a violation of Section 16-23-20 must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of Section 16-23-20 does not constitute a criminal offense.~~

(B) In addition to the penalty provided in this section, the handgun involved in the violation of this article, except a handgun involved in the violation of Section 16-23-20, must be confiscated. The handgun must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated

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handgun may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell handguns in this State for a handgun or any other equipment approved by the agency, or destroy it. A weapon must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the handgun, the division may keep the handgun for use by its forensic laboratory. Records must be kept of all confiscated handguns received by the law enforcement agencies under the provisions of this article.” /

Renumber sections to conform.

Amend title to conform.

Point of Order

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

Senator BRIGHT spoke on the Point of Order.

Senator HUTTO spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

Senator BRIGHT proposed the following amendment (1023R001.EB.LB) which was ruled out of order:

Amend the bill, as and if amended, by adding appropriately numbered new SECTIONS to read:

/ SECTION __. Section 16-23-20 of the 1976 Code is amended to read:

“Section 16-23-20. It is unlawful for anyone to carry about the person any handgun, whether concealed or not ~~except as follows, unless otherwise specifically prohibited by law:~~

~~(1) regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor’s constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers employed as private detectives or private investigators;~~

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~~(2) members of the Armed Forces of the United States, the National Guard, organized reserves, or the State Militia when on duty;~~

~~(3) members, or their invited guests, of organizations authorized by law to purchase or receive firearms from the United States or this State or regularly enrolled members, or their invited guests, of clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members, or their invited guests, are at or going to or from their places of target practice or their shows and exhibits;~~

~~(4) licensed hunters or fishermen who are engaged in hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot;~~

~~(5) a person regularly engaged in the business of manufacturing, repairing, repossessing, or dealing in firearms, or the agent or representative of this person, while possessing, using, or carrying a handgun in the usual or ordinary course of the business;~~

~~(6) guards authorized by law to possess handguns and engaged in protection of property of the United States or any agency of the United States;~~

~~(7) members of authorized military or civil organizations while parading or when going to and from the places of meeting of their respective organizations;~~

~~(8) a person in his home or upon his real property or a person who has the permission of the owner or the person in legal possession or the person in legal control of the home or real property;~~

~~(9) a person in a vehicle if the handgun is:~~

~~(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance; or~~

~~(b) concealed on or about his person, and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;~~

~~(10) a person carrying a handgun unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of changing or moving one's residence or changing or moving one's fixed place of business;~~

~~(11) a prison guard while engaged in his official duties;~~

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~~(12) a person who is granted a permit under provision of law by the State Law Enforcement Division to carry a handgun about his person, under conditions set forth in the permit, and while transferring the handgun between the permittee's person and a location specified in item (9);~~

~~(13) the owner or the person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business, and the employee of a fixed place of business, other than a business subject to Section 16-23-465, while at the place of business; however, the employee may exercise this privilege only after: (a) acquiring a permit pursuant to item (12), and (b) obtaining the permission of the owner or person in legal control or legal possession of the premises;~~

~~(14) a person engaged in firearms related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms, unless the premises is posted with a sign limiting possession of firearms to holders of permits issued pursuant to item (12);~~

~~(15) a person while transferring a handgun directly from or to a vehicle and a location specified in this section where one may legally possess the handgun.~~

~~(16) Any person on a motorcycle when the pistol is secured in a closed saddlebag or other similar closed accessory container attached, whether permanently or temporarily, to the motorcycle, with the intent to commit a crime. The intent to commit a crime shall not be inferred from the mere possession, carrying, or concealment of a loaded or unloaded handgun."~~

SECTION __. Section 16-23-460 of the 1976 Code is repealed.

SECTION __. Section 23-31-220 of the 1976 Code is amended to read:

"Section 23-31-220. (A) Nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

(1) the right of a ~~public~~ or private employer to prohibit a person ~~who is licensed under this article~~ from carrying a ~~concealable~~ weapon upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business;

(2) the right of a private property owner or private person in legal possession or control to allow or prohibit the carrying of a ~~concealable~~ weapon upon his premises.

(B) The posting by the private employer, owner, or person in legal possession or control of a sign stating 'No ~~Concealable~~ Weapons Allowed' shall constitute notice to a person ~~holding a permit issued~~

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~~pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable weapons not be brought upon the premises or into the work place. A person who brings a concealable weapon onto the premises or work place in violation of the provisions of this paragraph may be charged with a violation of Section 16-11-620. In addition to the penalties provided in Section 16-11-620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have his permit revoked for a period of one year. The prohibition contained in this section does not apply to persons specified in Section 16-23-20, item (1) regular, salaried law enforcement officers and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor's constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, and deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources.~~" /

Renumber sections to conform.

Amend title to conform.

Point of Order

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

Senator BRIGHT spoke on the Point of Order.

The PRESIDENT sustained the Point of Order.

The question being the second reading of the Bill.

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Cleary	Coleman	Corbin
Courson	Cromer	Davis
Fair	Gregory	Hayes
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy

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<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
<i>Matthews, Margie</i>	McElveen	Nicholson
Peeler	Rankin	Reese
Scott	Setzler	Shealy
Sheheen	Thurmond	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

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

READ THE SECOND TIME

S. 944 -- Senators Peeler and Hembree: A BILL TO AMEND SECTION 10-1-30 OF THE 1976 CODE, RELATING TO USE OF STATE HOUSE LOBBIES, STEPS, AND OTHER PUBLIC BUILDINGS AND GROUNDS, TO REQUIRE THAT THE DEPARTMENT OF ADMINISTRATION CREATE A PERMIT PROCESS FOR EVENTS AND DEMONSTRATIONS ON THE STATE HOUSE GROUNDS; TO AMEND SECTION 10-11-310 OF THE 1976 CODE, RELATING TO THE DEFINITION OF CAPITOL GROUNDS, TO ADD PENDLETON STREET TO THE DEFINITION; AND TO AMEND SECTION 10-11-330 OF THE 1976 CODE, RELATING TO UNAUTHORIZED ENTRY INTO THE CAPITOL BUILDING, TO MAKE IT UNLAWFUL TO INCITE PHYSICAL VIOLENCE OR ENGAGE IN ACTIVITIES THAT ENCOURAGE UNLAWFUL CONDUCT, AND TO ALLOW LAW ENFORCEMENT TO REMOVE AND DISBURSE PERSONS THAT CAUSE A THREAT TO PUBLIC SECURITY, HEALTH, OR WELL-BEING.

The Senate proceeded to the consideration of the Bill.

The question being the second reading of the Bill.

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

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Motion under Rule 26B

Senator PEELER asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED
CARRIED OVER**

H. 3147 -- Reps. G.M. Smith, G.R. Smith, Huggins, Weeks, Taylor, Pope, Collins, Johnson, Stavrinakis, Yow, Clemmons, Goldfinch, Murphy, J.E. Smith and Mitchell: A BILL TO AMEND SECTION 12-6-1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM SOUTH CAROLINA TAXABLE INCOME OF INDIVIDUALS FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO ALLOW THE DEDUCTION OF RETIREMENT BENEFITS ATTRIBUTABLE TO SERVICE ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES; AND TO AMEND SECTION 12-6-1170, AS AMENDED, RELATING TO THE RETIREMENT INCOME DEDUCTION, SO AS TO CONFORM THIS DEDUCTION TO THE MILITARY RETIREMENT DEDUCTION ALLOWED BY THIS ACT.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO proposed the following amendment (BBM\3147C016.BBM.DG16), which was adopted:

Amend the committee report, as and if amended, SECTION 1.B., by striking Section 12-6-1171(A) and inserting:

/ "Section 12-6-1171. (A) An individual taxpayer who has military retirement income, each year may deduct an amount of earned income from South Carolina taxable income equal to the amount of military retirement income, not to exceed fifteen thousand dollars. Beginning in the year in which the taxpayer reaches age sixty-five, the taxpayer may deduct up to thirty thousand dollars of military retirement income that is included in South Carolina taxable income. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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The Committee on Finance proposed the following amendment (BBM\3147C001.BBM.DG16), which was adopted:

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

/ SECTION 1. A. Section 12-6-1170 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“() Notwithstanding any other provision of this section, if a taxpayer claims a deduction pursuant to Section 12-6-1171, then the deduction allowed by this section must be reduced by the amount the taxpayer deducts pursuant to Section 12-6-1171; however, this subsection does not apply if the deduction claimed pursuant to Section 12-6-1171 is claimed by a surviving spouse.”

B. Article 9, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12-6-1171. (A) An individual taxpayer who is the original owner of a qualified retirement account is allowed an annual deduction from South Carolina taxable income of up to fifteen thousand dollars of military retirement income received. Beginning in the year in which the taxpayer reaches age sixty-five, the taxpayer may deduct up to thirty thousand dollars of military retirement income that is included in South Carolina taxable income.

(B) The term ‘retirement income’, as used in this section, means the total of all otherwise taxable income not subject to a penalty for premature distribution received by the taxpayer or the taxpayer’s surviving spouse in a taxable year from a qualified military retirement plan.

(C) A surviving spouse receiving military retirement income that is attributable to the deceased spouse shall apply this deduction in the same manner that the deduction applied to the deceased spouse. If the surviving spouse also has another retirement income, an additional retirement exclusion is allowed.

(D) The department may require the taxpayer to provide information necessary for proper administration of this subsection.”

SECTION 2. This act takes effect upon approval by the Governor and first applies to tax years beginning after 2015. /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

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The amendment was adopted.

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

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.

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

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STATUTORY REQUIREMENTS MAY CHARGE A CLOSING FEE, TO ESTABLISH DEFENSES FOR A MOTOR VEHICLE DEALER, AND TO AUTHORIZE THE DEPARTMENT OF CONSUMER AFFAIRS TO ADMINISTER AND ENFORCE MOTOR VEHICLE DEALER CLOSING FEES.

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

H. 3313 -- Reps. Pope, Simrill, Ballentine, Felder, Atwater, Bedingfield, Spires, Clary, Collins, Dellene, Hamilton, Hiott, Hixon, V.S. Moss, Norman, Stringer, Toole, W.J. McLeod and Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-43-222 SO AS TO PROVIDE WHEN CALCULATING ROLL-BACK TAX DUE ON A PARCEL OF REAL PROPERTY CHANGED FROM AGRICULTURAL TO COMMERCIAL OR RESIDENTIAL USE THE VALUE USED FOR PLATTED GREEN SPACE OR OPEN SPACE USE OF THE PARCEL, IF SUCH USE IS TEN PERCENT OR MORE OF THE PARCEL, MUST BE VALUED BASED ON THE GREEN SPACE OR OPEN SPACE USE; AND TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO CLASSES OF PROPERTY AND APPLICABLE ASSESSMENT RATIOS FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO MAKE A CONFORMING AMENDMENT, AND TO PROVIDE THAT AFTER A PARCEL OF REAL PROPERTY HAS UNDERGONE AN ASSESSABLE TRANSFER OF INTEREST, DELINQUENT PROPERTY TAX AND PENALTIES ASSESSED BECAUSE THE PROPERTY WAS IMPROPERLY CLASSIFIED AS OWNER-OCCUPIED RESIDENTIAL PROPERTY WHILE OWNED BY THE TRANSFEROR ARE SOLELY A PERSONAL LIABILITY OF THE TRANSFEROR AND DO NOT CONSTITUTE A LIEN ON THE PROPERTY AND ARE NOT ENFORCEABLE AGAINST THE PROPERTY AFTER THE ASSESSABLE TRANSFER OF INTEREST IF THE TRANSFEREE IS A BONA FIDE PURCHASER FOR VALUE WITHOUT NOTICE.

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

H. 3685 -- Reps. D.C. Moss and Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14-1-219 SO AS TO PROVIDE THAT A FIVE DOLLAR SURCHARGE IS IMPOSED UPON ALL MONETARY PENALTIES

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IMPOSED BY CERTAIN COURTS FOR OFFENSES IN WHICH AN ELECTRONIC TICKET OR CITATION WAS ISSUED, AND TO PROVIDE FOR THE DISTRIBUTION OF THE SURCHARGE.

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

H. 3710 -- Reps. Hixon, Norman, Taylor, Wells, Hamilton, Atwater, Brannon, Gagnon, Corley, Ballentine, Southard, Clemmons, Delleney, Gambrell, Huggins, Kennedy, Kirby, Loftis, D.C. Moss, Pitts, Riley, Rivers, Simrill, Toole and Bedingfield: A BILL TO AMEND SECTION 12-43-225, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MULTIPLE LOT DISCOUNT, SO AS TO PROVIDE FIVE ADDITIONAL YEARS OF ELIGIBILITY IN CERTAIN CIRCUMSTANCES.

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

H. 3909 -- Reps. Herbkersman, Jefferson, Bernstein, G.A. Brown, Funderburk, Hill, W.J. McLeod, J.E. Smith, Whitmire, Gagnon, Dillard and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "BICYCLE AND PEDESTRIAN SAFETY ACT"; BY ADDING SECTION 56-5-3520 SO AS TO PROVIDE THAT BICYCLES WITH HELPER MOTORS SHALL BE SUBJECT TO ALL THE RIGHTS AND DUTIES OF BICYCLES; TO AMEND SECTION 56-1-1710, RELATING TO THE TERM "MOPED" AND ITS DEFINITION, SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO MOTORCYCLES OR BICYCLES; TO AMEND SECTION 56-5-990, RELATING TO CERTAIN PEDESTRIAN CONTROL SIGNALS, SO AS TO PROVIDE THAT THIS SECTION ALSO APPLIES TO PEDESTRIAN CONTROL SIGNALS THAT EXHIBIT THE SYMBOLS FOR "WALK" OR "WAIT", AND TO PROVIDE THAT FOR PEDESTRIAN CROSSWALKS EQUIPPED WITH COUNTDOWN INDICATORS, A PEDESTRIAN MAY CROSS IF HE CAN COMPLETE THE CROSSING DURING THE REMAINING TIME; TO AMEND SECTION 56-5-3130, RELATING TO A PEDESTRIAN'S RIGHT-OF-WAY IN A CROSSWALK, SO AS TO PROVIDE THAT THE DRIVER OF A VEHICLE SHALL STOP TO YIELD TO A PEDESTRIAN CROSSING A ROADWAY UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-5-3230, RELATING TO A DRIVER'S DUTY TO EXERCISE DUE CARE WHEN OPERATING A VEHICLE, SO AS TO PROVIDE THAT THIS

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SECTION ALSO APPLIES TO A DRIVER'S DUTY TO AVOID COLLIDING WITH AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, A WHEELCHAIR, A FARM TRACTOR, OR A SIMILAR VEHICLE DESIGNED FOR FARM USE, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 56-5-3425, RELATING TO THE DEFINITION OF THE TERM "BICYCLE LANE" AND OPERATIONS OF MOTOR VEHICLES AND BICYCLES ALONG BICYCLE LANES, SO AS TO REVISE THE DEFINITION OF THE TERM "BICYCLE LANE" AND TO PROVIDE A DEFINITION FOR THE TERM "SUBSTANDARD-WIDTH LANE"; AND TO AMEND SECTION 56-16-10, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTORCYCLE MANUFACTURERS, DISTRIBUTORS, DEALERS, AND WHOLESALERS, SO AS TO PROVIDE A DEFINITION FOR THE TERM "BICYCLES WITH HELPER MOTORS".

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

S. 980 -- Senators Sheheen and McElveen: A BILL TO AMEND CHAPTER 69, TITLE 40 OF THE 1976 CODE, RELATING TO VETERINARIANS, BY ADDING SECTION 40-69-305 TO REQUIRE ALL PRESCRIPTION DRUGS DISPENSED TO AN ANIMAL'S OWNER TO BE LABELED IN ACCORDANCE WITH STATE AND FEDERAL LAW; AND TO PROVIDE PENALTIES FOR VIOLATING THIS SECTION.

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

S. 981 -- Senator Sheheen: A BILL TO AMEND SECTION 56-3-9600 OF THE 1976 CODE, RELATING TO "NO MORE HOMELESS PETS" LICENSE PLATES, SO AS TO PROVIDE THAT THE SOUTH CAROLINA ANIMAL CARE AND CONTROL ASSOCIATION SHALL COORDINATE THE GRANT PROGRAM, BE ELIGIBLE TO RECEIVE REIMBURSEMENT, AND DISTRIBUTE GRANT MONEY; TO REQUIRE AN ANNUAL ACCOUNTING FOR THE PROGRAM; AND REQUIRE CERTAIN INFORMATION BEFORE A NONPROFIT ORGANIZATION CAN RECEIVE FUNDING UNDER THE GRANT PROGRAM.

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

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H. 3343 -- Reps. Huggins, Toole, Long, McCoy, Knight, R.L. Brown, Pope, Collins, Bingham, Stavrinakis, Yow and Erickson: A BILL TO AMEND SECTION 47-3-420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF EUTHANASIA THAT MAY BE USED TO KILL ANIMALS IMPOUNDED OR QUARANTINED IN ANIMAL SHELTERS, SO AS TO PROVIDE THAT THE USE OF BARBITURIC ACID DERIVATIVES, AND CARBON MONOXIDE GAS ARE NOT ALLOWABLE METHODS OF EUTHANASIA AND TO PROVIDE THAT THE USE OF SODIUM PENTOBARBITAL AND OTHER SUBSTANCES OR PROCEDURES THAT ARE HUMANE MAY BE USED TO PERFORM EUTHANASIA.

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

MOTION ADOPTED

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to go into Executive Session prior to adjournment.

EXECUTIVE SESSION

On motion of Senator LEATHERMAN, the seal of secrecy was removed, so far as the same relates to appointments made by the Governor and the following names were reported to the Senate in open session:

STATEWIDE APPOINTMENTS

Confirmations

Having received a favorable report from the Banking and Insurance Committee, the following appointment was taken up for immediate consideration:

Reappointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2014, and to expire June 30, 2018

Supervised Lenders:

Howard H. Wright, Jr., 1047 Eagle Dr., Rock Hill, SC 29732

On motion of Senator HAYES, the question was confirmation of Howard H. Wright, Jr.

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

Ayes 35; Nays 0; Abstain 4

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AYES

Alexander	Bennett	Bright
Bryant	Campsen	Cleary
Corbin	Cromer	Davis
Fair	Gregory	Hayes
Hembree	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--35

NAYS

Total--0

ABSTAIN

Allen	Coleman	Hutto
Rankin		

Total--4

The appointment of Howard H. Wright, Jr. was confirmed.

Having received a favorable report from the Education Committee, the following appointments were taken up for immediate consideration:

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

On motion of Senator COURSON, the question was confirmation of Linzie R. Staley.

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

Ayes 35; Nays 0; Abstain 4

AYES

Alexander	Bennett	Bright
Bryant	Campsen	Cleary
Corbin	Cromer	Davis
Fair	Gregory	Hayes
Hembree	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--35

NAYS

Total--0

ABSTAIN

Allen	Coleman	Hutto
Rankin		

Total--4

The appointment of Linzie R. Staley was confirmed.

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

On motion of Senator COURSON, the question was confirmation of Linzie R. Staley.

THURSDAY, APRIL 21, 2016

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

Ayes 35; Nays 0; Abstain 4

AYES

Alexander	Bennett	Bright
Bryant	Campsen	Cleary
Corbin	Cromer	Davis
Fair	Gregory	Hayes
Hembree	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--35

NAYS

Total--0

ABSTAIN

Allen	Coleman	Hutto
Rankin		

Total--4

The appointment of Linzie R. Staley was confirmed.

Having received a favorable report from the Judiciary Committee, the following appointments were taken up for immediate consideration:

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

At-Large:

Susan S. Barden, 108 Old Mill Circle, Columbia, SC 29206

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On motion of Senator LARRY MARTIN, the question was confirmation of Susan S. Barden.

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

Ayes 20; Nays 0; Abstain 16

AYES

Alexander	Bennett	Bright
Bryant	Campsen	Cleary
Corbin	Cromer	Fair
Gregory	Johnson	<i>Martin, Larry</i>
<i>Martin, Shane</i>	<i>Matthews, John</i>	Nicholson
Peeler	Reese	Scott
Turner	Verdin	

Total--20

NAYS

Total--0

ABSTAIN

Allen	Coleman	Davis
Hayes	Hembree	Hutto
Kimpson	Malloy	Massey
<i>Matthews, Margie</i>	McElveen	Rankin
Setzler	Sheheen	Thurmond
Young		

Total--16

The appointment of Susan S. Barden was confirmed.

Reappointment, South Carolina State Ethics Commission, with the term to commence June 30, 2016, and to expire June 30, 2021

At-Large:

Sherri A. Lydon, 2530 Canterbury Rd., Columbia, SC 29204

On motion of Senator LARRY MARTIN, the question was confirmation of Sherri A. Lydon.

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

Ayes 31; Nays 0; Abstain 8

AYES

Alexander	Bennett	Bright
Bryant	Cleary	Corbin
Cromer	Fair	Gregory
Hayes	Hembree	Johnson
Kimpson	Leatherman	<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
Turner	Verdin	Williams
Young		

Total--31

NAYS

Total--0

ABSTAIN

Allen	Campsen	Coleman
Davis	Hutto	Malloy
Rankin	Thurmond	

Total--8

The appointment of Sherri A. Lydon was confirmed.

Having received a favorable report from the Labor, Commerce and Industry Committee, the following appointments were taken up for immediate consideration:

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Reappointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2016, and to expire August 15, 2020

At-Large:

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

On motion of Senator ALEXANDER, the question was confirmation of Sue Ann Shannon.

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

Ayes 35; Nays 0; Abstain 4

AYES

Alexander	Bennett	Bright
Bryant	Campsen	Cleary
Corbin	Cromer	Davis
Fair	Gregory	Hayes
Hembree	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--35

NAYS

Total--0

ABSTAIN

Allen	Coleman	Hutto
Rankin		

Total--4

The appointment of Sue Ann Shannon was confirmed.

THURSDAY, APRIL 21, 2016

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

On motion of Senator ALEXANDER, the question was confirmation of George E. Knight, Jr.

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

Ayes 33; Nays 0; Abstain 6

AYES

Alexander	Bennett	Bright
Bryant	Campsen	Cleary
Corbin	Cromer	Davis
Fair	Gregory	Hayes
Hembree	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
Shealy	Sheheen	Thurmond
Turner	Verdin	Williams

Total--33

NAYS

Total--0

ABSTAIN

Allen	Coleman	Hutto
Rankin	Setzler	Young

Total--6

The appointment of George E. Knight, Jr. was confirmed.

THURSDAY, APRIL 21, 2016

Reappointment, South Carolina State Housing Finance and Development Authority, with the term to commence August 15, 2016, and to expire August 15, 2020

At-Large:

Kenneth E. Ormand, Jr., 1384 Kathwood Drive, Columbia, SC 29206

On motion of Senator ALEXANDER, the question was confirmation of Kenneth E. Ormand, Jr.

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

Ayes 35; Nays 0; Abstain 4

AYES

Alexander	Bennett	Bright
Bryant	Campsen	Cleary
Corbin	Cromer	Davis
Fair	Gregory	Hayes
Hembree	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--35

NAYS

Total--0

ABSTAIN

Allen	Coleman	Hutto
Rankin		

Total--4

The appointment of Kenneth E. Ormand, Jr. was confirmed.

THURSDAY, APRIL 21, 2016

Reappointment, Jobs Economic Development Authority, with the term to commence July 27, 2016, and to expire July 27, 2019

At-Large/Chairman:

Michael W. Nix, 3 Over Dam, Beaufort, SC 29906

On motion of Senator ALEXANDER, the question was confirmation of Michael W. Nix.

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

Ayes 35; Nays 0; Abstain 4

AYES

Alexander	Bennett	Bright
Bryant	Campsen	Cleary
Corbin	Cromer	Davis
Fair	Gregory	Hayes
Hembree	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--35

NAYS

Total--0

ABSTAIN

Allen	Coleman	Hutto
Rankin		

Total--4

The appointment of Michael W. Nix was confirmed.

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Reappointment, South Carolina State Board of Social Work Examiners, with the term to commence November 27, 2016, and to expire November 27, 2020

Baccalaureate:

Jacqueline S. Lowe, 3 South Canterbury Ct., Blythewood, SC 29016

On motion of Senator ALEXANDER, the question was confirmation of Jacqueline S. Lowe.

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

Ayes 35; Nays 0; Abstain 4

AYES

Alexander	Bennett	Bright
Bryant	Campsen	Cleary
Corbin	Cromer	Davis
Fair	Gregory	Hayes
Hembree	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--35

NAYS

Total--0

ABSTAIN

Allen	Coleman	Hutto
Rankin		

Total--4

The appointment of Jacqueline S. Lowe was confirmed.

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Motion Adopted

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

MOTION ADOPTED

On motion of Senator BRYANT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Frances Barinowski O'Neill of August, GA. Frances was actively involved at Bethany Chapel and Believers Gospel Chapel. She had the gift of hospitality and volunteered over 40 years at Camp Hope. Frances was a loving wife, devoted mother and doting grandmother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senators HUTTO, ALEXANDER, ALLEN, BENNETT, BRIGHT, BRYANT, CAMPBELL, CAMPSER, CLEARY, COLEMAN, CORBIN, COURSON, CROMER, DAVIS, FAIR, GREGORY, GROOMS, HAYES, HEMBREE, 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 Judge Solomon Blatt, Jr. of Barnwell, S.C. Judge Blatt was appointed as a United States District Court Judge in 1971 and worked continuously until his death. He served our country in the Navy during WWII. Judge Blatt was a graduate of the University of South Carolina, served on the Board of Trustees and was an avid supporter of Gamecock athletics. He was a loving husband, devoted father and doting grandfather who will be dearly missed.

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ADJOURNMENT

At 1:41 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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