**Thursday, February 19, 2015**

**(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:

In the account of Daniel we read:

“So the king gave the order, and they brought Daniel and threw him into the lions’ den.” (Daniel 6:16a)

Please join me as we pray:

O God, how frequently may it be that the lady and the men who serve in this Senate feel themselves to be “in the lions’ den,” accosted as it were by all sorts of adversaries and forces that seemingly try to “do them in.” Thank goodness, Lord, they know that You are ever there at their side, as You were with Daniel, not only here during the season of Lent, but always. Continue, O God, to fill the hearts of these faithful leaders with hope and give them strength to carry out their work on behalf of all South Carolinians. So we pray in Your glorious name, Lord. Amen.

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

**Doctor of the Day**

Senator SCOTT introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 11:12 A.M., Senator SHANE MARTIN requested a leave of absence from 1:57 P.M. today until 11:57 A.M. Tuesday.

**Leave of Absence**

At 12:23 P.M., Senator McELVEEN requested a leave of absence for Senator SABB for the balance of the day.

**Leave of Absence**

At 12:49 P.M., Senator PINCKNEY requested a leave of absence for the balance of the day.

**CO-SPONSORS ADDED**

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

S. 475 Sen. O’Dell

S. 30 Sen. Young

S. 304 Sen. Coleman

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 473 -- Senators L. Martin, Fair, Johnson, Hembree and Sabb: A BILL TO AMEND SECTION 6-27-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FUNDING OF THE LOCAL GOVERNMENT FUND, SO AS TO INCREMENTALLY RESTORE THE LAWFUL FUNDING LEVEL OF THE LOCAL GOVERNMENT FUND; AND TO AMEND SECTION 6-27-50, RELATING TO AMENDING OR REPEALING PROVISIONS OF THE STATE AID TO SUBDIVISIONS ACT, SO AS TO PROVIDE THAT SUCH PROVISIONS MAY NOT BE SUSPENDED EXCEPT IN SEPARATE LEGISLATION SOLELY FOR THAT PURPOSE.

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

S. 474 -- Senator O'Dell: A BILL TO AMEND SECTION 44-22-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHAPTER DEFINITIONS, SO AS TO ADD AND DEFINE THE TERM "AUTHORIZED HEALTH CARE PROVIDER"; TO AMEND SECTION 44-22-60, RELATING TO PATIENTS' RIGHTS, SO AS TO ALLOW AN AUTHORIZED HEALTH CARE PROVIDER TO PERFORM THE REQUIRED INITIAL EXAMINATION; AND TO AMEND SECTION 44-22-140, RELATING TO AUTHORIZATION OF MEDICATIONS AND TREATMENT GIVEN OR ADMINISTERED TO A PATIENT, SO AS TO ALLOW AN AUTHORIZED HEALTH CARE PROVIDER TO PERFORM THESE FUNCTIONS.

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

S. 475 -- Senators Leatherman, Setzler, Courson, Matthews, Jackson, Hutto, O'Dell and Williams: A JOINT RESOLUTION TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY AND DEVOLVE THE BOARD'S POWERS UPON A NEW APPOINTED BOARD, TO SPECIFY THE MEMBERS OF THE NEW BOARD, TO PROVIDE ADDITIONAL POWERS TO THE NEW BOARD, AND TO PROVIDE THAT THE NEW BOARD SHALL SERVE UNTIL JULY 1, 2018, AT WHICH TIME ANOTHER BOARD SHALL BE ELECTED IN THE SAME MANNER AS THE CURRENT BOARD WAS ELECTED.

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Senators LEATHERMAN and MATTHEWS spoke on the Joint Resolution.

**Objection**

Senator LEATHERMAN asked unanimous consent to make a motion to place S. 475 on the calendar without reference.

Senator MASSEY objected.

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

S. 476 -- Senators Grooms, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE TIMBERLAND HIGH SCHOOL FOOTBALL TEAM ON AN OUTSTANDING SEASON AND TO CONGRATULATE THEM ON WINNING THE CLASS AA DIVISION II CHAMPIONSHIP.

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

S. 477 -- Senator Allen: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE TIMOTHY EUGENE "TIM" SCOTT, UNITED STATES SENATOR FROM SOUTH CAROLINA, FOR HIS MANY OUTSTANDING ACHIEVEMENTS AND FOR HIS MEANINGFUL SERVICE TO THE CITIZENS OF THE GREAT STATE OF SOUTH CAROLINA.

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

**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. 78 -- Senators Massey and Nicholson: A BILL TO AMEND ARTICLE 1, CHAPTER 59, TITLE 12 OF THE 1976 CODE, RELATING TO FORFEITED LANDS, BY ADDING SECTION 12‑59‑140, SO AS TO ENACT THE “FORFEITED LANDS EMERGENCY DEVELOPMENT ACT”, AND TO PROVIDE FOR THE AUTHORITY OF COUNTY COUNCILS AND FORFEITED LAND COMMISSIONS TO PETITION LEGISLATIVE DELEGATIONS FOR THE USE OF THE SPECIAL AUTHORITIES PROVIDED IN THIS ACT.

S. 301 -- Senator Alexander: A BILL TO AMEND SECTION 40‑2‑10 OF THE 1976 CODE, RELATING TO THE MEMBERS OF THE SOUTH CAROLINA BOARD OF ACCOUNTANCY, TO REVISE THE BOARD COMPOSITION; TO AMEND SECTION 40‑2‑20, TO AMEND THE DEFINITION OF THE TERM “ATTEST” TO INCLUDE ANY EXAMINATION, REVIEW, OR AGREED UPON PROCEDURE TO BE PERFORMED IN ACCORDANCE WITH THE STATEMENTS ON STANDARDS FOR ATTEST ENGAGEMENTS; TO AMEND SECTION 40‑2‑30, RELATING TO LICENSING OR REGISTRATION REQUIREMENTS, TO DELETE REFERENCE TO THE TERM “FINANCIAL STATEMENTS”; TO AMEND SECTION 40‑2‑35, RELATING TO CERTIFIED PUBLIC ACCOUNTANT LICENSURE REQUIREMENTS, SO AS TO REQUIRE SUCH APPLICANTS FOR LICENSURE TO UNDERGO STATE AND FEDERAL CRIMINAL RECORDS CHECKS AND TO REQUIRE CONTINUING EDUCATION OR ADDITIONAL EXPERIENCE, AS APPLICABLE, FOR AN APPLICANT WHO DELAYS SUBMITTING AN APPLICATION FOR A SUBSTANTIAL PERIOD OF TIME AFTER PASSING THE CERTIFIED PUBLIC ACCOUNTING EXAMINATION OR OBTAINING ACCOUNTING EXPERIENCE; TO AMEND SECTION 40‑2‑40, RELATING TO QUALIFICATIONS FOR REGISTRATION OF A CERTIFIED PUBLIC ACCOUNTING FIRM, SO AS TO PROVIDE THAT A SIMPLE MAJORITY OF THE FIRM OWNERSHIP MUST BE CERTIFIED PUBLIC ACCOUNTANTS, TO PROVIDE QUALIFICATIONS AND CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS FOR NONCERTIFIED PUBLIC ACCOUNTANT FIRM OWNERS, AND TO GIVE THE BOARD OF ACCOUNTANCY THE DISCRETION TO CHARGE REGISTRATION AND RENEWAL FEES; TO AMEND SECTION 40‑2‑80, RELATING TO THE INVESTIGATION OF COMPLAINTS AND DISCIPLINARY PROCEEDINGS, TO PROVIDE THAT IN CONDUCTING SUCH INVESTIGATIONS AND PROCEEDINGS THE DEPARTMENT OF LABOR, LICENSING AND REGULATION MAY REQUIRE STATE AND FEDERAL CRIMINAL RECORDS CHECKS; TO AMEND SECTION 40‑2‑250, RELATING TO APPLICATIONS FOR LICENSE RENEWAL, TO PROVIDE THAT SUCH APPLICATIONS MUST BE FILED ON OR BEFORE FEBRUARY FIRST AND TO PROVIDE THAT LATE FILINGS MAY RESULT IN REINSTATEMENT FEES AND SANCTIONING OF THE LICENSEE; AND TO AMEND SECTION 40‑2‑255, RELATING TO APPLICATIONS FOR REGISTRATION RENEWAL, SO AS TO PROVIDE THAT SUCH APPLICATIONS MUST BE FILED ON OR BEFORE FEBRUARY FIRST AND TO PROVIDE THAT LATE FILINGS MAY RESULT IN SANCTIONING OF THE REGISTRANT.

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

Senator O’DELL explained the Bill.

The Bill was read the third time and ordered sent to House.

**READ THE SECOND TIME**

S. 469 -- Senator Pinckney: A BILL TO AMEND ACT 278 OF 1985, AS AMENDED, RELATING TO JASPER COUNTY BOARD OF EDUCATION AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF JASPER COUNTY, SO AS TO REAPPORTION THE SPECIFIC ELECTION DISTRICTS FROM WHICH MEMBERS OF THE JASPER COUNTY BOARD OF EDUCATION MUST BE ELECTED, TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS, AND TO PROVIDE FOR TRANSITIONAL ELECTIONS.

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

Senator PINCKNEY explained the Bill.

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

**Recorded Vote**

Senator DAVIS desired to be recorded as voting against the second reading of the Bill.

**Objection**

Senator PINCKNEY asked unanimous consent to make a motion to give the Bill a third reading on the next legislative day.

Senator DAVIS objected.

**AMENDED, READ THE SECOND TIME**

H. 3118 -- Reps. Pitts and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑525 SO AS TO AUTHORIZE THE DEPARTMENT OF NATURAL RESOURCES TO PROMULGATE REGULATIONS GOVERNING CERTAIN AREAS TO ESTABLISH SEASONS, DATES, AREAS, BAG LIMITS, AND OTHER RESTRICTIONS FOR HUNTING AND TAKING WILD TURKEY; BY ADDING SECTION 50‑11‑580 SO AS TO ESTABLISH MALE WILD TURKEY HUNTING SEASON AS MARCH 20 THROUGH MAY 5, DECLARE THE SATURDAY PRECEDING MARCH 20 OF EACH YEAR TO BE “SOUTH CAROLINA YOUTH TURKEY HUNTING DAY” AND PROVIDE A PROCEDURE FOR YOUTH TURKEY HUNTING ON THIS DAY, TO PROVIDE A WILD TURKEY BAG LIMIT, TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO REPORT TO THE GENERAL ASSEMBLY CERTAIN WILD TURKEY RESOURCES INFORMATION INCLUDING RECOMMENDATIONS REGARDING THE SEASON AND THE BAG LIMITS; TO AMEND SECTIONS 50‑11‑530, 50‑11‑540, AND 50‑11‑544, ALL RELATING TO THE DEPARTMENT OF NATURAL RESOURCES’ REGULATION OF THE HUNTING OF WILD TURKEYS, SO AS TO REVISE THE DEPARTMENT’S AUTHORITY TO REGULATE THE HUNTING OF WILD TURKEYS, TO ALLOW IT TO PROMULGATE EMERGENCY REGULATIONS FOR THE PROPER CONTROL OF THE HARVESTING OF WILD TURKEYS, TO REVISE THE PENALTIES FOR VIOLATING THE PROVISIONS THAT REGULATE THE HUNTING OF WILD TURKEYS, AND TO PROVIDE THAT ALL WILD TURKEY TRANSPORTATION TAGS MUST BE VALIDATED AS PRESCRIBED BY THE DEPARTMENT BEFORE A TURKEY IS MOVED FROM THE POINT OF KILL; AND TO SUSPEND THE PROVISIONS OF SECTION 50‑11‑520 UPON THE EFFECTIVE DATE OF THE ACT UNTIL NOVEMBER 7, 2018, WHEN SECTION 50‑11‑580 IS REPEALED.

The Senate proceeded to a consideration of the Bill.

Senators CAMPSEN and SHANE MARTIN proposed the following amendment (MS\3118C010.MS.AHB15), which was adopted:

Amend the bill, as and if amended, SECTION 2, by deleting Section 50-11-580(B) - (E) and inserting:

/ (B) The Saturday and Sunday preceding March 20 of each year is declared to be ‘Youth Turkey Hunting Weekend’. A person less than eighteen years of age shall be considered a youth hunter. The license and permit requirements for hunting turkey are waived for youth hunters during Youth Turkey Hunting Weekend; however, youth hunters must still possess a set of turkey tags while hunting during Youth Turkey Hunting Weekend. A licensed hunter at least twenty‑one years of age must accompany a youth hunter in the field and may not harvest or attempt to harvest turkey during Youth Turkey Hunting Weekend, but is permitted to call turkeys for the youth hunter. The licensed hunter that accompanies the youth hunter must have a valid South Carolina hunting license, big game permit, and wildlife management area permit if applicable.

(C) The season bag limit per person for male wild turkeys is three, which may be taken by any lawful means. Individuals may also obtain an archery only turkey tag allowing them to take one additional male wild turkey during the open season by means of archery equipment only. The season bag limits contained in this section are statewide.

(D) The daily bag limit per person for male wild turkeys before April first, including Youth Turkey Hunting Weekend, is one. The daily bag limit per person for male wild turkeys on and after April first is two. The daily bag limits contained in this section are statewide.

(E) The department shall conduct an analysis of the wild turkey resources in South Carolina and issue a draft report recommending any changes to the wild turkey season and bag limits. This report shall be provided to the General Assembly within one hundred eighty days of the conclusion of the third turkey season following the effective date of this section.

(F) The department shall provide an annual report of the wild turkey resources in South Carolina to the Chairman of the Senate Fish, Game and Forestry Committee and the Chairman of the House Agriculture and Natural Resources Committee.” /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill, as amended.

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

**Ayes 43; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen Nicholson O'Dell

Peeler Pinckney Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**NAYS**

Bright

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 160 -- Senator Shealy: A BILL TO AMEND SECTION 40‑19‑20(1) OF THE 1976 CODE, RELATING TO THE DEFINITION OF “ADVERTISEMENT” AS USED IN REGARD TO EMBALMERS AND FUNERAL DIRECTORS, BY ADDING THE TERM “INTERNET” TO THE DEFINITION OF ADVERTISEMENT; TO AMEND SECTION 40‑14‑20 OF THE 1976 CODE BY ADDING A DEFINITION FOR THE TERM “THIRD PARTY FUNERAL SERVICE PROVIDER”; TO AMEND CHAPTER 19, TITLE 40 OF THE 1976 CODE; BY ADDING SECTION 40‑19‑40, TO PROVIDE THAT THIRD PARTY FUNERAL SERVICE PROVIDERS MUST BE LICENSED BY THE STATE BOARD OF FUNERAL SERVICE, TO PROVIDE NOTICE AND DISCLOSURE REQUIREMENTS FOR THIRD PARTY FUNERAL SERVICE PROVIDER ADVERTISEMENTS, TO PROVIDE FOR LICENSE REVOCATION FOR VIOLATIONS OF THE ADVERTISING REQUIREMENTS, TO PROVIDE THAT THE STATE BOARD OF FUNERAL SERVICE SHALL PROSCRIBE THE FORMAT OF ADVERTISEMENT DISCLOSURE BY REGULATION, AND TO PROVIDE THAT THIRD PARTY FUNERAL SERVICE PROVIDERS MUST DISCLOSE TO CUSTOMERS THE NAME AND CONTACT INFORMATION OF THE FUNERAL ESTABLISHMENT THAT WILL BE IN CHARGE OF HANDLING ALL FUNERAL ARRANGEMENTS.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (160R002.LS.KS), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 7‑13 and inserting:

/ B. Section 40‑19‑20 of the 1976 Code is amended by adding:

“(21) ‘Third party funeral service provider’ means an out‑of‑state broker, which is a licensed funeral director working through a licensed home in the state that the broker is located, that arranges, via telephone, email, mail, the internet, or by other means, for funeral services to be performed by licensed funeral directors and funeral establishments in this State.” /

Renumber sections to conform.

Amend title to conform.

Senator SHEALY 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 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Matthews McElveen

Nicholson O'Dell Peeler

Pinckney Rankin Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Young

**Total--41**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 397 -- Senators Leatherman, Setzler and O’Dell: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2014.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (BBM\397C002.BBM.DG15), which was adopted:

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

/ SECTION 1. Section 12‑6‑40(A)(1)(a) and (c) of the 1976 Code, as last amended by Act 126 of 2014, is further amended to read:

“(a) Except as otherwise provided, ‘Internal Revenue Code’ means the Internal Revenue Code of 1986, as amended through December 31, ~~2013~~ 2014, and includes the effective date provisions contained in it.

(c) If Internal Revenue Code sections adopted by this State which expired or portions thereof expired on December 31, ~~2013~~ 2014, are extended, but otherwise not amended, by congressional enactment during ~~2014~~ 2015, these sections or portions thereof also are extended for South Carolina income tax purposes in the same manner that they are extended for federal income tax purposes.” /

Renumber sections to conform.

Amend title to conform.

Senator O’DELL 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 42; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

Nicholson O'Dell Peeler

Pinckney Rankin Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

Bright

**Total--1**

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

**READ THE SECOND TIME**

S. 411 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53‑3‑200 SO AS TO DESIGNATE THE MONTH OF OCTOBER OF EVERY YEAR AS “ITALIAN AMERICAN HERITAGE MONTH” IN SOUTH CAROLINA.

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

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Cleary

Coleman Corbin Courson

Cromer Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey McElveen Nicholson

O'Dell Peeler Pinckney

Rankin Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

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

**CARRIED OVER**

S. 350 -- Senators Campbell, Malloy, Setzler, Scott, Alexander, Hembree, O’Dell, Hayes, Grooms, Cleary, Williams, Bennett, Johnson, Hutto, L. Martin, Fair, Turner, Allen, Matthews, Peeler, Lourie, Courson, Coleman, Jackson, McElveen, Shealy, Sabb, Kimpson, Nicholson and Sheheen: A BILL TO AMEND SECTION 4 OF ACT 314 OF 2000, AS LAST AMENDED BY ACT 248 OF 2010 TO TERMINATE THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT ON JUNE 30, 2020.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 373 -- Senator Setzler: A BILL TO AMEND SECTION 9‑1‑1620, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPTIONAL FORMS OF RETIREMENT ALLOWANCES, SO TO ALLOW A MEMBER TO CHANGE THE FORM OF MONTHLY PAYMENT WITHIN FIVE YEARS OF A CHANGE IN MARITAL STATUS, INSTEAD OF ONE YEAR, AND IN CERTAIN SITUATIONS, TO REQUIRE THE MEMBER TO REIMBURSE THE RETIREMENT SYSTEM OF ANY EXCESS PAYMENT RECEIVED.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DKA\373C003.DKA.SA15), which was adopted:

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

/ SECTION 1. Section 9‑1‑1620(B)(1) of the 1976 Code, as last amended by Act 387 of 2000, is further amended to read:

“(1) A retired member, within ~~one year~~ five years after a change in marital status, may revoke the form of monthly payment elected and elect a new form of monthly payment, which must be the actuarial equivalent of the maximum retirement allowance payable to the member under law. The new form of monthly payment is effective on the first day of the month in which the election of the new form of monthly payment is ~~elected~~ received by the system and must be calculated based upon the ages of the retired member and the member’s beneficiary or beneficiaries as of that effective date.”

SECTION 2. Section 9‑11‑150(B)(1) of the 1976 Code, as last amended by Act 387 of 2000, is further amended to read:

“(1) A retired member, within ~~one year~~ five years after a change in marital status, may revoke the form of monthly payment elected and elect a new form of monthly payment, which must be the actuarial equivalent of the maximum retirement allowance payable to the member under law. The new form of monthly payment is effective on the first day of the month in which the election of the new form of monthly payment is ~~elected~~ received by the system and must be calculated based upon the ages of the retired member and the member’s beneficiary or beneficiaries as of that effective date.”

SECTION 3. This act takes effect upon approval by the Governor and applies to any new form of monthly payment elected thereafter due to a change in marital status. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

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

**OBJECTION**

S. 179 -- Senators L. Martin and Hembree: A BILL TO AMEND SECTION 61‑6‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF ALCOHOLIC LIQUORS, SO AS TO INCLUDE POWDERED OR CRYSTALLINE ALCOHOLS WHEN HYDROLYZED IN THE DEFINITION OF ALCOHOLIC LIQUORS AND TO AMEND SECTION 61‑6‑4157, RELATING TO THE PROHIBITION TO POSSESS, USE, SELL, OR PURCHASE POWDERED ALCOHOL, SO AS TO INCLUDE BOTH POWDERED AND CRYSTALLINE ALCOHOL WHEN HYDROLYZED.

The Senate proceeded to a consideration of the Bill.

Senator BRYANT proposed the following amendment (JUD0179.003), which was tabled:

Amend the bill, as and if amended, by striking page 2, line 43 and page 3, line 1 in their entirety and inserting the following:

/ (D)(1) If the Federal Alcohol and Tobacco Tax and Trade Bureau approves the use, purchase, sale, possession, or manufacturing of powdered alcohol in the United States, this section is repealed within three months of that approval being published on the website of the Federal Alcohol and Tobacco Tax and Trade Bureau.

(2) The Executive Director of the South Carolina Department of Revenue shall notify the Code Commissioner in writing if the conditions specified in subsection (1) occurs.”

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

Renumber sections to conform.

Amend title to conform.

Senator BRYANT explained the amendment.

Senator THURMOND moved to lay the amendment on the table.

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

**Ayes 23; Nays 20**

**AYES**

Alexander Campsen Coleman

Fair Hayes Hutto

Jackson Johnson Leatherman

Lourie *Martin, Larry* Massey

Matthews Nicholson O'Dell

Peeler Pinckney Setzler

Sheheen Thurmond Turner

Williams Young

**Total--23**

**NAYS**

Bennett Bright Bryant

Cleary Corbin Courson

Cromer Davis Gregory

Grooms Hembree Kimpson

Malloy *Martin, Shane* McElveen

Reese Sabb Scott

Shealy Verdin

**Total--20**

The amendment was laid on the table.

Senator BRYANT objected to further consideration of the Bill.

**ADOPTED**

S. 461 -- Senator Pinckney: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 17 IN JASPER COUNTY FROM ITS INTERSECTION WITH CROWFIELD ROAD TO ITS INTERSECTION WITH HIGHWAY S‑27‑29 “THOMAS E. MILLER BOULEVARD” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “THOMAS E. MILLER BOULEVARD”.

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

**RECALLED, RECOMMITTED RETAINING**

**PLACE ON THE CALENDAR**

S. 475 -- Senators Leatherman, Setzler, Courson, Matthews, Jackson, Hutto, O'Dell and Williams: A JOINT RESOLUTION TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY AND DEVOLVE THE BOARD'S POWERS UPON A NEW APPOINTED BOARD, TO SPECIFY THE MEMBERS OF THE NEW BOARD, TO PROVIDE ADDITIONAL POWERS TO THE NEW BOARD, AND TO PROVIDE THAT THE NEW BOARD SHALL SERVE UNTIL JULY 1, 2018, AT WHICH TIME ANOTHER BOARD SHALL BE ELECTED IN THE SAME MANNER AS THE CURRENT BOARD WAS ELECTED.

**Motion Adopted**

Senator SETZLER asked unanimous consent to make a motion to recall S. 475 from the Committee on Education.

There was no objection and the Joint Resolution was recalled from the Committee on Education.

On motion of Senator SETZLER, with unanimous consent, the Joint Resolution was recommitted to the Committee on Education, retaining its place on the calendar.

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

**Point of Order**

S. 351 -- Senators Bright, Bryant and S. Martin: A BILL TO AMEND CHAPTER 5, TITLE 7 OF THE 1976 CODE, RELATING TO THE REQUIREMENT OF AND QUALIFICATIONS FOR VOTER REGISTRATION, BY ADDING SECTION 7‑5‑115, SO AS TO PROVIDE THAT A PERSON IS NOT ALLOWED TO VOTE IN A PARTISAN PRIMARY ELECTION OR PARTISAN ADVISORY REFERENDUM UNLESS THE PERSON HAS REGISTERED AS BEING A MEMBER OF THAT PARTY, TO REQUIRE THE STATE ELECTION COMMISSION TO CREATE AND MAINTAIN A LIST OF ALL REGISTERED ELECTORS BY PARTY AFFILIATION, AND TO REQUIRE NOTIFICATION TO QUALIFIED ELECTORS OF THE NEW PARTISAN PRIMARY VOTING PROCEDURES; TO AMEND SECTION 7‑5‑170, RELATING TO WRITTEN APPLICATIONS FOR VOTER REGISTRATION, SO AS TO PROVIDE THE REQUIREMENT OF STATING POLITICAL PARTY AFFILIATION, IF ANY, ON THE FORM AND INCLUDING THE POLITICAL PARTY AFFILIATION IN THE OATH; AND TO AMEND SECTION 7‑9‑20, RELATING TO THE QUALIFICATIONS FOR VOTING IN PRIMARY ELECTIONS, SO AS TO INCLUDE, AS A REQUIREMENT, REGISTRATION AS A MEMBER OF A CERTIFIED POLITICAL PARTY AND TO PROVIDE A PROCEDURE FOR CHANGING POLITICAL PARTY AFFILIATION OR NONAFFILIATION AFTER A SELECTION HAS BEEN MADE.

Senator FAIR moved that the Bill be set for Special Order.

Senator SETZLER raised a Point of Order that the motion was out of order in that the Bill was not on the calendar.

The PRESIDENT sustained the Point of Order.

**MOTION ADOPTED**

At 12:27 P.M., on motion of Senator SCOTT, the Senate agreed to dispense with the balance of the Motion Period.

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

**Ayes 31; Nays 13**

**AYES**

Alexander Allen Bennett

Campsen Cleary Coleman

Courson Cromer Gregory

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry* Massey Matthews

McElveen Nicholson O'Dell

Pinckney Reese Scott

Setzler Shealy Sheheen

Williams

**Total--31**

**NAYS**

Bright Bryant Corbin

Davis Fair Grooms

*Martin, Shane* Peeler Rankin

Thurmond Turner Verdin

Young

**Total--13**

The Senate agreed to dispense with the balance of the motion period.

**Expression of Personal Interest**

Senator SHEHEEN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SHANE MARTIN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator SETZLER rose for an Expression of Personal Interest.

**Objection**

Senator FAIR asked unanimous consent to recall S. 351 from the Committee on Judiciary.

Senator SCOTT objected.

**Statement by Senator FAIR**

I voted to table the motion to recall S. 351 on February 18, 2015, in error. I support partisan voter registration and attempted to recall the Bill today, but I was not successful.

**Expression of Personal Interest**

Senator BRYANT rose for an Expression of Personal Interest.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**DEBATE INTERRUPTED**

S. 3 -- Senators L. Martin, Shealy, Malloy, Courson, Fair, Turner, Lourie and Hembree: A BILL TO AMEND SECTION 16‑25‑10 OF THE 1976 CODE, TO PROVIDE NECESSARY DEFINITIONS; TO AMEND SECTION 16‑25‑20 OF THE 1976 CODE, RELATING TO CRIMINAL DOMESTIC VIOLENCE OFFENSES AND PENALTIES, SO AS TO RESTRUCTURE THE CRIMINAL DOMESTIC VIOLENCE OFFENSES INTO DEGREES AND PROVIDE PENALTIES; TO AMEND SECTION 16‑25‑30, RELATING TO THE ILLEGAL POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A DOMESTIC VIOLENCE OFFENSE, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON CONVICTED OF A CRIMINAL DOMESTIC VIOLENCE OFFENSE OR A PERSON SUBJECT TO AN ORDER OF PROTECTION FOR DOMESTIC OR FAMILY VIOLENCE TO SHIP, TRANSPORT, OR RECEIVE A FIREARM OR AMMUNITION, AND TO PROVIDE NOTICE TO A PERSON TO WHOM THE STATUTE APPLIES; TO AMEND SECTION 16‑25‑65, RELATING TO CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, TO PROVIDE THAT THE COURT MUST ORDER PARTICIPATION IN A DOMESTIC VIOLENCE INTERVENTION PROGRAM AND ALLOW A RESTRICTION ON FIREARMS AND AMMUNITION AS A CONDITION OF BOND; AND TO AMEND CHAPTER 3, TITLE 16, RELATING TO OFFENSES AGAINST THE PERSON, BY ADDING ARTICLE 18, TO PROVIDE NECESSARY DEFINITIONS AND TO ESTABLISH A PROCEDURE FOR THE ISSUANCE OF PERMANENT AND EMERGENCY CIVIL NO‑CONTACT ORDERS UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE DURATION OF CIVIL NO‑CONTACT ORDERS, AND TO PROVIDE A PENALTY FOR THE VIOLATION OF CIVIL NO‑CONTACT ORDERS.

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

**Amendment No. 8**

Senator CORBIN proposed the following amendment (3R006.KM.TDC), which was withdrawn:

Amend the bill, as and if amended, in SECTION 3, by striking Section 16‑25‑30(A) and inserting:

/ “Section 16‑25‑30. (A) It is unlawful for a person to ship, transport, possess or receive a firearm or ammunition, if the person:

(1) has been convicted of a violation of Section 16‑25‑20(B), 16‑25‑20(C), or 16‑25‑65;

(2) is subject to a valid order of protection pursuant to Chapter 4, Title 20; or

(4) is subject to a valid foreign protection order related to domestic or family violence as recognized by the State pursuant to Article 3, Chapter 4, Title 20.” /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

On motion of Senator CORBIN, with unanimous consent, the amendment was withdrawn.

**Amendment No. 4B**

Senator HUTTO proposed the following amendment (3R014.KM.TDC):

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

/ SECTION \_\_. Section 16‑25‑70(B) of the 1976 Code is amended to read:

“(B) A law enforcement officer ~~must~~ may arrest, with or without a warrant, a person at the person’s place of residence or elsewhere if physical manifestations of injury to the alleged victim are present and the officer has probable cause to believe that the person is committing or has freshly committed a misdemeanor or felony under the provisions of Section 16‑25‑20(A) or (D), or 16‑25‑65 even if the act did not take place in the presence of the officer. A law enforcement officer ~~is~~ may not ~~required to~~ make an arrest if he determines probable cause does not exist after consideration of the factors set forth in subsection (D) and observance that no physical manifestation of injury is present. The officer may, if necessary, verify the existence of an order of protection by telephone or radio communication with the appropriate law enforcement agency.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN spoke on the amendment.

**Motion to Adjourn Failed**

Senator SHANE MARTIN moved that the Senate stand adjourned.

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

**Ayes 18; Nays 25**

**AYES**

Allen Bright Bryant

Cleary Coleman Davis

Kimpson Leatherman Malloy

*Martin, Shane* McElveen Nicholson

O'Dell Pinckney Scott

Sheheen Verdin Williams

**Total--18**

**NAYS**

Alexander Bennett Campsen

Corbin Courson Cromer

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Lourie

*Martin, Larry* Massey Peeler

Rankin Reese Setzler

Shealy Thurmond Turner

Young

**Total--25**

The Senate refused to adjourn.

Senator HUTTO explained Amendment No. 4B.

**Point of Order**

Senator HEMBREE 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 HUTTO spoke on the Point of Order.

Senator HEMBREE spoke on the Point of Order.

Senator BRYANT spoke on the Point of Order.

Senator CAMPSEN spoke on the Point of Order.

The PRESIDENT overruled the Point of Order.

Senator HUTTO resumed speaking on the amendment.

Debate was interrupted by adjournment.

**Motion Adopted**

Senator HUTTO moved that the Senate stand adjourned.

**MOTION ADOPTED**

On motion of Senator CAMPSEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Sterling Jinks Usher Laffitte of Estill, S.C. Mr. Laffitte was a graduate of The Citadel, as well as a graduate of the South Carolina Bankers School and the Graduate School of Banking at LSU. In 1987, he became President of The Exchange Bank and was later named President of Palmetto State Bank. He served the South Carolina Bankers Association in many capacities through the years. He also served on the Hampton County Economic Development Board, the Hampton County Chamber of Commerce, Patrick Henry Academy’s Board of Directors and was President of the PHA Athletic Booster. Sterling was a member of Lawtonville Baptist Church and lived by the Golden Rule. He was a loving husband and devoted father who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senators SHANE MARTIN and BRIGHT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. McDuffie M.D. Putnam, Jr. of Roebuck, S.C. M.D. was a graduate of the University of South Carolina and Furman University. After serving as a teacher and principal in Greenville County, he was employed by Spartanburg District Six Schools as principal of Roebuck High School, Roebuck Junior High and as assistant superintendent. He was a faithful member of Roebuck Baptist Church, a member of the Spartanburg Lions Club and the Roebuck Improvement Association. M.D. was a loving husband, devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 1:10 P.M., on motion of Senator HUTTO, 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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