**Printed Page 506 . . . . . Wednesday, January 20, 2016**

**Wednesday, January 20, 2016**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

Urging the people to rebuild their lives, and using the city as a metaphor, Isaiah the prophet cries: “Pass through, pass through the gates! Prepare the way for the people. Build up, build up the highway! Remove the stones. Raise a banner for the nations.” (Isaiah 62:10)

Please bow in prayer with me:

Glorious, Loving Lord, we recall how Isaiah spoke out for the rebuilding of highways and roads as a means to assure that the people would have a promising future. Here in our own day and time the message remains the same, and the members of this Senate know that so very well. We pray, O God, that You will guide these Senators as they continue to wrestle with our state’s need to restore safe roads and highways. May these leaders find realistic ways to achieve this goal, one that is so terribly important to the well-being of all South Carolinians --and to all travelers through this State we love. Moreover, bless Her Excellency, Governor Nikki Haley, O God, as she brings her State of the State Address this evening. In Your wondrous name we pray all of these things, Lord. Amen.

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

**Point of Quorum**

At 2:12 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Printed Page 507 . . . . . Wednesday, January 20, 2016**

**Local Appointment**

Initial Appointment, Chester County Part-time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Wylie G. Frederick, 978 Rippling Brooke Dr., Chester, SC 29706 *VICE* April D. Porter

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committee for consideration:

Document No. 4603

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60 and 20 U.S.C. 6301 et seq.

SUBJECT: Alignment of Assessment and Accountability Elements with the No Child Left Behind Act

Received by Lieutenant Governor January 19, 2016

Referred to Committee on Education

Document No. 4605

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-1300, 59-18-1310, 59-18-1510, 59-20-60, 59-139-05 et seq., and 20 U.S.C. 6301 et seq.

SUBJECT: District and School Planning

Received by Lieutenant Governor January 20, 2016

Referred to Committee on Education

Document No. 4606

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-1-445, 59-1-447, 59-5-60, and 59-18-310(B)

SUBJECT: Test Security

Received by Lieutenant Governor January 19, 2016

Referred to Committee on Education

**Printed Page 508 . . . . . Wednesday, January 20, 2016**

**Doctor of the Day**

Senator LOURIE introduced of Dr. Helmut Albrecht of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 2:55 P.M., Senator McELVEEN requested a leave of absence for Senator KIMPSON for the day.

**Leave of Absence**

At 2:55 P.M., Senator MALLOY requested a leave of absence for Senator THURMOND for the day.

**Leave of Absence**

At 2:55 P.M., Senator CAMPBELL requested a leave of absence for Senator VERDIN for the day.

**Expression of Personal Interest**

Senator HUTTO rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 995 Sen. Campsen

S. 868 Sen. Nicholson

S. 198 Sen. Fair

S. 30 Sen. Fair

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1011 -- Senator Cromer: A BILL TO AMEND SECTION 42-1-560(b), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE RIGHT TO COMPENSATION NOT AFFECTED BY LIABILITY OF THIRD PARTIES, SO AS TO DEFINE NECESSARY TERMS AND TO PROVIDE THAT ATTORNEY’S FEES SHALL BE PAID FROM THE FUNDS RECOVERED FOR THE CARRIER FROM THE LIABLE THIRD PARTY.

l:\s-jud\bills\cromer\jud0084.ls.docx

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

**Printed Page 509 . . . . . Wednesday, January 20, 2016**

S. 1012 -- Senator Grooms: A SENATE RESOLUTION TO DESIGNATE THE WEEK OF JANUARY 24 THROUGH JANUARY 30, 2016, AS "NATIONAL SCHOOL CHOICE WEEK IN SOUTH CAROLINA" AND TO CONGRATULATE STUDENTS, PARENTS, TEACHERS, AND SCHOOL LEADERS FROM K-12 EDUCATIONAL ENVIRONMENTS OF ALL VARIETIES FOR THEIR PERSISTENCE, ACHIEVEMENTS, DEDICATION, AND CONTRIBUTIONS TO THEIR COMMUNITIES IN SOUTH CAROLINA.

l:\council\bills\gm\24534sd16.docx

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

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

**Printed Page 510 . . . . . Wednesday, January 20, 2016**

STUDENT CONTINUING EDUCATION AND QUALIFYING COURSE RECORDS TO THE COMMISSION, AND TO REQUIRE THE COMMISSION MAINTAIN A SECURE DATABASE OF THESE RECORDS; TO FURTHER SPECIFY ADVERTISING AND MARKETING REQUIREMENTS AND LICENSEE STATUS DISCLOSURE; TO CLARIFY AND FURTHER SPECIFY DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE CONCERNING TRUST FUNDS AND TRUST ACCOUNTS, RECORDKEEPING, AND THE SUPERVISION AND INSTRUCTION OF LICENSEES REGARDING THESE MATTERS; TO PROVIDE THAT NO CAUSE OF ACTION ARISES IF AN OWNER OF REAL ESTATE OR A LICENSEE DOES NOT DISCLOSE THE LOCATION OF A REGISTERED SEX OFFENDER; TO FURTHER SPECIFY THE RELATIONSHIPS AND THE DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE, BROKERAGE FIRMS, AND LICENSEES TO THEIR CLIENTS, CUSTOMERS, AGENTS, OTHER LICENSEES, AND OTHER LICENSED INDIVIDUALS; TO FURTHER PROVIDE FOR GROUNDS FOR DENIAL OF LICENSURE OR FOR DISCIPLINARY ACTION AND TO AUTHORIZE THE COMMISSION TO REQUIRE A LICENSEE TO UNDERGO A CRIMINAL RECORDS CHECK AS PART OF AN INVESTIGATION OR DISCIPLINARY PROCEEDING; AND TO CLARIFY CONFIDENTIALITY REQUIREMENTS OF INFORMATION RECORDED FOR AN INVESTIGATION OR PROCEEDING; AND BY ADDING SECTION 27-32-85 SO AS TO PROVIDE THAT PURCHASE OF BENEFICIARY RIGHTS IN A TRUST BASED TIMESHARE, WHERE THE CONTRACT IS MADE IN THIS STATE, IS A REAL PROPERTY OWNERSHIP CONVEYANCE SUBJECT TO ALL CLOSING REQUIREMENTS CONTAINED IN THE TIME SHARING TRANSACTION PROCEDURES ACT.

l:\s-res\tca\050real.dmr.tca.docx

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

**REPORTS OF STANDING COMMITTEES**

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

S. 315 -- Senator Grooms: A JOINT RESOLUTION TO REPEAL SECTION 6 OF ACT 114, RELATED TO THE TERMINATION OF THE GOVERNOR’S AUTHORITY TO APPOINT THE SECRETARY

**Printed Page 511 . . . . . Wednesday, January 20, 2016**

OF TRANSPORTATION; AND TO EXTEND THE GOVERNOR’S AUTHORITY UNTIL FURTHER ACTION BY THE GENERAL ASSEMBLY TO THE CONTRARY.

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary submitted a majority favorable and Senator HUTTO a minority unfavorable report on:

S. 911 -- Senators L. Martin, Campsen, Massey, Hayes, Alexander, Bennett, Bright, Bryant, Campbell, Corbin, Gregory, Hembree, S. Martin, O’Dell, Peeler, Shealy, Turner, Johnson, Grooms, Williams, Davis, Verdin, Fair, Reese, Nicholson, Cleary and Lourie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLOSING FEES ON MOTOR VEHICLE SALES CONTRACTS, SO AS TO ESTABLISH A DEFINITION OF A CLOSING FEE THAT A MOTOR VEHICLE DEALER MAY CHARGE BY AMENDING SECTION 37‑2‑307 OF THE CODE AND TO PROVIDE AN AFFIRMATIVE DEFENSE FOR A MOTOR VEHICLE DEALER WHO COMPLIES WITH THE REQUIREMENTS OF THE CODE IS IN COMPLIANCE WITH STATE LAW; RELATING TO THE DEALERS’ ACT TO CLARIFY THE PROCEDURAL PROCESS FOR BRINGING A CLAIM SO AS TO REPEAL SECTION 56‑15‑110(2) AND TO AMEND THE PROCEDURAL PROCESS FOR A PERSON TO BRING A CLAIM IN AN INDIVIDUAL CAPACITY UNDER THE DEALER’S ACT IN SECTION 56‑15‑110(1); AND TO CLARIFY THE CURRENT PROCEDURAL PROCESS IN STATE LAW FOR A MOTOR VEHICLE TO BRING ACTION OR CLAIM FOR DAMAGE AND HARM TO ITS BUSINESS OR PROPERTY BY THE MANUFACTURER, DISTRIBUTOR, OR OTHER PERSON BY AMENDING SECTION 56‑15‑30.

Ordered for consideration tomorrow.

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

S. 1007 -- Senator Lourie: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF FOREST DRIVE AND BELTLINE BOULEVARD IN THE CITY OF FOREST ACRES “OFFICER GREGORY THOMAS ALIA INTERSECTION” AND ERECT APPROPRIATE MARKERS OR

**Printed Page 512 . . . . . Wednesday, January 20, 2016**

SIGNS AT THIS LOCATION THAT CONTAIN THIS DESIGNATION.

Ordered for consideration tomorrow.

**Appointment Reported**

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

**Statewide Appointment**

Initial Appointment, Secretary of Department of Transportation, with term coterminous with Governor

Christy Ann Hall, 171 Dutch Dr., Leesville, SC 29070 *VICE* Janet Oakley

Received as information.

**HOUSE CONCURRENCE**

S. 994 -- Senator Peeler: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE LIMESTONE COLLEGE MEN’S LACROSSE TEAM AND COACHES FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2015 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) CHAMPIONSHIP TITLE.

Returned with concurrence.

Received as information.

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

**SECOND READING BILL**

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

S. 1000 -- Senator Sheheen: A BILL TO PERMIT THE TOWN OF CAMDEN TO ANNEX CERTAIN REAL PROPERTY BY ORDINANCE UPON FINDING THAT THE PROPERTY IS BLIGHTED.

**READ THE SECOND TIME**

H. 4632 -- Rep. Allison: A JOINT RESOLUTION TO REVISE APPLICABILITY OF CERTAIN STUDENT ASSESSMENT STATUTES FOR THE 2015‑2016 SCHOOL YEAR.

**Printed Page 513 . . . . . Wednesday, January 20, 2016**

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

Senator HAYES explained the Resolution.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Turner

Williams Young

**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1008 -- Senator L. Martin: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUMES 7A AND 19 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2016.

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

**Printed Page 514 . . . . . Wednesday, January 20, 2016**

Senator LARRY MARTIN explained the Resolution.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John Matthews, Margie* McElveen

Nicholson Peeler Rankin

Reese Sabb Scott

Setzler Shealy Sheheen

Turner Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**CARRIED OVER**

H. 3849 -- Rep. Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑26‑45 SO AS TO EXEMPT PERSONALLY IDENTIFIABLE INFORMATION IN CERTAIN EVALUATIONS OF PUBLIC SCHOOL EDUCATORS AND STUDENT TEACHERS FROM PUBLIC DISCLOSURE.

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

H. 3145 -- Reps. Sandifer, Lucas, Thayer, Yow, Long, G.R. Smith, Hixon, Henderson, G.M. Smith, Sottile, Forrester, Felder, Atwater,

**Printed Page 515 . . . . . Wednesday, January 20, 2016**

Toole, Huggins, Pope, Simrill, Bales, Anderson, Gilliard and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15‑3‑700 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PERSON IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGE RESULTING FROM HIS FORCIBLE ENTRY INTO A MOTOR VEHICLE TO REMOVE A CHILD WHO HE REASONABLY BELIEVES IS IN IMMINENT DANGER OF SUFFERING HARM IF NOT REMOVED, AMONG OTHER THINGS, AND TO PROVIDE THAT THIS IMMUNITY DOES NOT AFFECT CERTAIN OTHER CIVIL LIABILITY.

Senator MASSEY explained the Bill.

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

H. 3874 -- Reps. Mitchell, Cobb‑Hunter, Merrill, Loftis, Dillard and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑6‑3770 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO AN INDIVIDUAL OR BUSINESS THAT CONSTRUCTS, PURCHASES, OR LEASES RENEWABLE ENERGY PROPERTY AND PLACES IT IN SERVICE IN THIS STATE, AND TO PROVIDE A DEFINITION OF “RENEWABLE ENERGY PROPERTY”.

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDMENT PROPOSED, CARRIED OVER**

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 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

**Printed Page 516 . . . . . Wednesday, January 20, 2016**

PERMIT REQUIREMENT TO REPAIR AND MAINTENANCE OF EXISTING GOLF COURSES, TO PROVIDE FOR AN EXEMPTION FOR SANDFENCING, REVEGITATION 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 the consideration of the Bill.

The Committee on Agriculture and Natural Resources proposed the following amendment (139R003.EB.DBV), which was adopted:

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

/ SECTION 1. Section 48‑39‑130(D)(1) of the 1976 Code, is amended to read:

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

**Printed Page 517 . . . . . Wednesday, January 20, 2016**

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

(e) a combination of these techniques.”

SECTION 2. Section 48‑39‑290(A) of the 1976 Code, as last amended by Act 259 of 2011, is further amended to read:

“Section 48‑39‑290. (A) No new construction or reconstruction is allowed seaward of the baseline except:

(1) ~~wooden~~ walkways no larger in width than six feet and constructed of wood or other department‑approved wood‑like material;

(2) small wooden decks no larger than one hundred forty‑four square feet and constructed of wood or other department‑approved wood‑like material;

(3) fishing piers and associated amenity structures which are open to the public. Those fishing piers with their associated amenity structures including, but not limited to, baitshops, restrooms, restaurants, and arcades which existed September 21, 1989, may be rebuilt if they are constructed to the same dimensions and utilized for the same purposes and remain open to the public. In addition, those fishing piers with their associated amenity structures ~~which~~ that existed on September 21, 1989, and that were privately owned, privately maintained, and not open to the public on ~~this~~ that date also may be rebuilt and used for the same purposes if they are constructed to the same dimensions;

(4) golf courses for repair and maintenance, and any action taken pursuant to Section 48‑39‑135;

(5) normal landscaping, sandfencing, revegetation of dunes, minor beach renourishment, and dune construction;

(6) structures specifically permitted by special permit as provided in subsection (D);

(7) existing pools ~~may be reconstructed~~ if they are landward of an existing, functional erosion control structure, or device;

(8) existing groins, which may be reconstructed, repaired, and maintained. New groins may ~~only~~ be allowed only on beaches that have high erosion rates with erosion threatening existing development or public parks. In addition to these requirements, new groins may be constructed, and existing groins may be reconstructed, only in furtherance of an ongoing beach renourishment effort which meets the criteria set forth in regulations promulgated by the department and in accordance with the following:

(a) The applicant shall institute a monitoring program for the life of the project to measure beach profiles along the groin area and adjacent and downdrift beach areas sufficient to determine

**Printed Page 518 . . . . . Wednesday, January 20, 2016**

erosion/accretion rates. For the first five years of the project, the monitoring program must include, but is not necessarily limited to:

(i) establishment of new monuments;

(ii) determination of the annual volume and transport of sand; and

(iii) annual aerial photographs.

Subsequent monitoring requirements must be based on results from the first five‑year report.

(b) Groins may ~~only~~ be permitted only after thorough analysis demonstrates that the groin will not cause a detrimental effect on adjacent or downdrift areas. The applicant shall provide a financially binding commitment, such as a performance bond or letter of credit that is reasonably estimated to cover the cost of reconstructing or removing the groin and/or restoring the affected beach through renourishment pursuant to subitem (c).

(c) If the monitoring program established pursuant to subitem (a) shows an increased erosion rate along adjacent or downdrift beaches that is attributable to a groin, the department ~~must~~ shall require either that the groin be reconfigured so that the erosion rate on the affected beach does not exceed the preconstruction rate, that the groin be removed, and/or that the beach adversely affected by the groin be restored through renourishment.

(d) Adjacent and downdrift communities and municipalities must be notified by the department of all applications for a groin project.

(e) Nothing in ~~the~~ this section shall be construed to create a private cause of action, but nothing in this section shall be construed to limit a cause of action under recognized common law or other statutory theories. The sole remedies, pursuant to this section, are:

(i) the reconstruction or removal of a groin; and/or

(ii) restoration of the adversely affected beach and adjacent real estate through renourishment pursuant to subitem (c), or both.

An adjacent or downdrift property owner ~~that~~ who claims a groin has caused or is causing an adverse impact shall notify the department of ~~such~~ the impact. The department shall render an initial determination within sixty days of such notification. Final agency action ~~shall~~ must be rendered within twelve months of notification. An aggrieved party may appeal the decision pursuant to the Administrative Procedures Act.

A permit must be obtained from the department for items (2) through (8). However, no permit is required ~~under~~ pursuant to this chapter for associated amenity structures constructed on fishing piers if local governmental bodies having responsibility for the planning and zoning

**Printed Page 519 . . . . . Wednesday, January 20, 2016**

authorize construction of those amenity structures. Associated amenity structures do not include those employed as overnight accommodations or those consisting of more than two stories above the pier decking. Associated amenity structures, excluding restrooms, handicapped access features, and observation decks, may occupy no more than thirty‑five percent of the total surface area of the fishing pier or be constructed at a location further seaward than one‑half of the length of the fishing pier as measured from the baseline. The department, in its discretion, may issue general permits for items (2) and (5) where issuance of the general permit would advance the implementation and accomplishment of the goals and purposes contained in Sections 48‑39‑250 through 48‑39‑360.”

SECTION 3. Section 48‑39‑290(D)(2) of the 1976 Code is amended to read:

“Section 48‑39‑130. (D) (2) The department’s Permitting Committee Coastal Division shall ~~is the committee to~~ consider applications for special permits.”

SECTION 4. This act takes effect upon approval by the Governor; however, Section 48‑39‑130, as amended, remains subject to the repeal provision pursuant to Section 5, Act 41 of 2011. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

Senator CLEARY proposed the following amendment (139R004.EB.REC):

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 pursuant to this section must not move seaward from its position on July 1, 2015.

(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

**Printed Page 520 . . . . . Wednesday, January 20, 2016**

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~~ shall consider, among other factors: 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 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~~

**Printed Page 521 . . . . . Wednesday, January 20, 2016**

~~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~~ that 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. Nothing in this section allows the seaward movement of the baseline after July 1, 2015. 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.

(D) In order to locate the baseline and the setback line pursuant to subsections (A), (B), and (C), the department ~~must~~ shall establish monumented and controlled survey points in each county fronting the Atlantic Ocean. The department ~~must~~ shall 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

**Printed Page 522 . . . . . Wednesday, January 20, 2016**

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.

Senator CAMPBELL spoke on the amendment.

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

S. 989 -- Senators Hayes, J. Matthews and Setzler: A JOINT RESOLUTION TO REVISE APPLICABILITY OF CERTAIN STUDENT ASSESSMENT STATUTES FOR THE 2015‑2016 SCHOOL YEAR.

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

**ADOPTED**

H. 4350 -- Rep. Anderson: A CONCURRENT RESOLUTION TO AUTHORIZE THE ANNUAL YOUTH LEGISLATIVE CONFERENCE TO USE THE SENATE AND HOUSE CHAMBERS, AT A DATE AND TIME TO BE DETERMINED BY THE PRESIDENT PRO TEMPORE AND THE SPEAKER, FOR THE PURPOSE OF ITS ANNUAL MOCK SESSION AND TO CONGRATULATE THE CONFERENCE FOR CONTINUING TO

**Printed Page 523 . . . . . Wednesday, January 20, 2016**

PROVIDE THIS MOST WORTHWHILE OPPORTUNITY TO THE YOUNG PEOPLE PARTICIPATING.

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

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

**MOTION ADOPTED**

At 3:05 P.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

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

**CARRIED OVER**

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

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

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

**Printed Page 524 . . . . . Wednesday, January 20, 2016**

Initial Appointment, Chester County Part-time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Wylie G. Frederick, 978 Rippling Brooke Dr., Chester, SC 29706 *VICE* April D. Porter

**RECESS**

On motion of Senator LEATHERMAN, the Senate receded from business until 6:45 P.M. at which time it would assemble for the sole purpose of attending the State of the State address.

**NIGHT SESSION**

The Senate assembled at 6:45 P.M. and was called to order by the PRESIDENT.

**Committee to Escort**

The PRESIDENT appointed Senators COURSON, PEELER, ALEXANDER, JOHN MATTHEWS and MARGIE BRIGHT MATTHEWS to escort the Honorable Nikki Randhawa Haley, Governor of South Carolina, and members of her party to the House Chamber for the Joint Assembly.

At 6:55 P.M., the Senate receded for the purpose of attending the Joint Assembly.

**JOINT ASSEMBLY**

**Address by the Governor**

At 7:00 o’clock P.M., the Senate appeared in the Hall of the House.

The PRESIDENT of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution, H. 4617, adopted by both Houses.

The Honorable Nikki Randhawa Haley, and members of her party, were escorted to the rostrum by Senators COURSON, PEELER, ALEXANDER, JOHN MATTHEWS and MARGIE BRIGHT MATTHEWS and Representatives Burns, Dillard, Johnson, Jefferson, Rivers, Elder and Toole.

The PRESIDENT of the Senate introduced the Honorable Nikki Randhawa Haley, Governor of the State of South Carolina.

The Governor addressed the Joint Assembly as follows:

**Printed Page 525 . . . . . Wednesday, January 20, 2016**

**State of the State Address**

Mr. Speaker, Mr. President, ladies and gentlemen of the General Assembly, constitutional officers and my fellow South Carolinians:

Each year we come together to discuss the state of our State, and each year we begin by acknowledging those who lost their lives in the service of our State and of our nation.

By the grace of God, this will be the first year I do not list a single active duty member of our armed forces who was taken from us. That is a blessing.

But the men and women of our military are not alone in their willingness to sacrifice for us and in their dedication to keeping us safe.

So now, please join me as we pay tribute to those who gave the last full measure of devotion in the service of South Carolina and her people:

Officer Gregory Thomas Alia, Columbia;

Officer Stacy Lynn Case, Columbia;

Deputy Sheriff Delton Daniels, Bennettsville;

Firefighter Stuart Gregory Hardy, Beaufort;

Firefighter Kenneth Michael Stanton, Sr., Pendleton;

Firefighter Tyron Weston, Columbia.

On behalf of all South Carolinians, to their families, know we will never forget.

I have always felt blessed to have the support of my family. Michael has always been my most trusted advisor. This year, that was even more true. He supported me through the grief, the decisions we made, and the prayers as we moved forward through South Carolina’s tragedies. A public servant is only as strong as the strength she has at home. Please help me welcome my strength, my partner, and the coolest First Man ever, Michael Haley.

It is hard to believe how much my little ones have grown. They have spent so much of their lives in the public eye, and these two handle it in a way that makes us so proud. This is Rena’s last year at home before she ventures off to college, which breaks my heart, and Nalin is finishing his last year in middle school. Please help me welcome my pride and joy, Rena and Nalin.

Recently, we lost a senator whose warmth and graciousness touched so many here at the State House and across his district. BILLY O’DELL was a loving husband, father, and grandfather. For more than 25 years, his work for the people of his district made South Carolina a better place, and along with his wife, Gayle, his son and daughter-in-law, Chip and Angela, and his daughter, Michelle, we mourn his passing. Mrs. O’Dell, your husband was loved by those within this chamber and by so many

**Printed Page 526 . . . . . Wednesday, January 20, 2016**

more outside of it. Thank you and your family for being here and for your service to our State.

This has been a different kind of year for South Carolina, a year that warrants a different kind of speech. While there is plenty to celebrate in our State, it would be neither honest nor productive to ignore the great challenges that were thrust upon South Carolina in 2015.

Ladies and gentlemen, the state of our State is bent but not broken.

As I look around this distinguished chamber tonight, there is a hole. It is a hole felt far beyond this State House, a hole that tore deeply through the very soul of South Carolina.

Senator CLEMENTA PINCKNEY served the people of South Carolina, in this very building, for eighteen years. He should be sitting with us tonight. Sadly, he is not.

This is an infinitely dimmer room because of it.

But his legacy lives on. It lives on in his works. It lives on in his church. It lives on in his friends. It will soon live on in the portrait that his colleagues will raise in the Senate Chamber, just across the hall. But most of all, it lives on in his family, in his wife, Jennifer, and their two beautiful daughters, Eliana and Malana.

They are here tonight.

Please join me, and all of South Carolina, in paying our deep respect to the Pinckney family.

Thank you for taking the time to be with us. This is an infinitely brighter room because you are here.

In the days following the tragedy at Mother Emanuel, and in the many months since, I have thought a great deal about Senator PINCKNEY.

I did not know him well, but what I knew was that in every interaction we had, he was always kind and respectful.

I knew him to be a goodhearted public official. I knew him to be a senator who spoke infrequently, but when he did, it was with great intensity and even greater authority. I knew him to be a man who never seemed to speak against anyone or anything but, instead, to advocate for the people and the ideas that he believed in.

The building we sit in invites disagreement. That is a good thing, a healthy thing -- we should not pretend to all believe the same things nor should we be silent about where and when we differ.

But disagreement does not have to mean division. Honest policy differences do not need to morph into personal dislike, distrust, and disillusion. After all, to paraphrase something I read last June, we are more than just members of warring political tribes but brothers and sisters and fellow South Carolinians.

**Printed Page 527 . . . . . Wednesday, January 20, 2016**

Senator PINCKNEY was more than just a senator; he was a father, a husband, a brother, a son, a reverend.

We should all spend a little more time getting to know the people behind the policies.

Before the tragedy of Mother Emanuel in June, there was the tragedy of Walter Scott in April.

We all recall what happened in that case. Mr. Scott was stopped by a North Charleston police officer for having a broken taillight. What ensued was caught on video for the entire world to see. Mr. Scott began to run from the officer, who shot him repeatedly in the back, tragically ending his life.

We were betrayed by one of our own.

The vast, vast majority of police officers in this nation are honorable men and women. They keep us safe.

But, unfortunately, what happened in North Charleston on April 4th was not a unique event in America today.

What happened after was.

In the face of overwhelming video evidence that something had gone terribly wrong, South Carolina did not erupt in riots or violence.

Instead, we focused on justice and progress.

Justice for Walter Scott and his family. Progress for our State.

That focus meant everything to South Carolina. And it began with the Scott family.

They started the calming of our community. Their words and actions allowed South Carolina the chance to right this wrong, the best we could, without the influence of outsiders.

Their response drove ours. And just two months after Mr. Scott was senselessly killed, I stood with his family and signed into law the first Body Camera Bill in America.

I was proud to stand with the Scott family that day. I am proud to recognize Mr. Walter Scott, Sr., his wife, Judy, and their son and daughter-in-law, Rodney and Jenarious, who are here with us tonight.

Thank you for your graciousness in a time of unimaginable sorrow. South Carolina will forever grieve the loss of your son and be forever grateful to you and your family for helping us learn from your tragedy, grow from it, and take action to make sure, to the best of our ability, it never happens again.

South Carolina was devastated by man-made tragedies in 2015.

As if that wasn’t enough, last year also saw the biggest natural disaster our State had endured since Hurricane Hugo.

**Printed Page 528 . . . . . Wednesday, January 20, 2016**

Starting my first year in office, we have conducted emergency tabletop exercises that allow us to go through disaster situations in real time. Each year we work to improve our planning and our preparation. The disaster we always thought we were preparing for was a hurricane. Thankfully, that hurricane has not come this way.

What did, in 2014, were two winter storms that challenged our infrastructure, our utility companies, and our resources. South Carolina shined through those storms.

But this year was something neither we, nor the weathermen, could ever have imagined. Rain at unbelievable levels, pouring from the sky for hours. Enough rain, according to one report, to give each American one bottle of water every day for the next 182 years.

October’s 1,000-year flood was one that challenged our State in a way few natural disasters ever have.

I cannot give enough credit to General Bob Livingston, Director of Emergency Management Kim Stenson, Secretary of Transportation Christy Hall, and the other leaders of our agencies who understood that can’t is not an option.

This team knew they couldn’t sleep until we made sure we had done everything in our power to keep people safe, provide aid to those in need, and strengthen our citizens with the information and the resources to move forward.

Please help me thank a group of people who didn’t back down from a historic challenge, one I am proud to call Team South Carolina.

With good reason, we talk a lot about the things South Carolina does well, the records we are breaking, the rankings that show us rising to the top.

Number one in foreign investment. The number one exporter of tires. One of the fastest growing economies on the east coast. The friendliest State in the country. The most patriotic.

All of South Carolina should take pride in those facts.

There are others, however, we talk about less. And that we should never be proud of.

There is no excuse for South Carolina to rank as the State in America with the highest percentage of women killed by men.

Domestic violence is an issue that has plagued us for far too long. Tonight, I say it will plague us to that extent no more.

Last year, the General Assembly passed a very real, very important Bill to help rid South Carolina of the poison of domestic violence. Thank you for all the work that went into sending that Bill to my desk.

**Printed Page 529 . . . . . Wednesday, January 20, 2016**

But we also know that our domestic violence epidemic is not going to be fixed by legislation alone. In order to truly solve this problem, it will take a complete culture change.

So a year ago, we established a domestic violence task force, made up of 135 members representing 65 organizations across South Carolina. We committed to educating ourselves and each other about every aspect that a survivor goes through and all the contact points touched when a situation occurs, contact points that could be opportunities to save a life.  We looked at not just the root causes but also how these cases were being handled, county by county, throughout our State.

We learned a lot. And we’re taking action.

First, victims are not victims -- they are survivors. We know that domestic violence is a choice the abuser makes, not the survivor. We need a culture of empowerment, rather than one of re-victimization.

Second, those survivors need to know that we have their backs -- they need lawyers, not law enforcement officers, prosecuting domestic violence crimes. We need officers to be officers out in the field, and we need prosecutors to be prosecutors in the courtroom. South Carolina is one of only three states that allow law enforcement officers to try domestic violence crimes. That ends this year.

My Executive Budget includes additional prosecutors to fix this problem. No survivor deserves to show up in court and see a legally untrained police officer arguing his or her side, while a highly-paid defense lawyer argues on behalf of the abuser. If you join me, in South Carolina, no survivor ever will again.

There is more that we have done and still more to do. That’s why I have extended the task force. But after the action we have taken together this past year, survivors of domestic violence across South Carolina can take comfort knowing that their government and the people of our State see them, hear them, and that they are no longer alone.

You’ve heard me say it before -- growing up in Bamberg, we didn’t know what we didn’t have.

For me, that’s not the case anymore -- I know exactly what we didn’t have. And after visiting hundreds of schools across our State, I know exactly what many of today’s kids don’t have.

I have seen the disparities, and I won’t stand by and allow them to continue.

We want to raise our children to know they are worthy of a good education. We want to raise our children with the confidence and the resources so they believe the sky is the limit.

**Printed Page 530 . . . . . Wednesday, January 20, 2016**

Our focus for the last three years has been to right some wrongs. All of us did that together.

Thanks to your support, we changed the funding formula so that no one can ever say again that we educate children based solely on where they are born and raised.

Thanks to your support, we have put reading coaches in every elementary school and will no longer pass a child out of the third grade if they can’t read.

Thanks to your support, wealthy districts are not the only ones investing in technology anymore -- meaning wealthy districts are not the only ones that teach their students for the future, not the past.

And thanks to your support, we did it all without raising taxes.

But we’re not done.

First, we need to let the voters of South Carolina decide if they want the Governor to appoint the Superintendent of Education. Education must be a priority for every governor -- and to be successful, every governor must have a partner in the Education Department.

Superintendent Spearman has been a great partner since her election. But the history of South Carolina shows that has not always been the case, and our children have suffered as a result.

This is a change that will not take place until after I’m long gone from the Governor’s Office, so it is not for my benefit that I ask you to support this initiative. It’s for our children. And for theirs.

Second, in South Carolina we have high turnover of teachers in rural and challenged school districts. That affects a child, as they don’t have consistency in their teachers. And it affects teachers, who are either constantly adapting to new environments or constantly watching their colleagues leave.

So this will be the first year we aggressively start recruiting teachers to rural districts and, just as aggressively, incentivizing them to stay there.

If a student agrees to teach in a challenged district for eight years, we will cover the full cost of their education at a state university. For recent graduates who agree to the same commitment, we will repay their student loans. For career educators who want to grow professionally and teach in these challenged districts, we will cover the cost of their graduate coursework. And we will support mentorship programs for all of the above.

Children deserve to know that teachers believe in them enough to stay. We have to slow this revolving door. I know we can, and now, I know we will.

**Printed Page 531 . . . . . Wednesday, January 20, 2016**

Finally, we cannot continue to ignore that in much of our State, we have a facilities problem.

Children can’t learn as well when the walls of their classrooms are crumbling around them. Teachers can’t teach as well when the hallways they walk are littered with puddles. Our students and our teachers deserve no less than to go to school each day in a place that is safe and clean.

Over the last year, there has been much discussion about floating a Bond Bill.

I am not unilaterally opposed to using South Carolina’s bonding capacity to serve the most critical needs of our State. There are times it makes sense. It is why I signed a Bill in 2012 to use that capacity to invest $1 billion in our roads. It is why I have supported using that capacity for extraordinary economic development projects.

It is also why I opposed last year, and will oppose this year, any effort to bond out hundreds of millions of dollars to fill a wish list for our already bloated higher education system. No one can look at the tuition hikes parents and college students have seen over the last decade and tell me that higher education doesn’t have enough money. And no one can drive the campuses of Clemson, South Carolina, and so many others, see the brand new facilities and massive new construction projects, and tell me that they represent our greatest need.

That is not true of elementary, middle, and high schools in Denmark. Or Clarendon. Or Abbeville.

So here is what I propose: Let’s pass legislation permanently dedicating up to one percent of our state’s bond capacity to K-12 education facilities.

Now, I do not propose that all school districts in South Carolina are eligible for state support. Nor do I propose that the school districts themselves determine whether or not they qualify. This must be a thorough, priority-based process by which those districts that truly need our help get it, and those that don’t, don’t.

It starts with a complete evaluation of the facilities in which our children are currently attending school.

It includes the development of a strict set of building standards so that school districts will be able to build age and size-appropriate schools but not break the bank or waste millions of dollars on architects and blueprints, dollars that would be far better spent if that money actually touched a child and a teacher.

And finally, it includes restrictions on local governments -- we are not helping school districts construct a school so that they can turn around

**Printed Page 532 . . . . . Wednesday, January 20, 2016**

and raise taxes on their people to build another one, or worse, a more extravagant one.

We have the opportunity to help those children in South Carolina who need it most. We have the opportunity to give dedicated teachers a safe place that allows them to do what they’ve always wanted: Impact the lives of their students. We have the opportunity to do it responsibly and without raising taxes.

We can waste that opportunity, if we so choose, on high-rise dorms, sparkling new graduate centers, and world-class administrative buildings. But if we don’t focus on K-12, and focus on it now, higher education won’t even be a possibility for far too many South Carolina children.

Last year, I told you I didn’t know what else to say about ethics reform, that we’d talked about it for years and that we weren’t asking that much, just for some simple, common sense, good government changes. Yet here we are again.

Our two main priorities haven’t changed: Requiring public officials to disclose who pays them and having independent investigators oversee legislators, just like they do for every other elected official in the State.

The House has passed both. Repeatedly. South Carolina thanks you for that.

The Senate has refused to even vote on either. Repeatedly.

It should not be this hard. We should not still be having this conversation four years in. We owe our people better. We owe them an up or down vote. Give it to them this year. And then we can celebrate.

As you may have noticed, I love to celebrate. We build things in South Carolina. We build planes with Boeing. We have five international tire companies. We are the BMW capital of the world. We broke ground yesterday on a billion dollar investment by the largest producer of carbon fiber in the world, Toray Industries.

This past year our South Carolina family continued to grow, and we will soon be building more automobiles than ever before.

Mercedes-Benz Vans will soon be manufacturing Sprinter and Metris vans in South Carolina. Their custom automobiles are designed for commercial and freight transport and for executive purposes, with swivel chairs, cup warmers, coolers, and more options than you can imagine.

Daimler also has Freightliner Custom Chassis operations in Cherokee County, and today, they announced an expansion there with a $22 million investment.

Please help me welcome Michael Balke and Roger Nielsen as we give our total support to Mercedes-Benz Vans and Daimler.

**Printed Page 533 . . . . . Wednesday, January 20, 2016**

In May, I sat with Secretary Bobby Hitt and our teams in the Governor’s Mansion library with Carroll Campbell’s portrait looking over us. We took a long-awaited call that Volvo Cars had chosen to partner with South Carolina as they begin their journey of manufacturing in America.

Volvo is known for its reputation of quality and safety. We are so proud that they trust South Carolina to help them continue to deliver to their customers. To our friends at Volvo, I have total faith in our workforce. We won’t let you down. Please help me welcome Katarina Fjording and Katherine Yehl of Volvo Cars.

And there is more to celebrate over the last year than those two major additions to the South Carolina family.

South Carolina’s unemployment rate sits at 5.5 percent, the lowest since 2001.

In the last two years, we’ve saved businesses more than $151 million in unemployment taxes.

We have cut our debt service by almost half over the last five years, while at the same time doubling our General Reserves.

We’ve moved almost 30,000 people from welfare-to-work.

The most recent data shows the rate of released inmates returning to prison has decreased by more than 25 percent.

2015 was the third year in a row with record-breaking tourism.

And there are more people working today than ever before in the history of South Carolina.

These things don’t happen by accident. World-class manufacturers don’t make multi-billion dollar decisions to call South Carolina home on a whim, and our historic employment levels are not the result of a great string of luck.

We have worked for our successes. We have been smart; we have paid attention to the changing world around us and to the growing competition for good jobs that pay good wages. We have kept our fiscal house in order and protected our credit rating. We have invested in our ports, in our workforce, and in our children’s futures.

It is a great day in South Carolina. But as I learned a long, long time ago, good times don’t last if we squander them. So let’s continue to be smart, to work together, so that we grow our success and not sit back, complacent, and watch it drift away.

To that end, transportation has been a topic of great interest and even greater discussion of late, so I will be brief, and also, I hope, clear. I think no differently of our roads situation than when I stood before you one year ago.

**Printed Page 534 . . . . . Wednesday, January 20, 2016**

I will not sign any piece of legislation that raises taxes -- not in year one, not in year five, not in year ten. I will not sign any piece of legislation that does not include real reform to the Department of Transportation -- the days of horse-trading South Carolina roads have to end. And I will not buy into the idea that we somehow cannot afford to cut income taxes for our people.

In December, a University of South Carolina economist said, “In 28 years of forecasting our state’s economy, rarely have I seen [it] in such good shape and on such steady footing.” We had $1 billion in new revenue last year. We have $1.3 billion in new revenue this year. My Executive Budget includes every dollar needed to pay for this year’s tax cut. Next year’s will too.

This is not our money. It belongs to the taxpayers. We can and we should return it to them.

Pass legislation that cuts our taxes, reforms our flawed transportation system, and invests in our roads, and I will sign it.

Pass legislation that does not do all three of those things, and I will veto it.

The choice is clear, and it’s all yours.

I cannot end a speech about where the State of South Carolina stands in January of 2016 without first talking about the most impactful experience of this past year: The Mother Emanuel tragedy.

Sharonda Coleman-Singleton;

Depayne Middleton Doctor;

Cynthia Hurd;

Susie Jackson;

Ethel Lance;

Clementa Pinckney;

Tywanza Sanders;

Daniel Simmons;

Myra Thompson.

The nine we lost in the most sacred of places. Their memories will forever be with us. My family and I pray for them and for theirs. Every day.

When I speak of the tragedy, I no longer speak of the “Emanuel Nine.” I speak of the “Emanuel 12.”

Why?

On June 17th, there were twelve men and women who went into that Bible study.

I have said it before, but I imagine I will say it until I no longer have the capacity to speak at all. Those twelve people did what so many South

**Printed Page 535 . . . . . Wednesday, January 20, 2016**

Carolinians do on a normal Wednesday night. They went to Bible study, to profess and to grow their faith.

But that was not a normal Wednesday night. That night someone else joined them. He didn’t look like them, didn’t sound like them, and didn’t act like them. They didn’t call the police. They didn’t throw him out. Instead they pulled up a chair and prayed with him. For an hour.

For reasons only God knows, we lost nine amazing souls that night.

So too, for reasons only He knows, God decided He wasn’t ready to take three more, that He still had work for them to do.

I ask that you join my family as we pray for Mrs. Felicia Sanders, for her eleven year-old granddaughter, and for Mrs. Polly Sheppard, as they continue to live with that memory.

Mrs. Sanders and Mrs. Sheppard are here, joining us in the chamber tonight.

I am so grateful that they are.

Just as the nine we lost inform my belief that angels must exist in Heaven, these two women, and the precious little one who was with them that night, are proof that we have angels living here on Earth.

Please join me in expressing to Mrs. Sanders and Mrs. Sheppard the warmth, gratitude, and above all the love that the entire State of South Carolina feels toward them.

Ethel Lance, who despite losing her daughter to cancer, was a woman of love and joy, known for constantly singing her favorite song. “One day at a time, Sweet Jesus, that’s all I’m asking of you,” she would sing. “Just give me the strength to do every day what I have to do.”

Just give me the strength to do every day what I have to do.

We are a different South Carolina than we were one year ago. Of that there can be no doubt. A place, a people, cannot go through what we have gone through and not come out changed on the other side.

The questions we in this room must ask ourselves are: What does that mean? What do we do with it?

My hope is that we follow the example set by those around us.

Those twelve who prayed with a stranger.

Their families who forgave a murderer.

That community that came together.

Our State that inspired a nation.

There is greatness in South Carolina, a greatness embodied by our people, a greatness unequaled in our country.

We have all seen it. We all know it.

It is my fervent wish that, in this year, we, as the representatives of those people, act in a manner that is worthy of that greatness.

**Printed Page 536 . . . . . Wednesday, January 20, 2016**

For if we do, there is no limit to where we can take our State.

So I will continue to work toward a brighter future.

I will continue to believe in a stronger South Carolina.

And I will continue to pray that God gives me -- and you -- the strength to do every day what we have to do.

Thank you, God bless you, and may He continue to bless the great State of South Carolina.

The purpose of the Joint Assembly having been accomplished, the PRESIDENT declared it adjourned, whereupon the Senate returned to its Chamber and was called to order by the PRESIDENT.

**ADJOURNMENT**

At 7:50 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*