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**Tuesday, February 23, 2016**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

In the writings of the prophet Amos we read:

“But let justice roll down like waters, and righteousness like an ever flowing stream.” (Amos 5:24)

Let us pray:

Here during February, O Lord, we have paused now and then to reflect upon the progress we’ve made in this nation and in this State toward becoming one people. Yet there’s no denying, dear God, that we still have quite a distance to go. Many hurdles remain; countless challenges are still ours. Nonetheless, like Dr. King, we continue to dream: to dream of that day when we can truly say we are “one.” So bless each of these Senators, Lord, as they work diligently, doing all they can to promote justice, harmony and opportunity for all South Carolinians. As always, O God, to You be the glory. In Your loving name we pray, Lord. Amen.

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

**Point of Quorum**

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

**Call of the Senate**

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

Alexander Bright Bryant

Campbell Campsen Corbin

Courson Cromer Davis

Fair Grooms Leatherman

*Martin, Larry Martin, Shane* Massey

McElveen Nicholson Peeler

Sabb Setzler Shealy

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Thurmond Turner Williams

Young

A quorum being present, the Senate resumed.

**Leave of Absence**

At 12:12 P.M., Senator FAIR requested a leave of absence beginning at 7:00 P.M. until Wednesday, February 24, 2016.

**Leave of Absence**

At 12:42 P.M., Senator KIMPSON requested a leave of absence for Senator M.B. MATTHEWS until 1:00 P.M.

**Leave of Absence**

At 12:42 P.M., Senator MASSEY requested a leave of absence for Senator BENNETT for the balance of the week.

**Leave of Absence**

At 1:55 P.M., Senator MALLOY requested a leave of absence for Wednesday, February 24, 2016, beginning at 3:00 P.M. until Tuesday, March 2, 2016, at Noon.

**Leave of Absence**

At 5:02 P.M., Senator COURSON requested a leave of absence for Senator HAYES until 7:00 P.M.

**Leave of Absence**

At 5:05 P.M., Senator CAMPBELL requested a leave of absence for Senator GREGORY until 8:00 P.M.

**Leave of Absence**

At 5:06 P.M., Senator JACKSON requested a leave of absence beginning at 6:00 P.M. until Wednesday, February 24, 2016, at 11:00 A.M.

**Leave of Absence**

At 5:07 P.M., Senator COURSON requested a leave of absence beginning at 8:30 P.M. until Wednesday, February 24, 2016, at 2:00 P.M.

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**Expression of Personal Interest**

Senator BRYANT rose for an Expression of Personal Interest.

**Remarks by Senator BRYANT**

The following was read by United States Supreme Court Justice Clarence Thomas at the funeral service of United States Supreme Court Justice Antonin Scalia.

Romans 5: 5-11

And hope maketh not ashamed; because the love of God is shed abroad in our hearts by the Holy Ghost which is given unto us.

For when we were yet without strength, in due time Christ died for the ungodly.

For scarcely for a righteous man will one die: yet peradventure for a good man some would even dare to die.

But God commendeth his love toward us, in that, while we were yet sinners, Christ died for us.

Much more then, being now justified by his blood, we shall be saved from wrath through him.

For if, when we were enemies, we were reconciled to God by the death of his Son, much more, being reconciled, we shall be saved by his life.

And not only so, but we also joy in God through our Lord Jesus Christ, by whom we have now received the atonement.

**Expression of Personal Interest**

Senator SETZLER rose for an Expression of Personal Interest.

**Remarks by Senator SETZLER**

Mr. PRESIDENT, ladies and gentlemen of the Senate, we all strive to improve public education, and in these efforts, we have reviewed and adjusted the amount of testing that is done at the state level in the public education system in South Carolina. Additionally, we now have a superintendent who is supportive of public education and what our 45,000 public education teachers are doing.

On this subject, I would like to share an email that I received from a teacher about testing, and I would ask that we all remember that the teachers are the ones on the front line teaching and taking care of our children every day. I would like to read the attachment from that email that I received:

“My heart broke today as I watched a child, my 3rd grade student, who had been taking this benchmark for an hour and was only on question 8, lay his head on his table in defeat. He then wrote the words ‘bad job’ on

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his scrap paper. At this point, I walked over, placed my hand on his back, knelt down beside his desk and asked him what was wrong. He said, ‘I’m just really frustrated. It’s so hard.’ I responded... ‘Buddy, I know you are frustrated but I know what a strong reader you’ve become over the past 2 years and no matter what score you get, as long as it was your best, I’m going to be so proud of you.’ With tears rolling down his face, I just hugged him and told him how wonderful he truly is.

It took him an hour and a half to finish the rest of this 35 question test. Two and a half hours that could have been spent working with him to improve his reading more, helping him to have more confidence in himself, and building a stronger relationship with him through lessons and activities that this test will never measure. But today, I lost 2.5 hours with this sweet boy who has the most contagious smile and laugh and the biggest heart. A student who works harder than any other student I’ve ever had -- who walks into the classroom first every morning laughing, “Hi, Ms. Gravelle!” And who occasionally jokingly steals my candy and hides it around the room. This boy was reading 43 words per minute at the beginning of year with only 88% accuracy and is now reading 60 words per minute with 95% accuracy -- the boy who was reading at level H at the beginning of 2nd grade and who recently read a N -- the boy who could write 1 sentence in 30 minutes at the being of 2nd grade and now, at the middle of 3rd, can write a paragraph or more.

Yet today, this sweet child was defeated by yet another paper-pencil-bubble sheet test. A test that measures a child's ability to sit and concentrate on texts for an hour or more without moving, talking, reading, or drinking something. This child fights everyday the ability to stay focused.

However, I refuse to let him believe that this test will define him. Because he has the most amazing future ahead of him. His kindness, his work ethic, and his normal ‘can-do’ attitude tells me more about his future than that test does.

To your tests -- I want to say, ‘Bye, Felicia!’ But unfortunately, I cannot. So I will continue to give you, reluctantly, year after year -- but I refuse to stoop to your level because my students are MUCH more than a number on a piece of paper.”

Bless our teachers in South Carolina.

On motion of Senator COURSON, with unanimous consent, the remarks of Senators BRYANT and SETZLER, were ordered printed in the Journal.

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**CO-SPONSORS ADDED**

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

S. 853 Sens. Hutto and Nicholson

S. 1035 Sen. Hutto

S. 719 Sen. Young

**RECALLED**

H. 4930 -- Reps. Clemmons, Yow, Fry, Hardee, Goldfinch, Duckworth, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clary, Clyburn, Cobb‑Hunter, Cole, Collins, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Govan, Hamilton, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson‑Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams and Willis: A CONCURRENT RESOLUTION TO DECLARE JULY 16, 2016, AS ATOMIC VETERANS DAY IN SOUTH CAROLINA.

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

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

**RECALLED**

H. 4928 -- Reps. Hiott, Clary, Collins, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk,

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Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson‑Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF SOUTH CAROLINA’S YOUNG PEOPLE AND TO THE PREVENTION OF CHILD ABUSE AND NEGLECT AND TO DECLARE THE MONTH OF APRIL 2016 AS “CHILD ABUSE PREVENTION MONTH” IN THE STATE OF SOUTH CAROLINA.

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

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

**RECALLED AND ADOPTED**

S. 927 -- Senator Bryant: A CONCURRENT RESOLUTION TO INVITE THE NATIONAL COMMANDER OF THE AMERICAN LEGION, THE HONORABLE DALE BARNETT, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AT 12:00 P.M. ON WEDNESDAY, MARCH 2, 2016.

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

The Resolution was recalled from the Committee on Invitations.

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

There was no objection.

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

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

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1102 -- Senator Cleary: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE WACCAMAW HIGH SCHOOL ATHLETIC DEPARTMENT'S AWARD-WINNING ATHLETES ON THEIR OUTSTANDING PERFORMANCES AND TO WISH THEM WELL IN ALL THEIR FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1103 -- Senator Cleary: A SENATE RESOLUTION TO SALUTE THE WACCAMAW HIGH SCHOOL GIRLS CROSS-COUNTRY TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN EXEMPLARY SEASON AND TO CONGRATULATE THEM ON CAPTURING THE CLASS AA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 1104 -- Senator S. Martin: A SENATE RESOLUTION TO PROCLAIM FEBRUARY 24, 2016, AS "PROFESSIONAL ENGINEERS DAY" IN SOUTH CAROLINA AND TO RECOGNIZE THE ESSENTIAL SERVICES PROVIDED BY THIS GROUP OF PROFESSIONALS.

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The Senate Resolution was adopted.

S. 1105 -- Senator Campsen: A SENATE RESOLUTION TO RECOGNIZE THE SEVENTY-FIFTH ANNIVERSARY OF THE AMERICAN TREE FARM SYSTEM AND COMMEND THOSE WHO DEVELOPED IT FOR THEIR FARSIGHTED STEWARDSHIP OF SOUTH CAROLINA'S FOREST RESOURCES.

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The Senate Resolution was adopted.

S. 1106 -- Senator Campsen: A SENATE RESOLUTION TO PROCLAIM THE MONTH OF APRIL 2016 AS "CHILD ABUSE

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PREVENTION MONTH" IN SOUTH CAROLINA, AND TO URGE ALL CITIZENS TO WORK TOGETHER TO HELP REDUCE CHILD ABUSE AND NEGLECT SIGNIFICANTLY IN THE YEARS TO COME.

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The Senate Resolution was introduced and referred to the General Committee.

S. 1107 -- Senator Sabb: A SENATE RESOLUTION TO RECOGNIZE AND HONOR WILHELMINA JAGER MOORE UPON THE OCCASION OF HER RETIREMENT FROM THE BERKELEY COUNTY SCHOOL BOARD, TO THANK HER FOR HER MANY YEARS OF OUTSTANDING PUBLIC SERVICE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

S. 1108 -- Senators Setzler, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M. B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO HONOR MR. DAN EARL JONES, VICE PRESIDENT OF GOVERNMENT RELATIONS FOR TIME WARNER CABLE OF SOUTH CAROLINA, ON THE OCCASION OF HIS RETIREMENT, TO EXTEND DEEP APPRECIATION FOR HIS FIFTY YEARS OF DISTINGUISHED SERVICE, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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

**REPORTS OF STANDING COMMITTEES**

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 853 -- Senators Cleary, Fair, Campbell, Cromer, Johnson, Bryant, Hutto and Nicholson: A BILL TO AMEND CHAPTER 99, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY TREATMENT FOR MEDICAL HAZARDS CAUSED

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BY INSECT STINGS, SO AS TO RENAME THE CHAPTER THE “EMERGENCY ANAPHYLAXIS TREATMENT ACT”, TO ADD A DEFINITION FOR “EPINEPHRINE AUTO‑INJECTOR”, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP A TRAINING AND CERTIFICATION PROGRAM FOR INDIVIDUALS WHO ADMINISTER EPINEPHRINE AUTO‑INJECTORS, TO ALLOW CERTAIN ENTITIES TO OBTAIN A PRESCRIPTION FOR AN EPINEPHRINE AUTO‑INJECTOR FROM PHYSICIANS, PHARMACISTS, AND OTHER AUTHORIZED INDIVIDUALS, TO ALLOW PHYSICIANS, PHARMACISTS, AND OTHER AUTHORIZED INDIVIDUALS TO PRESCRIBE OR SELL A PRESCRIPTION FOR AN EPINEPHRINE AUTO‑INJECTOR TO CERTAIN ENTITIES, TO ALLOW APPROPRIATELY CERTIFIED EMPLOYEES OF CERTAIN ENTITIES TO USE AN EPINEPHRINE AUTO‑INJECTOR, TO PROVIDE LIABILITY LIMITATIONS FOR CERTAIN INDIVIDUALS AND ENTITIES WHEN ADMINISTERING AN EPINEPHRINE AUTO‑INJECTOR, AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 929 -- Senators Campbell, Verdin, Cleary, Lourie, Hembree and Fair: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 137, TO ENACT THE RIGHT TO TRY ACT, TO PROVIDE FOR ELIGIBLE PATIENTS’ RIGHT TO TRY INVESTIGATIONAL DRUGS, BIOLOGICAL PRODUCTS, OR DEVICES TO COMBAT A TERMINAL ILLNESS; TO PROVIDE FOR AN ELIGIBLE PATIENT’S REQUEST TO USE AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; TO PROVIDE THAT AN ELIGIBLE PATIENT GIVE INFORMED CONSENT PRIOR TO USING AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; TO PROVIDE PROTECTION FROM LIABILITY FOR DOCTORS PRESCRIBING AND MANUFACTURERS OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; TO PROVIDE THAT STATE EMPLOYEES MAY NOT BLOCK THE PROPER USE OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; AND TO DEFINE NECESSARY TERMS.

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Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

S. 1024 -- Senator Shealy: A CONCURRENT RESOLUTION TO EXPRESS THE SUPPORT OF THE SOUTH CAROLINA GENERAL ASSEMBLY AND THE STATE OF SOUTH CAROLINA FOR ORGAN, EYE, AND TISSUE DONATION AND TO DESIGNATE WEDNESDAY, APRIL 6, 2016, AS “ORGAN DONOR REGISTRATION DAY” IN SOUTH CAROLINA.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

S. 1035 -- Senators Cleary and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA TELEMEDICINE ACT” BY ADDING SECTION 40‑47‑37 SO AS TO FACILITATE THE USE OF TELEMEDICINE BY ESTABLISHING CERTAIN RECORDKEEPING REQUIREMENTS; TO AMEND SECTION 40‑47‑20, RELATING TO DEFINITIONS USED IN CHAPTER 47, TITLE 40, SO AS TO PROVIDE DEFINITIONS FOR “ASYNCHRONOUS STORE AND FORWARD TRANSFER” AND “TELEMEDICINE”; AND TO AMEND SECTION 40‑47‑113, RELATING TO THE REQUIREMENT OF A PHYSICIAN‑PATIENT RELATIONSHIP BEFORE A PHYSICIAN MAY PRESCRIBE DRUGS FOR A PATIENT, SO AS TO ALLOW THE PRESCRIPTION OF DRUGS WHEN THE PHYSICIAN‑PATIENT RELATIONSHIP IS ESTABLISHED BY TELEMEDICINE.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

S. 1036 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑15‑176 SO AS TO PROVIDE THE STATE BOARD OF DENTISTRY MAY ISSUE RESTRICTED DENTAL AUXILIARY INSTRUCTORS’ LICENSES TO DENTISTS WHO MEET CERTAIN REQUIREMENTS, TO PROVIDE LICENSED DENTAL AUXILIARY INSTRUCTORS MAY PRACTICE DENTISTRY IN LIMITED CIRCUMSTANCES ASSOCIATED WITH CERTAIN ACCREDITED DENTAL AUXILIARY PROGRAMS OF

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TECHNICAL COLLEGES, AND TO PROVIDE FOR THE RENEWAL AND REVOCATION OF RESTRICTED DENTAL AUXILIARY LICENSES; AND TO AMEND SECTION 40‑15‑175, RELATING TO RESTRICTED INSTRUCTORS’ LICENSES ISSUED BY THE BOARD, SO AS TO REVISE CRITERIA FOR LICENSURE AND REQUIRE RENEWAL BIENNIALLY INSTEAD OF ANNUALLY.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable with amendment report on:

H. 3251 -- Reps. G.M. Smith, G.R. Smith and J.E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑310 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ESTABLISH THE MATERNAL MORBIDITY AND MORTALITY REVIEW COMMITTEE TO REVIEW AND STUDY MATERNAL DEATHS AND TO REPORT THE FINDINGS TO THE GENERAL ASSEMBLY.

Ordered for consideration tomorrow.

Senator FAIR from the Committee on Corrections and Penology submitted a favorable report on:

H. 4194 -- Rep. Quinn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF CORRECTIONS NAME THE INMATE CEMETERY LOCATED ON ITS BROAD RIVER ROAD PROPERTY IN RICHLAND COUNTY “PAUL ISAIAH WELDON CEMETERY”.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

H. 4787 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO HORSE MEAT AND KANGAROO MEAT; FAIRS, CAMP MEETINGS, AND OTHER GATHERINGS; CAMPS; MOBILE/MANUFACTURED HOME PARKS; SANITATION OF SCHOOLS; AND NUISANCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4552, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Ordered for consideration tomorrow.

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

H. 4788 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING NURSING HOMES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4543, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Ordered for consideration tomorrow.

**Appointments Reported**

Senator PEELER from the Committee on Medical Affairs submitted a favorable report on:

**Statewide Appointments**

Reappointment, South Carolina Mental Health Commission, with the term to commence March 21, 2016, and to expire March 21, 2021

3rd Congressional District:

Robert E. Hiott, 1012 Gap Hill Road, Six Mile, SC 29671

Received as information.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2014, and to expire June 30, 2018

7th Congressional District:

Samuel F. Broughton, 1039 Wrenwood Road, Florence, SC 29505 *VICE* Freddie Lynn

Received as information.

Initial Appointment, South Carolina Commission on Disabilities and Special Needs, with the term to commence June 30, 2013, and to expire June 30, 2017

4th Congressional District:

Catherine O. Fayssoux, 100 West Augusta Place, Greenville, SC 29605 *VICE* Richard C. Huntress

Received as information.

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Initial Appointment, South Carolina Mental Health Commission, with the term to commence March 14, 2013, and to expire March 14, 2018

6th Congressional District:

Louise F. Haynes, 4641 Ashley View Lane, North Charleston, SC 29406 *VICE* Stephen A. Imbeau (resigned)

Received as information.

Initial Appointment, South Carolina State Board of Podiatry Examiners, with term coterminous with Governor

At-Large:

Bradley J. Keefer, 713 Dreamland Dr., Murrells Inlet, SC 29576 *VICE* Stephen V. Corey

Received as information.

Initial Appointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 1, 2014, and to expire June 1, 2018.

Public:

Elizabeth H. Bunge, 113 Lupine Ct., Lexington, SC 29072 *VICE* Walter L. Roark III

Received as information.

**HOUSE CONCURRENCE**

S. 1056 -- Senator Lourie: A CONCURRENT RESOLUTION TO DECLARE FEBRUARY 21 THROUGH FEBRUARY 27, 2016, AS “EATING DISORDERS AWARENESS WEEK” IN THE STATE OF SOUTH CAROLINA TO COINCIDE WITH NATIONAL EATING DISORDERS AWARENESS WEEK, AND TO DECLARE THURSDAY, FEBRUARY 25, 2016, “EATING DISORDERS AWARENESS DAY” IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

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

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**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4507 -- Rep. Tallon: A BILL TO AMEND SECTION 23-25-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION, PURPOSE, AND MEMBERSHIP OF THE SOUTH CAROLINA LAW ENFORCEMENT OFFICERS HALL OF FAME ADVISORY COMMITTEE, SO AS TO INCREASE THE MEMBERSHIP TO INCLUDE THE PRESIDENT OF THE SOUTH CAROLINA FRATERNAL ORDER OF POLICE, OR HIS DESIGNEE.

**HOUSE BILLS RETURNED**

The following Bills were read the third time and ordered returned to the House with amendments.

H. 4151 -- Reps. Pitts, White, Bannister and D.C. Moss: A BILL TO AMEND SECTION 12‑21‑735, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STAMP TAX ON CIGARETTES AND TOBACCO PRODUCTS, SO AS TO REQUIRE AND PROVIDE FOR THE PROPER AFFIXING OF STAMPS, INCLUDING PROVISIONS FOR EXEMPT PACKAGES, UNIQUE SERIAL NUMBERING OF STAMPS, REVOCATION OF THE LICENSE OF A PERSON VIOLATING THESE PROVISIONS, LIMITATIONS ON THE RECEIPT AND SALE OF UNTAXED CIGARETTES, TO PROVIDE FOR RETURN AND PAYMENT OF THE TAX, AND TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS NECESSARY TO ESTABLISH, IMPLEMENT, AND ENFORCE THESE PROVISIONS.

H. 4857 -- Reps. Hiott, Clary and Collins: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑27‑255 SO AS TO REQUIRE COAL COMBUSTION RESIDUALS RESULTING FROM THE PRODUCTION OF ELECTRICITY TO BE PLACED IN A CLASS 3 LANDFILL AND TO PROVIDE EXCEPTIONS.

**Recorded Vote**

Senator SHANE MARTIN desired to be recorded as voting in favor of the third reading of the Bill.

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**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. 1076 -- Senator Hembree: A BILL TO PERMIT MAINTENANCE DREDGING BY INDIVIDUALS OF CERTAIN EXISTING NAVIGATIONAL CANAL COMMUNITY DEVELOPMENTS AUTHORIZED BY A PERMIT FROM THE UNITED STATES ARMY CORPS OF ENGINEERS PURSUANT TO THE FEDERAL CLEAN WATER ACT, AS AMENDED, OR THE RIVERS AND HARBORS ACT.

S. 1049 -- Senators Massey and Setzler: A BILL TO AMEND ARTICLE 13, CHAPTER 47, TITLE 33 OF THE 1976 CODE, RELATING TO MARKETING COOPERATIVE ASSOCIATIONS, BY ADDING SECTION 33‑47‑1160 TO ALLOW ASSOCIATIONS WITHIN TWO YEARS OF EXPIRATION TO SEEK REINSTATEMENT FROM THE SECRETARY OF STATE.

S. 1090 -- Senators Fair, Sheheen, Setzler, Lourie, Malloy and L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑19‑5 SO AS TO PROVIDE THAT CHAPTER 19 OF TITLE 24 MAY BE CITED AS THE “JUDGE WILLIAM R. BYARS YOUTHFUL OFFENDER ACT”.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3972 -- Reps. Loftis, Burns, Hamilton, Willis, Collins, Clyburn, Robinson‑Simpson, Bannister, Bedingfield, Gagnon, Henderson, Hosey, Nanney, G.R. Smith and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑29‑1210 SO AS TO ESTABLISH THAT UNDEVELOPED PROPERTY MAY BE TRANSFERRED WITHOUT THE SUBMISSION OF A LAND DEVELOPMENT PLAN; AND TO AMEND SECTION 30‑5‑30, RELATING TO PREREQUISITES TO RECORDING, SO AS TO ESTABLISH THAT A LAND USE PLAN IS NOT REQUIRED TO EXECUTE A DEED OR OTHER INSTRUMENT.

The Senate proceeded to a consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (JUD3972.003), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 27 through 42, in Section 6‑29‑1210, as contained in SECTION 1, and inserting therein the following:

/ “Section 6‑29‑1210. Under this chapter, the submission of a land development plan or land use plan is not a prerequisite and must not be required before the execution of a deed transferring undeveloped real property. A local governmental entity may still require the grantee to file a plat at the time the deed is recorded.” /

Amend the bill further, as and if amended, page 4, by striking lines 8 and 9, in Section 30-5-30, as contained in SECTION 2, and inserting therein the following:

/ (D) The submission of a land development plan or land use plan is not a prerequisite and must not be required before the execution of a deed transferring undeveloped real property. A local governmental entity may still require the grantee to file a plat at the time the deed is recorded.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 0**

**AYES**

Alexander Bright Bryant

Campbell Campsen Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

Nicholson Peeler Sabb

Scott Setzler Shealy

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Sheheen Thurmond Turner

Verdin Williams Young

**Total--36**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1002 -- Senator Cleary: A BILL TO AMEND SECTION 4‑23‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOUNDARIES OF THE MURRELL’S INLET‑GARDEN CITY FIRE DISTRICT, SO AS TO REVISE THE BOUNDARIES; AND TO REPEAL SECTION 4‑23‑15 RELATING TO THE BOUNDARIES OF THE SAME DISTRICT.

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 33; Nays 2**

**AYES**

Alexander Bright Campbell

Campsen Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Jackson Johnson

Kimpson Leatherman Malloy

*Martin, Larry* Massey McElveen

Nicholson Peeler Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--33**

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**NAYS**

Bryant *Martin, Shane*

**Total--2**

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

**CARRIED OVER**

S. 975 -- Senators L. Martin and Hutto: A BILL TO AMEND SUBSECTION (B) OF SECTION 42‑3‑20 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE THAT THE GOVERNOR MAY REAPPOINT A PERSON AS CHAIRMAN OF THE WORKERS’ COMPENSATION COMMISSION, AND TO FURTHER PROVIDE THAT THE COMMISSION IS NOT REQUIRED TO ELECT A CHAIRMAN FROM AMONG ITS MEMBERS IN THE EVENT THE GOVERNOR DOES NOT APPOINT OR REAPPOINT A CHAIRMAN.

On motion of NICHOLSON, the Bill was carried over.

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

On motion of SCOTT, the Resolution was carried over.

**COMMITTEE AMENDMENT TABLED**

**AMENDMENT PROPOSED**

**CARRIED OVER**

S. 267 -- Senators Young, Campsen, Hembree, Bennett, Turner, Thurmond, Davis, Bright, Bryant, L. Martin, S. Martin and Hayes: A BILL TO AMEND SECTION 2‑1‑180 OF THE 1976 CODE, RELATING TO ADJOURNMENT OF THE GENERAL ASSEMBLY, TO CHANGE THE DATE FOR THE MANDATORY ADJOURNMENT OF THE GENERAL ASSEMBLY FROM THE FIRST THURSDAY IN JUNE TO THE FIRST THURSDAY IN MAY, AND PROVIDE THAT IN ANY YEAR THAT THE HOUSE OF REPRESENTATIVES FAILS TO GIVE THIRD READING TO THE APPROPRIATIONS BILL BY MARCH FIRST, RATHER THAN

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MARCH THIRTY-FIRST, THE DATE OF ADJOURNMENT IS EXTENDED BY ONE STATEWIDE DAY FOR EACH STATEWIDE DAY AFTER MARCH FIRST, THAT THE HOUSE FAILS TO GIVE THE BILL THIRD READING.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0267.002), which was tabled:

Amend the bill, as and if amended, page 2, line 5, by adding an appropriately numbered SECTION to read:

/ SECTION\_\_\_. Section 11-9-880(A) of the 1976 Code is amended to read:

“Section 11‑9‑880. (A) The Board of Economic Advisors shall make an initial forecast of economic conditions in the State and state revenues for the next fiscal year no later than November tenth of each year. Adjustments to the forecast must be considered on December tenth and January tenth. A final forecast for the next fiscal year must be made on February ~~fifteenth~~ tenth. ~~The February fifteenth forecast may be adjusted monthly if the board determines that changing economic conditions have affected the February fifteenth forecast.~~ However, prior to June thirtieth, the board may reduce forecasts for the next fiscal year as it considers necessary. Before making or adjusting any forecast, the board must consult with outside economic experts with respect to national and South Carolina economic business conditions. All forecasts and adjusted forecasts must contain:

(1) a brief description of the econometric model and all assumptions and basic decisions underlying the forecasts;

(2) a projection of state revenues on a quarterly basis;

(3) separate discussions of any industry which employs more than twenty percent of the state’s total nonagricultural employment and separate projections for these industries.” /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY moved to lay the amendment on the table.

The amendment was laid on the table.

Senator MASSEY explained the Bill.

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Senators MASSEY and LEATHERMAN proposed the following amendment (JUD0267.006):

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

/ SECTION 1. Section 2-1-180 of the 1976 Code is amended to read:

“Section 2-1-180. The regular annual session of the General Assembly shall adjourn sine die each year not later than ~~5:00~~ five o’clock p.m. on the ~~first~~ second Thursday in ~~June~~ May. The regular annual session of the General Assembly can be extended:

(a) ~~In any year that~~ if the House of Representatives fails to give a third reading to the annual ~~General Appropriation Bill~~ general appropriations bill by March ~~thirty-first~~ first, the date of sine die adjournment is extended by one statewide day for each statewide day after March ~~thirty-first~~ first that the House of Representatives fails to give the bill third reading~~.~~ or

(b) if a forecast reduction is submitted by the Board of Economic Advisors pursuant to Section 11-9-880 after April tenth for the next fiscal year, the adjournment date for the General Assembly may be extended up to two weeks with the agreement of the Speaker of the House and the President Pro Tempore of the Senate; or

(c) ~~The session also may also be extended by~~ if a concurrent resolution is adopted by a two-thirds vote of both the Senate and House of Representatives not later than ~~5:00~~ five o’clock p.m. on the ~~first~~ second Thursday in ~~June~~ May. During the time between ~~5:00~~ five o’clock p.m. on the ~~first~~ second Thursday in ~~June~~ May and the extended sine die adjournment date, as set forth herein, no legislation or other business may be considered except the ~~General Appropriation Bill~~ general appropriation bill and any matters approved for consideration by a concurrent resolution adopted by two-thirds vote in both houses.”

 SECTION 2. Section 11-9-880(A) of the 1976 Code is amended to read:

“Section 11-9-880. (A) The Board of Economic Advisors shall make an initial forecast of economic conditions in the State and state revenues for the next fiscal year no later than November tenth of each year. Adjustments to the forecast must be considered on December tenth and ~~January tenth~~ February tenth. A final forecast for the next fiscal year must be made on April tenth. ~~A final forecast for the next fiscal year must be made on February fifteenth.~~ ~~The February fifteenth forecast may be adjusted monthly if the board determines that changing economic conditions have affected the February fifteenth forecast.~~ However, prior

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to June thirtieth, the board may reduce forecasts for the next fiscal year as it considers necessary. Before making or adjusting any forecast, the board must consult with outside economic experts with respect to national and South Carolina economic business conditions. All forecasts and adjusted forecasts must contain:

(1) a brief description of the econometric model and all assumptions and basic decisions underlying the forecasts;

(2) a projection of state revenues on a quarterly basis;

(3) separate discussions of any industry which employs more than twenty percent of the state’s total nonagricultural employment and separate projections for these industries.”

SECTION 3. This act takes effect upon approval by the Governor and first applies for the next annual regular session of the General Assembly. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

On motion of SCOTT, the Bill was carried over.

**CARRIED OVER**

S. 868 -- Senators Young, Massey, Setzler and Nicholson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 58 SO AS TO PROVIDE PROCEDURES FOR THE EXERCISE OF EMINENT DOMAIN BY PIPELINE COMPANIES, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE CERTAIN RELATED CERTIFICATION OR PERMITTING FUNCTIONS AT THE PUBLIC SERVICE COMMISSION AND THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO PROVIDE PROPERTY OWNER RIGHTS AND A CAUSE OF ACTION FOR DAMAGES SUSTAINED BY CERTAIN ADJACENT PROPERTY OF THE OWNER OF PROPERTY CONDEMNED UNDER THE PROVISIONS OF THIS ACT; AND TO DESIGNATE THE EXISTING PROVISIONS IN THE CHAPTER AS ARTICLE 1 ENTITLED “GAS AND WATER COMPANIES”.

On motion of MALLOY, the Bill was carried over.

S. 1065 -- Senators Young, Massey, Setzler and Nicholson: A JOINT RESOLUTION TO CLARIFY THAT SECTION 58-7-10 OF THE 1976

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CODE OF LAWS DOES NOT APPLY TO A PRIVATE, FOR-PROFIT PIPELINE COMPANY, INCLUDING A PUBLICLY-TRADED FOR-PROFIT COMPANY, THAT IS NOT A PUBLIC UTILITY AS DEFINED BY TITLE 58 OF THE 1976 SOUTH CAROLINA CODE OF LAWS; AND TO CREATE THE PETROLEUM PIPELINE STUDY COMMITTEE TO STUDY MATTERS RELATED TO THE PRESENCE OF PETROLEUM PIPELINES IN SOUTH CAROLINA, AND FOR THE STUDY COMMITTEE TO PROVIDE A REPORT TO THE GENERAL ASSEMBLY BY JANUARY 31, 2017, AND TO CONTINUE ITS WORK UNTIL JUNE 30, 2017, IF THE JANUARY REPORT DETERMINES FURTHER WORK IS NEEDED.

On motion of MASSEY, the Resolution was carried over.

**ADOPTED**

S. 1079 -- Senators Shealy and Alexander: A CONCURRENT RESOLUTION TO HONOR OUR SENIOR NUTRITION PROGRAMS, THE SENIORS THEY SERVE, AND THE VOLUNTEERS WHO CARE FOR THEM AND TO DECLARE MARCH 2016 AS “MARCH FOR MEALS MONTH” IN SOUTH CAROLINA.

The Resolution was adopted, ordered sent to the House.

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

**MOTION ADOPTED**

At 12:47 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

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

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**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 LEATHERMAN, the Bill was carried over.

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

**DEBATE INTERRUPTED**

H. 3579 -- Reps. Simrill, White, Lucas, Allison, Henderson, Limehouse, Newton, Ott, Clary, Collins, Delleney, Forrester, Gambrell, Hardwick, Hiott, Horne, Merrill, D.C. Moss, V.S. Moss, Murphy, Pitts, Sandifer, G.M. Smith, Sottile, Spires, Wells, Whitmire, Yow, Jefferson, Erickson, Funderburk, Hosey, Hixon, Clyburn, Knight, Herbkersman, H.A. Crawford, Felder, Willis, McCoy, Bradley, Douglas, Norrell, Long, Bales, Daning, Loftis, Tallon, Anthony, Howard, Gagnon, Riley, Williams, Hayes, G.A. Brown, R.L. Brown, Hart, Weeks, Whipper, Pope, Tinkler, Hicks, Brannon, Corley, Clemmons, Johnson, George, Alexander, Anderson and Duckworth: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA INFRASTRUCTURE FINANCE REFORM AND TAX RELIEF ACT”; TO AMEND SECTIONS 57‑1‑310, 57‑1‑320, 57‑1‑325, AND 57‑1‑330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE

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COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57‑1‑410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57‑1‑730 AND 57‑1‑740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57‑1‑95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 11‑43‑140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11‑43‑180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY‑FIVE MILLION DOLLARS; BY ADDING SECTION 11‑43‑265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57‑1‑100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF

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THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12‑28‑2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH “C” FUNDS MUST BE EXPENDED; TO AMEND SECTIONS 56‑5‑4210 AND 56‑5‑4220, BOTH RELATING TO ROAD RESTRICTIONS, SO AS TO SPECIFY CERTAIN RESTRICTIONS ON LOCALITIES; TO AMEND SECTION 12‑28‑310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56‑11‑410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56‑11‑450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A GALLON; TO AMEND SECTION 12‑36‑2110, RELATING TO THE MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO AMEND SECTION 12‑36‑2647, RELATING TO THE TAX REVENUES COLLECTED FROM THE SALE OR LEASE OF A MOTOR VEHICLE, SO AS TO CREDIT ALL THE REVENUES TO THE STATE HIGHWAY FUND EXCEPT FOR CERTAIN AMOUNTS THAT ARE USED FOR THE EDUCATION IMPROVEMENT ACT; BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN EXCISE TAX ON THE WHOLESALE PRICE OF MOTOR FUEL EQUAL TO THE CUMULATIVE STATE SALES TAX RATE, TO PROVIDE THAT THE REVENUE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL; AND TO AMEND SECTION 12‑6‑510, RELATING

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TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12‑6‑520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

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

**Amendment No. P1**

Senators LOURIE and HUTTO proposed the following amendment (3579R007.KM.JL):

Amend the committee amendment, as and if amended, page [3579‑2], by striking lines 20‑23 and inserting:

/ twelve cents. Fifteen percent of the funds raised by the increase in the motor fuel user fee imposed by this subsection shall be apportioned among the counties of the State in the manner provided in Section 12‑28‑2740. The remainder of the funds raised by the increase in /

Amend the committee amendment further, as and if amended, page [3579‑4], by striking lines 1‑7 and inserting:

/ (C) ~~The fees collected pursuant to this section must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund.~~ Fifteen percent of the funds raised by the increase in the motor fuel user fee imposed by this subsection shall be apportioned among the counties of the State in the manner provided in Section 12‑28‑2740. The remaining fees collected pursuant to this section shall be credited to the State Highway Fund.” /

Amend the committee amendment further, as and if amended, page [3579‑4], by striking lines 29‑32 and inserting:

/ (G) From each biennial registration and license fee collected, sixteen dollars shall be credited as follows: fifteen percent of the funds raised by the increase in the motor fuel user fee imposed by this subsection shall be apportioned among the counties of the State in the manner provided in Section 12‑28‑2740 and the remainder credited to the State Highway Fund.” /

Amend the committee amendment further, as and if amended, page [3579‑5], by striking lines 3‑6 and inserting:

/ (B) Fifteen percent of the funds raised by the increase in the motor fuel user fee imposed by this subsection shall be apportioned among the counties of the State in the manner provided in Section 12‑28‑2740 and the remainder of the fees shall be credited to the State Highway Fund. /

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Amend the committee amendment further, as and if amended, page [3579‑6], by striking lines 1‑2 and inserting:

/ (i) fifteen percent shall be apportioned among the counties of the State in the manner provided in Section 12‑28‑2740. /

Renumber sections to conform.

Amend title to conform.

**Motion Adopted**

Senator BRYANT asked unanimous consent to withdraw Amendment No. 89 - Amendment No. 185.

There was no objection.

Senator DAVIS spoke on the amendment.

**Motion Adopted**

On motion of Senator SHANE MARTIN, with unanimous consent, Senators CROMER, SCOTT, SHEHEEN and SHANE MARTIN were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

Senator DAVIS resumed speaking on the amendment.

**Point of Quorum**

At 2:32 P.M., Senator BRIGHT made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Allen Bright

Bryant Campbell Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

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Shealy Sheheen Thurmond

Turner Verdin Williams

Young

A quorum being present, the Senate resumed.

Senator DAVIS resumed speaking on the amendment.

**Point of Quorum**

At 5:01 P.M., Senator BRIGHT made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Allen Bright

Bryant Campbell Campsen

Corbin Courson Cromer

Davis Fair Grooms

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John Matthews, Margie*

McElveen Nicholson Peeler

Rankin Reese Sabb

Scott Setzler Shealy

Sheheen Turner Verdin

Young

A quorum being present, the Senate resumed.

Senator DAVIS resumed speaking on the amendment.

**ACTING PRESIDENT PRESIDES**

At 5:08 P.M., Senator CROMER assumed the Chair.

Senator DAVIS resumed speaking on the amendment.

**PRESIDENT PRESIDES**

At 5:18 P.M., the PRESIDENT assumed the Chair.

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Senator DAVIS resumed speaking on the amendment.

**ACTING PRESIDENT PRESIDES**

At 6:03 P.M., Senator CROMER assumed the Chair.

Senator DAVIS resumed speaking on the amendment.

Debate was interrupted by adjournment.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent and with Senator DAVIS retaining the floor on H. 3579, the Senate agreed to stand adjourned to meet tomorrow at 11:45 A.M. for the purpose of attending the State of the Judiciary Joint Assembly.

**MOTION ADOPTED**

On motion of Senator ALLEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Private Tomie Gaines of Greenville, S.C. Tomie served in the African American Calvary in World War II as a medical soldier and was a Buffalo Soldier. He was an active member of VFW Post 6734 and the National Guard. Tomie had a great spirit and a sharp mind. He served our country well and will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator ALLEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Lauryn Agnew of Greenville, S.C. Lauryn was a senior at Southside High School. She was a happy and kind young woman who was dearly loved and will be greatly missed.

**ADJOURNMENT**

At 7:38 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:45 A.M.

\* \* \*