

NO. 22

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2016

WEDNESDAY, FEBRUARY 17, 2016

Wednesday, February 17, 2016
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Ages ago King David offered God this word of praise:

“ ‘You broaden the path beneath me, so that my ankles do not turn.’ ”

(II Samuel 22:37)

Bow with me as we pray:

Dear Lord, how greatly do we -- as did David of old -- value smooth and safe ways to get from one place to another. It all seems so basic and so commonplace, this business heading from “here” to “there.” How important it is to be able to do so, and to do so without injury or undue delay. We ask, Holy God, that You will guide each Senator and every staff person to continue wrestling with the very best ways to handle and ultimately to resolve our roadway issues here in South Carolina. Fill each of these leaders with a zealouslyness to zero in on what is the best -- and the wisest -- and the most reasonable route for South Carolina to follow. In Your hopeful name we pray, Lord. Amen.

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

Statement by Senator VERDIN

I was unable to be in attendance for the 32-4 vote to place S. 997 in Special Order status on Tuesday, February 16, 2016. I was a co-sponsor of the Bill and I believe it is in the best interest of the residents of this State. Had I been able to attend Tuesday's session, I would have voted for Special Order status.

Motion Adopted

On motion of Senator PEELER, with unanimous consent, Senators CLEARY, HUTTO and NICHOLSON were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

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Point of Quorum

At 10:06 A.M., Senator LEATHERMAN 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	Cromer	Davis
Fair	Grooms	Hutto
Johnson	Kimpson	Leatherman
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Nicholson
Peeler	Sabb	Setzler
Sheheen	Turner	Verdin

A quorum being present, the Senate resumed.

REGULATIONS RECEIVED

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

Document No. 4575

Agency: Department of Revenue

Chapter: 117

Statutory Authority: 1976 Code Section 12-4-320

SUBJECT: Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities

Received by Lieutenant Governor February 17, 2016

Referred to Committee on Finance

Document No. 4576

Agency: Department of Revenue

Chapter: 117

Statutory Authority: 1976 Code Section 12-4-320

SUBJECT: Hotels, Motels, and Similar Facilities

Received by Lieutenant Governor February 17, 2016

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Referred to Committee on Finance

Document No. 4636

Agency: State Board of Education

Chapter: 43

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

SUBJECT: Accreditation Criteria

Received by Lieutenant Governor February 16, 2016

Referred to Committee on Education

Document No. 4637

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60 and 59-25-110

SUBJECT: Certification Requirements

Received by Lieutenant Governor February 16, 2016

Referred to Committee on Education

Document No. 4638

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-25-110, 59-26-10 et seq., and 20 U.S.C. 6301 et seq.

SUBJECT: Credential Classification

Received by Lieutenant Governor February 16, 2016

Referred to Committee on Education

Document No. 4639

Agency: State Board of Education

Chapter: 43

Statutory Authority: 1976 Code Sections 59-5-60(1), 59-25-110, 59-26-10 et seq., and 20 U.S.C. 6301 et seq.

SUBJECT: Requirements for Additional Areas of Certification

Received by Lieutenant Governor February 16, 2016

Referred to Committee on Education

Leave of Absence

At 10:26 A.M., Senator HEMBREE requested a leave of absence for Senator BENNETT for the day.

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Leave of Absence

At 1:27 P.M., Senator BRYANT requested a leave of absence for Senator SHANE MARTIN until 10:17 A.M. on Tuesday, February 23, 2016.

Leave of Absence

At 5:30 P.M., Senator MARGIE BRIGHT MATTHEWS requested a leave of absence for Senator MALLOY for the day.

CO-SPONSORS ADDED

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

S. 30 Sen. Campbell
S. 198 Sen. Massey
S. 626 Sens. Hayes, Reese

Motion Adopted

On motion of Senator HAYES, with unanimous consent, Senators J. MATTHEWS, RANKIN, FAIR, MALLOY, HUTTO, HEMBREE and NICHOLSON were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

RECALLED AND ADOPTED

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.

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

The Resolution was recalled from the Committee on Medical Affairs.

Senator LOURIE 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 Resolution. The question then was the adoption of the Resolution.

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

COMMITTED

H. 4865 -- Reps. Ballentine, Jefferson, Funderburk, Norman, Hiott, Hodges, Goldfinch, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Gagnon, Gambrell, George, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hixon, Horne, Hosey, Howard, Huggins, 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, 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 REQUEST THAT THE GEORGETOWN COUNTY COUNCIL NAME THE COUNTY JUDICIAL CENTER LOCATED ON CLELAND STREET IN THE CITY OF GEORGETOWN THE "AIRMAN FIRST CLASS CARL ANDERSON, JR. COURTHOUSE" IN HONOR OF A BRAVE SON OF SOUTH CAROLINA WHO MADE THE ULTIMATE SACRIFICE WHILE DEFENDING HIS COUNTRY IN IRAQ.

Senator CLEARY asked unanimous consent to commit the Resolution to the Georgetown County Legislative Delegation.

There was no objection.

The Resolution was committed to the Georgetown County Legislative Delegation.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

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S. 1087 -- Senator Gregory: A BILL TO AMEND SECTION 20-3-170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY, SO AS TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING THE EXISTENCE OF CHANGED CIRCUMSTANCES; TO CREATE A REBUTTABLE PRESUMPTION THAT ALIMONY TERMINATES UPON THE SUPPORTING SPOUSE ATTAINING FULL RETIREMENT AGE; AND TO PROVIDE THAT PAYMENT OF ALIMONY FOR A PERIOD THAT EXCEEDS THE DURATION OF MARRIAGE CONSTITUTES SUFFICIENT GROUNDS FOR THE COURT TO MODIFY, TERMINATE, OR ESTABLISH A FIXED DURATION OF TIME FOR ANY FURTHER PAYMENT OBLIGATION, IF SUPPORTED BY THE EVIDENCE PRESENTED.

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

S. 1088 -- Senators Cleary, Rankin and Hembree: A BILL TO AMEND SECTION 12-20-105, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CORPORATE LICENSE TAX CREDIT ALLOWED FOR CASH CONTRIBUTIONS TO PROVIDE INFRASTRUCTURE FOR ELIGIBLE PROJECTS, SO AS TO INCLUDE IN THE DEFINITION OF "ELIGIBLE PROJECT" A MUNICIPAL OR COUNTY-OWNED TOURISM DESTINATION LOCATED IN A COUNTY WHICH HAS COLLECTED AT LEAST NINETEEN MILLION DOLLARS IN A FISCAL YEAR IN STATE-IMPOSED ACCOMMODATIONS TAX AND TO FURTHER DEFINE "INFRASTRUCTURE" FOR PURPOSES OF A TOURISM DESTINATION.

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

S. 1089 -- Senator Alexander: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE GOLDEN CORNER FOOD PANTRY IN SENECA FOR THREE DECADES OF DEDICATED SERVICE TO THE RESIDENTS OF OCONEE COUNTY.

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The Senate Resolution was adopted.

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S. 1090 -- Senators Fair, Sheheen and Setzler: 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".

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Senator FAIR spoke on the Bill.

Read the first time and, on motion of Senator FAIR, with unanimous consent, S. 1090 was ordered placed on the Calendar without reference.

S. 1091 -- Senator Setzler: A BILL TO AMEND ARTICLE 1, CHAPTER 103, TITLE 59 OF THE 1976 CODE, RELATING TO THE COMMISSION ON HIGHER EDUCATION, TO PROVIDE THAT THE COMMISSION ON HIGHER EDUCATION MAY ENTER INTO INTERSTATE RECIPROCITY AGREEMENTS THAT AUTHORIZE ACCREDITED DEGREE-GRANTING INSTITUTIONS OF HIGHER EDUCATION IN SOUTH CAROLINA THAT OFFER POSTSECONDARY DISTANCE EDUCATION TO DO SO THROUGH SUCH RECIPROCITY AGREEMENTS; TO PROVIDE THAT THE COMMISSION SHALL ADMINISTER AND APPROVE OR DISAPPROVE SUCH AGREEMENTS IN SOUTH CAROLINA; TO PROVIDE THAT THE COMMISSION MAY DEVELOP POLICIES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION; AND TO PROVIDE THAT PARTICIPATION IN INTERSTATE RECIPROCITY AGREEMENTS SHALL BE VOLUNTARY TO ELIGIBLE INSTITUTIONS OF HIGHER EDUCATION IN SOUTH CAROLINA.

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

S. 1092 -- Senator Hutto: A BILL TO AMEND SECTION 44-53-370, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DRUG OFFENSES, SO AS TO CONFORM THE LANGUAGE OF TRAFFICKING IN ILLEGAL DRUGS PROVISIONS, INCLUDING OPIATES AND HEROIN, TO THE LANGUAGE OF THE PROVISIONS CONCERNING POSSESSION AND DISTRIBUTION OF CERTAIN ILLEGAL DRUGS WHICH WOULD INCLUDE SYNTHETIC OPIATES, AMONG OTHER DRUGS.

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

S. 1093 -- Senator Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA FANTASY CONTESTS ACT" BY ADDING CHAPTER 31 TO TITLE 37 SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE FOR THE REGULATION OF CERTAIN FANTASY CONTESTS, TO REQUIRE FANTASY CONTEST OPERATORS TO IMPLEMENT PROCEDURES FOR CONSUMER PROTECTION, TO CREATE PENALTIES FOR VIOLATIONS, AND TO EXEMPT FANTASY CONTESTS FROM PROVISIONS OF CHAPTER 19, TITLE 16, RELATING TO GAMBLING.

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

REPORTS OF STANDING COMMITTEES

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 626 -- Senators Gregory, Hayes and Reese: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT EIGHTY PERCENT OF THE FAIR MARKET VALUE OF A RENEWABLE ENERGY RESOURCE FOR A PERIOD OF TEN YEARS PROVIDED THE PROPERTY IS OPERATIONAL BY DECEMBER 31, 2020, AND TO EXEMPT A DISTRIBUTED RENEWABLE ENERGY GENERATION PROPERTY FOR RESIDENTIAL USE.

Ordered for consideration tomorrow.

Senator MALLOY from the Committee on Judiciary submitted a favorable with amendment report on:

S. 649 -- Senators Malloy and Williams: A BILL TO AMEND CHAPTER 1, TITLE 23 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS CONCERNING LAW ENFORCEMENT, TO PROVIDE THAT EACH LAW ENFORCEMENT AGENCY SHALL HAVE A WRITTEN POLICY REGARDING THE INVESTIGATION OF OFFICER-INVOLVED DEATHS, TO PROVIDE FOR THE CONTENTS OF THE POLICY, TO PROVIDE

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FOR INVESTIGATIONS, TO PROVIDE FOR REPORTS, TO PROVIDE FOR THE RELEASE OF THE REPORT IF PROSECUTION IS NOT PURSUED, TO PROVIDE FOR NOTICE OF VICTIM'S RIGHTS, AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

Senator GREGORY from the Committee on Judiciary submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

Senator MASSEY from the Committee on Judiciary submitted a favorable with amendment report on:

S. 1049 -- Senator Massey: 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.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Judiciary submitted a favorable with amendment report on:

S. 1060 -- Senator Hembree: 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.

Ordered for consideration tomorrow.

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Senator YOUNG from the Committee on Judiciary submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

Senator KIMPSON from the Committee on Judiciary submitted a favorable with amendment report on:

H. 4443 -- Rep. Gilliard: A CONCURRENT RESOLUTION TO DECLARE JUNE 17, 2016, AS MOTHER EMANUEL NINE DAY AND TO ENCOURAGE ALL STATE AGENCIES TO REFLECT ON THE PROGRESS MADE IN IMPROVING RACE RELATIONS AND

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ECONOMIC EQUALITY FOR MINORITIES AS WELL AS THE EFFORTS TO HELP THE HOMELESS IN SOUTH CAROLINA.

Ordered for consideration tomorrow.

Senator HEMBREE from the Committee on Judiciary submitted a favorable report on:

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.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

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.

Ordered for consideration tomorrow.

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. 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.

Senator HEMBREE explained the Bill.

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CARRIED OVER

S. 524 -- Senators Hembree and Fair: A BILL TO AMEND SECTION 16-15-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INDECENT EXPOSURE, SO AS TO PROVIDE THAT A CORRECTIONS OR DETENTION FACILITY IS CONSIDERED A PUBLIC PLACE, AND TO PROVIDE THAT IF THE VIOLATION OCCURS WITHIN A CORRECTIONS OR DETENTION FACILITY, THE SENTENCE IS TO RUN CONSECUTIVELY.

Senators HEMBREE and MASSEY explained the Bill.

On motion of Senator SCOTT, 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 Senator HUTTO, the Resolution was 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 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.

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

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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 Senator CAMPBELL, 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 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 Senator CAMPBELL, the Resolution was carried over.

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

MOTION ADOPTED

At 10:45 A.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

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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 MALLOY, 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

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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 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

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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 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

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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 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~~

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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. /

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.

Senator DAVIS spoke on the amendment.

Motion Adopted

Senator LEATHERMAN asked unanimous consent to make a motion that the Senate recede with Senator DAVIS retaining the floor on H. 3579.

There was no objection.

RECESS

At 11:51 A.M., on motion of Senator LEATHERMAN, the Senate recessed from business until 1:15 P.M.

At 1:22 P.M., the Senate resumed.

Point of Quorum

At 1:23 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 SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Bright	Bryant
Campbell	Campsen	Cleary
Cromer	Davis	Fair
Grooms	Hembree	Hutto

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Johnson	Leatherman	Lourie
<i>Martin, Larry</i>	Massey	McElveen
Peeler	Sabb	Setzler
Shealy	Williams	Young

A quorum being present, the Senate resumed.

Senator DAVIS resumed speaking on the amendment.

ACTING PRESIDENT PRESIDES

Senator CROMER assumed the Chair.

Objection

On motion of Senator PEELER, with unanimous consent and with Senator DAVIS retaining the floor on H. 3579, that the Senate move to S. 561 on an uncontested basis.

Senator SCOTT objected.

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 go into Executive Session.

EXECUTIVE SESSION

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

STATEWIDE APPOINTMENTS

Confirmations

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

Reappointment, Director of Department of Public Safety, with the term to commence February 1, 2016, and to expire February 1, 2020

Leroy Smith, 1308 Ashland Dr., Columbia, SC 29229

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On motion of Senator LARRY MARTIN, the question was confirmation of Leroy Smith.

The "ayes" and "nays" were demanded and taken, resulting as follows:
Ayes 36; Nays 0

AYES

Alexander	Allen	Bright
Bryant	Campbell	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hembree
Jackson	Johnson	Kimpson
Leatherman	Lourie	<i>Martin, Larry</i>
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rankin	Reese	Sabb
Scott	Setzler	Shealy
Turner	Verdin	Young

Total--36

NAYS

Total--0

The appointment of Leroy Smith was confirmed.

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2014, and to expire May 19, 2021

Berkeley County:

Peggy H. Pinnell, 1426 Dennis Boulevard, Moncks Corner, SC 29461

On motion of Senator LARRY MARTIN, the question was confirmation of Peggy H. Pinnell.

The "ayes" and "nays" were demanded and taken, resulting as follows:
Ayes 36; Nays 0

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AYES

Alexander	Allen	Bright
Bryant	Campbell	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hembree
Jackson	Johnson	Kimpson
Leatherman	Lourie	<i>Martin, Larry</i>
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rankin	Reese	Sabb
Scott	Setzler	Shealy
Turner	Verdin	Young

Total--36

NAYS

Total--0

The appointment of Peggy H. Pinnell was confirmed.

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

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

Barber:

Renee Patton, 5535 Highway 9, Inman, SC 29349

On motion of Senator ALEXANDER, the question was confirmation of Renee Patton.

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

Ayes 36; Nays 0

AYES

Alexander	Allen	Bright
Bryant	Campbell	Campsen

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Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hembree
Jackson	Johnson	Kimpson
Leatherman	Lourie	<i>Martin, Larry</i>
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler
Rankin	Reese	Sabb
Scott	Setzler	Shealy
Turner	Verdin	Young

Total--36

NAYS

Total--0

The appointment of Renee Patton was confirmed.

Reappointment, South Carolina State Board of Barber Examiners,
with the term to commence June 30, 2013, and to expire June 30, 2017

General Public:

Frederick M. G. Evans, 214 Alderston Way, Columbia, SC 29229

On motion of Senator ALEXANDER, the question was confirmation of Frederick M. G. Evans.

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

Ayes 36; Nays 0

AYES

Alexander	Allen	Bright
Bryant	Campbell	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hembree
Jackson	Johnson	Kimpson
Leatherman	Lourie	<i>Martin, Larry</i>
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	Nicholson	Peeler

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Rankin	Reese	Sabb
Scott	Setzler	Shealy
Turner	Verdin	Young

Total--36

NAYS

Total--0

The appointment of Frederick M. G. Evans was confirmed.

Motion Adopted

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to stand adjourned with Senator DAVIS retaining the floor on H. 3579.

MOTION ADOPTED

On motion of Senator HEMBREE, with unanimous consent, the Senate stood adjourned out of respect to the memory of Caleb Scott of North Myrtle Beach, S.C. Caleb attended North Myrtle Beach Christian School where he played soccer and basketball. He was a member of Waterbrook Community Church and was very active in the youth group. Caleb enjoyed skateboarding and loved music. Caleb was a loving son and devoted brother who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Ben Evatt of the Six & Twenty Creek Community in Anderson, S.C. Mr. Evatt was the father-in-law of our beloved Senator Larry Martin. He was married to his wife June for fifty-nine wonderful years and was a father to Susan, Ben and Tim. He was a loving

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husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 5:36 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

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