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:

Join me as we bow in prayer:

In the book of Daniel the Lord declares that:

“‘Those who are wise will shine like the brightness of the heavens, and those who lead many to righteousness, like the stars for ever and ever.’” (Daniel 12:3)

Please, bow as we pray:

Holy God, to serve the people of South Carolina as a Senator is indeed an honor. We are truly grateful for each leader who has chosen to accept his or her role as a Senator. Yet their doing so goes far, far beyond the mere “honor” of it all. For the hours spent serving here and in their home district, the frequent absences from family and friends, the tediousness of preparation, of study, the occasional times of contentious debate -- it is not an easy task. Therefore, Lord, we ask You this morning for a special blessing upon each of these servants, so that the Senators, and the staff members here, will feel the full strength of Your holy presence. Lead them always to offer their absolute best to the people of South Carolina, as well as to one another. In Your loving name we pray this, Lord. Amen.

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

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

Local Appointments

Reappointment, Dorchester County Master-in-Equity, with the term to commence June 30, 2016, and to expire June 30, 2022

James L. Chellis, 106 Pine Grove Ave., Summerville, SC 29483
Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018
Van K. Richardson, 3611 Kershaw Camden Highway, Heath Springs, SC 29058

Initial Appointment, Berkeley County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019
Evonne J. Whaley, 423 Jenkinsridge Lane, Pineville, SC 29468 VICE
Ervin Brown

Initial Appointment, Berkeley County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019
New Seat:
James W. Hinson, Jr., 106 Kenton Place, Goose Creek, SC 29445

Leave of Absence
On motion of Senator JOHNSON, at 10:22 A.M., Senator McELVEEN was granted a leave of absence until 11:00 A.M.

Leave of Absence
On motion of Senator CROMER, at 10:30 A.M., Senator HAYES was granted a leave of absence until 11:00 A.M.

CO-SPONSOR ADDED
The following co-sponsor was added to the respective Bill:
S. 519 Sen. Alexander

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

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

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

S. 1121 -- Senators Cleary, Hembree, Campbell, Alexander and Gregory: A SENATE RESOLUTION TO COMMEND AND SUPPORT TAIWAN’S DEMOCRATIC SYSTEM OF GOVERNMENT, ITS CLOSE RELATIONSHIP WITH THE UNITED STATES, AND THE NATION’S MEANINGFUL PARTICIPATION IN THE WORLD HEALTH ORGANIZATION, THE INTERNATIONAL CIVIL AVIATION ORGANIZATION, AND THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE, AS WELL AS OTHER INTERNATIONAL ORGANIZATIONS, AND TO EXTEND SINCERE BEST WISHES FOR CONTINUED COOPERATION AND SUCCESS.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following Bills and Resolutions were introduced:

S. 1143 -- Senators Grooms, Campbell and Kimpson: A BILL TO AMEND SECTION 44-89-30 OF THE 1976 CODE, RELATING TO LICENSING OF BIRTHING CENTERS, TO CHANGE DEFINITIONAL TERMS; AND TO AMEND SECTION 44-89-60, RELATING TO REGULATION OF BIRTH CENTERS, TO REQUIRE BIRTH CENTERS TO BE ACCREDITED AND TO COMPLY WITH STATE STATUTES AND REGULATIONS, TO REQUIRE BIRTHS PLANNED TO OCCUR AT BIRTH CENTERS TO BE EVALUATED BY PROFESSIONAL STAFF TO ASSESS FOR RISK STATUS AND TO DOCUMENT EVALUATIONS IN CLIENT FILES, TO ADDRESS PROFESSIONAL REQUIREMENTS FOR STAFF MEMBERS WHO PROVIDE PATIENT CARE, TO REQUIRE DEVELOPMENT OF GUIDELINES, POLICIES AND PROCEDURES ADDRESSING, AMONG OTHER PRACTICES, THE TRANSFER OF CLIENTS TO HOSPITALS, TO REQUIRE BIRTH CENTERS TO COLLECT AND REPORT DATA, AND TO ESTABLISH A DEADLINE FOR BIRTH CENTERS IN OPERATION TO BECOME ACCREDITED.

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

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

S. 1145 -- Senators Young, Massey and Setzler:  A CONCURRENT RESOLUTION TO RECOGNIZE THE AIKEN HORSE SHOW UPON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY AND TO COMMEND THE ORGANIZERS FOR PROMOTING THE LOVE OF THIS SPLENDID SPORT AND RESPECT FOR ITS PLACE IN THE HISTORY OF THE PALMETTO STATE.

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


Read the first time and referred to the Committee on Finance.
H. 4846 -- Reps. Sandifer, Gambrell, Gagnon, Hill, Putnam, Thayer, White and Whitmire: A CONCURRENT RESOLUTION TO URGE THE GOVERNING BODIES OF ANDERSON AND OCONEE COUNTIES TO DISSOLVE THEIR THIRTY-TWO YEAR OLD AGREEMENT TO HAVE ONE MASTER-IN-EQUITY TO SERVE BOTH COUNTIES, AND TO ESTABLISH A MASTER-IN-EQUITY COURT IN EACH COUNTY PURSUANT TO SECTION 14-11-10 OF THE 1976 CODE.

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


The Concurrent Resolution was introduced and referred to the Committee on Invitations.
REPORTS OF STANDING COMMITTEES

Senator FAIR from the Committee on Corrections and Penology polled out majority favorable and Senator HUTTO a minority unfavorable report on:

S. 553 -- Senators L. Martin, Fair, Massey and Campbell: A BILL TO AMEND SECTION 24-3-580, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISCLOSURE OF THE IDENTITY OF A MEMBER OF AN EXECUTION TEAM AND PENALTIES RELATED TO THE UNLAWFUL DISCLOSURE OF THIS INFORMATION, SO AS TO PROVIDE CERTAIN TERMS AND THEIR DEFINITIONS, TO PROVIDE THAT CERTAIN INFORMATION REGARDING THE IDENTITY OF A PERSON OR ENTITY THAT PARTICIPATES IN THE PLANNING OR ADMINISTRATION OF THE EXECUTION OF A DEATH SENTENCE IS CONFIDENTIAL AND CLASSIFIED AS A STATE SECRET, TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THE PURCHASE OF DRUGS AND MEDICAL SUPPLIES USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE SOUTH CAROLINA PROCUREMENT CODE, TO PROVIDE THAT OUT-OF-STATE ACQUISITIONS OF A DRUG USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM PROVISIONS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE BOARD OF PHARMACY, TO PROVIDE THAT A PHARMACY OR PHARMACIST INVOLVED IN SUPPLYING, MANUFACTURING, OR COMPOUNDING ANY DRUG USED IN THE ADMINISTRATION OF A DEATH SENTENCE IS EXEMPT FROM THE REGULATION BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

Poll of the Corrections and Penology Committee
Polled 16; Ayes 11; Nays 5

AYES
Fair Campbell Massey
Martin, Shane Shealy Turner
Reese Grooms Verdin
Bryant Campsen

Total--11

[SJ] 6
THURSDAY, MARCH 3, 2016

NAYS

Allen                Kimpson                Jackson
Hutto                Lourie

Total--5

Ordered for consideration tomorrow.

Message from the House

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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.

and has ordered the Bill enrolled for Ratification.

Very respectfully,
Speaker of the House

Received as information.

Message from the House

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:


[SJ] 7
THURSDAY, MARCH 3, 2016

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.
and has ordered the Bill enrolled for Ratification.
Very respectfully,
Speaker of the House

Received as information.

Message from the House

Mr. President and Senators:
The House respectfully informs your Honorable Body that it has confirmed the appointment:

MASTER-IN-EQUITY
Reappointment, Dorchester Master-in-Equity, with term to commence June 30, 2016, and to expire June 30, 2022:

Master-in-Equity
The Honorable James E. Chellis, 106 Pine Grove Avenue Summerville, SC 29483
Very respectfully,
Speaker of the House

Received as information.

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

ORDERED ENROLLED FOR RATIFICATION
The following Resolution 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. 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
THURSDAY, MARCH 3, 2016

DOCUMENT NUMBER 4552, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

HOUSE BILL RETURNED

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4639 -- Reps. Allison and Taylor: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-103-47 SO AS TO PROVIDE THE COMMISSION ON HIGHER EDUCATION MAY ENTER INTERSTATE RECIPROCITY AGREEMENTS THAT AUTHORIZE ACCREDITED DEGREE-GRANTING INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE TO OFFER POSTSECONDARY DISTANCE EDUCATION IN A CERTAIN MANNER, TO PROVIDE RELATED POWERS AND DUTIES OF THE COMMISSION, TO PROVIDE PARTICIPATION IN THE AGREEMENTS IS VOLUNTARY TO ELIGIBLE INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE, TO PROVIDE INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE THAT DO NOT PARTICIPATE IN ANY INTERSTATE RECIPROCITY AGREEMENT ENTERED INTO BY THE COMMISSION ARE NOT PROHIBITED FROM OFFERING POSTSECONDARY DISTANCE EDUCATION, AND TO CLARIFY THAT NO PROVISION OF THIS ACT PROHIBITS OR REDUCES THE AUTHORITY OF THE COMMISSION TO LICENSE INSTITUTIONS OF HIGHER EDUCATION OFFERING DISTANCE EDUCATION IN THIS STATE IF THE INSTITUTION IS NOT A PARTICIPANT IN THE INTERSTATE RECIPROCITY AGREEMENT IN WHICH THE COMMISSION PARTICIPATES.

AMENDED, READ THE THIRD TIME
RETURNED TO HOUSE

DURING THE ENTIRE FOUR YEARS OF GRADES NINE THROUGH TWELVE, AND TO PROVIDE THAT SCHOOL DISTRICTS MUST IMPLEMENT THE PROVISIONS OF THIS ACT BEFORE THE BEGINNING OF THE 2017-2018 SCHOOL YEAR.

The Senate proceeded to the consideration of the Bill.

Senators HUTTO and SHANE MARTIN proposed the following amendment (3265R003.DR.CBH), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 38-39 and inserting:

/care guidelines for CPR and awareness in the use of an AED. Local
and statewide school districts shall coordinate with entities that have the/

Amend the bill further, as and if amended, page 2, by striking line 9 and inserting:

/ promulgate regulations to implement this section.

( ) The board may grant an exemption from implementing the provisions contained in this section upon a showing by a local or statewide school district that the district lacks sufficient funds to implement the provisions contained in this section and does not have access to CPR instruction and materials at no cost. /

Renumber sections to conform.
Amend title to conform.

Senator HUTTO explained the amendment.

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

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

Ayes 34; Nays 0

AYES

Alexander Bennett Bright
Bryant Campbell Campsen
Cleary Coleman Corbin
Cromer Davis Fair
Gregory Grooms Hutto
Johnson Kimpson Leatherman
Lourie Malloy [Martin, Larry
Martin, Shane Massey Matthews, Margie
Nicholson Peeler Sabb

[SJ] 10
THURSDAY, MARCH 3, 2016

Scott Setzler Shealy
Sheheen Turner Williams
Young

Total--34

NAYS

Total--0

The Bill was read third time, passed and ordered returned to the House of Representatives with amendments.

READ THE THIRD TIME
SENT TO THE HOUSE

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

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”.

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.

S. 284 -- Senator Verdin:  A BILL TO AMEND SECTION 39-25-180(H) OF THE 1976 CODE, RELATING TO THE ADOPTION OF FEDERAL REGULATIONS FOR FOOD AND COSMETICS, TO PROVIDE THAT VERY SMALL BUSINESSES AND QUALIFIED EXEMPT FACILITIES ARE NOT REQUIRED TO COMPLY WITH ANY REQUIREMENT TO IMPLEMENT HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS UNDER THE FEDERAL GOOD MANUFACTURING PRACTICES REGULATIONS, BUT WILL CONTINUE TO BE SUBJECT TO ALL OTHER GOOD MANUFACTURING PRACTICE REGULATIONS.

S. 1116 -- Education Committee:  A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CERTIFICATION REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4637, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1117 -- Education Committee:  A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CREDENTIAL CLASSIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4638, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1118 -- Education Committee:  A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO REQUIREMENTS FOR ADDITIONAL AREAS OF CERTIFICATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4639, PURSUANT TO THE
THURSDAY, MARCH 3, 2016

PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1119 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSESSMENT PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4604, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 1120 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ACCREDITATION CRITERIA, DESIGNATED AS REGULATION DOCUMENT NUMBER 4636, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

AMENDED, SECOND READING BILL

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

S. 863 -- Senator Scott: A BILL TO AMEND ACT 613 OF 1986, AS AMENDED, RELATING TO SCHOOL DISTRICTS IN RICHLAND COUNTY, SO AS TO REAPPORTION THE FOUR SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE TRUSTEES OF RICHLAND COUNTY SCHOOL DISTRICT ONE ARE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

The Senate proceeded to consideration of the Bill.

Senator SCOTT proposed the following amendment (GGS\863C001.GGS.ZW16), which was adopted:

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

/ SECTION 1. Act 613 of 1986 is amended by adding Section 2A to read:

“Section 2A. (1) In Richland County School District One, one trustee must be elected from each of the four defined single-member
THURSDAY, MARCH 3, 2016

election districts established in this section and three trustees must be elected from the district at large. In 1986 and every four years thereafter, successors to the three members of the board whose terms expire in 1986 must be elected from election districts 1 and 3 respectively and one member must be elected at large. In 1988 and every four years thereafter, successors to the four members of the board whose terms expire in 1988 must be elected from election districts 2 and 4 respectively and two members must be elected at large.

(2) Notwithstanding another provision of law or of this act, beginning with the 2016 school district elections, the four defined single-member election districts from which one member of the board of trustees of Richland County School District One must be elected are as shown on the Richland County School District One map S-79-01-16 as prepared and maintained by the Revenue and Fiscal Affairs Office. The Revenue and Fiscal Affairs Office shall provide a certified copy of the map to the school district and the Richland County Board of Voter Registration and Elections. The official map must not be changed except by an act of the General Assembly or by a court of competent jurisdiction.

(3) The demographic information shown on this map is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Pop</th>
<th>Dev. %</th>
<th>NH_Wht</th>
<th>%NH_Wht</th>
<th>NH_Blk</th>
<th>%NH_Blk</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>49,727 (655)</td>
<td>-1.30%</td>
<td>12,331</td>
<td>24.80%</td>
<td>34,487</td>
<td>69.35%</td>
</tr>
<tr>
<td>2</td>
<td>50,565</td>
<td>0.36%</td>
<td>15,750</td>
<td>31.15%</td>
<td>32,654</td>
<td>64.58%</td>
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<tr>
<td>3</td>
<td>52,394</td>
<td>3.99%</td>
<td>37,387</td>
<td>71.36%</td>
<td>11,054</td>
<td>21.10%</td>
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<tr>
<td>4</td>
<td>48,842 (1,540)</td>
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<td>18,764</td>
<td>38.42%</td>
<td>27,129</td>
<td>55.54%</td>
</tr>
<tr>
<td>Total</td>
<td>201,528</td>
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<td></td>
<td></td>
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</table>

<table>
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<th></th>
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<th>%NH_WAP</th>
<th>NHBVAP</th>
<th>%NHBVAP</th>
<th>AllOth</th>
<th>AllOthVAP</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>39,949</td>
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<td>26,549</td>
<td>66.46%</td>
<td>2,909</td>
<td>2,090</td>
</tr>
<tr>
<td>2</td>
<td>39,587</td>
<td>34.47%</td>
<td>24,374</td>
<td>61.57%</td>
<td>2,161</td>
<td>1,566</td>
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<tr>
<td>3</td>
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<td>74.06%</td>
<td>8,008</td>
<td>18.70%</td>
<td>3,953</td>
<td>3,100</td>
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<td>4</td>
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<td>43.14%</td>
<td>20,171</td>
<td>01.04%</td>
<td>2,949</td>
<td>2,299</td>
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<tr>
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<td>161,867</td>
<td>79,102</td>
<td>11,972</td>
<td>9,055</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 2. Notwithstanding another provision of law, the map referenced in this act alters only the boundaries of the single-member election districts that compose Richland County School District One. It does not alter the exterior boundaries of Richland County School District One.

SECTION 3. This act takes effect upon approval by the Governor. Amend title to conform.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.
COMMITTEE AMENDMENT ADOPTED, AMENDED
READ THE SECOND TIME

S. 1013 -- Senators Alexander and Davis:  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 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.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (1013R001.DR.TCA), which was adopted:

Amend the bill, as and if amended, page 9, by striking lines 24-34 and inserting:

/ (3) submit to a credit report which shall indicate creditworthiness satisfactory to the commission. If notified of unsatisfactory credit, the applicant has sixty days to respond; provide a physical address at which the licensee can be contacted in the course of any investigation. Each licensee shall maintain current contact information to include current residency address, current mailing address, current email address, and current telephone number on file with the commission. Failure to provide current contact information within thirty days of any change may result in an administrative suspension of the property manager, salesperson, broker, or property manager-in-charge in accordance with Section 40-57-145; /
Amend the bill further, as and if amended, pages 9-10, by striking lines 40-6 and inserting:

/ (6) submit to a criminal background check as provided in Section 40-57-115 for initial applications; and

(6)(7) pass the applicable examination. / 

Amend the bill further, as and if amended, page 11, by striking lines 10-21 in their entirety.

Amend the bill further, as and if amended, page 11, by striking line 28 and inserting:

/raw-score determination established by the department commission./

Amend the bill further, as and if amended, page 16, by striking lines 30-33 and inserting:

/ (3) Licenses must be renewed biennially coinciding with the /

Amend the bill further, as and if amended, page 17, by striking lines 10-20 and inserting:

/ (5)(4) a broker, or salesman upon reaching the age of sixty-five years with a minimum of twenty-five years of licensure or salesperson, or property manager with a minimum of twenty-five years of licensure may apply to be granted an experience-based partial continuing education waiver, and upon granting of the waiver, is required to complete only the mandatory four hour core course biennially to maintain active licensure. A broker-in-charge who is granted a partial continuing education waiver is required to take the four hour core course and the mandated four hour broker-in-charge course biennially. Licensees who have been previously granted full continuing education waivers under prior amendments to this chapter shall be designated as grandfathered. /

Amend the bill further, as and if amended, page 23, by striking line 2.

Amend the bill further, as and if amended, page 27, by striking lines 29-32 and inserting:

/ (9) A licensee may not allow or create an unreasonable delay/ 

Amend the bill further, as and if amended, page 59, by striking lines 34-36 and inserting:

/ Section 40-57-210. Investigations conducted under this chapter are confidential. All communications are privileged as provided in Section 40-1-190. / 

Amend the bill further, as and if amended, page 612, by striking lines 1-9 and inserting:

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

Renumber sections to conform.
Amend title to conform.

Senator DAVIS explained the amendment.

Senators SCOTT and BRYANT proposed the following amendment (1013R002.DR.JS), which was adopted:

Amend the bill, as and if amended, page 16, by striking Section 40-57-130(A), lines 15 - 36, and inserting:

/ Section 40-57-130. (A) As a condition of active license renewal:

(1) A broker or salesman renewing a South Carolina license shall provide proof of satisfactory completion biennially of eight hours of continuing education in commission-approved courses approved by the department and taught by instructors approved by the department. The eight hours shall must include a minimum of two hours of instruction in current federal and state law affecting brokers and salesmen mandated topics. A broker or salesperson renewing a South Carolina license and seeking reciprocity with another state that requires additional continuing education hours shall provide proof of satisfactory completion biennially of sixteen hours of continuing education in commission-approved courses. The sixteen hours must include a minimum of four hours of instruction in mandated topics.

(2) A broker-in-charge renewing a South Carolina license shall provide proof of satisfactory completion biennially of eight hours of continuing education in commission-approved courses. The eight hours must include a minimum of two hours of instruction in mandated topics for a broker or salesperson license and two hours of continuing education must be in advanced real estate topics designed for brokers-in-charge. A broker-in-charge renewing a South Carolina license and seeking reciprocity with another state that requires additional continuing education hours shall provide proof of satisfactory completion biennially of sixteen hours of continuing education in commission-approved courses. The sixteen hours must include a minimum of four hours of instruction in mandated topics for a broker or salesperson license and four hours of continuing education must be in advanced real estate topics designed for brokers-in-charge.

(3) A property manager or a property manager-in-charge shall provide proof of satisfactory completion biennially of eight hours of continuing education in commission-approved courses.

(4) Licenses must be renewed biennially coinciding with the licensees’ continuing education deadline. Approximately one-half of the
licensees shall renew in even-numbered years and the remainder in odd-numbered years. / 
Renumber sections to conform.
Amend title to conform.

Senator SCOTT explained the amendment.

Senators HUTTO and KIMPSON proposed the following amendment (GT\1013C002.GT.CM16), which was adopted:
Amend the bill, as and if amended, Section 40-57-145(A)(8)(9), as contained in SECTION 1, page 54 by deleting lines 30 and 31 and inserting:
/ related to the practice of the profession felony sex-related, felony real estate-related, felony financial, or felony / 
Renumber sections to conform.
Amend title to conform.

Senator HUTTO explained the amendment.

The question then was second reading of the Bill.

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 Hutto
Johnson Kimpson Leatherman
Malloy Martin, Larry Martin, Shane
Massey Matthews, John Matthews, Margie
McElveen Nicholson Peeler
Rankin Reese Sabb
Scott Setzler Shealy
Sheheen Thurmond Turner
Verdin Williams Young

[ST] 19
THURSDAY, MARCH 3, 2016

Total--42

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


The Senate proceeded to a consideration of the Bill.

Senator MASSEY explained the Bill.

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

Ayes 40; Nays 0

AYES

| Alexander | Allen | Bennett
| Bright   | Bryant | Campbell
| Campsen  | Cleary | Coleman
| Corbin   | Cromer | Davis
| Fair     | Grooms | Hayes
| Hutto     | Johnson | Kimpson

[ SJ] 20
THURSDAY, MARCH 3, 2016

Leatherman Lourie Malloy
Martin, Larry Martin, Shane Massey
Matthews, John Matthews, Margie McElveen
Nicholson Peeler Rankin
Reese Sabb Scott
Setzler Shealy Sheheen
Turner Verdin Williams
Young

Total--40

NAYS

Total--0

Recorded Vote

Senator THURMOND desired to be recorded as voting in favor of the second reading of the Bill.

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

CARRIED OVER


Senator YOUNG explained the Resolution.

On motion of Senator ALLEN, the Resolution was carried over.
S. 238 -- Senator Allen:  A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-3-220 SO AS TO ESTABLISH A PROCEDURE TO ALLOW AN INMATE WHO THE DEPARTMENT HAS DETERMINED IS NOT A SECURITY RISK AND CONFINED IN A DEPARTMENT OF CORRECTIONS’ FACILITY TO ATTEND THE FUNERAL SERVICE OF CERTAIN INDIVIDUALS AND VISIT CERTAIN INDIVIDUALS WHILE THEY ARE HOSPITALIZED; AND TO AMEND SECTION 24-3-210, RELATING TO FURLoughS FOR QUALIFIED INMATES, SO AS TO DELETE THE PROVISION THAT ALlOWS AN INMATE TO ATTEND THE FUNERAL OF CERTAIN PERSONS.

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

H. 3576 -- Reps. Bannister, Merrill, Murphy, Atwater, Collins, Gagnon, Hamilton, Hicks, Pitts, Sandifer, G.R. Smith, Tallon, Whitmire, Henderson and Herbkersman:  A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-1-120 SO AS TO PROVIDE THAT CERTAIN WRITTEN AGREEMENTS BETWEEN NONPROFIT YOUTH SPORTS ORGANIZATIONS AND COACHES PROVIDE CONCLUSIVE EVIDENCE THAT THE COACH IS AN INDEPENDENT CONTRACTOR RATHER THAN AN EMPLOYEE OF THE ORGANIZATION AND THAT THE ORGANIZATION IS EXEMPT FROM CERTAIN OBLIGATIONS CONCERNING WORKERS’ COMPENSATION COVERAGE, UNEMPLOYMENT INSURANCE COVERAGE, AND INCOME TAX WITHHOLDINGS, TO PROVIDE SPECIFIC REQUIREMENTS FOR THESE WRITTEN AGREEMENTS, TO PROVIDE THESE WRITTEN AGREEMENTS ARE NOT CONCLUSIVE PROOF OF THE EXISTENCE OF AN INDEPENDENT CONTRACTOR RELATIONSHIP FOR PURPOSES OF ANY CIVIL ACTIONS INSTITUTED BY THIRD PARTIES, AND TO DEFINE THE TERM “NONPROFIT YOUTH SPORTS ORGANIZATION”.

Senator BRYANT explained the Bill.

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

S. 315 -- Senators Grooms and Campsen:  A JOINT RESOLUTION TO REPEAL SECTION 6 OF ACT 114, RELATED TO THE
THURSDAY, MARCH 3, 2016

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, Hayes and Campbell: 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 MALLOY, the Bill was carried over.

H. 3682 -- Reps. Finlay, Bannister, Newton, Cole, Delleney, Weeks, Whipper, Robinson-Simpson and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 39 SO AS TO ENACT THE “BAD FAITH ASSERTION OF PATENT INFRINGEMENT ACT”, TO PROVIDE THAT BAD FAITH ASSERTIONS OF PATENT INFRINGEMENTS ARE PROHIBITED, TO DEFINE TERMS, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION IN STATE COURTS BY A RECIPIENT OF A BAD FAITH ASSERTION TO PATENT INFRINGEMENT, TO PROVIDE THAT ENFORCEMENT ACTIONS MAY BE BROUGHT BY THE ATTORNEY GENERAL AND WILFUL AND KNOWING VIOLATIONS MAY RESULT IN CIVIL PENALTIES OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH VIOLATION, TO PROVIDE FOR THE FACTORS THAT A COURT MAY CONSIDER WHEN MAKING A BAD FAITH DETERMINATION, AND TO PROVIDE EXCEPTIONS.

On motion of Senator MALLOY, the Bill was carried over.
S. 1128 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF MEDICAL EXAMINERS, RELATING TO PATIENT MEDICAL RECORDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4588, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY explained the Resolution.

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

S. 1129 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO PILOT REGISTRATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4574, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY explained the Resolution.

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

S. 1130 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - REAL ESTATE APPRAISERS BOARD, RELATING TO CONTINUING EDUCATION, PAYMENT OF FEES, APPRAISAL EXPERIENCE, AND APPRAISER APPRENTICE REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4589, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY explained the Resolution.

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

S. 1131 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF BARBER EXAMINERS, RELATING TO MINIMUM REQUIREMENTS FOR LICENSING OF COSMETOLOGISTS AS
MASTER HAIR CARE SPECIALISTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4601, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY explained the Resolution.

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

S. 1132 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO EXPLOSIVES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4617, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY explained the Resolution.

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

S. 1133 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO FIRE PREVENTION AND LIFE SAFETY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4618, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator MASSEY explained the Resolution.

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

H. 3325 -- Reps. J.E. Smith, Hodges, Weeks, Whipper, Mitchell, Govan and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 61, TITLE 15 SO AS TO ENACT THE “UNIFORM PARTITION OF HEIRS’ PROPERTY ACT”; TO DEFINE NECESSARY TERMS; TO PROVIDE FOR NOTICE BY PUBLICATION IN A PARTITION ACTION, TO PROVIDE PROCEDURES FOR A COURT TO FOLLOW IN DETERMINING THE VALUE OF THE PROPERTY AND FACTORS FOR A COURT TO CONSIDER FOR DIFFERENT
TYPES OF PARTITIONS, TO PROVIDE FOR OPEN-MARKET SALES, SEALED BIDS, OR AUCTIONS, TO DESIGNATE THE EXISTING PROVISIONS OF CHAPTER 61 AS ARTICLE 1; TO AMEND SECTION 15-61-10, RELATING TO PARTITION ACTIONS, SO AS TO PROVIDE FOR A COURT HEARING TO DETERMINE IF THE PARTITION ACTION CONCERNS HEIRS’ PROPERTY; AND TO AMEND SECTION 15-61-100, RELATING TO WRITS OF PARTITION, SO AS TO DELETE OBSOLETE REFERENCES.

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

ADOPTED

S. 1058 -- Senator Coleman:  A SENATE RESOLUTION TO PROCLAIM TUESDAY, MARCH 22, 2016, AS “SC PROFESSIONAL LAND SURVEYORS DAY” IN SOUTH CAROLINA AND TO RECOGNIZE THE IMPORTANCE OF THE SERVICES PROVIDED BY THIS GROUP OF PROFESSIONALS.

The Resolution was adopted.

H. 4296 -- Rep. Hardee:  A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES GRIER SWAMP ALONG HIGHWAY S-26-65 IN HORRY COUNTY “OSCAR CAUSEY MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

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

MOTION ADOPTED

At 11:01 A.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 LEATHERMAN, the Bill was carried over.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDMENT PROPOSED, DEBATE INTERRUPTED

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
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 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. P1-31A

Senator SHEHEEN proposed the following amendment (3579R070.EB.VAS):

Amend the amendment bearing file path 3579R067.EB.LKG (amendment 31A), as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION__. Section 57-1-370 of the 1976 Code is amended to read:

"Section 57-1-370. (A) The commission must develop the long-range Statewide Transportation Plan, with a minimum twenty-year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials. The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

(B) Concerning the development, content, and implementation of the Statewide Transportation Improvement Program, the commission must:

(1) develop a process for consulting with nonmetropolitan local officials, with responsibility for transportation, that provides an opportunity for their participation in the development of the long-range Statewide Transportation Plan and the Statewide Transportation Improvement Program;

(2) approve the Statewide Transportation Improvement Program and ensure that it is developed pursuant to federal laws and regulations and approve an updated Statewide Transportation Improvement Program"
from time to time as permitted by and in the manner required by federal laws or regulations;

(3) develop and revise the transportation plan for inclusion in the Statewide Transportation Improvement Program, for each nonmetropolitan planning area in consultation with local officials with responsibility for transportation;

(4) work in consultation with each metropolitan planning organization to develop and revise a transportation improvement program for each metropolitan planning area;

(5) select from the approved Statewide Transportation Improvement Program the transportation projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan local officials with responsibility for transportation;

(6) select projects to be undertaken, in consultation with each metropolitan planning organization, from the metropolitan planning organization’s approved transportation improvement plan in metropolitan areas not designated as a transportation management area;

(7) consult with each metropolitan planning organization, in metropolitan areas designated as transportation management areas, concerning the projects selected to be undertaken from the approved transportation improvement program and in accordance with the priorities approved by the transportation improvement program; and

(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations’ transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the commission shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and
(i) consistency with local land use plans.

(C)(1) To the extent that state funds are available to address the needs of the state highway system, the commission must develop a comprehensive plan specifying objectives and performance measures for the preservation and improvement of the existing system. The projects included in this plan must be supported solely by state funds including the Nonfederal Aid Highway Fund or other state revenue source. When developing the plan required by this subsection, the commission must consider, but is not limited to considering, the criteria in subsection (B)(8).

(2) When state funding is programmed for a project selected from the plan to be undertaken, the department may use federal law, regulations, or guidelines relevant to the type of project being undertaken to be eligible for federal matching funds.

(D) To the extent permitted by federal laws or regulations, the commission has the authority to award all federal enhancement grants. Annually, the commission must submit a report to the chairman of the Senate Transportation Committee, the chairman of the Senate Finance Committee, the chairman of the House of Representatives Ways and Means Committee, and the chairman of the House of Representatives Education and Public Works Committee describing the number of federal enhancement grants that were awarded and the recipients of the federal enhancement grants.

(E) The commission must give its prior authorization to any consulting contracts advertised for or awarded by the department and authorize the selection of consultants by department personnel.

(F) Roads may not be added to or removed from the state highway system without prior authorization from the commission.

(G) The department shall conduct a public hearing in each county in which a public hearing is required by federal regulations to allow the department to share information regarding the project with the local community and to allow the local community to address its concerns with department officials. The hearing must include the opportunity for members of the public to address a hearing officer in a format in which comments can be heard by the general public.

(H) The department shall promulgate, by regulation, procedures not inconsistent with federal laws for applying the criteria contained in subsection (B)(8) for prioritizing projects.

(I) The department may not sell surplus property without prior authorization from the commission.
(J) The commission must approve the department’s annual budget.
(K) The department may not dedicate or name highway facilities without prior authorization from the commission.
(L) The department may not enter into any contract with a value in excess of five hundred thousand dollars without the prior authorization of the commission.
(M) The commission shall give prior approval to any additional contracts the department wishes to be entered into during a fiscal year with an entity that has already received individual contracts during that fiscal year that in the aggregate value are at least five hundred thousand dollars.
(N) Any request made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars must be reviewed and approved by the commission who certify that the request is needed based upon objective and quantifiable factors before work may proceed.
(O) The commission shall have any other rights, duties, obligations, or responsibilities as provided by law.”

Further amend the amendment bearing file path 3579R067.EB.LKG (amendment 31A), as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION ____. Article 5, Chapter 1, Title 57 of the 1976 is amended by adding:

“Section 57-1-380. (A) The secretary shall compile a report containing the department’s activities related to the following:

(1) the development of a plan specifying objectives and performance measures for the preservation and improvement of the existing transportation system;
(2) how state funds are used in the programming for projects selected from the Statewide Transportation Plan;
(3) what federal enhancement grants have been awarded;
(4) what, if any, consulting contracts have been advertised or awarded by the department and what consultants have been selected by department personnel;
(5) what roads have been added or removed from the state highway system;
(6) the number and subject of any public hearings conducted by the department;
(7) all regulations promulgated by the department since the previous report;
(8) any surplus property sales conducted by the department and the results of such sales;
(9) a list of any highway facilities dedicated or named by the department since the previous report;
(10) any contract with a value in excess of five hundred thousand dollars entered into by the department; and
(11) a list of all requests made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars.
(B) The secretary shall provide the report required by subsection (A) to the commission on a quarterly basis. The secretary shall provide the General Assembly with the report required by subsection (A) on an annual basis.”

Senator LARRY MARTIN spoke on the perfecting amendment.

Debate was interrupted by adjournment.

Motion Adopted
On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed to stand adjourned.

LOCAL APPOINTMENTS
Confirmations
Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Reappointment, Dorchester County Master-in-Equity, with the term to commence June 30, 2016, and to expire June 30, 2022
James L. Chellis, 106 Pine Grove Ave., Summerville, SC 29483

Reappointment, Lancaster County Magistrate, with the term to commence April 30, 2014, and to expire April 30, 2018
Van K. Richardson, 3611 Kershaw Camden Highway, Heath Springs, SC 29058
THURSDAY, MARCH 3, 2016

Initial Appointment, Berkeley County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

New Seat:
James W. Hinson, Jr., 106 Kenton Place, Goose Creek, SC 29445

Initial Appointment, Berkeley County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019
Evonne J. Whaley, 423 Jenkinsridge Lane, Pineville, SC 29468 VICE Ervin Brown

ADJOURNMENT
At 11:30 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

* * *

[SJ] 35
THURSDAY, MARCH 3, 2016

SENATE JOURNAL INDEX

<table>
<thead>
<tr>
<th>Senate Bill</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. 199</td>
<td>27</td>
</tr>
<tr>
<td>S. 238</td>
<td>22</td>
</tr>
<tr>
<td>S. 267</td>
<td>23</td>
</tr>
<tr>
<td>S. 284</td>
<td>12</td>
</tr>
<tr>
<td>S. 315</td>
<td>23</td>
</tr>
<tr>
<td>S. 553</td>
<td>6</td>
</tr>
<tr>
<td>S. 863</td>
<td>13</td>
</tr>
<tr>
<td>S. 868</td>
<td>11</td>
</tr>
<tr>
<td>S. 1013</td>
<td>15</td>
</tr>
<tr>
<td>S. 1035</td>
<td>11</td>
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<tr>
<td>S. 1058</td>
<td>26</td>
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<tr>
<td>S. 1065</td>
<td>21</td>
</tr>
<tr>
<td>S. 1106</td>
<td>2</td>
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<tr>
<td>S. 1116</td>
<td>12</td>
</tr>
<tr>
<td>S. 1117</td>
<td>12</td>
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<tr>
<td>S. 1118</td>
<td>13</td>
</tr>
<tr>
<td>S. 1119</td>
<td>13</td>
</tr>
<tr>
<td>S. 1120</td>
<td>13</td>
</tr>
<tr>
<td>S. 1121</td>
<td>3</td>
</tr>
<tr>
<td>S. 1128</td>
<td>24</td>
</tr>
<tr>
<td>S. 1129</td>
<td>24</td>
</tr>
<tr>
<td>S. 1130</td>
<td>24</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>House Bill</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>H. 3251</td>
<td>8</td>
</tr>
<tr>
<td>H. 3265</td>
<td>9</td>
</tr>
<tr>
<td>H. 3325</td>
<td>26</td>
</tr>
<tr>
<td>H. 3576</td>
<td>22</td>
</tr>
<tr>
<td>H. 3579</td>
<td>27</td>
</tr>
<tr>
<td>H. 3682</td>
<td>23</td>
</tr>
<tr>
<td>H. 3972</td>
<td>7</td>
</tr>
<tr>
<td>H. 4296</td>
<td>26</td>
</tr>
<tr>
<td>H. 4639</td>
<td>9</td>
</tr>
<tr>
<td>H. 4666</td>
<td>20</td>
</tr>
<tr>
<td>H. 4717</td>
<td>4</td>
</tr>
<tr>
<td>H. 4787</td>
<td>8</td>
</tr>
<tr>
<td>H. 4846</td>
<td>5</td>
</tr>
<tr>
<td>H. 5018</td>
<td>5</td>
</tr>
</tbody>
</table>