

NO. 61

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

TUESDAY, APRIL 28, 2015

Tuesday, April 28, 2015
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

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

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

In the writings of the prophet Isaiah we read:

“Trust in the Lord forever, for in the Lord God you have an everlasting rock.” (Isaiah 26:4)

Let us pray:

O God Almighty, we are reminded again and again how fragile, even perilous the world is: the unsettledness in many of our nation’s cities, the earthquake in Nepal where thousands died, the forces of rebellion and revolution causing havoc in many far off countries. We pray today, Lord, that You give these Senators the courage they each need to lead our people in these challenging days. Embrace in Your care our women and men in the Armed Forces, as well as our First Responders here at home. May all of us trust in You, O God, more than ever. In Your loving name we ask this, dear 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:

Statewide Appointments

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

Master Haircare Specialist:

Paul E. Robinson, Jr., 4441 Deerfield Drive, Orangeburg, SC 29118

Referred to the Committee on Labor, Commerce and Industry.

TUESDAY, APRIL 28, 2015

Reappointment, Jobs Economic Development Authority, with the term to commence July 12, 2015, and to expire July 12, 2018

5th Congressional District:

Gregory A. Thompson, 1820 Stadium Road, Sumter, SC 29154

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, Donate Life South Carolina, with the term to commence April 1, 2012, and to expire April 1, 2016

At-Large:

Katherine Alice Cox Walker, 433 Saluda Avenue, Columbia, SC 29205 *VICE* Matthew L. Hogue

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2012, and to expire June 30, 2016

2nd Congressional District:

Edwin M. Estridge, 418 Caro Lane, Chapin, SC 29036 *VICE* William O. Boyte III (resigned)

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina Panel for Dietetics, with the term to commence May 30, 2015, and to expire May 30, 2017

Dietician, Nutritional Services Management:

Ann F. Childers, 6 Links Walk Lane, Blythewood, SC 29016 *VICE* G. Robert Bowers (resigned)

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2013, and to expire March 20, 2017

Cosmetologist:

Tony V. Nguyen, 308 Live Oak Road, Aiken, SC 29803 *VICE* Selena M. Brown

Referred to the Committee on Labor, Commerce and Industry.

[SJ]

TUESDAY, APRIL 28, 2015

Reappointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2015, and to expire June 30, 2021

2nd Congressional District:

James A. Addison Livingston, 1445 Southbound Road, Swansea, SC 29160

Referred to the Committee on Medical Affairs.

Local Appointments

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Lynne H. Benfield, 247 Lauren Pines Drive, York, SC 29745

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Clayburn S. Barnette, Jr., 3131 Oak Park Road, Rock Hill, SC 29732

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Clifford E. Berinsky, 4819 Inwood Drive, Rock Hill, SC 29732

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Johnny H. Grayson, 387 Boyd Road, Clover, SC 29710

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Herman Melvin Howell, 2430 Hopewell Road, Hickory Grove, SC 29717

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Lewis D. Malphrus, Jr., 608 Pine Street, Fort Mill, SC 29715

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Leon E. Yard, 2072 Dunlap Roddey Road, Rock Hill, SC 29730

TUESDAY, APRIL 28, 2015

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Mandrile H. Young, 404 Glandon Court, Fort Mill, SC 29708

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Robert Davenport, Jr., 2211 Zinker Road, Rock Hill, SC 29732

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

David S. Wood, 957 Copperstone Lane, Fort Mill, SC 29708

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Douglas W. Sexton, 607 Winding Branch Road, Rock Hill, SC 29732

Initial Appointment, York County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Stephanie A. Wood, 4637 Arthur Way, Rock Hill, SC 29732 *VICE*
Norman R. Watkins

REGULATIONS WITHDRAWN AND RESUBMITTED

The following were received:

Document No. 4547

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Section 50-11-2200

SUBJECT: Term and Conditions for the Public's Use of State Lakes and Ponds Owned or Leased by the Department of Natural Resources

Received by Lieutenant Governor March 24, 2015

Referred to Fish, Game and Forestry Committee

Legislative Review Expiration February 28, 2016

April 23, 2015 Withdrawn and Resubmitted

Document No. 4560

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-15-20(A), 50-15-60, and 50-15-430(A)

[SJ]

TUESDAY, APRIL 28, 2015

SUBJECT: Regulations for Species or Subspecies of Non-game Wildlife
Received by Lieutenant Governor March 11, 2015
Referred to Fish, Game and Forestry Committee
Legislative Review Expiration February 15, 2016
April 23, 2015 Withdrawn and Resubmitted

Doctor of the Day

Senator CROMER introduced of Dr. Michael Ervin of Lexington, S.C., Doctor of the Day.

Leave of Absence

At 1:09 P.M., Senator COURSON requested a leave of absence until 3:00 P.M.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:
S. 215 Sen. Scott

RECALLED

S. 713 -- Senator Grooms: A CONCURRENT RESOLUTION TO PROCLAIM MAY 2015 AS "MOTORCYCLE SAFETY AWARENESS MONTH" THROUGHOUT THE STATE AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO BE AWARE OF MOTORCYCLISTS WHO SHARE OUR ROADS AND HIGHWAYS AND TO WORK TOGETHER TO REDUCE MOTORCYCLE-RELATED CRASHES, INJURIES, AND FATALITIES.

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

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

RECALLED

H. 3871 -- Rep. Alexander: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF DARGAN STREET IN THE CITY OF FLORENCE FROM ITS INTERSECTION WITH LUCAS STREET TO ITS INTERSECTION WITH BAROODY STREET "REVEREND

[SJ]

TUESDAY, APRIL 28, 2015

WILLIAM LEVI THOMPSON WAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

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

Motion Adopted

On motion of Senator MASSEY, with unanimous consent, Senators BENNETT, GROOMS, CAMPBELL, CLEARY, ALEXANDER, SABB and MASSEY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 718 -- Senator Corbin: A BILL TO AMEND SECTION 2-19-10 OF THE 1976 CODE, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, TO PROVIDE THAT TWO MEMBERS OF THE COMMISSION MUST BE APPOINTED FROM EACH CONGRESSIONAL DISTRICT, TO PROVIDE THAT THE GOVERNOR MAY APPOINT ONE MEMBER FROM THE STATE AT LARGE, TO PROVIDE FOR THE APPOINTMENT OF MEMBERS BY LEGISLATIVE DELEGATIONS, TO LIMIT MEMBERSHIP ON THE COMMISSION TO TWO TERMS, TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE COMMISSION, TO PROVIDE THAT THE COMMISSION SHALL SELECT ITS OFFICERS, TO PROVIDE THAT FORMER MEMBERS OF THE GENERAL ASSEMBLY MUST BE OUT OF OFFICE FOR FIVE YEARS BEFORE SERVING ON THE COMMISSION, AND TO PROVIDE THAT PRACTICING ATTORNEYS, CURRENT JUDGES, AND FORMER JUDGES MAY NOT SERVE ON THE COMMISSION.

I:\s-res\tdc\006judi.ls.tdc.docx

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

TUESDAY, APRIL 28, 2015

S. 719 -- Senator Bright: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO PRIVILEGES AND IMMUNITIES OF CITIZENS OF THIS STATE, SO AS TO EXTEND THE PRIVILEGES AND IMMUNITIES OF CITIZENS OF THIS STATE TO BORN AND PREBORN PERSONS BEGINNING AT CONCEPTION.

I:\council\bill\ncd\11106cz15.docx

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

S. 720 -- Senators Nicholson and Shealy: A SENATE RESOLUTION TO DECLARE THE MONTH OF MAY 2015 AS "TEEN PREGNANCY PREVENTION MONTH" THROUGHOUT THE STATE AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO WORK TOGETHER TO REDUCE AND PREVENT TEEN PREGNANCY FOR THE FUTURE SUCCESS OF OUR YOUNG PEOPLE.

I:\s-res\fn\005teen.kmm.fn.docx

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

S. 721 -- Senator Alexander: A CONCURRENT RESOLUTION TO PROCLAIM THE MONTH OF MAY 2015 AS "OLDER AMERICANS MONTH" AND TO URGE SOUTH CAROLINIANS TO TAKE TIME TO CELEBRATE OLDER ADULTS AND THE PEOPLE WHO SERVE AND SUPPORT THEM AS SUPPORTIVE AND VITAL INDIVIDUALS WHO GREATLY CONTRIBUTE TO THE WELL-BEING OF SOUTH CAROLINA'S GROWING AGING POPULATION.

I:\s-res\tca\042olde.kmm.tca.docx

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

S. 722 -- Senators Scott, Sabb, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO

[SJ]

TUESDAY, APRIL 28, 2015

WELCOME HIGHLY ACCLAIMED ACTOR AND ACTIVIST DANNY GLOVER TO THE PALMETTO STATE AND TO EXPRESS PROFOUND APPRECIATION FOR HIS ADDRESS AT THE 2015 COMMENCEMENT OF VOORHEES COLLEGE.

l:\council\bill\bh\26291ahb15.docx

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

S. 723 -- Senators Scott, Jackson, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Sabb, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONVEY THE DEEPEST SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE DEATH OF WILLIAM L. BONNER OF DETROIT, MICHIGAN, CHIEF APOSTLE OF THE CHURCH OF OUR LORD JESUS CHRIST OF THE APOSTOLIC FAITH, AND TO OFFER THEIR SINCERE CONDOLENCES TO HIS LOVING FAMILY AND HIS MANY FRIENDS.

l:\council\bill\gm\24376sd15.docx

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

S. 724 -- Senator Scott: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE DEATH OF MR. JAMES SMITH OF COLUMBIA AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

l:\council\bill\rm\1250cz15.docx

The Senate Resolution was adopted.

S. 725 -- Senator Hayes: A SENATE RESOLUTION TO RECOGNIZE AND HONOR DR. D. WAYNE BRAZELL, SUPERINTENDENT FOR THE SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT, UPON THE OCCASION OF HIS RETIREMENT AFTER A DISTINGUISHED CAREER OF FORTY-TWO YEARS IN THE FIELD OF EDUCATION AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

[SJ]

TUESDAY, APRIL 28, 2015

I:\council\bills\rm\1249ahb15.docx

The Senate Resolution was adopted.

H. 3353 -- Reps. Bradley, Herbkersman, Daning, Erickson, Long, Bowers, Newton, Wells, Corley, Hodges, R. L. Brown, George, Johnson and Robinson-Simpson: A JOINT RESOLUTION TO ESTABLISH BEGINNING WITH THE 2015-2016 SCHOOL YEAR A TWO-YEAR PILOT PROGRAM IN FIVE SPECIFIC COUNTIES TO FACILITATE THE USE OF GENERAL EDUCATIONAL DEVELOPMENT CAMPS TO HELP PEOPLE OBTAIN THEIR GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATES, TO PROVIDE PROGRAM ELEMENTS, AND TO PROVIDE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION SHALL ESTABLISH AND OVERSEE THE PROGRAM.

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

H. 3534 -- Rep. Cobb-Hunter: A BILL TO AMEND SECTION 2-77-15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "ELIGIBLE INSTITUTION" AS IT PERTAINS TO THE SOUTH CAROLINA HIGHER EDUCATION EXCELLENCE ENHANCEMENT PROGRAM, SO AS TO INCLUDE AN INSTITUTION THAT OFFERS AT LEAST ONE NONSECTARIAN PROGRAM AT THE BACCALAUREATE LEVEL, AND TO INCLUDE AN INSTITUTION ACCREDITED BY AN ORGANIZATION THAT IS RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION AND ALSO RECEIVES TITLE III FUNDING.

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

H. 4041 -- Reps. J. E. Smith, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, 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, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S.

[SJ]

TUESDAY, APRIL 28, 2015

McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE JUNIOR LEAGUE OF COLUMBIA FOR ITS SIGNIFICANT CONTRIBUTIONS TO THE COMMUNITY AND TO CONGRATULATE THE JUNIOR LEAGUE OF COLUMBIA ON CELEBRATING ITS NINETIETH ANNIVERSARY ON SEPTEMBER 23, 2014.

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

REPORT OF STANDING COMMITTEE

Senator LEATHERMAN from the Committee on Finance submitted a majority favorable with amendment and Senator BRYANT a minority unfavorable report on:

H. 3702 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2014-2015, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., April 28, 2015

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Joint Resolution to the Senate with amendments:

H. 3663 -- Reps. Bingham and Mitchell: A JOINT RESOLUTION TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY AND DEVOLVE THE BOARD'S POWERS UPON THE STATE BUDGET AND CONTROL BOARD AND DIRECT THE STATE BUDGET AND CONTROL BOARD TO REMOVE THE CURRENT PRESIDENT OF SOUTH CAROLINA STATE UNIVERSITY AND

[SJ]

TUESDAY, APRIL 28, 2015

EMPLOY AN INTERIM CHIEF EXECUTIVE OFFICER WHO SHALL SERVE AT-WILL AT THE PLEASURE OF THE BOARD TO AID IN DIRECTING THE UNIVERSITY IN A NEW DIRECTION WITH AN EMPHASIS ON ADDRESSING AND CORRECTING THE ONGOING FINANCIAL DIFFICULTIES OF THE UNIVERSITY IN ORDER TO KEEP THE UNIVERSITY FUNCTIONAL AND MAINTAIN ITS ACCREDITATION.

Very respectfully,

Speaker of the House

Received as information.

Nonconcurrence

H. 3663 -- Reps. Bingham and Mitchell: A JOINT RESOLUTION TO REMOVE THE CURRENT MEMBERS OF THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY AND DEVOLVE THE BOARD'S POWERS UPON THE STATE BUDGET AND CONTROL BOARD AND DIRECT THE STATE BUDGET AND CONTROL BOARD TO REMOVE THE CURRENT PRESIDENT OF SOUTH CAROLINA STATE UNIVERSITY AND EMPLOY AN INTERIM CHIEF EXECUTIVE OFFICER WHO SHALL SERVE AT-WILL AT THE PLEASURE OF THE BOARD TO AID IN DIRECTING THE UNIVERSITY IN A NEW DIRECTION WITH AN EMPHASIS ON ADDRESSING AND CORRECTING THE ONGOING FINANCIAL DIFFICULTIES OF THE UNIVERSITY IN ORDER TO KEEP THE UNIVERSITY FUNCTIONAL AND MAINTAIN ITS ACCREDITATION.

On motion of Senator COURSON, with unanimous consent, the Senate proceeded to consideration of the Joint Resolution, the question being concurrence in the House amendments.

Senator COURSON explained the amendments.

On motion of Senator COURSON, with unanimous consent, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Message from the House

Columbia, S.C., April 28, 2015

Mr. President and Senators:

[SJ]

TUESDAY, APRIL 28, 2015

The House respectfully informs your Honorable Body that it has returned the following Joint Resolution to the Senate with amendments:

H. 3877 -- Reps. Delleney, D.C. Moss and Douglas: A JOINT RESOLUTION TO PROVIDE FOR THE WAIVER OF TWO OR FEWER DAYS THAT SCHOOLS IN CHESTER COUNTY CLOSED IN FEBRUARY 2015 DUE TO INCLEMENT WEATHER FROM THE STATUTORY REQUIREMENT THAT SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP, AND TO PROVIDE THAT THIS REQUIREMENT DOES NOT APPLY TO TIME MISSED DUE TO INCLEMENT WEATHER FROM THESE STORMS.

Very respectfully,
Speaker of the House

Received as information.

Ordered placed on the calendar for consideration tomorrow.

HOUSE CONCURRENCE

S. 701 -- Senator Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE OUTSTANDING WORK AND SIGNIFICANT IMPACT OF THE NATIONAL ACTIVE AND RETIRED FEDERAL EMPLOYEES ASSOCIATION AND TO CELEBRATE THEIR MEMBERS DURING PUBLIC SERVICE RECOGNITION WEEK FROM MAY 3 THROUGH 9, 2015.

Returned with concurrence.

Received as information.

Privilege of the Chamber

On motion of Senator BRYANT, on behalf of Senator JOHNSON, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to the Friendship Nine.

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

ORDERED ENROLLED FOR RATIFICATION

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

TUESDAY, APRIL 28, 2015

H. 3443 -- Reps. Long, Erickson, Daning, Atwater, Bradley, Hixon, Newton, Ridgeway, Simrill, Spires, G.M. Smith, Weeks and Johnson: A BILL TO AMEND SECTION 40-37-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASING, POSSESSING, ADMINISTERING, SUPPLYING, AND PRESCRIBING OF CERTAIN PHARMACEUTICAL AGENTS BY OPTOMETRISTS AND THE PROHIBITION ON SCHEDULE I AND II CONTROLLED SUBSTANCES, SO AS TO CLARIFY THAT SCHEDULE II CONTROLLED SUBSTANCES THAT HAVE BEEN RECLASSIFIED FROM SCHEDULE III TO SCHEDULE II ON OR AFTER OCTOBER 6, 2014, MAY CONTINUE TO BE PURCHASED, POSSESSED, ADMINISTERED, SUPPLIED, AND PRESCRIBED BY AN OPTOMETRIST.

**READ THE THIRD TIME
SENT TO THE HOUSE**

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

S. 512 -- Senators Sheheen, McElveen, Lourie and L. Martin: A BILL TO AMEND SECTION 6-13-90 OF THE 1976 CODE, RELATING TO WILFUL DAMAGE TO A WATER SYSTEM, TO PROVIDE DIFFERENT PENALTIES FOR VIOLATIONS OF THE SECTION BASED UPON THE AMOUNT OF PROPERTY DAMAGE; AND TO PROVIDE THAT ALL OFFENSES OF THIS NATURE SHALL BE SUBJECT TO THIS PENALTY.

S. 176 -- Senator Alexander: A BILL TO AMEND SECTION 44-63-74(A) OF THE 1976 CODE, RELATING TO ELECTRONIC FILING AND TRANSMISSION OF DEATH CERTIFICATES, TO PROVIDE THAT DEATH CERTIFICATES MUST BE ELECTRONICALLY FILED WITH THE BUREAU OF VITAL STATISTICS WITHIN THREE DAYS AFTER DEATH, TO PROVIDE THAT MEDICAL CERTIFICATIONS OF CAUSE OF DEATH SHALL BE COMPLETED AND RETURNED TO FUNERAL HOME DIRECTORS WITHIN FORTY-EIGHT HOURS AFTER DEATH BY THE PHYSICIAN IN CHARGE OF THE PATIENT'S CARE FOR THE ILLNESS OR CONDITION WHICH RESULTED IN DEATH, EXCEPT WHEN INQUIRY IS REQUIRED BY CORONER OR MEDICAL EXAMINER, TO PROVIDE THAT IF THE CAUSE

[SJ]

TUESDAY, APRIL 28, 2015

OF DEATH CANNOT BE DETERMINED WITHIN FORTY-EIGHT HOURS AFTER DEATH, A MEDICAL CERTIFICATION SHALL BE ENTERED AS PENDING AND A SUPPLEMENTAL REPORT SHALL BE FILED WITH THE BUREAU OF VITAL STATISTICS AND THIS REPORT SHALL BE MADE PART OF THE DEATH CERTIFICATE, AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 32-8-325(A)(1), RELATING TO THE RECEIPT OF INSTRUCTIONS FOR CREMATION, TO PROVIDE THAT A DEATH CERTIFICATE ABSTRACT IS SUFFICIENT TO AUTHORIZE CREMATIONS; AND TO AMEND SECTION 32-8-340(A), RELATING TO THE TIME PERIOD PRIOR TO CREMATION, TO CONFORM TO AMENDMENTS ALLOWING FOR THE USE OF A DEATH CERTIFICATE ABSTRACT.

S. 341 -- Senator Kimpson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-37-65 SO AS TO PROVIDE THAT EVERY HOSPITAL IN THIS STATE SHALL PROVIDE THE PARENTS OF EACH NEWBORN BABY DELIVERED IN THE HOSPITAL CERTAIN EDUCATIONAL INFORMATION ON RENAL MEDULLARY CARCINOMA AND THE DEBILITATING EFFECT OF THIS RARE KIDNEY CANCER ASSOCIATED WITH THE SICKLE CELL TRAIT, AND TO PROVIDE A HOSPITAL IS NOT REQUIRED TO PROVIDE OR PAY FOR RENAL MEDULLARY CARCINOMA TESTING.

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

TUESDAY, APRIL 28, 2015

S. 667 -- Senators Hayes, Williams, L. Martin, Alexander and Peeler:
A BILL TO AMEND SECTION 1-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION AND BOUNDARIES OF THE STATE, SO AS TO CLARIFY THE BOUNDARY BETWEEN NORTH CAROLINA AND SOUTH CAROLINA ALONG Horry, Dillon, Marlboro, Chesterfield, Lancaster, York, Cherokee and Spartanburg Counties and to provide additional information about the plats describing the location of the boundary between North Carolina and South Carolina along Greenville, Pickens, and Oconee Counties; by adding Section 12-2-110 so as to provide that "new jobs" are not created in South Carolina by employees whose work location is changed from North Carolina to South Carolina as a result of the boundary clarification, nor is there any new investment in South Carolina as a result of property that changes location from North Carolina to South Carolina as a result of the boundary clarification; by adding Section 12-2-120 so as to provide for the manner and application of tax assessments and refunds for the period prior to the boundary clarification; by adding Section 12-2-130 so as to provide that in the year containing the date of the boundary clarification, the Department of Revenue has the authority to compromise taxes that result in taxation in both South Carolina and North Carolina solely because of the boundary clarification; by adding Section 12-6-5600 so as to provide for the income tax treatment of individuals and businesses whose state of residence or property location changes as a result of the boundary clarification; by adding Section 12-21-820 so as to provide for the manner of cigarette and tobacco products taxation as a result of the boundary clarification; by adding Section 12-24-160 so as to provide that if, as a result of the boundary clarification, property is deemed to have changed locations from North Carolina to

[SJ]

TUESDAY, APRIL 28, 2015

SOUTH CAROLINA AND IF SOLELY AS A RESULT OF THIS CHANGE, A DEED IS FILED IN SOUTH CAROLINA, NO DEED RECORDING FEES ARE DUE ON THIS FILING AND NO COUNTY FILING FEES MAY BE CHARGED; BY ADDING SECTION 12-28-350 SO AS TO PROVIDE THAT A RETAILER THAT SELLS MOTOR FUEL WHOSE BUSINESS LOCATION CHANGES FROM SOUTH CAROLINA TO NORTH CAROLINA AS A RESULT OF THE BOUNDARY CLARIFICATION IS ALLOWED A REFUND OF SOUTH CAROLINA MOTOR FUEL TAXES OR USER FEES IF NORTH CAROLINA REQUIRES THAT RETAILER TO PAY THE NORTH CAROLINA MOTOR FUEL TAXES OR USER FEES ON THAT SAME FUEL; BY ADDING SECTION 12-36-2695 SO AS TO PROVIDE FOR THE MANNER IN WHICH SALES AND USE TAXES AND ADMISSIONS TAXES MUST BE COLLECTED AND PAID AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-37-140 SO AS TO PROVIDE FOR HOW CERTAIN REAL AND PERSONAL PROPERTY IS SUBJECT TO PROPERTY TAXATION, AND FOR PROCEDURAL MATTERS RELATING TO THIS TAXATION, INCLUDING APPLICATION LIEN DATES; BY ADDING SECTION 12-37-145 SO AS TO FURTHER PROVIDE FOR MOTOR VEHICLE LICENSE REGISTRATION AND MOTOR VEHICLE PERSONAL PROPERTY TAXES AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING SECTION 12-37-150 SO AS TO PROVIDE THAT IF AS A RESULT OF THE BOUNDARY CLARIFICATION AN INDIVIDUAL IS REQUIRED TO REGISTER HIS PERSONAL MOTOR VEHICLE IN SOUTH CAROLINA AND IF THE PROPERTY TAXES ON THAT MOTOR VEHICLE WOULD HAVE BEEN LESS IN NORTH CAROLINA, THE INDIVIDUAL MAY RECEIVE A TAX REBATE FROM THE SOUTH CAROLINA COUNTY FOR THE DIFFERENCE BETWEEN THE TAX THE INDIVIDUAL WAS REQUIRED TO PAY IN SOUTH CAROLINA AND THE INDIVIDUAL WAS REQUIRED TO PAY IN NORTH CAROLINA ON THAT SAME VEHICLE; BY ADDING SECTION 12-37-155 SO AS TO PROVIDE THAT FOR 2016 ONLY, THE LIEN DATE FOR NONBUSINESS PERSONAL PROPERTY, OTHER THAN MOTOR VEHICLES, IS JANUARY 1, 2016, FOR INDIVIDUALS WHOSE STATE OF RESIDENCY CHANGES FROM NORTH CAROLINA TO SOUTH CAROLINA SOLELY AS A RESULT OF THE BOUNDARY CLARIFICATION; BY ADDING

[SJ]

TUESDAY, APRIL 28, 2015

SECTION 29-3-800 SO AS TO PROVIDE SPECIFIED PROCEDURES IN REGARD TO THE FORECLOSURE OF MORTGAGES AND OTHER LIENS ENCUMBERING AFFECTED LANDS; BY ADDING SECTION 30-5-270 SO AS TO PROVIDE FOR SPECIAL RECORDING REQUIREMENTS FOR DEEDS, PLATS, MORTGAGES, AND OTHER INSTRUMENTS REGARDING REAL PROPERTY IN THE AFFECTED JURISDICTIONS, AND TO REQUIRE A NOTICE OF THE STATE BOUNDARY CLARIFICATION TO BE PROVIDED BY THE REGISTER OF DEEDS OR CLERKS OF COURT IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-1-310 SO AS TO PROVIDE A COMPLIANCE SCHEDULE FOR ENVIRONMENTAL PERMITTEES IMPACTED BY THE BOUNDARY CLARIFICATION; BY ADDING SECTION 44-6-110 SO AS TO PROVIDE THAT A MEDICAID PROVIDER OUTSIDE OF THE GEOGRAPHICAL BOUNDARY OF SOUTH CAROLINA BUT WITHIN THE SOUTH CAROLINA MEDICAID SERVICE AREA SHALL NOT LOSE STATUS AS A MEDICAID PROVIDER AS A RESULT OF THE CLARIFICATION OF THE SOUTH CAROLINA - NORTH CAROLINA BORDER; BY ADDING CHAPTER 2 TO TITLE 58 SO AS TO PROVIDE FOR THE MANNER IN WHICH UTILITY SERVICES MUST BE PROVIDED IN AREAS AFFECTED BY THE BOUNDARY CLARIFICATION; BY ADDING SECTION 59-63-550 SO AS TO FURTHER PROVIDE FOR SCHOOL ATTENDANCE PROCEDURES AND REQUIREMENTS FOR CHILDREN RESIDING IN SCHOOL DISTRICTS AFFECTED BY THE BOUNDARY CLARIFICATION; AND BY ADDING SECTION 59-112-150 SO AS TO FURTHER PROVIDE FOR IN-STATE TUITION RATES AND THE AWARDED OF OTHER STATE-SUPPORTED SCHOLARSHIPS AND GRANTS TO INDEPENDENT PERSONS AND THEIR DEPENDENTS AFFECTED BY THE BOUNDARY CLARIFICATION.

S. 586 -- Senators L. Martin, Sheheen, Massey and Campsen: A BILL TO AMEND SECTION 1-11-470, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON A CONSTITUTIONAL OFFICER'S USE OF FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY, SO AS TO CHANGE REFERENCES FROM THE BUDGET AND CONTROL BOARD TO THE STATE FISCAL ACCOUNTABILITY AUTHORITY; TO

[SJ]

TUESDAY, APRIL 28, 2015

AMEND CHAPTER 30 OF TITLE 1 OF THE 1976 CODE, RELATING TO DEPARTMENTS OF STATE GOVERNMENT, SO AS TO PROVIDE CORRECT REFERENCES TO ESTABLISHING AUTHORITY OR DUTIES FOR EACH DEPARTMENT AND DELETE LANGUAGE CONCERNING GOVERNMENT AGENCY TRANSFERS THAT HAVE BEEN ACCOMPLISHED; TO AMEND SECTION 2-13-240, RELATING TO DISTRIBUTION OF CODE SETS BY THE LEGISLATIVE COUNCIL, SO AS TO PROVIDE THAT THE LEGISLATIVE COUNCIL, AS IT DETERMINES IN THE BEST INTERESTS OF THE STATE, MAY DISTRIBUTE OR SELL CODE OF LAWS, SUPPLEMENTS, OR REPLACEMENT VOLUMES TO PUBLIC SECTOR ENTITIES EXCEPT THAT IT MUST NOT CHARGE THE GENERAL ASSEMBLY FOR CODES PLACED IN THE STATE HOUSE OR GRESSETTE OR BLATT BUILDINGS; TO AMEND SECTION 48-4-10, RELATING TO CREATION OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO DELETE PROVISIONS CONCERNING GOVERNMENT AGENCY TRANSFERS THAT HAVE BEEN ACCOMPLISHED; TO AMEND SECTION 58-3-580, RELATING TO STAFF ORGANIZATION AND ALLOCATION IN THE OFFICE OF REGULATORY STAFF, SO AS TO DELETE PROVISIONS THAT HAVE BEEN ACCOMPLISHED AND TO CLARIFY THE EXECUTIVE DIRECTOR'S AUTHORITY CONCERNING OFFICE PERSONNEL; TO AMEND SECTION 63-19-360, RELATING TO INSTITUTIONAL SERVICES, SO AS TO DELETE LANGUAGE CONCERNING REPORTS THAT ALREADY HAVE BEEN COMPLETED AND TO PROVIDE THAT FUTURE REPORTS BE MADE TO THE DEPARTMENT OF ADMINISTRATION INSTEAD OF THE BUDGET AND CONTROL BOARD, WHICH WILL BE ABOLISHED JULY 1, 2015, AS PROVIDED BY ACT 121 OF 2014; AND TO REPEAL SECTION 1-11-22, RELATING TO THE ORGANIZATION OF THE BUDGET AND CONTROL BOARD STAFF; SECTION 48-22-20, RELATING TO POWERS DEVOLVED UPON THE DEPARTMENT OF NATURAL RESOURCES BY THE 1993 RESTRUCTURING ACT; AND SECTION 59-150-355, RELATING TO EDUCATION LOTTERY APPROPRIATIONS AND USES, SO AS TO DELETE PROVISIONS CONCERNING TRANSFERS OF OR ACTIONS BY STATE GOVERNMENT AGENCIES THAT HAVE BEEN ACCOMPLISHED.

[SJ]

TUESDAY, APRIL 28, 2015

**AMENDED, READ THE THIRD TIME
SENT TO THE HOUSE**

S. 673 -- Senator Sheheen: A BILL TO AMEND SECTION 4-9-82 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A TRANSFER OF ASSETS BY A HOSPITAL PUBLIC SERVICE DISTRICT, SO AS TO SPECIFY THAT THE PROVISIONS OF THE SECTION DO NOT APPLY TO ANY TRANSACTION THAT INCLUDES THE HOSPITAL PUBLIC SERVICE DISTRICT'S ENTRY INTO A LEASE OF ANY OR ALL OF ITS REAL PROPERTY ASSOCIATED WITH THE DELIVERY OF HOSPITAL SERVICES REGARDLESS OF THE LENGTH OF THE TERM OF THE REAL PROPERTY LEASE OR WHETHER OR NOT THE TRANSACTION ALSO INCLUDES THE SALE OR LEASE OF OTHER ASSETS OF THE DISTRICT.

The Senate proceeded to the consideration of the Bill.

Motion Under Rule 26B

Senator SHEHEEN moved to take up a further amendment pursuant to the provisions of Rule 26B.

Senators SHANE MARTIN and PEELER proposed the following amendment (S-673), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 39 and inserting:

/ SECTION 2. Section 4-9-82(C) of the 1976 Code is amended to read:

(C) Provided, however, that the requirements of subsection (B) do not apply to a transfer by a hospital public service district that owns or controls less than one hundred ~~thirty~~ forty-five licensed or otherwise authorized acute care hospital beds and is located entirely within a county with a population of less than forty thousand persons, and the:

(1) transfer is to a not-for-profit entity whose governing board is appointed by the Governor, upon the recommendation of the legislative delegation from the county where the hospital public service district is located, and which otherwise is in compliance with subsection (A); or

(2) transfer is to an entity created pursuant to the provisions of Chapter 31 of Title 33, or the provisions of Chapter 35 of Title 33, or the provisions of Articles 15 and 16 of Chapter 7 of Title 44, and whose governing board is appointed by the Governor, upon recommendation of

TUESDAY, APRIL 28, 2015

the legislative delegation from the county where the hospital public service district is located; or

(3) transfer is to another governmental entity.

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

Re-number sections to conform.

Amend title to conform.

Senator SHEHEEN 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 41; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Cleary	Coleman
Corbin	Courson	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Jackson	Kimpson
Leatherman	Lourie	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
McElveen	Nicholson	O'Dell
Peeler	Sabb	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill was read the third time, passed and ordered sent to the House.

TUESDAY, APRIL 28, 2015

**MINORITY REPORT REMOVED
COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 268 -- Senators L. Martin and Campsen: A BILL TO AMEND SECTION 14-7-1630, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JURISDICTION OF STATE GRAND JURIES, TO AMEND SECTION 14-7-1650, AS AMENDED, RELATING TO THE DUTIES AND OBLIGATIONS OF THE ATTORNEY GENERAL REGARDING THE STATE GRAND JURY SYSTEM, TO AMEND SECTION 14-7-1660, AS AMENDED, RELATING TO THE SELECTION OF GRAND JURORS, TO AMEND SECTION 14-7-1690, AS AMENDED, RELATING TO THE GRAND JURY'S AREAS OF INQUIRY AND RELATED PROCEDURES, TO AMEND SECTION 14-7-1720, AS AMENDED, RELATING TO SECRECY OF GRAND JURY PROCEEDINGS, AND TO AMEND SECTION 14-7-1730, AS AMENDED, RELATING TO JURISDICTION OF PRESIDING JUDGES OF STATE GRAND JURIES, ALL SO AS TO REVISE PROCEDURES REGARDING THE STATE GRAND JURY SYSTEM RELATING TO NOTIFICATION PROCEDURES WHEN A STATE GRAND JURY IS IMPANELED, COMMUNICATIONS BETWEEN THE PRESIDING JUDGE AND THE ATTORNEY GENERAL INCLUDING APPELLATE REVIEW OF A JUDGE'S REFUSAL TO IMPANEL A STATE GRAND JURY, AMONG OTHER THINGS, TO PROVIDE A PROCEDURE WHEN A CONFLICT OF INTEREST ARISES INVOLVING THE ATTORNEY GENERAL RELATED TO THE GRAND JURY PROCESS, TO PROVIDE PROCEDURES RELATED TO SECRECY OF CERTAIN GRAND JURY PROCEEDINGS, AND TO MAKE OTHER NECESSARY TECHNICAL CHANGES.

Minority Report Removed

On motion of Senator SABB, with unanimous consent, the Minority Report was removed from the Bill.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0268.004) , which was adopted:

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

[SJ]

TUESDAY, APRIL 28, 2015

/ SECTION 1. Sections 14-7-1630(B)-(G) of the 1976 Code is amended to read:

“(B) ~~Whenever~~ When the Attorney General and the Chief of the South Carolina Law Enforcement Division consider ~~it a state grand jury necessary and normal to enhance the effectiveness of~~ investigative or prosecutorial procedures ~~are not adequate~~, the Attorney General may ~~petition~~ notify in writing to the chief administrative judge ~~of for general sessions in the judicial circuit in which he seeks to impanel a state grand jury for an order impaneling that~~ a state grand jury investigation is being initiated. This judge is referred to in this article as the ~~impaneling~~ presiding judge. The ~~petition~~ notification must allege the type of offenses to be inquired into and, in the case of those offenses contained in subsection (A)(1), must allege that these offenses may be of a multi-county nature or have transpired or are transpiring or have significance in more than one county of the State. The ~~petition~~ notification in all instances must specify that the public interest is served by the impanelment.

(C) In all investigations of crimes specified in subsection (A)~~(9)~~(12), except in matters where the Department of Health and Environmental Control or its officers or employees are the subjects of the investigation, the Commissioner of the Department of Health and Environmental Control must consult with and, after investigation, provide a formal written recommendation to the Attorney General and the Chief of the South Carolina Law Enforcement Division. The Attorney General and the Chief of the South Carolina Law Enforcement Division must consider the impaneling of a state grand jury necessary and the commissioner must sign a written recommendation before the Attorney General ~~presents a petition, which includes the commissioner's written recommendation, to~~ notifies the chief administrative judge pursuant to Section 14-7-1630(B).

(1) In the case of evidence brought to the attention of the Attorney General, the Chief of the South Carolina Law Enforcement Division, or the Department of Health and Environmental Control by an employee or former employee of the alleged violating entity, there also must be separate, credible evidence of the violation in addition to the testimony or documents provided by the employee or former employee of the alleged violating entity.

(2) When an individual employee performs a criminal violation of the environmental laws that results in actual and substantial harm pursuant to subsection (A)~~(9)~~(12) and which prompts an investigation

TUESDAY, APRIL 28, 2015

authorized by this article, only the individual employee is subject to the investigation unless or until there is separate, credible evidence that the individual's employer knew of, concealed, directed, or condoned the employee's action.

(D) If the notification properly alleges inquiry into crimes within the jurisdiction of the State Grand Jury and the notification is otherwise in order pursuant to the requirements of this section, the impaneling presiding judge, after due consideration of the petition, may order the impanelment of must impanel a state grand jury. State grand juries are impaneled in accordance with the petition for a term of twelve calendar months. Upon petition the request by the Attorney General, the then chief administrative judge of for general sessions in the judicial circuit in which a state grand jury was impaneled, by order, may must extend the term of that state grand jury for a period of six months but the term of that state grand jury, including an extension of the term, shall must not exceed two years. If at the conclusion of a state grand jury's term a particular investigation is not completed, the Attorney General may notify the presiding judge in writing that the investigation is being transferred to the subsequently impaneled state grand jury.

A decision by the presiding judge not to impanel a state grand jury after notification by the Attorney General may be appealed to the Supreme Court and shall be handled in an expedited fashion.

(E) The chief administrative judge of the circuit wherein a state grand jury is sitting shall preside over that state grand jury during his tenure as chief administrative judge. The successor chief administrative judge shall assume all duties and responsibilities with regard to a state grand jury impaneled before his term including, but not limited to, presiding over the state grand jury and ruling on petitions to extend its term. ~~This judge is referred to in this article as the presiding judge.~~

(F) Upon the request of the Attorney General, the presiding judge may discharge a state grand jury prior to the end of its original term or an extension of the term, upon a determination that its business has been completed or upon the request of the Attorney General.

(G) ~~If, at any time within the original term of a state grand jury or an extension of the term, the presiding judge determines that the state grand jury is not conducting investigative activity within its jurisdiction or proper investigative activity, the presiding judge may limit the investigation so that the investigation conforms with the jurisdiction of the state grand jury and existing law or he may discharge the state grand jury. An order issued pursuant to this subsection limiting or ending a~~

TUESDAY, APRIL 28, 2015

state grand jury investigation shall only be granted upon a finding of arbitrary action, compelling circumstances, or serious abuses of law or procedure by or before the state grand jury, and ~~or pursuant to subsection (F)~~ does not become effective less than ten days after the date on which it is issued and actual notice given to the Attorney General and the foreman of the state grand jury, and may be appealed by the Attorney General or the legal advisor to the state grand jury to the Supreme Court. If an appeal from the order is made, the state grand jury, except as is otherwise ordered by the Supreme Court, shall continue to exercise its powers pending disposition of the appeal. Appeals by the Attorney General or the legal advisor to the state grand jury of orders limiting or ending a state grand jury investigation, and appeals from orders granting or denying motions to quash or contempt citations therefrom which are immediately appealable under the law, must be handled by the South Carolina Supreme Court in an expedited fashion.”

SECTION 2. Section 14-7-1650 of the 1976 Code, as last amended by Act 335 of 1992, is further amended to read:

“Section 14-7-1650. (A) The Attorney General or his designee shall attend sessions of a state grand jury and shall serve as its legal advisor. The Attorney General or his designee shall examine witnesses, present evidence, and draft indictments and reports upon the direction of a state grand jury.

(B) In all investigations of the crimes specified in Section 14-7-1630, except in matters where the solicitor(s) or his staff are the subject(s) of such investigation, the Attorney General shall consult with the appropriate solicitor(s) of the jurisdiction(s) where the crime or crimes occurred. After consultation, the Attorney General shall determine whether the investigation should be presented to a county grand jury or whether to ~~petition~~ initiate, under Section 14-7-1630(B), ~~for~~ a state grand jury investigation.

(C) ~~Where it is determined that a conflict of interest disqualifies a solicitor or the Attorney General~~ When the Attorney General determines that he should recuse himself from participation in a state grand jury investigation and prosecution, ~~the following shall apply:~~

~~(1) in the case of a solicitor, the Attorney General may either refer the matter to a solicitor for investigation and prosecution, or remove himself entirely from any involvement in the case and designate a prosecutor within the Attorney General’s Office to assume his functions and duties pursuant to this article. When a solicitor determines that he should recuse himself from participation in a state grand jury matter, the~~

TUESDAY, APRIL 28, 2015

Attorney General shall conduct such investigation and prosecution unless the Attorney General and a solicitor not so disqualified concur in the appointment by the Attorney General of the eligible solicitor as a designee of the Attorney General pursuant to Sections 14-7-1650 and 14-7-1750; but the Attorney General, in his discretion, may designate another solicitor or appoint a special prosecutor not subject to a conflict to handle or assist him in the state grand jury investigation as the Attorney General deems appropriate.

(2) in the case of the Attorney General's disqualification, the matter shall be referred to a solicitor for investigation and prosecution.

Any doubt regarding disqualification shall be resolved by the presiding judge of the state grand jury.

(D)(1) A hearing on a motion to disqualify the Attorney General or legal advisor for the state grand jury from a state grand jury investigation shall be held in public, however the presiding judge must conduct the hearing in a manner to insure the secrecy and integrity of the investigation. In order to disqualify the Attorney General or legal advisor for the state grand jury, the presiding judge must find an actual conflict of interest resulting in actual prejudice against the moving party.

(2) An order to disqualify the Attorney General or legal advisor for the state grand jury from a state grand jury investigation, issued prior to the issuance of an indictment or arrest warrant, shall not become effective less than ten days after the date issued and notice is given to the opposing parties unless appealed. If an appeal from the order is made, the state grand jury and the Attorney General or legal advisor for the state grand jury, except as is otherwise ordered by the Supreme Court, shall continue to exercise their powers pending disposition of the appeal. The Supreme Court must handle all appeals from this section in an expedited manner.

(3) The state grand jury may continue with its investigation and the Attorney General or the solicitor or his designee may continue to serve as legal advisor to the state grand jury with all authority, functions, and responsibilities set forth in this Article, until the final order becomes effective or upon the issuance of the final order of the Supreme Court if appealed, whichever occurs later."

SECTION 3. Section 14-7-1660 of the 1976 Code, as last amended by Act 335 of 1992, is further amended to read:

"Section 14-7-1660. (A) In the January following the effective date of this article and each January thereafter, the jury commissioners for each county shall proceed to draw at random from the jury box the name

TUESDAY, APRIL 28, 2015

of one person for each one thousand residents or fraction thereof of the county as determined by the latest United States census but following the effective date of this article, the ~~impaneling~~ presiding judge may authorize an interim procedure for the selection of state grand jurors to constitute the first state grand jury established pursuant to this article. The jury commissioners shall not disqualify or excuse any individual whose name is drawn. When the list is compiled, the clerk of court shall forward the list to the person designated as the clerk of the state grand jury by the ~~impaneling~~ presiding judge. Upon receipt of all the lists from the clerks of court, the clerk of the state grand jury shall draw therefrom at random a list of seven hundred eligible state grand jurors, this list to be known as the master list. The clerk of the state grand jury shall mail to every person whose name is drawn a juror qualification form, the form and the manner of qualifying potential state grand jurors to be determined by the Supreme Court. Based upon these inquiries, the presiding judge shall determine whether an individual is unqualified for, or exempt, or to be excused from jury service. The clerk of the state grand jury shall prepare annually a jury list of persons qualified to serve as state grand jurors, this list to be known as the qualified state grand jury list. No state grand juror may be excused or disqualified except in accordance with existing law.

(B) Upon the ~~impaneling~~ presiding judge ordering a term of a state grand jury ~~on petition of~~ upon notification of initiation of a state grand jury investigation by the Attorney General, the clerk of the state grand jury, upon the random drawing of the names of sixty persons from the qualified jury list, shall summon these individuals to attend the jury selection process for the state grand jury. The jury selection process must be conducted by the presiding judge. The clerk of the state grand jury shall issue his writ of venire facias for these persons, requiring their attendance at the time designated. The writ of venire facias must be delivered immediately to the sheriff of the county where the person resides and served as provided by law. From the sixty persons so summoned, a state grand jury for that term of eighteen persons plus four alternates must be drawn in the same manner as jurors are drawn for service on the county grand jury. Nothing in this section may be construed to limit the right of the Attorney General or his designee to request that a potential state grand juror be excused for cause. Jurors of a state grand jury shall receive a daily subsistence expense equal to the maximum allowable for the Columbia, South Carolina area, by regulation of the Internal Revenue Code when summoned or serving, and

TUESDAY, APRIL 28, 2015

also must be paid the same per diem and mileage as are members of state boards, commissions, and committees.”

SECTION 4. Section 14-7-1690 of the 1976 Code, as last amended by Act 335 of 1992, is further amended to read:

Section 14-7-1690. Once a state grand jury has entered into a term, the ~~petition and order establishing same may be amended~~ Attorney General or solicitor, in the appropriate case, may notify the presiding judge in writing as often as is necessary and appropriate so as to expand the areas of inquiry authorized by the order that the state grand jury’s areas of inquiry have been expanded or to add additional areas of inquiry have been added thereto. The procedures for amending this authority are the same as those for filing the original petition and order.”

SECTION 5. Section 14-7-1720 of the 1976 Code, as last amended by Act 335 of 2008, is further amended to read:

“Section 14-7-1720. (A) State grand jury proceedings are secret, and a state grand juror shall not disclose the nature or substance of the deliberations or vote of the state grand jury. The only persons who may be present in the state grand jury room when a state grand jury is in session, except for deliberations and voting, are the state grand jurors, the Attorney General or his designee, the court reporter, an interpreter if necessary, and the witness testifying. A state grand juror, the Attorney General or his designee, any interpreter used, the court reporter, and any person to whom disclosure is made pursuant to subsection (B)(2) of this section may not disclose the testimony of a witness examined before a state grand jury or other evidence received by it except when directed by a court for the purpose of:

- (1) ascertaining whether it is consistent with the testimony given by the witness before the court in any subsequent criminal proceeding;
- (2) determining whether the witness is guilty of perjury;
- (3) assisting local, state, other state or federal law enforcement or investigating agencies, including another grand jury, in investigating crimes under their investigative jurisdiction;
- (4) providing the defendant the materials to which he is entitled pursuant to Section 14-7-1700;
- (5) complying with constitutional, statutory, or other legal requirements or to further justice.

If the court orders disclosure of matters occurring before a state grand jury, the disclosure must be made in that manner, at that time, and under those conditions as the court directs. The court must grant a request made by the Attorney General pursuant to this subsection in an expedited

TUESDAY, APRIL 28, 2015

manner so as to not interfere with or delay the operation of the state grand jury or its legal advisor when the requested disclosure is authorized by this subsection.

(B) In addition, disclosure of testimony of a witness examined before a state grand jury or other evidence received by it may be made without being directed by a court to:

(1) the Attorney General or his designee for use in the performance of their duties; and

(2) those governmental personnel, including personnel of the State or its political subdivisions, as are considered necessary by the Attorney General or his designee to assist in the performance of their duties to enforce the criminal laws of the State; provided that any person to whom matters are disclosed under this item (2) shall not utilize that state grand jury material for purposes other than assisting the Attorney General or his designee in the performance of their duties to enforce the criminal laws of the State. The Attorney General or his designee promptly shall provide the presiding judge before whom was impaneled the state grand jury whose material has been disclosed, the names of the persons to whom the disclosure has been made, and shall certify that he has advised these persons of their obligation of secrecy under this section.

(C) Nothing in this section affects the attorney-client relationship. A client has the right to communicate to his attorney any testimony given by the client to a state grand jury, any matters involving the client discussed in the client's presence before a state grand jury, and evidence involving the client received by or proffered to a state grand jury in the client's presence.

(D) Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine not exceeding five thousand dollars or by a term of imprisonment not exceeding one year, or both.

(E) State grand jurors, the Attorney General or his designee, the court reporter, any interpreter used, and the clerk of the state grand jury must be sworn to secrecy and also may be punished for criminal contempt for violations of this section. Once he is sworn to secrecy, the clerk of the state grand jury is authorized, only if requested by the Attorney General or his designee, to give the oath of secrecy to members of the Attorney General's staff; experts or other individuals contracted by the Attorney General or law enforcement for assistance in a state grand jury investigation; federal, state, or local prosecutors and their staff; and federal, state, or local law enforcement officers and their staff. Once he

TUESDAY, APRIL 28, 2015

is sworn, the clerk of the state grand jury is authorized at any time to give the oath of secrecy to members of his own staff or to the court reporter.”

SECTION 6. Section 14-7-1730 of the 1976 Code, as last amended by Act 335 of 1992, is further amended to read:

“Section 14-7-1730. Except for the prosecution of cases arising from indictments issued by the state grand jury, and subject to the provisions and standards provided in Sections 14-7-1630 and 14-7-1650, the presiding judge has jurisdiction to hear all matters arising from the proceedings of a state grand jury, including, but not limited to, matters relating to the impanelment or removal of state grand jurors, the quashing of subpoenas, the punishment for contempt, and the matter of bail for persons indicted by a state grand jury.”

SECTION 7. This act takes effect upon approval by the Governor.

---XX--- /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The question then being the second reading of the Bill.

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

Ayes 37; Nays 1

AYES

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Cleary	Coleman
Corbin	Cromer	Davis
Fair	Gregory	Grooms
Hayes	Hembree	Hutto
Johnson	Kimpson	Lourie
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	McElveen	Nicholson
O'Dell	Peeler	Scott
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Young		

Total--37

[SJ]

29

TUESDAY, APRIL 28, 2015

NAYS

Sabb

Total--1

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

READ THE SECOND TIME

S. 588 -- Senators Young, Setzler and Massey: A BILL TO AMEND SECTION 7-7-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN AIKEN COUNTY, SO AS TO ADD FIVE PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Campbell	Campsen
Cleary	Corbin	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Johnson	Kimpson
Leatherman	Lourie	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
McElveen	Nicholson	O'Dell
Peeler	Reese	Sabb
Scott	Setzler	Shealy
Sheheen	Thurmond	Turner
Verdin	Williams	Young

Total--39

[SJ]

30

TUESDAY, APRIL 28, 2015

NAYS

Total--0

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

READ THE SECOND TIME

S. 47 -- Senators Malloy, Kimpson, Johnson, Pinckney, Thurmond, Setzler, Grooms, Lourie, McElveen, Allen, Shealy, Coleman, Campsen, Scott and Nicholson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-1-240, SO AS TO PROVIDE THAT ALL STATE AND LOCAL LAW ENFORCEMENT OFFICERS MUST BE EQUIPPED WITH BODY-WORN CAMERAS.

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

Senator CORBIN spoke on the Bill.

Motion Adopted

On motion of Senator BRIGHT, with unanimous consent, the Bill was read the second time, carrying over all amendments, and the provisions of Rule 26B were waived in order to allow amendments to be considered on third reading.

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

READ THE SECOND TIME

S. 666 -- Senator Hayes: A BILL TO AMEND SECTION 38-39-70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MATTERS THAT MAY BE INCLUDED IN PREMIUM SERVICE AGREEMENTS, SO AS TO PROVIDE THESE AGREEMENTS ALSO MAY INCLUDE INTEREST ON MITIGATION LOANS AS APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE OR HIS DESIGNEE AND TO PROVIDE INTEREST CHARGES RELATED TO MITIGATION PROJECTS OR LOANS MUST BE LIMITED TO THE STATUTORY LEGAL RATE OF

[SJ]

TUESDAY, APRIL 28, 2015

INTEREST; AND TO AMEND SECTION 38-39-80, RELATING TO ACTIVITIES PROHIBITED OF INSURANCE PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE INSURANCE PREMIUM SERVICE COMPANIES MAY NOT WRITE INSURANCE OR SELL OTHER SERVICES OR COMMODITIES IN CONNECTION WITH A PREMIUM SERVICE CONTRACT EXCEPT AS APPROVED BY THE DIRECTOR OR HIS DESIGNEE FOR MITIGATION PURPOSES.

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

Senator CROMER explained the Bill.

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

Ayes 40; Nays 1; Abstain 1

AYES

Alexander	Allen	Bennett
Bryant	Campbell	Campsen
Cleary	Coleman	Corbin
Cromer	Davis	Fair
Gregory	Hayes	Hembree
Hutto	Johnson	Kimpson
Leatherman	Lourie	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
Matthews	McElveen	Nicholson
O'Dell	Peeler	Reese
Sabb	Scott	Setzler
Shealy	Sheheen	Thurmond
Turner	Verdin	Williams
Young		

Total--40

NAYS

Grooms

Total--1

ABSTAIN

[SJ]

32

TUESDAY, APRIL 28, 2015

Bright

Total--1

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

AMENDMENT PROPOSED, CARRIED OVER

S. 215 -- Senators Campsen and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONDUCT OF ELECTIONS, BY AMENDING SECTIONS 7-13-35 AND 7-13-190, TO PROVIDE THAT AN ELECTION SHALL BE POSTPONED IF THE GOVERNOR DECLARES A STATE OF EMERGENCY FOR AN ENTIRE JURISDICTION HOLDING AN ELECTION, THAT THE POSTPONED ELECTION SHALL BE HELD ON THE FIRST TUESDAY FOLLOWING THE ORIGINAL ELECTION DATE, AND THAT THIS PROVISION DOES NOT APPLY TO STATEWIDE PRIMARIES OR GENERAL ELECTIONS UNLESS THE DECLARATION COVERS THE ENTIRE STATE; TO AMEND SECTION 7-13-350 TO CHANGE THE DATE THAT CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT MUST BE CERTIFIED TO THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN SEPTEMBER; TO AMEND SECTION 5-15-100 RELATING TO MUNICIPAL ELECTIONS, TO PROVIDE THAT MANAGERS OF AN ELECTION SHALL CERTIFY THE RESULTS WITHIN TWO DAYS OF THE ELECTION; TO AMEND SECTIONS 7-17-10 AND 7-17-20, TO PROVIDE THAT THE COMMISSIONERS OF ELECTION FOR STATEWIDE OFFICERS, SOLICITORS, MEMBERS OF THE GENERAL ASSEMBLY, AND COUNTY OFFICERS MUST MEET ON THE MONDAY FOLLOWING AN ELECTION TO ORGANIZE AS THE COUNTY BOARD OF CANVASSERS AND TO REQUIRE THAT THEY SUBMIT THEIR RESULTS TO THE STATE BOARD OF CANVASSERS BY NOON ON THE TUESDAY FOLLOWING THE ELECTION; TO AMEND ARTICLE 1, CHAPTER 17, TITLE 7 BY ADDING SECTION 7-17-25 TO PROVIDE THAT POST ELECTION AUDITS ARE TO BE COMPLETED BY COUNTY BOARDS OF REGISTRATION AND ELECTION PRIOR TO CERTIFICATION AND TO REQUIRE THAT ENABLING REGULATIONS ARE TO PROVIDE THAT THE AUDIT DATA AND RESULTS ARE TO BE OPEN TO THE PUBLIC;

[SJ]

TUESDAY, APRIL 28, 2015

TO AMEND SECTION 7-11-15 RELATING TO THE FILING OF THE STATEMENT OF INTENTION OF CANDIDACY AND PARTY PLEDGE, TO REDUCE THE NUMBER OF SIGNED COPIES THAT MUST BE FILED WITH THE ELECTION COMMISSION FROM THREE TO ONE; AND TO AMEND SECTION 7-11-80 TO PROVIDE FOR AN ALTERNATE PAPER SIZE FOR NOMINATING PETITIONS FOR CANDIDACY OR POLITICAL PARTY CERTIFICATION.

The Senate proceeded to a consideration of the Bill.

Senator SCOTT proposed the following amendment (JUD0215.003), which was proposed:

Amend the bill, as and if amended, by striking SECTION 1, Section 7-13-35, lines 18-36 on page 2 and inserting:

/ “Section 7-13-35. (A) The authority charged by law with conducting an election must publish two notices of general, municipal, special, and primary elections held in the county in a newspaper of general circulation in the county or municipality, as appropriate. Included in each notice must be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return-addressed envelopes containing absentee ballots may begin at ~~2:00 p.m.~~ 9:00 a.m. on the calendar day immediately preceding election day at a place designated in the notice by the authority charged with conducting the election. The first notice must appear not later than sixty days before the election and the second notice must appear not later than two weeks after the first notice.

(B) In the event the election is postponed, the election shall be held on the first Tuesday after the originally scheduled election day.” /

To further amend the bill, as and if amended by adding an appropriately numbered SECTION before SECTION 10 on page 7, and inserting:

/ SECTION __. Section 7-15-420 of the 1976 Code, as last amended by Act 284 of 2006, is further amended to read:

“Section 7-15-420. (A) The county board of voter registration and elections, municipal election commission, or executive committee of each municipal party in the case of municipal primary elections is

TUESDAY, APRIL 28, 2015

responsible for the tabulation and reporting of absentee ballots. At 9:00 a.m. on the calendar day immediately preceding election day, the managers appointed pursuant to Section 7-5-10, and in the presence of any watchers who have been appointed pursuant to Section 7-13-860, may begin the process of examining the return-addressed envelopes that have been received by the county board of voter registration and elections making certain that each oath has been properly signed and witnessed and includes the address of the witness. All return- addressed envelopes received by the county board of voter registration and elections before the time for closing the polls must be examined in this manner. A ballot may not be counted unless the oath is properly signed and witnessed nor may any ballot be counted which is received by the county board of voter registration and elections after time for closing of the polls. The printed instructions required by Section 7-15-370(2) to be sent each absentee ballot applicant must notify him that his vote will not be counted in either of these events. If a ballot is not challenged, the sealed return-addressed envelope must be opened by the managers, and the enclosed envelope marked "Ballot Herein" removed and placed in a locked box or boxes. After all return-addressed envelopes have been emptied in this manner, the managers shall remove the ballots contained in the envelopes marked "Ballot Herein", placing each one in the ballot box provided for the applicable contest. Beginning at 9:00 a.m. on the calendar day immediately preceding election day, the absentee ballots may be ~~tabulated~~ processed, including any absentee ballots received on election day before the polls are closed. Absentee ballots may not be tabulated until after the polls are closed on election day. If any ballot is challenged, the return-addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7-13-830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot. Results of the tabulation must not be publicly reported until after the polls are closed."

(B) Anyone who prematurely releases information to the public regarding the tabulation of ballots in violation of this section is guilty of a misdemeanor and, upon conviction must be fined up to one thousand dollars or imprisoned not more than ninety days." /

Renumber sections to conform.

Amend title to conform.

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

[SJ]

35

TUESDAY, APRIL 28, 2015

AMENDMENT PROPOSED, OBJECTION

S. 675 -- Finance Committee: A BILL TO AMEND SECTION 9-1-1310 OF THE 1976 CODE, RELATING TO TRUSTEES OF THE RETIREMENT SYSTEM, TO PROVIDE THAT THE RETIREMENT SYSTEM INVESTMENT COMMISSION IS A COTRUSTEE INSTEAD OF THE STATE BUDGET AND CONTROL BOARD, AND TO REQUIRE THE PUBLIC EMPLOYEE BENEFIT AUTHORITY TO HOLD THE ASSETS OF THE RETIREMENT SYSTEM IN A GROUP TRUST; TO AMEND SECTION 9-1-1320, RELATING TO THE CUSTODIAN OF RETIREMENT FUNDS, TO PROVIDE THAT THE BOARD OF DIRECTORS OF THE PUBLIC EMPLOYEE BENEFIT AUTHORITY SHALL BE THE CUSTODIAN, AND TO AUTHORIZE THE RETIREMENT SYSTEM INVESTMENT COMMISSION TO SELECT THE CUSTODIAL BANK; TO REPEAL SECTIONS 9-8-170(1), 9-9-160(1), 9-10-80(A), AND 9-11-250(1), ALL RELATING TO THE CUSTODIAN OF RETIREMENT FUNDS; TO AMEND SECTION 9-4-10, RELATING TO THE ESTABLISHMENT OF THE PUBLIC EMPLOYEE BENEFIT AUTHORITY, TO CHANGE THE COMPOSITION OF THE BOARD OF DIRECTORS, TO PROVIDE THAT DIRECTORS SERVE FOR A TERM OF FIVE YEARS AND MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS, AND TO PROVIDE FOR AN EXECUTIVE DIRECTOR; TO AMEND SECTION 9-4-40, RELATING TO THE AUDIT OF THE PUBLIC EMPLOYEE BENEFIT AUTHORITY, TO REQUIRE THE AUDIT BE PERFORMED EVERY FOUR YEARS; TO REPEAL SECTION 9-1-310 RELATING TO THE ADMINISTRATIVE COSTS OF THE RETIREMENT SYSTEMS; TO REPEAL SECTION 9-4-45 RELATING TO THE PUBLIC EMPLOYEE BENEFIT AUTHORITY'S POLICY DETERMINATIONS; TO AMEND SECTION 9-16-10, RELATING TO DEFINITIONS PERTAINING TO RETIREMENT SYSTEM FUNDS, TO DEFINE "FIDUCIARY" AND "TRUSTEE"; BY ADDING SECTION 9-16-25 TO PROVIDE FOR SIGNATORIES AUTHORIZED TO SIGN VOUCHERS TO EFFECT THE PAYMENT FROM THE RETIREMENT SYSTEM'S FUNDS OR TRANSFERS BETWEEN RETIREMENT SYSTEM ACCOUNTS NECESSARY FOR THE RETIREMENT SYSTEM INVESTMENT COMMISSION TO CARRY OUT ITS EXCLUSIVE AUTHORITY TO INVEST; TO AMEND SECTION 9-16-315, RELATING TO THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO

[SJ]

TUESDAY, APRIL 28, 2015

CHANGE THE COMPOSITION OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO PROVIDE THAT COMMISSION MEMBERS SERVE FOR A TERM OF FIVE YEARS AND MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS, TO PROVIDE FOR QUALIFICATIONS OF MEMBERS, TO PROVIDE FOR AN EXECUTIVE DIRECTOR, AND TO PROVIDE FOR HIRING LEGAL COUNSEL; TO AMEND SECTION 9-16-320(A), RELATING TO THE ANNUAL INVESTMENT PLAN OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO PROVIDE THAT THE CHIEF INVESTMENT OFFICER SHALL DEVELOP THE PLAN SUBJECT TO THE OVERSIGHT OF THE EXECUTIVE DIRECTOR; TO AMEND SECTION 9-16-330(A), RELATING TO INVESTMENT OBJECTIVES, TO INCORPORATE THE EXECUTIVE DIRECTOR; TO AMEND SECTION 9-16-335, RELATING TO THE ASSUMED RATE OF RETURN, TO PROVIDE THAT THE ASSUMED RATE OF RETURN EXPIRES EVERY FOUR YEARS SUBJECT TO ACTION BY THE GENERAL ASSEMBLY; TO AMEND SECTION 9-16-340, RELATING TO THE INVESTMENT OF RETIREMENT FUNDS, TO INCORPORATE THE EXECUTIVE DIRECTOR; AND TO AMEND SECTION 9-16-380, RELATING TO THE AUDIT OF THE RETIREMENT SYSTEM INVESTMENT COMMISSION, TO REQUIRE THE AUDIT BE PERFORMED EVERY FOUR YEARS.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY proposed the following amendment (675R001.EB.ASM) which was proposed:

Amend the bill, as and if amended, page 4, by striking lines 5-6 and inserting:

/ (a) ~~three~~ four nonrepresentative members appointed by the Governor; two nonrepresentative members and two representative members chosen from active, contributing members or retired members of SCRS or the Police Officers Retirement System; /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the Bill.

Senator THURMOND objected to further consideration of the Bill.

TUESDAY, APRIL 28, 2015

Motion Failed

Senator LEATHERMAN moved that the Senate stand adjourned.

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

Ayes 12; Nays 27

AYES

Alexander	Allen	Cleary
Gregory	Hayes	Johnson
Leatherman	Lourie	Matthews
McElveen	O'Dell	Sheheen

Total--12

NAYS

Bennett	Bright	Bryant
Coleman	Corbin	Cromer
Davis	Fair	Grooms
Hembree	Hutto	Kimpson
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Nicholson	Peeler
Reese	Scott	Setzler
Shealy	Thurmond	Turner
Verdin	Williams	Young

Total--27

Having failed to receive the necessary votes, the Senate refused to stand adjourned.

Expression of Personal Interest

Senator BRIGHT, with unanimous consent, rose for an Expression of Personal Interest.

LOCAL APPOINTMENTS

Confirmations

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

TUESDAY, APRIL 28, 2015

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Lynne H. Benfield, 247 Lauren Pines Drive, York, SC 29745

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Clayburn S. Barnette, Jr., 3131 Oak Park Road, Rock Hill, SC 29732

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Clifford E. Berinsky, 4819 Inwood Drive, Rock Hill, SC 29732

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Johnny H. Grayson, 387 Boyd Road, Clover, SC 29710

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Herman Melvin Howell, 2430 Hopewell Road, Hickory Grove, SC 29717

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Lewis D. Malphrus, Jr., 608 Pine Street, Fort Mill, SC 29715

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Leon E. Yard, 2072 Dunlap Roddey Road, Rock Hill, SC 29730

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Mandrile H. Young, 404 Glandon Court, Fort Mill, SC 29708

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Robert Davenport, Jr., 2211 Zinker Road, Rock Hill, SC 29732

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

David S. Wood, 957 Copperstone Lane, Fort Mill, SC 29708

TUESDAY, APRIL 28, 2015

Reappointment, York County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Douglas W. Sexton, 607 Winding Branch Road, Rock Hill, SC 29732

Initial Appointment, York County Magistrate, with the term to commence April 30, 2011, and to expire April 30, 2015

Stephanie A. Wood, 4637 Arthur Way, Rock Hill, SC 29732 *VICE*
Norman R. Watkins

MOTION ADOPTED

On motion of Senator KIMPSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Mary Moultrie of Charleston, S.C. Ms. Moultrie was a leading advocate for workers' rights, leading a 113 day strike against the State Medical College, now MUSC, in 1969. She dedicated her efforts to improving the rights of the working class. Ms. Moultrie was an admired Civil Rights activist who was loved by many and will dearly missed.

and

MOTION ADOPTED

On motion of Senator O'DELL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James Wallace "Jim" Bowie of Chapin, S.C. Jim devoted his life and career to the fire service on both the state and national levels. He was a senior instructor at the S.C. Fire Academy, where he later became director. Jim was instrumental in the design and building of the present state training facility and in bringing "Dalmation Station" to the EdVenture Children's Museum. Most recently, Jim was employed as the Facilities Regulator Coordinator in Engineering Services at Palmetto Health Baptist Hospital. Jim was a loving husband and devoted father who will be dearly missed.

ADJOURNMENT

At 2:25 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 2:00 P.M.

* * *

[SJ]

40

TUESDAY, APRIL 28, 2015

SENATE JOURNAL INDEX

S. 47.....	31	S. 719.....	7
S. 176.....	13	S. 720.....	7
S. 215.....	33	S. 721.....	7
S. 268.....	21	S. 722.....	7
S. 341.....	14	S. 723.....	8
S. 474.....	14	S. 724.....	8
S. 512.....	13	S. 725.....	8
S. 586.....	17		
S. 588.....	30	H. 3353.....	9
S. 666.....	31	H. 3443.....	13
S. 667.....	15	H. 3534.....	9
S. 673.....	19	H. 3663.....	10, 11
S. 675.....	36	H. 3702.....	10
S. 701.....	12	H. 3871.....	5
S. 713.....	5	H. 3877.....	12
S. 718.....	6	H. 4041.....	9