

NO. 72

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

THURSDAY, MAY 14, 2015

Thursday, May 14, 2015
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 11:00 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:

The writer of Ecclesiastes proclaims:

“So I commend enjoyment, for there is nothing better for people under the sun...” (Ecclesiastes 8:15a)

Bow in prayer with me, please:

How very diligently and determinedly have these Senators labored and even struggled this year, O God. The challenges before them have been huge, and there remains so much more still to be done, to be accomplished, to be settled. As the weekend approaches, we dare to ask, dear Lord, that You will grant to each of these leaders some time to unwind, to relax, to escape from the pressures of non-stop phone calls and e-mails and in the hallway conversations. Allow these Senators genuine opportunities over the next few days to catch their breath, to reconnect with family and friends, and to recharge their batteries. May they then return next week more energized and determined than ever to continue serving the people of South Carolina effectively and well. In Your loving name we pray this, dear Lord. Amen.

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

Point of Quorum

At 11:18 A.M., Senator PEELER made the point that a quorum was not present. It was ascertained that a quorum was present. The Senate resumed.

CORRECTION TO THE JOURNAL

The following position was inadvertently omitted from the Journal of Thursday, May 7, 2015:

Reappointment, Darlington County Full-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019
Deatrice B. Curtis, Post Office Box 185, Darlington, SC 29540

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MESSAGE FROM THE GOVERNOR

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

Statewide Appointments

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2012, and to expire April 6, 2018

3rd Congressional District:

Brent R. Goodson, 660 Southerlin Road, Pelzer, SC 29699 *VICE*
David M. Oliver

Referred to the Committee on Agriculture and Natural Resources.

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2013, and to expire April 6, 2019

2nd Congressional District:

Ginger D. Macaulay, 1044 Old Orangeburg Road, Lexington, SC 29073 *VICE* Vanessa B. Brooks

Referred to the Committee on Agriculture and Natural Resources.

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2015, and to expire April 6, 2021

7th Congressional District:

Bethany M. Tapp, 217 Huger Street, Cheraw, SC 29520 *VICE* Vacant due to redistricting (never filled)

Referred to the Committee on Agriculture and Natural Resources.

Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2012, and to expire June 30, 2016

Banking:

Justin F. Strickland, 623 Brandon Court, Lexington, SC 29072 *VICE*
J. Neal Anderson

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Referred to the Committee on Banking and Insurance.

Initial Appointment, South Carolina Commission on Consumer Affairs, with the term to commence September 30, 2014, and to expire September 30, 2018

At-large, Governor:

Linda C. Gamble, 103 Woodruff Court, Lexington, SC 29072 *VICE* Wayne Sims (resigned)

Referred to the Committee on Banking and Insurance.

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2013, and to expire June 30, 2017

1st Congressional District:

Kenneth E. Battle, 8538 Royal Palms Lane, North Charleston, SC 29420 *VICE* Fred Lincoln

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2014, and to expire June 30, 2017

2nd Congressional District:

Susan D. Bowers, 500 Tram Road, Columbia, SC 29210 *VICE* Joe F. Fragale

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2013, and to expire June 30, 2016

5th Congressional District:

Andrew C. Williams, 2021 Emerald Pines Drive, Tega Cay, SC 29708 *VICE* A. Barnes Boyle (resigned)

Referred to the Committee on Judiciary.

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Reappointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2012, and to expire August 15, 2016

At-Large:

Kenneth E. Ormand, Jr., 1384 Kathwood Drive, Columbia, SC 29206

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2012, and to expire August 15, 2016

At-Large:

Sue Ann Shannon, 204 Horse Guards Lane, Columbia, SC 29229
VICE John S. Hill

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2014, and to expire June 30, 2018

7th Congressional District:

James D. Vaught, 1214 Lakeland Drive, Conway, SC 29526 *VICE*
Vacant due to redistricting (never filled)

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina State Board of Examiners in Speech Pathology and Audiology, with the term to commence June 30, 2012, and to expire June 30, 2016

Audiologist:

Gwendolyn D. Wilson, 2215 Hoffman Drive, Northwest, Orangeburg, SC 29118

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2013, and to expire December 31, 2017

General Public:

James E. Mallory, 201 West 9th North Street, Box 41, Summerville, SC 29483

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Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2013, and to expire December 31, 2017

General Public:

Neil B. Lipsitz, 2612 Harvey Road, Beaufort, SC 29902 *VICE* Anne Smoak Crook

Referred to the Committee on Medical Affairs.

Initial Appointment, Medical Disciplinary Commission of the State Board of Medical Examiners, with the term to commence July 1, 2014, and to expire July 1, 2017

5th Congressional District:

David L. O'Neal, 7101 Anchorage Lane, Tega Cay, SC 29708 *VICE* Vacant (seat never filled)

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2011, and to expire December 31, 2015

1st Congressional District:

Jaqueline L. Baer, 1828 Four Paws Path, Johns Island, SC 29455 *VICE* Sylvia M. Whiting (resigned)

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2015, and to expire December 31, 2019

1st Congressional District:

Jaqueline L. Baer, 1828 Four Paws Path, Johns Island, SC 29455

Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2014, and to expire December 31, 2018

At-Large, Licensed Practical Nurse:

Jan R. Burdette, 116 Stratton Lane, Anderson, SC 29621 *VICE* Mattie S. Jenkins (resigned)

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Referred to the Committee on Medical Affairs.

Initial Appointment, South Carolina State Board of Nursing, with the term to commence December 31, 2011, and to expire December 31, 2015

6th Congressional District:

Sonya K. Ehrhardt, 1458 Stacey Bridge Road, Orangeburg, SC 29118
VICE Lisa Cox Irvin (resigned)

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina State Board of Nursing, with the term to commence December 31, 2015, and to expire December 31, 2019

6th Congressional District:

Sonya K. Ehrhardt, 1458 Stacey Bridge Road, Orangeburg, SC 29118

Referred to the Committee on Medical Affairs.

Local Appointments

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

James A. Turner, 351 Confederate Circle, Charleston, SC 29407

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

Henry W. Guerard, 1535 Wakendaw Road, Mount Pleasant, SC 29464

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

JoAnna E. Summey, 5054 Ashby Avenue, North Charleston, SC 29405

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

Priscilla B. Baldwin, 10034 South Carolina Road, McClellanville, SC 29458

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

Francis Cain-Lofton, P. O. Box 459, McClellanville, SC 29458

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

Alvin E. Bligen, Post Office Box 216, Edisto Island, SC 29438

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

David W. Coker, 4322 Patricia Street, North Charleston, SC 29418

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

James B. Gosnell, Jr., 1233 Bamboo Drive, Charleston, SC 29407

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

Thomas E. Lynn, 857 Detyens Road, Mt. Pleasant, SC 29464

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

Sheryl M. Perry, 7386 Highway 162, Hollywood, SC 29449

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

Ellen Steinberg, 34 Smith Street, Charleston, SC 29401

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

Jennifer B. McCoy, 451 Wampler Drive, Charleston, SC 29412 *VICE*
Richard Lingenfelter, Jr.

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

Kelley F. Young, 1829 Towne Street, Johns Island, SC 29455 *VICE*
Pricilla Baldwin

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

Itriss Jermain Jenkins, 16 Dewey Street, Charleston, SC 29403 *VICE*
Stephanie Ganaway-Pasley

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

Martelle T. Morrison, 1515 Roach Road, Hollywood, SC 29449 *VICE*
Jacquetta Jones

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

Richardine L. Singleton-Brown, 2172 Edward D. Singleton Drive,
Charleston, SC 29412 *VICE* New Seat

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

Leroy Linen, 6113 Judge Linen Lane, Wadmalaw Island, SC 29487

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

Marshal B. Rawl, 2568 River Road, Johns Island, SC 29455

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 4475

Agency: Department of Employment and Workforce

Chapter: 47

Statutory Authority: 1976 Code Sections 41-29-110 and 41-31-45(C)

SUBJECT: Unemployment Trust Fund

Received by Lieutenant Governor February 3, 2015

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 3, 2015

May 14, 2015 Withdrawn and Resubmitted

Doctor of the Day

Senator YOUNG introduced Dr. Anthony Harris of Aiken, S.C.,
Doctor of the Day.

Leave of Absence

On motion of Senator CAMPSER, at 11:20 A.M., Senator CROMER
was granted a leave of absence for the balance of the day.

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Leave of Absence

On motion of Senator GROOMS, at 11:39 A.M., Senator CAMPBELL was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator O'DELL, at 12:30 P.M., Senator HAYES was granted a leave of absence for the balance of the day.

Leave of Absence

At 1:32 P.M., Senator COURSON requested a leave of absence for the balance of the day.

Leave of Absence

At 1:33 P.M., Senator SHANE MARTIN requested a leave of absence beginning at 1:57 P.M.

RECALLED

H. 3905 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE LITTLE PEE DEE RIVER ALONG SOUTH CAROLINA HIGHWAY 57 IN DILLON COUNTY "MCINNIS BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE 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.

RECALLED

H. 3924 -- Reps. Hayes, George and McEachern: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF E. REAVES AVENUE FROM ITS INTERSECTION WITH FOREST DRIVE TO ITS INTERSECTION WITH JOAN DRIVE, THE PORTION OF JOAN DRIVE FROM ITS INTERSECTION WITH E. REAVES AVENUE TO ITS INTERSECTION WITH STAFFORD COURT, AND THE PORTION OF STAFFORD COURT FROM ITS INTERSECTION

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WITH JOAN DRIVE TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 "SUPERINTENDENT D. RAY ROGERS II WAY" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE INTERSECTION OF FOREST DRIVE AND E. REAVES AVENUE AND AT THE INTERSECTION OF UNITED STATES HIGHWAY 301 AND STAFFORD COURT 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.

RECALLED

H. 4008 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF CALHOUN STREET AND MCARTHUR AVENUE IN THE TOWN OF DILLON "MAJOR BETHEA INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION 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.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 775 -- Senators L. Martin, McElveen and Johnson: A SENATE RESOLUTION TO CONGRATULATE FORMER SPEAKER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES, THE HONORABLE RAMON SCHWARTZ, JR., UPON THE OCCASION OF HIS NINETIETH BIRTHDAY, AND TO PROCLAIM MAY 25, 2015 "RAMON SCHWARTZ DAY" IN SOUTH CAROLINA.

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The Senate Resolution was adopted.

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S. 776 -- Senator Hembree: A SENATE RESOLUTION TO CONGRATULATE REVEREND DR. JAMES CALHOUN EVANS, PASTOR OF POPULAR AFRICAN METHODIST EPISCOPAL CHURCH IN LONGS, UPON THE OCCASION OF HIS RETIREMENT, AND TO WISH HIM MUCH SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 777 -- Senators Malloy and Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 62-5-436 SO AS TO PROVIDE ADDITIONAL AND ALTERNATIVE REQUIREMENTS FOR MATTERS INVOLVING PAYMENT OF BENEFITS FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND TO DEFINE RELEVANT TERMS; TO AMEND SECTION 62-1-201, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA PROBATE CODE, SO AS TO DEFINE THE TERM "VA" AND TO MAKE OTHER TECHNICAL CORRECTIONS; TO AMEND SECTION 62-5-404, RELATING TO THE ORIGINAL PETITION FOR APPOINTMENT OR PROTECTIVE ORDER, SO AS TO REQUIRE THE PETITION TO SHOW THAT THE PERSON TO BE PROTECTED HAS BEEN RATED INCOMPETENT BY THE VA AND TO PROVIDE THAT THE PETITION SHALL STATE THE NAME AND ADDRESS OF THE PERSON TO BE NOTIFIED ON BEHALF OF THE VA; TO AMEND 62-5-405, AS AMENDED, RELATING TO SERVICE OF SUMMONS AND PETITIONS, NOTICE OF HEARING, AND WAIVER OF NOTICE BY THE PERSON TO BE PROTECTED, SO AS TO REQUIRE SERVICE UPON THE VA AND NOTICE OF THE HEARING IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 62-5-407, AS AMENDED, RELATING TO PROCEDURES CONCERNING THE HEARING AND ORDER ON ORIGINAL PETITION, SO AS TO CLARIFY CERTAIN PROVISIONS IN CASES INVOLVING PAYMENT OF BENEFITS FROM THE VA; AND TO REPEAL PART 6, ARTICLE 5, CHAPTER 5, TITLE 62 RELATING TO THE UNIFORM VETERANS' GUARDIANSHIP ACT.

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Senator MALLOY spoke on the Bill.

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

S. 778 -- Senator Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO TITLE 62 SO AS TO ENACT THE "SOUTH CAROLINA UNIFORM POWER OF ATTORNEY ACT"; TO DEFINE APPLICABLE TERMS; TO OUTLINE THE ARTICLE'S REQUIREMENTS AND APPLICABILITY, AND TO PROVIDE EXCEPTIONS; TO AMEND PART 5, ARTICLE 5, TITLE 62, RELATING TO POWERS OF ATTORNEY, SO AS TO ENACT THE "SOUTH CAROLINA STATUTORY HEALTH CARE POWER OF ATTORNEY ACT"; TO DEFINE APPLICABLE TERMS; TO OUTLINE THE PART'S REQUIREMENTS AND APPLICABILITY; TO PROVIDE EXECUTION AND WITNESS REQUIREMENTS; AND TO SPECIFY THE PROPER FORM OF A HEALTH CARE POWER OF ATTORNEY.

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Senator MALLOY spoke on the Bill.

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

S. 779 -- Senators Setzler, Shealy, Courson, Cromer and Massey: A SENATE RESOLUTION TO RECOGNIZE AND HONOR BRYAN "JAY" KOON FOR HIS OUTSTANDING CAREER IN LAW ENFORCEMENT AND TO CONGRATULATE HIM FOR BEING ELECTED AS THE THIRTY-NINTH SHERIFF OF LEXINGTON COUNTY.

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The Senate Resolution was adopted.

S. 780 -- Senator McElveen: A BILL TO AMEND SECTION 50-13-1630 (A) THROUGH (D) OF THE 1976 CODE, RELATING TO THE SALE AND TRAFFICKING IN FISH, TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES MAY ISSUE PERMITS FOR THE RELEASE OR STOCKING OF STERILE WHITE AMUR, GRASS CARP, OR GRASS CARP HYBRIDS IN THIS STATE AND TO UPDATE NECESSARY TERMS.

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Read the first time and referred to the Committee on Fish, Game and Forestry.

S. 781 -- Senators McElveen and Malloy: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE REVEREND EDDIE C. THOMAS, JR., PRESIDENT OF THE GOOD SAMARITAN ORGANIZATION, FOR HIS TWENTY YEARS OF OUTSTANDING COMMUNITY SERVICE THROUGH THAT FINE INSTITUTION AND TO WISH HIM WELL AS HE CONTINUES TO SERVE THE PEOPLE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 782 -- Senator Sabb: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOLLIE E. COOPER, JR., MEMBER OF THE SANTEE ELECTRIC COOPERATIVE INC. BOARD OF TRUSTEES, UPON THE OCCASION OF HIS RETIREMENT FROM THE BOARD AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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

S. 783 -- Senator Coleman: A CONCURRENT RESOLUTION TO CONGRATULATE COACH JOE PITT, ATHLETIC DIRECTOR AND HEAD BASKETBALL COACH OF RICHARD WINN ACADEMY, UPON THE OCCASION OF HIS INDUCTION INTO THE SOUTH CAROLINA BASKETBALL COACHES ASSOCIATION'S HALL OF FAME.

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

S. 784 -- Senator McElveen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR MRS. MARY DEVAUGHN LEE-ALSTON OF SUMTER FOR HER MANY YEARS OF SERVICE TO SUMTER COUNTY AND TO SUMTER COUNTY SCHOOLS.

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The Senate Resolution was adopted.

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H. 4159 -- Rep. Anthony: A BILL TO AMEND ACT 164 OF 2003, RELATING TO THE NINE DEFINED SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE UNION COUNTY BOARD OF SCHOOL TRUSTEES ARE ELECTED, SO AS TO REAPPORTION THE ELECTION DISTRICTS, 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.

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4166 -- Reps. Pitts and Willis: A BILL TO AMEND ACT 779 OF 1988, AS AMENDED, RELATING TO LAURENS COUNTY SCHOOL DISTRICTS 55 AND 56, SO AS TO REAPPORTION THE SEVEN SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH MEMBERS OF LAURENS COUNTY SCHOOL DISTRICT 56 MUST BE 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.

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 4182 -- Rep. Rutherford: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF CAROLYN "CARRIE" WASHINGTON AND TO EXTEND THEIR DEEPEST SYMPATHY TO HER LARGE AND LOVING FAMILY AND HER MANY FRIENDS.

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

REPORTS OF STANDING COMMITTEES

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

S. 484 -- Senators Shealy, Jackson and Cleary: A BILL TO AMEND SECTION 59-10-310 OF THE 1976 CODE, RELATING TO THE

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ESTABLISHMENT OF ELEMENTARY SCHOOL FOOD SERVICE MEALS AND COMPETITIVE FOOD REQUIREMENTS, TO PROVIDE THAT ALL SCHOOL SERVICE MEALS AND COMPETITIVE FOODS PROVIDED IN KINDERGARTEN THROUGH TWELFTH GRADE DURING THE ACADEMIC SCHOOL YEAR MUST MEET OR MAY EXCEED THE NUTRITIONAL REQUIREMENTS ESTABLISHED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE, TO PROVIDE THAT A SCHOOL DISTRICT BOARD OF TRUSTEES MAY ADOPT A MORE RESTRICTIVE POLICY AND THE POLICY DOES NOT RESTRICT THE FOOD A PARENT OR GUARDIAN MAY PROVIDE FOR STUDENT CONSUMPTION AT SCHOOL, AND TO PROVIDE THAT ALL A LA CARTE ITEMS SOLD FOR STUDENT CONSUMPTION MUST BE INCLUDED ON SCHOOL MENUS IN ADDITION TO THE REGULAR MEAL; TO AMEND SECTION 59-10-330(B), RELATING TO THE COORDINATED SCHOOL HEALTH ADVISORY COUNCIL AND THE DEVELOPMENT OF HEALTH WELLNESS PLANS, TO PROVIDE THAT THE SCHOOL HEALTH IMPROVEMENT PLAN MUST REPORT COMPLIANCE WITH THE REQUIREMENTS CONTAINED IN SECTION 59-10-310.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

S. 703 -- Senator Hayes: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS OF CHARTER SCHOOLS FROM CERTAIN PROVISIONS APPLICABLE TO PUBLIC SCHOOLS, THE POWERS AND DUTIES OF A CHARTER SCHOOL, AND ADMISSIONS TO CHARTER SCHOOLS, SO AS TO AUTHORIZE A SCHOOL LEADER TO BE HIRED TO ASSIST WITH THE DAILY OPERATION OF THE SCHOOL, TO PROVIDE THAT EMPLOYEES, BOARD MEMBERS, AND STAFF OF THE CHARTER SCHOOL ARE SUBJECT TO THE ETHICS AND GOVERNMENT ACCOUNTABILITY REQUIREMENTS APPLICABLE TO PUBLIC MEMBERS AND PUBLIC EMPLOYEES, AND TO REQUIRE A STATEMENT OF COMPLIANCE ASSURANCE TO BE FILED ANNUALLY WITH

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THE SCHOOL'S SPONSOR AND THE STATE DEPARTMENT OF EDUCATION.

Ordered for consideration tomorrow.

Appointments Reported

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Statewide Appointments

Reappointment, South Carolina State Board of Barber Examiners, with the term to commence June 30, 2011, and to expire June 30, 2015

Master Haircare Specialist:

Edwin C. Barnes, 393 A Park Road, Lexington, SC 29072

Received as information.

Reappointment, South Carolina State Board of Barber Examiners, with the term to commence June 30, 2015, and to expire June 30, 2019

Master Haircare Specialist:

Edwin C. Barnes, 393 A Park Road, Lexington, SC 29072

Received as information.

Initial Appointment, Donate Life South Carolina, with the term to commence April 1, 2015, and to expire April 1, 2019

At-Large:

John P. Brogan, 279 Bamberg Drive, Bluffton, SC 29910 *VICE*
Gregory J. Hart (resigned)

Received as information.

Initial Appointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2014, and to expire August 15, 2018

At-Large/Chairman:

Donald R. Tomlin, Jr., 4500 Fort Jackson Boulevard, Columbia, SC 29209 *VICE* Christopher N. Union

Received as information.

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Initial Appointment, South Carolina State Housing Finance, and Development Authority, with the term to commence August 15, 2014, and to expire August 15, 2018

At-Large:

Bradley J. Allen, 6206 Lakeshore Drive, Columbia, SC 29206 *VICE*
Earnest Magaro, Jr.

Received as information.

Reappointment, South Carolina Real Estate Commission, with the term to commence June 30, 2014, and to expire June 30, 2018

General Public:

George. H. O'Kelley III, 104 Mary Ellen Drive, Charleston, SC 29403

Received as information.

Reappointment, South Carolina State Board of Barber Examiners, with the term to commence June 30, 2015, and to expire June 30, 2019

Barber:

Patricia C. Durkin, 601 Main Street, Number 130, Columbia, SC 29201

Received as information.

Appointments Reported

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

Statewide Appointments

Reappointment, South Carolina State Ports Authority, with the term to commence March 19, 2014, and to expire March 19, 2019

At-Large:

Whitemarsh S. Smith, 12 Greenhill Street, Charleston, SC 29401

Received as information.

Reappointment, South Carolina State Ports Authority, with the term to commence February 13, 2015, and to expire February 13, 2020

At-Large:

William H. Stern, 2134 Bermuda Hills, Columbia, SC 29223

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Received as information.

Reappointment, South Carolina State Ports Authority, with the term to commence February 13, 2015, and to expire February 13, 2020

At-Large:

Pamela P. Lackey, 1672 Tanglewood Road, Columbia, SC 29204

Received as information.

Reappointment, South Carolina State Ports Authority, with the term to commence February 13, 2015, and to expire February 13, 2020

Willie E. Jeffries, 85 Nance Drive, Elloree, SC 29047

Received as information.

Initial Appointment, South Carolina State Ports Authority, with the term to commence February 13, 2015, and to expire February 13, 2020

At-Large:

Richard L. Stanley, 14 Ramsford Lane, Simpsonville, SC 29681 *VICE*
John Fleming Hassell III

Received as information.

Initial Appointment, South Carolina State Ports Authority, with the term to commence June 4, 2013, and to expire June 4, 2018

At-Large:

Kurt D. Grindstaff, 7 Catboat, Hilton Head Island, SC 29928 *VICE*
Hon. Henry McMaster

Received as information.

HOUSE CONCURRENCES

S. 767 -- Senator Sheheen: A CONCURRENT RESOLUTION TO CONGRATULATE J.G. "PETE" OWENS OF CHESTERFIELD UPON THE OCCASION OF HIS RETIREMENT FROM THE AREA COMMISSION OF NORTHEASTERN TECHNICAL COLLEGE AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

[SJ]

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S. 770 -- Senator Verdin: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE PENDLETON FARMERS SOCIETY UPON THE OCCASION OF ITS TWO HUNDREDTH ANNIVERSARY ON JUNE 12, 2015.

Returned with concurrence.

Received as information.

S. 773 -- Senator Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE THE SOUTHERN CAROLINA REGIONAL DEVELOPMENT ALLIANCE AND ITS AFFILIATED LEADERSHIP TEAM FOR ITS UNIFYING VISION TO COORDINATE AND WIN A FEDERAL PROMISE ZONE DESIGNATION THAT WILL CREATE JOBS, INCREASE ECONOMIC ACTIVITY, IMPROVE EDUCATIONAL OPPORTUNITIES, AND REDUCE VIOLENT CRIME.

Returned with concurrence.

Received as information.

S. 461 -- Senator Pinckney: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 17 IN JASPER COUNTY FROM ITS INTERSECTION WITH CROWFIELD ROAD TO ITS INTERSECTION WITH HIGHWAY S-27-29 "THOMAS E. MILLER BOULEVARD" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "THOMAS E. MILLER BOULEVARD".

Returned with concurrence.

Received as information.

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

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

The following Joint Resolution was read the third time and ordered sent to the House of Representatives:

[SJ]

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S. 739 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO ATHLETIC TRAINERS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4496, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

SECOND READING BILLS

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

H. 3656 -- Reps. Yow, Henegan and Lucas: A BILL TO AMEND ACT 205 OF 1993, AS AMENDED, RELATING TO THE DISTRICT BOARD OF EDUCATION OF THE CHESTERFIELD COUNTY SCHOOL DISTRICT, SO AS TO REVISE THE DATE FOR ELECTIONS FOR TRUSTEES, THE FILING PERIOD FOR DECLARATIONS OF CANDIDACY, AND THE TIME IN WHICH BOARD MEMBERS TAKE OFFICE.

H. 4014 -- Reps. Gambrell, Gagnon, Hill, Putnam, Thayer and White: A BILL TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE ANDERSON COUNTY BOARD OF EDUCATION, SO AS TO CHANGE THE METHOD OF ELECTING FOUR OF THE FIVE MEMBERS OF THE ANDERSON COUNTY SCHOOL DISTRICT 3 BOARD OF TRUSTEES FROM RESIDENCY AREAS TO SINGLE-MEMBER DISTRICTS.

READ THE SECOND TIME

S. 741 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR LICENSING COMMUNITY RESIDENTIAL CARE FACILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4484, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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

Ayes 39; Nays 0

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AYES

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

Total--39

NAYS

Total--0

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

READ THE SECOND TIME

S. 742 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SHELLFISH, DESIGNATED AS REGULATION DOCUMENT NUMBER 4483, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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

Ayes 39; Nays 0

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AYES

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

Total--39

NAYS

Total--0

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

READ THE SECOND TIME

H. 3914 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO PARTICLE ACCELERATORS (TITLE C), DESIGNATED AS REGULATION DOCUMENT NUMBER 4482, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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

Ayes 39; Nays 0

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AYES

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

Total--39

NAYS

Total--0

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

POINT OF ORDER

H. 3186 -- Reps. Finlay, Cole, Anderson, Bales, G.A. Brown, R.L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Pope, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Henderson, G.R. Smith, G.M. Smith, McCoy, Clary, J.E. Smith, W.J. McLeod, Weeks, Whipper, Hicks, Atwater, Ballentine and Stavrinakis: A BILL TO AMEND SECTION 8-13-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO ETHICS AND GOVERNMENT ACCOUNTABILITY, SO AS TO REVISE THE DEFINITION OF "BUSINESS WITH WHICH HE IS ASSOCIATED"; AND TO AMEND SECTION 8-13-1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REVISE THE FORM AND REQUIRED CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS.

[SJ]

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Point of Order

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3188 -- Reps. Finlay, Cole, Anderson, Bales, G.A. Brown, R.L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Pope, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Douglas, Henderson, G.M. Smith, G.R. Smith, McCoy, Clary, Weeks, W.J. McLeod, J.E. Smith, Whipper and Erickson: A BILL TO AMEND SECTION 8-13-1314, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CAMPAIGN CONTRIBUTION LIMITS AND RESTRICTIONS, SO AS TO PROHIBIT CONTRIBUTIONS FROM CERTAIN NONCANDIDATE COMMITTEES; AND TO AMEND SECTION 8-13-1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER AND COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A CANDIDATE, SO AS TO DELETE THE CONTRIBUTION RESTRICTION EXCEPTION FOR CERTAIN TYPES OF COMMITTEES.

Point of Order

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3193 -- Reps. Cole, Finlay, Newton, Pope, Anderson, Bales, G.A. Brown, R.L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Henderson, G.M. Smith, G.R. Smith, McCoy, Clary, J.E. Smith, Hicks and Weeks: A BILL TO AMEND SECTION 8-13-1320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ATTRIBUTION OF CAMPAIGN CONTRIBUTIONS TO SPECIFIC TYPES OF

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ELECTIONS, SO AS TO REVISE THE MANNER IN WHICH CAMPAIGN CONTRIBUTIONS ARE ATTRIBUTED TO A PRIMARY ELECTION AND TO A PRIMARY ELECTION RUNOFF.

Point of Order

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3200 -- Reps. Cole, Finlay, Newton, Pope, Anderson, Bales, G.A. Brown, R.L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Henderson, G.M. Smith, G.R. Smith, McCoy, Clary, J.E. Smith, Hicks and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-13-756 SO AS TO PROVIDE THAT CERTAIN PROVISIONS PERTAINING TO USE OF OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, REPORTING OF PARTICULAR GIFTS, RESTRICTIONS ON FUTURE EMPLOYMENT AND RELATED PROVISIONS, DO NOT APPLY TO A PUBLIC EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO PARTICIPATES IN THE DEVELOPMENT OF INTELLECTUAL PROPERTY THAT BENEFITS THE INSTITUTION AND THE STATE OF SOUTH CAROLINA, IF THE INSTITUTION OF HIGHER EDUCATION RETAINS SOME ROYALTY RIGHTS TO THE INTELLECTUAL PROPERTY.

Point of Order

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3215 -- Reps. Govan, Robinson-Simpson and Willis: A JOINT RESOLUTION TO CREATE A STUDY COMMITTEE TO REFORM ALIMONY, TO PROVIDE FOR MEMBERSHIP OF THE STUDY COMMITTEE AND THE METHOD OF APPOINTMENT OF

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MEMBERS, TO REQUIRE THE STUDY COMMITTEE TO PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO INCLUDE A SUNSET PROVISION FOR THE STUDY COMMITTEE.

Point of Order

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

POINT OF ORDER

H. 3846 -- Reps. Yow and Henegan: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD, OR ITS SUCCESSOR STATE AGENCY, TO TRANSFER OWNERSHIP OF THE CHERAW NATIONAL GUARD ARMORY TO THE TOWN OF CHERAW.

Point of Order

Senator SHANE MARTIN raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

ADOPTED

S. 658 -- Senators Cleary and Kimpson: 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 THEIR MOST SINCERE BEST WISHES FOR CONTINUED COOPERATION AND SUCCESS.

The Senate Resolution was adopted.

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CARRIED OVER

S. 740 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO STANDARDS FOR WASTEWATER FACILITY CONSTRUCTION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4485, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator CLEARY explained the Joint Resolution.

On motion of Senator SETZLER, the Joint Resolution was carried over.

OBJECTION

H. 3266 -- Reps. Hiott, Bannister, Brannon, Erickson, Henderson, Collins, Sandifer, Corley, Tallon, Taylor, Thayer, Wells, Felder, Kirby, Hixon, Hodges, Riley, Ott, Goldfinch, Hardee, Gagnon, Pitts, Finlay, Southard, D.C. Moss, Chumley, Yow, Huggins, Kennedy, Rivers and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 82 TO TITLE 15 SO AS TO ESTABLISH THE "TRESPASSER RESPONSIBILITY ACT" WHICH PROVIDES A LIMITATION ON LIABILITY BY LAND POSSESSORS TO TRESPASSERS, AND TO PROVIDE EXCEPTIONS.

Senator SHANE MARTIN objected to consideration of the Bill.

OBJECTION

H. 3304 -- Reps. Brannon, Allison, Cole, Hicks, Tallon, Nanney, Henderson, Loftis, Hamilton, Stringer, Bannister and Putnam: A BILL TO CREATE THE LANDRUM FIRE AND RESCUE DISTRICT IN GREENVILLE AND SPARTANBURG COUNTIES, TO ESTABLISH A GOVERNING COMMISSION, AND TO PRESCRIBE THE FUNCTIONS AND POWERS OF THE COMMISSION.

Senator SHANE MARTIN objected to consideration of the Bill.

OBJECTION

S. 505 -- Senators L. Martin, Hembree and Shealy: A BILL TO AMEND SECTION 24-21-440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERIODS OF PROBATION, SO AS TO TOLL THE PERIOD DURING PERIODS OF CIVIL

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COMMITMENT; TO AMEND SECTION 24-21-560, AS AMENDED, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO TOLL THE COMMUNITY SUPERVISION PERIOD DURING PERIODS OF CIVIL COMMITMENT; AND TO AMEND SECTION 24-21-670, RELATING TO PERIODS OF PAROLE, SO AS TO TOLL THE PAROLE PERIOD DURING PERIODS OF CIVIL COMMITMENT.

Senator SHANE MARTIN objected to consideration of the Bill.

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

Motion to Recall Failed

Senator SHANE MARTIN moved to recall S. 105 from the Committee on Judiciary and place it on the calendar.

Senator LEATHERMAN moved to table the motion.

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

Ayes 23; Nays 15

AYES

Alexander	Campsen	Coleman
Courson	Hayes	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Lourie
<i>Martin, Larry</i>	Massey	Matthews
McElveen	Nicholson	O'Dell
Rankin	Reese	Scott
Sheheen	Williams	

Total--23

NAYS

Bennett	Bright	Bryant
Corbin	Davis	Fair
Grooms	Malloy	<i>Martin, Shane</i>
Peeler	Shealy	Thurmond
Turner	Verdin	Young

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Total--15

The motion to recall was tabled.

MOTION ADOPTED

At 12:05 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

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

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 183 -- Senators Hayes and Bryant: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16-3-2010, RELATING TO HUMAN TRAFFICKING DEFINITIONS, SO AS TO DEFINE "COERCION"; BY AMENDING SECTION 16-3-2020, RELATING TO HUMAN TRAFFICKING OFFENSES, SO AS TO PROVIDE THAT A PERSON IS CONSIDERED A TRAFFICKER IF THE PERSON SOLICITS OR PARTICIPATES IN PROSTITUTION WITH ANOTHER PERSON KNOWING THAT THE OTHER PERSON IS A HUMAN TRAFFICKING VICTIM, TO PROVIDE THAT A VICTIM CONVICTED OF A HUMAN TRAFFICKING VIOLATION OR PROSTITUTION MAY MOTION THE COURT TO VACATE THE CONVICTION, AND TO PROVIDE THAT A VICTIM IS NOT SUBJECT TO PROSECUTION FOR HUMAN TRAFFICKING OR PROSTITUTION IF THE VICTIM WAS A MINOR AT THE TIME OF THE OFFENSE, AND TO PROVIDE THAT A VICTIM'S SEXUAL HISTORY IS NOT ADMISSIBLE BY A DEFENDANT IN A CRIMINAL ACTION; BY AMENDING SECTION 16-3-2030, RELATING TO BUSINESSES AND HUMAN TRAFFICKING, SO AS TO PROVIDE THAT A COURT MAY CONSIDER DISGORGEMENT OF PROFIT FROM A BUSINESS INVOLVED IN HUMAN TRAFFICKING AND DISBARMENT FROM GOVERNMENT CONTRACTS; BY AMENDING SECTION 16-3-2040, RELATING TO HUMAN TRAFFICKING RESTITUTION, SO AS TO PROVIDE THAT THE COURT MAY

[SJ]

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ORDER AN AMOUNT REPRESENTING THE VALUE OF THE VICTIM'S LABOR OR SERVICES; BY AMENDING SECTION 16-3-2050, RELATING TO THE HUMAN TRAFFICKING TASK FORCE, SO AS TO PROVIDE THAT THE TASK FORCE MAY MAKE GRANTS OR CONTRACTS TO DEVELOP OR EXPAND VICTIM SERVICE PROGRAMS; BY AMENDING SECTION 16-3-2060, RELATING TO HUMAN TRAFFICKING CIVIL ACTIONS, SO AS TO PROVIDE THAT A VICTIM'S SEXUAL HISTORY IS NOT ADMISSIBLE BY A DEFENDANT IN A CIVIL ACTION; BY AMENDING SECTION 16-3-2070, RELATING TO VICTIMS' RIGHTS AND THE STATE CRIME VICTIM'S COMPENSATION FUND, SO AS TO PROVIDE THAT HUMAN TRAFFICKING VICTIMS ARE CONSIDERED VICTIMS REGARDLESS OF IMMIGRATION STATUS, TO PROVIDE THAT THE PICTURES AND IMAGES OF VICTIMS MUST BE KEPT CONFIDENTIAL, AND TO PROVIDE THE PROTOCOL A LAW ENFORCEMENT OFFICER SHALL FOLLOW WHEN INTERACTING WITH A VICTIM; AND BY ADDING SECTION 16-3-2100, SO AS TO REQUIRE THE POSTING OF INFORMATION REGARDING THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE IN CERTAIN BUSINESSES.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HUTTO explained the House amendments.

Senators HAYES and HUTTO proposed the following amendment (JUD0183.004), which was adopted:

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

/ SECTION 1. Section 16-3-2020 of the 1976 Code is amended to read:

“Section 16-3-2020. (A) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, knowing that the victim will be subjected to sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value,

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from participation in a venture which has engaged in an act described in this subsection, is guilty of trafficking in persons.

(B) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, for the purposes of sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in subsection (A), is guilty of trafficking in persons.

(C) For a first offense, the person is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years.

(D) For a second offense, the person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

(E) For a third or subsequent offense, the person is guilty of a felony, and, upon conviction, must be imprisoned not more than forty-five years.

(F) If the victim of an offense contained in this section is under the age of eighteen, an additional term of fifteen years may be imposed in addition and must be consecutive to the penalty prescribed for a violation of this section.

(G) A person who aids, abets, or conspires with another person to violate the criminal provisions of this section must be punished in the same manner as provided for the principal offender and is considered a trafficker. A person is considered a trafficker if he knowingly gives, agrees to give, or offers to give anything of value so that any person may engage in commercial sexual activity with another person when he knows that the other person is a victim of trafficking in persons.

(H) A business owner who uses his business in a way that participates in a violation of this article, upon conviction, must be imprisoned for not more than ten years in addition to the penalties provided in this section for each violation.

(I) A plea of guilty or the legal equivalent entered pursuant to a provision of this article by an offender entitles the victim of trafficking in persons to all benefits, rights, and compensation granted pursuant to Section 16-3-1110.

(J) In a prosecution of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, or incidental or related to, trafficking. A victim of trafficking in persons convicted of a violation of this article or prostitution may motion the court to vacate the conviction and expunge the record of the conviction. The court may

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grant the motion on a finding that the person's participation in the offense was a direct result of being a victim. A victim of trafficking in persons is not subject to prosecution pursuant to this article or prostitution, if the victim was a minor at the time of the offense and committed the offense as a direct result of, or incidental or related to, trafficking.

(K) Evidence of the following facts or conditions do not constitute a defense in a prosecution for a violation of this article, nor does the evidence preclude a finding of a violation:

~~(1) the victim's sexual history or history of commercial sexual activity, the specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct;~~

~~(2)(1) the victim's connection by blood or marriage to a defendant in the case or to anyone involved in the victim's trafficking;~~

~~(3)(2) the implied or express consent of a victim to acts which violate the provisions of this section do not constitute a defense to violations of this section;~~

~~(4)(3) age of consent to sex, legal age of marriage, or other discretionary age; and~~

~~(5)(4) mistake as to the victim's age, even if the mistake is reasonable.~~

(L) A victim's sexual history or history of commercial sexual activity, the specific instances of a victim's sexual conduct, opinion evidence of a victim's sexual conduct, and reputation evidence of a victim's sexual conduct are not admissible by a defendant in a criminal action.

~~(M)~~A person who violates the provisions of this section may be prosecuted by the State Grand Jury, pursuant to Section 14-7-1600, when a victim is trafficked in more than one county or a trafficker commits the offense of trafficking in persons in more than one county.”

SECTION 2. Section 16-3-2030(A) of the 1976 Code is amended to read:

“(A) The principal owners of a business, a business entity, including a corporation, partnership, charitable organization, or another legal entity, that knowingly aids or participates in an offense provided in this article is criminally liable for the offense and will be subject to a fine or loss of business license in the State, or both. In addition, the court may consider disgorgement of profit from activity in violation of this article and disbarment from state and local government contracts.”

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SECTION 3. Section 16-3-2040(D) of the 1976 Code is amended to read:

“(D) Restitution for this section, pursuant to Section 16-3-1270, means payment for all injuries, specific losses, and expenses, including, but not limited to, attorney’s fees, sustained by a crime victim resulting from an offender’s criminal conduct pursuant to Section 16-3-1110(12)(a). In addition, the court may order an amount representing the value of the victim’s labor or services.”

SECTION 4. Section 16-3-2050 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“() To the extent that funds are appropriated, the task force may make grants to or contract with a state agency, local government, or private victim’s service organization to develop or expand service programs for victim’s. A recipient of a grant or contract shall report annually to the task force the number and demographic information of all victims receiving services pursuant to the grant or contract.”

SECTION 5. Section 16-3-2060 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“() A victim’s sexual history or history of commercial sexual activity, the specific instances of a victim’s sexual conduct, opinion evidence of a victim’s sexual conduct, and reputation evidence of a victim’s sexual conduct are not admissible by a defendant in a civil action.”

SECTION 6. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The question then was the adoption of the amendment.

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

Ayes 38; Nays 0

AYES

Alexander	Allen	Bennett
Bright	Campsen	Coleman
Corbin	Courson	Fair
Grooms	Hayes	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Lourie
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Matthews	McElveen
Nicholson	O'Dell	Peeler
Rankin	Reese	Sabb
Setzler	Shealy	Sheheen
Thurmond	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

The amendment was adopted.

The Bill was ordered returned to the House of Representatives with amendments.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

DEBATE INTERRUPTED

H. 3114 -- Reps. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H.A. Crawford, Crosby, Daning, Delleney, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D.C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G.M. Smith, G.R. Smith,

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Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam, Rivers, V.S. Moss, Whitmire, Bedingfield, Hill, Duckworth and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT", TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST-FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING BY PHYSICIANS WHO PERFORM ABORTIONS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO PROVIDE FOR A CIVIL RIGHT OF ACTION FOR CERTAIN INDIVIDUALS AGAINST A PHYSICIAN PERFORMING AN ABORTION IN VIOLATION OF THE ACT AND FOR INJUNCTIVE RELIEF, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW.

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

Amendment No. P1

Senator GROOMS proposed the following amendment (3114R005.LS.LKG), which was withdrawn:

Amend the committee amendment, as and if amended, page [3114-1], by striking lines 31-34 and inserting:

/ (10) 'Severe fetal anomaly' means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that, despite the provisions of life-preserving treatment, would be incompatible with sustaining life after birth for a reasonable time, not to exceed thirty days. /

[SJ]

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Renumber sections to conform.
Amend title to conform.

Senator HUTTO spoke on the amendment.

Senator HUTTO asked unanimous consent to withdraw Amendment No. P1 and Amendment No. P2.

There was no objection.

Amendment No. P3

Senators HUTTO, GROOMS and SHEALY proposed the following amendment (H-3114-2), which was tabled and reconsidered:

Amend the committee amendment, as and if amended, by striking the committee amendment in its entirety and inserting:

/ SECTION 1. Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Article 5

South Carolina Pain-Capable Unborn Child Protection Act

Section 44-41-410. This article may be cited as the ‘South Carolina Pain-Capable Unborn Child Protection Act’.

Section 44-41-420. The General Assembly makes the following findings:

(1) Pain receptors (nociceptors) are present throughout the unborn child’s entire body and nerves link these receptors to the brain’s thalamus and subcortical plate by no later than twenty weeks.

(2) By eight weeks after fertilization, the unborn child reacts to touch. After twenty weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their levels when painful stimuli are applied without such anesthesia.

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(6) The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than twenty weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adults, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) The position, asserted by some medical experts, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from thrashing about in reaction to invasive surgery.

(11) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain by twenty weeks after fertilization.

(12) It is the purpose of the State to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) South Carolina's compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of South Carolina's compelling state interest in protecting the lives of unborn children from the stage of viability, and neither state interest is intended to replace the other.

(14) Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion, the United States Supreme Court noted that an explicit

statement of legislative intent specifically made applicable to a particular statute is of greater weight than a general savings or severability clause, it is the intent of the State that if any one or more provisions, sections, subsections, sentences, clauses, phrases or words of this article or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this article shall remain effective notwithstanding such unconstitutionality. Moreover, the State declares that it would have passed this article, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases or words, or any of their applications, were to be declared unconstitutional.

Section 44-41-430. For the purposes of this article:

(1) 'Abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device excluding the use of a contraceptive, an intrauterine device (IUD) or the morning after pill:

(a) to intentionally kill the unborn child of a woman known to be pregnant; or

(b) to intentionally prematurely terminate the pregnancy of a woman known to be pregnant, with an intention other than to increase the probability of a live birth or of preserving the life or health of the child after live birth.

(2) 'Attempt to perform or induce an abortion' means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this State in violation of this article.

(3) 'Department' means the South Carolina Department of Health and Environmental Control.

(4) 'Fertilization' means the fusion of a human spermatozoon with a human ovum.

(5) 'Medical emergency' means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman that it necessitates the immediate abortion of her pregnancy without first determining post-fertilization age to avert her death or for which the delay necessary to determine post-fertilization age will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition must be considered a medical emergency if based on a claim or diagnosis that the woman will engage in conduct

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which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(6) 'Physician' means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in this State.

(7) 'Post-fertilization age' means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

(8) 'Probable post-fertilization age of the unborn child' means what, in reasonable medical judgment, will with reasonable probability be the post-fertilization age of the unborn child at the time the abortion is planned to be performed or induced.

(9) 'Reasonable medical judgment' means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(10) 'Severe fetal anomaly' means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that will most likely result in the natural death of the unborn child without life-sustaining medical treatment being administered upon the unborn child's birth.

(11) 'Unborn child' or 'fetus' each means an individual organism of the species homo sapiens from fertilization until live birth.

(11) 'Woman' means a female human being whether or not she has reached the age of majority.

Section 44-41-440. Except in the case of a medical emergency, rape, incest, or severe fetal anomaly no abortion must be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable post-fertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to post-fertilization age.

Section 44-41-450. (A) No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable post-fertilization

age of the woman's unborn child is twenty or more weeks, except in the case of rape, incest, severe fetal anomaly, or in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such greater risk must be considered to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(B) When an abortion upon a woman whose unborn child has been determined to have a probable post-fertilization age of twenty or more weeks is not prohibited by subsection (A), the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. No such greater risk must be considered to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

Section 44-41-460. (A) Any abortion performed in this State must be reported by the licensed facility on the standard form for reporting abortions to the state registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the state registrar. The form must indicate from whom consent was obtained or circumstances waiving consent and must include:

(1) Post-fertilization age:

(a) if a determination of probable post-fertilization age was made, whether ultrasound was employed in making the determination, and the week of probable post-fertilization age determined; or

(b) if a determination of probable post-fertilization age was not made, the basis of the determination that a medical emergency existed.

(2) Method of abortion, of which the following was employed:

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(a) medication abortion such as, but not limited to, mifepristone/misoprostol or methotrexate/misoprostol;

(b) manual vacuum aspiration;

(c) electrical vacuum aspiration;

(d) dilation and evacuation;

(e) combined induction abortion and dilation and evacuation;

(f) induction abortion with prostaglandins;

(g) induction abortion with intra-amniotic instillation such as, but not limited to, saline or urea;

(h) induction abortion; and

(i) intact dilation and extraction (partial-birth).

(3) Whether an intrafetal injection was used in an attempt to induce fetal demise such as, but not limited to, intrafetal potassium chloride or digoxin.

(4) Age of the patient.

(5) If the probable post-fertilization age was determined to be twenty or more weeks, whether the reason for the abortion was a medical emergency, rape, incest, or severe fetal anomaly, and if the reason was a medical emergency, the basis of the determination that the pregnant woman had a condition which so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

(6) If the probable post-fertilization age was determined to be twenty or more weeks, whether or not the method of abortion used was one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive and, if such a method was not used, the basis of the determination that termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods.

(B) Reports required by subsection (A) shall not contain the name or the address of the patient whose pregnancy was terminated, nor shall the report contain any other information identifying the patient, except that each report shall contain a unique medical record identifying number, to enable matching the report to the patient's medical records. Such reports must be maintained in strict confidence by the department, must not be available for public inspection, and must not be made available except:

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(1) to the Attorney General or solicitor with appropriate jurisdiction pursuant to a criminal investigation;

(2) to the Attorney General or solicitor pursuant to a civil investigation of the grounds for an action under Section 44-41-480(B);
or

(3) pursuant to court order in an action under Section 44-41-480.

(C) By June thirtieth of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (A). Each such report also shall provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted.

(D) Any facility who fails to submit a report by the end of thirty days following the due date must be subject to a late fee of one thousand dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any physician required to report in accordance with this article who has not submitted a report, or has submitted only an incomplete report, more than six months following the due date, may, in an action brought by the department, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Intentional or reckless failure by any physician to conform to any requirement of this section, other than late filing of a report, constitutes 'unprofessional conduct' pursuant to Section 40-47-20(53). Intentional or reckless failure by any physician to submit a complete report in accordance with a court order constitutes 'unprofessional conduct' pursuant to Section 40-47-20(53). Intentional or reckless falsification of any report required under this section is a misdemeanor punishable by not more than one year in prison.

(E) Within ninety days of the effective date of this article, the Department of Health and Environmental Control shall adopt and promulgate forms and regulations to assist in compliance with this section. Subsection (A) shall take effect so as to require reports regarding all abortions performed or induced on and after the first day of the first calendar month following the effective date of such rules.

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Section 44-41-470. Any physician who intentionally or knowingly fails to conform to any requirement in Section 44-41-440 and Section 44-41-450 is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars or imprisoned for not more than three years, or both. No part of the minimum fine may be suspended. For conviction of a third or subsequent offense, the sentence must be imprisonment for not less than sixty days nor more than three years, no part of which may be suspended.

Section 44-41-480. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful as provided in this article. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order of injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.”

SECTION 2. This act takes effect upon approval of the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator GROOMS spoke on the amendment.

Senator BRIGHT moved to lay the amendment on the table.

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

Ayes 30; Nays 10

AYES

Alexander	Bennett	Bright
Bryant	Campsen	Cleary
Corbin	Courson	Davis

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Fair	Grooms	Hembree
Jackson	Leatherman	Malloy
<i>Martin, Larry</i>	<i>Martin, Shane</i>	Massey
McElveen	O'Dell	Peeler
Reese	Setzler	Shealy
Sheheen	Thurmond	Turner
Verdin	Williams	Young

Total--30

NAYS

Allen	Hutto	Johnson
Kimpson	Lourie	Matthews
Nicholson	Rankin	Sabb
Scott		

Total--10

The amendment was laid on the table.

Amendment No. P4

Senator HUTTO proposed the following amendment (3114CBH5), which was withdrawn:

Amend the committee report, as and if amended, page [3114-1], by striking lines 35-37 and inserting:

/ (11) 'fetus' means an individual organism of the species homo sapiens from fertilization after implantation until live birth. /

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Motion Adopted

Having voted on the prevailing side, Senator GROOMS moved to reconsider the vote whereby Amendment No. P3 was tabled.

Amendment P3 was reconsidered.

On motion of Senator HUTTO, Amendment No. P4 was withdrawn.

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Amendment No. P3

Senators HUTTO, GROOMS and SHEALY proposed the following amendment (H-3114-2), which was tabled and reconsidered:

Amend the committee amendment, as and if amended, by striking the committee amendment in its entirety and inserting:

/ SECTION 1. Chapter 41, Title 44 of the 1976 Code is amended by adding:

“Article 5

South Carolina Pain-Capable Unborn Child Protection Act

Section 44-41-410. This article may be cited as the ‘South Carolina Pain-Capable Unborn Child Protection Act’.

Section 44-41-420. The General Assembly makes the following findings:

(1) Pain receptors (nociceptors) are present throughout the unborn child’s entire body and nerves link these receptors to the brain’s thalamus and subcortical plate by no later than twenty weeks.

(2) By eight weeks after fertilization, the unborn child reacts to touch. After twenty weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their levels when painful stimuli are applied without such anesthesia.

(6) The position, asserted by some medical experts, that the unborn child is incapable of experiencing pain until a point later in pregnancy than twenty weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

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(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adults, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) The position, asserted by some medical experts, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from thrashing about in reaction to invasive surgery.

(11) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain by twenty weeks after fertilization.

(12) It is the purpose of the State to assert a compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) South Carolina's compelling state interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of South Carolina's compelling state interest in protecting the lives of unborn children from the stage of viability, and neither state interest is intended to replace the other.

(14) Mindful of *Leavitt v. Jane L.*, 518 U.S. 137 (1996), in which in the context of determining the severability of a state statute regulating abortion, the United States Supreme Court noted that an explicit statement of legislative intent specifically made applicable to a particular statute is of greater weight than a general savings or severability clause, it is the intent of the State that if any one or more provisions, sections, subsections, sentences, clauses, phrases or words of this article or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this article shall remain effective notwithstanding such unconstitutionality. Moreover, the State declares that it would have

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passed this article, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases or words, or any of their applications, were to be declared unconstitutional.

Section 44-41-430. For the purposes of this article:

(1) 'Abortion' means the use or prescription of any instrument, medicine, drug, or any other substance or device excluding the use of a contraceptive, an intrauterine device (IUD) or the morning after pill:

(a) to intentionally kill the unborn child of a woman known to be pregnant; or

(b) to intentionally prematurely terminate the pregnancy of a woman known to be pregnant, with an intention other than to increase the probability of a live birth or of preserving the life or health of the child after live birth.

(2) 'Attempt to perform or induce an abortion' means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance or induction of an abortion in this State in violation of this article.

(3) 'Department' means the South Carolina Department of Health and Environmental Control.

(4) 'Fertilization' means the fusion of a human spermatozoon with a human ovum.

(5) 'Medical emergency' means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman that it necessitates the immediate abortion of her pregnancy without first determining post-fertilization age to avert her death or for which the delay necessary to determine post-fertilization age will create serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No condition must be considered a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(6) 'Physician' means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in this State.

(7) 'Post-fertilization age' means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

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(8) ‘Probable post-fertilization age of the unborn child’ means what, in reasonable medical judgment, will with reasonable probability be the post-fertilization age of the unborn child at the time the abortion is planned to be performed or induced.

(9) ‘Reasonable medical judgment’ means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(10) ‘Severe fetal anomaly’ means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that will most likely result in the natural death of the unborn child without life-sustaining medical treatment being administered upon the unborn child’s birth.

(11) ‘Unborn child’ or ‘fetus’ each means an individual organism of the species homo sapiens from fertilization until live birth.

(11) ‘Woman’ means a female human being whether or not she has reached the age of majority.

Section 44-41-440. Except in the case of a medical emergency, rape, incest, or severe fetal anomaly no abortion must be performed or induced or be attempted to be performed or induced unless the physician performing or inducing it has first made a determination of the probable post-fertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to perform in making an accurate diagnosis with respect to post-fertilization age.

Section 44-41-450. (A) No person shall perform or induce or attempt to perform or induce an abortion upon a woman when it has been determined, by the physician performing or inducing or attempting to perform or induce the abortion or by another physician upon whose determination that physician relies, that the probable post-fertilization age of the woman’s unborn child is twenty or more weeks, except in the case of rape, incest, severe fetal anomaly, or in reasonable medical judgment, she has a condition which so complicates her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions. No such greater risk must be considered to exist

if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

(B) When an abortion upon a woman whose unborn child has been determined to have a probable post-fertilization age of twenty or more weeks is not prohibited by subsection (A), the physician shall terminate the pregnancy in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive, unless, in reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods. No such greater risk must be considered to exist if it is based on a claim or diagnosis that the woman will engage in conduct which she intends to result in her death or in substantial and irreversible physical impairment of a major bodily function.

Section 44-41-460. (A) Any abortion performed in this State must be reported by the licensed facility on the standard form for reporting abortions to the state registrar, Department of Health and Environmental Control, within seven days after the abortion is performed. The names of the patient and physician may not be reported on the form or otherwise disclosed to the state registrar. The form must indicate from whom consent was obtained or circumstances waiving consent and must include:

(1) Post-fertilization age:

(a) if a determination of probable post-fertilization age was made, whether ultrasound was employed in making the determination, and the week of probable post-fertilization age determined; or

(b) if a determination of probable post-fertilization age was not made, the basis of the determination that a medical emergency existed.

(2) Method of abortion, of which the following was employed:

(a) medication abortion such as, but not limited to, mifepristone/misoprostol or methotrexate/misoprostol;

(b) manual vacuum aspiration;

(c) electrical vacuum aspiration;

(d) dilation and evacuation;

(e) combined induction abortion and dilation and evacuation;

(f) induction abortion with prostaglandins;

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(g) induction abortion with intra-amniotic instillation such as, but not limited to, saline or urea;

(h) induction abortion; and

(i) intact dilation and extraction (partial-birth).

(3) Whether an intrafetal injection was used in an attempt to induce fetal demise such as, but not limited to, intrafetal potassium chloride or digoxin.

(4) Age of the patient.

(5) If the probable post-fertilization age was determined to be twenty or more weeks, whether the reason for the abortion was a medical emergency, rape, incest, or severe fetal anomaly, and if the reason was a medical emergency, the basis of the determination that the pregnant woman had a condition which so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions.

(6) If the probable post-fertilization age was determined to be twenty or more weeks, whether or not the method of abortion used was one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive and, if such a method was not used, the basis of the determination that termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods.

(B) Reports required by subsection (A) shall not contain the name or the address of the patient whose pregnancy was terminated, nor shall the report contain any other information identifying the patient, except that each report shall contain a unique medical record identifying number, to enable matching the report to the patient's medical records. Such reports must be maintained in strict confidence by the department, must not be available for public inspection, and must not be made available except:

(1) to the Attorney General or solicitor with appropriate jurisdiction pursuant to a criminal investigation;

(2) to the Attorney General or solicitor pursuant to a civil investigation of the grounds for an action under Section 44-41-480(B); or

(3) pursuant to court order in an action under Section 44-41-480.

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(C) By June thirtieth of each year, the department shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection (A). Each such report also shall provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The department shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed, induced, or attempted.

(D) Any facility who fails to submit a report by the end of thirty days following the due date must be subject to a late fee of one thousand dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any physician required to report in accordance with this article who has not submitted a report, or has submitted only an incomplete report, more than six months following the due date, may, in an action brought by the department, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Intentional or reckless failure by any physician to conform to any requirement of this section, other than late filing of a report, constitutes 'unprofessional conduct' pursuant to Section 40-47-20(53). Intentional or reckless failure by any physician to submit a complete report in accordance with a court order constitutes 'unprofessional conduct' pursuant to Section 40-47-20(53). Intentional or reckless falsification of any report required under this section is a misdemeanor punishable by not more than one year in prison.

(E) Within ninety days of the effective date of this article, the Department of Health and Environmental Control shall adopt and promulgate forms and regulations to assist in compliance with this section. Subsection (A) shall take effect so as to require reports regarding all abortions performed or induced on and after the first day of the first calendar month following the effective date of such rules.

Section 44-41-470. Any physician who intentionally or knowingly fails to conform to any requirement in Section 44-41-440 and Section 44-41-450 is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars nor more than ten thousand dollars or imprisoned for not more than three years, or both. No part of the minimum fine may be suspended. For conviction of a third or

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subsequent offense, the sentence must be imprisonment for not less than sixty days nor more than three years, no part of which may be suspended.

Section 44-41-480. This article must not be construed to repeal, by implication or otherwise, Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion. An abortion that complies with this article but violates the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law must be considered unlawful as provided in such provision. An abortion that complies with the provisions of Section 44-41-20 or any otherwise applicable provision of South Carolina law regulating or restricting abortion but violates this article must be considered unlawful as provided in this article. If some or all of the provisions of this article are ever temporarily or permanently restrained or enjoined by judicial order, all other provisions of South Carolina law regulating or restricting abortion must be enforced as though such restrained or enjoined provisions had not been adopted; provided, however, that whenever such temporary or permanent restraining order of injunction is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have full force and effect.”

SECTION 2. This act takes effect upon approval of the Governor. /
Renumber sections to conform.
Amend title to conform.

Senator GROOMS spoke on the amendment.

Remarks to be Printed

On motion of Senator DAVIS, with unanimous consent, the remarks of Senator GROOMS, when reduced to writing and made available to the Desk, would be printed in the Journal.

Senator BRIGHT spoke on the amendment.

Point of Quorum

At 1:31 P.M., Senator BRIGHT made the point that a quorum was not present. It was ascertained that a quorum was present.

Senator BRIGHT resumed speaking.

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Point of Quorum

At 1:57 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Coleman	Corbin	Davis
Fair	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Lourie	Malloy
<i>Martin, Larry</i>	Massey	Matthews
McElveen	O'Dell	Peeler
Pinckney	Rankin	Sabb
Scott	Shealy	Sheheen
Thurmond	Turner	Verdin
Young		

A quorum being present, the Senate resumed.

Motion Under Rule 15A Failed

At 1:59 P.M., Senator GROOMS moved under the provisions of Rule 15A that the debate on the entire matter of H. 3114 be brought to a close.

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

Ayes 13; Nays 22

AYES

Campsen	Cleary	Grooms
Hembree	Hutto	Leatherman
Lourie	<i>Martin, Larry</i>	O'Dell
Peeler	Pinckney	Shealy
Turner		

Total--13

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NAYS

Alexander	Allen	Bennett
Bright	Bryant	Coleman
Corbin	Davis	Fair
Johnson	Kimpson	Malloy
Massey	McElveen	Rankin
Reese	Sabb	Scott
Sheheen	Thurmond	Verdin
Young		

Total--22

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Senator BRIGHT resumed speaking on the amendment.

Point of Quorum

At 2:19 P.M., Senator MALLOY made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

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

Alexander	Allen	Bennett
Bright	Bryant	Campsen
Coleman	Corbin	Davis
Fair	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Lourie	Malloy
<i>Martin, Larry</i>	Massey	McElveen
O'Dell	Peeler	Rankin
Reese	Sabb	Scott
Shealy	Sheheen	Thurmond
Turner	Verdin	Young

A quorum being present, the Senate resumed.

Senator BRIGHT resumed speaking.

[SJ]

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Motion Under Rule 15A Failed

At 1:59 P.M., Senator GROOMS moved under the provisions of Rule 15A that the debate on the entire matter of H. 3114 be brought to a close.

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

Ayes 14; Nays 20

AYES

Bennett	Campsen	Grooms
Hembree	Hutto	Leatherman
Lourie	<i>Martin, Larry</i>	Massey
Matthews	Peeler	Shealy
Turner	Young	

Total--14

NAYS

Alexander	Allen	Bright
Bryant	Coleman	Corbin
Davis	Fair	Johnson
Kimpson	Malloy	McElveen
Pinckney	Rankin	Reese
Sabb	Scott	Sheheen
Thurmond	Verdin	

Total--20

Having failed to receive the necessary vote, the motion under Rule 15A failed.

Motion Failed

Senator LEATHERMAN, in accordance with Rule 14, with Senator BRIGHT retaining the floor, moved that the Senate carry over the entire matter.

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

Ayes 14; Nays 19

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AYES

Allen	Coleman	Hutto
Johnson	Kimpson	Leatherman
Lourie	Matthews	McElveen
Rankin	Reese	Sabb
Scott	Sheheen	

Total--14

NAYS

Alexander	Bennett	Bright
Bryant	Campsen	Corbin
Davis	Fair	Grooms
Hembree	Malloy	<i>Martin, Larry</i>
Massey	Peeler	Shealy
Thurmond	Turner	Verdin
Young		

Total--19

Having failed to receive the necessary votes, the Senate refused to carry over H. 3114.

Debate was interrupted by adjournment.

Motion Adopted

On motion of Senator BRIGHT, 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, Charleston County Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

James A. Turner, 351 Confederate Circle, Charleston, SC 29407

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

Henry W. Guerard, 1535 Wakendaw Road, Mount Pleasant, SC 29464

[SJ]

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

JoAnna E. Summey, 5054 Ashby Avenue, North Charleston, SC 29405

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

Priscilla B. Baldwin, 10034 South Carolina Road, McClellanville, SC 29458

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

Francis Cain-Lofton, P. O. Box 459, McClellanville, SC 29458

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

Alvin E. Bligen, Post Office Box 216, Edisto Island, SC 29438

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

David W. Coker, 4322 Patricia Street, North Charleston, SC 29418

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

James B. Gosnell, Jr., 1233 Bamboo Drive, Charleston, SC 29407

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

Thomas E. Lynn, 857 Detyens Road, Mt. Pleasant, SC 29464

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

Sheryl M. Perry, 7386 Highway 162, Hollywood, SC 29449

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

Ellen Steinberg, 34 Smith Street, Charleston, SC 29401

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

Jennifer B. McCoy, 451 Wampler Drive, Charleston, SC 29412 *VICE*
Richard Lingenfelter, Jr.

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

Kelley F. Young, 1829 Towne Street, Johns Island, SC 29455 *VICE*
Pricilla Baldwin

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

Itriss Jermain Jenkins, 16 Dewey Street, Charleston, SC 29403 *VICE*
Stephanie Ganaway-Pasley

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

Martelle T. Morrison, 1515 Roach Road, Hollywood, SC 29449 *VICE*
Jacquetta Jones

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

Richardine L. Singleton-Brown, 2172 Edward D. Singleton Drive,
Charleston, SC 29412 *VICE* New Seat

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

Leroy Linen, 6113 Judge Linen Lane, Wadmalaw Island, SC 29487

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

Marshal B. Rawl, 2568 River Road, Johns Island, SC 29455

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MOTION ADOPTED

On motion of Senator RANKIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. George Rast of Myrtle Beach, S.C. Mr. Rast was an Eagle Scout. He attended Orangeburg High School and graduated from Georgia Tech. George was the owner of Rast Associates, Inc. He worked as an electrical and mechanical consulting engineer for 48 years. George enjoyed boating and flying small planes. He was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 2:48 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.

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