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**Thursday, April 7, 2016**

**(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:

In Exodus Moses declares:

“The Lord is my strength and my song; he has become my salvation.” (Exodus 15:2a)

Join your heart with mine as we pray, if you will:

O loving God, we understand that in a city nearby a particular event begins today, a tournament requiring special skills, a contest demanding mental and physical strength. In some ways, of course, all that is also a description of what these leaders do in this Senate Chamber day by day: each of them working conscientiously to bring about “championship results” for South Carolina. Yet in this setting all of the efforts of these players are not a game, but instead a serious push to move our State forward in the very best ways possible. So, may it be, O God, that all South Carolinians will soon be able to cheer loudly -- and with good reason -- for solid, positive, and worthwhile results. In Your blessed name we pray, O Lord. Amen.

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

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

**Local Appointment**

Initial Appointment, Darlington County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Craig L. LaCross, 716 Lee State Park Road, Lamar, SC 29069 *VICE* Cely A. Brigman

**Doctor of the Day**

Senator GROOMS introduced Dr. Marc New of North Charleston, S.C., Doctor of the Day.

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**Leave of Absence**

At 10:59 A.M., Senator CAMPSEN requested a leave of absence for Senators CLEARY and CAMPBELL for the day.

**Leave of Absence**

At 11:08 A.M., Senator BENNETT requested a leave of absence for Senators HEMBREE and THURMOND for the day.

**Leave of Absence**

At 11:17 A.M., Senator ALLEN requested a leave of absence for Senator M.B. MATTHEWS for the day.

**Leave of Absence**

At 11:39 A.M., Senator NICHOLSON requested a leave of absence for Senator REESE for the day.

**Expression of Personal Interest**

Senator VERDIN rose for an Expression of Personal Interest.

**Remarks by Senator VERDIN**

Thank you, Mr. PRESIDENT, members of the Senate. I’m not nearly as disconcerted today as I was yesterday and for that, I apologize. When we get to the point in the Calendar where we have the opportunity to take up the animal welfare slate of Bills, I’ll be moving for their carryover. So, I’m here this morning with the burden of my heart from yesterday.

I really want to talk about our daily bread. We are so privileged and so blessed… and I’m going to be more specific and direct my remarks to a Bill that is on the Calendar and of peculiar and unique interest to me. I will explain myself before I take my seat. If I take more than five minutes, I would ask for an extension.

This is just a gentle reminder to myself and to us of the source from which we derive our daily bread. As I practice my Christian faith and draw my counsel and my instruction from the Canon of Scripture, Old and New Testaments, I can’t help but be rebuked when I sometimes fail to acknowledge the Source and Giver of our daily bread. ***“In the beginning…”*** As we find ourselves, as we consider ourselves, in Adam’s race and we can look back and see ourselves in the Garden of Eden, we would then, once in our collective human lifetime, know what is, what we speak of sometimes flippantly as, a perfect world. We have only seen a perfect world for a short period, even though, in our daily endeavors, we are striving for a perfect world. We are striving for a new

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heaven and a new earth. As I’ve contemplated the reason we find ourselves with an expanded statutory code, with an expanded government -- as we all measure the intent of our hearts, I find myself always compelled to go back and find some basis in my faith. So, I am thankful that even after -- in the perfect world -- God’s provision was profound and manifold. Even after the imperfection entered the world, I am thankful for His provision and I am thankful for His daily bread. We’re thankful for every bountiful blessing, but we start with what is rudimentary. Our children can be thankful they have parents-- symbolized as our first parents Adam and Eve. Cain and Abel can be thankful for their parents that provided food, raiment and shelter. My faith teaches me that Cain and Abel were directed by their parents to the Giver of Life, hence, the source of the bread of life.

Even as further imperfection manifested itself in the world, after Adam was removed from the world of perfection into toil and labor for his daily sustenance, as his progeny came along with further imperfection and offered the fruits of their labor, which was not acceptable in the eyes of God, even then, was Cain mercifully dealt with by his Lord. He was directly preserved from the wrath and retribution of man and God was his Judge and part of his judgment was that his daily sustenance would be further impaired -- the land would no longer bring forth a great increase for him.In the annals of time and millennia, from the first family right on through the multiple generations, the historical record is abundantly clear that our daily bread, the very sustenance of life, was a spiritual matter. It was physical, but it was spiritual.

Even as our Lord was in His earthly ministry, he pointed back to Moses to remind that Moses was not the provider of our daily bread. Moses was the instrument of the Lord, for His people, in the provision of their daily bread, hence, a spiritual and a physical manifestation and a union.

Our Lord, Himself, again, millennia closer, really, not that too distant removed from us today, providentially, as His people followed Him into a remote location on the other side of the Sea of Galilee, once again used an instrument -- a young lad with five loaves and two fishes. A multitude, five thousand or more, and the young lad, faithful to his mission and his ministry, was in the role, used of the Lord to take care of His people. I’m going to extrapolate. I’m not going to use the USDA statistics but I will just say this: if that Israelite was an instrument in feeding that five thousand, it would take a thousand of him under the same demonstration of the Lord’s mercy to feed five million.

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The point is, whether it be God teaching Adam, God teaching Cain, God teaching His disciples or His followers; there are some things in life, life itself, the emblem of life -- the bread of life, that are about the relationship. The relationship is for time and for eternity. We deal in time.

I believe this rudimentary symbol of bread is inescapable to us. We’ve proven you can go without shelter and maintain life. Mankind has proven that. Mankind has proven you can go without raiment, sometimes embarrassingly. I’ll bring it right here to the twenty-first century, across the steps of Europe and the plains of Asia, in our century, we have seen hundreds of millions of our fellow man, perish for the lack of provision -- instrument or the hand of God. We remove ourselves from even our recent history when we consider the bread of life -- that mana from heaven to the Israelites was to remind them… and us, subsequently.

I can’t help but think of George Muller, even, two centuriesbefore in the nineteenth, as he was doing the Lord’s work ministering to the children and sometimes they would not eat the one piece of bread they had received that day. They would hold it in their hand over night, in faith, that God would provide the next day. Muller was the instrument; God used him.

I’ll just say this, in closing -- God reigns supreme. He holds this world in His hands -- it wasn’t global warming that put the anomaly in the Atlantic Ocean in October, the convergence of a northeastern storm, a cold front pressing across this country, the unprecedented twenty-seven inches of rain that flooded our State. Out of the thousand or more that were directly impacted in this peculiar and particular arena of being instruments for our daily bread, I can assure you, if they are familiar with Adam Smith or Milton Friedman, they’re thankful that even those men can be instruments in the hands of God for being providers of our daily bread.

I’m intimately acquainted with scores of these families. I have commercial relationships in over a third of the counties of this   
State -- hence, my conflict and my anxiety yesterday -- not being able to engage the subject, not knowing the debate was really going to transpire yesterday. I’m abstaining from the debate; I’m recusing myself from the conversation and the floor work, if we get to it, or anything subsequent other actions of the House of Representatives or the Executive Branch, but I will pray for you and for everyone who truly can say it is all of the Lord that we sustain one day of life, one moment of life. If we have a particular opportunity to express some expression, I would pray that we

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seek it and find it -- whatever our walk of life is and whatever our course may carry us to. I appreciate your time.

On motion of Senator ALEXANDER, with unanimous consent, the remarks of Senator VERDIN were ordered printed in the Journal.

**ACTING PRESIDENT PRESIDES**

Senator CROMER assumed the Chair.

**CO-SPONSORS ADDED**

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

S. 1016 Sen. Alexander

S. 1064 Sen. Rankin

S. 1136 Sen. Campsen

S. 1203 Sen. Fair

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1211 -- Senators Grooms and Campbell: A BILL TO AMEND SECTION 58-31-310 OF THE 1976 CODE, RELATING TO PROVIDING ELECTRIC SERVICE, TO PROVIDE DEFINITIONS; AND TO AMEND TITLE 31, CHAPTER 58, RELATING TO PROVIDING ELECTRIC SERVICE, BY ADDING SECTION 58-31-470 TO AUTHORIZE A PILOT PROGRAM REQUIRING THE PUBLIC SERVICE AUTHORITY TO SELL POWER TO ELECTROLYTIC PROCESSORS AT MARKET-BASED PRICES WHILE PROTECTING THE PUBLIC SERVICE AUTHORITY'S OTHER CUSTOMERS FROM ANY ADDITIONAL COSTS.

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

S. 1212 -- Senator Bright: A BILL TO AMEND SECTION 7-7-490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO ADD THE RIVER RIDGE PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON

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WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

S. 1213 -- Senator Coleman: A CONCURRENT RESOLUTION TO RECOGNIZE THE LIFE OF MRS. ELIZABETH TANT "LIBBY" THRAILKILL OF FORT LAWN, AND TO HONOR HER PASSION FOR, DEDICATION AND SERVICE TO, EVERYONE AROUND HER.

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

S. 1214 -- Senators Jackson and Courson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE DREHER HIGH SCHOOL GIRLS VARSITY BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2015-2016 CLASS AAA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 1215 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE PELION HIGH SCHOOL MARCHING BAND FOR ITS OUTSTANDING SEASON AND TO CONGRATULATE THESE FINE MUSICIANS ON WINNING THE 2015 SOUTH CAROLINA BAND DIRECTORS ASSOCIATION CLASS AA STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 1216 -- Senator Coleman: A SENATE RESOLUTION TO RECOGNIZE AND HONOR METROPOLITAN AFRICAN METHODIST EPISCOPAL ZION CHURCH UPON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY AND TO CONGRATULATE THE PASTOR, CONGREGATION, AND

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CHURCH STAFF FOR MORE THAN A CENTURY AND A HALF OF FAITHFUL SERVICE TO THEIR CONGREGANTS AND COMMUNITY.

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The Senate Resolution was adopted.

S. 1217 -- Senators McElveen, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M. B. Matthews, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE SOUTH CAROLINA AUTISM SOCIETY FOR ITS OUTSTANDING SERVICE TO CHILDREN AND OTHERS WHO ARE AFFECTED BY AUTISM AND TO DECLARE APRIL 2016 AS "AUTISM AWARENESS MONTH" IN THE PALMETTO STATE.

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The Senate Resolution was adopted.

S. 1218 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE NORTH CAROLINA BUSINESS ASSOCIATION'S MISS SC PEARLS SCHOLARSHIP PAGEANT AND GALA.

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The Senate Resolution was adopted.

**PRESIDENT PRESIDES**

At 11:20 A.M., the PRESIDENT assumed the Chair.

**REPORT OF STANDING COMMITTEE**

Senator CLEARY from the Committee on Invitations polled out S. 991 favorable:

S. 991 -- Senator Verdin: A CONCURRENT RESOLUTION DESIGNATING MAY 11, 2016, AS “DIFFUSE INTRINSIC PONTINE GLIOMA AWARENESS DAY” IN SOUTH CAROLINA.

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**Poll of the Invitations Committee**

**Polled 11; Ayes 10; Nays 0; Not Voting 1**

**AYES**

Cleary Alexander Verdin

Campsen Cromer Malloy

Johnson Kimpson McElveen

Campbell

**Total--10**

**NAYS**

**Total--0**

**NOT VOTING**

Reese

**Total--1**

Ordered for consideration tomorrow.

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

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

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

S. 982 -- Senators Peeler, Grooms and Bryant: A BILL TO AMEND SECTION 12‑36‑2120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT NATURAL GAS SOLD TO A PERSON WITH A MISCELLANEOUS FUEL USER FEE LICENSE WHO WILL PRODUCE COMPRESSED NATURAL GAS OR LIQUEFIED NATURAL GAS FOR USE AS MOTOR FUEL IN THEIR OWN MOTOR VEHICLES AND REMIT THE APPLICABLE MOTOR FUEL USER FEES.

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**READ THE SECOND TIME**

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

The Senate proceeded to a consideration of the Bill.

The question then was second reading of the Bill.

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

**Ayes 35; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Campsen Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman *Martin, Larry Martin, Shane*

Massey *Matthews, John* McElveen

Nicholson Peeler Rankin

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--35**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1178 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO ADDITIONAL REGULATIONS APPLICABLE TO SPECIFIC PROPERTIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4634, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator CAMPSEN explained the Resolution.

The question being the second reading of the Resolution.

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

**Ayes 35; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campsen Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Johnson Kimpson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John* McElveen

Nicholson Peeler Sabb

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--35**

**NAYS**

Bright

**Total--1**

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

**READ THE SECOND TIME**

S. 1179 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO WILDLIFE MANAGEMENT AREA REGULATIONS; AND TURKEY HUNTING RULES AND SEASONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4635, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

Senator CAMPSEN explained the Resolution.

The question being the second reading of the Resolution.

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

**Ayes 35; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campsen Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Johnson Kimpson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John* McElveen

Nicholson Peeler Sabb

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--35**

**NAYS**

Bright

**Total--1**

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

**READ THE SECOND TIME**

S. 1180 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF REGISTRATION FOR FORESTERS, RELATING TO FEES FOR REGISTRATION AND RENEWAL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4627, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

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

**Ayes 35; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campsen Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Johnson Kimpson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John* McElveen

Nicholson Peeler Sabb

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--35**

**NAYS**

Bright

**Total--1**

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

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**READ THE SECOND TIME**

S. 689 -- Senators Hembree and McElveen: A BILL TO AMEND SECTION 56‑1‑50(B)(2) AND (C) OF THE 1976 CODE, RELATING TO MOTOR VEHICLE BEGINNER’S PERMIT AND VEHICLE OPERATION, TO PROVIDE THAT A PERMITTEE MAY NOT OPERATE A MOTORCYCLE, MOTOR SCOOTER, OR LIGHT MOTOR‑DRIVEN CYCLE AT ANY UNPERMITTED TIME UNLESS SUPERVISED BY A LICENSED MOTORCYCLE, MOTOR SCOOTER, OR LIGHT MOTOR‑DRIVEN CYCLE OPERATOR AND TO PROVIDE THAT THE ACCOMPANYING DRIVER MUST BE WITHIN A SAFE VIEWING DISTANCE OF THE PERMITTEE WHEN THE PERMITTEE IS OPERATING A MOTORCYCLE OR A THREE‑WHEEL VEHICLE.

The Senate proceeded to a consideration of the Bill.

The question then was second reading of the Bill.

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

**Ayes 33; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Campsen Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Johnson

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John* McElveen Nicholson

Peeler Scott Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--33**

**NAYS**

**Total--0**

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

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**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1073 -- Senators Setzler and Alexander: A BILL TO AMEND SECTION 12‑6‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2015 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (BBM\1073C001.BBM.DG16), which was adopted:

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

/ SECTION \_\_\_. A. Section 12-6-4970(B) of the 1976 Code is amended to read:

“(B)(1) Returns of ‘S’ corporations and partnerships must be filed on or before the fifteenth day of the third month following the taxable year.

(2) Returns for foreign corporations that do not maintain an office or place of business in the United States must be filed on or before the fifteenth day of the sixth month following the taxable year.”

B. Section 12-8-590(C) of the 1976 Code is amended to read:

“(C) Partnerships are required to withhold income taxes at a rate of five percent on a nonresident partner’s share of South Carolina taxable income of the partnership, whether distributed or undistributed, and pay the withheld amount to the department in the manner prescribed by the department. ~~For a taxable year beginning after 1991,~~ The partnership shall make a return and pay over the withheld funds on or before the fifteenth day of the ~~fourth~~ third month following the close of its tax year. Taxes withheld in the name of the nonresident partner must be used as credit against taxes due at the time the nonresident files income taxes for the taxable year.”

C. Section 12-13-80 of the 1976 Code is amended to read:

“Section 12-13-80. Returns with respect to the income tax herein imposed shall be in such form as the department may prescribe. Returns shall be filed with the department on or before the fifteenth day of the ~~third~~ fourth month following the close of the accounting period of the association.”

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D. Section 12-20-20(B) of the 1976 Code is amended to read:

“(B) Unless otherwise provided, corporations shall file an annual report on or before the fifteenth day of the ~~third~~ fourth month following the close of the taxable year.”

E. This SECTION takes effect upon approval by the Governor and first applies to tax years beginning after 2015. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The question then was second reading of the Bill.

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

**Ayes 33; Nays 3**

**AYES**

Alexander Allen Bennett

Campsen Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

McElveen Nicholson Peeler

Sabb Scott Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--33**

**NAYS**

Bright Bryant Corbin

**Total--3**

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

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**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1075 -- Senators Campbell, Hayes and Grooms: A BILL TO AMEND SECTION 12‑28‑110 OF THE 1976 CODE, RELATING TO DEFINITIONS PERTAINING TO MOTOR FUELS, TO AMEND CERTAIN DEFINITIONS; TO AMEND SECTION 56‑5‑4160 OF THE 1976 CODE, RELATING TO VEHICLE WEIGHTS AND LOADS, TO PROVIDE ADDITIONAL WEIGHT ALLOWANCES FOR MOTOR VEHICLES FUELED BY ALTERNATIVE FUEL; TO AMEND SECTION 12‑37‑2820, RELATING TO THE ASSESSMENT OF MOTOR VEHICLES, TO CLARIFY A DEFINITION AS IT RELATES TO MOTOR VEHICLES FUELED BY ALTERNATIVE FUEL; TO ADD SECTION 12‑6‑3695, RELATING TO INCOME TAX CREDITS, TO ALLOW AN INCOME TAX CREDIT TO A TAXPAYER WHO PURCHASES OR CONSTRUCTS AND INSTALLS AND PLACES IN SERVICE IN THIS STATE ELIGIBLE PROPERTY THAT IS USED FOR DISTRIBUTION, DISPENSING, OR STORING ALTERNATIVE FUEL AT A NEW OR EXISTING FUEL DISTRIBUTION OR DISPENSING FACILITY, AND TO SPECIFY THE AMOUNT OF THE CREDIT AND THE REQUIREMENTS OF THE CREDIT; AND TO ADD SECTION 12‑6‑3697, RELATING TO INCOME TAX CREDITS, TO ALLOW FOR AN INCOME TAX CREDIT FOR THE INCREMENTAL COSTS OR CONVERSION COSTS OF THE AMOUNT EXPENDED TO PURCHASE OR CONVERT AN ALTERNATIVE FUEL HEAVY‑DUTY VEHICLE, ALTERNATIVE FUEL VEHICLE, AND A BI‑FUEL ALTERNATIVE FUEL VEHICLE, AND TO SPECIFY THE AMOUNT OF THE CREDITS AND THE REQUIREMENTS OF THE CREDIT.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (BBM\1075C001.BBM.DG16), which was adopted:

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

/ SECTION 1. A. Section 12‑28‑110(1) of the 1976 Code is amended to read:

“(1) ‘Alternative fuel’ means a liquefied petroleum gas, liquefied natural gas, compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas product used in an internal combustion engine or motor to propel any form of vehicle,

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machine, or mechanical contrivance. It includes all forms of fuel commonly or commercially known or sold as butane, propane, liquefied natural gas, or compressed natural gas.”

B. Section 12‑28‑110(39) of the 1976 Code is amended to read:

“(39) ‘Motor fuel’ means gasoline, diesel fuel, substitute fuel, renewable fuel, alternative fuel, and blended fuel.”

C. Section 12‑28‑110(55) of the 1976 Code is amended to read:

“(55) ‘Motor fuel subject to the user fee’ means gasoline, diesel fuel, kerosene, blended fuel, substitute fuel, alternative fuel and blends of them and any other substance blended with them.”

D. Section 12‑28‑110 of the 1976 Code is amended by adding two appropriately numbered items to read:

“( ) ‘Diesel gallon equivalent’ or ‘DGE’ means the amount of liquefied natural gas containing the same energy content as one gallon of diesel. For purposes of calculating the motor fuel user fee on liquefied natural gas that is used or consumed in this State in producing or generating power for propelling a motor vehicle, each 6.06 pounds of liquefied natural gas equals one gallon of motor fuel.

( ) ‘Gasoline gallon equivalent’ or ‘GGE’ means the amount of compressed natural gas or liquefied petroleum gas containing the same energy content as one gallon of gasoline. For purposes of calculating the motor fuel user fee on compressed natural gas or liquefied petroleum gas that is used or consumed in South Carolina in producing or generating power for propelling a motor vehicle, each 126.67 cubic feet of compressed natural gas, or 5.66 pounds if the compressed natural gas is dispensed via a mass flow meter, equals one gallon of motor fuel and each gallon of liquefied petroleum gas equals .73 of a gallon of motor fuel.”

E. Article 1, Chapter 28, Title 12 of the 1976 Code is amended by adding:

“Section 12‑28‑120. For purposes of this chapter, any reference to the term gallon with respect to liquefied natural gas means diesel gallon equivalent (DGE) and any reference to the term gallon with respect to compressed natural gas or liquefied petroleum gas means gasoline gallon equivalent (GGE). For any gaseous product for which a conversion factor is not provided for in this chapter, based on the best information available, the department shall establish a temporary conversion factor to determine the gallon equivalent. The department shall subsequently submit to the General Assembly a recommended legislative change for this conversion factor.”

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F. Section 12‑36‑2120(15) of the 1976 Code is amended by adding two appropriately lettered subitems to read:

“( ) natural gas sold to a person with a miscellaneous motor fuel user fee license pursuant to Section 12‑28‑1139 who will compress it to produce compressed natural gas, or cool it to produce liquefied natural gas, for use as a motor fuel and remit the motor fuel user fees as required by law; and

( ) liquefied petroleum gas sold to a person with a miscellaneous motor fuel user fee license pursuant to Section 12‑28‑1139 who will use the liquefied petroleum gas as a motor fuel and remit the motor fuel user fees as required by law;”

G. Section 12‑28‑1125(A) of the 1976 Code is amended to read:

“(A) Each person who wishes to cause motor fuel subject to the user fee to be delivered into this State on his behalf, for his own account, or for resale to a purchaser in this State, from another state ~~in a fuel transport truck or in a pipeline or barge shipment~~ by any means into storage facilities other than a qualified terminal, shall apply and obtain an occasional importer’s license or a bonded importer’s license, at the discretion of the applicant.”

SECTION 2. Section 56‑5‑4160 of the 1976 Code, as last amended by Act 234 of 2008, is further amended by adding an appropriately lettered subsection to read:

“( ) Any motor vehicle that is fueled primarily by natural gas may exceed the gross, single axle, tandem axle, or bridge formula weight limits, including tolerances, by no more than 2,000 pounds each individually weighed, up to a maximum gross vehicle weight of 82,000 pounds on the interstate, by an amount that is equal to the difference between: the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. This subsection only applies if the operator of the vehicle can demonstrate that the vehicle is a natural gas vehicle, a biofuel vehicle using natural gas, or a vehicle that has been converted to a natural gas vehicle. The operator shall provide documentation which certifies the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system.”

SECTION 3. A. Section 12‑37‑2820(B) of the 1976 Code is amended to read:

“(B) ‘Gross capitalized cost’, as used in this section, means the original cost upon acquisition for income tax purposes, not to include

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taxes, interest, or cab customizing. However, for a motor vehicle which is fueled wholly or partially by alternative fuel as defined in Section 12‑28‑110(1), and that was acquired after 2015 but before 2026, the gross capitalized cost is reduced by the differential costs of a comparable diesel or gasoline powered vehicle, not to exceed thirty percent of the total acquisition cost of the motor vehicle. This reduction shall apply for the first ten property tax years for which tax is due following the acquisition of the vehicle.”

B. This SECTION first applies to property tax years beginning after 2015.

SECTION 4. A. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3695. (A)(1) A taxpayer who purchases or constructs and installs and places in service in this State eligible property that is used for distribution, dispensing, or storing alternative fuel specified in this subsection, at a new or existing fuel distribution or dispensing facility, is allowed an income tax credit equal to twenty‑five percent of the cost to the taxpayer of purchasing, constructing, and installing the eligible property.

(2) The entire credit may not be taken in the taxable year in which the property is placed in service, but must be taken in three equal annual installments beginning with the taxable year in which the property is placed in service. If, in one of the years in which the installment of a credit accrues, property directly and exclusively used for distributing, dispensing, or storing alternative fuel is disposed of or taken out of service and is not replaced, the credit expires and the taxpayer may not claim any remaining installment of the credit.

(3) The unused portion of an unexpired credit may be carried forward for not more than ten succeeding taxable years.

(4) The taxpayer may transfer any applicable credit associated with this section. To the extent that the taxpayer transfers the credit, the taxpayer must notify the department of the transfer in the manner the department prescribes. Notwithstanding subsection (D), as used in this item, the term ‘taxpayer’ only applies to the State or any agency or instrumentality, authority, or political subdivision, including municipalities.

(5) A taxpayer who claims any other credit allowed pursuant to this article with respect to the costs of constructing and installing a facility may not take the credit allowed in this section with respect to the same costs.

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(B) The Department of Revenue may require documentation that it considers necessary to administer the credit.

(C) To claim the credits allowed in this section, the taxpayer must place the property or facility in service before January 1, 2026.

(D) For purposes of this section:

(1) ‘Eligible property’ includes pumps, compressors, storage tanks, and related equipment that is directly and exclusively used for distribution, dispensing, or storing alternative fuel. The equipment used to store, distribute, or dispense alternative fuel must be labeled for this purpose and clearly identified as associated with alternative fuel.

(2) ‘Alternative fuel’ means compressed natural gas, liquefied natural gas, or liquefied petroleum gas, dispensed for use in motor vehicles and compressed natural gas, liquefied natural gas, or liquefied petroleum gas, dispensed by a distributor or facility.

(3) ‘Taxpayer’ means any sole proprietor, partnership, corporation of any classification, limited liability company, or association taxable as a business entity. Also, the word ‘taxpayer’ includes the State or any agency or instrumentality, authority, or political subdivision, including municipalities.”

B. This SECTION first applies to tax years beginning after 2015.

SECTION 5. A. Article 25, Chapter 6, Title 12 of the 1976 Code is amended by adding:

“Section 12‑6‑3697. (A) For purposes of this section:

(1) ‘Alternative fuel’ means liquified petroleum gas, liquified natural gas, or compressed natural gas fuel.

(2) ‘Alternative fuel heavy‑duty vehicle’ means a new or converted commercial vehicle, with a gross vehicle weight ratio equal to or more than 26,001 pounds, which is primarily fueled by an alternative fuel. As used in this paragraph, ‘primarily fueled by an alternative fuel’ means a vehicle that is produced by an original equipment manufacturer or converted by a third‑party equipment manufacturer and operates on ninety percent or more alternative fuel and on ten percent or less gasoline or diesel fuel.

(3) ‘Alternative fuel vehicle’ means a new or converted commercial vehicle, with a gross vehicle weight ratio less than 26,001 pounds, that is fueled solely by an alternative fuel and that is produced by an original equipment manufacturer or converted by a third‑party equipment manufacturer.

(4) ‘Bi‑fuel alternative fuel vehicle’ means a new or converted commercial vehicle with a gross vehicle weight ratio less than 26,001 pounds, that has two separate fuel systems, one of which is fueled by an

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alternative fuel and the other by conventional gasoline and that is produced by an original equipment manufacturer or a third‑party equipment manufacturer.

(5) ‘Conversion cost’ means the cost that results from modifying a motor vehicle which is propelled by gasoline or diesel to be propelled by an alternative fuel. In the case of a bi‑fuel alternative fuel vehicle, cost conversion means the cost that results from modifying a motor vehicle to be partially propelled by an alternative fuel.

(6) ‘Commercial vehicle’ means any vehicle used for commercial or business purposes owned by a taxpayer.

(7) ‘Incremental cost’ means the cost that results from subtracting the manufacturer’s list price of the motor vehicle operating on conventional gasoline or diesel fuel from the manufacturer’s list price of the same model motor vehicle designed to operate on an alternative fuel.

(8) ‘Taxpayer’ means any sole proprietor, partnership, corporation of any classification, limited liability company, or association taxable as a business entity. Also, the word ‘taxpayer’ includes the State or any agency or instrumentality, authority, or political subdivision, including municipalities.

(B)(1) A taxpayer is allowed an income tax credit of fifty percent of the incremental costs or conversion costs of the amount expended to purchase or convert an alternative fuel heavy‑duty vehicle. The credit may not exceed twelve thousand dollars for each vehicle.

(2) A taxpayer is allowed an income tax credit of fifty percent of the incremental costs or conversion costs of the amount expended to purchase or convert an alternative fuel vehicle. The credit may not exceed eight thousand dollars for each vehicle.

(3) A taxpayer is allowed an income tax credit of fifty percent of the incremental costs or conversion costs of the amount expended to purchase or convert a bi‑fuel alternative fuel vehicle. The credit may not exceed six thousand dollars for each vehicle.

(C) The credit allowed by this section is limited in use to fifty percent of either:

(1) the taxpayer’s income tax liability for the taxable year if taxpayer claims the credit allowed by this section as a credit against income tax imposed pursuant to Chapter 6; or

(2) the taxpayer’s corporate license fees for the taxable year if the taxpayer claims the credit allowed by this section as a credit against license fees imposed pursuant to Chapter 20.

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(D) The tax credit is nonrefundable but unused credits may be carried forward for seven years. The seven‑year carry forward period must not be extended due to periods of noncompliance.

(E) The taxpayer may transfer any applicable credit associated with this section. To the extent that the taxpayer transfers the credit, the taxpayer must notify the department of the transfer in the manner the department prescribes. Notwithstanding subsection (A), as used in this subsection, the term ‘taxpayer’ only applies to the State or any agency or instrumentality, authority, or political subdivision, including municipalities.

(F) The department shall produce an appropriate form for the taxpayer to submit certifying the following:

(1) certification from the manufacturer that the vehicle is an alternative fuel heavy‑duty vehicle, alternative fuel vehicle, a bi‑fuel alternative fuel vehicle, or a third‑party equipment manufacturer who possesses a current and legal Certificate of Conformity from the Environmental Protection Agency’s Office of Transportation and Air Quality specific to the qualified alternative fuel vehicle;

(2) a sworn affidavit from the taxpayer certifying that the vehicle will accumulate at least fifty‑one percent of its mileage in South Carolina in each year for a five‑year period, and that the vehicle is registered in this State and will remain registered in South Carolina for no less than five years; and

(3) any other information requested by the department.

(G) The department may promulgate rules and regulations necessary to implement and administer the provisions of this section, including provisions for repayment of any credit in the event any of the certifications are or become untrue during the five‑year period following the date of application.

(H) To the extent that the taxpayer is a partnership or a limited liability company taxed as a partnership, the credit may be passed through to the partners or members and may be allocated by the taxpayer among any of its partners or members on an annual basis including, without limitation, an allocation of the entire credit to any partner or member who was a member or partner at any time during the year in which the credit is allocated.

(I) The credit authorized by this section is allowed for purchases or conversions made after December 31, 2015, but before January 1, 2021.”

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B. This SECTION first applies to tax years beginning after 2015.

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campsen Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

McElveen Nicholson Peeler

Sabb Scott Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--36**

**NAYS**

Bright

**Total--1**

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

**Printed Page 1571 . . . . . Thursday, April 7, 2016**

**READ THE SECOND TIME**

S. 1125 -- Senator Reese: A BILL TO AMEND SECTION 12‑65‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEXTILES COMMUNITIES REVITALIZATION INCOME TAX CREDIT, SO AS TO DELETE A PROVISION THAT LIMITS THE CREDIT TO FIFTY PERCENT OF CERTAIN LIABILITY.

The Senate proceeded to a consideration of the Bill.

Senator CROMER explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 32; Nays 1; Abstain 1**

**AYES**

Alexander Allen Bennett

Campsen Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Jackson Johnson

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John* McElveen Nicholson

Peeler Sabb Shealy

Sheheen Turner Verdin

Williams Young

**Total--32**

**NAYS**

Bright

**Total--1**

**ABSTAIN**

Setzler

**Total--1**

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

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**READ IN FULL**

**READ THE SECOND TIME, ‘AYES’ AND ‘NAYS’ TAKEN**

S. 1136 -- Senators Malloy and Campsen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE XII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE REQUIREMENT THAT THE GENERAL ASSEMBLY PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM OLDER CONFINED PERSONS, SO AS TO CHANGE THE AGE FOR WHICH THE GENERAL ASSEMBLY SHALL PROVIDE FOR THE SEPARATE CONFINEMENT OF JUVENILE OFFENDERS FROM “UNDER THE AGE OF SEVENTEEN” TO “UNDER THE AGE OF EIGHTEEN”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Section 3, Article XII of the Constitution of this State be amended to read:

“Section 3. The General Assembly shall provide for the separate confinement of juvenile offenders under the age of ~~seventeen~~ eighteen from older confined persons.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 3, Article XII of the Constitution of this State, relating to the requirement that the General Assembly provide for the separate confinement of juvenile offenders from older confined persons, be amended to change the age for which the General Assembly shall provide for the separate confinement of juvenile offenders from ‘under the age of seventeen’ to ‘under the age of eighteen?’

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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The Senate proceeded to a consideration of the Resolution.

Senator MASSEY explained the Resolution.

The question being the second reading of the Resolution.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John* McElveen Nicholson

Peeler Rankin Sabb

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--38**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4328 -- Rep. White: A BILL TO AMEND SECTION 12‑8‑1530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUARTERLY INCOME TAX WITHHOLDINGS, SO AS TO CHANGE THE DUE DATE OF THE FOURTH QUARTER RETURN FROM THE LAST DAY OF FEBRUARY TO THE LAST DAY OF

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JANUARY; AND TO AMEND SECTION 12‑8‑1550, RELATING TO THE DUE DATE FOR FILING STATEMENTS REGARDING INCOME TAX WITHHOLDINGS WITH THE DEPARTMENT OF REVENUE, SO AS TO CHANGE THE DUE DATE FROM THE LAST DAY OF FEBRUARY TO THE LAST DAY OF JANUARY.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (BBM\4328C004.BBM.DG16), which was adopted:

Amend the bill, as and if amended, by adding the following appropriately numbered SECTIONS to read:

/ SECTION \_\_\_. Section 12‑6‑40(A)(1)(a) and (c) of the 1976 Code, as last amended by Act 5 of 2015, is further amended to read:

“(a) Except as otherwise provided, ‘Internal Revenue Code’ means the Internal Revenue Code of 1986, as amended through December 31, ~~2014~~ 2015, and includes the effective date provisions contained in it.

(c) If Internal Revenue Code sections adopted by this State which expired or portions thereof expired on December 31, ~~2014~~ 2015, are extended, but otherwise not amended, by congressional enactment during ~~2015~~ 2016, these sections or portions thereof also are extended for South Carolina income tax purposes in the same manner that they are extended for federal income tax purposes.”

SECTION \_\_\_. A. Section 12‑6‑4970(B) of the 1976 Code is amended to read:

“(B)(1) Returns of ‘S’ corporations and partnerships must be filed on or before the fifteenth day of the third month following the taxable year.

(2) Returns for foreign corporations that do not maintain an office or place of business in the United States must be filed on or before the fifteenth day of the sixth month following the taxable year.”

B. Section 12‑8‑590(C) of the 1976 Code is amended to read:

“(C) Partnerships are required to withhold income taxes at a rate of five percent on a nonresident partner’s share of South Carolina taxable income of the partnership, whether distributed or undistributed, and pay the withheld amount to the department in the manner prescribed by the department. ~~For a taxable year beginning after 1991,~~ The partnership shall make a return and pay over the withheld funds on or before the fifteenth day of the ~~fourth~~ third month following the close of its tax year. Taxes withheld in the name of the nonresident partner must be used as credit against taxes due at the time the nonresident files income taxes for the taxable year.”

C. Section 12‑13‑80 of the 1976 Code is amended to read:

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“Section 12‑13‑80. Returns with respect to the income tax herein imposed shall be in such form as the department may prescribe. Returns shall be filed with the department on or before the fifteenth day of the ~~third~~ fourth month following the close of the accounting period of the association.”

D. Section 12‑20‑20(B) of the 1976 Code is amended to read:

“(B) Unless otherwise provided, corporations shall file an annual report on or before the fifteenth day of the ~~third~~ fourth month following the close of the taxable year.”

E. This SECTION takes effect upon approval by the Governor and first applies to tax years beginning after 2015.

SECTION \_\_. Section 12‑28‑110 of the 1976 Code is amended by adding two appropriately numbered items to read:

“( ) ‘Diesel gallon equivalent’ or ‘DGE’ means the amount of liquefied natural gas containing the same energy content as one gallon of diesel. For purposes of calculating the motor fuel user fee on liquefied natural gas that is used or consumed in this State in producing or generating power for propelling a motor vehicle, each 6.06 pounds of liquefied natural gas equals one gallon of motor fuel.

( ) ‘Gasoline gallon equivalent’ or ‘GGE’ means the amount of compressed natural gas or liquefied petroleum gas containing the same energy content as one gallon of gasoline. For purposes of calculating the motor fuel user fee on compressed natural gas or liquefied petroleum gas that is used or consumed in South Carolina in producing or generating power for propelling a motor vehicle, each 126.67 cubic feet of compressed natural gas, or 5.66 pounds if the compressed natural gas is dispensed via a mass flow meter, equals one gallon of motor fuel and each gallon of liquefied petroleum gas equals .73 of a gallon of motor fuel.”

SECTION \_\_. Article 1, Chapter 28, Title 12 of the 1976 Code is amended by adding:

“Section 12‑28‑120. For purposes of this chapter, any reference to the term gallon with respect to liquefied natural gas means diesel gallon equivalent (DGE) and any reference to the term gallon with respect to compressed natural gas or liquefied petroleum gas means gasoline gallon equivalent (GGE). For any gaseous product for which a conversion factor is not provided for in this chapter, based on the best information available, the department shall establish a temporary conversion factor to determine the gallon equivalent. The department shall subsequently submit to the General Assembly a recommended legislative change for this conversion factor.”

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SECTION \_\_. Section 12‑36‑2120(15) of the 1976 Code is amended by adding two appropriately lettered subitems to read:

“( ) natural gas sold to a person with a miscellaneous motor fuel user fee license pursuant to Section 12‑28‑1139 who will compress it to produce compressed natural gas, or cool it to produce liquefied natural gas, for use as a motor fuel and remit the motor fuel user fees as required by law; and

( ) liquefied petroleum gas sold to a person with a miscellaneous motor fuel user fee license pursuant to Section 12‑28‑1139 who will use the liquefied petroleum gas as a motor fuel and remit the motor fuel user fees as required by law;”

SECTION \_\_. Section 12‑28‑1125(A) of the 1976 Code is amended to read:

“(A) Each person who wishes to cause motor fuel subject to the user fee to be delivered into this State on his behalf, for his own account, or for resale to a purchaser in this State, from another state ~~in a fuel transport truck or in a pipeline or barge shipment~~ by any means into storage facilities other than a qualified terminal, shall apply and obtain an occasional importer’s license or a bonded importer’s license, at the discretion of the applicant.”

SECTION \_\_. If any section, subsection, 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, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective. /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 37; Nays 2**

**AYES**

Alexander Allen Bennett

Campsen Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

McElveen Nicholson Peeler

Rankin Sabb Scott

Setzler Shealy Sheheen

Turner Verdin Williams

Young

**Total--37**

**NAYS**

Bright Bryant

**Total--2**

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

**READ THE SECOND TIME**

H. 3706 -- Reps. Putnam, Gagnon, Yow, Thayer, Gambrell, Ridgeway, Norrell, Henderson, Fry and Bedingfield: A BILL TO AMEND CHAPTER 99, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EMERGENCY TREATMENT FOR MEDICAL HAZARDS CAUSED BY INSECT STINGS, SO AS TO RENAME THE CHAPTER THE “EMERGENCY ANAPHYLAXIS TREATMENT ACT”, TO ADD A DEFINITION FOR “EPINEPHRINE AUTO‑INJECTOR”, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO DEVELOP A TRAINING AND CERTIFICATION PROGRAM FOR INDIVIDUALS WHO ADMINISTER EPINEPHRINE AUTO‑INJECTORS, TO ALLOW CERTAIN ENTITIES TO OBTAIN

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A PRESCRIPTION FOR AN EPINEPHRINE AUTO‑INJECTOR FROM PHYSICIANS, PHARMACISTS, AND OTHER AUTHORIZED INDIVIDUALS, TO ALLOW PHYSICIANS, PHARMACISTS, AND OTHER AUTHORIZED INDIVIDUALS TO PRESCRIBE OR SELL A PRESCRIPTION FOR AN EPINEPHRINE AUTO‑INJECTOR TO CERTAIN ENTITIES, TO ALLOW APPROPRIATELY CERTIFIED EMPLOYEES OF CERTAIN ENTITIES TO USE AN EPINEPHRINE AUTO‑INJECTOR, TO PROVIDE LIABILITY LIMITATIONS FOR CERTAIN INDIVIDUALS AND ENTITIES WHEN ADMINISTERING AN EPINEPHRINE AUTO‑INJECTOR, AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John* McElveen Nicholson

Peeler Rankin Sabb

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--38**

**NAYS**

**Total--0**

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

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**READ THE SECOND TIME**

S. 1028 -- Senator Verdin: A BILL TO AMEND CHAPTER 3, TITLE 46 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF AGRICULTURE, SO AS TO ADD SECTION 46‑3‑280 TO PROVIDE FOR THE VETERANS AND WARRIORS TO AGRICULTURE PROGRAM AND FUND.

The Senate proceeded to a consideration of the Bill.

Senator VERDIN explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John* McElveen

Nicholson Peeler Rankin

Sabb Scott Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--39**

**NAYS**

**Total--0**

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

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**READ THE SECOND TIME**

H. 4141 -- Reps. Gambrell, Sandifer and Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “LIMITED LINES TRAVEL INSURANCE ACT” BY ADDING ARTICLE 6 TO CHAPTER 43, TITLE 38 SO AS TO PROVIDE A CITATION, TO DEFINE NECESSARY TERMS, TO PROVIDE REQUIREMENTS ONLY UNDER WHICH TRAVEL RETAILERS MAY OFFER AND DISSEMINATE TRAVEL INSURANCE UNDER A LIMITED LINES TRAVEL INSURANCE PRODUCER BUSINESS ENTITY LICENSE FOR COMPENSATION, TO PROVIDE THAT TRAVEL INSURANCE MAY BE PROVIDED UNDER AN INDIVIDUAL POLICY OR UNDER A GROUP OR MASTER POLICY, TO PROVIDE THAT LIMITED LINES TRAVEL INSURANCE PRODUCERS ACTING AS AN INSURANCE DESIGNEE ARE RESPONSIBLE FOR THE ACTS OF THE TRAVEL RETAILER AND SHALL USE REASONABLE MEANS TO ENSURE COMPLIANCE BY THE TRAVEL RETAILER WITH THIS ARTICLE, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

The Senate proceeded to a consideration of the Bill.

Senator RANKIN explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 36; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campsen Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

Nicholson Peeler Rankin

Sabb Scott Setzler

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Shealy Sheheen Turner

Verdin Williams Young

**Total--36**

**NAYS**

Bright

**Total--1**

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

**READ THE SECOND TIME**

H. 4662 -- Rep. Gambrell: A BILL TO REENACT THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT AND RELATED PROVISIONS, ENACTED BY SECTIONS 1, 2, 3, AND 5, ACT 339 OF 2008, WHICH EXPIRED ON JUNE 1, 2014, AND TO MAKE THESE REENACTED PROVISIONS RETROACTIVE TO THIS EXPIRATION DATE, AND TO SPECIFICALLY NOT REENACT CERTAIN OBSOLETE PROVISIONS.

The Senate proceeded to a consideration of the Bill.

Senator RANKIN explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

McElveen Nicholson Peeler

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Rankin Sabb Scott

Setzler Shealy Sheheen

Turner Verdin Williams

Young

**Total--37**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1064 -- Senators Young and Rankin: A BILL TO AMEND SECTION 38‑73‑525 OF THE 1976 CODE, RELATING TO THE REQUIREMENT THAT AN INSURER WRITING A WORKERS’ COMPENSATION POLICY SHALL FILE CERTAIN INFORMATION ON WHICH IT RELIES TO SUPPORT ITS RATE REQUEST, TO PROVIDE THAT THE INSURER MUST ADOPT THE MOST RECENT LOSS COST WITHIN ONE HUNDRED TWENTY DAYS OF APPROVAL OF THE LOSS COSTS; AND TO AMEND SECTION 38‑73‑1210, RELATING TO THE REQUIREMENT THAT ITS OBLIGATION TO MAKE CERTAIN FILINGS MAY BE SATISFIED BY MAKING FILINGS AS A MEMBER OF, OR SUBSCRIBER TO, A LICENSED RATING ORGANIZATION THAT MAKES FILINGS, TO REQUIRE THE FILINGS BE RULE AND FORM FILINGS AND NOT LOSS COST ADOPTION FILINGS, AND REQUIRE THE INSURER TO FILE FOR CERTAIN APPROVAL IF THE RATING ORGANIZATION TO WHICH IT SUBSCRIBES HAS A RATE INCREASE WITHIN TWELVE MONTHS AFTER THE INSURER BECOMES A MEMBER.

The Senate proceeded to a consideration of the Bill.

The Committee on Banking and Insurance proposed the following amendment (NBD\1064C001.NBD.CZ16), which was adopted:

Amend the bill, as and if amended, after the enacting words by striking the bill in its entirety and inserting:

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/ SECTION 1. Section 38‑73‑525 of the 1976 Code is amended to read:

“Section 38‑73‑525. (A) Each insurer writing workers’ compensation insurance shall adopt the most recent loss costs within sixty days after approval of these loss costs. This loss costs adoption must become effective no later than one hundred twenty days after the effective date of the approved loss costs. An insurer must notify the department of its adoption of the most recently approved loss costs by filing a notification on a form and in a manner prescribed by the director or his designee. The notification filing required by this subsection does not constitute a rate filing and is not subject to prior approval.

(B)(1) At least ~~thirty~~ sixty days ~~prior to~~ before using a new ~~rates, every~~ multiplier for expenses, assessments, profits, and contingencies, each insurer writing workers’ compensation ~~must~~ shall file its multiplier for expenses, assessments, profit, and contingencies and any information relied upon by the insurer to support the multiplier and any modifications to loss costs. A copy of the filing must be provided simultaneously to the consumer advocate.

(2) ~~The filing~~ Filings submitted pursuant to item (1) must be filed on a form and in the manner prescribed by the director or his designee and must contain, at a minimum, the following information: commission expense; other acquisition expense; general expense; expenses associated with recoveries from the Second Injury Fund; guaranty fund assessments; other assessments; premium taxes; miscellaneous taxes, licenses, or fees; ~~and~~ a provision for profit and contingencies, and the date of approval of the loss costs to which the multiplier is applied, which must be the most recently approved loss costs.

(3) ~~Rate~~ Filings submitted pursuant to item (1) are subject to approval of the director or his designee and must be reviewed by an actuary employed or retained by the department who is a member of the American Academy of Actuaries or an associate or fellow of the Casualty Actuarial Society.

(4)(a) Within the ~~thirty‑day~~ sixty‑dayperiod, if the director or his ~~or her~~ designee believes the information filed is not complete, the director or his ~~or her~~ designee ~~must~~ shall notify the insurer of additional information to be provided. Within fifteen days of receipt of the notification, the insurer ~~must~~ shall provide the requested information or file for a hearing challenging the reasonableness of the director’s or his ~~or her~~ designee’s request. The burden is on the insurer to justify the denial of the additional information.

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(b) Unless a hearing ~~has been~~ is requested, upon expiration of the ~~thirty‑day~~ sixty‑day period or the fifteen‑day period, whichever is later, the insurer may use the ~~rates developed using the multiplier of expenses, assessments, profit, and contingencies~~ multiplier for expenses, assessments, profit, and contingencies.”

SECTION 2. Section 38‑73‑1210 of the 1976 Code is amended to read:

“Section 38‑73‑1210. (A)(1) This item applies to property and casualty insurance but does not apply to workers’ compensation insurance. An insurer may satisfy its obligation to make required filings by becoming a member of, or a subscriber to, a licensed rating organization which makes filings and by authorizing the director or his designee to accept the filings on its behalf. However, notwithstanding ~~any other provisions~~ another provision of this article, ~~no~~ a member or subscriber ~~may~~, within twelve months after its membership or subscribership, may not file to adopt ~~any~~ a rate approved for use for the rating organization if the rate is more than the rate in use by the member or subscriber ~~prior to~~ before its membership or subscribership in the rating organization. Further, notwithstanding the provisions of Sections 38‑73‑1300~~,~~ and 38‑73‑1310, ~~and 38‑73‑1320, no~~ a member or subscriber, within twelve months after its membership or subscribership, may not be granted an upward deviation from its rate in use when becoming a member or subscriber. However, if a rate increase for the rating organization is approved within twelve months after an insurer becomes a member or subscriber, the member or subscriber may increase its rates by the same percentage of increase granted the rating organization. Nothing contained in this chapter may be construed ~~as requiring any~~ to require an insurer to become a member of or a subscriber to ~~any~~ a rating organization.

(2) This item applies to workers’ compensation insurance. An insurer may satisfy its obligation to make required filings by becoming a member of, or a subscriber to, a licensed rating organization that makes filings and by authorizing the director or his designee to accept the filings on its behalf. However, a licensed rating organization may not satisfy the insurer’s obligation to make filings required pursuant to Section 38‑73‑525.

(B)In addition to other activities not prohibited by this chapter, a rating organization may collect, compile, and disseminate to insurers

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compilations of past and current premiums of insurers.”

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

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the committee amendment.

The question then was second reading of the Bill.

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

**Ayes 37; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Jackson Johnson

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John* Nicholson Peeler

Rankin Sabb Scott

Setzler Shealy Sheheen

Turner Verdin Williams

Young

**Total--37**

**NAYS**

**Total--0**

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

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**READ THE SECOND TIME**

S. 1166 -- Senators Leatherman, Setzler, Allen, J. Matthews, Jackson, M.B. Matthews, Malloy, Lourie, Williams, Sheheen, Nicholson, Johnson, Scott, Sabb, Hutto and Kimpson: A JOINT RESOLUTION TO PROVIDE FOR ANNUAL INSTALLMENT PAYMENTS BY SOUTH CAROLINA STATE UNIVERSITY ON OUTSTANDING LOANS MADE TO THE UNIVERSITY BY THE STATE OF SOUTH CAROLINA AND LIABILITIES INCURRED PURSUANT TO SECTION 2‑65‑70, TO PROVIDE FOR WHEN THE INSTALLMENT PAYMENTS ARE DUE, TO PROVIDE FOR THE AMOUNT OF THE INSTALLMENT PAYMENTS, TO PROVIDE FOR A PROCESS THROUGH WHICH THE DEBT INCURRED MAY BE RELIEVED, AND TO EXTEND FLEXIBILITY RELATED TO FURLOUGHS AS PROVIDED IN ACT 120 OF 2015.

The Senate proceeded to a consideration of the Resolution.

Senator COURSON explained the Resolution.

The question being the second reading of the Resolution.

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

**Motion under Rule 26B**

Senator MASSEY asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**Recorded Vote**

Senators BRIGHT, CORBIN, DAVIS, BRYANT, SHANE MARTIN and YOUNG desired to be recorded as voting against the second reading of the Resolution.

**MINORITY REPORT REMOVED**

H. 4548 -- Reps. Sandifer, Forrester, Toole, Bales, Chumley, Burns, Hardee, Allison, Tallon, Henderson, Clemmons, Sottile, Crosby, V.S. Moss, Jefferson, Yow, Duckworth, H.A. Crawford, Jordan, Fry, Herbkersman, Lowe, Goldfinch, Hixon, Norman, Hiott, Taylor, McCoy, D.C. Moss, Collins, Rutherford, Anderson, Kirby, Pitts, Corley, Ballentine, Hamilton, Finlay, Huggins, Ott, Govan, Riley, Willis, Thayer, Felder, Hicks, Simrill, G.A. Brown, Bedingfield, Stringer,

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Ryhal, King, Loftis, Hayes, Mack, Rivers, Ridgeway, Clary, Brannon, Atwater, Daning, Bannister, Anthony, McEachern, Mitchell, Erickson, Weeks, Knight, Cole, George, Horne, G.R. Smith, G.M. Smith, Williams, Limehouse, Pope, Gambrell, Alexander, Stavrinakis, Newton, White, Spires, R.L. Brown, Gilliard, Dillard and Gagnon: A BILL TO AMEND SECTION 37‑2‑307, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLOSING FEES ASSESSED ON MOTOR VEHICLES SALES CONTRACTS, SO AS TO PROVIDE A MOTOR VEHICLE DEALER WHO MEETS CERTAIN STATUTORY REQUIREMENTS MAY CHARGE A CLOSING FEE, TO ESTABLISH DEFENSES FOR A MOTOR VEHICLE DEALER, AND TO AUTHORIZE THE DEPARTMENT OF CONSUMER AFFAIRS TO ADMINISTER AND ENFORCE MOTOR VEHICLE DEALER CLOSING FEES.

Senator  HUTTO  asked unanimous consent to remove his name from the minority report of the Bill.

    There was no objection and proper notation was made on the Bill.

**COMMITTEE AMENDMENT ADOPTED**

**AMENDMENT PROPOSED**

**CARRIED OVER**

S. 650 -- Senators Scott, Malloy, Williams and J. Matthews: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑90 SO AS TO GRANT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION SPECIFIC AND EXCLUSIVE JURISDICTION AND AUTHORITY TO CONDUCT AN INVESTIGATION OF ALL OFFICER‑INVOLVED SHOOTINGS THAT RESULT, OR COULD HAVE RESULTED, IN BODILY INJURY OR DEATH, TO ALLOW FOR AN INVESTIGATION OF AN OFFICER‑INVOLVED SHOOTING TO BE COMPLETED BY A SEPARATE LAW ENFORCEMENT AGENCY IN CERTAIN CIRCUMSTANCES, TO ESTABLISH A PROTOCOL FOR EVIDENCE COLLECTION AND PROCESSING IN CERTAIN CIRCUMSTANCES, TO GRANT AN INVESTIGATING OFFICER THE SAME AUTHORITY AS HE WOULD HAVE IN HIS HOME JURISDICTION FOR THE DURATION OF THE INVESTIGATION, TO ESTABLISH A PROCEDURE FOR THE FORWARDING OF THE EVIDENCE TO THE CIRCUIT SOLICITOR UPON COMPLETION OF THE INVESTIGATION, AND TO ESTABLISH PENALTIES FOR

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THE FAILURE TO COMPLETE AN INDEPENDENT INVESTIGATION PURSUANT TO THE PROVISIONS OF THIS SECTION.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD0650.002), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑90. (A) Except as otherwise provided in this section, the South Carolina Law Enforcement Division (SLED) shall have specific and exclusive jurisdiction and authority in the investigation of:

(1) the shooting of or discharge of a weapon at a person by a law enforcement officer acting in the line of duty; and

(2) the unexpected death of an arrestee while in the care, custody, or control of a law enforcement officer or correctional officer; the unexpected death of an arrestee shortly after being in the care, custody, or control of a law enforcement officer or correctional officer; and the unexpected death of an intended arrestee during an arrest attempt by a law enforcement officer. For purposes of this section, ‘unexpected death’ includes all deaths which, before investigation, appear possibly to have been caused by trauma, suspicion, or obscure circumstances.

(B) If the officer is employed by SLED, the sheriff of the county in which the shooting, discharge, or unexpected death occurred shall investigate the shooting, discharge, or unexpected death, regardless of whether the shooting, discharge, or unexpected death occurred within an incorporated jurisdiction. If the sheriff does not employ a full‑time unit that regularly processes crime scenes and conducts forensic and criminal investigations, the sheriff shall defer the investigation to a law enforcement agency that employs a full‑time unit that regularly processes crime scenes and conducts forensic and criminal investigations and that possesses the expertise to conduct a proper investigation. All forensic evidence collected at the scene of the shooting, discharge, or unexpected death must be submitted to and analyzed by an accredited state law enforcement laboratory outside of South Carolina.

(C) If an officer employed by SLED and an officer employed by the sheriff of the county in which the shooting, discharge, or unexpected death occurred are both involved in the shooting, discharge, or unexpected death, the solicitor of the county in which the shooting,

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discharge, or unexpected death occurred shall defer the investigation to a law enforcement agency that employs a unit that regularly processes crime scenes and conducts forensic and criminal investigations and that possesses the expertise to conduct a proper investigation. All forensic evidence collected at the scene of the shooting, discharge, or unexpected death must be submitted to and analyzed by an accredited state law enforcement laboratory outside of South Carolina.

(D) An officer investigating the shooting, discharge, or unexpected death pursuant to this section has the same authority as the officer has in the officer’s home jurisdiction for the duration of the investigation.

(E) Upon completion, all investigations must be forwarded to the solicitor’s office in the jurisdiction where the shooting, discharge, or unexpected death occurred prior to the initiation or declination of any formal criminal action.

(F) A person who knowingly and willfully violates the provisions of subsection (A), (B), or (C) is subject to punishment as provided for in Section 8‑1‑80, even if the person’s authority extends beyond a single election or judicial district.”/

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

Senator LOURIE proposed the following amendment (650R003.EB.JL):

Amend the bill, as and if amended, by striking subsections 23‑3‑90(A)‑(C) and inserting:

/ “Section 23‑3‑90 (A) A law enforcement agency may choose the South Carolina Law Enforcement Division (SLED) or any other law enforcement agency, including the Federal Bureau of Investigation, to investigate incidents where one or more of its law enforcement officers were involved in the following:

(1) the shooting of or discharge of a weapon at a person by a law enforcement officer acting in the line of duty; and

(2) the unexpected death of an arrestee while in the care, custody, or control of a law enforcement officer or correctional officer; the unexpected death of an arrestee shortly after being in the care, custody, or control of a law enforcement officer or correctional officer; and the unexpected death of an intended arrestee during an arrest attempt by a law enforcement officer. For purposes of this section, ‘unexpected

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death’ includes all deaths which, before investigation, appear possibly to have been caused by trauma, suspicion, or obscure circumstances.

(B) The law enforcement agency may not choose an internal investigation pursuant to subsection (A) if one of its law enforcement officers was involved in the shooting, discharge, or unexpected death. /

Renumber sections to conform.

Amend title to conform.

Senator LOURIE explained the amendment.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

H. 4712 -- Reps. White, Bannister, Rutherford, G.R. Smith, Lowe, Pitts, Hiott, Erickson, Clemmons, Loftis, G.M. Smith, Hayes, Sandifer, Whitmire, Cole, Simrill, Allison, Cobb‑Hunter, Long, Huggins, Delleney, Pope and Bales: A BILL TO AMEND SECTION 12‑43‑230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TREATMENT OF AGRICULTURAL REAL PROPERTY, MOBILE HOME, AND LESSEE IMPROVEMENTS TO REAL PROPERTY, SO AS TO CLASSIFY OFF‑PREMISES OUTDOOR ADVERTISING SIGNS AS PERSONAL PROPERTY AND TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES AN OFF‑PREMISES SIGN SITE MUST BE TAXED AT ITS VALUE WHICH EXISTED BEFORE THE ERECTION OF THE SIGN.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (BBM\4712C004.BBM.DG16), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12‑43‑230(e)(2) and inserting:

/ (2)(a) If an off‑premises outdoor advertising sign site is one‑quarter of an acre or less, or is otherwise limited to an area large enough only to accommodate the necessary building structure, foundation, and provide for service or maintenance, is leased from an unrelated third party, or the sign is owned by the owner of the site, and the sign owner has filed a business personal property tax return with the Department of Revenue, then the off‑premises outdoor advertising sign site real property must be assessed to the site owner at its value before the lease or construction of the sign without regard to the structure, the

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lease, or lease income, and no separate assessment may be issued for the sign company’s lease or ownership interest. The lease or construction of such property does not constitute an assessable transfer of interest pursuant to Article 25, Chapter 37, Title 12, and the real property constituting the sign site must maintain its same property tax classification as commercial, manufacturing, agricultural, or utility property as it had before the lease.

(b) The provisions of this item do not apply to:

(i) real property whose property tax classification is subject to change due to the addition of buildings, structures, or other improvements subsequent to the erection of the sign on the property; and

(ii) real property whose property tax classification was changed due to the erection of an on-premises outdoor advertising sign on existing buildings, structures, or other improvements unless the existing buildings, structures, or other improvements qualify within the same property tax classification pursuant to Chapter 43 of this title.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

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

**CARRIED OVER**

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

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

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H. 3768 -- Reps. G.M. Smith, Johnson and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 5, TITLE 11 SO AS TO ESTABLISH THE “SOUTH CAROLINA ABLE SAVINGS PROGRAM”, TO ALLOW INDIVIDUALS WITH A DISABILITY AND THEIR FAMILIES TO SAVE PRIVATE FUNDS TO SUPPORT THE INDIVIDUAL WITH A DISABILITY, TO PROVIDE GUIDELINES TO THE STATE TREASURER FOR THE MAINTENANCE OF THESE ACCOUNTS, AND TO ESTABLISH THE SAVINGS PROGRAM TRUST FUND AND SAVINGS EXPENSE TRUST FUND; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 5, TITLE 11 AS ARTICLE 1 AND ENTITLE THEM “GENERAL PROVISIONS”.

On motion of Senator SHANE MARTIN, the Bill was carried over.

H. 4717 -- Reps. White, Lucas, Hiott, Simrill, G.M. Smith, Lowe, Whitmire, Taylor, George, V.S. Moss, J.E. Smith, M.S. McLeod, Bowers, Corley, Parks, McKnight, Douglas, Knight, Erickson, Sandifer, Willis, Kirby, Clary, Cobb‑Hunter, Hardee, Duckworth, Johnson, Limehouse, Clyburn, Bales, Horne, Stavrinakis, Hayes, Yow, Neal, Kennedy, Newton, Tinkler, Riley, Howard, King, Henegan, Williams, Anthony, Clemmons, Crosby, Cole, Daning, Dillard, Forrester, Funderburk, Gambrell, Herbkersman, Hixon, Hosey, Loftis, Long, Pitts, Rivers, Rutherford, Ryhal, G.R. Smith, Wells, W.J. McLeod, Ridgeway, G.A. Brown, Bamberg, Hodges, Alexander, Thayer, McEachern, Gagnon, Whipper, R.L. Brown, Jefferson, Anderson, Spires and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46‑1‑160 SO AS TO CREATE THE “SOUTH CAROLINA FARM AID FUND” TO ASSIST FARMERS WHO HAVE SUFFERED AT LEAST A FORTY PERCENT LOSS OF AGRICULTURAL COMMODITIES AS A RESULT OF A NATURAL DISASTER, TO CREATE THE FARM AID BOARD TO ADMINISTER THE FUND, AND TO SPECIFY ELIGIBILITY AND GRANT AMOUNTS.

Senator MASSEY spoke on the Bill.

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

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S. 1169 -- Senators Gregory and Shealy: A BILL TO AMEND SECTION 20-3-130(B), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES, SO AS TO PROVIDE FOR TWO NEW FORMS OF ALIMONY AND TO CHANGE THE DEFINITION OF COHABITATION; TO AMEND SECTION 20-3-150, RELATING TO SEGREGATION OF ALLOWANCE BETWEEN SPOUSE AND CHILDREN AND THE EFFECT OF REMARRIAGE OF A SPOUSE, SO AS TO CHANGE THE DEFINITION OF COHABITATION.

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

H. 3147 -- Reps. G.M. Smith, G.R. Smith, Huggins, Weeks, Taylor, Pope, Collins, Johnson, Stavrinakis, Yow, Clemmons, Goldfinch, Murphy, J.E. Smith and Mitchell: A BILL TO AMEND SECTION 12‑6‑1140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEDUCTIONS FROM SOUTH CAROLINA TAXABLE INCOME OF INDIVIDUALS FOR PURPOSES OF THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO ALLOW THE DEDUCTION OF RETIREMENT BENEFITS ATTRIBUTABLE TO SERVICE ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES; AND TO AMEND SECTION 12‑6‑1170, AS AMENDED, RELATING TO THE RETIREMENT INCOME DEDUCTION, SO AS TO CONFORM THIS DEDUCTION TO THE MILITARY RETIREMENT DEDUCTION ALLOWED BY THIS ACT.

Senator CROMER explained the committee amendment.

Senator McELVEEN spoke on the Bill.

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

H. 3313 -- Reps. Pope, Simrill, Ballentine, Felder, Atwater, Bedingfield, Spires, Clary, Collins, Delleney, Hamilton, Hiott, Hixon, V.S. Moss, Norman, Stringer, Toole, W.J. McLeod and Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑43‑222 SO AS TO PROVIDE WHEN CALCULATING ROLL‑BACK TAX DUE ON A PARCEL OF REAL PROPERTY CHANGED FROM AGRICULTURAL TO COMMERCIAL OR RESIDENTIAL USE THE VALUE USED FOR PLATTED GREEN SPACE OR OPEN SPACE USE OF THE PARCEL, IF SUCH USE IS TEN PERCENT OR MORE OF THE

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PARCEL, MUST BE VALUED BASED ON THE GREEN SPACE OR OPEN SPACE USE; AND TO AMEND SECTION 12‑43‑220, AS AMENDED, RELATING TO CLASSES OF PROPERTY AND APPLICABLE ASSESSMENT RATIOS FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO MAKE A CONFORMING AMENDMENT, AND TO PROVIDE THAT AFTER A PARCEL OF REAL PROPERTY HAS UNDERGONE AN ASSESSABLE TRANSFER OF INTEREST, DELINQUENT PROPERTY TAX AND PENALTIES ASSESSED BECAUSE THE PROPERTY WAS IMPROPERLY CLASSIFIED AS OWNER‑OCCUPIED RESIDENTIAL PROPERTY WHILE OWNED BY THE TRANSFEROR ARE SOLELY A PERSONAL LIABILITY OF THE TRANSFEROR AND DO NOT CONSTITUTE A LIEN ON THE PROPERTY AND ARE NOT ENFORCEABLE AGAINST THE PROPERTY AFTER THE ASSESSABLE TRANSFER OF INTEREST IF THE TRANSFEREE IS A BONA FIDE PURCHASER FOR VALUE WITHOUT NOTICE.

On motion of Senator SHANE MARTIN, the Bill was carried over.

H. 3685 -- Reps. D.C. Moss and Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14‑1‑219 SO AS TO PROVIDE THAT A FIVE DOLLAR SURCHARGE IS IMPOSED UPON ALL MONETARY PENALTIES IMPOSED BY CERTAIN COURTS FOR OFFENSES IN WHICH AN ELECTRONIC TICKET OR CITATION WAS ISSUED, AND TO PROVIDE FOR THE DISTRIBUTION OF THE SURCHARGE.

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

H. 3710 -- Reps. Hixon, Norman, Taylor, Wells, Hamilton, Atwater, Brannon, Gagnon, Corley, Ballentine, Southard, Clemmons, Delleney, Gambrell, Huggins, Kennedy, Kirby, Loftis, D.C. Moss, Pitts, Riley, Rivers, Simrill, Toole and Bedingfield: A BILL TO AMEND SECTION 12‑43‑225, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MULTIPLE LOT DISCOUNT, SO AS TO PROVIDE FIVE ADDITIONAL YEARS OF ELIGIBILITY IN CERTAIN CIRCUMSTANCES.

Senator HAYES explained the committee amendment.

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

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H. 3909 -- Reps. Herbkersman, Jefferson, Bernstein, G.A. Brown, Funderburk, Hill, W.J. McLeod, J.E. Smith, Whitmire, Gagnon, Dillard and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “BICYCLE AND PEDESTRIAN SAFETY ACT”; BY ADDING SECTION 56‑5‑3520 SO AS TO PROVIDE THAT BICYCLES WITH HELPER MOTORS SHALL BE SUBJECT TO ALL THE RIGHTS AND DUTIES OF BICYCLES; TO AMEND SECTION 56‑1‑1710, RELATING TO THE TERM “MOPED” AND ITS DEFINITION, SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO MOTORCYCLES OR BICYCLES; TO AMEND SECTION 56‑5‑990, RELATING TO CERTAIN PEDESTRIAN CONTROL SIGNALS, SO AS TO PROVIDE THAT THIS SECTION ALSO APPLIES TO PEDESTRIAN CONTROL SIGNALS THAT EXHIBIT THE SYMBOLS FOR “WALK” OR “WAIT”, AND TO PROVIDE THAT FOR PEDESTRIAN CROSSWALKS EQUIPPED WITH COUNTDOWN INDICATORS, A PEDESTRIAN MAY CROSS IF HE CAN COMPLETE THE CROSSING DURING THE REMAINING TIME; TO AMEND SECTION 56‑5‑3130, RELATING TO A PEDESTRIAN’S RIGHT‑OF‑WAY IN A CROSSWALK, SO AS TO PROVIDE THAT THE DRIVER OF A VEHICLE SHALL STOP TO YIELD TO A PEDESTRIAN CROSSING A ROADWAY UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑5‑3230, RELATING TO A DRIVER’S DUTY TO EXERCISE DUE CARE WHEN OPERATING A VEHICLE, SO AS TO PROVIDE THAT THIS SECTION ALSO APPLIES TO A DRIVER’S DUTY TO AVOID COLLIDING WITH AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, A WHEELCHAIR, A FARM TRACTOR, OR A SIMILAR VEHICLE DESIGNED FOR FARM USE, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 56‑5‑3425, RELATING TO THE DEFINITION OF THE TERM “BICYCLE LANE” AND OPERATIONS OF MOTOR VEHICLES AND BICYCLES ALONG BICYCLE LANES, SO AS TO REVISE THE DEFINITION OF THE TERM “BICYCLE LANE” AND TO PROVIDE A DEFINITION FOR THE TERM “SUBSTANDARD‑WIDTH LANE”; AND TO AMEND SECTION 56‑16‑10, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF

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MOTORCYCLE MANUFACTURERS, DISTRIBUTORS, DEALERS, AND WHOLESALERS, SO AS TO PROVIDE A DEFINITION FOR THE TERM “BICYCLES WITH HELPER MOTORS”.

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

S. 980 -- Senators Sheheen and McElveen: A BILL TO AMEND CHAPTER 69, TITLE 40 OF THE 1976 CODE, RELATING TO VETERINARIANS, BY ADDING SECTION 40‑69‑305 TO REQUIRE ALL PRESCRIPTION DRUGS DISPENSED TO AN ANIMAL’S OWNER TO BE LABELED IN ACCORDANCE WITH STATE AND FEDERAL LAW; AND TO PROVIDE PENALTIES FOR VIOLATING THIS SECTION.

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

S. 981 -- Senator Sheheen: A BILL TO AMEND SECTION 56‑3‑9600 OF THE 1976 CODE, RELATING TO “NO MORE HOMELESS PETS” LICENSE PLATES, SO AS TO PROVIDE THAT THE SOUTH CAROLINA ANIMAL CARE AND CONTROL ASSOCIATION SHALL COORDINATE THE GRANT PROGRAM, BE ELIGIBLE TO RECEIVE REIMBURSEMENT, AND DISTRIBUTE GRANT MONEY; TO REQUIRE AN ANNUAL ACCOUNTING FOR THE PROGRAM; AND REQUIRE CERTAIN INFORMATION BEFORE A NONPROFIT ORGANIZATION CAN RECEIVE FUNDING UNDER THE GRANT PROGRAM.

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

H. 3343 -- Reps. Huggins, Toole, Long, McCoy, Knight, R.L. Brown, Pope, Collins, Bingham, Stavrinakis, Yow and Erickson: A BILL TO AMEND SECTION 47‑3‑420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF EUTHANASIA THAT MAY BE USED TO KILL ANIMALS IMPOUNDED OR QUARANTINED IN ANIMAL SHELTERS, SO AS TO PROVIDE THAT THE USE OF BARBITURIC ACID DERIVATIVES, AND CARBON MONOXIDE GAS ARE NOT ALLOWABLE METHODS OF EUTHANASIA AND TO PROVIDE THAT THE USE OF SODIUM PENTOBARBITAL AND OTHER SUBSTANCES OR PROCEDURES THAT ARE HUMANE MAY BE USED TO PERFORM EUTHANASIA.

On motion of Senator J. MATTHEWS, the Bill was carried over.

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S. 1192 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO DISTRICT AND SCHOOL PLANNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4605, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1193 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO TEST SECURITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4606, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1194 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROGRAM APPROVAL STANDARDS FOR SOUTH CAROLINA TEACHER EDUCATION INSTITUTIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4593, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

S. 1195 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO SPECIAL EDUCATION, EDUCATION OF STUDENTS WITH DISABILITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4586, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

**ADOPTED**

S. 1198 -- Senators Peeler, Alexander, Hayes, Scott and Rankin: A CONCURRENT RESOLUTION TO FIX WEDNESDAY, APRIL 27, 2016, AT NOON, AS THE DATE AND TIME FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO MEET IN JOINT SESSION IN THE HALL OF THE HOUSE OF REPRESENTATIVES FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARDS

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OF TRUSTEES FOR THE CITADEL, CLEMSON UNIVERSITY, COLLEGE OF CHARLESTON, FRANCIS MARION UNIVERSITY, LANDER UNIVERSITY, MEDICAL UNIVERSITY OF SOUTH CAROLINA, UNIVERSITY OF SOUTH CAROLINA, WINTHROP UNIVERSITY, AND WIL LOU GRAY OPPORTUNITY SCHOOL TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE ON JUNE 30, 2016, OR WHOSE POSITIONS OTHERWISE MUST BE FILLED; IMMEDIATELY FOLLOWING THE ELECTION OF MEMBERS OF BOARDS OF TRUSTEES, TO ELECT MEMBERS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE APPELLATE PANEL TO SUCCEED THOSE MEMBERS WHOSE TERMS EXPIRE OR WHOSE TERMS OTHERWISE MUST BE FILLED; AND TO ESTABLISH PROCEDURES REGARDING NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

The Resolution was adopted, ordered sent to the House.

S. 1191 -- Senators Hembree and Kimpson: A CONCURRENT RESOLUTION TO DISAPPROVE AMENDMENTS TO THE SOUTH CAROLINA RULES OF CRIMINAL PROCEDURE, AS PROMULGATED BY THE SUPREME COURT OF SOUTH CAROLINA AND SUBMITTED TO THE GENERAL ASSEMBLY PURSUANT TO SECTION 4A, ARTICLE V OF THE CONSTITUTION OF THIS STATE.

Having received the necessary three-fifths vote, the Resolution was adopted, ordered sent to the House.

H. 4929 -- Reps. Crosby, Daning, Jefferson, Merrill, Rivers and Southard: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HIGHWAY IN BERKELEY COUNTY FROM THE INTERSECTION OF N.A.D. ROAD AND GOOSE CREEK ROAD TO THE INTERSECTION OF OLD STATE ROAD AND RED BANK ROAD “M.C. CANNON MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNAGE ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

The Resolution was adopted, ordered return to the House.

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**Expression of Personal Interest**

Senator KIMPSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator COURSON rose for an Expression of Personal Interest.

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

**MOTION ADOPTED**

At 1:15 P.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

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

**CARRIED OVER**

S. 199 -- Senators Grooms, Hembree, Bennett, Campbell, Verdin, Campsen, Gregory, Johnson, Setzler, Sabb, Nicholson and Scott: A BILL TO AMEND SECTION 56‑5‑1535 OF THE 1976 CODE, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, TO DELETE THIS PROVISION AND CREATE “PEANUT’S LAW”, TO PROVIDE A DEFINITION FOR THE TERMS “HIGHWAY WORK ZONE” AND “HIGHWAY WORKER”, TO CREATE THE OFFENSES OF “ENDANGERMENT OF A HIGHWAY WORKER”, AND TO PROVIDE PENALTIES FOR THESE OFFENSES; TO AMEND SECTION 56‑1‑720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, TO PROVIDE THAT “ENDANGERMENT OF A HIGHWAY WORKER” VIOLATIONS RANGE BETWEEN TWO AND SIX POINTS; AND TO REPEAL SECTION 56‑5‑1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

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

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

**COMMITTEE AMENDMENT OUT OF ORDER**

**AMENDMENT PROPOSED**

**DEBATE INTERRUPTED**

H. 3184 -- Reps. Pope, Cole, Anderson, Bales, G.A. Brown, R.L. Brown, Finlay, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Bernstein, Long, Douglas, Henderson, G.M. Smith, G.R. Smith, McCoy, McKnight, Clary, M.S. McLeod, Thayer, W.J. McLeod, Weeks, J.E. Smith and Stavrinakis: A BILL TO AMEND SECTION 8‑13‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE ETHICS COMMISSION AND ITS MEMBERSHIP, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE COMMISSION EFFECTIVE JULY 1, 2015, TO CONSIST OF FOUR MEMBERS APPOINTED BY THE GOVERNOR, FOUR MEMBERS ELECTED BY THE SUPREME COURT, TWO MEMBERS ELECTED BY THE HOUSE OF REPRESENTATIVES, AND TWO MEMBERS ELECTED BY THE SENATE, RESPECTIVELY, TO PROVIDE FOR THE QUALIFICATIONS OF THESE MEMBERS, TO PROVIDE FOR OFFICERS OF THE COMMISSION, AND TO PROVIDE FOR THE MEMBERS’ TERMS OF OFFICE AND MANNER OF THEIR REMOVAL UNDER CERTAIN CONDITIONS; TO AMEND SECTION 8‑13‑320, AS AMENDED, RELATING TO THE DUTIES, POWERS, AND PROCEDURES OF THE STATE ETHICS COMMISSION, SO AS TO REVISE THESE DUTIES, POWERS, AND PROCEDURES INCLUDING PROVISIONS TO VEST WITH THE COMMISSION THE ADDITIONAL RESPONSIBILITY TO INITIATE OR RECEIVE COMPLAINTS AGAINST MEMBERS OF THE GENERAL ASSEMBLY, ITS STAFF, AND CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY, TO INITIATE OR RECEIVE COMPLAINTS AGAINST JUDGES AND OTHER JUDICIAL OFFICIALS OF THE UNIFIED JUDICIAL SYSTEM AND THEIR STAFFS, TO PROVIDE FOR THE INVESTIGATION AND PROCESSING OF COMPLAINTS AGAINST GENERAL ASSEMBLY MEMBERS, STAFF, AND CANDIDATES PURSUANT TO SPECIFIED PROCEDURES AND FOR THE REFERRAL OF SUBSTANTIVE COMPLAINTS TO THE APPROPRIATE HOUSE OR SENATE ETHICS COMMITTEES FOR DISPOSITION TOGETHER WITH THE ETHICS COMMISSION’S

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RECOMMENDATION AS TO WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION HAS OCCURRED, TO PROVIDE FOR THE INVESTIGATION AND PROCESSING OF COMPLAINTS AGAINST JUDGES AND OTHER JUDICIAL OFFICIALS OR THEIR STAFF PURSUANT TO SPECIFIED PROCEDURES AND, AFTER INVESTIGATION, FOR THE REFERRAL OF SUBSTANTIVE COMPLAINTS TO THE COMMISSION ON JUDICIAL CONDUCT AND THE SUPREME COURT FOR DISPOSITION TOGETHER WITH THE ETHICS COMMISSION’S RECOMMENDATION AS TO WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION HAS OCCURRED; TO AMEND SECTIONS 8‑13‑530 AND 8‑13‑540, BOTH AS AMENDED, RELATING TO THE DUTIES, FUNCTIONS, AND PROCEDURES OF THE HOUSE AND SENATE ETHICS COMMITTEES, SO AS TO REVISE THESE DUTIES, FUNCTIONS, AND PROCEDURES IN ORDER TO BE CONSISTENT WITH THE ABOVE PROVISIONS AND TO MAKE OTHER CHANGES; BY ADDING SECTION 8‑13‑545 SO AS TO AUTHORIZE THE HOUSE OR SENATE ETHICS COMMITTEES TO ISSUE FORMAL ADVISORY OPINIONS AND PROVIDE FOR THEIR EFFECT AND APPLICABILITY; AND BY ADDING ARTICLE 6 TO CHAPTER 13, TITLE 8 SO AS TO PROVIDE FOR JUDICIAL COMPLAINT PROCEDURES IN REGARD TO THE ABOVE PROVISIONS.

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

**Amendment No. P4**

Senator SHEHEEN proposed the following amendment (3184R019.EB.LAR):

Amend the committee amendment, as and if amended, by adding appropriately numbered new SECTIONS to read:

/ SECTION \_\_. Section 8‑13‑1300(6) of the 1976 Code is amended to read:

“(6) ‘Committee’ means ~~an association, a club, an organization, or a group of persons which, to influence the outcome of an elective office, receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. It also means a person who, to influence the outcome of an elective office, makes:~~

~~(a)~~ ~~contributions aggregating at least twenty‑five thousand dollars during an election cycle to or at the request of a candidate or a committee, or a combination of them; or~~

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~~(b)~~ i~~ndependent expenditures aggregating five hundred dollars or more during an election cycle for the election or defeat of a candidate.~~ a person, two or more individuals, such as any person, association, organization, or other entity that makes or accepts anything of value to make contributions or expenditures, and has one or more of the following characteristics:

(a) is a political party or executive committee of a political party or is controlled by a political party or executive committee of a political party; or

(b) has the major purpose to support or oppose the nomination or election of one or more clearly identified candidates.

Supporting or opposing the election of clearly identified candidates includes supporting or opposing the candidates of a clearly identified political party.

If the entity qualifies as a ‘committee’ pursuant to this section, it continues to be a committee if it receives contributions or makes expenditures or maintains assets or liabilities. A committee ceases to exist when it winds up its operations, disposes of its assets, and files its final report.

‘Committee’ includes a party committee, a legislative caucus committee, a noncandidate committee, or a committee that is not a campaign committee for a candidate but that is organized for the purpose of influencing an election and has as the major purpose to support or oppose the nomination or election of a candidate to an elective office.”

SECTION \_\_. Section 8‑13‑1300(7) of the 1976 Code is amended to read:

“(7) ‘Contribution’ means a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a candidate or committee to influence an election; or payment or compensation for the personal service of another person which is rendered for any purpose to a candidate or committee without charge, whether any of the above are made or offered directly or indirectly. ‘Contribution’ does not include (a) volunteer personal services on behalf of a candidate or committee for which the volunteer or any person acting on behalf of or instead of the volunteer receives no compensation either in cash or in‑kind, directly or indirectly, from any source~~; or (b) a gift, subscription, loan, guarantee upon which collection is made, forgiveness of a loan, an advance, in‑kind contribution or expenditure, a deposit of money, or anything of value made to a committee, other than a candidate committee, and is used to pay for communications made not more than~~

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~~forty‑five days before the election to influence the outcome of an elective office as defined in Section 8‑13‑1300(31)(c). These funds must be deposited in an account separate from a campaign account as required in Section 8‑13‑1312~~.”

SECTION \_\_. Section 8‑13‑1300(23) of the 1976 Code is amended to read:

“(23) ‘Noncandidate committee’ means a committee that is not a campaign committee for a candidate but is organized ~~to influence an election or to support or oppose a candidate or public official,~~ for the major purpose to support or oppose the nomination or election of a candidate to elective office, which receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle. ‘Noncandidate committee’ does not include political action committees that contribute solely to federal campaigns.”

SECTION \_\_. Section 8‑13‑1300(32) of the 1976 Code is amended to read:

“(32) ‘Ballot measure committee’ means~~:~~

~~(a)~~ ~~an association, club, an organization, or a group of persons which, to influence the outcome of a ballot measure, receives contributions or makes expenditures in excess of two thousand five hundred dollars in the aggregate during an election cycle;~~

~~(b)~~ ~~a person, other than an individual, who, to influence the outcome of a ballot measure, makes contributions aggregating at least fifty thousand dollars during an election cycle to or at the request of a ballot measure committee; or~~

~~(c)~~ ~~a person, other than an individual, who, to influence the outcome of a ballot measure, makes independent expenditures aggregating two thousand five hundred dollars or more during an election cycle.~~

a person, two or more individuals, such as any person, association, organization, or other entity that makes or accepts anything of value to make contributions or expenditures that has the major purpose to support or oppose the passage of a ballot measure.”

SECTION \_\_. Section 8‑13‑1300 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) ‘electioneering communication’ means any broadcast, cable, or satellite communication or mass postal mailing or telephone bank that has the following characteristics:

(a) refers to a candidate for elected office;

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(b) is publically aired or distributed within sixty days prior to a general election or within thirty days prior to a primary for that office; and

(c) may be received by either:

(i) fifty thousand or more individuals in the State in an election for statewide office, or seven thousand five hundred or more individuals in any other election if in the form of broadcast, cable, or satellite communication; or

(ii) twenty thousand or more households, cumulative per election, in a statewide election or two thousand five hundred households, cumulative per election, in any other election if in the form of mass mailing or telephone bank.

(d) The definition does not include:

(i) a communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless those facilities are owned or controlled by any political party, political committee, or candidate;

(ii) a communication that constitutes an expenditure or independent expenditure under this Article;

(iii) a communication that constitutes a candidate debate or forum conducted pursuant to rules adopted by a political party or that solely promotes that debate or forum and is made by or on behalf of the person sponsoring the debate or forum;

(iv) a communication made which, incidental to advocacy for or against a specific piece of legislation, ordinance, or local initiative pending before the General Assembly or governing body of a political subdivision, urges the audience to communicate with a member or members of the General Assembly or the governing body of a political subdivision, concerning that piece of legislation, ordinance, or local initiative; or

(v) a communication that meets all of the following criteria:

(1) does not mention any election, candidacy, political party, opposing candidate, or voting by the general public;

(2) does not take a position on the candidate’s character or qualifications and fitness for office; and

(3) proposes a commercial transaction.”

SECTION \_\_. Section 8‑13‑1300 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) ‘Independent expenditure‑only committee’ means a committee that:

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(a) is not made by, controlled by, coordinated with, requested by, or made in consultation with a candidate, an agent of a candidate, a political party, or an agent of a political party;

(b) does not make contributions to any candidate or other committee, with the exception of other independent expenditure‑only committees;

(c) makes only independent expenditures as defined by Section 8-13-1300(17); and

(d) is organized for the major purpose to support or oppose the nomination or election of a candidate to elective office.”

SECTION \_\_. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1301. For purposes of this article, factors that shall be considered to determine whether a committee, ballot measure committee, a party committee, a legislative caucus committee, a noncandidate committee, or independent expenditure‑only committee has the major purpose of supporting or opposing one or more candidates or the passage of one or more ballot measures include, but are not limited to:

(A) any of the committee’s organizational documents, including bylaws or articles of incorporation, identify advocacy to support or to oppose one or more candidates or the passage of one or more ballot measures as its major purpose;

(B) over fifty percent of the committee’s disbursements made within the State in a calendar year are made to support or to oppose one or more candidates or the passage of one or more ballot measures; or

(C) over fifty percent of the committee’s total disbursements made in a calendar year are made to support or to oppose one or more candidates or the passage of one or more ballot measures; or

(D) the committee’s public statements, including statements made in oral or written fundraising solicitations, identify advocacy in support of or in opposition to one or more candidates or the passage of one or more ballot measures as its major purpose.”

SECTION \_\_. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1311. Independent expenditure‑only committees must:

(A) file a statement of organization with the State Ethics Commission no later than five days after receiving or expending more than five hundred dollars in the aggregate during an election cycle to influence the outcome of an elective office;

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(B) under penalty of perjury, the chief executive officer or the controlling individual of the committee must file a certification that the independent expenditure‑only committee is not made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate;

(C) only make independent expenditures as defined by Section 8-13-1300(17); and

(D) comply with all requirements, disclosures, and restrictions of committees under this Article except contribution limits under section 8‑13‑1322.”

SECTION \_\_. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1313. A person who is not a committee required to file subject to Section 8‑13‑1304 and who makes an independent expenditure as defined by Section 8-13-1300(17), in an aggregate amount or value in excess of five hundred dollars during a calendar year or makes an electioneering communication must file a report of such expenditure or communication with the State Ethics Commission pursuant to Section 8‑13‑365. This report must be filed within thirty days of making the independent expenditure, or if the independent expenditure or electioneering communication is made within thirty days before an election, the report must be filed within forty‑eight hours. The report must include:

(1) a detailed description of the use of the expenditure or communication and the amount of the expenditure or the cost of the communication;

(2) the full name, primary occupation, street address, and phone number of the reporting person;

(3) the identification of the chief executive officer, or for all controlling individuals if the reporting person is a business or another organization that is not an individual, to include name, title, employer, and address;

(4) the name of the candidate or ballot measure that is the target of the independent expenditure or electioneering communication and whether the expenditure or communication was made in support of, or opposition to, the candidate or ballot measure;

(5) the chief executive officer or controlling individual must file, under penalty of perjury, a certification that the independent expenditure is not made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate;

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(6) the identification of the top five donors to the reporting person and for any donor who has donated more than ten thousand dollars to the committee within the previous twelve months, to include name, primary occupation, address, and amount of the donation; and

(7) if the donor is a business or another organization that is not an individual, then the identification must indicate the name and title of the chief executive officer or the controlling individual of the donor organization.”

SECTION \_\_. Section 8‑13‑1322 of the 1976 Code is amended to read:

“Section 8‑13‑1322. (A) A person may not contribute to a committee and a committee may not accept from a person contributions aggregating more than three thousand five hundred dollars in a calendar year.

(B) A person may not contribute to a committee and a committee may not accept from a person a cash contribution unless the cash contribution does not exceed twenty‑five dollars for each election and is accompanied by a record of the amount of the contribution and the name and address of the contributor.

(C) The provisions of subsection (A) do not apply to independent expenditure‑only committees registered with the State Ethics Commission.” /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the perfecting amendment.

Senator MALLOY spoke on the perfecting amendment.

**Point of Order**

Senator MALLOY raised a Point of Order under Rule 24A that the amendment by the Committee on Judiciary was out of order inasmuch as it was not germane to the Bill.

Senator LARRY MARTIN spoke against the Point of Order.

Senator MALLOY spoke on the Point of Order.

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**RECESS**

At 2:09 P.M., on motion of Senator MALLOY, the Senate receded from business not to exceed 10 minutes.

At 2:20 P.M., the Senate resumed.

The PRESIDENT sustained the Point of Order.

The committee amendment was ruled out of order.

**Amendment No. 2**

Senator L. MARTIN proposed the following amendment (JUD3184.011):

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

/ SECTION 1. Section 8‑13‑310 of the 1976 Code is amended to read:

“Section 8‑13‑310. ~~(A) The State Ethics Commission as constituted under law in effect before July 1, 1992, is reconstituted to continue in existence with the appointment and qualification of the at‑large members as prescribed in this section and with the changes in duties and powers as prescribed in this chapter. On July 1, 1993, when the duties and powers given to the Secretary of State in Chapter 17 of Title 2 are transferred to the State Ethics Commission, the Code Commissioner is directed to change all references to ‘this chapter’ in Article 3 of Chapter 13 of Title 8 to ‘this chapter and Chapter 17 of Title 2’.~~

~~(B)~~(A)(1) There is created the State Ethics Commission composed of ~~nine~~ eight members of which:

(a) four members must be appointed by the Governor, ~~upon the advice and consent of the General Assembly.~~ no more than two of whom are members of the appointing Governor’s political party;

(b) one member must be appointed by the legislative caucus of the majority political party in the Senate;

(c) one member must be appointed by the legislative caucus of the largest minority political party in the Senate;

(d) one member must be appointed by the legislative caucus of the majority political party in the House of Representatives; and

(e) one member must be appointed by the legislative caucus of the largest minority political party in the House of Representatives.

Each appointee must be appointed with the advice and consent of the General Assembly. ~~One member shall represent each of the seven~~

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~~congressional districts, and two members must be appointed from the State at large.~~

(2) The terms of the members serving on the State Ethics Commission as of March 30, 2017 shall end on March 31, 2017. A member who is serving at that time and who has not completed a full five year term may be reappointed pursuant to this subsection. The initial appointments for service to begin on April 1, 2017, shall be made as follows:

(a) two members appointed by the Governor shall be appointed for a three year term;

(b) two members appointed by the Governor shall be appointed for a five year term;

(c) one member appointed by the legislative caucus of the majority political party of the Senate shall be appointed for a three year term;

(e) one member appointed by the legislative caucus of the largest minority political party of the Senate shall be appointed for a five year term;

(f) one member appointed by the legislative caucus of the majority political party of the House of Representatives shall be appointed for a five year term; and

(g) one member appointed by the legislative caucus of the largest minority political party of the House of Representatives shall be appointed for a three year term.

The initial members who have served terms that are less than five years are eligible to be reappointed for one full five‑year term.

(B)(1) The qualifications the appointing authorities shall consider for the appointees include, but are not limited to:

(a) constitutional qualifications;

(b) ethical fitness;

(c) character;

(d) mental stability;

(e) experience; and

(f) judicial temperament.

(2) In addition to other information that may be requested, candidates for appointment must provide the following information to the appointing authority, which must be shared with the General Assembly during the confirmation process:

(a) The candidate’s membership in any civic, charitable, or social groups within the previous four years;

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(b) Any contribution made by the candidate to a candidate for Governor or any member of the General Assembly within the previous four years; and

(c) Any contribution made by the candidate to any committee, as defined by Section 8-13-1300(6), including a noncandidate committee, within the previous four years.

(3) The appointing authorities shall make their appointments based on merit. However, in making appointments to the commission, the appointing authorities shall ensure that race, color, gender, national origin, and other demographic factors are considered to ensure the geographic and political balance of the appointments, and shall strive to assure that the membership of the commission will represent, to the greatest extent possible, all segments of the population of the State.

(4) The following are not eligible to serve on the State Ethics Commission:

(a) a member of the General Assembly;

(b) a former member of the General Assembly within eight years following the termination of his service in the General Assembly;

(c) a family member, as defined by Section 8‑13‑100(15), of a member of the General Assembly or the Governor;

(d) a person who made a campaign contribution, as defined by Section 8‑13‑1300(7), within the previous four years to the individual who appointed the person to serve on the State Ethics Commission;

(e) a person who registered as a lobbyist within four years of being appointed to the State Ethics Commission;

(f) a person who is under the jurisdiction of the State Ethics Commission, House of Representatives Ethics Committee, or Senate Ethics Committee.

~~No member of the General Assembly or other public official must be eligible to serve on the State Ethics Commission.~~

~~The Governor shall make the appointments based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the commission is representative of all citizens of the State of South Carolina.~~

(C) The terms of the members are for five years ~~and until their successors are appointed and qualify~~. ~~The members of the State Ethics Commission serving on this chapter’s effective date may continue to serve until the expiration of their terms. These members may then be appointed to serve one full five‑year term under the provisions of this chapter. Members representing the first, third, and sixth congressional districts on this chapter’s effective date are eligible to be appointed for a~~

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~~full five‑year term in or after 1991. Members currently representing the second, fourth, and fifth congressional districts on this chapter’s effective date are eligible to be appointed for a full five‑year term in or after 1993. The initial appointments for the at large members of the commission created by this chapter must be for a one‑, two‑, or three‑year term, but these at-large members are eligible subsequently for a full five‑year term. Under this section, the at-large members of the commission are to be appointed to begin service on or after July 1, 1992.~~ Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only. Members of the commission who serve less than a full five-year term may be reappointed for one full five-year term. Members of the commission who have completed a full five‑year term are not eligible for reappointment. A member shall not serve on the commission in hold-over status after the member’s term expires. An appointee shall not serve on the commission, even in interim capacity, until he has been confirmed by the General Assembly.

(D) The commission shall elect a chairman, a vice‑chairman, and such other officers as it considers necessary. Fivemembers of the commission shall constitute a quorum. The commission must adopt a policy concerning the attendance of its members at commission meetings. The commission meets at the call of the chairman or a majority of its members. Members of the commission, while serving on business of the commission, receive per diem, mileage, and subsistence as is provided by law for members of state boards, committees, and commissions.

(E)(1) A commission member appointed by the Governor may be removed from office by the Governor for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity, pursuant to Section 1‑3‑240.

(2) A commission member appointed by a legislative caucus of the Senate may be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity upon a finding by the Senate Ethics Committee, and the concurrence of two‑thirds of the membership of the Senate.

(3) A commission member appointed by a legislative caucus of the House of Representatives may be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity upon a finding by the House Ethics Committee, and the concurrence of two‑thirds of the membership of the House of Representatives.”

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SECTION 2. Section 8-13-320(9) of the 1976 Code is amended to read:

“(9) to initiate or receive complaints and make investigations, as provided in item (10), or as provided in Section 8-13-540, as appropriate, of statements filed or allegedly failed to be filed under the provisions of this chapter and Chapter 17 of Title 2 and, upon complaint by an individual, of an alleged violation of this chapter or Chapter 17 of Title 2 by a public official, public member, or public employee ~~except members or staff, including staff elected to serve as officers of or candidates for the General Assembly unless otherwise provided for under House or Senate rules~~. Any person charged with a violation of this chapter or Chapter 17 of Title 2 is entitled to the administrative hearing process contained in this section or in Article 5 of this chapter, as appropriate.

(a) The commission may commence an investigation on the filing of a complaint by an individual or by the commission, as provided in item (10)(d), upon a majority vote of the total membership of the commission.

(b)(1) No complaint may be accepted by the commission concerning a candidate for elective office during the fifty‑day period before an election in which he is a candidate. During this fifty‑day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of this chapter by a candidate during this fifty‑day period must be considered to be an irreparable injury for which no adequate remedy at law exists. The institution of an action for injunctive relief does not relieve any party to the proceeding from any penalty prescribed for violations of this chapter. The court must award reasonable attorneys fees and costs to the nonpetitioning party if a petition for mandamus or injunctive relief is dismissed based upon a finding that the:

(i) petition is being presented for an improper purpose such as harassment or to cause delay;

(ii) claims, defenses, and other legal contentions are not warranted by existing law or are based upon a frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

(iii) allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have

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evidentiary support after reasonable opportunity for further investigation or discovery.

(2) Action on a complaint filed against a candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the commission at least thirty days before the election must be postponed until after the election.

(c) If an alleged violation is found to be groundless by the commission, the entire matter must be stricken from public record. If the commission finds that the complaining party willfully filed a groundless complaint, the finding must be reported to the Attorney General. The willful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this item, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was willful and without just cause or with malice.

(d) Action may not be taken on a complaint filed more than four years after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation. The Attorney General may initiate an action to recover a fee, compensation, gift, or profit received by a person as a result of a violation of the chapter no later than one year after a determination by the commission that a violation of this chapter has occurred;”

SECTION 3. Section 8-13-320(10)(g) of the 1976 Code is amended to read:

“(g) All investigations, inquiries, hearings, and accompanying documents ~~must remain~~ are confidential and may only be released pursuant to this section, unless otherwise required by law. ~~until a finding of probable cause or dismissal unless the respondent waives the right to confidentiality.~~

(i) After a dismissal, except for dismissal pursuant to item (10)(b) or a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become public record: the complaint, the response by the respondent, and the notice of dismissal.

(ii) After a finding of probable cause, except for a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become public record: the complaint, the response by the respondent, and the notice of hearing. If a hearing is held on the matter, the final order and all exhibits introduced at the hearing shall become public record upon issuance of the final order by the commission.

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Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy.

The respondent may waive the right to confidentiality. In the event a hearing is not held on a matter after a finding of probable cause, the final disposition of the matter becomes public record. The willful release of confidential information is a misdemeanor, and any person releasing such confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.”

SECTION 4. Section 8‑13‑320(10)(j) of the 1976 Code is amended to read:

“(j) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the commission’s possession relating to the charges. The same discovery techniques which are available to the commission must be equally available to the respondent, including the right to request the commission to subpoena witnesses or materials and the right to conduct depositions as prescribed by subitem (f) A panel of three commissioners must conduct a hearing in accordance with Chapter 23 of Title 1 (Administrative Procedures Act), except as otherwise expressly provided. Panel action requires the participation of the three panel members. During a commission panel hearing conducted to determine whether a violation of the chapter has occurred, the respondent must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses. All evidence, including records the commission considers, must be offered fully and made a part of the record in the proceedings. The hearings must be ~~held in executive session unless the respondent requests an open hearing~~ open to the public.”

SECTION 5. Section 8‑13‑530 of the 1976 Code is amended to read:

“Section 8‑13‑530. Each ethics committee shall:

(1) ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of this chapter and promptly notify the person to file the necessary notices and reports to satisfy the requirements of this chapter;

(2) receive complaints filed by individuals and, upon a majority vote of the total membership of the committee, file complaints when alleged violations are identified;

(3) upon the filing of a complaint~~, investigate possible violations of breach of a privilege governing a member or staff of the appropriate~~

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~~house, the alleged breach of a rule governing a member of, legislative caucus committees for, or a candidate, or staff for the appropriate house, misconduct of a member or staff of, legislative caucus committees for, or a candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2~~ alleging a violation by a member or staff of the appropriate house, or a member or staff of a legislative caucus committee, or a candidate for the appropriate house, for a violation of this chapter or Chapter 17, Title 2, other than a violation of a rule of the appropriate house, the ethics committee shall refer the complaint to the State Ethics Commission for an investigation pursuant to Section 8‑13‑540;

(4) receive, investigate, and hear a complaint which alleges a possible violation of a breach of a privilege or a rule governing a member or staff of the appropriate house or legislative caucus committee, or candidate for the appropriate house~~, the alleged breach of a rule governing a member or staff of or candidate for the appropriate house, misconduct of a member or staff of or candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2.~~;

(5) ~~no~~ a complaint may not be accepted by the ethics committee concerning a member of or candidate for the appropriate house during the fifty‑day period before an election in which the member or candidate is a candidate. During this fifty‑day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of this chapter by a candidate during this fifty‑day period must be considered to be an irreparable injury for which no adequate remedy at law exists. The institution of an action for injunctive relief does not relieve any party to the proceeding from any penalty prescribed for violations of this chapter. The court must award reasonable attorney’s fees and costs to the nonpetitioning party if a petition for mandamus or injunctive relief is dismissed based upon a finding that the:

(i) petition is being presented for an improper purpose such as harassment or to cause delay;

(ii) claims, defenses, and other legal contentions are not warranted by existing law or are based upon a frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

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(iii) allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after reasonable opportunity for further investigation or discovery.

Action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the ethics committee at least thirty days before the election must be postponed until after the election;

~~(5)~~(6) obtain information, ~~and~~ investigate technical violation complaints, and hear complaints as provided in Section 8‑13‑540 with respect to any complaint filed pursuant to this chapter or Chapter 17, ~~of~~ Title 2 and to that end may compel by subpoena issued by a majority vote of the committee the attendance and testimony of witnesses and the production of pertinent books and papers;

~~(6)~~(7) administer or recommend sanctions appropriate to a particular member, or staff of, or candidate for, the appropriate house pursuant to Section 8‑13‑540, including the recovery of the value of anything transferred or received in breach of the ethical standards, or dismiss the charges; and

~~(7)~~(8) act as an advisory body to the General Assembly and to individual members of or candidates for the appropriate house on questions pertaining to the disclosure and filing requirements of members of or candidates for the appropriate house, and may issue, upon request from a member or staff of the appropriate house, or legislative caucus committee, or candidate for the appropriate house, and publish advisory opinions on the requirements of these chapters.”

SECTION 6. Chapter 13, Title 8 of the 1976 Code is amended by adding Section 8‑13‑535 to read:

“Section 8‑13‑535. (A) The committee may issue a formal advisory opinion, based on real or hypothetical sets of circumstances. A formal advisory opinion issued by the committee is binding on the committee, until amended or revoked, in any subsequent charges concerning the person who requested the formal opinion and any other person who acted in reliance upon it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion. A formal advisory opinion must be in writing and is considered rendered when approved by a majority of the committee members subscribing to the advisory opinion. Advisory opinions must be made available to the public unless the committee, by majority vote of the total membership of the committee, requires an opinion to remain confidential. However, the identities of the parties involved must be withheld upon request.

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(B) Staff of the appropriate ethics committee may issue a written informal advisory opinion, based on a real or hypothetical set of circumstances, to a member upon that member’s request. If raised in response to a complaint, the appropriate committee shall consider whether the member relied, in good faith, upon a written informal opinion prior to making a probable cause determination or concurring in a determination, as applicable. A written informal advisory opinion issued by the committee staff is binding on the committee, until amended or revoked, in any subsequent charges concerning the person who requested the informal opinion unless material facts were omitted or misstated by the person in the request for the opinion.

(C) The appropriate ethics committee must consider whether a person relied in good faith upon a formal advisory opinion or written informal opinion issued by the committee prior to the effective date of this act, unless amended or revoked prior to the action considered as a possible violation, prior to making a probable cause decision.”

SECTION 7. Section 8‑13‑540 of the 1976 Code is amended to read:

“Section 8-13-540. ~~Unless otherwise provided for by House or Senate rule, as appropriate, each ethics committee must conduct its investigation of a complaint filed pursuant to this chapter or Chapter 17 of Title 2 in accordance with this section.~~

~~(1)~~ ~~When a complaint is filed with or by the ethics committee, a copy must promptly be sent to the person alleged to have committed the violation. If the ethics committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint must be dismissed and the complainant and respondent notified. If the ethics committee finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to appropriate law enforcement authorities. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this subsection, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was wilful and without just cause or with malice. If the ethics committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation and may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers.~~

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~~If after such preliminary investigation, the ethics committee finds that probable cause exists to support an alleged violation, it shall, as appropriate:~~

~~(a)~~ ~~render an advisory opinion to the respondent and require the respondent’s compliance within a reasonable time; or~~

~~(b)~~ ~~convene a formal hearing on the matter within thirty days of the respondent’s failure to comply with the advisory opinion. All ethics committee investigations and records relating to the preliminary investigation are confidential. No complaint shall be accepted which is filed later than four years after the alleged violation occurred.~~

~~(2)~~ ~~If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the ethics committee’s possession relating to the charges. At the hearing the charged party must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses. All hearings must be conducted in executive session.~~

~~(3)~~ ~~After the hearing, the ethics committee shall determine its findings of fact. If the ethics committee, based on competent and substantial evidence, finds the respondent has violated this chapter or Chapter 17 of Title 2, it shall:~~

~~(a)~~ ~~administer a public or private reprimand;~~

~~(b)~~ ~~determine that a technical violation as provided for in Section 8-13-1170 has occurred;~~

~~(c)~~ ~~recommend expulsion of the member; and/or,~~

~~(d)~~ ~~in the case of an alleged criminal violation, refer the matter to the Attorney General for investigation. The ethics committee shall report its findings in writing to the Speaker of the House or President Pro Tempore of the Senate, as appropriate. The report must be accompanied by an order of punishment and supported and signed by a majority of the ethics committee members. If the ethics committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.~~

~~(4)~~ ~~An individual has ten days from the date of the notification of the ethics committee’s action to appeal the action to the full legislative body.~~

~~(5)~~ ~~No ethics committee member may participate in any matter in which he is involved.~~

~~(6)~~ ~~The ethics committee shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the~~

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~~right to introduce exhibits, and the right to cross‑examine opposing witnesses.~~

(A) Filing of Complaints

(1) A complaint alleging a member of the General Assembly, legislative caucus committees, candidates for the General Assembly, or staff of the General Assembly or legislative caucus committee has committed a violation of this chapter or Chapter 17, Title 2 must be in writing and state the name of the person alleged to have committed the violation and the particulars of the violation.

(2) When a complaint is filed with or by the ethics committee alleging a violation of this chapter or Chapter 17, Title 2, a copy must be sent to the person alleged to have committed the violation and to the State Ethics Commission, hereinafter referred to as “the commission” within thirty days from the date the complaint was filed, for an investigation as provided in this section. However, if the complaint only alleges a violation of a rule of the House of Representatives or of the Senate, the appropriate ethics committee must forward a copy of the complaint to the person alleged to have committed the violation, and the appropriate ethics committee shall investigate and make a determination for a complaint.

(3)(a) The commission, upon receipt of information, may initiate and file a complaint upon an affirmative vote of the commission. The commission shall accept complaints referred by the ethics committees and notarized complaints from individuals, whether personally or on behalf of an organization or governmental body.

(b) The commission shall forward a copy of the complaint, a general statement of the applicable law with respect to the complaint, and a statement explaining the due process rights of the respondent including, but not limited to, the right to counsel to the respondent within ten days of the filing of the complaint. Unless the complaint was referred by an ethics committee, the commission shall send a copy of the complaint to the appropriate ethics committee.

(4) Action may not be taken on a complaint filed more than four years after the violation is alleged to have occurred unless the person alleged to have committed the violation, by fraud or other device, prevents discovery of the violation.

(B) Actions by the State Ethics Commission

(1) Upon receiving a complaint filed pursuant to subsection (A), the commission must determine whether the complaint alleges only a violation of a rule of the House of Representatives or Senate or a technical violation pursuant to Section 8‑13‑1170 or Section 8‑13‑1372.

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If the commission determines the complaint alleges only a rule violation or technical violation, the complaint must be referred to the appropriate ethics committee for investigation and determination.

(2)(a) If the commission determines the complaint alleges more than a violation of a rule of the House of Representatives or Senate or a technical violation pursuant to Section 8‑13‑1170 or Section 8‑13‑1372, the commission must determine whether the complaint alleges facts sufficient to constitute a violation of this chapter or Chapter 17, Title 2.

(b) If the commission determines that the complaint either does not allege facts sufficient to constitute a violation or does not find probable cause that a violation occurred, a report must be provided to the appropriate ethics committee with the recommendation that the complaint be dismissed. The appropriate ethics committee may concur or nonconcur with the commission’s recommendation, or within fifteen days from the committee’s receipt of the finding, the committee may request the commission to continue the investigation and consider additional matters not considered by the commission. If the appropriate ethics committee concurs with the recommendation to dismiss the complaint, the committee must notify the complainant and respondent.

(c) If the commission finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this item, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof by a preponderance of the evidence that the filing of the complaint was wilful and without just cause or with malice.

(d) If the commission determines that the complaint alleges facts sufficient to constitute a violation of this chapter or Chapter 17, Title 2, an investigation may be conducted into the alleged violation.

(3) If the commission finds evidence that the person alleged to have committed the violation wilfully violated a section of this chapter or Chapter 17 of Title 2 that imposes a criminal penalty, the commission must forward the complaint and accompanying materials to the Attorney General or circuit solicitor. This provision does not limit any authority of the Attorney General or circuit solicitor to initiate or conduct any criminal investigation within his jurisdiction.

(4) If the commission determines that it needs assistance in conducting an investigation, the commission shall request the assistance of appropriate agencies.

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(5) In conducting its investigation, the commission may order testimony to be taken in any investigation or deposition before a person who is designated by the commission and has the power to administer oaths and, in these instances, to compel testimony. The commission may administer oaths and affirmation for the testimony of witnesses and issue subpoenas, by approval of the chairman and subject to judicial enforcement, for the procurement of witnesses and materials including books, papers, records, documents, or other tangible objects relevant to the agency’s investigation. A person to whom a subpoena has been issued may move before a commission panel or the commission for an order quashing a subpoena issued pursuant to this section.

(6) Upon completing its investigation, the commission must provide a report to the appropriate ethics committee with a recommendation as to whether there is probable cause to believe a violation of this chapter or of Chapter 17, Title 2 has occurred. The report must include a copy of all relevant reports, evidence, and testimony considered by the commission.

(C) Release of complaint and information related to investigations

(1) All investigations and accompanying documents are confidential and may be released only pursuant to this section.

(2) If the committee concurs with a recommendation by the commission that a complaint should be dismissed due to the complaint either failing to allege facts sufficient to constitute a violation or did not find probable cause that a violation occurred, a notice of dismissal will be sent by the committee to the complainant and respondent. This notice and all materials regarding the matter are confidential.

(3)(a) If the commission determines the complaint only alleges a technical violation pursuant to Section 8-13-1170 or 8-13-1372, and the committee subsequently either dismisses the matter or determines a technical violation occurred, documents involving the matter shall remain confidential.

(b) If the commission’s report to the committee recommends that there is probable cause to believe a violation of this chapter or Chapter 17, Title 2, other than a technical violation pursuant to Section 8-13-1170 or 8-13-1372, has occurred, and the committee does not request further investigation regarding the probable cause recommendation, the following documents become public thirty days after the commission issues its report to the committee: the complaint, the response by the respondent, the notice of hearing before the appropriate ethics committee, and the commission’s recommendations.

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(c) If the appropriate committee requests further investigation after receipt of the commission’s report, documents may only be released if the commission’s second report to the committee recommends a finding of probable cause. If the commission’s second report recommends a finding of probable cause, the documents listed in (a) must be released either thirty days after the conclusion of the investigation or upon a finding of probable cause by the committee, whichever occurs earlier.

(d)(i) If the commission’s report recommends that there is probable cause for a violation of this chapter or Chapter 17, Title 2, other than a technical violation pursuant to Section 8-13-1170 or 8-13-1372, but the appropriate committee nonconcurs and dismisses the matter, the notice of dismissal must be made public.

(ii) If the commission’s report recommends that there is probable cause for a violation of this chapter or Chapter 17, Title 2, other than a technical violation pursuant to Section 8-13-1170 or 8-13-1372, but the appropriate committee nonconcurs and finds, prior to a public hearing, that only a technical violation occurred, the notice of the committee’s findings must be made public.

(4) If the committee determines there is probable cause for a violation of this chapter or Chapter 17, Title 2, other than a technical violation pursuant to Section 8-13-1170 or 8-13-1372, and issues an advisory opinion to the respondent pursuant to this section, the advisory opinion becomes public.

(5) If the committee conducts a public hearing pursuant to this section, the final order and exhibits introduced at the hearing become public upon the issuance of the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy.

(6) Documents released or made public must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. The respondent may waive the right to confidentiality. The wilful release of confidential information is a misdemeanor, and a person releasing confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year.

(D) Actions by ethics committees

(1) If the commission’s report recommends that there is not probable cause to believe a violation of this chapter or Chapter 17, Title 2 has occurred, the appropriate ethics committee may concur or

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nonconcur with that recommendation, or within fifteen days from the committee’s receipt of the report, request the commission to continue the investigation and consider additional matters not considered by the commission.

(2) If, after reviewing the commission’s recommendation and relevant evidence, the ethics committee determines that probable cause does not exist to believe a violation of this chapter or of Chapter 17, Title 2 has occurred, the committee shall dismiss the complaint and send a written decision to the respondent and the complainant.

(3) If, after reviewing the commission’s recommendation and relevant evidence, the ethics committee determines that the respondent has committed only a technical violation pursuant to Section 8‑13‑1170 or 8‑13‑1372, the provisions of the appropriate section apply, which may include subsection (C), if applicable.

(4) If, after reviewing the commission’s recommendation and relevant evidence, the ethics committee determines that probable cause exists to believe a violation of this chapter or of Chapter 17, Title 2 has occurred, except for a technical violation of Section 8‑13‑1170 or Section 8‑13‑1372, the committee shall, as appropriate:

(a) render an advisory opinion to the respondent and require the respondent’s compliance within a reasonable time; or

(b) convene a formal public hearing on the matter.

The ethics committee may obtain its own information, or request additional investigation by the State Ethics Commission, if it needs additional information to make a determination as to whether or not probable cause exists.

(5) If the ethics committee convenes a formal public hearing:

(a) the investigator or attorney handling the investigation for the State Ethics Commission shall present the evidence related to the complaint to the appropriate ethics committee;

(b) it is the duty of the investigator or attorney to further investigate the subject of the complaint and any related matters under the jurisdiction and at the direction of the ethics committee, to request assistance from appropriate state agencies as needed, to request authorization from the committee for funds for the hiring of auditors, investigators, or other assistance as necessary, to prepare subpoenas, and to present evidence to the committee at any public hearing. The appropriate committee shall maintain the authority to approve subpoenas, authorize expenditures, dismiss complaints, schedule hearings, grant continuances, and any other authority as provided for by their rules;

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(c) the respondent must be allowed to examine and make copies of all evidence in the ethics committee’s possession relating to the charges. At the hearing the respondent must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses.

(d) all hearings must be open to the public.

(6)(a) After the formal public hearing, the ethics committee shall determine its findings of fact and issue its final order.

(b) If the ethics committee, based on competent and substantial evidence, finds the respondent has not violated this chapter or Chapter 17, Title 2, the committee shall dismiss the complaint and send a written decision to the respondent and the complainant.

(c) If the ethics committee, based on competent and substantial evidence, finds the respondent has violated this chapter or Chapter 17, Title 2, the committee shall:

(i) administer a public reprimand;

(ii) determine that a technical violation as provided for in Section 8-13-1170 or 8-13-1372 has occurred;

(iii) require the respondent to pay a civil penalty not to exceed two thousand dollars for each nontechnical violation that is unrelated to the late filing of a required statement or report or failure to file a required statement or report;

(iv) require the forfeiture of gifts, receipts, or profits, or the value of each, obtained in violation of Chapter 13, Title 8 or Chapter 17, Title 2;

(v) recommend expulsion of the member;

(vi) provide a copy of the complaint and accompanying materials to the Attorney General if the committee finds that there is probable cause to believe the respondent wilfully violated a section of this chapter or Chapter 17 of Title 2 that imposes a criminal penalty; or

(vii) require a combination of subitems (i) though (vi) as necessary and appropriate.

(d) The ethics committee shall report its findings in writing to the Speaker of the House of Representatives or President Pro Tempore of the Senate, as appropriate. The report must be accompanied by an order of punishment or dismissal and supported and signed by a majority of the ethics committee members.

(e) Upon the issuance of the final order, the following documents become public record: exhibits introduced at the hearing, the committee’s findings, and the final order. Exhibits introduced must be

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redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy.

(E) If, after conducting a formal public hearing, the ethics committee finds the respondent has violated this chapter or Chapter 17, Title 2, the respondent has ten days from the date of receiving the committee’s order of punishment to appeal the action to the full legislative body.

(F) No ethics committee member may participate in any matter in which he is involved.

(G) The ethics committees shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross‑examine opposing witnesses.”

SECTION 8. Subsection 8-13-550(B) of the 1976 Code is amended to read:

“(B) Upon consideration of an ethics committee report by the House or the Senate, whether in executive or open session, the results of the consideration~~, except in the case of the issuance of a private reprimand,~~ are a matter of public record.”

SECTION 9. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, 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 the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 10. The provisions of this act are effective as of April 1, 2017 and shall apply to complaints filed on or after April 1, 2017. However, the provisions in Section 8-13-310 regarding the selection of the initial members to serve on the State Ethics Commission as of April 1, 2017 and the termination of terms of the members serving on the commission as of March 31, 2017 take effect after the date of the Governor’s signature for the limited purpose of having the initial members of the reconstituted State Ethics Commission begin service on April 1, 2017. The State Ethics Commission, House Ethics Committee and Senate Ethics Committee shall maintain jurisdiction over all open

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complaints and investigations pending in the appropriate entity on or before March 31, 2017. The reconstituted State Ethics Commission shall have jurisdiction over open complaints and investigations pending within the State Ethics Commission as of March 31, 2017. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN spoke on the amendment.

Senator RANKIN spoke on the amendment.

**Remarks by Senator RANKIN**

Thank you, Mr. PRESIDENT. Thank you, my Chairman, who will bear with me for just a few moments. As we hopefully will work our way out of this situation that we are in, I would like to make a few closing remarks for this week, if I may, on the front of two subjects.

One general, that being ethics reform. It has been said, like Mark Twain in his death, or Harry Truman in his defeat, the statements of my position on ethics reform have been greatly exaggerated, in fact taken out of context and in fact misrepresented. But I am not up here to whine, I’m not up here to complain in this free democracy that we live in where you can say anything you want and be held accountable perhaps only in a court of law or in the ultimate court above. I’m not complaining about that. But I do want it said and heard that ethics reform is something we need. It is something that I support. Since 2013, in fact beyond, Senator HAYES, myself and others, at the stead of then PRESIDENT *Pro Tem* JOHN COURSON, put together a group. We labored in 2013. We generated a Bill, folks. We had a Bill in 2014, the House adopted a Bill, the Senate adopted a Bill and what did we do? We had a conference committee. Guess what was included in that very Bill but the subject we are talking about right now, and that subject being ‘dark money’. We have been there, folks. We have done it before -- to do it again is not unprecedented and it’s not something from a new group. It’s the same makeup that’s in this Senate right now. So, I urge you all as you go home and you think about what is, as Micah says, “What is required of you, to do justly, love mercy and walk humbly with thy God.” Folks, this is not heretical. It is constitutional and before we get out of this subject, it will not be as has been written by some, you are either for ethics reform or you’re not, it will be whether you are for transparency in South Carolina, whether you can put your money where your mouth is, but put your name on the dotted line like is required right now. Or, excuse me, that was required before 2010. The Krawcheck case created

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in South Carolina a wild, wild west of independent expenditures that can go into any Senate district, any House district and any Governor’s race automatically, without restriction. Judge Wooten’s decision in 2010, which has not been changed, totally opens this State up for the very things that are happening in Senator LEATHERMAN’s district and others across this State who have challenges right now. Say what you want to say folks, but be man enough to come forward, put your name on a list, and tell us who you are. That’s all that was required before, but what is happening right now, unless we do this -- it will continue to be the most wide open, free-ranging State without any law requiring them to do as we did six years ago and up until that point when we adopted this Ethics Reform Bill in 1991, you had to report. Right now, you don’t. So, am I for ethics reform, Senator HAYES? Amen. Do I want this Bill to get passed, Senator LARRY MARTIN? Amen. My brother from Cherokee County? Yes, I want ethics reform. I want a clean Bill. But I want one with clean hands and a clean, clear conscience so I can sleep well at night, face my brothers and sisters in Horry County, and face my Maker when I’m done on this earth. Thank you, Mr. Chairman.

On motion of Senator JACKSON, with unanimous consent, the remarks of Senator RANKIN were ordered printed in the Journal.

Debate was interrupted by adjournment.

**Motion Adopted**

On motion of Senator LARRY MARTIN, the Senate agreed to stand adjourned.

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial Appointment, Darlington County Part-Time Magistrate, with the term to commence April 30, 2015, and to expire April 30, 2019

Craig L. LaCross, 716 Lee State Park Road, Lamar, SC 29069 *VICE* Cely A. Brigman

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**MOTION ADOPTED**

On motion of Senator ALEXANDER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Ms. Frances Sandifer of Westminster, S.C. Frances and Cecil, her husband, met as children at the Connie Maxwell Children’s Home where they became childhood sweethearts and were married for over 74 years. Frances was a member of Westminster Baptist Church and had a wonderful sense of humor. Frances was a loving wife, devoted mother and doting grandmother who will be dearly missed.

**ADJOURNMENT**

At 2:30 P.M., on motion of Senator LARRY MARTIN, 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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