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**Wednesday, April 13, 2016**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 2:00 P.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:

“Praise the Lord,” the psalmist declares.

“Praise him in his mighty heavens. Praise him for his acts of power; praise him for his surpassing greatness.” (Psalm 150:1b-2)

Please bow with me in prayer:

Glorious, wondrous God, we turn to You this afternoon seeking Your richest blessings upon all who serve You here in the Senate of South Carolina. May each of these Senators and every staff member truly feel Your presence as they work for the people of our State. Give them all a vision, O God, a vision of the good that must be achieved and of the goals that have to be attained. May all of their successes be truly praiseworthy, enriching life for every man, woman, and child whom they serve. Lead us always to praise Your name, O Lord. Amen.

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

**Doctor of the Day**

Senator NICHOLSON introduced Dr. Robert Todd of Greenwood, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator JOHNSON, at 5:22 P.M., Senator SABB was granted a leave of absence for the balance of the day.

**Expression of Personal Interest**

Senator DAVIS rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 1176 Sens. Rankin and Johnson

S. 1211 Sen. Johnson

S. 315 Sen. Larry Martin

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**RECALLED**

H. 4748 -- Rep. R.L. Brown: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES SIMMONS CREEK ALONG OLD POND ROAD IN CHARLESTON COUNTY “JERRY AND HANNAH BLAKE MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THIS DESIGNATION.

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

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

**RECALLED**

H. 4709 -- Reps. Hixon, Hodges, Corley, Burns, Hiott, V.S. Moss, Kirby and Newton: A BILL TO AMEND SECTION 50‑5‑15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS CONTAINED IN THE SOUTH CAROLINA MARINE RESOURCES ACT OF 2000, SO AS TO PROVIDE A DEFINITION FOR THE TERM “SOUTHERN COBIA MANAGEMENT ZONE”; AND TO AMEND SECTION 50‑5‑2730, AS AMENDED, RELATING TO CERTAIN FEDERAL FISHING REGULATIONS, SO AS TO PROVIDE THAT THESE REGULATIONS DO NOT APPLY TO COBIA LOCATED IN THE SOUTHERN COBIA MANAGEMENT ZONE.

Senator CAMPSEN asked unanimous consent to make a motion to recall the Bill from the Committee on Fish, Game and Forestry.

The Bill was recalled from the Committee on Fish, Game and Forestry and ordered placed on the Calendar for consideration tomorrow.

**RECOMMITTED**

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

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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 recommitted to the Committee on Education.

**RECOMMITTED**

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 recommitted to the Committee on Education.

**RECOMMITTED**

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 recommitted to the Committee on Education.

**RECOMMITTED**

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 recommitted to the Committee on Education.

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**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1228 -- Senator Leatherman: A BILL TO AMEND SECTION 12-36-2647 OF THE 1976 CODE, AS ENACTED IN ACT 98 OF 2013 AND RELATED TO SOURCES OF REVENUE USED FOR HIGHWAY CONSTRUCTION AND MAINTENANCE; TO PROVIDE THAT THE REVENUES OF SALES, USE, AND CASUAL EXCISE TAXES DERIVED PURSUANT TO SECTIONS 12-36-2620(1) AND 12-36-2640(1) ON THE SALE, USE, OR TITLING OF A MOTOR VEHICLE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MUST TRANSFER FROM NON TAX SOURCES TO THE SOUTH CAROLINA STATE TRANSPORTATION INFRASTRUCTURE BANK AN AMOUNT EQUAL TO THE REVENUE CREDITED TO THE STATE HIGHWAY FUND PURSUANT TO THIS ACT, AND TO PROVIDE FOR THE PROJECTS THAT THE SOUTH CAROLINA STATE TRANSPORTATION INFRASTRUCTURE BANK MAY FINANCE WITH THE TRANSFERRED REVENUE.

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

S. 1229 -- Senators Scott and Jackson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 321 IN RICHLAND COUNTY FROM ITS INTERSECTION WITH FRIENDLY WOODS ROAD TO ITS INTERSECTION WITH BLYTHEWOOD ROAD "PASTOR EDDIE W. DAVIS HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

S. 1230 -- Senators Corbin and Hembree: A BILL TO AMEND SECTION 56-3-1965 OF THE 1976 CODE, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, TO PROVIDE THAT A PERSON WHO IS HANDICAPPED MUST BE ALLOWED TO PARK IN METERED OR TIMED PARKING PLACES, INCLUDING

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THOSE METERED OR TIMED PARKING PLACES AT AN AIRPORT, WITHOUT BEING SUBJECT TO FEES OR FINES.

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

S. 1231 -- Senators Turner and Shealy: A BILL TO AMEND TITLE 48 OF THE 1976 CODE, RELATING TO ENVIRONMENTAL PROTECTION AND CONSERVATION, BY ADDING A NEW CHAPTER TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE THAT A PERSON MAY NOT USE A BALANCING PRODUCT THAT CONTAINS LEAD OR MERCURY WHEN REPLACING OR BALANCING A TIRE ON A MOTOR VEHICLE OR AIRCRAFT, TO PROVIDE THAT A PERSON SHALL NOT SELL OR OFFER TO SELL OR DISTRIBUTE WEIGHTS OR OTHER PRODUCTS FOR BALANCING MOTOR VEHICLE OR AIRCRAFT WHEELS IF THE WEIGHT OR OTHER BALANCING PRODUCT CONTAINS LEAD OR MERCURY THAT WAS INTENTIONALLY ADDED DURING THE MANUFACTURE OF THE PRODUCT, TO PROVIDE THAT A PERSON SHALL NOT SELL NEW MOTOR VEHICLES OR AIRCRAFTS WITH LEAD OR MERCURY, TO PROVIDE THAT A PERSON SHALL NOT SHRED OR CRUSH, OR MARKET FOR SHREDDING OR CRUSHING, ANY MOTOR VEHICLE, AIRCRAFT, WATERCRAFT, OR RAILROAD OR INDUSTRIAL EQUIPMENT WITHOUT INSPECTING SUCH FOR LEAD OR MERCURY, TO PROVIDE THAT MERCURY IN WHEEL WEIGHTS AND OTHER BALANCING PRODUCTS FOR MOTOR VEHICLE AND AIRCRAFT WHEELS MUST BE RECYCLED OR OTHERWISE MANAGED TO COMPLY WITH SECTION 44-56-130, AND TO PROVIDE THAT PRIOR TO JANUARY 1, 2017, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PRODUCE AND DISTRIBUTE EDUCATIONAL MATERIALS ON THE PROHIBITIONS REQUIRED UNDER THIS SECTION.

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

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S. 1232 -- Senator Sabb: A SENATE RESOLUTION TO CONGRATULATE MR. JAMES R. FRAZIER UPON THE OCCASION OF HIS RETIREMENT AND TO HIM FOR THIRTY-FIVE YEARS OF DEDICATED SERVICE AS AN HORRY COUNTY COUNCILMAN.

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The Senate Resolution was adopted.

S. 1233 -- Senator Sheheen: A BILL TO AMEND SECTION 4-10-470, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTIES IN WHICH THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX MAY BE IMPOSED, SO AS TO REVISE THE CRITERIA APPLICABLE TO CERTAIN COUNTIES IN ORDER FOR THEM TO PLACE THE QUESTION OF IMPOSING THIS SALES AND USE TAX ON A REFERENDUM BALLOT.

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Read the first time and ordered placed on the Calendar without reference.

S. 1234 -- Senator Coleman: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE RICHARD WINN ACADEMY GIRLS BASKETBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2016 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS A STATE CHAMPIONSHIP TITLE.

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The Senate Resolution was adopted.

S. 1235 -- Senator Scott: A SENATE RESOLUTION TO RECOGNIZE DR. PATRICIA FEEHAN OF COLUMBIA, UPON THE OCCASION OF HER RETIREMENT FROM THE UNIVERSITY OF SOUTH CAROLINA AFTER TWENTY-EIGHT YEARS OF OUTSTANDING SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

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H. 4932 -- Rep. Allison: A BILL TO AMEND SECTION 56-5-4070, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MAXIMUM LENGTHS OF VEHICLES THAT MAY BE OPERATED ALONG THE STATE'S HIGHWAYS, SO AS TO PROVIDE A MAXIMUM LENGTH FOR TRAILERS OR SEMITRAILERS USED TO TRANSPORT VEHICLES USED IN CONNECTION WITH MOTORSPORTS COMPETITION EVENTS; TO AMEND SECTION 56-5-4130, RELATING TO THE MAXIMUM GROSS WEIGHT UPON ANY WHEEL OF CERTAIN VEHICLES ALLOWED TO OPERATE ALONG THE HIGHWAYS OF THIS STATE, SO AS TO PROVIDE AN OVER-THE-ROAD BUS, MOTORHOME, OR CERTAIN VEHICLES USED AS INTRASTATE PUBLIC AGENCY TRANSIT PASSENGER BUSES ARE EXCLUDED FROM AXLE SPACING REQUIREMENTS BUT ARE LIMITED TO A MAXIMUM SINGLE AXLE WEIGHT LIMIT, AND TO PROVIDE THAT THESE VEHICLES MUST HAVE REASONABLE ACCESS TO CERTAIN HIGHWAY FACILITIES; TO AMEND SECTION 56-5-4140, AS AMENDED, RELATING TO THE MAXIMUM GROSS WEIGHT OF VEHICLES ALLOWED TO OPERATE ALONG THE STATE'S HIGHWAYS, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT AN OVER-THE-ROAD BUS, MOTORHOME, OR CERTAIN VEHICLES USED AS INTRASTATE PUBLIC AGENCY TRANSIT PASSENGER BUSES ARE EXCLUDED FROM CERTAIN AXLE SPACING REQUIREMENTS BUT ARE LIMITED TO A MAXIMUM SINGLE AXLE WEIGHT LIMIT, AND TO PROVIDE THAT THESE VEHICLES MUST HAVE REASONABLE ACCESS TO CERTAIN HIGHWAY FACILITIES; TO AMEND SECTION 56-5-4160, AS AMENDED, RELATING TO THE ENFORCEMENT OF PROVISIONS THAT ESTABLISH WEIGHT LIMITS FOR VEHICLES THAT OPERATE ALONG THE STATE'S HIGHWAYS, SO AS TO REVISE THE MAXIMUM WEIGHT LIMIT ALLOWED FOR A VEHICLE OR COMBINATION OF VEHICLES EQUIPPED WITH AN IDLE REDUCTION SYSTEM; AND TO AMEND SECTION 56-35-30, RELATING TO VEHICLES EQUIPPED WITH AUXILIARY POWER UNITS, SO AS TO REVISE THE ALLOWABLE GROSS WEIGHT OF THE VEHICLE USED TO DETERMINE WHETHER THE VEHICLE HAS VIOLATED PROVISIONS RELATING TO VEHICLE WEIGHT RESTRICTIONS.

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

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H. 5024 -- Reps. Clary, Thayer, Collins, Funderburk, King, Felder, McCoy, Stavrinakis, Bannister, Hamilton, Henderson, Anthony and Govan: A JOINT RESOLUTION TO REQUIRE THAT BEFORE THE 2016-2017 SCHOOL YEAR, THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE ALL READING/LITERACY COACHES AND LITERACY TEACHERS WITH TRAINING ON DYSLEXIA, INCLUDING EVIDENCE-BASED DYSLEXIA SCREENING, INSTRUCTIONAL METHODS, AND INTERVENTIONS; AND TO IMPOSE RELATED REPORTING REQUIREMENTS ON THE DEPARTMENT.

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

H. 5144 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO CRABMEAT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4567, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the Committee on Agriculture and Natural Resources.

H. 5145 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF DENTISTRY, RELATING TO CONTINUING EDUCATION IN STERILIZATION AND INFECTION CONTROL, DESIGNATED AS REGULATION DOCUMENT NUMBER 4573, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 5146 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO PILOT REGISTRATION, DESIGNATED AS REGULATION DOCUMENT NUMBER 4574, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

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H. 5147 -- Regulations and Administrative Procedures 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.

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

H. 5148 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF MEDICAL EXAMINERS, RELATING TO PATIENT MEDICAL RECORDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4588, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 5149 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE OFFICE OF THE GOVERNOR, RELATING TO STATE EMERGENCY PREPAREDNESS STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4585, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the General Committee.

H. 5151 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SOUTH CAROLINA TRAUMA CARE SYSTEMS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4578, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

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H. 5152 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - REAL ESTATE APPRAISERS BOARD, RELATING TO CONTINUING EDUCATION, PAYMENT OF FEES, APPRAISAL EXPERIENCE, AND APPRAISER APPRENTICE REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4589, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the Committee on Labor, Commerce and Industry.

H. 5153 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO AIR POLLUTION CONTROL REGULATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4590, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 5154 -- Regulations and Administrative Procedures 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.

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

H. 5168 -- Rep. Delleney: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE LIFE OF ELIZABETH "LIBBY" TANT THRAILKILL FOR HER OUTSTANDING DEVOTION TO EDUCATION IN THE STATE OF SOUTH CAROLINA AND TO REMEMBER HER EXEMPLARY LEGACY OF SERVICE AND SACRIFICE.

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

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H. 5184 -- Reps. J. E. Smith, Bernstein, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR FORREST L. ALTON, MSPH, CHES, CHIEF EXECUTIVE OFFICER OF THE SOUTH CAROLINA CAMPAIGN TO PREVENT TEEN PREGNANCY (SC CAMPAIGN), ON THE OCCASION OF HIS DEPARTURE FROM THE ORGANIZATION, TO THANK HIM FOR HIS NINE YEARS OF OUTSTANDING AND DEDICATED SERVICE TO THE PEOPLE OF SOUTH CAROLINA, AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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

H. 5185 -- Reps. J. E. Smith, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss,

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Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND CLINTON DAVIS OF RICHLAND COUNTY FOR HIS OUTSTANDING WORK IN SUPPORT OF HOMELESS VETERANS AND THEIR FAMILIES THROUGHOUT THE MIDLANDS AND UPSTATE IN SOUTH CAROLINA AND TO WISH HIM ALL THE BEST AS HE CONTINUES TO SERVE OUR VETERANS.

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

H. 5186 -- Reps. Lucas, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO WELCOME TO THE PALMETTO STATE THE HONORABLE BOB CORLEW, FIRST VICE PRESIDENT OF LIONS CLUBS INTERNATIONAL, ON THE OCCASION OF THE 92ND ANNUAL SOUTH CAROLINA LIONS MULTIPLE DISTRICT 32 STATE CONVENTION AND TO HONOR THE LIONS CLUB FOR ITS MANY YEARS OF COMMUNITY SERVICE.

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

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H. 5187 -- Reps. Gagnon, Gambrell, Riley, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO HONOR AND CONGRATULATE COACH MARK SMITH OF ABBEVILLE HIGH SCHOOL ON ACHIEVING HIS FIVE HUNDREDTH CAREER VICTORY AS A BASEBALL COACH AND TO WISH HIM MUCH CONTINUED SUCCESS IN THE DAYS TO COME.

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

**REPORTS OF STANDING COMMITTEES**

Senator HEMBREE from the Committee on Judiciary submitted a majority favorable with amendment and Senator JOHNSON a minority unfavorable report on:

S. 163 -- Senator Hembree: A BILL TO AMEND SECTION 5‑1‑26(A) OF THE 1976 CODE, RELATING TO THE DUTIES OF THE JOINT LEGISLATIVE COMMITTEE ON MUNICIPAL INCORPORATION, TO PROVIDE THE COMMITTEE WITH ADDITIONAL DUTIES; TO AMEND CHAPTER 1, TITLE 5, RELATING TO THE INCORPORATION OF MUNICIPALITIES, TO PROVIDE THAT A MUNICIPALITY WHOSE POPULATION DROPS BELOW THREE HUNDRED MUST SHOW THAT IT IS MAINTAINING MUNICIPAL SERVICES AT AN ADEQUATE LEVEL TO MAINTAIN ITS CERTIFICATE OF INCORPORATION; TO PROVIDE THAT A REVIEW OF A MUNICIPALITY’S

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CERTIFICATE OF INCORPORATION MAY BE INITIATED BY THE COUNTY LEGISLATIVE DELEGATION; TO PROVIDE FOR THE REVIEW AND DETERMINATION PROCESS.

Ordered for consideration tomorrow.

Senator BRIGHT from the Committee on Judiciary submitted a majority favorable with amendment and Senators HUTTO and M.B. MATTHEWS a minority unfavorable report on:

S. 719 -- Senators Bright, Cromer, Bryant, S. Martin, Turner, Fair, Shealy, Grooms, Massey, Verdin, Young and Davis: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE I OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO PRIVILEGES AND IMMUNITIES OF CITIZENS OF THIS STATE, SO AS TO EXTEND THE PRIVILEGES AND IMMUNITIES OF CITIZENS OF THIS STATE TO BORN AND PREBORN PERSONS BEGINNING AT CONCEPTION.

Ordered for consideration tomorrow.

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

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

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NOTICE OF THE HEARING IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 62‑5‑407, AS AMENDED, RELATING TO PROCEDURES CONCERNING THE HEARING AND ORDER ON ORIGINAL PETITION, SO AS TO CLARIFY CERTAIN PROVISIONS IN CASES INVOLVING PAYMENT OF BENEFITS FROM THE VA; AND TO REPEAL PART 6, ARTICLE 5, CHAPTER 5, TITLE 62 RELATING TO THE UNIFORM VETERANS’ GUARDIANSHIP ACT.

Ordered for consideration tomorrow.

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

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

Ordered for consideration tomorrow.

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

S. 908 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT” BY ADDING PART 10 TO ARTICLE 2, TITLE 62 SO AS TO ESTABLISH A FRAMEWORK BY WHICH INTERNET USERS HAVE THE POWER TO PLAN FOR THE MANAGEMENT AND DISPOSITION OF DIGITAL ASSETS UPON DEATH OR INCAPACITATION; TO DEFINE NECESSARY TERMS; TO SET FORTH THE APPLICABILITY OF THE ACT TO FIDUCIARIES, PERSONAL REPRESENTATIVES, CONSERVATORS, TRUSTEES, AND OTHER PARTIES; TO PROVIDE THAT THE ACT DOES NOT

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APPLY TO A DIGITAL ASSET OF AN EMPLOYER THAT IS USED BY AN EMPLOYEE IN THE ORDINARY COURSE OF BUSINESS; AND TO REQUIRE THAT THE PROVISIONS OF THIS ACT BE APPLIED AND CONSTRUED SO AS TO PROMOTE UNIFORMITY OF LAW AMONG THE STATES.

Ordered for consideration tomorrow.

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

S. 916 -- Senators Malloy, Fair and M.B. Matthews: A BILL TO AMEND SECTION 63‑19‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JUVENILE JUSTICE CODE DEFINITIONS, SO AS TO PROVIDE THAT A “CHILD” OR “JUVENILE” MEANS A PERSON LESS THAN EIGHTEEN YEARS OF AGE, DOES NOT MEAN A PERSON SEVENTEEN YEARS OF AGE OR OLDER WHO IS CHARGED WITH A VIOLENT CRIME, AND THAT A PERSON SIXTEEN YEARS OF AGE WHO IS CHARGED WITH A CLASS A, B, C, OR D FELONY OR A FELONY WHICH PROVIDES FOR A MAXIMUM TERM OF IMPRISONMENT OF FIFTEEN YEARS OR MORE MUST BE PROVIDED THE RIGHT TO HAVE THE CASE REMANDED TO FAMILY COURT; AND TO AMEND SECTION 63‑19‑1210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO JURISDICTION OVER A CASE INVOLVING A CHILD, SO AS TO PROVIDE THAT IF A CHILD WAS UNDER THE AGE OF EIGHTEEN YEARS AT THE TIME OF COMMITTING AN ALLEGED OFFENSE, THE CIRCUIT COURT SHALL TRANSFER THE CASE TO FAMILY COURT, THAT IF A CHILD BELOW EIGHTEEN YEARS OF AGE IS CHARGED WITH AN OFFENSE WHICH, IF COMMITTED BY AN ADULT, WOULD BE A VIOLENT CRIME, THE COURT MAY RETAIN JURISDICTION, AND THAT IF A CHILD UNDER THE AGE OF EIGHTEEN IS CHARGED WITH CERTAIN OFFENSES, THE COURT MAY BIND OVER THE CHILD TO A COURT WHICH WOULD HAVE TRIAL JURISDICTION OF THE OFFENSES IF COMMITTED BY AN ADULT.

Ordered for consideration tomorrow.

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

S. 1015 -- Senators Leatherman and Johnson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑13‑165 SO AS TO MAKE UNLAWFUL CERTAIN ACTIONS INVOLVING COUNTERFEIT OR NONFUNCTIONAL AIRBAGS.

Ordered for consideration tomorrow.

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

S. 1023 -- Senators Hutto and McElveen: A BILL TO AMEND SECTION 23-31-240, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS ALLOWED TO CARRY A CONCEALABLE WEAPON WHILE ON DUTY, SO AS TO INCLUDE PERSONS WHO ARE RETIRED FROM CERTAIN OFFICES IN THE PURVIEW OF THE STATUTE.

Ordered for consideration tomorrow.

Senator GREGORY from the Committee on Judiciary submitted a majority favorable with amendment and Senator MALLOY a minority unfavorable report on:

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

Ordered for consideration tomorrow.

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

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

Ordered for consideration tomorrow.

Senator LARRY MARTIN from the Committee on Judiciary submitted a majority favorable with amendment and Senators HEMBREE and M.B. MATTHEWS a minority unfavorable report on:

S. 1126 -- Senator Hembree: A BILL TO AMEND SECTION 1‑7‑330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ATTENDANCE AT CIRCUIT COURT AND PREPARATION AND PUBLICATION OF THE DOCKET, SO AS TO CLARIFY THE ROLE OF THE CIRCUIT SOLICITOR IN THE DEVELOPMENT, DISSEMINATION, AND EXECUTION OF THE GENERAL SESSIONS COURT DOCKET PLAN; TO ALLOW FOR A MOTIONS PRACTICE TO ESTABLISH THE ORDER OF CASES ON THE GENERAL SESSIONS COURT DOCKET; TO PROVIDE THAT THE CIRCUIT SOLICITOR’S ABILITY TO ADMINISTER THE DOCKET MAY NOT INTERFERE WITH A DEFENDANT’S CONSTITUTIONAL RIGHTS; TO ALLOW FOR THE CIRCUIT COURT TO RULE ON CASES AND CONTROVERSIES ARISING FROM THE ADMINISTRATION OF THE DOCKET; AND TO PRESERVE ALL CRIME VICTIMS’ CONSTITUTIONAL RIGHTS.

Ordered for consideration tomorrow.

Senator CLEARY from the Committee on Invitations polled out S. 1144 favorable:

S. 1144 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 10, 2016.

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**Poll of the Invitations Committee**

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

**AYES**

Cleary Alexander Reese

Verdin Cromer Malloy

Johnson Kimpson McElveen

Campbell

**Total--10**

**NAYS**

**Total--0**

**NOT VOTING**

Campsen

**Total--1**

Ordered for consideration tomorrow.

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

S. 1170 -- Senators Gregory and Shealy: A BILL TO AMEND SECTION 20-3-130(C), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES, SO AS TO PROVIDE THAT CERTAIN EARNINGS OF A SUBSEQUENT SPOUSE ARE NOT TO BE CONSIDERED BY THE COURT WHEN MAKING, MODIFYING, OR TERMINATING THE AWARD OF ALIMONY.

Ordered for consideration tomorrow.

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

S. 1182 -- Senators Shealy, Lourie, Fair and Hutto: A BILL TO AMEND ARTICLE 7, CHAPTER 5, TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, BY ADDING SECTIONS 17-5-541 AND 17-5-542, SO AS TO PROVIDE THAT THE CORONER OF EACH COUNTY SHALL SCHEDULE A LOCAL CHILD FATALITY REVIEW TEAM TO PERFORM A

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REVIEW OF A CASE WHERE A CHILD UNDER THE AGE OF EIGHTEEN DIES IN THE COUNTY HE SERVES AND TO PROVIDE THE PURPOSE OF THE REVIEW TEAM; TO AMEND ARTICLE 3, CHAPTER 5, TITLE 17, RELATING TO CORONERS, BY ADDING SECTION 17-5-140, SO AS TO PROVIDE THAT FUNDS MUST BE DISBURSED TO THE COUNTIES EQUALLY TO PAY THE DULY ELECTED FULL‑TIME CORONER OR OTHER RELATED PERSONNEL OR EQUIPMENT AND TO PROVIDE THAT EXCESS FUNDS MUST BE USED BY THE CORONERS TRAINING ADVISORY COMMITTEE TO PERFORM ITS DUTIES; AND TO AMEND SECTION 17‑5‑130, RELATING TO THE CORONERS TRAINING ADVISORY COMMITTEE, SO AS TO PROVIDE ADDITIONAL DUTIES.

Ordered for consideration tomorrow.

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

H. 3799 -- Reps. Hixon, Simrill, Taylor, Loftis, Burns, Brannon, Spires, Yow, Clemmons, Riley, Corley, Collins, Clary, Hosey, Clyburn, King, Hicks, Knight, Bradley, Jefferson, Kirby, Huggins, Duckworth, Kennedy, Hamilton, Hardee, Johnson, Murphy, Felder, Alexander, Atwater, Ballentine, Bedingfield, Bowers, Cobb‑Hunter, Daning, Delleney, Dillard, Forrester, Funderburk, Gagnon, Gambrell, Hiott, Howard, Lowe, W.J. McLeod, V.S. Moss, Nanney, Norman, Ott, Pitts, Pope, Ridgeway, Ryhal, G.R. Smith, Tallon, Thayer, Toole, Weeks, Wells, White, Willis, Chumley and Rivers: A BILL TO AMEND SECTION 23‑31‑215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO PROVIDE THAT SOUTH CAROLINA SHALL RECOGNIZE CONCEALED WEAPON PERMITS ISSUED BY GEORGIA AND NORTH CAROLINA UNDER CERTAIN CIRCUMSTANCES.

Ordered for consideration tomorrow.

Senator CLEARY from the Committee on Invitations polled out H. 4960 favorable:

H. 4960 -- Rep. Delleney: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND SENATE FOR ITS ANNUAL STATE HOUSE MEETING ON FRIDAY, JUNE 10, 2016, HOWEVER, THE

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CHAMBERS MAY NOT BE USED IF THE GENERAL ASSEMBLY IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

**Poll of the Invitations Committee**

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

**AYES**

Cleary Alexander Reese

Verdin Cromer Malloy

Johnson Kimpson McElveen

Campbell

**Total--10**

**NAYS**

**Total--0**

**NOT VOTING**

Campsen

**Total--1**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., April 13, 2016

Mr. President and Senators:

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

H. 3204 -- Reps. Bernstein, J.E. Smith, Cobb‑Hunter, M.S. McLeod, Jefferson, Horne and Bales: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑29‑185 SO AS TO ENACT THE “CERVICAL CANCER PREVENTION ACT”, TO PROVIDE THAT BEGINNING WITH THE 2015-2016 SCHOOL YEAR, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY OFFER THE CERVICAL CANCER VACCINATION SERIES TO ADOLESCENT STUDENTS ENROLLING IN THE SEVENTH GRADE OF ANY PUBLIC OR PRIVATE SCHOOL IN THIS STATE, TO PROVIDE THAT NO STUDENT IS REQUIRED TO HAVE THE VACCINE BEFORE

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ENROLLING IN OR ATTENDING SCHOOL, TO PROVIDE THAT THE DEPARTMENT MAY DEVELOP AN INFORMATIONAL BROCHURE RELATED TO OFFERING THIS VACCINATION WITH SPECIFIC CONTENT REQUIREMENTS, TO DEFINE “CERVICAL CANCER VACCINATION SERIES”, AND TO PROVIDE THAT IMPLEMENTATION OF THIS ACT IS CONTINGENT UPON RECEIPT OF FULL FUNDING BY STATE AND FEDERAL FUNDS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**HOUSE CONCURRENCES**

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

Returned with concurrence.

Received as information.

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 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

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NOMINATIONS AND SECONDING SPEECHES FOR THE CANDIDATES FOR THESE OFFICES DURING THE JOINT SESSION.

Returned with concurrence.

Received as information.

S. 1200 -- Senators Cromer, Peeler and S. Martin: A CONCURRENT RESOLUTION TO HONOR AND RECOGNIZE THE LIFE OF ARMY PFC AUBREY D. VAUGHN, KOREAN WAR PRISONER OF WAR, AND TO DECLARE APRIL 12, 2016, AS “PFC. AUBREY D. VAUGHN DAY” IN SOUTH CAROLINA.

Returned with concurrence.

Received as information.

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.

Returned with concurrence.

Received as information.

S. 1225 -- Senators Corbin, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, 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, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO DECLARE APRIL 2016 AS “HOMESCHOOL RECOGNITION MONTH” IN SOUTH CAROLINA, TO RECOGNIZE THE DILIGENT EFFORTS OF HOMESCHOOLING PARENTS AND THE ACADEMIC SUCCESS OF THEIR STUDENTS, AND TO EXPRESS SINCERE APPRECIATION FOR THEIR FOCUS ON THE WELL‑BEING AND OVERALL ACHIEVEMENTS OF THEIR CHILDREN.

Returned with concurrence.

Received as information.

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

**HOUSE BILL RETURNED**

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

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.

**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. 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.

**SECOND READING BILL**

S. 985 -- Senator Leatherman: A BILL TO AMEND SECTION 4 OF ACT 250 OF 1991, AS AMENDED BY ACT 168 OF 1995, RELATING TO ELECTIONS FOR MEMBERS OF THE BOARD OF TRUSTEES FOR FLORENCE COUNTY SCHOOL DISTRICT FIVE, TO PROVIDE THAT THE FLORENCE COUNTY ELECTION COMMISSION SHALL CONDUCT THE ELECTIONS AND TO PROVIDE THAT THE ELECTIONS SHALL OCCUR ON THE FIRST

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TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH YEAR, AND TO PROVIDE FOR THE LOCATIONS WHERE THE ELECTION COMMISSION SHALL CONDUCT THE ELECTION.

**S. 985--Ordered to a Third Reading**

On motion of Senator LEATHERMAN, with unanimous consent, S. 985 was ordered to receive a third reading on the next legislative day.

**READ THE SECOND TIME**

S. 315 -- Senators Grooms, Campsen and L. Martin: A JOINT RESOLUTION TO REPEAL SECTION 6 OF ACT 114, RELATED TO THE TERMINATION OF THE GOVERNOR’S AUTHORITY TO APPOINT THE SECRETARY OF TRANSPORTATION; AND TO EXTEND THE GOVERNOR’S AUTHORITY UNTIL FURTHER ACTION BY THE GENERAL ASSEMBLY TO THE CONTRARY.

The Senate proceeded to the consideration of the Resolution.

Senator GROOMS explained the Resolution.

The question being the second reading of the Resolution.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Johnson Kimpson Lourie

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John Matthews, Margie*

McElveen Peeler Rankin

Reese Sabb Scott

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Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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”.

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 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

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Jackson Johnson Kimpson

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John Matthews, Margie*

McElveen Nicholson Peeler

Rankin Reese Sabb

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

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

**CARRIED OVER**

S. 165 -- Senators Hembree, Turner, Bennett and Massey: A BILL TO AMEND SECTION 1‑23‑600 OF THE 1976 CODE, RELATING TO HEARINGS AND PROCEEDINGS IN THE ADMINISTRATIVE LAW COURT, TO PROVIDE THAT A REQUEST FOR A CONTESTED CASE HEARING FOR AN AGENCY ORDER STAYS THE ORDER FOR THIRTY DAYS, PROVIDED, HOWEVER, THAT MATTERS NOT AFFECTED BY THE REQUEST MAY NOT BE STAYED BY THE FILING OF THE REQUEST, AND TO DELETE THE PROVISIONS THAT A REQUEST FOR A CONTESTED CASE HEARING FOR AN ORDER TO REVOKE OR SUSPEND A LICENSE STAYS THE REVOCATION OR SUSPENSION, AND FOR A DECISION TO RENEW A LICENSE FOR AN ONGOING ACTIVITY STAYS THE RENEWED LICENSE, AND TO PROVIDE THAT AFTER A CONTESTED CASE IS INITIATED BEFORE THE ADMINISTRATIVE LAW COURT, A PARTY MAY MOVE BEFORE THE PRESIDING ADMINISTRATIVE LAW JUDGE FOR INJUNCTIVE RELIEF PURSUANT TO APPLICABLE LAW, AND TO DELETE THE PROVISION THAT THE COURT SHALL LIFT THE STAY FOR GOOD CAUSE SHOWN OR IF NO IRREPARABLE HARM WILL OCCUR, THEN THE STAY SHALL BE LIFTED, AND TO DELETE THE REQUIREMENT THAT A HEARING MUST BE HELD WITHIN THIRTY DAYS TO LIFT THE AUTOMATIC STAY

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OR FOR A DETERMINATION OF THE APPLICABILITY OF THE AUTOMATIC STAY, AND TO DELETE THE REQUIREMENT THAT THE JUDGE MUST ISSUE AN ORDER NO LATER THAN FIFTEEN BUSINESS DAYS AFTER THE HEARING IS CONCLUDED, AND TO PROVIDE THAT ANY INJUNCTION ORDERED BY THE ADMINISTRATIVE LAW COURT SHALL REQUIRE THE POSTING OF A BOND OR OTHER SECURITY SUFFICIENT FOR THE COST AND EXPENSE OF THE LITIGATION AND PROJECT DELAY AS DEMONSTRATED BY AN AFFIDAVIT MADE ON A GOOD FAITH ESTIMATE OF SUCH COST AND EXPENSE.

On motion of Senator SHEHEEN, the Bill was 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 THE FAILURE TO COMPLETE AN INDEPENDENT INVESTIGATION PURSUANT TO THE PROVISIONS OF THIS SECTION.

Senator KIMPSON spoke on the Bill.

Senator MALLOY spoke on the Bill

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

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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.

On motion of Senator HUTTO, 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 SETZLER, 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.

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

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

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

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

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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 VERDIN, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED**

**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

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ASSERTION OF PATENT INFRINGEMENT ACT”, TO PROVIDE THAT BAD FAITH ASSERTIONS OF PATENT INFRINGEMENTS ARE PROHIBITED, TO DEFINE TERMS, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION IN STATE COURTS BY A RECIPIENT OF A BAD FAITH ASSERTION TO PATENT INFRINGEMENT, TO PROVIDE THAT ENFORCEMENT ACTIONS MAY BE BROUGHT BY THE ATTORNEY GENERAL AND WILFUL AND KNOWING VIOLATIONS MAY RESULT IN CIVIL PENALTIES OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH VIOLATION, TO PROVIDE FOR THE FACTORS THAT A COURT MAY CONSIDER WHEN MAKING A BAD FAITH DETERMINATION, AND TO PROVIDE EXCEPTIONS.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3682.002), which was adopted:

Amend the bill, as and if amended, by striking page 2, lines 18‑28, and inserting the following:

/ Section 39‑4‑101. For purposes of this chapter:

(1) ‘Affiliate’ means a business establishment, a business, or other legal entity that wholly or substantially owns, is wholly or substantially owned by, or is under common ownership with another entity.

(2) ‘Affiliated person’ means a person under common ownership or control of an intended recipient.

(3) ‘Intended recipient’ means a person who purchases, rents, leases, or otherwise obtains a product or service in the commercial market that is not for resale in the ordinary business and that is, or later becomes, the subject of a patent infringement allegation.

(4) ‘Manufacturer’ means a person, a business establishment, a business, or other legal entity engaged in a business to design, formulate, produce, create, make, construct, assemble, or rebuild products or goods, or components thereof.

(5) ‘Person’ means any natural person, partnership, corporation, company, trust, business entity or association, and any agent, employee, partner, officer, director, member, associate, or trustee thereof. /

Further amend the bill, as and if amended, by striking page 4, lines 12‑24, and inserting the following:

/ (C) The provisions of this chapter shall not apply to any written or electronic communication sent by:

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(1) any owner of a patent who is using the patent in connection with substantial research, development, production, manufacturing, processing or delivery of products or materials;

(2) a manufacturer or its affiliate;

(3) any institution of higher education as that term is defined in Section 101 of the Higher Education Act of 1963 (20 U.S.C. 1001);

(4) any technology transfer organization whose primary purpose is to facilitate the commercialization of technology developed by an institution of higher education; or

(5) any person or business entity seeking a claim for relief arising under 35 U.S.C. Section 271(e)(2). /

Further amend the bill, as and if amended, by striking page 5, line 33, and inserting the following:

/ SECTION 2. This act takes effect July 1, 2016. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

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

**AMENDED, CARRIED OVER**

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, 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

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AFFAIRS TO ADMINISTER AND ENFORCE MOTOR VEHICLE DEALER CLOSING FEES.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (JUD4548.004), which was adopted:

Amend the bill, as and if amended, page 2, by striking line 7 and inserting:

/ fee for reasonableness using the criteria in subsection (C)(3) if the maximum /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, 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 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

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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.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (BBM\3313C001.BBM.DG16), which was adopted:

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

/ SECTION 1. Article 3, Chapter 43, Title 12 of the 1976 Code is amended by adding:

“Section 12‑43‑222. (A) Notwithstanding the provisions of Section 12‑43‑220(d)(4), the property tax value, as defined in Section 12‑37‑3135, of that portion of a parcel of real property changed from agricultural use for purposes of residential or commercial development that is designated on the recorded development plat of the parcel as ‘green space for conservation’ or ‘open space’ if it equals ten percent or more of the area included within the outermost boundaries of the residential or commercial development must be valued according to its new ‘green space for conservation’ or ‘open space’ use for all purposes in calculating roll‑back tax due on the parcel. As used in this section only, and without regard to any other definitions for those terms in state law or regulations, ‘green space for conservation’ and ‘open space’ have the meaning provided for those terms by the United States Environmental Protection Agency. The county assessor shall value the designated ‘green space for conservation’ or ‘open space’ in the manner that other property dedicated to that use is valued and that value must be used in the calculation of roll‑back tax on the parcel pursuant to Section 12‑43‑220(d)(4). Appeals from the valuation of the ‘green space for conservation’ or ‘open space’ may be taken in the manner provided by law for appeals of value of real property appraised by county assessors.

(B) If the platted ‘green space for conservation’ or ‘open space’ is converted to another use in five property tax years or less since the provisions of this section were applied to the property, then the owner of property at the time of its conversion is liable for the roll‑back taxes as if this section was not effective. For purposes of this subsection, if the transfer of property causes the change in use, then the transferor is deemed to be the owner of the property at the time of the conversion, and the taxes must be paid at the time of the closing.” /

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Amend the bill further, by striking SECTION 3 and inserting:

/ SECTION 3. The provisions of SECTIONS 1 and 2 of this act apply for eligible real property changed from agricultural use valuation after 2015. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The amendment was adopted.

Senator CAMPSEN proposed the following amendment (3313R001.DR.GEC), which was adopted:

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

/ SECTION \_\_\_. Article 3, Chapter 43, Title 12 of the 1976 Code is amended by adding:

“Section 12-43-370. (A) A county may allow a taxpayer to elect to receive his property tax bill and receipt in electronic form, and if the taxpayer makes the election, the county shall email the property tax bill and receipt each year unless the taxpayer elects to no longer obtain his bill and receipt electronically. The date the property tax bill or receipt is sent electronically is considered the date the bill or receipt is mailed. Each county may determine to which classes of property this section applies. The county shall maintain a record of the taxpayer’s election to participate and retain the date of the electronic transmission of the property tax bill or receipt as proof they were sent. This section does not apply to delinquent notices.

(B) Each county electing to utilize the provisions of this section shall create an application process to allow a taxpayer to submit his email address to the county. A county electing to utilize the provisions of this section shall advertise the application process for two weeks in a newspaper printed and circulated in the county and may publish the application process on the county’s website or on the property tax bill.”/

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

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

**POINT OF ORDER**

S. 1016 -- Senators Cleary, Jackson, J. Matthews, Campbell, Davis, Scott, Turner, Rankin and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 45 TO TITLE 44 TO ENACT THE “EYE CARE CONSUMER PROTECTION LAW” SO AS TO ESTABLISH REQUIREMENTS FOR A PERSON WHO SELLS SPECTACLES OR CONTACT LENSES USING REFRACTIVE DATA OR INFORMATION GENERATED BY AN AUTOMATED TESTING DEVICE.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 1206 -- Senator S. Martin: A JOINT RESOLUTION TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO RENAME THE DONALDSON BUS CENTER IN GREENVILLE COUNTY TO BE THE “JOE MADDEN BUS CENTER”.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**OBJECTION**

S. 1115 -- Senators Gregory, Rankin and Shealy: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DIVORCE IN THIS STATE, SO AS TO PROVIDE A PUBLIC POLICY OF THE STATE OF SOUTH CAROLINA REGARDING THE AWARD OF ALIMONY.

Senator GREGORY spoke on the Bill.

Senator MALLOY objected to further consideration of the Bill.

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**OBJECTION**

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.

Senator MALLOY objected to the consideration of the Bill.

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

**MOTION ADOPTED**

At 3:18 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

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TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

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

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

**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

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OR SENATE ETHICS COMMITTEES 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 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.

On motion of Senator LARRY MARTIN, with unanimous consent, the previously proposed amendment, Amendment No. 2, which was printed in the Journal of Thursday, April 7, 2016 (L:/S-JUD/AMEND/JUD3184.011.DOCX) was withdrawn.

**Amendment No. 2A**

Senators L. MARTIN and CAMPSEN proposed the following amendment (JUD3184.012):

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:

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“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 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;

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

(e) 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

(f) 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;

(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;

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(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 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.

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(D) The commission shall elect a chairman, a vice‑chairman, and such other officers as it considers necessary. Five-members 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.”

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

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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 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 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, 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,

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by a preponderance of the evidence, that the filing of the complaint was wilful 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. 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 wilful 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,

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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. Chapter 13 of Title 8 of the 1976 Code is amended by adding:

“Section 8-13-322. It is unlawful for the Governor, a member of the General Assembly, or anyone who is the subject of a pending investigation or open complaint, to contact or attempt to contact, either directly or indirectly, a member of the Commission to influence or attempt to influence the outcome of a pending investigation or open complaint.”

SECTION 6. 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 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

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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

(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;

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~~(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 7. 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.

(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

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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 8. 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.~~

~~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.~~

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~~(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 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

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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. 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

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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.

(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.

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(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.

(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,

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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 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

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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;

(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

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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 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

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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 9. 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 10. 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 11. 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 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 MALLOY spoke on the amendment.

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**RECESS**

At 4:35 P.M., on motion of Senator MALLOY, the Senate receded from business until 4:45 P.M.

At 4:58 P.M., the Senate resumed.

On motion of Senator LARRY MARTIN, with unanimous consent, and Senator MALLOY retaining the floor, the Senate proceeded to consideration of H. 3186.

**THE SENATE PROCEEDED TO THE SPECIAL ORDERS.**

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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

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

Senator LARRY MARTIN explained the Bill.

**Amendment No. P1A**

Senators SHEHEEN, DAVIS, BRIGHT, THURMOND and CAMPBELL proposed the following amendment (3186R003.EB.VAS), which was tabled:

Amend the committee amendment, as and if amended, page [3186‑3], by striking lines 33‑34 and inserting:

/ (10) the source, type, and amount or value of income, from any source, received by a public official; and the source, date, and amount of honoraria from any source, received by a public official in the aggregate

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of two hundred dollars or more in value during the preceding calendar year, and the source, date, and amount of payments made to charitable organizations in lieu of honoraria. This does not include income received pursuant to: /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN spoke on the amendment.

Senator LARRY MARTIN spoke on the amendment.

Senator LARRY MARTIN moved to lay the amendment on the table.

The amendment was laid on the table.

**Recorded Vote**

Senators BRYANT, COURSON, CAMPBELL, BRIGHT and DAVIS desired to be recorded as voting against the motion to table the amendment.

The question then was the adoption of the committee amendment.

The Committee on Judiciary proposed the following amendment (JUD3186.002), which was adopted:

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

/ SECTION 1. Section 8‑13‑1120 of the 1976 Code is amended to read:

“Section 8‑13‑1120. (A) A statement of economic interests filed pursuant to Section 8‑13‑1110 ~~must be on forms prescribed by the State Ethics Commission and~~ must contain full and complete information concerning:

(1) the name, business or government address, and workplace telephone number of the filer;

(2) the source, type, and amount or value of income, not to include tax refunds, of substantial monetary value received from a governmental entity by the filer or a member of the filer’s immediate family during the reporting period;

(3)(a) the description, value, and location of all real property owned and options to purchase real property during the reporting period by a filer or a member of the filer’s immediate family if:

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(i) there have been any public improvements of more than two hundred dollars on or adjacent to the real property within the reporting period and the public improvements are actually known to the filer; or

(ii) the interest has been or can reasonably be expected to be the subject of a conflict of interest with the filer’s official responsibilities and duties based upon information actually known to the filer; or

(b) if a sale, lease, or rental of personal or real property is to a state, county, or municipal instrumentality of government, a copy of the contract, lease, or rental agreement must be attached to the statement of economic interests;

(4) the name of each organization which paid for or reimbursed actual expenses of the filer for speaking before a public or private group, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement;

(5) the identity of every business or entity in which the filer or a member of the filer’s immediate family held or controlled, in the aggregate, securities or interests constituting five percent or more of the total issued and outstanding securities and interests which constitute a value of one hundred thousand dollars or more;

(6)(a) a listing by name and address of each creditor to whom the filer or member of the filer’s immediate family owed a debt in excess of five hundred dollars at any time during the reporting period, if the creditor is subject to regulation by the filer or is seeking or has sought a business or financial arrangement with the filer’s agency or department other than for a credit card or retail installment contract, and the original amount of the debt and amount outstanding unless:

(i) the debt is promised or loaned by a bank, savings and loan, or other licensed financial institution which loans money in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee; or

(ii) the debt is promised or loaned by an individual’s family member if the person who promises or makes the loan is not acting as the agent or intermediary for someone other than a person named in this subitem; and

(b) the rate of interest charged the filer or a member of the filer’s immediate family for a debt required to be reported in (a);

If a discharge of a debt required to be reported in (a) has been made, the date of the transaction must be shown.

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(7) the name of any lobbyist, as defined in Section 2‑17‑10(13) who is:

(a) an immediate family member of the filer;

(b) an individual with whom or business with which the filer or a member of the filer’s immediate family is associated;

(8) if a public official, public member, or public employee receives compensation from an individual or business which contracts with the governmental entity with which the public official, public member~~,~~ or public employee serves or is employed, the public official, public member, or public employee must report the name and address of that individual or business and the amount of ~~compensation paid to the public official, public member, or public employee by~~ the contract between the governmental entity and that individual or business;

(9) the source and a brief description of any gifts, including transportation, lodging, food, or entertainment received during the preceding calendar year from:

(a) a person, if there is reason to believe the donor would not give the gift, gratuity, or favor but for the official’s or employee’s office or position; or

(b) a person, or from an officer or director of a person, if the public official or public employee has reason to believe the person:

(i) has or is seeking to obtain contractual or other business or financial relationship with the official’s or employee’s agency; or

(ii) conducts operations or activities which are regulated by the official’s or employee’s agency if the value of the gift is twenty‑five dollars or more in a day or if the value totals, in the aggregate, two hundred dollars or more in a calendar year~~.~~ ;

(10) the source of any other income received by the filer, not to include income received pursuant to:

(i) a court order;

(ii) a savings, checking or brokerage account with a bank, savings and loan, or other licensed financial institution which offers savings, checking, or brokerage accounts in the ordinary course of its business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee;

(iii) a mutual fund or similar fund in which an investment company invests its shareholders’ money in a diversified selection of securities;

(11) the source of income received by a public official, a member of the public official’s immediate family, or a business with which the

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public official or a member of his immediate family are associated if the public official or a member of the public official’s immediate family directly derives income from a;

(i) contractual or financial relationship, including a consultant or independent contractor’s relationship, with a lobbyist’s principal or an entity controlled by, affiliated with, or existing for the benefit of a lobbyist’s principal;

(ii) contractual or financial relationship, including a consultant or independent contractor relationship, with a state or local governmental entity;

(iii) source regulated by the governmental regulatory agency with which the public official serves;

For purposes of item (11), the definition of ‘contractual or financial relationship’ does not include a relationship from which income received by a public official, a member of the public official’s immediate family, or a business with which the public official or his immediate family is associated, is derived from commercial transactions in which the fair market value of goods transferred or services rendered is paid.

(12) the source of income received by a public member, a member of the public member’s immediate family, or a business with which the public member or a member of his immediate family are associated if the public member or his immediate family directly derives income from a source regulated by the governmental regulatory agency with which the public member serves.

(B) This article does not require the disclosure of economic interests information concerning:

(1) a spouse separated pursuant to a court order from the public official, public member, or public employee;

(2) a former spouse;

(3) a campaign contribution that is permitted and reported under Article 13 of this chapter; or

(4) matters determined to require confidentiality pursuant to Section 2‑17‑90(E).”

SECTION 2. The provisions of this Act take effect on January 1, 2017. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

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 40; Nays 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

Nicholson Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

*Matthews, Margie*

**Total--1**

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

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator CLEARY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Trenton E. Small of Georgetown, S.C. Mr. Small enjoyed hunting, fishing and spending time with family and friends. He was a loving husband, devoted father and doting grandfather who will be dearly missed.

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**ADJOURNMENT**

At 5:26 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.