**Printed Page 2712 . . . . . Wednesday, May 11, 2016**

**Wednesday, May 11, 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:

We read in Exodus that Moses said to the Lord God:

“O Lord, please send someone else to do it.” (Exodus 4:13)

Please bow with me in prayer:

Holy God, with all of the challenges and obstacles that remain before them, it is no wonder that these Senators and staff members might plead, as Moses did: let someone else handle all this, Lord! Yet issues of many sorts still cry out for resolution by this Body; the people of South Carolina continue to count upon these leaders. So, dear God, fill the heart of each Senator with a clear awareness of Your guiding Spirit as You grant each one of them renewed determination to bring about genuinely positive and meaningful results for all of our citizens. This we pray, Lord, in Your wondrous name. Amen.

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

**REGULATION WITHDRAWN**

The following was received:

Document No. 4566

Agency: Department of Labor, Licensing and Regulation - Board of Examiners in Opticianry

Chapter: 96

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-38-60, and 40-38-250

SUBJECT: Examination Attempts, Apprenticeship, and Continuing Education Requirements

Received by Lieutenant Governor January 12, 2016

Referred to Committee on Medical Affairs

Permanently Withdrawn May 9, 2016

**Printed Page 2713 . . . . . Wednesday, May 11, 2016**

**Doctor of the Day**

Senator LARRY MARTIN introduced Dr. Lori Carnsew of Liberty, S.C., Doctor of the Day.

**Leave of Absence**

At 2:41 P.M., Senator SABB requested a leave of absence for Senator ALLEN for the day.

**Leave of Absence**

At 2:41 P.M., Senator SABB requested a leave of absence for Senator M.B. MATTHEWS for the day.

**Leave of Absence**

At 5:27 P.M., Senator COURSON requested a leave of absence until 11:00 A.M. Thursday, May 12, 2016.

**Expression of Personal Interest**

Senator DAVIS rose for an Expression of Personal Interest.

**RECALLED**

S. 1283 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SC HIGHWAY 45 IN BERKELEY COUNTY FROM THE REDIVERSION CANAL TO ITS INTERSECTION WITH THE DIVERSION CANAL “WALTER HILL, JR. HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

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

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

**RECALLED**

H. 4678 -- Reps. Bernstein and M.S. McLeod: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES INTERSTATE HIGHWAY 20 ALONG TRENHOLM ROAD IN RICHLAND COUNTY “MARVIN CLIFTON ‘CLIFF’ MOORE, JR.

**Printed Page 2714 . . . . . Wednesday, May 11, 2016**

MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THIS DESIGNATION.

Senator LOURIE 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**

S. 1257 -- Senator Cleary: A BILL TO AMEND SECTION 7‑7‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN CHARLESTON COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THE CHARLESTON COUNTY VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO STRIKE OBSOLETE REFERENCES TO THE OFFICE OF RESEARCH AND STATISTICS.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**RECOMMITTED**

S. 453 -- Senators Fair and Reese: A BILL TO MAKE PERMANENT THE PROVISIONS OF SECTION 14‑1‑240, RELATING TO SURCHARGES ON CERTAIN MISDEMEANORS TO FUND TRAINING AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY.

On motion of Senator FAIR, the Bill was recommitted to the Committee on Finance.

**RECOMMITTED**

S. 295 -- Senator Alexander: A BILL TO AMEND SECTION 12‑54‑250 OF THE 1976 CODE, RELATING TO THE REQUIREMENT OF PAYMENT IN IMMEDIATELY AVAILABLE FUNDS, TO CHANGE THE REQUIREMENT FROM FIFTEEN THOUSAND DOLLARS TO ONE THOUSAND DOLLARS, AND TO

**Printed Page 2715 . . . . . Wednesday, May 11, 2016**

REQUIRE THE SETTLEMENT OF THOSE FUNDS IN THE STATE’S ACCOUNT ON OR BEFORE TWO BANKING DAYS FOLLOWING THE DUE DATE OF THE TAX AS PROVIDED BY LAW.

On motion of Senator LEATHERMAN, the Bill was recommitted to the Committee on Finance.

**RECOMMITTED**

S. 362 -- Senator Leatherman: A BILL TO ENACT THE PROVISO CODIFICATION ACT OF 2015, TO PROVIDE FOR THE CODIFICATION IN THE SOUTH CAROLINA CODE OF LAWS OF CERTAIN PROVISOS CONTAINED IN THE ANNUAL GENERAL APPROPRIATIONS ACT, AND TO PROVIDE FOR OTHER PROVISIONS RELATED TO THE ANNUAL GENERAL APPROPRIATIONS ACT EFFECTIVE FOR FISCAL YEAR 2015‑2016 ONLY.

On motion of Senator LEATHERMAN, the Bill was recommitted to the Committee on Finance.

**RECOMMITTED**

S. 523 -- Senator Cleary: A BILL TO AMEND CHAPTER 28, TITLE 12 OF THE 1976 CODE, RELATING TO MOTOR FUELS SUBJECT TO USER FEES, SO AS TO ENACT THE “SOUTH CAROLINA COLLECTIVE ROAD ACT”; TO AMEND SECTION 12‑28‑310 OF THE 1976 CODE, RELATING TO USER FEES ON GASOLINE AND DIESEL FUEL, TO PROVIDE FOR INDEXING OF THE MOTOR FUEL USER FEE TO ADJUST FOR INFLATION, BUT NOT TO INCREASE MORE THAN ONE AND ONE‑HALF CENT IN A SINGLE YEAR, AND TO PROVIDE THAT BEGINNING JULY 1, 2015, THE USER FEE SHALL INCREASE BY TEN CENTS; TO AMEND SECTION 56‑1‑140 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF LICENSES AND RELATED FEES, TO INCREASE THE FEE FOR A FIVE‑YEAR LICENSE TO TWENTY‑FIVE DOLLARS, AND TO INCREASE THE FEE FOR A TEN‑YEAR LICENSE TO FIFTY DOLLARS, AND TO PROVIDE FOR THE ALLOCATION OF THE FUNDS RECEIVED; TO AMEND SECTION 56‑3‑620 OF THE 1976 CODE, RELATING TO FEES FOR PRIVATE PASSENGER MOTOR VEHICLES, TO INCREASE THE FEE FOR PERSONS SIXTY‑FIVE YEARS OF AGE OR OLDER WHO ARE HANDICAPPED TO THIRTY‑SIX DOLLARS, TO INCREASE THE FEE FOR PERSONS UNDER THE AGE OF

**Printed Page 2716 . . . . . Wednesday, May 11, 2016**

SIXTY‑FIVE FOR EVERY PRIVATE PASSENGER MOTOR VEHICLE TO FORTY DOLLARS, TO INCREASE THE FEE FOR PERSONS WHO ARE SIXTY‑FOUR YEARS OF AGE OR OLDER FOR A PROPERTY‑CARRYING VEHICLE WITH A GROSS WEIGHT OF SIX THOUSAND POUNDS OR LESS TO FORTY‑EIGHT DOLLARS, AND TO INCREASE THE FEE FOR PERSONS WHO ARE SIXTY‑FOUR YEARS OF AGE FOR A PRIVATE PASSENGER MOTOR VEHICLE TO THIRTY‑EIGHT DOLLARS, AND TO ALLOCATE THE INCREASE IN FUNDS RECEIVED UNDER THIS SECTION; TO AMEND SECTION 56‑3‑130, RELATING TO THE EXEMPTION OF CERTAIN TRAILERS, TO PROVIDE THAT BOAT TRAILERS UNDER TWENTY‑FIVE HUNDRED POUNDS, LANDSCAPING EQUIPMENT TRAILERS, AUTOMOBILE UTILITY TRAILERS, AND OTHER PRIVATELY OWNED UTILITY TRAILERS, BUT NOT INCLUDING FARM TRAILERS, SHALL BE REGISTERED WITH THE DEPARTMENT, TO PROVIDE THAT THE DEPARTMENT SHALL COLLECT A REGISTRATION FEE FOR EACH TRAILER, WHICH SHALL BE CREDITED TO THE STATE HIGHWAY FUND; TO AMEND SECTION 56‑3‑400, RELATING TO AUTOMOBILE UTILITY TRAILERS, TO ADD A CODE SECTION; TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, TO PROVIDE THAT MOTOR VEHICLES POWERED EXCLUSIVELY BY ELECTRICITY, HYDROGEN, OR ANY OTHER FUEL OTHER THAN MOTOR FUEL, SHALL PAY A ROAD USER FEE, TO PROVIDE THAT MOTOR VEHICLES POWERED BY A COMBINATION OF MOTOR FUEL SUBJECT TO MOTOR FUEL USER FEES AND ELECTRICITY, HYDROGEN, OR ANY FUEL OTHER THAN MOTOR FUEL SHALL BE SUBJECT TO A ROAD USER FEE, AND TO PROVIDE FOR THE DIRECTION OF FUNDS RECEIVED PURSUANT TO THIS SECTION; TO AMEND SECTION 12‑37‑2810, RELATING TO MOTOR CARRIERS, TO ADD DEFINITIONS FOR COMMERCIAL MOTOR VEHICLE, LARGE COMMERCIAL MOTOR VEHICLE, SMALL COMMERCIAL MOTOR VEHICLE, AND SOUTH CAROLINA APPORTIONMENT FACTOR; TO AMEND CHAPTER 37, TITLE 12 OF THE 1976 CODE, RELATING TO MOTOR CARRIERS, TO PROVIDE THAT THE PROVISIONS CONTAINED IN THIS ARTICLE DO NOT APPLY TO SMALL COMMERCIAL MOTOR VEHICLES; TO AMEND SECTION 12‑37‑2820 OF THE 1976 CODE, RELATING TO THE ASSESSMENT OF MOTOR VEHICLES, TO

**Printed Page 2717 . . . . . Wednesday, May 11, 2016**

PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ASSESS THE VALUATION OF ALL LARGE COMMERCIAL MOTOR VEHICLES AND BUSES OF MOTOR CARRIERS REGISTERED FOR USE IN THIS STATE; TO AMEND SECTION 12‑37‑2830 OF THE 1976 CODE, RELATING TO THE DETERMINATION OF VALUE BASED ON RATIO, TO PROVIDE THAT LARGE COMMERCIAL MOTOR VEHICLES AND BUSES ARE SUBJECT TO A ROAD USER FEE IN LIEU OF A PROPERTY TAX, DETERMINED BY THE APPORTIONMENT FACTOR FOR THE FLEET OF WHICH THE COMMERCIAL VEHICLE IS A PART; TO AMEND SECTION 12‑37‑2840 OF THE 1976 CODE, RELATING TO THE FILING OF PROPERTY TAX RETURNS, TO PROVIDE THAT A MOTOR CARRIER REGISTERING A LARGE COMMERCIAL MOTOR VEHICLE OR BUS SHALL PAY THE ROAD USE FEE DUE ON THE VEHICLE AT THE TIME AND IN THE MANNER THE PERSON PAYS A REGISTRATION FEE ON HIS VEHICLE AND A HIGHWAY INFRASTRUCTURE IMPROVEMENT FEE INSTEAD OF FILING PROPERTY TAXES; TO AMEND SECTION 12‑37‑2850 OF THE 1976 CODE, RELATING TO THE ASSESSMENT OF TAXES, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ASSESS ANNUALLY THE ROAD USE FEE DUE ON LARGE COMMERCIAL MOTOR VEHICLES AND BUSES FOR THE PRECEDING YEAR BY JULY FIRST OF EACH YEAR, AND TO PROVIDE FOR THE METHOD OF CALCULATION OF THE FEE; TO AMEND SECTION 12‑37‑2860 OF THE 1976 CODE, RELATING TO ONE‑TIME FEES, TO PROVIDE THAT ONE HUNDRED PERCENT OF THE FAIR MARKET VALUE OF SEMITRAILERS AND TRAILERS IS EXEMPT FROM PROPERTY TAX, TO PROVIDE THAT THE FEE IS IN LIEU OF ANY LOCAL ROAD USE FEE, REGISTRATION FEES, OR ANY OTHER VEHICLE‑RELATED FEE IMPOSED BY A POLITICAL SUBDIVISION OF THIS STATE ON A TRAILER OR SEMITRAILER, AND TO PROVIDE FOR THE MANNER IN WHICH FEES MAY BE PAID; TO AMEND CHAPTER 37, TITLE 12 OF THE 1976 CODE, TO PROVIDE FOR THE DISTRIBUTION OF THE FEE REVENUES; TO AMEND SECTION 12‑37‑2870, RELATING TO THE DISTRIBUTION FORMULA, TO PROVIDE THAT THE DISTRIBUTION OF FEE REVENUES SHALL BE PURSUANT TO SECTION 12‑37‑2865(B); TO AMEND SECTION 12‑37‑2880, RELATING TO AD VALOREM TAXES, TO PROVIDE

**Printed Page 2718 . . . . . Wednesday, May 11, 2016**

THAT ONE HUNDRED PERCENT OF THE FAIR MARKET VALUE OF ALL LARGE COMMERCIAL MOTOR VEHICLES AND BUSES ARE EXEMPT FROM PROPERTY TAX AND INSTEAD SUBJECT TO THE ROAD USE FEE; TO AMEND SECTION 56‑3‑376, RELATING TO THE SYSTEM OF REGISTRATION FOR MOTOR VEHICLES, TO PROVIDE FOR A CLASSIFICATION PERTAINING TO LARGE COMMERCIAL VEHICLES AND BUSES; TO AMEND SECTION 56‑3‑120(5) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM REGISTRATION AND LICENSING, TO PROVIDE THAT A TRAILER OR SEMITRAILER COMMONLY USED IN COMBINATION WITH A LARGE COMMERCIAL MOTOR VEHICLE FOR WHICH THE FEE ON THE TRAILER OR SEMITRAILER HAS BEEN PAID, IS EXEMPT; TO AMEND SECTION 56‑3‑610 OF THE 1976 CODE, RELATING TO THE PAYMENT OF BIENNIAL REGISTRATION AND LICENSE FEES, TO PROVIDE THAT A LARGE COMMERCIAL MOTOR VEHICLE OR BUS ON WHICH THE ROAD USE FEE IS IMPOSED IS REQUIRED TO BE REGISTERED AND LICENSED ANNUALLY; TO AMEND SECTION 56‑3‑660 OF THE 1976 CODE, RELATING TO FEES FOR SELF‑PROPELLED PROPERTY CARRYING VEHICLES, TO PROVIDE THAT THE FEES FOR LICENSING AND REGISTRATION MAY BE CREDITED TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56‑3‑660(E) OF THE 1976 CODE, TO PROVIDE THAT THE DEPARTMENT MAY REGISTER A LARGE COMMERCIAL MOTOR VEHICLE FOR THE PAYMENT OF ONE‑HALF OF THIS STATE’S PORTION OF THE LICENSE AND ROAD FEE; TO AMEND SECTION 58‑23‑620, RELATING TO SITUATIONS IN WHICH LOCAL FEES MAY OR MAY NOT BE IMPOSED, TO PROVIDE FOR ALLOCATION IF A MUNICIPALITY OR COUNTY IMPOSES A LICENSE FEE OR TAX; TO AMEND ARTICLE 21, CHAPTER 37, TITLE 12 OF THE 1976 CODE, TO PROVIDE THAT MOTOR CARRIERS ARE EXEMPT FROM AD VALOREM TAXES IMPOSED PURSUANT TO THIS CHAPTER ON LARGE COMMERCIAL MOTOR VEHICLES AND BUSES; TO AMEND SECTION 12‑37‑2610 OF THE 1976 CODE, RELATING TO TAX NOTICES AND PAID RECEIPTS, TO PROVIDE THAT LARGE COMMERCIAL MOTOR VEHICLES AND BUSES MUST PAY ROAD USE FEES IN LIEU OF AD VALOREM PROPERTY TAXES; TO AMEND THE FIRST PARAGRAPH OF SECTION 12‑37‑2650, TO PROVIDE THAT LARGE COMMERCIAL MOTOR VEHICLES AND BUSES MUST

**Printed Page 2719 . . . . . Wednesday, May 11, 2016**

PAY ROAD USE FEES IN LIEU OF AD VALOREM PROPERTY TAXES; TO AMEND SECTION 56‑3‑660(A) OF THE 1976 CODE, RELATING TO FEES FOR SELF‑PROPELLED PROPERTY CARRYING VEHICLES, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY REGISTER AND LICENSE SMALL COMMERCIAL MOTOR VEHICLES AND TO PROVIDE FOR THE FEES; TO AMEND CHAPTER 3, TITLE 56 OF THE 1976 CODE, TO DEFINE RECREATION VEHICLE, TO PROVIDE THAT A PERSON REGISTERING A MOTOR VEHICLE, MOTORCYCLE, OR RECREATIONAL VEHICLE MUST PAY AN INITIAL ROAD IMPACT REGISTRATION FEE EQUAL TO FIVE PERCENT OF THE GROSS PROCEEDS OF THE SALE OF THE MOTOR VEHICLE, NOT TO EXCEED FOURTEEN HUNDRED DOLLARS, TO PROVIDE FOR EXCLUSIONS FROM THIS FEE, TO CREATE A TRANSFER FEE APPLICABLE ON THE SALE OF A MOTOR VEHICLE, MOTORCYCLE, OR RECREATION VEHICLE, TO PROVIDE FOR THE ALLOCATION OF THE REVENUE WITH THE FIRST TWENTY MILLION OF REVENUE DISTRIBUTED TO THE EDUCATION IMPROVEMENT ACT FUND AND THE REMAINING FUNDS TO THE DEPARTMENT OF TRANSPORTATION, TO PROVIDE THAT SEVEN HUNDRED FIFTY THOUSAND DOLLARS SHALL BE DISTRIBUTED TO EACH COUNTY TRANSPORTATION COMMITTEE, AND TO PROVIDE FOR A LOCAL MATCH OPTION, AND TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY GIVE EACH COUNTY ANY SECONDARY ROADS IT DOES NOT KEEP IN ITS SYSTEM; TO AMEND SECTION 12‑28‑2740(B) OF THE 1976 CODE, RELATING TO THE DISTRIBUTION OF GASOLINE USER FEES AMONG COUNTIES, TO PROVIDE THAT A COUNTY TRANSPORTATION COMMITTEE MUST BE APPOINTED HALF BY THE COUNTY LEGISLATIVE DELEGATION AND HALF BY THE CITY COUNCIL; TO AMEND CHAPTER 36, TITLE 12 OF THE 1976 CODE, TO PROVIDE THAT A HIGHWAY IMPROVEMENT AND SAFETY FEE EQUAL TO SIX PERCENT OF THE APPLICABLE CHARGES IS IMPOSED UPON THE REPAIR OR LABOR OF A TRANSPORTATION VEHICLE AND TOWING OF A VEHICLE OR ANCILLARY ROAD SERVICES, AND TO PROVIDE FOR DEFINITIONS FOR PURPOSES OF THAT SECTION; TO AMEND SECTION 12‑6‑545(B)(2), BY REDUCING AND THEN ELIMINATING THE INCOME TAX IMPOSED BY THAT SECTION; TO AMEND SECTION 12‑36‑2120, TO REPEAL

**Printed Page 2720 . . . . . Wednesday, May 11, 2016**

VARIOUS SALES TAX EXEMPTIONS IMPOSED BY THAT SECTION; CHAPTER 11, TITLE 11 OF THE 1976 CODE IS AMENDED BY ADDING SECTION 11‑11‑240, TO DIRECT REVENUES RAISED BY THE REPEAL OF VARIOUS SALES TAX EXEMPTIONS IN SECTION 12‑36‑2120 TO BE CREDITED TO THE STATE HIGHWAY FUND AND TO REQUIRE THE BOARD OF ECONOMIC ADVISORS TO MAKE ANNUAL ESTIMATES OF THE REVENUE RAISED BY THE REPEAL OF VARIOUS SALES TAX EXEMPTIONS IN SECTION 12‑36‑2120; TO AMEND SECTION 12‑36‑2110(A) OF THE 1976 CODE, RELATING TO MAXIMUM TAXES ON SALES OR LEASES, TO PROVIDE THAT A TRANSFER FEE OF FIVE PERCENT OF THE FAIR MARKET VALUE, NOT TO EXCEED ONE THOUSAND DOLLARS, MUST BE COLLECTED UPON THE SALE OF AN AIRCRAFT, BOAT, OR SELF‑PROPELLED LIGHT CONSTRUCTION EQUIPMENT, TO PROVIDE THAT IN THE CASE OF A LEASE, A TOTAL FEE EQUAL TO THE LESSER OF FIVE PERCENT OF THE VALUE OF THE LEASE OR ONE THOUSAND DOLLARS, TO PROVIDE FOR THE MANNER OF COLLECTION OF THE FEE, AND TO PROVIDE FOR THE ALLOCATION OF THE REVENUE GENERATED PURSUANT TO THIS SECTION; TO AMEND SECTION 11‑43‑130(6) OF THE 1976 CODE TO CHANGE THE DEFINITION OF ELIGIBLE PROJECT TO CLARIFY ELIGIBLE PROJECTS MUST BE SELECTED FROM THE DEPARTMENT OF TRANSPORTATION’S LONG‑RANGE STATEWIDE TRANSPORTATION PLAN; AND TO AMEND SECTION 57‑1‑140 OF THE 1976 CODE, RELATING TO THE APPOINTMENT OF THE SECRETARY OF TRANSPORTATION, TO REPEAL SECTION 6 OF ACT 114 OF 2007 REMOVING THE SUNSET PROVISION FOR THE GOVERNOR’S APPOINTMENT AUTHORITY.

On motion of Senator LEATHERMAN, the Bill was recommitted to the Committee on Finance.

**RECOMMITTED**

S. 1245 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO HYDROGEN FACILITIES, DESIGNATED AS REGULATION DOCUMENT

**Printed Page 2721 . . . . . Wednesday, May 11, 2016**

NUMBER 4621, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

**RECOMMITTED**

S. 1246 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO FIRE PREVENTION AND LIFE SAFETY FOR SPECIAL OCCUPANCIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4619, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

**RECOMMITTED**

S. 1247 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO FIREWORKS AND PYROTECHNICS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4620, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

**RECOMMITTED**

S. 1248 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO PORTABLE FIRE EXTINGUISHERS AND FIXED FIRE EXTINGUISHING SYSTEMS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4623, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator MASSEY, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

**Printed Page 2722 . . . . . Wednesday, May 11, 2016**

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1292 -- Senator Grooms: A SENATE RESOLUTION TO CONGRATULATE LAING MIDDLE SCHOOL OF SCIENCE AND TECHNOLOGY IN MT. PLEASANT ON ITS MANY HONORS AND ACCOMPLISHMENTS AND TO WISH THE STUDENTS, TEACHERS, AND ADMINISTRATION CONTINUED SUCCESS IN ALL THEIR FUTURE ENDEAVORS.

l:\s-res\lkg\042lain.kmm.lkg.docx

The Senate Resolution was adopted.

S. 1293 -- Senators Grooms, J. Matthews, Campbell, Bennett and Sabb: A CONCURRENT RESOLUTION TO HONOR GOOSE CREEK CITY COUNCIL MEMBER JOHN B. MCCANTS ON THE OCCASION OF HIS RETIREMENT FROM CITY COUNCIL, AND TO THANK HIM FOR HIS YEARS OF OUTSTANDING PUBLIC SERVICE TO THE PEOPLE OF SOUTH CAROLINA.

l:\s-res\lkg\043john.kmm.lkg.docx

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

S. 1294 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE THE OUTSTANDING ACHIEVEMENTS OF THE SOUTH CAROLINA ASPHALT PAVEMENT ASSOCIATION AND ITS PAST AND CURRENT MEMBERS AND BOARD FOR FIFTY YEARS OF SERVICE TO THE STATE OF SOUTH CAROLINA.

l:\s-res\ngs\012asph.kmm.ngs.docx

The Senate Resolution was adopted.

S. 1295 -- Senator Cromer: A SENATE RESOLUTION TO HONOR AND COMMEND SENIOR TROOPER GABRIEL M. COLBERT OF LEXINGTON COUNTY UPON BEING NAMED SOUTH CAROLINA HIGHWAY PATROL TROOPER OF THE YEAR FOR 2015 AND TO EXPRESS DEEP GRATITUDE FOR HIS MERITORIOUS SERVICE TO THE CITIZENS OF HIS COMMUNITY.

l:\council\bills\rm\1619vr16.docx

The Senate Resolution was adopted.

**Printed Page 2723 . . . . . Wednesday, May 11, 2016**

S. 1296 -- Senator Sheheen: A BILL TO PROVIDE THE KERSHAW COUNTY TRANSPORTATION COMMITTEE SHALL BE COMPRISED OF SEVEN MEMBERS; AND TO PROVIDE MEMBERS SHALL SERVE TERMS OF FOUR YEARS, EXCEPT THAT ON THE EFFECTIVE DATE OF THIS ACT MEMBERS SHALL SERVE INITIAL TERMS THAT ARE STAGGERED IN TWO, THREE, AND FOUR YEAR INTERVALS.

l:\s-res\vas\033kers.eb.vas.docx

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

S. 1297 -- Senator Sheheen: A BILL TO AMEND ACT 185 OF 1999, RELATING TO PER DIEM PAYMENTS FOR MEMBERS OF THE BOARD OF THE CHESTERFIELD COUNTY SCHOOL DISTRICT, TO PROVIDE THAT THE BOARD MAY ADJUST THE AMOUNT OF THE PER DIEM PAYMENTS AND TO PROVIDE FOR THE EFFECTIVE DATE OF THE ADJUSTED RATES.

l:\s-res\vas\032ches.kmm.vas.docx

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

S. 1298 -- Senator Gregory: A SENATE RESOLUTION TO COMMEND THE VOLUNTEERS OF HOPE IN LANCASTER, INC., FOR THEIR DEDICATED SERVICE TO THEIR COMMUNITY AND TO WISH THEM MUCH SUCCESS AND FULFILLMENT IN THE DAYS AHEAD.

l:\council\bills\rm\1618zw16.docx

The Senate Resolution was adopted.

S. 1299 -- Senators Scott, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M.B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE INTERNATIONAL ECONOMIC DEVELOPMENT COUNCIL AND TO CONGRATULATE ITS

**Printed Page 2724 . . . . . Wednesday, May 11, 2016**

OFFICERS, STAFF, AND MEMBERS AS THEY CELEBRATE THEIR NINETIETH ANNIVERSARY DURING 2016 AS "THE YEAR OF THE ECONOMIC DEVELOPER".

l:\council\bills\gm\24774dg16.docx

The Senate Resolution was adopted.

S. 1300 -- Senator Fair: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE MR. HARRY W. DAVIS, JR., DIRECTOR OF THE CHILDREN'S LAW CENTER, UPON THE OCCASION OF HIS RETIREMENT, TO EXTEND DEEP APPRECIATION FOR HIS MANY YEARS OF OUTSTANDING PUBLIC SERVICE, AND TO WISH HIM WELL AS HE ENTERS A MUCH-DESERVED RETIREMENT.

l:\s-res\mlf\005harr.kmm.mlf.docx

The Senate Resolution was adopted.

H. 5299 -- Reps. G. M. Smith, J. E. Smith, Herbkersman, Huggins, Merrill, Anderson, Spires, McCoy, Limehouse, Collins, Stavrinakis, Bernstein, Riley, Bannister, Finlay, Weeks, Bingham, Rutherford, Kennedy, Newton, Horne, Cole, Jefferson, Williams and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 25-1-445 SO AS TO GIVE THE GOVERNOR AUTHORITY IN TIMES OF EMERGENCY TO MAKE CERTAIN ACCOMMODATIONS FOR A PERSON TRANSPORTING GOODS, AND TO PROVIDE FOR A CERTIFICATION SYSTEM.

Read the first time and referred to the General Committee.

H. 5320 -- Rep. W. J. McLeod: A CONCURRENT RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF BENNIE D. BENNETT, SUPERINTENDENT FOR THE SCHOOL DISTRICT OF NEWBERRY COUNTY, AND TO EXTEND DEEPEST SYMPATHY TO HIS LOVING FAMILY AND MANY FRIENDS.

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

H. 5321 -- Reps. Fry and Goldfinch: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE MURRELLS INLET-GARDEN CITY FIRE DISTRICT ON THE OCCASION OF CELEBRATING ITS GOLDEN ANNIVERSARY, AND TO THANK

**Printed Page 2725 . . . . . Wednesday, May 11, 2016**

THE DISTRICT FOR PROVIDING OUTSTANDING FIRE AND RESCUE SERVICES IN GEORGETOWN AND HORRY COUNTIES.

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

**REPORTS OF STANDING COMMITTEE**

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

S. 1052 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑180 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION IS AUTHORIZED TO SUBMIT FINGERPRINTS COLLECTED BY CERTAIN AGENCIES TO THE FEDERAL BUREAU OF INVESTIGATION’S NEXT GENERATION IDENTIFICATION PROGRAM UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THEIR RETENTION AND USE.

Ordered for consideration tomorrow.

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

H. 3450 -- Reps. Bannister, Tallon, Cobb‑Hunter, D.C. Moss, Herbkersman, Murphy, Brannon, Bedingfield, Delleney, Finlay, Gambrell, Goldfinch, Hamilton, Henderson, Hicks, Horne, McCoy, Pitts, Quinn, G.M. Smith and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑360 SO AS TO PROHIBIT A BEER WHOLESALER FROM DELIVERING BEER TO A RETAIL BEER AND WINE PERMIT HOLDER UNLESS THE BEER HAS BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES, AND TO PROVIDE PENALTIES; BY ADDING SECTION 61‑4‑370 SO AS TO PROHIBIT A WINE WHOLESALER FROM DELIVERING WINE TO A RETAIL BEER AND WINE PERMIT HOLDER UNLESS THE WINE HAS BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES FOR A PERIOD OF NOT LESS THAN TWENTY‑FOUR HOURS, AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61‑6‑1325 SO AS TO PROHIBIT A LIQUOR WHOLESALER FROM DELIVERING ALCOHOLIC LIQUORS TO A RETAIL LIQUOR LICENSE HOLDER UNLESS THE

**Printed Page 2726 . . . . . Wednesday, May 11, 2016**

ALCOHOLIC LIQUORS HAVE BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES FOR A PERIOD OF NOT LESS THAN TWENTY‑FOUR HOURS, AND TO PROVIDE PENALTIES.

Ordered for consideration tomorrow.

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

H. 4262 -- Reps. Erickson, M.S. McLeod, Collins and Long: A BILL TO AMEND SECTION 63‑13‑825, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAINING FOR FAMILY CHILDCARE HOME OPERATORS AND EMPLOYEES, SO AS TO REQUIRE ADDITIONAL TRAINING; TO AMEND SECTION 63‑13‑830, RELATING TO STATEMENTS OF REGISTRATION FOR FAMILY CHILDCARE HOMES, SO AS TO PROVIDE ADDITIONAL AUTHORITY OF THE DEPARTMENT OF SOCIAL SERVICES AND RIGHTS OF FAMILY CHILDCARE HOMES; AND TO AMEND SECTION 63‑13‑850, RELATING TO APPEALS OF DECISIONS TO WITHDRAW A STATEMENT OF REGISTRATION OF A FAMILY CHILDCARE HOME, SO AS TO ALSO ADDRESS APPEALS OF DECISIONS TO DENY AN APPLICATION FOR A STATEMENT OR RENEWAL OF REGISTRATION.

Ordered for consideration tomorrow.

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

H. 4413 -- Reps. H.A. Crawford, Norrell, M.S. McLeod, Henegan, V.S. Moss, Hicks and King: A BILL TO AMEND SECTION 63‑7‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCATIONS AT WHICH A PERSON MAY LEAVE AN INFANT UNDER CERTAIN CIRCUMSTANCES WITHOUT CRIMINAL PENALTY, SO AS TO REQUIRE SAFE HAVENS TO POST A NOTICE STATING THAT THE LOCATION IS A SAFE HAVEN, TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PREPARE THE NOTICE FOR USE BY SAFE HAVENS, TO ALLOW THE PLACEMENT OF AN INFANT NOT MORE THAN ONE YEAR OLD AT A SAFE HAVEN, AND TO CHANGE THE DEFINITION OF “INFANT”.

Ordered for consideration tomorrow.

**Printed Page 2727 . . . . . Wednesday, May 11, 2016**

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

H. 4492 -- Reps. Putnam, Clyburn, Collins, Clary, Erickson, Long, Ryhal, Herbkersman, Newton, Tinkler, Jordan, Hicks, McCoy, M.S. McLeod, Douglas, Henegan, Allison, G.M. Smith, Funderburk, Finlay and Pitts: A BILL TO AMEND SECTION 63‑7‑1630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE OF CHILD ABUSE AND NEGLECT HEARINGS, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE TEN DAYS NOTICE OF A HEARING TO, AMONG OTHERS, FOSTER PARENTS AND TO REQUIRE THE NOTICE TO INFORM FOSTER PARENTS OF THE RIGHT TO SUBMIT A REPORT TO THE COURT; TO AMEND SECTION 63‑7‑1700, AS AMENDED, RELATING TO PERMANENCY PLANNING FOR CHILDREN IN FOSTER CARE, SO AS TO REQUIRE THE DEPARTMENT TO PROVIDE NOTICE OF A PERMANENCY PLANNING HEARING TO FOSTER PARENTS AND OTHER PERSONS PROVIDING CARE FOR A CHILD; AND TO AMEND SECTION 63‑11‑720, RELATING TO FUNCTIONS OF THE FOSTER CARE REVIEW BOARD, SO AS TO REQUIRE THE FOSTER CARE REVIEW BOARD TO ADVISE FOSTER PARENTS ABOUT THE RIGHT TO SUBMIT A REPORT TO AND BE HEARD BY THE COURT AT A HEARING CONCERNING THE CHILD.

Ordered for consideration tomorrow.

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

H. 4546 -- Reps. Putnam, Clyburn, Robinson‑Simpson, Thayer, Collins, Clary, Erickson, Long, Ryhal, Herbkersman, Newton, Jordan, Hicks, McCoy, M.S. McLeod, Douglas, Henegan, Allison, Quinn, Funderburk, Finlay, Jefferson, Willis and Bedingfield: A BILL TO AMEND SECTION 63‑7‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN THE CHILDREN’S CODE, SO AS TO ADD DEFINITIONS FOR “AGE‑APPROPRIATE ACTIVITY”, “CAREGIVER”, AND “STANDARD OF CARE OF A REASONABLE AND PRUDENT PARENT”; TO AMEND SECTION 63‑7‑1700, AS AMENDED, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR COURT CONSIDERATION OF LOCAL FOSTER CARE REVIEW BOARD RECOMMENDATIONS, TO REQUIRE THE COURT TO TAKE INTO CONSIDERATION

**Printed Page 2728 . . . . . Wednesday, May 11, 2016**

RECOMMENDATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, THE LOCAL FOSTER CARE REVIEW BOARD, AND THE GUARDIAN AD LITEM BEFORE APPROVING A PLACEMENT PLAN, AND TO REQUIRE THE COURT TO REVIEW THE DEPARTMENT’S EFFORTS TO ENSURE A FOSTER CHILD HAS THE OPPORTUNITY TO ENGAGE IN AGE‑APPROPRIATE ACTIVITIES; TO AMEND SECTION 63‑7‑2310, RELATING TO THE FOSTER CARE SYSTEM, SO AS TO REQUIRE THE DEPARTMENT TO MAKE EFFORTS TO NORMALIZE THE LIVES OF CHILDREN IN FOSTER CARE BY ENABLING PARTICIPATION IN AGE‑APPROPRIATE ACTIVITIES; TO AMEND SECTION 63‑11‑720, RELATING TO FUNCTIONS AND POWERS OF LOCAL FOSTER CARE REVIEW BOARDS, SO AS TO CHANGE THE FREQUENCY WITH WHICH THESE BOARDS MUST REVIEW CASES OF CHILDREN IN FOSTER CARE AND CERTAIN REPORTING REQUIREMENTS; TO AMEND SECTION 63‑11‑750, RELATING THE FOSTER CARE REVIEW BOARD’S RIGHT TO PARTICIPATE IN CHILD ABUSE AND NEGLECT JUDICIAL PROCEEDINGS, SO AS TO ALLOW THE BOARD TO INTRODUCE, EXAMINE, AND CROSS‑EXAMINE WITNESSES; AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator HUTTO from the Committee on Judiciary submitted a majority favorable and Senator KIMPSON a minority unfavorable report on:

H. 4701 -- Reps. Pitts, White, G.M. Smith, Simrill, Willis, Hardee, Corley, Duckworth, Fry, Goldfinch, Jordan, Erickson, Delleney, Long, Lowe, Sandifer, McCoy, Newton, Herbkersman, Bradley, Bowers, Finlay, Huggins, Hicks, Johnson, Hixon, Taylor, Loftis, Burns, G.R. Smith, Yow, Limehouse and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 31, TITLE 23 SO AS TO ENACT THE “SECOND AMENDMENT PRESERVATION ACT” AND TO PROVIDE THAT THE STATE SHALL NOT ENFORCE CERTAIN LAWS, RULES, OR REGULATIONS THAT LIMIT THE RIGHT OF A PERSON TO OWN, POSSESS, OR USE A FIREARM, AMMUNITIONS, OR FIREARM ACCESSORIES, ACCEPT CERTAIN FEDERAL FUNDS THAT REQUIRE FIREARMS TO BE REGISTERED OR CONFISCATED, OR EXPEND ANY STATE FUNDS TOWARD THE ENFORCEMENT OF CERTAIN FEDERAL

**Printed Page 2729 . . . . . Wednesday, May 11, 2016**

LAWS, RULES, OR REGULATIONS THAT REQUIRE FIREARMS TO BE REGISTERED OR CONFISCATED.

Ordered for consideration tomorrow.

**Appointment Reported**

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable report on:

**Statewide Appointment**

Reappointment, South Carolina Foster Care Review Board, with the term to commence June 30, 2016, and to expire June 30, 2020

3rd Congressional District:

Daniel R. Bracken, Jr., 124 Omega Ln., Piedmont, SC 29673

Received as information.

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

**SECOND READING BILL**

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

H. 5066 -- Reps. Herbkersman, Erickson, Bowers, Bradley, Newton and Hodges: A BILL TO AMEND ACT 589 OF 1986, AS AMENDED, RELATING TO THE BEAUFORT COUNTY BOARD OF EDUCATION, SO AS TO REQUIRE CANDIDATES SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN SUBMIT SIGNED PETITIONS.

**AMENDED, READ THE SECOND TIME**

H. 3560 -- Reps. Limehouse, Sottile, McCoy and Spires: A BILL TO AMEND SECTION 59‑25‑460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED NOTICE AND HEARINGS FOR DISMISSAL OF A TEACHER, SO AS TO PROVIDE THAT THE BOARD MAY DESIGNATE A HEARING OFFICER TO CONDUCT A DISMISSAL HEARING AND ISSUE A REPORT WITH RECOMMENDATIONS, TO PROVIDE RELATED REQUIREMENTS OF A HEARING OFFICER, TO PROVIDE A HEARING MUST BE PRIVATE UNLESS THE TEACHER REQUESTS IN WRITING THAT THE HEARING BE PUBLIC, TO PROVIDE THAT A NOTICE OF DISMISSAL MUST BE GIVEN BY

**Printed Page 2730 . . . . . Wednesday, May 11, 2016**

THE SUPERINTENDENT OR HIS DESIGNEE INSTEAD OF THE SCHOOL BOARD, TO SPECIFY USE OF A COURT REPORTER TO RECORD THE PROCEEDINGS, AND TO PROVIDE AN APPEALS PROCESS.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY proposed the following amendment (3560R001.EB.GM), which was adopted:

Amend the bill, as and if amended, page 5, SECTION 4, by striking lines 4‑8 and inserting:

/ and present ~~any and all~~ defenses to the charges. The board, or its designee, shall order the /

Amend the bill further, as and if amended, page 5, by striking lines 21‑41 and inserting:

/ “Section 59‑25‑480. (A) The decision of the district board of trustees ~~shall be~~ is final, unless within thirty days ~~thereafter~~ afterward an appeal is made to the court of common pleas of any county in which the major portion of such district lies.

(B) Notice of the appeal and the grounds thereof shall be filed with the district board of trustees. The district board shall, within thirty days thereafter, file a certified copy of the transcript record with the clerk of such court. ~~Any~~ An appeal from the order of the circuit court shall be taken in the manner provided by the South Carolina Appellate Court Rules. If the decision of the board is reversed on appeal, on a motion of either party the trial court shall order reinstatement and shall determine the amount for which the board shall be liable for actual damages and court costs. In no event shall any liability extend beyond two years from the effective date of dismissal. Amounts earned or amounts earnable with reasonable diligence by the person wrongfully suspended shall be deducted from any back pay.” /

Amend the bill further, as and if amended, by striking SECTION 7 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

Senator HAYES explained the Bill.

**Printed Page 2731 . . . . . Wednesday, May 11, 2016**

The question then was second reading of the Bill.

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

**Ayes 40; Nays 1**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

Nicholson Peeler Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

Kimpson

**Total--1**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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

**Printed Page 2732 . . . . . Wednesday, May 11, 2016**

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

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3193.002), which was adopted:

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

/ “SECTION 1. Section 8-13-1320 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

Section 8-13-1320. For purposes of this article:

(1) A contribution made on or before the seventh day after a primary ~~or primary runoff~~ is attributed to the primary ~~or primary runoff, respectively~~. However, in the event of a primary runoff, all contributions made after the day of the primary and continuing through the seventh day after the primary runoff are attributed to the primary runoff for the purposes of applying contribution limits.

(2) A contribution made on or before the end of the quarter immediately following a general election or special election is attributed to the general election or special election, respectively.”

SECTION 2. The provisions of this act are effective upon the Governor’s signature. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Bennett Bright Bryant

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

**Printed Page 2733 . . . . . Wednesday, May 11, 2016**

Hembree Hutto Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, Margie* McElveen

Nicholson Peeler Rankin

Reese Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD3685.001), which was adopted:

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

/ SECTION 1. Section 56‑7‑20 of the 1976 Code, as last amended by Act 1 of 2009, is further amended to read:

“Section 56‑7‑20. Each ticket shall have a unique identifying number. Each printed copy must be labeled at the bottom with the purpose of the copy. A handwritten traffic ticket must consist of four copies, one of which must be blue and must be given to the vehicle operator who is the alleged traffic violator; one of which must be yellow

**Printed Page 2734 . . . . . Wednesday, May 11, 2016**

and must be dispatched to the Department of Motor Vehicles for its records and for audit purposes; one of which must be white and must be dispatched to the police agency of which the arresting officer is a part; and one of which must be green and must be retained by the trial officer for his records. An electronic traffic ticket must consist of at least one printed copy that must be given to the vehicle operator who is the alleged traffic violator and as many as three additional printed copies if needed to communicate with the Department of Motor Vehicles, the police agency, and the trial officer. Tickets may be collected electronically, but must be transmitted to the Department of Motor Vehicles electronically. Data transmissions to the Department of Motor Vehicles must be made pursuant to the Department of Motor Vehicles’ electronic specifications.”

SECTION 2. Section 56‑7‑30 of the 1976 Code, as last amended by Act 68 of 2005, is further amended to read:

“Section 56‑7‑30. (A) The Department of Public Safety shall have the traffic tickets printed. Law enforcement agencies shall order tickets from the Department of Public Safety and shall record the identifying numbers of the tickets received by them. The cost of the tickets must be paid by the law enforcement agency. The ~~Department of Motor Vehicles records and audit~~ court’s copy must be forwarded by the law enforcement agency to the appropriate court and electronically to the Department of Motor Vehicles within ~~ten~~ three business days of ~~the disposition of the case by~~ issuance to the offender. After final trial court action or ~~by~~ nolle prosequi, disposition information must be forwarded electronically to the Department of Motor Vehicles by the appropriate court within five business days of the trial date. ~~The head of each law enforcement agency is responsible for the forwarding of the driver records and audit copies to the Department of Motor Vehicles and for conducting an annual inventory on December thirty‑first of all tickets received but not disposed of by final trial court action or by nolle prosequi, and for forwarding the results of the inventory on a form prescribed by the Department of Motor Vehicles to the Department of Motor Vehicles within ten days of the completion of the inventory.~~

(B) A law enforcement agency that issues uniform traffic tickets in an electronic format as provided in Section 56‑7‑10 may generate a printed copy of this ticket by using an in‑car data terminal or hand held device. A copy of the ticket must be given to the offender. ~~The agency may then transmit the ticket data electronically to the Department of Motor Vehicles for its records and for audit purposes, the law enforcement agency by which the arresting officer is employed, and the~~

**Printed Page 2735 . . . . . Wednesday, May 11, 2016**

~~trial officer for his records. If any of these entities does not have the capability to accept the ticket data solely using electronic means, the arresting agency must provide the entity with a printed copy of the ticket generated by the in‑car data terminal or hand held device.~~ The court’s copy must be forwarded by the law enforcement agency to the appropriate court, in a format as prescribed by the South Carolina Judicial Department, and electronically to the Department of Motor Vehicles within three business days of issuance to the offender. Data transmissions to the Department of Motor Vehicles must be made pursuant to ~~that agency’s~~ the Department of Motor Vehicles’ and the South Carolina Judicial Department’s electronic ~~system~~ systems specifications. ~~Printed copies provided to the Department of Motor Vehicles must meet that agency’s document processing requirements.~~”

SECTION 3. Section 56‑7‑40 of the 1976 Code is amended to read:

“Section 56‑7‑40. Any person intentionally violating the provisions of Section 56‑7‑10 or 56‑7‑30 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars nor more than fifteen hundred dollars or imprisoned for not more than six months, or both, for each ticket unaccounted for, or each use of a nonuniform ticket, or each failure to timely electronically forward the Department of Motor Vehicles ~~records copy or audit~~ a copy of ~~a~~ the ticket. If the failure to account for a ticket, or the use of a nonuniform ticket, or the failure to timely forward the Department of Motor Vehicles ~~records or audit~~ a copy of the ticket is inadvertent or unintentional, such misuse shall be triable in magistrate’s court and, upon conviction, shall be punishable by a fine of not more than one hundred dollars. ~~Any person charged with failing to timely forward the results of the annual inventory shall be tried in magistrate’s court and upon conviction shall be fined not more than one hundred dollars.~~”

SECTION 4. Section 56‑1‑365 of the 1976 Code, as last amended by Act 201 of 2008, is amended to read:

“Section 56‑1‑365. (A) A person who forfeits bail posted for, is convicted of, or pleads guilty or nolo contendere in general sessions, municipal, or magistrate’s court to an offense which requires that his driver’s license be revoked or suspended shall surrender immediately or cause to be surrendered his driver’s license to the clerk of court or magistrate upon the verdict or plea. The defendant must be notified at the time of arrest of his obligation to bring, and surrender his license, if convicted, to the court or magistrate at the time of his trial, and if he fails to produce his license after conviction, he may be fined in an amount not to exceed two hundred dollars. If the defendant fails subsequently to

**Printed Page 2736 . . . . . Wednesday, May 11, 2016**

surrender his license to the clerk or magistrate immediately after conviction, he must be fined not less than fifty dollars nor more than two hundred dollars.

(B) The Department of Motor Vehicles ~~may collect~~ shall electronically receive disposition and license surrender information from the clerk of court or magistrate ~~the driver’s license and ticket~~ immediately after receipt. Along with the driver’s license, the clerks and magistrates must give the department’s agents tickets, arrest warrants, and other documents or copies of them, including any reinstatement fee paid at the time of the verdict, guilty plea, or plea of nolo contendere, as necessary for the department to process the revocation or suspension of the licenses. If the department does not collect the license surrender information and ~~ticket~~ disposition immediately, the magistrate or clerk must forward the license surrender information, ~~ticket~~ disposition, and other documentation to the department within five business days after receipt. A clerk or magistrate who wilfully fails or neglects to forward the driver’s license and ~~ticket~~ disposition as required in this section is liable to indictment and, upon conviction, must be fined not exceeding five hundred dollars.

(C) The department shall notify the defendant of the suspension or revocation. Except as provided in Section 56‑5‑2990, if the defendant surrendered his license to the magistrate or clerk immediately after conviction, the effective date of the revocation or suspension is the date of surrender. If the magistrate or clerk wilfully fails to electronically forward the ~~license and ticket~~ disposition and license surrender information to the department within five business days, the suspension or revocation does not begin until the department receives and processes the license and ticket, provided that the end date of the term of suspension or revocation shall be calculated from the date of surrender and not the date the department receives and processes the ticket.

(D) If the defendant is already under suspension for a previous offense at the time of his conviction or plea, the court shall use its judicial discretion in determining if the period of suspension for the subsequent offense runs consecutively and ~~does not commence until~~ commences upon the expiration of the suspension or revocation for the prior offense, or if the period of suspension for the subsequent offense runs concurrently with the suspension or revocation of the prior offense.

(E) If the defendant fails to surrender his license, the suspension or revocation operates as otherwise provided by law.

(F) If the defendant surrenders his license, upon conviction, and subsequently files a notice of appeal, the appeal acts as a supersedeas as

**Printed Page 2737 . . . . . Wednesday, May 11, 2016**

provided in Section 56‑1‑430. Upon payment of a ten‑dollar fee and presentment by the defendant of a certified or clocked‑in copy of the notice of appeal, the department shall issue him a certificate which entitles him to operate a motor vehicle for a period of six months after the verdict or plea. The certificate must be kept in the defendant’s possession while operating a motor vehicle during the six‑month period, and failure to have it in his possession is punishable in the same manner as failure to have a driver’s license in possession while operating a motor vehicle.”

SECTION 5. Section 56‑1‑370 of the 1976 Code, as last amended by Act 381 of 2006, is further amended to read:

“Section 56‑1‑370. The licensee may, within ten days after notice of suspension, cancellation, or revocation, except in cases where the suspension, cancellation, or revocation is made mandatory upon the Department of Motor Vehicles, request in writing an administrative hearing with the Division of Motor Vehicle Hearings in accordance with the rules of procedure of the Administrative Law Court and the State Administrative Procedures Act, in the judicial circuit where the licensee was arrested unless the Division of Motor Vehicle Hearings and the licensee agree that the hearing may be held in another jurisdiction. The hearing must be heard by a hearing officer of the Division of Motor Vehicle Hearings. Upon the review, the hearing officer shall either rescind the department’s order of suspension, cancellation, or revocation or, good cause appearing therefor, may continue, modify, or extend the suspension, cancellation, or revocation of the license. If the administrative hearing results in the continued suspension, cancellation, or revocation of the license, the term of the suspension, cancellation, or revocation of the license is deemed to commence upon the date of the administrative hearing, as long as information is transmitted electronically to the Department of Motor Vehicles on the date of the hearing, and not on the date of the notice provided by the Department of Motor Vehicles.”

SECTION 6. Section 56‑3‑1972 of the 1976 Code is repealed.

SECTION 7. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining

**Printed Page 2738 . . . . . Wednesday, May 11, 2016**

any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 8. This act takes effect January 1, 2017. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John* McElveen Nicholson

Peeler Reese Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**Printed Page 2739 . . . . . Wednesday, May 11, 2016**

**READ THE SECOND TIME**

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.

The Senate proceeded to a consideration of the Bill.

Senator SHEHEEN explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 38; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

McElveen Nicholson Peeler

Reese Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--38**

**Printed Page 2740 . . . . . Wednesday, May 11, 2016**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3848 -- Reps. Huggins, J.E. Smith, McKnight, Jefferson, Hosey, Atwater, Toole, Burns, Herbkersman, Ridgeway, Simrill, Kennedy, Ballentine and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA FOUNDING PRINCIPLES ACT” BY ADDING SECTION 59‑29‑155 SO AS TO REQUIRE THE COMPLETION OF A SEPARATE, FULL SEMESTER COURSE CONSISTING ONLY OF INSTRUCTION IN CERTAIN FOUNDING PRINCIPLES OF THE UNITED STATES OF AMERICA, TO REQUIRE A PASSING GRADE IN THE COURSE AND ON THE NATURALIZATION TEST FOR UNITED STATES CITIZENSHIP AS A CONDITION FOR GRADUATION FROM HIGH SCHOOL, AND TO PROVIDE RELATED REQUIREMENTS OF THE STATE BOARD OF EDUCATION AND THE LOCAL SCHOOL DISTRICTS.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (AGM\3848C002.AGM.AB16), which was adopted:

Amend the bill, as and if amended, SECTION 3, by deleting the SECTION in its entirety and inserting:

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

Renumber sections to conform.

Amend title to conform.

The question then was second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

**Printed Page 2741 . . . . . Wednesday, May 11, 2016**

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John* McElveen Nicholson

Peeler Reese Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 3891 -- Reps. Toole, Long, Bedingfield, J.E. Smith, Anderson, Forrester, Rutherford and Sandifer: A BILL TO AMEND SECTION 56‑31‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SURCHARGES ON RENTAL OR PRIVATE PASSENGER MOTOR VEHICLES FOR THIRTY‑ONE DAYS OR LESS, SO AS TO DEFINE NECESSARY TERMS, TO DELETE EXISTING SURCHARGE PROVISIONS, TO INSTEAD PROVIDE RENTAL COMPANIES ENGAGED IN THE BUSINESS OF RENTING VEHICLES FOR PERIODS OF NINETY DAYS OR LESS MAY CHARGE SEPARATELY STATED FEES WHICH MAY INCLUDE CERTAIN FEES AND TAXES, TO PROVIDE THE AMOUNT OF THE CHARGE MUST REPRESENT THE GOOD FAITH ESTIMATE BY THE MOTOR VEHICLE RENTAL COMPANY OF ITS DAILY CHARGE CALCULATED TO RECOVER ITS ACTUAL TOTAL ANNUAL RECOVERABLE COSTS, TO PROVIDE REQUIREMENTS FOR WHEN THE TOTAL AMOUNT OF THE VEHICLE LICENSE FEES COLLECTED BY A

**Printed Page 2742 . . . . . Wednesday, May 11, 2016**

MOTOR VEHICLE RENTAL COMPANY IN ANY CALENDAR YEAR EXCEEDS THE ACTUAL COSTS OF THE CAR RENTAL COMPANY DURING THAT PERIOD, TO REQUIRE A CERTAIN DESCRIPTION OF VEHICLE LICENSE FEES IN THE VEHICLE RENTAL AGREEMENTS, AND TO PROVIDE THAT VEHICLE LICENSE FEES ARE SUBJECT TO CERTAIN SALES AND USE TAXES.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (3891R002.EB.LKG), which was adopted:

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

/ SECTION 1. Section 56-31-50 of the 1976 Code is amended to read:

“Section 56‑31‑50. (A) As used in this section:

(1) ‘Motor vehicle rental company’ means an individual or business entity whose business activity is renting motor vehicles to consumers under rental agreements for periods of ninety days or less.

(2) ‘Vehicle license fee’ means a charge that may be separately stated and charged on the rental contract in a vehicle rental transaction originating in this State to recover the motor vehicle rental company’s costs incurred for:

(a) licensing, titling, registering, plating, and inspecting of its rental vehicles; and

(b) taxes paid in connection with registering its rental vehicles.

~~(A)~~(B) Rental companies engaged in the business of renting ~~private passenger motor vehicles~~ ~~or rental~~ vehicles for periods of ~~thirty‑one~~ ninety days or less ~~shall collect~~ may charge, at the time the vehicle or rental vehicle is rented in South Carolina, ~~a five percent surcharge in each rental contract~~ separately stated fees which may include, but must not be limited to, vehicle license fees, airport access fees, airport concession fees, and all applicable taxes. For purposes of this section, a vehicle or rental vehicle is rented in South Carolina if it is picked up by the renter in South Carolina. ~~The surcharge is a sales tax subject to the provisions of this chapter and must be computed on the total amount stated in the rental agreement, except that taxes imposed by Chapter 36 of Title 12 must not be used in computing the surcharge, and the surcharge is not subject to the taxes imposed by Chapter 36 of Title 12.~~

~~(B)~~ ~~The surcharge must be noted in the rental contract and collected in accordance with the terms of the contract. The surcharges must be~~

**Printed Page 2743 . . . . . Wednesday, May 11, 2016**

~~retained by the vehicle owner, rental vehicle owner, or the rental company engaged in the business of renting private passenger motor vehicles or rental vehicles. The surcharges must be placed in a segregated account by the vehicle owner, rental vehicle owner, or rental company once they are collected. Surcharges collected belong to the State and are not subject to creditor liens of the vehicle owner, rental vehicle owner, or rental company. Surcharges collected pursuant to this section may be used only by the vehicle owner, rental vehicle owner, or the rental company for reimbursement of the amount of personal property taxes imposed and paid upon these vehicles by the vehicle owner, rental vehicle owner, or rental company as provided by law. The collection and use of the surcharges are not gross receipts or revenue to the vehicle owner, rental vehicle owner, or rental company. A person or entity may not impose a fee, penalty, or expense on a vehicle owner, rental vehicle owner, or rental company for complying with the provisions contained in this chapter.~~

~~(C)~~ ~~On February fifteenth of each year all rental companies engaged in the business of renting private passenger motor vehicles or rental vehicles which collect surcharges pursuant to this section shall file a report with the Department of Revenue stating the total amount of South Carolina personal property taxes on private passenger motor vehicles or rental vehicles paid in the previous calendar year, the total amount of private passenger motor vehicle rental or rental vehicle revenues earned on rentals in South Carolina for the previous calendar year, and the amount by which the total amount of the surcharges for the previous year exceeds the total amount of personal property taxes on private passenger motor vehicles or rental vehicles paid for the previous calendar year. All surcharge revenues collected in excess of the total amount of personal property taxes on private passenger motor vehicles or rental vehicles must be remitted to the Department of Revenue’s office for deposit in the state general fund.~~

~~(D)~~ ~~Any rental company which makes a false report to the Department of Revenue with the intent to misrepresent the amount of personal property taxes on private passenger motor vehicles or rental vehicles paid or the amount of surcharges collected is guilty of a misdemeanor and, upon conviction, must be punished by a fine not exceeding one thousand dollars or by a term of imprisonment not exceeding one year, or both. Each violation constitutes a separate offense.~~

(C) If a motor vehicle rental company includes a vehicle license fee for a rental transaction disclosed on the rental agreement, the amount of

**Printed Page 2744 . . . . . Wednesday, May 11, 2016**

the charge must represent the good faith estimate by the motor vehicle rental company of its daily charge calculated to recover its actual total annual recoverable costs, pursuant to subsection (A)(2), on its rental motor vehicle fleet for the corresponding calendar year.

(D)(1) If the total amount of the vehicle license fees collected by a motor vehicle rental company pursuant to this section in any calendar year exceeds the actual costs of the car rental company, as allowed under subsection (A)(2), for that calendar year, the car rental company shall:

(a) retain the excess amount; and

(b) adjust the estimated average per vehicle charge for the following calendar year by a corresponding amount.

(2) Nothing in this section may prevent a motor vehicle rental company from making adjustments to a vehicle license fee per vehicle charge during the calendar year to reflect interim developments affecting the motor vehicle rental company’s prior estimated per vehicle fee for that calendar year.

(E)(1) If a motor vehicle rental company charges a vehicle license fee, the amount of the fee must be:

(a) disclosed at the time of reservation and as part of any estimated pricing provided to the renter; and

(b) shown as a separately itemized charge on the rental agreement.

(2) The vehicle license fee must be described in the terms and conditions of the rental agreement as the estimated average per day portion of the motor vehicle company’s costs incurred for:

(a) licensing, titling, registering, plating, and inspecting its rental vehicles; and

(b) taxes paid in connection with registering its rental vehicles.

(F) The vehicle license fee authorized by this section is subject to state and local sales and use tax in the manner and to the same extent as the fee charged for the lease or rental of the rental vehicle.”

SECTION 2. Chapter 31, Title 56 of the 1976 Code is amended by adding:

“Section 56‑31‑60. (A) As used in this section:

(1) ‘Qualified heavy equipment property’ means any construction, earthmoving, or industrial equipment that is mobile and rented by a qualified renter, including attachments for the equipment or other ancillary equipment or tools. Qualified heavy equipment property is mobile if it is not permanently affixed to real property and is moved amongst worksites.

**Printed Page 2745 . . . . . Wednesday, May 11, 2016**

(2) ‘Qualified renter’ means a renter:

(i) whose primary business is renting out qualified heavy equipment property. Primary business means over 51 percent of the annual revenue of the business in any given year; and

(ii) that is engaged in a line of business described in Code 532412 or 532310 of the North American Industry Classification System published by the U.S. Census Bureau, 2012 edition.

(3) ‘Qualified rental’ means qualified heavy equipment property rented for three hundred sixty‑five days or less, qualified heavy equipment property rented pursuant to an open‑ended contract, or qualified heavy equipment property rented via a contract without a specified time period.

(4) ‘Rental price’ means the amount of the charge for renting the qualified heavy equipment, excluding any separately stated charges that are not rental charges, including, but not limited to, separately stated charges for delivery and pickup fees, damage waivers, environmental fees, sales tax, or any other ancillary charge.

(B)(1) Except as provided in subsection (2), a person or company in the business of renting qualified heavy equipment property located in this State shall include on the rental invoice a two and one‑half percent heavy equipment rental fee on the rental price for any item of qualified heavy equipment property rented to a customer by a qualified renter. The total amount of the heavy equipment rental fee collected shall be remitted to the state Department of Revenue on a quarterly basis. The Department of Revenue shall distribute the remitted fee to the local jurisdiction where the qualified heavy equipment was rented. The local jurisdiction shall distribute the received funds in the same manner as the personal property tax is distributed.

(2) Notwithstanding subsection (1), the heavy equipment rental fee shall not apply to the rental of heavy equipment property directly rented to the federal government, the State, or any political subdivision of the State. There are no other exemptions from this fee.

(3) The heavy equipment rental fee shall be levied on all qualified rentals.

(4) Qualified heavy equipment property subject to the heavy equipment rental fee is exempt from personal property tax.

(5) The Department of Revenue may promulgate regulations relating to the administration and enforcement of this section.

(C) The heavy equipment rental fee applies to all qualified rentals made from a rental location in South Carolina where the customer picks up the equipment, or all qualified rentals from a rental location in the

**Printed Page 2746 . . . . . Wednesday, May 11, 2016**

State where the qualified heavy equipment property is delivered in the State. The equipment rental fee does not apply to rentals made from a rental location in the State and delivered outside the State.

(D) The heavy equipment rental fee is not subject to state or local sales tax.”

SECTION 3. Section 12‑37‑717 of the 1976 Code is repealed.

SECTION 4. This act takes effect on January 1, 2017. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the committee amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 36; Nays 5**

**AYES**

Alexander Bennett Campbell

Campsen Cleary Coleman

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

McElveen Nicholson Peeler

Reese Sabb Scott

Setzler Shealy Thurmond

Turner Verdin Williams

**Total--36**

**NAYS**

Bright Bryant Corbin

Sheheen Young

**Total--5**

**Printed Page 2747 . . . . . Wednesday, May 11, 2016**

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

**READ THE SECOND TIME**

H. 4817 -- Rep. Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑53‑95 SO AS TO REQUIRE AN INDIVIDUAL WHO APPLIES FOR A BONDSMAN OR RUNNER LICENSE TO PROVIDE HIS BUSINESS, EMAIL, MAILING, AND RESIDENTIAL STREET ADDRESS TO THE DEPARTMENT; TO AMEND SECTION 38‑43‑107, RELATING TO THE ADDRESS REQUIREMENT FOR AN INSURANCE PRODUCER’S LICENSE, SO AS TO REQUIRE AN APPLICANT TO PROVIDE AN EMAIL ADDRESS TO THE DEPARTMENT; TO AMEND SECTION 38‑45‑30, RELATING TO REQUIREMENTS FOR A NONRESIDENT TO BE LICENSED AS AN INSURANCE BROKER, SO AS TO DELETE THE AFFIDAVIT REQUIREMENTS; TO AMEND SECTION 38‑45‑110, RELATING TO WARNING STAMPS ON POLICIES OF ELIGIBLE SURPLUS LINES INSURANCE, SO AS TO NO LONGER REQUIRE A BROKER TO WRITE OR STAMP A WARNING ON THE FACE OF AN APPLICATION FOR ELIGIBLE SURPLUS LINES INSURANCE; TO AMEND SECTION 38‑47‑15, RELATING TO THE ADDRESS REQUIREMENT FOR AN INSURANCE ADJUSTER’S LICENSE, SO AS TO REQUIRE AN APPLICANT TO PROVIDE AN EMAIL ADDRESS TO THE DEPARTMENT; TO AMEND SECTION 38‑48‑30, RELATING TO THE ADDRESS REQUIREMENT FOR A PUBLIC INSURANCE ADJUSTER’S LICENSE, SO AS TO REQUIRE AN APPLICANT TO PROVIDE AN EMAIL ADDRESS TO THE DEPARTMENT; TO AMEND SECTION 38‑49‑25, RELATING TO THE ADDRESS REQUIREMENT FOR A MOTOR VEHICLE PHYSICAL DAMAGE APPRAISER’S LICENSE, SO AS TO REQUIRE AN APPLICANT TO PROVIDE AN EMAIL ADDRESS TO THE DEPARTMENT.

The Senate proceeded to a consideration of the Bill.

Senator CROMER explained the Bill.

The question being the second reading of the Bill.

**Printed Page 2748 . . . . . Wednesday, May 11, 2016**

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

**Ayes 38; Nays 3**

**AYES**

Alexander Bennett Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry* Massey *Matthews, John*

McElveen Nicholson Peeler

Reese Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

Bright Bryant *Martin, Shane*

**Total--3**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4936 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑1‑50 SO AS TO PROVIDE FOR EDUCATIONAL GOALS FOR ALL SOUTH CAROLINA HIGH SCHOOL GRADUATES AND THE STANDARDS AND AREAS OF LEARNING BY WHICH THESE GOALS ARE MEASURED.

The Senate proceeded to a consideration of the Bill.

**Printed Page 2749 . . . . . Wednesday, May 11, 2016**

The Committee on Education proposed the following amendment (BBM\4936C003.BBM.DG16), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 1, by striking line 32 and inserting:

/ make a reasonable and concerted effort to ensure that graduates have world class knowledge based on rigorous /

Amend the bill further, SECTION 1, page 2, by striking lines 3 and 4 and inserting:

/ (C) Students finally also must be offered reasonable exposure, examples, and information on the state’s vision of life and career characteristics such as: /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

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

**Ayes 36; Nays 4**

**AYES**

Alexander Bennett Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Johnson Kimpson

Leatherman *Martin, Larry Martin, Shane*

Massey *Matthews, John* McElveen

Nicholson Peeler Reese

Sabb Scott Setzler

Shealy Thurmond Turner

Verdin Williams Young

**Total--36**

**NAYS**

Bright Bryant Malloy

Sheheen

**Total--4**

**Printed Page 2750 . . . . . Wednesday, May 11, 2016**

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

**READ THE SECOND TIME**

H. 4940 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑3‑110 SO AS TO PROVIDE FOR THE DUTIES, FUNCTIONS, AND RESPONSIBILITIES OF THE OFFICE OF TRANSFORMATION WITHIN THE SOUTH CAROLINA DEPARTMENT OF EDUCATION.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

Senator HAYES explained the Bill.

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

**Ayes 39; Nays 1**

**AYES**

Alexander Bennett Bryant

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Hutto Johnson

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

McElveen Nicholson Peeler

Rankin Reese Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--39**

**NAYS**

Bright

**Total--1**

**Printed Page 2751 . . . . . Wednesday, May 11, 2016**

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

**READ THE SECOND TIME**

H. 4743 -- Reps. Bedingfield, Dillard, Robinson‑Simpson and Henderson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑11‑935 SO AS TO PROVIDE THAT THE LAND OWNED AND MANAGED BY THE CONESTEE FOUNDATION AND KNOWN AS LAKE CONESTEE NATURE PARK IS DECLARED TO BE A WILDLIFE SANCTUARY.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSEN explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 43; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--43**

**Printed Page 2752 . . . . . Wednesday, May 11, 2016**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 4786 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE OFFICE OF THE GOVERNOR, RELATING TO LOCAL EMERGENCY PREPAREDNESS STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4563, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution.

The question being the second reading of the Resolution.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Johnson Kimpson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John Matthews, Margie*

McElveen Nicholson Peeler

Rankin Reese Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**Printed Page 2753 . . . . . Wednesday, May 11, 2016**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 923 -- Senator Bryant: A BILL TO AMEND SECTION 47‑3‑630 OF THE 1976 CODE, RELATING TO POLICE DOGS AND HORSES, TO PROVIDE THAT A PERSON WHO TORTURES, MUTILATES, INJURES, DISABLES, POISONS, OR KILLS A POLICE DOG OR HORSE MAY BE FINED UP TO THIRTY THOUSAND DOLLARS, MAY BE IMPRISONED FOR UP TO TEN YEARS, MUST PAY RESTITUTION TO COVER THE COST OF RESTORING OR REPLACING THE DOG OR HORSE INJURED OR KILLED, AND MUST PARTICIPATE IN ANIMAL‑RELATED COMMUNITY SERVICE FOR ONE YEAR IN ADDITION TO OTHER PENALTIES.

The Senate proceeded to a consideration of the Bill.

The Committee on Agriculture and Natural Resources proposed the following amendment (923R001.EB.DBV), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ “Section 47‑3‑630. (A) A person who violates ~~any of the provisions of this article, except for Section 47‑3‑620,~~ Section 47‑3‑610 is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned not less than thirty days nor more than six months, or both.

(B) A person who violates the provisions of Section 47‑3‑620 is guilty of a felony and, upon conviction~~,~~:

(1) must be fined not less than two thousand dollars nor more than ~~five thousand~~ ten thousand dollars ~~and~~ or imprisoned not less than one year nor more than ~~five~~ ten years, or both;

(2) must pay restitution to the appropriate law enforcement agency to cover the full costs of restoring or replacing the dog or horse that was tortured, mutilated, injured, disabled, poisoned, or killed; and

(3) if a person is convicted under this section, that person may be required to complete up to five hundred (500) hours of community service for an animal‑related organization or foundation.” /

**Printed Page 2754 . . . . . Wednesday, May 11, 2016**

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the committee amendment.

The amendment was adopted.

Senator SHEHEEN explained the Bill.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 1**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, Margie*

McElveen Nicholson Peeler

Rankin Reese Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

Sabb

**Total--1**

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

**Printed Page 2755 . . . . . Wednesday, May 11, 2016**

**READ THE SECOND TIME**

S. 1243 -- Senator Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 138 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE “CHASE AWAY CHILDHOOD CANCER” SPECIAL LICENSE PLATES.

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 42; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane Matthews, John Matthews, Margie*

McElveen Nicholson Peeler

Rankin Reese Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**Printed Page 2756 . . . . . Wednesday, May 11, 2016**

**READ THE SECOND TIME**

H. 5009 -- Reps. Cole, Tallon, Hicks, Brannon, Allison, Chumley, Clary, Forrester, Mitchell, King and W.J. McLeod: A BILL TO AMEND SECTION 12‑65‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEXTILES COMMUNITIES REVITALIZATION INCOME TAX CREDIT, SO AS TO DELETE A PROVISION THAT LIMITS THE CREDIT TO FIFTY PERCENT OF CERTAIN LIABILITY.

The Senate proceeded to a consideration of the Bill.

Senator CROMER explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0; Abstain 2**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Shealy

Sheheen Thurmond Turner

Verdin Williams

**Total--41**

**NAYS**

**Total--0**

**Printed Page 2757 . . . . . Wednesday, May 11, 2016**

**ABSTAIN**

Setzler Young

**Total--2**

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

**READ THE SECOND TIME**

H. 5218 -- Reps. Gilliard, Anderson, Limehouse, Mack, Hosey, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53‑3‑117 SO AS TO PROVIDE THAT THE MONTH OF MAY EVERY YEAR IS DECLARED “WATER SAFETY AWARENESS MONTH” IN THE STATE OF SOUTH CAROLINA; TO PROMOTE AN UNDERSTANDING OF WATER SAFETY PRACTICES AND THE CRITICAL IMPORTANCE OF WATER SAFETY IN AN EFFORT TO REDUCE DROWNING DEATHS AMONG CHILDREN IN THIS STATE; TO CREATE THE “WATER SAFETY AWARENESS IN SCHOOLS STUDY COMMITTEE”; TO EXAMINE THE ISSUE OF DROWNING DEATHS AMONG SCHOOL‑AGED CHILDREN IN SOUTH CAROLINA; AND TO IDENTIFY A CURRICULUM TO PROVIDE SWIMMING INSTRUCTION IN OUR PUBLIC SCHOOLS AS A MEASURE TO HELP PREVENT CHILD DROWNING DEATHS.

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 42; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

**Printed Page 2758 . . . . . Wednesday, May 11, 2016**

*Martin, Shane Matthews, John Matthews, Margie*

McElveen Nicholson Peeler

Rankin Reese Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, READ THE SECOND TIME**

H. 3927 -- Reps. Willis and Allison: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 137 TO CHAPTER 3, TITLE 56 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ISSUE SPECIAL PERSONALIZED MOTOR VEHICLE LICENSE PLATES; AND TO AMEND SECTION 56‑3‑2250, RELATING TO THE ISSUANCE OF SAMPLE LICENSE PLATES BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT IT IS UNLAWFUL TO DISPLAY A SAMPLE LICENSE PLATE ON A MOTOR VEHICLE AND THE PENALTY ASSOCIATED WITH THIS CRIME, TO PROVIDE THAT THE DEPARTMENT MAY RETAIN THE FEE THAT IS CHARGED FOR THE ISSUANCE OF THIS LICENSE PLATE, TO PROVIDE THAT THIS DEPARTMENT MAY ISSUE SOUVENIR LICENSE PLATES FOR ANY SPECIAL ORGANIZATIONAL LICENSE PLATE THAT IT PRODUCES, AND PERSONALIZED SPECIAL ORGANIZATIONAL SOUVENIR LICENSE PLATES FOR A FEE, TO PROVIDE FOR THE DISBURSEMENT OF THE FEES, TO PROVIDE THAT THESE LICENSE PLATES MAY BE DISPLAYED ONLY ON THE FRONT OF A MOTOR VEHICLE, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION.

The Senate proceeded to a consideration of the Bill.

**Printed Page 2759 . . . . . Wednesday, May 11, 2016**

The Committee on Transportation proposed the following amendment ( 3927R001.DR.LKG), which was adopted:

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

/SECTION \_\_\_. Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Article 138

Chase Away Childhood Cancer Special License Plates

Section 56‑3‑13810. (A) The Department of Motor Vehicles may issue ‘Chase Away Childhood Cancer’ motor vehicle license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630 and motorcycles as defined in Section 56‑3‑20 registered in their names. The fee for this special license plate is fifty dollars every two years in addition to the regular motor vehicle registration fee contained in Article 5, Chapter 3, Title 56. This special license plate must be of the same size and shape of regular motor vehicle license plates. This special license plate must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued.

(B) The fees collected pursuant to this section above the cost of producing the license plates must be distributed to Chase After a Cure.

(C) The requirements for production, collection, and distribution of fees for this license plate are those set forth in Section 56‑3‑8100.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the committee amendment.

The amendment was adopted.

Senator SETZLER proposed the following amendment (MS\  
3927C001.MS.AHB16), which was adopted:

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

/ SECTION \_\_. Section 56‑3‑7360 of the 1976 Code, as last amended by Act 253 of 2012, is further amended to read:

“Section 56‑3‑7360. The Department of Motor Vehicles may issue ‘Korean War Veterans’ special license plates to owners of private passenger motor vehicles and motorcycles registered in their names who are Korean War Veterans who served on active duty at anytime during the Korean War. The applicant must present the department with a

**Printed Page 2760 . . . . . Wednesday, May 11, 2016**

DD214 or other official documentation that states that he served on active duty upon initial application for this special license plate. ~~The requirements for production and distribution of the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of twenty dollars. Any portion of the additional twenty‑dollar fee not set aside by the Comptroller General to defray costs of production and distribution must be distributed to the state general fund.~~ There is no fee for this special license plate.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

Senator BENNETT proposed the following amendment (3927R002.DR.SB), which was adopted:

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

/ SECTION \_\_\_. Section 56‑3‑10610(A) of the 1976 Code, as added by Act 297 of 2008, is amended to read:

“(A) The Department of Motor Vehicles may issue ‘Silver Star’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names who have been awarded the Silver Star. The motor vehicle owner must present the department with a DD214, or other official documentation that states that the owner received the Silver Star, along with the owner’s application for this special license plate. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain the words ‘combat veteran’ and an illustration of the Silver Star.”

SECTION \_\_\_. Section 56‑3‑10710(A) of the 1976 Code, as added by Act 297 of 2008, is amended to read:

“(A) The Department of Motor Vehicles may issue ‘Bronze Star’ special license plates to owners of private passenger carrying motor vehicles, as defined in Section 56‑3‑630, or motorcycles as defined in Section 56‑3‑20, registered in their names who have been awarded the Bronze Star. The motor vehicle owner must present the department with a DD214, or other official documentation that states that the owner

**Printed Page 2761 . . . . . Wednesday, May 11, 2016**

received the Bronze Star, along with the owner’s application for this special license plate. The fee for this special license plate is the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title. The license plates issued pursuant to this section must contain the words ‘combat veteran’ and an illustration of the Bronze Star.” /

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

*Matthews, John Matthews, Margie* McElveen

Nicholson Peeler Rankin

Reese Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

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

**Printed Page 2762 . . . . . Wednesday, May 11, 2016**

**READ THE SECOND TIME**

S. 1212 -- Senator Bright: A BILL TO AMEND SECTION 7‑7‑490, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO ADD THE RIVER RIDGE PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John Matthews, Margie*

McElveen Nicholson Peeler

Rankin Sabb Scott

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.

**Printed Page 2763 . . . . . Wednesday, May 11, 2016**

**READ THE SECOND TIME**

H. 4705 -- Rep. Long: A BILL TO AMEND SECTION 7‑7‑350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN LANCASTER COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John Matthews, Margie*

McElveen Nicholson Peeler

Rankin Sabb Scott

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.

**Printed Page 2764 . . . . . Wednesday, May 11, 2016**

**SECOND READING FAILED**

H. 4877 -- Reps. Delleney, Pitts, Lucas, Bannister and Whipper: A BILL TO AMEND SECTION 63‑3‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO ADD TWO ADDITIONAL FAMILY COURT JUDGES WHO SHALL BE AT LARGE AND MUST BE ELECTED WITHOUT REGARD TO THEIR COUNTY OR CIRCUIT OF RESIDENCE.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 6; Nays 35**

**AYES**

Alexander Hembree Lourie

Sabb Sheheen Verdin

**Total--6**

**NAYS**

Bennett Bright Bryant

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Johnson Kimpson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, Margie* McElveen

Nicholson Peeler Rankin

Reese Scott Setzler

Shealy Thurmond Turner

Williams Young

**Total--35**

Having failed to receive the necessary vote, second reading failed.

**Printed Page 2765 . . . . . Wednesday, May 11, 2016**

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, CARRIED OVER**

H. 4937 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑59‑175 SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL AND TO PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND FUNCTIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (NL\4937C002.NL.SD16), which was adopted:

Amend the bill, as and if amended, Section 59-59-175, as contained in SECTION 1, by adding at the end of subsection (A):

/ Appointed members of the council shall serve for terms of four years each and until their successors are appointed and qualify. Vacancies on the council in appointed positions must be filled by appointment in the same manner of original appointment for the remainder of the unexpired term.

Any member of the council who is a public official with a term of office provided by law, including the State Superintendent of Education and members of the General Assembly, shall serve on the council for a term coterminous with his or her term of office as a public official. Designees of a public official shall serve at the pleasure of the designating public official.

Members of the council who are not public officials but who hold a specified position of employment shall serve on the council for as long as that person holds the specified position. Designees of a person who holds a specified position of employment shall serve at the pleasure of that person.

Members of the council are not deemed to hold an office of honor or profit in this State as the functions of council only involve providing advice, review, recommendations, or reports to other officials, boards, or departments. /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the committee amendment.

The amendment was adopted.

**Printed Page 2766 . . . . . Wednesday, May 11, 2016**

Senator HAYES proposed the following amendment (NBD\  
4937C001.NBD.SD16), which was adopted:

Amend the bill, as and if amended, Section 59-59-175(A), as contained in SECTION 1, by striking subitem (10) on page 2, beginning on line 14, and inserting:

/ (10) ten representatives of business appointed by the Governor, at least one of whom must represent small business, and one whom must represent the health care industry. Of the representatives appointed by the Governor, five must be recommended by statewide organizations representing business and industry. The chair is to be selected by the Governor from one of his appointees; /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

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

**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, CARRIED OVER**

H. 4090 -- Reps. Bedingfield, Sandifer, G.A. Brown, Ballentine and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑29‑25 SO AS TO PROVIDE ACTIONS THAT REQUIRE A CERTIFICATE OF AUTHORITY AS A PAWN BROKER; BY ADDING SECTION 40‑29‑55 SO AS TO PROVIDE FOR THE PERIODIC ADJUSTMENT OF CERTAIN MONETARY REQUIREMENTS IN A CERTAIN MANNER; BY ADDING SECTION 40‑29‑145 SO AS TO HOLD ORDERS ON PROPERTY IN THE POSSESSION OF A PAWNBROKER SUSPECTED TO HAVE BEEN MISAPPROPRIATED OR STOLEN; BY ADDING SECTION 40‑29‑155 SO AT TO PROVIDE A PERSON AGGRIEVED BY THE FINAL ADMINISTRATIVE ORDER OF THE DEPARTMENT OF CONSUMER AFFAIRS MAY REQUEST A CONTESTED CASE HEARING BEFORE THE ADMINISTRATIVE LAW COURT, AND TO PROVIDE THE DEPARTMENT MAY BRING AN ACTION TO ENFORCE ITS ORDER IF THE PERSON FAILS TO TIMELY REQUEST A CONTESTED CASE HEARING; TO AMEND SECTION 40‑39‑10, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PAWNBROKERS BY THE DEPARTMENT, SO AS TO REVISE THE DEFINITION OF “PLEDGED GOODS”

**Printed Page 2767 . . . . . Wednesday, May 11, 2016**

SPECIFICALLY TO EXCLUDE CERTAIN VEHICLES; TO AMEND SECTION 40‑39‑20, RELATING TO REGULATIONS OF PAWN BROKERS, SO AS TO REVISE REQUIREMENTS CONCERNING BACKGROUND CHECKS AND TO PROHIBIT THE EMPLOYMENT OF A PERSON CONVICTED OF A FELONY TO ENGAGE IN THE WORK OF A PAWNBROKER, SUBJECT TO CERTAIN EXCEPTIONS; TO AMEND SECTION 40‑39‑30, RELATING TO THE REQUIREMENT OF A CERTIFICATE OF AUTHORITY FOR EACH BUSINESS LOCATION OF A PAWNBROKER, SO AS TO PROVIDE A PAWNBROKER MAY RETAIN NO PLEDGED GOODS IN A LOCATION OTHER THAN THE LOCATION DESIGNATED IN THE CERTIFICATE OF AUTHORITY WITHOUT FIRST FILING A NOTIFICATION WITH THE DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT, AND TO PROVIDE A PAWNBROKER CONSPICUOUSLY SHALL POST THE HOURS OF OPERATION AND ANY CLOSURE AT EACH LOCATION; TO AMEND SECTION 40‑39‑40, RELATING TO THE PROHIBITION ON UNAUTHORIZED FEES, SO AS TO PROVIDE A PAWNBROKER THAT COLLECTS SUCH UNAUTHORIZED FEES MAY NOT COLLECT, RECEIVE, OR RETAIN ANY INTEREST OR CHARGES ON THE LOAN IN VIOLATION OF THIS CHAPTER AND HAS NO RIGHT TO POSSESS THE PLEDGED GOODS; TO AMEND SECTION 40‑39‑50, RELATING TO BONDS AND OTHER EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED FOR A CERTIFICATE OF AUTHORITY, SO AS TO REVISE AND DELETE SOME EXISTING REQUIREMENTS AND TO PROVIDE WITHIN TWENTY‑ONE CALENDAR DAYS AFTER THE OCCURRENCE OF AN EVENT THAT MAY AFFECT PLEDGED GOODS, A PAWNBROKER SHALL FILE A WRITTEN NOTICE ON A FORM PRESCRIBED BY THE DEPARTMENT DESCRIBING THE EVENT AND ITS EXPECTED IMPACT UPON THE BUSINESS; TO AMEND SECTION 40‑39‑70, RELATING TO RECORD KEEPING REQUIREMENTS, SO AS TO INCLUDE SALES AMONG THE AFFECTED TRANSACTIONS, TO REQUIRE VERIFICATION OF THE IDENTITY OF A PLEDGOR OR SELLER IN A CERTAIN MANNER, AND TO PROVIDE A PAWN OR PURCHASE TRANSACTION MUST BE PERFORMED BY THE OWNER OF THE PROPERTY, OR HIS AUTHORIZED AGENT, WHOSE IDENTITY AND AGENCY RELATIONSHIP MUST BE VERIFIED BY THE PAWNBROKER; TO AMEND SECTION 40‑39‑80,

**Printed Page 2768 . . . . . Wednesday, May 11, 2016**

RELATING TO THE ISSUANCE OF A MEMORANDUM OR NOTE AT THE TIME OF PAWNING OR PLEDGING, SO AS TO CHARACTERIZE THE MEMORANDUM OR NOTE AS A “PAWN TICKET” AND TO PROVIDE DETAILED, RELATED REQUIREMENTS; TO AMEND SECTION 40‑39‑100, RELATING TO PERMISSIBLE CHARGES ON LOANS BY PAWNBROKERS, SO AS TO REVISE THE MAXIMUM PERMISSIBLE AMOUNT; TO AMEND SECTION 40‑39‑120, RELATING TO THE RENEWAL OF A CERTIFICATE OF AUTHORITY, SO AS TO PROVIDE PENALTIES FOR FAILING TO TIMELY RENEW, AND TO PROVIDE REQUIREMENTS FOR A PAWN SHOP THAT MUST CLOSE BECAUSE OF A SURRENDER OR REVOCATION OF ITS CERTIFICATE OF AUTHORITY; TO AMEND SECTION 40‑39‑140, RELATING TO THE ACCEPTANCE OF PROPERTY OWNED BY A THIRD PARTY, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PAWNBROKER MUST RETURN PLEDGED PROPERTY THAT HAD BEEN LEASED BY A SELLER OR PLEDGOR TO THE LESSOR OF THE PROPERTY, AND TO PROVIDE A PAWNBROKER IS NOT LIABLE TO THE PLEDGOR OR SELLER OF PROPERTY THAT IS RECOVERED BY A LESSOR FOR RETURNING THE PROPERTY TO A LESSOR; AND TO AMEND SECTION 40‑39‑150, RELATING TO FINES AND PENALTIES FOR VIOLATIONS, SO AS TO TRANSFER CERTAIN AUTHORITY CONCERNING THESE FINES AND PENALTIES FROM THE ADMINISTRATIVE LAW COURT TO THE DEPARTMENT.

The Senate proceeded to a consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (4090R002.DR.TCA), which was adopted:

Amend the bill, as and if amended, page 7, by striking lines 33-43, and page 8, by striking lines 1-2, and inserting:

/ (F)(1) A pawnbroker may not employ a person to carry on the business of a pawnbroker or in any manner engage in the business of a pawnbroker that has been convicted of:

(a) a violent felony or a felony involving a financial transaction or institution as provided in Section 16-1-90, for eight years following conviction; or

(b) any other non-violent felony for five years following conviction.

(2) A pawnbroker may employ a person convicted as described in subsection (1) if the person:

**Printed Page 2769 . . . . . Wednesday, May 11, 2016**

(a) is an employee of a pawnbroker on the effective date of this section and subsequently has not been convicted of a felony; or

(b) is not an employee of a pawnbroker on the effective date of this section and the felony conviction occurred more than eight years before the person’s application for employment.

(3) Subject to the provisions of item (1), a person who is convicted of a felony is not eligible for employment with a pawnbroker or to engage in the business of a pawnbroker until a period of eight years after the conviction elapses without another felony conviction.” /

Amend the bill further, as and if amended, by striking SECTION 14 and SECTION 15 in their entirety and inserting:

/ SECTION 14. Section 40‑39‑140 of the 1976 Code is amended to read:

“Section 40‑39‑140. (A) No pawnbroker shall accept property from a pledgor or seller upon which there is evidence of ownership by a third party without first taking reasonable steps to ascertain its true ownership. Any such item accepted for pawn or purchased by a pawnbroker must be returned on demand without fee to the third party owner.

(B)(1) If property in the possession of a pawnbroker was leased to a pledgor or seller when the pledgor or seller pledged or sold the property to the pawnbroker, the pawnbroker shall return the property to the lessor if the lessor provides the pawnbroker with evidence that the property was the lessor’s property and was leased to the pledgor or seller at the time the property was pledged or sold to the pawnbroker. For the purposes of this section, a lease or other written agreement containing a matching item description shall be sufficient evidence of the lessor’s ownership of the property.

(2) If property in the possession of a pawnbroker was leased to a pledgor or seller when the pledgor or seller pledged or sold the property to the pawnbroker and the pawnbroker returns the property to the lessor, the pledgor or seller must pay the pawnbroker:

(a) the amount financed, the finance fee for the pawn transaction, and any costs associated with collecting those amounts and fees, if the property was pledged to the pawnbroker; or

(b) the amount that the pawnbroker paid the seller and any costs associated with collecting that amount if the property was sold to the pawnbroker.

(3) A pawnbroker is not liable to the pledgor or seller of property that is recovered by a lessor under item (1) for returning the property to a lessor.”

**Printed Page 2770 . . . . . Wednesday, May 11, 2016**

SECTION 15. Section 40‑39‑150 of the 1976 Code is amended to read:

“Section 40‑39‑150. (A) Upon finding that an action of a pawnbroker is in violation of the provisions of this chapter or of a law or regulation of this State or of the federal government or an agency of the state or federal government, the administrator may ~~file a request with the Administrative Law Court for a contested case hearing in which the administrator may seek~~ issue an administrative order requiring the pawnbroker to cease and desist from the action and may suspend, revoke, or refuse to issue a certificate of authority by order.

(B) The ~~administrative law judge~~ administrator also may ~~impose~~ issue an administrative order imposing administrative ~~fines~~ penalties of up to seven hundred fifty dollars for each offense upon persons violating any of the provisions of this chapter up to a maximum of fifteen thousand dollars for the same set of transactions or occurrences. Each violation constitutes a separate offense. In addition, a person violating the provisions of Sections 40‑39‑20 and 40‑39‑30 is guilty of a misdemeanor and, upon conviction, must be punished by a fine not exceeding one thousand dollars or by imprisonment for a term not exceeding sixty days, or both. ~~The administrative law judge may revoke or suspend a pawnbroker’s certificate of authority in addition to the penalties provided in this section.~~” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

The amendment was adopted.

Senator ALEXANDER proposed the following amendment (4090R003.DR.TCA), which was adopted:

Amend the bill, as and if amended, page 7, by striking lines 13‑22 and inserting:

/ (D)(1) Upon the filing of an application for a certificate of authority, if the administrator concludes that the financial responsibility and experience of the applicant and its employees, members, partners, officers, and directors, if applicable, command the confidence of the community and warrants belief that the business may be operated honestly, fairly, and efficiently according to the purposes of this chapter and in accordance with all applicable state and federal laws, it shall issue a certificate of authority. If the administrator does not reach this

**Printed Page 2771 . . . . . Wednesday, May 11, 2016**

conclusion, he shall refuse to issue the certificate of authority to the applicant and shall notify the applicant of the denial.

(2) A rebuttable presumption of the financial responsibility and experience necessary to meet the standard in item (1) is created when the person seeking the certificate of authority complies with the provisions contained in Section 40‑39‑50(A). /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

On motion of Senator DAVIS, the Bill was carried over

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

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

**Printed Page 2772 . . . . . Wednesday, May 11, 2016**

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.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (4932R001.KM.LKG), which was adopted:

Amend the bill, as and if amended, page 7, line 40 by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Section 48-20-280 of the 1976 Code is amended to read:

“Section 48-20-280. The provisions of this chapter do not apply to those activities of the:

(1) South Carolina State Ports Authority, nor of a person acting under contract with the authority; undertaken solely in connection with the construction, repair, and maintenance of the authority’s shipping container terminals; or

(2) Department of Transportation, nor of a person acting under contract with the department, on highway rights-of-way or borrow pits maintained solely in connection with the construction, repair, and maintenance of the public road systems of the State. This exemption does not become effective until the department has adopted reclamation standards applying to those activities and the standards have been approved by the council. At the discretion of the department, the provisions of this chapter may apply to mining on federal lands.” /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the committee amendment.

**Printed Page 2773 . . . . . Wednesday, May 11, 2016**

The amendment was adopted.

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

**CARRIED OVER**

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

On motion of Senator MALLOY, the Bill was carried over

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,

**Printed Page 2774 . . . . . Wednesday, May 11, 2016**

TO ESTABLISH DEFENSES FOR A MOTOR VEHICLE DEALER, AND TO AUTHORIZE THE DEPARTMENT OF CONSUMER AFFAIRS TO ADMINISTER AND ENFORCE MOTOR VEHICLE DEALER CLOSING FEES.

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

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

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

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

**Printed Page 2775 . . . . . Wednesday, May 11, 2016**

PROPERTY WAS IMPROPERLY CLASSIFIED AS OWNER‑OCCUPIED RESIDENTIAL PROPERTY WHILE OWNED BY THE TRANSFEROR ARE SOLELY A PERSONAL LIABILITY OF THE TRANSFEROR AND DO NOT CONSTITUTE A LIEN ON THE PROPERTY AND ARE NOT ENFORCEABLE AGAINST THE PROPERTY AFTER THE ASSESSABLE TRANSFER OF INTEREST IF THE TRANSFEREE IS A BONA FIDE PURCHASER FOR VALUE WITHOUT NOTICE.

On motion of Senator YOUNG, 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. 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.

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

H. 4931 -- Reps. Gambrell, Gagnon, Bannister, Mitchell and Thayer: A BILL TO AMEND SECTION 38‑53‑85, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EDUCATION AND CONTINUING EDUCATION REQUIREMENTS FOR

**Printed Page 2776 . . . . . Wednesday, May 11, 2016**

PROFESSIONAL BONDSMEN, SURETY BONDSMEN, AND RUNNERS, SO AS TO INCREASE THE NUMBER OF HOURS OF EDUCATION REQUIRED FOR LICENSURE AND FOR CONTINUING EDUCATION; AND TO AMEND SECTION 38‑53‑320, RELATING TO VISITING AND EXAMINING PROFESSIONAL BONDSMEN BY THE DEPARTMENT OF INSURANCE, SO AS TO SUBJECT SURETIES TO THESE VISITS AND EXAMINATIONS, AND TO REQUIRE BONDSMEN TO MAINTAIN A PROPERLY ZONED OFFICE IN THIS STATE THAT IS ACCESSIBLE TO THE GENERAL PUBLIC AND DEPARTMENT DURING NORMAL BUSINESS HOURS, AND TO REQUIRE THE BONDSMAN TO PROVIDE CERTAIN CONTACT INFORMATION.

Senator CROMER explained the Bill.

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

H. 4938 -- Education and Public Works Committee: A JOINT RESOLUTION TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION, WITH THE ASSISTANCE OF OTHER ENTITIES, SHALL SURVEY STUDENTS ENROLLED IN THE STATE’S COLLEGES OF EDUCATION AND INCLUDE QUESTIONS INQUIRING AS TO WHETHER THE STUDENTS HAVE EVER CONSIDERED TEACHING IN A RURAL AND ECONOMICALLY CHALLENGED SCHOOL DISTRICT AND WHAT INCENTIVES, IF ANY, WOULD CAUSE THEM TO CONSIDER WORKING IN SUCH A DISTRICT.

Senator HAYES explained the Resolution.

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

H. 4939 -- Education and Public Works Committee: A BILL TO ESTABLISH A COMMITTEE COMPOSED OF SPECIFIED MEMBERS TO REVIEW ALL EXISTING STATE EDUCATION STATUTES AND REPORT TO THE GENERAL ASSEMBLY THOSE WHICH ARE OBSOLETE OR NO LONGER APPLICABLE; AND TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP THE SYSTEM FOR PROVIDING SERVICES AND TECHNICAL ASSISTANCE FOR SCHOOL DISTRICTS ON A REGIONAL BASIS TO INCLUDE ACADEMIC ASSISTANCE AND ASSISTANCE WITH FINANCES, AND TO PROVIDE THAT THE SUPERINTENDENT OF EDUCATION

**Printed Page 2777 . . . . . Wednesday, May 11, 2016**

SHALL REPORT THE DESIGN OF THE SYSTEM TO THE GENERAL ASSEMBLY NO LATER THAN DECEMBER 31, 2016, AND EVERY YEAR THEREAFTER REPORT THE PROGRESS OF THE SYSTEM IN REGARD TO ASSISTANCE PROVIDED TO LOCAL SCHOOL DISTRICTS, AND ALSO TO REQUIRE THAT THE DEPARTMENT OF EDUCATION SHALL MONITOR THE OPERATIONS OF SCHOOL BOARDS IN UNDERPERFORMING DISTRICTS TO DETERMINE IF THEY ARE OPERATING EFFICIENTLY AND EFFECTIVELY AND TO PROVIDE THAT THE DEPARTMENT SHALL MONITOR THE PROFESSIONAL DEVELOPMENT OF TEACHERS, STAFF, AND ADMINISTRATORS IN DISTRICTS IT DETERMINES ARE UNDERPERFORMING TO ASCERTAIN WHAT IMPROVEMENTS AND CHANGES ARE NECESSARY.

Senator HAYES explained the Bill.

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

H. 4941 -- Education and Public Works Committee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑20‑90 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP AND ADOPT A STATEWIDE PROGRAM FOR IDENTIFYING FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT, IF UNCORRECTED, COULD COMPROMISE THE FISCAL INTEGRITY OF A SCHOOL DISTRICT AND FOR ADVISING THE DISTRICT ON HOW TO TAKE APPROPRIATE CORRECTIVE ACTIONS, AND TO DIRECT THE DEPARTMENT TO PROMULGATE EMERGENCY REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION; AND BY ADDING SECTION 59‑20‑95 SO AS TO REQUIRE THE STATE AUDITOR TO ADOPT THE STATEWIDE PROGRAM CREATED BY THE DEPARTMENT OF EDUCATION IN SECTION 59‑20‑90 AND USE IT TO IDENTIFY FISCAL PRACTICES AND BUDGETARY CONDITIONS THAT, IF UNCORRECTED, COULD COMPROMISE THE FISCAL INTEGRITY OF A STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY AND TO ADVISE THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY ON HOW TO TAKE APPROPRIATE CORRECTIVE ACTIONS, AND TO PROVIDE EXCEPTIONS TO ENABLE THE STATE AUDITOR TO DIRECT THE DEPARTMENT TO IMMEDIATELY ASSUME

**Printed Page 2778 . . . . . Wednesday, May 11, 2016**

EMERGENCY MANAGEMENT OF THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY FOR WHICH IT HAS MADE A DECLARATION OF FISCAL CAUTION OR FISCAL EMERGENCY, TO CONTINUE THIS EMERGENCY MANAGEMENT OF THE LOCAL EDUCATION AGENCY UNTIL THE STATE AUDITOR RELEASES THE STATE AGENCY THAT IS ALSO A LOCAL EDUCATION AGENCY FROM THE DECLARATION OF FISCAL CAUTION OR FISCAL EMERGENCY, AS APPLICABLE, AND TO DIRECT THE STATE AUDITOR TO PROMULGATE EMERGENCY REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

Senator HAYES explained the Bill.

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

S. 1162 -- Senators Peeler and McElveen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑61‑55 SO AS TO REQUIRE THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CREATE PRIMARY AND SECONDARY CALL LISTS FOR AIR AMBULANCE SERVICE PROVIDERS, PROVIDE THE LISTS AND AIR AMBULANCE FEE SCHEDULES TO CERTAIN PERSONS AND ENTITIES, AND ESTABLISH AIR AMBULANCE SERVICE RESPONSE ZONES AND PROTOCOL FOR RESPONDING TO REQUESTS FOR AIR AMBULANCE SERVICES, TO REQUIRE AIR AMBULANCE SERVICE PROVIDERS TO PROVIDE FEE SCHEDULES UPON REQUEST, AND TO REQUIRE HOSPITALS TO MAKE REASONABLE EFFORTS TO INFORM PATIENTS OF AIR AMBULANCE FEES BEFORE REFERRAL, WITH EXCEPTIONS; TO AMEND SECTION 44‑61‑30, AS AMENDED, RELATING TO STANDARDS AND REGULATIONS TO IMPROVE EMERGENCY MEDICAL SERVICES, SO AS TO REQUIRE REGULATIONS FOR AIR AMBULANCE SERVICE PROVIDERS; AND BY ADDING SECTIONS 38‑71‑295 AND 42‑5‑75 SO AS TO DEFINE CERTAIN TERMS PERTAINING TO CLASSIFICATION OF EMERGENCY SERVICES FOR PURPOSES OF ACCIDENT AND HEALTH INSURANCE POLICIES AND WORKERS’ COMPENSATION INSURANCE POLICIES.

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

**Printed Page 2779 . . . . . Wednesday, May 11, 2016**

H. 4547 -- Reps. Rutherford, Hosey and Alexander: A BILL TO AMEND SECTION 63‑19‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF “CHILD” AND “JUVENILE” IN THE JUVENILE JUSTICE CODE, SO AS TO CHANGE THE AGE TO A PERSON UNDER TWENTY‑ONE YEARS OF AGE, WITH EXCEPTIONS; TO AMEND SECTIONS 63‑19‑1030, 63‑19‑1210, 63‑19‑1410, 63‑19‑1420, 63‑19‑1440, AS AMENDED, 63‑19‑1650, AND 63‑19‑2050, AS AMENDED, ALL RELATING TO JUVENILE JUSTICE, SO AS TO MAKE CONFORMING CHANGES.

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

S. 936 -- Senators Shealy, Bryant and Hembree: A BILL TO AMEND SECTION 56‑1‑100 OF THE 1976 CODE, RELATING TO DRIVERS’ LICENSES, TO PROVIDE FOR MINORS TO BE ABLE TO APPLY FOR A BEGINNER’S PERMIT, INSTRUCTION PERMIT, OR DRIVER’S LICENSE UNDER THE AUTHORIZATION OF A RESPONSIBLE ADULT WILLING TO ASSUME THE OBLIGATION IMPOSED.

Senator HEMBREE explained the committee amendment.

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

H. 4999 -- Reps. Goldfinch, Merrill, Clemmons, Ridgeway, G.M. Smith, Yow, Erickson and Long: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 30, TITLE 44 SO AS TO BE ENTITLED “IMMUNITY FROM LIABILITY FOR PROVIDING FREE HEALTH CARE SERVICES”, AND TO PROVIDE THAT THE SERVICES OF A HEALTH CARE PROVIDER TREATING A PATIENT FREE OF CHARGE ARE DEEMED TO BE WITHIN THE SCOPE OF THE GOOD SAMARITAN STATUTE; TO REENTITLE CHAPTER 30, TITLE 44 AS “HEALTH CARE PROFESSIONALS”; TO DESIGNATE SECTIONS 44‑30‑10 THROUGH 44‑30‑90 AS ARTICLE 1, CHAPTER 30, TITLE 44, ENTITLED “HEALTH CARE PROFESSIONAL COMPLIANCE ACT”; AND TO AMEND SECTION 38‑79‑30, RELATING TO LIABILITY OF HEALTH CARE PROVIDERS WHEN PROVIDING FREE MEDICAL CARE, SO AS TO REQUIRE A WRITTEN AGREEMENT OF PROVISION OF THE VOLUNTARY, UNCOMPENSATED CARE AND TO ALLOW THE WRITTEN AGREEMENT TO BE AN ELECTRONIC RECORD.

**Printed Page 2780 . . . . . Wednesday, May 11, 2016**

Senator CLEARY explained the Bill.

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

**ADOPTED**

S. 1175 -- Senator L. Martin: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN’S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON WEDNESDAY, NOVEMBER 16 THROUGH SATURDAY, NOVEMBER 19, 2016. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

The Resolution was adopted.

S. 1220 -- Senators Peeler, Setzler, J. Matthews, Courson, Malloy, Alexander, Nicholson, Campbell, Williams, Johnson, Cromer, Hutto, Kimpson and McElveen: A SENATE RESOLUTION TO AUTHORIZE THE COMMISSIONING OF A PORTRAIT OF THE HONORABLE HUGH K. LEATHERMAN, SR. OF FLORENCE TO BE PLACED IN THE SENATE CHAMBER, LONGTIME AND BELOVED SENATOR FROM THE THIRTY-FIRST SENATORIAL DISTRICT, A LOYAL AND COMPASSIONATE PUBLIC SERVANT AND A DISTINGUISHED STATESMAN.

The Resolution was adopted.

H. 5225 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME NORTH 9TH AVENUE IN THE TOWN OF DILLON “ROBERT MCRAE MEMORIAL AVENUE” AND TO ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS AVENUE THAT CONTAIN THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

H. 4966 -- Rep. G.M. Smith: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2016 AS “MENTAL HEALTH MONTH” IN SOUTH CAROLINA AND TO RAISE COMMUNITY AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS

**Printed Page 2781 . . . . . Wednesday, May 11, 2016**

AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESSES.

The Resolution was adopted, ordered returned to the House.

H. 5252 -- Reps. Pope, Hamilton, 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, 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, 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 AFFIRM THE DEDICATION OF THE GENERAL ASSEMBLY TO THE FUTURE SUCCESS OF ALL OF SOUTH CAROLINA’S CHILDREN AND TO DECLARE MAY 14, 2016, “CHILDHOOD APRAXIA OF SPEECH DAY” IN THE STATE OF SOUTH CAROLINA.

The Resolution was adopted, ordered returned to the House.

H. 5087 -- Reps. 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,

**Printed Page 2782 . . . . . Wednesday, May 11, 2016**

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 REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF ALLIGATOR ROAD IN FLORENCE COUNTY FROM ITS INTERSECTION WITH SAVANNAH GROVE ROAD TO ITS INTERSECTION WITH WHIPPORWILL ROAD “DR. RALPH W. CANTY, SR. HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THIS DESIGNATION.

The Resolution was adopted, ordered returned to the House.

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

**MOTION UNDER RULE 32B ADOPTED**

H. 3430 -- Reps. Simrill, G.M. Smith, Felder, Pope, Weeks, Taylor, Hixon, Corley, Norrell, Ridgeway, Henderson, G.A. Brown, Long, Lucas, Pitts, Atwater, Gagnon, Gambrell, Wells and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO SELL OR INSTALL AN UNMOUNTED, UNSAFE USED TIRE ONTO A PASSENGER CAR OR LIGHT TRUCK, TO DEFINE “UNSAFE” FOR THE PURPOSES OF THE CHAPTER, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CONDUCT INSPECTIONS, TO PROVIDE A CIVIL FINE FOR EACH VIOLATION, TO PROVIDE THAT THIS CHAPTER DOES NOT LIMIT A BUSINESS OR INDIVIDUAL’S LIABILITY UNDER THE STATE’S PRODUCTS LIABILITY LAWS, AND TO EXEMPT A BUSINESS OR PERSON WHO IS SELLING TIRES FOR RETREADING.

Senator CROMER, Chairman of the Committee on Rules, moved under the provisions Rule 32B to take up H. 3430 in the ordinary course of business after Special Orders.

Senator CROMER explained the Bill.

**Printed Page 2783 . . . . . Wednesday, May 11, 2016**

The motion under Rule 32B was adopted.

**MOTION FOR SPECIAL ORDER FAILED**

S. 719 -- Senators Bright, Cromer, Bryant, S. Martin, Turner, Fair, Shealy, Grooms, Massey, Verdin, Young, Davis and Peeler: 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.

Senator MASSEY moved that the Bill be made a Special Order.

Senator CAMPSEN argued in opposition of the motion.

Senator BRIGHT argued in favor of the motion.

The question then was the motion to make the Bill a Special Order.

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

**Ayes 24; Nays 16; Present 2**

**AYES**

Alexander Bennett Bright

Bryant Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Leatherman *Martin, Larry*

*Martin, Shane* Massey Peeler

Rankin Setzler Shealy

Turner Verdin Young

**Total--24**

**NAYS**

Campbell Campsen Cleary

Coleman Hutto Johnson

Kimpson Lourie *Matthews, John*

**Printed Page 2784 . . . . . Wednesday, May 11, 2016**

*Matthews, Margie* McElveen Nicholson

Reese Sabb Scott

Sheheen

**Total--16**

**PRESENT**

Malloy Thurmond

**Total--2**

Having failed to receive the necessary vote, the motion to make the Bill a Special Order failed.

**Statement by Senator CAMPBELL**

I am pro-life but this Bill cannot stop abortion but will put all South Carolina’s abortion limiting Bills in jeopardy when a liberal US Supreme Court rules it unconstitutional. South Carolina could end up with unlimited abortion. Think about the 20-Week Pain Capable Bill and the other limitations we have used to significantly reduce the use of abortion for birth control. A vote on this Bill hurts the pro-life gains we have made.

**Remarks by Senator CAMPSEN**

Thank you, Mr. PRESIDENT. I am going to vote against this motion and I want to explain why. It is not because I’m pro-choice or pro-abortion. I’m as pro-life as any member in this Chamber.

I believe as a matter of principle that life begins at conception. Many of you probably don’t know this, but I majored in biology as an undergraduate, not prelaw or history, and actually went to medical school for a semester. Throughout my entire career studying biology, for every organism that we studied, it was settled science that life begins at the moment of conception. It amazes me how we manipulate words and concepts in this culture to further political agendas, ideological positions or philosophical worldviews. We seem to believe that life begins at conception for every organism except human beings. That is a convenient way for many people who support abortion to frame the issue.

I believe as a matter of logic that life begins at conception. If it doesn’t begin at conception, when does it begin? What other event after conception could possibly be the proximate cause of life? There is no

**Printed Page 2785 . . . . . Wednesday, May 11, 2016**

other event. After conception all that is necessary is time and nutrition. All a fertilized zygote needs is time in its mother’s womb and nutrition, and a baby comes to term and delivery.

Theologically I believe life begins at conception because God created man in His own image. Psalm 139:13 says, “You created my inmost being and you knit me together in my mother’s womb.”

There are many reasons from numerous disciplines that lead me to conclude life begins at conception.

As a matter of principle I completely agree with the notion that the unborn child is human life from the moment of conception. But I also went to law school, and as a matter of law I realize that this proposal has no reasonable chance of outlawing abortion. I wish it did. If I could pass a Bill that outlawed abortion as a state lawmaker, I would do it. There are a lot of federal court decisions I would overturn if we could pass state laws to overturn them. But it simply is not legally possible to do that. Under current Supreme Court jurisprudence we cannot pass a state law to outlaw abortion, and I am opposed to attempting to implement a strategy to outlaw abortion that has no reasonable chance of success.

I have voted to prevent state funding of abortions in all cases except when it is medically necessary to save the life of the mother. I have been criticized for it, but I believe that is the vote I must take if I really believe life begins at conception. I authored the Unborn Victims Act when I was a member of the House, an act that acknowledges the humanity of unborn children in the context of criminal homicide, and wrongful death tort actions. I passed it through the House three times when I was a House member, but each time the Senate refused to pass it. When I came over to the Senate, I still could not get it passed. It was not until I got former Senator McConnell to author it that it finally passed into law. I authored the Born Alive Infant Protection Act and an Act outlawing partial-birth abortion.

I authored the Human Cloning Prevention Act. Cloning is particularly heinous because it involves intentionally creating human life through a process called somatic cell nuclear transfer, with the intent of destroying that life and harvesting its stem cells. The cloning process involves removing the nucleus from a somatic cell, and inserting the somatic cell nucleus into a germ cell that has had its nucleus removed. An electrical current is then passed through the cell to initiate cell division, thus creating a zygote. The zygote is allowed to develop until its stem cells are ripe for harvest. It is then destroyed and its stem cells harvested. Cloning treats human life like a crop that is planted and harvested for its parts. It is therefore particularly heinous. We had a two day conference

**Printed Page 2786 . . . . . Wednesday, May 11, 2016**

committee meeting on the cloning Bill when I was a House member. We even took testimony. There never had been a conference committee like it before, or since. However, we could not get it passed through the Senate.

The point I am making is I have demonstrated my commitment to the pro-life movement through legislation I have sponsored. I have supported other pro-life Bills in South Carolina as well, such as those requiring parental involvement when minors seek an abortion, informed consent, ultrasound requirements, and abortion clinic standards. We have the South Carolina Pain-Capable Unborn Child Protection Act over in the House right now. These are all ways to fight back against the pro-abortion jurisprudence that the Supreme Court handed down to us beginning with *Roe v. Wade* in 1973. My problem with this personhood Resolution as a lawyer is that I do not see how this can possibly outlaw abortion. And this is not just my opinion.

There are two documents I am distributing. The first is an eleven page legal memorandum by James Bopp, Jr. The second is an article from Life News. Now, who is James Bopp, Jr.? The National Law Journal named him one of the one hundred most influential lawyers in America in 2013. The National Republican Lawyers Association named him the Republican Lawyer of the Year in 2009. He won the John Cardinal O’Conner Pro-Life Hall of Fame Award in 2005. He is a member of the Republican National Committee and the Federalist Society for Law and Public Policy. He is a member of the Board of Governors of the Republican National Lawyers Association, General Counsel for the James Madison Center for Free Speech, and General Counsel for Focus on the Family. He has also served as General Counsel for the National Right to Life Committee since 1978. Did you hear that? For thirty-eight years Mr. Bopp has been fighting the pro-life cause in federal courts as General Counsel for the National Right to Life Committee. He has many other accolades as well.

I refer you to his eleven page memorandum. I would have less confidence in my view that this personhood Resolution is an ineffective strategy to outlaw abortion if it were simply my opinion. However, it is the opinion of Mr. Bopp as well -- an extremely accomplished lawyer who has been at the forefront of fighting abortion for almost four decades. In fact, he drafted the National Right to Life Committee’s proposed amendment to the Federal Constitution in 1978. We could outlaw abortion by amending the federal constitution as opposed to a state constitution, which is being attempted here, and Mr. Bopp helped

**Printed Page 2787 . . . . . Wednesday, May 11, 2016**

draft the amendment to accomplish that. Unfortunately the amendment did not pass.

Look at page three of Mr. Bopp’s memorandum. He addresses state personhood constitutional amendments like the one before us. Consider his opinion regarding this notion that we can pass a personhood Bill or constitutional amendment at the state level that outlaws abortion. He says, “No amount of stirring rhetoric arguing that the states have a duty to do something to trigger reconsideration of *Roe* changes the hard fact that such an effort is presently doomed to expensive failure. Both passion for the pro-life cause, and wisdom about the means to achieve it, must be maintained if the pro-life movement is to ultimately succeed.” Mr. Bopp further indicates there is a real danger if we pass this. We may very well do damage to the pro-life cause.

The danger, according to Mr. James Bopp, General Counsel for the National Right to Life Committee for thirty-eight years, and one of the top one hundred lawyers in the country according to the National Law Journal, is that we would give Justice Ginsberg the opportunity to advocate for an equal protection analysis instead of a substantive due process analysis. Under an equal protection analysis, state restrictions, such as the ones I mentioned previously, would be struck down. That is the risk we run if this were to get to the United States Supreme Court. Bopp also said, “A vital battle stratagem is to choose the proper terrain --favorable to you and unfavorable to your foe.” Senators, this is not the proper terrain. We just lost the greatest pro-life advocate on the Supreme Court in recent history, Justice Antonin Scalia. Look at the Supreme Court today. We would be waging war in an environment that is extremely hostile to the pro-life cause. We would give Justice Ginsberg the opportunity to adopt a new “equal protection” theory justifying the right to abortion, which in turn would be used to strike down state restrictions on abortion.

Bopp concludes, “If the high court did agree to hear the case, there is very substantial danger that the majority of the justices would adopt a stronger basis for finding that there is a fundamental right to abortion than the due process rational Justice Harry Blackmun used in the landmark 1973 *Roe v. Wade* decision. If that were to happen, the current state and federal restrictions on abortions, such as the Hyde amendment banning federal funding of abortions in the Medicaid program, and laws requiring parental notification before a minor gets an abortion, would be swept away.”

I want you all to vote your conscience. I’m voting my conscience because I believe this proposal poses significant risk that damage will be

**Printed Page 2788 . . . . . Wednesday, May 11, 2016**

done to the pro-life cause, and very little chance -- virtually no chance ‑‑ that it will result in abortion being outlawed.

Ask yourself these questions: If this Resolution could really outlaw abortion wouldn’t the National Right to Life Committee be beating down our doors encouraging you to support it? Wouldn’t Americans United for Life be bombarding you with emails and all types of communications? Americans United for Life has a model state personhood constitutional amendment, but that amendment has a provision subordinating it to the Constitution of the United States and the decisional interpretations thereof. This clearly demonstrates Americans United for Life realizes state personhood amendments can’t strike down abortion. You cannot overturn a U.S. Supreme Court decision with a state law.

Clark Forsythe, my friend, is chief legal counsel for Americans United for Life. He is quoted in the Life News article I handed out. He said, “The Personhood Amendment is not the right legislative vehicle to end abortion. . . . even if the court were ready to reverse *Roe*.” Mr. Forsythe and Mr. Bopp are champions in the pro-life movement. These are folks who have dedicated their entire career to the pro-life cause. If I thought this would strike down *Roe* and that we could pass a Bill that would outlaw abortion I would do it. As a matter of principle, I believe life begins at conception. As a matter of law, this proposal will not outlaw abortion.

I respect and appreciate the zeal of those who support this proposal. I just have a different view when it comes to strategy. I respect Steve Lefemine and Johnny Gardner who are there every day in our lobby, asking us to protect the unborn. You don’t often see people with their level of commitment. I just don’t agree that this is a good legal strategy to strike down abortion. In fact, I think it can end up funding Planned Parenthood lawyers. When we lose the inevitable litigation, we are only going to be sending a bunch of money to Planned Parenthood and their attorneys.

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

**Motion Failed**

At 5:02 P.M., Senator LEATHERMAN moved to dispense with the balance of the Motion Period.

**Printed Page 2789 . . . . . Wednesday, May 11, 2016**

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

**Ayes 12; Nays 29**

**AYES**

Coleman Hutto Johnson

Kimpson Leatherman Lourie

*Matthews, John Matthews, Margie* McElveen

Nicholson Sabb Scott

**Total--12**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hembree Malloy *Martin, Larry*

*Martin, Shane* Massey Peeler

Rankin Reese Shealy

Sheheen Thurmond Turner

Verdin Young

**Total--29**

The Senate refused to table the motion to dispense the balance of the motion period.

The PRESIDENT announced that the time allowed for the motion period had expired.

**Motion Adopted**

Senator LARRY MARTIN moved that the Senate revert to the Motion Period.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Coleman Corbin

**Printed Page 2790 . . . . . Wednesday, May 11, 2016**

Courson Davis Fair

Gregory Grooms Hayes

Hembree Hutto Johnson

Kimpson Leatherman *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Young

**Total--39**

**NAYS**

**Total--0**

The motion was adopted.

**MADE SPECIAL ORDER**

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,

**Printed Page 2791 . . . . . Wednesday, May 11, 2016**

AND TO AUTHORIZE THE DEPARTMENT OF CONSUMER AFFAIRS TO ADMINISTER AND ENFORCE MOTOR VEHICLE DEALER CLOSING FEES.

Senator LARRY MARTIN moved that the Bill be set for Special Order.

Senator LARRY MARTIN spoke on the Bill.

Senator SHEHEEN spoke on the Bill.

The Bill was made a Special Order.

**Recorded Vote**

Senator GROOMS desired to be recorded as voting in favor of the adoption of the motion.

**Remarks by Senator SHEHEEN**

Thank you, Mr. PRESIDENT, ladies and gentlemen of the Senate. Thank you for allowing me some time to talk about why I support putting this on special order. I appreciate Senator DAVIS’ work in the committee.

Senator RANKIN, thank you for those kind comments. I appreciate your encouragement and your support and help on this matter. While I’m here talking during this ten minutes, I want to be a little bit serious about this matter.

I have noticed something in South Carolina. I have noticed that our small business sector, entrepreneurs, the family owned businesses, the business men and women who employ five or ten or two employees, are rapidly shrinking. If you think about it, when I grew up in Camden, South Carolina, we had a locally owned feed and seed store, we had locally owned grocery stores, and we had local people that sold a variety of dry goods. We had a lot of locally owned businesses.

Those businesses and those business owners were really the pillars of the community -- they really were. If you come to Camden now, and I would say in most of your cities, this is probably true as well, instead what you have is a lot of big corporations that employ people in your community; Walmart, Lowes, Kmart… I can go on and on as we have seen the consolidation of enterprise. One of the few businesses that remain generally locally owned, generally pillars of the community, generally very involved in charity and leadership are car dealers. That's just the truth. That is just the truth. When I look around my community, and when I look around my area, it's really interesting. They tend to be

**Printed Page 2792 . . . . . Wednesday, May 11, 2016**

entities that are regulated in such a way that they can't be consolidated into mega corporations. So, there are laws in South Carolina that prohibit the manufacturers of vehicles from being able to operate a car dealership. Thus, you are able to have this market that we create through our laws for small business owners, families and entrepreneurs to operate in our communities.

If you go to Chesterfield County, which I represent, you see the Bennett family who has operated a car dealership for multiple generations… who serve on all kind of committees, who contribute to the charities, who sponsor the little league baseball teams, to do the kinds of things we really need in our communities. If you come to Camden, we have a family who is there now who is owning and operating several of the dealerships, who do those types of things and are dedicated to the community. I say these things as someone who comes from the small business background, who still owns small businesses in the accounting profession, legal profession and real estate profession. I think it is important to try to bring stability and success wherever we can to small businesses in South Carolina.

South Carolina is in the top ten in unemployment in America. In other words, we are one of the ten worst in unemployment in America. We had the sixth lowest incomes in America the last time I checked. The sixth lowest incomes. I'm convinced a part of what has to change if we are going to turn that around, is that we have a more vibrant and healthy atmosphere for small business and entrepreneurs to grow their businesses. When you have a locally owned business, that money stays in your community, the profits stay in your community, the owners give and support your community. That's how you have a successful wealth building economic sector in South Carolina. In South Carolina you know what small businesses tend to get? The highest property taxes in America. You ask the car dealers what they pay -- what one of their biggest drags on their success is? Some of the highest property taxes in America. If you are a local business, small locally owned business in South Carolina, you are not getting a fee in lieu of. You are not getting cash from the government. You are not getting all the support that our big, giant corporations get that come to this State.

I believe that if this Bill is done correctly, and I have been a supporter ‑- we need to make sure that it is done in a way that preserves existing rights and doesn't change the playing field in the midst of the game -- that it protects the consumer and provides all those protections that we know need to be there. But, I do believe that we owe it to our small businesses in this situation, our car dealers, to have a stable

**Printed Page 2793 . . . . . Wednesday, May 11, 2016**

environment for which they can succeed. I think it is important, and I ask that we do that today. I appreciate your patience and your time. I look forward to chatting with you a little bit more as the evening goes on.

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

**MOTION ADOPTED**

At 5:22 P.M., on motion of Senator LARRY MARTIN, the Senate agreed to dispense with the balance of the Motion Period.

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

**CARRIED OVER**

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

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

**CARRIED OVER**

S. 454 -- Senators Campsen and Turner: A BILL TO AMEND CHAPTER 9, TITLE 50 OF THE 1976 CODE, RELATING TO HUNTING AND FISHING LICENSES, TO PROVIDE THAT A PERSON MUST HAVE IMMEDIATE ACCESS AND

**Printed Page 2794 . . . . . Wednesday, May 11, 2016**

AUTHORIZATION TO UTILIZE DEER QUOTA TAGS TO HUNT ON PROPERTY WITH A DEER QUOTA PROGRAM PERMIT, TO PROVIDE FOR THE DEER QUOTA PROGRAM AND REQUIREMENTS FOR APPLICATION THERETO, TO PROVIDE THAT A PERSON MUST POSSESS A SET OF INDIVIDUAL DEER TAGS FROM THE DEPARTMENT TO HUNT ON PROPERTY WITHOUT A DEER QUOTA PROGRAM PERMIT, TO SET THE DEER TAG FEES FOR IN AND OUT‑OF‑STATE RESIDENTS; TO AMEND SECTION 50‑9‑920(B)(6) OF THE 1976 CODE, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, TO SUBSTITUTE DEER QUOTA PROGRAM PERMIT FOR ANTLERLESS DEER QUOTA PERMIT; TO AMEND SECTION 50‑9‑920(B)(7) OF THE 1976 CODE, TO REMOVE “ANTLERLESS” AND SUBSTITUTE “INDIVIDUAL”; TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF GAME, TO PROVIDE FOR THE BAG LIMITS FOR ANTLERED AND ANTLERLESS DEER, AND THE LIMIT FOR DEER ON PROPERTY ENROLLED IN THE DEER QUOTA PROGRAM, TO PROVIDE THAT IT SHALL BE UNLAWFUL TO TAKE MORE THAN THE LEGAL LIMIT OF DEER, AND TO PROVIDE FOR THE PENALTIES FOR VIOLATIONS OF THE SECTION; TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF GAME, TO PROVIDE THAT THE DEPARTMENT SHALL ISSUE DEER TAGS AND TO PROVIDE FOR THE CIRCUMSTANCES SURROUNDING THE VALIDITY OF SUCH TAGS, TO PROVIDE THAT ALL DEER TAKEN MUST BE TAGGED, TO PROVIDE THAT IT SHALL BE UNLAWFUL TO POSSESS, MOVE, OR TRANSPORT AN UNTAGGED DEER, TO POSSESS MORE THAN ONE SET OF DEER TAGS OR TAGS ISSUED IN ANOTHER’S NAME, AND TO ALTER A DEER TAG FOR FRAUDULENT OR UNLAWFUL PURPOSES, AND TO PROVIDE FOR THE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 50‑11‑390 OF THE 1976 CODE, RELATING TO DEPARTMENTAL AUTHORITY OVER GAME ZONES, TO AUTHORIZE THE DEPARTMENT TO PROMULGATE NECESSARY REGULATIONS RELATED TO THE TAKING OF DEER; AND TO REPEAL SECTION 50‑11‑335 OF THE 1976 CODE.

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

**Printed Page 2795 . . . . . Wednesday, May 11, 2016**

**CARRIED OVER**

S. 950 -- Senators Grooms and Thurmond: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTION OF SOUTH CAROLINA HIGHWAY 162 AND SOUTH CAROLINA HIGHWAY 165 IN CHARLESTON COUNTY "CHARLESTON COUNTY POLICEMAN STEVEN BUIST HIOTT, JR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "CHARLESTON COUNTY POLICEMAN STEVEN BUIST HIOTT, JR. MEMORIAL HIGHWAY".

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

**CARRIED OVER**

S. 277 -- Senators Alexander, Rankin and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “STATE TELECOM EQUITY IN FUNDING ACT” BY ADDING SECTION 58‑9‑2515 SO AS TO CLARIFY THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION OVER CERTAIN PROVIDERS REGARDING TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE; BY ADDING SECTION 58‑9‑2535 SO AS TO PROVIDE FOR THE MANNER OF ASSESSING AND COLLECTING DUAL PARTY RELAY CHARGES BY LOCAL EXCHANGE PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS, AMONG OTHER THINGS; TO AMEND SECTION 58‑9‑10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF TELEPHONE SERVICE, SO AS TO REVISE THE DEFINITIONS OF “BASIC LOCAL EXCHANGE TELEPHONE SERVICE” AND “CARRIER OF LAST RESORT”; TO AMEND SECTION 58‑9‑280, AS AMENDED, RELATING TO THE UNIVERSAL SERVICE FUND FOR CARRIERS OF LAST RESORT, SO AS TO PROVIDE FOR THE TRANSITION OF THE INTERIM LOCAL EXCHANGE CARRIER FUND INTO THE UNIVERSAL SERVICE FUND, TO LIMIT THE SIZE OF THE UNIVERSAL SERVICE FUND, AND TO REQUIRE VOICE OVER INTERNET PROTOCOL PROVIDERS, COMMERCIAL MOBILE RADIO SERVICE PROVIDERS, AND PREPAID WIRELESS SERVICE PROVIDERS TO CONTRIBUTE TO THE UNIVERSAL SERVICE FUND; TO AMEND SECTION

**Printed Page 2796 . . . . . Wednesday, May 11, 2016**

58‑9‑576, AS AMENDED, RELATING TO CERTAIN STAND‑ALONE BASIC RESIDENTIAL LINE RATES, SO AS TO PROVIDE FOR THE TERMINATION OF THE RATES FIVE YEARS AFTER THEY BECOME EFFECTIVE; TO AMEND SECTION 58‑9‑2510, AS AMENDED, RELATING TO DEFINITIONS CONCERNING THE TELEPHONE SERVICE FOR HEARING AND SPEECH IMPAIRED PEOPLE, SO AS TO REVISE THESE DEFINITIONS AND PROVIDE ADDITIONAL NECESSARY DEFINITIONS; TO AMEND SECTION 58‑9‑2530, AS AMENDED, RELATING TO THE OPERATING FUND FOR A SYSTEM OF DUAL PARTY RELAY DEVICES AND RELATED TELECOMMUNICATIONS DEVICES, SO AS TO IMPOSE CERTAIN UNIFORM-RELATED SURCHARGES ON LOCAL EXCHANGE PROVIDERS; AND TO REPEAL SECTION 58‑9‑2540 RELATING TO AN ADVISORY COMMITTEE CONCERNING STATEWIDE TELECOMMUNICATIONS RELAY ACCESS SERVICE.

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

**CARRIED OVER**

S. 338 -- Senators S. Martin and Bryant: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS REGARDING PRISONERS, BY ADDING SECTION 24‑13‑180 TO PROVIDE THAT ANY PUBLIC, PRIVATE, OR NONPROFIT ENTITY WHICH IS ENGAGED IN HELPING TO REHABILITATE AND REINTRODUCE PAROLED PRISON INMATES INTO THE COMMUNITY AND WHICH AS A PART OF ITS PROGRAM PROVIDES RESIDENTIAL HOUSING IN THE COMMUNITY TO THESE PAROLEES MUST PROVIDE NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COMMUNITY OF THE ADDRESSES WHERE THESE RESIDENTIAL HOUSING FACILITIES WILL BE LOCATED, AND ALSO MUST CONDUCT A PUBLIC HEARING REGARDING THE PROGRAM AND THE LOCATION OF THESE RESIDENTIAL HOUSING FACILITIES IN THE COMMUNITY WHERE THEY WILL BE LOCATED.

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

**Printed Page 2797 . . . . . Wednesday, May 11, 2016**

**CARRIED OVER**

S. 788 -- Senator Campsen: A BILL TO AMEND SECTION 48‑39‑150, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPROVAL OF PERMITS TO ALTER CRITICAL AREAS, SO AS TO ENACT THE “MANAGED TIDAL IMPOUNDMENT PRESERVATION ACT”, BY EXEMPTING PROPERTY THAT IS DEEMED ELIGIBLE UNDER A UNITED STATES ARMY CORP OF ENGINEERS’ GENERAL PERMIT FROM PERMITTING REQUIREMENTS IN CERTAIN CIRCUMSTANCES AND GRANTING ENFORCEMENT AUTHORITY TO THE COASTAL DIVISION OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

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

**CARRIED OVER**

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

**Printed Page 2798 . . . . . Wednesday, May 11, 2016**

CHILD TO A COURT WHICH WOULD HAVE TRIAL JURISDICTION OF THE OFFENSES IF COMMITTED BY AN ADULT.

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

**CARRIED OVER**

S. 1035 -- Senators Cleary and Hutto: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA TELEMEDICINE ACT” BY ADDING SECTION 40‑47‑37 SO AS TO FACILITATE THE USE OF TELEMEDICINE BY ESTABLISHING CERTAIN RECORDKEEPING REQUIREMENTS; TO AMEND SECTION 40‑47‑20, RELATING TO DEFINITIONS USED IN CHAPTER 47, TITLE 40, SO AS TO PROVIDE DEFINITIONS FOR “ASYNCHRONOUS STORE AND FORWARD TRANSFER” AND “TELEMEDICINE”; AND TO AMEND SECTION 40‑47‑113, RELATING TO THE REQUIREMENT OF A PHYSICIAN‑PATIENT RELATIONSHIP BEFORE A PHYSICIAN MAY PRESCRIBE DRUGS FOR A PATIENT, SO AS TO ALLOW THE PRESCRIPTION OF DRUGS WHEN THE PHYSICIAN‑PATIENT RELATIONSHIP IS ESTABLISHED BY TELEMEDICINE.

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

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

**DEBATE INTERRUPTED**

**RETURNED TO CALENDAR**

H. 3430 -- Reps. Simrill, G.M. Smith, Felder, Pope, Weeks, Taylor, Hixon, Corley, Norrell, Ridgeway, Henderson, G.A. Brown, Long, Lucas, Pitts, Atwater, Gagnon, Gambrell, Wells and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO SELL OR INSTALL AN UNMOUNTED, UNSAFE USED TIRE ONTO A PASSENGER CAR OR LIGHT TRUCK, TO DEFINE “UNSAFE” FOR THE PURPOSES OF THE CHAPTER, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CONDUCT INSPECTIONS, TO PROVIDE A CIVIL FINE FOR EACH VIOLATION, TO PROVIDE THAT THIS CHAPTER DOES NOT LIMIT A BUSINESS OR INDIVIDUAL’S LIABILITY UNDER THE STATE’S PRODUCTS

**Printed Page 2799 . . . . . Wednesday, May 11, 2016**

LIABILITY LAWS, AND TO EXEMPT A BUSINESS OR PERSON WHO IS SELLING TIRES FOR RETREADING.

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

**Amendment No. 4**

Senator MALLOY proposed the following amendment (3430R007.EB.GM):

Amend the bill, as and if amended, page 2, by striking lines 39-42 in their entirety.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator SHEHEEN explained the amendment.

**Remarks by Senator SHEHEEN**

Ladies and gentlemen of the Senate. Senator MALLOY, thank you for raising that issue which I had actually not caught as I looked through the Bill.

Let me share with you, gentlemen and ladies, some of the concerns I have about this proposal. You know I was asked last week by a member of the press -- they said, “Senator SHEHEEN, why do you oppose the Bill that's called the tire safety act?” I said, “I oppose the Bill that's called screw the little man act.” That's what this Bill does. Let me explain why.

I will share with you some of the comments made by the car dealers, because they are very relevant here. I have a few small businesses that are still surviving, still pillars of the community, still contributing to the little league baseball teams, still keeping their profits in the community and in the State. I have a few of those left in my county and in my district. A few of those are tire repair shops that have been owned by families for a couple of generations. If you go to them, they will look at your tire and give you their opinion. They will tell you whether or not they think they can plug it or patch it, repair it, or whether they think you need a new tire. In this Bill, that judgment is taken away. I know there are a lot of you who talk about the fact. I bet when you go home to your district, you tell them you think we need less regulation.

Senator KIMPSON, I bet that when you campaigned, you told them we need less regulations in South Carolina; we have too many. I bet, Senator DAVIS, that you have gone and said, “We need less regulations and I'm not going to vote for more regulation.” Probably you even say, “I will

**Printed Page 2800 . . . . . Wednesday, May 11, 2016**

not vote for more regulation on small business.” I bet that has come out of the mouths of many of you. Let me explain to you what this Bill is and it is indisputable that's what this Bill is, more regulation on small business.

Now some of you might say, we need to protect small businesses and consumers from themselves, and sometimes I think we do. But, I don't run around saying what you guys often say, which I will hold you to on this Bill, because in Gaffney they don't want some big out of state corporations and the government telling them when they can plug their tires. I might be wrong and Senator PEELER will correct me if I'm wrong and I bet I'm not, because Gaffney is not all that different from Kershaw and Chesterfield Counties.

I believe you. You and I trust those car tire repair people to continue to make those decisions without the government and the big corporations telling them what they're going to do. Gentlemen and ladies, I think this is about small business and that's why I’m here.

I want to share with you some disturbing statistics in South Carolina. Right now, South Carolina is in the top ten worst unemployment states in America. Several months ago, which was the last statistics I could find, we had the sixth lowest average per capita incomes in America. We chase an economic development strategy that only focuses on one tier. I think this proposal is a symptom of that. That one tier is recruiting the out-of-state corporation to come to your state. And that's fine. We ought to do it. But it's not all that we ought to do and we shouldn't put all of our eggs in that basket because the result is a poor population and high unemployment.

I have a friend who's a businessman and he calls the economic development strategy of South Carolina a sharecropper's strategy. Sharecropper strategy. All of y'all are familiar with the share cropping phenomenon of many, many years ago. It is essentially like this: You get an out-of-state company to come here and hire some people. You get the jobs. You get the share crop. That's good. It is better than starving. But where do the profits go? The profits go to another country or to another state and you don't build wealth. The only way you build wealth in a state or in an economy is by having an entrepreneurial, small business successfully grow into a large business, hopefully, homegrown and operating within your state. You do that so that the wealth that's created stays in your communities. Stays in your states. Is reinvested. It is how you actually grow wealth and grow an economy.

We unfortunately in this State do part of that right. We recruit businesses to come locate here and that's great. We want those jobs. But what we

**Printed Page 2801 . . . . . Wednesday, May 11, 2016**

don't do well is support small businesses and entrepreneurs in South Carolina. This Bill is an example of that. This Bill is an example of more regulation on small business. This Bill is an example of consolidation of corporate corporatism. This Bill is an example of limiting the discretion of small businesses in your community who are trying to make a living and help their own local people. This Bill is an example of more regulation on decisions made by small businesses and consumers and people within your local community. That's not what we need to be doing.

Now if you wanted to help, really help car dealers or tire repair businesses or other locally-owned companies, you know what we would do during this session? We would lower their property taxes, right, Senator BENNETT? We would lower commercial property taxes instead of throwing billions of dollars at out-of-state corporations. Senator DAVIS, we would take that money and we would lower commercial businesses property tax rates. You know what you get if you're an industry in South Carolina that employs 20 people and is a manufacturer and you've had your family here for 50 years? You know what kind of break you get on your property taxes? None! You get the highest property taxes in America! That's what you get. Nobody's giving you a fee in lieu of. Nobody's throwing cash at you to redevelop the entranceway to your facility. You’re just getting flat out high commercial or industrial property tax rates. And then, and I hear this from small businesses, gentlemen and ladies, you get DHEC showing up at your office or DMV showing up at your office or whatever agency showing up at your office and telling you that such and such regulation applies that you didn't even know about. That you didn't even know about and that you're now going to be penalized $5,000, $10,000, $15,000 or $25,000. I have that happening right now in my community with a couple of agencies. Instead of them working with you about this regulation, you get slammed. I am quite confident that if this Bill passes, which I am quite confident it will not, you will have just one more regulation on your local small business that I don't think makes sense.

Now before I start sounding like a Libertarian, and my dad starts calling me up, I’m going to say that I believe that sensible regulation makes sense but I am very suspicious about regulation. I'm very suspicious about it. I'm very suspicious about regulation on small business and I am especially suspicious of regulation when I believe that it is being done not to protect the public's health but to protect the pocketbooks of a certain sector of business. Let's face it, that goes on all the time here. I mean, I see more turf battles between regulated industries that have

**Printed Page 2802 . . . . . Wednesday, May 11, 2016**

absolutely nothing to do with what's going to help Sally, Joey, Bill or Susan out there in the community. Instead, is what's going to help company "A" instead of company "B" or sector "A" over sector "B." That's not what we ought to be doing.

Senator DAVIS calls it picking favorites. Picking winners and losers. That's what he calls it. Picking winners and losers. I've heard him say that many times before. Well if we're picking winners and losers and the winner is my small business in my county, I’ll be honest with you, I’ll pick winners and losers. But if we're picking winners and losers and the loser is my small businesses in Kershaw County, I'm not playing that game. I look around the Chamber and I see our Sergeant at Arms who lives in my community, he knows exactly what tire dealers I’m talking about. Tire repair folks I’m talking about who have been there forever. I'm going to stand here and educate the Body about the need to protect these small businesses from this Bill. I'm going to go through this Bill with you because I think it is important that we take it apart, piece by piece.

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

Debate was interrupted by adjournment.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on May 11, 2016, at 4:30 P.M. and the following Acts and Joint Resolution were ratified:

(R174, S. 339) -- Senators Lourie and Scott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT “HOPE’S LAW” BY ADDING SECTION 44‑115‑160 SO AS TO REQUIRE MAMMOGRAM PROVIDERS TO PROVIDE A MAMMOGRAM REPORT TO PATIENTS ABOUT BREAST DENSITY AND TO REQUIRE THESE PROVIDERS TO INCLUDE A CONSPICUOUS NOTICE WHEN A MAMMOGRAM SHOWS THE PRESENCE OF DENSE BREAST TISSUE.

L:\COUNCIL\ACTS\339VR16.DOCX

**Printed Page 2803 . . . . . Wednesday, May 11, 2016**

(R175, S. 780) -- Senators McElveen and Campsen: AN ACT TO AMEND SECTION 50‑13‑1630, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE AND TRAFFICKING IN FISH, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT THE SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES MAY ISSUE PERMITS FOR THE RELEASE OR STOCKING OF STERILE WHITE AMUR, GRASS CARP, OR GRASS CARP HYBRIDS IN THIS STATE, AND TO PROVIDE THAT THE DEPARTMENT MAY ISSUE PERMITS FOR THE IMPORTATION, BREEDING, AND POSSESSION OF GRASS CARP.

L:\COUNCIL\ACTS\780CM16.DOCX

(R176, S. 863) -- Senators Scott and Jackson: AN ACT TO AMEND ACT 613 OF 1986, AS AMENDED, RELATING TO SCHOOL DISTRICTS IN RICHLAND COUNTY, SO AS TO REAPPORTION THE FOUR SINGLE‑MEMBER ELECTION DISTRICTS FROM WHICH THE TRUSTEES OF RICHLAND COUNTY SCHOOL DISTRICT ONE ARE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE‑MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

L:\COUNCIL\ACTS\863ZW16.DOCX

(R177, S. 1013) -- Senators Alexander and Davis: AN ACT TO AMEND CHAPTER 57, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REAL ESTATE BROKERS, SALESMEN, AND PROPERTY MANAGERS, SO AS TO RETITLE THE CHAPTER “REAL ESTATE BROKERS, SALESPERSONS, AND PROPERTY MANAGERS”, AND TO REVISE THE CHAPTER IN ITS ENTIRETY; TO PROVIDE FOR THE CONTINUITY OF EXISTING REGULATIONS PROMULGATED UNDER AUTHORIZATION OF THE CHAPTER REGARDLESS OF WHETHER THEIR RESPECTIVE AUTHORIZING PROVISIONS ARE REDESIGNATED.

L:\COUNCIL\ACTS\1013AB16.DOCX

**Printed Page 2804 . . . . . Wednesday, May 11, 2016**

(R178, S. 1016) -- Senators Cleary, Jackson, J. Matthews, Campbell, Davis, Scott, Turner, Rankin, Alexander and McElveen: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “EYE CARE CONSUMER PROTECTION LAW” BY ADDING CHAPTER 24 TO TITLE 40 SO AS TO ESTABLISH CERTAIN REQUIREMENTS TO DISPENSE SPECTACLES OR CONTACT LENSES.

L:\COUNCIL\ACTS\1016VR16.DOCX

(R179, S. 1238) -- Senators Leatherman and Williams: AN ACT TO AMEND ACT 806 OF 1952, AS AMENDED, RELATING TO THE ANNUAL BUDGET FOR FLORENCE COUNTY SCHOOL DISTRICT TWO, SO AS TO ONLY REQUIRE A SEPARATE MEETING OF THE CITIZENS IF THE PROPOSED BUDGET REQUIRES A MILLAGE INCREASE.

L:\COUNCIL\ACTS\1238DG16.DOCX

(R180, S. 1272) -- Senator Hayes: A JOINT RESOLUTION TO AUTHORIZE THE DEPARTMENT OF EDUCATION TO CARRY FORWARD CERTAIN FUNDS APPROPRIATED IN THE 2015‑2016 GENERAL APPROPRIATIONS ACT REGARDING SUPPLEMENTAL SUPPORT OF PROGRAMS AND SERVICES FOR STUDENTS WITH DISABILITIES SO AS TO MEET THE ESTIMATED MAINTENANCE OF EFFORT FOR THE INDIVIDUALS WITH DISABILITIES ACT (IDEA).

L:\COUNCIL\ACTS\1272DG16.DOCX

(R181, H. 3036) -- Reps. Cobb‑Hunter, Bamberg and McKnight: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53‑3‑75 SO AS TO DECLARE JANUARY SEVENTEENTH OF EACH YEAR AS “EARTHA KITT DAY” IN SOUTH CAROLINA IN HONOR OF THE LATE EARTHA MAE KITT, NATIONALLY AND INTERNATIONALLY KNOWN ACTRESS, SINGER, AND NATIVE SOUTH CAROLINIAN AND TO PROMOTE CULTURAL TOURISM IN THE STATE IN ORDER TO ENHANCE THE ECONOMIC WELL‑BEING AND IMPROVE THE QUALITY OF LIFE OF ALL SOUTH CAROLINIANS.

L:\COUNCIL\ACTS\3036AHB16.DOCX

**Printed Page 2805 . . . . . Wednesday, May 11, 2016**

(R182, H. 4717) -- Reps. White, Lucas, Hiott, Simrill, G.M. Smith, Lowe, Whitmire, Taylor, George, V.S. Moss, J.E. Smith, M.S. McLeod, Bowers, Corley, Parks, McKnight, Douglas, Knight, Erickson, Sandifer, Willis, Kirby, Clary, Cobb‑Hunter, Hardee, Duckworth, Johnson, Limehouse, Clyburn, Bales, Horne, Stavrinakis, Hayes, Yow, Neal, Kennedy, Newton, Tinkler, Riley, Howard, King, Henegan, Williams, Anthony, Clemmons, Crosby, Cole, Daning, Dillard, Forrester, Funderburk, Gambrell, Herbkersman, Hixon, Hosey, Loftis, Long, Pitts, Rivers, Rutherford, Ryhal, G.R. Smith, Wells, W.J. McLeod, Ridgeway, G.A. Brown, Bamberg, Hodges, Alexander, Thayer, McEachern, Gagnon, Whipper, R.L. Brown, Jefferson, Anderson, Spires and Hicks: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 46‑1‑160 SO AS TO CREATE THE “SOUTH CAROLINA FARM AID FUND” TO ASSIST FARMERS WHO HAVE SUFFERED AT LEAST A FORTY PERCENT LOSS OF AGRICULTURAL COMMODITIES AS A RESULT OF THE OCTOBER 2015 FLOOD, TO PROVIDE THAT THE FUND MUST BE ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE, TO CREATE A FARM AID ADVISORY BOARD TO MAKE RECOMMENDATIONS, TO SPECIFY ELIGIBILITY AND GRANT AMOUNTS, TO APPROPRIATE FUNDS FROM THE CAPITAL RESERVE FUND TO THE FUND, AND TO PROVIDE FOR THE DISSOLUTION OF THE FUND.

L:\COUNCIL\ACTS\4717DG16.DOCX

(R183, H. 5100) -- Rep. Fry: AN ACT TO AMEND SECTION 38‑71‑1520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE ACCESS TO EMERGENCY MEDICAL CARE ACT, SO AS TO REVISE THE DEFINITION OF “EMERGENCY MEDICAL PROVIDER” TO INCLUDE ORAL SURGEONS AND DENTISTS LICENSED BY THE STATE BOARD OF DENTISTRY; AND BY ADDING SECTION 38‑71‑1545 SO AS TO EXCLUDE APPLICATION OF THE ARTICLE TO CERTAIN INSURANCE POLICIES.

L:\COUNCIL\ACTS\5100VR16.DOCX

**Motion Adopted**

Senator LEATHERMAN moved that the Senate stand adjourned.

**Printed Page 2806 . . . . . Wednesday, May 11, 2016**

**REPORT**

# State Regulation of Public Utilities Review Committee

*Sen. Thomas C. Alexander, Chairman Heather Anderson*

*Rep. William E. Sandifer, III, Vice Chairman Committee Counsel*

*Erik H. Ebersole Jamey Goldin*

*Rep. P. Michael Forrester Committee Counsel*

*Sen. C. Bradley Hutto*

*Rep. David J. Mack, III*

*Jeanelle M. McCain, Esquire*

*Sen. Luke A. Rankin, Sr. Post Office Box 142*

*John Steven Simmons, Esquire Columbia, South Carolina 29202*

*Helen T. Zeigler, Esquire (803) 212-6208*

May 11, 2016

Members of the South Carolina General Assembly

Columbia, South Carolina

Dear Fellow Members:

Enclosed is the State Regulation of Public Utilities Review Committee’s Report as to Qualifications of Candidates for Seats 1, 3, 5, and 7 of the Public Service Commission (commission). The report is designed to provide you information on the candidates nominated and qualified by the Review Committee. The Review Committee is charged with nominating up to three candidates for each seat on the commission. In accordance with this mandate, the Review Committee thoroughly investigated each candidate with respect to his or her suitability for service on the commission.

The PSC Screening Subcommittee of the Review Committee held public hearings on April 18, 2016 to question the candidates. A transcript of the oral examination of the candidates is appended to this report by reference. You can access the transcript on the General Assembly’s website:

[www.scstatehouse.gov/CommitteeInfo/PublicUtilitiesReviewComm/2016PublicServiceCommissionScreeningInformation/FinalizedTranscriptApril282016.pdf](http://www.scstatehouse.gov/CommitteeInfo/PublicUtilitiesReviewComm/2016PublicServiceCommissionScreeningInformation/FinalizedTranscriptApril282016.pdf).

The Review Committee met on May 3, 2016 to consider the qualifications of the candidates. The Review Committee’s finding that a candidate is qualified and nominated means that the candidate satisfies the constitutional and statutory criteria for service on the commission and the Review Committee’s evaluative criteria. The enclosed report

**Printed Page 2807 . . . . . Wednesday, May 11, 2016**

explains the Review Committee’s evaluative criteria and details each candidate’s qualifications as they relate to the evaluative criteria.

**Candidates are prohibited from asking for your commitment until 12:00 noon,** **Friday, May 13, 2016***.* **Members of the General Assembly are not permitted to issue letters of introduction, announcements of candidacy, or statements detailing a candidate’s qualifications on behalf of a candidate, and are not permitted to offer a pledge to vote for a candidate until 12:00 noon on May 13, 2016.** If you find a candidate violating the pledging prohibitions or if you have questions about this report, please contact Heather Anderson at (803) 212-6208 or Jamey Goldin at (803) 734-3019. **Pursuant to Canon 5 of the Judicial Code of Conduct, candidates must not attend political gatherings, including legislative caucus meetings.**

Sincerely,

Thomas C. Alexander

**PSC Review Committee Report as to the Qualifications**

**of Candidates for Seats 1, 3, 5, and 7**

**Introduction**

Act No. 175 of 2004 created the State Regulation of Public Utilities Review Committee ("Review Committee") and charged the Review Committee with, among other duties, the duty to nominate candidates for the members of the South Carolina Public Service Commission ("commission"). The terms for Seats 1, 3, 5, and 7 expire on June 30, 2016. The Review Committee issued a press release announcing the vacancies on January 2, 2016. The Review Committee received applications from 12 persons. Three persons withdrew prior to the public hearing and two persons withdrew after the public hearing.

The PSC Screening Subcommittee ("subcommittee") conducted background investigations of each candidate, including credit, driver’s license, and law enforcement checks. It gave a written examination to determine the level of knowledge that each candidate has with respect to substantive public utility issues, ethical constraints applicable to the commission, and the operations of the commission. The subcommittee also obtained attendance records at commission meetings and hearings for the commissioners. The subcommittee held a public hearing on April 18, 2016 at which all candidates were questioned and given an

**Printed Page 2808 . . . . . Wednesday, May 11, 2016**

opportunity to make statements as to their qualifications and desire to serve as a commissioner.

**Legal Qualifications**

Pursuant to Section 58-3-20(A), members of the commission must have the following qualifications:

(1) a baccalaureate or more advanced degree; and

(2) a background of substantial duration and an expertise in at least one of the following areas:

(a) energy;

(b) telecommunications;

(c) consumer protection and advocacy;

(d) water and wastewater;

(e) finance, economics, and statistics;

(f) accounting;

(g) engineering; or

(h) law.

The Review Committee may find a candidate qualified even though he or she does not have a background of substantial duration and expertise in at least one of the above areas if three-fourths of the Review Committee vote to qualify the candidate.

The Review Committee is also required to consider: “(1) the ability, dedication, compassion, common sense, and integrity of the candidates; and (2) the race and gender of the candidates and other demographic factors to assure nondiscrimination to the greatest extent possible of all segments of the population of the State.” S.C. Code Ann. §58-3-560. The determination of legal qualifications includes a determination of the candidate’s residence in the appropriate Public Service Commission district as established by Section 58-3-20, the candidate’s eligibility for election as determined by Section 58-3-24, and the candidate’s compliance with constitutional provisions limiting election to those persons eligible to be electors of this State.

Pursuant to S.C. Code Ann. §58-3-530, the annual performance review of commissioners seeking reelection must be made a part of the commissioner’s record for consideration if the commissioner seeks reelection. The incumbent commissioners’ Review Committee evaluations since their last screening are included after each commissioner’s summary of qualifications.

**Printed Page 2809 . . . . . Wednesday, May 11, 2016**

**General Qualifications**

To determine fitness beyond mere legal qualifications, the Review Committee considered each candidate’s experience, temperament, compliance with and knowledge of legal and ethical constraints on public service, knowledge of commission operations, demonstrated or potential aptitude for meaningful leadership and/or service at the commission, and demonstrated integrity, including the handling of personal financial affairs. The Review Committee then considered each candidate as a whole and formulated an overall recommendation.

Experience

Section 58-3-20 requires that commissioners have a background of substantial duration and an expertise in energy; telecommunications; consumer protection and advocacy; water and wastewater; finance, economics, and statistics; accounting; engineering; or law. The Review Committee considered not only whether a candidate has succeeded in one of these fields but also whether the candidate has the capability of transferring this success and knowledge to the operations of the commission. As for incumbent commissioners, the Review Committee focused on each incumbent commissioner’s success as a commissioner and his or her initiative in gaining experience in a variety of ways, including attendance at public utility seminars and workshops, judicial training, and committee work with national and regional organizations. The subcommittee’s transcript contains each applicant’s background and employment history.

Temperament

The Review Committee sought to determine whether a candidate’s sense of the role he or she is to fill on the commission is such that his or her work will be productive, proactive, and protective of the interests of all South Carolinians.

Compliance with and Knowledge of Legal and Ethical Constraints

Section 58-3-30 requires that commissioners adhere to the State Ethics Act and the Judicial Code of Conduct. The Review Committee believes that not only must the candidates be aware of the legal and ethical

**Printed Page 2810 . . . . . Wednesday, May 11, 2016**

constraints, they must have conducted and comported themselves with the highest regard for ethics in their actions.

Potential Aptitude for Meaningful Leadership and/or

Service at the Public Service Commission

Given the history that led to the enactment of Act 175, the Review Committee considered whether a candidate showed an aptitude for service as a commissioner, whether as a leader, or a follower, or both. In its May 2002 report on the candidates, the 2002 Screening Committee found that an absence of leadership at the commission led to problems such as prohibited *ex parte* communications, tension between commissioners and staff, and the lack of a coherent agency vision. The Review Committee believes that the commission should have strong leadership, work toward common goals, have a positive influence on employees, and ensure that parties and persons appearing before the commission are treated fairly and impartially. The Review Committee therefore sought to gauge each candidate’s potential aptitude to serve as a leader and/or as a commissioner supporting the goals and mission of the agency.

Integrity

Candidates must assure the Review Committee that their word is their bond. Particular attention is given to the way candidates have managed their financial affairs.

Substantive Knowledge of Commission Operations

The Review Committee believes that every candidate, whether incumbent or non-incumbent, must demonstrate some basic understanding of the role of the commission and its operations. It would be unfair, however, to require non-incumbents to have accumulated a wealth of knowledge about commission operations specifically, or regulated utilities generally. Unlike incumbent commissioners, challengers have not had the benefit of a compensated opportunity to educate themselves in hearings or through conversations with commission staff. The Review Committee expects incumbents and others who have substantial experience appearing before the commission to be able to discuss these matters with a greater fluency than those persons who have, to date, committed themselves to other employment.

**Printed Page 2811 . . . . . Wednesday, May 11, 2016**

The Review Committee emphasizes that the substantive knowledge findings contained in this report are a measure of a candidate’s knowledge at the time of his candidacy. The findings are not necessarily indicative of a candidate’s ability to subsequently master commission operations and the multitude of issues relating thereto.

**FINDINGS AS TO QUALIFICATIONS AND NOMINATIONS**

The Review Committee finds the following candidates qualified and nominates them for election to the South Carolina Public Service Commission:

**SEAT 1: John E. “Butch” Howard**

**Carolyn L. “Carolee” Williams**

**SEAT 3: Comer “Randy” Randall, III**

**SEAT 5: William “Billy” Hagner**

**Swain E. Whitfield**

**SEAT 7: G. O’Neal Hamilton**

**CANDIDATES FOR SEAT 1**

**John E. “Butch” Howard**

**Address:** 108 Waterfront Drive

Moncks Corner, South Carolina 20461

**Overall Recommendation:**

Mr. Howard was evaluated as **OUTSTANDING** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

Mr. Howard received his Bachelor of Science degree in Business Administration from the University of South Carolina in 1973.

Mr. Howard was initially elected to the Public Service Commission in 2004. He is a member of the National Association of Regulatory Utility Commissioners (NARUC) and the Southeastern Association of Regulatory Utility Commissioners. He is on the NARUC Board of

**Printed Page 2812 . . . . . Wednesday, May 11, 2016**

Directors, and he previously served on this board from 2010-2013. Mr. Howard also serves as Chairman for the NARUC Subcommittee on Education and Research, the Water Research Foundation Public Council Advisory Board, the New Mexico State University Center of Public Utilities Advisory Board, the Government Coordinating Council Water Sector, and the Financial Research Institute Advisory Board with the University of Missouri’s College of Business. He is also involved in a number of community organizations.

Prior to serving on the Commission, Mr. Howard worked in a number of sales positions. From 2000-2004, he was employed by Wulburn & Koval, and from 1998-2000, he was employed by Corporate Express. Both of these positions dealt with office supplies and office furniture. From 1984-1998, Mr. Howard worked in trucking sales for aggregate and hazard waste with the following companies: Ford Brother Sales (1993-1998), Williams Trucking Company (1991-1993), Felder Trucking Company (1989-1991), and Sheppard Trucking Company (1984-1989). From 1981-1984, Mr. Howard was the part owner and vice-president of sales for Williams & Howard Printing. From 1977-1981, he was a sales manager for Ashley/Comprint. From 1966-1977, Mr. Howard was a print manager with RL Bryan.

**Test Score:**

Mr. Howard received an overall score of 88.

**General Qualifications:**

* Mr. Howard was evaluated to be of **ABOVE AVERAGE TO OUTSTANDING** experience to serve on the commission.
* Mr. Howard was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Howard was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Howard was evaluated as having **OUTSTANDING** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Howard was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Howard was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

**Printed Page 2813 . . . . . Wednesday, May 11, 2016**

**State Regulation of Public Utilities Review Committee**

Performance Evaluation

**John E. “Butch” Howard**

**South Carolina Public Service Commission**

Seat: First Congressional District

Review Period: July 1, 2014 - June 30, 2015

Commissioner Howard was initially elected to the Commission on March 3, 2004 and was reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Howard is an active member of NARUC and SEARUC; he serves on the following NARUC committees: Education and Research Subcommittee (vice-chair), Clean Coal Committee, and the Water Committee*.* As a member of the Education and Research Subcommittee, he serves as the liason between NARUC and Michigan State for their rate schools. He is a member of the New Mexico State University Current Issues Advisory Council, which develops the curriculum for the Current Issues Forum. Commissioner Howard also serves as a member of the Water Research Foundation Public Advisory Board and on the Office of Homeland Security’s Government Coordinating Council - Water Sector as a NARUC representative.

Commissioner Howard exhibits a desire to increase his knowledge and skills by attending educational programs and seminars*.* He attended the following educational programs and events:

* NARUC meetings (summer, annual, and winter);
* SEARUC annual meeting and Commissioners Only Conference;
* NAWC Water Policy Forum;
* Emerging Issues Policy Forum;
* Critical Consumer Issues Forum;
* ACLP of the New York School of Law, which meets annually to discuss current utility issues and the impact these issues and related actions would have on states;
* EUCI Southern Clean Power Conference, during which he spoke about the implementation of Act 236;
* New England Conference of Regulatory Utility Commissioners, during which he moderated a panel on state water plans;
* Two sessions of the rate schools for NARUC and Michigan State;
* Various training sessions, including statutorily required ethics training.

**Printed Page 2814 . . . . . Wednesday, May 11, 2016**

Based on surveys of persons appearing before the Commission and commission employees, Commissioner Howard is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive effect on employee morale, and is respected by attorneys and persons appearing before the Commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Howard.

**State Regulation of Public Utilities Review Committee**

Performance Evaluation

**John E. “Butch” Howard**

**South Carolina Public Service Commission**

Seat: First Congressional District

Review Period: July 1, 2013 - June 30, 2014

Commissioner Howard was initially elected to the commission on March 3, 2004 and was most recently reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Howard is an active member of NARUC and SEARUC. He serves on the following NARUC committees: Clean Coal, Education & Research, and International Relations. Commissioner Howard is on the Public Policy Advisory Board of the Water Research Foundation. He is the former chairman of the NARUC Committee on Water and a former member of the NARUC Board of Directors.

Commissioner Howard exhibits a desire to increase his knowledge and skills by attending educational programs and seminars*.*  He attended the following educational programs and events:

* SNL Power Evaluation, which covered various gas and electric rate and regulatory issues;
* NARUC meetings (summer, annual and winter);
* Emerging Issues Policy Forum;
* Department of Energy Efficiency Workshop;
* NAWC Water Summit;
* NARUC Rate School, for which he serves as the liaison for NARUC on the rate school faculty;
* Advanced Communication Law Policy of the New York School of Law conference;
* EUCI Southern Clean Power Conference, in which he participated by describing South Carolina's role in clean energy;

**Printed Page 2815 . . . . . Wednesday, May 11, 2016**

* NAWC Commissioners Only conference;
* Wall Street Dialogue seminar;
* Critical Consumers Issues Forum, during which the focus was on distributive electric generation; and
* Various ex parte briefings, workshops and seminars, including statutory required sessions on ethics.

Commissioner Howard received a Certificate of Continuing Regulatory Education from NARUC and Michigan State University. This is a new certificate, of which Commissioner Howard is the first NARUC Commissioner to receive this designation.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Howard is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive effect on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Howard.

**State Regulation of Public Utilities Review Committee**

Performance Evaluation

**John E. “Butch” Howard**

**South Carolina Public Service Commission**

Seat: First Congressional District

Review Period: July 1, 2012 - June 30, 2013

Commissioner Howard was initially elected to the commission on March 3, 2004 and was reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. Commissioner Howard is an active member of NARUC and SEARUC; serves on the following NARUC committees: Clean Coal, Education & Research, and International Relations. He is the former chairman of the NARUC Committee on Water and a former member of the NARUC Board of Directors.

Commissioner Howard exhibits a desire to increase his knowledge and skills by attending educational programs and seminars*.*  He attended the following educational programs and events:

* NARUC meetings;
* Declining Water Consumption, a "think tank" to discuss declining water consumption and its impact on declining revenues;
* NAWC Water Summit;

**Printed Page 2816 . . . . . Wednesday, May 11, 2016**

* NARUC Water Rate Schools, in which he represented NARUC's Education and Research Committee on the faculty;
* Critical Consumer Issues Forum;
* SEARUC Commissioners Only conference, during which he moderated a panel on issues facing small water systems;
* Commissions Chat, sponsored by Barclay Investors, during which he participated on a panel;
* SEARUC conference; and
* Numerous ex parte briefings, workshops and seminars, including ethics, held in Columbia.

Commissioner Howard serves on the Current Issues Advisory Council, which is sponsored by New Mexico State University. He is a NARUC appointee to the Water Research Foundation and to the Government Coordinating Council-Water Sector.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Howard is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive effect on employee morale, and is respected by attorneys and persons appearing before the commission. The subcommittee's review revealed no evidence of unethical behavior by Commissioner Howard.

**Carolyn L. “Carolee” Williams**

**Address:** 7 Beverly Road

Charleston, South Carolina 29407

**Overall Recommendation:**

Ms. Williams was evaluated as **ABOVE AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

Ms. Williams graduated from Wake Forest University in 1979 with a Bachelor of Arts degree in History. Ms. Williams then obtained a Master degree in Urban and Environmental Planning from the University of Virginia in 1982.

Ms. Williams has been Project Manager for the Department of Planning, Preservation and Sustainability for the City of Charleston since 1992. In her capacity as Project Manager, she is involved in a number

**Printed Page 2817 . . . . . Wednesday, May 11, 2016**

of areas, including, but not limited to, representing the City of Charleston on the Bureau of Ocean Energy Management’s Renewable Energy Task Force, representing the City of Charleston in its Resilience Initiatives, and managing Charleston’s “Green Business Challenge,” which supports businesses as they work to reduce waste, and energy and water use, as well as coordinated Charleston’s green initiatives. From 1986-1992, Ms. Williams served as the Planning Administrator for the Department of Planning and Urban Development for the City of Charleston. From 1989-1992, she was an instructor in urban planning for the College of Charleston. From 1985-1986, she was a planner for the City Planning Department of Cincinnati, Ohio. From 1982-1985, she was employed as a planner for Charleston’s Department of Planning and Urban Development.

Ms. Williams is a member of the American Planning Association, the American Institute of Certified Planners, and the Southeast Sustainability Director’s Network. She is also a Board Member on the Southeastern Sustainability Director’s Network. She is also involved in a number of community organizations.

**Test Score:**

Ms. Williams received an overall score of 90.

**General Qualifications:**

* Ms. Williams was evaluated to be of **ABOVE AVERAGE** experience to serve on the commission.
* Ms. Williams was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Ms. Williams was evaluated to have **ABOVE AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Ms. Williams was evaluated as having **OUTSTANDING** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Ms. Williams was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Ms. Williams was evaluated to have **ABOVE AVERAGE** substantive knowledge of the operations of the commission.

**Printed Page 2818 . . . . . Wednesday, May 11, 2016**

**CANDIDATE FOR SEAT 3**

**Comer H. “Randy” Randall, III**

**Address:** 306 West Maple St.

Clinton, South Carolina 29325

**Overall Recommendation:**

Mr. Randall was evaluated as **OUTSTANDING** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

Mr. Randall received a Bachelor of Science degree from Presbyterian College in 1975. In 1979, Mr. Randall received his Master of Education degree from the University of Georgia.

Mr. Randall has served on the Public Service Commission since 2013. He is a member of the National Association of Utility Regulatory Commissioners (NARUC) and the Southeastern Association of Regulatory Utility Commissioners. Mr. Randall serves on NARUC’s Water Committee, Subcommittee on Nuclear Issues-Waste Disposal, and Task Force on Transportation. He is also involved in community organizations.

Prior to serving on the Commission, Mr. Randall had been employed by Presbyterian College from 1992-2013. During this time, Mr. Randall served as director in various positions regarding student activities and alumni relations, including the Executive Director of Alumni and Community Relations. From 1990-1992, Mr. Randall was a sales representative with Jacobs Press. From 1977-1989, he served in a number of positions at Presbyterian College.

Mr. Randall was the mayor of Clinton from 2003-2013. He also served on the Clinton City Council from 1996-2003. Mr. Randall was a member of the Piedmont Municipal Power Agency Board from 2004-2013, and served as its chairman for three of those years. He was a member of the American Public Power Association Policy Makers Council from 2006-2013 and served as its National Chairman, as well as on the Board of Directors, from 2011-2012. Mr. Randall also served as Chair of the Clinton Newberry Natural Gas Authority from 2003-2013.

**Test Score:**

Mr. Randall received an overall score of 94.

**Printed Page 2819 . . . . . Wednesday, May 11, 2016**

**General Qualifications:**

* Mr. Randall was evaluated to be of **ABOVE AVERAGE TO** **OUTSTANDING** experience to serve on the commission.
* Mr. Randall was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Randall was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Randall was evaluated as having **OUTSTANDING** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Randall was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Randall was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

**State Regulation of Public Utilities Review Committee**

Performance Evaluation

**Comer "Randy" Randall, III**

**South Carolina Public Service Commission**

Seat: Third Congressional District

Review Period: July 1, 2014 - June 30, 2015

Commissioner Randall was initially elected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. During the review period, Commissioner Randall was an active member of NARUC and SEARUC. He serves on the NARUC Committee on Water and the Subcommittee on Nuclear Issues - Waste Disposal.

Commissioner Randall attended various educational programs and events during this review period, including:

* NARUC meetings (summer, annual, and winter);
* Camp NARUC, during which he received a certificate of completion for the advanced studies program;
* NARUC Grid School;
* SEARUC Commissioners Only Summit;
* SEARUC Annual Meeting, during which he participated on a panel on water issues;

**Printed Page 2820 . . . . . Wednesday, May 11, 2016**

* National Association of Water Companies (NAWC) National Water Summit, during which he gave a presentation on water issues relevant to South Carolina;
* Emerging Issues Policy Forum, during which he gave a presentation on electricity issues;
* NAWC Commissioners Water Policy Forum, during which he served on a panel regarding water issues;
* Courses towards a Certificate of Continuing Regulatory Education;
* Various training sessions and workshops, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the Commission and commission employees, Commissioner Randall is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the Commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Randall.

State Regulation of Public Utilities Review Committee

Performance Evaluation

**Comer "Randy" Randall, III**

**South Carolina Public Service Commission**

Seat: Third Congressional District

Review Period: July 1, 2013 - June 30, 2014

Commissioner Randall was initially elected May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. During the review period, Commissioner Randall was an active member of NARUC and SEARUC. He serves on the NARUC Committee on Gas and the Subcommittee on Nuclear Issues and Waste.

Commissioner Randall exhibits a desire to increase his knowledge and skills by attending educational programs and seminars*.*  He attended various educational programs and events during this review period, including:

* NARUC meetings (summer, annual and winter);
* Camp NARUC;
* NARUC Utility Rate School;
* NARUC New Commissioner's Orientation;

**Printed Page 2821 . . . . . Wednesday, May 11, 2016**

* Critical Consumer Issues Forum Summit, with a focus on distributed generation;
* SEARUC meetings (summit and annual meeting);
* Southeast Regulatory Policy Exercise;
* Various training sessions and workshops, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Randall is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Randall.

**CANDIDATES FOR SEAT 5**

**William J. “Billy” Hagner**

**Address:** 1901 Voyager Road

York, South Carolina 29745

**Overall Recommendation:**

Mr. Hagner was evaluated as **AVERAGE TO ABOVE AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

Mr. Hagner obtained a Bachelor of Science degree from Louisiana Tech University in Mechanical Engineering in 1970. He obtained an Executive Master of Business Administration degree from Winthrop University in 1990.

Mr. Hagner was employed by Resolute paper mill (formerly Bowater) from 1981 until his retirement in 2010. During his employment with Resolute, he served as a supervisor in the power/utilities department, as well as a power/utility superintendent/manager. While at Resolute, Mr. Hagner worked in a cogeneration biomass facility where he managed electrical purchase power contracts, as well as natural gas contracts. This facility also had water treatment and waste treatment facilities. From 1970-1981, Mr. Hagner was employed by International Paper Company, in which he served in the engineering department, and as a supervisor in the power/utility department.

**Printed Page 2822 . . . . . Wednesday, May 11, 2016**

Mr. Hagner currently serves on the York County Natural Gas Authority Board. He is also an election poll manager in York County. Mr. Hagner is a former company representative to the Black Liquor Recovery Boiler Advisory Committee (1995-2010) and the South Carolina Energy Users Committee (1995-2010). Mr. Hagner is involved in a number of community organizations.

**Test Score:**

Mr. Hagner received an overall score of 70.

**General Qualifications:**

* Mr. Hagner was evaluated to be of **ABOVE AVERAGE** experience to serve on the commission.
* Mr. Hagner was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Hagner was evaluated to have **ABOVE AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Hagner was evaluated as having **ABOVE AVERAGE** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Hagner was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Hagner was evaluated to have **AVERAGE** substantive knowledge of the operations of the commission.

**Swain E. Whitfield**

**Address:** 124 Palmetto Place Lane

Winnsboro, South Carolina 29180

**Overall Recommendation:**

Mr. Whitfield was evaluated as **OUTSTANDING** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

Mr. Whitfield received a Bachelor of Arts degree in Geography from the University of Georgia in 1986.

**Printed Page 2823 . . . . . Wednesday, May 11, 2016**

Mr. Whitfield was initially elected to the Public Service Commission in 2008, and currently serves as Vice-Chairman of the commission. He is a member of the National Association of Utility Regulatory Commissioners (NARUC), and serves on NARUC's Committee on Gas, the Washington Action Committee, and the Nuclear Waste Subcommittee. He also serves as the Vice-Chairman of NARUC’s Critical Infrastructure committee. Mr. Whitfield was recently appointed to the NARUC-US Department of Energy’s gas infrastructure modernization partnership. Mr. Whitfield is the second Vice-President of the Southeastern Association of Regulatory Utility Commissioners, as well as the Vice-President of the Gas Technology Institute Advisory Board. He is also involved in community organizations.

Prior to serving on the Commission, Mr. Whitfield was the President of Whitfield Transportation, Inc., a company which he founded and managed from 1991-2008. From 1990-1991, Mr. Whitfield was employed by Senn Trucking Company. From 1987-1990, he was employed by Youmans Transportation, Inc. as an operations manager. Mr. Whitfield was a member of the John De La Howe School Board of Trustees from 2006-2008. He also served on the Winnsboro City Council from 1995-1999, as well as the Fairfield Substance Abuse Commission from 1994-1996.

**Test Score:**

Mr. Whitfield received an overall score of 95.

**General Qualifications:**

* Mr. Whitfield was evaluated to be of **OUTSTANDING** experience to serve on the commission.
* Mr. Whitfield was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Whitfield was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Whitfield was evaluated as having **OUTSTANDING** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Whitfield was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Whitfield was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

**Printed Page 2824 . . . . . Wednesday, May 11, 2016**

**State Regulation of Public Utilities Review Committee**

Performance Evaluation

**Swain E. Whitfield**

**South Carolina Public Service Commission**

Seat: Fifth Congressional District

Review Period: July 1, 2014 - June 30, 2015

Commissioner Whitfield was initially elected on July 1, 2008 and was reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. He is an active member of NARUC and SEARUC. He is vice-chairman of the NARUC Committee on Critical Infrastructure.He is also a member of NARUC's Washington Action Committee, Committee on Gas and Nuclear Issues and Waste Disposal subcommittee. Commissioner Whitfield serves as vice-chair on the Gas Technology Institute Advisory Board (GTI). He was elected as SEARUC’s Second Vice-President in June, 2015. Commissioner Whitfield served as the PSC’s vice-chair during the review period.

Commissioner Whitfield exhibits a desire to increase his knowledge and skills by attending educational programs. He attended various educational programs and events during this review period, including:

* NARUC meetings (summer, annual, and winter);
* SEARUC Summit and Annual Meeting;
* Certificate of Continuing Regulatory Education (Tier 1) received from the Institute of Public Utilities at Michigan State University;
* GTI Advisory Board meeting;
* Piedmont Municipal Power Agency Power Conference, where he was a keynote speaker;
* Emerging Issues Policy Forum, during which he served on a panel regarding EPA Greenhouse Gas Rules and carbon regulations;
* Wall Street Dialogue;
* Natural Gas Symposium;
* Winnsboro Rotary Club, at which he spoke about the PSC and gave an update on energy issues and the pending EPA regulations;
* Various ex parte briefings, forums and seminars, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the Commission and commission employees, Commissioner Whitfield is courteous to all persons appearing before him, is impartial in his treatment of persons

**Printed Page 2825 . . . . . Wednesday, May 11, 2016**

appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the Commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Whitfield.

**State Regulation of Public Utilities Review Committee**

Performance Evaluation

**Swain E. Whitfield**

**South Carolina Public Service Commission**

Seat: Fifth Congressional District

Review Period: July 1, 2013 - June 30, 2014

Commissioner Whitfield was initially elected on July 1, 2008 and was reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. He is an active member of NARUC and SEARUC. He is co vice-chairman of the NARUC Committee on Critical Infrastructure. He is also a member of NARUC's Washington Action Committee, Committee on Gas and Nuclear Issues and Waste Disposal subcommittee. Commissioner Whitfield serves as a board member to the Gas Technology Institute Advisory Board.

Commissioner Whitfield exhibits a desire to increase his knowledge and skills by attending educational programs. He attended various educational programs and events during this review period, including:

* State and Local Energy Efficiency Action Network's Southeast Regulatory Policy Exercise;
* Babcock & Wilcox small modular nuclear reactor facility tour, sponsored by NARUC and DOE;
* Critical Consumer Issues Forum, with a focus on distributed generation issues;
* SEARUC meetings (annual meeting and summit);
* Gas Technology Institute Advisory Board meetings;
* FBI Cyber Security Briefing;
* IPU's Grid School;
* Emerging Issues Policy Forum, during which he participated on a panel that discussed grid issues;
* Financial Community visit to Wall Street, sponsored by the American Gas Association and NARUC;
* National Petroleum Council Stakeholder Engagement Session;

**Printed Page 2826 . . . . . Wednesday, May 11, 2016**

* State and Local Energy Efficiency Action Network's Southeast Regulatory Policy Exercise; and
* Various ex parte briefings, forums and seminars, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Whitfield is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Whitfield.

**State Regulation of Public Utilities Review Committee**

Performance Evaluation

**Swain E. Whitfield**

**South Carolina Public Service Commission**

Seat: At-Large Congressional District

Review Period: July 1, 2012 - June 30, 2013

Commissioner Whitfield was initially elected on July 1, 2008 and was reelected on May 1, 2013. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues. He is an active member of NARUC and SEARUC. He is member of the NARUC Committee on Gas and the NARUC Committee on Critical Infrastructure. He is also a member of NARUC's Pipeline Safety Task Force, Washington Action Committee and Nuclear Waste Committee.

Commissioner Whitfield exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the following educational programs:

* NARUC meetings (winter, summer and annual), and he moderated a panel for the Gas Committee on Natural Gas long term contracts at the annual meeting ;
* SEARUC meeting;
* Amos Coal Fired Plant tour, sponsored by NARUC;
* NAWC Annual Water Summit;
* Vogtle Nuclear plant tour, sponsored by NARUC; and
* Various ex parte briefings, forums and seminars, including ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Whitfield is courteous to all persons appearing before him, is impartial in his treatment of persons

**Printed Page 2827 . . . . . Wednesday, May 11, 2016**

appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The subcommittee’s review revealed no evidence of unethical behavior by Commissioner Whitfield.

# CANDIDATES FOR SEAT 7

**Clara Lewis Brockington**

**Address:** 3301 East Bennett Drive

Florence, South Carolina 29506

**Overall Recommendation:**

Ms. Brockington was evaluated as **BELOW AVERAGE** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

Ms. Brockington received an Associate Paralegal degree from Florence-Darlington Technical College in 1975. She obtained a Bachelor’s degree in Social Work in 1996 from Limestone College and a Master degree in Social Work from the University of South Carolina in 2003.

Ms. Brockington has worked for Domestic Violence Courts, a business entity, as a program director since February 2003. From 1996-1999, she was a supervisor at Lee Correctional Institution. From 1995-1996, she worked as a coordinator with Darlington County Disabilities and Special Needs. From 1990-1995, she was employed as a social worker at McLeod Regional Medical Center. Prior to 1990, she was a counselor at S.C. Vocational Rehabilitation Department. Ms. Brockington is a member of Future Business Leaders of America and the National Association of Social Workers. Ms. Brockington is also involved in community organizations.

**Test Score:**

Ms. Brockington received an overall score of 21.

**General Qualifications:**

* Ms. Brockington was evaluated to be of **BELOW AVERAGE** experience to serve on the commission.

**Printed Page 2828 . . . . . Wednesday, May 11, 2016**

* Ms. Brockington was evaluated to be of **INAPPROPRIATE** temperament to serve on the commission.
* Ms. Brockington was evaluated to have **BELOW AVERAGE** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Ms. Brockington was evaluated as having **BELOW AVERAGE** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Ms. Brockington was evaluated as being **INADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Ms. Brockington was evaluated to have **BELOW AVERAGE** substantive knowledge of the operations of the commission.

**G. O’Neal Hamilton**

**Address:** 706 Lakeshore Drive

Bennettsville, South Carolina 29512

**Overall Recommendation:**

Mr. Hamilton was evaluated as **OUTSTANDING** qualification to serve on the Public Service Commission.

**Personal Information, Educational Background, and Work Experience:**

Mr. Hamilton graduated from North Greenville Junior College in 1953, with an Associate degree in Business Administration.

Mr. Hamilton was initially elected to the Public Service Commission in 2004. He is a member of the National Association of Utility Regulatory Commissioners and the Southeastern Association of Regulatory Utility Commissioners.

Mr. Hamilton was an agency manager with Farm Bureau Insurance from 1977-2003. Prior to 1977, he was an agency manager with the Life Insurance Company of Georgia. Mr. Hamilton served on the Marlboro County Council from 1992-2004, as well as the South Carolina Highway Commission from 1990-1992. Mr. Hamilton also served on Bennettsville City Council from 1978-1990.

**Test Score:**

Mr. Hamilton received an overall score of 86.

**Printed Page 2829 . . . . . Wednesday, May 11, 2016**

**General Qualifications:**

* Mr. Hamilton was evaluated to be of **OUTSTANDING** experience to serve on the commission.
* Mr. Hamilton was evaluated to be of **APPROPRIATE** temperament to serve on the commission.
* Mr. Hamilton was evaluated to have **OUTSTANDING** knowledge of and compliance with legal and ethical constraints regarding service on the commission.
* Mr. Hamilton was evaluated as having **OUTSTANDING** demonstrated or potential aptitude for meaningful leadership and/or service on the commission.
* Mr. Hamilton was evaluated as being **ADEQUATE** in demonstrated integrity (including the maintenance of personal financial affairs) for service on the commission.
* Mr. Hamilton was evaluated to have **OUTSTANDING** substantive knowledge of the operations of the commission.

**State Regulation of Public Utilities Review Committee**

Performance Evaluation

**G. O'Neal Hamilton**

**South Carolina Public Service Commission**

Seat: Seventh Congressional District

Review Period: July 1, 2014 - June 30, 2015

Commissioner Hamilton was initially elected on March 3, 2004, and was reelected on May 1, 2013. Commissioner Hamilton is an active member of NARUC and SEARUC. He is a member of the NARUC Board of Directors and is an advisor to the NARUC Gas Committee. He is a member of NARUC’s Committee on Telecommunications and the subcommittee on Nuclear Issues and Waste Disposal. Commissioner Hamilton is a member of the North American Numbering Council. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues.

Commissioner Hamilton exhibits a desire to increase his knowledge and skills by attending educational programs. He attended various educational programs and events during this review period, including:

* NARUC meetings (summer, annual, and winter);
* SEARUC Summit;
* Critical Consumer Issues Forum Summit;

**Printed Page 2830 . . . . . Wednesday, May 11, 2016**

* Emerging Issues Policy Forum;
* Various ex parte briefings and workshops, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the Commission and commission employees, Commissioner Hamilton is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the Commission. The Review Committee's review revealed no evidence of unethical behavior by Commissioner Hamilton.

**State Regulation of Public Utilities Review Committee**

Performance Evaluation

**G. O'Neal Hamilton**

**South Carolina Public Service Commission**

Seat: Seventh Congressional District

Review Period: July 1, 2013 - June 30, 2014

Chairman Hamilton was initially elected on March 3, 2004, and was reelected on May 1, 2013. He served as the PSC's chairman during the review period. Chairman Hamilton is an active member of NARUC and SEARUC. He is a member of the NARUC Board of Directors and serves as an advisor to the NARUC Gas Committee. Chairman Hamilton is a member of the North American Numbering Council. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues.

Commissioner Hamilton exhibits a desire to increase his knowledge and skills by attending educational programs. He attended various educational programs and events during this review period, including:

* NARUC meetings (annual, summer and winter);
* SEARUC summit;
* SC Energy Users Committee;
* Critical Consumer Issues Forum Summit; and
* Various ex parte briefings and seminars, including statutorily required sessions on ethics.

Based on surveys of persons appearing before the commission and commission employees, Chairman Hamilton is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission.

**Printed Page 2831 . . . . . Wednesday, May 11, 2016**

The Review Committee's review revealed no evidence of unethical behavior by Chairman Hamilton.

**State Regulation of Public Utilities Review Committee**

Performance Evaluation

**G. O’Neal Hamilton**

**South Carolina Public Service Commission**

Seat: Fifth Congressional District

Review Period: July 1, 2012 - June 30, 2013

Commissioner Hamilton was initially elected on March 3, 2004, and was reelected on May 1, 2013. He is an active member of NARUC and SEARUC. Heis a member of the National Petroleum Council Advisory Committee (NPC) and the Gas Technology Institute Advisory Board. He serves as an advisor to the NARUC Gas Committee and is a member of the NARUC Board of Directors. During his tenure, he has taken advantage of many opportunities to expand his understanding of public utilities issues.

Commissioner Hamilton exhibits a desire to increase his knowledge and skills by attending educational programs. He attended the following educational programs and events:

* NARUC meetings (annual, summer and winter);
* SEARUC summit and annual meeting;
* NAWC Water Summit;
* Gas Technology Institute, Public Advisory Committee;
* Emerging Issues Policy Forum; and
* Various ex parte briefings and seminars, including ethics.

Based on surveys of persons appearing before the commission and commission employees, Commissioner Hamilton is courteous to all persons appearing before him, is impartial in his treatment of persons appearing before him, has a positive influence on employee morale, and is respected by attorneys and persons appearing before the commission. The subcommittee's review revealed no evidence of unethical behavior by Commissioner Hamilton.

Respectfully submitted,

/s/Sen. Thomas C. Alexander /s/Rep. William E. Sandifer, III

Erik H. Ebersole /s/Rep. P. Michael Forrester

/s/Sen. C. Bradley Hutto /s/Rep. David J. Mack, III

/s/Ms. Jeanelle M. McCain Sen. Luke A. Rankin, Sr.

**Printed Page 2832 . . . . . Wednesday, May 11, 2016**

/s/Mr. John Steven Simmons /s/Ms. Helen T. Zeigler

**ADJOURNMENT**

At 6:19 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*