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**Tuesday, April 26, 2016**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

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

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

The prophet Habakkuk wrote that:

“The Sovereign Lord is my strength; he makes my feet like the feet of a deer, he enables me to go on the heights.” (Habakkuk 3:19)

Bow with me:

Holy and loving God, we thank You for Your presence in this Senate Chamber and over in the Gressette Building. We ask, Lord, that You will embrace all who serve You and honor You here: these Senators, their staff members, indeed, every Senate employee at every level. May each of these servants find the stamina and strength that will sustain and energize him or her through these difficult days. May they -- by working together and with Your blessing -- bring all South Carolinians to new heights of progress, well-being and hopefulness. In Your wondrous name we pray, Lord. Amen.

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

**Point of Quorum**

At 12:08 P.M., Senator LEATHERMAN made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

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

Alexander Bennett Bright

Bryant Campsen Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Kimpson Leatherman

*Martin, Larry Martin, Shane* Massey

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Nicholson Peeler Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

A quorum being present, the Senate resumed.

**MESSAGE FROM THE GOVERNOR**

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

**Statewide Appointments**

Initial Appointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2014, and to expire July 1, 2018

7th Congressional District:

Keith C. Hinson, 5 Nelson Ct., Myrtle Beach, SC 29572 *VICE* Randy Lowe

Referred to the Committee on Fish, Game and Forestry.

Reappointment, Board of Directors of the South Carolina Public Service Authority, with the term to commence May 19, 2016, and to expire May 19, 2023

Horry County:

David F. Singleton, 3997 Larkhill Drive, Myrtle Beach, SC 29577

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina State Board of Podiatry Examiners, with the term to commence March 1, 2016, and to expire March 1, 2020

Lower District Podiatrist:

Rahn A. Ravenell, 1198 Dingle Road, Mt. Pleasant, SC 29466 *VICE* Paul J. Shromoff

Referred to the Committee on Medical Affairs.

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Reappointment, South Carolina State Board of Pharmacy, with the term to commence June 30, 2016, and to expire June 30, 2022

3rd Congressional District:

Robert C. Hubbard III, 115 Lewis Road, Clemson, SC 29631

Referred to the Committee on Medical Affairs.

**Local Appointments**

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

Carol A. Tolen, 160 Rumble Dr., Winnsboro, SC 29180

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

Michael P. Swearingen, 4402 Newberry Road, Winnsboro, SC 29180

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

William F. Pope, 10323 Jackson Creek Road, Winnsboro, SC 29180

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

Russell D. Price, 394 Loblolly Ave., Winnsboro, SC 29180

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

William D. Robinson III, 130 Candlewood Circle, Blythwood, SC 29016

**Doctor of the Day**

Senator CROMER introduced Dr. John Schaberg of West Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 1:15 P.M., Senator BENNETT requested a leave of absence for Senator HEMBREE until 5:00 P.M.

**Leave of Absence**

At 2:55 P.M., Senator CLEARY requested a leave of absence for Senator CAMPBELL until 4:30 P.M.

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**Leave of Absence**

At 3:53 P.M., Senator COURSON requested a leave of absence for Senator PEELER until 5:00 P.M.

**Expression of Personal Interest**

Senator DAVIS rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator JOHNSON rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator LOURIE rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator THURMOND rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

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

S. 561 Sen. Fair

S. 946 Sen. Alexander

**RECALLED**

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

Senator SCOTT 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.

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**RECOMMITTED**

S. 278 -- Senators Hutto, Johnson, Lourie, Scott, Allen and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑29‑185 SO AS TO ENACT THE “CERVICAL CANCER PREVENTION ACT”, TO PROVIDE THAT BEGINNING WITH THE 2015-2016 SCHOOL YEAR, THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY OFFER THE CERVICAL CANCER VACCINATION SERIES TO ADOLESCENT STUDENTS ENROLLING IN THE SEVENTH GRADE OF ANY PUBLIC OR PRIVATE SCHOOL IN THIS STATE, TO PROVIDE THAT NO STUDENT IS REQUIRED TO HAVE THE VACCINE BEFORE ENROLLING IN OR ATTENDING SCHOOL, TO PROVIDE THAT THE DEPARTMENT MAY DEVELOP AN INFORMATIONAL BROCHURE RELATED TO OFFERING THIS VACCINATION WITH SPECIFIC CONTENT REQUIREMENTS, TO DEFINE “CERVICAL CANCER VACCINATION SERIES”, AND TO PROVIDE THAT IMPLEMENTATION OF THIS ACT IS CONTINGENT UPON RECEIPT OF FULL FUNDING BY STATE AND FEDERAL FUNDS.

On motion of Senator CLEARY, the Bill was recommitted to the Committee on Medical Affairs.

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

On motion of Senator HAYES, the Joint Resolution was recommitted to the Committee on Education.

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**Motion to Ratify Adopted**

At 12:35 P.M., Senator LARRY MARTIN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1269 -- Senator Coleman: A CONCURRENT RESOLUTION TO COMMEND SARAH D. McMASTER, DIRECTOR OF THE FAIRFIELD COUNTY LIBRARY, UPON HER RETIREMENT AFTER THIRTY-NINE YEARS OF SERVICE AND TO WISH HER THE BEST OF LUCK IN ALL OF HER FUTURE ENDEAVORS.

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

S. 1270 -- Senators Setzler, Massey and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR FRIENDSHIP BAPTIST CHURCH IN AIKEN FOR ITS DEEP HERITAGE AND TO CONGRATULATE THE CONGREGATION AND PASTOR ON THE CELEBRATION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

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The Senate Resolution was adopted.

S. 1271 -- Senator Lourie: A SENATE RESOLUTION TO HONOR, COMMEND, AND EXTEND DEEP GRATITUDE TO MAJOR GENERAL JANET L. COBB, DEPUTY COMMANDING GENERAL FOR THE 81ST REGIONAL SUPPORT COMMAND AT FORT JACKSON, SOUTH CAROLINA, FOR HER MANY YEARS OF EXEMPLARY PUBLIC SERVICE AND TO OFFER HER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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The Senate Resolution was adopted.

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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).

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Read the first time and, on motion of Senator HAYES, S. 1272 was ordered placed on the Calendar without reference.

S. 1273 -- Senators Lourie and Courson: A BILL TO AMEND ARTICLE 1, CHAPTER 11, TITLE 6 OF THE 1976 CODE RELATING TO GENERAL PROVISIONS OF THE SPECIAL PURPOSE DISTRICTS IN SOUTH CAROLINA, SO AS TO CREATE SECTION 6-11-102 TO ALLOW THE LEGISLATIVE DELEGATION OF A COUNTY TO ABOLISH A COUNTY RECREATION COMMISSION BY DELEGATION RESOLUTION AND DEVOLVE THE COMMISSION'S POWERS ONTO THE GOVERNING BODY OF THE COUNTY.

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

S. 1274 -- Senator Lourie: A BILL TO AMEND SECTION 8-11-83, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PAYROLL DEDUCTION FOR STATE EMPLOYEES' ASSOCIATION DUES, SO AS TO ALLOW MEMBERSHIP DUES FOR THE SOCIETY OF FORMER AGENTS OF THE STATE LAW ENFORCEMENT DIVISION TO BE DEDUCTED FROM THE COMPENSATION OF STATE RETIREES AND PAID OVER TO THE ASSOCIATION IN THE SAME MANNER OTHER MEMBERSHIP DUES ARE DEDUCTED AND PAID.

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

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S. 1275 -- Senator L. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 19-11-110, SO AS TO PROVIDE THAT SEXUAL ASSAULT CENTER PROVIDERS AND DOMESTIC VIOLENCE CENTER PROVIDERS ARE NOT REQUIRED TO DISCLOSE CONFIDENCES ACQUIRED FROM CLIENTS DURING THE PROVISION OF SERVICES TO THE CLIENTS WITH EXCEPTIONS.

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

S. 1276 -- 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 CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE SIGNIFICANT WORK OF THE BIG RED BARN RETREAT IN RICHLAND COUNTY AS A SOURCE OF PROVIDING PEACE FOR THOSE IN NEED OF HEALING AND TO COMMEND THE RETREAT'S MIDLANDS GIVES DAY.

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

H. 4333 -- Rep. Stavrinakis: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES WAPPOO CREEK ALONG WAPPOO ROAD AND NORTH EDGEWATER DRIVE IN CHARLESTON COUNTY "DAVID EARL HOLT MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS BRIDGE THAT CONTAIN THIS DESIGNATION.

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

H. 4525 -- Reps. Simrill, Loftis, Hosey, Southard, Duckworth, Mitchell, White, Hill, Gambrell, Gagnon and Williams: A BILL TO AMEND SECTION 38-7-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IMPOSITION OF THE INSURANCE PREMIUM TAX, SO AS TO EXTEND THE DATE

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THAT CERTAIN REVENUE MUST BE SENT TO THE SOUTH CAROLINA FORESTRY COMMISSION TO 2027.

Read the first time and referred to the Committee on Banking and Insurance.

H. 4556 -- Reps. Duckworth, Clyburn, Clemmons and Bales: A BILL TO AMEND SECTION 12-37-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO ADD "EMERGENCY MEDICAL TECHNICIAN" TO THE DEFINITION "ELIGIBLE OWNER" FOR PURPOSES OF A PROPERTY TAX EXEMPTION FOR CERTAIN INDIVIDUALS WHO PERMANENTLY AND TOTALLY ARE DISABLED.

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

H. 4774 -- Reps. Govan, Parks, King, Erickson, Cobb-Hunter, Clyburn, J. E. Smith, H. A. Crawford, Yow, M. S. McLeod, Ott, Henegan, Kirby, R. L. Brown, Gilliard, Loftis, Burns, Hosey, Williams, Howard, Neal, Douglas, Mack, Tinkler, Newton, Bamberg, Jefferson, Putnam, Hamilton, G. A. Brown, Clemmons, Dillard, Duckworth, Hicks, Hodges, W. J. McLeod, G. R. Smith, Nanney, Bales, Lowe, Norrell, Bowers, Sandifer, McEachern, Weeks, Gambrell, Rivers, Bernstein, McCoy, Anderson and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-152-15 SO AS TO PROVIDE THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS IS REAUTHORIZED UNTIL JULY 1, 2021, AND WILL AUTOMATICALLY BE REAUTHORIZED FOR FIVE-YEAR PERIODS AT FIVE-YEAR INTERVALS THEREAFTER.

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

H. 5108 -- Reps. Allison, Loftis and Hiott: A CONCURRENT RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO ASSESS THE ROLE OF LOCAL GOVERNMENT FLEETS IN HIRING ENTRY-LEVEL COMMERCIAL DRIVER'S LICENSED DRIVERS.

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

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

H. 5235 -- Reps. W. J. McLeod and Anthony: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE SPANNING THE ENOREE RIVER ALONG UNITED STATES HIGHWAY 176 AND SOUTH CAROLINA HIGHWAYS 72 AND 121 IN NEWBERRY AND UNION COUNTIES THE "SENATOR MARVIN E. ABRAMS BRIDGE" IN MEMORY OF FORMER SOUTH CAROLINA STATE SENATOR MARVIN E. ABRAMS AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE REFLECTING THIS DESIGNATION.

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

H. 5268 -- Reps. Pitts, 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, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, 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 CONGRATULATE LEWIS JACKSON BEAUBE OF GREENWOOD

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ON THE OCCASION OF HIS ONE HUNDREDTH BIRTHDAY AND TO WISH HIM MUCH HAPPINESS IN THE DAYS AHEAD.

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

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on April 26, 2016, at 1:30 P.M. and the following Acts were ratified:

(R168, S. 849) -- Senators Cromer, Allen and Scott: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 20 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE PROCEDURES GOVERNING THE MAXIMUM ALLOWABLE COST REIMBURSEMENTS FOR GENERIC PRESCRIPTION DRUGS BY PHARMACY BENEFIT MANAGERS, TO PROVIDE NECESSARY DEFINITIONS, TO EXEMPT THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES IN THE PERFORMANCE OF ITS DUTIES IN ADMINISTERING MEDICAID UNDER TITLES XIX AND XXI OF THE SOCIAL SECURITY ACT, TO PROVIDE REQUIREMENTS FOR PLACING DRUGS ON MAXIMUM ALLOWABLE COST LISTS BY PHARMACY BENEFIT MANAGERS, AND TO PROVIDE VARIOUS REQUIREMENTS OF PHARMACY BENEFIT MANAGERS; TO PROVIDE THE ARTICLE IS APPLICABLE TO CONTRACTS BETWEEN PHARMACIES AND PHARMACY BENEFIT MANAGERS THAT ARE ENTERED INTO, RENEWED, OR EXTENDED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT; AND TO MAKE THE PROVISIONS OF THIS ACT EFFECTIVE JANUARY 1, 2016.

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(R169, S. 985) -- Senator Leatherman: AN ACT TO AMEND SECTION 4 OF ACT 250 OF 1991, AS AMENDED, RELATING TO ELECTIONS FOR MEMBERS OF THE BOARD OF TRUSTEES FOR FLORENCE COUNTY SCHOOL DISTRICT FIVE, TO PROVIDE THAT THE FLORENCE COUNTY ELECTION COMMISSION SHALL CONDUCT THE ELECTIONS, TO PROVIDE THAT THE ELECTIONS SHALL OCCUR ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH YEAR, AND TO

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PROVIDE FOR THE LOCATIONS WHERE THE ELECTION COMMISSION SHALL CONDUCT THE ELECTION.

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(R170, S. 1090) -- Senators Fair, Sheheen, Setzler, Lourie, Malloy and L. Martin: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24‑19‑5 SO AS TO PROVIDE THAT CHAPTER 19 OF TITLE 24 MAY BE CITED AS THE “JUDGE WILLIAM R. BYARS YOUTHFUL OFFENDER ACT”.

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(R171, H. 3768) -- Reps. G.M. Smith, Johnson and Willis: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 5, TITLE 11 SO AS TO ESTABLISH THE “SOUTH CAROLINA ABLE SAVINGS PROGRAM”, TO ALLOW INDIVIDUALS WITH A DISABILITY AND THEIR FAMILIES TO SAVE PRIVATE FUNDS TO SUPPORT THE INDIVIDUAL WITH A DISABILITY, TO PROVIDE GUIDELINES TO THE STATE TREASURER FOR THE MAINTENANCE OF THESE ACCOUNTS, AND TO ESTABLISH THE SAVINGS PROGRAM TRUST FUND AND SAVINGS EXPENSE TRUST FUND; TO AMEND SECTION 12‑6‑1140, AS AMENDED, RELATING TO INDIVIDUAL INCOME TAX DEDUCTIONS, SO AS TO PROVIDE A DEDUCTION FOR CONTRIBUTIONS MADE TO CERTAIN INVESTMENT TRUST ACCOUNTS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 5, TITLE 11 AS ARTICLE 1 AND ENTITLE THEM “GENERAL PROVISIONS”.

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(R172, H. 4709) -- Reps. Hixon, Hodges, Corley, Burns, Hiott, V.S. Moss, Kirby and Newton: AN ACT TO AMEND SECTION 50‑5‑15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS CONTAINED IN THE SOUTH CAROLINA MARINE RESOURCES ACT OF 2000, SO AS TO PROVIDE A DEFINITION FOR THE TERM “SOUTHERN COBIA MANAGEMENT ZONE”; AND TO AMEND SECTION 50‑5‑2730, AS AMENDED, RELATING TO CERTAIN FEDERAL FISHING REGULATIONS, SO AS TO PROVIDE THAT THESE REGULATIONS DO NOT APPLY TO

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COBIA LOCATED IN THE SOUTHERN COBIA MANAGEMENT ZONE.

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(R173, H. 4712) -- Reps. White, Bannister, Rutherford, G.R. Smith, Lowe, Pitts, Hiott, Erickson, Clemmons, Loftis, G.M. Smith, Hayes, Sandifer, Whitmire, Cole, Simrill, Allison, Cobb‑Hunter, Long, Huggins, Delleney, Pope and Bales: AN ACT TO AMEND SECTION 12‑43‑230, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TREATMENT OF AGRICULTURAL REAL PROPERTY, MOBILE HOME, AND LESSEE IMPROVEMENTS TO REAL PROPERTY, SO AS TO CLASSIFY OFF‑PREMISES OUTDOOR ADVERTISING SIGNS AS PERSONAL PROPERTY AND TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES AN OFF‑PREMISES SIGN SITE MUST BE TAXED AT ITS VALUE WHICH EXISTED BEFORE THE ERECTION OF THE SIGN.

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**Message from the House**

Columbia, S.C., April 20, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it insists upon the amendments proposed by the House to:

H. 3579 -- Reps. Simrill, White, Lucas, Allison, Henderson, Limehouse, Newton, Ott, Clary, Collins, Delleney, Forrester, Gambrell, Hardwick, Hiott, Horne, Merrill, D.C. Moss, V.S. Moss, Murphy, Pitts, Sandifer, G.M. Smith, Sottile, Spires, Wells, Whitmire, Yow, Jefferson, Erickson, Funderburk, Hosey, Hixon, Clyburn, Knight, Herbkersman, H.A. Crawford, Felder, Willis, McCoy, Bradley, Douglas, Norrell, Long, Bales, Daning, Loftis, Tallon, Anthony, Howard, Gagnon, Riley, Williams, Hayes, G.A. Brown, R.L. Brown, Hart, Weeks, Whipper, Pope, Tinkler, Hicks, Brannon, Corley, Clemmons, Johnson, George, Alexander, Anderson and Duckworth: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA INFRASTRUCTURE FINANCE REFORM AND TAX RELIEF ACT”; TO AMEND SECTIONS 57‑1‑310, 57‑1‑320, 57‑1‑325, AND 57‑1‑330, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT ALL THE

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COMMISSIONERS MUST BE APPOINTED BY THE GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR, TO PROVIDE THAT APPOINTEES MUST BE SCREENED BY THE JOINT TRANSPORTATION REVIEW COMMITTEE, AND TO PROVIDE THAT NO PERSON MAY SERVE AS A COMMISSIONER FOR MORE THAN TWELVE YEARS AND NO COUNTY MAY HAVE A RESIDENT COMMISSIONER FOR MORE THAN TWELVE CONSECUTIVE YEARS; TO AMEND SECTION 57‑1‑410, AS AMENDED, RELATING TO THE SECRETARY OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO PROVIDE THAT THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, INSTEAD OF THE GOVERNOR, SHALL APPOINT THE SECRETARY; TO AMEND SECTIONS 57‑1‑730 AND 57‑1‑740, AS AMENDED, RELATING RESPECTIVELY TO THE DUTIES OF THE JOINT TRANSPORTATION REVIEW COMMITTEE, BOTH SO AS TO REQUIRE THE COMMITTEE TO SCREEN APPOINTEES TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION IN A SIMILAR MANNER AS CURRENTLY ELECTED COMMISSIONERS ARE SCREENED; BY ADDING SECTION 57‑1‑95 SO AS TO PROHIBIT THE COMMENCEMENT OF ANY NEW ROAD CONSTRUCTION PROJECTS IN THIS STATE UNTIL JULY 1, 2020, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 11‑43‑140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO INCREASE THE BOARD TO THIRTEEN MEMBERS AND TO SET FORTH THE MEMBERSHIP, AND TO PROVIDE THAT NO MEMBER MAY SERVE MORE THAN TWELVE YEARS; TO AMEND SECTION 11‑43‑180, RELATING TO FINANCIAL ASSISTANCE GIVEN BY THE INFRASTRUCTURE BANK, SO AS TO PROHIBIT THE BANK FROM PROVIDING ANY LOANS OR OTHER FINANCIAL ASSISTANCE TO ANY PROJECT UNLESS THE ELIGIBLE COSTS OF THE PROJECT ARE AT LEAST TWENTY‑FIVE MILLION DOLLARS; BY ADDING SECTION 11‑43‑265 SO AS TO REQUIRE THE INFRASTRUCTURE BANK TO PRIORITIZE ALL PROJECTS IN ACCORDANCE WITH THE PRIORITIZATION CRITERIA ESTABLISHED IN ACT 114 OF 2007, AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 57‑1‑100 SO AS TO SET FORTH THE OPTIONAL PROCESS BY WHICH THE DEPARTMENT OF TRANSPORTATION TRANSFERS CERTAIN STATE ROADS TO THE COUNTIES OF

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THIS STATE, TO INCREASE THE AMOUNT DISTRIBUTED TO THE PARTICIPATING COUNTIES OVER TIME, TO PROVIDE THAT EACH PARTICIPATING COUNTY MUST RECEIVE ONE MILLION DOLLARS BEFORE THE FUNDS ARE DISTRIBUTED BASED ON A FORMULA, TO AMEND SECTION 12‑28‑2740, RELATING TO THE DISTRIBUTION OF THE GASOLINE USER FEE TO THE COUNTIES OF THIS STATE, TO ABOLISH THE CURRENT COUNTY TRANSPORTATION COMMITTEES AND THEN RECONSTITUTE THEM WITH THE ADDITION OF MUNICIPAL REPRESENTATION, AND TO SPECIFY THE MANNER IN WHICH “C” FUNDS MUST BE EXPENDED; TO AMEND SECTIONS 56‑5‑4210 AND 56‑5‑4220, BOTH RELATING TO ROAD RESTRICTIONS, SO AS TO SPECIFY CERTAIN RESTRICTIONS ON LOCALITIES; TO AMEND SECTION 12‑28‑310, RELATING TO THE USER FEE ON GASOLINE, SO AS TO REDUCE THE FEE TO TEN CENTS A GALLON; TO AMEND SECTION 56‑11‑410, RELATING TO THE ROAD TAX, SO AS TO REDUCE THE TAX TO TEN CENTS A GALLON; TO AMEND SECTION 56‑11‑450, RELATING TO THE CREDIT AGAINST ROAD TAX, SO AS TO REDUCE THE CREDIT TO TEN CENTS A GALLON; TO AMEND SECTION 12‑36‑2110, RELATING TO THE MAXIMUM TAX, SO AS TO INCREASE THE MAXIMUM TAX FROM THREE HUNDRED TO FIVE HUNDRED DOLLARS ON THE SALE OR LEASE OF A MOTOR VEHICLE; TO AMEND SECTION 12‑36‑2647, RELATING TO THE TAX REVENUES COLLECTED FROM THE SALE OR LEASE OF A MOTOR VEHICLE, SO AS TO CREDIT ALL THE REVENUES TO THE STATE HIGHWAY FUND EXCEPT FOR CERTAIN AMOUNTS THAT ARE USED FOR THE EDUCATION IMPROVEMENT ACT; BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN EXCISE TAX ON THE WHOLESALE PRICE OF MOTOR FUEL EQUAL TO THE CUMULATIVE STATE SALES TAX RATE, TO PROVIDE THAT THE REVENUE MUST BE CREDITED TO THE STATE HIGHWAY FUND, TO PROVIDE THAT THE EXCISE TAX MAY NOT EXCEED THE EQUIVALENT OF SIXTEEN CENTS A GALLON, AND TO PROVIDE THE MANNER IN WHICH THE EXCISE TAX IS CALCULATED AND ADMINISTERED; BY ADDING ARTICLE 9 TO CHAPTER 11, TITLE 57 SO AS TO IMPOSE AN EXCISE TAX ON MOTOR CARRIERS IN THE SAME MANNER AS THE EXCISE TAX ON MOTOR FUEL; AND TO AMEND SECTION 12‑6‑510, RELATING

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TO TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO INCREASE THE SIZE OF THE TAX BRACKETS FOR EACH TAX RATE; AND TO AMEND SECTION 12‑6‑520, RELATING TO THE ANNUAL ADJUSTMENT OF INCOME TAX BRACKETS, SO AS PROVIDE THE BRACKETS SHALL NOT BE ADJUSTED IN TAX YEARS 2016 AND 2017.

asks for a Committee of Conference, and has appointed Reps. Simrill, White and Rutherford to the committee on the part of the House.

Very respectfully,

Speaker of the House

Received as information.

**CONFERENCE COMMITTEE APPOINTED**

Whereupon, Senators HUTTO, GROOMS and CLEARY were appointed to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly.

**Message from the House**

Columbia, S.C., April 21, 2016

Mr. President and Senators:

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

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

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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**Message from the House**

Columbia, S.C., April 21, 2016

Mr. President and Senators:

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

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

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., April 26, 2016

Mr. President and Senators:

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

S. 1013 -- Senators Alexander and Davis: A BILL TO AMEND CHAPTER 57, TITLE 40 OF THE 1976 CODE, RELATING TO THE LICENSURE AND REGULATION OF REAL ESTATE BROKERS, SALESPERSONS, AND PROPERTY MANAGERS, TO REORGANIZE THE PROVISIONS OF THIS CHAPTER; TO REVISE AND ADD CERTAIN DEFINITIONS OF TERMS USED IN THIS CHAPTER; TO SPECIFY THAT CERTAIN DUTIES AND RESPONSIBILITIES BELONG TO THE REAL ESTATE COMMISSION RATHER THAN TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO DELETE A LICENSE REINSTATEMENT FEE; TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT, USE, AND REPORTING

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REQUIREMENTS FOR THE SOUTH CAROLINA REAL ESTATE COMMISSION EDUCATION AND RESEARCH FUND; TO DELETE THE PROVISION REQUIRING LICENSURE APPLICANTS TO SUBMIT A CREDIT REPORT, AND TO REQUIRE APPLICANTS TO UNDERGO CRIMINAL RECORDS CHECKS; TO REVISE EDUCATION AND RELATED REQUIREMENTS OF CERTAIN LICENSEES; TO PROVIDE THAT AN INDIVIDUAL WHOSE LICENSE IS REVOKED MAY NOT REAPPLY FOR LICENSURE FOR THREE YEARS, RATHER THAN ONE YEAR; TO PROVIDE CIRCUMSTANCES IN WHICH THE COMMISSION MAY RECOGNIZE A REAL ESTATE LICENSE FROM ANOTHER STATE AND TO PROVIDE SPECIFIC REQUIREMENTS FOR NONRESIDENT LICENSEES; TO SPECIFY CONTINUING EDUCATION REQUIREMENTS FOR BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE; TO REQUIRE THE ELECTRONIC TRANSMISSION OF CERTAIN STUDENT CONTINUING EDUCATION AND QUALIFYING COURSE RECORDS TO THE COMMISSION, AND TO REQUIRE THE COMMISSION MAINTAIN A SECURE DATABASE OF THESE RECORDS; TO FURTHER SPECIFY ADVERTISING AND MARKETING REQUIREMENTS AND LICENSEE STATUS DISCLOSURE; TO CLARIFY AND FURTHER SPECIFY DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE AND PROPERTY MANAGERS IN CHARGE CONCERNING TRUST FUNDS AND TRUST ACCOUNTS, RECORDKEEPING, AND THE SUPERVISION AND INSTRUCTION OF LICENSEES REGARDING THESE MATTERS; TO PROVIDE THAT NO CAUSE OF ACTION ARISES IF AN OWNER OF REAL ESTATE OR A LICENSEE DOES NOT DISCLOSE THE LOCATION OF A REGISTERED SEX OFFENDER; TO FURTHER SPECIFY THE RELATIONSHIPS AND THE DUTIES AND RESPONSIBILITIES OF BROKERS IN CHARGE, BROKERAGE FIRMS, AND LICENSEES TO THEIR CLIENTS, CUSTOMERS, AGENTS, OTHER LICENSEES, AND OTHER LICENSED INDIVIDUALS; TO FURTHER PROVIDE FOR GROUNDS FOR DENIAL OF LICENSURE OR FOR DISCIPLINARY ACTION AND TO AUTHORIZE THE COMMISSION TO REQUIRE A LICENSEE TO UNDERGO A CRIMINAL RECORDS CHECK AS PART OF AN INVESTIGATION OR DISCIPLINARY PROCEEDING; AND TO CLARIFY CONFIDENTIALITY REQUIREMENTS OF INFORMATION RECORDED FOR AN INVESTIGATION OR PROCEEDING; AND

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BY ADDING SECTION 27‑32‑85 SO AS TO PROVIDE THAT PURCHASE OF BENEFICIARY RIGHTS IN A TRUST BASED TIMESHARE, WHERE THE CONTRACT IS MADE IN THIS STATE, IS A REAL PROPERTY OWNERSHIP CONVEYANCE SUBJECT TO ALL CLOSING REQUIREMENTS CONTAINED IN THE TIME SHARING TRANSACTION PROCEDURES ACT.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

**Motion Adopted**

On motion of Senator LEATHERMAN, with unanimous consent, the Senate agreed that, when the Senate adjourns today, it stand adjourned to meet at 11:45 A.M. tomorrow for the purpose of attending the Joint Assembly and the Senate will reconvene one hour after the conclusion of the Joint Assembly.

**HOUSE CONCURRENCE**

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

Returned with concurrence.

Received as information.

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

**READ THE THIRD TIME**

**SENT TO THE HOUSE**

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

S. 561 -- Senators Grooms, Davis, Gregory, Peeler, Malloy, Campbell, Cleary, Bennett, Campsen, Sheheen and Fair: A BILL TO AMEND ARTICLE 3, CHAPTER 1, TITLE 57 OF THE 1976 CODE, RELATING TO THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION, TO INCREASE THE MEMBERSHIP OF THE

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COMMISSION TO NINE MEMBERS, TO PROVIDE THAT COMMISSIONERS SHALL BE APPOINTED BY THE GOVERNOR FROM THE STATE AT LARGE SUBJECT TO SCREENING BY THE JOINT TRANSPORTATION REVIEW COMMITTEE AND THE ADVICE AND CONSENT OF THE SENATE, TO PROVIDE THAT COMMISSIONERS SHALL BE APPOINTED TO SIX‑YEAR TERMS, AND TO CLARIFY THE COMMISSION’S DUTIES AND RESPONSIBILITIES; TO AMEND SECTION 57‑1‑410, RELATING TO THE APPOINTMENT OF THE SECRETARY OF TRANSPORTATION, TO PROVIDE THAT THE COMMISSION, WITH THE APPROVAL OF THE GOVERNOR, SHALL APPOINT A SECRETARY OF TRANSPORTATION SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE; TO AMEND SECTIONS 57‑1‑720(C) AND 57‑1‑730 TO MAKE TECHNICAL AND CONFORMING AMENDMENTS REFLECTING THE APPOINTMENT OF COMMISSIONERS RATHER THAN ELECTION OF COMMISSIONERS; TO AMEND CHAPTER 6, TITLE 1 OF THE 1976 CODE, RELATING TO THE OFFICE OF INSPECTOR GENERAL, TO ESTABLISH A DIVISION WITHIN THE OFFICE OF INSPECTOR GENERAL THAT IS RESPONSIBLE FOR THE INTERNAL AUDIT FUNCTION OF THE DEPARTMENT OF TRANSPORTATION; AND TO REPEAL SECTIONS 57‑1‑460 AND 57‑1‑740.

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

The Senate proceeded to the consideration of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

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Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Jackson

Johnson Kimpson Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John Matthews, Margie* Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

The Bill was read the third time, ordered sent to the House.

S. 908 -- Senator Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “SOUTH CAROLINA UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT” BY ADDING PART 10 TO ARTICLE 2, TITLE 62 SO AS TO ESTABLISH A FRAMEWORK BY WHICH INTERNET USERS HAVE THE POWER TO PLAN FOR THE MANAGEMENT AND DISPOSITION OF DIGITAL ASSETS UPON DEATH OR INCAPACITATION; TO DEFINE NECESSARY TERMS; TO SET FORTH THE APPLICABILITY OF THE ACT TO FIDUCIARIES, PERSONAL REPRESENTATIVES, CONSERVATORS, TRUSTEES, AND OTHER PARTIES; TO PROVIDE THAT THE ACT DOES NOT APPLY TO A DIGITAL ASSET OF AN EMPLOYER THAT IS USED BY AN EMPLOYEE IN THE ORDINARY COURSE OF BUSINESS; AND TO REQUIRE THAT THE PROVISIONS OF THIS ACT BE APPLIED AND CONSTRUED SO AS TO PROMOTE UNIFORMITY OF LAW AMONG THE STATES.

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

The Senate proceeded to the consideration of the Bill.

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

**Ayes 41; Nays 1**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Jackson 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--41**

**NAYS**

Bryant

**Total--1**

The Bill was read the third time, ordered sent to the House.

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

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**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 371 -- Senator Bryant: A BILL TO AMEND SECTION 40‑33‑110, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GROUNDS FOR DISCIPLINING NURSES, SO AS TO ADD THE OVERMEDICATING OR UNDERMEDICATING OF A PATIENT BY A NURSE WHO MISREADS A PHYSICIAN’S ORDER AS A GROUND TO REVOKE THE NURSE’S LICENSE.

The Senate proceeded to a consideration of the Bill.

Senator BRYANT proposed the following amendment (371R003.DR.KLB), which was adopted:

Amend the committee amendment, as and if amended, by striking SECTION 2 in its entirety.

Amend the committee amendment further, as and if amended, page [371‑3], by striking lines 5‑6.

Renumber sections to conform.

Amend title to conform.

The Committee on Medical Affairs proposed the following amendment (S-371), which was adopted:

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

/ SECTION 1. This act may be cited as “Samuel’s Law”.

SECTION 2. Section 40-33-110 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( )(1) This subsection shall be known as ‘Samuel’s Law’.

(2) Upon a finding by the board that a person licensed under this chapter acted in a wilful, wanton, or grossly negligent manner by misreading a physician’s order causing a patient to be overmedicated or undermedicated and resulting in the patient’s death, the board shall consider revocation of the person’s license to practice nursing in this State, either permanently or for a period of time determined appropriate by the board. If the board determines that revocation is not warranted under the circumstances, the board shall include a statement in its order regarding its rational for not revoking the person’s license. As used in this subsection, ‘wilful, wanton, or grossly negligent’ means an act or course of action, or inaction, which denotes deceit or a conscious disregard or indifference to the rights, safety, or welfare of others and which does or could result in death. As used in this section ‘misreading’

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means to unreasonably misinterpret or misunderstand under the particular circumstances of the event.”

SECTION 3. Section 40-33-80 of the 1976 Code is amended to read:

“Section 40-33-80. (A) The department shall investigate complaints and violations of this chapter as provided in Section 40-1-80.

(B)(1) The department shall begin an investigation of a complaint within forty-eight hours of receipt of the complaint in instances involving a patient death and the complaint alleges a person licensed under this chapter misread a physician order resulting in the overmedication or undermedication of the patient and contributed to the patient’s death. For purposes of this section ‘within forty-eight hours’ excludes Saturday, Sunday, and state holidays.

(2) Upon initiation of the investigation, representatives of the department shall meet as soon as practicable with family members of the deceased patient to make a statement of facts and an impact statement from family members who wish to provide such information. The department shall also provide an explanation of the procedures for processing complaints and inform family members that a family member whom they designate will be kept apprised of the events and the final disposition of the matter.

(3) Upon receipt of the complaint described in subsection (B)(1) and receipt of sufficient evidence demonstrating a person licensed under this chapter poses a substantial threat of serious harm to the public, the board may place the licensee on temporary suspension pending a final determination as provided for in this chapter and Chapter 1, Title 40. The licensee may request a hearing to contest the interim suspension of the license to show cause why suspension should not occur. The request shall be submitted within forty-eight hours after receipt of the temporary suspension order. The hearing shall be held by a hearing officer appointed by the board and shall take place within five days of the filing for the request for review, unless otherwise agreed to by the parties. A decision on the temporary suspension order shall be rendered no later than five days after the date of the hearing. A licensee who is temporarily suspended pursuant to this section shall be afforded at a reasonable interval an opportunity to demonstrate to the board the ability to resume practice with reasonable skill and safety.

(4) Notwithstanding any other provision of law, the board shall review and consider the statements provided to the department by family members of the deceased patient prior to issuing a final determination. The department shall be required to advise the designated family

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member, in writing, of scheduled events in the disciplinary process and of the final disposition of the matter.

(5) Notwithstanding any other provision of law, the board shall permit designated family members to be present at the hearing.

(6) For purposes of this section ‘family member’ or ‘family members’ shall mean the spouse, parent, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.

(C) The board shall publish on its website an explanation of the procedures for processing complaints and how to locate information about a specific licensee on its website.”

SECTION 4. It is not the intent of the General Assembly to burden the nursing profession by this legislation. As a result, the department and the board are prohibited from promulgating new regulations, adding educational requirements, or imposing additional duties on nurses based solely on this legislation.

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY spoke on the amendment.

**Motion under Rule 26B**

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

There was no objection.

**MINORITY REPORT REMOVED**

**COMMITTEE AMENDMENT TABLED**

**AMENDED, READ THE SECOND TIME**

S. 986 -- Senators Shealy, L. Martin, Campsen, Turner, Young, McElveen, M.B. Matthews and Williams: A BILL TO AMEND SECTIONS 16-15-90 AND 16-15-100 SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO PROSTITUTION, TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION; TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING; AND TO FURTHER INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR

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PROSTITUTION WHERE THE PROSTITUTE HAS A MENTAL DISABILITY.

The Senate proceeded to a consideration of the Bill.

On motion of Senator MALLOY, the minority report was removed from the Bill.

The Committee on Judiciary proposed the following amendment (JUD0986.001), which was tabled:

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

/ SECTION 1. Section 16-15-90 of the 1976 Code is amended to read:

“Section 16-15-90. (A) It shall be unlawful to~~:~~

~~(1)~~ ~~Engage~~ engage in prostitution~~;~~ or

~~(2)~~ ~~Aid~~ knowingly aid or abet prostitution ~~knowingly;~~

~~(3)~~ ~~Procure or solicit for the purpose of prostitution;~~

~~(4)~~ ~~Expose indecently the private person for the purpose of prostitution or other indecency;~~

~~(5)~~ ~~Reside in, enter or remain in any place, structure, building, vehicle, trailer or conveyance for the purpose of lewdness, assignation or prostitution;~~

~~(6)~~ ~~Keep or set up a house of ill fame, brothel or bawdyhouse;~~

~~(7)~~ ~~Receive any person for purposes of lewdness, assignation or prostitution into any vehicle, conveyance, trailer, place, structure or building;~~

~~(8)~~ ~~Permit any person to remain for the purpose of lewdness, assignation or prostitution in any vehicle, conveyance, trailer, place, structure or building;~~

~~(9)~~ ~~Direct, take or transport, offer or agree to take or transport or aid or assist in transporting any person to any vehicle, conveyance, trailer, place, structure or building or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation;~~

~~(10) Lease or rent or contract to lease or rent any vehicle, conveyance, trailer, place, structure or building or part thereof believing or having reasonable cause to believe that it is intended to be used for any of the purposes herein prohibited; or~~

~~(11)~~ ~~Aid, abet, or participate knowingly in the doing of any of the acts herein prohibited~~.

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(B) A person who violates this section is guilty of a misdemeanor, and, upon conviction:

(1) for a first offense, must be fined not more than two hundred dollars or imprisoned not more than thirty days, or both;

(2) for a second offense, must be fined not more than one thousand dollars or imprisoned not more than six months, or both;

(3) for a third or subsequent offense, must be fined not more than three thousand dollars or imprisoned not more than one year, or both.

(C) It is an affirmative defense to a prosecution for a violation of this section that, during the commission of the offense, the defendant was a victim of trafficking in persons as defined by Section 16-3-2010(10).” /

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

/ SECTION 2. Section 16-15-100 of the 1976 Code is amended to read:

“Section 16-15-100. (A) It shall ~~further~~ be unlawful to:

(1) ­procure or solicit for the purpose of prostitution;

~~(1)~~(2) ~~Procure~~ procure a ~~female~~ person to be an inmate for a house of prostitution;

~~(2)~~(3) ~~Cause~~ cause, induce, persuade, or encourage by promise, threat, violence, or by any scheme or device a ~~female~~ person to become a prostitute or to remain an inmate of a house of prostitution;

~~(3)~~(4) ~~Induce~~ induce, persuade, or encourage a ~~female~~ person to come into or leave this State for the purpose of prostitution or to become an inmate in a house of prostitution;

~~(4)~~(5) ~~Receive~~ receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure ~~any female~~ a person to become a prostitute or an inmate in a house of prostitution;

~~(5)~~(6) ~~Accept~~ accept or receive knowingly any money or other thing of value without consideration from a prostitute; ~~or~~

(7) expose indecently the private person for the purpose of prostitution or other indecency;

(8) reside in, enter, or remain in a place, structure, building, vehicle, trailer, or conveyance for the purpose of lewdness, assignation, or prostitution;

(9) keep or set up a house of ill fame, brothel, or bawdyhouse;

(10) receive a person for purposes of lewdness, assignation, or prostitution into a vehicle, conveyance, trailer, place, structure, or building;

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(11) permit a person to remain for the purpose of lewdness, assignation, or prostitution in a vehicle, conveyance, trailer, place, structure, or building;

(12) direct, take, or transport, offer or agree to take or transport, or aid or assist in transporting a person to a vehicle, conveyance, trailer, place, structure, or building, or to another person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;

(13) lease, rent, or contract to lease or rent a vehicle, conveyance, trailer, place, structure, building, or part thereof believing or having reasonable cause to believe that it is intended to be used for any of the purposes herein prohibited; or

~~(6)~~(14) ~~Aid~~ knowingly aid, abet, or participate ~~knowingly~~ in the doing of any of the acts ~~herein~~ prohibited in this section.

(B)(1) A person who violates a provision of this section is guilty of a misdemeanor, and, upon conviction:

(a) for a first offense, must be fined not less than two hundred fifty dollars and not more than one thousand dollars or imprisoned not more than thirty days, or both;

(b) for a second offense, must be fined not less than five hundred dollars and not more than three thousand dollars or imprisoned not more than six months, or both. If the court makes a specific finding on the record that based on the circumstances of the case the person should register as a sex offender, the person is required to register with the sex offender registry pursuant to Article 7, Chapter 3, Title 23. Five years from the date the person originally registered, SLED shall remove the person’s name and other information concerning the person from the registry;

(c) for a third or subsequent offense, must be fined not less than one thousand five hundred dollars and not more than five thousand dollars or imprisoned not more than one year, or both. The person is required to register with the sex offender registry pursuant to Article 7, Chapter 3, Title 23. Five years from the date the person originally registered, the person may petition the court of conviction to remove the person’s name and other information concerning the person from the registry. If the court, in its discretion, grants the person’s petition, SLED shall remove the person’s name and other information concerning the person from the registry.

(2) A person who violates a provision of this section where the prostitute is severely or profoundly mentally disabled, is guilty of a felony and, upon conviction, must be fined not less than one thousand

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five hundred dollars and not more than five thousand dollars or imprisoned not more than two years, or both. The person is required to register with the sex offender registry pursuant to Article 7, Chapter 3, Title 23. Five years from the date the person originally registered, the person may petition the court of conviction to remove the person’s name and other information concerning the person from the registry. If the court, in its discretion, grants the person’s petition, SLED shall remove the person’s name and other information concerning the person from the registry.” /

Renumber sections to conform.

Amend title to conform.

On motion of Senator HUTTO, the committee amendment was laid on the table.

Senator SHEALY proposed the following amendment (JUD0986.002), which was adopted:

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

/ SECTION 1. Section 16-15-90 of the 1976 Code is amended to read:

“Section 16-15-90. (A) It shall be unlawful to~~:~~

~~(1)~~ ~~Engage~~ engage in prostitution~~;~~ or

~~(2)~~ ~~Aid~~ knowingly aid or abet prostitution ~~knowingly;~~

~~(3)~~ ~~Procure or solicit for the purpose of prostitution;~~

~~(4)~~ ~~Expose indecently the private person for the purpose of prostitution or other indecency;~~

~~(5)~~ ~~Reside in, enter or remain in any place, structure, building, vehicle, trailer or conveyance for the purpose of lewdness, assignation or prostitution;~~

~~(6)~~ ~~Keep or set up a house of ill fame, brothel or bawdyhouse;~~

~~(7)~~ ~~Receive any person for purposes of lewdness, assignation or prostitution into any vehicle, conveyance, trailer, place, structure or building;~~

~~(8)~~ ~~Permit any person to remain for the purpose of lewdness, assignation or prostitution in any vehicle, conveyance, trailer, place, structure or building;~~

~~(9)~~ ~~Direct, take or transport, offer or agree to take or transport or aid or assist in transporting any person to any vehicle, conveyance, trailer, place, structure or building or to any other person with knowledge~~

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~~or having reasonable cause to believe that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation;~~

~~(10) Lease or rent or contract to lease or rent any vehicle, conveyance, trailer, place, structure or building or part thereof believing or having reasonable cause to believe that it is intended to be used for any of the purposes herein prohibited; or~~

~~(11)~~ ~~Aid, abet, or participate knowingly in the doing of any of the acts herein prohibited~~.

(B) A person who violates this section is guilty of a misdemeanor, and, upon conviction:

(1) for a first offense, must be fined not more than two hundred dollars or imprisoned not more than thirty days, or both;

(2) for a second offense, must be fined not more than one thousand dollars or imprisoned not more than six months, or both;

(3) for a third or subsequent offense, must be fined not more than three thousand dollars or imprisoned not more than one year, or both.

(C) It is an affirmative defense to a prosecution for a violation of this section that, during the commission of the offense, the defendant was a victim of trafficking in persons as defined by Section 16-3-2010(10).” /

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

/ SECTION 2. Section 16-15-100 of the 1976 Code is amended to read:

“Section 16-15-100. (A) It shall ~~further~~ be unlawful to:

(1) procure or solicit for the purpose of prostitution;

~~(1)~~(2) ~~Procure~~ procure a ~~female~~ person to be an inmate for a house of prostitution;

~~(2)~~(3) ~~Cause~~ cause, induce, persuade, or encourage by promise, threat, violence, or by any scheme or device a ~~female~~ person to become a prostitute or to remain an inmate of a house of prostitution;

~~(3)~~(4) ~~Induce~~ induce, persuade, or encourage a ~~female~~ person to come into or leave this State for the purpose of prostitution or to become an inmate in a house of prostitution;

~~(4)~~(5) ~~Receive~~ receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure ~~any female~~ a person to become a prostitute or an inmate in a house of prostitution;

~~(5)~~(6) ~~Accept~~ accept or receive knowingly any money or other thing of value without consideration from a prostitute; ~~or~~

(7) expose indecently the private person for the purpose of prostitution or other indecency;

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(8) reside in, enter, or remain in a place, structure, building, vehicle, trailer, or conveyance for the purpose of lewdness, assignation, or prostitution;

(9) keep or set up a house of ill fame, brothel, or bawdyhouse;

(10) receive a person for purposes of lewdness, assignation, or prostitution into a vehicle, conveyance, trailer, place, structure, or building;

(11) permit a person to remain for the purpose of lewdness, assignation, or prostitution in a vehicle, conveyance, trailer, place, structure, or building;

(12) direct, take, or transport, offer or agree to take or transport, or aid or assist in transporting a person to a vehicle, conveyance, trailer, place, structure, or building, or to another person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;

(13) lease, rent, or contract to lease or rent a vehicle, conveyance, trailer, place, structure, building, or part thereof believing or having reasonable cause to believe that it is intended to be used for any of the purposes herein prohibited; or

~~(6)~~(14) ~~Aid~~ knowingly aid, abet, or participate ~~knowingly~~ in the doing of any of the acts ~~herein~~ prohibited in this section.

(B)(1) A person who violates a provision of this section is guilty of a misdemeanor, and, upon conviction:

(a) for a first offense, must be fined not less than two hundred fifty dollars and not more than one thousand dollars or imprisoned not more than thirty days, or both;

(b) for a second offense, must be fined not less than five hundred dollars and not more than three thousand dollars or imprisoned not more than six months, or both;

(c) for a third or subsequent offense, must be fined not less than one thousand five hundred dollars and not more than five thousand dollars or imprisoned not more than one year, or both.

(2) A person who violates a provision of this section where the prostitute is severely or profoundly mentally disabled, is guilty of a felony and, upon conviction, must be fined not less than one thousand five hundred dollars and not more than five thousand dollars or imprisoned not more than two years, or both.” /

Renumber sections to conform.

Amend title to conform.

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Senator SHEALY explained the amendment.

The question being the second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson 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--44**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

S. 980 -- Senators Sheheen and McElveen: A BILL TO AMEND CHAPTER 69, TITLE 40 OF THE 1976 CODE, RELATING TO VETERINARIANS, BY ADDING SECTION 40‑69‑305 TO REQUIRE ALL PRESCRIPTION DRUGS DISPENSED TO AN ANIMAL’S

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OWNER TO BE LABELED IN ACCORDANCE WITH STATE AND FEDERAL LAW; AND TO PROVIDE PENALTIES FOR VIOLATING THIS SECTION.

The Senate proceeded to a consideration of the Bill.

Senator VERDIN proposed the following amendment (980R002.EB.DBV), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 31‑32 and inserting:

/ a fine of not more than five hundred dollars.” /

Renumber sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The question being the second reading of the Bill.

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

**Motion under Rule 26B**

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

There was no objection.

**READ THE SECOND TIME**

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

The Senate proceeded to a consideration of the Bill.

Senator VERDIN explained the Bill.

The question being the second reading of the Bill.

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

**Motion under Rule 26B**

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

There was no objection.

**READ THE SECOND TIME**

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

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 44; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John Matthews, Margie* McElveen

Nicholson Peeler Rankin

Reese Sabb Scott

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Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--44**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

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

The Senate proceeded to a consideration of the Bill.

Senator GREGORY 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**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

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Peeler Rankin Reese

Sabb Scott Setzler

Shealy Thurmond Turner

Verdin Young

**Total--41**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1182 -- Senators Shealy, Lourie, Fair and Hutto: A BILL TO AMEND ARTICLE 7, CHAPTER 5, TITLE 17, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, BY ADDING SECTIONS 17-5-541 AND 17-5-542, SO AS TO PROVIDE THAT THE CORONER OF EACH COUNTY SHALL SCHEDULE A LOCAL CHILD FATALITY REVIEW TEAM TO PERFORM A REVIEW OF A CASE WHERE A CHILD UNDER THE AGE OF EIGHTEEN DIES IN THE COUNTY HE SERVES AND TO PROVIDE THE PURPOSE OF THE REVIEW TEAM; TO AMEND ARTICLE 3, CHAPTER 5, TITLE 17, RELATING TO CORONERS, BY ADDING SECTION 17-5-140, SO AS TO PROVIDE THAT FUNDS MUST BE DISBURSED TO THE COUNTIES EQUALLY TO PAY THE DULY ELECTED FULL‑TIME CORONER OR OTHER RELATED PERSONNEL OR EQUIPMENT AND TO PROVIDE THAT EXCESS FUNDS MUST BE USED BY THE CORONERS TRAINING ADVISORY COMMITTEE TO PERFORM ITS DUTIES; AND TO AMEND SECTION 17‑5‑130, RELATING TO THE CORONERS TRAINING ADVISORY COMMITTEE, SO AS TO PROVIDE ADDITIONAL DUTIES.

The Senate proceeded to the consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (JUD1182.002), which was adopted:

Amend the bill, as and if amended, page 3, by striking lines 8 through 15, and inserting therein the following:

/ (B) From the funds received pursuant to this section, each county treasurer must pay the duly elected coroner at least thirty‑five thousand dollars annually. If the funds are not totally expended to pay the duly elected coroner, then at the discretion of the coroner he may hire a deputy coroner, administrative personnel, or personnel with forensic training. Also, the coroner may use the funds to provide an office or office equipment.

(C) Upon disbursing thirty‑five thousand dollars to each county treasurer /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the Bill.

The question being the second reading of the Bill.

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

**Motion under Rule 26B**

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

There was no objection.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 227 -- Senators Campbell, Rankin and Grooms: A BILL TO AMEND SECTION 12‑10‑88 OF THE 1976 CODE, RELATING TO THE REMISSION OF REDEVELOPMENT FEES TO A REDEVELOPMENT AUTHORITY, TO EXTEND THE END DATE FOR REMISSIONS FROM JANUARY 1, 2017, TO JANUARY 1, 2037.

The Senate proceeded to the consideration of the Bill.

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Senator CLEARY proposed the following amendment (227R002.EB.REC), which was adopted:

Amend the committee amendment, as and if amended, page [227‑1], by striking line 32 and inserting:

/ years later or January 1, ~~2017~~ 2021, whichever occurs last. If the /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the perfecting amendment.

The Committee on Finance proposed the following amendment (DKA\227C002.DKA.SA16), which was adopted:

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

/ SECTION 1. Section 12‑10‑88(C) of the 1976 Code is amended to read:

“(C) Redevelopment fees may be remitted to the applicable redevelopment authority for a period beginning with the date that the applicable redevelopment authority first submits the information described in subsection (B) to the department and ending fifteen years later or January 1, ~~2017~~ 2019, whichever occurs last. If the redevelopment authority fails to provide the department with the required statement within the requisite time limits, no redevelopment fees must be remitted for that quarter. Notwithstanding subsection (A), the redevelopment fee remitted by the department in any fiscal year may not exceed the amount remitted in Fiscal Year 2014‑2015.” /

Renumber sections to conform.

Amend title to conform.

The question being the second reading of the Bill.

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

**Ayes 33; Nays 8**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Cromer

Fair Gregory Grooms

Hayes Hutto Johnson

Kimpson Leatherman Malloy

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*Martin, Larry* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Rankin Reese Sabb

Scott Setzler Shealy

Turner Verdin Young

**Total--33**

**NAYS**

Bright Bryant Corbin

Davis *Martin, Shane* Peeler

Sheheen Thurmond

**Total--8**

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

**READ THE SECOND TIME**

S. 1037 -- Senator Alexander: A BILL TO AMEND SECTION 40‑47‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTION OF TEAM PHYSICIANS OF ATHLETIC TEAMS VISITING THE STATE FOR A SPECIFIC SPORTING EVENT FROM PHYSICIAN LICENSING REQUIREMENTS IN THIS STATE, SO AS TO EXPAND THE EXEMPTION TO INCLUDE TEAM PHYSICIANS OF ATHLETIC TEAMS VISITING THE STATE FOR A TEAM TRAINING CAMP.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

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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 Young

**Total--41**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1122 -- Senators Rankin, Cleary and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4‑10‑980 SO AS TO PROVIDE FOR THE REIMPOSITION OF THE LOCAL OPTION TOURISM DEVELOPMENT FEE.

The Senate proceeded to a consideration of the Bill.

Senator RANKIN explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

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Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Young

**Total--42**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1177 -- Senator Alexander: A BILL TO AMEND SECTION 40‑3‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE PROFESSIONAL LICENSURE OF ARCHITECTS, AND TO AMEND SECTION 40‑3‑230, RELATING TO TRAINING REQUIREMENTS FOR THE PROFESSIONAL LICENSURE OF ARCHITECTS, BOTH SO AS TO REPLACE REFERENCES TO THE “INTERN DEVELOPMENT PROGRAM” WITH REFERENCES TO THE “ARCHITECTURAL EXPERIENCE PROGRAM”; AND TO AMEND SECTION 40‑3‑240, RELATING TO REQUIREMENTS FOR TAKING THE ARCHITECTURAL REGISTRATION EXAMINATION, SO AS TO REPLACE REQUIREMENTS CONCERNING PARTICIPATION IN THE INTERN DEVELOPMENT PROGRAM WITH REQUIREMENTS CONCERNING PARTICIPATION IN THE ARCHITECTURAL EXPERIENCE PROGRAM OR CERTAIN PROGRAMS SANCTIONED BY THE NATIONAL COUNCIL ON ARCHITECTURAL REGISTRATION BOARDS.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes 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

Young

**Total--40**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 922 -- Senator Bryant: A BILL TO AMEND SECTION 43‑25‑70 OF THE 1976 CODE, RELATING TO COMMISSION FOR THE BLIND CONCESSION STANDS, TO PROVIDE THAT AN OPERATOR OF A CONCESSION STAND MAY NOT SUBCONTRACT THE INSTALLATION OR OPERATION OF THE CONCESSION STAND TO A PERSON WHO IS NOT BLIND OR DOES NOT HAVE A SEVERE VISUAL DISABILITY.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Jackson

Johnson Kimpson Leatherman

Malloy *Martin, Larry Martin, Shane*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Young

**Total--39**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

S. 1157 -- Senators Cleary and Campbell: A BILL TO AMEND ARTICLE 7, CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION SHALL BEAR COSTS, NOT TO EXCEED SEVEN AND ONE‑HALF PERCENT OF THE

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TOTAL PROJECT COSTS FOR CONSTRUCTION PROJECTS OR IMPROVEMENTS FUNDED BY REVENUE GENERATED FROM H. 3579, R. \_\_\_, ACT \_\_\_ OF 2015.

The Senate proceeded to the consideration of the Bill.

Senator CLEARY explained the Bill.

Senator DAVIS spoke on the Bill.

Senator CAMPSEN spoke on the Bill.

The question being the second reading of the Bill.

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

**Motion under Rule 26B**

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

There was no objection.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 356 -- Senator Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑31‑60, SO AS TO REQUIRE THAT ON THE EFFECTIVE DATE OF THIS ACT RECOGNIZED NATIVE AMERICAN INDIAN GROUPS CONTINUE TO BE RECOGNIZED AND ELIGIBLE TO EXERCISE PRIVILEGES AND OBLIGATIONS AUTHORIZED BY THAT DESIGNATION, THAT THE COMMISSION FOR MINORITY AFFAIRS CEASE TO RECOGNIZE ADDITIONAL NATIVE AMERICAN INDIAN GROUPS, THAT ANY REGULATIONS PROVIDING FOR RECOGNITION AS A NATIVE AMERICAN INDIAN GROUP ARE REPEALED, AND THAT THE COMMISSION REVISE ITS REGULATIONS TO PROVIDE FOR THE PRIVILEGES AND OBLIGATIONS OF NATIVE AMERICAN INDIAN GROUPS THAT CONTINUE TO BE RECOGNIZED.

The Senate proceeded to the consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (JUD0356.002), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 5 through 15 and inserting therein the following:

/ of Tribe members on the Advisory Committee. Now, therefore,/

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The question being the second reading of the Bill.

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

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Jackson

Johnson Kimpson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, Margie* McElveen

Nicholson Peeler Rankin

Sabb Scott Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--39**

**NAYS**

**Total--0**

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

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**READ THE SECOND TIME**

S. 1127 -- Senator Cleary: A BILL TO AMEND SECTION 15‑41‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INDIVIDUAL RETIREMENT ACCOUNT BEING EXEMPT FROM ATTACHMENT, LEVY, AND SALE, SO AS TO DELETE THE PROVISION THAT THE EXEMPTION APPLIES ONLY TO THE EXTENT THAT IS PERMITTED IN SECTION 522(d) OF THE FEDERAL BANKRUPTCY CODE.

The Senate proceeded to the 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 38; Nays 2**

**AYES**

Alexander Allen Bennett

Bryant Campsen Cleary

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane Matthews, Margie* McElveen

Nicholson Peeler Rankin

Reese Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

Corbin Massey

**Total--2**

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

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**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1139 -- Senator Allen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑85 SO AS TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION SHALL FURNISH TO THE SOUTH CAROLINA DEPARTMENT OF REVENUE DOCUMENTATION OF ALL CRIMINAL CONVICTIONS, GUILTY PLEAS, AND NOLO CONTENDERE PLEAS WHICH RESULT FROM EVENTS OCCURRING ON THE PREMISES OF BUSINESS ESTABLISHMENTS HOLDING LICENSES TO SELL BEER, WINE, OR LIQUOR.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD1139.003), which was adopted:

Amend the bill, as and if amended, by striking the bill in its entirety and inserting the following:

/ A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 61‑2‑20 SO AS TO PROVIDE THAT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION SHALL FURNISH TO THE SOUTH CAROLINA DEPARTMENT OF REVENUE IN A TIMELY MANNER DOCUMENTATION OF CRIMINAL CONVICTIONS, GUILTY PLEAS, AND NOLO CONTENDERE PLEAS OBTAINED BY THE DIVISION THAT RESULT FROM TITLE 61 VIOLATIONS OCCURRING ON THE PREMISES OF BUSINESS ESTABLISHMENTS LICENSED OR PERMITTED PURSUANT TO THE PROVISIONS OF TITLE 61.

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

SECTION 1. Section 61‑2‑20 of the 1976 Code is amended as follows:

“Section 61‑2‑20. The functions, duties, and powers set forth in this title are vested in the department and the division. The department must administer the provisions of this title, and the division must enforce the provisions of this title. The division shall furnish to the department documentation of criminal convictions, guilty pleas, and nolo contendere pleas obtained by the division that result from Title 61 violations or criminal activities that occur at businesses licensed or permitted pursuant to the provisions of Title 61. The documentation shall be delivered to the department within thirty days of the conviction or plea.”

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SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The question being the second reading of the Bill.

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

**Ayes 37; Nays 1**

**AYES**

Alexander Bennett Bright

Bryant Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

Nicholson Peeler Rankin

Reese Sabb Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--37**

**NAYS**

*Matthews, Margie*

**Total--1**

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

**READ THE SECOND TIME**

H. 3036 -- Reps. Cobb‑Hunter, Bamberg and McKnight: A BILL 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

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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.

The Senate proceeded to the 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 34; Nays 6**

**AYES**

Alexander Allen Bennett

Campsen Cleary Coleman

Courson Davis Fair

Gregory Hayes Hutto

Johnson Kimpson Leatherman

Malloy *Martin, Larry* Massey

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--34**

**NAYS**

Bright Bryant Corbin

Cromer Grooms *Martin, Shane*

**Total--6**

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

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**READ THE SECOND TIME**

S. 1258 -- Finance Committee: A BILL TO AMEND CHAPTER 43, TITLE 11 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, TO PROVIDE FOR THE DISTRIBUTION BY THE DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK OF CERTAIN FEES AND FINES COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES TRANSFERRED TO THE STATE HIGHWAY FUND; TO AMEND SECTIONS 12‑37‑2740(D), 38‑73‑470, 56‑1‑170(B)(3), 56‑1‑200, 56‑1‑286(K)(1), 56‑1‑390(2), 56‑1‑400(A), 56‑1‑460(A)(1)(e)(iii), 56‑1‑550, 56‑1‑740(B)(3), 56‑1‑746(D)(3), 56‑1‑2080, 56‑3‑355, 56-3-1335, 56‑5‑750(G)(3), 56‑5‑2951(B)(1), 56‑5‑2951(H)(3), 56‑9‑330, 56‑10‑240(C), 56‑10‑245, 56‑10‑552, 56‑19‑420(C), AND 56‑19‑520(A)(4), ALL OF THE 1976 CODE, ALL RELATING TO FEES OR FINES COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT ALL OR A PORTION OF THE FEES SHALL BE CREDITED TO THE STATE HIGHWAY FUND, AND TO PROVIDE FOR THE DISTRIBUTION OF THOSE FUNDS BY THE DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK; TO AMEND SECTION 12‑36‑2647 OF THE 1976 CODE, AS ENACTED IN ACT 98 OF 2013 AND RELATED TO SOURCES OF REVENUE USED FOR HIGHWAY CONSTRUCTION AND MAINTENANCE, TO PROVIDE THAT THE REVENUES OF SALES, USE, AND CASUAL EXCISE TAXES DERIVED PURSUANT TO SECTIONS 12‑36‑2620(1) AND 12‑36‑2640(1) ON THE SALE, USE, OR TITLING OF A MOTOR VEHICLE MUST BE CREDITED TO THE STATE HIGHWAY FUND, AND TO PROVIDE FOR THE DISTRIBUTION OF THOSE FUNDS BY THE DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK.

The Senate proceeded to the consideration of the Bill.

Senator LEATHERMAN explained the Bill.

Senator MASSEY spoke on the Bill.

The question being the second reading of the Bill.

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

**Motion under Rule 26B**

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

There was no objection.

**Recorded Vote**

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

**READ THE SECOND TIME**

S. 1205 -- Senator Hembree: A BILL TO AMEND SECTION 50‑3‑315(A) OF THE 1976 CODE, RELATING TO DEPUTY ENFORCEMENT OFFICERS NATURAL RESOURCES ENFORCEMENT DIVISION, TO PROVIDE THAT ENFORCEMENT OFFICERS NATURAL RESOURCES ENFORCEMENT DIVISION ARE NOT REQUIRED TO OBTAIN THE BONDS REQUIRED BY SECTION 50‑3‑330; AND TO AMEND SECTION 50‑3‑330 OF THE 1976 CODE, RELATING TO ENFORCEMENT OFFICERS NATURAL RESOURCES ENFORCEMENT DIVISION OATH AND BONDS, TO PROVIDE THAT OFFICERS SHALL BE COVERED BY A SURETY BOND OF NOT LESS THAN TWO THOUSAND DOLLARS AND THAT THE DEPARTMENT OF NATURAL RESOURCES MUST PAY THE PREMIUMS ON THE SURETY BONDS.

The Senate proceeded to the 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 38; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

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Corbin Courson Cromer

Fair Gregory Grooms

Hayes Hutto Johnson

Kimpson Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, Margie*

McElveen Nicholson Peeler

Rankin Reese Sabb

Scott Setzler Shealy

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

**Total--0**

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

**AMENDED, READ THE SECOND TIME**

S. 1252 -- Senators S. Martin, Bryant and Peeler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑9‑195 SO AS TO REQUIRE THE STATE FIRE MARSHAL TO ISSUE A LICENSE FOR A COMMUNITY FIREWORKS DISPLAY IF CERTAIN SAFETY CONDITIONS AND OTHER REQUIREMENTS ARE MET.

The Senate proceeded to the consideration of the Bill.

Senator SHANE MARTIN proposed the following amendment (BBM\1252C001.BBM.DG16), which was adopted:

Amend the bill, as and if amended, SECTION 1, after line 39, by adding an undesignated paragraph to read:

/ The State Fire Marshal, Department of Labor, Licensing and Regulation, may charge and retain a fee for the petition equal to the cost of the application fee of other similar filings.” /

Renumber sections to conform.

Amend title to conform.

Senator SHANE MARTIN explained the amendment.

Senator SHANE MARTIN explained the Bill.

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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

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, Margie*

McElveen Nicholson Peeler

Rankin Reese Sabb

Scott Setzler Shealy

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

**Total--0**

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

**READ THE SECOND TIME**

H. 5100 -- Rep. Fry: A BILL 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

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OF DENTISTRY; AND BY ADDING SECTION 38‑71‑1545 SO AS TO EXCLUDE APPLICATION OF THE ARTICLE TO CERTAIN INSURANCE POLICIES.

The Senate proceeded to the consideration of the Bill.

Senator CLEARY explained the Bill.

The question being the second reading of the Bill.

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

**Ayes 40; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Grooms

Hayes Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Reese Sabb Scott

Setzler Shealy Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

**Total--0**

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

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**AMENDED, CARRIED OVER**

S. 139 -- Senator Cleary: A BILL TO AMEND SECTION 48‑39‑130 OF THE 1976 CODE, RELATING TO PERMITS REQUIRED FOR COASTAL ZONE CRITICAL AREAS, TO ALLOW FOR CERTAIN ADDITIONAL TECHNOLOGIES, METHODOLOGIES, OR STRUCTURES WITH REGARD TO PROTECTING BEACH AND DUNE CRITICAL AREAS WHEN AN EMERGENCY ORDER IS ISSUED BY APPOINTED OFFICIALS OF COUNTIES AND MUNICIPALITIES; TO AMEND SECTION 48‑39‑280, TO PROHIBIT THE SEAWARD MOVEMENT OF THE BASELINE AFTER JULY 1, 2015, AND TO ELIMINATE THE RIGHT OF LOCAL GOVERNMENTS AND LANDOWNERS TO PETITION THE ADMINISTRATIVE LAW COURT TO MOVE THE BASELINE SEAWARD UPON COMPLETION OF A BEACH RENOURISHMENT PROJECT; TO AMEND SECTION 48‑39‑290, TO NARROW THE EXCEPTION OF GOLF COURSES FROM A PERMIT REQUIREMENT TO REPAIR AND MAINTENANCE OF EXISTING GOLF COURSES, TO PROVIDE FOR AN EXEMPTION FOR SANDFENCING, REVEGITATION OF DUNES, MINOR BEACH RENOURISHMENT, AND DUNE CONSTRUCTION; AND TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO APPROVE REPAIRS TO CERTAIN EROSION CONTROL DEVICES WHICH WOULD OTHERWISE BE PROHIBITED, TO PROVIDE FOR THE CIRCUMSTANCES UNDER WHICH REPAIRS MAY BE MADE; TO AMEND SECTION 48‑39‑320 BY ADDING A SUBSECTION TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY APPROVE EROSION CONTROL DEVICES NOT PROVIDED FOR IN THIS CHAPTER IF THE BOARD DETERMINES THAT A DEVICE WILL BE SUCCESSFUL WITH REGARD TO EROSION CONTROL; AND TO REPEAL SECTION 48‑39‑290(D)(2).

The Senate proceeded to the consideration of the Bill.

Senator CAMPBELL proposed the following amendment (139R012.EB.PGC), which was adopted:

Amend the bill, as and if amended, page 6, by striking line 38 and inserting:

/ less than every ~~eight~~ seven years but not more than every ten years after /

Renumber sections to conform.

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Amend title to conform.

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

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 944 -- Senators Peeler and Hembree: A BILL TO AMEND SECTION 10‑1‑30 OF THE 1976 CODE, RELATING TO USE OF STATE HOUSE LOBBIES, STEPS, AND OTHER PUBLIC BUILDINGS AND GROUNDS, TO REQUIRE THAT THE DEPARTMENT OF ADMINISTRATION CREATE A PERMIT PROCESS FOR EVENTS AND DEMONSTRATIONS ON THE STATE HOUSE GROUNDS; TO AMEND SECTION 10‑11‑310 OF THE 1976 CODE, RELATING TO THE DEFINITION OF CAPITOL GROUNDS, TO ADD PENDLETON STREET TO THE DEFINITION; AND TO AMEND SECTION 10‑11‑330 OF THE 1976 CODE, RELATING TO UNAUTHORIZED ENTRY INTO THE CAPITOL BUILDING, TO MAKE IT UNLAWFUL TO INCITE PHYSICAL VIOLENCE OR ENGAGE IN ACTIVITIES THAT ENCOURAGE UNLAWFUL CONDUCT, AND TO ALLOW LAW ENFORCEMENT TO REMOVE AND DISBURSE PERSONS THAT CAUSE A THREAT TO PUBLIC SECURITY, HEALTH, OR WELL‑BEING.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (DKA\944C002.DKA.SA16), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 2, by striking Section 10‑1‑30(C)(2)(b), and inserting:

/ (b) a permit requirement for events and demonstrations planned on the State House grounds that provides that permit applications must be submitted at least ten days prior to the scheduled event and/or demonstration, provided this permit requirement is subject to a small‑group exception as established by the regulations; /

Amend further SECTION 1, page 2, by striking Section 10‑1‑30(D) and inserting:

/ (D)(1) The department, upon receipt of the permit application submitted pursuant to subsection (C), shall provide the permit application to the Director of the State Law Enforcement Division and the Director of the Department of Public Safety to review for possible public safety threats or crowd control concerns.

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(2) The department shall issue only one permit each day for permissible demonstration areas unless it is determined that multiple permits may be awarded based on criteria established in regulations promulgated pursuant to subsection (A). The regulations must provide that the Director of the State Law Enforcement Division and the Director of the Department of Public Safety review the permit applications and notify the department that sufficient measures may be taken to protect the public safety and address any crowd control concerns that are anticipated by the issuance of multiple permits for any given day and the issuance of multiple permits creates no imminent threat to public safety, health, or well‑being.

(3) If sufficient measures are not taken to protect the public health, safety, and welfare, the Director of the Department of Administration shall deny the ~~requested use~~ permit. Other restrictions may be imposed on the use of the areas as are necessary for the conduct of business in those areas and the maintenance of the dignity, decorum, and aesthetics of the areas.” /

Amend the bill further by striking SECTION 3 in its entirety and inserting:

/ SECTION 3. Section 10‑11‑330 of the 1976 Code, as last amended by Act 121 of 2014, is further amended to read:

“Section 10‑11‑330. (A) It ~~shall be~~ isunlawful for any person or group of persons wilfully and knowingly: ~~(a)~~(1) to enter or to remain within the capitol building unless such person is authorized by law or by rules of the House or Senate, or the Department of Administration regulations, respectively, when such entry is done for the purpose of uttering loud, threatening, and abusive language or to engage in any disorderly or disruptive conduct with the intent to impede, disrupt, or disturb the orderly conduct of any session of the legislature or the orderly conduct within the building or of any hearing before or any deliberation of any committee or subcommittee of the legislature; ~~(b)~~(2) to obstruct or to impede passage within the capitol grounds or building; ~~(c)~~(3) to engage in any act of physical violence upon the capitol grounds or within the capitol building; or ~~(d)~~(4) to parade, demonstrate, or picket within the capitol building.

(B) It is unlawful for any person or group of persons: (1) to enter or to remain on the capitol grounds when such entry is accomplished in a manner that causes or incites physical violence; (2) to engage or promote conduct that would threaten the public safety, health, or well‑being of others present; or (3) to remain after being told to disperse by authorized law enforcement personnel.

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(C) Authorized law enforcement personnel shall have the authority to remove or disperse any persons or organizations, including those with a valid permit or who are otherwise authorized to use the capitol grounds, if their continued presence and activity would cause an imminent threat to public security, health, or well‑being. Any person or group of persons refusing to comply with removal or dispersal instructions by authorized law enforcement personnel is guilty of a misdemeanor and, upon conviction, must be punished as provided in Section 10‑11‑360. A person or group of persons may be charged under applicable law in addition to the penalties in Section 10‑11‑360.” /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

Senator PEELER explained the committee amendment.

The amendment was adopted.

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

**AMENDMENT PROPOSED**

**CARRIED OVER**

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 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.

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Senator MALLOY proposed the following amendment (3560R001.EB.GM):

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.

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

**AMENDMENT PROPOSED**

**CARRIED OVER**

S. 650 -- Senators Scott, Malloy, Williams and Matthews: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑90 SO AS TO GRANT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION SPECIFIC AND EXCLUSIVE JURISDICTION AND AUTHORITY TO CONDUCT AN INVESTIGATION OF ALL OFFICER‑INVOLVED SHOOTINGS THAT RESULT, OR COULD HAVE RESULTED, IN BODILY INJURY OR DEATH, TO ALLOW FOR AN INVESTIGATION OF

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AN OFFICER‑INVOLVED SHOOTING TO BE COMPLETED BY A SEPARATE LAW ENFORCEMENT AGENCY IN CERTAIN CIRCUMSTANCES, TO ESTABLISH A PROTOCOL FOR EVIDENCE COLLECTION AND PROCESSING IN CERTAIN CIRCUMSTANCES, TO GRANT AN INVESTIGATING OFFICER THE SAME AUTHORITY AS HE WOULD HAVE IN HIS HOME JURISDICTION FOR THE DURATION OF THE INVESTIGATION, TO ESTABLISH A PROCEDURE FOR THE FORWARDING OF THE EVIDENCE TO THE CIRCUIT SOLICITOR UPON COMPLETION OF THE INVESTIGATION, AND TO ESTABLISH PENALTIES FOR THE FAILURE TO COMPLETE AN INDEPENDENT INVESTIGATION PURSUANT TO THE PROVISIONS OF THIS SECTION.

The Senate proceeded to a consideration of the Bill.

Senator KIMPSON proposed the following amendment (JUD0650.007), which was ruled out of order:

Amend the bill, as and if amended, page 3, by striking line 8, and inserting therein the following:

/ a single election or judicial district.

(G)(1) A county with a population of three hundred thousand or more persons and a city, municipality, or town with a population of one hundred thousand or more persons shall establish a Law Enforcement Citizens’ Advisory Council.

(2) The purpose of a Law Enforcement Citizens’ Advisory Council is to increase the local law enforcement agency’s professional competence and accountability to the local government’s citizens.

(3) A Council must be composed of a diverse cross section of the local government’s citizens, and, at a minimum, reflect the ethnic diversity of the citizens who reside in the local jurisdiction. Members must be appointed by the local government’s governing body. Members must serve at the governing body’s discretion.

(4) To achieve its purpose, a Council shall review and comment on shootings or discharges of weapons as described in item (1) of subsection (A) that occur within the local jurisdiction and unexpected deaths as described in item (2) of subsection (A) that occur within the local jurisdiction.

(5) Upon request of a Council and as necessary to carry out a Council’s purpose and duties, a Council immediately must be provided access to information and records, including, but not limited to,

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personnel records related to a review being conducted pursuant to item (4) of this subsection.

(6) When necessary in the discharge of a Council’s duties and upon a Council’s application, the clerks of court shall issue a subpoena or subpoena duces tecum to a state or local agency, board, or commission or to a representative of a state or local agency, board, or commission to compel the attendance of witnesses and production of documents, books, papers, correspondence, memoranda, and other records relevant to the discharge of a Council’s duties. Failure to obey a subpoena or subpoena duces tecum issued pursuant to this subsection may be punished as contempt.” /

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

Senator SCOTT proposed the following amendment (JUD0650.006):

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

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

/ “Section 23-1-95. (A) The South Carolina Law Enforcement Division shall establish a Law Enforcement Citizens’ Advisory Council.

(B) The purpose of the Council is to increase law enforcement agencies’ professional competence and accountability to South Carolina’s citizens.

(C) The Council must be composed of a diverse cross section of South Carolina’s citizens, and, at a minimum, reflect the ethnic diversity of the citizens who reside in South Carolina. Members must be appointed by the Chief of the South Carolina Law Enforcement Division and must serve at the Chief’s discretion.

(D) To achieve its purpose, the Council shall review and comment on:

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

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

(3) citizens’ complaints against a law enforcement agency or law enforcement officer;

(4) disciplinary actions taken against a law enforcement officer; and

(5) a law enforcement agency’s relevant internal policies and procedures.

(E) Upon request of the Council and as necessary to carry out the Council’s purpose and duties, the Council immediately must be provided access to information and records, including, but not limited to, personnel records related to a review being conducted pursuant to subsection (D).

(F) When necessary in the discharge of the Council’s duties and upon the Council’s application, the clerks of court shall issue a subpoena or subpoena duces tecum to a state or local agency, board, or commission or to a representative of a state or local agency, board, or commission to compel the attendance of witnesses and production of documents, books, papers, correspondence, memoranda, and other records relevant to the discharge of the Council’s duties. Failure to obey a subpoena or subpoena duces tecum issued pursuant to this subsection may be punished as contempt.” /

Renumber sections to conform.

Amend title to conform.

Senator SCOTT explained the amendment.

**Point of Order**

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

The PRESIDENT overruled the Point of Order.

Senator MASSEY spoke on the Bill.

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

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**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 685 -- Senators Leatherman, Alexander, Campbell, S. Martin, Nicholson and O’Dell: A BILL TO AMEND SECTION 40‑22‑2, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURPOSE OF CHAPTER 22, TITLE 40 CONCERNING THE REGULATION OF ENGINEERS AND SURVEYORS, SO AS TO PROVIDE THAT THE PRACTICE OF THE PROFESSION OF ENGINEERING AND SURVEYING IS SUBJECT TO REGULATION BY THIS STATE; TO AMEND SECTION 40‑22‑10, RELATING TO THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, SO AS TO PROVIDE ADDITIONAL QUALIFICATIONS; TO AMEND SECTION 40‑22‑20, RELATING TO DEFINITIONS, SO AS TO ADD, REDEFINE, AND DELETE DEFINITIONS; TO AMEND SECTION 40‑22‑30, RELATING TO ACTIVITIES PROHIBITED WITHOUT A LICENSE, SO AS TO PROHIBIT BROKERING OR COORDINATING ENGINEERING OR SURVEYING SERVICES FOR A FEE; BY ADDING SECTION 40‑22‑35 SO AS TO SPECIFY THE MANNER IN WHICH A REGISTERED ENGINEER OR SURVEYOR MAY NEGOTIATE A CONTRACT FOR HIS PROFESSIONAL SERVICES; TO AMEND SECTION 40‑22‑50, RELATING TO DUTIES OF THE BOARD, SO AS TO PROVIDE THE BOARD SHALL MAINTAIN AND UPDATE, RATHER THAN ANNUALLY PREPARE, A ROSTER OF INFORMATION CONCERNING PROFESSIONAL ENGINEERS AND SURVEYORS; TO AMEND SECTION 40‑22‑60, RELATING TO THE DUTY OF THE BOARD TO PROMULGATE CERTAIN REGULATIONS, SO AS TO UPDATE A CROSS REFERENCE AND TO PROVIDE ADDITIONAL DUTIES WITH RESPECT TO PROVIDING ADVICE AND RECOMMENDATIONS CONCERNING STATUTORY REVISIONS TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION; TO AMEND SECTION 40‑22‑75, RELATING TO EMERGENCY WAIVER OF LICENSE REQUIREMENTS, SO AS TO LIMIT APPLICATION OF THIS WAIVER TO DECLARED NATIONAL OR STATE EMERGENCIES, AND TO PROVIDE A WAIVER MAY NOT EXCEED NINETY DAYS; TO AMEND SECTION 40‑22‑110, RELATING TO THE AUTOMATIC SUSPENSION OF THE LICENSE OF MENTALLY INCOMPETENT PERSONS, SO AS TO DELETE A REDUNDANCY; TO AMEND SECTION 40‑22‑220, RELATING TO ELIGIBILITY

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REQUIREMENTS FOR LICENSURE AS AN ENGINEER, SO AS TO REVISE EDUCATION REQUIREMENTS; TO AMEND SECTION 40‑22‑222, RELATING TO LICENSING OF EXISTING ENGINEERS, SO AS TO ADD AN OPTIONAL ACCREDITATION SOURCE FOR AN EDUCATION REQUIREMENT; TO AMEND SECTION 40‑22‑225, RELATING TO ELIGIBILITY REQUIREMENTS FOR LICENSURE AS A SURVEYOR, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 40‑22‑230, RELATING TO APPLICATION REQUIREMENTS, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 40‑22‑250, RELATING TO A CERTIFICATE OF AUTHORIZATION TO PRACTICE AS A FIRM, SO AS TO REVISE REQUIREMENTS FOR THE CERTIFICATE AND TO PROVIDE REQUIREMENTS THROUGH WHICH A LICENSEE MAY MAINTAIN A BRANCH OFFICE; TO AMEND SECTION 40‑22‑260, RELATING TO TEMPORARY LICENSES, SO AS TO REVISE CIRCUMSTANCES IN WHICH THE DEPARTMENT MAY GRANT A TEMPORARY LICENSE TO AN OUT‑OF‑STATE FIRM, AND TO PROVIDE REQUIREMENTS FOR SUBMISSION OF PLANS PRODUCED AND SUBMITTED FOR PERMITTING BY A PERSON HOLDING A TEMPORARY CERTIFICATE OF AUTHORIZATION; TO AMEND SECTION 40‑22‑270, RELATING TO SEALS OF LICENSEES, SO AS TO PROVIDE THE SEAL AND SIGNATURE OF A LICENSEE ON A DOCUMENT CONSTITUTES A CERTIFICATION THAT THE DOCUMENT WAS PREPARED BY THE LICENSEE OR UNDER HIS DIRECT SUPERVISION, AMONG OTHER THINGS; TO AMEND SECTION 40‑22‑280, AS AMENDED, RELATING TO EXCEPTIONS FROM THE APPLICABILITY OF THE CHAPTER, SO AS TO MODIFY THE EXEMPTIONS; AND TO AMEND SECTION 40‑22‑290, RELATING TO “TIER A” SURVEYING, SO AS TO EXEMPT THE CREATION OF NONTECHNICAL MAPS.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (685R002.DR.TCA), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 4 and 5 in their entirety.

Renumber sections to conform.

Amend title to conform.

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

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**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 1041 -- Senators Shealy and Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 15, TITLE 63 SO AS TO ENACT THE “SUPPORTING AND STRENGTHENING FAMILIES ACT”, TO ALLOW PARENTS AND PERSONS WITH LEGAL CUSTODY OF A CHILD TO DELEGATE CAREGIVING AUTHORITY FOR THE CHILD TEMPORARILY TO AN ADULT BY EXECUTION OF A POWER OF ATTORNEY, TO PROVIDE FOR THE REQUIREMENTS AND LIMITATIONS OF THE DELEGATION OF CAREGIVING AUTHORITY AND THE RIGHT TO REVOKE THE POWER OF ATTORNEY, AND FOR OTHER PURPOSES; TO AMEND SECTION 63‑7‑920, AS AMENDED, RELATING TO INVESTIGATIONS OF SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE CERTAIN INFORMATION ABOUT COMMUNITY SUPPORTIVE SERVICES TO A PARENT WHEN THE INVESTIGATION DOES NOT RESULT IN PLACEMENT OF THE CHILD OUTSIDE OF THE HOME; AND TO AMEND SECTION 63‑13‑20, RELATING TO THE DEFINITION OF A CHILDCARE FACILITY, SO AS TO EXCLUDE AN ADULT DESIGNATED AS AN ATTORNEY‑IN‑FACT FOR A CHILD IN A POWER OF ATTORNEY EXECUTED PURSUANT TO ARTICLE 7, CHAPTER 15, TITLE 63.

The Senate proceeded to the consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD1041.002), which was adopted:

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

/ SECTION 1. This act may be cited as the “Supporting and Strengthening Families Act”.

SECTION 2. Chapter 15, Title 63 of the 1976 Code is amended by adding:

“Article 7

Supporting and Strengthening Families Act

Section 63‑15‑710. As used in this article:

(1) ‘Attorney‑in‑fact’ means an adult to whom a parent or person with legal custody of a child delegates caregiving authority pursuant to this article.

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(2) ‘Child’ means a minor child of a parent.

(3) ‘Parent’ means:

(a) both parents if the parents are living together;

(b) the parent who has legal custody if the parents are divorced, separated, or widowed; or both parents if the parents have joint legal custody; or

(c) either parent if the parents are living together but one parent is unavailable because of illness or infirmity or because that parent is not within the boundaries of this State or because physical presence is impossible.

(4) ‘Person with legal custody’ means a person, other than a parent, who has been awarded permanent custody of a child by a court order.

(5) ‘Qualified nonprofit organization’ means a charitable or religious institution that is exempt from federal income taxation under Section 501(a) of the Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code, which assists a parent of a child with the process of delegating temporary caregiving authority under this article, including identifying and screening an appropriate attorney‑in‑fact and providing services and resources to support the child, parents, and other persons authorized to provide temporary care for a child under a delegation.

Section 63‑15‑720. (A) A parent or person with legal custody of a child may, by a properly executed power of attorney, delegate to an adult, as attorney‑in‑fact, caregiving authority regarding the child for a period not to exceed one year, except as provided in Section 63‑15‑800.

(B) The delegated caregiving authority may include any power or authority regarding the care and physical custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, enlistment in the armed forces, major nonemergency medical and surgical treatment, and the termination of parental rights to the minor child.

(C) The caregiving authority may be delegated without the approval of a court by executing in writing a power of attorney in a form substantially complying with the provisions of Section 63‑15‑810.

(D) A delegation of caregiving authority pursuant to this article does not deprive the parent or person with legal custody of the child of any parental or legal rights, obligations, or authority established by an existing court order or deprive the parent or person with legal custody of the child of any parental or legal rights, obligations, or authority regarding custody, visitation, or support of the child.

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(E) If the parent or person with legal custody of a child chooses to delegate temporary caregiving authority under this article to another person, a full background check, to include a criminal history record check, child abuse and neglect central registry check, and a sex offender registry check, shall be conducted for the prospective attorney‑in‑fact and any members of such person’s household over eighteen years of age. The results of the background check shall be kept with the power of attorney establishing the delegation pursuant to this article. A child shall not be placed in the home of a prospective attorney‑in‑fact if such person or anyone eighteen years of age or older has a substantiated history of child abuse or neglect or has pled guilty or nolo contendere or has been convicted of any offense listed in Section 63‑7‑2350.

Section 63‑15‑730. (A) Except as otherwise limited by federal law, this article, or the power of attorney executed by the parent or person with legal custody of the child pursuant to this article, the attorney‑in‑fact has the same rights, duties, and responsibilities that would otherwise be exercised by the parent of a child pursuant to the laws of this State.

(B) An attorney‑in‑fact under the power of attorney executed pursuant to this article shall act in the best interests of the child. The attorney‑in‑fact is not liable for consenting or refusing to consent to medical, dental, or mental health care for a child when the decision is made in good faith and is exercised in the best interests of the child.

Section 63‑15‑740. (A) The attorney‑in‑fact for a child under a power of attorney executed pursuant to this article has the right to enroll the child in a public school serving the area where the attorney‑in‑fact resides and may enroll the child in a private school, kindergarten, prekindergarten, home study program, or childcare facility.

(B) A school shall allow the attorney‑in‑fact, with a properly executed power of attorney that complies with the requirements of Section 63‑15‑810, to enroll the child and must not delay in the enrollment of the child. At the time of enrollment, the attorney‑in‑fact shall provide to the school the residency documentation required by the school for any parent of a child.

Section 63‑15‑750. (A) A parent or person with legal custody of a child shall send written notice to any noncustodial parent of the execution of the power of attorney as soon as is reasonably possible.

(B) The provisions of this article shall not affect a noncustodial parent’s rights with respect to the modification of custody or child support orders.

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Section 63‑15‑760. (A) A parent or person with legal custody of a child executing a power of attorney pursuant to this article shall certify that the decision to execute the power of attorney is not for the primary purpose of enrolling the child in a school solely to participate in the academic or interscholastic athletic programs provided by that school, except as allowed by federal law, or for any other unlawful purpose.

(B) A parent or person with legal custody of a child must not execute a power of attorney pursuant to this article while the South Carolina Department of Social Services is providing any protective services or while there is any open investigation or case by the South Carolina Department of Social Services relating to the child, the parent, the person with legal custody of the child, or another child of the parent or the person with legal custody of the child. However, the department may permit a parent or person with legal custody of a child subject to an ongoing child protection investigation to execute a power of attorney pursuant to this article if the department believes that the temporary delegation of parental and legal authority is in the best interests of the child and will help the parent or person with legal custody of the child to address the issues that led to the department’s investigation. Nothing contained in this article affects the power or responsibilities of any court or investigative entity with regard to child abuse and neglect proceedings.

Section 63‑15‑770. A parent or person with legal custody of a child has the authority to revoke or withdraw a power of attorney authorized pursuant to Section 63‑15‑720 at any time. Except as provided in Section 63‑15‑800, if the delegation of power and authority lasts longer than one year, the parent or person with legal custody of the child shall execute a new power of attorney for each additional year that the delegation exists. If the parent or person with legal custody of the child withdraws or revokes the power of attorney, the child must be returned to the custody of the parent or person with legal custody of the child as soon as reasonably possible. If a parent or person with legal custody of the child revokes a power of attorney while the South Carolina Department of Social Services is providing any protective services or while there is any open investigation or case by the South Carolina Department of Social Services relating to the child, the parent, the person with legal custody of the child, or another child of the parent or the person with legal custody of the child, such revocation must be approved by the South Carolina Department of Social Services.

Section 63‑15‑780. Unless a parent or person with legal custody of a child revokes or withdraws the power of attorney as allowed pursuant to

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Section 63‑15‑770, the attorney‑in‑fact shall exercise parental or legal authority on a continuous basis without compensation for the duration of the power of attorney.

Section 63‑15‑790. (A) The execution of a power of attorney by a parent or person with legal custody of a child pursuant to this article does not constitute abandonment of a child or child abuse or neglect, unless the parent or person with legal custody fails to take custody of the child or execute a new power of attorney after the one‑year time limit has elapsed.

(B) A child subject to a power of attorney executed pursuant to this article is not considered to be placed in foster care or in another placement outside of the home pursuant to Chapter 7, Title 63.

(C) An attorney‑in‑fact of a child designated in the power of attorney executed pursuant to this article is not subject to licensing regulations or other requirements applicable to foster parents, foster homes, other placements outside of the home, or childcare facilities, for exercising the parental or legal authority delegated in the power of attorney.

Section 63‑15‑800. A member of the armed forces of the United States, including a reserve component of the armed forces or a commissioned corps of the National Oceanic and Atmospheric Administration or the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Armed Forces of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the President of the United States or to serve on state active duty who is a parent or person with legal custody of a child may delegate caregiving authority to an attorney‑in‑fact for a period longer than one year if on active duty service. The term of delegation, however, may not exceed the term of active duty service plus thirty days.

Section 63‑15‑810. The form to be used by a parent or person with legal custody of a child to delegate powers regarding the care and physical custody of the child to an attorney‑in‑fact pursuant to Section 63‑15‑720 must comply substantially with the following form:

Power of Attorney

to Delegate Limited Parental or Legal Custodian Powers

I certify that I am the parent or person with legal custody of:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Full name of minor child) (Date of birth)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Full name of minor child) (Date of birth)

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I designate the following individual as the‑attorney‑in‑fact for each minor child named above:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Full name of attorney‑in‑fact)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Home address, city, state, and zip code)

\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_

(Home phone) (Work phone) (Cell phone)

INITIAL ONE OF THE FOLLOWING STATEMENTS:

\_\_\_\_\_\_\_ I delegate to the attorney‑in‑fact all of my power and authority regarding the care, physical custody, and property of each child named above including, but not limited to, the right to enroll the child in school; the right to inspect and obtain copies of education records and other school records concerning the child; the right to attend school activities and other functions concerning the child and to give or withhold any consent or waiver with respect to school activities; the right to give or withhold consent or waiver with respect to the provision or receipt of health care for the child, including medical, dental, and mental health care; and the right to inspect and obtain copies of health care records concerning the child. This delegation does not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, enlistment in the armed forces, major nonemergency medical and surgical treatment, or the termination of parental rights to the minor child; or

\_\_\_\_\_\_\_ I delegate to the attorney‑in‑fact the following specific powers and authorities listed below:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. This delegation does not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, enlistment in the armed forces, major nonemergency medical and surgical treatment, or the termination of parental rights to the minor child.

INITIAL THE FOLLOWING STATEMENT:

\_\_\_\_\_\_\_ I certify that the decision to execute the power of attorney is not for the primary purpose of enrolling the child in a school solely to participate in the academic or interscholastic athletic programs provided by that school, except as allowed by federal law, or for any other unlawful propose.

\_\_\_\_\_\_\_ I certify that at the present time, the South Carolina Department of Social Services or other child protection agency is not providing any protective services and that there are no open

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investigations or cases by the South Carolina Department of Social Services relating to me, the child, or any other child in my household. If I become aware that I may be involved in a case with the South Carolina Department of Social Services or other child protection agency, I will make that agency aware of the existence of this power of attorney.

INITIAL ONE OF THE FOLLOWING STATEMENTS:

\_\_\_\_\_\_\_ This power of attorney is effective for a period not to exceed one year, beginning \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, and ending \_\_\_\_\_\_\_, 20\_\_\_\_. I reserve the right to revoke this authority at any time; or

\_\_\_\_\_\_\_ I am a member of the armed forces or a person serving in a commissioned corps as provided in Section 63‑15‑800. My active duty service is scheduled to begin on \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, and is estimated to end on \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_. I acknowledge that in no event may this delegation of power last more than one year or the term on my active duty plus thirty days, whichever is longer.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature of Parent or Person with Legal Custody)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Date)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature of Parent or Person with Legal Custody)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Date)

I hereby accept my designation as attorney‑in‑fact for the minor child(ren) specified in this power of attorney.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_

(Signature of Attorney‑in‑Fact) (Date)

AFFIDAVIT

State of South Carolina

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the undersigned witnesses to the foregoing power of attorney, dated the \_\_\_\_ day of \_\_\_, 20\_\_\_, at least one of us being first duly sworn, declare to the undersigned authority, on the basis of our best information and belief, that the power of attorney was on that date signed by the parent or person with legal custody of the child and the attorney‑in‑fact in our presence

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and we, at their request and in their presence, and in the presence of each other, subscribe our names as witnesses on that date.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Witness

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Witness

ACKNOWLEDGEMENT

State of South Carolina

\_\_\_\_\_\_\_\_\_\_\_\_\_ County

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a notary public for this State and county, certify that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, whose name is signed to the foregoing power of attorney as the parent or legal guardian of the child(ren) listed in this power of attorney, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, whose name is signed to the foregoing power of attorney as the attorney‑in‑fact designated by the parent or legal guardian of the child, and who are both known to me, have both acknowledged before me on this day that, being informed of the contents of the power of attorney, the parent or legal guardian of the child and attorney‑in‑fact executed the same voluntarily on the day the same bears date.

Given under my hand this the \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public (seal)

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_.”

Section 63‑15‑820. (A) A child placement agency or qualified nonprofit organization may establish a program in which it assists parents with providing temporary care for children pursuant to a delegation authorized by this article. Such program shall not be subject to the requirements of any other child care facility licensing statutes, rules or regulations or foster care licensing laws or rules or regulations, except as provided under this article and amendments thereto.

(B) Prior to the placement of a child under a delegation authorized by this article, the qualified nonprofit organization shall conduct a full background check to include a criminal history record check, child abuse and neglect central registry check, and a sex offenders registry check on the prospective attorney‑in‑fact and any members of such person’s household over eighteen years of age. A child shall not be placed in the home of a prospective attorney‑in‑fact if such person or anyone eighteen years of age or older has a substantiated history of child abuse or neglect or has pled guilty or nolo contendere or has been convicted of any offense listed in Section 63‑7‑2350. The cost associated with conducting the required background checks shall be paid by the qualified nonprofit organization, the parent, or the prospective attorney‑in‑fact. The

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qualified nonprofit organization shall maintain a record of the background checks conducted with a copy of the power of attorney.”

SECTION 3. Section 63‑7‑920 of the 1976 Code, as last amended by Act 62 of 2015, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) If an investigation of suspected child abuse or neglect does not result in the placement of the child outside of the home, the department shall provide information to the parent about community resources for families in crisis.”

SECTION 4. Section 63‑13‑20(4) of the 1976 Code is amended by adding an appropriately lettered subitem at the end to read:

“( ) a person designated as an attorney‑in‑fact pursuant to Section 63‑15‑720.”

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

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

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

On motion of Senator M.B. MATTHEWS, 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

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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, 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 HUTTO, 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

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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 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. 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

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ELECTRONIC TICKET OR CITATION WAS ISSUED, AND TO PROVIDE FOR THE DISTRIBUTION OF THE SURCHARGE.

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

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

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MOBILITY DEVICE, A WHEELCHAIR, A FARM TRACTOR, OR A SIMILAR VEHICLE DESIGNED FOR FARM USE, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 56‑5‑3425, RELATING TO THE DEFINITION OF THE TERM “BICYCLE LANE” AND OPERATIONS OF MOTOR VEHICLES AND BICYCLES ALONG BICYCLE LANES, SO AS TO REVISE THE DEFINITION OF THE TERM “BICYCLE LANE” AND TO PROVIDE A DEFINITION FOR THE TERM “SUBSTANDARD‑WIDTH LANE”; AND TO AMEND SECTION 56‑16‑10, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTORCYCLE MANUFACTURERS, DISTRIBUTORS, DEALERS, AND WHOLESALERS, SO AS TO PROVIDE A DEFINITION FOR THE TERM “BICYCLES WITH HELPER MOTORS”.

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

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

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

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

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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. 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.

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

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 MOTOR VEHICLE RENTAL COMPANY IN ANY CALENDAR YEAR EXCEEDS THE ACTUAL COSTS OF THE CAR RENTAL

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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.

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

H. 4138 -- Reps. Bedingfield and Clemmons: A BILL TO AMEND SECTION 40‑11‑270, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTRACTOR’S LICENSES AND LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO PROVIDE THAT EACH PERSON HOLDING A LICENSE IN THE MECHANICAL CONTRACTOR SUBCLASSIFICATION OF AIR CONDITIONING, HEATING, OR PACKAGED EQUIPMENT SHALL DISPLAY THE MECHANICAL CONTRACTOR LICENSE IN A CONSPICUOUS MANNER AT HIS PRINCIPAL PLACE OF BUSINESS, TO PROVIDE THAT ALL COMMERCIAL VEHICLES USED BY MECHANICAL CONTRACTORS LICENSED IN THE SUBCLASSIFICATION OF AIR CONDITIONING, HEATING, OR PACKAGED EQUIPMENT EXCLUSIVELY IN THE DAILY OPERATION OF THEIR BUSINESS SHALL HAVE PROMINENTLY DISPLAYED ON THEM THE MECHANICAL CONTRACTOR LICENSE NUMBER, AND TO PROVIDE THAT THE MECHANICAL CONTRACTOR LICENSE NUMBER ALSO MUST BE PROMINENTLY DISPLAYED ON ANY ADVERTISING IN THE YELLOW PAGES, NEWSPAPERS, WEBSITES, SOCIAL MEDIA MARKETING, OR OTHER MEDIUMS RELATING TO WORK WHICH THE MECHANICAL CONTRACTOR LICENSE HOLDER PURPORTS TO HAVE THE CAPACITY TO PERFORM, AND ALSO ON PROPOSALS AND INVOICES.

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

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

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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.

On motion of Senator MASSEY, 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 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.

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

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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.

On motion of Senator MASSEY, the Bill was 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.

On motion of Senator MASSEY, 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.

On motion of Senator MASSEY, 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 SHALL REPORT THE DESIGN OF THE SYSTEM TO THE GENERAL ASSEMBLY NO LATER THAN DECEMBER 31, 2016,

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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.

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

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.

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

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 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 carried over.

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 carried over.

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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 carried over.

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 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” SPECIFICALLY TO EXCLUDE CERTAIN VEHICLES; TO AMEND

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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, RELATING TO THE ISSUANCE OF A MEMORANDUM OR NOTE

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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.

On motion of Senator ALEXANDER, the Resolution 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

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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 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.

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

H. 4510 -- Reps. Thayer, Hosey, Nanney, Hamilton, Erickson, Long, Hicks, McCoy, McEachern and Bedingfield: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-7-2400 SO AS TO ESTABLISH LIMITATIONS ON THE NUMBER OF FOSTER CHILDREN WHO MAY BE PLACED IN A FOSTER HOME.

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

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.

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

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**ADOPTED**

H. 3054 -- Reps. Gilliard, Alexander and Henegan: A CONCURRENT RESOLUTION TO URGE OUR FEDERAL, STATE, AND LOCAL GOVERNMENTS, ALONG WITH CHURCHES AND NEIGHBORHOOD ASSOCIATIONS, TO ACCELERATE THEIR EFFORTS TO ASSIST THE HOMELESS IN LIGHT OF THE NATION’S ECONOMY AND ADVERSE WEATHER CONDITIONS.

The Resolution was adopted, ordered returned to the House.

S. 1226 -- Senators Young, 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, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin and Williams: A CONCURRENT RESOLUTION TO DESIGNATE THE THIRD FULL WEEK IN APRIL 2016 AS “SHAKEN BABY SYNDROME AWARENESS WEEK” TO RAISE AWARENESS REGARDING SHAKEN BABY SYNDROME AND TO COMMEND THE HOSPITALS, CHILD CARE COUNCILS, SCHOOLS, AND OTHER ORGANIZATIONS THAT EDUCATE PARENTS AND CAREGIVERS ON HOW TO PROTECT CHILDREN FROM ABUSE.

The Resolution was adopted, ordered sent to the House.

S. 1264 -- Senators Leatherman and Alexander: A CONCURRENT RESOLUTION TO AWARD THE SOUTH CAROLINA MEDAL OF VALOR TO THOSE SOUTH CAROLINIANS WHO LOST THEIR LIVES WHILE SERVING IN THE ARMED FORCES DURING THE GLOBAL WAR ON TERRORISM.

The Resolution was adopted, ordered sent to the House.

H. 4663 -- Rep. Taylor: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION PLACE SIGNS ALONG SOUTH CAROLINA HIGHWAY 39 AT THE NORTHERN AND SOUTHERN ENTRANCES TO THE TOWN OF SALLEY THAT CONTAIN THE WORDS “LUKE PARSONS 2015 U.S. KIDS GOLF WORLD CHAMPION”.

The Resolution was adopted, ordered returned to the House.

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H. 5083 -- Reps. Clemmons, Bernstein, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bingham, Bowers, Bradley, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clary, Clyburn, Cobb‑Hunter, Cole, Collins, Corley, H.A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson‑Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, 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 REMEMBER ALL THE CHILDREN AND THEIR FAMILIES WHO WERE KILLED IN THE HOLOCAUST, TO HONOR HOLOCAUST SURVIVORS AND THEIR RESCUERS AND LIBERATORS, AND TO MARK THE UNVEILING OF THE PERMANENT BUTTERFLY MEMORIAL MONUMENT IN MYRTLE BEACH THAT WILL COMMEMORATE THEM FOR BOTH PRESENT AND FUTURE GENERATIONS.

The Resolution was adopted, ordered returned to the House.

**POINT OF ORDER**

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

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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.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 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.

**Point of Order**

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

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 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.

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**Point of Order**

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

The PRESIDENT sustained the Point of Order.

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

**MOTION ADOPTED**

At 4:28 P.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

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

**Ayes 21; Nays 19**

**AYES**

Bennett Campbell Campsen

Cleary Coleman Gregory

Grooms Hutto Jackson

Johnson Leatherman Lourie

Massey *Matthews, John* Nicholson

Sabb Scott Setzler

Shealy Turner Williams

**Total--21**

**NAYS**

Alexander Allen Bright

Bryant Corbin Courson

Cromer Davis Fair

Hayes Kimpson Malloy

*Martin, Larry Martin, Shane Matthews, Margie*

McElveen Thurmond Verdin

Young

**Total--19**

Having received the necessary vote, the Motion Period was closed.

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**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 LARRY MARTIN, the Bill was 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 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;

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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 LARRY MARTIN, the Bill was carried over.

**CONCURRENCE**

S. 339 -- Senators Lourie and Scott: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS 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.

The House returned the Bill with amendments.

The question being concurrence in the House amendments.

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Senator LOURIE explained the amendments.

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

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John Matthews, Margie* McElveen

Nicholson Reese Sabb

Scott Setzler Shealy

Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

**Total--0**

On motion of Senator LOURIE, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

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

**AMENDED, READ THE SECOND TIME**

H. 3184 -- Reps. Pope, Cole, Anderson, Bales, G.A. Brown, R.L. Brown, Finlay, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Bernstein, Long, Douglas, Henderson, G.M. Smith, G.R. Smith, McCoy, McKnight, Clary, M.S. McLeod, Thayer, W.J. McLeod, Weeks, J.E. Smith and Stavrinakis: A BILL TO

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AMEND SECTION 8‑13‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE ETHICS COMMISSION AND ITS MEMBERSHIP, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE COMMISSION EFFECTIVE JULY 1, 2015, TO CONSIST OF FOUR MEMBERS APPOINTED BY THE GOVERNOR, FOUR MEMBERS ELECTED BY THE SUPREME COURT, TWO MEMBERS ELECTED BY THE HOUSE OF REPRESENTATIVES, AND TWO MEMBERS ELECTED BY THE SENATE, RESPECTIVELY, TO PROVIDE FOR THE QUALIFICATIONS OF THESE MEMBERS, TO PROVIDE FOR OFFICERS OF THE COMMISSION, AND TO PROVIDE FOR THE MEMBERS’ TERMS OF OFFICE AND MANNER OF THEIR REMOVAL UNDER CERTAIN CONDITIONS; TO AMEND SECTION 8‑13‑320, AS AMENDED, RELATING TO THE DUTIES, POWERS, AND PROCEDURES OF THE STATE ETHICS COMMISSION, SO AS TO REVISE THESE DUTIES, POWERS, AND PROCEDURES INCLUDING PROVISIONS TO VEST WITH THE COMMISSION THE ADDITIONAL RESPONSIBILITY TO INITIATE OR RECEIVE COMPLAINTS AGAINST MEMBERS OF THE GENERAL ASSEMBLY, ITS STAFF, AND CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY, TO INITIATE OR RECEIVE COMPLAINTS AGAINST JUDGES AND OTHER JUDICIAL OFFICIALS OF THE UNIFIED JUDICIAL SYSTEM AND THEIR STAFFS, TO PROVIDE FOR THE INVESTIGATION AND PROCESSING OF COMPLAINTS AGAINST GENERAL ASSEMBLY MEMBERS, STAFF, AND CANDIDATES PURSUANT TO SPECIFIED PROCEDURES AND FOR THE REFERRAL OF SUBSTANTIVE COMPLAINTS TO THE APPROPRIATE HOUSE OR SENATE ETHICS COMMITTEES FOR DISPOSITION TOGETHER WITH THE ETHICS COMMISSION’S RECOMMENDATION AS TO WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION HAS OCCURRED, TO PROVIDE FOR THE INVESTIGATION AND PROCESSING OF COMPLAINTS AGAINST JUDGES AND OTHER JUDICIAL OFFICIALS OR THEIR STAFF PURSUANT TO SPECIFIED PROCEDURES AND, AFTER INVESTIGATION, FOR THE REFERRAL OF SUBSTANTIVE COMPLAINTS TO THE COMMISSION ON JUDICIAL CONDUCT AND THE SUPREME COURT FOR DISPOSITION TOGETHER WITH THE ETHICS COMMISSION’S RECOMMENDATION AS TO WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION

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HAS OCCURRED; TO AMEND SECTIONS 8‑13‑530 AND 8‑13‑540, BOTH AS AMENDED, RELATING TO THE DUTIES, FUNCTIONS, AND PROCEDURES OF THE HOUSE AND SENATE ETHICS COMMITTEES, SO AS TO REVISE THESE DUTIES, FUNCTIONS, AND PROCEDURES IN ORDER TO BE CONSISTENT WITH THE ABOVE PROVISIONS AND TO MAKE OTHER CHANGES; BY ADDING SECTION 8‑13‑545 SO AS TO AUTHORIZE THE HOUSE OR SENATE ETHICS COMMITTEES TO ISSUE FORMAL ADVISORY OPINIONS AND PROVIDE FOR THEIR EFFECT AND APPLICABILITY; AND BY ADDING ARTICLE 6 TO CHAPTER 13, TITLE 8 SO AS TO PROVIDE FOR JUDICIAL COMPLAINT PROCEDURES IN REGARD TO THE ABOVE PROVISIONS.

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

**Amendment No. 2A**

Senators L. MARTIN and MALLOY proposed the following amendment (JUD3184.012), which was adopted:

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

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

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

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

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

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

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

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

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

Each appointee must be appointed with the advice and consent of the General Assembly. ~~One member shall represent each of the seven congressional districts, and two members must be appointed from the State at large.~~

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

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

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

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

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

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

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

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

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

(a) constitutional qualifications;

(b) ethical fitness;

(c) character;

(d) mental stability;

(e) experience; and

(f) judicial temperament.

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

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

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

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

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

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

(a) a member of the General Assembly;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(ii) After a finding of probable cause, except for a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become public record: the complaint, the response by the respondent, and the notice of hearing. If a hearing is held on the matter, the final order and all exhibits introduced at the hearing shall become public record upon issuance of the final order by the commission. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy.

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

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

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

SECTION 5. Chapter 13 of Title 8 of the 1976 Code is amended by adding:

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

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directly or indirectly, a member of the Commission to influence or attempt to influence the outcome of a pending investigation or open complaint.”

SECTION 6. Section 8‑13‑530 of the 1976 Code is amended to read:

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

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

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

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

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

(5) ~~no~~ a complaint may not be accepted by the ethics committee concerning a member of or candidate for the appropriate house during the fifty‑day period before an election in which the member or candidate is a candidate. During this fifty‑day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of this chapter by a candidate

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during this fifty‑day period must be considered to be an irreparable injury for which no adequate remedy at law exists. The institution of an action for injunctive relief does not relieve any party to the proceeding from any penalty prescribed for violations of this chapter. The court must award reasonable attorney’s fees and costs to the nonpetitioning party if a petition for mandamus or injunctive relief is dismissed based upon a finding that the:

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

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

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

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

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

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

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

SECTION 7. Chapter 13, Title 8 of the 1976 Code is amended by adding Section 8‑13‑535 to read:

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

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

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

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

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

~~(1)~~ ~~When a complaint is filed with or by the ethics committee, a copy must promptly be sent to the person alleged to have committed the violation. If the ethics committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint must be dismissed and the complainant and respondent notified. If the ethics committee finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to appropriate law enforcement~~

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~~authorities. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this subsection, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was wilful and without just cause or with malice. If the ethics committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation and may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers.~~

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

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

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

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

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

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

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

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

~~(d)~~ ~~in the case of an alleged criminal violation, refer the matter to the Attorney General for investigation. The ethics committee shall report its findings in writing to the Speaker of the House or President Pro Tempore of the Senate, as appropriate. The report must be accompanied by an order of punishment and supported and signed by a majority of the~~

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~~ethics committee members. If the ethics committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.~~

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

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

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

(A) Filing of Complaints

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

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

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

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

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by an ethics committee, the commission shall send a copy of the complaint to the appropriate ethics committee.

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

(B) Actions by the State Ethics Commission

(1) Upon receiving a complaint filed pursuant to subsection (A), the commission must determine whether the complaint alleges only a violation of a rule of the House of Representatives or Senate or a technical violation pursuant to Section 8‑13‑1170 or Section 8‑13‑1372. If the commission determines the complaint alleges only a rule violation or technical violation, the complaint must be referred to the appropriate ethics committee for investigation and determination.

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

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

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

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

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

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

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

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

(C) Release of complaint and information related to investigations

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

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

(3)(a) If the commission determines the complaint only alleges a technical violation pursuant to Section 8-13-1170 or 8-13-1372, and the

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committee subsequently either dismisses the matter or determines a technical violation occurred, documents involving the matter shall remain confidential.

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

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

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

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

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

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

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public disclosure would constitute an unreasonable invasion of personal privacy.

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

(D) Actions by ethics committees

(1) If the commission’s report recommends that there is not probable cause to believe a violation of this chapter or Chapter 17, Title 2 has occurred, the appropriate ethics committee may concur or nonconcur with that recommendation, or within fifteen days from the committee’s receipt of the report, request the commission to continue the investigation and consider additional matters not considered by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) administer a public reprimand;

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

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

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

(v) recommend expulsion of the member;

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

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

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

(e) Upon the issuance of the final order, the following documents become public record: exhibits introduced at the hearing, the committee’s findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy.

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

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

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

SECTION 9. Subsection 8-13-550(B) of the 1976 Code is amended to read:

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

SECTION 10. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem,

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sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 11. The provisions of this act are effective as of April 1, 2017 and shall apply to complaints filed on or after April 1, 2017. However, the provisions in Section 8-13-310 regarding the selection of the initial members to serve on the State Ethics Commission as of April 1, 2017, and the termination of terms of the members serving on the commission as of March 31, 2017, take effect after the date of the Governor’s signature for the limited purpose of having the initial members of the reconstituted State Ethics Commission begin service on April 1, 2017. The State Ethics Commission, House Ethics Committee and Senate Ethics Committee shall maintain jurisdiction over all open complaints and investigations pending in the appropriate entity on or before March 31, 2017. The reconstituted State Ethics Commission shall have jurisdiction over open complaints and investigations pending within the State Ethics Commission as of March 31, 2017. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

Senator LARRY MARTIN spoke on the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

**Amendment No. 6A**

Senators L. MARTIN and MALLOY proposed the following amendment (JUD3184.016), which was adopted:

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

/ SECTION \_\_. Section 8-13-130 of the 1976 Code of Laws is amended to read:

“Section 8-13-130(A) The State Ethics Commission, Senate Ethics Committee, and House of Representatives Ethics Committee may levy an enforcement or administrative fee on a person who is found in violation, or who admits to a violation, ~~of the “Ethics, Government Accountability and Campaign Reform Act of 1991”~~ pursuant to Title 2 or Title 8. The fee must be used to reimburse the commission, the

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appropriate legislative Ethics Committee, or combination thereof, for costs associated with the investigation and hearing of a violation. The costs associated include:

(1) the investigator’s time;

(2) mileage, meals, and lodging;

(3) the prosecutor’s time;

(4) the hearing panel’s travel, per diem, and meals;

(5) administrative time;

(6) subpoena costs to include witness fees and mileage; and

(7) miscellaneous costs such as postage and supplies.

~~This fee is~~ These fees and costs are in addition to any fines as otherwise provided by law.” /

To further amend the bill, as and if amended, by striking Section 8-13-320(9)(c) and inserting:

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

To further amend the bill, as and if amended, by striking Section 8-13-540(B)(2)(c) and inserting:

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

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commission’s costs associated with the investigation and disposition the complaint. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

**Amendment No. 8**

Senators L. MARTIN, MASSEY and HUTTO proposed the following amendment (JUD3184.020), which was adopted:

To amend the bill, as and if amended, by amending Section 8-13-320(10)(i) to read:

/ (i) At the conclusion of its investigation, the commission staff, in a preliminary written decision with findings of fact and conclusions of law, must make a recommendation whether probable cause exists to believe that a violation of this chapter has occurred. If the commission determines that probable cause does not exist, it shall send a written decision with findings of fact and conclusions of law to the respondent and the complainant. If the commission determines that there is probable cause by three-fourths vote of its membership to believe that a violation has been committed, its preliminary decision may contain an order setting forth a date for a hearing before a panel of three commissioners, selected at random, to determine whether a violation of the chapter has occurred. If the commission finds probable cause by three-fourths vote of its membership to believe that a violation of this chapter has occurred, the commission may waive further proceedings if the respondent takes action to remedy or correct the alleged violation.

To further amend the bill, as and if amended, by striking Section 8-13-540(B) and inserting:

/ (B) Actions by the State Ethics Commission

(1) Upon receiving a complaint filed pursuant to subsection (A), the commission must determine whether the complaint alleges only a violation of a rule of the House of Representatives or Senate or a technical violation pursuant to Section 8‑13‑1170 or Section 8‑13‑1372. If the commission determines the complaint alleges only a rule violation or technical violation, the complaint must be referred to the appropriate ethics committee for investigation and determination.

(2)(a) If the commission determines that the complaint alleges more than a violation of a rule of the House of Representatives or Senate

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or a technical violation pursuant to Section 8‑13‑1170 or Section 8‑13‑1372, the commission must determine by a vote of three-fourths of the membership of the commission whether the complaint alleges facts sufficient to constitute a violation of this chapter or Chapter 17, Title 2.

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

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

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

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

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

(5) In conducting its investigation, the commission may order testimony to be taken in any investigation or deposition before a person who is designated by the commission and has the power to administer

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

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

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

The amendment was adopted.

**Motion Adopted**

Senator HUTTO asked unanimous consent to make a motion that the provisions of Rule 26B be waived, that the Bill be given a second reading and a roll call vote be taken on third reading.

There was no objection and the motion was adopted.

The question then was second reading of the Bill.

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

**LOCAL APPOINTMENTS**

**Confirmations**

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

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

William D. Robinson III, 130 Candlewood Circle, Blythwood, SC 29016

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

Russell D. Price, 394 Loblolly Ave., Winnsboro, SC 29180

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

Carol A. Tolen, 160 Rumble Dr., Winnsboro, SC 29180

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

Michael P. Swearingen, 4402 Newberry Road, Winnsboro, SC 29180

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

William F. Pope, 10323 Jackson Creek Road, Winnsboro, SC 29180

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator NICHOLSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. James H. “Hack” Bartley of Hodges, S.C. Mr. Bartley worked at Greenwood Mills and later established Bartley & Associates. Hack was a musician with the Swingin’ Medallions, taught classes at his almer mata Lander University and was a member of Our Lady of Lourdes Catholic Church and the Knights of Columbus. Hack was a loving husband and devoted father who will be dearly missed.

and

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**MOTION ADOPTED**

On motion of Senators HUTTO and J. MATTHEWS, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Alzena Robinson of Bamberg, S.C. Ms. Robinson earned a degree in social science and a master’s degree in social work. She was inducted into the Claflin University Hall of Fame and served on the Bamberg County Council for two decades. She was the first African American female president of the South Carolina Association of Counties. Alzena was a great public servant who will be truly missed.

**ADJOURNMENT**

At 5:48 P.M., on motion of Senator MALLOY, the Senate adjourned to meet tomorrow at 11:45 A.M.

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