

NO. 2

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

WEDNESDAY, JANUARY 10, 2018

Wednesday, January 10, 2018
(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:

Joshua 1:9 “Have I not commanded you? Be strong and courageous! Do not be afraid; do not be discouraged, for the Lord your God will be with you wherever you go.” NIV

Let us pray. Gracious God, as we bow before You, we are hopeful and excited about the possibilities of this new year. But we also know that we may find ourselves overwhelmed with a seemingly endless work load. There are so many things to consider:

We are constantly trying to balance the demands of our vocation, our responsibilities to family at home and our public service to the people of this State. It can be a daunting task. It is easy to become discouraged especially in the midst of our demanding schedule, we loose a family member. Today we extend our heartfelt sympathy to Senator Rex Rice who recently lost his beloved mother Claire Fontaine Rice.

Together we find strength in the word of God for all of life’s challenges: “Do not tremble or be dismayed, for the Lord your God is with you wherever you go.”

Loving God, help us to remember it is only by Your hand and with Your hand that we can and will do mighty things for Your glory. Through the power of Your grace we commit this prayer to You. Amen

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

Point of Quorum

At 12:05 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 PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander

Bennett

Campbell

[SJ]

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Cash	Climer	Corbin
Cromer	Davis	Goldfinch
Gregory	Grooms	Hutto
Johnson	Leatherman	Malloy
Martin	<i>Matthews, John</i>	McElveen
Peeler	Rice	Sabb
Senn	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Young	

A quorum being present, the Senate resumed.

Recorded Presence

Senators WILLIAMS and KIMPSON recorded their presence subsequent to the Call of the Senate.

MESSAGE FROM THE GOVERNOR

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointment

Initial Appointment, Department of Natural Resources Board, with the term to commence July 1, 2016, and to expire July 1, 2020

6th Congressional District:

Duane Swygert, P. O. Box 486, Hardeeville, SC 29927-0486 *VICE*
Cary L. Chastain

Referred to the Committee on Fish, Game and Forestry.

Doctor of the Day

Senator SETZLER introduced Dr. Ponce DeLeon Bullard of Columbia, S.C., Doctor of the Day.

Expression of Personal Interest

Senator CAMPBELL rose for an Expression of Personal Interest.

CO-SPONSOR REMOVED

The following co-sponsor was removed from the respective Bill:
S. 472 Sen. Grooms

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RECOMMITTED

S. 639 -- Senator Alexander: A JOINT RESOLUTION TO DIRECT THE PIONEER RURAL WATER DISTRICT TO CEASE ACTIVITY RELATED TO THE CONSTRUCTION OF A WATER TREATMENT PLANT UNTIL A COURT MAKES A FINAL DETERMINATION WHETHER OR NOT PIONEER RURAL WATER DISTRICT HAS THE AUTHORITY TO CONSTRUCT A WATER TREATMENT PLANT.

On motion of Senator ALEXANDER, the Resolution was recommitted to Committee on Judiciary.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 879 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE AND HONOR LEE ANN LAWRENCE UPON THE OCCASION OF HER RETIREMENT AS HELP DESK SERVICES MANAGER FOR THE LEGISLATIVE SERVICES AGENCY, TO EXTEND DEEP APPRECIATION FOR HER TWENTY-FIVE YEARS OF EXEMPLARY AND DEVOTED SERVICE TO THE SOUTH CAROLINA GENERAL ASSEMBLY, AND TO OFFER HER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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The Senate Resolution was adopted.

S. 880 -- Senator Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-3-353 SO AS TO PROVIDE THAT THE STATE OR A LOCAL GOVERNMENTAL ENTITY MAY OPERATE AN ALL TERRAIN VEHICLE ALONG THE PUBLIC STREETS AND HIGHWAYS WITHIN ITS JURISDICTION.

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

S. 881 -- : A BILL TO AMEND SECTION 12-43-220(c)(1), RELATING TO PARTICULAR CLASSIFICATIONS AND ASSESSMENT RATIOS FOR COUNTY EQUALIZATION AND REASSESSMENT TAXATION, TO PROVIDE THAT ACCOMMODATIONS FURNISHED TO TRANSIENTS FOR LESS THAN THIRTY CONSECUTIVE DAYS ON A SEPARATE

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PORTION OF THE PROPERTY ON WHICH A LEGAL RESIDENCE LOCATED SHALL BE ASSESSED AT A FOUR-PERCENT RATIO; TO AMEND SECTION 12-36-70(1)(b), RELATING TO DEFINITIONS OF "RETAILER" AND "SELLER" FOR THE SOUTH CAROLINA SALES AND USE TAX, TO PROVIDE THAT THE TERMS EXCLUDE AN INDIVIDUAL FURNISHING ACCOMMODATIONS FOR A CONSIDERATION ON THE SAME PREMISES WHEN THE ACCOMMODATIONS FURNISHED CONTAIN LESS THAN SIX SLEEPING ROOMS; TO AMEND SECTION 12-36-920(A), RELATING TO TAX ON ACCOMMODATIONS FOR TRANSIENTS, TO PROVIDE THAT THE TAX DOES NOT APPLY WHERE AN INDIVIDUAL FURNISHES SLEEPING ACCOMMODATIONS TO TRANSIENTS ON THE SAME PREMISES AS THE INDIVIDUAL'S PLACE OF ABODE WHEN THE ACCOMMODATIONS FURNISHED TO TRANSIENTS CONTAIN LESS THAN SIX SLEEPING ROOMS AND TO FURTHER PROVIDE THAT THE GROSS PROCEEDS DERIVED FROM THE LEASE OR RENTAL OF SLEEPING ACCOMMODATIONS SUPPLIED TO THE SAME PERSON FOR A PERIOD OF THIRTY CONTINUOUS DAYS ARE NOT CONSIDERED PROCEEDS FROM TRANSIENTS; AND TO AMEND SECTION 12-43-220(c)(2)(iv), RELATING TO PARTICULAR CLASSIFICATIONS AND ASSESSMENT RATIOS FOR COUNTY EQUALIZATION AND REASSESSMENT TAXATION, TO REMOVE THE PROVISION THAT A RESIDENCE NOT RENTED FOR MORE THAN SEVENTY-TWO DAYS IN A CALENDAR YEAR WILL RETAIN ITS ELIGIBILITY FOR THE FOUR-PERCENT ASSESSMENT RATIO AND TO FURTHER PROVIDE THAT INDIVIDUALS ENGAGING IN SHORT-TERM RENTALS MUST ALSO PROVIDE THE ASSESSOR WITH A SWORN AFFIDAVIT THAT HE IS IN COMPLIANCE WITH A SHORT-TERM RENTAL ORDINANCE IN THE JURISDICTION WHERE THE PROPERTY IS LOCATED, IF SUCH AN ORDINANCE EXISTS IN THE JURISDICTION TO QUALIFY FOR THE FOUR-PERCENT ASSESSMENT RATIO.

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

S. 882 -- Senator Rankin: A BILL TO ADOPT REVISED CODE VOLUMES 15A AND 18 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF THEIR CONTENTS, AS

[SJ]

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THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE; AND TO ADOPT THE 2017 CUMULATIVE SUPPLEMENTS TO THE CODE OF LAWS AS PART OF THE CODE AND PROVIDE THAT THESE SUPPLEMENTS, VOLUMES AS SUPPLEMENTED BY THEM, AND THE REPLACEMENT VOLUMES CONSTITUTE THE ONLY GENERAL PERMANENT STATUTORY LAWS OF THE STATE AS OF JANUARY 1, 2018.

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

S. 883 -- Senator Martin: A BILL TO AMEND ARTICLE 25, CHAPTER 6, TITLE 12 OF THE 1976 CODE, RELATING TO SOUTH CAROLINA INCOME TAX CREDITS, TO PROVIDE THAT A TAXPAYER WHO PURCHASES AND USES MOTOR FUEL FOR A PURPOSE OTHER THAN TO OPERATE A PRIVATE PASSENGER MOTOR VEHICLE AS DEFINED IN SECTION 56-3-630 IS ALLOWED A REFUNDABLE INCOME TAX CREDIT.

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

S. 884 -- Senator Nicholson: A BILL TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN GREENWOOD COUNTY, SO AS TO RENAME CERTAIN PRECINCTS, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

S. 885 -- Senator Cromer: A BILL TO AMEND SECTION 7-7-420, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN NEWBERRY COUNTY, SO AS TO ELIMINATE THE PROSPERITY PRECINCT, TO ADD THE PROSPERITY CITY PRECINCT AND THE PROSPERITY OUTSIDE PRECINCT, AND TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

S. 886 -- Senator Williams: A SENATE RESOLUTION TO HONOR AND RECOGNIZE BOBBY JOLLEY FOR HIS FIFTY YEARS OF SERVICE AND ACTIVISM IN FLORENCE COUNTY.

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The Senate Resolution was adopted.

S. 887 -- Senator Allen: A SENATE RESOLUTION TO REMEMBER AND CELEBRATE THE LIFE OF BILL NICK SKENTERIS OF GREENVILLE COUNTY UPON HIS PASSING, AND TO HONOR HIS REMARKABLE WORK ETHIC AND COMMITMENT TO HIS COMMUNITY, AND TO EXTEND DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

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The Senate Resolution was adopted.

H. 4527 -- Rep. Lucas: A CONCURRENT RESOLUTION INVITING HIS EXCELLENCY, HENRY MCMASTER, GOVERNOR OF THE STATE OF SOUTH CAROLINA, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION AT 7:00 P.M. ON WEDNESDAY, JANUARY 17, 2018, IN THE CHAMBER OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES.

On motion of Senator LEATHERMAN, with unanimous consent, the Concurrent Resolution was adopted and returned to the House.

H. 4544 -- Rep. Allison: A CONCURRENT RESOLUTION TO DECLARE JUNE 2018 AS "SOUTH CAROLINA WHOLE CHILD MONTH" IN RECOGNITION OF THE IMPORTANT ROLE THAT THE WHOLE CHILD INITIATIVE OF THE SOUTH CAROLINA ASSOCIATION OF CURRICULUM AND SCHOOL DEVELOPMENT (ASCD) HAS IN ADVANCING THE WELL-BEING OF SOUTH CAROLINA PUBLIC SCHOOL STUDENTS.

The Concurrent Resolution was introduced and referred to the General Committee.

H. 4545 -- Reps. Hewitt, Anderson, Crawford, Clemmons, McGinnis, Fry and Hardee: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR GERALD E. HARMON, M.D., OF

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GEORGETOWN COUNTY UPON BEING NAMED CHAIRMAN OF THE BOARD OF TRUSTEES FOR THE AMERICAN MEDICAL ASSOCIATION.

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

H. 3649--CONFERENCE COMMITTEE APPOINTED

H. 3649 -- Reps. Crawford and Sandifer: A BILL TO AMEND SECTION 40-3-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND OFFICERS OF THE BOARD OF ARCHITECTURAL EXAMINERS, SO AS TO PROVIDE THE BOARD MAY PROVIDE ADVICE AND MAKE RECOMMENDATIONS TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION CONCERNING THE DEVELOPMENT OF STATUTORY REVISIONS AND OTHER MATTERS AS THE DEPARTMENT REQUESTS CONCERNING THE ADMINISTRATION OF CHAPTER 3, TITLE 40; TO AMEND SECTION 40-3-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO REVISE THIS JURISDICTION; AND TO AMEND SECTION 40-3-290, RELATING TO EXCEPTIONS FROM CHAPTER 3, TITLE 40, SO AS TO REVISE CRITERIA FOR CERTAIN EXEMPT BUILDINGS AND DETACHED SINGLE-FAMILY OR TWO-FAMILY DWELLINGS.

Whereupon, Senator CORBIN was appointed in lieu of Senator BENNETT to the Committee of Conference on the part of the Senate and a message was sent to the House accordingly. The Senate conferees are Senators SCOTT, DAVIS and CORBIN.

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

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4180 -- Reps. W. Newton, Erickson, Herbkersman, Bowers, Bradley and M. Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 4-3-75 AND 4-3-325 SO AS TO ALTER THE BOUNDARY LINES OF BEAUFORT AND JASPER COUNTIES BY ANNEXING A CERTAIN PORTION OF JASPER COUNTY TO BEAUFORT COUNTY AND A CERTAIN PORTION OF BEAUFORT COUNTY

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TO JASPER COUNTY AND MAKE PROVISIONS FOR LEGAL RECORDS.

Senators Davis and M.B. Matthews explained the Bill.

CARRIED OVER

S. 83 -- Senator Hembree: A BILL TO AMEND SECTION 16-3-60 OF THE 1976 CODE, RELATING TO INVOLUNTARY MANSLAUGHTER, TO INCLUDE WITHIN THE DEFINITION OF INVOLUNTARY MANSLAUGHTER THE SALE OR DELIVERY OF CONTROLLED SUBSTANCES, THEIR ANALOGUES, OR OTHER UNLAWFUL SUBSTANCES THAT CAUSE THE DEATH OF THE USER WHEN INGESTED, AND TO PROVIDE THAT A PERSON CONVICTED OF INVOLUNTARY MANSLAUGHTER MUST BE IMPRISONED NOT MORE THAN FIFTEEN YEARS.

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

S. 681 -- Judiciary Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE WORKERS' COMPENSATION COMMISSION, RELATING TO CHAPTER REVISIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4735, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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

H. 3234 -- Reps. McEachern and Sandifer: A BILL TO AMEND SECTION 27-40-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS TO THE PROVISIONS OF THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO DELETE OCCUPANCY UNDER A RENTAL AGREEMENT COVERING THE PREMISES USED BY THE OCCUPANT PRIMARILY FOR AGRICULTURAL PURPOSES AS AN EXEMPTION UNDER THE ACT.

Senator HUTTO explained the Bill.

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

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

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MOTION ADOPTED

At 12:30 P.M., on motion of Senator LEATHERMAN, the Senate agreed to dispense with the balance of the Motion Period.

Expression of Personal Interest

Senator CAMPSSEN rose for an Expression of Personal Interest.

Remarks to be Printed

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

Expression of Personal Interest

Senator LEATHERMAN rose for an Expression of Personal Interest.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator MALLOY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Reverend John Foster III of Bennettsville, S.C. Rev. Foster was an associate professor of Religion, and director for Diversity, Interfaith, and Inclusion Education at Coker College in Hartsville. He was also ordained by the Episcopal Diocese of South Carolina and had been with St. Matthew's Episcopal Church in Darlington the past year. Rev. Foster was a great man who gave much to his community.

and

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MOTION ADOPTED

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Chief Justice Ernest A. Finney, Jr. of Sumter, S.C. Justice Finney opened a law office in 1961 in Sumter, S.C. where he was an outstanding defense lawyer and civil rights advocate. In 1963, he was appointed as chairman of the South Carolina Advisory Commission on Civil Rights. In 1972, he was elected to the House of Representatives and in 1976 he became the first African American to serve as a circuit court judge in South Carolina. Justice Finney was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 12:42 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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