

NO. 13

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

TUESDAY, JANUARY 30, 2018

Tuesday, January 30, 2018
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

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

Isaiah 40:31 NRSV

“But those who wait upon the Lord shall renew their strength, they shall mount up with wings like eagles, they shall run and not be weary, they shall walk and not faint.”

Let us pray. Gracious God, the power of Your word through Isaiah has been a source of hope and strength for countless generations. Even today, we too, as Your people, hear and know that Your word speaks to our hearts saying that: Those who wait upon the Lord will not be weary. Those who are heavy laden and burdened with sorrow need not despair for there is hope for tomorrow. God will be there each time you call on Him.

So therefore people of God, renew your strength and rise up with wings like an eagle and soar. For the Lord your God is the everlasting God, the Creator of the ends of the earth. It is through His powerful name that we pray, Amen.

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

Point of Quorum

At 2:04 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 LEATHERMAN moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Bennett	Campbell
Campsen	Climer	Cromer
Davis	Goldfinch	Johnson
Leatherman	Martin	Massey
Peeler	Rankin	Rice

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Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

Recorded Presence

Senator TIMMONS recorded his presence subsequent to the Call of the Senate.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Statewide Appointment

Reappointment, South Carolina Board of Long Term Health Care Administrators, with the term to commence June 9, 2018, and to expire June 9, 2021

Proprietary Nursing Home Administrator:

Julius B. Kinney, Jr., 201 Middle Brooke Dr., Anderson, SC 29621

Referred to the Committee on Medical Affairs.

Local Appointment

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

Glynda L. Tucker, 329 West Main Street, Gray Court, SC 29645-5604

REGULATIONS RECEIVED

The following was received and referred to the appropriate committee for consideration:

Document No. 4747

Agency: Department of Social Services

Chapter: 114

Statutory Authority: 1976 Code Sections 43-1-80 and 63-13-180 et seq.

SUBJECT: Regulations for the Licensing of Child Care Centers

Received by Lieutenant Governor January 26, 2018

Referred to the General Committee

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REGULATION RESUBMITTED

The following was received:

Document No. 4799

Agency: Department of Natural Resources

Chapter: 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-3-100, 50-9-650, 50-11-10, 50-11-65, 50-11-96, 50-11-105, 50-11-310, 50-11-315, 50-11-320, 50-11-350, 50-11-365, 50-11-390, 50-11-410, 50-11-430, 50-11-500, 50-11-520, 50-11-525, 50-11-530, 50-11-580, 50-11-854, 50-11-2200 and 50-11-2210

SUBJECT: Season, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas

Received by Lieutenant Governor January 9, 2018

Referred to Fish, Game and Forestry Committee

Legislative Review Expiration May 9, 2018

Resubmitted January 26, 2018

Doctor of the Day

Senator SCOTT introduced Dr. Patricia Witherspoon of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator HEMBREE, at 4:41 P.M., Senator GROOMS was granted a leave of absence for today.

Expression of Personal Interest

Senator JOHNSON rose for an Expression of Personal Interest.

CO-SPONSORS ADDED

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

S. 805 Sen. McElveen

S. 890 Sens. Leatherman, Talley, Timmons, Shealy, Jackson and Gregory

S. 909 Sens. Williams, Johnson, Rice and Timmons

RECALLED AND ADOPTED

S. 923 -- Senator Goldfinch: A CONCURRENT RESOLUTION TO DECLARE JANUARY 31, 2018, AS OMPHALOCELE AWARENESS DAY IN SOUTH CAROLINA AND TO ENCOURAGE ALL SOUTH CAROLINIANS TO LEARN MORE ABOUT OMPHALOCELE AND

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MORE ABOUT HOW THEY CAN SUPPORT OMPHALOCELE PATIENTS AND THEIR FAMILIES.

Senator GOLDFINCH asked unanimous consent to make a motion to recall the Resolution from the Committee on Medical Affairs.

The Resolution was recalled from the Committee on Medical Affairs.

Senator GOLDFINCH asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator GOLDFINCH, the Resolution was adopted and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 939 -- Senators Martin, Corbin, Peeler, Reese and Talley: A SENATE RESOLUTION TO HONOR AND RECOGNIZE DORMAN HIGH SCHOOL ATHLETES, COACHES, AND STAFF FOR AN OUTSTANDING YEAR AND TO CONGRATULATE THEM ON THEIR SIGNIFICANT ATHLETIC ACHIEVEMENTS.

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The Senate Resolution was adopted.

S. 940 -- Senator Alexander: A CONCURRENT RESOLUTION TO DESIGNATE THE MONTH OF MAY 2018 AS "MENTAL HEALTH MONTH" IN SOUTH CAROLINA AND TO RAISE AWARENESS AND UNDERSTANDING OF MENTAL ILLNESS AND THE NEED FOR APPROPRIATE AND ACCESSIBLE SERVICES FOR ALL PEOPLE WITH MENTAL ILLNESS.

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

S. 941 -- Senator Verdin: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA'S FFA MEMBERS AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING STUDENTS OF

[SJ]

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AGRICULTURAL EDUCATION AND TO JOIN THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 18-24, 2018.

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

S. 942 -- Senators Corbin, Alexander, Allen, Bennett, M. B. Matthews, Campbell, Campsen, Cash, Climer, Courson, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE SERGEANT DAR SHAW UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS NINETEEN AND ONE-HALF YEARS OF PUBLIC SERVICE WITH THE GREENVILLE COUNTY FORENSICS DEPARTMENT'S CRIME SCENE UNIT, AND TO WISH HIM CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

H. 3699 -- Reps. Putnam, Whipper, Brown, Knight, Henegan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 63-7-765, 63-7-770, AND 63-9-80 SO AS TO ALLOW FOR THE DISCLOSURE OF PERSONAL HEALTH INFORMATION ABOUT A CHILD TO CERTAIN CAREGIVERS AS PART OF CHILD PROTECTION OR ADOPTION PROCEEDINGS; TO AMEND SECTION 63-7-390, RELATING TO MANDATED REPORTER IMMUNITY FROM LIABILITY, SO AS TO ADD IMMUNITY PROTECTIONS; TO AMEND SECTION 63-7-1990, AS AMENDED, RELATING TO CONFIDENTIALITY OF CHILD ABUSE OR NEGLECT RECORDS, SO AS TO AUTHORIZE THE DEPARTMENT OF SOCIAL SERVICES TO RELEASE RECORDS CONTAINING PERSONAL HEALTH INFORMATION ABOUT THE CHILD TO CERTAIN CAREGIVERS; AND TO AMEND SECTION 63-7-2370, RELATING TO THE DISCLOSURE OF CERTAIN INFORMATION ABOUT A FOSTER CHILD TO A FOSTER PARENT AT THE TIME OF PLACEMENT, SO AS TO MAKE CONFORMING CHANGES.

Read the first time and referred to the General Committee.

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H. 3701 -- Reps. Whipper, Brown, Knight, Henegan and Henderson-Myers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-7-735 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO INFORM A RELATIVE WITH WHOM A CHILD MAY BE PLACED OF THE OPPORTUNITY TO BE LICENSED AS A FOSTER PARENT, INCLUDING THE LICENSURE PROCESS AND BENEFITS OF BEING LICENSED AS A FOSTER PARENT, AND TO REQUIRE THE COURT TO MAKE CERTAIN FINDINGS BEFORE SIGNING AN ORDER APPROVING PLACEMENT OF A CHILD WITH A RELATIVE WHO IS NOT A LICENSED FOSTER PARENT; TO AMEND SECTION 63-7-650, RELATING IN PART TO THE DEPARTMENT MAKING AN INTERIM PLACEMENT OF A CHILD WITH A RELATIVE INSTEAD OF TAKING CUSTODY OF A CHILD, SO AS TO REQUIRE THE DEPARTMENT TO EXPLAIN TO THE RELATIVE ABOUT THE OPPORTUNITY TO BECOME LICENSED AS A KINSHIP FOSTER PARENT IF THE CHILD IS UNABLE TO RETURN HOME; TO AMEND SECTION 63-7-2320, RELATING TO THE KINSHIP FOSTER PROGRAM, SO AS TO ALLOW THE DEPARTMENT TO WAIVE CERTAIN NONSAFETY LICENSURE REQUIREMENTS WHEN LICENSING A RELATIVE AS A FOSTER PARENT AND TO INDICATE THE PREFERENCE FOR PLACING A CHILD WITH A RELATIVE; TO AMEND SECTION 63-7-2330, RELATING TO PLACEMENT OF A CHILD WITH A RELATIVE AS PART OF A REMOVAL ACTION, SO AS TO REQUIRE THE DEPARTMENT TO INFORM THE RELATIVE OF THE OPPORTUNITY TO BE LICENSED AS A FOSTER PARENT, INCLUDING THE LICENSURE PROCESS AND BENEFITS OF BEING SO LICENSED; TO AMEND SECTION 63-7-2350, AS AMENDED, RELATING TO RESTRICTIONS ON FOSTER CARE PLACEMENTS, SO AS TO CLARIFY THE PROCESS THE DEPARTMENT MUST FOLLOW TO DETERMINE WHETHER A PERSON HAS COMMITTED A CRIME THAT MAKES THE PERSON INELIGIBLE TO BE A FOSTER PARENT; AND TO AMEND SECTION 43-1-210, AS AMENDED, RELATING TO DEPARTMENT REPORTING REQUIREMENTS, SO AS TO REQUIRE REPORTING OF KINSHIP CARE DATA.

Read the first time and referred to the General Committee.

H. 3920 -- Reps. Felder, Funderburk, Davis, Bryant, Pope, Forrester, Sandifer, Allison, Fry, Cole, Jefferson and Forrest: A BILL TO

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AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-63-85 SO AS TO PROVIDE THAT BEGINNING WITH THE 2018-2019 SCHOOL YEAR, ALL PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS, SHALL POST AT LEAST FIVE SIGNS THAT PROVIDE TELEPHONE NUMBERS AND RELATED INFORMATION FOR REPORTING INCIDENTS OF CHILD ABUSE, NEGLECT, AND EXPLOITATION; AND TO PROVIDE DETAILS CONCERNING THE CONTENT, PLACEMENT, AND APPEARANCE OF THE SIGNS; AND BY AMENDING SECTION 63-7-910, RELATING TO A TOLL-FREE NUMBER FOR THE REFERRAL OF INCIDENTS OF CHILD ABUSE OR NEGLECT THAT THE DEPARTMENT OF SOCIAL SERVICES MAY MAINTAIN, SO AS TO REQUIRE THE DEPARTMENT TO MAINTAIN SUCH A SERVICE AND TO INCLUDE CHILD EXPLOITATION AMONG THE CATEGORIES OF REPORTABLE INCIDENTS FOR WHICH THE SERVICE IS INTENDED.

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

H. 4697 -- Rep. Bamberg: A BILL TO AMEND SECTION 7-7-90, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BAMBERG COUNTY, SO AS TO DESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

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

REPORTS OF STANDING COMMITTEE

Senator DAVIS from the Committee on Invitations polled out S. 873 favorable:

S. 873 -- Senator Shealy: A CONCURRENT RESOLUTION TO RECOGNIZE MARCH 19, 2018 AS "WOMEN IN PUBLIC OFFICE DAY" IN SOUTH CAROLINA.

**Poll of the Invitations Committee
Polled 11; Ayes 11; Nays 0**

AYES

Davis
Campsen

Alexander
Cromer

Reese
Malloy

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Johnson
Young

Nicholson
Goldfinch

Hembree

Total--11

NAYS

Total--0

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Invitations polled out S. 875 favorable:

S. 875 -- Senator Reese: A CONCURRENT RESOLUTION TO RECOGNIZE WEDNESDAY, MARCH 14, 2018 AND THE SECOND TUESDAY IN MARCH OF EACH YEAR THEREAFTER AS "SOUTH CAROLINA BANJO DAY" IN HONOR OF TODD "BANJOMAN" TAYLOR'S MUSICAL CONTRIBUTIONS TO THE STATE OF SOUTH CAROLINA.

**Poll of the Invitations Committee
Polled 11; Ayes 11; Nays 0**

AYES

Davis
Campsen
Johnson
Young

Alexander
Cromer
Nicholson
Goldfinch

Reese
Malloy
Hembree

Total--11

NAYS

Total--0

Ordered for consideration tomorrow.

INVITATIONS ACCEPTED

On motion of Senator DAVIS, with unanimous consent, the following invitations were polled favorably from the Committee on Invitations and ordered placed on the Calendar:

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Thursday, February 1, 2018 - 8:00am-10:00am

Members and Staff, Breakfast, Blatt 112, by the **SC COMMISSION FOR THE BLIND**

Tuesday, February 6, 2018 - 5:30pm-7:00pm

Members Only, Reception, Marriott, by the **MUNICIPAL ASSOCIATION OF SOUTH CAROLINA**

Tuesday, February 6, 2018 - 7:00pm-9:00pm

Members and Staff, Reception, USC Law School Auditorium, by the **SC PROGRESSIVE NETWORK EDUCATION FUND**

Wednesday, February 7, 2018 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **COALITION FOR ACCESS TO HEALTHCARE**

Wednesday, February 7, 2018 - 12:00pm-2:00pm

Members Only, Luncheon, 112 Blatt, by the **SC ASSOCIATION FOR COMMUNITY ECONOMIC DEVELOPMENT**

Wednesday, February 7, 2018 - 6:00pm-8:00pm

Members and Staff, Reception, Columbia Museum of Art, by the **CITY OF COLUMBIA AND COLUMBIA MUSEUM OF ART**

Thursday, February 8, 2018 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **SC AMERICAN WATER WORKS ASSOCIATION WATER UTILITY COUNCIL**

Tuesday, February 13, 2018 - 6:00pm-8:00pm

Members and Staff, Reception, Columbia Convention Center, by the **ELECTRIC COOPERATIVES OF SOUTH CAROLINA**

Tuesday, February 13, 2018 - 6:00pm-8:00pm

Members and Staff, Reception, River Rat Brewery, 1231 Shop Rd., by the **SOUTH CAROLINA BREWERS GUILD**

Wednesday, February 14, 2018 - 8:00am-10:00am

Members Only, Breakfast, 112 Blatt, by the **INDEPENDENT BANKS OF SOUTH CAROLINA**

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Wednesday, February 14, 2018 - 12:00pm-2:00pm

Members Only, Luncheon, Palmetto Club, by the **SC OPTOMETRIC PHYSICIANS ASSOCIATION**

Thursday, February 15, 2018 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **AARP SOUTH CAROLINA**

Tuesday, February 20, 2018 - 6:00pm-8:00pm

Members and Staff, Reception, State Fairgrounds, Moore Bldg., by the **SC DEPARTMENT OF NATURAL RESOURCES**

Wednesday, February 21, 2018 - 8:00am-10:00am

Members Only, Breakfast, 112 Blatt, by the **SOUTH CAROLINA ASSOCIATION OF PROBATE JUDGES**

Wednesday, February 21, 2018 - 12:00pm-2:00pm

Members and Staff, Luncheon, 112 Blatt, by the **UNITED WAY ASSOCIATION OF SOUTH CAROLINA**

Wednesday, February 21, 2018 - 5:30pm-7:30pm

Members Only, Reception, Palmetto Club, by the **SOUTH CAROLINA ASSOCIATION OF COUNTIES**

Wednesday, February 21, 2018 - 5:00pm-9:00pm

Members and Staff, Reception, Columbia Convention Center, by the **MYRTLE BEACH AREA CHAMBER OF COMMERCE**

Thursday, February 22, 2018 - 8:00am-10:00am

Members and Staff, Breakfast, Blatt 112, by the **SOUTH CAROLINA CONSERVATION COALITION**

Tuesday, February 27, 2018 - 6:00pm-8:00pm

Members and Staff, Reception, The Hall at Senate's End, by the **CLEMSON UNIVERSITY**

Wednesday, February 28, 2018 - 8:00am-10:00am

Members and Staff, Breakfast, State House Grounds, by the **SC CATHOLIC CONFERENCE AND DIOCESE OF CHARLESTON, SC**

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Wednesday, February 28, 2018 - 11:30am-2:00pm

Members Only, Luncheon, State House Grounds, by the **SOUTH CAROLINA BAPTIST CONVENTION**

Wednesday, February 28, 2018 - 5:30pm-7:30pm

Members and Staff, Reception, Columbia Museum of Art, by the **RICHLAND COUNTY GOVERNMENT**

Wednesday, February 28, 2018 - 5:00pm-7:00pm

Members Only, Reception, Palmetto Club, by the **SC STATE ALUMNI ASSOCIATION**

Thursday, March 1, 2018 - 8:00am-10:00am

Members and Staff, Breakfast, 112 Blatt, by the **SC EMS ASSOCIATION**

Poll of the Invitations Committee

Polled 11; Ayes 11; Nays 0

AYES

Davis	Alexander	Reese
Campsen	Cromer	Malloy
Johnson	Nicholson	Hembree
Young	Goldfinch	

Total--11

NAYS

Total--0

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

DEBATE INTERRUPTED

H. 3653 -- Reps. Forrester, Yow, Loftis, Henegan, Spires, Anderson, Burns, V.S. Moss, Crawford, Hamilton, Felder, Norman, Anthony, Chumley, Erickson, Gagnon, Hayes, Henderson, Hosey, Jefferson, S. Rivers, Ryhal, Sandifer, Thayer, Willis, Atkinson, Alexander, West, Hixon, Murphy, Arrington, Bennett and Crosby: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING

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CHAPTER 24 TO TITLE 31 SO AS TO PROVIDE THE OPERATIONS OR EXPANSIONS OF MANUFACTURING AND INDUSTRIAL FACILITIES MAY NOT BE CONSIDERED PUBLIC OR PRIVATE NUISANCES IN CERTAIN CIRCUMSTANCES, TO PROVIDE RELATED FINDINGS, TO EXPLICITLY PROHIBIT LOCAL GOVERNMENTS FROM ENACTING ORDINANCES TO THE CONTRARY, TO DEFINE NECESSARY TERMINOLOGY, TO PROVIDE THAT THE PROVISIONS OF THIS ACT MAY NOT BE CONSTRUED TO MODIFY STATUTORY EMINENT DOMAIN LAWS OR ENVIRONMENTAL LAWS, AND TO PROVIDE THE PROVISIONS OF THIS ACT DO NOT APPLY TO NUISANCE ACTIONS COMMENCED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS CHAPTER.

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

Amendment No. 3

Senator SHEHEEN proposed the following amendment (3653VS6):

Amend the bill, as and if amended, page 2, by striking lines 14-21 and inserting:

/ Section 31-24-120. For purposes of this chapter, ‘manufacturing or industrial facility’ means any facility that operates under North American Industry Classification System codes 48-49 (Transportation and Warehousing), including, but not limited to, any land, building, structure, pond, impoundment, appurtenance, machinery, or equipment used for manufacturing, processing, distribution, warehousing, and technology intensive operations. /

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON spoke on the amendment.

Senator SHEHEEN spoke on the amendment.

Senator DAVIS spoke on the amendment.

ACTING PRESIDENT PRESIDES

At 3:45 P.M., Senator SHEALY assumed the Chair.

Senator DAVIS continued speaking on the amendment.

Senator SHEHEEN spoke on the amendment.

Senator MASSEY spoke on the amendment.

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Senator MASSEY asked unanimous consent to to proceed to Amendment 16.

Amendment No. 16

Senators MASSEY, SETZLER and ALEXANDER proposed the following amendment (3653R009.SP.ASM):

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

/ SECTION 1. Title 31 of the 1976 Code is amended by adding:

“CHAPTER 24

Nuisance Suits Related to Manufacturing and Industrial Uses of Real Property

Section 31-24-110. (A) ‘Manufacturing sector’ means establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products, including, but not limited to, plants, factories, or mills, and characteristically use power-driven machines and materials-handling equipment.

(B) ‘Transportation and warehousing sector’ means industries providing transportation of passengers and cargo, warehousing and storage for goods, scenic and sightseeing transportation, and support activities related to modes of transportation by air, rail, water, road, and pipeline.

(C) ‘Manufacturing and industrial facility’ means any facility that operates in a manufacturing sector or transportation and warehousing sector, including, but not limited to, any land, building, structure, pond, impoundment, appurtenance, machinery, or equipment used for manufacturing, processing, distribution, warehousing, and technology intensive operations. Facilities that are covered under Chapter 45, Title 46 of the 1976 Code are not manufacturing or industrial facilities for the purposes of this chapter.

(D) ‘Reasonably expand’ or ‘reasonable expansion’ means any change in operations or facilities that does not result in a material and substantial change in the affected landowner’s use and enjoyment of property.

Section 31-24-120. (A) A manufacturing or industrial facility, or expansion of such a facility, may not be found to be a public or private nuisance by reason of the operation of that facility if the manufacturing or industrial facility:

(1) is operating pursuant to and in compliance with the requisite licenses, permits, certifications, or authorizations under the applicable

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federal and state environmental laws and county and municipal zoning and nuisance ordinances; and

(2) commenced operations before the landowner alleging the nuisance acquired, moved onto, or improved the affected property.

(B) If a manufacturing or industrial facility protected pursuant to the provisions of this section seeks to expand its operations or facility and maintain its protected status, then the manufacturing or industrial facility may reasonably expand its operation or facilities without losing its protected status if it is in compliance with all county, municipal, state, and federal environmental codes, laws, or regulations at the time of expansion. This protected status of a manufacturing or industrial facility, once acquired:

(1) is assignable, alienable, and inheritable, provided the manufacturing or industrial facility is operating for the same use as when it commenced operations as provided in (A)(2) or a reasonable expansion thereof as provided in this subsection; and

(2) may not be waived by the temporary cessation of operation for a period not to exceed two years or by diminishing the size of the operation.

Section 31-24-130. The provisions of this chapter may not be construed as modifying a provision of existing statutory eminent domain or environmental law nor as affecting common law claims of trespass or negligent operation.

Section 31-24-140. The provisions of this chapter do not apply to nuisance actions commenced within one year after the effective date of this chapter.”

SECTION 2. 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 3. This act takes effect upon approval by the Governor. /
Re-number sections to conform.

Amend title to conform.

Senator MASSEY spoke on the amendment.

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Debate was interrupted by adjournment.

LOCAL APPOINTMENT

Confirmation

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

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

Glynda L. Tucker, 329 West Main Street, Gray Court, SC 29645-5604

Motion Adopted

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

MOTION ADOPTED

On motion of Senator MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. David Minton of Pacolet, S.C. Mr. Minton was the owner and operator of Minton's Garage and Wrecker Service. He was a member of First Baptist Church of Pacolet and was a member of the Pacolet Lions Club. David was a loving father and devoted grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator KIMPSON, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Richard "Dick" Howard Byrd of Hopkins, S.C. Dick was an engineer and land surveyor who worked as a Regional Engineering Manager for Georgia Pacific Corporation, Director of Public Works for Dorchester County and Chief Engineer for the South Carolina Department of Natural Resources. He enjoyed spending time outdoors boating and hunting. Dick was a loving husband, devoted father and doting grandfather who will be dearly missed.

ADJOURNMENT

At 4:56 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 12:00 Noon.

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