

NO. 14

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 9, 2018

WEDNESDAY, JANUARY 31, 2018

Wednesday, January 31, 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:

John 15:13

“No one has a greater love than this, to lay down one’s life for one’s friend.”

Let us pray. Gracious God, You have instructed us as Your people to count our blessings every day. Clearly one of our greatest blessings is our people. Nowhere do we find a more gracious and friendly people than right here in our own State.

Here we are greeted with” Honey” and “Darling” and people who live by their faith and aren’t afraid to say it. In many ways we are like a family.

On January 17 of this year, our family was torn apart with the senseless murder of Officer Mike Doty, one of our own law enforcement officers in York County.

Our people mourn the loss of a brave man who was willing to lay down his life for a friend. Our prayer this morning is that our State Senators will do what they can to strengthen their support of all of our first responders in this State.

May the first responders know that our thoughts and prayers are with them as they work. We deeply appreciate their willingness to step forward to make our State a safer place in which to live. In Your loving name we pray, 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 LEATHERMAN moved that a Call of the Senate be made. The following Senators answered the Call:

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Alexander	Allen	Bennett
Campbell	Campsen	Cash
Corbin	Cromer	Davis
Gambrell	Goldfinch	Gregory
Hembree	Kimpson	Leatherman
Martin	Massey	Peeler
Rice	Sabb	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

A quorum being present, the Senate resumed.

Recorded Presence

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

Doctor of the Day

Senator TURNER introduced Dr. C. Blake Myers of Greenville, S.C., Doctor of the Day.

Leave of Absence

At 1:41 P.M., Senator JOHNSON requested a leave of absence for Senator McELVEEN for the day.

Expression of Personal Interest

Senator BENNETT rose for an Expression of Personal Interest.

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:
S. 805 Sen. Climer

RECALLED, AMENDED AND ADOPTED

H. 4588 -- Reps. Duckworth, Clemmons, Johnson, McGinnis, Hewitt, Crawford, Hardee and Fry: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT SPANS THE INTRACOASTAL WATERWAY ALONG SOUTH CAROLINA HIGHWAY 9 IN Horry COUNTY THE "CAPTAIN ARCHIE NEIL 'POO' MCLAUCHLIN SWING BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THIS DESIGNATION.

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

The Resolution was recalled from the Committee on Transportation.

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

There was no objection.

The question then was the adoption of the amendment.

Senator HEMBREE proposed the following amendment (4588R002.KM.GH), which was adopted:

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

/ TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION RENAME THE BRIDGE THAT SPANS THE INTRACOASTAL WATERWAY ALONG SOUTH CAROLINA HIGHWAY 9 IN HORRY COUNTY THE “CAPTAIN ARCHIE NEIL ‘POO’ MCLAUCHLIN SWING BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE CONTAINING THIS DESIGNATION.

Whereas, Captain Archie Neil “Poo” McLauchlin was born on May 16, 1935; and

Whereas, he served our nation with distinction as a member of the United States Air Force from 1954 until 1958; and

Whereas, as an infant, his father took him to the opening of the swing bridge that spans the Intracoastal Waterway along South Carolina Highway 9 in Horry County; and

Whereas, he has been a boater since the age of fourteen and a captain since 1961; and

Whereas, it would be fitting and proper to recognize the many contributions that Captain McLauchlin has made to our State and nation by having the swing bridge that spans the Intracoastal Waterway along South Carolina Highway 9 in Horry County renamed in his honor. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly request that the Department of Transportation rename the bridge that spans the Intracoastal Waterway along South Carolina Highway 9 in Horry County the “Captain Archie Neil ‘Poo’ McLauchlin Swing Bridge” and erect appropriate markers or signs at the bridge containing this designation.

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Be it further resolved that a copy of this resolution be forwarded to the Department of Transportation. /
Renumber sections to conform.
Amend title to conform.

The amendment was adopted.

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

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

RECALLED

H. 3453 -- Reps. Herbkersman, W. Newton and Bowers: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE NEW RIVER AT THE BEAUFORT/JASPER COUNTY LINE ALONG SOUTH CAROLINA HIGHWAY 46 THE "MELANIE LOWTHER MEMORIAL BRIDGE" AND TO PLACE APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THIS DESIGNATION.

Senator DAVIS 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.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 943 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE THE LEAGUE OF WOMEN VOTERS OF THE CLEMSON AREA UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY AND TO RECOGNIZE CURRENT AND FOUNDING MEMBERS FOR THEIR DEDICATED SERVICE AND OUTSTANDING CONTRIBUTIONS TO THEIR COMMUNITY.

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The Senate Resolution was adopted.

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S. 944 -- Senator Alexander: A SENATE RESOLUTION TO CONGRATULATE MARCH OF DIMES UPON THE OCCASION OF ITS EIGHTIETH ANNIVERSARY AND TO RECOGNIZE THE ORGANIZATION FOR ITS DEDICATED SERVICE AND OUTSTANDING CONTRIBUTIONS TO THE STATE OF SOUTH CAROLINA.

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The Senate Resolution was adopted.

S. 945 -- Senators M. B. Matthews, Campbell, Campsen, Cromer and Hutto: A BILL TO AMEND SECTIONS 6-1-530 AND 6-1-730, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF REVENUE FROM THE LOCAL ACCOMMODATIONS TAX AND HOSPITALITY TAX, RESPECTIVELY, SO AS TO REDUCE A THRESHOLD FROM NINE HUNDRED THOUSAND DOLLARS IN ACCOMMODATIONS TAXES COLLECTIONS TO SEVEN HUNDRED FIFTY THOUSAND DOLLARS.

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

S. 946 -- Senator Peeler: A SENATE RESOLUTION TO HONOR AND RECOGNIZE DR. CLYDE P. THOMAS, SENIOR PASTOR OF CHEROKEE AVENUE BAPTIST CHURCH, FOR HIS FORTY-THREE YEARS OF SPIRITUAL GUIDANCE TO THE UPSTATE COMMUNITY.

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The Senate Resolution was adopted.

S. 947 -- Senator Shealy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 24-3-965 RELATING TO EXCLUSIVE MAGISTRATES COURT JURISDICTION FOR CERTAIN OFFENSES REGARDING THE FURNISHING OF CONTRABAND TO INMATES.

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Read the first time and referred to the Committee on Corrections and Penology.

S. 948 -- Senators M. B. Matthews, Massey, Nicholson, Johnson and Williams: A BILL TO AMEND CHAPTER 48, TITLE 15 OF THE 1976 CODE, RELATING TO THE UNIFORM ARBITRATION ACT,

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BY ADDING SECTION 15-48-225, TO PROVIDE FOR A NOTICE OF WAIVER OF LEGAL RIGHTS TO PATIENTS ENTERING INTO ARBITRATION AGREEMENTS WITH HEALTH CARE PROFESSIONALS, TO PROVIDE THAT PERSONS WHO MAY MAKE HEALTH CARE DECISIONS FOR A PATIENT WHO IS UNABLE TO CONSENT ARE PROHIBITED FROM EXECUTING ARBITRATION AGREEMENTS ON BEHALF OF A PATIENT, AND TO PROVIDE FOR A NOTICE OF WAIVER OF LEGAL RIGHTS.

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

S. 949 -- Senators M. B. Matthews, Malloy, Rice, Cash and Massey: A BILL TO AMEND ARTICLE 5, CHAPTER 21, TITLE 24 OF THE 1976 CODE, RELATING TO PROBATION, BY ADDING SECTION 24-21-435, TO PROVIDE THAT PROBATION OFFICERS, COURT PERSONNEL, COUNTY AND MUNICIPAL PERSONNEL, PUBLIC OFFICIALS, AND PRIVATE VOLUNTEERS WHO PARTICIPATE IN COMMUNITY SERVICE PROGRAMS IN WHICH A PROBATIONER IS COMPLETING COMMUNITY SERVICE AS A CONDITION OF PROBATION PURSUANT TO SECTION 24-21-430 ARE NOT LIABLE FOR CIVIL DAMAGES UNLESS AN INJURY OR DAMAGES RESULT FROM THE GROSS NEGLIGENCE, RECKLESSNESS, OR INTENTIONAL MISCONDUCT OF SUCH PERSON.

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Read the first time and referred to the Committee on Corrections and Penology.

S. 950 -- Senator M. B. Matthews: A BILL TO ENACT THE "SAVANNAH RIVER PORT ENHANCEMENT ZONE ACT"; TO AMEND SECTION 12-6-3360(E)(1) AND (M) OF THE 1976 CODE, RELATING TO THE JOB TAX CREDIT, TO PROVIDE FOR A SAVANNAH RIVER PORT ENHANCEMENT ZONE; TO AMEND SECTION 12-6-3367(A) AND (B) OF THE 1976 CODE, RELATING TO THE MORATORIUM ON CERTAIN TAXES FOR CERTAIN TAXPAYERS, TO EXTEND THE MORATORIUM TO TAXPAYERS CREATING AT LEAST FIFTY NEW FULL-TIME JOBS IN A SAVANNAH RIVER PORT ENHANCEMENT ZONE; TO AMEND SECTION 12-6-3375 OF THE 1976 CODE, RELATING TO THE TAX CREDIT FOR PORT CARGO VOLUME INCREASE, TO INCREASE THE MAXIMUM ANNUAL CREDIT AMOUNT FROM EIGHT

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MILLION TO NINE MILLION DOLLARS AND TO PROVIDE THAT ONE MILLION DOLLARS MAY BE AWARDED TO A NEW WAREHOUSE OR DISTRIBUTION FACILITY THAT MEETS CERTAIN REQUIREMENTS AND CREATES AT LEAST FIFTY NEW FULL-TIME JOBS IN A SAVANNAH RIVER PORT ENHANCEMENT ZONE; TO AMEND SECTION 12-10-80 OF THE 1976 CODE, RELATING TO JOB DEVELOPMENT CREDITS, TO ALLOW EIGHTY-FIVE PERCENT OF THE MAXIMUM CREDIT TO BE CLAIMED BY BUSINESSES LOCATED IN A SAVANNAH RIVER PORT ENHANCEMENT ZONE; TO AMEND SECTION 12-14-60(A) OF THE 1976 CODE, RELATING TO THE INVESTMENT TAX CREDIT, TO DOUBLE THE AMOUNT OF THE CREDIT FOR ANY QUALIFIED MANUFACTURING AND PRODUCTIVE EQUIPMENT PROPERTY LOCATED IN A SAVANNAH RIVER PORT ENHANCEMENT ZONE; AND TO AMEND SECTION 12-36-2120(51) AND (67) OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, TO EXTEND THE EXEMPTION FOR MATERIALS HANDLING TO A TAXPAYER THAT INVESTS AT LEAST TWENTY MILLION DOLLARS IN A SAVANNAH RIVER PORT ENHANCEMENT ZONE AND TO EXTEND THE EXEMPTION FOR CONSTRUCTION MATERIALS TO A TAXPAYER THAT INVESTS AT LEAST FORTY MILLION DOLLARS, IN REAL AND PERSONAL PROPERTY, IN A SAVANNAH RIVER PORT ENHANCEMENT ZONE.

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

S. 951 -- Senator Grooms: A SENATE RESOLUTION MEMORIALIZING CONGRESS TO AUTHORIZE A PILOT PROGRAM BETWEEN THE STATES OF GEORGIA, SOUTH CAROLINA, AND NORTH CAROLINA GRANTING COMMERCIAL DRIVER'S LICENSE HOLDERS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-ONE THE RIGHT TO OPERATE IN INTERSTATE COMMERCE AND TO HAUL INTERSTATE COMMODITIES WITHIN AND BETWEEN THESE STATES.

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

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S. 952 -- Senator Nicholson: A SENATE RESOLUTION TO RECOGNIZE AND HONOR BROTHER I. V. WHITE OF ABBEVILLE COUNTY FOR HIS SELFLESS SERVICE TO HIS GOD, TO THE MEMBERS OF HAIGLER STREET CHURCH OF CHRIST, AND TO THE CITIZENS OF ABBEVILLE COUNTY DURING A DISTINGUISHED MINISTERIAL CAREER SPANNING SIXTY YEARS.

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The Senate Resolution was adopted.

S. 953 -- Senators Leatherman, Setzler and Massey: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 10, 2018, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, STAND ADJOURNED TO MEET SUBJECT TO THE CALL OF THE SPEAKER OF THE HOUSE FOR THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE FOR THE SENATE AT TIMES THEY CONSIDER APPROPRIATE FOR THEIR RESPECTIVE BODIES TO MEET FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER THAN FRIDAY, NOVEMBER 9, 2018, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

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

S. 954 -- Senators Leatherman, Setzler and Massey: A JOINT RESOLUTION TO PROHIBIT THE PUBLIC SERVICE COMMISSION FROM ISSUING AN ORDER FOR REQUESTS MADE PURSUANT TO THE BASE LOAD REVIEW ACT UNTIL NINETY DAYS AFTER THE SOUTH CAROLINA GENERAL ASSEMBLY ADJOURNS SINE DIE FOR THE 2018 LEGISLATIVE SESSION, BUT TO PERMIT AN EXPERIMENTAL RATE ORDER TO REVISE ELECTRIC RATES IN ACCORDANCE WITH CHAPTER 34, TITLE 58.

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Senator MASSEY spoke on the Resolution.

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

S. 955 -- Senators Alexander, Hutto, Setzler, Rankin, Massey and Leatherman: A JOINT RESOLUTION TO DIRECT THE PUBLIC UTILITIES REVIEW COMMITTEE TO RESUME SCREENING CANDIDATES FOR THE PUBLIC SERVICE COMMISSION, SEATS 2, 4, AND 6, AND TO ADVERTISE FOR THESE POSITIONS FOR AN ADDITIONAL TIME PERIOD BEGINNING NO LATER THAN FEBRUARY 16, 2018 THROUGH MARCH 2, 2018, AND TO ACCEPT APPLICATIONS FROM FEBRUARY 22, 2018 THROUGH NOON ON MARCH 5, 2018.

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

S. 956 -- Senator Jackson: A SENATE RESOLUTION TO CONGRATULATE SARAH SUMTER JONES OF RICHLAND COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY AND TO WISH HER A JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

H. 4397 -- Rep. Cobb-Hunter: A BILL TO AMEND AN ACT OF 2017, BEARING RATIFICATION NUMBER 127, RELATING TO THE CONSOLIDATION OF THE THREE SCHOOL DISTRICTS OF ORANGEBURG COUNTY INTO ONE SCHOOL DISTRICT EFFECTIVE JULY 1, 2019, SO AS TO REVISE PROVISIONS PERTAINING TO THE PREPARATION AND SUBMISSION OF THE BUDGET OF THE ORANGEBURG CONSOLIDATION TRANSITION COMMITTEE, AND TO REVISE CERTAIN OTHER PROVISIONS CONTAINING OBSOLETE 2017 LANGUAGE.

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

H. 4458 -- Reps. Johnson, Hixon, Kirby, Yow, Duckworth, Burns, Blackwell, Dillard, Davis, Forrest, Fry, Hewitt, Crawford, McGinnis, Ott, Bamberg, Erickson, Cobb-Hunter, Willis, Mace, Hill, Gagnon, West, Hardee, Wheeler, McEachern, Magnuson, Martin and Bowers: A BILL TO AMEND SECTION 16-11-700, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUMPING OF

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LITTER ON PRIVATE OR PUBLIC PROPERTY AND ITS PENALTIES, SO AS TO RESTRUCTURE THE OFFENSES TO ENSURE CIGARETTE BUTTS AND CIGARETTE COMPONENT LITTER AND DECEASED ANIMALS ARE INCLUDED IN THE PURVIEW OF THE STATUTE, AND TO RESTRUCTURE THE PENALTIES.

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

H. 4673 -- Reps. G. M. Smith, Brawley and Weeks: A BILL TO AMEND SECTION 62-2-507, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REVOCATION OF CERTAIN BENEFICIARY DESIGNATIONS BY DIVORCE, ANNULMENT, OR AN ORDER TERMINATING MARITAL PROPERTY RIGHTS, SO AS TO EXEMPT BENEFICIARY DESIGNATIONS UNDER EMPLOYEE BENEFIT PLANS ADMINISTERED BY THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY.

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

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

AMENDED, READ THE SECOND TIME

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 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.

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

Amendment No. 16

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

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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Senator SHEHEEN spoke on the amendment.

Senator DAVIS spoke on the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

On motion of Senator SHEHEEN, with unanimous consent, Amendment No. 3 was withdrawn.

Amendment No. 15

Senator KIMPSON proposed the following amendment (3653MK1), which was withdrawn:

Amend the bill, as and if amended, page 3, by striking lines 1-8.

Renumber sections to conform.

Amend title to conform.

On motion of Senator KIMPSON, with unanimous consent, Amendment 15 was withdrawn.

Senator MALLOY spoke on the Bill.

Senator MALLOY moved to lay the Bill on the table.

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

Ayes 14; Nays 29

AYES

Campsen	Davis	Fanning
Hutto	Kimpson	Malloy
Martin	<i>Matthews, John</i>	<i>Matthews, Margie</i>
Nicholson	Reese	Sabb
Scott	Sheheen	

Total--14

NAYS

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Johnson	Leatherman

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Massey	McLeod	Peeler
Rankin	Rice	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--29

Having failed to received the necessary vote, the motion to table the Bill failed.

The question then was second reading of the Bill.

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

Ayes 29; Nays 14

AYES

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Gambrell
Goldfinch	Grooms	Hembree
Johnson	Leatherman	Massey
Nicholson	Peeler	Rankin
Reese	Rice	Senn
Setzler	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--29

NAYS

Campsen	Davis	Fanning
Gregory	Hutto	Kimpson
Malloy	Martin	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McLeod	Sabb
Scott	Sheheen	

Total--14

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

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Statement by Senators DAVIS and MARTIN

We voted “No” today on H. 3653, a Bill that modifies and codifies the common law doctrine of public nuisance. We voted “No” because, as a rule, we favor the common law over statutory law. First, statutory law takes a long time to change and adapt, and it's nearly impossible for the legislature to take into account every possible consideration in the present and the future in regard to defining the law and how it will apply to people and industries that it affects. Second, the common law allows people to ask for reasonable compensation when they encounter a new situation, without having to wait for the legislature to identify, debate, and pass a new law with regard to their specific situation. And third, the common law taps into almost a thousand years of case law that can be read, analyzed, and referenced by a judge when making an “equitable” decision, and there’s a lot to be said for tapping into the wisdom of the ages. We agree that in some instances there may be a need for statutory law to abrogate a common law principle, but the burden must be on those advocating for that abrogation to show that the common law has yielded an outcome that is socially undesirable. In the case of H. 3653, no such showing was made by those who want to limit a private individual’s right to complain about a public nuisance. That burden having not been met, we voted “No.”

Statement by Senator MARTIN

In addition to the comments above, as I said on the floor of the Senate today, my main interest is in making sure that the common South Carolinians, the Fred and Ethel’s in my district or anywhere else, are protected under the law.

Motion to Ratify Adopted

At 1:48 P.M., Senator LEATHERMAN 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.

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

READ THE SECOND TIME

S. 884 -- Senator Nicholson: A BILL TO AMEND SECTION 7-7-290, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA,

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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.

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 43; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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

WEDNESDAY, JANUARY 31, 2018

READ THE SECOND TIME

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.

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 43; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

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

READ THE SECOND TIME

H. 4268 -- Rep. Crawford: A BILL TO AMEND SECTION 7-7-320, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN HORRY COUNTY, SO AS TO REDESIGNATE VARIOUS PRECINCTS AND REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to a consideration of the Bill.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total--0

WEDNESDAY, JANUARY 31, 2018

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

AMENDED, READ THE SECOND TIME

S. 841 -- Agriculture and Natural Resources Committee: A BILL TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING SECTION 47-1-225, SO AS TO PROVIDE THAT, EVERY FOUR YEARS, AT THEIR MANDATORY CONTINUING LEGAL EDUCATION PROGRAMS, MAGISTRATES AND MUNICIPAL COURT JUDGES MUST RECEIVE AT LEAST TWO HOURS OF INSTRUCTION ON ISSUES CONCERNING ANIMAL CRUELTY; TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING ARTICLE 2, TO PROVIDE THAT A PERSON WHO CRUELLY TETHERS A DOG IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MUST BE PUNISHED BY IMPRISONMENT NOT EXCEEDING NINETY DAYS OR BY A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS, OR BOTH, FOR A FIRST OFFENSE, OR BY IMPRISONMENT NOT EXCEEDING TWO YEARS OR BY A FINE NOT EXCEEDING TWO THOUSAND DOLLARS, OR BOTH, FOR A SECOND OR SUBSEQUENT OFFENSE; TO AMEND SECTION 47-3-60 OF THE 1976 CODE, RELATING TO THE DISPOSITION OF QUARANTINED OR IMPOUNDED ANIMALS, TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, A LITTER OF UNIDENTIFIABLE DOGS OR CATS FOUR MONTHS OF AGE OR YOUNGER MAY BE TURNED OVER TO AN ORGANIZATION, AND TO PROVIDE THAT ALL HEALTHY, UNIDENTIFIABLE CATS FOUND OR PICKED UP FROM AN OUTSIDE AREA AND CONSIDERED STRAY MAY BE STERILIZED WITHIN TWENTY-FOUR HOURS AND THEN RETURNED TO THE AREA IN WHICH THEY WERE FOUND TWENTY-FOUR HOURS AFTER SURGERY; TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING SECTION 47-1-145, TO PROVIDE THAT ANY PERSON, ORGANIZATION, OR OTHER ENTITY THAT IS AWARDED CUSTODY OF AN ANIMAL UNDER THE PROVISIONS OF SECTION 47-1-150 AND THAT PROVIDES SERVICES TO AN ANIMAL WITHOUT COMPENSATION MAY FILE A PETITION WITH THE COURT

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REQUESTING THAT THE DEFENDANT, IF FOUND GUILTY, BE ORDERED TO DEPOSIT FUNDS IN AN AMOUNT SUFFICIENT TO SECURE PAYMENT OF ALL THE REASONABLE EXPENSES INCURRED BY THE CUSTODIAN; TO AMEND SECTION 56-3-9600(B) OF THE 1976 CODE, RELATING TO THE SPECIAL FUND TO SUPPORT LOCAL ANIMAL SPAYING AND NEUTERING PROGRAMS, TO PROVIDE THAT AN AGENCY MAY APPLY FOR UP TO TWO THOUSAND DOLLARS PER GRANT APPLICATION AT THE BEGINNING OF EACH FISCAL YEAR AND MAY APPLY FOR MULTIPLE GRANTS DURING A FISCAL YEAR, TO PROVIDE THAT GRANTS MUST BE FULFILLED WITHIN SIX MONTHS OF RECEIVING FUNDS, AND TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE SHALL ENCOURAGE TIER 3 AND TIER 4 COUNTIES TO PARTICIPATE IN THE GRANT PROGRAM; TO AMEND SECTION 40-69-30 OF THE 1976 CODE, RELATING TO LICENSING REQUIREMENTS TO PRACTICE VETERINARY MEDICINE, TO PROVIDE THAT, SUBJECT TO THE JURISDICTION OF THIS STATE, DURING AN EMERGENCY OR NATURAL DISASTER, A VETERINARIAN OR VETERINARY TECHNICIAN WHO IS NOT LICENSED IN THIS STATE, BUT IS LICENSED AND IN GOOD STANDING IN ANOTHER JURISDICTION, MAY PRACTICE VETERINARY MEDICINE RELATED TO THE RESPONSE EFFORTS IN LOCATIONS IN THIS STATE IF AN OFFICIAL DECLARATION OF A STATE OF EMERGENCY HAS BEEN MADE BY THE GOVERNOR AND AN OFFICIAL INVITATION HAS BEEN EXTENDED TO THE VETERINARIAN OR VETERINARY TECHNICIAN FOR A SPECIFIED TIME BY THE GOVERNOR WITHIN OR OUTSIDE THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT; TO AMEND SECTION 47-3-470(3), SECTION 47-3-480, AND SECTION 47-3-490 OF THE 1976 CODE, ALL RELATING TO THE STERILIZATION OF DOGS AND CATS, TO REPLACE THE TERM "ANIMAL REFUGE" WITH "RESCUE ORGANIZATION"; TO AMEND CHAPTER 3, TITLE 47 OF THE 1976 CODE, RELATING TO DOGS AND OTHER DOMESTIC PETS, BY ADDING ARTICLE 16, TO PROVIDE FOR SHELTERING STANDARDS AND TO PROVIDE THAT ANIMAL CONTROL OFFICERS SHALL HAVE THE DUTY TO ENFORCE SHELTER STANDARDS, INCLUDING THE INVESTIGATION OF COMPLAINTS AGAINST, AND THE INSPECTION OF, ANIMAL

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SHELTERING FACILITIES; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

Senators CLIMER and VERDIN proposed the following amendment (841R002.DR.WC), which was adopted:

Amend the bill, as and if amended, page 3, by striking SECTION 2.

Amend the bill further, as and if amended, page 4, by striking lines 6 through 15 and inserting:

/ (1) 'Adequate feed' means the provision to a dog at suitable intervals of a quantity of wholesome foodstuff suitable for the dog's species and age, sufficient to maintain a reasonable level of nutrition in each dog. The foodstuff must be served in a receptacle, dish, or container suitable for animal consumption.

(2) 'Adequate water' means access to a supply of water provided to a dog in a manner suitable for animal consumption and at suitable intervals for the dog's species. /

Amend the bill further, as and if amended, page 4, by striking line 36 and inserting:

/area of usable space that equals the greater of fifty square feet or one square foot for every one pound of the dog's weight. /

Re-number sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

Senator CLIMER proposed the following amendment (841R004.DR.WC), which was adopted:

Amend the bill, as and if amended, page 13, by striking line 2 and inserting:

/developed by the State Board of Veterinary Medical Examiners /

Re-number sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

Motion Under Rule 26B Waived

Senator VERDIN asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

REMOVED FROM CONSENT CALENDAR

S. 759 -- Senator Rankin: 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 ALLOW AN EXEMPTION FOR THE DWELLING HOUSE AND ONE ACRE OF LAND FOR A PERSON WITH A BRAIN OR SPINAL CORD INJURY.

On motion of Senator MALLOY, the Bill was moved to the Statewide Second Reading Calendar.

S. 793 -- Senator Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PROPERTY TAX PROCEDURE ACT"; TO AMEND SECTION 12-60-30, RELATING TO SOUTH CAROLINA REVENUE PROCEDURES DEFINITIONS, SO AS TO PROVIDE DEFINITIONS; TO AMEND SECTION 12-60-450, RELATING TO APPEALS OF PROPOSED ASSESSMENTS, SO AS TO REQUIRE THE DEPARTMENT TO NOTIFY AFFECTED COUNTIES IN CERTAIN INSTANCES; TO AMEND SECTION 12-60-2120, RELATING TO PROPERTY TAX APPEALS BY WRITTEN PROTEST, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL NOTIFY ANY AFFECTED COUNTIES OF A WRITTEN PROTEST; TO AMEND SECTION 12-60-2140, RELATING TO CERTAIN PAYMENTS AND REFUNDS, SO AS TO PROVIDE THAT NO REFUND IS DUE FOR ANY TAX YEAR BEFORE THE THREE TAX YEARS IMMEDIATELY PRECEDING THE FINAL DETERMINATION; AND TO AMEND SECTION 12-60-2150, RELATING TO FILING A CLAIM FOR A REFUND, SO AS TO PROVIDE FOR CERTAIN NOTIFICATIONS AND TO PROVIDE THAT A FAILURE TO TIMELY ISSUE A WRITTEN NOTICE IS CONSIDERED A DENIAL.

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On motion of Senator MALLOY, the Bill was moved to the Statewide Second Reading Calendar.

CARRIED OVER

S. 587 -- Senators Timmons, Talley, Rice, Turner and Climer: A BILL TO AMEND SECTION 12-43-220(c) OF THE 1976 CODE, RELATING TO ASSESSMENT RATIOS, TO PROVIDE THAT, WHEN AN OWNER RECEIVING THE FOUR PERCENT ASSESSMENT RATIO DIES, THE PROPERTY SHALL CONTINUE TO RECEIVE THE SPECIAL ASSESSMENT RATE UNTIL THE DECEDENT'S ESTATE IS CLOSED, SO LONG AS THE PROPERTY IS NOT RENTED.

Senator CAMPBELL explained the Bill.

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

H. 3929 -- Reps. Hiott, Pitts, Kirby, Forrest, Yow, Sandifer, Atkinson, Hayes, Hixon, V.S. Moss, S. Rivers, Magnuson, Long, Chumley, Burns, Loftis and Gagnon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-65 SO AS TO ESTABLISH SPECIFIC REQUIREMENTS FOR THE REVIEW AND APPEAL OF DECISIONS BY THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) REGARDING THE PERMITTING OF CERTAIN AGRICULTURAL ANIMAL FACILITIES; TO AMEND SECTION 44-1-60, AS AMENDED, RELATING TO APPEALS FROM DHEC DECISIONS GIVING RISE TO CONTESTED CASES, SO AS TO REVISE AND CLARIFY PROCEDURES FOR REVIEWING PERMITS FOR CERTAIN AGRICULTURAL ANIMAL FACILITIES; TO AMEND SECTION 46-45-60, RELATING TO APPLICABILITY OR LOCAL ORDINANCES TO AGRICULTURAL OPERATIONS, SO AS TO CHANGE CERTAIN EXCEPTIONS; AND TO AMEND SECTION 46-45-80, RELATING TO SETBACK DISTANCES FOR CERTAIN AGRICULTURAL ANIMAL FACILITIES, SO AS TO PROHIBIT DHEC FROM REQUIRING ADDITIONAL SETBACK DISTANCES IF ESTABLISHED DISTANCES ARE ACHIEVED, TO PROHIBIT THE WAIVER OR REDUCTION OF SETBACK DISTANCES IF THEY ARE ACHIEVED, WITH EXCEPTIONS, WITHOUT WRITTEN CONSENT OF ADJOINING PROPERTY OWNERS, AND TO ALLOW DHEC TO REQUIRE CERTAIN BUFFERS.

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Senator VERDIN explained the Bill.

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

Statement by Senator McELVEEN

I was granted excused absence from the Senate for Wednesday, January 31, 2018 to be with my family following the birth of our son, Joseph Thomas McElveen, IV on Monday, January 29, 2018.

Motion Adopted

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

MOTION ADOPTED

On motion of Senators GROOMS, ALEXANDER, ALLEN, BENNETT, CAMPBELL, CAMPSER, CASH, CLIMER, CORBIN, CROMER, DAVIS, FANNING, GAMBRELL, GOLDFINCH, GREGORY, HEMBREE, HUTTO, JACKSON, JOHNSON, KIMPSON, LEATHERMAN, MALLOY, MARTIN, MASSEY, JOHN MATTHEWS, MARGIE BRIGHT MATTHEWS, McELVEEN, McLEOD, NICHOLSON, PEELER, RANKIN, REESE, RICE, SABB, SCOTT, SENN, SETZLER, SHEALY, SHEHEEN, TALLEY, TIMMONS, TURNER, VERDIN, WILLIAMS and YOUNG, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Clyde Hare McCants of Bonneau, S.C. Mr. McCants was a graduate of Berkeley High School, The Baptist College and Southern Baptist Seminary. Clyde was a missions pastor for over sixteen years at New Covenant Southern Baptist Church. He worked for the South Carolina Department of Transportation. Clyde was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senator TALLEY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Miss Allison Daye Hoy of Boiling Springs, S.C. Allison was a state champion varsity swimmer and cheerleader. She enjoyed traveling, listening to music, eating sushi and spending time with friends and family. Allison was a beautiful young woman who was greatly loved and will be dearly missed.

ADJOURNMENT

At 2:31 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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